

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
TWELFTH DAY**

AUGUST 27, 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 DONNA BARRETT, COURT REPORTERS

1

[THE MEETING WAS CALLED TO ORDER AT 5:20 P.M.]

P.O. TONNA:
Could you do me a favor, could we do a little roll call here, Henry?

MR. BARTON:
Absolutely.

P.O. TONNA:
And do a little pizazz, it's a night meeting.

MR. BARTON:
Yes.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:
Here.

LEG. GULDI:
Here.

LEG. TOWLE:
(Not Present)

LEG. CARACAPPA:
(Not Present)

LEG. FISHER:
(Not Present)

LEG. TOWLE:
I'm here, Henry, right behind you.

MR. BARTON:
Okay. Thank you.

LEG. HALEY:
On time.

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

2

LEG. CRECCA:
Here.

LEG. NOWICK:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
(Not Present)

LEG. COOPER:
Here.

D.P.O. POSTAL:
Here.

P.O. TONNA:
Here.

MR. BARTON:

15 present. (Not Present: Legs. Caracappa, Fisher and Binder)

P.O. TONNA:

Okay. All rise for the Salute to the Flag, led by Legislator Towle.

(Salutation)

P.O. TONNA:

Okay. I would like to recognize Legislator Mike Caracciolo from the First District for the purpose of a Clergy introduction. Michael.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. It's my pleasure to introduce Pastor Wally Scofield of the First Congregational Church here in Riverhead. And as he just informed me, it is the youngest of the five Congregational churches in the Town of Riverhead, having been established in 1834.

Let me just note that his parish, his church, has been very instrumental over the years, and particularly under his leadership the last six years in reaching out to all of those in need, and then some, and for that we are eternally grateful, Pastor.

PASTOR SCOFIELD:

Thank you. Let us pray. Lord, we only have human words to address you, lest we be entirely dumb before you. So listen now beneath our words to the longing that reaches toward you and the gratitude that beats in our hearts and fills us with joy for everything that is just and true, good and human, all the gritty, bony, hairy, smelly, sweaty, beautiful, tender, possibility laced, throbbing, livingness of it all. Forgive us for taking our elected or appointed position for granted, for acting as though it is not a gift, but ours by right; as though there's not enough for everyone, for hunkering down in our race or nationality, our gender, or class, or culture, or religious dogma, our sexual orientation or political one, assuming they state the

3

boundaries of your great kingdom. Scorch into our soles once more the awful truth, the awesome truth, that you have entrusted us with great glad responsibility of handing on abundant life to our children and our children's children in this County we call Suffolk. Excite your image in us, that we may swear and pray, and sing in battle, sacrifice and rejoice, be eager, yet at ease, in the task of giving them bread, not stones. Leave in them not violence or any kind of poverty, but freedom, a treasure of chances, green woods, sparkling sound and sea, scoured air, and a legacy of compassion and peace, because in our time we have walked together with you as sisters and brothers in the human family, and shared mercy and lived bravely and faithfully, justly and thankfully with grateful humility. So bless this session of the Suffolk Legislature, that they might be benevolent and trustworthy, in

the name of the Ancient One, we pray. Amen.

LEG. CARACCIOLO:

Thank you, Pastor Scofield. Mr. Chairman.

P.O. TONNA:

Yes, Legislator Caracciolo.

LEG. CARACCIOLO:

Would everyone please rise. In a moment, I'd like to just make a brief -- some brief remarks regarding the unexpected and sudden passing of one of my Legislative Aides, Wayne Nester. As I do so, let me just share with you a brief story.

Many in this room, particularly those around the horseshoe were well, -- Wayne was well-known to, well-known because he was a news reporter, he was a newspaper manager and editor. He was many things, and that was very evident, as those of us, and I want to thank each and every member of the horseshoe and your staff, members of the Clerk's Office, the County Executive, and other dignitaries at all levels of government who attended his funeral services over this weekend and today. It was a comfort to his wife, Pamela Green, who herself is an elected official from the Town of Islip, and to all those present. But what struck me ,many things struck me. I had the occasion of knowing Wayne over many years of public service, but I really didn't know Wayne.

Back this past April 1st, as it would be, he was an outdoor -- avid fisherman and outdoorsman, we crossed paths, thanks to Bob Strovink, who invited me that day to join him at Connetquot State Park for opening day, trout season. And as we did so, Bob had a plan, and the plan was we were going to arrive, we were going to meet some people he had made arrangements with, and I was going to be outfitted to go trout fishing. Well, the best of plans went awry and that didn't happen. But, nonetheless, as we walked down the streams and basically were observers, spectators, we came across Wayne Nester, doing what he loved to do, and that was being out in nature and enjoying the tranquility of all that has to bring. And he was, as he was on many occasions in the short time I got to know him after that, very generous and he turned over his gear and his net and we went fishing.

That day, as we were leaving, I had a conversation with him, because I, at that time, I had lost a very valuable key employee who had the

4

honor of becoming an elected official herself. So I approached Wayne about the possibility, to see if he had an interest, in taking that position on a part-time basis, because, quite frankly, I was interviewing other people as well, and he said he might. And that led

to a discussion, a dialog that ensued over the next several weeks and, ultimately, I hired him just four short months ago as a part-time Legislative Aide. And during that time, I can't tell you how much I've learned from this man. But I learned so much more over these last three days, being in the presence of his wife, his parents, and other loved ones, and walking around the sanctuary where he laid in rest and observing his life in pictures, in conversation. This was a man who was a very special man.

Back in the 1960's, those of us who are old enough to remember what went on in this great nation, this was a nation divided, but not this young man. He saw the call, he rose to the occasion, and he not only enlisted in the Army and served his country in Vietnam, but he went on to be what I think really exemplifies Wayne Nester, a member of the Special Forces, a special man.

So today, I'd like each of you, if you would join me, for a moment of prayer, silence, meditation in his remembrance to a special man, Wayne Nester.

(MOMENT OF SILENCE)

Thank you. And may God rest his soul and bring comfort to his family and to each of us. Thank you.

P.O. TONNA:
Okay. I think we have one or two proclamations.

MS. BURKHARDT:
You're first.

P.O. TONNA:
I'm first? Okay.

MS. BURKHARDT:
And Fred Towle is next.

P.O. TONNA:
And then Fred Towle. Fred, really, no, you first, please.

LEG. TOWLE:
Go ahead, you're the Presiding Officer.

P.O. TONNA:
No, no, no, no, that's okay. Fred Towle, I'll recognize Fred Towle first, and then I'll go next.

LEG. TOWLE:
Mr. Chairman, I would like Greg Miglino to join me for a second. Unfortunately, last month, due to a scheduling conflict, Greg could not be here. Greg was selected by myself and staff as our EMS

Volunteer of the Year from the Third Legislative District.

5

I've known Greg for a lengthy period of time. He also, as Legislator Caracciolo so amply put about Wayne, Greg has worked in my office part-time, but for the last 11 years has been active in our EMS volunteer system and is currently the Chief of the South Country Ambulance Company, an ambulance company that last year and now this year has been honored as our EMS Agencies of the Year here in Suffolk County. I'm very pleased to recognize him and the volunteers of the South Country Ambulance Company for the fine job that they do on behalf of the residents of the Town of Brookhaven and also Suffolk County. Greg, congratulations.

(Applause)

P.O. TONNA:

I'd like to also, if I could, have Legislators Alden, Fields, and Carpenter with me. I'd like to call up Rick Shalvoy. Where are you, Rick? You're getting so thin, I just walked right by you, I didn't notice you.

As many of you know, Rick has been synonymous with a row for breast cancer for finding a cure. Rick "The Rower" Shalvoy has dedicated a large segment of his life to finding a cure for breast cancer. After losing a dear friend to a terrible -- this terrible disease, Rick wanted to help educate the public and raise funds to fight the cancer that affects so many Long Islanders.

As a longtime ocean lifeguard at Robert Moses, which I have had the pleasure and honor of serving with, many times Rick beat me out to the victim. You know, he was a bit of a show-off in those days. No, I'm joking. Anyway, I was just a little slower on the swim. So he thought that a solo row in the lifeguard dory around Long Island would be a great way to publicize this cause, and he was right. Long Islanders followed the first row each day as Rick endured strong winds, heavy seas and dehydration. In the end, Rick completed his task, and resolved that he would make this row an annual event until a cure for breast cancer is found.

As we all know, Rick kept his word. Now, six years later, he has again finished his row around Long Island. In those six years, Rick has raised over a half a million dollars in contribution towards this cause, and has certainly helped to bring it closer.

(Applause)

Rick, you've made this row something that we can all be proud of, and we can all agree that Rick is a champion to his cause and a champion

to all Long Islanders. Once again, thank you very much, Rick.

(Applause)

Legislator Fields, you -- Legislator Alden, Legislator Carpenter, if you want to say anything or...

LEG. FIELDS:

Well, first of all, Rick is a constituent, so that makes me even

6

prouder, but if he has made it a promise to row until we find a cure, hopefully, that maybe this could be the last row, we would hope, but it doesn't look that promising. And we appreciate all that you have done and all that you'll continue to do. And thank you very, very much.

MR. SHALVOY:

Thank you, Ginny.

(Applause)

LEG. CARPENTER:

Well, the cure may not be forthcoming quickly, but what Rick has done, I think, is raised awareness, and that's equally as important, because if women can be aware of the disease or the potential for it and take care of themselves, do the kinds of proactive things that they can do with mammograms and everything, with self-examination, some of the things that women just don't want to face, I think he has been extraordinarily successful and we're very, very proud of him. Thank you, Rick.

(Applause)

LEG. ALDEN:

And as we all know, breast cancer doesn't affect just women, it affects men, the husbands, sons, cousins, other family members, but it also affects people like me who has had breast cancer and is still a survivor, thank God. And Rick, what he's done for bringing awareness forward and to raise the money and really put it on the table and put it in everybody's face, we've got to do something about this dreaded disease, we can't say thank you enough to Rick Shalvoy.

(Applause)

MR. SHALVOY:

My goodness, the Suffolk County Legislature. You know I love you guys, right? I love you so much, in fact, that I have gone out of my way during the last several years to choose sponsors for "The Row for a Cure" that have no history of tension or controversy with this

Legislative body. And with that in mind, I would like to thank the Long Island Power Authority, my title sponsor for this past year. As you can see, the Suffolk County Water Authority has made some very nice bottles for you all to drink out of. I think we'll skip the sponsor list, actually, to tell you the truth. Let's just go right on to the research. This past year, "The Row for a Cure" is supporting research that is being conducted by the North Shore Long Island Jewish Health System. I should say the North Shore Long Island Jewish Research Institute in concert with the National Cancer Institute and the U.S. Food and Drug Administration. This is a nationwide clinical trial that is evaluating a finger stick blood test that examines not one protein marker as an early cancer detection marker, but a pattern of proteins. It utilizes artificial intelligence to recognize a pattern of proteins. This is all the buzz in the scientific community. The National Institutes of Health members are all tripping over one another to support this kind of research, and it is the one punch in the one-two punch that we need to correct this horrible

7

problem.

We do need to continue researching, improve therapies. That will never end. There'll never be a day when we say, "Okay, the therapy is good enough," we're always looking for better therapies, but we need to get much better at detecting the disease early, than just looking on an x-ray film and not being entirely sure of what it is we're looking at. When we have an extremely accurate, noninvasive finger stick blood test for early cancer detection and improved therapies, that will be the one-two punch we're looking for, and my 15 year old daughter will not have to take over the row for me, as she has promised to do when I get too old, and we'll have this thing wrapped up. I love you all. Thank you so much.

(Applause)

P.O. TONNA:
Okay. Maxine, let's go with the cards.

D.P.O. POSTAL:
Okay. Before we begin the public hearing --

P.O. TONNA:
Oh, yes. I'm sorry.

P.O. TONNA:
-- Legislator George Guldi has the floor for the purpose of making a statement.

LEG. GULDI:

Thank you. Counsel, during a Ways and Means Committee meeting, there was testimony by a witness that I sat mute through. At the end of the meeting, you indicated to me that that wasn't the appropriate response. Could you clarify that on the record?

MR. SABATINO:

No. What I had indicated to you was that although you cannot engage in a debate on the merits of the pending legislation, you have more than ample opportunity and a right to respond to the allegations that were raised at that committee, as well as in writing, and may make an appropriate statement to rebut or deflect or challenge those statements.

LEG. GULDI:

Okay. Given that direction, I am -- I have a prepared statement, a copy of which I'll provide the stenographer, that I'm going to read into the record in response to those allegations made. I apologize in advance for the length of it.

I want to make this statement today as a Legislator and a colleague. First, background. Before you today are two bills at Gabreski Airport. One bill is an amendment to the Suffolk County Ethics Law to remove the total prohibition against County officials and employees from doing business with the County, while assuring arms length terms and transparency. Only by full public disclosure can we be certain of honest government. The cornerstone of our democracy is the right to

8

know, which is achieved only by transparency.

The second bill approves a lease for me for the storage of my aircraft on the same terms and conditions as the lease that has been -- leases that have been approved in 1997 and '98 for -- by some of those who are here to testify against my proposal. This bill has to be tabled since it was amended and needs yet further revision and can't be approved. It was filed together with the bill creating the Ethics Law exemption to provide the why and how regarding that bill.

There was testimony in committee, and there will be testimony today. After committee, Counsel clarified that while I have an interest in these bills because it will affect me personally, I'm not compelled to stand mutely while false claims are made. These remarks are to give you background to understand that testimony.

Before we discuss the bills, I must speak briefly about the airport. Since 1971, the County has had a 1486 acre former military facility, which lost money for the County from 1971 to and including 1997. Under the terms we received the airport, as soon as we stop operating it as an airport, it reverts to federal ownership.

Airport management is structured so that all airport issues are first reviewed by the Airport Leasing Screening Committee and then ultimately by this Legislature. I began to attend those meetings in 1994, after my 1993 election. I became a member of the committee and its Chair after Greg Blass in 1995.

We have a County asset which we have a responsibility to run. We must, at the same time, manage it as a good neighbor.

From 1971, while we were losing money, we allowed the deterioration of nearly 65 buildings to a debris problem, and allowed the airport infrastructure to crumble. In 1995, we began to make changes. I'm proud of my role in those changes.

Currently pending before the Airport Leasing Committee are no fewer than eight applications for industrial development and other various states -- others are in various states of preparation.

Local community members and local elected officials are regularly invited to attend and participate in the discussion of applications at the airport. Prior to 1995, there was a lack of notice or public notice to those meetings. Since 1995, at my instance, all meetings are posted publicly in the lobby of the airport terminal and mailed to interest groups. The claim that there have been secret meetings is a lie. That meeting that was -- was noticed in the usual way and it was, in fact, attended and covered by the press and attended by interested members of the public, and at least one local official.

We have made great progress at the airport. We cleaned up the mess, performed most of the demolition that the County had had on its capital project for 20 years and did it at one-tenth of the estimated costs. We've approved four new airport structures, three of which have been built. We've addressed some of the longstanding environmental problems, including brown fields, created the

9

administrative structure to permit a new industrial park, and have recently approved the construction of the first new 17,000 square foot structure at the facility.

We have obtained millions of dollars in capital money, 95% of project costs are aided, to repair our infrastructure and keep the airport from falling apart around us. Some of that work has been completed, and some will be coming in the next few years.

In 1998, we struck black. After only 26 years of County management, we, for the first time, took the airport off the backs of the taxpayers. And we managed to maintain it that way for a few years on a cumulative basis, but with the increased security costs since the

attack on 9/11, it will take us awhile to get back to a self-supporting facility.

Since 1971, the airport, we have been legend for a lack of our will to collect our rents and enforce our leases. In the past, most of our rent and all of our landing fees went uncollected. Activities of all sorts, not permitted by leases, were all too common, and tenants maintain -- maintenance of leased structures was all but non-existent. All of this has been changed and some people don't like it.

In 2002, we consolidated billing of the -- with airport management and have begun, after far too much delay, to enforce our lease terms and collect our rents. We've also begun over the last two years the enforcement of other lease firms -- terms, which include elimination of non-aviation activity from aviation-only areas, uses by tenants of unleased County property, and especially since 9/11, operational and safety rules, many of which have been very unpopular with pilots.

Our more than 20-year history of letting the tenants run the airport has been akin to letting the lunatics run the asylum. We have lost at least two cases on the -- before the FAA on the grounds that our leasing policies were discriminatory and provided monopoly for a few operators. Those practices have been terminated.

I'm proud of my work at the airport and accomplishments to date. The prospects for the airport future I'm also proud of, and I have meticulously avoided acquiring conflicts of interest with airport tenants, and in the past, even was corrected by Counsel to the Legislature for abstaining at the Lease Screening Committee on the application on Bob Stevens Appliances, because I had purchased appliances from him prior, at his prior location. According to Counsel, since I paid published prices without any special discounts, he advised me no conflicts existed, instead, of course, going to Home Depot and getting lower prices.

The suggestion has been made that I -- that since I'm a pilot, own aircraft and am seeking a hangar at the facility, that I have in some way acquired a conflict of interest and should either abstain on all hangar applications, four of the more than 15 applications, or that I resign from the Airport Leasing Screening Committee. I categorically reject both suggestions. I have no interest in either buying a hangar condo from any tenant at the airport, and in my opinion, that would constitute a conflict. And I have no interest in selling any interest

10

in any hangar I build, any of my hangars, while I'm still in any way connected with the County. While the proposed lease term, the 40-year lease term has broader rights than that, I suspect my plans and needs may change over the next 40 years, but unless and until those plans do change, there's no basis for a claim in conflict. As such, my

application is different from, and distinct from all other applications and has no conflict with any other application. The suggestion that I resign from the Leasing Committee and influence it from the shadows is, of course, categorically unacceptable and would be improper. While -- what I should do is continue to do exactly what I have done, which is work tirelessly for the improvement of the airport and its relationship with its neighbors.

As you will hear today -- as you will hear today, it is unlawful for any airport, including ours, to discriminate among pilots and aircraft owners. Principally, Mr. Fischetti, who's filled out a card and will be testifying, and his partner, Mr. Corrado, have built and sold 14 hangars and have applied in 1999 to build 20 more for sale. They and their various proxies are claiming that they should get to build 20 more for sale before I can build one or any for my own use. I, in turn, have been prohibited, by virtue of the County Ethics Law, from submitting any application at the airport since 1993 and have no hangar or access to one. They claim they're the victims of discrimination. I suggest that they're not the ones who are.

My aviation hobby. After more than one year on the Legislature and after my first set of controversial hearings about the stunt aerobatic operations at the airport in 1995, one of the tenants, whose wife was the granddaughter of my mother's best friend, began to teach me flying. When he, by the way, assigned his lease, I abstained. I found it to be -- flying to be exhilarating, fascinating and actually useful. By July of 1997, I had purchased my first aircraft and began its restoration. I have found my experience and training as a pilot to be quite useful, especially in evaluating some of the gray areas and statements about aviation. I have actually become much harder to lie to convincingly.

Since 19 -- since then, I've acquired four aircraft for restoration, and I have in the past restored boats and cars, and while much of the work has similar aspects of it, the vast bulk must be performed under the direct supervision of an appropriately FAA licensed mechanic. My tendency to become totally immersed in things that I become interested in is one of my many personality flaws that you on the Legislature are all too familiar with.

Since 1997, my work has been restricted to one location by one sub-tenant in the airport in order to avoid the creation of any conflict of interest. As a result, all of my aircraft have been grounded for the last two years.

Providing hangar space is one of many operations at the airport. At some airports, it is an activity conducted as a revenue source by the County itself. At Gabreski, it has traditionally been controlled by one single for-profit tenant at the airport. Except for those areas leased to the Air National Guard, the County owns three larger and two

smaller hangars at the airport. They are all subject to long-term

11

leases, and even Suffolk County cannot use them for our own police helicopter.

In early 1997, the County permitted one tenant to build 10 small hangars suitable for single aircraft, which are commonly known as T hangars because the T shape. They nest back to back with each other and accommodate the shape of airplanes without wasting space, and another tenant was allowed to construct a single smaller hangar. Several years remain on those leases, and when they end, the structures will become County-owned.

Since 1995, the County has approved four hangar projects, three for T hangars and one for two larger hangars, which was never built. The three completed hangar projects approved were for a total of 25 hangars. All three deals were negotiated at arms length, the rents for the land were per appraisal and market survey, and the lease terms were prepared by the County Attorney. The lease I have applied for seeks the same concerns and conditions since they were at market value and arms length. By seeking identical terms, market value and lack of favoritism is assured.

I'm giving the Clerk copies of certain documents. I'm giving first a copy of the 1990 Planning Study. I'll stack these here and pick them up at the end.

MR. BARTON:
Thanks, George.

LEG. GULDI:
The 1990 Planning Study, so anyone who has questions can refer to it. I have a number of other documents I'm going to provide. They are quite voluminous, so I have not copied them all, and any of you that want copies made for you, obviously, we can accommodate that.

These hangars that were approved in '97 and '98, our experience with them has provided much knowledge as to how the airport should control construction and operation hangar -- manage operation hangars. Those three projects were for speculation and profit, and were built and sold by some of those who are expected to testify further here today, that they have somehow been discriminated against if I get to build a hangar for myself before they get the right to build and sell more of them to the public.

I have, actually, the approvals of those three leases that have previously been approved and I'll provide them to the Clerk for copying as well.

Since 1999, there have been four other applications for the construction of hangars at the airport. They are as follows: North Side, who has 14 and wants to build 20 more on the north of the airport. Their disclosed principals are only Joseph Fischetti and Steve Corrado. While they claim they had an option for hangars, that claim is false and is a transparent effort to place their claim application earlier than it was submitted. Here is a full copy of the documentations with respect to their application for new hangars. That application was submitted to the airport on March 5th of 1999.

12

Rich Mailand, who wants 20 airport hangars east of the airport at a location with no access to water or electric, has submitted an application dated April 20, 1998, but which appears to first have been submitted to the -- the County sometime in December or shortly before December of 1999.

The third application is on behalf of Brookwood of Westhampton, Brookwood Communities Westhampton. In it was originally an application for 20 or 30 hangars and was later indicated that there's an intent to amend the application to only eight. They also want the north side of the airport, and this application is dated July, 20th, 1999.

Sea Empty, who has 11 hangars and wants 11 more on the north of the airport, while being our tenant, is our landlord, since they -- until the Suffolk County Police Department builds a new hangar for our helicopter. In any event, they've applied as of July 20 of '99 -- no, excuse me, of December 10th of '99 for another 11 hangars.

My application, which is the subject of the one bill that's before this body today, is the only other pending application for hangars. It applies for a location on the south of the airport that no one else has ever applied for. It has no access to County electric, water or roads, and those will have to be constructed as part of the hangar, and that lack of access is probably why the others have not sought that location. Even though that arguably suggests that the rent would be too high, I have no objections to taking the same terms and conditions.

I'm also handing up copies of the -- oh, this is a keep of my application. I'm handing up copies of the minutes of all of the Lease Screening Committee meetings since December of 1999, at which any lease hangar application was discussed. Those should -- so that there's no question about what occurred at those meetings. Those are all draft minutes the committee has been tabling or approval of them at a request of one of their members for further review. None of them have actually been approved.

The FAA complaint filed by Jonathan Ross has -- he has filed a complaint against -- it extends its claim that he somehow is a party of the application of North Side Hangars. It is in direct contradiction to the disclosure documents filed with the -- with that application. Mr. Ross himself, apparently, has never filed anything with anyone connected with the County and has no application pending before the County having any relationship to the airport. This is his complaint with all of its appendices, which includes excerpts, but not the entirety of some of the other documents.

These applications have not been acted on by the Lease Screening Committee for the following reasons, and the minutes will substantiate this: One of the appendices to Mr. Ross' complaint is a former action where the FAA struck down the County's minimum standards for airport tenants and directed us to develop new ones within 20 days. We ultimately hired a consultant to do that.

13

The most recent FAA comments on those new minimum standards were received from the FAA on July 15th of 2002 at their offices in Garden City. Copies of the minimum standards and the security procedures, which are incorporated by reference in the minimum standards in the draft form that the FAA commented are also being handed up.

In addition, the 2000 master plan update -- oh, I have also the old minimum standards that were struck down. I'm nearing the end here. In addition, the 2000 master plan update has neither been adopted or approved, while this document is available on the Department of Economic Development website. At the same July 15th meeting at the FAA, they required additional changes and amendments to this document.

Both of those key documents are currently being reviewed by our consultant and revised, and will be available for comment and final approval shortly. The lease application bill that is pending before this Legislature, Counsel, needs to be amended to require compliance with those standards in the way they're fully -- in the form they're finally approved. Compliance with the Ethics Law adoption that we did in the last revision isn't sufficient.

When those documents are approved, the County can go forward with the applications for hangars to be built for sale or speculation, in compliance with the updated master plan, the minimum standards at the airport, and the infrastructure requirements at the airport, and this is significant.

North Side and Eastview Hangars sold 12 of their 14 hangars. This is what our experience so far with hangar operations has been. They sold 12 of their 14 hangars for approximately \$40,000 apiece or \$480,000 in revenue. They have failed and refused, despite due demand, to account for those sales and to pay the County its 2% additional rent on all

sales which is due pursuant to their lease. In addition, North Side collects another approximately \$14,000 a year from its condo owners and pays the County only \$5,000 an acre in rent. They have not paid the 2% commission on that income either.

In addition, I'm advised that North Side and Eastview have failed and refused to register aircraft with the airport manager, have failed to permit hangar inspections, have refused to cease non-aviation use of hangars, have refused compliance with the operational rules prohibiting parking in the taxiway clear area, and continue to occupy and use unleased areas for outside storage of aircraft.

In addition, North Side and Eastview, despite their lease clauses requiring them to provide their own water and electric, have tapped into the County's electric system, causing system failures of the runway lighting and substantial expense to the County.

I now hand the Clerk two copies -- copies of two memos relating to the airport -- from the airport electrician documenting the more than 5,000 feet of cable that have been replaced after those system failures caused by the connection of these hangars in violation of the lease terms. That's nearly a mile of cable, at a cost to the County of approximately \$30,000. Mr. Fischetti's response to that has been a document that's included in Mr. Ross' complaint, which says, simply,

14

it's not his fault. When Mr. Corrado was informed of these deficiencies more than a year ago by me personally and told that failure to pay rent and following the rules was impairing everyone's ability to build hangars, his response was to threaten me to the effect that if they didn't get more hangars approved, they'd begin playing hard ball.

How did we get here and what's before us? Before you is a bill to amend the County Ethics Law and provide to the effect that the County employment is no longer a total bar to being -- to equal treatment at Gabreski. You'll hear today that that my application somehow jumps the list or is part of some dark conspiracy. Well, there is no list and never has been one. Every lease application before the airport has and will be judged by it's own merits. The argument that my application, which has been prohibited by the County law, that's in direct contradiction of the Title 49 and 14 CFR, the anti-discrimination laws, that this application is a result of some conspiracy to deprive others of rights is totally false. This application is the result of the fact that the only hangar I've had access to has become unavailable to me, and all of my aircraft have been grounded for two years while they wait for work.

What's before you today is a bill to amend the Ethics Law to create an

exception for all Suffolk County employees regarding Gabreski Airport. It will place them in an equal position and will require them to go an extra mile and ensure both fairness and transparency, which are the goal of our ethics laws, and will prohibit them -- prohibit the fast track approval that's provided by the Lease Screening Committee on some, actually, on all of the fast approved applications. This exception has been needed in part -- in the past and was not available.

One of the finest aircraft mechanics on Long Island was barred from a lease at Gabreski Airport for more than 30 years, because he served as a Suffolk County Police Officer. I submit that that prohibition without exception makes as much sense as an ethics law that would prohibit licensed drivers from the use of County roads, and County employees from the use of County parks, beaches, or, yes, even County golf courses. To hold that the use of an airport by an elected official who is a licensed pilot has conflict of interest regarding third party applications at the airport would be as logical and as fair as barring those licensed drivers of this Legislature from voting on traffic lights or others from voting on capital improvements and, yes, leases to concessionaires in County parks and golf courses.

This lease application isn't ripe today because of the recent amendments and, yet, further amendments that are required, including compliance with the master plan and the minimum standards. The lease application, however, is perhaps the least important thing before us today. The most important is the use of this process and the patently false and even defamatory allegations made in the complaint before the committee. That's coupled with an almost hysterical effort to get press in order to attempt to by harassment to form a political -- a form of political extortion for a renegade for-profit tenant to fast track its application for more County land to sell his products from.

15

I hand up, finally, a purported opinion from the Suffolk County Ethics Commission, which was received by all of thank you. This, apparently, sua sponte opinion from the Ethics Commission is the first I've seen in nine years at this Legislature, and I find it absolutely fascinating that they were able to reach an opinion with no notice, no opportunity to present facts, and no other notion of due process that I'm familiar with. I found it very disconcerting to see that document arrive in everyone's mailbox.

This lease application is for a hobby. This is not a caper. If it -- I wouldn't be here airing it in public, but would have taken the many improper suggestions that I simply find a proxy to apply for hangars and approve it and use them, or the suggestion of even Mr. Fischetti, who, at the end of one of our meetings, told me that if we would approve his hangars, he'd give me a really good price. That would be wrong.

In conclusion, I ask you today to listen carefully to all the speakers and to question them and me until all of your concerns are addressed. Then I ask you to vote your conscience. Regarding the spurious claims and the nonsense made at committee that I expect here today, I'm outraged and I'm incensed. I've never before felt the level of actual malice and knowing use of falsehoods in connection with a set of allegations that meet the New York Times against Sullivan standard for actionable defamation against a public official.

The integrity of this entire Legislature is under attack, so I am so confident, however, in the propriety, the legality and the correctness of the position that the first thing we must do is clear the air. For that reason, I'm making this statement, providing these documents, and asking the Clerk of the Legislature to prepare copies of all of these documents submitted regarding the issues here today, and to transcribe the minutes of this meeting and all the testimony here before it with all deliberate speed, and to immediately, to immediately refer and transmit all of those documents to each the Suffolk County District Attorney, the New York State Attorney General, and the U.S. Attorney for the Eastern District of New York, and implore them to immediately conduct a full investigation of all of the charges, and claims, and allegations made here, and to pursue any wrongdoing by anyone to the full extent of the law, and to issue a report as to any conclusions that their investigations may reach.

I thank you for your time. I apologize for the length of these comments, and request that you hold questions for me for when the bills are before the Legislature and after you've had an opportunity to hear everyone else. I look forward to addressing your questions at that time, and, once again, apologize for the length of these remarks. Thank you very much.

(Applause)

D.P.O. POSTAL:

Thank you, Legislator Guldi. We're now going to go to the public portion. Each speaker has three minutes. And I will ask all of the Legislators to please -- to please keep in mind that a great many people have asked -- have filled out cards to speak during the public

16

portion, so, please, confine yourself only to those questions which are truly vital. The first speaker is Louise Bijesse. Three minutes.

LEG. BISHOP:

I asked to speak here this evening to request a special resolution regarding the retirement incentive currently expiring August 31st. Due to mitigating circumstances, we are requesting that the County

retirement deadline be changed to September 4th, 2002 for my husband, Bruce Bijesse, a County employee since 1971. Let me further explain, this past spring, Bruce took a promotional test for Zone Supervisor and successfully passed, tied for second place. He's been trained for over the past six years to fill the position at working in the position of second in rank for the Zone Supervisor. Right after he got his test results back, it was implied numerous times and even told to him that he was going to be falling into the place of Zone Supervisor when and if his supervisor/boss retired. This was going to be a wonderful thing for our whole family, as the additional salary would definitely help out with our child care costs, which is exceeding way over \$20,000 per year.

When the incentive came out, a retirement wasn't even a thought for our family, getting a -- since we were getting a promotion with a large increase. Bruce had no reason to get any information on the retirement incentive, and it wasn't necessary to fill out any paperwork, as Bruce's coworkers were under the impression that Bruce was getting the promotion as well. They even made him in charge of the Supervisor's retirement party, because it made sense to have the person that was following in his shoes do that.

We were on vacation from August 3rd to August 18th. When we arrived home, there was a message on our answering machine from Bruce's Director requesting Bruce to call her. He immediately did and she asked him to come into the office for a meeting. He agreed to change our plans and meet with her, figuring she wanted to go over the transition for him taking over his Zone Supervisor's position. When Bruce went in for the meeting, his Director informed him that she had just decided not to give him the promotion, and she was also transferring Bruce out of Commack yard and into Yaphank. Bruce was in shock, and when he regained composure, he told his Director he wanted to retire. She informed him that he couldn't afford to retire as, he would lose 10%, because he is 53 years old, her not mentioning that the adding on of 30 months, which would counteract this loss. And, plus, she told him the deadline for retiring has passed. Bruce was devastated, as all of us. For the remaining few days of our vacation, he couldn't sleep and was -- we were all sick over it. If Bruce had known he wasn't getting the promotion, or if was only a possibility that he'd get the promotion, he would have filed his papers to retire.

Bruce went back to work from vacation on August 19th, and the next -- we spoke about it, and the next day I took off from work and we went down to the State Retirement Office and he filed his papers. They told him that he had to have a 14-day wait period for processing his papers and he missed that deadline. That deadline was that Saturday before, we were there on Tuesday morning. After Bruce filed his papers, we went to Mr. Gaffney's Office to find out what we should do and how we can get a special exception. The staff made some phone

calls and directed us to meet with Mr. Read Vail, the Chief Budget Examiner, who told us, after some research, that the State will allow Bruce to retire on September 4th, 2002, but we needed a special resolution to be made from the County, because of mitigating circumstances allowing Bruce Bijesse to retire under the initiative retirement initiative that was offered.

D.P.O. POSTAL:
Ms. Bijesse.

MS. BIJESSE:
Yes.

D.P.O. POSTAL:
I'm sorry, your time is up. I have a question for you. Did the County Executive indicate that he would be willing to sponsor such a resolution?

MS. BIJESSE:
The -- yes. The Commissioner -- I'm sorry.

LEG. FISHER:
Actually, may I clarify that?

D.P.O. POSTAL:
Yes, please.

LEG. FISHER:
I spoke with Commissioner Bartha, and Commissioner Bartha had -- has contacted the County Executive's Office and we will be meeting today regarding this matter.

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

LEG. FISHER:
Okay. And I don't know if the other members of the Legislature can see that the family has five children. They have three small children that you can't see, because they are triplets, they have three four year olds. Thank you very much.

MS. BIJESSE:
Okay. Thank you.

D.P.O. POSTAL:
Next speaker is Joseph Gazza. Joseph Gazza or --

MR. GAZZA:
Yes.

D.P.O. POSTAL:

Yes.

MR. GAZZA:

Joseph Gazza is appearing before you.

18

D.P.O. POSTAL:

Go ahead, Mr. Gazza.

MR. GAZZA:

Thank you. I live in Quogue, which is about one mile from the Gabreski --

LEG. FIELDS:

You have to talk in the microphone. Microphone.

D.P.O. POSTAL:

Use the microphone, please.

MR. GAZZA:

I live in Quogue, which is about --

LEG. FIELDS:

You can hold it in your hand.

LEG. BISHOP:

You can take it out of the thing.

LEG. FIELDS:

Pick it up.

MR. GAZZA:

You can tell that I'm unfamiliar for appearing before -- I live in Quogue, about a mile from the Gabreski Airport. It seems like Gabreski airport's going to be a hot topic today, but I have nothing to do with the airport or leasing with hangars, or anything of that nature. My interest is that I own land across the street from the Gabreski Airport. This copy of our local zoning map indicates the Gabreski Airport, Zone LI200, and this little PDD, I don't know if anyone can see that, but that's an area that the County is working on leases -- is working on leases for that new building that Mr. Guldi mentioned, the 17,000 square foot industrial building. Now, I have an interest, because all of my land, which is the shaded parcels on the opposite side of the street from the airport. The vacant ones are shown in yellow. I have been trying for six years to use my property, and my property lies in the Pine Barrens, the core Pine Barrens. I'm on the wrong side of the street. The airport is on the east side, where development is permitted. On the west side, development is

prohibited.

I've been before the Pine Barrens Commission, all boards, all agencies for six years and I can't use my hands. Now, I've appealed to the County, to Legislator Guldi, to trade my lands, which are in the core area that everyone wants to see preserved, I said, "Please, preserve my lands, since you don't want to buy them from me." And I have letters from the County Department of Real Estate, where they weren't interested, from the Town of Southampton where they're not interested, and the State of New York that have been -- I've been after them for years and they don't have the money to buy them. No one has the money to buy my lands. I said, "Let me trade you my lands," I have about 22 acres of vacant land, "for a small portion of the land that the County wants to promote industrial development on."

19

I come from a family that's industrial developers. I've developed all the industrial buildings along the airport road. I have thirteen buildings and I want to work -- I'm a resident in the area, this is my business. This is why I've invested and bought this land over the last 20 years, but no one wants to buy my land, no one wants to let me use my land, and now the County won't trade with me.

I've been before the Screening Committee, and Pauline Mize and other representatives from the County without success. I appear before you today, closing, because you're on the edge of making leases, and the 17,000 square foot building that you're talking about, that's my tenant. So first the County takes my land away from me, won't let me use it, won't buy it from me, won't trade with me, and now I have to compete with you and you're taking away my tenants. You're offering them lower rent and they're leaving me.

D.P.O. POSTAL:

Mr. Gazza, I'm sorry, but your time is up. Our next speaker is Charlie Bartha, Commissioner of Department of Public Works.

MR. BARTHA:

Thank you. I am here to speak in favor of I.R. 1804, which directs the Department of Public Works to proceed with County construction projects that require LIPA relocations. However, I want to point out that that resolution does not provide the funding for us to pay 100% of the cost of the LIPA relocations pending the litigation, which the County is to initiate. So there is a resolution, Resolution I.R. 1879, which would provide funding for the -- for thirteen projects that are impacted by LIPA's change in their policy of relocating at their own expense when County projects are proceeding, as well as funds for a consulting engineer to evaluate LIPA's estimate of the work.

D.P.O. POSTAL:
Thank you.

LEG. FOLEY:
Well.

LEG. HALEY:
Hold on.

D.P.O. POSTAL:
A question from Legislator Foley.

LEG. FOLEY:
Thank you, Madam Chair. Commissioner, the second Resolution 1879 is still in committee, to your understanding?

MR. BARTHA:
That's correct.

LEG. FOLEY:
Okay. We could still pass this resolution. One of the other ways of moving forward with the projects is to approve the resolution, and if,

20

in fact, each capital project incurs additional cost, we can always -- you can bring forward a resolution to amend the contract, the price, rather, the cost of that particular project, is that not correct, to put forward a resolution to allocate additional dollars for that particular capital project on a case-by-case basis, whereas 1879 is what we call an omnibus approach, where it's all encompassing for all the projects?

MR. BARTHA:
Well, it identifies each of the projects between now and March of next year, which we would expect to be impacted by this.

LEG. FOLEY:
All right. So, obviously, you'd like to see 1879 reported out of committee as well?

MR. BARTHA:
That's correct.

LEG. FOLEY:
Okay. Thank you.

LEG. CARACCILO:
Madam Chair.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

1804 and 1879, do they require financial impact statements?

D.P.O. POSTAL:

Mr. Sabatino?

MR. SABATINO:

Yes, all legislation requires a fiscal impact statement.

LEG. CARACCIOLO:

Okay. Commissioner Bartha, could you quantify what the difference is between the two resolutions in terms of dollars?

MR. BARTHA:

Well, 1879, the impact, if -- of that resolution is a total of \$2,515,000, and there are offsets provided in the resolution for those funds. I.R. 1804 does not provide any funding for the work.

LEG. CARACCIOLO:

Thank you.

D.P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Thank you, Legislator Postal. Charlie, these are the resolutions you appeared about before before the committee, right? I just want to make sure we're talking --

21

MR. BARTHA:

Correct.

LEG. TOWLE:

I was walking in in the midst of your conversation, I apologize. Just for the noncommittee members, one of the reasons that the bills were tabled was that the Commissioner informed us that there was a portion of the money that we were approving for a consultant, apparently, that Legislator Guldi had suggested. He and I have not had a chance to talk, although we've played phone tag. Charlie was the amount \$175,000; was that my memory?

MR. BARTHA:

That's correct.

LEG. TOWLE:

And that an estimate, basically, because we don't know what the

consultants are actually going to ask for, but that was a ballpark of what we thought. It could be more or less.

MR. BARTHA:

That's correct, we have not negotiated the amount or have we selected a consultant at this point.

LEG. TOWLE:

That was one of my concerns in the committee, just for the other members, concerns that I felt, if we were going to do the consultant, that that should be separate from the money we need, actually, for the projects. That was one of my concerns, and I really don't feel uncomfortable putting \$175,000 or possibly more out of monies that we need for projects for a consultant.

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah.

D.P.O. POSTAL:

And then Legislator Haley.

LEG. LINDSAY:

I'm trying to find the legislation, Charlie. Maybe you could explain what we're talking about in terms of what projects we're talking about, the locations. What does it have to do with LIPA?

MR. BARTHA:

Okay. We have a number of projects, thirteen projects, that we're seeking funding for right now, including Straight Path, Montauk Highway, Commack Road, County Road 39, Waverly Avenue. And what this -- this is because, for years, we would issue LILCO permits to install polls along County roads. Those permits required LILCO to relocate at their expense to facilitate any road improvements. Since they've become LIPA, they have balked at that and now they have flat out refused to do any relocations, unless they are reimbursed 100% of

those costs. I think the -- certainly, the Executive's Office and the Legislature appear to be in unison, that we should sue LIPA and overturn this position that they are adopting, seek to overturn it. But, in the meantime, these road projects, we believe, should go ahead to promote traffic safety and pedestrian safety, and as well as improve traffic flow. So it is to relocate primarily overhead electric transformers, polls, power lines.

LEG. LINDSAY:

And the intent is to go forward with the projects and then try to sue LIPA to get our money back.

MR. BARTHA:

Correct.

LEG. LINDSAY:

Okay.

D.P.O. POSTAL:

Legislator Haley, and then Legislator Towle, and Legislator Caracciolo.

LEG. HALEY:

Charlie, the problem you have is that there's legislation that is before us today that is -- parts of it have been precluded from being accomplished, because the other legislation has not -- is still in committee; is that correct?

MR. BARTHA:

That's correct. And I didn't want the Legislature to have the impression that this -- there's not a cost associated with this.

LEG. HALEY:

Okay. And the second question I have is don't you normally, when you let contracts, put -- built into their contract is a certain amount of money, whether it be for planning, for consulting, which is typical, as opposed to considering it separately?

MR. BARTHA:

Correct.

LEG. HALEY:

Thank you.

D.P.O. POSTAL:

Fred.

LEG. TOWLE:

Legislator Postal, thank you. Actually, a couple of things. Charlie, the \$175,000, wasn't one of the discussions that we had at the committee, and I'm not speaking for all the committee members, but my recollection was that we had suggested to you about even putting a full-time person on staff, as opposed to hiring a consultant. I mean, we could hire two people for what we're going to pay a consultant per year to do the same types of jobs. What's your opinion about additional people, particularly in light of all the retirements that

MR. BARTHA:

Well, first, I would seek to fill the positions that we are losing through the retirement. We're going to be impacted pretty severely by that by only being able to fill 20% of the cost of those positions. And I would also point out that, hopefully, this will be a short-term position, that the County will prevail in litigation and there won't be a need for a person with this specialty. I've discussed this with our electrical engineers on staff. This is not something that they have the expertise to do. We would -- we would have to advertise. First off, a position would have to be created, funded, we would have to advertise to seek someone to fill that position. We would lose considerable time in doing that, which would impact these projects, if we could find anyone at all. And, as I say, if we're successful, we wind up having to let the person go.

LEG. TOWLE:

I mean, I would probably differ with you that the time to hire a consultant would be about the same in hiring a person, unless you've already got a consultant picked, which, as you've already said you don't. The next issue I would be concerned about is Legislator Haley's comments in reference to the fact that we normally include fees for consultants. The fact of the matter is, what you said earlier, actually, is not completely accurate. The County Executive attempted, with your department and County Attorney's Office --

D.P.O. POSTAL:

Legislator Towle, I'm waiting for your question.

LEG. TOWLE:

I'm going to, Legislator Postal. To actually settle with LIPA on their own. The only reason you came before the Legislature was because you needed additional funds; that is correct or not? I mean, you had already come to an agreement on your own without the Legislature's approval.

MR. BARTHA:

That's correct.

LEG. TOWLE:

Okay. So what you said earlier, that, you know, the Executive and the Legislature agreed is completely not true, because the County Executive's staff tried to do this on their own.

MR. BARTHA:

No. I think now it's completely true, because the resolution that I'm speaking of, 1879, was submitted by the County Executive and calls for suing LIPA to recover the full cost.

LEG. TOWLE:

Yeah. Also, because this Legislature filed a very similar resolution, but that's here, nor there.

D.P.O. POSTAL:
Legislator Caracciolo.

24

LEG. CARACCIOLO:

To pick up on the last point, there was Procedural Motion 9 that was approved by the Legislature to take that action. Counsel, the question I have is what is the legal basis that LIPA takes the position it does?

MR. SABATINO:

According to what was reported to us when the first bill came before the committee, which was the compromise at 50%, we were told by the Law Department that LIPA's position is that the LIPA statute has changed the commonlaw principles, which forced a utility to pay for relocation costs, but there's no specific section in the LIPA statute which states that.

LEG. CARACCIOLO:

So the action that -- has that action by the County been filed?

MR. SABATINO:

Well, this is -- this is one of those open questions, which is why this bill, you know, appeared before you. The history of this thing is a little bit different than what was described. What happened was a bill was filed by the Executive earlier in the year. It went to the Economic Development Committee with a proposed 50% payout as a done deal with LIPA. When the Committee started asking questions, A, even though the resolution talked about an agreement that was reached with LIPA, when the Committee asked for the document and the agreement, there was no document, there was no written agreement. And the other thing that happened was the Committee found out that payments at 50% had already been approved and authorized, that's why the committee then generated these two bills that you currently see in front of you. Then the third bill came from the County Executive saying put the \$2.3 million up front and then work from there, but we don't know where the litigation is and we don't -- well, the Committee had a problem with \$175,000.

So it's not the straight line that was described before. The Committee's been doing a very thorough job of trying to get all the facts and all the information out, and that's why we don't know the answers as we sit here today.

LEG. CARACCIOLO:

Will any of those previous actions that you just described prejudice the County's case?

MR. SABATINO:
The previous actions?

LEG. CARACCIOLO:
The 50% agreement.

MR. SABATINO:
Well, it's not helpful, I mean, it's not decisive, because, fortunately, it was never approved by anybody in authority. But, you know, it's not helpful, but it's not decisive.

25

LEG. CARACCIOLO:
Thank you. Thank you, Charlie.

D.P.O. POSTAL:
Thank you. Oh, Legislator Lindsay?

LEG. LINDSAY:
So, Charlie, you're asking us to not approve 1804 and wait for the other one to come out of committee to get this --

MR. BARTHA:
I have no objection to approving 1804, but I just want to make sure that you understand that, while it's directing me to go ahead with projects, we will not have funds to go ahead with all of those projects.

LEG. LINDSAY:
Okay.

LEG. CARACCIOLO:
Madam Chair.

D.P.O. POSTAL:
Legislator Caracciolo

LEG. CARACCIOLO:
Not being familiar with 1879, I don't have it before me, you mentioned, Charlie, that allocates two-and-a-half million dollars with appropriate offsets. The cost associated with relocation would have a ceiling of two-and-a-half million?

MR. BARTHA:
That's correct, that would be for projects that would bring us through March of next year.

LEG. CARACCIOLO:

Okay. Why not then could eight -- could not 1804 be considered with an amendment, a corrected copy using the same offsets?

MR. BARTHA:

I would defer to the --

LEG. CARACCIOLO:

Counsel?

MR. SABATINO:

I think what's happening here is I think too much focus is being put on -- you know, on one bill versus the other. The bills are all complimentary if at some point we develop a coordinated strategy. I think the committee only moved this bill out to signal a message that they wanted the strategy to be go forward, press LIPA to have hundred percent reimbursement. The funding was not opposed by the committee, as I understood the debate. The opposition was on the \$175,000 component of it, plus the absence of a firm statement saying we're going forward and we're telling LIPA they pay the hundred percent. That's missing in 1879. The committee, as I understood it, again,

26

listening to the -- you know the description, was that they would happily pass a resolution without the \$175,000, as long as there was this other resolution saying go forward, plus they want the litigation strategy. So you have to collectively arrive at some overall coordinated strategy before you can make that final decision, but this bill by itself is not -- is not the end of the debate.

MR. BARTHA:

And I --

LEG. CARACCIOLO:

Thank you.

MR. BARTHA:

If I could interject, I would support 1804 even without 1879, because there are projects, including a project on Center Shore Drive, which we're anxious to proceed with, where there is sufficient money in the project to proceed and pay LIPA 100% of the relocation costs. So that 1804, there are certain projects we still will be able to proceed with, but not the bulk of them.

LEG. CARACCIOLO:

So that I understand this in full context, for you to proceed with -- what was the street, Center --

MR. BARTHA:

Center Shore Drive.

LEG. CARACCIOLO:

Drive, okay. How much does that project involve, funding, the funding for that?

MR. BARTHA:

I don't have that information with me.

LEG. CARACCIOLO:

All right. You need authorization, you need -- you have funding to do it, okay. But 1804 is something you support. Does that action, if we reimburse LIPA, pending the litigation, does that in any way affect our position in the -- in the case?

MR. SABATINO:

No, as long as it's done either with the reservation of rights, or with a payment of the money into escrow, or payment of the money into court. I think what's critical, though, is to have the litigation running on a simultaneous track. I don't think that you should lay out the funding and start spending the money without having that lawsuit commenced, so that you have the option of trying get the court to take the payment or escrow payment, or at least the reservation of rights. That's why it really requires some coordination, and that's beginning to evolve, but was not -- you know, that was not the strategy at the beginning.

LEG. CARACCIOLO:

But in the absence of that coordination, I think we have to make it clear to the Department Head that the County Attorney be advised of

27

your recommendations, so that it is -- does move forward and it moves forward in a coordinated fashion, so that we don't hurt our own litigation.

MR. SABATINO:

Well, I mean, it's up to the Legislature to decide what track they want to follow. This bill just happens to be the recommendation of members of that committee. I mean, the Legislature has to collectively make the final call.

MR. BARTHA:

And I can tell you that we, the Department of Public Works, has signed the verified complaint. I can't confirm that it's been filed.

MR. SABATINO:

The key is that I don't -- the key is that the bills could ultimately wind up being complimentary, if this coordinated strategy emerges. I'm just not sure that it's here, and I think maybe the Commissioner is kind of articulating that he's not certain that it's there, but it

could, if everybody kind of gets together and decides which direction they want to go.

D.P.O. POSTAL:

Thank you.

MR. BARTHA:

Thank you.

LEG. CARACAPPA:

Thank you, Charlie.

LEG. FISHER:

Thanks, Charlie.

D.P.O. POSTAL:

Next speaker is Carol Hoeffner. And after Miss Hoeffner, the next speaker will be Loretta Best.

MS. HOEFFNER:

Good evening. My name is Carol Hoeffner. My husband and I have owned a home on Little Neck Road in Southampton since 1976. I have come here tonight because I am furious over the emerging housing situation that exists in our community. We have two emergency housing motels owned by the same family within one half mile of our home. The Southampton Bays Motel houses the worst of the worst, as quoted in the Southampton Press, June 27th, 2002. Those that have been kicked out of shelters for noncompliance of rules and regulations. The people in our neighborhood, especially the elderly, have lived in fear during the last 18 months of continuous problems. The son-in-law of the owner of these two motels has now bought another motel approximately two-and-a-half to three miles away, old and run down, and I believe the probability is that this will also be used in the same purpose. The purpose is profit for the owners of the motel and whoever else. They are not interested in the well-being of the welfare recipients or our community. Who cares if there is no kitchen facilities, rent it anyway. Who cares how many are in one room, approximately ten-by-ten,

28

built 50 years ago, rent it. Both the taxpayer and the welfare recipients are being taken advantage of. Four thousand dollars a month for a room ten-by-ten, a tiny room without a kitchen. This is supposed to be a transient place, not for welfare. This is an outrage. I am sure that these motels never had such a high income on a yearly basis before.

The worst of the worst welfare recipients that are in our neighborhood should be in a supervised environment, where they would be allowed to possibly have some education, be rehabilitated, to get these people off the welfare rolls and become an asset to society instead of a

liability. How can you possibly justify the paying of \$4,000 for a ten-by-ten room when you allow \$1,833 for a four-bedroom house?

In closing, I would like to ask that you can -- how you can justify spending this much money a month for emergency housing, which is how long? Some of these people have been there since at least last September. Department of Social Services will not tell us how long they lived there, that's a privacy thing. When we have elderly people who are choosing between medication and food, this makes me sick to my stomach. And remember, as I wrote in the Southampton Press, we are not going away. Thank you for your time.

D.P.O. POSTAL:
Thank you.

(Applause)

Next speaker is Loretta Best. After Loretta Best, the next speaker will be Joseph Fischetti. Go ahead, Miss Best.

MS. BEST:

Good evening. I've lived in Shinnecock Hills for 40 years. It has always been lovely and safe. Lately, because of the emergency housing situation, I no longer feel safe. I live one mile from two shelters on Montauk Highway and one mile from one motel on Long View Road that will most likely become a shelter very soon, since all are owned by the same family. Emergency housing to me means temporary. There's nothing temporary about the Shinnecock Hills Motels. Families are shuttled back and forth from room to room to comply with rules to allow the motels to keep operating and make millions.

We all had to work very hard for a good life in a nice safe community. We no longer feel safe. I am handicapped and unable to move quickly, if necessary, and I don't want to live in fear. I feel the motel residents are a serious personal threat to all of us who live in The Hills. We know there have been several incidents of vandalism, animal cruelty, and violence to the young and old alike since the residents moved in. Why are there so many in one area? Why aren't they moved out sooner? Our taxes keep rising, our property values are decreasing, and our safe quality of life is deteriorating. The County claims no fault, blaming the State for these circumstances. I don't know who's to blame for putting some of the dregs of society in our area, but someone should own up and fix the problem. The saying "Too little, too late" comes to mind, and I would hate for there to be any further violence. Our elected officials should step up and fix the

29

system. After all, it is broken. Thank you.

(Applause)

D.P.O. POSTAL:

Thank you. Miss Best, Legislator Lindsay -- Miss Best, Legislator Lindsay has a question, and then Legislator Guldi.

LEG. LINDSAY:

I really don't have a question for either one of you ladies, but I'd ask the Clerk that I'd like both of their statements sent to my office for the next Social Services meeting.

LEG. GULDI:

I have a question.

D.P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Yeah. First of all, I want to thank you for your testimony. And the -- last year, I had a bill in introduced to add -- this problem, as you know, is -- has a systemic problem. We get to administer a program that we can't control. But one of the things we did last year is we added some basic rules for our providers. We added 19 of them. I suggested some more. My bill didn't get approved with the additional suggestion. One of those addition suggestions.

D.P.O. POSTAL:

Question, question.

LEG. GULDI:

I'm getting there.

D.P.O. POSTAL:

Could you get there quicker?

LEG. GULDI:

One of those additional suggestions was to mandate that in order to be an emergency housing provider, the landlord, who's getting these exorbitant rents, must provide security for the facility. That bill, having been defeated last year, is in the packet that's laid on the table technically today. It's number 1921. It will be before the Social Services Committee in the next month, and it will be before the Legislature, if approved, at our next regular meeting. I urge you to testify there and support at least that little step towards solving the immediate impacts of this global problem.

D.P.O. POSTAL:

I didn't hear the question.

LEG. GULDI:

Were you aware that the bill was filed?

D.P.O. POSTAL:

I think you've used up your quota of minutes for the rest of this

30

meeting, Legislator Guldi.

LEG. FOLEY:

The rest of the year.

LEG. ALDEN:

The rest of your life.

MS. BEST:

Thank you.

D.P.O. POSTAL:

Thank you, Miss Best. The next speaker is Joseph Fischetti.

MR. FISCHETTI:

Good evening. My name is Joseph Fischetti, I live in Southold, and I'm against --

LEG. FISHER:

Pull the mike closer, please.

LEG. FOLEY:

We can't hear you.

D.P.O. POSTAL:

Please --

MR. FISCHETTI:

Hello. Okay. My name is Joseph Fischetti, I live in Southold, New York, and I'm against Resolution 1784 and 1786. I'm president of North Side Hangars, Incorporated, which is a cooperative of 14 aircraft owners who wish to build hangars at Gabreski Airport. North Side Hangars has no lease with the County. It seems that some statements have been made by Legislator Guldi that might make you think we do. Even if -- even Resolution 1786 implies that there is an existing lease with North Side. There is none.

The complaint -- the complaint given by John Ross, submitted to the FAA has -- the documentation is very informative. I wish you'd all read it. What I'd like to do tonight is just go over a time line of all the meetings of the Airport Lease Screening Committee from three-and-a-half years ago. There are only three.

At the March 3rd, 1999 Airport Lease Screening Committee, North Side

Hangars, Inc. presented a request for 88,700 square feet to build 20 hangars in the rear of the existing hangars leased by Eastview Fliers. The committee requested that a long form environmental impact assessment be completed for North Side Hangars, and it also requested that a maintenance and easement agreement be completed between the common taxiway between Eastview and North Side, if that was approved. Both the EIF and the easement agreement was submitted to the airport manager in March and April of 1999.

Nine months after our submission, on December 16th, 1999, Airport Lease Meeting Committee was scheduled, but it was canceled. North Side Hangars was on the agenda as old business. I have a copy of that

31

agenda, if you would like.

Twenty-six months after our request for the Airport Lease Screening Committee, a meeting on May 18th was held. Chairman Guldi tabled all requests for hangars, awaiting an airport master plan, and that plan has been completed.

Twenty-nine months after our request, the Airport Lease Screening Committee met on June 14th. This was scheduled -- I consider it a private meeting, even though the Airport Lease Screening Committees are open to the public. No notices were sent out to individuals who had requests for hangars and had been tabled, nor pilots, nor tenants, nor airport users who wished to communicate with the airport administration were notified. That's two meetings in three-and-a-half years. If North Side Hangars was old business in 1999, it must have been downright geriatric by the Airport Lease Screening Committee by June 14th, 2002. If there are any proposals for new hangars that were presented on June 14th meeting, it should have been taken up as new business and after the old business was taken care of. That's my statement.

D.P.O. POSTAL:

Thank you. We're going to have -- thank you. There are no questions. We're going to have one more speaker, and then we're going to go to the public hearings, and when we finish the public hearings, we'll come back to the public portion. The last speaker at this time will be Linda Purrazzella.

MS. PURRAZZELLA:

Hi. I'm part of the Shinnecock Coalition and I live in Shinnecock Hills, and I'm just a mom who wants to raise her child. The situation is getting really out of hand. I'm not prepared to speak. This is my first attempt ever coming before the Legislature. It's just horrible. I live across the street from the hotels. The schools are being taxed. It's an abomination that \$4,000 is being spent, and I want you Legislators to do something. It's unfair that we should have to bear

the burden on the East End for all of Suffolk County. It's just terrible. That's all I have to say. Do something, please.

(Applause)

D.P.O. POSTAL:
Thank you.

LEG. GULDI:
Madam Presiding Officer.

D.P.O. POSTAL:
Oh --

LEG. GULDI:
How many cards do we have for the public hearing, so we can give the people here for public portion some indication of how long we'll be doing our --

32

D.P.O. POSTAL:
We don't have many, we have fewer than ten.

LEG. GULDI:
Thank you.

D.P.O. POSTAL:
It's actually five minutes each, but the -- Mr. Clerk

MR. BARTON:
Yes.

D.P.O. POSTAL:
Have the affidavits of publication been duly filed?

MR. BARTON:
Yes, they have.

D.P.O. POSTAL:
The first public hearing is regarding Introductory Resolution Number 1829, a local law authorizing 10% property tax exemption for volunteer firefighters and ambulance workers. I have no cards for this public hearing. Is there anyone who would like to address the Legislature on this hearing?

LEG. FOLEY:
Motion to close.

D.P.O. POSTAL:

Hearing no one, motion to close by Legislator Foley, seconded by Legislator -- Legislator Caracappa. All --

MR. SABATINO:

Wait, Madam Chair. This public hearing and the other one has to be recessed to at least one meeting, because of a --

LEG. CARACAPPA:

Motion.

MR. SABATINO:

Because the State legislation hasn't actually been signed yet, so we need to recess it at least one cycle.

LEG. FISHER:

Motion.

LEG. FOLEY:

Motion to recess.

D.P.O. POSTAL:

Okay. There's a motion by Legislator Fisher, seconded by Legislator Foley to recess Public Hearing on 1829. All in favor? Any opposed? 1829 is recessed.

Public hearing regarding Introductory Resolution Number 1830, a local law to extend County health, dental and prescription drug benefits to

33

domestic partners of exempt County employees. The first speaker on this public hearing is James Stephens. James Stephens here? I don't know if he might be out in the lobby. Second speaker on this hearing is Thomas Kirdahy. Is Thomas Kirdahy here? I think these speakers may be out in the lobby. Okay.

LEG. FOLEY:

Are they on?

MS. JULIUS:

Yes.

D.P.O. POSTAL:

Okay. Will someone let James Stephens know that he'll be next? Okay, go ahead.

MR. KIRDAHY:

Good evening. My name is Tom Kirdahy and I'm speaking on behalf of Resolutions 1830 and 1880 -- 1838, excuse me.

D.P.O. POSTAL:

You could only speak on 1830 at this time.

MR. KIRDAHY:
Okay.

D.P.O. POSTAL:
You'll have an opportunity later.

MR. KIRDAHY:
I'm here to speak in support of domestic partnership legislation, specifically the extension of health care benefits. I am a human rights attorney. I grew up on Long Island in a Catholic Household. In fact, my father was Executive Director of Catholic Charities for many years. As a college student, I graduated as valedictorian of my class at New York University. In law school, I was president of the university-wide student government for the entirety of my time in law school. As an attorney, I have been involved in the provision of legal services to people living with HIV and AIDS since 1989. I have seen the difficulties that domestic partners have in receiving equal treatment for equal work, and I've seen the devastation that it has reeked on people's lives when they have been unable to obtain health care benefits. I view this resolution as a simple matter of equal pay for equal work.

As I said, as an attorney, I have done -- and a young man, I have done everything right in this society. I'm an active member of the Bar Association, I work with poor people every day, making sure that they can stay in their homes, provide food and shelter for families, and it is my belief that when I enter the workplace, I should be treated as equally as anybody else.

I hope that you will consider the very human nature of the proposed legislation today. I want to underscore the fact that I grew up on Long Island in a Catholic household, where my family embraces me and my partner as full citizens of my family. I want to thank you for

34

supporting domestic partnership benefits for County employees. Thank you.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker -- is James Stephens here?

MR. STEPHENS:
Yes. Members of the Legislature, my name is James Stephens. I live at 30A Pineville Road, Central Islip. I am also a member of the Suffolk

County Human Rights Commission. Currently, in New York State, State employees, employees of Westchester County, New York City, Albany, Ithaca, Rochester, Eastchester and Greenburg all benefit from the domestic partner benefits. I can see no other reason than fairness for our County employees to also receive these benefits that are provided. Even the United States Senate, the United States House now -- and the federal government has domestic partner benefits for their employees. Our employees deserve this. And I would urge you to pass this legislation.

I have here for members of the Legislature a list of jurisdictions throughout the United States that do offer domestic partner benefits to their employees, and I urge you to look over it and see the wide variety of counties, states and municipalities that do offer it. Thank you.

D.P.O. POSTAL:

Thank you. Our next speaker is Sandy Rapp.

MS. RAPP:

Hello. I'm Sandy Rapp. I'm representing East End NOW, and East End NOW, that's National Organization for Women, strongly supports Suffolk County Resolution 1838 and 1830. Which one is first? Would --

D.P.O. POSTAL:

1830.

MS. RAPP:

Just 1830.

D.P.O. POSTAL:

And you can speak on 38 later.

MS. RAPP:

And that's the registration, right? Okay.

LEG. COOPER:

The other one is health benefits.

MS. RAPP:

Okay. Well, my remarks are apropos to both, so I'll just carry on. Marriage conveys a host of benefits, such as inheritance and tenancy survivorship and hospital visitation rights. As was asked in a recent interview by East End NOW Co-President, Marilyn Fitterman, also past

President of NOW New York State, why based on religious prejudice should gays be deprived of these legal benefits when equality is supposed to be the birthright of all Americans. Isn't that what our wars are about?

As East End NOW Lesbian Task Force Chair, I congratulate the Suffolk County Legislature for considering these measures. Indeed, anything we can do to encourage self respect in the gay community is extremely constructive. Often, behind opposition to such measures is the erroneous premise that withholding civil rights will make for fewer gay citizens. It will not. A program in inconvenience will force some gays into doomed heterosexual marriages and unwitting -- with unwitting partners, and it will promote random anonymous sexual contacts among people who find a permanent partner too hard to hide, but it will not make gay people heterosexual.

Longstanding and recently strengthened policies of major American medical organizations affirm that gay orientation is not a disorder, and that attempts to change orientation are highly destructive, and may well contribute to a suicide rate among gay youth that is at least triple the non gay incidents.

An April 28th, 2002 statement from the American Psychiatric Association reaffirms that homosexuality is not a disorder, a position it has held since 1973. The statement reads, "APA deplors all public and private discrimination against gay people in such areas as employment, housing, public accomodation and licensing. The APA also supports and urges the enactment of civil rights legislation at the local, state and federal level that would offer gay and lesbian citizens the same protection now guaranteed to others on the base of race, creed, color, etcetera. Since the Year 2000, the APA also supports same sex civil unions.

Lesbians and gays have existed throughout the millennia in every culture, and actually in every species. As society allows us to normalize our relationships, our communities will be healthier, our stigma will be lesser, and fewer in number will be the anti-gay homicides, at least two of which have visited Long Islanders in the recent years. I ask you to pass this bill. Thank you.

LEG. FISHER:
Thank you.

D.P.O. POSTAL:
Thank you. Next speaker is David Kilmnick.

MR. KILMNICK:
Good evening and thank you. I had originally prepared to put together a speech, but busy packing boxes today for a move, so I'm going to really just speak off a few notes that I put on an envelope, which I hope is not dangerous.

I am here to speak in support of both resolutions this evening, although I'm speaking on this one right now. And it's amazing to me

that we are so arbitrary in this country as to determine what kinds of equality certain people get at different times.

36

I brought with me tonight -- I'm a homeowner in the Town of Islip. I own a townhouse in Central Islip, and I brought my tax bill with me today, all right, not to complain about my taxes, although that's for another meeting. But I brought my tax bill with me, which says, "Statement of taxes." I went to my neighbor today, my neighbors are heterosexual, a nice heterosexual couple, and I asked to see their statement of taxes. We were not assessed differently, we were assessed the same amount of money. And as a resident of Suffolk County who pays the same amount of money as any other resident, heterosexual person, I think that I deserve the same amount of respect and the same amount of the equality that my neighbor gets. If I'm going to be assessed the same amount of money for my taxes, I want to be assessed equally in the workplace, too, and receive the same benefits and rights that my neighbor does.

(Applause)

Also, in the up -- in the next -- in the next few weeks, we're going to be reflecting on some of the most tragic events that we've had in our country in a long time, September 11th, in which an act of hate, an act of hate literally killed thousands of Americans. Thousands of Americans were killed simply because they were American, that's it. And it's about -- if we're reflecting on that time where -- you know, where we're looking at what hate does bring, I'm hoping that the Legislature, the full Legislature, will do the right thing, which I do know in everyone's mind that they want to do the right thing in terms of passing this resolution.

Now, I know that, you know, when it comes to these type of -- these type of issues, a lot of times the full Legislature, all 18 members, would want to support something like this, but some people might be afraid because of a backlash from a particular party, namely the Conservative Party.

You know, it's ironic -- I'm studying for my doctorate in social welfare right now, and we study a lot of ideology. It's ironic that the Conservative ideology would support legislation like this. Conservative ideology promotes stability, stability in relationships and stability in families, and that's what this resolution also does.

So I urge everyone to pass this, urge everyone to do the right thing, which you know it is the right thing, is to offer equal benefits, and I urge the entire Legislature to at least give myself, as well other gay and lesbian Suffolk County residents, equal treatment and equal assessment. Thank you.

LEG. FISHER:

Question.

D.P.O. POSTAL:

Thank you. A question. David, there's a question from Legislator Fisher.

MR. KILMNICK:

Yes.

37

LEG. FISHER:

Here I am. A quick question. Are you aware that, with your notes only written on an envelope, you're quite eloquent and it was a pleasure to listen to you speak?

MR. KILMNICK:

Oh, thank you.

D.P.O. POSTAL:

Next speaker is ArchBishop Bruce J. Simpson.

ARCHBISHOP SIMPSON:

Good evening, madam Deputy Presiding Officer. And Members of the Counsel, good evening. I rise this evening to testify before this Legislative body in absolute support for both Maxine Postal's and Jon Cooper's proposed legislation dealing with domestic partners. My parishes and I support these proposals on the grounds that every American citizen is entitled to basic health care. After all, that's what these domestic partner bills boil down to, health care to people who might not otherwise have health care. It also conveys the same health care benefits to all exempt employees, obviously, I'm speaking on both bills, who are in life relationships where they cannot marry as those of their fellow workers who can marry. Some will raise the specter of same sex relationships as a way to deflect the essential tenant of equal treatment before the law. On an Island where over 50% of all marriages and divorce, we need to encourage committed lasting relationships, marriages and same sex unions. Stable home life can bring a more stable community to all of us.

The State of New York offers health benefits to its employees who have domestic partners. Although 70% of major corporations in this country offer domestic partner health insurance. Even the Red Cross has amended its policy to include domestic partners. In their July 29th, 2002 policy change, the Red Cross now reflects immediate family members as meaning those who are eligible for benefits to include significant others and housemates that can verify certain information. One of the factors that prove a relationship can be the listing on a domestic registry such as the one proposed here tonight.

The clergy members of this church will perform a union ceremony based on Third Century Roman Catholic rights that existed for nine centuries in the Roman church. The qualifications for consideration for the ceremony are the same as outlined here tonight in the proposed legislation. The church then issues a certificate and it is registered in the archives of the church. It is right -- it is the right time for Suffolk County to come into the 21st Century and recognize the reality of American life as it exists today. Thank you.

D.P.O. POSTAL:
Thank you.

ARCHBISHOP SIMPSON:
Any questions?

38

D.P.O. POSTAL:
Thank you.

ARCHBISHOP SIMPSON:
Thank you.

D.P.O. POSTAL:
The next speaker is Pamela Warganz. And following Pamela Warganz will be Pat Ritter.

MS. WARGANZ:
Hi. I'm here tonight to support the bills for domestic partners. My Legislator is Martin Haley. Is he here? No?

D.P.O. POSTAL:
He's in the back where we have microphones -- speakers, rather.

MS. WARGANZ:
Oh. It would have been nice to see a face. I've tried calling his office and didn't get too far.

I want to thank you, first of all, for the opportunity to speak. A special thank you to Maxine Postal and Jonathan Cooper for taking the bull by the horns and proposing such legislation.

I would like to reiterate some of the statistics that were mentioned. The following statistics basically -- excuse me -- benefits partners that are good for business. A hundred and thirty local governments already have implemented domestic partnerships, ninety-nine percent of New York State employees, 172 Fortune 500 companies, over 4,000 private companies, non-profit organizations and unions, 165 universities and colleges. Positive outcome for hiring and retention if domestic -- if we have health benefits, we can feel better about

where we're working, we can get the health care we need. We don't have to feel that we've got to look elsewhere. I think that you have better employees.

I'm very nervous. I want to thank you again for allowing me to speak. I want to be on record as supporting this. My partner and I are both registered voters and hope to see this implemented. Thank you.

D.P.O. POSTAL:

Thank you. The next speaker is Pat Ritter.

MS. RITTER:

Hi. My name is Pat Ritter. I was born and raised here on Long Island in Suffolk County. I'm a registered voters. I pay my taxes. I'm a good American. I support the things in my community, the schools, the kids, the parents, anyone who needs help. Two-and-a-half years ago, my partner died of breast cancer.

D.P.O. POSTAL:

Excuse me. Can you just hold it a minute? Can we close that back door, please? I know, but it -- there's a lot of noise that's coming in that's making it hard to hear the speaker.

39

MS. RITTER:

Thank you. Two-and-a-half years ago, my partner died of breast cancer. I could not get her health insurance to cover her, and she continued to work well past the time that she was capable of working. Luckily, she had an employer who was very supportive, and even though she was not productive, he allowed her to work and he paid her her full salary and continued her benefits. I ran into a lot of obstacles with the hospital, with attorneys, and I'm really grateful that we had good doctors taking care of her, because they made sure that her wishes through me were followed.

It's important that people recognize that there are alternative lifestyles in this country and in the world. We have been here since the beginning of time. We are not going to go away. I think it's horrendous that I have to come here and speak as an American and ask for my rights. It's horrible that, as a woman, I have to ask for my rights. Now, as a lesbian, I have to ask for my rights. And I'm requesting each one of you to look into your hearts, because we are in your family, we're in your community. Open your hearts, open your minds and take care of the people who live next door to you. Thank you.

D.P.O. POSTAL:

Thank you.

LEG. FISHER:

Thank you.

D.P.O. POSTAL:

Next speaker is Caren Kolsch.

MS. KOLSCH:

I'm here to speak on behalf of both Maxine Postal's and Jonathan Cooper's bills. I'm in support of both of them.

D.P.O. POSTAL:

You can speak on Jon Cooper's bill to provide prescription drug benefits, and then we'll come back to the registry.

MS. KOLSCH:

Okay.

D.P.O. POSTAL:

So just confine your remarks to the prescription drug --

MS. KOLSCH:

All right.

D.P.O. POSTAL:

And other health benefits.

MS. KOLSCH:

About six years ago, my partner and I wanted to start having children, have a family. We found out she had an infertility problem. We wound up not having coverage under her benefits to cover her infertility medication. I had to pay out of my pocket. I'm a Detective with the

40

Suffolk County Police Department, so, luckily, I had a good job, so I was capable of paying for these things, but my heterosexual counterparts had all the coverage for everything, so I was paying out of my pocket while they were getting everything paid for themselves. I would meet up with them in the doctor's office, I'd see them all the time, and here I was sitting next to them and I'm paying for everything on my credit card, I'm paying for everything out of my pocket, and they're getting everything paid for through their benefits, and it just -- it wasn't fair. I do the same job. I've been doing the same job a lot longer than them. Some of them, I was their training officers and they're sitting there next to me and they're getting the benefits and I'm not. I feel like it should be equal.

If I do an equal job, I'm doing the same work, I feel like I should be getting paid the same. Benefits are part of your pay, it's part of your salary. I wouldn't have the benefits if I didn't have the

employment that I have. So I have a good job, I get good benefits, but it's not fair that my heterosexual counterparts get benefits covering their domestic partners and I don't get it for my domestic partner. And it wound up we had to do invitro. That wasn't covered. I had to pay for that out of my pocket. I don't have a problem with it, I'm very happy with my family, I love my job, but I just don't feel that it's right that I should be treated like a second-class citizen, that I shouldn't be getting equal pay with everybody else. I think that in this day and age, it's 2002, we should realize that everybody is born the same, everybody should have the same rights, benefits, whether you're black, Hispanic, Jewish, white, and it doesn't matter if you -- you know, I don't see why we have to ask for these things, I don't see why we have to fight. Every person, every minority has had to fight to get their rights, instead of just being born everybody equal. And I guess I just -- I'm looking forward to the time when everybody is treated the same, and I'm hoping that this Legislature does whatever needs to be done to correct the situation that we have at hand now. Thank you.

D.P.O. POSTAL:

Thank you, Karen. The next speaker is Stephen Sebor. And, Stephen, again, please confine yourself to the health benefits.

MR. SEBOR:

Sure. Thank you. My name is Stephen Sebor. I currently reside in Bohemia, and I've called Suffolk County my home for most of my life. I'm also the Long Island Field Organizer of the Empire State Pride Agenda, which is a statewide lesbian and gay political advocacy organization. Several people have already spoken on this bill. I will be brief.

This is really an equality in the work issue. It's about getting equal pay for equal -- for the same job. As Karen spoke, you know, she is not getting the same benefits as the person who's riding around in the same patrol car has her, you know, or working in the office, because her relationship is not recognized. And that's what this is really about, relationship recognition. The message you'll send by not supporting this measure is that our relationships don't matter, because that's what we'll here. People can hide behind it's going to

41

cost more, it undermines marriage, all these other issues, but the bottom line is what you're saying is that gay and lesbian relationships don't matter, and I beg to differ, they do.

It's very important that in whatever way possible, that we can, that we do to support these relationships, by providing these benefits and providing health benefits to partners of County employees. It will help to strengthen family ties, it will help these families gain real

access to health care and other benefits that they desperately need. You know, I know that in the past this issue came up before and measures were defeated, and there were lots of reasons given for why it didn't pass. Part of the reason was that that the bill at the time addressed all County employees, and the union issue was a factor. This bill does not affect employees who are in the union currently. Unions have not made good on their promise to include domestic partnership benefits in contracts, and for that reason, Karen and many other County employees still remain without benefits.

Please, take a leap of faith, pass this bill, which would address exempt employees, and see where that goes. See how many families actually come forward to take these benefits, because they're going to be the people who really truly need them. It's not going to be something that's going to break the budget, it's going to be something that people honestly, truly need, so that they can get by and so they have access for benefits for their family. Thank you.

D.P.O. POSTAL:

Thank you. The next speaker is Thomas Hroncich.

MR. HRONCICH:

Thank you, Deputy Presiding Officer Postal for allowing me to speak today. My name is Thomas Hroncich, I live in Bay Shore. Legislator Carpenter is my representative here today. I have many thoughts to share. I will speak about Mr. Cooper's bill now. And, I'm sorry, I should also say that I represent the Gay Democrats of Suffolk County, as I have since 1997.

Having been a gay active person in the community for a number of years, people might think that I have spoken before this body in the past, however, I haven't. This is my very first time speaking here today. I'm so happy that this was scheduled in Riverhead. But I do love it, I do love the East End, and I'm happy to be heard today. But I came today, really, not to speak for myself, for my partner of eleven years and I both have good jobs, and we don't work for Suffolk. And Ms. Carpenter has done such a great job of representing our community, I have no desires to run against her or becoming a Suffolk County employee any time soon. But I really came here today to speak for Karen, for Karen Kolsch. She spoke a few speakers before me.

I also publish a magazine called Outlook Long Island and I've been publishing this for three-plus years now, and Karen's story, it ran in the second issue of Outlook, and of all the stories that I've told through this magazine, through this publication, Karen's has by far and away been the most compelling story that I've come across. And it really is an issue of fairness, as the speakers before me have said. It's a matter of equal pay for equal work, and no one can exemplify

that better than Karen.

No one else can exemplify better what it is to be in a loving, caring gay relationship than your colleague, Mr. Jonathan Cooper. So even though I had thought about explaining some of the goals or trials and tribulations of what it is to be gay in this County and being in a relationship, I really think, after three years, you've had a pretty good example sitting right here amongst you, and I'm not going to belabor that point.

LEG. BISHOP:

Madam Speaker, I suggest that there's not a quorum here, and I think it's the least we could do for the speakers to ensure that at least we get ten here.

D.P.O. POSTAL:

Yeah, we'll get some of the other Legislator back here. You're absolutely right. I was, I guess, so absorbed in what the speakers were saying that I didn't even look around. Yeah, if you want to just hold it for a minute, Tom, let's see if we can get some of the Legislators back in.

LEG. BISHOP:

Try looking for the Republicans, because they're never in their seat.

LEG. CARPENTER:

Excuse me?

LEG. BISHOP:

Save for one. You're a secret Democrat.

LEG. FOLEY:

There's no need for a log cabin around here, I don't think.

D.P.O. POSTAL:

Well, I don't know. Mr. Stephens is looking a little aghast. All right. A five-minute recess. Thank you.

[THE MEETING WAS RECESSED AT 7:31 P.M. AND RESUMED AT 7:45 P.M.]

D.P.O. POSTAL:

Will would all Legislators please return to the auditorium. We need -- we need four more people.

LEG. CARACAPPA:

No for public hearings, Max.

D.P.O. POSTAL:

I know, that's true. Okay.

LEG. BISHOP:

Well, that worked.

D.P.O. POSTAL:

Yes. We actually lost two. But let's see if we can get a couple of more people back in here, not that we need a quorum. Ooh, Tom, you're

43

really lucky, because somebody reset the clock while we were out of here to a full five minutes.

MR. HRONCICH:

That's okay, I will not take that much time.

D.P.O. POSTAL:

Oh, good, so you don't have to start over. If you can just remember where it was that you were. Okay. All right. We're going to begin, Tom, because there are speakers in the back, and we do not need a quorum for the public hearings. So if you would, please, continue with your statement.

MR. HRONCICH:

Thank you very much. Jonathan Cooper insisted that I start back where I was complementing him, and I think I've said enough. Mr. Bishop, Legislator Bishop, that's a fine tie. I'm just going to go around the room now. But I just wanted to reiterate again that this is my first time before this body. I view this, and the Gay Democrats of Suffolk County view this, as a very important issue not just for the gay community on Long Island and in Suffolk County in particular, but for really all of Suffolk County. It does send a message, and we stand with your colleagues, and the Log Cabin Republican and Mr. Stephens here, we don't agree on every issue, just because we're gay men and lesbians, but on this issue, we do stand side by side with our Republican -- the Republican members of our community and urge the Suffolk County Legislature to support Jonathan Cooper's bill. Thank you very much.

D.P.O. POSTAL:

Thank you. Our next speaker is Barbara LoMoriello.

MS. LO MORIELLO:

Thank you. Hi. My name is Barbara LoMoriello, and I'm Aide to Legislator Cooper, and I'm speaking here on behalf of the bill. My partner of 19 1/2 years was supposed to be here tonight, however, she's been detained at work in Manhattan. And I just want to point out that this bill is really very personal to me. The State of New York has had domestic partnership since early 1980's, and at the time, both me and my partner had been working for the State of New York. About 20 years into my tenure there, I decided that I'd like to try another field, another work -- another work field, not this one. It

was prior to this. But I wouldn't have been able to do so had I had to pay for my own insurance. It wouldn't have afforded me the experience to do the work I did. At that time, I took a year off and I took a job researching programs for the elderly across the United States. Now, that not only benefitted me, but that also benefitted the community.

And I feel very strongly that, you know, this should be passed on a county level. It's way overdue. I won't need it, because she's a 21 year employee of the State, but there are many other people that would need this. And you all know me, you all know who I am. This is the type of person that we're going to be dealing with on this bill, people that you know, people that look like me, people that look like you. So, please, support it. There's nothing else that I could say.

44

LEG. HALEY:

I have a question.

D.P.O. POSTAL:

Legislator Haley.

MS. LO MORIELLO:

It scares me if Jon asks me to speak.

LEG. HALEY:

Thank you. One of the things that concerns me, and I take -- I imagine it's probably happened in many relationships, where someone says, "I'm going move in with you and I'm going to provide shelter for you, and don't worry, I'll go to work, you don't have to go to work." And let's add in, for instance, the benefits. And then you find out that the relationship falls apart in a year or two years, and the person who, for lack of a better expression, the monied person, or the person who has the assets says, "Oh, you have to leave, you have to move out." And the statutes in New York State provide protection for that, for people who are recognized as being married. My concern is, is that the relationship, no matter what it is, can be adversely affected by -- a person could be very adversely affected if they enter a relationship that doesn't have some sort of protection for, for lack of, again, a better expression, the unmonied person. And I think we see that difficulty not only in marital relationships, but I imagine that this could just exacerbate that problem a little bit for those relationships that are not recognized by the State.

I personally think that before I could support this particular one, I would hope that the State would consider recognizing those relationships.

D.P.O. POSTAL:

Question?

LEG. HALEY:

I blew that one, right? I don't have one.

MS. LO MORIELLO:

I just -- I just want to make --

D.P.O. POSTAL:

Well, you're honest.

MS. LO MORIELLO:

I just want to make a comment on that. I think that, you know, and you know better than I do, that, you know, we can't sit around and wait for the State to do this and to do that, but with -- and I know I'm not supposed to speak of Maxine's bill, but Maxine's bill would provide a way for us to see who's been registered and for how many years. I mean, I stand before you, 19 1/2 years. How many of you around here can actually say you've been married for that long?

LEG. HALEY:

Wait a minute, that's unfair.

45

LEG. CARACAPPA:

If you add them all up, I think it's 19.

D.P.O. POSTAL:

So you should have asked her a question, then, she wouldn't have asked you.

LEG. HALEY:

That's a shot.

LEG. CRECCA:

To just one person

MS. LO MORIELLO:

Sorry about that, but I just had to go for it.

LEG. CARACAPPA:

Well, if you add up all of Marty's marriages, I think it's 19 years.

MS. LO MORIELLO:

So that's about it.

D.P.O. POSTAL:

Thanks, Barbara.

MS. LO MORIELLO:

Thank you.

D.P.O. POSTAL:

Okay. Now, I have no more cards for this public hearing. Is there anyone else who would like to address the Legislature regarding Introductory Resolution Number 1830? Hearing no one, Legislator Cooper?

LEG. COOPER:

Motion to close.

D.P.O. POSTAL:

Motion to close.

LEG. GULDI:

Second.

D.P.O. POSTAL:

I'll second that. Second by Legislator Guldi. All in --

LEG. GULDI:

Add me as a cosponsor.

D.P.O. POSTAL:

And, Clerk, please note Legislator GULDI is to be listed as a cosponsor. All in favor? Any opposed? 1830 is closed.

Now, before we move further, I'm going to take a motion from Legislator Cooper to reconsider the motion to recess on the public

46

hearing on I.R. 1829.

LEG. GULDI:

Second.

D.P.O. POSTAL:

And I -- seconded by Legislator Guldi. All in favor? Any opposed? We have a few cards on this public hearing. The people who wanted to speak were in the lobby at the time that the hearing was called and didn't know that they were to fill out these cards.

LEG. LINDSAY:

On 1829?

D.P.O. POSTAL:

1829.

LEG. CRECCA:

We're reopening that hearing then.

D.P.O. POSTAL:

So we've reopened that hearing. And the first speaker is Andrea Golinsky. Is Andrea -- okay. And following Andrea Golinsky, then the speaker who comes up next will be Roger Putnam.

MS. GOLINSKY:

Good evening.

D.P.O. POSTAL:

Just speak into the microphone, please.

MS. GOLINSKY:

My name is Andrea Golinsky and I'm a 30-year member of the Huntington Community First Aid Squad. I live in Huntington Station. I would like to have the Legislator -- Legislature approve this bill, because I feel that it's a very good tool for the firefighters and the emergency medical service volunteers in the County.

As you know, with all the talk of the young people that are looking for places to live that they can afford, one of the things that the County can do is to lower the taxes for the people that can find places to stay and use this as an inducement to join a volunteer organization. And even more importantly is to keep the experienced people that are now volunteers in the various organizations, the ones that have been putting in the time, have been answering the calls for help out there. These are the people that are going to be looking probably very near in the future, I know I am, on a fixed income basis, and this bill would go a long way to helping me and people like myself to stay within organizations and to volunteer their time. Thank you for your consideration.

D.P.O. POSTAL:

Thank you. There's a question from Legislator Caracappa.

LEG. CARACAPPA:

Actually, I guess I'll wait until the last speaker, because it's a

47

question of Budget Review --

D.P.O. POSTAL:

Oh, okay.

LEG. CARACAPPA:

-- relating to this.

D.P.O. POSTAL:

Okay. Thank you.

MS. GOLINSKY:

Thank you.

D.P.O. POSTAL:

The next speaker is Roger Putnam. And following Roger Putnam will be Robert, it looks like Kranz.

MR. PUTNAM:

Good evening. My name is Roger Putnam, I'm Vice President of the Suffolk County Volunteer Firemen's Association, which represents 110 fire departments in Suffolk County. The Suffolk County Volunteer Firemen's Association is in full support of Resolution 1829, and a retention and recruitment program is needed to hold on to the volunteers. I have 32 years of active service in the East Northport Fire Department, and, recently, the National Fire Council did a survey. In the last 20 years, we have had a decrease of 12% of volunteers, so some type of an incentive like this 10% would help to retain the volunteer. Thank you.

D.P.O. POSTAL:

Thank you very much. The next speaker on this public hearing is Robert -- it looks like Kranz, but it might be Franz.

MR. FRANZ:

Good evening. That is Franz, F-R-A-N-Z. I'm president of Huntington Community First Aid Squad. I am also a delegate to the New York State Volunteer Ambulance and Rescue Association, and I am also on the Suffolk County Recruitment Committee. Having been on the Suffolk County Recruitment Committee for the past few years, and being involved in my own organization for recruitment and retention of members, I have seen that there is a great need to create incentives for volunteers to get involved and to stay involved. This is an ongoing concern, not only in my agency, which is an emergency medical service agency, but also in all the fire departments in Suffolk County.

We must continue to provide the best emergency medical service to the residents that we serve and these incentives will help us do that. There is a need for well trained emergency ambulance workers, and a 10% property tax deduction would be an incentive for -- to members to stay, or for residents to volunteer with emergency medical agencies and fire departments. And we fully support this concept of a 10% property tax deduction and I hope the Legislature will vote in favor of it. Thank you.

48

D.P.O. POSTAL:

Thank you. I have no more cards on this public hearing. Is there

anyone who would like to address the Legislature on this hearing?
Seeing no one, Legislator Caracappa?

LEG. CARACAPPA:

Yes.

D.P.O. POSTAL:

You had a question for Budget Review?

LEG. CARACAPPA:

Yes. Jim, according to the resolution, is it a 10% reduction on the whole portion of County taxes, being Police District as well, or just the General Fund?

MR. SPERO:

Yeah. It would be 10%. Well, there's two stipulations in the local law, and the -- it would be on the General and Police Fund. However, the actual exemption we've calculated is only about \$14 on the County taxes, if you read the fiscal impact statement.

LEG. CARACAPPA:

On that, that's both funds.

MR. SPERO:

That's right. To achieve a true 10% exemption, you'd have to have an exemption of \$57,000 on the full equalized value of the house, and the legislation calls for a \$3,000 exemption. So, the FEV component of the legislation is more restrictive and reduces the benefit.

LEG. CARACAPPA:

So, just to make it clear to those who go and come before us and support it and people around this horseshoe, we're talking an average of \$14 value on --

MR. SPERO:

On the County taxes.

LEG. CARACAPPA:

For this -- for this bill to be passed.

MR. SPERO:

Right.

LEG. CARACAPPA:

Okay. Thank you.

D.P.O. POSTAL:

Legislator Cooper.

LEG. COOPER:

That is correct, the way the State legislation is written, but I spoke

with one of the two State Legislators, who is a sponsor of the bill, and had forwarded to him earlier this week the financial impact statement from BRO and Fred Pollert's analysis and this was forwarded

49

to Albany. And I got a call back this morning and they admitted that the State made an error in drafting the legislation. And, actually, Fred Pollert is correct, they're going to be submitting a technical correction to the State legislation in January. The bill will probably be signed by Governor Pataki within the next week or two. It was called to his desk several days ago, and they appreciated this technical error being pointed out by Suffolk County and they're going to amend the State legislation. The actual maximum exemption was supposed to be approximately \$700,000, and it's going to be reflected to reflect that fact. So, I'm sorry, \$700 total. That would be for county, town, school district, so the actual exemption for the County portion of the taxes would be about \$70 per year. If you add up the town and the school district taxes, it would be about \$700.

D.P.O. POSTAL:
Thank you.

LEG. LINDSAY:
Max.

D.P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yeah. Again, for BRO, and I guess there's some confusion now on exactly what the bill says, but have you done any computations as to the full financial impact on the County?

MR. SPERO:
The tax levy is set. It is an amount certain that's collected. So, if exemptions are granted to any class of taxpayers, the burden is shifted to the other taxpayers.

LEG. LINDSAY:
What is that --

D.P.O. POSTAL:
Use your mike, Bill.

MR. SPERO:
It would just be \$700. For each individual that qualified, it would be \$700.

LEG. LINDSAY:

No, I'm not saying that. What I'm saying, is there any estimate of the total impact on County revenue?

MR. SPERO:

No, we didn't estimate the total impact on County residents.

LEG. LINDSAY:

You can't.

MR. SPERO:

Of other County residents. Just that the burden -- the burden is shifted to everyone else, depending on how many people qualify.

50

LEG. BISHOP:

What we want to know is how much.

LEG. LINDSAY:

How much.

LEG. BISHOP:

It's an obvious question.

LEG. LINDSAY:

How much will this cost, if we pass it?

LEG. COOPER:

Well, it costs nothing.

LEG. LINDSAY:

Costs nothing?

LEG. COOPER:

Because --

D.P.O. POSTAL:

Well, can I clarify what I think we're trying to find out here? If the technical correction is made in January, and the actual amount equals \$70 for the County portion of the 10% exemption, can we make an estimate based on how many volunteers we assume will apply?

LEG. ALDEN:

Is this a public hearing?

D.P.O. POSTAL:

Yeah, but we have a lot of questions, and I think it's a valid place to be -- to be asking these questions.

MR. POLLERT:

We know that there are approximately nine to ten thousand --

D.P.O. POSTAL:

I'm sorry. Can you repeat what you started to say?

MR. POLLERT:

Currently, the estimate is that there are between nine to ten thousand volunteers, according to Fire Emergency Rescue Services. We're not sure the number of those that are, in fact, homeowners. We had done the first draft through. Because it was so de minimus, we decided not to spend a tremendous amount of time on it. Clearly, if they're going to change the law, so it will be a \$700 displacement, we'll have to go back and we're going to have to recalculate those numbers.

D.P.O. POSTAL:

All right. Could you, as we go through the other public hearings, give us a figure for if 100% of those volunteers applied for this, and then we can assume, you know, what only 50% would be if they were homeowners.

51

LEG. COOPER:

Maxine, if I can just respond. Fred, correct me if I'm wrong. I'm looking at the financial impact statement, and based on the original calculations of \$14 per emergency worker, you had calculated that nonexempt property owners would receive a tax increase of 24 cents. So if it's actually \$70 in the County portion, I worked it out at \$1.20 as the displacement per taxpayer.

D.P.O. POSTAL:

Fred?

MR. POLLERT:

Based on the smaller dollar amount of only \$14, which is currently what the State law calls for, the total impact would be \$126,000, if all the volunteers were eligible and if they all applied. The total cost would be \$6.3 million would be displaced just from the County tax bill if they were all eligible and if they all applied. We would have to look at what the impact would be for all of the taxing jurisdictions, and I'm not so sure I can do that prior to the close of the public hearing this evening.

D.P.O. POSTAL:

Okay could I ask that you prepare a memo for each of the members of the Legislature, so that we have all of the information in front of us. And we recognize that they're projections, that you can't tell us what percentage of volunteers own their homes and what the differences would be in terms of the various tax rates in the different taxing jurisdictions, but just to give us an idea of what we're talking about?

MR. POLLERT:

Yes.

D.P.O. POSTAL:

Thank you. Okay. I have a motion --

LEG. CARACAPPA:

Motion to close.

D.P.O. POSTAL:

-- to close.

MS. BURKHARDT:

Recess.

D.P.O. POSTAL:

Oh, recess, excuse me, this public hearing by Legislator Cooper, seconded by Legislator Lindsay. All in favor? 1829 is again recessed.

Public hearing regarding Introductory Resolution Number 1832, a local law implementing volunteer firefighter and ambulance worker County real property tax exemption. I have no cards for this public hearing. Is there anyone who would like to address the Legislature on this hearing? Hearing no one, I'll make a motion to recess, seconded by Legislator Cooper. All in favor? Any opposed? 1832 is recessed.

52

Public hearing regarding Introductory Resolution Number 1838, a local law to authorize County registry for domestic partners. And our first speaker on this hearing is James Stephens.

LEG. CRECCA:

Didn't we just do this? Didn't we do this already?

LEG. CARPENTER:

No.

LEG. CRECCA:

Oh, that was during public portion?

D.P.O. POSTAL:

No. Let me explain that there are two bills related to domestic partnerships, and many of the people who will now speak have previously spoken on the other hearing.

LEG. CRECCA:

I'm sorry, I understand.

D.P.O. POSTAL:
Mr. Stephens.

MR. STEPHENS:

Yes. Members of the Legislature, my name is James Stephens. Again, I reside in Central Islip, and currently serve on the Suffolk County Human Rights Commission, and am the acting president of the Log Cabin Republicans, which is the Nations' largest gay and lesbian Republican organization. Tonight I wish to address you in regards to Resolution 1838 induced by Legislator Postal.

The idea of creating a County-wide domestic partnership registry came about out of a discussion by the Human Rights Commission -- at the Human Rights Commission meeting in April of this year. At that time, I brought forward information concerning problems of people living in unregistered domestic partnerships in relationship to the tragedy of September 11th. Also discussed was the growing number of businesses that offered benefits to employees in domestic partnerships and legislation that had been recently introduced or passed.

One result of the September 11th tragedy was that people living in domestic partnerships were having a difficult time filing for death certificates, collecting benefits that were extended to family members and spouses. In one case, a family had not been in touch with the deceased for 20 years. Her partner of 21 years received no benefits whatsoever, because they did not reside in an area that had domestic partner registry. The family, who had not been in touch, received all benefits. New York City, having a registry, was able to process requests quickly for those who had registered. Others found nightmares, especially those living in other counties and state.

Currently, in Suffolk County, there are more than 21,600 domestic partner households, according to the 2000 U.S. census. Many of these people work for businesses that provide domestic partner benefits.

53

Others, like the elderly, face losing their hard earned social security money if they were to legally marry. This legislation would have no bearing on the legal status of marriage. It would not require an employer to provide benefits that are not already in place for domestic partners. What this legislation does is to provide an opportunity for those taxpaying residents of Suffolk County living in domestic partnerships to register with the County Clerk their partnership. The qualifications for registration are far more stringent for couples that have the right to marry. The legislation calls for the County Clerk to keep this registry instead of the various Town Clerks. The reason for this is that the execution of the certificate is best handled by one office rather than the various town offices. In Vermont, where civil unions are legal, they found town

clerks have thrown road blocks to prohibit or delay the execution of the law when they disagreed with the law.

Governor Pataki issued executive orders to help domestic partners. The Legislature passed earlier this year a domestic partner legislation regarding September 11th. And President Bush recently signed the Father Mychal Judge Act, providing benefits to domestic partners lost in the line of service to the United States.

In closing, I ask that members of the County Legislature to provide a means for these committed relationships and partnerships to be recognized. I'd welcome any questions that any of the Legislators may have.

D.P.O. POSTAL:

Thank you, Mr. Stephens.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Next speaker is Thomas Kirdahy.

MR. KIRDAHY:

I'm back. I want to quickly reiterate. I spoke earlier of my experience as an attorney providing legal services to people living with HIV and AIDS. I've done that work since 1989. Just today, I left Stony Brook Hospital, where one of my clients past away. I got back to my office, received a call from a family member in Pennsylvania, who suddenly had an interest in his brother's life. He wanted to come out to the home where he -- where his brother -- the deceased's brother had lived with his partner for 18 years and start emptying the home out. My client, the deceased, had a will and made the instructions clear that his family rejected him because he was gay. His surviving partner is now sitting in his home terrified that the family is going to come, take the belongings out of his home, the belongings that he's known as his own for his entire life. Absent a registry, there is no presumption in favor of the legitimacy of these -- of the relationships of two committed people, of the relationship that my client had with his partner over those many, many years. Instead of spending time in prayer and meditation with his deceased lover, he's sitting terrified that he will be ousted from his home. If we had a registry in Suffolk County, he would be able to sleep a

54

bit more comfortably, knowing that his relationship was documented, that there was a record of their love to report to the world.

We must, must, must protect the rights of people living in committed, financially, emotionally interdependent relationships. It is good for

business. It will save the County money. It will attract talent. It will take the burden off of private businesses to jump through the hoops of creating means for people to prove that they are actually in love and in a relationship. It will codify what so many families already have in this County. I urge you to please adopt the resolution before the Legislature. Thank you very much.

D.P.O. POSTAL:

Thank you.

LEG. FOLEY:

Thank you.

D.P.O. POSTAL:

Next speaker is Sandy Rapp.

MS. RAPP:

Hello again. I spoke once before, so I won't speak very long. I just want to say, for any Legislators who think it is a conservative to oppose this measure, the arch conservative of the universe, Barry Goldwater, was pro gay rights. He was a libertarian. He didn't believe that whatever his personal beliefs were, they should be imposed on anyone else, he believed it was a free country, he was a libertarian. That's what conservatism needs.

Please vote with us on this. We really need this as a community. Think about the fact that most heterosexual marriages, of course, that's the only kind there are, but most fail with the ubiquitous blessing of society. We need this help, we really do. It helps us, it helps us -- our community with self-respect and that's very important. Thank you.

D.P.O. POSTAL:

Thank you, Sandy. Next speaker is Pamela Warganz. Pamela here?

AUDIENCE MEMBER:

No, she left.

D.P.O. POSTAL:

Oh, okay. ArchBishop Bruce J. Simpson. Has he left? Okay. Karen Kolsch.

MS. KOLSCH:

Hi. My name is Karen Kolsch. I'm here in support of this issue. I think it's very important that we do have this. I don't see there's any reason why it wouldn't pass. It's only helpful to everyone involved. Basically, if you choose to have a partner, you're registering that partner, you're putting that partner down on a piece of paper. It's giving the people who are involved the chance to register themselves and acknowledge the type of committed relationship

they're in.

55

I had a friend who is a City Sergeant who wound up dying in the line -- in the line of duty, and what happened is her partner, she didn't have a will, her partner had to go through a whole legal battle with her family, and it caused such a horrible relationship, that now my friend's partner no longer speaks with the family of my friend because of what happened after the death.

[SUBSTITUTION OF STENOGRAPHER - DONNA BARRETT]

MS. KOLSCH:

If -- and she was her domestic partner registered for her benefits, so she did have it, it was recognized that way. But because the will wasn't there and she had already written out paperwork with, you know, her family as beneficiary, it was -- it was a terrible legal battle. And I just think that if we have this, we can form relationships, decide at what point in time we want to be registered and also what point in time we want to dissolve the relationship. And it gives the recognition of the County that they are here, and we're make this decision, it's not up to the courts to decide; were they in a relationship or weren't they, and who's going to decide if they were or not. Let the people who are involved in the relationship make the decision and register themselves. And I don't see why anybody would be opposed to that. It just makes no sense to do it. It's a win-win situation. Thank you.

D.P.O. POSTAL:

Thank you, Karen. Next speaker is Stephen Sebor.

MR. SEBOR:

Hi. Once again, Steve Sebor with the Empire State Pride Agenda. I will be brief. Obviously the importance of this bill establishing a registry is it would give couples that piece of paper they so desperately need to prove their relationship, which unfortunately, many people have had to do to prove their relationship, right? When you're married all sorts of rights and benefits follow automatically with that. If you're a heterosexual and you enter into a marriage. If you're in a gay or lesbian relationship, there's no recognition of that relationship. Recently I heard of a story where there was a couple who went to the local hospital, and the partner was told that he was not family and could not stay with his partner when he was brought back into -- to be treated. These kinds of things happen all the time. I mean, I think we take for granted some of the benefits and rights that come with marriage. If that was a heterosexual couple and they said this is my wife, this is my husband, it wouldn't have been a question, they would have automatically been allowed to -- to go back and be with their partner during that time. It is so important that we allow people to have that piece of paper, to sleep

better as night, as Tom Kirdahy had said, his partner would sleep better at night if he had a registry, if he had that documentation of their relationship. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Thomas Hroncich.

56

MR. HRONCICH:

Thank you once again. My name is Tom Hroncich, and I'm representing the Gay Democrats of Suffolk County. I'd like to thank Legislator Haley for so eloquently providing a strong argument in favor for this -- this bill in the discussion of Mr. Cooper's bill. In my previous comments -- Maxine, you're looking at me very confused, but he basically -- he basically said that it would be good to leave it up to the state government, because there is no way of -- of having a record as to what is going on in gay and lesbian relationships. So if there was to be a registry, that problem would be solved. That's what I'm referring to, sorry for the confusion. When I spoke on behalf of the other bill, I was really speaking on behalf of my friend Karen Culsh. This bill affects me personally.

On September 11th, I was -- after voting in the primary, I had caught a slightly later train than I normally take into Manhattan and was approaching the Jamaica Train Station when people's cell phones started going off and people were getting calls from their loved ones. The gentleman behind me got a call from his wife who said that she had seen -- was watching the news, and that the first plane. He was actually on the phone with her when the second plane hit. And I knew that I should get off that train and not head all the way into Manhattan.

When I got off the platform and I saw the smoke from the towers actually from Jamaica Train Station, the first thing I did was call my partner of 11 years, Angelo, and let him know that I was okay, that I was not in the city, as I'm sure everyone in this room called someone that they loved during that moment. And hearing what Jim said Stevens said about the origin of this bill, which I was unaware that that was where this first came up, it really -- it really struck a chord with me. That this is a really important thing, to think that if Angelo didn't know where I was, whether I was dead or alive and if I had died day would have potentially has a problem entering different places where I could have been, whether it be a hospital or morgue. It just -- it saddens me to think that that indeed might happen. And given what President Bush and people in his administration have spoken about, the -- I can't even say the word, because I need water -- the inevitability of another strike. Not a day goes by that I go through that tunnel into Manhattan to work that I don't think that about that possibility.

Last summer I entered after ten years of being in a relationship with Angelo, after meeting Archbishop Simpson, we entered into a right of union with the Old Catholic Church, and we were very happy to actually in some way, in some official way, validate our relationship before the eyes of God. What this bill would do would be to validate our relationship before the eyes of people of the Suffolk County. During our recess before in the middle of my comments, some people came up to me and somebody mentioned that Mr. Cooper's bill was a no brainer. And some people may think that. I think that this bill is the no brainer bill.

And with all due report to my friend Sandy Rapp, who made the statement earlier about this not being a conservative issue, the reality is that the conservative Party in the New York are not true

57

conservatives. I think everyone before me understands that. But this is a Conservative Party issue, and the Conservative Party must know that there are all sorts of things that we register in our society that some people might not like. I'm an attorney, I'm registered in the State of New York as an attorney. A lot of people don't like attorneys to much. My dog is --

LEG. TOWLE:
Nothing personal.

MR. HRONCICH:
Guns are registered. There are many people who aren't to thrilled about the number of guns that are on our streets, but they're registered and they're registered for a purpose. Supporting this registry is not saying that you support the idea of two men or two women living in a loving committed relationship. It simply wouldn't be that way. The Conservative Party wants you to think that, and wants certain sitting before me to not support this bill because of that. But that is, in fact, not the case. So once again, I would like to thank Maxine Postal for introducing this bill, and I think you all for the time, and please support this bill.

D.P.O. POSTAL:
Thank you, Tom. I have no cards for this public hearing, is there anyone who -- okay. David come up and give your name.

MR. KILMNICK:
Hi. My name is David Kilmnick. I thought when I signed up initially to speak on behalf Legislator Cooper's bill that it would be like ditto for this one. And while I don't have notes written on a envelope for this one, as Tom had just said, while the first bill will not affect me, because I'm not a County employee and cannot receive those benefits, although I fully support it as a taxpayer here in

Suffolk County, this bill will. And it reminds me of something that happened to me a couple -- just two months ago actually, and it has to do with car insurance. And you know, a couple of -- and I'll explain it in one second -- but a couple of people before me had said this will legitimize out relationships, this will legitimize our relationships. As far as I'm concerned, I don't need any Legislator to say your relationship is okay. I know that in my heart and how I feel for someone that it is okay.

What this legislation will do, in fact, is give me again the same rights as my neighbors who I spoke about before. And what I mean by that is that two months ago I was -- my car and homeowners insurance is with the Hartford and Hartford Insurance Group. And I had seen a couple of years ago in a magazine that the Hartford Insurance Group offers domestic partner benefits, and I thought that that -- and I had thought that they offered domestic partner rates as well, just like they offer marriage rates. And so I called up the Hartford Insurance Company and they said, yes, we do do this, went through the whole application, because my domestic partner and myself live together, and they said, okay, this is going to save you over \$750. I was like great, great. And then they said, wait, hold on one second. They came back and said you know what, the place where you live does not offer domestic partnership, does not have a registry, therefore, you

58

cannot get it. So what this registry will do is not have anyone on this horseshoe say, you know what, I agree with you relationship. You don't have to agree with my relationship. What I'm asking you to do as a Legislator who represents all of Suffolk County's residents is give me the same benefits that my neighbor has. Thank you very much.

D.P.O. POSTAL:

Thank you. Is there anyone else who would like to address the Legislature on this public hearing? Hearing no one, I'll make a motion to close the public hearing regarding Introductory Resolution Number 1838, seconded by Legislator Fisher. All in favor? Opposed? 1838 is closed.

Public hearing regarding Introductory Resolution Number 1903, a local law amending the destination of empire zones. First speak on this public hearing is a Laurie Ann Taggart from the County Executive's Office.

MS. TAGGART:

Good evening. My name is Laurie Taggart, I'm with the County Executive's Office, I'm also Chairman of the Zone Administration Board for the Empire Zone at Calverton. I'm here to request your support of IR 1903, which authorizes our submission of an application to the New York State Commissioner of Economic Development for a boundary

revision to the Suffolk County Empire Zone at Calverton. Basically very quickly, this revision removes designation from underutilized areas that have been retained by the Navy for environmental remediation and redirects benefits to areas already slated for redevelopment. Those new areas include downtown Riverhead, Riverside on the other side the Peconic River, Gabreski Airport and about 140 acres of industrially zoned acreage within the fence at Calverton.

And by shifting these zone benefits, we can provide much great benefits that the existing unused allocation as measured by job creation and property tax generation. And we can focus developers attention to these already disturbed areas that encourage revitalization of deteriorated areas within the Towns of Riverhead and Southampton as opposed to undeveloped tracks of green open space. That's it in a nutshell, and I'm just respectfully requesting you support of 1903. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Dede Gotthelf.

MS. GOTTHELF:

Thank you very much. I'm the developer of the River Cat Walk project, which consists of approximately 25 acres between the Peconic River and Route 24 in the Hamlet of Flanders River Side, Town of Southampton. The project as we conceive it is for 130 key hotel conference center. It's going to be the sibling of the Southampton Inn in the Village of Southampton, it's going to have a ballroom and a restaurant, children's play area, playground, tennis court, indoor swimming pool and spa, an outdoor heated pool, and hopefully will provide 145 jobs for the community, job training, and become an anchor or a catalyst for further development within the Flanders Riverside area. The zone would be very helpful to be able to start the project quickly to

59

provide benefits to help with its financing and to break ground in June of 2003 we hope. Thank you. Are there any questions.

D.P.O. POSTAL:

Thank you. The next speaker on this hearing is Robert Kozakiewicz.

MR. KOZAKIEWICZ:

You did good.

LEG. HALEY:

She's a democrat.

D.P.O. POSTAL:

I am a democrat, that doesn't mean that I mispronounce everything, i just try to keep it to republican names.

MR. KOZAKIEWICZ:

I am here today to urge your support of this Introductory Resolution. I'm here appearing as a member of the Zone Administrative Board. We have been talking about an amendment or a modification of the zone boundaries for quite sometime now. The process started in the middle of 2000 when we began to look at taking some of the 32 acres that had not been applied and utilizing it downtown. More recently, within the last six months, maybe last eight months, we had discussions which included transfer of zone benefits or some of the zones boundary to Gabreski Airport and then more recently to the Flanders area.

I will be vet honest, initially i was not necessarily on board with the concept. As I began to look at this more closely, however, realizing that concern of the zone benefits were not be utilized in the current configuration, i.e., the Calverton property and that they could be better utilized at Gabreski and certainly in the Flanders Riverside area, I too came on board and support this change in the boundary as it currently exists.

We believe that it will be beneficial -- certainly I'm here not speaking solely as a Zone Administrative Board member, but also as one who sees that can be beneficial to my downtown community, and that the project being proposed in riverside will have a reciprocal beneficial effect on our side the river, the north side. We urge you to pass this resolution. We'll need to take it up as a town board, and I believe it will get passed. Thank you.

D.P.O. POSTAL:

Thank you. I have no other cards on this public hearing. Is there anyone else who would like to address the Legislature on 1903? Hearing no one, motion by Legislator Haley to close, second by Legislator Caracappa. Come up please and give your name.

MS. MCGUINESS:

My name is Trese McGuiness from Flanders, and I just came here this evening because I just heard about this recently from the news. And I just wanted to ask you not to pass this resolution, because this is about poor government policy. My family has been in the Flanders area

60

for the last 50 years. Myself and the organizations have been active in trying to get information to try to better our community. The majority of residents who live in the western portion of the Town of Southampton have not been apprised of this project or this development. So I would ask you not to pass this resolution, because first of all, it's going to have a tremendous impact on the wetlands which is right at the Peconic River Estuary.

Also, this project is going to sit on top of a 35 acre industrial zone. I don't know if you've been made aware of that, but we have a empire zone here, and right on top of that, we have the largest industrial park that is being proposed in the Town the Southampton. So it was a empire zone and an enterprise zone, this will virtually shut down my community. We have only one road, Route 24, with an entrance and an exit. So you're going to have two massive development projects. And I can say to you this, I think that government has a responsibility to inform its taxpayers and residents. When Mr. Heaney, Supervisor Heaney was in Flanders, he was at a meeting going over our taxes. The empire zone and the industrial was on the agenda. He adjourned the meeting, and I asked the land development manager, Mr. Murphy, who told me that's already been done. I think it's wrong, I think it's very very serious for anyone to sit here and think that you can pass resolutions without informing the residents and taxpayers of this community. The residents have a right to full information. We know nothing about an empire zone, we know nothing about what this is -- what kind of jobs this is going to create. We're talking about \$6, \$7 an hour jobs. This is going to have a very tremendous impact on our community. So I think, you know, I think personally myself, I finds it insulting that they can come up with this project and yet this room is not filled with residents of the community, because the community has not been apprised of what this exactly means.

I can guarantee you that if you ask most of the residents what does this mean to me? They are not going to have a clue. And I think government has a responsibility to inform the taxpayers as to what's occurring, and that has not happened. And I'd also like to ask what is the Town of Riverhead getting from the Town of Southampton for this transfers of credits. I think this is very very serious thing, because I don't think government and projects can exist in a vacuum. Flanders and this and area right now is in a state of crisis. We're at meltdown. The western portion of the Town of Southampton right now is under siege. We have the largest development community coming -- coming into your town. When Mr. Heaney started a hamlet study at \$55,000 to the taxpayers when all the development is already going through. So on the one hand he has us participating in a hamlet study, what do you want, when we already have a empire zone and an enterprise zone on a 35 acre -- 35 acre enterprise zone in LI 40 sitting right on top of an empire zone. So I think this is very very serious, and I would -- I would -- I would respectfully ask that you not pass this resolution, because the residents and taxpayers have not been properly apprised of just what this is going to mean to them and to their community. And so I respectfully ask --

P.O. TONNA:

Thank you. Legislator Foley, you have a question.

LEG. FOLEY:

Ma'am the way the process would work is if the hearing is closed tonight it still has to be reviewed and voted upon in committee. Now, Mr. Chairman, has the Economic Development Committee the prime committee for this resolution? Is the Economic Development Committee the prime committee for resolution?

P.O. TONNA:

I would have to -- this is the public hearing, right?

LEG. FOLEY:

Right for 1903. Do we know? Counselor, is 1903 --

P.O. TONNA:

Yeah, I would say that probably.

LEG. FOLEY:

So the way the process -- the way the process will unfold --

MR. SABATINO:

It can't be voted on tonight.

LEG. FOLEY:

We know that. We know that, Paul.

P.O. TONNA:

The prime committee would be Economic Development. By the way, some people were under the impression that tonight there's going to be a vote cast by the Legislature --

LEG. FOLEY:

I was about to speak on that. Tonight we're not -- we're not voting on the merits. Tonight we're fulfilling the -- the retirements of the County Charter, where a public hearing will be held, we'll close it, then at the next Economic Development Committee meeting, it will be voted on at that particular meeting. If you need to know the time and place, you can speak with staff and speak with your local Legislator. It will be the week of September 9th, whichever day of that week is the Economic Development Committee meeting. Then people for or against this particular proposal can attend that meeting, and that's when the merits of the bill will be voted upon. Tonight it will not be a vote on the merits. It's to fulfil the public hearing requirements to the County Charter.

P.O. TONNA:

Ms. McGuinness, just a quick question. You said that there was a question about Riverhead that you said something about what is Riverhead.

MS. MCGUINESS:

Right. What is Riverhead getting from the Town of -- I mean, you know, Riverhead has been -- you see, the residents and taxpayers in my community have consistently -- the western portion of the Town of Southampton, we don't have representation. And we have consistently asked to be put in the loop so that we can make judgements on what's

62

to occur. So my question is obviously, the Board of -- the Riverhead Town Board and Mr. Kozakiewicz or whoever has been working with Supervisor Heaney, obviously. I mean, they've been in discussion. So my question is when your -- if you're giving something up, why is Riverhead giving up these credits? And what are they going to be getting form -- what offer has Mr. Heaney been making to the Town of Riverhead? What is Riverhead giving -- what is Southampton going to give Riverhead?

P.O. TONNA:

Two questions. I'll just ask Legal Counsel, how does that work? Just so I can understand, you know. I mean, I know how it works in hospital beds.

LEG. GULDI:

While we're waiting for Counsel, I can address specifically how -- part of reason that Riverhead has to -- Riverhead wants to move part of their credits for zone to downtown Riverhead. To do that, they have to come to Suffolk County for the application. They can't do it without us. What Riverhead gets out of it is Riverhead gets to move some of the zone where they want to, and the rest of the zone comes into Southampton Town, some goes to Gabreski Airport and some goes to the Riverside project that's been proposed. That's what Riverhead gets out of it, and that's why they're here this way.

P.O. TONNA:

By giving some of -- how does the credits work, just so that I can understand the mechanism? These are economic development credits, what are they?

LEG. GULDI:

I think that some of the speakers here are well qualified to address the array of credit benefits, but there is an array of different credits that exist under the empire zone.

MR. SABATINO:

When you get into the zone, you get a series of benefits under -- in terms of taxes, you know, sale tax, property taxes, they're abated, they're reduced.

P.O. TONNA:

But how does Riverhead transfer its credits over to Southampton,

that's part of the application, right?

LEG. GULDI:

Riverhead doesn't transfer the credits. We, the Suffolk County -- Suffolk County have to transfer the credits.

P.O. TONNA:

They make the request of the state.

LEG. GULDI:

We, the County, are the applicants for moving those credits. And the reason we can move them from town to town within the County is because we, the County, are the applicant.

63

P.O. TONNA:

Doesn't it have to be approved by the town? We can't just move credits from town to town, okay?

LEG. GULDI:

I believe they have been approved by the town --

P.O. TONNA:

Legislator Bishop, I'll recognize you. I just -- you know, it's a complicated issue that I'm not --

LEG. BISHOP:

I was going to recess because I have a series of questions, technical questions like this, about the nature of the credits. And unless we're going to call back people who have already spoken, then I think we should just recess this until the next --

P.O. TONNA:

Okay. All right. Thank you very much Ms. McGuiness.

LEG. BISHOP:

Motion to recess.

P.O. TONNA:

Is there anybody else who wants to speak on this issue? All right, sir, come on up. Name, rank, serial number. I notice your a Teamster.

MR. BREWER:

Do you have a problem with that?

P.O. TONNA:

No. No. I'm just looking, that's 282? As long as Gary {Labarbara} doesn't have a problem with that, I don't.

MR. BREWER:

Okay. I'll see Gary next week, I'll tell him you said hello. My name is David Brewer, I'm the President of the newly formed Flanders Riverside Northampton Community Association. Although we are in our infancy stages, we just recently formed. We did discuss this project at two of our meetings, and there was no negative comments out of the of the association at the time. We -- I wish to show support for this. Although we are sensitive to our school tax in the Southampton Hamlets of the Riverhead School District, I believe this project and the targeted revitalization provide an anchor to further development in the area.

P.O. TONNA:

What group is this that you represent? What civic group.

MR. BREWER:

Flanders Riverside Northampton Community Association.

P.O. TONNA:

Okay. And this is a Southampton entity?

64

MR. BREWER:

Yes, sir.

P.O. TONNA:

And basically you mentioned about school district, how does that work? In other words, if you have a hotel, right, they talk about hotel or something in that area?

MR. BREWER:

Yes.

P.O. TONNA:

How does that affect school district taxes?

MR. BREWER:

Well, I guess -- I don't fully understand this, but, I guess part of this there will be abatements given to property tax or something like that. We've been in a long battle for a segment rate change in the area, because we feel our taxes are -- they're not proportionately good.

P.O. TONNA:

Right. You need to be reassessed.

MR. BREWER:

Well, we're in a reassessment right now, Riverhead, I believe, needs to be reassessed. They haven't reassessed in 30 years.

P.O. TONNA:
Right.

MR. BREWER:
And I believe that would certainly help us. And I just wanted to speak fully in support of this resolution tonight. I guess we're going to recess tonight, and we'll reconvene in --

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:
Well, Legislator Bishop's going to make a motion. It's very hard for me to define our Legislators feel on certain issues, so we'll have to see, but --

MR. BREWER:
If it -- if you do close tonight, there'll be a written comment period or -- I'm not familiar.

P.O. TONNA:
The process is -- the way that it works is that, if we close the hearing tonight, then this bill will go in a prime committee, to Legislator Cooper's committee, which is economic development. There, at the Economic Development Committee meetings, there will be an opportunity for public comment, once again, fill out cards, speak on the issue. At that time, it's really the committee chair, and that committee's charge is to go into every single relevant issue with regard to this Empire Zone, you know, the specifics of the bill, all

65

of those types of questions.

The public hearing comment part is very helpful, because it's almost like a coming attraction. We get to hear -- the full Legislature gets to hear what the issues are, involve public comment, then we get to go into details in the committee, and then it comes back again to the full Legislature. And if I understand the process with regard to this particular bill, it is public hearings, which Legislator Bishop has already said he would like to recess, which means have more public hearings, so we could now do some homework, ask some questions, then it goes to the committee, then, if it's passed out of committee, it comes back to the Legislature. If we vote in the affirmative, then I think the Town of Riverhead still has to, you know, have some say in the matter.

LEG. LINDSAY:
And Southampton.

P.O. TONNA:
And Southampton. All right? And so that's the process.

MR. BREWER:
Okay.

LEG. FIELDS:
Town of Islip?

P.O. TONNA:
Yeah, yeah. We're going to -- but Islip gets representation with the four fine Islip Legislators here who always do their due diligence. Okay. All right?

LEG. GULDI:
You counted a little wide there.

LEG. CRECCA:
Excuse me.

LEG. CARPENTER:
Five.

LEG. CRECCA:
Excuse me, five.

LEG. CARPENTER:
Five.

P.O. TONNA:
Five. Oh, I'm sorry. You're running in every town.

LEG. CRECCA:
That's right.

P.O. TONNA:
That's right. Okay. So, anyway, that's basically --

66

LEG. BISHOP:
We don't want him in Babylon.

P.O. TONNA:
-- the story.

MR. BREWER:
Okay.

P.O. TONNA:
All right?

MR. BREWER:

Thank you for the opportunity to be heard.

P.O. TONNA:

Thank you very much, sir.

MR. BREWER:

Thank you.

P.O. TONNA:

Is there anybody else who would like to comment on this, or just correct me? I'm probably wrong on a couple of things. Go right ahead. Most people save it for, you know --

AUDIENCE MEMBER:

I just wanted to offer --

P.O. TONNA:

Set the record straight.

AUDIENCE MEMBER:

I just wanted to offer to answer any questions that I might be able to this evening.

P.O. TONNA:

No, that's not -- that's not possible.

AUDIENCE MEMBER:

No.

P.O. TONNA:

Sorry, next hearing. I apologize. Okay. There is a motion to recess by Legislator Bishop.

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by --

LEG. CRECCA:

On the motion.

67

P.O. TONNA:

Just wait, we need a second. Seconded by Legislator Fisher. On the motion, Legislator Crecca.

LEG. CRECCA:

Yeah. I understand you want to ask more questions, but there's a long process that goes -- that we're going to go through after this. It's going to go back to committee, it will get rehashed. It will be back before us again to debate. And I'm not really sure of the purposed of recessing this at this point, other than to delay it another few weeks. And I would just encourage us, maybe we shouldn't recess. I mean, I'll certainly hear what Legislator Bishop has to say, given the fact that it's going to go before Economic Development.

LEG. BISHOP:

What I'd like to do in the intervening time is research the nature of these economic development zones, which I'm not completely familiar with. Like, for example, at its most basic, don't you have to have an area in need, and can you simply declare some other area in need? And what is the criteria of need for the geographic area? That doesn't make sense to me. Like, apparently, one -- the initial place qualified because of some set of circumstances. I assume that same set of circumstances doesn't exist in the location they want to move it to. So how could they both be qualified? That's the type of thing I want to research in the intervening period.

LEG. CRECCA:

And I don't -- I don't -- I not only don't fault you, I think you're -- you should be commended for looking into that and we should look into that. But the bottom line is that could be done during the --

P.O. TONNA:

Let's commend him. Hold it.

LEG. CRECCA:

That's all.

P.O. TONNA:

Let's take a second to commend him. We commend you.

LEG. BISHOP:

He didn't want to commend me. Carpenter told him to commend me.

P.O. TONNA:

We commend you, Legislator Bishop.

LEG. CRECCA:

You're all commended now, Bishop.

P.O. TONNA:

Okay, there you go.

LEG. CRECCA:

But why can't that be done while it's in the Economic Development Committee or before -- back before this Legislature?

LEG. BISHOP:

Because I'm not on Economic Development.

LEG. CRECCA:

It has nothing to do with the public hearing portion, which is the portion that we're dealing with now and that is public comment.

P.O. TONNA:

What Legislator Crecca is saying, he wants to commend, but reprimand. There we go. All right, there we go.

LEG. CRECCA:

Let's close the hearing and let's do our due diligence and let's look into the legal matters.

P.O. TONNA:

All right.

LEG. CRECCA:

That's all.

P.O. TONNA:

Legislator Fields.

LEG. BISHOP:

Well --

P.O. TONNA:

Oh, Legislator Fields has the floor. Thank you, Legislator Crecca. Please, Legislator Fields.

LEG. FIELDS:

I agree with the recess, because one of the speakers also suggested that they had not received enough notice, and I think this gives them the opportunity to get more information, as it does myself and anyone else who's not on the Economic Development Committee. I would like to know more about this before we move forward, too.

P.O. TONNA:

Okay. Anybody else? Legislator Cooper?

LEG. CARPENTER:

On the motion.

P.O. TONNA:

Oh, sorry. Legislator Carpenter.

LEG. CARPENTER:

I agree with Legislator Crecca, that I think we should close this, so that we can let the process move forward. But, certainly, in doing that, it does not mean that we can't do the research, that we can't get the questions answered. At a time when the economy is not as good as we might like it to be, I think we need to look at every opportunity to enhance economic development initiatives. So, in light of that, I really don't think we should be stalling the process. We may find out later that we really needed to move forward quicker. So,

69

again, we can do the research, we can get the questions answered, but I think we should close the public hearing.

P.O. TONNA:

Okay. Legislator Guldi, I just ask, in deference to you, because I know that you represent part of this district, and Legislator Caracciolo, who represents the other part, have you had an opportunity to talk to Legislator Caracciolo, and do you have a regional opinion or, you know --

LEG. GULDI:

We -- Legislator Caracciolo and I met -- discussed this very briefly. I don't remember him articulating a position with it one way or the other. I do know that as this started, process started, George Gatta did reach out to me to check about whether or not there was -- as the Legislator from the District support for moving it into these two target zones. The substantially identical conditions, in terms of certainly airport to airport exist, and the downtown area of Riverhead, as well as the area of Riverside, are both in need of economic revitalization. So I have no objection to this going forward. Legislator Caracciolo is now here and he certainly will, no doubt, be able to express his own opinion, not in short order.

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I understand Legislator Bishop would like it recessed, because he has further questions. Dave, you're not on the Economic Development Committee?

LEG. BISHOP:

No.

LEG. CARACCIOLO:

Okay. All right. Can those questions be posed tonight and answered?

LEG. FIELDS:

You missed my comment. One of the speakers suggested that the

community had not -- that they didn't get any information about this, and I thought that it might be a better idea to recess it, so the community, who this affects more than anyone else, has the ability to get whatever information they need.

LEG. CARACCIOLO:

Counsel, the next meeting date is September 17.

LEG. FOLEY:

September 17th.

LEG. CARACCIOLO:

Right.

MR. SABATINO:

September 9th is the next committee meeting.

70

LEG. CARACCIOLO:

Oh, 9th.

MR. SABATINO:

The 17th is the next general meeting.

LEG. CARACCIOLO:

General Meeting, okay. Well, under our rules, it would seem that the appropriate place to air these issues would be at the committee, therefore, I would support a motion to close.

P.O. TONNA:

Okay. All right. Do we have everybody here? Legislator Towle and Binder are still negotiating? Okay. Any --

LEG. GULDI:

Actually, a point of order to counsel. Which would take -- the motion to recess has been made. Which would take priority, that motion or a subsequent motion to close?

MR. SABATINO:

Motion to recess takes precedence.

P.O. TONNA:

Okay.

LEG. GULDI:

Thank you.

P.O. TONNA:

So there's a motion and a second. Roll call.

LEG. ALDEN:
To do what?

LEG. GULDI:
To recess.

LEG. FISHER:
Recess.

LEG. FOLEY:
Do all in favor, opposed.

LEG. ALDEN:
Recess the meeting?

LEG. GULDI:
No.

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

LEG. GULDI:
No. I want a roll call.

71

P.O. TONNA:
You want a roll call. Go ahead.

LEG. ALDEN:
I'm in favor of recessing this meeting.

MR. BARTON:
Mr. Chairman, who made the second?

P.O. TONNA:
Yes. Just remember --

LEG. CARACAPPA:
Bishop/Fields.

P.O. TONNA:
-- it's ten to nine.

MR. BARTON:
Bishop/Fields. Thank you.

LEG. FISHER:
No, Bishop/Fisher.

P.O. TONNA:
Oh, you got it? You got it? You're rolling calling?

LEG. CARACAPPA:
Bishop/Fisher.

MR. BARTON:
Okay, thank you.

LEG. CARACAPPA:
Sorry.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:
Yes to recess.

LEG. FISHER:
Yes.

LEG. COOPER:
No.

LEG. BINDER:
(Not Present)

P.O. TONNA:
No? Okay.

LEG. NOWICK:
Yes, recess.

72

LEG. CRECCA:
No to recess.

LEG. CARPENTER:
No.

LEG. ALDEN:
Nope.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. CARACAPPA:

No to recess.

LEG. TOWLE:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

LEG. POSTAL:

Yes.

P.O. TONNA:

No, not if the Chairman --

MR. BARTON:

Legislator Binder?

P.O. TONNA:

Legislator Binder is not here.

MR. BARTON:

Seven.

P.O. TONNA:

I mean, he's here, but he's not here.

MR. BARTON:

Seven. It fails. (Not Present: Leg. Binder)

LEG. FIELDS:

He's not here. He's not here, he's not here.

73

P.O. TONNA:

Yeah. I mean -- no, he's here, he's with us.

MS. BURKHARDT:

He's with us.

P.O. TONNA:

He's with us.

LEG. CARACCIOLO:

Mr. Chairman, I'll make a motion to close.

LEG. GULDI:

Second.

P.O. TONNA:

Okay.

LEG. CARPENTER:

Second.

P.O. TONNA:

All in favor? Opposed?

MR. BARTON:

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

P.O. TONNA:

Find. I would ask the Chairman of the Economic Development Committee, there are a number of questions. We can give you the cards, or whatever else, that maybe your office could reach out to these -- just and I would ask that when it comes to a vote of the Legislature, I'm definitely fuzzy on the whole issue of transferring credits and stuff, things that Legislator Bishop has articulated, so I'm going to need -- you know, we're going to need the County Executive's Office, and I guess I make those requests. So we're making the request now, that make sure that if this does get out of committee and comes to the full Legislature, that you can answer any questions with regard to these type of things.

LEG. FIELDS:

Can I ask a questions? Is it possible to let all the Legislators know, or do we just have to come to that committee meeting, is that the deal?

P.O. TONNA:

Excuse me?

LEG. FIELDS:

Would it be possible for us to all get a memo?

P.O. TONNA:

Yeah. No, I'm not asking for a memo, just when -- if it comes to us to vote, we want to -- I want to hear the conversation.

LEG. FIELDS:

Those who are not on the committee to get more information is what I'm asking.

P.O. TONNA:

Yeah. Maybe you could give us an executive summary of how this works; okay?

LEG. FISHER:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. FISHER:

Further to that, I'm on the Economic Development Committee, and the presentation there was very clear, and there was certainly a great benefit to the school districts that are involved. However, as articulated by Legislator Fields, I was concerned when there were people from Riverhead who said that they were not aware of how it would impact them and they wanted to comment. I would like to respectfully request from the County Executive that they ask representatives from the two different Towns to also come to the Economic Development Committee, so that we can listen to their point of view, and, therefore, make a better judgment, vis-a-vis the impact on the Towns.

P.O. TONNA:

Okay. Thank you very much, Legislator Fisher. Okay. Let's move on.

LEG. CRECCA:

Motion to close.

P.O. TONNA:

There was a motion and a second to close, right? I thought we voted already? No?

LEG. CARACCIOLO:

We did, 17-1.

LEG. CRECCA:

We voted already?

P.O. TONNA:

Yeah. Let's move on. Okay. We're setting the date of the public hearings of September 17th at 2:30 in William Rogers, Public Hearing Number 1916, 1923, 1945, 1946, 1949, 1952, 1953, 1954, 1982.

D.P.O. POSTAL:

So moved.

P.O. TONNA:

Okay. A motion by myself, second by Legislator Postal. All in favor?
Opposed? Approved. Okay.

75

LEG. COOPER:

I'd like to make a motion to discharge Resolution 1391.

P.O. TONNA:

Excuse me?

LEG. COOPER:

I'd like to make a motion to discharge I.R. 1391.

P.O. TONNA:

1391?

LEG. BISHOP:

What's that?

P.O. TONNA:

Okay. We're in the public portion. I mean, if -- well, we're not going to finish the public portion, but we still got a lot of people.

D.P.O. POSTAL:

Well, we still have until one o'clock in the morning, according to our rules.

P.O. TONNA:

Okay. All right. Legislator Postal, back to the public portion.

D.P.O. POSTAL:

Back to the public portion. And, again, I remind everyone that we have a great many speakers who have filled out cards to speak during the public portion. We can move along, if we confine ourselves to truly vital questions. Remember, that our rules allow us to continue the public portion until one a.m., if necessary, so --

LEG. FISHER:

Or come back tomorrow morning?

D.P.O. POSTAL:

No, we can continue. However, our next speaker during the public portion is -- this is actually familiar to me. Did this person speak previously, or is this another member of the Hoeffner Family? Somebody, A. Hoeffner? Not here? William Tillotson.

AUDIENCE MEMBER:

He's gone.

D.P.O. POSTAL:

Not here? Wayne Gutschow.

MR. GUTSCHOW:

Good evening. My name is Wayne. I'm a pilot, and like Legislator Guldi, I'm an aviation enthusiast. And I'm here this evening to support Joseph Fishcetti's earlier statements about North Side Hangars' application for a lease being delayed for approximately three years, as I stepped up to the plate three years ago and put down my money and received a contract from North Side Hangars for hangar space. Now, we're not against anybody putting up a hangar. I mean,

76

that's the lifeblood of the airport, to get aircraft in there. And North Side Hangars is looking at the same kind of aviation as what Legislator Guldi is promoting the use of his hangar. This is general aviation sport aircraft. It brings business into the infrastructure of the airport. These are private use aircraft, it's not generating the high volumes of traffic that you would see with commercial and charter organizations. And we feel that it's been a unjust cause to wait this long with no real reason. We understand the early delays in the first year, 1999, where an environmental impact study was required, and we pursued that and we endured it, and that was completed and that was the end of it. And, again, it just hasn't been resolved.

So we understand that being late in this evening, we've lost a lot of pilots that were here earlier in the six o'clock hour. They had family obligations that they had to leave. But I can honestly speak on behalf of the prospective tenants of North Side Hangars, that we would like to see a resolution come to this, in light of Legislator Guldi's recent request for a hangar -- a hangar lease review. The fact that the door is now open and the Board is going to be talking about leases, it's really struck fear in us, that we're going to be left behind again for, again, no reason.

So we would just like to say that we would like a fair shake. If you're going to be looking at hangar space, please give us an opportunity to follow our cause as well. Thank you.

D.P.O. POSTAL:

Thank you. Legislator Lindsay has a question.

MR. GUTSCHOW:

Sure.

LEG. LINDSAY:

Yeah. I'm not quite sure, are you speaking against those two resolutions that were previously talked about here?

MR. GUTSCHOW:

Only in respect that we've been sitting on our hands for three years with the same request as what Legislator Guldi has brought to you now, and now he's gotten it somehow forward enough that it's going to be voted upon, but we haven't had a yea or a nay on our side for 36 months. And it's the same, legitimately the same kind of building, the same space. It has nothing to do with previous hangars, this is North Side Hangars, which does not currently have a lease with the County.

LEG. LINDSAY:

Okay. I'm still trying to comprehend your position on what you're speaking for or against here. You're not speaking, per se, against the resolutions to change the Ethics Law that Legislator Guldi is requesting.

MR. GUTSCHOW:

No.

77

LEG. LINDSAY:

You're speaking as a --

MR. GUTSCHOW:

I'm actually --

LEG. LINDSAY:

As a citizen to expediate the process of this, to authorize these hangars.

MR. GUTSCHOW:

I would be in support of that, yes, if it's truly a fair shake across the board.

LEG. CARACCIOLO:

Madam Chair.

D.P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

To follow up on Legislator Lindsay's inquiry, I understand you're not opposed to the two resolutions that would permit Legislator Guldi to lease hangar space.

MR. GUTSCHOW:

Right.

LEG. CARACCIOLO:

He has explained in great detail the lease arrangements would be consistent with the most recent lease extensions at the facility.

MR. GUTSCHOW:

Right.

LEG. CARACCIOLO:

Do you have any issues with that?

MR. GUTSCHOW:

No.

LEG. CARACCIOLO:

Okay. Then it seems that at least representing yourself, and that's all you're here to represent tonight.

MR. GUTSCHOW:

Yes, as a future tenant in the same position --

LEG. CARACCIOLO:

Right.

MR. GUTSCHOW:

-- coming from the same direction.

LEG. CARACCIOLO:

Okay. You know that Mr. Guldi's lease is predicated on him taking

78

space that's at the south end of the facility, where there is no electric and there are no other facilities that are presently available by other lessees.

MR. GUTSCHOW:

Right.

LEG. CARACCIOLO:

Okay. And that would be incurred at his expense.

MR. GUTSCHOW:

Yes.

LEG. CARACCIOLO:

Okay. You don't have a problem with that.

MR. GUTSCHOW:

No, no.

LEG. CARACCIOLO:

I wouldn't think so.

MR. GUTSCHOW:

No.

LEG. CARACCIOLO:

Okay. So what I'm trying to get at here is what exactly is the issue, as far as what you perceive as unfair treatment. Three years, you knew there had to be a master plan, that's now recently been -- relatively recent.

MR. GUTSCHOW:

Relatively.

LEG. CARACCIOLO:

Okay. So I would imagine the Lease Screening Committee at the airport --

MR. GUTSCHOW:

Right.

LEG. CARACCIOLO:

-- will now be looking at those requests that have been pending for 36 months.

MR. GUTSCHOW:

As Mr. Fischetti said --

LEG. CARACCIOLO:

And that's really what your concern is.

MR. GUTSCHOW:

Exactly what Mr. Fischetti said, let's take care of old business first.

79

LEG. CARACCIOLO:

Thank you.

D.P.O. POSTAL:

Thank you.

MR. GUTSCHOW:

Okay.

D.P.O. POSTAL:

Next speaker is Evelyn Roedel Read. She's not here?

MS. READ:

Right here.

D.P.O. POSTAL:

James -- oh, sorry. Sorry.

MS. READ:

Okay. Ladies and Gentlemen, members of the Legislature, my name is Evelyn Roedel Read of Southampton. I'm a member of the Shinnecock Hills Coalition. I would like to address the problems caused by the huge number of homeless being sheltered in our motels in our town, and I would ask your help in rectifying a serious situation.

My family and I have been summer residents in Southampton since 1957. In these 45 years, we have never experienced any fears of personal harm, property damage, break-ins or theft. Our shed was never locked, the boat and motor were left year-round in the driveway, and nothing negative ever happened. My years of living in peace and security have ended. My 86 year old mother is afraid today to stay at the summer house by herself, although she lives in Leisure Glen and takes care of herself there. Since our neighbor's shed was broken into, we keep our locked and pray that when we return each season, or if we go home during the week and we return on Friday night, everything will be as we left it. We began turning off the water on days we weren't there, and fortunately so, since we arrived one Friday night to see the garden hose off the holder and the valve open. We don't venture out after dark, as another neighbor's grown son, carrying his own little baby, was hit with a rock. We have seen a beautiful family of eight baby swans as small as your fist dwindle down to four, because children housed in the motel stoned at least two of them, and nobody knows what fate the other two met. Police were called, the children were identified, nothing was done.

I want to see the Legislature -- I want to see legislation that fairly distributes the homeless throughout Suffolk County. We in Suffolk have five of the fifteen emergency housing shelters in Suffolk, that's 33%, and 40% of the homeless, many of whom have been kicked out of regular shelters because of disruptive behavior and noncompliance with the shelter's rules. This places an unfair burden on the small school district.

Living conditions at the motel are deplorable. The corporation of motel owners involved is playing monopoly with our tax dollars, getting a whopping 4,000 per unit per month, with minimum living

80

conditions, and using this humongous profit to buy more "Park Places" and "Boardwalk" to further add to the Southampton burden.

Mike Caracciolo said at our coalition meeting that the State was acting as a roadblock and not implementing the necessary changes, stating that the County could do nothing until something was done at

the State level. Please tell me, Mr. C, which State laws restrict the County from implementing its own emergency housing program and still receive Federal and State support? I want to know that law.

D.P.O. POSTAL:

Miss Read, I'm sorry, but your time is up. Thank you.

LEG. CARACAPPA:

Mike has a question.

LEG. CARACCIOLO:

It's not a --

D.P.O. POSTAL:

Legislator C.

LEG. CARACCIOLO:

Questions for Counsel to answer the inquiry, which I stated at the coalition meeting. Even though it's not in my district, I attended the meeting, because I mentioned to the speakers that came before the Social Services Committee that I share their frustration with a system that is completely broken in dealing with this issue. And they're not the only community in this County that is faced what they're facing in terms of welfare recipient dumpment. As soon as Counsel gets back, he can verify that, at least eight years ago, Legislator Davis and I cosponsored legislation, as you recall --

D.P.O. POSTAL:

I remember it, and I can tell you exactly what happened with it.

LEG. CARACCIOLO:

Okay.

D.P.O. POSTAL:

We were --

LEG. CARACCIOLO:

I know what happened, you know what happened. It was only three -- there was only three of us here today that know what happened. So, for the record, I'll repeat what I said at this meeting, and that was our attempts for fair and equitable distribution of welfare clients in this County was rejected by the New York State Department of Social Services. They control the rules, not the County. I will repeat that again, and I will repeat what I shared at the last Social Services Committee meeting for all the residents that were not there. This problem will not be resolved until you get State officials in the same room with County and Federal officials and we do something about the distribution of federal block grants to states, and we get a change in the mind set at the State level that does not implore us spending \$4,000 a month on welfare recipients residing in motels, but allows us

to increase the allowance for accessory or two-home -- two-family home reimbursements. That's the issue. That's not within the County's control. I will keep saying that and saying that until it falls on somebody's ears in Albany to deal with this issue.

Further, let me add, Madam Chair, that Mr. Drange, who is one of the leaders of this coalition, knows that. He's been in contact with Senator LaValle's Office, as I have. Now, I was not privy to that sharing of information with the Senator's Office until I saw the Senator two weeks ago, and he told me that my Aide has been in touch with Mr. Drange and we are trying to work on a solution. Subsequently, Mr. Drange acknowledged that at last week's Social Services Committee meeting. I hope that's the case. I look forward to working with the Senator and other elected officials at the State level to find solutions, but we cannot do it alone.

Counsel, do you recall the legislation Legislator Herb Davis of the Third District and I sponsored regarding fair and equitable distribution of welfare clients in Suffolk County? Could you state for the record what happened with that legislation after we passed it?

MR. SABATINO:

Well, there were a series of bills. One led to an equitable distribution report, which statistically showed where the distribution laid out. There was another bill that tried to press the issue in terms of litigation and that was unsuccessful, because the courts ruled that there's a Constitutional right to travel, which means there's a Constitutional right to pick and select where you or -- wish to locate or live.

D.P.O. POSTAL:

If I could, also, there was a third resolution that had to do with compliance with local zoning, and it prohibited making payments for housing, for housing that did not comply with local zoning, and the State Department of Social Services ruled that that was unconstitutional, because people who do not receive a housing grant through the Department of Social Services may, in fact, live in substandard housing, housing that doesn't meet local zoning requirements, and to insist that people who do receive a housing grant live in housing that does comply with local zoning is unfair and discriminatory.

LEG. CARACCILO:

Right. Another question for Counsel, under practice, as well as law, what jurisdictions of government, what political Subdivisions have jurisdiction as it relates to affordable housing issues and housing in general?

MR. SABATINO:

Housing is controlled either by towns or villages, pursuant to a State law, which gives them the exclusive jurisdiction for land use decision-making, and the State Legislature would have a role as well, because they possess the ultimate authority to decide those issues, but the County does not.

LEG. CARACCIOLO:

82

I think the real issue for these residents is what can we do, other than the resolution that's now before us that Legislator Guldi is sponsoring that piggybacks the Presiding Officer's resolution, to try to put in place a decent habitat, if you will, for the residents of these motels, and in the case of Legislator Guldi, requires security, monitored security of these facilities, so that people in the community are not put at risk, and so forth.

Outside of those provisions, what else can we do to address the allowance issues and a system that allows, under State and Federal rules for \$4,000 a month motel reimbursements versus twelve or thirteen hundred dollars a month for accessory apartments or rental units? What can we do? Can we address the allowance issues here at this Legislative body or in this County, or in any one of the 62 counties in this State?

MR. SABATINO:

Well, to answer your first question, first Suffolk County has probably done everything that you possibly can do. I mean, it's -- the Legislature has been at the forefront for well over a decade. I mean, Deputy Presiding Officer Postal is correct, we adopted local laws which tracked the State legislation in terms of not permitting payments for substandard or hazardous housing conditions, and she's correct, some individual bureaucrat in Albany wrote an opinion saying that that law couldn't be implemented. But I think that -- I think that the presentation that was made to the individual wasn't exactly accurate. But, nevertheless, there is a ruling right now from Social Services which bars that particular legislation.

I would recommend revisiting that issue. There are different people. Maybe somebody who's presented with what the law actually says correctly might reach the right decision, which is that the County was actually acting pursuant to State legislation, it wasn't something that was invented out of whole cloth at the County level, we actually tracked the authority, which is in -- I think it's Section 143 or 163 of the State Social Services Law. So, I mean, that would be one avenue that could be pursued basically to revisit the old item. Legislator Guldi has an initiative that would certainly be viable to amend what Presiding Officer Tonna had done last year, but all of the

other things that are out there --

LEG. CARACCIOLO:
The allowances.

MR. SABATINO:
-- have been done.

LEG. CARACCIOLO:
Specifically the allowances.

MR. SABATINO:
The allowances are -- the County doesn't control the allowances. There's a formula, as you stated, at State and Federal -- I mean, affordable housing, the county is attempting to promote affordable housing through the money that we have, but you haven't seen that many projects materialize. I think --

83

LEG. CARACCIOLO:
And that's in partnership with the Towns, and I think to date, we only have one, one Town?

MR. SABATINO:
Babylon came forward and -- well, Southold did, but they rescinded it, and Huntington did one, which we finally approved. And it hasn't been the overwhelming response I think that was anticipated, but, again, that's something where the County can put funding in place to try to promote affordable housing, but, again, it hinges on the Towns participating.

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

LEG. CARACCIOLO:
Thank you.

D.P.O. POSTAL:
Legislator Caracciolo, it's obvious that there are a great many people here who are here because there's a serious problem. It's a problem that exists in my district, I know it exists in Legislator Fields' district, Legislator Carpenter's district, possibly, you know, a number of other districts here, Legislator Caracappa's, Legislator Alden. It's -- you know, it really is a serious problem. I think that I certainly would be interested, in view of what our Counsel suggest, in revisiting the issue and representing legislation modeled on some of the bills that we passed previously, such as those which had to do with compliance with local zoning codes. And I would guess that there would be a number of Legislators who would be very happy to cosponsor that. So, if you're interested in sponsoring such a bill, I

would very much want to cosponsor that with you.

LEG. GULDI:

I would very much like to response or cosponsor such legislation as well, that's why I've been asking to be recognized and ask Counsel to draft it. I don't care who goes on as lead sponsor.

D.P.O. POSTAL:

Well, I think that --

LEG. GULDI:

But I'm certainly will to.

D.P.O. POSTAL:

Yeah. And I think that -- you know, I know that there are a number of us who would want to cosponsor that. I would also, and I know that reference was made to this with regard to Legislator Guldi's bill, which I believe amends Presiding Officer Tonna's bill having to do with conditions at various housing facilities. I know that, I think last year, maybe the year before --

LEG. GULDI:

Last year.

84

D.P.O. POSTAL:

-- I sponsored a bill having to do with congregate emergency shelters. Presiding Officer Tonna sponsored a bill which had to do with standards for motels which housed homeless families. Each of us I think experienced having the Department of Social Services tremendously resistant to having those bills approved. And I truly don't know what kind of enforcement there is or compliance with the statutes, but I would suggest that it might be helpful if we could establish some kind of procedure to ensure compliance. I can tell you, with the congregate emergency housing, they have developed a whole new nomenclature for things that are truly congregate emergency houses that they call by other names, therefore, they don't have to comply with the law.

So I think that somehow we need to sit down, and possibly with the Presiding Officer, and I would be happy to do that, I'm sure you would, Legislator Guldi, you know, the same people who have this problem, and see if we can find a way to ensure that there's compliance with the statutes we've passed. So, at very least, the operators of these motels and shelters must provide certain, I guess, standards by which people live and can't provide substandard housing for which they are reaping a windfall profit.

So I would suggest that I think we have -- and you're right, we need

to go to the State, the problem can't be resolved just here, but I think we have at least the basis for some actions that we can take that will at least help with alleviating some of the problems. So we know that we want a bill drafted that would -- and possibly at the end of this meeting we can meet with our Counsel, Legislator Guldi, Legislator Caracciolo, Legislator Carpenter, Legislator Alden, Legislator Fields, myself, to clarify exactly what we'd like to see there, and also to meet with the Presiding Officer, and I'm asking the Presiding Officer's staff if we could schedule a meeting, I guess involving those same Legislators, so that we can develop a plan for ensuring compliance with the statutes that were adopted that are now the law -- laws of this County. So that's the way I think we have to go. Legislator Lindsay.

LEG. LINDSAY:

I am in full concurrence with the drafting of any new legislation, but I still want to see that the existing legislation is enforced, and I don't -- you know, I know the State has a role in this, but I think we have to bring it back to the table at the Social Services Committee, because I think what some of these people are talking about here, what's going on in their communities is a disgrace, is an absolute disgrace.

P.O. TONNA:

Just statistics, just to add to this, 493 homeless families in Suffolk, 116 homeless families in motels, 283 children, ages two to eighteen, in motels, right?

MS. REIMANN:

Right now, today.

85

P.O. TONNA:

Yeah, in motels.

AUDIENCE MEMBER:

And how many in Southampton?

P.O. TONNA:

I think we do have that stat somewhere, but that changes.

MR. DRANGE:

Forty percent of the children.

P.O. TONNA:

Well, you're talking about the whole homeless families, not just 40% that are in a --

MR. DRANGE:

The emergency --

MS. REIMANN:

Paul, here it is. Here it is. It's the kids, that's the kids.

P.O. TONNA:

Southampton. We have total number of children, 54, I think, in Southampton Bays, right? That's the one?

MR. DRANGE:

That's one motel.

P.O. TONNA:

And the Olympic, 25. Baywatch in Hampton Bays, 51.

MR. DRANGE:

Keep going with the adults.

P.O. TONNA:

And Hidden Cove, 14. I'm still looking. Hold it, there's more.

AUDIENCE MEMBER:

It's an unfair number in one town.

P.O. TONNA:

And Jamesport Inn, five. Oh, that's the other side. Okay.

D.P.O. POSTAL:

Okay. I think the Presiding Officer has indicated his total willingness to put together an initiative to see that we're enforcing the law with regard to providing --

P.O. TONNA:

Passed it.

D.P.O. POSTAL:

Yeah, we passed already, but enforcing that law to provide proper housing and to deny payments for substandard housing, so that will go forward.

86

MR. DRANGE:

Forgive me for interrupting.

D.P.O. POSTAL:

Excuse me. Excuse me. If you would like to speak --

LEG. GULDI:

You've got to use the microphone. You can't --

LEC. CARACAPPA:

He can't.

D.P.O. POSTAL:

No, I'm sorry.

LEG. GULDI:

The stenographer can't do this.

LEG. CARACAPPA:

Sorry.

D.P.O. POSTAL:

We do have a large number of people who -- and we kind of digressed here, because this was such an important issue, and we recognize that there are a great many people who are here tonight specifically to address this issue, but I would like to return to the public portion. And our next speaker is James Ferrer.

MR. FERRER:

Good evening. My name is James Ferrer.

D.P.O. POSTAL:

Sorry.

MR. FERRER:

That's okay. I am obviously here to speak for the Shinnecock Coalition from which I am part. I live at 16 Gegan Drive, which is two blocks away from the Shinnecock Bays Motel, Southampton Bays Motel. And my family has been part-time resident in Southampton since probably the late '40's, and I happily this year, this July, became a full-time resident of Southampton and I look forward to living out here year-round. I was dismayed when I began to learn more about the decisions of the Department of Social Services to place homeless people in those motels, which are so close to my home. And I think -- I'm not going to go through the litanies that those who came before me went through so eloquently, but I do want to just point out three things that are a concern to me.

First of all, the quality of life for those homeless people is, as someone said, disgraceful and really unacceptable. Second of all, the degradation of the serenity of our neighborhood is unacceptable. And, finally, the amount of money that is being wasted to serve those people is also unacceptable.

So I urge you, in all due haste, take care of this matter and move it

87

forward. Don't just give it lip service. Please, move it forward and take care of it. We are relying on you to fulfill your

responsibilities to us. We'll keep reminding you about your responsibilities, but you've got to be the ones who carry the ball on this, because we can't get to the State Legislature as well as you can. So, please, do all you can to help us. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Michelle Zaluski? Lara Brown? Jonathan Ross?

MR. ROSS:

Good evening. I'm here tonight to speak about the Gabreski Airport and voice my opposition to Resolution 1784, that's to exclude the Westhampton Gabreski Airport from the County Ethics Law, and Resolution 1786, regarding the use of vacant land of George Guldi at the Gabreski Airport.

Gabreski is a publicly owned airport, and the County applies for and receives Federal Airport Improvement funds on a regular basis by the Federal Aviation Administration. In return for this funding, certain guarantees are made by the County to the FAA. Those guarantees are known as grant assurances. The Federal Aviation Administration has a procedure in place wherein a complaint may be filed by any individual or entity that experiences a violation of the grant assurances. If the FAA finds that the complaint is valid, federal funding is suspended, and in some cases, funds must be returned. In the year 2000, the FAA did just that at Gabreski. A banner towing filed an FAA complaint as a result of discriminatory treatment they had experienced at Gabreski. Federal funding was suspended after the County refused to answer repeated inquiries made by FAA as the complaint investigation proceeded. In the end, it was settled and the County agreed that the individual was entitled to do business at the airport. Perhaps history will repeat itself again.

On August 15th, I filed a complaint with the FAA seeking to once again suspend federal funding at Gabreski for the same reason, discrimination. As part of a group of 14 that has applied for a lease of vacant land in order to construct light aircraft hangars, I've been waiting patiently for just over three-and-a-half years. I've witnessed the persistent stream of discriminatory practices while attempting to do business at Gabreski. I have also come to learn that my FAA complaint regarding discrimination will be just one of several that are now being prepared.

The Gabreski Airport management just doesn't seem to want anymore business, even though County airport studies have recommended that new lease incentives should be offered and the airport management should be changed. Bring in new business say the studies, but then why bother? The County doesn't seem to need any money.

At Gabreski, the Airport Lease Screening meetings have become a thing

of the past. As a result, public participation in airport matters is nonexistent, and the airport management just can't seem to get the billing straight on airport properties in order to collect the rent. But why should they? They just don't seem to need the money.

88

The latest revelation that Legislator Guldi has applied for his own fast track lease has brought me to realize that the current airport management, at the direction of Mr. Guldi, has one agenda only, to further his own personal interest. I find it inconceivable that Mr. Guldi, Chairman of the Ways and Means Committee, as well as Lease Chair of the Airport Lease Screening Committee, could apply for his own lease while using his position and influence to effectively stall other lease applications. Resolution 1784 seeks to amend the County Ethics Law to exclude the Gabreski Airport. The intent of this proposed resolution is for no other reason than to make it legal for Mr. Guldi to have his own lease at the airport. Should 1784 become law, who knows what happen next.

Ethics seem to be in short supply these days, and all you need to do to realize that is turn on the T.V.. I'm quite sure --

D.P.O. POSTAL:

Mr. Ross. Mr. Ross, your time is up. Thank you.

LEG. BINDER:

Madam Chair.

D.P.O. POSTAL:

Yes, Legislator Binder.

LEG. BINDER:

Yeah.

D.P.O. POSTAL:

Do you have a question for Mr. Ross?

LEG. BINDER:

Yeah, if I could. One of the things you've said a number of times at the committee meeting and now is that there is -- you're alleging discrimination. I'm not sure exactly what discrimination you're talking about. Specifically what -- who is being discriminated, why is it discrimination?

MR. ROSS:

Okay.

LEG. BINDER:

If you could be specific?

MR. ROSS:

Discrimination as per the grant assurances issued by the FAA. And they specifically outline that discrimination can't be prohibited against any type of activity of aviation, be it for economic, race, or for whatever reason, but you can't say to somebody, "No, you can't have airport business here." This has been a classic case of certain airports where they don't want any building, and they stall and they prohibit people from building hangars. And FAA, in fact, has found

89

many times that that's discriminatory, to deny somebody the opportunity to operate there.

LEG. BINDER:

Would we have the right to, quote, discriminate if we had certain standards and we felt that standards weren't being met by a particular vendor? So the vendor has hangars or has business with us and I'm hearing that we're not getting --

MR. ROSS:

You're referring to a vendor being a leaseholder?

LEG. BINDER:

Right. So someone has hangars. We're not -- if it's correct, that we're not being paid the 2%, we have problems with an electrical outage that we're not happy about, and we can go through a whole thing of other, let's say, lease -- specific lease arrangements that are not being complied with, would that be -- would it be discrimination?

MR. ROSS:

It would be if it was the same person that had applied and it's not, because --

LEG. BINDER:

How is that not the same person?

MR. ROSS:

Well, it's not the same person in this case, because these are 14 new people that formed a completely new company, and North Side doesn't hold the lease. And the basis of my complaint is that we're being denied a lease. And if you're going to -- are you --

LEG. BINDER:

Okay. Wait, wait. North Side and there's -- there's North Side, and what's the other -- is East --

MR. ROSS:

I think there's Eastview.

LEG. BINDER:

Eastview. Now, Eastview is the one that has the original 14 hangars?

MR. ROSS:

Yes, I believe so, yeah.

LEG. BINDER:

Now, my understanding is that the application you made for the -- for the others are based on an option?

MR. ROSS:

No, I'm not sure about that option. I know that there's a lease application. I'm not sure if Eastview had an option or not, but Mr. Fischetti, as he stated, does not have any lease with the County under North Side, so what --

90

LEG. BINDER:

Is he a -- is he a principal in both companies?

MR. ROSS:

He's a principal in both companies, that's correct, but there are 14 others. So I don't think it would be nondiscriminatory to say, "We're going to deny your application based on what one of the members did." That would be like saying that somebody has an arrest for something in the past that may sit on the committee, or something like that. I mean, things are bigger in the picture than one person.

LEG. BINDER:

Okay.

MR. ROSS:

And, also, we don't have a paper trail from the Lease Committee about problems. We've complied with all the requests over the past several years and we get nothing and meetings are gone away. Two meetings in three years, that's not a lot when there used to be one a month.

LEG. BINDER:

Well, that's something we should look at is whether there is paper, because if what we heard this afternoon is correct about us not being paid what we need to be paid and a number of other problems --

MR. ROSS:

I'm all for it. As a said, they're not collecting fees properly. And I'm all for North Side paying the fees that would be due.

LEG. BINDER:

Now, you're part -- you're a part of North Side?

MR. ROSS:

Nope. I'm just a person that wants to buy a hangar at North Side, you know, buy a hangar, and through that North Side entity, that is the vehicle for applying for the lease.

LEG. BINDER:

Oh, so -- okay. So --

MR. ROSS:

So, I'm not an owner. I intend to bear no profit. I simply want a hangar.

LEG. BINDER:

So the only relationship you have with Mr. Fischetti is that you have --

MR. ROSS:

Hired him as my agent to procure a lease.

LEG. BINDER:

Just for the lease.

91

MR. ROSS:

Uh-huh, to procure a lease and a partnership in North Side, which is a corporation which was formed for the purpose of obtaining a lease.

LEG. BINDER:

Now you -- obviously, I know you live in Northport, because we've heard it a number of times.

MR. ROSS:

Right.

LEG. BINDER:

If you live in Northport, I'm curious how you're regularly go out to -- it's kind of a long way. Why would you go to Gabreski and why would you want to have --

MR. ROSS:

It's my hope to move to Southampton.

LEG. BINDER:

So you -- so you fly out of there now regularly or --

MR. ROSS:

Sure, sure. I have two airplanes, yes.

LEG. BINDER:

So you have two airplanes there now and you go from Northport --

MR. ROSS:

No, I don't. I have -- I have two airplanes at Bayport Aerodrome.

LEG. BINDER:

At Bayport.

MR. ROSS:

Yes.

LEG. BINDER:

And you want to move them to -- so your idea is to --

MR. ROSS:

Yeah, that would be my hope to do that, yes.

LEG. BINDER:

And then you'd -- then you'd move your residence.

MR. ROSS:

Well, it's somewhat common knowledge that the Town of Islip is no longer accepting any federal funds and they want to adhere to the grant assurances, so I would expect that, eventually, Bayport will go away.

LEG. BINDER:

And you're a -- are you a customer of an airport tenant at Gabreski now? Is that --

92

MR. ROSS:

No, I'm not. Well, only in the lease application process --

LEG. BINDER:

Just in --

MR. ROSS:

Through Mr. Fischetti, correct.

LEG. BINDER:

Okay. And you've never applied for a hangar yourself?

MR. ROSS:

No. Well, not individually, I did it as a group. Generally, I don't think they would lease a very tiny piece of land, but, you know, if someone came to me and said, "I'll give you a small piece of land for

your own hangar from the Lease Screening Committee, I'd accept that and I would withdraw my complaint.

LEG. BINDER:

Now, the hangars we're talking about here are for sale. There's -- I mean, basically, that's what we're talking about.

MR. ROSS:

Yeah, yeah.

LEG. BINDER:

And the difference between that and what we're talking about with Legislator Guldi is a private -- you know, wants to have his hangar for his own plane, it's a separate thing, build his own in a separate part of the -- my understanding is a separate part of the airport that has nothing to do with that other part of the airport. In fact, it's away from electric.

MR. ROSS:

Oh, you mean the -- oh, the properties applied for?

LEG. BINDER:

There's a whole different -- in other words, it can't be -- it's not the same kind of application in that it's not in the same place, it's not for the same type of activity, it's not -- I mean, the whole --

MR. ROSS:

Well, the activity is identical.

LEG. BINDER:

Well, no, because it's not to build and then to sell.

MR. ROSS:

Oh, because it's built for spec is what you're saying.

LEG. BINDER:

Well, there's a whole -- that's a very big -- it's a very different thing when you're building, right, to spec, to sell or to lease or do other things, or you're going to build it for yourself for your own personal recreational activity, so --

93

MR. ROSS:

Right.

LEG. BINDER:

-- it's a whole other track, it's a whole other question.

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
Isn't that --

MR. ROSS:
Yeah, well, I mean, that would be my intent. My intent would be to use it for my own personal use. It's noncommercial use. Whether or not somebody -- I mean, if I hire a contractor to build it, obviously, it's going to make a profit.

D.P.O. POSTAL:
Legislator Binder, if you could finish up, because we have --

LEG. BINDER:
Yeah, just -- now, in your application, you've done --

MR. ROSS:
Yes.

LEG. BINDER:
You feel you've done all your disclosure, you've complied with all Suffolk County laws, so you're -- you think you're --

MR. ROSS:
Right, right.

LEG. BINDER:
-- where you need to be.

MR. ROSS:
I'm unaware of the lease violations, and, again, I don't see a paper trail about lease violations associated with Mr. Fischetti. And, if I had, perhaps, you know, that would affect my complaint. But I can say that North Side is the complainant through me, because I hired them through that entity to apply for the lease, so the complaint is directly from me.

LEG. BINDER:
Thank you.

D.P.O. POSTAL:
I'm sorry. I was speaking with someone. Have you finished?

LEG. BINDER:
Yes.

D.P.O. POSTAL:

Thank you.

D.P.O. POSTAL:

Next speaker is Ann Maguire. Ann Maguire?

MS. MAGUIRE:

My name is Ann Maguire, I'm from Elwood, and I thank you for your time this evening, and I'm --

D.P.O. POSTAL:

Please, speak into the microphone.

MS. MAGUIRE:

Okay. I'm here to ask your support in the Sense Resolution 52, so that when the vote goes down in Elwood on November 19th, if we do have the vote, that our children will not be denied library cards, that we will not have to go to Patchogue to only use Patchogue Library. So, please, support. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Janice Lewis.

AUDIENCE MEMBER:

Lower the mike.

MS. LEWIS:

Okay. Thank you. Madam Presiding Officer and members of the Legislature, I am Janice Lewis, a resident of Elwood, and a member of the Elwood Taxpayers Association Library Services Committee.

D.P.O. POSTAL:

Please, speak into the microphone.

MS. LEWIS:

Okay. I am -- okay.

D.P.O. POSTAL:

Just bend it down towards you. Thank you.

MS. LEWIS:

Okay, thank you. I am here today to support Sense Resolution 52, which calls for continuation of library services for the children of Elwood, should the November 19th, 2002, proposition to establish an Elwood Library be rejected by Elwood voters. As you know, the intention of this resolution is to provide a safety net for the children of Elwood, should the proposition be rejected on November 19th. Members of the Elwood community have spoken before this Legislature and the Education Committee in support of this resolution. We feel it is unfair to Elwood that while other unserved library

districts like Elwood continue to contract with SCLS and neighboring libraries, only Elwood is being forced to put up a library proposition before the voters, or lose library services on July 1st, 2003.

This is the crux. Elwood will lose library services unless the voters

95

agree to establish an Elwood Library. In so doing, SCLS is foreclosing the best possible option Elwood has for library services, and that is merging with one or more of our neighboring libraries. This option has never been explained or explored by SCLS in its suggestion with the Elwood community, only that it can't be done. Here is how other unserved areas apart from Elwood are being enabled to obtain library services for their communities. This information was taken from the SCLS report on unserved areas, dated June 5th, 2002, which will be provided to each member of this Legislature. Note the number of merges and contracts. Rocky Point merged with Shoreham-Wading River in 1995 to form the North Short Public Library. East Quogue voters defeated a proposition to form a public library in 1966. Since then, East Quogue continues to contract for library services with four neighboring libraries. Springs merged with East Hampton Library in 1999. Wainscott also merged with East Hampton Library in 1999. Fire Island began a library service contract through SCLS for service from Brightwaters and Islip Public Libraries, and this contract continues today. Remsenberg/Speonk is anticipating a merger with Westhampton Free Library in 2003, with the guidance and assistance of SCLS. Eastport and South Manor are contracting for library services with neighboring libraries through SCLS and anticipate a merger of the two in 2008. East Moriches District is considering merging with the Center Moriches Free Public Library in the future.

D.P.O. POSTAL:

Miss Lewis, I'm sorry, your time is up.

MS. LEWIS:

Okay.

D.P.O. POSTAL:

Thank you.

MS. LEWIS:

Thank you for your attention.

D.P.O. POSTAL:

Next speaker is William Lewis.

MR. LEWIS:

Madam Presiding Officer, and members of the Legislature, I'm William Lewis, and with Ann Maguire, who just spoke here, I'm Co-Chair of the Elwood Taxpayers Association Library Services Committee. We're here

in support of Sense Resolution 52, which calls for continuation of library services for the children of Elwood, should the November 19th proposition to establish an Elwood Library be rejected by the voters.

SCLS has informed Elwood that library services will end on June 30th, 2003, unless the voters approve an Elwood Library. Our committee has studied these issues for many months, and we now believe the -- that merging with one or more of our neighboring libraries is the correct solution. This resolution is a good beginning, it's a beginning Elwood needs to resolve this issue. If you pass this resolution this evening, the people of Elwood will continue to work together to obtain permanent library service for Elwood, which is the goal everyone is seeking.

96

Finally, we want to express our thanks to this Legislature's Education and Youth Committee, Legislators Fisher, Foley, Haley and Carpenter for their genuine interest and concern and support for this legislation, and, of course, our thanks especially to Legislator Allan Binder. We ask that you pass Sense Resolution 52 this evening for the children of Elwood and for all its residents. Thank you.

D.P.O. POSTAL:

Thank you, Mr. Lewis. Next speaker is Rumph. Tim Rumph.

MR. DRANGE:

Tim Rumph, unfortunately, had a business engagement, but he did ask me to submit his notes in which he would say our school district kindergarten --

D.P.O. POSTAL:

You can just give it to the Clerk right there and it will be included with the record. Thank you.

MR. DRANGE:

It's increased 10%.

D.P.O. POSTAL:

Next speaker is Phil Goldstein.

MR. GOLDSTEIN:

Good evening, Ladies and Gentlemen. I am here on behalf of the Independence Party, and I hope there is no doubt about that around the horseshoe. I had to engage our chairman, Mr. Frank Mackay in personally making some calls to dispel the thought that when Phil Goldstein speaks in behalf of the Independence Party, he's speaking for Phil Goldstein and not for the party. The party is foursquare behind Mr. Cooper's -- Legislator Cooper's bill, 1391, for this electronic disclosure of campaign finance contributions and

expenditures. If you fail to pass this bill, you are betraying the Independence Party, if you are sitting at this horseshoe and you have sought the Independence Party line to help elect you to office, because campaign finance reform is one of the primary goals of the Independence Party. If you are a Republican and you are sitting at this horseshoe and you fail to pass this bill, you are betraying the grass roots members of the Republican party, because, if I may remind you of a little history, in the last Presidential election, it was Mr. McCain who won the representation to the Republican National Convention when the grass roots members of the Republican Party chose him over Mr. Bush and sent delegates to that national convention in support of Mr. McCain. Furthermore, when Felix Grucci ran for Congress, he cloaked himself in the mantle of Mr. McCain, claimed to be a reformer, and went to Washington and vote for { Shays-Meehan} , which was the House equivalent to { McCain-Feingold} , a campaign finance reform bill. So I urge you to remember that history.

Furthermore, remember the fact that these were all bipartisan efforts. { McCain-Feingold} , Mr. McCain, a Republican, Mr. Feingold, a Democrat, { Shays-Meehan} likewise. And this whole issue has come to the fore because of the failure to implement public disclosure, which is part

97

of the referendum that took place here in Suffolk County, when the voters of Suffolk County, by a two-to-one majority, informed you that they wanted campaign finance reform. Now, the focus of this particular bill is solely on disclosure, so don't wave any red herrings and try to raise other issues. What we need is to have disclosure in order to engage the voters in returning to the democratic process of elections.

D.P.O. POSTAL:
Phil, I'm sorry.

MR. GOLDSTEIN:
There are serious concerns.

D.P.O. POSTAL:
Phil. Phil, your time is up.

LEG. COOPER:
Phil, is there anything that you'd like --

LEG. LINDSAY:
I've got a question. I've got a question.

D.P.O. POSTAL:
There's a question from Legislator Lindsay.

LEG. LINDSAY:

Phil, there seems -- are you aware that there seems to be some confusion within the Independence Party? I mean, you're professing that there's uniformity within the Independence Party to support this resolution, but I know that the District Leader or the Town Leader in my area knew nothing about it.

MR. GOLDSTEIN:

The fact that a District Leader or a Town Leader has failed to acquire the information doesn't necessarily mean that this is not a policy of the party. This is one of the basic principles embodied within the platform of the Independence Party. We are foursquare behind campaign finance reform. I mean, there's no doubt about that.

LEG. LINDSAY:

You know, I don't mean to get off on a tangent, because it really has nothing to do with the legislation, but I really think you should get together, because, you know, she made it quite clear that you're not the spokesperson for the Independence Party.

MR. GOLDSTEIN:

With all due respect, and I don't want to engage in kind of, you know, discussion of personalities and so on, Mr. Frank {Mackay}, who is the County Chair and the State Chair of the party personally called a number of the Legislators, and I'm sure they can confirm the fact, with regard to his endorsement of this bill, that the Independence Party is behind it. Now, the fact that a particular Town Leader, all right, fails to be informed, or wishes to express opinions other than the party's position in the matter, that's beside the point. The point, very simply, is that the public has expressed its desire in a

98

two-to-one vote, they want campaign finance reform, and this bill will provide them a degree of reform in providing for disclosure, enabling people to know in a timely manner what the contributions are and what the expenditures are, enabling the media to have access to this information, which the County Board of Elections has failed to do. And, by the way, with all due respect, Mr. Binder deserves acclamation for having raised the idea of electronic filing, but his suggestion to put the foxes in charge of the chicken coop is outrageous, it's a conflict of interest.

D.P.O. POSTAL:

Phil. Phil, are --

MR. GOLDSTEIN:

How can you have Democrats --

D.P.O. POSTAL:

Phil. Phil.

MR. GOLDSTEIN:

Yes.

D.P.O. POSTAL:

Are you responding to Legislator Lindsay?

LEG. LINDSAY:

No, my question's been answered.

D.P.O. POSTAL:

Legislator Binder does have a question, and he may give you an opportunity to respond to that issue.

MR. GOLDSTEIN:

I yield. Pardon me.

LEG. BINDER:

When you say that Republican Legislators are violating some pact they have with Republican voters, are you saying that if they chose to go with the BOE option rather than the other option of a campaign finance and that would cost more taxpayer money and bloat a bureaucracy, then they would be in violation of this pact because of {McCain-Feingold}? I'm missing the connection.

MR. GOLDSTEIN:

All right. I will give you my answer. Number one, as I just said, what you want to do is to put the foxes in charge of the chicken coop.

LEG. BINDER:

Can you tell me what --

MR. GOLDSTEIN:

You want to create a conflict of interest, because the way the Board of Elections is presently constituted, when Democrats file their reports in accordance with the State Election Law, it is submitted to a Democratic patronage appointee to the county Board of Elections, and when Republicans file their reports, it goes to a Republican patronage

appointee in the County Board of Elections. You have redundancy, you have duplication. Under the manner in which the County Board of Elections has been created, you have the two major parties in control of this process of collecting the information, and they don't do it very effectively, they use a filing cabinet and paper. All right? And who follows up on it? Who ensures that these things are done promptly and that they are done fully and in compliance with the law? There has been a failure to perform this duty in a timely manner with due diligence, and that is the reason why Legislator Cooper introduced this bill, because the Campaign Finance Board, which under the

referendum had been given the mandate of establishing this data base, so that the media and the public would have access to this information in a timely manner and be able to employ it in making judgments in connection with elections, they have been deprived of this information repeatedly.

As Deputy Presiding Officer Postal has pointed out on a number of occasions, despite the fact that you passed a law imposing an obligation upon the County Board of Elections to create a website to disseminate the information, they have failed to create that website. And so, therefore, we of the Independence Party, fulfilling our obligation to help the reform process, are, as I said, foursquare behind Cooper's bill, because it places the obligation back where it belongs in accordance with the mandate of the original law. It should be the Campaign Finance Board, which is a nonpartisan body, who should have the obligation of maintaining that data base. And contrary to your allegations --

LEG. BINDER:

And that was the short answer.

MR. GOLDSTEIN:

-- about a bureaucracy being created, you only have to hire one person to the Campaign Finance Board --

LEG. BINDER:

Okay. So --

MR. GOLDSTEIN:

-- off a civil service list, as opposed to hiring two patronage appointees whose performance of their duties may be questionable, given the behavior --

LEG. BINDER:

If I can --

MR. GOLDSTEIN:

-- of the Republican --

D.P.O. POSTAL:

Phil.

LEG. BINDER:

If I can just --

100

MR. GOLDSTEIN:

-- and Democratic Parties.

LEG. BINDER:

If I can just.

D.P.O. POSTAL:

Phil.

MR. GOLDSTEIN:

All right.

D.P.O. POSTAL:

I think that you --

LEG. BINDER:

I've had one question so far.

D.P.O. POSTAL:

You answered his question. He wants to ask a question.

LEG. BINDER:

Well, I'd like to ask questions and --

D.P.O. POSTAL:

Go ahead.

LEG. BISHOP:

Try yes/no questions.

LEG. BINDER:

I'm trying to think, is there a yes/no I can ask? New York State has had -- killing me. You scare me. New York State is on-line filing. Have they, yes or no, have they messed up the information or changed the information? Because it goes through a Board of Elections, Republican and Democrat, same thing in New York State, New York State candidates have to go through a Board of Elections. Have they done anything untoward, yes or no, to filings of State candidates.

MR. GOLDSTEIN:

Yes.

LEG. BINDER:

And what is that or you could -- I have to ask. Go ahead.

MR. GOLDSTEIN:

All right. They have failed to pursue those candidates who have failed to meet their legal obligations --

LEG. BINDER:

Okay.

MR. GOLDSTEIN:

-- in terms of properly filling out the information --

LEG. BINDER:

Okay.

MR. GOLDSTEIN:

-- in entirety and --

LEG. BINDER:

Okay.

MR. GOLDSTEIN:

-- seeing to it that it's --

LEG. BINDER:

Okay. So --

MR. GOLDSTEIN:

-- submitted on time.

LEG. BINDER:

Okay. So now -- now, let's break it up into pieces. Number one, I think we could admit that they don't change the information. It's not a question of them messing with the information or --

MR. GOLDSTEIN:

No.

LEG. BINDER:

Or doing anything to it.

MR. GOLDSTEIN:

It's dissemination.

LEG. BINDER:

Okay. So now it's dissemination. Now the question of -- well, no, it's not dissemination, it's a question of enforcement. Now, you're telling me, under Legislator Cooper's bill, that this Campaign Finance Board now will have enforcement power over candidates, and what is that enforcement power that they're going to have?

MR. GOLDSTEIN:

Okay. I had discussed this with the current Executive Director just recently, because this was a matter of concern. And what it will be is this, that upon the submission of these reports with the electronic filing, which will speed up the whole process, they will examine the forms. And should some candidate fail to fill out his form in entirety, or submit it in a timely fashion in requirement with the law, that fact can then be raised by the Campaign Finance Board, who

would send a letter to the Board of Elections, informing the Board of Elections that this person has failed in its obligation in adherence to the law, because it is the County Board of Elections that has the obligation to the enforcement, and also --

LEG. BINDER:

But they don't do anything anyway, you're saying, so what a waste.

102

MR. GOLDSTEIN:

All right. No, you haven't let me finish.

LEG. BINDER:

Oh.

MR. GOLDSTEIN:

The other thing is the media. If the -- if you give a warning to the candidate and say, "You haven't filled out your form in entirety," or "You have not filed your form in a timely manner and we are giving you warning. You have under the law so many days in which to comply. If you fail to comply, we will take action." What will that action be? Notifying the media that candidates are failing in their legal obligation under the election laws to allow the public to be aware where their money is coming from and how they are spending it.

LEG. BINDER:

Now my -- a question that I would have to ask, it begs to be asked, if I'm a candidate and is a proposition candidate, which happens every other year, may not if Legislator Cooper has his way after November, but I would think that if my opponent didn't file timely, especially on line, and I couldn't pull up his report, because I could tell you, I'd want to see it, I would do exactly the thing you told me the Campaign Finance Board is going to do, is going to call the Board of Election and file a complaint. It wouldn't take me five minutes, because I'd want to see what my opponents raising. So why do I need a Campaign Finance Board to call the Board of Election when I know every candidate here and every opposition candidate to us is going to call the Board of Election five seconds after they see that their opponent's late? In fact, I would bet there have already been people here, if there's been a problem, who have filed that with the Board of Election.

MR. GOLDSTEIN:

I'll give you two answers to that. Number one, the duopoly cannot be trusted. Of course, the duopoly is --

LEG. BINDER:

All right. With what?

MR. GOLDSTEIN:

-- the Republican and Democratic Parties, and the evidence of that is the manner in which they behave in connection with elections. Let me just cite evidence to you --

LEG. BINDER:

No, but you're --

MR. GOLDSTEIN:

-- since you raise it. No. You asked a question.

LEG. BINDER:

No, no, no, no.

MR. GOLDSTEIN:

I would like to give you evidence --

103

LEG. BINDER:

But that's not an answer.

D.P.O. POSTAL:

Phil.

MR. GOLDSTEIN:

To support my allegation.

LEG. BINDER:

It's not an answer. It's not an answer.

D.P.O. POSTAL:

Phil, Legislator Binder, could we not engage in debate?

LEG. BINDER:

Right.

D.P.O. POSTAL:

Please, question.

MR. GOLDSTEIN:

I'm not engaging in debate.

D.P.O. POSTAL:

I know.

MR. GOLDSTEIN:

I'm merely substantiating the statement that I made.

D.P.O. POSTAL:

I am saying that both of you are involved in a debate at this point

and --

LEG. BINDER:

No. I'm asking questions. I'm asking questions.

D.P.O. POSTAL:

Would you confine yourself to question and answer?

LEG. BINDER:

Isn't it true that this Campaign Finance Board, called the Duopoly, or whatever we want to call it, also, the complaint's going to be lodged with the same place, the enforcement is going to be in the same place. So I think that's for you a red herring, but what makes you say that the Campaign Finance Board's not partisan at all; how do I know that? Are they all blanks, are they all registered blanks?

MR. GOLDSTEIN:

Because the Campaign Finance Board is made up of a group of people selected by various authorities, the County Executive, the Presiding Officer. I don't recall off the top of my head all of the, but --

LEG. BINDER:

Sounds to me you mean Republicans and Democrats. And, oh, oh, I get

104

it. So we pick Republicans and Democrats to go on this Board and then they're not partisan at all.

MR. GOLDSTEIN:

No. There happens to be a former Presiding Officer of the League of Women Voters in whom I place more trust than a partisan member of a political party. All right? The point is, no, there is no fail safe method, but we can try to strengthen the public's confidence in the system by taking it out of that conflict of interest area --

LEG. BINDER:

There's no conflict.

MR. GOLDSTEIN:

-- where you have the Democrats and Republicans sitting in judgment of their fellow Democrats and Republicans. And if you want the information, how many times have you faced the problem that the average citizen faces, where you ask for something and then you're told, "File a Freedom of Information Form, please," okay, and then they can delay it five days, or whatever it is, and then --

D.P.O. POSTAL:

Phil. Phil.

MR. GOLDSTEIN:

-- if you don't get it --

D.P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
If it's on line --

MR. GOLDSTEIN:
-- you have to appeal and so on.

LEG. BINDER:
If it's on-line with the BOE, they don't have to wait.

D.P.O. POSTAL:
Legislator Binder, Phil, I'm sorry, but there are a lot of people --

LEG. BINDER:
Done, sorry.

D.P.O. POSTAL:
-- who are waiting to speak. You're number 18, There are 63 cards, so
if I could just ask that we move on. Thank you.

MR. GOLDSTEIN:
If there are no further questions, fine.

D.P.O. POSTAL:
Bill Jensen. Bill Jensen. And following Bill Jensen will be --
looks like Karl Greve. Bill Jensen.

105

MR. JENSEN:
Good evening.

D.P.O. POSTAL:
Hello.

MR. JENSEN:
Regarding the Westhampton Airport thing --

D.P.O. POSTAL:
Please, speak into the microphone.

MR. JENSEN:
Regarding the Westhampton Airport lease thing, I just don't understand
how arms lengths contract and like and kind puts you number one on the

list.

D.P.O. POSTAL:
Is that your statement?

MR. JENSEN:
That's my question.

D.P.O. POSTAL:
Well, no. This is an opportunity for you to make statements.

MR. JENSEN:
Okay.

D.P.O. POSTAL:
That's why it's the public portion. Well, if that's your statement,
then thank you.

MR. JENSEN:
Okay.

D.P.O. POSTAL:
Next speaker is Karl Green.

MR. GREVE:
Greve.

D.P.O. POSTAL:
Greve, I'm sorry.

MR. GREVE:
Members of the Legislature, my name is Karl Greve. I'm a member of
the South Shinnecock --

D.P.O. POSTAL:
Mr. Greve, can you just pull the microphone down towards your mouth?

MR. GREVE:
Yeah, okay.

106

D.P.O. POSTAL:
Thank you.

MR. GREVE:
Okay. I'm a member of the Shinnecock Hills Coalition. And we
appreciate to be able here to present our case. We are living on
Little Neck Road on a small peninsula extending into the Shinnecock
Bay, surrounding -- surrounded on three sides by water, a very
pleasant area, ideal to raise your children or to retire, when you

reach the age. I do not want to repeat what has already been said by other members of our coalition. Our problem has become the homeless people that over a short of time have shown that their interest is not in harmony and peacefulness, but to be a menace to our neighborhood. Our own experience a few months ago was of about half a dozen youngsters about ten years old strolling down to the end of the road, throwing stones into the water. No problem. But, within minutes, two little chicks with swans of a family were killed and injured. Actually, Miss Read was referring to the same thing.

We have appealed to the Town of Southampton for help and for support through the Suffolk County administration and up to the Governor, Pataki, and to the press to make our situation known. It has all the indication that the homeless problem will get worse as the number of homeless families are rising. We received a two-page letter from County Executive Robert Gaffney expressing his compassion for the homeless. We, the victims, I consider us as victims, express deserve -- deserved one sentence saying, "I'm also truly empathetic to the community -- communities concerned related to the public safety. Of course, he is right, the homeless are the problem, but we are the most affected by it.

I may sound a bit selfish, but I believe, I'm also talking on behalf of the other members of the Coalition, our problem is imminent and threatening. This is our main concern, to preserve our surrounding, our values, the life of -- to live our lives which we were accustomed to, and not being harassed by people that do not belong here and do not could -- and would not care anything about us.

Members of the Legislature, I believe you would not like to live next to those homeless people. I'm sure you have all comfortable housing and to live well. Nobody wants to -- nobody wants to have the noise, the --

D.P.O. POSTAL:
Mr. Greve.

MR. GREVE:
Yes.

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

MR. GREVE:
Thank you.

D.P.O. POSTAL:
Thank you.

MR. GREVE:

Time goes very fast.

D.P.O. POSTAL:

We do understand and we are trying to work together to try to resolve this problem, so please know that.

MR. GREVE:

Yes. I appreciate. You were very effective in raising support for us. I appreciate this.

D.P.O. POSTAL:

And thank you.

MR. GREVE:

And thank you for your attention.

D.P.O. POSTAL:

Our next speaker is Vincent Cervone. Vincent Cervone?

MR. CERVONE:

No comment, Legislator.

D.P.O. POSTAL:

Gail Jensen? Gail.

MS. JENSEN:

I think, Deputy Postal, you'll be the only one listening by the time they get to Number 55.

LEG. CARPENTER:

Sixty-three.

MS. JENSEN:

Sixty-three, okay. I'm an aircraft owner, private pilot of planes based at Westhampton Airport, and we're one of the people that are in the same situation as John Ross, waiting for hangars to be built on the north side, waiting for permits that don't seem to be being addressed.

When Legislator Guldi put copies of the application for permits on the counter, he very clearly gave the date that every permit was filed until he got to his own, and then he, I believe, neglected to give that date. My understanding is that he only filed his application this year. If that's the case, then I don't understand how his application for a permit can be reviewed or voted on when these other permits have been waiting for years. If that is the case, then it seems improper, because it seems that his position as Legislator is what's allowing that to happen. And my comment is just that that seems improper.

D.P.O. POSTAL:

Thank you. Next speaker, Steve Corrado.

108

MR. CORRADO:

Thank you for this opportunity to speak this evening. My name is Steve Corrado, I'm a pilot and a builder, and for the past 11 years, I've been a tenant of Suffolk County and have operated an FAA approved airman testing center at Gabreski Airport.

In light of the statements that Mr. Guldi made, I feel compelled to respond to him. Ninety-seven percent of what he said tonight is either not true or inaccurate. He is only trying to take the focus away from himself. I am here tonight to speak out against the two resolutions, 1784 --

D.P.O. POSTAL:

Please, speak into the microphone, Mr. Corrado. Just please speak into the microphone.

MR. CORRADO:

Oh, I'm sorry. I am here tonight to speak out against the two resolutions, 1784 and 1786, both for Mr. Guldi's personal benefit. During my time at Gabreski Airport, I've witnessed a great deal of change. When the County employed the former airport manager, Joseph LaTrenta, there was at least one Lease Committee meeting scheduled every month. Mr. LaTrenta ran the airport, and, in general, it seemed that the FAA representatives that he had regular contact with respected him. When Mr. LaTrenta retired, Legislator George Guldi appointed his administrative assistant, Ms. Pauline Mize, as the new airport manager, over a gentleman that formerly ran the Calverton Airport facility. He was told he was overqualified. Apparently, Ms. Mize had no qualifications for the job. The appointment of Ms. Mize has permitted George Guldi to exercise his complete control over the airport. Mr. Guldi has created his own building moratorium at Gabreski Airport by not conducting business. Since Pauline Mize has become airport manager, we have had less than one Lease Committee meeting per year.

I am here to state that Mr. Guldi and Ms. Mize are both in violation of Federal Aviation Administration grant assurances by engaging in discriminatory practices by delaying building applications and permit, as Mr. Ross has stated before me.

For over three years, there have been a host of others who wish to obtain land leases at the Gabreski Airport for the purposes of building hangars. There have also been inquiries from those that wish to establish other aviation related businesses, each time only to meet

with a dead end. Now Mr. Guldi is trying to use his political position control over this publicly owned facility for his own personal gain. He is now -- proposes to, in Resolution 1786, to build his own aircraft hangars, effectively side-stepping all other applicants that have been waiting approval for the past three years.

Make no mistake about it, Gabreski Airport management is in need of serious repair. The County should give serious consideration toward disbandment of the Airport Lease Committee, as well as a reorganization of the airport management. And Airport Commission could then be formed made up of volunteers from the surrounding

109

businesses and users of the facility.

D.P.O. POSTAL:

Mr. Corrado, your --

MR. CORRADO:

When properly managed, the airport --

D.P.O. POSTAL:

Your time is up.

MR. CORRADO:

-- will become a valuable asset, I'm done, and will add --

D.P.O. POSTAL:

Well, yes, you are. And there's a question from Legislator Fields.

MR. CORRADO:

Okay.

LEG. FIELDS:

Are you one of the owners of the two businesses that we've been hearing about tonight?

MR. CORRADO:

I am a principal.

LEG. FIELDS:

Talk into the microphone, please.

MR. CORRADO:

I am a principal in Eastview Fliers and in North Side Hangars, both of which are cooperatives made up of 13 and 14 owners.

LEG. FIELDS:

We heard some discussion about illegally hooking up to the water and the electric from one or both of those companies.

MR. CORRADO:

These allegations are both not true. We were directed by the airport personnel, Mr. LaTrenta at the time. Of course, we had permission to do these things. You think we're just going to go ahead and do our own thing? We were given permission and we were told what to do. We were directed by the airport electrician of what to do and was give instruction by him, and a licensed electrician did the work.

LEG. FIELDS:

Did you then hire a licensed electrician to disconnect the electric?

MR. CORRADO:

No, nothing was ever disconnected. It was hooked up, properly hooked up in supervision of the airport electrician, Drex Cooper.

LEG. FIELDS:

Okay. So you were hooked up and that means you're still hooked up.

110

MR. CORRADO:

Yes.

LEG. FIELDS:

Illegally.

MR. CORRADO:

It's not illegal, it was perfectly legal. And there are meters on all the hangars which Drex monthly or periodically takes readings and we pay fees to the County for the electric.

LEG. FIELDS:

And water?

MR. CORRADO:

And water.

LEG. FIELDS:

And you have a bill that you get, excuse me, from Suffolk County Water?

MR. CORRADO:

We're billed, I believe, \$15 a month from the County for the use of water.

LEG. FIELDS:

The County bills you for water?

MR. CORRADO:

Well, from the airport, yes. There's no meter, so they elected to do it as a monthly charge.

LEG. FIELDS:

So it's part of your lease that you have water.

MR. CORRADO:

Yes.

LEG. FIELDS:

The applicants that you talked about before, they applied through you for a hangar?

MR. CORRADO:

Excuse me. The applicants?

LEG. FIELDS:

You mentioned applicants, that there are applicants that would like to get hangars.

MR. CORRADO:

Oh, there's -- I said there's been other individuals besides ourselves. There are also in attendance here --

LEG. FIELDS:

Well, just take yourselves, not the other individuals, yourselves.

111

MR. CORRADO:

There's been other applicants. I'm saying there's been a number of applicants, seven or eight, over the past years that have also asked to build hangars.

AUDIENCE MEMBER:

She means our group.

LEG. FIELDS:

Through your company?

MR. CORRADO:

No, separately from us.

LEG. FIELDS:

Okay. I'm talking about your company. Have you attempted to find, or have people come to you to say, "I want to get a hangar and I want to" --

MR. CORRADO:

Yes.

LEG. FIELDS:

Do they have contracts with you?

MR. CORRADO:

Yes. With me? No.

LEG. FIELDS:

How do they apply if they don't have a contract?

MR. CORRADO:

Oh, I'm sorry. Do we -- yes, we have contracts with these individuals and there are all -- there are all --

LEG. FIELDS:

Can we have --

MR. CORRADO:

We are all a cooperative.

LEG. FIELDS:

Can we have copies of those contracts.

MR. CORRADO:

I'm sorry. Can you have copies?

LEG. FIELDS:

Can we have a copy of the contracts?

LEG. CARACCILO:

I don't have them with me, but I don't think there's a problem. I'll talk to Mr. Fischetti and we could make that available to you.

LEG. FIELDS:

How do you have a contract when you don't -- when you haven't had a

112

deal? How do you give a contract to someone when you haven't been assured that you're going to get the lease?

MR. CORRADO:

Well, all -- we originally -- we were the first ones to build hangars at Gabreski Airport in over 30 years. We put in a large investment, almost \$200,000. No one wanted to do anything at this airport. Joseph and myself said, "We're going to do this," and we built seven hangars. While we were building those hangars, other individuals came to us and they said, "We want hangars." We built another seven. During that time, more people came to us, yeah, and have requested. So, again, we went through the process and submitted our application to build more hangars, but we were stopped.

LEG. FIELDS:

Well, the analogy I have -- I'm confused. The analogy I have is sort of, if I'm a developer or I'm a builder and I would like to build, you know, some houses, and I go to some potential buyers of homes and I say, "I'm your builder, I'm going to build 15 homes, but I don't own the property."

MR. CORRADO:

Well, we -- you mean -- okay. Well, we've submitted --

LEG. FIELDS:

And I have no legal, you know, hold on the property. How do you do that?

MR. CORRADO:

You mean, how do we enter into contract you're saying?

LEG. FIELDS:

Uh-huh.

MR. CORRADO:

Well, it was -- Joseph is better with the legal end of it than I am, but we're -- we entered into contract with a promise to build. All their monies that they're in contract are all in an escrow account. And if somebody said they want their money back, they're able to get it back.

LEG. FIELDS:

I actually would like to see a copy of the contract, and I'd like to see the water bills, and, you know, anything else that -- electric, and, maybe, if you have some kind of material that shows that you were told to hook up to the electric and the water, and if, indeed, that is still operating in a manner in which it's supposed to be.

MR. CORRADO:

Okay.

LEG. FIELDS:

Thank you.

113

D.P.O. POSTAL:

Thank you. Thank you, Mr. Corrado. Next speaker is Philip Kraft.

MR. KRAFT:

Thank you. My name is Philip Kraft. I live at 68 Far Pond Road in Southampton.

D.P.O. POSTAL:

Please, lift the microphone.

MR. KRAFT:

I do not speak for the Shinnecock Hills Association, but I am a --

D.P.O. POSTAL:

Mr. Kraft, can you, please, speak into the microphone. Just --

MR. KRAFT:

Aha.

D.P.O. POSTAL:

Thank you.

MR. KRAFT:

I am not -- I do not speak for the Shinnecock Hills Association, but I am part of that group. I've lived for 20 years in Shinnecock Hills. We moved there because -- and built a home there, because it was a wonderful neighborhood. There's a good mix. There are young people, young families, older folks like my wife and myself, I guess, and we have kids. And I know a lot about kids, because I also live in Florida some of the time and we don't have kids in Florida. They don't allow kids in Florida for some reason, I'm not sure what it is, but we don't have kids, but we have wonderful kids where we live. My neighbors have twins who continuously bring sand in my house and eat my chocolate chip cookies, and that's a wonderful thing. But terrible things have been happening to our neighborhood in the past couple of months, things you never would have thought could possibly happen in the quiet residential area that we live in. These occurrences have really shaken the foundation of our feeling of security. It's a terrible thing to not feel secure in your own home. And I'm a little bit older than many of the people there and I can see how terrible it must be for them to not be able to take their children out and go for a walk in the evenings, but that's the way it is.

And when we bring these things to the attention of Legislative bodies in the Town, in the County, in the State, and even the Federal level, we get nods of understanding from everyone, and those nods come just before the finger-pointing like this. And every single body, including this one, has pointed fingers at the next highest level of government. It's a sad thing. We're not talking about owls here, we're not talking about salamanders, we're not talking about pine trees, although maybe we're -- I should have put hangars in that group, too, because it seems to me that gets everybody's attention around here. We need to have somebody say, "We are going to fix this problem."

We have children living in conditions and unable to exert their

God-given energies in a normal way. That is a terrible thing. We have families living in disgraceful conditions, which you've heard about already. That is a terrible thing. We have neighbors building walls and fences and maybe doing other things to protect themselves. That is a terrible thing. And, yet, we don't seem to be able to get together as a group of people and solve this problem. Nobody is winning this horrible game, there are no winners, but we know and you know that this problem will be fixed. Unfortunately, it will be fixed when somebody is hurt, and that person will probably be a child. Thank you.

D.P.O. POSTAL:
Thank you, Mr. Kraft.

(Applause)

Our next -- next speaker is Robert Bales.

MR. BALES:

Good evening. My name is Robert Bales and I live in Mattituck. I'm not here to represent anyone other than myself. I'm a member of the Aircraft Owners and Pilots Association and Experimental Aircraft Association. I'm a pilot that learned to fly at Gabreski Airport in 1993. Purchased my first airplane at Gabreski Airport and I now own a hangar there. For the past nine years, I've been familiar with the lack of affordable hangar space at Gabreski Airport. Many times, aircraft owners in search of space in which they can shelter their valuable aircraft have approached me. They share the same dream that Mr. Guldi now pursues. However, unlike Mr. Guldi, who is asking for an entire acre of property, most aircraft owners would be thrilled to be privileged enough to have the shelter of a hangar that is only about 30 feet by 40 feet, 45 feet.

Since 1993, I have noticed how there has been a change in interactions and attitudes of the management and tenants at Gabreski. What once was a cooperative diplomatic open sharing of concerns and ideas now appears to be an uncooperative monarchical control by management. It is my understanding that there are pending requests by various contractors that who wish to construct hangars for the benefit of many aircraft owners. These requests have been on hold for several years. It is my opinion that as the Chairman of the Airport Lease Screening Committee, Mr. Guldi is attempting to selfishly discriminate against these builders and ignore the interests of many citizens by politically maneuvering his own interests. In my opinion, this is an unethical practice of politics by an individual that is supposed to be looking out for the public's best interest, not his own. Therefore, I respectfully request that you deny Mr. Guldi permission to construct a hangar at Francis Gabreski Airport. I further request that you investigate the delay of the pending projects that require approval

from the committee Mr. Guldi is Chairman of.

I believe I may after -- may be able to answer your question about Mr. Corrado and the -- Legislator Fields, I believe you had asked a question about the contracts at Eastview, because I do own one of the hangars at Eastview Fliers. When Eastview Fliers was going to build hangars, they had already had the approval to construct the hangars

115

for which I had agreed to purchase one of. So it was not that Eastview Fliers was getting contracts and then getting the permission to build them, they had already had the approval and I simply gave them a deposit to allocate one of those hangars to myself.

Regarding the electric bills, I receive an electric bill that's issued from the Suffolk County Department of Public Works. Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Diana Weir.

MS. WEIR:

I'm tired and I'm sure you are, too. You're sick of hearing about airport. Thank you for letting me speak today, Legislator Postal and Members of the Suffolk County Legislature. I'm here to speak against Resolution 1784 and, subsequently, 1786. When we get elected as public officials, we have a public trust. We give up some of our privacy, because now we are public figures, and we abide by what we have been elected to. When you're in Congress, you abide by federal ethics rules, federal disclosure, in the Legislature, in the State, at the town level, we do that. That's what we commit to when we run for election. To try to switch the game in the middle of your election, I think, in the middle of your term is a little bit deceptive.

Taking one facility that the County owns, which is the airport and removing it from being subjected to ethics or being subjected to lease by County employees, well, that's a slippery slope, as far as I can see. How about the parks? Now, I'm not saying it's for commercial. I know George is saying he's doing it personally, it's a hobby, but, you know, parks, maybe I'd like to lease a little plot at a park that the County owns, build myself a little cabin and use it for my family for a hobby for pleasure. Where is this slippery going to end if we start taking pieces of County property and removing them from subjection to these ethics laws. I think it's not a good precedent for this body to send and to do right now. It kind of smells like insider trading, and what I'm hearing from the pilots is that, Here we are, you know, we've all been waiting our turn, and now somebody that's subjected to insider information or knows how to do it or knows how to get the rules is going to be able to get his piece of the pie.

And I applaud Mr. Guldi for flying. I know he flies into Montauk Airport. I'm liaison to the Easthampton Airport, and let me tell you, the most important thing we can do right now as a community and that this board can do, your Legislature, is to get hangars at these airports. We have small planes that are tied down and are subject to being taken and flown in a very negative way. We have Millstone right nearby. And to bring up 9/11 again, I'm fighting at my Town airport to build hangars, to build private hangars, so the planes that are tied down are not subject -- you don't want your car outside, you'd rather have it in the garage, and these people have a right to have their planes in a hangar where they're safe from theft, where they're safe from the weather, where their investment is safe.

And I think, if you pass this Legislative rule against this ethics, you're going down a very, very slippery slope, so I am against it.

116

Thank you.

(Applause)

D.P.O. POSTAL:

Thank you. Next speaker, Richard Amper. Richard Amper here? He was, I know. Next speaker, Charles Schwartz.

LEG. GULDI:

Madam Presiding Officer, Charles Schwartz, and I believe the next card, Jill Schwartz, were unable to stay at the meeting. I have made photocopies of their statements for circulation and ask the Clerk's Office to circulate them.

D.P.O. POSTAL:

Thank you. Next speaker, it looks like Mak Martinez, Jr. No? Or Mak Martin? No? Richard Mailand?

MR. MAILAND:

Hello. My name is Richard Mailand. I'm a pilot, commercial pilot, flight instructor for over 30 years, and in reference to the Gabreski Airport, I'm not going to knock down Mr. Guldi's resolution. If I was in his place, I'd want to build a hangar, too. I wish him the best of luck. I mean, if he goes about it the legal way and however he should do that, I think it should be approved. But I'm here to further my own agenda, such as most people are. And Mr. Guldi mentioned my name, Richard Mailand. I'm on a lease application for 1999. That's a reapplication. I started in 1997 with Joseph LaTrenta, the previous airport manager, to build some T hangars, and after a substantial investment and some advertising, nobody was interested in the T hangars, so I asked Joseph LaTrenta, and it went before the lease committee. I have paperwork here dating from day one. In fact, Fred

Towle, who I didn't know in 1997, I went to my Legislator and asked him, "How do I do this," and he took the -- nice fellow, and I wish he would have stayed, took me out there and introduced me to Mr. LaTrenta.

Anyway, in any event, I wanted to change the hangars to a larger type instead of the T hangars. And Mr. LaTrenta said he's retiring, "Resubmit your application, because you need now new plans to submit to the County and do that with a new administration." So that's how I ended up back with this new endeavor with Pauline. Now, I resubmitted again and I have a ten thousand dollar investment, which it was a gamble, and I'm being put off and put off and put off. So I would like to put my hangars up. And my hangars are -- I don't need electric and I don't need water. So if some day that infrastructure ever gets installed near, we can worry about that then. I explained that at the last meeting a year ago that was held at the airport. I wasn't invited to the last one in June 14th, I knew nothing about it.

And as far as his hangar goes, we talked about -- or you guys talked about for his personal use. Well, if he wants to rent it and turn a profit, that's his business. If he wants to sell it and double his money, that's still his business. If he wants to put up a hangar and go through the ropes just like everybody else does, that's his business. So we're talking about profit or -- I'm in it for the

117

profit.

And Mr. Guldi wants to build a hangar, he's not going go out there with the screws and a hammer and gun, he's going to hire a contractor and they're going to build it and charge him a profit, and he's going to end up with a hangar, and avid aviation enthusiast here, and I'm going to do the same thing. I'm going to build a hangar, turn a profit, and there's going to be 10 or 20 avid aviation enthusiasts in those hangars, same thing. And questions?

D.P.O. POSTAL:

Thank you. Next speaker, Carolyn Joyce. Next speaker, Thomas Freund. Next speaker, Ronald Parigoris.

MR. PARIGORIS:

I'd like to thank all present the ability to allowing me to speak tonight.

D.P.O. POSTAL:

Please, just speak into the microphone, it's very hard to hear you.

MR. PARIGORIS:

Okay. I appreciate tonight all present allowing me to speak. My name

is Ronald Parigoris and I'm a private pilot. I'm against both resolutions Legislator is seeking. The primary reason is abuse of power, favoritism and self interest. As far as Mr. Guldi goes, he heads the Lease Committee, and I'm sure he understands that receipt of federal funds has a stipulation of promoting and fostering aviation.

Over three years ago, I entered into a contract with North Side Hangar and we're still stone-walled. I'm not going to rehash what all others have said, but we're still stone-walled. I'm sure he knows the ropes and he will make sure that the I's are dotted and the T's are crossed and he will get, you know, a hangar out of Gabreski.

As far as fostering and promoting aviation, if he would have given us a hand, we would have gotten hangars out there. I'm sure Joe Fischetti, he happens to be a P.E., he's a very good guy, he builds things, he knows what is right. As far as the accusations that he is installing electrical wrong and water wrong, I've gone through some of these things and I see no indication of that. As far as illegal hookups, there wasn't an illegal water hookup. He had gotten permission to drill a well. He drilled a well, and, all of a sudden, it was said, "You can't use well water, there might be contaminants in there." So they took the head off of the thing, there is no well, and he finally hooked up to city water. Things like that just abound. I mean, I'm sure they're going to submit to you the exact precise details.

Anyway, that's what I have to say. But, in reality, I think it's a terrible idea to give somebody the ability to abuse power for self interest.

(Applause)

118

D.P.O. POSTAL:

Thank you. Next speaker is Van Giacoia.

MR. GIACOIA:

Good evening. My name is Van Giacoia, and I'm not going to talk about hangars. I'm here to support the creation of Suffolk County Transportation Advisory Board. I'm the Director of Transportation for Peconic Connection in Westhampton, and we do nonmedical emergency transportation. And this Transportation Advisory Board would be enacted to assist the Legislature in knowing what's going on in Suffolk County when it comes to transportation, what the needs are, and what they can do to help out the public.

Part of the problem is that the bus routes that are now being run only run on main corridors, and a lot of the people that want to use the service can't because they don't live on the main corridor, and they have too far to travel and they don't have any way to get to the bus

stops. The senior citizens, particularly, and children who are not mobile have this problem.

I'm not going to go any further on that, but I want to just bring up one incident that happened just the other day, and this might explain it a little bit further. I was traveling into Southampton from Hampton Bays for a meeting with my physician early in the morning, and so I left and took Montauk Highway from Hampton Bays to Southampton. Of those of you who know, that corridor is very well traveled in the morning and it takes a substantial amount of time to get there. There was construction being done on Montauk Highway that morning and that made the traffic even worse. When I got done with my appointment, it was still early in the morning and I traveled back. I said, "Well, I'm not going to go Montauk Highway, I travel back and I'll take the Highway 39, County Road 39. I get on County Road 39 and what happens, they've got construction going on there, too, on the eastbound lane. So that traffic on the eastbound, I'm going westbound this time, and I'm watching the traffic backed up on the eastbound lane, I'm saying, "Well, they have construction on both corridors going to the East End. There's no other way to get there. You either go 39 or Montauk Highway, and both of them have early morning eastbound construction, which limits traffic. So Transportation Advisory Board maybe would be able to address issues just like this and help out the public. Thank you.

LEG. CARACAPPA:

Thank you.

D.P.O. POSTAL:

Thank you. The next speaker is Harry Gunther.

AUDIENCE MEMBER:

He left.

D.P.O. POSTAL:

Next speaker, Robert Fritts. Next speaker, Cindy Pierce Lee. Next speaker, Ken Drange.

119

MR. DRANGE:

Speaker, members of the Legislature, I'm with the Shinnecock Hills Coalition. Unfortunately, because of the late hour, many of our speakers had to leave. They had obligated baby-sitters for a certain amount of time. Some of them had work obligations even this late, so I apologize that not all of them are here, but it's unfortunate it's running this late.

Charles Schwartz would have been speaking, and it was eloquent. I've read it and he submitted it for your records to review, but let me

read an excerpt before I go on to my own.

When queried about the inequity of Suffolk County, DSS has continually said that they have -- like to place emergency housing in communities other than Southamton, but they are unable to find facilities in Towns like Babylon, 14% of the population, Brookhaven, 32% of Suffolk population, Huntington, 14% of Suffolk population, Islip, 23% of the population, or Smithtown with eight. And so it goes that Southamton has approximately 40% with 4% of the overall population. Oh, my word. Believe this. In an informal study, I found over 20 motels in these townships that charge 65 to 75 dollars for a night per motel room, and DSS offers in the neighborhood of 130 to 140 dollars per night in emergency housing. You do the math. Would they accept this?

My research has also indicated that contrary to the public statements, DSS is doing little or nothing to find alternative locations. In fact, if you remember a little more than a month ago, I spoke, as well as DSS spoke, saying that they have ongoing queries and searches. Well, since January of 1991, they have had two requests, two letters go out, two. They offered them presumably the opportunity to participate. Doesn't look that way, particularly when you look at the numbers and the numbers of motels that are out there.

Let me read you my letter now. Refresher. A little more than a month ago, I met with you and spoke to you about the human tragedy. As an anecdote, Miss Postal, I also make reference to your comments about the poorest crowded conditions and the children, but you didn't address the issue of those in the community where it's dumped. We have five motels in our community, three immediately proximate to Shinnecock Hills. What that essentially means is you're creating a ghetto, creating a ghetto.

Shinnecock hills in Southamton happens to be a tax cash cow for Suffolk County. What are you doing, not only to us, but to yourselves? You're 73 million dollars short in your budget right now, 73 million dollars. You got raises last year, remember? Please do something about it. It's critical that you address this.

D.P.O. POSTAL:

Thank you, Mr. Drange. Next speaker, John Gearity.

(SUBSTITUTION OF STENOGRAPHER - DONNA BARRETT)

MR. GEARITY:

We couldn't guarantee you a lease to use the airport. For years, my wish was to put my office in my hanger. Mr. Guldi stated that it was

120

not probable, that everybody could do it. Well, anybody with a hangar on the ramp already has an office in his hangar, and what's the

difference in 500 where my phone is located. I have an office directly across the street from my hangar, and I'm forced to have two buildings. One so I can write a receipt and one to put my plane in. The difference, my hangar has a lease for 20 years, and the airport committee wants me to renew the building lease every one to three years so I can grovel for a lease. I'm in a constant state of doing that for 20 years. I also tried to move into the terminal building when it was empty, but friends of Mr. Guldi got that property for \$100 a month. It's a write off for their quarter of a million dollar airplane. They were supposed to open a legitimate business, they never opened a legitimate business. In fact, they never opened at all. But they do pay their \$100 a month and take their quarter of a million dollar tax write off. They haven't been open since their inception that I've seen them, and I've been there for 20 years. I also offered 500% more rent than they paid. Mr. {Rier} also had an aerobatic box approved at the County resulting in near mid-air collisions, he's the fellow that got the office at Gabreski. When I complained about this, the tower -- the tower chief resigned in disgrace, the tapes were missing, and again, more loss of revenue for the County. Some of my customers left because they said it wasn't safe with Mr. {Rier} flying in the sky in the area. Later I asked about a trailer as an office, but I was told that that's tacky and it probably doesn't meet code. Now, Mr. Guldi's office is a trailer at the same location on the flight line. Now 9/11 comes, and my gate accessing the ramp is padlocked by the County Sheriffs. It's my fence and the only fence on the flight line erected by a tenant, but I'm locked out of my lease hold and told if I cut the lock again, I'll be arrested. The Long Island Jet Center has an open gate for the friends of George Guldi, but my people are not welcome there. We're all -- all the people complaining about way the airport is operated have a padlock; myself, Daedalus and Malloy Air East have all been threatened with arrest in the last year.

D.P.O. POSTAL:

Thank you, Mr. Gearity. Your time is up, I'm sorry.

MR. GEARITY:

Thank you.

D.P.O. POSTAL:

Next speaker is Eileen Swanberg-Thailer. Is she here? I don't know if this is Dam Trimboll or Dan Trimbolly. Is he here? Priscilla Ciccariello. Richard Giannotti.

MR. GIANNOTTI:

Good evening. My name is Richard Giannotti, I live in the Hamlet of Brookhaven. And I wish to register my opposition to any change in the County Ethics Policy. I actually don't care if George Guldi get a hangar or not, but I do care if the policy is changed so he can get a hangar. I have no involvement with the Gabreski Airport other than as

a member of the aviation community and a taxpayer in Suffolk County. A wise man once said that power corrupts and absolute power corrupts absolutely. There has always been a temptation for those on the inside to expect special treatment or to believe that what they hold

121

in the public trust is really somehow their's to enjoy. While examples of this behavior are few, they happen often enough to merit vigilance. Elected officials must be held in the highest standards. This modification to the Ethics Policy sends the wrong message to the people who have elected you. If the goal is to find a way to allow Legislator Guldi to lease land from the County to pursue his hobby, then there must be a more above board and equitable way to do it. This kind of rule bending for the purpose benefitting one of your while others have waited years is not the imagine you should be displaying.

Now, in Mr. Guldi's opening remarks he talked about Suffolk County Policeman who is an excellent airplane mechanic who couldn't get a lease because of the -- of the Ethics Policy. Well, that guy is my mechanic, and he is an excellent mechanic, and he does have a lease. And the way he got the lease -- the way he got the lease was he went before the Ethics Committee, and told them, I work for the Police Department, and I want to run a mechanic shop at the airport. And as far as I can see there's no conflicts there. And he was granted a lease. He followed the rules. If there's -- if it's clear that there's no conflict here, then I suggest that Legislator Guldi follow the rules. It really doesn't look very good, as other people have said, when we try to change the rules to benefit one individual. Thanks.

APPLAUSE

D.P.O. POSTAL:

Thank you. Next speaker is William H. Kinn.

MR. KINN:

Good evening. I live at 79 Little Neck Road. I'm also a member of the Shinnecock Hills Coalition. And I realize it's late, and I'm going to keep my remarks very short. I do have a couple of questions though. One is that the zoning law there provides for transient motel stays, and it's my understanding that the families that are housed there are rotated from room to room to get around the intent of the law. I don't understand how the Suffolk County Department of Social

Services can be party to this action. It's a public department that's supposed to be following the rules and laws of the County, and yet, they are unwilling to share the information on where the families stay and seem to be above the law.

The seconds comment I have is that I understand that another motel was purchased in the area and another hotel is being converted to the same type of use, which is causing the problem to further snowball and create the ghetto situation that was referred to by another member. Thank you.

122

D.P.O. POSTAL:

I have a question for you. You said something about families being rotated from room to room, are you talking about room to room within a motel or from one motel to another or both?

MR. KINN:

Both, from what I understand. And I understand that the -- the village or the town tried to get the records from the Department of Social Services regarding exactly this action and they were unwilling to cooperate. As far as I know, it's the Suffolk County Department of Social Services.

D.P.O. POSTAL:

I would imagine that the Presiding Officer would most interested in pursuing this, and that's what I think will happen. Did you have a question, Legislator? Thank you. Next speaker is Jacquin Fink. Is that person here? Sister Margaret Smith. Ruth A. Reynolds. Joseph Werner. Harriet Sanchez. Stephen, it looks like, Smiles.

LEG. GULDI:

Actually Harriet Sanchez asked me to mention that she was here to speak in favor the transient program that's before us today.

D.P.O. POSTAL:

Thank you. Is Stephen Smiles here? There are a number of people who are here to speak on the issue on public transportation. Dominick Callo. Louise Stalzer.

MS. STALZER:

Thank you for the opportunity to speak. My name is Louise Stalzer, I'm the Director of the Peconic Community Council. We're a coalition of Health and Human Services on the East End, been around since 1976, have been involved in transportation since -- for the last four years. Our concern is mobility for people without vehicles, and that's how we began. We had many people here tonight that had to leave, many more that couldn't come tonight. Certainly it's a very hot issue here as it is elsewhere in Suffolk County. We've been working with Legislator

Foley on a Transportation Advisory Board, and we're very pleased to see that resolution up to tonight and support that resolution. The Council has been involved in federal planning studies, the job access reverse commute, a member of the Suffolk County Executive Legislative Task Force on Transportation, Southampton Town Transportation Task Force and SEEDS, {stakeholder} of the Long Island Railroad, etcetera, etcetera. We see a need to do something further. We think the Transportation Advisory Board is a very strong next step to begin to move toward with this agenda on transportation, which I know we're all anxious to do.

I just made some comments in terms of the some of the things that are positive, there are many positives about this Transportation Advisory Board. The need for creative innovative strategies is now to both realize solutions and draw in the necessary funding streams. The Suffolk County Transportation Advisory Board is an innovative and critical next step in moving forward with transportation agenda in Suffolk County. The Transportation Advisory Board has the potential to serve as a model to other communities. The Transportation Advisory is

123

important because of the following reasons; community public transit meets a broad range of needs, including economic, environmental and quality of life issues.

A board provides a means for key segments of the population including representatives from business, local government, human services and transit riders who are both impacted by public transportation and are possible resources into the transportation system to be involved in the transportation planning process. One of the -- one -- we have been outreaching to the business community as well, and certainly this Transportation Advisory Board is certainly for mobility for people without individual -- without vehicles, but also because of concerns, growing concerns, out here on the East End and elsewhere for congestion and quality of life issues. So we've been working with the chambers and getting input from them as well, and there were several -- many chambers that wanted to come tonight. It's actually not a good during the summer just before Labor Day.

D.P.O. POSTAL:

Ms. Stalzer, your time is up, but Legislator Fisher has a question for you and then Legislator Foley.

LEG. FISHER:

Just so that you can continue your statement, can you tell me what type of response there was from the chambers?

MS. STALZER:

Thank you. We had a very positive response. In fact, I have a statement from the Montauk Chamber of Commerce. They're very anxious

to do something in terms of transportation getting employees to work. And it's a growing need. I know Dune Management, just an example, out in Montauk has many motels out there, and they -- they tried even to change their schedule for the workers to try to work along with public transportation, but it just didn't work. So I have a statement from Montauk Chamber. I won't -- I was going to read part of it, should I do that? Okay. The Montauk Chamber of Commerce located on the eastern tip of Long Island -- and this is from Merl McDonald Aaron, Vice President of the Montauk Chamber of Commerce -- on behalf of its members, the Montauk Chamber of Commerce located on the eastern tip of Long Island has always been in need of more transportation. There has been a critical long standing demand for community public transit services, which would enhance your educational needs, business needs and job opportunities here on the East End. Here in Montauk, we are subject to a limited rail schedule and are in desperate need of alternative transportation to serve our growing population of youth, elderly and our disabled residents. With the ever increasing reliance on the automobile and resulting negative impact on congestion air quality, which threatens Suffolk County's quality of life here on the East End, the need for communities is increasing. So -- and there's many other positive reasons for this Transportation Advisory Board, and we encourage your support.

LEG. FISHER:

My next question I'm not certain that it should be of the speaker or maybe perhaps later on of the sponsor. But the chambers in my district are -- have been very focused on transportation needs as

124

well, although they're different types of needs. I represent the 5th Legislative District. In fact, we're so committed that we earmarked almost all of the downtown revitalization monies to work toward having a shuttle or a circulator in our -- to connect the hamlets in my district. And we've come up against the operating issues. And have you begun to look at -- is the committee going to -- commission going to be looking at the problem with going to Suffolk County Transit and looking at the operating expenses?

MS. STALZER:

That's right. That's right. Any kind of operational issues that have barriers, any kind of even Legislative or regulatory barriers, why isn't it happening, what do we need to do, that is the kind of creative approach we need. We formed a transportation company two years ago that -- {Vangie Coya Spoke} operates, and we did an employee shuttle. Now, we did that with -- and this is not the same thing you are talking, there were no operational problems, but we're running that right now. And that's for the Town of Southampton, the hospital and the college. And so it's a creative approach that we are getting a lot of support, particularly from the hospital, because of parking

problems and all. So that constant listening and looking at approaches and pulling in members of the community not ordinarily involved as much, not even a little bit really, it provides that means to do that and to look at those issues of why isn't it happening and what can we recommend and then let the Legislator know and the County Executive through written reports and testimonies.

LEG. FISHER:

Now, it looks as if you're going to be -- and I'm using you collectively -- you are going to be looking at transportation from the point of view of the communities rather than Suffolk County, which is how we've been looking at it in a microcosm, you know, the needs of that community, because we are comprised of so many different types of communities in Suffolk County.

MS. STALZER:

Even when we went we had the public meeting as part of the Suffolk County Task Force, people came forward from particular communities with particular needs. We need to do more of that. So -- so we look at -- we certainly hear issues Suffolk County wide, and we want to look at that, but certainly individual community, individual needs, and respond of that.

LEG. FISHER:

Okay. Thank you.

D.P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Also to answer Legislator Fisher's question, and it's a very good one about part of the mission of the advisory boards. They'll be a very open advisory board, where members of the public who may not per se be members of the advisory board will be welcome to the meetings, there will be public portions at meeting so that the public from various communities can attend those meetings and participate and speak with

125

the advisory in order for the advisory board to get a full -- fuller appreciation of the County wide and community wide issues, some of which maybe distinct of that particular community. So the advisory boards holds great promise not just as an ancillary group, but as an advisory board that will have a creative -- creative approach to listening to what the public has to say about transportation.

I just want to end with this. The hour's getting late, but I want on the record, I think Louise particularly and also the Peconic Community Council for a lot of the work that they put into the drafting of this legislation. It's been over a number of months, Madam Chair, that we had drafted this bill. So we're at a point where whether we approve

it tonight or at the next meeting, it couldn't have happened without the great help of the Peconic Community Council, and I wanted to thank you, Louise, on the record for that.

MS. STALZER:

And thank you for your leadership in doing this.

LEG. FOLEY:

And what's also -- to end, Madam Chair, what I find most noteworthy about the bill too is that there's strong bipartisan support for this particular measure.

MS. STALZER:

Yes. And I think the supporters of the legislation. Can I submit this Montauk Chamber --

D.P.O. POSTAL:

Yes. The Clerk can -- you can give it to the Clerk right in front of you.

D.P.O. POSTAL:

Thank you. Next speaker is Claramae Gilbert. Vincent Taldone.

MR. TALDONE:

My name is Vincent Taldone. I am a public transit advocate presently working on several public transportation related projects in the Town of Riverhead including installation of bus passenger waiting shelters. I also serve as a member of the Board of Peconic Connections, a not for profit transportation broker and am a frequent passenger on the S-92, 66, 58 and 8-A. As a person with impaired vision who cannot drive a car I depend on the public system to maintain an independent lifestyle. I am here to speak in favor of Intro 1859, the proposed County Transportation Advisory Board.

As a city planner and resident of the County, I support the Legislature's effort to assemble an advisory panel that includes transportation professionals, local government, advocates for transit dependant populations, actual public transit passengers and the business community. As you know, tourism, agricultural and many service based business on the East End of the Island rely heavily on a workforce that travels by public bus. Many entry level jobs go unfilled at large are employers, such as the Tanger Outlet Center, because potential employees cannot access a private vehicle or afford to work evening and Sunday shifts when public bus systems aren't

126

running. I know, I messed that one up.

The lack of mobility is a huge problem for many East End communities,

and is just plain bad for business. A Transportation Advisory Board can well serve its Legislature by working together and distill information about public needs and alternatives for meeting those needs. There is so much that can be done in the next few years to meet the demands of a growing economy and population in a physical environment of limited potential for roadway expansion. I believe the primary role of an Advisory Board is to develop strategies to promotes ridership. For the many reasons discussed here today, the County needs to encourage better utilization of the existing transit system. However, no one should expect ordinary working families to abandon the convenience of their automobiles for our County's bare bones system.

For Suffolk County Transit to be successful in attracting fare paying customers, it will have to provide a service that is intergraded, reliable, comfortable and one that respects the dignity of passengers. A Transportation Advisory Board can serve the information needs of a busy Legislature and provide supplementary planning services to the Department of Public Works. Thank you for your time.

D.P.O. POSTAL:

Thank you. Question by Legislator Foley.

LEG. FOLEY:

Vincent, I just want to thank you also for the time you put in to the effort, and we look forward to working with you in the future. And it should be noted on the record as well that through Vincent's efforts that the Township of Riverhead will be placing -- in cooperation with the County Division of Transportation will be installing some bus shelters in the area. But the bus shelters won't be as utilitarian looking the ones that we usually have, but will be a stop above so to speak, but still be affordable. So through your work the kind of shelter, the better shelters that will be provided to the Town of Riverhead, I hope that your County Division of transportation will use the same kind of improved shelter in other parts of the County, so I want to thank you for that.

MR. TALDONE:

We hope as well.

D.P.O. POSTAL:

Next speaker is Joan Ray. Is Joan here? Linda Fleming. Lisa Tyson.

MS. TYSON:

I made it. I didn't think I make it this far. Good evening. I thought it was going to be good afternoon, but it is good evening. I'm the Director of the Long Island Progressive Coalition. We are a multi-issue grass roots citizen run organization. We're part of a state wide organization, Citizen Action of New York, which works on clean money -- clean elections, which is what I want to speak to you today. But before I forget, I do want to support the Transportation Advisory Board Number 1859, extremely important. Transportation and

land use, we need to think about these things together. I won't get into it, I'll use up all my time.

127

Campaign finance reform. We support Resolution Number-1391, John Cooper's bill. The reason why, and I think it's really important to think about where are the Long Island citizens, the citizens of Suffolk County, where are their minds at when we're talking about campaign finance reform, when we hear stories everyday about Enron and other corporations that are just destroying communities, destroying lives, destroying pensions, people's livelihoods. And what this bill does as opposed to the other bill, it sets it straight. There is no politics, there is no -- you know, there is no democrat-republican anymore. This is a matter of there's a Campaign Finance Board, which was set up by the People of the County through a referendum, which was saying we need someone on the outside, we don't need the existing board that we have, the Board of Elections. And I know there's lots of questions, and you can say, well, you know, what could happen, what couldn't happen. I think it's a matter of perception for the people of Suffolk County.

It's extremely important for money to be taken out of politics. You guys are taking the first step to do that. The other step is reporting, and for citizens like myself to say, you know, where's my Legislator getting his or her money from. And I want to look it up, and I want to know I can trust that information. But having -- by the County Campaign Finance Board I know I can trust that information. Two years ago, three years ago, I did a report on County Executive Tom Gallotta, looking at all his campaign contributions and all the money that he gave out in personal service contracts. We saw there was a regular pattern; Tuesday you give \$100 contribution, \$500 contribution and on Wednesday, you're going to get a County contract. It was incredible to find this information. I had so many volunteers. We had to actually go through all this stuff by hand, it was not computerized.

This bill will make things computerized, thank goodness, and give citizens access to the information that they really need to have on a daily basis, and they need to be able to look up. And this bill is the better bill out of the two bills. Really hope -- I really hope that every Legislator here supports that bill. Thank you.

LEG. BISHOP:

Do you find it discouraging to wait six hours to speak and only five people are in the room?

MS. TYSON:

Yeah, I do. I do. And I also found it discouraging when there were certain discussions going, when half of the room would leave. That

was very upsetting to me personally. Thank you.

LEG. BISHOP:

We should do a better job balancing out leaving.

D.P.O. POSTAL:

Thank you. Next speaker is Stuart Lowrie. Stuart. Next speaker Marilyn MacKay.

128

MS. MACKAY:

Not good evening, good night. My name is Marilyn MacKay, and I'm representing the Suffolk County League of Women Voters. The league worked tirelessly for the passage of the Campaign Finance Reform Bill. We continue to work for good government and reforms that place the concerns of all citizens at the center of our political system. Therefore, we're very pleased to support Legislator Jon Cooper's disclosure bill which furthers the goals of campaign finance reform by establishing a publically accessible data base containing the campaign finance activities of all County candidates. We urge you to pass that legislation. And I thank you.

LEG. FISHER:

Thank you.

D.P.O. POSTAL:

Thank you. Next speaker is Lee Lutz. Lee.

MR. LUTZ:

Good evening to you all. I didn't even expect to speak here tonight, but I was concerned that there may be questions, and so I wanted to be available to answer them. I've made two formal statements at the Legislature and to the Ways and Means Committee regarding Legislator Cooper's Bill 1391, also Legislator Binder's Bill 1541. I hope I've made it clear as to why the Campaign Board supports Legislator Cooper's bill. We are convinced that it is the way to facilitate disclosure of this information, which is, in fact, public information, which is difficult for the public to access. It is our intention and plan to make this information available, easily accessible. We're working on that, as a matter of fact, right now. As I said to this Legislature before, we're been working on implementing this data base for sometime now.

The reason we've been working on it for sometime now just as a reminder is because it's part of the our mandate, it's included in the law, which create the Campaign Finance Board in the first place. If you check Section 14-7 Paragraph H, you will see that we are, in fact, mandated to create a data base and make it accessible to the public. And it is our intention, of course, to do so. We also -- and, in fact, I will say once again, acknowledge Legislator Binder for

initiating an effort to make this disclosure electronic, which is the only way to go. It's being done at the federal level, at the New York State level, at more than half of the states in the country, cities and counties all across the country. It's the only way to go. It's instantaneous, it's easy, it's inexpensive, it's virtually fool proof, in that one of the problems with uploading data obviously is the possibility of key stroke errors and that sort of thing. So it's the only way to go. If you're going to create a data base for the public, and it is, in fact, already mandated in the law of Suffolk County, it's the only way to create to it. And therefore, again, I urge you to discharge that measure that has been stalled in the Ways and Means Committee and favorably act upon it. Thank you.

D.P.O. POSTAL:

Thank you Lee. Question, Legislator Binder.

129

LEG. BINDER:

Lee, didn't you come to the Legislature the first time when you -- if I remember right -- I'm sure I do -- Legislator Cooper's bill didn't have electronic filing, didn't have the idea of open filing. He just wanted everyone to send everything to the Campaign Finance Board, and you were going to do some kind of publishing. That was the original bill. And my bill was electronic filing. If I remember right, you came to the Legislature, to the committee, and said, no, we're not ready for electronic filing, that is not the way to go, the technology is not there, and you know, we should do that, we should just be with Legislator Cooper's bill because that's where we should be right now, and we're not really ready for that. I remember you saying that. I don't have the transcripts, but I'm sure I can pull them out. How come you had such an epiphany?

MR. LUTZ:

Well, if I ever said that in those words, I'm sure it was in a bad dream in the middle of the night home in bed.

LEG. BINDER:

Unfortunately it wasn't. It was in front of the Legislature, unless that's a bad dream coming to us.

MR. LUTZ:

Let's not compare our bad dreams, all right?

D.P.O. POSTAL:

Legislator Binder, will you suffer an interruption, because I think that Legislator fields may be able to clarify your question.

LEG. BINDER:

Okay.

LEG. FIELDS:

Well, maybe I'll ask you this question. Was the question asked of you whether electronic filing or electronic voting was the way to go? I believe it was electronic voting that we discussed, and he said that wouldn't work.

LEG. BINDER:

No, because -- I'll explain. It was never electronic voting, because my Legislation never was electronic voting. From the beginning, my legislation was electronic filing. There was no thought of electronic filing until I put in a bill that proposed it in Suffolk County. There wasn't even a thought of it. So my discussion with him in committee was purely about electronic filing. There was no question of voting, it never came up.

MR. LUTZ:

I believe that you are probably referring to a Ways and Means Committee meeting, not a full -- not a General Meeting. And a question arose regarding exactly what I said or didn't say at that meeting a week or two ago. And though I don't have them with me, so I can't show them to you, but I could -- I'd be happy to fax them to your office tomorrow morning, for example, in which we had a dialog. That was, in fact, the meeting where you first mentioned the fact that

130

you were planning on introducing your bill which you then subsequently did. It wasn't even in yet. And you announced that you planned on -- on proposing that electronic filing become the way the disclosure is done in Suffolk County. I do recall my reaction to that suggestion. I said it was brilliant, and I still say so. I also remember, because I just recently saw the transcript, as of quick aside, your reaction when I said it was brilliant was to say ouch. I won't read anything into that.

LEG. BINDER:

That might be true. It sounds more and more like you have a good recollection.

MR. LUTZ:

It's not recollection, I just saw it recently in print last week, so that's the only reason I remember. I reacted very enthusiastically to your suggestion for electronic filing. And I just said it again, electronic filing is the only way to go. The debate we have, if there is -- in terms of disclosure, electronic filing is the way to appropriately properly do disclosures so that it is quick, efficient, available to the public, accurate as few errors as possible. The only errors that are going to come up are errors that were put in by the campaign's treasurer himself, because he or she filled out the form.

LEG. BINDER:

Isn't that true that would happen if it were in BOE the same -- what you just said, would exactly be the same, the only errors that would exist on it would be those errors that would be generated by the campaign, because it would be submitted in the electronic form and put on to the website in that electronic form?

MR. LUTZ:

That's one of the advantages of electronic filing.

LEG. BINDER:

So the hard part that we keep -- I keep going back to, it doesn't make any sense, and the truth is Mr. Goldstein couldn't answer the question, because there's no real answer to it, and I think it's becoming clear there is none. What could the BOE -- will -- will the BOE manipulate data? The answer is no. Will they change the data that's going to be on the website? The answer is no, because they're not going to. If someone does -- isn't it true that the candidates going to see that, or someone's going to see that, that's not what I filed, and someone's going to get in serious trouble. So the only question I keep hearing is foot dragging or getting the sight up. In other words, the timeliness of us passing something and creating the technology and put -- having the system up and running. That's the only question I hear, and really that's a question for us -- isn't that a question for us to make sure that they do what they're supposed to do. And if we do our oversight function correctly, they will -- they will initiate the program. So --

MR. LUTZ:

The law says --

131

LEG. BINDER:

What other -- what other question, because I keep hearing bipartisan --

P.O. TONNA:

Can I ask you just --

MR. LUTZ:

I would answer the question more basically even than addressing who would do it better. The issue's been raised, who would do it cheaper. And a question that as far as I know hasn't been addressed yet, certainly not in front of this Legislature. I would simply point you back to the law of Suffolk County. As approved by referendum of the voters in 1998 that said that this computer data base shall be created and administered by the Campaign Finance Board.

LEG. BINDER:

Also isn't it all supposed to run by voluntary funds, because this is through a voluntary system? And isn't it true also that --

MR. LUTZ:

We're talking about two different things here. We've got apples and oranges here. The law that was overwhelmingly approved by the voters in 1998 had several aspects, but two major elements as far as I was concerned in that bill addressed the two major functions, major elements of campaign finance reform; they are disclosure and public finance. They are both important, they are also distinct. One is not directly related to the other. The law that was passed mandated that both those things be accomplished. The disclosure by a computer data base in compiling all the data of the candidates on their contributions and expenditures to be compiled by the Campaign Finance Board and to be made assessable to the public.

LEG. BINDER:

Two things. Did it split the funding source, number one? And number two it didn't talk about online, because you could go get the information like you did and issue reports.

MR. LUTZ:

It never mentioned the method of the data base other than to -- it does use the phrase computer data base.

LEG. BINDER:

That doesn't mean --

MR. LUTZ:

So that doesn't necessarily meaning electronic filing. And one of the reasons I keep harping on the fact that electronic filing is the way -- is the right way to create a computer data base, because of the multiple advantages to that system over scanning, over certainly manual upload of the data. So the law didn't specify the type of computer data base, it just said that the Board would create a computer data base, which would have that information on it and which would be assessable to the public.

132

P.O. TONNA:

Legislator Binder, just for one second. Can you suffer an interruption for a second? I just would remind my colleagues that as soon as we're done this debate that -- or questioning, we do have to do the community college early retirement. I'm not going to vote for, but we have to do it before twelve o'clock so that, you know, people can vote on that, because after 12, I think, we're done with that, somebody told me. They have to opt in by a certain period of time. We have to get that done. So there's a couple of things like that, okay, that we've got to get done. Sorry, continue please.

MR. LUTZ:

I certainly hope that we aren't going to speak for another 45 minutes.

P.O. TONNA:

You never know. One never knows. Legislator Cooper, I'm sure you can make your points another time, no? Thank you. Legislator Cooper, you have the floor.

LEG. COOPER:

I just want to go back to an issue that Lee Lutz raised, and that being the 1998 law, and I just want to read one sentence from this law to refresh the memory of those Legislators here.

P.O. TONNA:

Are you debating the bill or are you asking a question of the bill? We have other speakers.

LEG. COOPER:

A question to Mr. Lutz. It is correct that the 1998 law reads in part, the Campaign Finance Board shall develop a computer data base that shall contain all information necessary to the proper administration of this article, including information on contributions to and expenditures by candidates and their authorized committees. Such data base shall be assessable to the public, does that sound familiar to you.

MR. LUTZ:

That's sounds very familiar. I believe you're quoting from Suffolk County Charter Section 41-7, paragraph H. And that is was it says, and that is what I have been referring to right along. The fact that the Campaign Finance Board, in fact, already has a mandate, already is obligated by the law of Suffolk County to create this data base, having -- directing the Board of Elections to do so would be to a certain extent contradictory to the existing law of the County.

LEG. COOPER:

And just since I wasn't here in 1998, can you just confirm my understanding that the Legislature in its wisdom at that time did approve this -- that resolution putting the referendum in the ballot, and that subsequent to that, the voters of the Suffolk County overwhelmingly approved that referendum providing this mandate for the computer data base with the Campaign Finance Board.

133

MR. LUTZ:

That is all correct.

LEG. COOPER:

Also, is it true that New York State, which also has a Campaign Finance Disclosure Law on the books, do they provide any exceptions to your knowledge to electronic filing, and if so, what might that be?

MR. LUTZ:

The do provide an exception to -- to put it in context, the state law requires any candidate running for State Office, whether it be state wide office, State Assembly or State Senate, to file their disclosure reports and campaign financial disclosure reports electronically. And they -- and they state provides the software to the candidates to do that with. They do build into the law an exception, which is obvious and necessary, which says that if the candidate can demonstrate that, if fact, they either don't have access to a computer, they don't have the ability for one reason or another to file in such a manner that they can request and receive an exemption from that requirement.

LEG. COOPER:

And are you aware that Legislator Binder's -- there are a few differences between the two resolutions -- but that Legislator Binder's resolution does not provide that exception and requires all candidates to file electronically, even though they may not have access to the technology, whereas my bill does mirror the state exemption and says that if a political committee does not have a computer -- I know some of my colleagues have said that they don't have computers on their political campaigns -- it allows them to continue to file with paper filing?

MR. LUTZ:

That is how I understand one of the differences between the two bills, yes.

LEG. COOPER:

So is it correct --

D.P.O. POSTAL:

Can we move on? You know, we're very short on time. We do have to deal with the Faculty Association Resolution.

LEG. COOPER:

I understand. Okay, well, three of my colleagues are shaking their heads, so I'll take that as a sign. Thank you very much.

MR. LUTZ:

Thank you all.

D.P.O. POSTAL:

Our next speaker -- we have another card. No. No. Our next speaker is Preston Broun. Is Mr. Broun here?

D.P.O. POSTAL:

Now I recognize Legislator Towle.

LEG. TOWLE:

Thank you.

D.P.O. POSTAL:

Will all Legislators please return to the auditorium. Legislator Towle.

LEG. TOWLE:

I want to make a motion to waive the rules and discharge Resolution 1404 for the purpose of aging for an hour.

D.P.O. POSTAL:

There's a motion to -- has that -- that has been distributed, I believe I saw it -- and there's a second by Legislator Bishop. All in favor? Any opposed? Roll call.

MR. BARTON:

On the motion to discharge.

[ROLL CALLED BY MR. BARTON]

LEG. TOWLE:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

Legislator Nowick.

D.P.O. POSTAL:

Motion to discharge.

LEG. NOWICK:

No.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

135

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yes. To discharge, yes.

LEG. CRECCA:

No.

LEG. CARACCIOLO:

No.

P.O. TONNA:

No, to discharge. This is the Community College, right?

MS. BURKHARDT:

No.

P.O. TONNA:

Excuse me. No. I thought this was the Early Retirement Bill. You guys are killing me.

LEG. COOPER:

I'd like to make a motion --

MR. BARTON:

Ten.

P.O. TONNA:

Legislator Cooper.

LEG. COOPER:

I'd like to make a motion to discharge Resolution 1391.

P.O. TONNA:

Is there a second?

136

D.P.O. POSTAL:

Second.

P.O. TONNA:

Roll call.

LEG. BINDER:

On the motion.

P.O. TONNA:

On the motion to discharge.

LEG. BINDER:

Mr. Chairman, a couple of questions I think arise about moving forward on this. First and foremost is the question of whether we should be building a bureaucracy. It's said that we have a law that says they should have a data base at the Campaign Finance Board. The Campaign Finance Board can build a data base. In fact, they've built a data base to do reports as they've done in the past. They did a report, I don't have how accurate it was -- about our last campaign, how much we spent, and they reported just as the law would require them to do. And that's what was asked of them. But one of the things also asked of them by our voters, twice overwhelmingly, the first time maybe there were taxes twice, the last time the work tax is only once, said in the referendum overwhelmingly two to one the people of Suffolk County said they don't want taxpayer finance of campaign -- of this campaign board, of this campaign finance, they don't want to -- they don't want taxpayer funding. If we put this in a board different, by the way, than the federal government who goes through their own FEC, the state government who goes through their Board of Election, if we go through a separate board and we start growing this board, we will be continually increasing the amount of taxpayer money against the

wishes of our voters that will be spent on this process. And so that will only increase over time.

It's also been pointed out, and maybe Legislator Cooper has another take on the bill, is that one of the holes in probably both of our legislation is that we can't point this at other levels of government who have been involved in Suffolk County elections. And so there is, unfortunately, no requirement on some other candidates or some other elected officials who have money, who were involved in our campaigns under individual expenditures for them to file, file electronically, and for people to see the connections. So that won't be there either. I think that's maybe something that both of us should look to find out how we can overcome.

But I think most importantly is that we would be thwarting the will of the voters if we go through a Campaign Finance Board. We have a Board of Elections, it's our job to make sure the Board of Elections moves forward with the process, if we want them to move forward with the process. They have a bureaucracy set up, they can't manipulate the information, they can't change the information, they've got to post it. You have to ask yourself why didn't New York State set up a whole separate Campaign Finance Board? Why would they allow their own BOE do to it? Why would the federal government, why would they let the FEC do filing and posting?

137

There are, also from what I can see, really no -- no penalties that are involved. So what if someone filed with the BOE as they always do and then they don't file with the Campaign Finance Board? So I guess they'll be -- they'll notify the BOE, the Enforcement Board. And I don't know what -- maybe I can hear on enforcement powers. I don't think there are any enforcement powers included in this. So the BOE everything turns back to the BOE. We heard that -- that it's clear that if someone doesn't file, the opposing candidate will make a complaint, immediately make a complaint. Who are they going to complain to? Not the Campaign Finance Board. They're going to complain to the BOE, because that's where it's properly suited.

So the next thing that's going to be asked for -- and understand what this is all about, this is always opening the door to the next thing. I said on the floor that Legislator Levy's campaign finance was a rouse, that it wasn't real, that we all knew it couldn't work, and they couldn't raise the money. We all knew it. It was said on the floor, we knew they couldn't raise the money, we knew it was a farce, there was no way to get it through the property taxes, none, but we passed it any way. Why? Because we wanted to pass something knowing full well the next year -- and I said it on the floor, I said, they're going to come back and ask for -- again, for public financing. What did they do? Came back again, said, look, we don't have the money, i'm so surprised. So now we need public financing.

Mr. Lutz himself, the Director of this, says, oh, we just have a to educate the voters better. So know he takes it upon himself that he should educate the voters better than they're being educated, that the will of the voters is not important until it's his will that matches their will. And at that point, then it's the will of the voters. Then we can understand how the people voted, because then it's his will. But the fact is twice they said no to public financing. Yet it's being pushed by this Campaign Finance Board who we want to give more power to. And what they did was they tried to open the door and see if they can public financing after they prove they inevitable, they couldn't raise the money, and know what's this about?

This -- this bill is about one thing. This bill is about first getting the responsibility over to the Campaign Finance Board, which they don't have to have under law, because they can go and do reports and they ask the BOE just like they've been doing and create reports for the public. And that would fulfill the laws requirement, that's number one. But what are they going to do? Are they going to say we need more, we need more people, we need enforcement power. And if you don't think they're coming back for enforcement power, if you don't think that there's going to be enforcement against you, vis a vis this Campaign Finance Board, you're wrong. All of you as candidates are going to be eventually subject to it, because that's going to be the next push, enforcement power and more funding and more people. And that's what -- that is what is unfortunate. And it is my feeling that we should not be -- we should not be -- I would -- it's just not right to interrupt.

LEG. ALDEN:

I'm not interrupting you. I'm reminding Paul that if he wants to

138

extends the meeting until ten o'clock tomorrow, he has to do it know, before midnight.

LEG. BINDER:

It's a half hour before midnight. We've got time. I'm not going to talk for half an hour. I promise, I'll finish.

LEG. ALDEN:

You've been talking for about 20 minutes.

LEG. BINDER:

Twenty minutes.

P.O. TONNA:

All right, guys, could we not debate the amount of time. Let's go back to the video tape.

LEG. BINDER:

The point is -- the point is that we shouldn't be doing this tonight. We should be thinking about what we're doing, we shouldn't create a larger bureaucracy, we shouldn't thwart the will of the people, and we should be careful that we're not creating something which is not at other levels, it's just at our level, just for us. Some things to think about. I hope we won't -- I do hope we won't be going forward with Mr. Cooper's bill tonight.

P.O. TONNA:

Okay. Jon, just before we do that, do we want to discharge the Community College Retirement Bill, could we just get that done? All right. We're in the middle of a motion.

LEG. BISHOP:

Why don't we extend the meeting to one o'clock.

P.O. TONNA:

How about we make a motion to extends is to two and just -- because we're not going to have a lot of time once Legislator Cooper gets done. I'm making a motion to extend the meeting to two o'clock, seconded by Legislator Postal. And on the motion, the reason why I'm extending it to two o'clock, this is the first time in a very long time that we've done this, it's because we wanted to listen to the public. They filled out the cards, we've asked them to. We have night meetings, we have it in Riverhead. So all I can say is, you know, it's better than coming back tomorrow at ten o'clock, all right, believe me. I ask my colleagues please, let's extend this meeting to two o'clock. If we're done at one, we're done at one. We have a full agenda to get through.

LEG. CARACCILO:

It might be three.

P.O. TONNA:

It might be, but at least let's try to get to two. Okay. Roll call.

[ROLL CALLED BY MR. BARTON]

139

P.O. TONNA:

Yes.

D.P.O. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:
No.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Pass.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
No.

LEG. CRECCA:
Yes.

MR. BARTON:

11, 7.

P.O. TONNA:

All right. What do I need -- what can I get ten for? All right. One o'clock. Legislator Caracciolo is making an offer I can't refuse.

LEG. COOPER:

Wait. Wait, just before we vote. I just want to let you know I have to bring my daughter for presurgical testing tomorrow. She's having a heart operation on Friday, and I'd appreciate it if I do not have to be forced to come back tomorrow morning before --

LEG. CARPENTER:

We don't have to come back tomorrow, we can come back next week.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:

Listen to me. Lets just -- let's just try to get the work -- we've got an hour and a half, 11:30, 12:30, 1:00, an our and a half. Let's try. All right. Roll call. I made a motion, second by Legislator Caracciolo.

LEG. CRECCA:

What's the motion for?

P.O. TONNA:

Until 1:00.

(Roll Called by Mr. Barton, Clerk)

P.O. TONNA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes to one.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

No.

141

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

P.O. TONNA:

All right. We've got 13.

D.P.O. POSTAL:

Yes.

MR. BARTON:

13 -5.

P.O. TONNA:

Thank you very much. Okay. Legislator Cooper, let's get on with whatever.

LEG. COOPER:

Yeah, just a couple of brief points. I found Legislator Binder's arguments Kafkaesque, thwarting the will of the people by approving

this resolution. We're implementing the intent of the voters of Suffolk County who voted overwhelmingly for the ballot referendum, which authorizes the Campaign Finance Board to maintain the computer data base. So to try to make the argument that voting for this will countermand the will of the people is ridiculous.

Number two, Legislator Binder expressed some concern over how we could enforce this, that there are no -- any penalties. I don't know about his resolution, but my resolution does say that any officer, employer or individual who willfully and knowingly violates any provision of this article shall be guilty of an offense punishable by a term of imprisonment, not in excess of one year, and/or a fine not in excess

142

of \$500. So there are some penalties in the resolution to address the concern that Legislator Binder expressed. Thank you.

P.O. TONNA:

Thank you. Okay, great. All right. Okay. Thank you very much, Legislator Cooper. There's a motion to discharge and a second. Roll call on the discharge.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

D.P.O. POSTAL:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

No. No, Henry.

143

LEG. GULDI:

He's a no, I'm a yes.

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

No.

MR. BARTON:

13-5.

P.O. TONNA:

There we go. All right.

LEG. CARPENTER:

Henry.

P.O. TONNA:

Everything's in front of us. Now --

LEG. CARPENTER:

Henry.

MR. BARTON:

Oh, I'm sorry, Legislator Carpenter.

LEG. CARPENTER:

Yes.

P.O. TONNA:

I'd like to make a motion -- just wait.

MR. BARTON:

13-5.

P.O. TONNA:

I'd like to make a motion to take out of order Number 1897 (Approving the participation of Suffolk County Community College in the Retirement Incentive Program for College Full-time Unclassified Service Employees pursuant to State of New York Chapter 69 of the Laws of 2002). The reason is, you know, Suffolk Community College Early Retirement Program, it's Page Number 13.

LEG. GULDI:

Second.

LEG. CRECCA:

Second.

P.O. TONNA:

I make a motion to take it out if order, seconded by Legislator Crecca. Okay. Now it's in front of us. I'd like somebody else to vote for it. Okay.

144

LEG. LINDSAY:

What page?

D.P.O. POSTAL:

Motion.

P.O. TONNA:

A motion by Legislator Postal for --

LEG. FISHER:

Second.

P.O. TONNA:

-- 1897. This is approving the participation of Suffolk Community College in the Early Retirement Incentive Program.

LEG. GULDI:

Second.

LEG. FISHER:

Second.

P.O. TONNA:

Seconded by Legislator Fisher.

LEG. FOLEY:
What page?

LEG. CARACAPPA:
Thirteen, last one.

P.O. TONNA:
Thirteen. Okay? And I just -- I want to go on record again, I don't think I've been for an early retirement bill, maybe one in the last eight or nine years. I don't think this is a time for early retirement and -- but to be consistent, I'm sure I'll go down 17 to 1. Let's just roll call. Oh, no. Everybody for? Against? Me.

MR. BARTON:
17-1.

D.P.O. POSTAL:
You were right.

P.O. TONNA:
There we go. Thank you very much.

LEG. BINDER:
He, you're looking like me, only I got hair.

P.O. TONNA:
There we go.

LEG. CRECCA:
Legislator Tonna.

145

P.O. TONNA:
I could predict my own demise.

LEG. CRECCA:
Legislator Tonna.

P.O. TONNA:
Yes.

LEG. CRECCA:
I'd like to make a motion to discharge I.R. 1541.

LEG. GULDI:
What is it?

D.P.O. POSTAL:
Where is it?

LEG. CRECCA:
That's the campaign -- that's the other campaign finance bill. That's
Legislator Binder's.

LEG. ALDEN:
That's not before us.

P.O. TONNA:
This is the Binder bill?

LEG. ALDEN:
We don't have a copy?

LEG. BISHOP:
We don't have a copy.

LEG. FISHER:
We don't have a copy of it.

MR. BARTON:
Mr. Chairman, can we do the Consent Calendar first?

LEG. CRECCA:
All right. I'll just -- I'd ask the Clerk's Office --

P.O. TONNA:
Is it -- wait, wait, wait, wait. There's got to be a copy in front of
us.

LEG. GULDI:
Motion to approve the Consent Calendar.

P.O. TONNA:
Okay. Hold it a second.

LEG. BINDER:
For a discharge motion?

146

P.O. TONNA:
Just wait. Fit's 11:30. Wait, wait, wait, just wait. It's 11:30.
There has been a motion to discharge by Legislator Crecca, seconded by
Legislator Binder. There is a question from Legislator Bishop
whether, if a bill is not in front of us, physically in front of us,
distributed, can we make that discharge petition, knowing that we have
an hour, it has to age for an hour?

LEG. FOLEY:
Can't.

LEG. FISHER:
No.

LEG. FOLEY:
The bill has to be in front of us.

LEG. BISHOP:
Counsel?

LEG. BINDER:
Counsel?

P.O. TONNA:
He's looking it up. Excuse me?

LEG. FIELDS:
Can't we go on to something else?

P.O. TONNA:
Well, I'd like to, but, okay. While we're looking for an answer, I'd like to do the Consent Calendar. I make a motion to approve, seconded by Legislator Postal. All in favor? Opposed? Approved the Consent Calendar.

MR. BARTON:
18.

P.O. TONNA:
Thank you very much. All right. Skip the subject to call.

LEG. BISHOP:
1957 on the tabled.

RESOLUTIONS TABLED TO AUGUST 27, 2002

P.O. TONNA:
Tabled Resolutions. 1957 (Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article 1 of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law at Bergen Point (West Babylon)).

LEG. BISHOP:
Motion to table.

P.O. TONNA:

Motion to table by Legislator Bishop, second by myself. All in favor?
Opposed? Approved. Okay.

MR. BARTON:
18. It's tabled.

P.O. TONNA:
Legal Counsel?

MR. SABATINO:
Okay. Under Rule 6(E), a copy of the resolution has to be present at
the time of the discharge motion.

P.O. TONNA:
Okay. So --

LEG. BISHOP:
So it's out of order, so can we move on?

P.O. TONNA:
Yeah, we'll move on. Guys, distribute a copy. Okay, 2000.
(1000-Imposing reverter clause on non-Brookhaven Town PILOT payments
pending appeal of Gowan decision). Legislator Haley?

LEG. FIELDS:
1000.

P.O. TONNA:
1000?

LEG. HALEY:
Motion.

P.O. TONNA:
Motion.

LEG. CARACAPPA:
Second.

P.O. TONNA:
Seconded by Legislator Caracappa.

LEG. ALDEN:
Motion to table.

LEG. FIELDS:
Motion to table.

P.O. TONNA:
This is like deja vu.

LEG. BISHOP:
Table.

148

P.O. TONNA:
Table by Legislator Alden, seconded by myself. All in favor? Opposed?
Tabled.

(Opposed Said in Unison by Legislators: Legs. Towle, Caracappa,
Fisher, Haley.)

P.O. TONNA:
Okay. You know the usual suspects.

LEG. BINDER:
Opposed.

LEG. CRECCA:
Opposed.

P.O. TONNA:
Okay. There we go.

LEG. CRECCA:
Opposed.

P.O. TONNA:
Ten. All the guys who were Brookhaven.

LEG. BINDER:
I'm opposed. Henry, I'm opposed.

LEG. CRECCA:
Henry, you got me?

P.O. TONNA:
Okay. 1050 (Authorizing retrofitting of traffic lights and LED
fixtures).

LEG. COOPER:
Motion to table.

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

MR. BARTON:
It's 12-6 on the other one.

P.O. TONNA:

Seconded by Legislator Postal. All in favor? Opposed? Tabled. It's 18, Henry.

MR. BARTON:
18, tabled.

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

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

149

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

LEG. FOLEY:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
Okay. 1283 (Appointing member to the Suffolk County Community College Board of Trustees (Jim Morgo), a circle.

LEG. CARPENTER:
Motion.

LEG. BISHOP:
Motion to table subject to call.

P.O. TONNA:
It's a term to expire in 6/30. There's a motion by --

LEG. BISHOP:
Motion to table subject to call.

P.O. TONNA:
There's a motion to table subject to call? I make a motion to approve, seconded by Legislator Carpenter.

LEG. FISHER:
As the sponsor --

P.O. TONNA:
Sponsor?

LEG. FISHER:

-- of this bill, I'm making a motion to withdraw.

P.O. TONNA:

Okay.

LEG. GULDI:

On the motion.

P.O. TONNA:

There's a motion to withdraw, so it's just withdrawn. Okay.

LEG. CARPENTER:

Motion to table.

P.O. TONNA:

On 1395 -- well, you can't, she's withdrew the resolution. 1395

150

(Initiating procedure for environmental impact statement (EIS) for
2003 Vector Control Plan of work). Legislator Fields?

LEG. FIELDS:

Motion to approve.

P.O. TONNA:

Okay. Motion to approve --

LEG. CARACAPPA:

Motion to table.

P.O. TONNA:

-- the environmental impact statement for the Vector Control Plan.

LEG. TOWLE:

Second.

LEG. CARACAPPA:

Motion to table.

P.O. TONNA:

Seconded by Legislator -- oh, motion to table by Legislator Caracappa,
seconded by Legislator Towle. All in favor? Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1421 (Authorizing the County Executive to establish a Unified Child Placement Committee).

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

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

LEG. TOWLE:
Motion to table.

MR. BARTON:
18.

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

MR. BARTON:
18.

P.O. TONNA:
1660 (Amending the 2002 Capital Budget and Program and appropriating

151

funds in connection with the Mental Health Information System (CP 4063).

LEG. FOLEY:
Motion to table.

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

MR. BARTON:
18.

P.O. TONNA:
1671 (Amending the 2002 Operating Budget in connection with the addition of six security guards for County buildings).

LEG. TOWLE:
Motion to table.

P.O. TONNA:

Motion to table by Legislator Towle, seconded by Legislator Postal.
All in favor? Opposed? Tabled.

LEG. CARACAPPA:
Opposed.

P.O. TONNA:
Okay.

MR. BARTON:
17-1.

P.O. TONNA:
Thank you. 1695 (Reappointing Michael J. Sacca to the Suffolk County
Community College Board of Trustees). I'll make a motion to approve.

LEG. CARPENTER:
Second.

P.O. TONNA:
No, I didn't withdraw that -- withdraw that.

LEG. BISHOP:
Motion to table.

P.O. TONNA:
Seconded by Legislator --

D.P.O. POSTAL:
Second.

LEG. CARPENTER:
I second the approval on 1695.

152

P.O. TONNA:
Thank you.

LEG. BISHOP:
Motion to table.

P.O. TONNA:
And a motion to table --

LEG. FISHER:
Second the motion to table.

P.O. TONNA:
-- by Mr. Bishop, seconded by --

LEG. CARPENTER:
On the tabling motion.

P.O. TONNA:
-- Ms. Postal.

LEG. CARPENTER:
On the tabling motion. I would just --

P.O. TONNA:
Sure.

LEG. CARPENTER:
-- like to suggest that we not table the resolution. This gentleman has served on the Community College Board of Trustees for nine years. His appointment expired and he's expressed interest in continuing to serve this volunteer position for the Community College. He presently serves as the Chairperson of the Board, was reelected as the Chairperson in June. They just had an election for the Vice Chair of the Board. Michael Hollander was appointed the Vice Chair of the Board, because the Vice Chairperson, Sally Slacke, passed away. And I think that -- I know there's a competing resolution that's aging right now that would not only not reappoint Mr. Sacca to the College Board of Trustees, but would, in essence, bid him farewell in a very impolite, ungrateful, ungracious manner.

P.O. TONNA:
Ignominious.

LEG. CARPENTER:
And I think that someone who has given nine years of service deserves to be treated in a little bit more respectful manner than what we're trying to do here this evening. So I would suggest that we abandon the tabling motion and reappoint this gentleman to the Board of Trustees.

LEG. CRECCA:
On the motion, Mr. Chairman.

P.O. TONNA:
Okay. Legislator Crecca.

153

LEG. CRECCA:
Yeah. I just want to add to -- you know, I understand that -- I'm assuming, or I think, if it hasn't been made already, there'll be a motion to table this bill. And I would just say to those Legislators, after this many years of service, have the decency to either vote Mr. Sacca up or down and not table this to try to avoid that. But,

you know, I think Legislator Carpenter is right, after that many years of service, we at least owe Mr. Sacca that. I'll be supporting the resolution.

P.O. TONNA:

Okay. And I would like to just reinforce the words of Legislator Carpenter. I think Michael Sacca was a fine Trustee of the Suffolk County Community Board of Trustees, and I'm sorry to see that he'll be tabled, and then, basically, from what I can glean from the discharge petition, then vote it out.

LEG. CARPENTER:

Yeah, it's a shame.

P.O. TONNA:

So I just think that's too bad. Okay.

LEG. CARPENTER:

And I just -- on that motion, I just overheard someone say, "Pure politics," and that is unfortunate, because I think this is one institution, the Community College, that we should not see politics being played. And what we're seeing here tonight, if this resolution goes down, is downright pure -- pure dirty politics. And I really hate to see the Community College, which so many of us like to refer to as a jewel in the County treated in such a shameless manner.

LEG. FISHER:

Mr. Chair.

P.O. TONNA:

Thank you. Yes, Legislator Fisher.

LEG. FISHER:

People from the Community College appeared before this Legislature a month ago, where it was -- it seemed to me abundantly clear that there was someone working at that College who was not fulfilling his position, as evidenced by serious mistakes that were made. I spoke with Mr. Sacca about the fact that I was uncomfortable with his protection of that person, and I spoke candidly with the Presiding Officer regarding that very issue. So my seconding of the tabling motion is based on issues that I see that are very relevant issues in the running and administration of the College and not based on politics.

P.O. TONNA:

Now, let's just vote. So there's a tabling and a second. All in favor? Opposed?

LEG. ALDEN:
Roll call

P.O. TONNA:
Oh, roll call. Roll call on tabling Mr. Sacca for the purposes of really killing him, let's face it.

LEG. CRECCA:
No. They should kill him, then, if the --

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:
Yes.

D.P.O. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Pass.

LEG. NOWICK:
No to table.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
No to table.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:

No.

LEG. TOWLE:

Abstain.

155

LEG. GULDI:

Yes to table.

LEG. CARACCIOLO:

Nope.

P.O. TONNA:

No to table.

LEG. BINDER:

Abstain.

P.O. TONNA:

There's a motion to approve by myself --

MR. BARTON:

Eight.

P.O. TONNA:

-- seconded by Legislator Carpenter.

LEG. CARPENTER:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Abstain.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes to approve.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Abstain.

LEG. LINDSAY:

No.

156

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. FISHER:

No.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Abstain.

LEG. GULDI:

Abstain.

LEG. CARACCIOLO:

Yes. Motion to table subject to call.

LEG. CARPENTER:

Second.

P.O. TONNA:

Why are we doing that? Because it's going to be dead in 30 seconds anyway.

LEG. CRECCA:

It's going to be -- yeah, don't even bother.

LEG. CARACCIOLO:

Motion to table subject to call.

LEG. CARPENTER:

Second.

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

LEG. FOLEY:
Opposed.

LEG. CARACAPPA:
Opposed.

P.O. TONNA:
Okay.

MR. BARTON:
16-2.

P.O. TONNA:
Okay. Anyway, tabled subject to call. 1734 (Designating contract agency for education component of Universal Child Sexual Abuse

157

Reporting policy for Suffolk County). Legislator Caracappa?

LEG. CARACAPPA:
Motion to approve.

LEG. BISHOP:
Second.

P.O. TONNA:
Seconded by --

LEG. TOWLE:
Second.

P.O. TONNA:
Myself.

LEG. GULDI:
Hold on.

LEG. TOWLE:
Second.

P.O. TONNA:
Okay.

LEG. GULDI:

Wait a minute.

LEG. COOPER:
Motion to table.

P.O. TONNA:
This designates Parents for Megan's Law to provide workshops --

MR. SABATINO:
Well, there's -- I think the other bill got out of committee, which has all of the agencies in one, so these are mutually exclusive ideas. So the other resolution is --

P.O. TONNA:
1799?

MR. SABATINO:
Well, it's in the regular agenda.

LEG. CARACAPPA:
It's five different ones, but she's tabling it.

LEG. FIELDS:
There's one right after it.

P.O. TONNA:
Two after.

158

D.P.O. POSTAL:
Two after it.

LEG. BISHOP:
So, anyway, this one has --

LEG. FOLEY:
Speak into the mike.

P.O. TONNA:
Speak into the mike, please, Legislator Bishop.

LEG. COOPER:
What, Paul? Would you like to say something?

MR. SABATINO:
1799 would pick up.

P.O. TONNA:
Yes.

MR. SABATINO:

-- like six different entities, so you's have to make a choice between the two bills.

P.O. TONNA:

Either between --

LEG. COOPER:

Well, actually, there's a third bill. If I could --

P.O. TONNA:

Okay, wait. Legislator Bishop has the floor.

LEG. BISHOP:

No, I --

P.O. TONNA:

You've stopped having the floor? Okay. Legislator Cooper.

LEG. COOPER:

There was a third -- a bill that was laid on the table today at the request of the Suffolk County Coalition -- I'm sorry, Suffolk County Child Sexual Abuse Task Force, which is representatives of the D.A.'s Office, the Police, Child Protective Services, a number of groups. I met with them several weeks ago. Their unanimous request was that DSS be allowed to select the agencies annually. There are certainly organizations aside from Parents for Megan's Law that are qualified to do this. I'm concerned that one or two of the groups listed in Legislator Nowick's resolution may not be appropriate, and there were a couple that were missed, VIBS, CAPS. So, in any case, if we leave it to DSS, I'd also like to see an RFP process perhaps. But, in any case, that was the request of the Child Sex Abuse Task Force and I filed that resolution today. So I'd like to ideally table these two, so we can consider all three resolutions at the next meeting.

159

D.P.O. POSTAL:

Are you making a motion to table? I'll second it.

LEG. COOPER:

Yes, motion to table.

P.O. TONNA:

Okay. All in favor? Opposed?

LEG. CARACAPPA:

Opposed.

LEG. CRECCA:

Opposed.

LEG. HALEY:
Opposed.

LEG. ALDEN:
Opposed.

LEG. GULDI:
This is to table?

P.O. TONNA:
This is to table. Opposed, Legislator Towle, Caracappa, Haley, Alden
and Crecca.

LEG. BISHOP:
And myself.

LEG. COOPER:
And Bishop.

P.O. TONNA:
And Bishop.

MR. BARTON:
12-6.

P.O. TONNA:
Okay.

MR. BARTON:
It's tabled.

P.O. TONNA:
Tabled. Okay. 1794 (Authorizing the sale of surplus County cars to
the Village of Patchogue). Motion by Legislator Foley.

LEG. FOLEY:
A motion to approve.

LEG. CARACCIOLO:
Second.

160

P.O. TONNA:
Okay. This is for seven vehicles?

LEG. FOLEY:
Yeah.

P.O. TONNA:
Okay.

LEG. FOLEY:
The resolution was amended to reflect a different --

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

MR. BARTON:
18.

P.O. TONNA:
Approved. 1799 (Designating certain contract agencies for education component of Universal Child Sexual Abuse Reporting Policy for Suffolk County).

LEG. NOWICK:
Motion.

P.O. TONNA:
Motion by Legislator Nowick.

LEG. CARPENTER:
Second on the motion.

P.O. TONNA:
Seconded by Legislator Lindsay.

LEG. CARPENTER:
And I have a question.

D.P.O. POSTAL:
I would make a motion --

LEG. BISHOP:
Motion for table

D.P.O. POSTAL:
-- to table for the same reason.

P.O. TONNA:
For the same reason? Okay.

LEG. CARPENTER:
I have a question.

P.O. TONNA:
Sure.

LEG. CARPENTER:

But this resolution includes Parents for Megan's Law and three other agencies or four other agencies?

LEG. COOPER:

Four.

MR. SABATINO:

Yes. It includes Parents for Megan's Law, Suffolk County Coalition on Child Abuse, Family Service League, Pederson-Krag, Response and Scope as the six organizations. It lists all six. In other words, it would be -- the contract vendors or contract agencies could select from within those six.

LEG. NOWICK:

Paul.

P.O. TONNA:

Yes.

LEG. NOWICK:

I just have one concern while we're waiting around for Jon's, and I respect your resolution.

LEG. COOPER:

Thank you.

LEG. NOWICK:

We're kind of stuck with just one right now. Would it not be a good idea at least to pass this and get this in the --

LEG. COOPER:

I mean, your resolution is definitely preferable to the other resolution, but --

LEG. NOWICK:

All right. So could we --

LEG. COOPER:

But the third -- nothing's going to happen in three weeks.

LEG. NOWICK:

Okay.

LEG. COOPER:

I mean, we can certainly wait. And the consensus was among a very disparate assortment of groups with expertise in this area, that there may be and there are other organizations not listed in your resolutions that should be considered, particularly VIBS and CAPS.

LEG. NOWICK:

So what, do you want to add to this resolution?

LEG. COOPER:

And, also, there may be one or two listed on your resolution that really are not appropriate. So I think the best thing would be to

162

table this just for three weeks, and we can consider the third resolution that was laid on the table today, that would allow DSS to come up with an approved list on an annual basis. It may include these five organizations, it may include seven, it may include two. I'd also like to see an RFP process, so we can do this in the most economical fashion possible.

LEG. CARPENTER:

On the motion.

LEG. FISHER:

Mr. Chairman. Madam Chair? Lynne.

LEG. NOWICK:

Yes.

LEG. FISHER:

I received a letter from Laura Ahearn, and I don't have the letter with me, I'm sorry, but I thought in it she referred to the fact that there were agencies who were mentioned in your resolution who actually went to Parents for Megan's Law for training to do -- to perform this task. Did you receive this letter?

LEG. NOWICK:

Well, that would be a good thing, then, right? Then everybody --

LEG. FISHER:

No, actually not, because if they're being set on the same plane as different entities that could perform the task, it wouldn't seem appropriate to me that they would -- may I just -- can you let her give me her attention, please, Dave, so that I can finish my statement? It wouldn't seem appropriate that --

P.O. TONNA:

Hold it one -- just --

LEG. FISHER:

-- if these entities are all being presented on the same -- on the same level as different entities performing a service, that one should have to be trained by one of the competing entities. Do you see what

I'm saying?

LEG. NOWICK:
Okay.

LEG. FISHER:
If you're mentioning A, B, C, D, E, F, F shouldn't go to B to be trained to perform the same service that they're all being asked to perform. So I'm concerned about that, and that's why I would support a tabling motion, so that we could clarify these things.

LEG. BISHOP:
Okay. Paul.

P.O. TONNA:
Okay. Legislator Bishop, now it's your turn.

163

LEG. BISHOP:
We have a tabling motion, do we not?

P.O. TONNA:
Yeah. Yeah, but I know Legislator Fisher was talking to you and then something happened.

LEG. FISHER:
No, no, no. I was asking Legislator Nowick a question and he was distracting her, so I asked him to wait.

P.O. TONNA:
Okay. That's the Minority Leader? Okay. I can't help it, I was just -- okay. So we have anything going on here?

LEG. CRECCA:
There's a motion to table.

P.O. TONNA:
Okay, and a second. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

LEG. CRECCA:
Roll call.

P.O. TONNA:
Okay, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

P.O. TONNA:
To table? Yes, if we want.

LEG. COOPER:
Yes.

LEG. BINDER:
No.

LEG. NOWICK:
No.

LEG. CRECCA:
No.

LEG. CARPENTER:
No.

LEG. ALDEN:
No.

164

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
No.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
No.

LEG. TOWLE:
No.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

MR. BARTON:

Ten. It's tabled.

P.O. TONNA:

Thank you very much. Now, let's go to the agenda. It's only ten to twelve.

LEG. CRECCA:

Paul. Mr. Chairman, I'd like to make a motion to discharge 1451, which has been distributed.

P.O. TONNA:

Okay. I'll second that. 1451.

LEG. HALEY:

1541.

LEG. CRECCA:

1541, that's what I said. I have dyslexia going on there.

P.O. TONNA:

1541. That's adopting a local law with regard to facilitating full public disclosure of County election campaign finances through the internet. Okay. There's a motion and a second.

165

LEG. CRECCA:

Just this will allow us, just to my fellow Legislators, to --

P.O. TONNA:

Have two competing bills?

LEG. CRECCA:

Two competing bills on the floor.

P.O. TONNA:

It's a choice.

LEG. CRECCA:

-- and give Legislators a choice. I would ask, just out of respect, that we have both bills before us, because -- so that Legislators do have an option. One -- they're basically the same bills. One has the Board of Elections doing the publication and the other one has Campaign Finance Board.

P.O. TONNA:

Legislator Cooper is trying to get every Democrat's attention going like this.

LEG. ALDEN:

On the motion.

LEG. BINDER:

Who are the Pro Choice Legislators?

LEG. ALDEN:

On the motion, Paul.

LEG. CRECCA:

That's right, if you're Pro Choice vote to discharge this.

P.O. TONNA:

I watched --

LEG. CRECCA:

Just discharge it, guys, huh?

P.O. TONNA:

I saw Gladiator, I know what that means. Okay.

LEG. BISHOP:

That's the kind of eloquence that's going to serve you well in Albany.

P.O. TONNA:

Anyway, Legislator Alden.

LEG. ALDEN:

This is a question to Paul Sabatino. Paul, in this legislation, is it mandatory to file electronically, or does it give you an option?

MR. SABATINO:

Both, both bills make it mandatory.

166

LEG. ALDEN:

No, the other --

P.O. TONNA:

We have to file it electronically?

LEG. ALDEN:

The other bill --

P.O. TONNA:

I don't see Ron Cohen doing that?

LEG. ALDEN:
Legislator Cooper's bill --

LEG. BISHOP:
You don't have a computer on the other bill.

LEG. ALDEN:
-- mimics the New York State law and states that if you don't have a computer or if, you know --

MR. SABATINO:
Oh, you mean that -- I'm sorry. Yeah, that exception's in both, right.

LEG. ALDEN:
For both bills.

MR. SABATINO:
Right. I'm sorry.

LEG. COOPER:
Paul, I don't think it's in Legislator Binder's, and I have a copy in front of me.

LEG. NOWICK:
So what's your answer? What was the answer?

P.O. TONNA:
The answer is . . .

LEG. NOWICK:
What's the answer?

P.O. TONNA:
I don't know. Well, listen, we have time. This is just to discharge. We'll debate it as time goes on.

LEG. COOPER:
This is important.

P.O. TONNA:
All right. What is the important question?

167

LEG. COOPER:
Because the votes of one or two of my colleagues may rest on whether electronic filing is mandated with Legislator Binder's bill and --

P.O. TONNA:
It is mandated in yours?

LEG. ALDEN:
No.

LEG. COOPER:
No, it's not.

P.O. TONNA:
Okay.

LEG. COOPER:
I provide an exemption. It was the last change for my bill. When I found out that New York State made an exception, I incorporated the same exception for the --

P.O. TONNA:
And which exception was that?

LEG. COOPER:
For those political committees that do not have access to the technology, the computer equipment to electronically file, we permit them to file by paper. Legislator Binder's bill was not modified. So, if his is approved --

P.O. TONNA:
Okay. Legislator Binder, does your bill have that exemption?

MR. SABATINO:
I'm sorry. I just went back and checked. You're right, it's in -- when you draft so many of these bills, after awhile, they blend into one, but --

LEG. BINDER:
Counsel forgot. No, no, I'm kidding.

MR. SABATINO:
On this case.

LEG. BINDER:
It wasn't -- I'm not going to blame Counsel.

MR. SABATINO:
On this case. The exception for the Treasurer, who files a sworn statement, is in the Cooper bill in Section 3(B), it's not in 1541. I apologize, I made a mistake.

LEG. BINDER:
So, Mr. Chairman, on the motion.

P.O. TONNA:
On the motion.

LEG. BINDER:
So I would ask that we bring it --

LEG. ALDEN:
Am I done?

LEG. BINDER:
I would bring it out --

P.O. TONNA:
Oh, I'm sorry. Wait, wait, wait. I'm sorry.

LEG. ALDEN:
Oh, no, no, no, no.

LEG. BINDER:
Oh, I'm sorry.

P.O. TONNA:
No, no, no, no, no. You asked a question. I don't know -- now, do
ou want to make a statement?

LEG. ALDEN:
No. I've got a couple of other questions for him.

LEG. BINDER:
Go ahead.

P.O. TONNA:
All right. So go ahead.

LEG. ALDEN:
About an hour-and-a-half worth of stuff, though.

P.O. TONNA:
Okay. Legislator --

LEG. ALDEN:
You guys ready for that?

P.O. TONNA:
Legislator Alden. Bring it on, Baby.

LEG. ALDEN:
You want me to?

P.O. TONNA:

If you have an hour-and-a-half worth of questions, bring it on. I would never stop a Legislator from speaking his mind.

LEG. HALEY:

We know where you live, Cameron.

169

LEG. ALDEN:

Paul. This is back to Paul Sabatino.

P.O. TONNA:

I missed the ferry, by the way, but go ahead.

LEG. ALDEN:

Thanks.

LEG. FOLEY:

You missed that hours ago.

LEG. ALDEN:

If this does not conform to New York State law, which -- in other words, which law would be -- would be controlling, New York State law on this matter, or if we pass a local law?

MR. SABATINO:

Do you mean in general, or are you referring --

LEG. ALDEN:

It has to be specific to this law, then. If this law is considered and then passed --

MR. SABATINO:

No, no. I mean, are you referring to the specific provision --

LEG. ALDEN:

Right, right.

MR. SABATINO:

-- that we just talked about in Section 3(B), or are you --

LEG. ALDEN:

Right.

MR. SABATINO:

Well, the local law would prevail. I mean, the local law would prevail. In one case, it would be the -- you know, the provision providing the exception, in the other case it wouldn't.

LEG. ALDEN:
Even if New York State law provides that type of exception to it?

MR. SABATINO:
Yeah.

LEG. ALDEN:
Okay.

MR. SABATINO:
The local law would prevail.

LEG. ALDEN:
Then, Mr. Presiding Officer, I'm done.

170

LEG. BISHOP:
Okay.

P.O. TONNA:
That was the quickest hour-and-a-half --

LEG. BISHOP:
It's a quick ninety minutes.

LEG. ALDEN:
If you went the other way, I had a couple of hours.

P.O. TONNA:
Okay. Legislator Bishop, you want to ask a question now?

LEG. BISHOP:
No, I want to move the question.

P.O. TONNA:
Okay. Now, this is the discharge of Number 1541. There's a motion by Legislator Crecca, seconded by Legislator Binder, I think, right, or who? By myself?

MR. BARTON:
Yourself.

P.O. TONNA:
Okay.

LEG. BINDER:
On the motion.

P.O. TONNA:

Again you want to be recognized on this? Can't we just vote on it and see if we get it?

LEG. BINDER:

I didn't get recognized. No, on the motion to discharge.

P.O. TONNA:

Oh, okay, go ahead.

LEG. BINDER:

I would ask my colleagues to discharge this and have it on the floor. We can have both bills on the floor. If Legislators feel there's a defect in going to the -- in going to the BOE and not having exceptions, both can be tabled on the floor. And I have no problem with, by the next meeting, making the changes that everyone wants. The question is really bringing both to the floor, so we can debate and have before us the question of where it should be, and I would be, as I said, very willing to make that change, if Legislators wanted to go to BOE.

LEG. BISHOP:

Okay. Here's your chance to call the question.

171

P.O. TONNA:

I would like that exemption.

LEG. BINDER:

I could -- but we'll table both -- my point is we could table both on the floor.

P.O. TONNA:

Well, I voted to -- I'll vote to table -- but I'm just saying --

LEG. CRECCA:

You've got to discharge first.

P.O. TONNA:

Yeah.

LEG. BINDER:

I want to discharge and then table both on the floor. I will make the change by the next meeting on my bill.

LEG. CRECCA:

Right now we're going to discharge.

LEG. BINDER:

So they're both on the floor for discussion.

LEG. BISHOP:
Okay. Call a question.

P.O. TONNA:
It doesn't matter, we're going to vote -- okay.

LEG. BINDER:
And then --

P.O. TONNA:
It doesn't matter one way or the other, but okay. There's a vote to discharge. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:
Yes.

P.O. TONNA:
No, not discharge now. Just get the thing in, that's all. I want the exemption. Go ahead.

MR. BARTON:
So, what was your answer? I'm sorry, what was your vote?

P.O. TONNA:
I said no.

MR. BARTON:
Okay, thank you.

172

LEG. COOPER:
No.

LEG. BINDER:
Yes.

LEG. BISHOP:
No.

LEG. NOWICK:
Pass.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. FISHER:

Pass.

LEG. CARACAPPA:

Sure.

LEG. TOWLE:

Yes.

LEG. GULDI:

(Not Present).

LEG. CARACCIOLO:

No.

D.P.O. POSTAL:

No.

LEG. NOWICK:

Yeah, bring it on the floor.

P.O. TONNA:

I'm going to switch my vote to a yes for the discharge on your word that there's going to be a corrected copy.

173

LEG. BINDER:

Yes, there will be.

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Henry, change my vote to a yes.

MR. BARTON:

Okay. 11-6, 1 not present. (Not Present: Leg. Guldi).

P.O. TONNA:

Now, we have -- we have that in front of us to discharge, right? So we have two live bills on this?

LEG. CRECCA:

Go back to the agenda.

P.O. TONNA:

Let's go back to the agenda now.

HUMAN RESOURCES

Human Resources. Let's get through this one. 1809 (Authorizing certain technical correction to Adopted Resolution No. 1256-2000). There's a motion, a technical correction.

LEG. BISHOP:

Motion.

P.O. TONNA:

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

MR. BARTON:

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

P.O. TONNA:

Okay. I'm going to do the same motion, same second, same deal. 1810 (Authorizing certain technical correction to Adopted Resolution No. 309-2002). Same motion, same second, same vote.

MR. BARTON:

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

P.O. TONNA:

1843 (Authorizing certain technical correction to Adopted Resolution No. 220-2002). Same motion, same second, same vote.

MR. BARTON:

No, now we're at 18. Mr. Guldi's back in.

P.O. TONNA:

1846 (Authorizing certain technical correction to Adopted Resolution No. 524-2002). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:
1863 (Authorizing certain technical correction to Adopted Resolution No.160-2002). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1901 (Authorizing certain technical correction to Adopted Resolution No. 619-2002). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1902 (Making a technical correction to Resolution No. 944-91). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1906 (Authorizing certain technical correction to Adopted Resolution No. 346-2002). Same motion, same second, same vote.

MR. BARTON:
18.

ECONOMIC DEVELOPMENT & ENERGY

P.O. TONNA:
Okay. Economic Development. 1804 (Directing Suffolk County Department of Public Works to proceed with County construction project relocation). Motion by Legislator Guldi -- I mean, Towle, seconded by Legislator Guldi. All in favor? Opposed?

LEG. ALDEN:
What is it?

LEG. FOLEY:
Explanation, please

P.O. TONNA:
Explanation.

LEG. CARACCIOLO:
It's the LIPA --

LEG. GULDI:

If I may. The problem with this is the -- LIPA is beginning to assess charges, which we're disputing, for relocation of utilities in connection with County DPW road projects. Well, we're contending, our

175

position is that LIPA is in the same sense as LILCO, a private utility, and must bear that expense itself. They're contending that they are an -- it's an intragovernmental entity claim and they are, therefore, entitled to reimbursement. This legislation permits the projects to proceed by paying, advancing the money without prejudice to our claim lawsuit to get it back. If we do not make the payment, the projects must be terminated in incomplete status or not move forward, all of them being public safety projects because of road projects. So that it's critical that -- and many of them being in progress. They'd have to be stopped midway in progress, and we would also suffer construction contract cancelation penalties under many of our contracts. So the reason we put this bill in together is to permit those projects to go forward, but without prejudice to our right to claim those amounts back from LIPA; is that correct, Counsel?

LEG. LINDSAY:

A question.

P.O. TONNA:

Wait. Legislator Alden has the floor after this question is answered, and then Legislator Lindsay.

MR. SABATINO:

Yes, this bill is the first step in starting that process of reversing the proposal that it be 50% share. This says, as a matter of policy, go forward with the relocation, with the expectation and the policy of charging back to LIPA 100%. The funding and the litigation will have to come subsequent to this.

LEG. GULDI:

Correct. Okay.

P.O. TONNA:

Okay. Legislator Alden, and then Lindsay.

LEG. ALDEN:

Actually, that answered my question.

P.O. TONNA:

Great.

LEG. ALDEN:

But, Fred Pollert, do you agree with the statement that was made earlier, that there is one project that is going to be funded out of this? If we go forward with approving 1804, there was a statement

made earlier by the Commissioner that he can go forward with at least one project; is that true?

MR. POLLERT:

Frankly, I don't recall offhand if there's any money. I would assume that the Commissioner was, in fact, correct. I don't know --

LEG. ALDEN:

And was that -- that project was where, in Huntington?

176

LEG. FOLEY:

Which one?

MR. SABATINO:

I thought he said that there were -- I thought he said that there were three projects, but I think -- I think the emphasis was put in the wrong place. Because there was an earlier proposal that was submitted, and there was some kind of an agreement to go 50%, 50% with LIPA, you need to go back to square one. This bill is really just getting us back to square one, which is making the official policy of Suffolk County a hundred percent, go forward, relocate, and do an accounting as to the costs. The funding that you're talking about will have to materialize in that other bill or a compromise bill.

D.P.O. POSTAL:

All right.

LEG. LINDSAY:

May I?

D.P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

That's what I was going to say. My recollection of what the Commissioner said is the builder, come later, will provide the funding to implement this policy, if I'm correct.

MR. POLLERT:

Yes.

MR. SABATINO:

Yeah. Plus, he said there were three projects that just happened to have funding in place right now, but that the other money, the 2.3 million they were talking about would be to go beyond those three projects. But, more importantly, this bill is to set the County policy, so you know what you're voting on. It's important. This is

to set the County policy that we're rejecting the 50% strategy and we're going with the hundred percent strategy.

D.P.O. POSTAL:

All right. We have a --

LEG. FIELDS:

Fifty percent on LIPA.

MR. SABATINO:

Exactly, a hundred percent charge-back to LIPA, and Public Works is directed to start keeping those records, so we can charge back the 100%.

D.P.O. POSTAL:

Okay. We have a motion and a second to approve, I believe.

177

MR. BARTON:

Correct, yes.

D.P.O. POSTAL:

Okay. All in favor? Opposed?

LEG. CRECCA:

1804.

D.P.O. POSTAL:

Yeah, 1804.

MR. BARTON:

18.

P.O. TONNA:

Great. Wait. Did Legislator Lindsay get to say something?

D.P.O. POSTAL:

Yeah, he did.

WAYS & MEANS

P.O. TONNA:

Okay. We're at 1532 (Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven). Motion by Legislator Haley, seconded by Legislator Caracappa. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

1585 (Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan (SCTM No. 0200-979.70-02.00-025.000). Motion by Legislator Foley, seconded by --

MR. SABATINO:

That has to be tabled, Mr. Chairman.

P.O. TONNA:

Okay.

LEG. FOLEY:

Why? Explanation for the tabling.

MR. SABATINO:

It has to be tabled, because the statutory authority for it has currently been set aside and the matter is on appeal. In fact, Thursday of this week will be the reargument. Right now, there's no authority to do the waiver of interest and penalties under these provisions.

LEG. FOLEY:

What court of law is it? Which Judge, was it Supreme Court, local court?

178

MR. SABATINO:

This was Judge Doyle, State Supreme Court, plus the County Comptroller has also brought another lawsuit against an individual waiver of interest and penalties, which Legislator Alden had sponsored prior to that time, and that individual, who was the recipient or the beneficiary of the waiver, was also sued personally. So you have to be careful, it's a serious matter.

LEG. FOLEY:

Yeah.

MR. SABATINO:

You're not just putting yourself in the line of defending the lawsuit, but the individual now, you know, becomes --

LEG. FOLEY:

Right.

MR. SABATINO:

Is put in a situation where he or she has to defend themselves, and it's not fair to the beneficiary separate and apart from what's going on with the County.

LEG. FOLEY:

Just through the Chair, if I may. Counsel, you say that there's a court case this Thursday coming up?

MR. SABATINO:

No. What happened was --

LEG. FOLEY:

And you mentioned something about Thursday. What's happening Thursday?

MR. SABATINO:

There's a motion to reargue, because Judge Doyle made some factual errors.

LEG. FOLEY:

Okay.

MR. SABATINO:

Had some factual errors in -- had some factual errors in the underlying decision.

LEG. FOLEY:

Oh.

MR. SABATINO:

Separate and apart from that, we're also filing a motion with the --

LEG. FOLEY:

Which County Attorney?

179

MR. SABATINO:

-- Appellate Division. But on Thursday, at a minimum, there's going to be a matter before the court. The bottom line is that, right now, the statute's been set aside.

LEG. FOLEY:

I understand that.

MR. SABATINO:

We have no authority under the waiver of interest and penalties provision. The only thing that's left out there right now is if you can get certifications from the Assessors of the pertinent town. It's got to be a written certification under Section 30 of the Tax Act. I think we all know from the last 20 years that getting those certifications is extremely difficult in the extreme.

LEG. FOLEY:

Has the County Attorney who's representing the County in this case, have they -- has that County Attorney appeared at Ways and Means to

talk about the strategy of --

MR. SABATINO:

No. I've basically been updating you with, you know, the memos.

LEG. FOLEY:

If I could hear -- Mr. Chairman, if I could hear from the Chairman of Ways and Means. Do we expect a County Attorney to be handling this case or --

LEG. GULDI:

County Attorney is handling this case, as far as I know, but they have not appeared before Ways and Means.

MR. SABATINO:

The County Attorney -- the County Attorney selected outside counsel, which is handling the case, but we've been constant, you know, contact.

LEG. GULDI:

Counsel on this case has not been before Ways and Means.

LEG. FOLEY:

Do you expect to have counsel before Ways and Means on this? No?

LEG. GULDI:

No.

P.O. TONNA:

Okay. Could I make a statement, just on the grand scheme of things? Our Legal Counsel has told us that we can't vote on it now. We have literally 55 minutes left, okay, to finish the agenda. He says it, I believe it. You know, let's just --

LEG. FISHER:

Let's move on.

180

LEG. FOLEY:

Motion to table.

P.O. TONNA:

A difficult statement.

LEG. FOLEY:

Motion to table.

LEG. BISHOP:

Thank you. I'll second --

P.O. TONNA:
Thank you.

LEG. BISHOP:
-- the sponsor's motion.

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

MR. BARTON:
18.

P.O. TONNA:
Thank you. 1596 (Authorizing installation of monument on County property in Town of Babylon to honor volunteer firefighters and rescue workers). Motion by Legislator Postal.

LEG. BISHOP:
Second.

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

LEG. BISHOP:
Oh, you cut me out of Babylon.

MR. BARTON:
18.

P.O. TONNA:
Well, what can I say? That's the prerogatives. Oh, it's Babylon.

D.P.O. POSTAL:
It's Babylon.

P.O. TONNA:
All right. Make the second Mr. Bishop, please?

LEG. FOLEY:
What was the motion?

P.O. TONNA:
But since I might be in West Babylon some day.

181

LEG. CARACAPPA:
On the motion.

P.O. TONNA:

Anyway, okay.

LEG. CARACAPPA:
On the motion.

P.O. TONNA:
Oh, on the motion on this one?

LEG. CARACAPPA:
Yes.

P.O. TONNA:
Yeah.

LEG. CARACAPPA:
Installation of a monument on County property in Town of Babylon.
Doesn't this have to come before the Sitings Committee, Monument and
Sitings Committee?

P.O. TONNA:
Yeah, did it go --

D.P.O. POSTAL:
It should have.

LEG. CARACAPPA:
It has? I haven't received a thing on it.

LEG. BISHOP:
Motion to table.

P.O. TONNA:
Okay.

D.P.O. POSTAL:
Oh.

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

D.P.O. POSTAL:
All right. Could I ask --

P.O. TONNA:
Seconded by Legislator Bishop.

D.P.O. POSTAL:
Yeah. Mr. Chairman, could I ask that this move as expeditiously as
possible, because it's been around for awhile, and, you know,
everything is ready to go, and the --

LEG. TOWLE:
Didn't you create the Monuments Committee?

D.P.O. POSTAL:
What?

LEG. TOWLE:
Didn't you create the Monuments Committee?

D.P.O. POSTAL:
Yes, but they're -- you know, the committee are supposed to look at resolutions which are laid on the table and consider them. I don't know how often it meets.

P.O. TONNA:
This is -- this is what I --

LEG. CARACAPPA:
We just met. We just met two weeks ago --

P.O. TONNA:
All right.

D.P.O. POSTAL:
Right.

LEG. CARACAPPA:
-- to do the Chosin Few.

P.O. TONNA:
Can I make a suggestion just to help the process?

LEG. FOLEY:
And made some monumental decisions.

P.O. TONNA:
The process, somehow there was a breakdown in the process. I would ask that Ellen Martin from my office work with you, the sponsor, and the Monument Committee.

D.P.O. POSTAL:
Good.

LEG. BISHOP:
You're going to get a lot of Soviet style monuments now.

P.O. TONNA:
Vunderbrain and the Chairman --

LEG. BISHOP:
Stalin.

P.O. TONNA:
-- to just figure out how we -- how the system failed and how we'll correct it. Thank you.

183

D.P.O. POSTAL:
Well, it's just I would like to see it corrected. I'll make a motion to table it in view of that.

P.O. TONNA:
And I'll second that, and then we'll go from there. 17 --

MR. BARTON:
18. It's tabled.

P.O. TONNA:
1744. That should have come up in committee, too, Legislator Guldi, somehow.

LEG. GULDI:
It did.

P.O. TONNA:
And it said that it didn't go through the Monument Committee?

LEG. GULDI:
I remember being advised that it had been through the Monument Committee. Apparently, that was mistaken.

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

LEG. FOLEY:
1744. A motion, Mr. Chairman.

P.O. TONNA:
Okay. Sure, George. Okay. 1744 (Authorizing the Department of Public Works to transfer surplus a paratransit van to the Village of Patchogue for use on its Municipal Bus Service).

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Foley.

LEG. FOLEY:
Seconded by Legislator Lindsay.

P.O. TONNA:
Seconded by Legislator Lindsay.

LEG. CRECCA:
Through the Chair.

P.O. TONNA:
Thanks. Through the Chair.

LEG. FOLEY:
Touche.

184

P.O. TONNA:
Supplementing --

LEG. FOLEY:
It's after midnight, you know?

P.O. TONNA:
Just on the motion, what are we doing here?

LEG. TOWLE:
Brian, what am I thinking?

P.O. TONNA:
Where is this money coming from?

D.P.O. POSTAL:
We're giving a surplus van.

P.O. TONNA:
Oh, a surplus van. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
I thought we were giving them surplus money. Okay.

D.P.O. POSTAL:
We don't have surplus money.

P.O. TONNA:
I was like, yeah, right. Okay. 1748 (Authorizing transfer of surplus County computers to the Pilot Cub of Sayville). Legislator Lindsay.

LEG. FOLEY:
Second. I'll second it.

P.O. TONNA:
Seconded by Legislator Foley. There we go. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Approved.

LEG. FOLEY:
George, any thoughts on this one.

LEG. GULDI:
No.

MR. BARTON:
18.

185

P.O. TONNA:
1807 (Authorizing transfer of surplus County computers to Riverhead High School in Riverhead).

LEG. CARACCILO:
Motion.

P.O. TONNA:
Motion by Legislator Caracciolo, seconded by myself. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
1808 (Authorizing transfer of surplus County computers to various shelters). Motion by Legislator Postal, seconded by myself. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Bonding resolution, 1842 (Amending the 2002 Capital Program and Budget and appropriating funds for renovation & construction of facilities at Francis S. Gabreski Airport, Westhampton). Motion by myself, seconded

by Legislator Guldi, because I'm a real airport type of guy.
Appropriating funds for renovation. You want an explanation on this?

LEG. CARPENTER:
Yeah.

P.O. TONNA:
It's \$200,000 for a total of -- nope. Seventy hundred and ninety-seven thousand for a project for infrastructure.

LEG. CARPENTER:
What is it?

P.O. TONNA:
That's the end of my notes. I said, "Put some notes to make me look like I know what I'm talking about."

LEG. GULDI:
Yeah. Building 325 is going to be used by the Deputy Sheriffs for their uses, providing security. It's a flight line building that requires substantial renovation. It's a relatively small structure.

P.O. TONNA:
Okay.

LEG. CARPENTER:
That's it, that's the only use for it?

P.O. TONNA:
That's it.

186

LEG. GULDI:
That's the -- that will be its only use. It's a small building that consists of four rooms.

P.O. TONNA:
And a hangar. No, I'm joking.

LEG. BINDER:
Well, he has to get to work.

P.O. TONNA:
All right. Here we go. Here we go.

LEG. HALEY:
How much was it?

P.O. TONNA:
A hangar. Okay. This one's been hanging around.

LEG. ALDEN:
Seven hundred thousand.

LEG. LINDSAY:
Seven hundred thousand?

MR. SABATINO:
No.

P.O. TONNA:
Seven hundred and ninety-seven thousand.

MR. SABATINO:
It's 797,000.

LEG. CRECCA:
For four rooms?

LEG. CARPENTER:
For four small rooms?

LEG. GULDI:
No. It's 200,000.

LEG. CARPENTER:
It's 50,000 a room.

MR. SABATINO:
No, no, no. It's 797,000 being appropriated. The Capital Budget's being increased by \$200,000, with an offset coming from the infrastructure account, but the total being appropriated is 797,000.

P.O. TONNA:
Could I ask you --

187

LEG. CARPENTER:
To renovate -- wait a minute. Wait a minute.

P.O. TONNA:
Legislator Guldi, I withdraw my second. No, I'm joking. Just can I ask you a question, because I remember you talking about the Police Department Shower. I don't think that was \$797,000. And I just want to know, because we were in the aviation area, where the shower at the aviation hall and somewhere in whatever was a lot of money. Could you just explain this, because I know you're the Committee Chair and it went through your committee. Could you just -- 797,000?

LEG. CRECCA:

Actually --

P.O. TONNA:

I'm enjoying this, George.

LEG. CRECCA:

Actually, why don't we let --

LEG. CARACAPPA:

Mr. Chairman.

LEG. CRECCA:

-- Fred Pollert explain, please.

LEG. CARACCIOLO:

Yeah, I was just going to say.

P.O. TONNA:

Yeah, okay, Fred.

LEG. GULDI:

Where did this number come from?

P.O. TONNA:

Can you show us a diagram, too?

MR. POLLERT:

Yes. It's part of a larger project, of which \$200,000, which is the increase, is specifically associated with the building for the Sheriff.

P.O. TONNA:

For a shower?

MR. POLLERT:

No, for the Sheriff, Sheriff.

LEG. FIELDS:

Sheriff, Sheriff.

P.O. TONNA:

Sheriff.

188

MR. POLLERT:

It's a {lady} thing, Sheriff.

LEG. TOWLE:

What's the other half million dollars for?

P.O. TONNA:
Sheriff, shower.

LEG. GULDI:
Other half million dollars is doing a number of projects isn't it?

P.O. TONNA:
And they're miscellaneous projects, other projects?

LEG. CARPENTER:
At the airport?

P.O. TONNA:
At the airport?

MR. POLLERT:
Yes.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Question.

MR. POLLERT:
Which includes --

P.O. TONNA:
Okay.

MR. POLLERT:
Which includes --

P.O. TONNA:
Hangar.

MR. POLLERT:
-- building renovations.

P.O. TONNA:
Okay. Legislator Caracciolo.

LEG. CARACCIOLO:
Fred do you have your capital project book with you?

MR. POLLERT:
No, I don't.

P.O. TONNA:

And then Legislator Caracappa.

189

LEG. CARACCIOLO:

Do we know specifically how many square feet the \$795,000 is --

LEG. GULDI:

No.

P.O. TONNA:

But we've got 50 minutes to find out.

LEG. GULDI:

Let me address it.

LEG. CARACCIOLO:

Go ahead.

LEG. GULDI:

As Fred just clarified, the \$200,000 add is for this building. The other \$700,000 goes to the other projects, has nothing to do with this building.

LEG. CARACCIOLO:

How any square total?

LEG. GULDI:

This building is -- the building -- I know the building, I'm familiar with it. I would guess it's between 1,500 and 2,000 square feet. This is a small building that is -- at the end of the flight line near the tower.

LEG. CARACCIOLO:

A thousand dollars a square foot?

LEG. GULDI:

No.

LEG. CARPENTER:

Question.

P.O. TONNA:

Let him finish asking him questions. Legislator Caracciolo, are you done?

LEG. CARACCIOLO:

Yeah, I'm done.

P.O. TONNA:

Yeah? All right. Legislator --

MS. BURKHARDT:
Caracappa.

P.O. TONNA:
No. Legislator Caracappa, then Legislator Carpenter.

190

LEG. CARACAPPA:
Thank you, Mr. Chairman.

LEG. BISHOP:
This is the resolution that's going to be --

LEG. CARACAPPA:
With relation to the building, the renovation is \$200,000. That's what we're doing here, the building alone. Legislator Guldi and I are the sponsors. We dealt with it in Space Management. It is a severe problem for the Sheriffs at Gabreski. They actually occupy one building now, which is -- after we saw the videotape at Space, you'd be embarrassed that we have actually County operations operating out of a building that with no heat, no lights, and total and complete raccoon infestation and -- just to name one of the horrible things. Now, Building 325 is right in the flight line. It's something that this Legislature approved and the policy decision that we decided on sometime after 9/11. It's a perfect building. Right now, it's completely abandoned. It needs a new roof, it needs new walls, it needs new flooring, it has no electricity, it has no heat. And to get this whole building renovated and up and running quickly for \$200,000 was basically -- for what me and George saw, is pretty -- is a pretty good estimate.

P.O. TONNA:
Okay. Just wait. Legislator Carpenter and Fred.

LEG. CARPENTER:
My question is, why wasn't this before the Public Works Committee?

P.O. TONNA:
Yeah.

LEG. GULDI:
Ask the guy in the -- in the middle.

P.O. TONNA:
Because, when contemplating this bill, I thought that it had to do with the airport.

LEG. GULDI:

It does.

P.O. TONNA:

And, basically, that's why it was prime in the Airport Steering Committee bill.

LEG. CARPENTER:

Well, actually, it was prime in -- right, in Ways and Means, but it still should have been assigned to --

P.O. TONNA:

Yeah, Ways and Means. That's where the -- that's where the jurisdiction, at least up until today --

191

LEG. CARPENTER:

Right.

P.O. TONNA:

That's where the jurisdiction of the airport operations were. It also went to Finance.

LEG. CARPENTER:

Right.

P.O. TONNA:

Thank you, Linda.

LEG. CARPENTER:

But not to Public Works, and it seems to me that --

P.O. TONNA:

I feel like I got another head right next to me.

LEG. HALEY:

That one has hair.

P.O. TONNA:

All right.

LEG. LINDSAY:

Mr. Chairman.

P.O. TONNA:

Okay. Hold it a second. I got Fred. Fred wants to clarify something.

MR. POLLERT:

Yes, just to clarify.

P.O. TONNA:

And then Legislator Lindsay.

MR. POLLERT:

Part of the reason it looks like there's \$797,000, there were two previous resolutions approved this year by the Legislature, one for \$260,000 for a generator, one for \$197,000 for office space. This is \$200,000, which is adding on to what was already included in the Capital Program and has been previously appropriated by the Legislature. It is specifically for the Sheriff's office space.

P.O. TONNA:

Okay. Is this -- George, I just want to ask you, is this for the security force? In other words, we got the Sheriffs last year.

LEG. GULDI:

Yes.

P.O. TONNA:

We threw them in overnight, because, basically --

192

LEG. GULDI:

They have been operating --

P.O. TONNA:

With no facilities.

LEG. GULDI:

They've been operating out of their vehicles.

P.O. TONNA:

Right.

LEG. GULDI:

They need a base.

P.O. TONNA:

The only thing that I would ask, is next time, when we're voting for security force, and stuff like that, just understand that it costs a little more than just the salaries of Sheriffs and a couple of cars, and, you know, a couple of extra bullets in their belt. Also, now we have to renovate a facility.

LEG. ALDEN:

One quick question.

P.O. TONNA:

Okay. Yes.

LEG. ALDEN:

I know Legislator Lindsay was supposedly before me.

P.O. TONNA:

Are the Sheriff's responsible -- what? Okay. Roll call on the bond.
But, yes, Legislator Lindsay.

LEG. LINDSAY:

No. My question on the whole thing is not about the \$700,000, and I certainly believe you guys, that the building needs renovating, \$100 a square foot for renovation is kind of pricey.

LEG. GULDI:

Actually, the DPW -- I believe the square footage is considerably high. And, frankly, Bill, \$100 a square foot, if I ever see DPW propose a renovation for that, I'll kiss them, because I've seen them --

P.O. TONNA:

Considering I saw your renovation.

LEG. GULDI:

-- figures three times as high as that our of our DPW for renovation costs.

LEG. CARACAPPA:

And top to -- and to keep in mind, Mr. Chairman, this building, for \$200,000, we're getting roof, walls, floor, heat, electric. Did I say

193

water? There's no water. A bathroom, so --

LEG. LINDSAY:

All the modern conveniences.

LEG. CARACAPPA:

It's not a bad deal.

LEG. LINDSAY:

Still pricey, guys.

LEG. CARACAPPA:

When you see the building and you see the condition it's in and you say \$200,000 to fix this place, it's right on the flight line of that airport, it's well worth it.

P.O. TONNA:

Okay.

LEG. ALDEN:

Paul.

P.O. TONNA:
Yes.

LEG. ALDEN:
Sorry. One quick clarification. Paul Sabatino, we're authorizing 790,000, or we're authorizing \$200,000?

P.O. TONNA:
This is bringing the total up to 797,000.

LEG. ALDEN:
So we've already authorized --

MR. SABATINO:
We've already appropriated five hundred and some change.

LEG. ALDEN:
Okay.

LEG. FOLEY:
Here we go.

P.O. TONNA:
Okay.

MR. BARTON:
On the bond.

P.O. TONNA:
On the bond. Roll call. I'd ask all Legislators, please come to the horseshoe

(Roll Called by Mr. Barton, Clerk)

194

P.O. TONNA:
Yes.

LEG. GULDI:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
No.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Abstain.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. CARACCIOLO:
Yes.

D.P.O. POSTAL:
Yes.

MR. BARTON:
16-1, and 1 abstention on the bond.

195

D.P.O. POSTAL:
Mr. Chairman.

P.O. TONNA:

Yes.

D.P.O. POSTAL:

I'd like to make a motion to approve Introductory Resolution 1404
(Appointing members to the Suffolk County Community College Board of
Trustees (Frank Trotta, Jim Morgo, and Kevin Law)).

LEG. BISHOP:

Second.

P.O. TONNA:

Number 1404, where is that?

D.P.O. POSTAL:

It was discharged an hour ago, it's --

LEG. BISHOP:

Mr. Binder and Mr. Towle have to be in the room.

P.O. TONNA:

Okay. That's -- it was eligible at 12:06, it is now --

LEG. FISHER:

Second.

P.O. TONNA:

11:06, it's eligible at 12:06. Okay. There's a motion and a second.
Roll call.

LEG. CRECCA:

Which one is this?

P.O. TONNA:

This is the -- 1404, which is appointing members.

LEG. CRECCA:

Oh, okay.

P.O. TONNA:

Trotta, Morgo and Law. Okay? Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. FISHER:

Did you say Bishop or Fisher?

196

MR. BARTON:

Bishop.

LEG. FISHER:

Oh.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Abstain.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Nope.

P.O. TONNA:

Nope.

197

LEG. CARPENTER:

No.

LEG. CRECCA:

Motion to table.

LEG. CARPENTER:

Second.

LEG. BISHOP:

How long does it take you to count to ten?

MR. BARTON:

Do you want me to make a mistake?

LEG. CARPENTER:

Good answer, good answer.

P.O. TONNA:

Okay.

LEG. LINDSAY:

What's the count, Henry?

MR. BARTON:

Ten.

P.O. TONNA:

All right. Wait, wait. There's a motion to table and a second. Just let's go through this, so that nobody can say that we didn't do everything. There's a motion and second. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

Let me guess, there's ten people who are opposed. The ten people who are opposed are the same ten people who probably approved.

LEG. CRECCA:

On the motion.

LEG. GULDI:

Yes.

MR. BARTON:

Okay. I can work that out.

P.O. TONNA:

All right. On the motion. No, I just voted on it, we just voted.
Count it, count it.

MR. BARTON:

All right. The count is ten.

P.O. TONNA:

No. The count is --

198

LEG. BISHOP:

Eight, 8-10 on tabling.

LEG. BINDER:

Eight to ten.

MR. BARTON:

Eight to ten.

LEG. GULDI:

On the tabling motion.

MR. BARTON:

On the tabling. And then on the --

LEG. BISHOP:

And then 10 to 8.

LEG. COOPER:

Motion to approve 1391.

P.O. TONNA:

Okay. Now, on the motion to approve, all he has to do is call it. It's
already in the middle of a roll call.

MR. BARTON:

On the motion to approve, it's ten in favor, six opposed, two
abstentions.

LEG. FISHER:

Thank you.

P.O. TONNA:

Okay, great. Now we have --

LEG. COOPER:

Motion to approve 1391.

P.O. TONNA:

Okay. You can't yet. It's 12:30 you got to wait until. It's eligible at 12:30; okay?

LEG. COOPER:

Mine is or Allan's?

P.O. TONNA:

No.

LEG. BINDER:

Yours.

P.O. TONNA:

Binder's is 12:55. Okay? I've asked our Legal Counsel to make sure he's meticulous in the time, so that we don't have any, you know, fudging. Okay.

199

D.P.O. POSTAL:

We're back to 1855.

P.O. TONNA:

Lets go. We're going back to -- thank you, Legislator Postal. Where are we, Deputy Presiding Officer?

D.P.O. POSTAL:

Beginning of page 9, 1855.

P.O. TONNA:

1855 (Authorizing the sale of one surplus County car to the Village of Westhampton Dunes), top of page. Okay. Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay. 1858 (Authorizing action to re-claim county property for affordable housing). Motion by Legislator Postal, seconded by myself.

LEG. CARACCIOLO:

Explanation.

D.P.O. POSTAL:

I'll explain it very quickly.

P.O. TONNA:

Okay.

D.P.O. POSTAL:

These are two properties which have not had taxes paid on them since 1985. The County never took title to them. The business which owned them went out of existence, and the County never took title, because it was never able to serve notice properly. So this directs the Treasurer's Office to go to court and get title for Suffolk County, so that we can then auction them or transfer them and make them productive again.

LEG. ALDEN:

On the motion.

D.P.O. POSTAL:

Yes, yes.

LEG. HALEY:

Yeah, on the motion.

LEG. ALDEN:

Sometimes the County does not take title to property that we're entitled to because of the fact that it might be contaminated. Is there any indication that there could be contamination on this?

200

D.P.O. POSTAL:

No.

LEG. ALDEN:

Okay.

LEG. HALEY:

Motion, on the motion.

D.P.O. POSTAL:

Yes, Legislator Haley.

LEG. HALEY:

Yeah. You said that this is simply to be able to claim the property for normal reselling at the auction, right?

D.P.O. POSTAL:

Right.

LEG. HALEY:

But why do you -- why do you have for affordable housing in there?

D.P.O. POSTAL:

Well, because I would prefer to transfer them through the town for rehabilitation. But, really, I don't know that that actually is controlling. The whole purpose of the resolution is and the intent of the resolution is to direct the Treasurer to go to court and get title for the County for these two properties.

LEG. HALEY:

Yeah. I'd just like to know if there's anything else additional to that.

D.P.O. POSTAL:

Yeah, if I could ask our Counsel.

LEG. HALEY:

Could you tell me where it's located?

D.P.O. POSTAL:

It's North Amityville.

LEG. HALEY:

Okay. And how much -- what's the size of the property?

D.P.O. POSTAL:

They're small parcels. They're probably no bigger than a quarter of an acre each.

LEG. HALEY:

Okay. Thank you.

MR. SABATINO:

This legislation actually did the two steps. It, A, directs the Law Department to bring a bar claim action, so we can try to establish the title that we have failed to get since 1988, so it actually would be

201

litigation to get that title. And, also, it would -- it would be to provide for the County to do it for affordable housing purposes. I mean that was --

D.P.O. POSTAL:

Yeah.

MR. SABATINO:

We did lock it into that.

D.P.O. POSTAL:

This -- if I could just continue. These houses are in such bad shape, because nobody has occupied these houses since 1985. Christine Costigan called me and she was absolutely thrilled, because she says that there are properties like this throughout the County, that it's just kind of in limbo, so that's the point.

LEG. HALEY:

I just wanted to know why that was in the title.

LEG. FISHER:

Okay. Madam Chair.

D.P.O. POSTAL:

Yes.

LEG. FISHER:

I do have a question for Counsel. Paul, in Social Services Committee, when we have -- and this evening as well, we've been listening to people from Shinnecock Hills speaking about ways of getting affordable housing. And I believe I mentioned that why don't we look at properties that are taken by the County and used for affordable housing, rather than put them on the auction block. How can we replicate this as a model throughout the County? I'd like to know what the process is. Through this kind of resolution, we could do this in our districts, if we see homes that have been on the block for a period of time? We can -- we can just skip that step of auctioning them, the --

MR. SABATINO:

If you can identify properties that the County -- the County has title to. This is a little bit tricky, because, first, we're going to try to get title by bringing this bar claim action. But if you have properties that we actually have --

LEG. FISHER:

What's a bar claim action?

MR. SABATINO:

Well, it's an action that's brought against -- it's an action that's brought against any relevant party to try to get title to that property, because --

LEG. FISHER:

Oh, you're barring their claim.

202

MR. SABATINO:

Exactly.

LEG. FISHER:

That's -- okay, I get it.

MR. SABATINO:

So it's just a term of art.

LEG. FISHER:

Okay.

MR. SABATINO:

But you're bringing an action against potential claimants to title to that property to establish title. But if you have properties that you know of anyplace, anywhere, we can do a 72-h resolution, which transfers it to a pertinent municipality for affordable housing purposes, so --

LEG. FISHER:

And do you have to include the Town, then in --

LEG. LINDSAY:

Yes.

MR. SABATINO:

Well, for affordable housing purposes, yes.

LEG. FISHER:

That you have to include the Town?

D.P.O. POSTAL:

On the affordable housing --

LEG. FISHER:

Maxine is saying no and Bill is saying yes.

D.P.O. POSTAL:

On the affordable housing piece, you do. On the bar claim -- is that what it's called.

MR. SABATINO:

You know what's happening --

D.P.O. POSTAL:

It's not necessary. We're mixing two different issues.

MR. SABATINO:

The objective here is to get property that's currently an eyesore, because nobody on the records owns it and it went into bankruptcy. The goal and objective here is to take an eyesore that nobody has title to and get it into affordable housing. In order to get from point one to the end, the intermediary step is that we have to come up with a way to get that title into the County. The way we're going to

do it is with a bar claim action, which is to assert our title, give notice to any perspective parties. Once we have title, then we're

203

going to transfer it to the pertinent municipality.

LEG. FISHER:

Okay, 72-h to the Town.

MR. SABATINO:

Exactly.

LEG. FISHER:

For affordable housing.

MR. SABATINO:

For affordable housing. But what Legislator Postal is doing here is she -- the point in claiming the property is not to make it available for any general purpose.

LEG. FISHER:

Right.

MR. SABATINO:

She wants to be certain that once we go to all the expense and trouble of getting property, that it's going to go to an affordable housing goal and objective.

LEG. FISHER:

I think this is a very good model that we should all be looking at when we're looking at affordable housing.

D.P.O. POSTAL:

Thank you. We have a motion --

LEG. FISHER:

Not enough.

D.P.O. POSTAL:

I think we have a motion and a second, Mr. Clerk?

MR. BARTON:

Yes, you do.

D.P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

18.

D.P.O. POSTAL:

1858 is approved. 1876-Amending the 2002 Capital Program and Budget and appropriating funds for the acquisition of land for the reconstruction of C.R. 35, Park Avenue in the vicinity of Old Country Road to C.R. 86 Broadway-Greenlawn Road, Town of Huntington (CP 5519). Motion to approve, Legislator Binder, seconded by Legislator Tonna. Roll call.

MR. BARTON:

On the bond.

204

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

P.O. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

(Not Present)

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

205

LEG. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

D.P.O. POSTAL:

Same motion, same second, same vote. 1888-Authorizing use of Blydenburgh County Park property by (the Crohn's & Colitis Foundation of America).

LEG. FISHER:

Motion.

D.P.O. POSTAL:

Motion by Legislator Fisher, seconded by Legislator --

LEG. CARPENTER:

On the motion.

D.P.O. POSTAL:

Legislator Carpenter?

LEG. CARPENTER:

Yeah.

D.P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

I had raised this issue in committee this week, these four resolutions for different parks and different organizations. In fact, in one case, it is the same park for two different organizations, and the fee varies from \$150 to \$350, and I want to know why they're not all consistent.

LEG. BISHOP:
Motion to table.

LEG. CARPENTER:
Well, I don't know about tabling it, because they may need to use it --

D.P.O. POSTAL:
Well, I think that if we could get an answer to that --

LEG. CARPENTER:
Right. I want someone to --

D.P.O. POSTAL:
Mr. Sabatino?

LEG. CARPENTER:
-- from the County's Exec's Office, if they could answer that.

206

D.P.O. POSTAL:
Do we have -- Legislator Carpenter was asking, with relation to I.R. 1888, why there are different agencies that are using County properties --

LEG. BISHOP:
Do you know the answer?

D.P.O. POSTAL:
-- in some cases the same county properties for different fee amounts?

MR. SABATINO:
I'm not comfortable with it. I've been advocating for a long time that we are giving away our property for below market value. However, the Parks Department has come up with some screwy schedule that says, based on what they think the volume of people are, they're -- you know, they're suggesting --

LEG. BISHOP:
It's based on a schedule.

MR. SABATINO:
-- \$125 versus 375.

LEG. BISHOP:

Based on the volume of people.

MR. SABATINO:

I've got Legislators now -- I'm writing the bills the right way, the Parks Department's telling Legislators something different. Everybody wants to change their bill to go with the lower fee. It's totally inappropriate. We're giving away our property for below market value, but I'm --

LEG. BISHOP:

Are these time contingent?

MR. SABATINO:

I'm constrained by this new schedule that Parks has come up with.

D.P.O. POSTAL:

Yes. Legislator -- Todd, do you have an answer for us?

MR. JOHNSON:

Yeah. My understanding is just to feed off of what Paul said, is that the Parks Department uses a fee schedule which is based on the number of people they think are going to be in attendance at the event. So that's why there's a sliding scale for different organizations using the park, the same park.

D.P.O. POSTAL:

Do we know what the -- what the dates are when these organizations plan to --

LEG. CRECCA:

I have it here.

207

LEG. BISHOP:

We have it here.

D.P.O. POSTAL:

Do you have the dates?

MR. JOHNSON:

Yeah, it's in the resolution.

D.P.O. POSTAL:

Legislator Crecca?

LEG. CARPENTER:

Two in October, one is September 15th, so --

LEG. BISHOP:

So we'll do the September 15th.

D.P.O. POSTAL:

Our next meeting is September 17th, I think?

LEG. CARPENTER:

Except, really, in fairness -- in fairness to the organizations --

MR. JOHNSON:

This is the only thing, they need time for advertising to --

LEG. CARPENTER:

-- they need to advertise.

MR. JOHNSON:

-- do this, so if they don't know that they've got approval, then they don't know how to advertise their events.

LEG. BISHOP:

They're not going to not get the thing, they're just going to have to pay either 350 or 250.

D.P.O. POSTAL:

Well, that's -- you know, I would suggest that there needs to be some kind of a written rationale that comes to the Legislature.

MR. JOHNSON:

I think the Parks Department did, as a matter of fact, distribute that and did share it.

D.P.O. POSTAL:

To whom?

MR. JOHNSON:

I know that --

D.P.O. POSTAL:

To whom?

208

MR. JOHNSON:

To the Legislators.

D.P.O. POSTAL:

To all members of the Legislature?

MR. JOHNSON:

That was my understanding.

D.P.O. POSTAL:

I never got that. I don't know about other members of the Legislature.

MR. SABATINO:

The first I --

LEG. CARPENTER:

Well, excuse me. I raised this in committee this week and asked that the information -- I asked the representative from the County Exec's Office to please get it to the Parks Committee Chairwoman, and so we could have it and have these answers for tonight.

MR. JOHNSON:

And I received a copy of correspondence showing that schedule had been distributed to the Legislators.

D.P.O. POSTAL:

Well, we have not received it. Legislator Fields.

LEG. FIELDS:

I would recommend that we pass these tonight, and at the very next meeting that we have of the Parks Committee, we will try to come to grips with the County Executive's Office, the Parks Department, and our Counsel on how we should be charging for use of the parks.

LEG. BISHOP:

All right. But what are we doing with these, tabling or moving them?

LEG. FIELDS:

No. I'm asking that they be approved in respective --

LEG. BISHOP:

Okay.

LEG. FIELDS:

-- to the organizations --

LEG. BISHOP:

We all agree.

LEG. FIELDS:

-- who have to advertise and use the facility.

LEG. BISHOP:

We all agree. Let's do it.

209

D.P.O. POSTAL:

Yeah. We have a motion to approve and a second for 1888. All in

favor? Opposed?

MR. BARTON:
18.

D.P.O. POSTAL:
Can we do 1889 (Authorizing use of Southaven County Park by the Alzheimer's Association, Long Island Chapter), same motion, same second, same vote?

LEG. BISHOP:
Yeah. Oh, sure.

MR. BARTON:
18.

D.P.O. POSTAL:
1890 (Authorizing use of Southaven County Park property by the American Diabetes Association for fund-raiser). Same motion, same second, same vote.

MR. BARTON:
18.

D.P.O. POSTAL:
1892 (Authorizing use of Blydenburgh County Park property by the Long Island Alzheimer's Foundation). Same motion, same second, same vote.

MR. BARTON:
18.

LEG. HALEY:
I'm here, Henry.

MR. BARTON:
I saw you.

DISCHARGED BY PETITION

D.P.O. POSTAL:
Discharged by petition, 1784, a local law to include Gabreski Airport facility use as Ethics Law Exception.

LEG. GULDI:
Counsel, at this point, would it be appropriate to reply to some of the beating that I took here today?

MR. SABATINO:
Yes. As I stated at the beginning of the session, you may respond to or rebut any of the allegations or assertions that were --

LEG. GULDI:
Okay.

210

LEG. BISHOP:
Madam Chair, this is an important issue that deserves a great deal of time. Given the time constraints --

D.P.O. POSTAL:
Well --

LEG. GULDI:
Excuse me.

D.P.O. POSTAL:
Legislator Guldi does have the floor.

LEG. GULDI:
I do not yield. I do have the floor.

D.P.O. POSTAL:
Does have the floor.

LEG. GULDI:
I do have them. If you'd give me a moment, Legislator Bishop, I think your remarks will prove to be totally unnecessary.

The delay that was allegedly due to these applications was due to the fact that the master plan and the minimum standards were struck down. Without minimum standards for leases for aviation use, they can't be approved. That's simple. Those minimum standards were -- I hoped, and in terms of timing, to be approved by the FAA at the July 15 meeting. Unfortunately, they did not approve them, they had comments and sought revisions. The reason for the timing on these bills was in anticipation of those standards being approved in July and the August meeting of the Lease Screening Committee finally being able to consider with the FAA standards the leases that have been waiting for approval.

The standards for construction, however, if you notice, one of the claims against me was the fact that this application is for a lease for one acre. That is a minimum standard. The minimum standards also include a requirement of electric and water in the buildings, which will revert to County ownership. We don't want buildings reverting to us that don't have those facilities.

You know, I was amused to hear that the terminal lease was -- I was

somehow responsible for, and since the County is not a party to that lease, it's a sublease between Malloy Air East and a tenant that has -- I have no relationship with.

The most -- the most compelling testimony I heard was the gentleman who let me know that I was responsible for the Sheriff threatening to arrest him, because he repeatedly cut padlocks off gates at the airport. I found that particularly shocking, since I wasn't aware of the fact that either he'd been doing that or threatened with arrest.

The -- finally, one of the speakers said that the mechanic at the

211

airport had received an opinion from the Ethics Committee that he could under our existing law do that. Counsel, I raise that question with you. Can you address whether or not such an opinion could possibly be legally issued in light of the existing law?

MR. SABATINO:

No, because the Ethics Commission doesn't have the authority to waive what in this case would be a clear statutory prohibition against this activity, which is why, you know, when you made the request to me, I recommended to you that you do this local law, because this is the appropriate way to legalize the application that you wish to make.

LEG. BISHOP:

Where's the part where I was going to agree that we shouldn't do this now?

LEG. GULDI:

Excuse me. I still have the floor, Mr. Bishop. The one thing -- there are three final observations. No speaker here today proposed any alternative to a lease for my aircraft at the airport. They all said no with no alternative suggested whatsoever. The fact is that is the kind of discrimination prohibited by federal regulation. There was only one speaker here who spoke on behalf of application number two that's pending before the airport and he said he didn't care about my application. It was nice to hear someone honestly say they're in it for a profit.

The endless line of speakers who spoke in opposition to my application were all here in connection with one of the applicants. There were no speakers in connection with the third or fourth applicant. They stated that they -- some of them were somewhat confused about their structure and relationships, since they were not applicants.

What I do want to say, though, is this application was originally filed with a view toward the lease standards being in place. This is not a time sensitive application. It is August. Between site plan

review and building construction approval, there is no way that you get a shovel in the ground before the ground freezes in December anyway. There's no way that this issue, the construction could start before May or June. The inference that there is some stepping ahead of the line, albeit totally false, is one that leads me to state that I have absolutely no objection to these matters being tabled until such time as the other lease applications are entertained and disposed of by the Lease Screening Committee. Caveat. Unfortunately, the FAA's comments on the master plan were substantial and material as to other aspects of the operation requiring or suggesting the abandonment long-term of one of our three runways. Unfortunately, the runway they're suggesting happens to be the lowest noise complaint runway at the facility, the other two runways are the higher noise complaint. The review of the master plan, there's no way it could reasonably be -- to be expected until late Fall of this year at best.

So, with that in mind, I wanted to state that I have no objection to the tabling of these resolutions for those reasons, but it was necessary for me to let -- to respond to the spurious allegations and personal attacks and lies made against me made here today by a group

212

mobilized by one renegade tenant who hasn't paid his rent, has damaged the County's facility, and is demanding that they want more in addition to the 14 they've had.

LEG. BINDER:
Madam Chair.

D.P.O. POSTAL:
Well, let me --

LEG. BINDER:
On the motion.

D.P.O. POSTAL:
I think there's a motion by Legislator -- no?

LEG. GULDI:
I cannot make a motion.

LEG. BISHOP:
Motion to table.

LEG. FISHER:
Second.

D.P.O. POSTAL:
Motion by Legislator Lindsay to table, seconded by Legislator Fisher.

LEG. BINDER:
Madam Chair.

D.P.O. POSTAL:
Yes, Legislator Binder.

LEG. BINDER:
Yeah, on the motion. I just want to ask Mr. Guldi on his statements, so I can get some clarification on it. So there is a very specific difference between what they're requesting in terms of their hangars, the 20 and the 14, and your hangar -- and the hangar you're talking about, and it's not in the same process? And maybe you can explain if -- how it would be in a different -- how it would be in a different process, in that are we talking about the question of jumping ahead, not jumping ahead, the line versus there not being the line? I mean, what they're trying -- what I got the impression, in listening to the discussion by the owners, by Mr. Ross, was that the discrimination was you were going to be able to get into a process that no one has the availability of. By doing legislation, you're jumping ahead and you're doing it in a way that is untoward or wrong. And I want to know about the process and how it's different in the two different types of cases.

D.P.O. POSTAL:
Legislator Guldi, may I respond please, because I think that that was the -- part of the intent in tabling these resolutions. This is a -- there are all kinds of allegations, there are statements about things that were done that were done properly, that were not done properly,

213

that become very, very complex, and I think that we all felt that this was not the most appropriate time --

LEG. BINDER:
Except --

D.P.O. POSTAL:
-- to discuss those.

LEG. BINDER:
Well, when I -- I didn't give up the floor. I have the floor. I'm asking a question of another Legislator and I, frankly, would like the answer to those questions. And I think, since the allegations were made tonight, that a Legislator, one of our colleagues has the right to respond and get this stuff on the record while it's fresh and while this just happened tonight. And it's information that I want to have tabled or not. And I have the floor and I want to continue to retain the floor and I'm not giving up that floor, and I'd ask Legislator Guldi to give me an answer to those questions.

D.P.O. POSTAL:

I will just remind you that this meeting has been extended for another 20 minutes, and if we would like to do --

LEG. BINDER:

Mr. Guldi, if you can give me the process.

D.P.O. POSTAL:

-- the business of this meeting --

LEG. GULDI:

Yeah. The succinct answer is that the process was supposed to be the same, the anticipation, when this bill was filed in June, was the July 12th meeting with the FAA would result in approvals, and that all of these leases could have and would have been dealt with at the August 8th meeting of the Lease Screening Committee. They, unfortunately, could not as a result of the FAA comments.

LEG. BINDER:

How is yours different?

LEG. GULDI:

Mine is -- mine was not different. In fact, the lease bill was one that I suggested in my opening remarks be tabled here anyway. It had to -- it needed revision to comply with those comments in any event. The suggestion or inference that it is moving somehow faster than theirs is a false inference. It can't. It, as I said in my opening remarks, must comply with the master plan and the minimum standards in their final form. Those -- they don't exist in their final form. The lease itself can't be approved.

LEG. BINDER:

So, if I can understand, the other two leases have been moving on a normal track, the other, the -- what was it?

214

LEG. GULDI:

The other four applications.

LEG. BINDER:

North, North Side, I guess it is. It was moving on a normal track. Why would they say it was abnormal. I mean, how can they claim --

LEG. GULDI:

Their complaint is that it was stalled for reasons that they don't understand, and what they keep -- and what they've refused to acknowledge is that the minimum standards was struck down in the paper -- by the decision annexed to the papers in the complaint filed against the County, and that you can't approve a lease consistent with

minimum standards when you have no approved minimum standards.

LEG. BINDER:

So your -- so your claim, and yours being completely separate, is something we could do tonight. Now, can you tell me something about -- I heard tonight that there were two companies, Eastview and North Side -- I'm asking a question. Can you tell me about -- I'd like to know about --

LEG. CARACCIOLO:

It's the old filibuster.

LEG. CARACAPPA:

A "Binderbuster".

LEG. BISHOP:

It's a "Binderbuster".

LEG. BINDER:

We have -- we have two --

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

We have --

D.P.O. POSTAL:

I am going to --

LEG. BINDER:

We have --

D.P.O. POSTAL:

-- invoke the privilege of the Chair.

LEG. BINDER:

We have -- no there's no --

D.P.O. POSTAL:

I am sorry. I am --

215

LEG. BINDER:

There's no privilege to take away the floor.

D.P.O. POSTAL:

You can make a motion --

LEG. BINDER:

There's none.

D.P.O. POSTAL:

-- to overrule the ruling --

LEG. BINDER:

There's none.

D.P.O. POSTAL:

-- the ruling of the Chair.

LEG. BINDER:

There's no -- there's no ruling.

D.P.O. POSTAL:

I'm sorry.

LEG. BINDER:

There is no ruling of the Chair to take away the floor.

D.P.O. POSTAL:

You could -- I am, absolutely.

LEG. BINDER:

I have the floor. Absolutely not.

D.P.O. POSTAL:

I am, absolutely.

LEG. BINDER:

That doesn't have --

D.P.O. POSTAL:

I'm sorry.

LEG. BINDER:

You don't take away the floor from a member of the Legislature.

D.P.O. POSTAL:

Make a motion to overrule the ruling of the Chair. There is a Certificate of Necessity.

LEG. BINDER:

So you're telling me --

D.P.O. POSTAL:

Yes. I am telling you that there is --

LEG. BINDER:

Could I -- I'd like to ask Counsel. Point of order.

D.P.O. POSTAL:

Go right ahead.

LEG. BINDER:

Is it proper or is it within the Chair to take away the floor from a member? Is it a -- and what rule? Can you cite the rule, if there is, for them to -- for a member on the floor, who has the floor, to lose the floor?

MR. SABATINO:

Legislator Binder currently has the floor.

LEG. BINDER:

Excuse me?

D.P.O. POSTAL:

May I ask the Counsel --

P.O. TONNA:

Wait, wait.

LEG. BINDER:

No. I'm asking Counsel.

P.O. TONNA:

Wait, wait, wait.

LEG. BISHOP:

He said Legislator Binder has the floor.

P.O. TONNA:

Legislator Binder currently has the floor, is that your ruling?

MR. SABATINO:

He currently had the floor at the moment that he was interrupted, yes.

P.O. TONNA:

Okay.

LEG. BINDER:

And so I still have the floor.

D.P.O. POSTAL:

And may I ask, Mr. Chairman --

P.O. TONNA:

Okay. There's a point of order from Deputy Presiding Officer Postal, and then we'll get back -- yes, go ahead.

D.P.O. POSTAL:

Within the rules, how long can Legislator Binder continue to hold the floor?

217

MR. SABATINO:

Debate is limited to ten minutes in total.

D.P.O. POSTAL:

And are we aware of when Legislator Binder --

LEG. BINDER:

Per -- a total for each Legislator?

LEG. BINDER:

Can I ask Counsel?

D.P.O. POSTAL:

Does the stenographer have a record?

LEG. BINDER:

Point of order.

P.O. TONNA:

There is a point of order. There's a point of order being answered.

LEG. BINDER:

I have a point of order.

P.O. TONNA:

Legislator Binder, no, you have the floor right after this point of order is answered.

D.P.O. POSTAL:

Does the stenographer have a record of what time it was when Legislator Binder --

LEG. BINDER:

You don't want to go down this road --

D.P.O. POSTAL:

-- took the floor?

LEG. BINDER:

-- because I'm going to invoke it all the time. If we go down this road, everyone's going to be limited and I'm going to keep a watch on

everybody. That's fine.

P.O. TONNA:

Okay. I'm going to make a motion to extend this meeting. Oh, wait, I can't. He has the floor anyway. Go ahead.

D.P.O. POSTAL:

Does the Clerk have an answer?

MR. BARTON:

We're trying to do it now, but you're also talking at the same time.

D.P.O. POSTAL:

Oh, I see.

218

MR. BARTON:

So she's typing it.

D.P.O. POSTAL:

So we have a problem, but we need that information.

MR. BARTON:

We couldn't do it right now, no.

LEG. BINDER:

I just want to make sure I still have the floor. I'm keeping --

D.P.O. POSTAL:

Excuse me?

P.O. TONNA:

You still have the floor.

MR. BARTON:

She tried.

P.O. TONNA:

Okay.

D.P.O. POSTAL:

Okay.

MR. BARTON:

We can't do it without leaving the room. She'd have to leave the room to do it.

P.O. TONNA:

He has ten minutes total?

D.P.O. POSTAL:

Okay, ten minutes total.

P.O. TONNA:

How many minutes have you -- Legislator Binder, how many minutes would you say that you've had so far?

LEG. BISHOP:

One minute.

LEG. BINDER:

About a half.

P.O. TONNA:

A half of -- a half a minute?

LEG. BINDER:

Maybe ten seconds.

P.O. TONNA:

I'm going to make a ruling that --

219

LEG. BINDER:

Time is relative according to Einstein.

P.O. TONNA:

You have three more minutes, Legislator Binder, and then you could overrule me, but you have the floor. You have seven minutes.

LEG. BISHOP:

It's arbitrary.

P.O. TONNA:

That's my ruling.

LEG. BINDER:

Can I ask the Chair if that's going to be the rule from this point on, that it's never been the rule, that it's never been enforced in this Legislature, and that's going to be enforced from this point forward, that no Legislators are going to go beyond --

P.O. TONNA:

Actually, if I knew this rule existed, I would have been enforcing this for three years in a row. Okay? And, actually, I would have no problem with anybody here voting against me as Presiding Officer because I didn't know this rule. All right. Legislator Binder, you have three minutes and you can vote --

LEG. BINDER:
Three?

P.O. TONNA:
-- to override, override the Chair.

LEG. BINDER:
I thought you said seven.

P.O. TONNA:
No.

LEG. BINDER:
You said seven.

P.O. TONNA:
Seven minutes have been used up. No. You got three minutes.

LEG. BINDER:
And where is the clock that says seven minutes, Mr. Chairman?

P.O. TONNA:
What?

LEG. BINDER:
Point of order.

P.O. TONNA:
Don't waste your -- don't -- okay.

220

LEG. BINDER:
I'd like to make a point of order.

P.O. TONNA:
Okay. Point of order. I'm stopping the clock. You got 2:58. Point of order, go ahead.

LEG. BINDER:
Can a clock be put on a Legislator after -- after and estimate the time?

P.O. TONNA:
You don't know what I've done. You don't know. You could overrule me.

LEG. BINDER:
I know you didn't put the clock on when I was here.

P.O. TONNA:

Guys. Guys. Okay.

LEG. BISHOP:

Mr. Chairman, does he --

P.O. TONNA:

Legislator Binder, continue, please. It's not your -- it's not your purpose, I'm sure, in your comments to any way to stifle debate, so, please, continue.

LEG. BISHOP:

Mr. Chairman, could I make a motion --

LEG. BINDER:

No. I would like --

LEG. BISHOP:

-- to extend the meeting at this time?

P.O. TONNA:

Go ahead. All right, fine. You got --

LEG. BINDER:

No, you can't, because I've got the floor.

P.O. TONNA:

You've got five more minutes, Legislator Binder, go ahead.

LEG. BINDER:

I've got the floor.

P.O. TONNA:

Go ahead, Legislator Binder.

LEG. BINDER:

So I just wanted to ask Mr. Guldi, Mr. Guldi, I heard about North Side and Eastview, that they're not the same company. Are they the same

221

company or are they not the same company?

LEG. GULDI:

I, frankly, am somewhat confused by that fact, because I thought that the second seven hangars built were North Side. I've been advised there's correspondence identifying that Mr. Corrado and Fischetti are the sole principals of both companies, and I understand that North Side in connection with its application is asserting that it has some sort of an option because of the prior construction by East View, an option that I never understood, because there seems to be no document of any nature or description that memorializes such an option.

LEG. BINDER:

It was stated on the record that North Side had 14 people, I don't know if he said associated with it or principals of it. I mean, is North Side an LLC, or do you know if it's a corp. or --

LEG. GULDI:

The application, which I handed up to the Clerk, seems to indicate that it's a corporation, and the disclosure documents filed in connection with North Side indicate that the sole individuals with any interest in the corporations are Mr. Fischetti and Corrado.

LEG. BINDER:

Now, could you tell me, in terms of Mr. Ross, who came before us, my understanding with Mr. Ross is that he only made this because he wants the lease. Does he have a lease application in?

LEG. GULDI:

No, there is no record of Mr. Ross ever having a lease application at the airport of any nature and description, or having a conversation with anyone with respect to submitting such an application, anyone connected with the County.

LEG. BINDER:

So you're saying -- wait. So you're saying to me that Mr. Ross then lied to us, it would seem to me, then, because Mr. Ross said to us upon a direct question that he had done exactly that, I mean, that he had made an application with Mr. Fischetti, that his interest was to -- I don't know, it may be for -- was it for corporate or for personal use? But, in any event, that was his intention.

LEG. GULDI:

It was -- I was not able to follow Mr. Ross' use of the term "agency". I did not understand how it could possibly -- he could possibly have had the corporate principals be an agent for him, yet being a condominium owner of the corporation which had no lease. It was totally confusing to me and seemed to not follow my understanding of legal principles.

LEG. BINDER:

Do you know if -- do you know if -- do you know if Mr. Ross has any financial connection to Mr. Fischetti? Does he have any personal -- I mean, what would be the connection between the two that he would be -- put a complaint?

222

LEG. GULDI:

The only -- the only knowledge I have of that was from Mr. Ross' remarks here today where he said he gave Mr. Fischetti his money.

LEG. BINDER:

Now, from your view on the committee -- from --

P.O. TONNA:

Legislator Binder, I'm going to say you have two more minutes.

LEG. FIELDS:

Why?

D.P.O. POSTAL:

Why?

LEG. BINDER:

Thank you.

P.O. TONNA:

Why? Because I only gave him three.

LEG. BINDER:

From your view on the Leasing Committee, Mr. Guldi, did Mr. Fischetti, Mr. Corrado and their company get what would be termed a fair shake, an opportunity for a review, notice? Was it a fair process to them? Have they had a fair process?

LEG. GULDI:

They've had an expedited process. They have been -- they were given the first approvals that the County has for hangar construction in more than 20 years. They have -- they also got the third approval or second approval. They've built more hangars at the facility than anyone else, and they have been given great latitude, apparently, too much latitude in connection with their installations and with their start-up of their operation.

LEG. BINDER:

What would -- what would make this --

P.O. TONNA:

Okay. Legislator Binder.

LEG. BINDER:

-- an expedited process?

P.O. TONNA:

You have 30 seconds and then I'm going to invoke rule number --

LEG. BINDER:

What would make this an expedited process, Mr. Guldi?

P.O. TONNA:
The Ten-Minute Rule.

223

LEG. GULDI:
The Airport Lease Screening Committee has the authority to --

P.O. TONNA:
It doesn't take long to make us look like a circus.

LEG. GULDI:
-- act for all, for the County Legislature and --

P.O. TONNA:
Legislator Binder has the floor. I would ask Legislators to, please, stay seated and let him finish his discourse.

LEG. GULDI:
The expedited process is when the Airport Lease Screening Committee unanimously approves an application, the -- they do not have to go through the other -- the former 11 other steps of review for approval. When they and only when they act unanimously are all of those steps consolidated, including SEQRA and Legislative approval.

LEG. BINDER:
Mr. Chairman, I would just --

P.O. TONNA:
All right. Legislator Binder, I'm invoking --

LEG. BINDER:
I'd just like to --

P.O. TONNA:
No, you have no more time.

LEG. BINDER:
No, I know. I'm just letting the Chair know that I will remind the Chair regularly.

P.O. TONNA:
I would love that.

LEG. BINDER:
There are certain Legislators here who are regularly over ten minutes.

P.O. TONNA:
Believe me, I would welcome that.

LEG. BINDER:

And we will -- I'm going to be getting my own stop watch for myself.

P.O. TONNA:

I found a new weapon in my arsenal. Okay. All I would say now is that before I recognize anybody else, there's a tabling motion. All in favor? Opposed? Tabled.

MR. BARTON:

18.

224

P.O. TONNA:

Thank you very much.

LEG. CARACCIOLO:

Mr. Chairman, I'd like to make a motion.

P.O. TONNA:

No. I have a motion. I have a motion. I have a motion to approve 1987 (Approving appointment of County employee at Suffolk County Community College), seconded by Legislator -- this is a CN.

LEG. CRECCA:

Motion to take out of order and approve.

P.O. TONNA:

1980 -- okay.

LEG. FOLEY:

Title?

D.P.O. POSTAL:

No, it's a CN.

LEG. CRECCA:

Oh, it's a CN.

P.O. TONNA:

No, it's a CN.

LEG. CRECCA:

I'm sorry.

P.O. TONNA:

Motion to --

LEG. FOLEY:

Title, title.

P.O. TONNA:

I will get to that. It is 1987, the appointment of a County employee at Suffolk Community College. Okay? If you look at it, we're talking about Mrs. Pollert.

D.P.O. POSTAL:

Betsy.

P.O. TONNA:

Betsy Pollert, okay, the wife of Frederick Pollert. Okay. There is a motion and a second. All in favor? Opposed?

LEG. BINDER:

On the motion, Mr. Chairman. On the motion. Could you -- Fred, or someone, could we -- do we have a resume? Is that on the --

225

LEG. CARPENTER:

Yes, it's attached to the resolution.

LEG. FOLEY:

As a matter of fact, it's an outstanding resume.

P.O. TONNA:

Legislator Binder, there's a --

LEG. BINDER:

Yes.

P.O. TONNA:

There's a resume. Thank you.

LEG. BINDER:

I just want to make --

P.O. TONNA:

All right. You answered the question.

LEG. BINDER:

And I have more questions.

P.O. TONNA:

All in favor?

LEG. BINDER:

Mr. Chairman, I have more questions.

P.O. TONNA:

No, no.

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
I recognized and I have the floor back. I'm sorry.

LEG. BINDER:
I have --

LEG. FOLEY:
Move the --

LEG. BINDER:
I have more --

P.O. TONNA:
I recognized you --

LEG. FOLEY:
Move the question.

P.O. TONNA:
-- you asked the question.

226

LEG. BINDER:
I have the floor, Mr. Chairman. How is --

LEG. FOLEY:
Move the question.

LEG. BINDER:
How have I lost the floor, Mr. Chairman?

LEG. FOLEY:
Move the question.

P.O. TONNA:
You didn't lose --

LEG. BINDER:
Mr. Chairman, how have I lost the floor?

P.O. TONNA:
You gave up the floor, Legislator Binder.

LEG. BINDER:
I didn't.

LEG. FOLEY:
Move the question.

LEG. BINDER:
I have the floor.

P.O. TONNA:
You could vote to override me. You asked if there was a resume.

LEG. FOLEY:
Move the question.

P.O. TONNA:
Then I recognized myself next.

LEG. BINDER:
I have not given up the floor, Mr. Chairman.

LEG. FOLEY:
Move the question.

P.O. TONNA:
I would ask -- I am going to make a motion right now --

LEG. CARPENTER:
Second.

LEG. HALEY:
Motion to close debate.

227

LEG. BINDER:
You're just taking the floor away.

P.O. TONNA:
-- to extend the meeting.

LEG. HALEY:
Motion to close debate.

P.O. TONNA:
You could vote to override me. You make a motion to extend the meeting to 1:30, which I'm told by Legal Counsel, even though I made a motion before, I can, because we're past the 12 o'clock deadline.

LEG. BINDER:
Mr. Chairman, on the motion.

P.O. TONNA:

I make a motion.

D.P.O. POSTAL:
Second.

P.O. TONNA:
I make a motion --

LEG. BINDER:
On the motion, Mr. Chairman.

P.O. TONNA:
-- and a second.

LEG. BINDER:
On the motion, Mr. Chairman.

P.O. TONNA:
This is a nondebatable motion; am I correct?

LEG. BINDER:
Mr. Chairman, that's not nondebatable.

P.O. TONNA:
Okay. All motions are --

LEG. BINDER:
On the motion, Mr. Chairman.

LEG. BISHOP:
You could stop this by extending the meeting, Mr. Chairman.

P.O. TONNA:
I can.

LEG. BISHOP:
And then this would all stop.

228

LEG. BINDER:
On the motion.

P.O. TONNA:
I could do it on my own?

LEG. BINDER:
No, I don't think you can now, no. Under Cinderella Law, it has to be by a two-thirds vote.

P.O. TONNA:

There is no Cinderella Law.

LEG. BINDER:
Now it does.

P.O. TONNA:
Can I ask you just a point of order? What can I do?

MR. SABATINO:
What do you want to do?

P.O. TONNA:
I want to extend the meeting.

LEG. BISHOP:
I'll make a motion to extend the meeting to 1:30.

P.O. TONNA:
I want to try to get the People's business done --

LEG. BINDER:
I have the --

P.O. TONNA:
-- rather than --

LEG. BINDER:
Mr. Chairman, on the motion.

P.O. TONNA:
That's the question, rather than one narrow focus.

LEG. BINDER:
On the motion, Mr. Chairman.

P.O. TONNA:
Which, to tell you truthfully, right now, Mr. Cooper's bill is looking better and better to me. And don't make me vote for something I don't want to vote for, and I will make a commitment to that right now, if you keep this up, Allan.

LEG. BISHOP:
Ooooh.

229

P.O. TONNA:
So just tell me. I'm asking you, can I extend the meeting?

MR. SABATINO:

Recess the meeting until 1:01, and then we'll come back at 1:01 --

P.O. TONNA:

Fine.

MR. SABATINO:

-- and we'll start over.

P.O. TONNA:

I recess the meeting until 1:01.

[THE MEETING WAS RECESSED AT 12:56 A.M. AND RESUMED AT 1:01 A.M.]

P.O. TONNA:

All right. We're on. Okay. Let me just --

LEG. CARACAPPA:

Motion on 1996.

P.O. TONNA:

No, I am not making --

LEG. BISHOP:

You should recognize Binder.

P.O. TONNA:

I am making -- I am recognizing myself. I am going to be like a horse. Look at this, I'm not recognizing anybody. I will -- I want -- I would ask that all Legislators have a moment of clarity, just a moment; okay? There are some things on this agenda that needs to be done, that would make us really, when it comes right down to it as a body, look more ridiculous than we have already tonight. We have in front of us, and I am going to make a motion to approve 1896. I would ask that there should be no debate.

LEG. FISHER:

We're not up to that, yet.

LEG. LINDSAY:

1897.

P.O. TONNA:

1896 (A resolution delegating to the County of Suffolk, New York, the power to authorize the issuance of and to sell not exceeding \$75,000,000 Tax Anticipation Notes of said County in anticipation of the collection of real estates taxes levied for County purpose or returned to he County for collection for the fiscal years commencing January 1, 1999, 2000, 2001 and 2002, and providing for other matters in connection therewith.

D.P.O. POSTAL:
Under Finance.

230

P.O. TONNA:
Under Finance, which is -- I guess I have to make a motion to take it out of order.

LEG. BISHOP:
Second.

LEG. CARACAPPA:
Second.

LEG. CARPENTER:
Second.

P.O. TONNA:
Seconded by Legislator Carpenter. This is a 75 million dollar TAN.

LEG. CRECCA:
Motion to approve.

P.O. TONNA:
Fred. Fred, just do you want to say anything about, so that people --

MR. POLLERT:
Yes. This is a borrowing, which we have to do every year to meet our cash flow.

P.O. TONNA:
Great.

MR. POLLERT:
Requirements of this borrowing is not authorized. The Comptroller cannot borrow the funds, and, in all probability, there will be sometime where we have a severe cash flow crisis, probably not being able to make payroll or meet other expenses.

P.O. TONNA:
Thank you.

LEG. CRECCA:
Motion to approve, Mr. Chairman.

P.O. TONNA:
Motion to approve by Legislator Crecca, seconded by myself. All in favor? Opposed? Approved. I have --

MR. BARTON:
18.

P.O. TONNA:
Just wait. No. I have a procedural motion

LEG. BISHOP:
Ten?

231

MS. BURKHARDT:
Number 10 on Page 10.

MR. BARTON:
Don't forget the CN, Mr. Chairman.

P.O. TONNA:
No, no, no, no, no. I have late-starters. Number 1984, and I want to assign that to Social Services, 1985 to Parks, 1986 to Environment, 1988 to Parks, and 1989 to Public Works and Finance. Seconded by Legislator Postal. All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Great. Now, I want to move to --

LEG. TOWLE:
CN, Mr. Chairman.

MS. BURKHARDT:
We didn't do Betsy Pollert. We didn't finish it.

LEG. TOWLE:
1981.

P.O. TONNA:
Yes, we did Betsy Pollert.

LEG. TOWLE:
No, the other one.

MS. BURKHARDT:
We didn't finish it. You didn't finish it.

P.O. TONNA:
Okay. I'm going to make to approve --

LEG. CARACAPPA:

Second.

MR. BARTON:

I have a motion and a second.

P.O. TONNA:

-- 1987, seconded by Legislator Postal. All in favor? Opposed?

LEG. BINDER:

What's that?

MR. BARTON:

18.

LEG. BINDER:

Whoa.

232

LEG. CARACCILO:

Abstain.

D.P.O. POSTAL:

1987 is Betsy Pollert.

LEG. CRECCA:

Approved. He called the vote.

LEG. BINDER:

What is it?

LEG. FISHER:

Oh, could I second that? She's my constituent.

LEG. BINDER:

What is it, Mr. Chairman?

P.O. TONNA:

Okay. You can --

LEG. CRECCA:

It was the Pollert --

D.P.O. POSTAL:

Betsy Pollert.

LEG. BINDER:

Oh, I thought we did it.

MS. BURKHARDT:

So she can teach.

P.O. TONNA:

So she could teach at the Community College. Okay?

MR. BARTON:

17, 1 abstention. The CN's approved.

P.O. TONNA:

Thank you.

LEG. TOWLE:

Mr. Chairman, the second CN, 1981 (Authorizing use of Smith Point County park property by Mastic Beach Ambulance Company, for "Help Us Save You Program"), I make a motion to approve.

P.O. TONNA:

Okay. Just wait one second. Okay, now -- no. That's -- no. That's the stuff. Now we're going back to the agenda. I'm not --

LEG. TOWLE:

No. Mr. Chairman, I made a motion for 1981, the second CN. It's time sensitive. It's for the Labor Day weekend, that's why it's a CN.

233

LEG. FOLEY:

Second the motion.

P.O. TONNA:

Is there a second?

LEG. TOWLE:

For the Mastic Beach Ambulance Company.

LEG. FOLEY:

Second. Second the motion.

P.O. TONNA:

Seconded by Legislator --

LEG. FOLEY:

Second.

P.O. TONNA:

"Help Us Save Program".

LEG. FOLEY:

Foley.

P.O. TONNA:

Foley. All in favor? Opposed?

MR. BARTON:
18.

LEG. CARPENTER:
What is it?

LEG. TOWLE:
It's for the Mastic Beach --

P.O. TONNA:
Wait. On the motion. On the motion. Explanation before you call it.

LEG. TOWLE:
It's for the Mastic Beach Ambulance Company to hold a fund-raising event at Smith Point County Park. They got their request in late, and we, obviously, have to authorize the use of the park. They wanted to do this for Labor Day. If we don't approve this tonight under CN, they're not there. They were here earlier this afternoon for the meeting, but, obviously, left when they realized we were going to be here until 1:30 in the morning.

LEG. BISHOP:
Paul, you're not going to --

P.O. TONNA:
We're going to have a debate on every single one of these other things.

234

LEG. BISHOP:
Not on that.

LEG. TOWLE:
Their request is attached to the back of the CN.

P.O. TONNA:
Yes. We're going to have a debate on every other thing. Just let's -- we should finish this agenda. Okay.

LEG. BISHOP:
Right.

LEG. LINDSAY:
Finish 1981.

P.O. TONNA:
Okay. Okay. Hold it a second.

LEG. COOPER:

No, no.

P.O. TONNA:

Where are we on the agenda?

LEG. HALEY:

Do we have to vote on that?

LEG. FOLEY:

We still have to vote on that.

LEG. TOWLE:

Motion and second to approve.

LEG. LINDSAY:

Let's just vote on 1981.

P.O. TONNA:

Okay.

LEG. FOLEY:

We have to vote on it.

P.O. TONNA:

1981. There's a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Okay.

LEG. FIELDS:

Explanation on the --

235

P.O. TONNA:

No. He did -- he just explained.

LEG. FIELDS:

But I have a question.

P.O. TONNA:

Okay. Well, then you don't want an explanation, you want to be recognized. All right. Before you call a vote, there is a -- did we already call this vote six thousand times? Explanation.

LEG. FIELDS:

Or just a question.

P.O. TONNA:
Question.

LEG. FIELDS:
What does the \$10 per diem mean?

LEG. CARACCIOLO:
Ten dollars per day.

LEG. FIELDS:
I know it means per day, but, I mean, just explain it a little bit.

MR. SABATINO:
That means it's nominal consideration and they're being given the use of the property in exchange for the public benefit that's derived from the efforts they're making to attract volunteers.

LEG. FIELDS:
Thank you.

P.O. TONNA:
1746. There's a motion by Legislator Carpenter.

LEG. TOWLE:
Call the vote on that.

LEG. FISHER:
Wait. Did we do 1786?

P.O. TONNA:
Wait. Is it call the vote?

MR. BARTON:
Yes, I did. On the CN, it was 18.

P.O. TONNA:
18 and 0, right?

MR. BARTON:
Yes.

236

P.O. TONNA:
Okay.

MR. BARTON:
Yes.

P.O. TONNA:
Where are we on the normal agenda?

LEG. FISHER:
1786.

LEG. LINDSAY:
1786.

LEG. CARPENTER:
1786.

P.O. TONNA:
17 --

(1786-Authorizing the lease of vacant land located at Francis S. Gabreski Airport, Westhampton, New York for aircraft hangar purposes).

D.P.O. POSTAL:
That was going to be tabled.

MR. BARTON:
There's a corrected copy for 1786.

LEG. BISHOP:
Motion to table.

LEG. CRECCA:
Second.

P.O. TONNA:
Motion to table by Legislator Carpenter, second by Legislator Bishop.
All in favor? Opposed?

MR. BARTON:
18.

P.O. TONNA:
Tabled. That's 1786?

MS. FARRELL:
Right.

LEG. FOLEY:
Yes, Paul.

FINANCE

P.O. TONNA:
Great. 1746 (Authorizing, empowering and directing the Department of

Law to implement the provision of Resolution No. 1024-2001 creating a credit card payment system for County Departments).

LEG. CARPENTER:
Motion to table.

P.O. TONNA:
Motion by Legislator Carpenter to table, seconded --

LEG. FOLEY:
Second the motion.

P.O. TONNA:
All in favor? Opposed? Tabled. We did 1896 already.

LEG. FOLEY:
1905.

P.O. TONNA:
1905 (Expanding list of bank designations).

LEG. CARPENTER:
Motion to approve.

P.O. TONNA:
Motion to approve by Legislator Carpenter, seconded by --

LEG. BINDER:
Mr. Chairman.

P.O. TONNA:
Legislator Crecca. All in favor?

LEG. BINDER:
Just on the motion. I wanted to know who this is being extended to.

P.O. TONNA:
Commercial Bank in Melville.

LEG. CARPENTER:
Commerce Bank.

P.O. TONNA:
Okay. Oh, I'm sorry. Commerce Bank. I can't read.

MR. BARTON:
18.

P.O. TONNA:

It says Commerce, saying it must be a commercial bank.

SOCIAL SERVICES

Okay. Social Services. 1776 (Adopting Local Law No. -2002, A Local Law to rename and reorganize the Handicap Advisory Board).

238

LEG. FOLEY:

Motion.

P.O. TONNA:

Motion by Legislator Fisher, seconded by Legislator Haley. All in favor? Opposed? Approved.

MR. BARTON:

18.

LEG. HALEY:

More government.

P.O. TONNA:

1839 (to establish inter-agency task force to develop policy addressing homeless individuals). Motion by Legislator Bishop.

LEG. FOLEY:

Second.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1844 (Changing designation of "Fight Against Hunger Month" in Suffolk County). Motion by Legislator Cooper. Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1849 (To select a "Woman of Distinction" in March each year). Motion by Legislator Fields, seconded by Legislator Carpenter. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Procedural Motion Number 10 (Authorizing retention of law firm in connection with Medicaid pharmaceutical litigation). See, Legislator Bishop, we got to it. This is a motion by Legislator Bishop.

LEG. FOLEY:
Second.

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

MR. BARTON:
18.

239

ENVIRONMENT, LAND ACQUISITION & PLANNING

P.O. TONNA:
1694 (Authorizing land acquisition under pay-as-you-go 1/4% Taxpayer Protection Program for land at Sans Souci Preserve, Town of Islip (Suffolk County Tax Map Nos. 0500-238.00-02.00-002.000, 003.001, 003.002, and 004.000). This is pay-as-you-go to Islip. Motion by Legislator Alden, second by Legislator Fields. All in favor? Opposed?

LEG. ALDEN:
What happened to Lindsay?

MS. BURKHARDT:
It's Bill Lindsay's bill.

P.O. TONNA:
Oh, Bill Lindsay. Seconded by Legislator --

LEG. ALDEN:
I'll second it.

P.O. TONNA:
Alden. All in favor? Opposed? Approved. Sorry, Billy. I didn't see Lindsay.

MR. BARTON:
18.

LEG. CARPENTER:
Mr. Chairman.

P.O. TONNA:
Yes.

LEG. CARPENTER:
I would just like to note that Commissioner Isles has been here to address any of these acquisitions.

P.O. TONNA:
Okay.

LEG. CARPENTER:
He was directed to be here.

P.O. TONNA:
I haven't seen him.

LEG. GULDI:
I have.

LEG. FOLEY:
He's right there.

240

MR. JOHNSON:
He's here.

LEG. FIELDS:
He's in the back.

P.O. TONNA:
He's in the back? All right. If we need him, we'll call him, I guess. If not, he could just enjoy the entertainment, the late night entertainment. 1811 (Making a SEQRA determination in connection with the proposed irrigation upgrade at Bergen Point County Park, Town of Babylon).

LEG. FOLEY:
Motion.

P.O. TONNA:
Motion by Legislator Bishop --

LEG. HALEY:
Go, go.

P.O. TONNA:
Seconded by Legislator Tonna.

LEG. HALEY:

Same motion.

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

MR. BARTON:
18.

P.O. TONNA:
Okay. 1812 (Making a SEQRA determination in connection with the proposed installation of a pump station at Bergen Point County Park, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1813 (Making a SEQRA determination in connection with the proposed planning and construction of a new arson building, Town of Brookhaven (CP3414). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1814 (Making a SEQRA determination in connection with the proposed installation of a portable bathroom at Bergen Point County Park, Town of Babylon). Same motion, same second, same vote.

241

MR. BARTON:
18.

P.O. TONNA:
1815 (Making a SEQRA determination in connection with the proposed car barn renovations at Bergen Point County park, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:
1816 (Making a SEQRA determination in connection with the proposed clubhouse renovations at Bergen Point County Park, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:
18.

P.O. TONNA:

1817 (Making a SEQRA determination in connection with the proposed equipment purchase of Bergen Point County Park, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1818 (Making a SEQRA determination in connection with the proposed dedication of the former Bulk Nursery Land to the Suffolk County Nature Preserve at Bergen Point County Park, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1819 (Making a SEQRA determination in connection with the proposed change in occupant at Bulk Nursery Office Building at Bergen Point County Park, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1820 (Making a SEQRA determination in connection with the proposed planning phase only of the demolition of the Old Cooperative Extension Building, Griffing Avenue, Town of Riverhead CP 1768). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1821 (Making a SEQRA determination in connection with the proposed planning and construction of an addition to the Tri-Community Health

242

Center, Town of Babylon CP 4022). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1822 (Making a SEQRA determination in connection with the proposed improvements to the driving range at Bergen Point Golf Course, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1823 (Making a SEQRA determination in connection with the proposed planning phase only of improvements to the Skilled Nursing Facility, Yaphank, Town of Brookhaven - CP 4057). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1824 (Making a SEQRA determination in connection with the proposed planning and construction phases of replacement of fire hoods at Police Headquarters). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1825 (Making a SEQRA determination in connection with the proposed improvements to play areas at Bergen Point Golf Course, Town of Babylon). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. TONNA:

1833 (Implementing -you-go 1/4% Taxpayer Protection Plan for Water Quality Protection and Restoration Program for pilot testing of unique "Storm Box" drains).

LEG. BISHOP:

Motion to table.

P.O. TONNA:

Legislator Bishop, to table, seconded by myself. All in favor?
Opposed? Tabled.

MR. BARTON:

18.

P.O. TONNA:

1835 (Authorizing planning steps for the acquisition of farmland under pay-as-you-go 1/4% Taxpayer Protection program (land of Northville

243

Turnpike, Town of Riverhead). Motion by Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1837 (Authorizing planning steps for the acquisition of farmland under pay-as-you-go 1/4% Taxpayer Protection Program (land of Sound Avenue, Baiting Hollow, Town of Riverhead). Motion by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1841 (To expand membership of Greenways RFP Committee to designate site for Suffolk County Community Greenways Fund Educational and Interpretive Center). Motion by Legislator Caracciolo, second by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1845 (Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at West Babylon Guildford Park (Town of Babylon). Motion by Legislator Bishop, second by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1848 (Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land of Manorville, Town of Brookhaven). Motion by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

1852 (Making a SEQRA determination in connection with the proposed planning and design for the construction of the 4th Police Precinct, Hauppauge, Town of Smithtown - CP 3184). Motion by Legislator Crecca, seconded by Legislator Nowick. All in favor? Opposed?

LEG. HALEY:
Mr. Chairman.

244

P.O. TONNA:
Yeah.

LEG. HALEY:
I hate to interrupt, but I just thought I'd tell everybody that when we talk of -- we're doing all this active parklands under Community Greenways, I just want you to know that, finally, they broke ground on The Wedge, and probably pretty soon we'll have some fields for kids.

P.O. TONNA:
That's great.

LEG. HALEY:
It will be the first real active parkland, you know, put together.
Thanks.

LEG. BISHOP:
Very good.

P.O. TONNA:
Okay, great. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
Okay. 1853 (Making a SEQRA determination in connection with the proposed purchase of landing counter for Gabreski Airport - CP 5732).
Legislator --

LEG. GULDI:
Motion.

LEG. CARACCILO:
Motion.

P.O. TONNA:
Same -- okay.

LEG. FIELDS:
Motion to approve.

D.P.O. POSTAL:
Legislator Fields.

P.O. TONNA:

Legislator Fields, seconded by myself, unless -- oh, you don't have to abstain from anything yet.

LEG. GULDI:

That's right. Okay. All in favor?

LEG. GULDI:

I don't have to abstain on anything at all.

245

P.O. TONNA:

In favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay. 1854 (Making a SEQRA determination in connection with the proposed drainage improvements on NYS Rte. 27A, Montauk @ Champlin Creek, Town of Islip). Same motion, same second, same vote.

LEG. BISHOP:

Table. Motion to table.

P.O. TONNA:

Motion to table?

LEG. ALDEN:

Why?

LEG. CRECCA:

Why?

LEG. ALDEN:

No. It's a SEQRA.

P.O. TONNA:

Number 1854?

LEG. CRECCA:

It's a SEQRA.

LEG. BISHOP:

Oh, it's SEQRA. I'm sorry.

P.O. TONNA:

All right. Pull yourself together.

MR. BARTON:

18.

P.O. TONNA:

All right. 1893 (Amending the 2002 Operating Budget and appropriating funds from the Water Quality Protection Program, Fund 475, Fund Balance for the acquisition of land in Pine Barrens and Non-Pine Barrens Towns and for parkland operating and security expenses, in accordance with Local Law 21 of 1996 and the consultants final report and Water Quality Protection Computer Model issued May 17, 2002).
Motion by --

LEG. CRECCA:

I'll make the motion.

P.O. TONNA:

A motion by Legislator Crecca, seconded by myself. All in favor?
Opposed? Approved.

246

MR. BARTON:

18.

P.O. TONNA:

1898 (Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program (Duke property - Town of East Hampton). Motion by myself, seconded by --

LEG. GULDI:

Motion.

P.O. TONNA:

Legislator Guldi. All in favor? Opposed? Approved.

LEG. CARACCIOLO:

Abstain.

MR. BARTON:

17, 1 abstention.

P.O. TONNA:

Oh, he's thinking. All right. 1899 (Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program (Roselin LLC Holding, Town of Brookhaven). Motion by Legislator Towle. Still in the Town of Brookhaven, right, Legislator Towle? Okay.

LEG. TOWLE:

Last time I checked.

P.O. TONNA:
Okay.

LEG. TOWLE:
Never know.

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

MR. BARTON:
18.

P.O. TONNA:
1900 (Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program (511 Equities - Town of East Hampton)).

LEG. GULDI:
Motion.

P.O. TONNA:
Motion by Legislator Guldi, seconded by myself. All in favor? Opposed? Approved.

247

LEG. CARACCIOLO:
Abstain.

P.O. TONNA:
Excuse me?

MR. BARTON:
17, 1 abstention.

LEG. FIELDS:
I'll abstain. I'll abstain.

P.O. TONNA:
You're abstaining?

MR. BARTON:
16, 2 abstentions.

P.O. TONNA:
Okay. Is this -- why -- all right. I'm not asking. If this gets me into trouble -- 1907 (Approving acquisition under Suffolk County Multifaceted Land Preservation Program (Barnum Avenue Property) Town of Brookhaven). This is a bond resolution. Legislator Fisher?

LEG. FISHER:

Motion.

LEG. FIELDS:
Second.

P.O. TONNA:
By Legislator Fisher, seconded by Legislator Fields. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FISHER:
Yes.

LEG. FIELDS:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

248

LEG. CARPENTER:
Yes.

LEG. ALDEN:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yeah.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. Same motion, same second, same vote. 1809.

D.P.O. POSTAL:

1908.

P.O. TONNA:

1908 (Accepting and appropriating 100% State grant funds from the New York State Department of Health to the Suffolk County Department of Health Services for a Beach Monitoring and Notification Program).

Whoo, my dyslexia's really acting up. All right. 1908.

LEG. FISHER:

Motion.

P.O. TONNA:

Motion by Legislator Fisher.

LEG. FOLEY:

Second.

249

P.O. TONNA:

Seconded by?

LEG. FOLEY:

Second.

LEG. FIELDS:

Fields.

P.O. TONNA:
Legislator Fields. All in favor? Opposed?

MR. BARTON:
18.

PUBLIC SAFETY & PUBLIC INFORMATION

P.O. TONNA:
Okay. Public Safety. Legislator Carpenter, you wanted to be recognized for something?

LEG. CARPENTER:
Yeah. Before we start on this portion of the agenda, I just need to make a statement on the record before I forget. The Contract Agency Disclosure Form that we had talked about in the last budget process, we finally got a form that is ready to be used. And I want to thank Budget Review Office for their work on it. They worked with Audit and Control. It wasn't too easy at times, but I've gotten a commitment from the County Executive's Office that they will be sending out an "All Departments Head" memo having all the departments use this, and I think it will be very helpful as we go into the next budget process.

P.O. TONNA:
Great. Thank you very much.

D.P.O. POSTAL:
Mr. Presiding Officer.

P.O. TONNA:
Yes, Mrs. Deputy Presiding Officer.

D.P.O. POSTAL:
Can I just ask Legislator Carpenter that we make a request that the form be supplied to the contract agencies? Because it's my understanding that there is no provision for letting the contract agency see the form, so that they know what they're going to be evaluated on.

LEG. CARPENTER:
Well, it will be given to them shortly. In fact, Fred told me this evening that it will be very easy for them to fill out. They can do it in Word on the computer and just E-mail it in, so they've made it very, very easy for them.

250

P.O. TONNA:
Okay.

LEG. CRECCA:
Back to the agenda.

P.O. TONNA:
Back to -- now back to the regularly scheduled program.
Eighteen-o-six -- six. Six. (1806-Establishing Community College
Tuition Assistance Program for Volunteer Firefighters). Angie?

LEG. CARPENTER:
Yes, yes.

LEG. CRECCA:
Second.

P.O. TONNA:
Whoo?

LEG. FISHER:
I'll second that.

P.O. TONNA:
And none of that tonight.

LEG. CRECCA:
Henry, list me as a cosponsor.

P.O. TONNA:
I'm never going to get home. Anyway, okay, 1806. Motion by --

LEG. CARPENTER:
Motion.

P.O. TONNA:
-- Carpenter, second by Postal, I guess. Who?

MS. BURKHARDT:
Fisher.

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

P.O. TONNA:
Fisher. All in favor? Opposed? I just can't do anything --

MR. BARTON:
18.

P.O. TONNA:
-- after quarter after one. 1862 (Modifying Universal Child Sexual
Abuse Reporting Policy for Suffolk County). Motion by Legislator
Cooper.

D.P.O. POSTAL:
Second.

P.O. TONNA:
Second. Anybody want to filibuster this one? Seconded by -- okay.
Seconded by Legislator Postal. All in favor? Opposed? Approved.

MR. BARTON:
18.

P.O. TONNA:
1873 (Amending he 2002 Capital Budget and Program and appropriating
funds in connection with the purchase and installation of equipment
under the Federal Communications Assistance for Law Enforcement Act)
(CALEA) (CP 3201). Roll call on the bond. Motion by Legislator
Carpenter, seconded by myself. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:
Motion -- I mean, yes.

P.O. TONNA:
Yeah, yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

LEG. ALDEN:
Yeah.

LEG. FIELDS:
Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

252

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yeah.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Same motion, same second, same vote. Okay. Where are we? 1875
(Appropriating funds in connection with the construction of a new
Arson Training Facility at the Suffolk County Fire Training Academy
(CP 3414). Roll call on the bond. Motion by myself, seconded by
Legislator -- motion by --

LEG. CARPENTER:

Second.

P.O. TONNA:

-- Legislator Carpenter, second by myself. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

P.O. TONNA:

Yeah.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. CRECCA:
Yes.

253

LEG. ALDEN:
Yes.

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yep.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCILO:
Yes.

D.P.O. POSTAL:
Yes.

MR. BARTON:
18 on the bond.

P.O. TONNA:
Same motion, same second, same vote. 1877 (Appropriating funds in connection with the replacement & installation of fume hood system, identification section, Suffolk County Police Department (CP 3164). Motion by Legislator Carpenter, second by myself. Roll call. Do you put an extra "R" in that?

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:
Yes.

P.O. TONNA:
Yeah.

LEG. GULDI:
Question. On the motion. What bill did you just call? You called --

254

P.O. TONNA:
1877.

LEG. GULDI:
1877? The next one on my agenda is 1764. Where's -- what is 1877, please?

P.O. TONNA:
It's the bill right after 1875.

LEG. CARACAPPA:
Two above it.

LEG. GULDI:
Oh, okay. I'm sorry.

LEG. TOWLE:
I think you're a little bit ahead of yourself.

LEG. COOPER:
Yes.

P.O. TONNA:
You're killing me, George. Go ahead.

LEG. BINDER:
Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yep.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

255

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Thank you. Same motion, same second, same vote. 1910 (Amending the

2002 Capital Program and Budget and appropriating funds for the purchase of automated external defibrillators, AED's, for public safety vehicles (CP 3205.522).

LEG. CRECCA:
Motion, Mr. Chairman.

LEG. CARPENTER:
Second.

P.O. TONNA:
Motion by Legislator Crecca, seconded by Legislator Carpenter. Sorry about that.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:
Yes.

LEG. CARPENTER:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Yes.

LEG. ALDEN:
Yep.

256

LEG. FIELDS:
Yes.

LEG. LINDSAY:
Yes.

LEG. FOLEY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes. Cosponsor.

LEG. GULDI:

Yes.

LEG. CARACAPPA:

Cosponsor.

LEG. GULDI:

Cosponsor.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yep. Ground-breaking.

LEG. BINDER:

Mr. Chairman.

P.O. TONNA:

Okay. Oh, wait. Just wait. Just wait one second. Same motion, same second, same vote. (Vote: 18). We're into Public Works.

LEG. BINDER:

I'd like to make a parliamentary inquiry of the -- of Counsel.

P.O. TONNA:

Gosh, my brain is like --

LEG. BINDER:

Sorry.

257

P.O. TONNA:

Now we're going into --

LEG. BINDER:

I apologize, but I'd like to ask Counsel, so --

P.O. TONNA:
Yeah, go ahead.

LEG. BINDER:
Number one, is there -- is there any end? There's no statutory end or rule end or any end to the meeting, so there -- where there's no vote? This meeting can continue until whenever.

P.O. TONNA:
Ad infinitum.

LEG. BINDER:
For five days. Is that true, Counsel, there is no end?

P.O. TONNA:
There's no end, baby. You're in my world now.

LEG. BINDER:
I understand that.

LEG. CARPENTER:
But you can make a motion to adjourn at any point.

MR. SABATINO:
No. The normal rules of engagement apply. Legislator Carpenter just echoed what I was about to say, which is that the normal motion to adjourn could be --

LEG. BINDER:
Right.

LEG. CRECCA:
Why don't we continue through the agenda?

LEG. BINDER:
So -- but I just ask, so the other parliamentary inquiry is --

P.O. TONNA:
No. You just had a parliamentary inquiry.

LEG. BINDER:
The other parliamentary inquiry is, so the rule you created, we call the Cinderella Law, which you drafted, has the hole in it, is this true --

P.O. TONNA:
Wait, wait, wait. You have a parliamentary question.

LEG. BINDER:
This is a parliamentary inquiry.

P.O. TONNA:
You got an answer.

LEG. BINDER:
Parliamentary --

P.O. TONNA:
What's the question you're asking him?

LEG. BINDER:
This is -- I'm asking the question.

P.O. TONNA:
Now we're getting into Disneyland.

LEG. BINDER:
No, because I didn't know --

P.O. TONNA:
Oh, Cinderella, okay.

LEG. BINDER:
-- because, for the future, I think we all need to know the existence or nonexistence of what used to be called the Cinderella Rule that you drafted. There is a Cinderella Rule. Obviously, you knew there was a hole, because you told us there was a hole tonight and quickly pulled that out. Now that -- my question, though, is, so that -- does this mean at any meeting we have from now on, if one minute before twelve the Presiding Officer recesses the meeting until one minute after, then there's no reason for a vote from this Legislature on a Cinderella Rule, so it's -- basically, it's been a nonrule. There is a nonrule or it doesn't exist as a rule, because that is the gaping hole that you created, as Counsel, when you drafted it.

LEG. ALDEN:
Paul, a simple yes.

P.O. TONNA:
Let me -- wait, wait. Can I tell you something? Don't credit him with all the brains. We've spent many months figuring this out.

LEG. BINDER:
See, Paul, it would take you many months.

P.O. TONNA:
And after reading your notes --

LEG. BINDER:

I don't think it would take -- it would take -- it wouldn't take Sabatino many months. It would take you many months, probably, but not Paul.

P.O. TONNA:

Many months. And after sitting next to "Robert Rules of Order" for many years --

259

LEG. BINDER:

Or sitting on.

P.O. TONNA:

-- I said, "Find me a way that makes me powerful."

LEG. BINDER:

Paul, probably sitting on Roberts Rules, because it -- it defuses.

LEG. FIELDS:

May I ask a question?

LEG. CRECCA:

Mr. Chairman, can we please get back to the --

P.O. TONNA:

Wait.

LEG. BINDER:

Is that hole is always --

P.O. TONNA:

Legislator Binder had the --

LEG. BINDER:

Is that the hole and is that --

P.O. TONNA:

-- parliamentary inquiry floor.

LEG. BINDER:

Is that true, that that can happen now any meeting, that the Presiding Officer can always recess a minute before twelve? And there really is no need for a vote, as long as he's willing to recess to a minute after.

MR. SABATINO:

Yes, but this was discussed at great length on Organization Day of this year. In fact, we even rewrote the rules slightly, because there was concern based on what had happened last year, that the ability to

conclude business was getting out of control, so --

LEG. FIELDS:

Which it is right now.

MR. SABATINO:

-- contrary to the assertion that it was a hole that I dreamt up in the middle of the night, it was actually articulated at the Organizational Meeting --

P.O. TONNA:

Right.

MR. SABATINO:

-- with some degree of --

260

LEG. BINDER:

It wasn't.

P.O. TONNA:

Clarity.

MR. SABATINO:

It was. It was debated.

P.O. TONNA:

Okay. Wait, wait, wait, wait. We're not debating. He had an inquiry, we got your answer, and now we're back to the normal course of events.

LEG. CARACAPPA:

Paul had a lucid dream.

LEG. BINDER:

Henry, I'd like the transcript.

P.O. TONNA:

1764. Unless, Legislator, you have a parliamentary inquiry?

LEG. CRECCA:

No.

LEG. FISHER:

No. Can we go on?

P.O. TONNA:

I don't want to stifle parliamentary inquiries.

LEG. FIELDS:

I was going to ask if we could please get back to the People's business.

P.O. TONNA:
Okay. Here we are. The People's business?

LEG. FIELDS:
Yes.

PUBLIC WORKS & TRANSPORTATION

P.O. TONNA:
All right. Let's do it then. 1764 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden with the Developer of Lan Division Map of Marie Gagnon). A motion by Legislator Caracappa --

LEG. FISHER:
Second.

P.O. TONNA:
Seconded by myself. All in favor? Opposed? Oh, no, Legislator Fisher, seconded by Caracappa. All in favor? Opposed? Right, Selden?

261

LEG. FISHER:
No, no.

P.O. TONNA:
Where is Selden?

LEG. CARACAPPA:
It doesn't matter.

P.O. TONNA:
Caracappa, then Fisher. All right.

MR. BARTON:
18.

P.O. TONNA:
18 -- oh, I've got to abstain on this one.

LEG. FOLEY:
1851, motion to approve. Come on, Paul, let's go. Come on, come on.

LEG. GULDI:
I'm abstention on 1764, Henry.

P.O. TONNA:

All right.

LEG. FOLEY:
Motion to approve 1851.

LEG. GULDI:
You got me?

MR. BARTON:
Yeah, George, you're an abstention.

P.O. TONNA:
I'm abstaining? I have that as an abstention.

MR. BARTON:
Abstention on which one?

LEG. FISHER:
Second.

P.O. TONNA:
Okay.

MR. BARTON:
Which one.

LEG. FISHER:
1851.

262

P.O. TONNA:
1764 I'm abstaining on.

MR. BARTON:
All right. So it's 16, 2 abstentions.

P.O. TONNA:
Absolutely. Absolutely. 1851 (Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 14 - Parkland with the Developer of Burger King at Waverly Avenue).

LEG. FOLEY:
Motion to approve.

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

LEG. LINDSAY:
I'll second it.

P.O. TONNA:
Legislator Lindsay, the "Whopper Team". There we go. All in favor?
Opposed?

LEG. BISHOP:
Opposed. Opposed.

LEG. GULDI:
Abstention, Henry.

LEG. FIELDS:
Opposed.

D.P.O. POSTAL:
Opposed.

P.O. TONNA:
Opposed. Opposed, Legislator -- just wait. There is -- there are two
McDonald enthusiasts who are opposed, Fields and Bishop. No roll call.

LEG. BINDER:
Mr. Chairman, on the motion.

D.P.O. POSTAL:
And me.

P.O. TONNA:
Oh, and Legislator Postal.

LEG. FIELDS:
And Caracciolo.

P.O. TONNA:
And Legislator Caracciolo. We have four abstentions, okay, or
oppositions?

263

LEG. FOLEY:
Let's go, Paul

LEG. CARACCIOLO:
Opposed.

P.O. TONNA:
Opposed.

P.O. TONNA:
All right. Approved. (Vote: 13 yes, 3 no, 2 abstentions)

P.O. TONNA:
1856 (Adopting mass transportation system map policy for Suffolk County). Motion by Legislator Postal, seconded by --

MR. BARTON:
Thirteen (1851).

D.P.O. POSTAL:
No, no, no. Motion to table.

P.O. TONNA:
It needs to be tabled, because we have a corrected copy.

LEG. FISHER:
Second.

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

MR. BARTON:
18.

P.O. TONNA:
1859 (Creating Suffolk County Transportation Advisory Board). Motion by Legislator Foley

LEG. FISHER:
Second.

P.O. TONNA:
Seconded by who?

LEG. FISHER:
Fisher.

LEG. GULDI:
Second.

P.O. TONNA:
Fisher.

LEG. CARACAPPA:
It's got to be tabled.

264

LEG. CRECCA:
I thought you were going to table it. That's right. That was the agreement.

LEG. GULDI:
Cosponsor, Henry.

LEG. FOLEY:
All right.

P.O. TONNA:
You were going to --

LEG. FOLEY:
Motion to table.

LEG. CRECCA:
That's right. We're going to work on it.

P.O. TONNA:
Motion to table, the sponsor wants to table.

LEG. FIELDS:
Second.

P.O. TONNA:
Seconded by Legislator Fields.

LEG. FISHER:
Why?

P.O. TONNA:
There's a question.

LEG. FOLEY:
Some colleagues have asked why we're tabling it tonight. The reason we're tabling it, some of our colleagues in Western Suffolk would like to see additional representation from Western Suffolk on this particular board. Additionally, there's some other language that we could change, so in deference to other colleagues, we'll make those changes, so that we can approve it on September 17th. Okay?

LEG. CRECCA:
Thank you, Legislator Foley.

LEG. FOLEY:
Okay.

P.O. TONNA:
Okay. Health.

LEG. FOLEY:
A motion to table.

P.O. TONNA:

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

LEG. FOLEY:

Okay.

HEALTH

Health. Bonding Resolution 1874 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with the purchase and installation of equipment for EMS/ALS). Motion by Legislator Foley, seconded by Legislator Fields. Excuse me. 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:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Uh-huh.

LEG. TOWLE:

Yes.

266

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. POSTAL:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18 on the bond.

P.O. TONNA:

Okay. 1883 (Accepting and appropriating 18.7% grant funds from the New York State Department of Health via the New York State Legislature to the Department of Health Services, Division of Patient Care Services for the Migrant Health Services Program).

LEG. FOLEY:

Motion to approve.

D.P.O. POSTAL:

Second.

P.O. TONNA:

Motion to -- wait. 1883. Motion to approve by Legislator Foley, seconded by Legislator Postal. Roll call.

LEG. FOLEY:

No, no, no, no.

P.O. TONNA:

Oh. All in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

By the way, 1874, the second, the same motion, same second, same vote, did I say that?

MR. BARTON:

Yeah, I got it.

P.O. TONNA:

I did now. Okay? That was kind of like whoo. Okay. 1895 (Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory.

LEG. FOLEY:

Motion to approve.

267

P.O. TONNA:

Motion to approve by Legislator Foley, seconded by Legislator Fields.
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:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:
Yes.

LEG. HALEY:
Yes.

LEG. FISHER:
Yes.

LEG. CARACAPPA:
Yes.

LEG. TOWLE:
Yes.

LEG. GULDI:
Yes.

LEG. CARACCIOLO:
Yes.

268

D.P.O. POSTAL:
Yes.

P.O. TONNA:
Yes.

MR. BARTON:
18 on the bond.

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

VETERANS & SENIORS

Vets and seniors. Motion by Legislator Lindsay.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
1769 (To provide funding for Memorial Day observance for Calverton National Cemetery).

LEG. CARACCIOLO:
And cosponsor.

P.O. TONNA:

Seconded by Legislator Caracciolo.

LEG. CARACCIOLO:
And cosponsor.

P.O. TONNA:
Marine veteran, and cosponsor.

LEG. TOWLE:
Cosponsor.

LEG. FOLEY:
Cosponsor.

LEG. FIELDS:
Cosponsor.

MR. BARTON:
Cosponsor, everybody but Bishop.

P.O. TONNA:
Everybody but Bishop is a cosponsor.

LEG. BINDER:
Except Bishop.

P.O. TONNA:
Except Bishop.

269

MR. BARTON:
I got it.

P.O. TONNA:
He doesn't do that. He has principle. Okay.

LEG. BISHOP:
I don't cosponsor bills I did not create.

LEG. CARPENTER:
We know.

LEG. BINDER:
Usually.

LEG. CRECCA:
Yeah, we know.

P.O. TONNA:

Well, that's not exactly true, Dave. Nine years here, we've seen a couple.

LEG. FISHER:
Okay. 1826, motion.

LEG. HALEY:
No. That's because he was 4F f because of his height.

LEG. CRECCA:
Mr. Chairman.

LEG. FISHER:
Motion --

LEG. CRECCA:
Focus.

PARKS, SPORTS & CULTURAL AFFAIRS

LEG. FISHER:
1826 (To re-appoint Muriel Weyl as a member of the Suffolk County Citizens Advisory Board for the Arts). Motion to approve.

P.O. TONNA:
Okay. Hold it a second.

MR. BARTON:
The vote on 1769 is 18.

P.O. TONNA:
Okay. Parks. Legislator Fisher, motion to approve.

LEG. FIELDS:
Second.

270

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Legislator --

LEG. FIELDS:
Fields.

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

MR. BARTON:

18.

P.O. TONNA:

1831 (Reappointing Carl H. Luecke as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 7). Motion by Legislator Cooper.

LEG. CARPENTER:

Second.

P.O. TONNA:

Seconded by Legislator Carpenter. All in favor?

LEG. CARACCIOLO:

On the motion.

P.O. TONNA:

Opposed?

LEG. CARACCIOLO:

On the motion. On the motion.

P.O. TONNA:

On the motion.

LEG. CARACCIOLO:

This is a reappointment. The attendance record of the individual being reappointed, was he a regular attendee?

LEG. FISHER:

Yes.

LEG. CARPENTER:

May I answer that?

P.O. TONNA:

Let me -- well, you're looking at me? Let me tell you something --

LEG. CARACCIOLO:

Well, sponsored by Jonathan, so I'll look at Jonathan.

P.O. TONNA:

Yeah. Jon?

271

LEG. COOPER:

The answer is yes.

P.O. TONNA:

A regular attendee.

LEG. COOPER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. FISHER:

Yes.

P.O. TONNA:

That's a very amorphous term. What does "regular" mean?

LEG. CARACCIOLO:

Well --

P.O. TONNA:

Yes. Okay.

LEG. FOLEY:

Consistent. Consistent.

P.O. TONNA:

Right, regular. When you say you're regular, you're consistent. Okay.

LEG. CARACCIOLO:

What was the term of office originally, Counsel?

MR. SABATINO:

It's a four-year term. But under the statute, you have to attend at least 75% and he met the 75% threshold.

P.O. TONNA:

There we go.

LEG. CARACCIOLO:

That's fine. Very good.

P.O. TONNA:

All in favor? Opposed?

MR. BARTON:

18.

EDUCATION AND YOUTH

P.O. TONNA:

Thank you. 1894 (Approving the transfer of funds at the Suffolk County Community College for the costs associated with the faculty agreement for fiscal year 2001/2002), Education and Youth. Motion by

Legislator --

LEG. FISHER:
Motion.

P.O. TONNA:
Fisher.

LEG. FOLEY:
Second.

P.O. TONNA:
Seconded by Legislator Fields. Oh, yep. All in favor? Opposed? You need twelve.

P.O. TONNA:
Okay. Oh, no, we don't need 12. It was a 1.2 transfer to cover faculty agreement; 1.2 I saw as you need 12. Okay. We did 1890 --

LEG. FOLEY:
Seven.

P.O. TONNA:
Okay. We're on the senseless resolutions now.

LEG. FISHER:
We did that.

LEG. CRECCA:
Did we do 1897 already?

MR. BARTON:
What happened to -- what about 1897?

LEG. COOPER:
Motion to approve 1391.

P.O. TONNA:
Okay.

LEG. CRECCA:
Let's do the sense, please.

P.O. TONNA:
Wait.

LEG. FISHER:

We did 1887 earlier.

MR. BARTON:
Earlier. Okay, fine. Thank you.

P.O. TONNA:
Okay.

273

LEG. FISHER:
That was the retirement incentive.

MR. BARTON:
That's right, yeah. Thank you.

P.O. TONNA:
Sense 30.

LEG. COOPER:
Paul.

P.O. TONNA:
Yes.

LEG. COOPER:
Motion to approve 1391, please.

P.O. TONNA:
Okay.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
There's a motion to approve 1391.

LEG. CARACCIOLO:
Second.

P.O. TONNA:
Second to approve 1391.

LEG. FISHER:
Cosponsor.

LEG. FOLEY:
Title.

P.O. TONNA:
Okay. Roll call.

LEG. FOLEY:
Title.

LEG. BINDER:
Mr. Chairman.

LEG. CRECCA:
No. On the --

P.O. TONNA:
Roll call.

LEG. CRECCA:
On the motion.

274

P.O. TONNA:
We're in a roll call.

LEG. CRECCA:
On the motion.

P.O. TONNA:
Roll call.

LEG. FOLEY:
Title to the bill, Mr. Chairman. Title to the bill. What bill is it?

LEG. FISHER:
Electronic filing with the Campaign Finance --

MR. BARTON:
Legislators Cooper.

LEG. CRECCA:
On the motion. I really wanted to be heard on this.

P.O. TONNA:
Okay. Legislator -- first of all, Legislator Binder.

LEG. BISHOP:
I have a question.

P.O. TONNA:
Okay. Then Legislator --

LEG. BINDER:
I'll yield to Crecca, because he's ready to go.

P.O. TONNA:

Legislator Crecca. The mike throwing had a dramatic effect.

LEG. CRECCA:

The mike throwing was good, I guess it worked.

P.O. TONNA:

I said to myself, how could I -- how could I do this to this man?

LEG. CRECCA:

There are two bills before us, or there's this bill before us right now. The other bill has been discharged and is before us, is Legislator Binder's bill. We -- first of all, I don't think we should be doing this at 1:30 in the morning when --

LEG. COOPER:

Oh, give me a break.

LEG. CRECCA:

Well, no, I'm just saying when everybody's exhausted and stuff. But beyond that, you know, we have two choices here, we have -- we have three choices. One is not to approve a campaign finance bill, the

275

other one is to approve it where the Campaign Finance Board would be the one to post it on the internet and we can create another level of government. And you can say that that level is there already, and it is, but, at this point, we have a Board of Elections which has representations from the two major parties, and also has -- works in a way where you have a watchdog from each of the two major parties watching the other there already.

Again, there's no question that the Board of Elections can handle this function within its current budgetary means. And what we shouldn't do is -- you know, I've heard the argument that they -- you need the Campaign Finance Board to do it, because the Board of Elections is too partisan and all that. We're talking about taking forms, okay, that are either manually filled out or filled out on somebody's computer, and transferring from one medium to another. We're not talking about rocket science here, we're not talking about discretion on anybody's part. So, to create a whole new mechanism by having the Campaign Finance Board, you're not really accomplishing anything at all.

There's no reason the Board of Elections can't handle this. There's no reason that there's going to be any room for -- I've heard that, "Well, you know, the Board of Elections will change things and do that." Those would be crimes. I really don't think any of us have ever seen the Board of Elections changing financial disclosure documents or financial reporting documents before, and, certainly,

anybody who is willing to take that risk would be nuts. The bottom line is, is that, you know --

LEG. BISHOP:
Eight minutes.

LEG. CRECCA:
It has become -- left or that I used up already? You know, this bill has become this big debate about, you know, which one's going to pass and all that. The bottom line is, is I just ask Legislators, look, there's no reason to create another level of government. We're going to have to fund equipment and staff at the Campaign Finance Board to perform what is a ministerial function. Okay? That it is something that any computer literate worker will be able to accomplish, and we don't need to create a whole new budget item just to be able to report this and put it on the internet.

And we -- you know, I will give my commitment here today that if we approve the Board of Elections doing this, that, number one is I agree that if someone doesn't have the technology to implement this, that we need to put that amendment in there, and number two is that we will have to hold -- I will personally hold Board of Elections' feet to the fire to make sure that it's implemented in a timely fashion. But the technology is not that difficult. It's not like the Campaign Finance Board currently has the technology ready to go. I understand they will shortly, but Board of Elections already has the computer equipment to do this and can do it. So I really think that I'm going to make a motion to table --

LEG. HALEY:
Second.

276

LEG. CRECCA:
-- 1391, and I'm doing that with the understanding that we will also table, then, Allan Binder's bill that will give him a chance to make that one amendment that has been requested by several Legislators. And if nothing's going to happen between now and September 17th, our next meeting on this, where these two bills can't then come before and be voted on.

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

LEG. CARACAPPA:
Question.

P.O. TONNA:
Hold it. Legislator --

LEG. COOPER:

On the motion.

P.O. TONNA:

No. Legislator --

LEG. BISHOP:

Am I on the list?

P.O. TONNA:

You'll be on the list.

LEG. BISHOP:

Oh, I thought I was.

P.O. TONNA:

Legislator Cooper has the floor. But before, does anybody have any Benadryl?

LEG. GULDI:

I have some in my car.

LEG. FIELDS:

It will put you to sleep.

P.O. TONNA:

No. I just -- okay. Just if anybody has any Benadryl, I need it. Okay, thanks. Go ahead, Legislator Cooper.

LEG. COOPER:

It's fascinating to listen to the mental gymnastics that some of the opponents of this bill are going through in an attempt to come up with arguments in opposition to 1391. At the heart of the matter, you can't get away from the 1998 law that the Legislature passed, that was approved by voters overwhelmingly, that provides the mandate for the computer data base to the Campaign Finance Board, not the Board of Elections. Whatever the rationale was, whether there was concern that the Board of Elections was not fair and even-handed, or at least there

277

was a -- there could be an appearance of a conflict of interest there, and that there was an appearance that the nonpartisan Campaign Finance Board was just that, nonpartisan, the fact remains that the law of the land right now empowers the Campaign Finance Board to maintain this data base.

And the arguments that I've heard I think are completely facetious about creating a new level of bureaucracy and it's somehow going to be more expensive to hire personnel at the Campaign Finance Board than

personnel at the Board of Elections. If anything, it's the opposite, because, as has been pointed out, we'll need probably twice as many people, if anything, at the Board of Elections, because you've got a Democratic side and a Republican side. So there are no financial arguments for this, there are not -- there are really no logical arguments in opposition to this bill at all, unless you want to support the motion to table 1391, because you really at the heart want to kill the bill and are supporting Legislator Binder's bill instead. I think that flies in the face of what the people of Suffolk County have expressed through the 1998 referendum. I think it's fiscally irresponsible, and I think it just does a disservice to the Legislature. So I hope that you will oppose the tabling motion and support a motion to approve 1391.

LEG. BINDER:

Mr. Chairman.

LEG. CARACAPPA:

Mr. Chairman.

P.O. TONNA:

Yes.

LEG. CARACAPPA:

I thought I was on the list.

LEG. BINDER:

Madam Chair or --

D.P.O. POSTAL:

Legislator Binder.

P.O. TONNA:

Wait, let me set the clock.

LEG. BINDER:

Thanks. It's not going to go ten minutes, don't worry.

D.P.O. POSTAL:

I have Legislator Caracappa after Legislator Binder, that's --

LEG. BINDER:

It's not going to go ten minutes. There's no -- there's no end to bump up against, Paul, you've taken it away from me.

P.O. TONNA:

Yeah, but I've still got ten minutes.

LEG. BINDER:

I find it interesting that those who would oppose this have to go through supposed mental gymnastic to get there. That's absurd. The law that was passed, which to my memory, and, obviously, it didn't serve me too well when I was talking to Mr. Lutz before, but my memory, hopefully, serves me that Mr. Cooper wasn't here during the debates and the discussion on this particular legislation, and the discussion on that part of it never envisioned, never, no one here envisioned the computer -- the computer -- the Finance Board taking over the responsibility from BOE of having our financial disclosures as candidates. That was never envisioned. What the discussions were about in this Legislature was a financial -- a Campaign Finance Board that would go get the information, as they have from BOE, and report on what they see, so they have the data base. Do they -- do they follow the law right now? The answer is yes. They go to BOE, they take in the data and they create a data base from the BOE data base and then they gave us this. Everyone's seen -- you saw reports on your races, on how much your opponent spent, on how much you've spent. They can create those kind of reports. That's what was envisioned. The kind of disclosure that's not normally out there was envisioned. No one envisioned them being the new repository, other than BOE, of this information. So the law doesn't say that they're supposed to be the repository of it, and, in fact, if you don't pass Legislator Cooper's bill, they still will be the repository of information.

LEG. CARACCIOLO:

Paul, you're taking the same thing he does?

LEG. GULDI:

No, this is something special.

P.O. TONNA:

I just want to make sure this isn't LSD or something, you know.

LEG. GULDI:

You never know.

P.O. TONNA:

Doesn't look like that at all.

D.P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Yeah. I just -- if they can act like Legislators for a couple of minutes, it will work out a little bit. So they already have the data base, they're already following the law, so the only thing we're doing is giving them something brand new and creating a new bureaucracy, as Legislator Crecca said. That's what we'd be doing, growing a bureaucracy, giving them new mandates. Why is it that New York State

hasn't done it? They do filing publicly. They didn't have to create another board. Why is it the feds do it? They didn't create another board, they go through the existing board, and we should go through the existing board, our Board of Elections.

279

It doesn't fly in the face of the People's vote, because the People didn't sit there and as they were voting, "I want to make sure that all of my public documents go on through the Finance Board." It's ridiculous. And it's not fiscally irresponsible to use our BOE to do what every other level of government does. It's correct to do it this way. It follows the people's mandate. We shouldn't be using their money, their tax money, as the People have said over and over again, they don't want us to use it, and that's what we'd be doing here. There's no reason to create a bigger bureaucracy and reason for them to grow.

So I would hope that we would table this, table my resolution. I will make any changes that members would like to see between now and the next meeting, and we should put this thing where it belongs, in the Board of Elections.

D.P.O. POSTAL:

Thank you. Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Madam Chair. Before I ask my question to the sponsor of the bill we're debating now, I'd just first have to say, Jonathan, and anybody else that's been saying in the debate of this bill that if you don't vote for this, it flies in the face of the mandate that the people gave us, and I say that as one of, I believe, two Republicans who voted for the original referendum, along with Legislator Caracciolo, and someone who also has voted for every mandate associated with the original passage of that referendum, not to mention the three attempts that you've made, Legislator Cooper, on your own piece of legislation I've supported, to say not voting for this flies in the face of the People and their huge two-to-one mandate, which is true, is completely disingenuous. And it's a politician's politician statement, because the people who went to the voting booth that day did not see anything relating to this, your bill, on the ballot that day. I know, because I sat here and debated well past this time when we did approve Legislator Levy's bill, and when I walked into the voting booth and voted for it myself. So, anyway, I had to say that, because don't throw out this jargon that we're violating the People's trust by not passing this. I plan on supporting it, but I still can't take that sort of rhetoric.

My question to you is, if your bill passes, when does the electronic filing start? And what I mean by that is what -- at what point can a

person go back and look at your filings, since you've taken office or at a certain date, like the next -- like the next time we have to refile? Does it take --

LEG. COOPER:
Yeah, I'd like to --

D.P.O. POSTAL:
Legislator Cooper, would you like to have Counsel answer that?

LEG. COOPER:
Please, Paul, if you can answer it.

280

D.P.O. POSTAL:
Paul.

MR. SABATINO:
It would go back to the effective date of the 1998 referendum bill, which I -- which took effect in 1999, and then I think that -- I mean, I have to look at the statute again, but I think that the first cycle of reporting would have been in the Year 2000 for 1999, so it would be from that date forward.

LEG. BINDER:
Would you yield?

LEG. CRECCA:
Would you yield?

LEG. CARACAPPA:
I'm done. Thank you.

D.P.O. POSTAL:
Are you finished?

LEG. CARACAPPA:
Yes.

D.P.O. POSTAL:
I can put you on the list, Legislator Crecca. Legislator Fisher.

[SUBSTITUTION ON STENOGRAPHER - DONNA BARRETT]

LEG. FISHER:
I think it's important to note that there are many things throughout history that one could not have envisioned occurring as technology improved and advanced. However, the mandate was there, the charge is there and I don't believe that we should we tie the hands of the Campaign Finance Board. There is no reason why we cannot introduce a

short cut that facilitates disclosure, that facilitates the dissemination of information. And I believe that that's what Phil was referring to earlier when he spoke about the dissemination of information is where we have sometimes have a disconnect at the Board of Elections.

And I don't believe that a vote for this bill is a vote against the Board of Elections. A vote for this bill is simply a vote that's saying we're not trying to build another bureaucracy. There was a referendum that put this board in place. So we're not expanding it, we're simply facilitating it and using the technology that currently exists. So I urge my colleagues to support this very good resolution. And I also urge you to go visit Lee Lutz and where he works, look at the amount of data that he has to -- that by himself he has to try to put up on a data base. Let's try to streamline this rather than make it more cumbersome so that they can fulfill their charge.

D.P.O. POSTAL:

I can put you back on the list. Presiding Officer Tonna, you're not

281

even on here. Legislator Bishop and Legislator Binder are on the list. Now its Legislator -- Presiding Officer Tonna.

P.O. TONNA:

Just a few things. We're talking about mandates, and I just want to talk about Campaign Finance Reform for a second. It started with a bad law to begin with. Many of us in this Legislature knew that even though it was a very popular term called Campaign Finance Reform and it had all of the populus trappings, the fact is this does nothing to help improve the system because, one, it has a hole the size of a black hole with regard to soft money. There is nothing that we can do, and even though it would pass a referendum, the fact is that anybody can get around Campaign Finance Reform, this statute, by just utilizing soft money opportunities with political parties, other campaigns or whatever else.

Secondly, if anybody saw the Campaign Finance Reform report, and I want to stress Legislator Field's race, it was very interesting that Legislator Field's race as part of the Campaign Finance Board report going and using the statutes, and I'm not faulting the Campaign Finance Reform Committee, but it mentioned that Legislator Fields outspent her opponents something like six or seven to one. Everybody knows that's not true. Because Legislator Field's opponent had a sugar daddy who basically spent -- rumor has it -- 200, \$250,000 to say certain things about Legislator Fields. But when you read the report it had Legislator Fields being the real money maker at \$45,000 -- and I'm making up the number -- but it's around that. And the poor little, you know, lilliputian who only spent \$5000 in a race that we

know when we know that probably \$250,000 to 40,000, okay?

In my -- what race are we talking about? Her last election. In my race in the report it had me spending \$109,000 against this man. No, anyway. I didn't spend \$109,000. I didn't spend a penny on that man. No, I'm joking. The point that I am trying to make is I raised \$109,000. I spent it on the person who was running against him. No. No. As a matter of fact, if you wanted to look at it. I run a golf tournament every year. At that time I might have raised in that golf tournament \$100,000, but after you had the tournament fees, the greens fees, this and that. With every golf tournament and political -- by the way, democrats run golf tournaments and republicans. I raised -- well, after Ron get his expenses -- the point that I'm trying to make was that it probably raised about 30 or \$40,000.

This whole cacophony of ridiculous misleading numbers leads to not educating the public, but diseducating the public. As soon as this board is formed, the very first official act that they have or maybe the second or the third is to make sure they have a director who is making \$80,000, \$70,000 or whatever else. I don't have anything against this person. But the very first thing, the out, you know, growth of so-called Campaign Finance Reform that is supposed to be giving us really good accurate information and everything else is basically to give a salary to somebody to make sure that we're publishing misinformation, not really information. And Legislator Fields, to tell you quite honestly, that was a disservice, because really if somebody looked at that report, it looked like, of course Legislator Fields should win that race, she outspent her opponent six

282

to one, five to one, whatever the math is. It's a bad law.

Then we decide there was movement in Campaign Finance Reform to say let's put to the -- let's put it to the people again, now to have public financing, you know, have the taxpayer for it. So we put it. We said that you have to raise taxes, it's going to be coming from our tax base. Everyone said how unfair that is. Well, that's about as fair as can be. You're going to raise money in taxes to pay for Campaign Finance Reform. That's what it said. That's what we were really doing. And it got down -- it got killed by the voters. It doesn't work. And to tell you quite honestly, this whole thing is a misguided attempt -- you put down Legislator Fields on the internet and then you put want to be Legislator whoever, okay, and you can't track the soft money, it's misleading. Period. It's a disservice to the people of Suffolk County who are not the so-called insiders. I don't like the idea because until you can track soft money and the political games that people play or whatever else, what you're really asking people to do, and this is going to be the end result of Campaign Finance Reform, if you get it on the internet or something, somebody smart who wants to hide something right now instead of filing

it normally in substance, you know what, party leader so and so in the town, I'm going to make sure that all the connected contracts go to you, you make the -- the donations are going to go to you and then you file, but you don't have to put it on the internet, because you're soft money, you're a party. And then what's going to happen is now that party leader is going to have the money, and he's going to be able to say, okay, when you run your campaign, I'll give it back to you. But then he might need a key vote. A party leader might say, you know what, I really need this vote, and by the way, the money you have in that account, what are you talking about that's coming back to you, when you vote properly it's going to come back to you.

That is corruption. By the way, it's not like none of us have never heard of these stories. But that is thwarting the system, not helping the system. We you should be encouraging people to comply with the law, to file their reports, to make sure that everything is done, and to make elected officials feel safe, safe to report what's really happening. This law misguided as it is, this whole concept of Campaign Finance Reform, until you can take the situation that Legislator Fields found herself in report it accurately, where there is a soft money account that can pay for somebody else's campaign, then you've got to go back to the drawing board and get the real thing. Thank you very much.

LEG. HALEY:

You had 30 seconds to go.

D.P.O. POSTAL:

Legislator Caracciolo.

P.O. TONNA:

I had two minutes left.

LEG. CARACCIOLO:

Counsel, how does one address the issues raised by the Presiding Officer of soft money contributions?

283

P.O. TONNA:

You can't.

MR. SABATINO:

You can only do what you can do. True soft money which comes from third party organizations wouldn't fall within the scope of this. But you can only go to the extent of what the statute allows. There's federal legislation that currently is before US Supreme Court that deals with the soft money.

LEG. CARACCIOLO:

I mean, what he characterizes is certainly the case. But again, it's like other matters that are beyond our control. So that being the case, we can debate them, we can disagree with them, we can discuss them, we can report them, but we can't do anything about them. The issue here when you get right down to it is the public. Does the public have a right to know what political candidates raise, who they raise money from or not? That's the question. Then the next question should that information be readily available and timely reported to the public? Now, some would make the case, as I think my colleague Mr. Binder would, that this information is presently reported as per requirement on a semi annual basis during non election years, on a more frequent basis during election cycle, where we all have to report January and July.

That said, it goes to the Board of Elections. They are inundated with this information. Why it takes them the amount of time it takes them to distribute their copies, file copies, to the Campaign Finance Board they could only explain. I cannot. But the history shows that it's not being disseminated expeditiously. Therefore, one makes the case or the argument that the Campaign Finance Board has a role, can step in, fill that void, and actually take some work away. And if we're talking about taxpayers dollars, maybe we can eliminate a few positions at the Board of Elections. Maybe someone should take a look at that and substitute it with electronic filing when that comes directly to --

P.O. TONNA:
Done on both sides.

LEG. CARACCIOLO:
Exactly. Exactly. I mean the issues you raised are very legitimate about soft money. I mean, the Minority Party in this County, the Democratic Party, spends thousands -- hundreds of thousands of dollars in soft money contributions by printing literature for their candidates, maybe some of their candidates.

LEG. GULDI:
The presses are gone. The machine broke.

LEG. CARACCIOLO:
Postage doesn't get reported, in-kind contributions, things like that. I mean, there are all kinds of ways around the existing laws. If it was within our power to fix those short-comings, we would, but we don't have that authority. So really when you get right down to it,

what you're looking at here is a resolution that simply is trying to provide the public with information on a timely basis. And if you are opposed to that, that's fine. You know, I mean, I respect the other view, but I don't believe the Board of Elections is the answer either,

because history demonstrates it sometimes takes them a long time. And maybe it's because the filings come in late. And if that's the case, the public has a right to know that as well. Maybe it's not the Board of Elections' fault. Maybe the filings are reported late, maybe that's why a time lag by the time it gets to the Campaign Finance Board. But with concurrence of reporting, the Campaign Finance Board will have a check in balance system. And what's wrong with that?

D.P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
I'm going to yield to --

D.P.O. POSTAL:
You're going to yield the next person on the list.

LEG. CRECCA:
No. No. I was going to yield to Legislator Bishop, I thought he wanted to, but he says he's going to wait his turn.

LEG. BISHOP:
I assume I'm on the list now, right?

D.P.O. POSTAL:
You are on the list.

LEG. CRECCA:
I have a -- I actually have a question for Counsel. You said that this Cooper bill has prior filings going to -- we'd have to file back to 1980 -- 98?

MR. SABATINO:
No. The first year would have been '99. The first reporting cycle, I believe, was the Year 2000 for '99. The point is that it would be from the inception of the original referendum's reporting requirements, which I believe from memory was 1999.

LEG. CRECCA:
So if -- I guess my question is this, in filing those prior reports, one would have to -- if they had -- if they had a computer, I assume, they'd have to go back and retype in all those old ones, because it says it has to be filed electronically if you're -- if you have a computer basically.

MR. SABATINO:
The problem, the conceptual problem, is that the Campaign Finance Board under the referendum was supposed to be have been compiling the data base, you know, from whatever that first kick off period was, which I think was the Year 2000. They've been unable to do that

because they haven't allegedly been able to get the information from the Board of Elections. So the reason you've got this bridge period

285

is because they haven't been able to do what they statutorily required to do from the beginning of the program.

LEG. CRECCA:

It's your knowledge on that particular point -- is the allegation -- is the allegation that the Board of Elections hasn't complied with the FOIL request?

MR. SABATINO:

The Board of Elections is not providing the information. You don't need a FOIL request when you have a statute that's on the books. I mean, the Board of Elections wouldn't even -- wouldn't even process the -- the vouchers and the invoices from day one. We had a pass a resolution, it was absurd --

LEG. CRECCA:

I remember that.

MR. SABATINO:

-- to have Budget Review do the work of the Board of Elections. So, you know, in fairness, the Board of Elections doesn't want to -- doesn't want to work with this statute. I'm not sure they recognize it's existence based on the little contact I've had.

LEG. CRECCA:

Maybe we should have the Board of -- has the Board of Elections been asked to come in and answer those questions before the Legislature, to your knowledge?

MR. SABATINO:

The Board of Election doesn't follow our -- doesn't follow our space management -- I'm sorry -- our Information Processing Laws, which say that if you want to buy computers, you have to get them screened by the Information Processing Committee. So there is a track record of the Board of Elections not wanting to follow statutes. This happens to be one of them.

LEG. CRECCA:

But in other words, an individual candidate or campaign committee, I should say, would have to go and --

MR. SABATINO:

Play catch up. You're absolutely right, they're going to have to play catch up. I mean, I don't have the book in front of me, but whether it's, you know, a two year catch up or three, I just honestly don't remember. But definitely it's a catch up.

LEG. CRECCA:

I guess my -- my concern is this, and again, I'm just driving on one point of the bill. In the bill what is required if they have the computer equipment is to do it electronically, correct?

MR. SABATINO:

Correct, if they have the equipment. Legislator Cooper's bill did make that technical amendment.

286

LEG. CRECCA:

And that would apply to prior reports then too?

MR. SABATINO:

Well, any information that was required from the inception of the program.

LEG. CRECCA:

Okay. Because that can be problematic for those of us that have done it -- most of, I believe, have done it manually, that's my understanding even from looking at other campaign reports. And that means everyone would have to go back and manually years of data too to comply with this law. Again, I bring this up only because one of my concerns is --

MR. SABATINO:

I understand. The answer is, yes, you have to play catch up, yes.

LEG. CRECCA:

It's also punishable -- it's also a Class A Misdemeanor, correct?

MR. SABATINO:

I think it's an offense, not -- not a misdemeanor, it's an offense.

LEG. CRECCA:

Okay. I thought I heard Legislator Cooper earlier saying that's it's one year in jail. Can you check that, Paul? I would just -- I would just -- if Legislator Cooper speaks again, he talked about it being a conflict of interest of the Board of Elections, and I don't understand how it's a conflict. I don't want to belabor the point. I just -- but I do want to an answer to that one question. Again, my -- you to go back to '98, '99. Now, also my point -- my point was too that if you've manually done that you would have to go back and, I guess -- I'm sorry, Paul. Do you have an answer to that?

MR. SABATINO:

Offense. I was right. My recollection was correct. It was an offense.

D.P.O. POSTAL:
Legislator Crecca.

P.O. TONNA:
What does an offense mean, you go to jail, what?

MR. SABATINO:
It means that -- it's --

P.O. TONNA:
It's a criminal thing.

MR. SABATINO:
It's either a fine, or it could be -- it could be both, and/or.

P.O. TONNA:
And or a fine and criminal prosecution?

287

MR. SABATINO:
Right. That's the existing statute.

LEG. BINDER:
Could just Counsel read it. Just read what it says in the bill you have in front of you. Can you read that provision in the bill?

LEG. BISHOP:
He's ahead of me again?

D.P.O. POSTAL:
Nobody's ahead of you. Legislator Crecca still has the floor. Actually, he just is waiting for an answer to his question.

MR. SABATINO:
It would be an offense punishable by a term of imprisonment not in excess of one year and/or a fine not excess of \$500.

P.O. TONNA:
Ron Cohen's going to the Big House.

D.P.O. POSTAL:
Legislator Crecca, you still have the floor.

LEG. CRECCA:
I think one of the things -- I think that again, and I don't know if Legislator -- bottom line is I think this bill, number one, needs corrections in the sense that if someone's filed manually in prior years, they should be able to take those prior years and put them forward manually, rather than have to re-key punch in literally what

can be volumes and volumes of documents, okay, to comply with this law.

D.P.O. POSTAL:

It's only republicans who raise that much money. Go ahead.

LEG. BISHOP:

Volume. Volume Two, Crecca fund-raiser.

LEG. CRECCA:

I'm not a good typer, what can I tell you folks. I think actually, yeah, you have to go back to 1999. If you have a computer now, you would have to go back and electronically file -- you have to go back and electronically file.

D.P.O. POSTAL:

Could we clarify this? We've asked this question, it's been answered, but it doesn't seem to be clear. Mr. Sabatino, excuse me. Mr. Sabatino.

LEG. CRECCA:

I'm yielding to Legislator Postal.

D.P.O. POSTAL:

We're trying to clarify when -- how far back a person who ran for

288

public office would need to file electronically with the Campaign Finance Board in order to comply with this law should it pass. And I believe you said that the Campaign Finance -- the Public Campaign Finance Statute was approved by referendum in the general election of 1999.

MR. SABATINO:

I can go pull the statute. But my recollection is -- I know the referendum was adopted in '98, I know it kicked in in '99. I didn't memorize the reporting dates, but I believe, I believe -- but I can go back and check -- that the first reporting period was 2000 for '99. But if it's become that crucial, let me just go pull the statute.

D.P.O. POSTAL:

I mean, that seems to be a question that many people have.

LEG. CRECCA:

Before you do that, I still have the floor. Before you do that, it's two o'clock in the morning, okay? You know, I said this earlier, and I'll say it again. There are -- there are -- this is just one bill, we haven't even gotten to the other bill yet, all right? There is obviously some fine tuning, or I think there's some fine tuning that

either bill needs. You know, again, I'm willing to debate this as long as it takes, but I think the proper time to do that would be at our Legislative meeting. And I would urge my colleagues to support a bill -- I mean, to support terminating this meeting today with a commitment from Legislators that we will address both bills at the next meeting, because it's two o'clock in the morning. People aren't even thinking clearly at this point.

D.P.O. POSTAL:

Legislator Carpenter. Legislator Carpenter has the floor.

LEG. CARPENTER:

I did have some questions, but if there is a -- would anyone -- would anyone who ran for office be responsible for adhering to this, so that would previous opponents also have to do that filing?

D.P.O. POSTAL:

Mr. Sabatino, the question was whether people who ran for office who were not successful and are not in public office be required to file under this statute.

MR. SABATINO:

They would be required to file, but the only -- the only situation I can think of that would deal with that would be the one Legislator Cooper had with regard to if they get a sworn statement stating that they don't have access to the technology. So somebody who previously ran who's no longer around would, you know, fall within that category because they don't have the technology to -- you know, provide the electronic filing. But for anybody else that's -- I mean, you can be somebody who ran, but you're some place else and you're still active and you do have the technology.

LEG. CARPENTER:

So talking about the technology, so then would that hold true for

289

anyone going back to previous years if you don't have that information presently on a computer and it was done manually, would that be sufficient to keep, you know, campaign treasurers from having to spend I don't know how much time it would take to reconstruct that and put all information into a computer?

MR. SABATINO:

If the treasurer signs a sworn statement, you know, in compliance with the statute, yes, that's a possibility, yes. If you're talking about somebody who previously ran, right, somebody who previously ran and they're no longer, you know, an active --

LEG. CARPENTER:

No. I'm talking now about someone who is an elected official now.

MR. SABATINO:

Well, in that case then I think it would be hard -- it would be hard to sign that affidavit.

LEG. CARPENTER:

So then they would have to go back and reconstruct everything from previous years on the computer. Okay. We don't have both bills in front of us --

LEG. CARACAPPA:

That's crazy. That's crazy.

LEG. CARPENTER:

We don't have both bills in front of us, but if you are talking about the fact that the Board of Elections was not getting the information out in a timely fashion and the information was filed electronically with the Board of Elections instead of the Campaign Finance Board, then once it's filed electronically, the Campaign Finance Board or the public or whoever wanted to access the information would be able to access it. So it doesn't seem that it would matter whether you passed the bill that says file it with the Campaign Finance Board or the Board of Elections, and that it seems like it would be a little bit more streamlined and easier since they've already get the infrastructure in place to file it with the Board of Election. Once it's filed electronically it can be accessed by anyone including the Campaign Finance Board and then -- okay. The suggestion was just made to me that--

P.O. TONNA:

Can I just say something? Let me just 00 just hold it one second. I have now three Legislators who have come to me and said they're concerned about driving home, okay. And it's not just republicans who want to do this or democrats that want to do that. Three Legislators came to me, they're concerned about driving home. I would ask this, I still have six people on the list who want to speak; one, two, three, for, five, six and Bishop's one of them.

LEG. HALEY:

Motion to adjourn.

290

P.O. TONNA:

There's a motion to adjourn, second by -- there's a motion by Legislator -- wait. There's a motion -- by Legislator Haley, seconded by Legislator Fisher. Is that a debateable motion?

LEG. BINDER:

No, it's not debateable.

LEG. LINDSAY:

When are we coming back, tomorrow?

P.O. TONNA:

No.

LEG. COOPER:

Excuse me, can I say something. Can I say something, please. It was out of courtesy to all of you that I delayed -- that I delayed introducing the motion to approve this an hour ago, an hour and a half ago, whenever it was. It was good faith, because I had a commitment that we would take the bill up and bring it up for a vote. And now, what, at 2:10, after filibustering for the first time in two or three years -- and let's up or down a vote. If you don't like it, vote against it. If you like it, vote for it.

LEG. FISHER:

Jon, as important as this might be to you, I am falling asleep. There are six people who haven't spoken on this yet. I don't want to fall asleep on the road driving home because we have to listen to everybody speak and vote on this.

P.O. TONNA:

I just say one thing, because we're -- I don't like the idea though -- I tell you quite honestly, I don't like the precedent that's being set that when somebody doesn't like a bill they filibuster. We've never really done that before. We should be --

LEG. BINDER:

I've done that before.

P.O. TONNA:

-- I know, you've tried to do it before. We should not really do that for a colleague's bill, okay? All I would say is this. There is a motion, it's a non debateable motion, to adjourn, second by Legislator Fisher. Roll call.

[ROLL CALLED BY MR. BARTON]

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:

No, it's unfair.

LEG. NOWICK:

To adjourn, yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. CARACAPPA:

Yes.

LEG. TOWLE:

Yes.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

No.

D.P.O. POSTAL:

No.

P.O. TONNA:

No.

LEG. GULDI:

No.

MR. BARTON:

Eight.

P.O. TONNA:
Go ahead Legislator, Bishop.

D.P.O. POSTAL:
Is Carpenter finished?

292

P.O. TONNA:
You're almost done? Okay. Go ahead.

LEG. CARPENTER:
The other thing I would suggest doing is bringing the Board of Elections before this Legislature. The two Commissioners I really believe from what we've heard here tonight, accusations of things not being -- or of information not being filed on time, the comment made about computers not being purchased the way they are through the County, I think some serious questions have been --

P.O. TONNA:
One of the things that eats away at our time is the interruptions. Let's try to stay focused so that we can move people along. Legislator Carpenter has the floor.

LEG. CARPENTER:
I seriously think that before we vote on either of these two, that we should bring the Board of Elections in have them be accountable.

[RETURN OF STENOGRAPHER-LUCIA BRAATEN]

P.O. TONNA:
Okay. Legislator Bishop.

LEG. BISHOP:
Thank you, Mr. Chairman. First, a war story. When I was a young Legislator and first elected here, we had the Riverhead night meetings, and I would drive back to Babylon and be in rush hour traffic, because we were here until past dawn. So let that be a lesson. And I'm going to talk that -- speak that long. No, I'm not.

I also want to commend my colleagues to my left. We have a tendency to make fun of Legislators who show passion on an issue, and both Legislator Cooper and Binder have displayed a great deal of passion on this, and that's commendable. However, I think I'm in need of a hearing examination. Binder's been yelling in my ear for hours on this and --

LEG. BINDER:
I only yelled once.

LEG. BISHOP:

And it's painful. Loopholes --

P.O. TONNA:

Loopholes.

LEG. BISHOP:

In campaign finance law exist all the time. At every level of government where we attempt to do campaign finance reform, clever politicians find ways around it. But that's not a reason not to go forward with campaign finance reform, it's a reason to buckle down and write better laws and better statutes. The loophole, however, that exists should be considered and addressed, and the ones that I'm

293

concerned about relate to the position that Democratic candidates find themselves in. The Presiding Officer described a system which he said was subject to corruption or potential corruption. I don't know what the -- corruption was in the description, when Republican Legislators find themselves under, whereby their party committees tend to control the money, and Democratic candidates tend to operate on a different system, where they raise the money directly and it shows up on their own campaigns, and that's what Presiding Officer Tonna was describing with Ginny Fields' situation.

So what I want to know from Counsel, who's busy looking up something else, is it is my understanding now that committees of Towns, which are beneath the County, and the State, which is above the County, are now covered by this legislation; is that true?

P.O. TONNA:

No.

MR. SABATINO:

Yes.

D.P.O. POSTAL:

Yes.

MR. SABATINO:

They're covered under the original provisions of the -- of the referendum, which defined political committees to specifically include party committees or constituted committees. Constituted committees under the State Election Law are town committees or county committees. The only way to -- the only way to -- the only way to be outside of the categories of committee, which the Presiding Officer was talking about before, would be the true third party soft money situation, where that third party committee is not authorized, requested, suggested, cooperated with or fostered by the candidate or candidates'

committee to provide that funding. It's possible, as you know, from the national level --

LEG. BISHOP:

So, let me --

MR. SABATINO:

-- to create that kind of soft money situation.

LEG. BISHOP:

Right. And that's where we get those commercials, call Congressman "X" and tell him he's doing a great job on this or that, and those are soft money committees, the national level.

MR. SABATINO:

Those --

LEG. BISHOP:

But, at the local level --

P.O. TONNA:

National level?

294

LEG. BISHOP:

At the local level, what I want to understand is that Town of Islip Republican Committee, Town of Babylon Democratic Committee received contributions, you know, in copious quantities. They will now be required to do electronic filing of all their data?

P.O. TONNA:

No.

MR. SABATINO:

Yes, if they are providing --

LEG. BISHOP:

Aid and comfort to me?

MR. SABATINO:

A contribution or -- well, a contribution is defined as the whole array of any kind of financial support for a candidate or a committee authorized by a candidate for one of the County offices covered by the statute.

P.O. TONNA:

So they're not.

LEG. BISHOP:

So, if they -- so, just to make that into something that candidates

and politicians can understand, if the town committee does a palm card for election day turnout with your face on it, then all their filings have to be on the internet and reported.

P.O. TONNA:
No.

MR. SABATINO:
No. Run that scenario again.

P.O. TONNA:
That's what I'm saying, it means nothing.

LEG. BISHOP:
A town committee, very typical --

MR. SABATINO:
Oh, committee. I thought you said -- I'm sorry. Okay.

LEG. BISHOP:
Very typical, a town committee does an Election Day "Get Out the Vote" piece that has my face on it, along with Town candidates, therefore, they would be required to have all their campaign finance information on the internet.

P.O. TONNA:
No, because it wasn't requested by the candidate.

295

LEG. BISHOP:
Oh, so it's George Guldi's sua sponte that he said before?

MR. SABATINO:
It had to be something that was in aid or assistance of a candidate or an authorized committee of a candidate. So, if it falls into one of those two categories that you just described, then, yes, they would have to disclose. But if it's --

LEG. BISHOP:
Okay. That one seems too difficult to get a direct answer. Let me try this one.

P.O. TONNA:
We can't even get an answer.

LEG. BISHOP:
They print a piece of Legislature --

P.O. TONNA:

Right, without your permission.

LEG. BISHOP:

-- about me, saying I'm great, which is typical.

P.O. TONNA:

I've seen {Illio} print those pieces.

LEG. HALEY:

Short story.

P.O. TONNA:

Yeah.

LEG. BISHOP:

Town committee, then the Town is binded -- I want to understand, when you say they're covered, are they covered? So, I mean, all these typical situations, get out the vote, literature for candidates, would that bring these town committees into the system?

P.O. TONNA:

No.

MR. SABATINO:

Again, it's -- you know, is absolutely everything going to be covered? No, not -- because you can always try to create something that falls outside the parameters of what the State and the local law articulate. But they're not exempt on an across-the-board basis, which I think, you know, the impression may have, you know, been that you were trying to deal with. So I'm not -- I can't state to you with absolute certainty that every action or activity that they take will be covered, because you can creat -- if you can -- you can find a way to create that third party situation, where it's not going to --

LEG. FOLEY:

Paul. Paul.

296

LEG. BISHOP:

Paul, it's not that difficult a scenario. It happens every election. The Town committee is publishing and disseminating information about County Legislative candidates; is that covered? I don't understand the struggle. Of course they can find a loophole. They could go through and create subcommittees and on, but on the basic direct situation where the Town committee is spending money on behalf of a County candidate, is it covered?

MR. SABATINO:

Yes. In that narrow technical sense, yes.

LEG. BISHOP:

I don't know if that's so narrow and technical. To me, it's --

P.O. TONNA:

Can I just -- can I ask a question, maybe just --

MR. SABATINO:

Only because, if I give an absolute answer, somebody is going to then invent, you know, the other situation in which you can get around it, and then you're going to say, "Oh, gee, I got" --

P.O. TONNA:

Paul.

MR. SABATINO:

But the answer is yes --

LEG. BISHOP:

Every piece of --

MR. SABATINO:

The committee is covered, as long as it's dealing with a County -- you know, County candidate, a County contribution, a County --

LEG. BISHOP:

What do you mean County contribution? Wait, wait, wait a second.

MR. SABATINO:

Okay.

LEG. BISHOP:

County candidate, I'm not saying --

MR. SABATINO:

A County candidate or a County authorized committee, and it's unable to, you know, create one of these other five categories of no contact or relationship, which, you know, would not be the case in the one example that you described. I mean, the example that you described, they'll clearly be within. I just don't want to make the absolute statement, say that every other situation --

P.O. TONNA:

Paul.

LEG. BISHOP:

So, to get around that -- all right. So, first, I wanted to understand the basic thing is that it would be covered, but to get around it, there would have to be a Chinese Wall, between the --

MR. SABATINO:

Yeah, I mean --

LEG. BISHOP:

The Town and the candidate?

MR. SABATINO:

You'd have to do the kinds of things that were done to -- John McCain is probably the best example when he ran on Long Island. They brought money in from Texas to create committees, you know, involving people that were, you know, at least theoretically totally disconnected from what was happening at the local level, and that's how they pumped several million dollars of soft money into the McCain campaign.

LEG. BISHOP:

Okay. That covers the Town briefly. I just want to understand, the County, I assume, is the same answer. What about the State? A lot of times candidates get assistance from Albany, and they get the -- they get a stamp to put on their literature that it has an Albany post office box.

P.O. TONNA:

Yeah. We saw that, right? We saw pieces being sent from Albany.

LEG. BISHOP:

Right. You see that, you see that every race.

P.O. TONNA:

I just -- I say that --

LEG. BISHOP:

He's all excited.

P.O. TONNA:

Nasty negative piece about somebody, I don't remember who. Lindsay. This was the Lindsay piece. Yeah, the Bill Lindsay piece from the New York State Republicans -- no, it wasn't -- it wasn't called that. The Bulk Mailer Party or something. Right?

LEG. LINDSAY:

Yeah. Now he's saying that would be covered.

P.O. TONNA:

It's not covered. There's no way.

LEG. FOLEY:

There's too much ambiguity here. We have to --

P.O. TONNA:

You can't encumber -- well, listen.

LEG. BISHOP:

I'm going to wait for Counsel, because I assume that he's interested in answering it.

P.O. TONNA:

Paul, can I ask you a question? Can I ask you a question just to simplify this? We can encumber, the County, by this County law, can encumber both the State to file and the Towns to file, Town candidates, and State candidates, as long as they have anything tangentially to do with a County candidate, right? So Supervisor "X", let's say, in the second biggest Town in Suffolk County decides that he wants to help a candidate in his town, right? If he helps this candidate and his Town uses the Islip -- oh, excuse me. The Town's political party, the this, the that, that all goes -- that all has to be filed, every penny of that has to be filed, because of that one three dollar stamp that he stamped that was designated to a County candidate, all their filings have to be filed?

MR. SABATINO:

For that particular committee, yes, and that's by virtue of the way the State law and the original County law is written, and that -- you know, that applies --

LEG. BISHOP:

That applies today.

MR. SABATINO:

Just to language of the statute.

P.O. TONNA:

Let me tell you something, my furry little friends. You guys got a huge problem here, a huge problem, absolutely huge, because --

LEG. BISHOP:

Well, I'm fascinated to hear when you go back to the bottom of the list and you get recognized again.

P.O. TONNA:

All right, all right. I can't believe you're doing this to yourself.

LEG. BISHOP:

And I want to ask Counsel --

P.O. TONNA:

This is great for me.

LEG. BISHOP:

Counsel, where we left off our dialogue was the County committees are the same as the Town committees, the same rules apply; correct? There's no distinction between Town political committee and County political committee, or would there be different rules?

MR. SABATINO:

No. The Town -- the Town, the County, and the State, all three are defined in the State statute and the local statute, so all three are

299

treated the same, the same principle applies.

LEG. BISHOP:

So I know this is redundant, but the State committee spending money raised in Buffalo and they've put out a piece in Suffolk County, now the entire State committee has to file with Lee Lutz and be posted on the internet; is that correct?

MR. SABATINO:

That's correct, yes.

LEG. BISHOP:

Is that the current state of the law?

MR. SABATINO:

I'm sorry?

LEG. BISHOP:

Is that currently the law, or is that something different? Hold on. There's accusations of craziness being thrown around.

D.P.O. POSTAL:

Well, where are we? David, did you ask a question?

MS. BURKHARDT:

Yes, David asked a question.

LEG. BISHOP:

Yes, I did. I didn't get the answer.

D.P.O. POSTAL:

I know, I thought so.

MS. BURKHARDT:

I don't think Paul heard the question.

MR. SABATINO:

That is currently -- that is currently the law, you know, subject again to what I said before about the exception.

LEG. BISHOP:

Okay. So it is, just to -- can I have attention, please? I'm not -- I'm wrapping this up, but I want to make the point. It is currently the law that all these committees, the Town, the county, and the State, were required to file in the last cycle all this information, yet none of them did; is that correct?

MR. SABATINO:

The answer is yes, subject to the exceptions, unless they're able to establish --

LEG. BISHOP:

Okay. It's yes.

MR. SABATINO:

Right.

300

LEG. BISHOP:

Furthermore, it's the law that they're subject to fines and jail imprisonment; is that correct?

MR. SABATINO:

Well, that's -- you know, that's --

LEG. BISHOP:

Counsel, there's a big disconnect between your interpretation of the law and what's actually occurring, which makes me very wary of what is occurring. I am determined to do --

D.P.O. POSTAL:

Can we have some order, please?

LEG. BISHOP:

I'm determined to do campaign finance reform, but I want it to be campaign finance reform that creates a level playing field and that is meaningful. And if the interpretations of the law are not followed now without any action to enforce them, what makes me think that these more onerous requirements will be enforced, and what makes me think that it won't be a situation where the good government Democrats will be playing by one set of rules and big bad party committees will be playing by an entirely other set of rules to our detriment? This is what concerns me, and I'm going to listen to the next speaker and make some decisions, because it's very difficult.

LEG. COOPER:

Paul, I'm going to table. It's 2:30 now.

LEG. CARPENTER:

Oh, thank you. Bless you.

LEG. COOPER:
Unless --

D.P.O. POSTAL:
All right.

(APPLAUSE)

P.O. TONNA:
No, no, no, no.

LEG. FIELDS:
Yeah, yeah, yeah, yeah.

P.O. TONNA:
Let's finish this up right now. Let's finish it.

LEG. CRECCA:
No, I want to go home.

D.P.O. POSTAL:
Oh, Paul. Paul.

301

LEG. COOPER:
Okay. I withdraw the motion, then.

LEG. FIELDS:
He's the sponsor. The sponsor wishes to table.

D.P.O. POSTAL:
Paul, you're being like a punitive daddy.

LEG. GULDI:
Motion to adjourn.

P.O. TONNA:
Do you want to table it or withdraw it?

D.P.O. POSTAL:
Table it. Table it.

P.O. TONNA:
All of a sudden now we see what this means.

LEG. GULDI:
Motion to adjourn.

LEG. TOWLE:
Second.

LEG. HALEY:
Second.

LEG. COOPER:
I'll withdraw the motion to table.

LEG. GULDI:
Motion to adjourn.

LEG. TOWLE:
Second.

LEG. CARACAPPA:
Second.

LEG. BISHOP:
What does that mean when we come back?

LEG. CRECCA:
You have to, you have to entertain it.

P.O. TONNA:
I want this voted on.

LEG. CRECCA:
Roll call.

302

LEG. GULDI:
Motion to adjourn.

LEG. CARACAPPA:
Second.

LEG. CRECCA:
You have to -- you have to --

LEG. TOWLE:
Second.

LEG. HALEY:
Second. Roll call.

LEG. GULDI:
Motion to adjourn.

LEG. CARACAPPA:
Second.

LEG. CRECCA:
Paul, you have to recognize that motion.

D.P.O. POSTAL:
Okay. There's a motion and a second?

P.O. TONNA:
Yes. All right.

LEG. HALEY:
Roll call.

D.P.O. POSTAL:
Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. COOPER:
Wait. What am I voting on here?

LEG. CRECCA:
Motion to adjourn.

D.P.O. POSTAL:
A motion to adjourn.

LEG. COOPER:
Yes.

303

LEG. BINDER:
Yes.

LEG. BISHOP:
Yes.

LEG. NOWICK:
Adjourn.

LEG. CRECCA:
Yep.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes -- no.

P.O. TONNA:

Guys, before we -- just --

D.P.O. POSTAL:

Yes.

MR. BARTON:

Tonna.

P.O. TONNA:

This is Jackie Farrell's last meeting. Just, Jackie --

(Applause)

MS. FARRELL:

If it ever ends.

304

LEG. GULDI:

Lucky Jackie.

P.O. TONNA:
And Legislator Alden, as of 12:01, it's his birthday today. Cameron.

(Applause)

LEG. FOLEY:
We're all going to Jackie Farrell's house rights after this, right,
Jackie?

D.P.O. POSTAL:
This meeting, this meeting makes Jackie especially happy that she's
retiring.

P.O. TONNA:
Yeah, right.

LEG. FOLEY:
That's right.

P.O. TONNA:
Go ahead, Henry.

MR. BARTON:
16-2. Good night.

P.O. TONNA:
I'm no. Thank you.

[THE MEETING WAS ADJOURNED AT 2:30 A.M.]

{ } Indicates Spelled Phonetically.