

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
THIRD DAY  
FEBRUARY 11, 2003**

**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, ALISON MAHONEY AND ANA GRANDE  
COURT REPORTERS**

**[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]**

**P.O. POSTAL:**

Mr. Clerk, please call the roll.

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

**LEG. CARACCIOLO:**

Here.

**LEG. GULDI:**

***(Not Present)***

**LEG. TOWLE:**

***(Not Present)***

**LEG. FISHER:**

Here.

**LEG. HALEY:**

*(Not Present)*

**LEG. FOLEY:**

*(Not Present)*

**LEG. LINDSAY:**

Here.

**LEG. FIELDS:**

Here.

**LEG. ALDEN:**

*(Not Present)*

**LEG. CARPENTER:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. BINDER:**

*(Not Present)*

**LEG. TONNA:**

Here.

**LEG. COOPER:**

Here.

**LEG. CARACAPPA:**

Here.

**P.O. POSTAL:**

Here.

**MR. BARTON:**

Twelve present. (Not Present: Legs. Guldi, Towle, Haley, Foley, Alden, Binder)

**P.O. POSTAL:**

Please rise for the salute to the flag, led by Legislator Fisher.

***(Salutation)***

Please remain standing. Legislator Lynne Nowick will introduce our guest clergy.

**LEG. NOWICK:**

Good morning, everybody. Today I would like to introduce Father Brian McNamara, who's the administrator at Saint Philip and James Parish in Saint James. Just in way of a background, Father Brian, as he likes to be called, was born and raised in Hicksville. He was an associate at Saint Patrick's in Bay Shore for five years, and spent three years at Our Lady of Grace in Babylon, was the Chaplain at Saint Anthony's High School for six years, where I know him, because my children went to school there, and he spent four years at Saint Joseph's in Garden City, and now, of course, he's lucky enough to be in my parish in Saint Philip and James where he came in June.

And I'm also very proud to say that Father Brian is a member and a Chaplain and Major in the United States Air Force Reserves for the past 17 years, so we're very proud of him at Saint Philip and James. Father Brian.

**FATHER MCNAMARA:**

Let us now pause for a moment and place ourselves in the loving presence of God and let us pray.

In the Hebrew scriptures, we read, "Praise God in his holy dwelling. Give praise for his mighty deeds. Praise him for his majesty, that everything that breathes give praise to the Lord." Lord God, as we gather here today, we praise you and thank you for all the wonderful things you bestow upon us, our country, our family, our friends, our faith. We ask you to send your spirit upon us today, the same spirit that breathed over waters of creation, the same spirit who inspired the Prophets. Send that same spirit upon us. Guide us in our work here. Help us discern your will and to have the strength and courage to follow it. Help us to realize that we are all made in your image and likeness, and help us to grow in a greater respect for all human life. Lord God, we pray for peace in a special way today, and we ask that you melt any hearts that are hardened. Protect the members of our armed forces, especially those deployed in areas of hostility.

Bring them home safely to their families. And we ask this in God's holy name. Amen.

**P.O. POSTAL:**

Please be seated. We will have a presentation a little later. Legislator Foley has a group of high school students who are -- have been a little delayed, so we'll get to that I little later on. We will have an executive session. I hope you're all listening. There will be an executive session today at 5 p.m. on the LIPA litigation. Irving Like will be with us at that time. We're going to -- I don't have any notes that we have any elected officials.

**LEG. TONNA:**

We do have --

**P.O. POSTAL:**

We do?

**LEG. TONNA:**

-- some -- not a --

**LEG. BISHOP:**

Nominees.

**LEG. TONNA:**

Yeah, nominees for positions that were not able to make it in the committee.

**P.O. POSTAL:**

That's fine. If they fill out cards, we'll be happy to allow them to speak.

**LEG. TONNA:**

Presiding Officer, I was told from your office, we asked -- because they're nominees from committees, that you would extend at 9:30 to answer any questions.

**P.O. POSTAL:**

I certainly will. We have no cards. If they fill out cards, they will be the first speakers during the public portion.

**LEG. TONNA:**

Okay. That settles that.

**P.O. POSTAL:**

So if they would just come up.

**P.O. TONNA:**

Can -- wait. Can you get somebody to fill -- can they fill out cards? Okay. I just maybe -- Madam Chair?

**P.O. POSTAL:**

Yes.

**LEG. TONNA:**

Just from the standpoint of -- I think my office, and I'd have to check with Ron, but I think my office asked that -- and the procedure of how to go about this, and we were told that because they are nominees, you know, to come, and they were not able to make the committee meeting, that they would be here at 9:30 to answer any questions that might be asked, we were told, without filling out -- they'll fill out the cards.

**P.O. POSTAL:**

Right. Well, just let me say that -- and, certainly, I would ask an opinion of our Counsel, but I believe that under our rules, we stated that there is a portion when elected and appointed officials would be permitted to speak prior to the public portion, but once we go to the public portion, there would be no exception --

**LEG. TONNA:**

Right.

**P.O. POSTAL:**

From the numbering system, so I would ask --

**LEG. TONNA:**

But that's why --

**P.O. POSTAL:**

I would ask our Counsel. And if somebody in my office told you something different, then they may have been in error.

**LEG. TONNA:**

Yeah.

**LEG. CRECCA:**

I think they fit under Number 6, though, on the agenda.

**LEG. TONNA:**

Yeah, I think they fit under the rule. That's what I was asking, because they're going to be appointed.

**P.O. POSTAL:**

Well, that's why I'm asking our Counsel.

**MR. SABATINO:**

Well, the Presiding Officer was correct, unless the individual is already a public official, if it's a

public official, then they would fit under the -- they would fit under the portion at 9:30, but I don't know if these are new nominees or if they're people who already hold positions. It would really depend on which category they're in.

**LEG. TONNA:**

They're not, they're new -- they're nominees.

**MR. SABATINO:**

If they're new, then they would -- then they would be in the public portion with the signed card. To get into the other category, you've got to be a public official.

**LEG. TONNA:**

Okay. All right. There's just a misunderstanding.

**P.O. POSTAL:**

And I understand. If someone gave you that information from my office, they were in error. But I will remind you that the public portion generally goes rather quickly, because people have three minutes to speak, and members of the Legislature are not permitted to speak during that time. So we should be moving along fairly expeditiously. And, actually, the person to whom you were referring is Number 9.

**LEG. TONNA:**

Okay, great. That's Mr. Kirby?

**P.O. POSTAL:**

So that should be 27 minutes.

**LEG. TONNA:**

That's Mr. Kirby?

**P.O. POSTAL:**

Yes.

**LEG. TONNA:**

Thank you very much.

**P.O. POSTAL:**

You're welcome.

**LEG. FISHER:**

Madam Chair.

**P.O. POSTAL:**

Yes.

**LEG. FISHER:**

I have a question regarding these people who are here this morning. In the committee, they were asked to come this morning so that we could question them. Now our rules during the public portion are that we cannot question the speakers.

**LEG. TONNA:**

Right.

**LEG. FISHER:**

So I was wondering if perhaps they could be seen in the first portion where we do have a chance to ask questions.

**P.O. POSTAL:**

Well, I would suggest -- they're not -- excuse me.  
They're not public officials.

**LEG. FISHER:**

Okay.

**P.O. POSTAL:**

Since we have eight cards, I would suggest that at the conclusion of the eighth speaker's, statement if there's no one else who would like to address the public, we can close the public portion and then interview Mr. Kirby.

**LEG. FISHER:**

Okay, yeah. I was just trying to find a venue where we would be able --

**LEG. TONNA:**

Yes.

**P.O. POSTAL:**

Yeah.

**LEG. FISHER:**

-- be able to ask that question.

**LEG. TONNA:**

Right.

**P.O. POSTAL:**

Yeah. And, certainly, I do want to have the opportunity, but I would be very resistant to making exceptions to the rules we adopted, so I would like to do it that way.

**LEG. TONNA:**

That's fine. Well, we'll find a, you know -- in the future, we might need to think about --

**LEG. BISHOP:**

Yes.

**LEG. TONNA:**

-- the possibility of -- you know, because it's about the questioning. We just, and not for this situation, but we might need to think of a venue to be able to, when people come up and they can't make a committee meeting, but they can make the general meeting, on how we're going to be able to conduct that, you know.

**P.O. POSTAL:**

Well, then I would do exactly what I am going to do now, conclude the public portion, and then allow them to speak as a separate part of the meeting, because --

**LEG. TONNA:**

Great.

**P.O. POSTAL:**

-- I really feel very strongly about not permitting any waiving of that rule --

**LEG. TONNA:**

Absolutely, I agree.

**P.O. POSTAL:**

-- that allows anyone but the public to speak.

**LEG. TONNA:**

I think you're right.

**LEG. CRECCA:**

Madam Chairman.

**P.O. POSTAL:**

Legislator Bishop.

**LEG. BISHOP:**

Thank you.

**P.O. POSTAL:**

And then Legislator Crecca.

**LEG. BISHOP:**

It's a new era.

**P.O. POSTAL:**

I recognized you.

**LEG. BISHOP:**

Right. We're still in that portion where the government officials are to speak --

**P.O. POSTAL:**

Well, we were.

**LEG. BISHOP:**

-- if they have presentations?

**P.O. POSTAL:**

We were.

**LEG. BISHOP:**

Oh, we're done, because Mr. Minei is here.

**P.O. POSTAL:**

Well --

**LEG. BISHOP:**

And he was invited from the Environment Committee to come during that portion.

**P.O. POSTAL:**

And has he notified my office that he would be doing that?

**LEG. BISHOP:**

Probably not, but that would be my fault as the Chairman, because I thought that it was automatic.

**P.O. POSTAL:**

No. He must notify -- anyone who would like to speak during that time must notify my office.

**LEG. BISHOP:**

Got to get used to these new rules.

**P.O. POSTAL:**

I know.

**LEG. BISHOP:**

And procedures.

**MR. MINEI:**

I did.

**P.O. POSTAL:**

So --

**LEG. BISHOP:**

Oh, he did.

**P.O. POSTAL:**

He did?

**LEG. BISHOP:**

He says he did.

**LEG. CRECCA:**

He says he did?

**MR. MINEI:**

As of yesterday. I told your Aide yesterday.

**P.O. POSTAL:**

Who did you speak to?

**MR. MINEI:**

Fran Seims.

**P.O. POSTAL:**

Excuse me?

**MR. MINEI:**

Fran Seims.

**LEG. BISHOP:**

Fran Seims.

**P.O. POSTAL:**

All right. Mr. Minei, it's not a very long list. I need to know. You need to notify either Linda Burkhardt, Ellie Mystal, or myself. Fran Seims or any other member of my staff is not adequate. So let's begin our public portion, because we're having such a long discussion about this that we're delaying everyone. Would you like to -- Legislator Crecca?

**LEG. CRECCA:**

Yes. I just think that in the future, so that we can conduct our business better, it would make sense that we take care of these things, and I understand we don't want to waive the rules this morning, that we take care of these matters first thing in the morning. And I would suggest, and I'd ask Counsel, unless the Presiding Officer has an objection, to draft a rule change to allow nominees and appointees to speak during Item Number 6 on our regular agenda.

I would also like the Presiding Officer to consider, and I'm not asking that this be a rule change, but in the future, we're going to have elected officials who do come and speak, and that's what this portion of the agenda is for. I think it might be more appropriate in the future, it's great if they can notify you ahead of time, but if they can't, it would probably just be a -- we don't get that many elected officials coming before us, to, you know, announce, "Are there any elected officials here who wish to make a statement?" So that's just a suggestion.

**P.O. POSTAL:**

The reason I'm reluctant to do that is because members of the public who come here and fill out cards may, as has happened in the past, feel that some people are privileged that come in after them and do have an opportunity to speak. And it's much more, I guess, explainable and orderly if they understand that not only are these public officials, but they, in fact, have a portion on the agenda when they speak and they have notified the Legislature in advance that they will be speaking during that portion.

So I would just ask everyone to make everyone aware of these rule changes. It certainly will work better if, instead of twisting and bending the rules, everybody out there knows what the rules are, so that we don't have to change them. That was the purpose of adopting the rules

that we adopted in the first place. I would like to get to the public portion. And our first speaker is Margo Myles.

**MR. JOHNSON:**

I just wanted to make our report from the County Executive.

**P.O. POSTAL:**

Where were you when we got to that point?

**MR. JOHNSON:**

I was right here during the debate. I didn't know you were calling that.

**P.O. POSTAL:**

I know, but I just saw you come up now, Todd. All right. Go ahead.

**MR. JOHNSON:**

Okay. I have three CN's that we're going to be presenting today. One of them that will be before you concerns the transferring excess hotel/motel tax monies. This resolution will allow the departments to disperse the over -- the receipts that have gone over the budgeted amounts in the department. They are required to transfer these monies and disburse them to the various funds within 30 days of receiving them. I don't know if you recall, last year we had floated a resolution allowing them to do this automatically. That, unfortunately, was not approved. But because they still have this 30-day deadline, I'm going to ask you to consider approving the disbursement and the distribution of these funds today.

**P.O. POSTAL:**

Todd, on that, will the distribution of the monies be according to the percentages that are stipulated in the original statute?

**MR. JOHNSON:**

Exactly according to those percentages.

**P.O. POSTAL:**

Thank you.

**MR. JOHNSON:**

The second CN I have concerns the Design Committee for the September 11th memorial. This committee expires as of June 21st. They need to hold at least four public hearings before that date. They would like to do a couple of things in this CN. They would like to change the location of the siting of the memorial from the Freedom Plaza to the northeast corner of the H. Lee Dennison property, not with, but near the Veterans Memorials in the front on Veterans Highway.

They would also like to establish a design competition and seek your approval for that design competition, and they will need time to organize that. They will also be offering a competition prize, and this resolution seeks authorization for that also. Because they have such a short time left they would like to get started immediately. There will be a month between this meeting and the next and they'd like to get started as soon as possible.

The last one is a transfer of -- allows a transfer of surplus health plan funds for restoration of service cuts in the County Health Department. This is at the request of the Presiding Officer, Legislator Foley, and I believe Legislator Fields. And what this will allow us to is to plug some holes that have come up in the Health Department budget concerning various departments throughout it. This is a small measure to start to address what's going to be a tremendous need this year concerning the budget challenges that the County is going to be facing. As you know, there are several issues that have come up even recently with regards to pension costs and those items which are going to be very, very, very taxing on the County, and I would appreciate your attention to this matter also, which is just a first step.

**P.O. POSTAL:**

Thank you. Who were -- who are the sponsors -- who's the sponsor and who are the cosponsors on that last resolution that has a CN?

**MR. JOHNSON:**

This would be Legislator Foley, Presiding Officer Postal and Legislator Fields.

**LEG. FOLEY:**

Legislator Fisher also had mentioned in committee that she wanted to be a cosponsor as well.

**P.O. POSTAL:**

Okay. Can we add Legislator Fisher's name to that CN? Thank you.

**MR. JOHNSON:**

I'm sure the Clerk can do that. Thank you.

**P.O. POSTAL:**

Okay. Thank you. We're going to --

**LEG. FOLEY:**

Before we move on, I just want to thank Todd. I want to thank you and the Presiding Officer and the County Executive for your cooperation.

**MR. JOHNSON:**

Also, yeah, I want to apologize for not being here immediately. I didn't realize you were going to be moving so quickly. But --

**LEG. FOLEY:**

Neither did I.

**MR. JOHNSON:**

Also, with regards to the idea of elected officials coming up and speaking, with regard to the County Executive's Office, certainly the County Executive's Office and your office should be coordinating any representation here from County departments, and I will certainly try to cooperate to the nth degree to make sure that happens.

**P.O. POSTAL:**

Thank you very much.

**MR. JOHNSON:**

Sure.

**P.O. POSTAL:**

Our first speaker is Margo Myles.

**MS. MYLES:**

Good morning. My name is Margo Myles. I'm here representing the Town of Huntington Department of Planning and Environment. I'm the Town's Coordinator of Open Space Conservation. I'm speaking on behalf of Resolution 2339, approving acquisition under the County Land Preservation Program for the Hilaire Drive property. This is an acquisition that the Town and the County are proposing as a partnership. We're hoping we'll have your support today. The Town has already committed \$350,000, which is half of the acquisition price of four small tax parcels that adjoin the Hilaire Woods property that was acquired by the Town and County last October. The protection of the Hilaire Woods additions is very important. It's going to create an access focal point, more or less a trail head station for Hilaire Woods park. It's going to protect the last remnant component of the upland watershed of Hilaire Woods Park. It will preserve some steep sloped woodland that presently adjoins Hilaire Woods Park and provide good buffer there, too; will set aside a flat upper plateau area that has already been manipulated in the past and can be used to create a very small parking area to make it available for County residents; will allow the park to be extended once these parcels are acquired, because the Town will be able to rededicate the paper road that they front on, so we can add that into the park assemblage as well. It will provide good buffer between existing homes and our park entrance; will secure some edge habitat that's important for birds and small mammals that we will be enhancing through addition of native landscaping.

We'd like very much to thank the Legislators for their support of the Hilaire Woods acquisition. It's shown on the chart we have here. What's marked in yellow are the four additions that adjoin it that we're asking for your support on today. In June last year, the Legislature unanimously approved the planning steps resolution for the Hilaire Woods additions. That was four months prior to the closing. The Hilaire Woods Park and these additions have been intrinsically linked since that time. We anticipated their acquisition before we closed on Hilaire Woods Park. We hope we'll have your support today. And we thank you so much for all the help you've given the Town to date in partnering on these important land acquisition projects. We hope we'll have your vote today. Thank you.

**P.O. POSTAL:**

Thank you. We're going to interrupt for just a moment, because the team that was not here a little earlier for the presentation by Legislator Foley has now arrived. So we will now have the Patchogue-Holbrook Football Team join us.

**LEG. CARPENTER:**

Patchogue-Medford.

**P.O. POSTAL:**

Oh, well he has -- somebody put Holbrook. Is it Medford? Okay. I apologize. Obviously, somebody on my staff is not a football aficionado. Can we just -- okay. Come on in.

**LEG. FOLEY:**

Thank you, Madam Chair. It's my pleasure today to introduce a number of inspired students from the Patchogue-Medford High School. We have with us the Patchogue-Medford Varsity Football Team. They were the Long Island champions in their particular division. They were also ranked fifth in the State. We also have with us the Cheerleading Squad, who no doubt had a key role to play in inspiring the football players on to a championship season.

We have the coaching staff of both the Varsity and the Junior Varsity team. And as you can tell, we have an excellent turnout. I think perhaps the whole team, Coach, and the whole Cheerlead Squad is here. And it's -- it really is emblematic and demonstrative of the kind of support there is for their sporting program. It reaches not just to the students, but to the communities of Patchogue and Medford, who over the years have been enthusiastic supporters of a variety of athletic programs.

It should also be noted, though, for the record that this particular team was also ranked very high in the Metro New York/New Jersey/Connecticut Scholar Athletic Team. So we really have the best of both worlds here today. We have some outstanding athletes and we have outstanding students as well.

When we think of the future of the Patchogue-Medford community and we look at these young men and women, we know that the future of our community is looking very bright. I think we can also say today, just as well as the athletic teams have been doing, the school district is on an exciting course of rebuilding and reconstruction. I believe, Coach, it's what, seventy-seven classrooms are being constructed at the high school. So, again, this is a community that prides itself on its academic achievement, and it equally prides itself on its athletic achievement.

So with that said, we have with us the Athletic Director Ed Cinelli. Ed. And we also have with us leading the coaching staff, Coach Jim Chiarello. Coach, would you like to say a few words?

**MR. CHIARELLO:**

Yes. I'd just like to thank Brian for having us here today. This recognition means a lot to our community and our kids as well. Hopefully, we can come back here in the future. Thanks.

**LEG. FOLEY:**

Thanks, Coach. I know you usually say a little bit more before the football -- start of a football game. Being things as they are, though, Fred Towle also, who takes in a portion of Medford, particularly the Eagle Estates area, is also very supportive and wants to extend his congratulations to one and all as well. So, again, congratulations. And if we all could give these fine young students a round of applause.

**(Applause)**

Now, it's my understanding that they didn't need much prodding to be here today, because this is a way that you could say you were doing a field project so you can get out of your classroom. So when you go back, you can say that you saw democracy in action, especially those who may be missing a social studies class. You can say that you're here and saw, as I said, democracy in action. And sometimes it's a little unruly, but it's also an interesting exercise.

So, again, thank you very much. And for you seniors, boys and girls who are seniors this year, best of luck upon graduation and in the years ahead. Thank you.

**(Applause)**

**P.O. POSTAL:**

And our next speaker -- we're going to continue with the public portion. Our next speaker is Joy Squires. Miss Squires? It's not on.

**MS. SQUIRES:**

Got it. Joy Squires. I'm Chair of the Town of Huntington Open Space Committee. My address is 100 Main Street, Huntington. I'm the second half of Margo Myles, and I'm a retired teacher, so it's kind of hard to follow a wonderful group of students. But this is something that will help not only students in the Town of Huntington, but all people who live in Huntington.

What you are considering today is the acquisition of a portion, a shared acquisition between the

Town and the County of Hilaire Woods that you approved and the contract was signed for in December. This is the portion that is on the map here.

**P.O. POSTAL:**

You have to speak into the microphone, we can't hear you.

**MS. SQUIRES:**

Okay. Could you point to the piece, Jon? It's right there, the crosshatched piece. Up, up, right there. Right there. This is a portion that will serve as access to the rest of what is going to be the Huntington Heritage Trail.

The Town of Huntington is celebrating its 350th Anniversary, and we hope to invite all of you to a ceremony that will, of course, inaugurate this trail. It will move from the piece that we are talking about today through Hilaire Woods, which you have, you and the Town have acquired, and it will move here along -- I'm sorry, I should have -- I'll let Jon point. We are seeking easements and are being successful. It will join our Village Green School complex, go through the Huntington School District complex at Woodhull School, go through a historic area of cobbler shops, which, of course, are now houses, and then come along and make a three-mile loop right in the center of the Village of Huntington. This is a key portion. It's where people will park, where we will make it look beautiful, and we hope you will support this acquisition.

Thank you so much for the consideration of it. These maps I'll leave up. We did have a Legislator who asked for very large maps, so this is the biggest we could come up with. Thank you very much.

**P.O. POSTAL:**

Thank you.

**LEG. FISHER:**

Thank you, Joy.

**P.O. POSTAL:**

Our next speaker is Kevin McAllister.

**MR. MCALLISTER:**

Good morning. Kevin McAllister, Peconic Baykeeper. Before I begin, is there a possibility other Legislators could come out, or do we have enough?

**P.O. POSTAL:**

Well, actually, if we don't have ten, we're suspending the meeting. Okay. Hold on, Kevin.

**MR. MCALLISTER:**

Thank you.

**P.O. POSTAL:**

The meeting is suspended until we have a quorum.

**LEG. BISHOP:**

We have nine.

**P.O. POSTAL:**

Will somebody. Ray, why don't you go out and see if -- well, actually --

**LEG. CARACAPPA:**

We have eight now.

**LEG. FISHER:**

David went out .

**LEG. NOWICK:**

David went out to get somebody.

**P.O. POSTAL:**

I'll tell you when we have a quorum.

**MR. MCALLISTER:**

Okay.

**P.O. POSTAL:**

Sorry that everyone has to, in essence, be punished, but it will just take a couple of minutes. I

know that you -- when you speak, you'd like to address all of us rather than just a handful.

**D.P.O. CARACAPPA:**

Madam Chair.

**P.O. POSTAL:**

Yes.

**LEG. CARACAPPA:**

Just to, I guess, entertain myself, I'd like maybe to put on the record at this point in time, I'd like to congratulate my brother, Nick, who had a baby girl on Friday.

**P.O. POSTAL:**

Oh, congratulations.

**(Applause)**

**D.P.O. CARACAPPA:**

Her name is Rosine Jean Caracappa, so there's another Rose Caracappa in the world and we're very proud of that and we're proud to have her.

**P.O. POSTAL:**

Well, you certainly should be. And I remember very warmly former Legislator Foley who always addressed your mother by her full name, so it's nice to hear that name again. Congratulations to your brother and his wife and the proud uncle.

**LEG. CARACAPPA:**

That's me.

**P.O. POSTAL:**

We now have a quorum. Kevin, you could begin.

**MR. MCALLISTER:**

Thank you very much. I, obviously, have to be very succinct.

I have three items to discuss. On December 17th, at the last Legislative meeting, I had disclosed to the body that there was a discretionary grant that, unfortunately, through by what I feel is retaliatory action for the lawsuit that was filed with stonewalling, ultimately was rescinded or vaporized as the clock tolled on.

December 31st.

I know this body was very troubled, at least at that time. And I'm trying to get your attention. This is -- it's unfortunate that at times when we don't always agree, that dissenting voices should be punished. And I hope that's troubling to you, because it is to me.

The second item pertaining to the EIS process for the Vector Control Program, obviously, I had asked that it be aboveboard and legitimate process when it was commenced. I want to report to you there was a Technical Advisory Committee meeting yesterday that the citizens were not properly noticed. That's troubling, number one. And there was a move to really rescind the voting rights of the citizens. I am the appointed person on that committee, I bring a great deal of technical expertise to that committee, and, again, it's critically important that we are involved in the process.

The last item has to do with the budget that's before you, the EIS budget. I won't speak to some of the administrative costs, but I will tell you the scoping process was comprehensive, and I think, certainly, the County has made a strong case, and I support their efforts in a comprehensive long-term look at this Vector Control Program. There is elements in that plan or in that study that it's critically important that they be included. So I ask you with, obviously, judiciary responsibility and scrutiny of this budget, you support it. Let's move forward, let's answer critically important questions, so we can, obviously, have a better program at the end of this. Thank you.

**P.O. POSTAL:**

Thank you. Next speaker is Cesar Malaga. Mr. Malaga, you asked for more time. I'm sorry, our rules say three minutes for each speaker.

**MR. MALAGA:**

Thank you. Let me start with the one thing here. Legislator Vivian Vioria Fisher, you know, proposed to increase to 19 the number of districts in Suffolk County. I think it's a good idea.

Also, Legislator Cameron Alden, you know, suggestion is to 17. I think it's a good idea. Legislator Michael Caracciolo, excuse me if I don't pronounce correctly, to reduce to 11, I think is a good idea.

Now, the press reported that this Legislature is spending 45 million dollars a year, which actually comes out to 2.5, you know, million dollars for each of you, which is a lot of expenditure. Our country is facing right now the biggest economic crisis. Presiding Officer, are you listening to my statement, please?

**P.O. POSTAL:**

Yes, I am.

**MR. MALAGA:**

I would appreciate if -- you know, it's a shame, you know, that Legislators who we pay taxes for salaries are not here. I think you have a microphone that you can call them to come up here, because they are not representing us -- to us if they are not here, that, you know, we paid.

**P.O. POSTAL:**

Mr. Malaga, we have a rule that if there are not ten Legislators here, we must stop the meeting. There are microphones throughout the various offices in the back of the auditorium, so people who are not here are able to hear you. So I would ask you to continue, because I have stopped the clock.

**MR. MALAGA:**

Thank you.

**P.O. POSTAL:**

But I would ask you to resume your statement, because everyone does have just three minutes.

**MR. MALAGA:**

You know, I think in November, you know, elections, you should have a proposal about these three suggestions from the Legislators, so we can vote for it. Also, you should have a proposal to eliminate all of you here, because the triplication of office that we have, the County has office like you that you -- the Town Supervisor has the same thing. So why do we have to spend 45 million of our tax dollars? As I said before, our country is going in a very economic depression.

It's a very bad situation, and perhaps it's going to take much longer. And due to the fact that we are facing, you know, shall we say a war in the future, this is going to create more problems for the economy of this country.

Now, so I would propose that you, you know, have this proposal perhaps in November election, that we, the people of Suffolk County, can vote for these four proposals, have 19, have 17, have 11, or have nothing. That way we can save more dollars.

Now, the County Legislators, when the Police Department of this County was given the tremendous increase in salaries, which was the highest salaries in the entire world, you come up and said you were going to do something to eliminate this binding Board of Arbitration, which is politically appointed. It was all over the news, but you didn't do nothing. Now, we have these land deals, politically involved, and which the people who were dealing with the County Executive, and perhaps for some of you, they were making millions of dollars before even they bought the land. I think Legislator Bishop suggesting about having another appraisal, I think it's a good idea, but have you done anything to get our tax dollars back from those people? Those people were stealing our tax dollars, and, actually, you should prosecute, send them to jail, so they can learn about what's happening here.

Now, the only thing I can mention is that I had met with you way back --

**P.O. POSTAL:**

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

**MR. MALAGA:**

All right. Thank you very much.

**P.O. POSTAL:**

I would suggest that, I know some of the Legislators are exercising great restraint, because they would like to respond to you, and I would suggest that if someone does wish to speak with Mr. Malaga, you do so either privately during the meeting, as long as we keep a quorum in the room, or you contact him by telephone. Our next speaker -- thank you, Mr. Malaga -- is Marilyn Shellabarger.

**MS. SHELLABARGER:**

Good morning. My name is Marilyn Shellabarger. I would like to take this opportunity to welcome you, Madam Presiding Officer. This is my first chance to see you in this seat, and congratulations.

**P.O. POSTAL:**

Thank you.

**MS. SHELLABARGER:**

And to all the other Legislators. I know this Legislature has supported the health centers. I represent the Liaison Committee, which is the overseeing of all the advisory boards for all the health centers. I know you have consistently through all the years supported everything that we've asked for in order to maintain our wonderful health centers for all the people in Suffolk County, and, again, this year, the Legislature rose to the occasion and did support the health centers. With the imposed 10% cuts by the County Executive, chaos reigned again, and so we began for the first time in my 30 years of doing this, we began the first of the year without the funds restored.

I do know that there is -- will be laid on the table, I've been following in the Health Committee, a measure in order to get the monies back to the health centers. I'm here early and often, because I continue to hope that we will be able to accomplish our goals this year without having to impact on the services that are being delivered to the citizens of Suffolk. Thank you very much.

**P.O. POSTAL:**

Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Next speaker Eleanor Smith.

**MS. SMITH:**

Good morning. In 1990, thirteen years ago, in light of the then County budget deficit, I stood before the Legislature and made a suggestion that as the then County Executive staff vacated

their positions and the positions were not filled, that this money be distributed to the not-for-profit contract agencies that had lost their staff thirteen years ago. The one 95,000 County Executive position vacated by the then Deputy County Executive paid for three staff for six months. Today, with 2,114 offenders being supervised daily in the Community Service Program, we are facing, as Marilyn said, a 10% Draconian cut for the program.

In front of you, please note, and this is from Debbie {Leggio}, the American Red Cross Fiscal Manager contractual programs, the reference to the funds needed to save our five community service programs that were affected by the 10% cut. The two adult program positions are matched with State funds. We are State funded matched. If, indeed, the adult programs at \$31,000 is lost, it will mean a loss of 70,000, because it includes the State monies as well. This translates to 70,000 on the adult with the match. On the Juvenile Program, the three positions or the \$64,000 is 100% County funded. So, for \$95,000 in the Year 2003, we could now restore five positions.

And I just would like to request that we look at the consultant positions that weren't -- that weren't filled again, and also those vacant County Executive positions as the people leave there, their posts. And I thank you for all the help and the support. And we will not let anyone down in this County, as far as public safety goes. Thank you.

**P.O. POSTAL:**

Thank you. Next speaker is Bob Wagner.

**MR. WAGNER:**

Good morning. May I pass out a sheet?

**P.O. POSTAL:**

We've got -- Ann Marie.

**LEG. CARACAPPA:**

Madam Chair, as Mr. Wagner is doing that, motion -- we skipped over one of our rule changes, so I'll make a motion to approve the Consent Calendar.

**P.O. POSTAL:**

Okay. I'll second that. All in favor? Opposed?

**MR. WAGNER:**

Okay. Good morning. I'm here -- it was brought to my attention in the last couple of days that the proposed Ephedra bill by Legislator Cooper was on the agenda again, so I feel obligated to come and keep you informed of what is currently going on, as far as the possible banning of Ephedra on a national level.

First of all, I'd like to thank Legislator Alden and the entire members of the Legislature for passing the bill in December to ban the sale of Ephedra to minors. I had not had an opportunity to do that. And I would like you to keep in mind and consider that we feel that that was the most responsible legislation, and no further restrictions are needed in our opinion, as far as legislation goes with further banning Ephedra. We feel it was the most responsible law for business and the residents of Suffolk County.

The FDA and the HHS continue to work on this on a national level. They expect the {Rand Report} to be in in the next four to six weeks, and then they are planning on taking action on a national level. So we would hope that you would just allow them to do their job and do that.

And I want to remind everybody that the media continues to sensationalize Ephedra. It just happens to be something that draws headlines. And just a week ago, there was a very irresponsible report published that nobody did any due diligence with, and that is the sheet that I just handed you out. I wanted you to be aware of, again, the sensationalizing that goes on with Ephedra. And the people who wrote the report stand to gain tremendous benefits financially. They're involved as expert witnesses in lawsuits. You can read for yourself. I don't want to take up any of your time discussing that.

But I'd like to ask you as a favor to show a little compassion. This is the fifteenth time that I've had to come out. It's cost my business over \$100,000 with this. I've spent over 100 hours here. And responsible legislation has been passed. And I just would like you consider letting the FDA and the HHS do the rest of the job. I mean, it's been very harmful to my business and to a lot of individual business owners. And just I'd appreciate it if you would consider showing a little compassion, and maybe, after seven times of being tabled, we can -- I don't know. I don't know what your procedures are. It's just been -- it's been a long time.

So thanks again. Congratulations to the -- Ms. Postal, your position, and Legislator Caracappa

on your new appointment. Thank you for your time.

**P.O. POSTAL:**

Thank you. Our next speaker is Alpa Pandya.

**MS. PANDYA:**

Hello. Hello. My name is Alpa Pandya, I'm with the Nature Conservancy. I'm here to talk about the Vector Control GEIS and long-term plan, I.R.'s 1045 and 1067.

Like my colleague, Kevin McAllister, I applaud the Health Department's comprehensive approach to this problem. It's looking at human health, as well as ecological health problems and concerns that I know many Legislators, as well as many, many citizens, have had for years about the Vector Control Program. However, I am asking you all to table.

I.R. 1045 and 1067 today, because I don't believe enough scrutiny has been given to this plan, enough opportunity to even review this plan has been given.

The Technical Advisory Committee met for the first time and saw this plan basically for the first time yesterday for a few hours in a meeting. They still haven't had a chance to really review the entire -- the specifics of the plan. I am hoping that you will table this and send this back to them to give them a chance to look this over. They are packed full of scientists. They were asked to serve, because they're the ones who know what's a good study and what's a necessary study and they have not been given that opportunity.

I'm also asking you to table it, because 4 million dollars is a really lot of money. I'm hoping that there is some ways to trim that.

4 million dollar budget. There are some administrative costs in there, there are some other costs in there. I don't know if all the studies are necessary. There is just a lot of questions I don't understand completely. So if there's a way to maybe get that number down a little, and I hope that everyone will consider that, especially the group that, you know, obviously put the budget together.

And, lastly, I'd like to have a chance to look into Federal or State grants to paper some of these research projects. For example, the DEC recommended the plan do caged fish studies among others. There are many funding opportunities for research projects through the DEC. Have they even been approached to be asked to pay for some of this stuff? I think these are issues and

questions which the entire State has, as well as the entire country at this point, has questions about. And I think the Feds, as well as the State, should be approached to see if they will help pay for this.

Like I said, I think this overall approach that the Department of Health has is absolutely correct. This is a bigger issue than just spraying or just ditch-digging. Those are big issues, obviously, but maybe alternatives do need to be looked into it, and a comprehensive approach is the right way to go. I just don't know if, and nobody knows, the CAC, the TAC, I don't think anybody really knows whether what's been put in front of us is going to deliver what it's promising for a 4 million dollar price tag, and I hope you'll table this.

**P.O. POSTAL:**

Thank you.

**MS. PANDYA:**

Thank you.

**P.O. POSTAL:**

Next speaker is Andrea Vecchio.

**MS. VECCHIO:**

Thank you. Good morning. I have to congratulate this body, because I am just in awe of the changes that have occurred around here. It gives me hope and encouragement that maybe at the next meeting of the Legislature, you'll see lots of independent taxpayers and citizens here voicing their opinions, which is what this was supposed to be, and to some extent had been corrupted along -- along the years.

The last time I was here as well, I sat here from nine in the morning, came back after lunch, and was here until you broke at seven o'clock. And one of the -- one of the reforms you put in place was I was basically bumped for Mr. Cochrane to speak. And I very much appreciate that when things are so glaringly wrong, that people actually do act and to change them. Of course, I would like a lot more changes than maybe you would. But I guess I just have one little statement to make, and then I'll just say thank you, and I'm very hopeful that it's going to be a new day in Suffolk County.

On Long Island, as you know, the problem remains that the public payroll grows as the private sector continues to disappear. There's no longer a defense industry or much of a manufacturing base left to support Long Island's excessive costs for government and public services, driven out years ago by those very costs that have rendered this region uncompetitive with the rest of the country. Nothing so far has taken its place. What will happen if the private sector can no longer support the public sector? And I think we're going to see that very shortly.

Taxpayers believe that we already have been taxed to the max, that taxes really are the problem in this area, and that enough is enough. I just hope that we can work together and cut the cost of County government and all other local governments as well, which is what I've been working for all these years. Thank you.

**P.O. POSTAL:**

Thank you.

**P.O. POSTAL:**

Our next speaker is Nancy Marr. Oh, excuse me. Okay, Nancy Marr.

**MS. MARR:**

Thank you, Presiding Officer Postal and members of the Legislature. My name is Nancy Marr, I live in East Patchogue, and I'm representing the Suffolk County League of Women Voters with respect to the proposals to add or delete numbers of Legislators.

During 2001 and 2002, a Suffolk County League of Women Voters Committee monitored the public sessions of the County's bipartisan reapportionment committee. We spoke at those public hearings in support of standards that would require districts to be substantially equal in population, to follow existing political Subdivisions to the extent possible, and that districts be composed of contiguous territory and be as compact as possible. Over the course of the hearings, it was the League's observation that this group was working well and following standards similar to those endorsed by the League, with a minimum of politics, to produce a plan that was acceptable to all. We understood that this committee was ready to make its presentation of findings to members of the County Legislature.

The League believes that prior to a discussion on adding or deleting districts, the Legislature should hear and review the Committee's findings. We thank you for considering this

recommendation.

**P.O. POSTAL:**

Thank you. Next speaker is Joseph Werner.

**MR. WERNER:**

It's a pleasure to be here. The reason I asked to speak is when this building was dedicated, the former Presiding Officer Blydenburgh had said he had many requests for speakers at the dedication, but he had only County Executive Gaffney himself and myself to speak. And why he had me speak is because I had written a tribute to Rose Caracappa, former Legislator Rose Caracappa. Again, this building has been dedicated to her. And -- well, first I'll read it.

"Rose Caracappa, we'll never forget you. There's a spirit throughout Suffolk County that congregates where its Legislature meets, it's the eternal spirit of Legislator Caracappa as she sits in her unseen seat. Rose was a representative of the people, this she emphatically proclaimed, when called a politician, she said no, the two were not the same. Rose loved America, her constituents, and all other Americans, too, she was the utmost symbol of all that is good, with a patriotic aura of red, white and blue. Rose, if you hear us, this to you we say, thank you for all that you have done, you'll never be far away. By Joseph Werner, 1995, a friend and admirer."

Now, I had presented a plaque with this dedication, with this tribute, and I was told, when the building was renovated, it would be put next to her picture. So far, it hasn't been done. I'd like to know what the status of that is.

**P.O. POSTAL:**

Someone will speak with you about that. Thank you.

**LEG. FOLEY:**

Thank you.

**MR. WERNER:**

Can you tell me when?

**P.O. POSTAL:**

Immediately.

**MR. WERNER:**

Oh, good.

**(Applause)**

**P.O. POSTAL:**

Thank you. Next speaker is Kim Laube.

**MS. LAUBE:**

Good morning, Presiding Officer, excuse me, Postal and the rest of the Legislature. I always have great things to say on my car ride here until you actually call my name and I freeze, totally.

I just want to come to you today and let you know, the last time I was here, we were discussing the fact that the program that I represent, love, and work so hard for was not included in the budget and we did lose all of our funding. I come to you today to let you know that we just did our first fund-raiser. We were able, as small as it was, to raise \$7,000. We're looking forward to doing more and more fund-raisers, so we are working to do our part. I'm hoping that somewhere and somehow we can work to help restore some of those funds, but I just wanted to let you know that I am mobilized, and I love this program more than ever, as it saved my life way back when, and will do anything to make sure that it stays running. So I thank you for your time and your patience and your response to my letters and phone calls. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you. Is there anyone who would like to address the public -- speak to the Legislature during the public portion? I have no more cards. Hearing no one, I'll take a motion to close the public portion by Legislator Foley, seconded by Legislator Fields. All in favor? The public portion is closed.

I'd ask Walter Kirby to please come up.

**MR. KIRBY:**

Good morning. Thank you for having me here today, and thank you for considering me for the membership in the PERB Board. I've afforded a resume. I wonder if there are any questions.

**P.O. POSTAL:**

Is there anyone who has a question for Mr. Kirby?

**LEG. BISHOP:**

Someone needs to ask the traditional question.

**P.O. POSTAL:**

Well, go ahead, Legislator Bishop.

**LEG. BISHOP:**

Chairman Guldi is not in the room.

**P.O. POSTAL:**

No. Actually, Chairman Guldi had to leave briefly, because he had a dental --

**LEG. BISHOP:**

Who's the Vice Chair?

**P.O. POSTAL:**

-- DENTAL emergency. So he will be back, but in the meantime, why don't you ask the traditional question.

**LEG. BISHOP:**

The traditional question, Mr. Kirby, is why do you want to serve on this Board and what do you think you can offer?

**MR. KIRBY:**

Well, my resume lends itself to that. I was with the Labor Department for 12 years. But on a personal note, when I was a young police officer, I was involved in a situation where the -- John Law was the head of the Transport Workers Union and I was the liaison between New York City, the Police Department and the business community. Well, John Law struck --

**P.O. POSTAL:**

Speak into the mike.

**MR. KIRBY:**

John Law struck, not to his desire, because there was an 18-member Legislature -- excuse me, an 18-member board that voted for a strike. It cost the City billions. Law lost his dues check-off privilege. Soon after that, a PERB Board came in. So I think the PERB saves County, City, any government an awful lot of money. And I was personally involved with that, and I think that's quite the reason I'd like to serve, so it doesn't happen again out here.

**LEG. TONNA:**

I have a question.

**P.O. POSTAL:**

Legislator Tonna.

**LEG. TONNA:**

Thank you. Mr. Kirby, just I would think everybody has your resume, or if they don't, you know, they have it in their packet, or whatever else. Could you tell a little about what you did with the Federal Government with regard to labor relations and things, just some of your background?

**MR. KIRBY:**

Well, as a --

**LEG. TONNA:**

I mean, it wasn't just that you were a New York City police officer.

I think that there were other things --

**MR. KIRBY:**

No. I --

**LEG. TONNA:**

-- with regard to labor.

**MR. KIRBY:**

I was the President of the New York Building Congress, which was an advocacy organization for the construction industry in New York. As the Secretary's representative, I directed the regional office of the U.S. Secretary of Labor and acted as a --

**LEG. TONNA:**

Secretary, meaning Secretary of Labor in the Federal Government, right?

**MR. KIRBY:**

Secretary of Labor. I represented Ray Donovan, Bill Brock, Elizabeth Dole, Ann McLaughlan, and Lynn Martin for 12 years, quite talented people. I was pleased to represent them. And I directed their Legislative office and developed policies and programs in areas such as apprenticeship training, sexual harassment, and flexible work schedules in that position. So, for 12 years I was involved in all aspects of the U.S. Labor Department.

**LEG. TONNA:**

Great. Thank you very much. I just think that this is -- it's rare when you get somebody with these qualifications to serve in this capacity, so I think that's great.

**P.O. POSTAL:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. Rather than ask Walter a question, I just would like my fellow Legislators to know that during Walters years with the Federal Labor Department, I had many dealings with him, and he had the unique ability of making government work, and I think that's really what we're looking for on the PERB Board. And although I'm not on the committee, I just want to add my chorus to the Committee to say that this is an excellent appointment.

**P.O. POSTAL:**

Thank you. Is there anyone else? Legislator Foley?

**LEG. FOLEY:**

Thank you, Madam Chair. I'd would like to echo Legislator Lindsay's sentiments. Knowing Mr. Kirby as I have, a number of years attending some meetings, certainly, he'd be an excellent

choice for the PERB Board and would bring not just local or state, but, in fact, Federal perspective to the local scene in his talents, as demonstrated in his resume. It speaks volumes of the kind of work that he would bring to bear to a very important board here in Suffolk County. So I certainly agree that he'd be an excellent choice.

**P.O. POSTAL:**

Thank you, Legislator Foley. Anyone else with a question for Mr. Kirby. Mr. Kirby, thank you very much --

**MR. KIRBY:**

Thank you.

**P.O. POSTAL:**

-- for joining us today. I know that Martin Cantor here -- is here, who's nominated for reappointment. Is there anyone -- we know.

Mr. Cantor very well, some of us. Marty, would you like to come up and -- this is a nomination for the IDA.

**MR. CANTOR:**

No, no, Judicial Facilities Agency.

**P.O. POSTAL:**

Judicial Facilities Agency.

**MR. CANTOR:**

Yes.

**P.O. POSTAL:**

Which may be a very busy agency.

**MR. CANTOR:**

Yes, it is.

**P.O. POSTAL:**

Legislator Fields, I'm sorry.

**LEG. FIELDS:**

Can you just tell us what you do on that agency?

**MR. CANTOR:**

Well, the agency, most of the work for the agency was done at its inception. We issued 132 million dollars worth of bonds to buy about 89% of the Cohalan Court Complex in Central Islip. Suffolk County retains about 13% of the ownership. And that transaction alone in the refinancing of the bonds saved Suffolk County about 10 million dollars. The proceeds of the deposit that we keep in escrow pretty much goes into the repayment of the outstanding bonds on an annual basis. The trustee is the Bank of New York. Once, twice a year, we get together to oversee the financial statements to make sure the process is running. We toured the Cohalan Court Complex facility, and we just make sure that the goals that we established when we issued those bonds are being met, and currently they are. We get audited by our outside agency every year for the portion that we control, and the Suffolk County audit audits the remaining 13%, and we just make sure that the numbers pretty much conform to what we all thought they would, and they are.

**LEG. FIELDS:**

So how often do you meet?

**MR. CANTOR:**

Once a year. Twice a year, maybe, but once a year definitely.

**LEG. FIELDS:**

And how many people are on the Board?

**MR. CANTOR:**

There are five members.

**LEG. FIELDS:**

And are they always present at the meetings twice a year?

**MR. CANTOR:**

I would say that definitely four are always represented.

**LEG. FIELDS:**

How has your attendance been?

**MR. CANTOR:**

Excuse me?

**LEG. FIELDS:**

How has your attendance been?

**MR. CANTOR:**

I attend all the meetings.

**LEG. FIELDS:**

Good. Okay. Thank you.

**P.O. POSTAL:**

Any other questions? Thank you, Marty.

**MR. CANTOR:**

Thank you.

**P.O. POSTAL:**

Is there anyone else here who's been nominated for appointment or reappointment to a board or commission?

**LEG. TONNA:**

Madam Chair.

**P.O. POSTAL:**

-- yeah, Legislator Tonna.

**LEG. TONNA:**

I just want to speak to one. There is an appointment I think that they brought it out of committee in the hope that somebody -- Mr. Andrew Nowotny. He's actually having health

problems, was not able to attend, and I think just in consistent with the procedure, it should be tabled until a time he can come. But he has, you know, right now serious health problems that will hopefully work itself out with modern medicine.

**P.O. POSTAL:**

Thank you. We will table that when we get to the agenda. I think -- is Vito Minei here? He -- why don't you come up.

**LEG. HALEY:**

I hope they gave you a lot of novocaine.

**LEG. GULDI:**

They did. That won't stop me from talking, Marty. I'll just sound like I had lunch with you.

**LEG. CRECCA:**

Very good, George.

**P.O. POSTAL:**

That was very good. Mr. Minei.

**MR. MINEI:**

Yes. Good morning.

**LEG. HALEY:**

I was going to invite you for lunch today.

**P.O. POSTAL:**

Go right ahead.

**MR. MINEI:**

No. I think there's some confusion. I was not requesting to make a presentation, I was indicating that we would be available for questions. When we left the ELAP Committee last week, there was still a number of outstanding issues, and I said I would be glad to come before the Legislature to answer any questions. But I had no intention, and, hopefully, it didn't break any other protocols. I'm down two already, so --

**P.O. POSTAL:**

No. Actually, you didn't. If you -- if you had not planned to address the Legislature and were just here to respond --

**MR. MINEI:**

Yes.

**P.O. POSTAL:**

Then you certainly didn't. If you would like to speak at any point, there's a portion on the agenda which is separate from the public portion when you would have that opportunity. You would just have to notify either Linda Burkhardt or Ellie Mystal in my office that you would like to do that. I believe that Legislator Fields, I just --

**LEG. FIELDS:**

No.

**P.O. POSTAL:**

No? Legislator Bishop, I almost missed you again.

**LEG. BISHOP:**

I'm -- Mr. Minei, I thought, and you can correct me if I'm wrong, but when we concluded the Environment Committee, I believe you indicated that you would, before we voted on this proposal, come back to the full Legislature with some trimming of the plan, and I thought that was what you were intending to do at this time.

**MR. MINEI:**

Well, what I agreed to do was to bring forward the budgets and indicate the component parts. So, if someone else was of the mind to trim, we could do that. But the parts of the budget are broken out, so people can address different issues on the budget. But the resolution, the budget resolution before the Legislature is for the full funding of 4.55 million. But I do have the materials, if you want to entertain them, to discuss each component part of the budget.

**LEG. BISHOP:**

I think there will be a motion to table later and it may be sent back to committee.

**LEG. FISHER:**

Madam Chair.

**LEG. BISHOP:**

So we would have an opportunity to do it in earnest at committee, so I believe that's the direction we're heading in.

**P.O. POSTAL:**

Okay. Legislator Haley.

**LEG. HALEY:**

I think, to go back to committee, we were concerned about whether or not our how DEC would view a modified plan. And, Vito, is that one of the conversations we had?

**MR. MINEI:**

We had several, including, you know, why the expanded scope of the project, why the budget has increased over several months, so there were a number of issues. And when it was discharged without recommendation, I promised to come before the Legislature to answer any and all questions regarding the budget and the scope of the project. But you're correct, Legislator Haley.

**LEG. BISHOP:**

Is it possible to take it out of order now and --

**LEG. HALEY:**

I'm sorry.

**P.O. POSTAL:**

No. Are you finished?

**LEG. HALEY:**

No, no. I was -- well, Dave had --

**P.O. POSTAL:**

No. I'm putting him back on the list.

**LEG. HALEY:**

Oh, all right. Vito, do you think there's a practical problem with DEC if we start to cut that -- the components of that particular resolution?

**MR. MINEI:**

Well, certainly, Legislator Haley. We discussed that some of the reason for the expanded scope of the project was direct input during the SEQRA, S-E-Q-R-A, scoping process and DEC had indicated which projects they wanted to see as part of the overall management plan and generic environmental impact statement. Any cutting at this point, I made the statement at ELAP and I'll make it again, I believe you start to erode the credibility that was built in that process, both among the agencies and the public. So the short answer to your question is, yes, I believe you start to erode that.

**LEG. HALEY:**

Wasn't there an awful lot of input from a lot different individuals, agencies, departments in developing this particular resolution?

**MR. MINEI:**

Yes, absolutely. And again --

**LEG. HALEY:**

Could you give us an idea?

**MR. MINEI:**

Sure. I attended the scoping session. Again, there is some confusion regarding the scope of the project as we first prepared it in the request for proposals and the response. That entailed about a 2 1/2 million dollar project with the successful proposal. Then the Council on Environmental Quality took over with regard to the SEQRA issues, and scoping of an environmental impact statement is one of their responsibility. They scheduled that session in August, I believe, or early September, and there were a number of presenters, public, as well as agencies, that said a number of things, one, commending the quality and the comprehensive nature of the request for proposals, the quality and the scope of the response of the successful proposer, but they also said they wanted to see additional work. So there probably was I'd say

at least two dozen or 30 speakers that night, and many of them were from the public, many of them were from Federal and State agencies. And the New York State DEC submitted written comments during the scoping process, which is about 60 days, and they indicated which projects they wanted, and some of them are very entailed and very complex, and they did, indeed, add considerable cost to the process.

**LEG. HALEY:**

Yeah, I was curious. I'm trying to remember the meeting, why -- Legislator Bishop stepped out of the room. He seemed to have a particular problem with the dollar value and, yet, didn't have the opportunity to look at the specific components and see whether or not he could make recommendations for trimming. Has -- do you know if he's had -- gotten that information?

**MR. MINEI:**

Since the Environment Committee, he's had the information. The handout we gave at ELAP we have available today for the full Legislature, and it gives you an overview of various approaches that could be taken by the County to do a straight generic environmental impact statement comparable to, but more expansive, because of the nature of Suffolk County, than what Westchester County and New York City did to revert back to the work plan and to the response to our RFP, which was about a 2 1/2 million dollar project, or to include all of the work that CEQ said was important and appropriate to the scope of the project, and the costs are broken out and detailed, if we want to discuss those, that bring us up to the 4.5 million dollar project that we have on the resolution today. But that information probably was available to the Environment Committee as of the last meeting.

But, if I could just for a moment, the question I heard today about the Technical Advisory Committee I don't believe correctly portrayed it. The revised scope and the revised management plan proposal was done in early December, and, indeed, there was a resolution before this Legislature to consider that 4 million dollar project, but we were told it wasn't appropriate to amend the 2003 budget in 2002. So that information has been available to the Technical Advisory Committee as of early December. So because we didn't bring it up at the meeting yesterday of the TAC I think is secondary. What was important to me is the Technical Advisory Committee and Citizen's Advisory Committee Chair both explicitly expressed to me that this process, this management plan that addresses both the impacts of Vector Control and appropriate measures to move forward with the Vector Control Program and then to do a generic environmental impact statement is something that they unanimously approved of. So I'm a little

concerned with some of the commentary I heard earlier today, Legislator Haley.

**LEG. HALEY:**

Okay. Madam Chair, could we make sure that information he has is distributed prior to our consideration of that resolution?

**P.O. POSTAL:**

Certainly.

**MR. MINEI:**

We have copies.

**P.O. POSTAL:**

Certainly. Ann Marie.

**MS. PASTORE:**

Yes.

**P.O. POSTAL:**

Will make sure --

**LEG. HALEY:**

Madam Chair.

**P.O. POSTAL:**

-- that copies are distributed?

**LEG. HALEY:**

Would there be an opportunity for him to come back up at that time, based on our rules?

**P.O. POSTAL:**

Yeah.

**LEG. HALEY:**

Okay.

**P.O. POSTAL:**

Yeah, he can.

**LEG. HALEY:**

Are you going to be around then, perhaps, for that?

**MR. MINEI:**

I will stay as long as you want me. And I just -- for the record, I want you all to know I'm joined by my colleague, Walter Dawydiak, who's our Chief Engineer and would be the Project Manager for this project, if we did indeed move forward. I'm available whenever you want me.

**LEG. HALEY:**

Thank you, Vito.

**P.O. POSTAL:**

Legislator Fisher.

**LEG. FISHER:**

Good morning, Vito. Hi.

**MR. MINEI:**

Good morning. How are you doing?

**LEG. FISHER:**

Okay. Vito, actually, you began to respond to the questions which I have, which are regarding the Technical Advisory Committee and the Citizen Advisory Committee.

**MR. MINEI:**

Yes.

**LEG. FISHER:**

Based on what we heard this morning, there didn't seem to be a unanimous opinion on the scope and the cost of the plan. And perhaps the Chair people gave an opinion that there was a unanimous agreement, but not all the members of those committees might have been present,

according to the presentations that we heard this morning. What I'd like to ask you to do is I plan to vote on tabling of the resolution, because I would like to see the proposal go before those two committees with very clear notification of the members of the committee that it will be discussed at those committees, and information forwarded to them before their meeting, so that they have time to study it. Because what we heard this morning was that although the plan was ready in December, the full committees had not convened to study the proposal. And I would feel better -- I would feel more comfortable voting on this if I knew that the Technical Advisory Committee had had the time to do their due diligence.

**MR. MINEI:**

Could I respond to that quickly?

**LEG. FISHER:**

Sure.

**MR. MINEI:**

The vote yesterday was very clear, and, in fact, the statement that was made was, in fact, initiated by the Nature Conservancy representative on the Technical Advisory Committee, so I'm a little concerned with what I heard today.

**LEG. FISHER:**

Well, Mr. McAllister said he's a member of that committee and he wasn't there yesterday, that he had not been notified that it was going to meet and so he didn't vote on it. That was his representation this morning, if I'm remembering it correctly.

**MR. MINEI:**

I believe he is the Citizens Advisory Committee rep to it and the E-mail was supposed to be sent to him. Why he wasn't notified, I'm not aware of. We can discuss -- he was there, though, I mean, he understood it.

But if I could just answer your first question, the resolution that was approved by the full -- by the voting members of the Technical Advisory Committee, as proposed by the Nature Conservancy, was to indeed approve the scope of the management plan and GIS and to approve this kind of a process. What they decided not to do, and I think -- I think they're correct, was they did not want to address each budgetary item and start fine-tuning the budget. They did

not feel that was an appropriate part of their charge. But they did indeed vote on a resolution that was very clear before them, that they, number one, approve the entire overview and approach of management plan, plus a generic environmental impact statement, and they approve the scope of the project. And then in discussing with the CAC Chair, who was present at the Technical Advisory Committee, she said she indeed agreed with the proposal to move forward and she, too, did not feel it was appropriate for her to discuss the actual elements of the breakdown of the budget.

**LEG. FISHER:**

Will you be meeting with those groups before March? Are they scheduled for a February meeting?

**MR. MINEI:**

I keep looking to Walt, but there's a reason.

**MR. DAWYDIAK:**

No, we have not yet scheduled a meeting. It will probably be early March. It runs on about a two-month cycle.

**LEG. FISHER:**

Would you be able to convene them before the ELAP meeting in March at the end of February, just because this is such an important issue?

**MR. DAWYDIAK:**

We could. It would have no apparent benefit, because they haven't expressed any desire to micromanage this beyond what they've already voted on. I mean, we'd be happy to, if that's the desire. But, you know, the resolution carried two parts to it. The first part is that they endorse a management plan, coupled with all the technical components. The second part is they really don't want to delve into prioritizing costs and cutting, because then they're the Project Manager, is not the Advisory Committee, and there's got to be an Advisory Committee to oversee them, it just wasn't their role.

**LEG. FISHER:**

I understand their reluctance, perhaps, to micromanage, I understand that, but being that there has been reluctance on the part of the Legislature to vote on a proposal that has grown in scope

the way this one has grown, I don't think it's inappropriate to ask that they take a second look, and I would just ask if they could take a second look.

My other concern is with the RFP, and, as you know, one of my concerns at the Environmental Committee meeting is the cost of hiring the consultant. The consultant is coming to us at a cost of over a million dollars just for the consultant, for their fee, and then their expert witnesses are coming in at quite a bit of expense. And for the members of the Legislature who are not on the ELAP Committee, we're talking about a scope that has grown from a little over a million dollars and then to two-and-a-half million dollars, and now we're at four-and-a-half million dollars. And this is a very difficult budgetary time for us here in Suffolk County, and I believe we have to look at this very judiciously, very carefully.

My understanding is that out of the RFP process, there were only two possible consultants, there were only two responses to the RFP?

**MR. MINEI:**

Yeah, that's correct.

**LEG. FISHER:**

So it just makes me wonder, is it because it's such a narrow field it wouldn't -- there wouldn't be that many people out there who were capable of doing the work, or was it not sufficiently publicized? This is a concern and I believe that we have to talk about this as well.

**MR. MINEI:**

Well, I can assure you, it was sufficiently publicized. I did receive personally several calls from consulting firms that were concerned that it was a very complex project, multifaceted project, and they were concerned about committing their own resources from their consulting firms to do it.

Just a reminder, again, that when you say "consultants", there was a very expansive consulting team in the first response to the request for proposals. There were multiple experts from around the country on various aspects from communicable diseases to the possible links of breast cancer and pesticide use, Vector Control activities. We wanted expertise from outside the area. There was experts brought in on wetlands restoration. So there was a very expansive consulting team, even incorporated in the original response of two-and-a-half million dollars.

Again, the scope of the project and the attendant cost to that increased scope was a result of the SEQRA scoping process overseen and, indeed, shepherded by a subgroup of the CEQ. They assigned two members of the CEQ to help shepherd and guide the process through. So that expanded scope is not a result of more work requested by the consulting team, not more work requested by either of the two lead agencies here, Public Works or Health, but as a direct result of the SEQRA scoping as agreed to and overseen and approved by CEQ. That's one of the two resolutions, the companion resolutions you have. And, in fact, I've counseled Legislator Bishop that you folks shouldn't be voting on the scope of the project without also realizing there is an increased cost attached to that. But the scope is a CEQ process.

**LEG. FISHER:**

Okay. And I know who the two members of -- from CEQ and they're very credible people and very expert in their fields. Later on, we might want to speak about the word "scope". We did speak about that in the Environment Committee, vis-a-vis the first task of the consultant is to do a scoping, which you say is defined differently from the scope of the program. And I believe that that's a very, very critical point when we're discussing the amount of the cost and the scope of the project, because if the consultant is the one who's doing some of the scoping, then is it -- is it circular?

**MR. MINEI:**

But that's the point. The term "scoping" is a term of art used in the SEQRA process, as required by CEQ. CEQ convened the scoping process. It was in this room that they hear the oral commentary, and they had, I believe, a 60-day period for written comments to be -- to be submitted. So scoping and the scope of the original management plan indeed are related, but two different functions, one of which overseen by CEQ, one of which written into the original request for proposals by the --

**LEG. FISHER:**

Vito, I understand what I'm emphasizing is that this afternoon that you're prepared to describe that difference to the Legislature.

**MR. MINEI:**

I appreciate you raising that, because there is a misunderstanding.

**LEG. FISHER:**

Okay. Thank you, Vito.

**MR. MINEI:**

You're welcome, Legislator Fisher.

**P.O. POSTAL:**

Legislator Bishop? Legislator Guldi.

**LEG. GULDI:**

Yeah, I have a couple of questions first about the handouts the -- that were just distributed to all of us. The money is the concern. Looking at the last page first, the section -- yeah, it's captioned "Suffolk County Vector Control". Okay.

**MR. MINEI:**

We're on the same page?

**LEG. GULDI:**

All right. Briefly, because since I was just admonished by the Chairman, the total consulting fees portion of this proposal is the.

4 million dollar thirty-nine figure over the two year --

**MR. MINEI:**

Minus the Citizens Advisory Committee \$154,000.

**LEG. GULDI:**

So it's still roughly four million of the four-million-five.

**MR. MINEI:**

Around 3.9 million I guess is appropriate for consultants.

**LEG. GULDI:**

Okay.

**MR. MINEI:**

You do the math.

**LEG. GULDI:**

Basically, the 217,000 is equipment and supplies, what's -- and the last portion, the 298, what's that, is that personnel, in County personnel?

**MR. MINEI:**

Yes. That would be the request of the Department of Health Services for two staff people and the request of Public Works for one staff person.

**LEG. GULDI:**

Okay. So the guts of it, though, is the 4 million dollars for the consultant.

**MR. MINEI:**

Minus the \$154,000.

**LEG. GULDI:**

Granted, 10% of the -- the balance of the project's slightly over 10% of the --

**MR. MINEI:**

True.

**LEG. GULDI:**

-- of the fund --

**MR. MINEI:**

We've figured it out and your interpretation is correct.

**LEG. GULDI:**

Okay. Counsel, when we created the Point of Source Pollution Fund for -- from the quarter penny, the dedicated portion for point of source interdiction funds, am I correct that we interdicted or black-boxed those funds to prohibit absolutely their use for funding existing programs and to reserve them solely and exclusively for new programs and new point of source pollution efforts?

**MR. SABATINO:**

The money in each component of the Quarter Percent Program was, in fact, black-boxed, but the provision that you're referring to about new programs and personnel, that restriction was put in the component that dealt with the tax relief, the 32.15% provision, because the concern was that since that was the second largest allocation of funds coming after sewers, that that money was not to be used for new programs or for new personnel. This particular funding mechanism is coming out of the 11.25% component, which is the water quality section, and that section didn't have that restriction, the theory being that as long as you met some fairly stringent criteria, there were three or four different categories they had to get into. If you could find the category that met those stringent criteria, then the issue was whether you could do it in-house with personnel, which would be appropriate funding, or could you do it with outside consultants, or the infrastructure improvements. So this would be example of where, you know, it would fit into -- well, it would first meet the criteria under the statute itself, but then you'd have a choice between -- or in this case, you'd have a hybrid, I should say, between some consulting money and some in-house money.

**LEG. GULDI:**

Okay. And can you briefly state what those -- what the narrow criteria it had to meet in order to be able to tap those funds were?

**MR. SABATINO:**

Well, the first category was it had to be something that was recommended by -- in an estuary like priority program, and then under that particular estuary section, there's about 14 or 15 different specific line items. In a case like this, I would think that it's probably fitting within something that dealt with language about nonpoint source controls and I think there was something in there about pollution prevention. But then there was -- that was the first category where you had to -- you had to meet an estuary implementation or recommendation status, and then you had to fit one of the separate line items underneath that, which could be basically, you know, wetland restoration or some kind of nonpoint source control. Then there was a second category, which didn't have to get into an estuary program, that dealt with education or outreach. And then there was a third or fourth category, rather, which was not the estuary program, but just simply nonpoint source controls. So, if you could get into one of those categories, qualify under the criteria, then you could get the funding.

**LEG. GULDI:**

Okay. The Chairman advised me that he's going to be moving to recommit this to committee and I'll take it up there. My concern is still with the fact that those -- in my opinion, and at the time we did that legislation, that the restrictions as to program and personnel apply to the environmental component, as well as the rest of the fund.

I still think that that's the spirit of what that fund should be used for, and I have serious concerns about using that money to fund SEQRA compliance, existing program and personnel, since that's what the guts of this proposal is, all of which are not really a new program. And I'm concerned that we are using that money inappropriately and improperly. That's my primary problem with this. The programmatic aspects of it are probably something that are -- the only criticism I could possibly have of them is that maybe we're doing them a decade late. Other than that, I'll take this up with -- we'll pursue this in committee.

**MR. MINEI:**

Yeah. If I could make a quick response to that. Thank you. I'm sorry you weren't able to attend the last ELAP Committee. Walter and I made a very detailed presentation, and we went through the guidance in that portion of the quarter percent, and some of that guidance indicates that operating expenses, infrastructure expenses are indeed appropriate.

Also, I would -- I would argue that this is not an existing program. We're talking about really starting from scratch and starting on a new program. The other question I've heard multiple times is the idea of staffing, and my rejoinder to that has been that in my 30-plus years, every grant program I've ever been part of has incorporated staff as a necessary cost. And, in fact, Legislator Fields keeps prodding me that our requests are too modest with regard to this, and, quite honestly, my staff keeps prodding me that our request is too minimal. But I wanted to identify our commitment to this program, and also alert you that this indeed is a major change of direction with groundwater monitoring, surface water monitoring, our management planning, our SEQRA staff, that I would appreciate if we move forward, that the staffing be incorporated.

But I understand your concerns. We just firmly disagree with you. And it isn't just me, it's the Quarter Percent Committee and all the criteria that we evaluated the 4.5 million dollar proposal. That was a unanimous vote of the Quarter Percent Oversight Committee that this Legislature, you know, created to give you that guidance. This is not just my opinion.

**LEG. GULDI:**

I understand that. And, frankly, if you hybridize the two-and-a-half million that you just

identified as being the component cost of a GEIS for the existing program, that -- and that was not in this money, I might be more inclined to agree with you, that the other aspects of it are a new program. And there may be some basis, some way we can achieve that.

**MR. MINEI:**

But, Legislator Guldi, it was always intended from our preparation of the RFP that this was a management plan to evaluate the impacts, exam all alternative management approaches, and then a GEIS. We never really recommended doing a GEIS. You heard from some of the speakers who basically said that is an unsatisfactory approach. Westchester, New York City did not address the number of the issues that have come before this Legislature, and I'm telling you as friendly as I can, if you try to revert to that, you and the public will be very unsatisfied with that approach. That's why we recommended the expanded approach that's before you.

**LEG. GULDI:**

I understand your position.

**P.O. POSTAL:**

Legislator Fields.

**LEG. FIELDS:**

Dave is first.

**LEG. BISHOP:**

No. I'm going to make a motion when the statements are done.

**LEG. FIELDS:**

I just want to make a correction on me suggesting that you're not putting enough into the budget. I think that there is a lot in the budget and I think 4 1/2 million dollars is a lot of money. And my question has been what is Cashin doing for the money, and I continue to ask that question. I'm still not certain that the amount is really warranted.

And the money that I have been prodding you about is that if you are receiving the volumes and volumes and volumes of information that will be put forward, you will need a secretary or some kind of clerical management in your office that can oversee all of that paperwork, or perhaps that's what Cashin should be doing. But that's been -- I just wanted to correct that for the

record.

**P.O. POSTAL:**

Legislator Bishop.

**LEG. BISHOP:**

I make a motion at this time to take this resolution out of record for the purposes of recommitting it to committee to --

**P.O. POSTAL:**

There's a motion --

**LEG. BISHOP:**

Companion --

**P.O. POSTAL:**

-- to take the resolution out of the record by Legislator Bishop.

**LEG. BISHOP:**

I guess I have to identify specifically which resolutions, and I'm going to rely --

**P.O. POSTAL:**

Yeah.

**LEG. BISHOP:**

-- on Counsel to help me out here.

**MR. MINEI:**

1045, 1067.

**LEG. BISHOP:**

1045.

**P.O. POSTAL:**

1045? I think you have to do a motion for each one.

**LEG. FISHER:**

Madam Chair?

**P.O. POSTAL:**

Yeah.

**LEG. FISHER:**

If you would suffer an interruption, Legislator Bishop. Actually, I was going to ask that we separate the two motions, because I believe that we should just table it, so that the full Legislature has the benefit of hearing all of the testimony. Legislator Bishop?

**LEG. BISHOP:**

Well, with regard to -- wait. 1045 is the GEIS and 1060 --

**MR. SABATINO:**

It's 1045 and 1067. You've got to deal with both of them but you've got to deal with 1045 first, because if you approve 1045, in effect, you've driven the process for 1067, because --

**LEG. BISHOP:**

But 1067, Counsel, that's the one that spends the money, right?

**MR. SABATINO:**

That's the one with the actual money in it, right, absolutely.

**LEG. BISHOP:**

And scopes out the --

**MR. SABATINO:**

1067 is amending the -- 1067 is funding what 1045 is driving.

**LEG. BISHOP:**

Okay. I think then, with your acquiescence, I would ask that they both go back to committee. They're companion and they need to be considered together. And what I would ask the Environment Committee to work on at the next meeting is to work with the Department and the

Technical Advisory Panel on how big a plan we want, ultimately.

**P.O. POSTAL:**

Okay. So there's a motion to take **I.R. 1045 (Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan)** out of order by Legislator Bishop, seconded by Legislator Fields. All in favor? 1045 is now before us. A motion to refer back to committee 1045 by Legislator Bishop, seconded by Legislator Fields. All in favor? Opposed?

**LEG. HALEY:**

Opposed.

**LEG. ALDEN:**

Legislator Alden.

**P.O. POSTAL:**

Opposed, Legislator Haley, Legislator Alden.

**LEG. CARACAPPA:**

And myself.

**P.O. POSTAL:**

And Legislator Caracappa. Henry?

**MR. BARTON:**

Yes, I'm counting them up.

**P.O. POSTAL:**

You're counting this fast?

**MR. BARTON:**

Trying to. 13-3 and 2 not present. (Not Present: Legs. Caracciolo and Towle)

**P.O. POSTAL:**

Okay.

**LEG. TONNA:**

Henry, you got me?

**MR. BARTON:**

Yeah.

**P.O. POSTAL:**

I.R. 1045 has been referred back to committee. Now there's a motion by Legislator Bishop to take 1067 out of order, seconded by Legislator Fields. All in favor? Opposed? Opposed Legislator -- no. Motion by Legislator Bishop, seconded by Legislator Fields to send 1067 back to committee.

**LEG. BINDER:**

Recommit.

**P.O. POSTAL:**

Recommit.

**LEG. FOLEY:**

Recommit.

**P.O. POSTAL:**

All in favor? Opposed?

(Opposed Said in Unison by Legislators)

Opposed, Legislator Haley, Legislator Caracappa, Legislator Alden.

**MR. BARTON:**

13-3, 2 not present. (Not Present: Legs. Caracciolo and Towle)

**P.O. POSTAL:**

1067 has been recommitted. Thank you.

**MR. MINEI:**

Thank you. Then you don't need me this afternoon.

**LEG. BISHOP:**

No.

**LEG. FISHER:**

No.

**P.O. POSTAL:**

No.

**LEG. BISHOP:**

You're free.

**LEG. FISHER:**

Thank you, Vito.

**MR. MINEI:**

I'll try to go do the rest of our job.

**P.O. POSTAL:**

I don't want you to look too happy. Okay.

**MR. MINEI:**

By the way, the budget should be resolved. I saw all the football team at the candy machine afterwards, so it should be resolved.

**LEG. BISHOP:**

When it comes back to committee, it will be a 5.3 million dollar study.

**P.O. POSTAL:**

We're going to move to the agenda with -- we're going to go to resolutions tabled to February 11th, which is on Page 7.

**LEG. BINDER:**

Don't we do the Consent Calendar?

**P.O. POSTAL:**

We did. We have a different order of business.

**LEG. CRECCA:**

Madam Chairman, I would ask to reconsider the Consent Calendar. I was here at 9:20 this morning.

**P.O. POSTAL:**

You're right.

**LEG. CRECCA:**

And it was done while the public portion -- I was out talking to another Legislator, so I apologize.

**P.O. POSTAL:**

Okay. Actually --

**LEG. GULDI:**

I'll second the motion to --

**MR. BARTON:**

Madam Chair. Madam Chair.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

Madam Chair, earlier today, you entertained a motion and a second to approve the Consent Calendar, but I was distracted. Do you mind if I call it now?

**P.O. POSTAL:**

Oh, this is very fortunate. Yes.

**MR. BARTON:**

18.

**P.O. POSTAL:**

How much did you pay Henry for this? All right. So we had a motion to reconsider, actually, the Consent Calendar, which was just --

**MR. BARTON:**

I never announced the earlier vote.

**P.O. POSTAL:**

Well, we're making the motion approving it anyway. So we're now -- the Consent Calendar is before us. Motion to approve, Legislator Crecca, seconded by Legislator Guldi. All in favor? Consent Calendar is approved.

**MR. BARTON:**

18.

**LEG. FISHER:**

Henry, I'm right here.

### **RESOLUTIONS TABLED FEBRUARY 11, 2003**

**P.O. POSTAL:**

We're on Page 7, resolutions tabled to February 11th. 1050, authorizing --

**LEG. FIELDS:**

I don't have the same Page 7 you have.

**P.O. POSTAL:**

Oh. Oh, you have that on Page 8. Oh, and I have that -- isn't that peculiar? All right. If you have that as Page 8, it can be Page 8. Okay. Resolutions tabled to February 11th. **1050 - Authorizing retrofitting of traffic lights and LED fixtures.** Legislator Cooper?

**LEG. COOPER:**

Motion to table, please.

**P.O. POSTAL:**

Motion to table, Legislator Cooper.

**LEG. FISHER:**

Second.

**P.O. POSTAL:**

Second by Legislator Fisher. All in favor? Any opposed?

**MR. BARTON:**

17, 1 not present. (Not Present: Legislator Towle)

**P.O. POSTAL:**

1050 is tabled. **1275 - To implement Town of Babylon Affordable Housing Plan.** I'll make a motion to table that, seconded by Legislator Bishop. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1275 is tabled. **1585 is authorizing a waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan.**

**LEG. FOLEY:**

Motion to table.

**P.O. POSTAL:**

Motion to table, Legislator Foley.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Haley. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1585 is tabled. **1856 - Adopting mass transportation system map policy for Suffolk County.** I'll make a motion to table.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Haley. All in favor? Opposed? 1856 is tabled.

**MR. BARTON:**

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

**P.O. POSTAL:**

**1954, a local law to ban the sale and purchase of all dietary supplements containing ephedrine alkaloids within the County of Suffolk.**

**LEG. COOPER:**

I'd like to request that we pass over this resolution for now. One of the Legislators that is supporting it had to leave for a doctor's appointment, so I'd like to take this up after public hearing.

**P.O. POSTAL:**

Okay.

**LEG. HALEY:**

I think that's highly abnormal.

**P.O. POSTAL:**

Well, I mean, he can request that it be postponed until later in the agenda. We do that for all kinds of reasons, so that's fine.

We will move to **2113 is a local law to separate Legislative meetings into voting days and public portion days.** Legislator Caracappa?

**LEG. CARACAPPA:**

I'd like to table this again, but not for the next meeting, the meeting that would follow that, so it would be two meetings.

**LEG. FOLEY:**

March 28th.

**LEG. CARACAPPA:**

Is that March? March -- first meeting in April, then.

**P.O. POSTAL:**

Okay.

**LEG. CARACAPPA:**

Motion to table until then.

**P.O. POSTAL:**

Motion to table until the first meeting in April by Legislator Caracappa, I'll second that. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

2113 is tabled to the first meeting in April. **2141, making a SEQRA determination in connection with the proposed scavenger waste facility at existing Yaphank sewage treatment plant site (proposed SD#24) Town of Brookhaven.**

**LEG. FOLEY:**

Motion to table.

**P.O. POSTAL:**

Motion to table by Legislator Foley.

**LEG. FISHER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Haley.

**LEG. BISHOP:**

What's the reason?

**P.O. POSTAL:**

Legislator Bishop.

**LEG. BISHOP:**

I'm sorry. What is the reason --

**P.O. POSTAL:**

I haven't recognized you.

**LEG. BISHOP:**

Yes.

**LEG. FOLEY:**

A question? It's really out of courtesy to the Legislator in the area, Legislator Towle, who's not here presently. He, over a period of time, has had issues concerning this treatment plant, and I know he has tabled the resolution, so it's really out of courtesy to him. If you wish -- if you wish later, when he returns, to reconsider the resolution, we can at that point. But being that he's not here presently because of an emergency, I, out of the courtesy, am tabling it.

**P.O. POSTAL:**

Yeah, we can -- Legislator Fields.

**LEG. FIELDS:**

May we just skip over this, because I have some questions about it and I'd rather not table it. But when he comes back, I'd like to ask some questions about it.

**P.O. POSTAL:**

Yeah. I think we should skip over it out of courtesy anyway, and I would just like to make a motion --

**LEG. FISHER:**

So, we'll withdraw the motion?

**P.O. POSTAL:**

-- make everybody aware that --

**LEG. FOLEY:**

Withdraw the motion.

**P.O. POSTAL:**

Well, I'd just like to make -- we're going to skip over it. That Legislator Towle is not present because he has left the meeting for a brief time to visit his wife in the hospital, so we will move on to **2322 (Authorizing conveyance of parcels to the United States Department of Energy in the Town of Brookhaven (Section 72-h, General Municipal Law)).**

**LEG. CARACCIOLO:**

Motion to approve.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Motion to approve by Legislator Caracciolo, seconded by Legislator Guldi. All in favor?  
Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

2322 has been approved.

**LEG. CRECCA:**

Madam --

**P.O. POSTAL:**

Yes.

**LEG. CRECCA:**

I'm sorry. Madam Chair, we're moving on to tabled resolutions. The next one is Introductory Resolution 9. There's a companion bill, which had been passed around earlier this morning. When I say companion, I don't mean it's a companion bill, but --

**P.O. POSTAL:**

It's a replacement bill.

**LEG. CRECCA:**

Bill, yes. 1152 of 2003.

**P.O. POSTAL:**

Yeah. You've received a resolution having -- designating newspapers as one of the official newspapers of the County of Suffolk, so that should be in front of you.

**LEG. CRECCA:**

It says designating two alternating --

**P.O. POSTAL:**

No?

**LEG. CRECCA:**

-- newspapers as one of the official newspapers of the County of Suffolk.

**LEG. FISHER:**

We don't have it.

**P.O. POSTAL:**

Oh, okay. It will be -- it's going to be distributed right this moment. We're going to skip over that and just go to the next one.

**LEG. CRECCA:**

I apologize, everyone.

**P.O. POSTAL:**

That's all right.

**LEG. CRECCA:**

I thought it was distributed.

**LEG. FIELDS:**

I got it.

**P.O. POSTAL:**

Some of us got it, but some of us didn't. So just while it's distributed to everybody, so that everybody has received it, we'll just go to **1019, which is authorizing the sale of surplus county cars to the Marine Helicopter Squadron 361 Veterans.** Legislator Caracciolo?

**LEG. CARACCIOLO:**

Motion to approve.

**LEG. FISHER:**

Second.

**P.O. POSTAL:**

Motion to approve, seconded by Legislator Fisher. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1019 is approved. We'll just wait a minute while the replacement for Item 9 on the organizational calendar, which is a procedural motion, is distributed. And there is, I believe, a motion to approve by Legislator Crecca; am I right?

**LEG. CRECCA:**

Yes.

**P.O. POSTAL:**

Whoops.

**LEG. CRECCA:**

Did you see that?

**P.O. POSTAL:**

Yes, I did.

**LEG. CRECCA:**

I think I'm the one echoing, too.

**P.O. POSTAL:**

Seconded by --

**LEG. CARPENTER:**

Second. Second.

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator --

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

Oh, I'm sorry. I'm sorry, I was looking in the wrong direction. Legislator Carpenter. All in favor? Opposed?

**LEG. TONNA:**

Wait. This is the designation. Is this just to --

**LEG. CRECCA:**

1152 .

**P.O. POSTAL:**

No, it's to approve it.

**LEG. TONNA:**

Okay. I just wanted to ask a question, Legislator Crecca. Just I wasn't aware. What is the sense of this with two papers, how does that work?

**LEG. CRECCA:**

I think both newspapers represent important constituencies, both the Long Island Business News, as well as the Smithtown Messenger Review, which covers not just the Town of Smithtown, but also Brookhaven and parts of Islip and all, so I think both of these newspapers represent the --

**LEG. TONNA:**

I'm just wondering about the formula. I'm not talking about the merits of the papers, but how do you designate two when, you know, we've only designated one? We already have one designated --

**LEG. CRECCA:**

Actually, in the past, it has been split.

**LEG. TONNA:**

Okay. But how -- how does that -- I just want the mechanism of how that works. Paul, could you explain that to me?

**LEG. CRECCA:**

I could explain that to you. I know exactly what you're talking about. What happens is, is that when jobs are put out for publication for different notices and all, they would -- they would give the job to, depending on what time of the year they had it. Just like if you had something that's running from December 15th through January 15th, for example, they have to adjust who they send the job to. It's the same thing here, they just -- in other words, if something was going to be published October 31st, for example, a public notice, they would send it to the Smithtown Messenger. If it was something to be published in September, for example, they would send it to the Long Island Business News. We have split the County legals, I believe, in the past, so this is --

**LEG. TONNA:**

So by resolution, I'm reading it now, the Long Island Business News goes to October 14th, and then the Smithtown Messenger from the 15th of December?

**LEG. CRECCA:**

Correct. And then, while it may seem like an odd date, but that has to do with some of the --

**LEG. TONNA:**

Volume.

**LEG. CRECCA:**

The volume and the jobs, and things like that, so that was a fairly logical breaking point from my discussions, both with the Clerk's Office and Treasurer.

**LEG. TONNA:**

Okay.

**P.O. POSTAL:**

Okay. We have -- Legislator Tonna?

**LEG. TONNA:**

Nope, nope.

**P.O. POSTAL:**

We have a motion and a second to approve this procedural motion. All in favor? Opposed?

**LEG. TONNA:**

I abstain.

**P.O. POSTAL:**

Legislator Tonna abstains.

**MR. BARTON:**

16, 1 abstention, 1 not present. (Not Present: Leg. Towle)

**MR. SABATINO:**

Just correcting a typo at the bottom of the page, it should be Section 214 instead of 24.

**P.O. POSTAL:**

The procedural motion is approved. And we're moving to --

**LEG. CRECCA:**

1019.

**P.O. POSTAL:**

We did that.

**INTRODUCTORY RESOLUTIONS FOR FEBRUARY 11, 2003**

**MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**VETERANS AND SENIORS**

We're moving to Page 9, Introductory Resolutions, Veterans and Seniors. Designating -- **2139** -

**Designating National Veterans Awareness Week. Motion to approve by Legislator Lindsay, seconded by Legislator Caracappa.**

**LEG. CARACAPPA:**

Carpenter.

**P.O. POSTAL:**

It was approved --

**LEG. CARPENTER:**

It's my bill.

**P.O. POSTAL:**

Carpenter.

**LEG. CARACAPPA:**

It was her bill.

**P.O. POSTAL:**

Okay. I'm sorry. It was approved out of Veterans and Seniors 3-0-0-1. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

2139 is approved.

**LEG. FOLEY:**

Cosponsor, please.

**P.O. POSTAL:**

Cosponsor, Legislator Foley. **1049 (Expanding use of War Veterans Building in Lindenhurst.**

**LEG. BISHOP:**

Motion to table.

**P.O. POSTAL:**

Motion to table by Legislator Bishop, seconded by myself. All in favor? 1049 is tabled.

**MR. BARTON:**

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

**ENVIRONMENT, LAND ACQUISITION & PLANNING**

**P.O. POSTAL:**

Environment, Land Acquisition and Planning. **2276-Approving the appointment of John W. Caracciolo (as a member of the Suffolk County Planning Commission representing the Town of Huntington).**

**LEG. BISHOP:**

Motion to approve.

**LEG. FISHER:**

Second.

**P.O. POSTAL:**

A motion to approve by Legislator Bishop, seconded by Legislator Fisher.

**LEG. ALDEN:**

Any relation?

**P.O. POSTAL:**

I wondered. I looked -- I don't think so. It was approved 4-0-0-2. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

2276 is approved. **2332 - Making a SEQRA determination in connection with the**

**proposed construction of Kings Park outfall pipe protection, CP 8144, Town of Smithtown.** Approved 5-0-0-1. Legislator Nowick, motion to approve, seconded by Legislator Crecca. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

2332 is approved. **2339-Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Hilaire Drive Property) Town of Huntington).**

**LEG. COOPER:**

Motion to -- I'm sorry. Motion to approve.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Motion to approve by Legislator Cooper. Seconded by Legislator Bishop. It was discharged without recommendation 4-1-0-1. Legislator Alden.

**LEG. ALDEN:**

Just to ask the Committee Chairman, did this pass all the criteria, as far as appraisals and ranking, things of that nature? And then why did it come out without recommendation?

**LEG. BISHOP:**

It certainly -- there's not a problem with appraisals, it's in line with the appraised value. And it received the necessary points under the County system developed by the Planning Department, in large part because it's adjacent to another recently acquired County holding.

Earlier, you see the presentation that this is -- these parcels are to serve as a starting point on the trail, and so, in a sense, they're different than the usual purchase, which is you're preserving something that is pristine. This is not exactly pristine parcels, and that's why it didn't -- it was without recommendation, because the Committee felt that the full Legislature would want to be

aware of that distinction and view it de novo.

**LEG. ALDEN:**

So one follow-up or two follow-up questions. You said in line with appraisals. Does that mean it's over the appraised value we're purchasing for, or is it under?

**LEG. BISHOP:**

It's, in fact, under. And I think Legislator Cooper could speak to that, if you want me to defer to him.

**LEG. ALDEN:**

Fine.

**LEG. COOPER:**

Yes, it is under the appraised value. In addition, the owner of this -- the owner of this property has already been offered \$20,000 over and above what the County has offered. In addition, he could close within only 30 days. The only reason that he's still willing to work with the County is because of a personal commitment he made to the Town of Huntington. He had already sold the earlier eight-acre parcel, once again, for a lot less money than he could have made if he put in a housing development, and so there really is no financial reason why this should not go forward.

**LEG. ALDEN:**

Okay. I'll just ask it in a different way. What was the appraised value and what's the purchase price? Let's put that on the record, please. Do we have that?

**P.O. POSTAL:**

I'm sorry.

**LEG. ALDEN:**

I'd like to have on the record the appraised value and also the purchase price, just -- yeah, because --

**P.O. POSTAL:**

Do we have that information?

**LEG. TONNA:**

Do we have somebody from the County Executive's Office that --

**P.O. POSTAL:**

Todd.

**LEG. TONNA:**

-- could come up and speak about this?

**P.O. POSTAL:**

Where is Todd?

**LEG. CARACCIOLO:**

Madam Chair.

**P.O. POSTAL:**

We're going to have someone come in in just a minute.

**LEG. ALDEN:**

Then I have one more question of the Committee Chairman. Does this purchase actually establish a new precedent, then, as far as what we're going to use the funds for?

**LEG. BISHOP:**

Well, it's within the guidelines of existing programs, so it doesn't establish a new precedent that hasn't been contemplated previously. It is, however, the first time that I'm aware that we're invoking the right to do this, which is essentially to buy property as a landing point so there would be a parking lot on it, and it would be the place where people begin the trail on an open space corridor.

**LEG. ALDEN:**

Okay.

**LEG. BISHOP:**

So you're saying is it a precedent. It's not precedent in the sense of establishing legal precedence, it's precedent in that it's the first time, but it's something that's within the

contemplation of the program as it currently exists.

**LEG. ALDEN:**

Okay. Just my questions come up because you actually mentioned that, you know, it came out without recommendation, and now you're stating on the record that there's goes to be a parking lot on this open parcel. So, if Todd's here, if he could -- if he has the information --

**LEG. BISHOP:**

It's not -- I mean, that was part of the presentation earlier, it's not a secret that's --

**LEG. ALDEN:**

No, no, no, I'm -- did I imply that was a secret? I don't think so.

**LEG. BISHOP:**

It's unique and I -- well, I thought you did, and if you didn't, I apologize. But the point I'm making is it's unique and that's why the Committee didn't want to provide guidance on it, wanted to present it to you as if you -- the first time you saw it.

**P.O. POSTAL:**

And, Legislator Alden, before Todd responds, I know Legislator Cooper may have information.

**LEG. COOPER:**

Well, I just wanted to make a request that either Christine Costigan or Tom Isles come before us. And they've both spoken out forcefully in favor of this acquisition and I'd like to hear from them.

**P.O. POSTAL:**

Well, let's --

**LEG. ALDEN:**

Then what you usually --

**P.O. POSTAL:**

Todd. Todd. I know. Todd. Okay. What was your question, Cameron?

**LEG. ALDEN:**

I just had wanted to put on the record what the appraised value of the property was and what the purchase price is.

**MR. JOHNSON:**

Okay. With regard to this property, you know, notwithstanding what the question was asked, I'm going to defer to the sponsor for information on this. If you have specific questions, I haven't heard about these questions before. I can try to get this information for you, if the departments have it available, but for the general questions regarding the resolution, I would defer to the sponsor.

**LEG. BISHOP:**

You know, we could --

**P.O. POSTAL:**

Yeah. Can we -- can we ask, Todd, that you ask that Christine Costigan or a member of her staff come probably this afternoon and we can skip over this and come back to it later?

**MR. JOHNSON:**

Yes. Also, if somebody could give me some questions that maybe I could have her collect research information, I can forward that to her.

**LEG. ALDEN:**

That's about it for me, just --

**MR. JOHNSON:**

Any other questions?

**LEG. ALDEN:**

-- how much was the appraised value and what the purchase price is.

**MR. JOHNSON:**

Appraised value and the purchase price?

**MR. SABATINO:**

Purchase price is \$700,000, if that -- I can help you with that. The purchase price is 700,000. The representation that was made at the Committee was that the appraised value was greater, but the specific figure I don't have. So the information which Real Estate has in its possession is the appraised value. That should be brought over by Real Estate.

**LEG. ALDEN:**

Okay.

**P.O. POSTAL:**

Can we just have some order? Legislator Lindsay?

**LEG. LINDSAY:**

That's okay.

**P.O. POSTAL:**

Legislator Tonna.

**LEG. TONNA:**

Yeah, I just -- I just want to get -- we've set up new criteria, and I know there was a piece of property in my district that we went through painstakingly and decided not to consider it at one point. I just -- we have -- we have appraisal review report? Do we have a report on appraisal review report? Has that been looked at?

**P.O. POSTAL:**

Well, that might be --

**LEG. TONNA:**

In other words --

**P.O. POSTAL:**

Yeah, that --

**LEG. TONNA:**

-- we know now not to just look at appraisals. We know also we have to look at the appraiser's review report to see what they think about the appraisals. And have there been two appraisals?

Do we have that in front of us? Has the Committee looked at that? Do we have all of that, all of the stuff that we've been demanding?

**LEG. BISHOP:**

The Committee does -- has done all that work. The problem is that the Committee Chairman didn't bring everything with him, which, I guess, in the future I'm going to need to do, because these --

**LEG. TONNA:**

Well, if not you, I mean, at least the County Executive's Office, right, who's advocating for it has to.

**MR. JOHNSON:**

We're not advocating for it?

**LEG. BISHOP:**

Yes, you are.

**LEG. TONNA:**

Oh, you're not?

**P.O. POSTAL:**

No, no.

**LEG. BISHOP:**

No, you -- definitely your department's were, so it's --

**MR. JOHNSON:**

Okay.

**P.O. POSTAL:**

Well, we've asked that Christine Costigan come here to respond to some questions. That's another question we'd like to have her respond to when she comes here this afternoon.

**LEG. CARACCILO:**

Madam Chair.

**LEG. TONNA:**

I think we need to pass over this until we get some answers.

**P.O. POSTAL:**

We definitely will. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yeah. Let me point out, I think, as member of the Committee, that there are some other fundamental issues here. Members of the Legislature should be aware that this is a .8 of an acre piece of property. So, when the representations are made about four lots, understand we're not talking about four one-acre lots. We're not talking about four acres for \$700,000, we're talking about something substantially less, 20% less than one acre for \$700,000. Then, as Legislator Bishop pointed out, this property would be set aside for a parking area.

**LEG. BISHOP:**

Part of it.

**LEG. CARACCIOLO:**

Now, I think it's important, and I certainly appreciate the fact, that I made the suggestion the committee went, or some of the members of the Committee, went to look at the property. This property I find to be very questionable in terms of preservation. I also think that the property owner may wish to exercise his right to develop four lots, if he can, because this is very, very hilly property. And if we had a topographical map, you'd see that.

**P.O. POSTAL:**

Legislator Caracciolo, I don't mean to interrupt you, but we're going to jump over this and ask Christine Costigan to come back this afternoon. And I think that these would be important points to raise at that time, when we have her here and we're actually discussing the resolution, so --

**LEG. CARACCIOLO:**

Okay. I just wanted to add some information to the request made by Legislator Alden, because he's not a member of that committee. You look at those aerials, for example, this is a very

heavily developed community. So this is not pristine by any means.

**P.O. POSTAL:**

Thank you. And we will come back to this later today. So we're going to move to **1031 (Authorizing planning steps for land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (NYCONN property, Town of Islip, Suffolk County Tax Map No. 0500-407.00-05.00-025.008 and 0500-407.00-05.00-025.013)**, which is authorizing planning steps for land acquisition. Motion, Legislator Fields.

**LEG. FIELDS:**

Yes.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Second by Legislator Foley. All in favor? Opposed?

**LEG. FOLEY:**

Cosponsor, please.

**P.O. POSTAL:**

Cosponsor -- oh, I'm sorry. The committee report, it was approved 5-0-0-1.

**MR. BARTON:**

15, 3 not present. (Not Present: Legs. Guldi, Towle and Haley)

**P.O. POSTAL:**

1031 is approved. 1044 is another SEQRA determination. **(1044-Making a SEQRA determination in connection with the proposed reconstruction of Culvert on CR 21 - Yaphank Avenue at Lower Lake, CP 5371.**

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Town of Brookhaven.

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Motion, Legislator Foley.

**LEG. FIELDS:**

Second.

**P.O. POSTAL:**

Second by Legislator Fields. Approved 5-0-0-1. All in favor? Opposed?

**MR. BARTON:**

15, 3 not present. (Not Present: Legs. Guldi, Towle and Haley)

**P.O. POSTAL:**

1044 is approved. **1045 (Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan)** was --

**LEG. FOLEY:**

Recommitted.

**P.O. TONNA:**

-- recommitted to committee.

**LEG. FOLEY:**

1046.

**P.O. POSTAL:**

1046 is another SEQRA determination. **(1046-Making a SEQRA determination in**

**connection with the proposed modification of restroom for compliance with Americans with Disabilities Act, at the Vanderbilt Museum, CP 7450, Town of Huntington).** Motion by Legislator Cooper, seconded by Legislator Tonna. All in favor? The committee report is 5-0-0-1. All in favor? Opposed?

**MR. BARTON:**

15, 3 not present. (Not Present: Legs. Guldi, Towle and Haley)

**P.O. POSTAL:**

1046 is approved. **1067** was recommitted. **1068-Approving the appointment of Ronald L. Cyr as a member of the Suffolk County Planning Commission representing the Town of Shelter Island.**

**LEG. CARACCIOLO:**

Motion.

**P.O. POSTAL:**

Approved 5-0-0-1. Motion by Legislator Caracciolo.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

15, 3 not present. (Not Present: Legs. Guldi, Towle and Haley)

**P.O. POSTAL:**

1068 is approved. **1096-Extending deadline for expiration of Smart Growth Committee.**  
Approved --

**LEG. FIELDS:**

Motion.

**P.O. POSTAL:**

Approved 5-0-0-1. Motion by Legislator Fields, seconded by Legislator Nowick. All in favor?  
Opposed?

**MR. BARTON:**

15, 3 not present. (Not Present: Legs. Guldi, Towle and Haley)

**P.O. POSTAL:**

1096 is approved.

**WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE**

**P.O. POSTAL:**

Ways and Means, Real Estate Transactions and Finance. Ten -- **1960 - Authorizing sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing.** Approved 7-0. Motion.

**LEG. FOLEY:**

On the motion.

**P.O. POSTAL:**

I'll make a motion for purposes of a discussion.

**LEG. FISHER:**

I'll second it.

**P.O. POSTAL:**

Seconded by Legislator Fisher. Legislator Caracappa, on the motion.

**LEG. FOLEY:**

Yes. The question is --

**P.O. POSTAL:**

Oh, I'm sorry.

**LEG. FOLEY:**

That's okay.

**P.O. POSTAL:**

Legislator Foley.

**LEG. FOLEY:**

Where in the Township is the parcel located?

**LEG. CARACCIOLO:**

There are three.

**P.O. POSTAL:**

Legislator Caracciolo?

**LEG. CARACCIOLO:**

As I recall, one is in North Bellport and one is in Middle Island, my district, and one I think was Patchogue, but I'm not sure of that last one.

**LEG. FOLEY:**

I don't know.

**P.O. POSTAL:**

Would our Counsel know, Mr. Sabatino? 1960.

**MR. SABATINO:**

This property is in -- well, this property is in North Bellport.

**P.O. POSTAL:**

Okay the property is in North Bellport. Are there any additional questions? Legislator --

**LEG. FOLEY:**

Go ahead.

**LEG. TONNA:**

Yeah.

**P.O. POSTAL:**

Legislator Tonna.

**LEG. TONNA:**

Does this meet all the criteria and everything else? I mean --

**LEG. BISHOP:**

Where are you?

**LEG. CARACCIOLO:**

72-h.

**LEG. TONNA:**

72-h.

**LEG. BISHOP:**

72-h, which one?

**LEG. LINDSAY:**

Affordable housing.

**LEG. TONNA:**

Which resolution number is this?

**P.O. POSTAL:**

This is 1960. It's an affordable -- 72-h for affordable housing through the Town of Brookhaven.

**MR. SABATINO:**

There's a Town Board resolution from May 7th, 2002 which made the request for the parcel in question. It's got the standard reverter clause, it's affordable housing. It's 100 by 100 foot lot in North Bellport.

**LEG. TONNA:**

Who's it going to float to, to the Town, their Housing Department or --

**MR. SABATINO:**

Going to the Town of Brookhaven, and then whatever their affordable housing program is they will implement.

**LEG. FOLEY:**

Just on the record, normally, there's either appended to the resolution or there's an understanding what the person who was sponsoring the resolution as to that the Town already knows who it's going to. So, in essence, the County is utilizing the township in order to give it to a particular organization. So which organization will be receiving these parcels, are these the United Veterans or --

**LEG. GULDI:**

I believe the United -- one of these is United Veterans.

**LEG. FOLEY:**

Right.

**MR. SABATINO:**

No, not this one. No, that's a later resolution. I know which one you're referring to. This one was hanging out there for a long time, because I believe Legislator Towle had made inquiries at the committee for a long period of time --

**LEG. FOLEY:**

Yeah.

**MR. SABATINO:**

-- and then, finally -- finally, the gridlock broke, whatever the gridlock was behind the scenes, but it's --

**LEG. GULDI:**

This was one that he requested that we move out of committee finally. I got a note from him

before the last --

**LEG. FOLEY:**

We don't know which organization it's going to, though, correct?

**LEG. GULDI:**

I don't know that myself.

**LEG. FOLEY:**

If we could ask this in the future, Mr. Chairman -- Madam Chair, whether through the Clerk's Office or if it goes directly to the County Executive, that out of courtesy, over the -- that in the future, that when any township, particularly Brookhaven or others, if they're interested in a particular parcel of property, it's fine that the Executive branch is made aware of it. But I would say that a courtesy should be extended to the local Legislator to made aware of this, so that not that we're caught unaware, but I think so we can be involved in the process early on, as opposed to waiting until we see a resolution in the packet.

What's happened too often in Brookhaven Township, some Legislators, we have not been made aware of these, or have been given the courtesy of a phone call to say what was to be expected. The Town resolution goes directly to the Executive as a -- instead of also going to the Legislators in the town. So if the township can't take the extra step of knowing which Legislator represents what area, then I would say as a general rule, then, that the townships of the County should send resolutions to all of the Legislators who represent any particular area of that particular township, so that we can be aware of it early on in the process.

**P.O. POSTAL:**

That's an excellent suggestion. I believe, and Mr. Sabatino can correct me if I'm wrong, that under the affordable housing policy that was adopted by this Legislature a couple of years ago, there's a new procedure or a different procedure whereby property can be transferred through 72-h for affordable housing directly to the Town and it does not then go to another agency, and the Town acts as the agency that then develops the property either with a -- through a contract with a not-for-profit or a proprietary contractor.

So it may not be going further, but I think you make a very good point, that when there's a

property transferred on a 72-h, whether it's for affordable housing or for some other purpose, the Legislator who represents the district in which the property lies should certainly be made aware of that. There should be discussion between the County Executive's Office and the Legislature -- the Legislator. And I think that we should send a letter to the County executive to that effect, and make him aware that in the future, we're not prepared to approve any of these resolutions unless we receive such assurance from the Legislator that the Legislator has been consulted.

**LEG. FOLEY:**

Correct.

**P.O. POSTAL:**

So we'll do that in the future.

**LEG. FOLEY:**

Thank you, Madam Chair.

**P.O. POSTAL:**

So we now are considering 1960.

**LEG. ALDEN:**

Maxine.

**P.O. POSTAL:**

Yes. I'm sorry, Legislator Alden.

**LEG. ALDEN:**

I just had a question of Paul Sabatino. On the reverter clause, it's usually a three-year period. And does that include a subsequent transfer by the Town to an organization that will develop it?

**MR. SABATINO:**

No. The reverter -- well, the clause, it doesn't have -- it does not have a time limitation, but the reverter clause pertains to if the property was transferred to some third party for a non, in this case, affordable housing purpose. So, if they tried to transfer the property to a third party agency that was doing the affordable housing, that's not a problem, but if they transferred the

property to some third party to do parkland purposes, or, you know, for some other nonaffordable housing purpose, then the reverter class would trigger.

**LEG. ALDEN:**

So they can potentially landbank this forever, as long as they don't use it for nonaffordable housing purposes?

**MR. SABATINO:**

Well, that should not be the case, because what happens is if a reasonable period of time goes by and nothing happens, the County simply invokes the reverter clause and takes back the property. We've done that on two or three occasions. But you're right, theoretically, if the County is not being vigilant, it could happen.

**P.O. POSTAL:**

I have a question about that. That's not an automatic three-year time limit during which the property must be developed for the purpose for which it was transferred.

**MR. SABATINO:**

No. This discussion has been taking place at the Ways and Means Committee recently. It's -- because it's 72-h's, you're dealing with either a federal, a state, or a local government. You know, historically, you know, the sense has been that there's good faith, you're dealing with another level of government as opposed to a private party. On some occasions, there have been time limitations, but for the most part, there hasn't been. There could be, but it's just been really -- it's more of a philosophical thing, that you're dealing with people that you thought you had, you know, a good faith relationship with, but you could certainly impose a change, and there's some talk about doing that maybe at the Ways and Means level.

**P.O. POSTAL:**

Yeah.

**MR. SABATINO:**

-- but it hasn't been --

**P.O. POSTAL:**

That would be my question. Could that be done by resolution, that that would be a requirement

for any 72-h transfer?

**MR. SABATINO:**

Yes, that's one of the things that's being discussed. Yes, it could be done that way.

**P.O. POSTAL:**

Well, I would certainly like to see that be done. And I would be unwilling to approve this resolution without a stipulation as to a time. I can tell that you that there's, you know, I've been talking with you about it, a property that was transferred in the Town of Babylon for affordable housing. Not only has it not been developed or renovated for affordable housing, but it is in terribly substandard conditions. There is a family living there, and, so far, I have been completely unsuccessful with regard to having the reverter clause invoked. And I would just make a motion to table this and I would --

**LEG. HALEY:**

On the motion.

**D.P.O. POSTAL:**

Yeah. And I would like to table it, so that the resolution could be corrected to establish in the resolution a three-year requirement for developing the property for its intended purpose.

**LEG. HALEY:**

Yeah. This is a small piece, right, in Bellport?

**LEG. FISHER:**

It's three pieces, right, Brian?

**MR. SABATINO:**

It's two. I believe it's two.

**LEG. HALEY:**

It's small building lots. And this is typically done by Community Development in the Town of Brookhaven, which sometimes uses Affordable Housing Corporation monies out of the State.

**LEG. FISHER:**

Yes.

**LEG. HALEY:**

Sometimes uses maybe Federal monies. So sometimes the three years may be a practical difficulty for them. But they have had a history of succeeding in taking these parcels and getting these things done. My only hope is, is that in this particular case, that this one go by, because we have a history of working with Community Development in the Town of Brookhaven, and without having some sort of input from them concerning whether three years is going to work for them.

**D.P.O. POSTAL:**

Well, just to respond to your suggestion, in the Town of Babylon, periodically, I've been contacted by our Community Development Office, because they realize that our property has been not been developed for the purpose for which it was transferred, and we've come here for a resolution extending the period of time, and that could certainly happen if the Town of Brookhaven was unable to develop the property as affordable housing.

**LEG. HALEY:**

Yeah, I'm just -- my only interest is in moving things along, as opposed to letting it sit and languish.

**D.P.O. POSTAL:**

I would be delighted to move it along.

**LEG. HALEY:**

Actually, this is Legislator Towle's area, so I would -- I would tend to defer to him, if -- I mean, if he doesn't have a problem with that, but, you know, I'd rather not table it.

**D.P.O. POSTAL:**

All right. Well, if you want to -- If you want to go -- skip over it --

**LEG. HALEY:**

Could you do this, can we table it?

**P.O. POSTAL:**

-- and we'll wait until he comes back.

**LEG. HALEY:**

If you want to table it -- no, I don't agree with skipping over everything. If you want to table it, but if you would --

**P.O. POSTAL:**

And then he'll reconsider it.

**LEG. HALEY:**

-- as a courtesy, reconsider it --

**P.O. POSTAL:**

Okay.

**LEG. HALEY:**

-- if had asks us to?

**D.P.O. POSTAL:**

Okay. I would make a motion to table it. Is there a second? Legislator Fisher?

**LEG. FISHER:**

I would like -- I would like to second it, but if -- I would like to move on it by next month, because affordable housing is such an issue, and Brookhaven Town has been working on affordable housing issues. And I do want to move forward, and I would like to consider it when Legislator Towle comes back, so that we can move it. We really need to move affordable housing resolutions.

**D.P.O. POSTAL:**

Okay. We have a motion to table and a second on 1960. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

And I saw Todd here just a minute ago. Is Todd still here? Todd, the issue is, including a requirement that property transferred for a 72-h for affordable housing or any other purpose, must be used for the purpose for which it was transferred within a three-year period, or it reverts to the County. Is that clear?

**MR. JOHNSON:**

It was my understanding, and it may be a -- I may be a bit uninformed about the legal details, is that in the transfer, it is -- it should be stated what the purpose is. As far as what the time frame is for the reverter clause to come back into effect, I'll have to see whether there are details about that.

**D.P.O. POSTAL:**

Okay. And I would be grateful if you would do that.

**MR. JOHNSON:**

Okay.

**D.P.O. POSTAL:**

And as far as the future, any future resolutions, I don't know if there is going to be an amendment to the affordable housing policy, but there may be, but I would like to know the County Executive's position on, including a three-year reverter clause.

**MR. JOHNSON:**

Okay.

**P.O. POSTAL:**

Thank you.

**MR. JOHNSON:**

Thank you.

**D.P.O. POSTAL:**

Okay. **2317 - Authorizing the sale of one surplus County car to the Suffolk County**

**Police Museum.**

**LEG. CARACAPPA:**

Motion.

**LEG. HALEY:**

Second.

**D.P.O. POSTAL:**

Motion to approve by Legislator Haley, seconded by Legislator Guldi. It was approved 7-0. All in favor? Opposed?

**MR. BARTON:**

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

**D.P.O. POSTAL:**

**2328 - Authorizing lease of premises located at 50 Laser Court, Hauppauge, New York, for the (Department of Health Services).**

**LEG. GULDI:**

Madam Chair, if -- since we've asked for Real Estate to come over on this and they have provided me supplemental documents since the committee, why don't we skip over this until Real Estate's here to explain the documents they've provided.

**D.P.O. POSTAL:**

Okay. **1023 - Authorizing the sale of three surplus County cars to the Village of Patchogue.** Legislator Foley?

**LEG. FOLEY:**

Motion.

**D.P.O. POSTAL:**

Motion to approve. Legislator Haley, second. This was approved 7-0. All in favor? Opposed?

**MR. BARTON:**

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

**D.P.O. POSTAL:**

1023 is approved.

**LEG. FOLEY:**

Thank you.

**D.P.O. POSTAL:**

**1024 - Authorizing certain technical corrections (to Adopted Resolution No. 1010-2002).** Approved 7-0. It was -- excuse me. It was discharged without recommendation 7-0.

**LEG. FISHER:**

Because of the numbers, George, remember?

**D.P.O. POSTAL:**

Is there a motion?

**LEG. FISHER:**

Legislator Postal, I believe that there -- while Legislator -- the Chair is looking for his paperwork, I believe there was a problem with the numbers. Paul Sabatino, am I correct, that was the issue with 1024?

**MR. SABATINO:**

1024.

**LEG. GULDI:**

The reason we discharged it without recommendation is there's a downward modification of two different programs, one by 50,000, and the other -- actually, both by 50,000 apiece.

**MR. SABATINO:**

No. The issue at the committee was that the Chairman felt there was a substantive change, as opposed to just a technical error. But, apparently, looking at the -- looking at the documents, it appears that they simply transposed numbers, because the previous grant resolution dealt with

\$383,000 as opposed to 433,000. So even though it looks like a large amount of money in substance, it really looks like somebody just transposed the numbers. But --

**LEG. GULDI:**

Transposed and made an error. I understand what you're -- I see the interrelationship of the numbers, while it's a material amount of money given the project.

**MR. SABATINO:**

It's true, it's a large amount of money, but in fairness to the people who prepared the previous resolution, it looks like somebody just transposed, and I think that's why the County Executive's Office requested it as a technical correction. It wasn't as though somebody was trying to change the funding source. I mean, it appears, looking at the documents, that that was -- that not the case. It wasn't like somebody was trying to increase the program.

**LEG. HALEY:**

Motion.

**P.O. POSTAL:**

A motion, Legislator Haley.

**LEG. FISHER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Fisher. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1024 is approved. **1033 - Conveyance of a parcel to Suffolk County United Veterans, Town of Brookhaven (Section 72-h, General Municipal Law).** Motion by Legislator Lindsay, seconded by Legislator Haley. Approved 7-0. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

**1047 - Reappointing Martin R. Cantor as a member of the Judicial Facilities Agency.**

Approved 7 --

**LEG. CARACCIOLO:**

Motion.

**P.O. POSTAL:**

It was discharged without recommendation 7-0. I'll make a motion, seconded by Legislator Fields. All in favor?

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

No, no, I was making the motion.

**P.O. POSTAL:**

Oh, okay.

**MR. BARTON:**

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

**P.O. POSTAL:**

1047 is approved. **1054 (To reestablish eligibility by the Village of Northport and the Town of Shelter Island for Public Safety Revenue-Sharing Funds)**, establishing eligibility by the Village of Northport and the Town of Shelter Island for Public Safety Revenue-Sharing Funds.

**LEG. CARACCIOLO:**

Motion.

**P.O. POSTAL:**

Approved 7-0.

**P.O. POSTAL:**

A motion by Legislator Caracciolo, seconded by Legislator Cooper.

**LEG. ALDEN:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Could the Chairman just explain why they had to reestablish their eligibility?

**LEG. GULDI:**

Both of these -- both of these municipalities filed their letters, but those letters arrived in the Clerk's Office between one and three days late. Though it's not necessarily that they were not filed with other -- other parts of County government prior to their arrival at the Clerk's Office, there was good faith efforts to comply with the filing requirement, and there was a shortness of the deadline, and it's totally appropriate to reinstate them, in my opinion.

**P.O. POSTAL:**

Okay. Legislator Alden? Okay. We have a motion and a second. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1054 is approved. **1055 - (Amending the 2003 Operating Budget to transfer funds to the Department of Civil Service/Human Resources to cover costs related to the Police Officer Examination)**, amending the 2003 Operating Budget.

**LEG. FISHER:**

Motion.

**P.O. POSTAL:**

I have a question.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Is this a budget -- an Operating Budget amendment, Mr. Sabatino? 1055.

**LEG. FISHER:**

It's not adding money, it's moving it.

**LEG. GULDI:**

Yeah, but I think that there -- my recollection is --

**P.O. POSTAL:**

Yeah, but I --

**MR. SABATINO:**

Yeah, 1055 -- 1055 is definitely a budget amendment. This deals with the funding of the police exam. It's reversing a portion of the adjustments that were made in the omnibus resolution.

**P.O. POSTAL:**

So, would it be appropriate to table it, or just to consider it laid on the table at this meeting?

**MR. SABATINO:**

No, this is a County Executive bill. The County Executive can amend --

**P.O. POSTAL:**

Can amend it any time.

**MR. SABATINO:**

Any time during the course of the year.

**P.O. POSTAL:**

Okay. Okay. There's a motion to approve by Legislator Fisher. Is that what I heard?

**LEG. FISHER:**

Yes.

**P.O. POSTAL:**

Seconded by Legislator Caracciolo. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1055 is approved. **1061 - Amending the Suffolk County Classification and Salary Plan in connection with a new position (title) in the Police Department (Radio Shop supervisor).** Approved 7-0. Motion by Legislator Carpenter, seconded by Legislator --

**D.P.O. CARACAPPA:**

On the motion.

**P.O. POSTAL:**

By Legislator Bishop. Legislator Caracappa, and then Legislator Alden.

**LEG. CARACAPPA:**

George, I guess I'll ask you. A desk audit was done relating to this and Civil Service found it appropriate title, and we're enacting the Levy Law by abolishing, and what grade is it?

**LEG. GULDI:**

It's -- the new position is a Grade 20, and I think we're eliminating a Communication Mechanic, which is a Grade 18, and it was pursuant to a desk audit.

**LEG. ALDEN:**

I think that answers my question. So it's a civilian position in the Police Department.

**LEG. GULDI:**

I believe so.

**LEG. ALDEN:**

It's not filled by a uniformed officer?

**LEG. HALEY:**

Not with that kind of money.

**LEG. GULDI:**

Yeah, I believe it's not.

**P.O. POSTAL:**

Does anybody know?

**LEG. GULDI:**

If it were -- if it were a police officer, it wouldn't be a Civil Service title, it would be a police officer title, so it can't be.

**LEG. ALDEN:**

You answered my question.

**MR. SABATINO:**

That's correct.

**P.O. POSTAL:**

Okay. It was approved 7-0. I think we have a motion and a second?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1061 is approved. **1062 is approving the appointment of Andrew Nowotny (as a member of the Suffolk County Public Employment Relations Board).** And we heard from Legislator Tonna a little earlier. I'd make a motion to table.

**LEG. TONNA:**

Second by myself.

**P.O. POSTAL:**

Seconded by Legislator Tonna. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

**1063 - Approving the appointment of Walter Kirby as a member of the Suffolk County PERB (Public Employment Relations Board).**

**LEG. TONNA:**

I'll make a motion.

**P.O. POSTAL:**

Motion by Legislator Tonna, seconded by Legislator Lindsay.

**LEG. ALDEN:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

I just had a question as far as -- now this is the second one for the PERB Board. Do we have -- we have openings on that board?

**LEG. LINDSAY:**

I'm not on the committee, but I know something about it, because I deal with Labor. It's a three-member board. One is a reappointment, which is Dibble, the next one, and the two others were new appointments to fill vacancies.

**LEG. ALDEN:**

People resigned, or they just didn't show up for it?

**LEG. LINDSAY:**

That I don't know.

**LEG. GULDI:**

It's a reactivation of the PERB Board. It's has not -- as my recollection from committee, it has -- there's enough to revitalize the Board. It has not been active in the recent past.

**MR. SABATINO:**

1062, the term expired. On 1063, the individual, previous individual resigned. And on 1064, it's a reappointment. So you've got one of each, you've got a resignation, an expiration, and a reappointment.

**LEG. ALDEN:**

Now, can they meet -- do they need all three members to meet?

**P.O. POSTAL:**

Does anybody --

**MR. SABATINO:**

Well, they need two to meet to be functional.

**LEG. ALDEN:**

Because, if we're going to reactivate it and the appointment in 1062 is not able to because he's

in the hospital or something like that, or he's sick?

**LEG. TONNA:**

He couldn't be here today, that's the problem. He -- actually, he has a medical problem. I guess I shouldn't say what.

**MR. SABATINO:**

What will happen on --

**LEG. ALDEN:**

Paul.

**LEG. TONNA:**

But he's been in the hospital, he's back out, he's - but he's back and forth. He's a young man. I mean, Andy Nowotny, everybody knows him. He's been serving on boards here in the past. It's just, right now, he was not able to make it. And I think, in due respect to the Legislature, he understands that if he's going to seek an appointment to a position, he has to show to be -- you know, to answer any questions.

**LEG. ALDEN:**

Now, my question to you or to Legislator Lindsay, whoever can answer it, is do you need the third member to be able to function properly?

**LEG. TONNA:**

I understand no, that you just need a majority of the Board, which is two.

**P.O. POSTAL:**

Okay. We have, I believe, a motion and a second on 1063?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1063 is approved. **1064 - Approving the reappointment of Richard E. Dibble (as a member of the Suffolk County public Employment Relations Board).** Motion by Legislator Lindsay, seconded by Legislator --

**LEG. CARACCIOLO:**

On the motion.

**P.O. POSTAL:**

Yeah. Seconded by Legislator Tonna. On the motion, Legislator Caracciolo.

**LEG. CARACCIOLO:**

Counsel, who is Chair of the PERB Board? It's a three-member panel. Is there a Chair? Is it Mr. Dibble?

**LEG. TONNA:**

Yeah, I think I can answer this, if you want.

**MR. SABATINO:**

There is a Chair. I don't -- I don't know who the Chair is.

**LEG. TONNA:**

I think the Chair is the one -- I think Mr. Kirby is the one who's going to fill the position. I think that that's -- that was the -- I think there was a resignation, if I remember correctly, or -- oh, how they pick it or who's the Chair?

**LEG. CARACCIOLO:**

Well, both.

**LEG. TONNA:**

I thought it was in resolution.

**MR. SABATINO:**

Well, I have to pull the statute. I don't know who the Chair, but if you want to wait, I'll pull the statute and --

**LEG. TONNA:**

I thought it was in the resolution itself.

**MR. SABATINO:**

No, it would have -- these three resolutions are just dealing with appointments, it's not talking about the Chairman.

**LEG. TONNA:**

Oh, okay.

**MR. SABATINO:**

But I could pull the statute.

**LEG. TONNA:**

Oh, okay. I don't know about that. I think Mr. Rogers was the Chair at one point and he's -- he resigned, because he has a position in the County Department of Labor.

**P.O. POSTAL:**

Okay. 1064, the committee report was 7-0. I think we have a motion and a second, right?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1064 is approved. **1065 - Approving the appointment of Nayyar Iman (as a member of the Suffolk County Human Rights Commission).**

**LEG. HALEY:**

Motion.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Motion by Legislator Haley, seconded by Legislator Fisher. The committee report is 7-0. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1065 is approved. **1066 (Approving the appointment of Elizabeth Creighton Saville as an Assistant District Attorney).**

**LEG. GULDI:**

Motion.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Motion -- I'm sorry. Was that Legislator Haley? Legislator Guldi. Motion by Legislator Guldi, seconded by Legislator Haley. Committee report was 7-0. All in favor? Any opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1066 is approved. **1086 - Enacting Long Island alternative funding plan for State takeover of Medicaid.** I'm going to make a motion to -- that was approved 4-3, but I'm going to make a motion to table it.

**LEG. LINDSAY:**

Second.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Second by Legislator Lindsay. All in favor? Opposed?

**MR. BARTON:**

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

### **DISCHARGE BY PETITION**

**P.O. POSTAL:**

**1085 - Appointing new member to the Suffolk County Off-Track Betting Corporation Board of Directors (The Honorable James A. Gowan).** A motion by Legislator Caracciolo, I'll second it. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1085 is approved.

### **PUBLIC WORKS & TRANSPORTATION**

Public Works and Transportation. **2230 - Authorizing execution of an agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest, with the Developer of New York Power Authority Brentwood facility.** Discharged without

recommendation 6-0. And I'll make a motion to approve this. I know that's a shock.

**LEG. CARACCIOLO:**

On the motion.

**P.O. POSTAL:**

Yes.

**LEG. CARACCIOLO:**

Could we have an explanation from the Chair as to why it was discharged without --

**P.O. POSTAL:**

Yeah. I think, first of all -- did I see a second by Legislator Caracappa?

**D.P.O. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Okay. Seconded by Legislator Caracappa.

**LEG. CARACAPPA:**

The reason why we discharged it without recommendation was out of respect to a colleague of ours that does not sit on the Committee who came to Public Works and asked NYPA a bunch of questions. Legislator Alden, along with Legislator Carpenter prior to Legislator Alden, had serious questions they needed to ask. They had those answers, and just out of respect to them, we discharged it without recommendation to the floor.

**P.O. POSTAL:**

Okay. We have a motion and a second. All in favor? Opposed?

**LEG. CARACCIOLO:**

Okay.

**P.O. POSTAL:**

Oh, I'm sorry.

**LEG. CARACCIOLO:**

Yeah. If either one of them would like to add any commentary to this before we vote.

**LEG. ALDEN:**

This is --

**LEG. CARACAPPA:**

I guess -- I'm sorry. You asked me why we discharged it without recommendation.

**LEG. CARACCIOLO:**

Yes. And you answered that question, Joe.

**D.P.O. CARACAPPA:**

Okay. I just want to make sure that was sufficient.

**LEG. CARACCIOLO:**

And I appreciate the insight as to the two Legislators --

**D.P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

-- who may have had objections to it prior to the committee vote. Are those issues cleared up with those Legislators? Is there anything we should know before we vote on this?

**LEG. ALDEN:**

Well, I could speak for myself. The project itself is in Legislator Carpenter's district, but a number of my constituents had raised problems or questions when NYPA actually did their presentation. This is -- they're varying from what their original presentation was. Originally, they were going to pump water out of the ground, cool these turbines, this turbine unit, and then pump the water back to filter it and then pump it back into the ground. Now they've decided that they want to discharge it into the Southwest Sewer District. So I had a little bit of a problem with that, but the questions were answered.

I also had a capacity question, or a number of capacity questions, and even if we grant this and with all the promises that are made and the contracts that we have, I was assured by Department of Public Works that we still have approximately 2 million gallons per day excess capacity in the Southwest Sewer District.

**LEG. CARACCIOLO:**

Is the -- is the effluent treated before it's put into the system?

**LEG. ALDEN:**

Yeah. They said that they have full filtration, because there might be some oils, or something like that, from the turbines that might get into the cooling, but they said it's fully filtered and then discharged into the Southwest Sewer District.

**LEG. CARACCIOLO:**

And that's been verified by Public Works and the Health Department?

**LEG. CARACAPPA:**

It's minimal and it's been verified by both departments. This is a reissuance, Legislator Caracciolo, it's not an increase in gallonage. It's basically hot water going into the Southwest Sewer District just for cooling purposes. So it's fairly clean and we're getting all the appropriate charges that apply.

**LEG. CARACCIOLO:**

Fees.

**LEG. CARACAPPA:**

And fees.

**LEG. CARACCIOLO:**

Okay.

**P.O. POSTAL:**

If I could respond to your question, too. Many years ago, back in '88 or '89, there was an agreement between New York State and the Sewer Authority to adjust the boundaries of the

Southwest Sewer District to include that Brentwood property, and in return, the State provided new clarifiers for the Bergen Point plant, which were very expensive, and improved the efficiency of the plant. The plan at that time was to create continuum of care housing, I guess, community for senior citizens where there would be condominiums for active seniors. Then there would be assisted -- what became known as assisted living for seniors who needed some assistance, and, eventually, all the way up to long-term care. As you know, that never took place. But the agreement to provide the ability to be included in the Southwest Sewer District in return for the clarifiers was made. We did get the clarifiers, so I feel we're really obligated to do this. Anyway, any other questions? All right. We have a motion and a second?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

Okay. We have an answer to the question on PERB that was the reason that we skipped over, I believe, the resolution.

**MR. SABATINO:**

The short answer is that the Board itself makes the selection and that individual is picked by the Board and gets an annual retainer of \$12,000.

**P.O. POSTAL:**

So, we'll come back to that, but we now have an answer to that. Moving on to **1031, (1038) is authorizing a public hearing for authorization of the extension of license for Sayville Ferry Service (Inc. For Cross Bay Service between Sayville, New York and the Fire Island communities for Fire Island Pines, Cherry Grove and Water Island)**. Approved 6-0. Motion by Legislator Carpenter, seconded by Legislator Foley. All in favor?

**LEG. HALEY:**

1038.

**P.O. POSTAL:**

1038.

**MR. BARTON:**

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

**P.O. POSTAL:**

1038 is approved. **1058 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase and installation of bus stop location signs.**

**D.P.O. CARACAPPA:**

Motion.

**LEG. FOLEY:**

Second.

**LEG. FISHER:**

Where are they?

**P.O. POSTAL:**

Motion by Legislator Caracappa, seconded by Legislator Foley. There was a question by Legislator Fisher as far as where the location of these is.

**LEG. CARACAPPA:**

These would be located at every bus stop. And I have a -- I have prototypes in my office that were just delivered by Public Works and I'll make them available to anybody who wants to see them.

**LEG. FISHER:**

Thank you very much.

**LEG. CARACAPPA:**

And it's only -- it's Federally and State funded as well, and it's, I believe, at --

**LEG. FOLEY:**

Ninety percent.

**LEG. CARACAPPA:**

-- Ninety percent between the two.

**LEG. FISHER:**

Excellent.

**P.O. POSTAL:**

Okay. Roll call.

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

**LEG. CARACAPPA:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yep.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

17, 1 not present on the bond. (Not Present: Leg. Towle)

**P.O. POSTAL:**

Same motion, same second, same vote. **1059 - Amending the 2003 Operating Budget and 2003 Capital Budget and Program, and accepting and appropriating funds in connection with purchase of sewer facility maintenance equipment.** Approved 6-0.  
Motion by Legislator Caracappa, seconded by Legislator Foley. Legislator Bishop?

**LEG. BISHOP:**

Mr. Pollert, does this implicate the 5-25-5 law?

**MR. POLLERT:**

The funds are going to be transferred from Fund 261, so it's going to be a pay-as-you-go program using the sewer funds, I believe.

**LEG. BISHOP:**

Okay. Then it's --

**LEG. FOLEY:**

It's in compliance with all --

**LEG. BISHOP:**

Yes.

**MR. POLLERT:**

Yes.

**LEG. BISHOP:**

It's doing what we should do, then.

**MR. POLLERT:**

Yes.

**LEG. BISHOP:**

Okay. Thank you.

**P.O. POSTAL:**

Okay. We have a motion and a second. Is there any other question? Okay. All in favor?  
Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1059 is approved. **1089 - Authorizing public hearing for authorization and approval of Bay Shore Ferry, (Inc's petition for passenger, baggage and freight ferry service over the Great South Bay from Bay Shore, Suffolk County as proposed in the verified petition of Bay Shore Ferry, Inc. Dated January 16, 2003).** Approved out of committee 6-0. I'll make the motion.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1089 is approved. **1091 - Authorizing public hearing for authorization of the establishment of rates of Bay Shore Ferry, Inc. for Ocean Bay Park.** Approved 6-0. I'll make the motion.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

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

**ECONOMIC DEVELOPMENT & ENERGY**

**P.O. POSTAL:**

1091. **2245-Appointing Richard W. Kruse as a member of the Suffolk County Industrial Development Agency (IDA).**

**LEG. CRECCA:**

Madam -- I'm sorry. Madam Chair, I'd make a motion to table this resolution.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Motion to table, Legislator Crecca, second by Legislator Guldi. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

2245 is tabled. **2256 - requiring Long Island Convention and Visitors Bureau (LICVB) to advertise Suffolk County Commuter Tax Advantage for Workers).**

**LEG. BINDER:**

Motion to table. It changes that request by Legislator Carpenter --

**LEG. FISHER:**

I couldn't hear you.

**LEG. HALEY:**

Can't hear you.

**P.O. POSTAL:**

Yeah. Could you use your microphone?

**LEG. BINDER:**

Sorry. It changes that request by Legislator Carpenter. It makes sense to change it from Long Island Convention and Visitors Bureau to the Economic Development Department to do the work on that. So that hadn't been changed, I thought it had, so I'm going to table it for one meeting.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Motion to table, Legislator Binder, seconded by Legislator Haley. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

2256 is tabled. **1088 - Extending the deadline for expiration of Comprehensive Downtown Revitalization Plan Citizens Advisory Panel.**

**LEG. COOPER:**

Motion to approve.

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

Motion to approve by Legislator Cooper, seconded by Legislator Carpenter. It was approved out of committee 5-0. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1088 is approved.

**HEALTH, EDUCATION & YOUTH**

Health, Education and Youth. **1056 - Request from the Suffolk County Community College for the use of reserve funds for the Retirement Incentive Program.**

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Foley.

**LEG. FISHER:**

Second.

**LEG. HALEY:**

Second. Question.

**P.O. POSTAL:**

Seconded by Legislator Fisher. Approved 4-0-0-1. All in favor? Question. On the motion, Legislator Haley, then Legislator Alden.

**LEG. HALEY:**

Yeah. Legislator Foley, maybe you could enlighten me on this particular --

**LEG. FOLEY:**

And, Mr. Pollert, we may have to hear from you as well. Part of the backup to the resolution, there is a duly enacted resolution from the Board of Trustees. This is a one-time cost to the College for the -- for participating in the Early Retirement Incentive Program. The amount totals 1.7 million.

**LEG. HALEY:**

What does that leave in their reserve, then, Fred?

**MR. POLLERT:**

Currently, they have a fund balance of 4.7 million dollars, so it's going to bring it down by 1.7 million dollars. They should have about 3 million dollars left.

**LEG. HALEY:**

Thank you, Madam Chair.

**LEG. FISHER:**

May I add to that? The College had had a contingency budget that helped to restore some funds into the reserve, so that they could be prepared for this expenditure.

**LEG. ALDEN:**

On the motion.

**P.O. POSTAL:**

Legislator Alden.

**LEG. ALDEN:**

Fred, did they do an analysis of how much backfilling might be occurring or what the total savings would be in enacting this?

**MR. POLLERT:**

The Community College has not presented any data to the Budget Review Office. The difficulty with respect to the Community College is they have to backfill all the faculty titles. What the hope was, that they would be filled at a lower level. But I don't know what savings have actually realized at this point in time.

**LEG. ALDEN:**

And they didn't present a plan as far as what the savings? They're bound by the same criteria that we are, right, when they enact an early retirement system?

**MR. POLLERT:**

Yes, they are. However, the Community College is autonomous with respect to the operation of their operating budget.

**LEG. ALDEN:**

So they don't have to come over and present us with any data that they're going to save money, or that this, in fact, could cost us extra money, couldn't it.

**MR. POLLERT:**

I'm sure that they have the data internally, it's just I don't know what their savings are at this point in time. I'll be happy to contact them to find out.

**LEG. ALDEN:**

And is it imperative to enact this today?

**MR. POLLERT:**

Yes, it is, because what they have to do is they have to do the payouts. It was anticipated that when they partook in the Early Retirement Incentive Program, their budget had already been adopted for the following year, that they would have to go into the reserve account to be able to make the payouts.

**LEG. ALDEN:**

What was the argument, though, to establish such a large reserve account?

**MR. POLLERT:**

What the intent was to stabilize the County's contribution. If there are any swings in the State aid or if there was a drop up in enrollment in one, that they would have a reserve account to stabilize the County's contribution, as well as the tuition rates.

**LEG. ALDEN:**

So this much of a transfer out of that reserve account is going to very seriously impact any ability we have in the future to make any of those stabilizing type of transfers then, right?

**MR. POLLERT:**

Yes, it is going to be reducing rather significantly their reserve account. In addition to that, they had discussed in committee that there were some subsequent transfers that they also need to have take place as well.

**LEG. ALDEN:**

And how -- so how much of the reserve account, if we go by what they're -- I'm just going to wait a second until I can hear you, but --

**P.O. POSTAL:**

Yeah, I think you should wait. You know, we're moving along very expeditiously. I would just ask everyone to please be attentive and please curtail the conversations. You know what, if I was back in the classroom, I would point out that the right side of the horseshoe is very polite and the left side of the horseshoe is not so polite. So could we please have your complete attention? Go ahead.

**LEG. ALDEN:**

So, if we add up all the --

**MR. POLLERT:**

There's also a companion resolution, 1057, which will also do transfers out for emergency repairs that they had to do to a few of the roofs --

**LEG. HALEY:**

How much was that?

**MR. POLLERT:**

-- and work in the Southampton building. That's a total of \$163,000.

**LEG. CARACCIOLO:**

Madam Chair.

**LEG. ALDEN:**

What else did they indicate that they were going to need -- you know, as far as funds from the reserve account?

**MR. POLLERT:**

There is a resolution that they are contemplating that will pull out several hundreds of thousands of dollars for renovations to bathrooms and to the infrastructure at the Community College, but that hasn't been laid on the table yet, as far as I know.

**LEG. ALDEN:**

Any preliminary indication of what's going to happen as far as, you know, the initial intention of that reserve account and establishing such a large one? At this point, does it look like we would

have needed it for the original purpose or --

**MR. POLLERT:**

Well, at this point in time, if the Governor's budget is adopted as proposed, there will be a dramatic fallout to the Community College. The Governor's budget is proposing a reduction in the base State aid, which will drive up the County tuition rate rather substantially, as well as increase the County contribution by more than 4%, as well as take out most of the reserve account.

**LEG. ALDEN:**

And at that point -- oh, okay. So, at that point, we won't have a reserve account.

**MR. POLLERT:**

That's correct.

**LEG. ALDEN:**

To be able to buffer us for any of those shortfalls.

**MR. POLLERT:**

Right.

**LEG. ALDEN:**

Okay.

**LEG. FOLEY:**

Madam Chair.

**P.O. POSTAL:**

Legislator Fisher. I'll put you on the list, Legislator Foley.

**LEG. FISHER:**

Mr. Pollert, when you come back with information regarding the reserve account, I would like to have some comparison numbers, what the amount in the reserve account was in 2001, and 2000, and 1999.

**MR. POLLERT:**

Okay.

**LEG. FISHER:**

So that we know what the levels have been at which we felt some level of comfort, so that we have a history of what the reserve account has been in recent years.

**LEG. FOLEY:**

Yeah.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

The question I have relates to 1057, which is the next resolution. But while we're talking about the use of reserve accounts, the question I would raise on that resolution is would this be a precedent for using reserve funds for a capital improvement or repair?

**MR. POLLERT:**

The Community College has done it in the past. What they had was transfers out for what they consider to be safety hazards on curbs that were buckled and fractured. So, in the past, there were transfers out for capital improvements. The problem with respect to 1057, apparently, there was a major roof leak and they had to deal with the roof leak as soon as possible, so they used their operating funds and now they would like to replenish the operating funds from the reserve account.

**LEG. CARACCIOLO:**

Wouldn't it be more appropriate to replenish the operating funds with a capital improvement resolution?

**MR. POLLERT:**

In fact, that was something that we had suggested to Mr. Hollander. We met with him and we sent him a memo. We had reviewed the list of transfers that he would like to make from the reserve account. If we could find an offset in the Capital Program, we can bond it relatively --

**LEG. CARACCIOLO:**

Cheap.

**MR. POLLERT:**

Cheap rate at this point in time. And it would be my preference, just from a budgetary point of view, to try to keep the reserve account as in fact as intact as possible, because the Governor's budget has a tremendous impact on the Community College. They were talking about a tuition increase in excess of 25%, as well as a County contribution increase of greater than 4%, which would require a 14-vote resolution.

**LEG. CARACCIOLO:**

So then you would concur and recommend that rather than approving this resolution, 1057, when we get to it, that we hold it, maybe table it, and encourage to the College to take the action you proposed?

**MR. POLLERT:**

One of the difficulties, if we fund it to the Capital Program, I have to be able to come up with an offset, so --

**LEG. CARACCIOLO:**

And hundred and sixty-three thousand? That shouldn't be terribly difficult. I mean, they've already made the appropriation; correct?

**MR. POLLERT:**

Yes.

**LEG. CARACCIOLO:**

So it's really just a transfer at a later late. They took -- they took the action necessary, and now I don't want to put my seal of approval on an action that I think would be better served through a different method of appropriation.

**LEG. FOLEY:**

Yeah.

**P.O. POSTAL:**

Legislator Foley.

**LEG. CARACCIOLO:**

I'm talking about 57.

**LEG. FOLEY:**

Yes. On 57, the point's well taken. I'm going to make a motion to table. But back on 1056 for a moment, when we had approved the Early Retirement Incentive Program both for County workers, as well as for the College, we knew that there would be some kind of financial impact, obviously, with that particular vote, and this is the, let's say, follow-up to that vote. This has to be paid. If it's not paid from this particular fund, then it will have to come from some other area of the Operating Budget, and the largest area of the Operating Budget are the faculty lines. So, I think this is a more prudent area to access the required funding in order to pay this retirement incentive payout, as opposed to having, for instance, to take it from the faculty lines.

And I would just invite Legislator Alden, he makes some very good comments, I would invite him to the next Health, Education and Youth Committee meeting where we will be speaking about some other issues with the reserve account, as well as we're going to go more in depth with the impact that the Governor's proposed budget is placing upon our Community College. So that's an open invitation to Legislator Alden and to all others who aren't members of the Committee, but who have expressed an interest in the ongoing affairs of the Community College. So I would make -- I would make a motion to approve this resolution, Madam Chair.

**P.O. POSTAL:**

All right. There's a motion to approve. I think it was seconded by Legislator Fisher. All in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**P.O. POSTAL:**

Opposed, Legislator Alden.

**MR. BARTON:**

16, 1 no, 1 not present. (Not Present: Leg. Towle)

**P.O. POSTAL:**

1056 is approved. **1057 (Request from the Suffolk County Community College for the use of reserve funds for emergency roof replacement).** I think Legislator Foley --

**LEG. FOLEY:**

Motion to table.

**P.O. POSTAL:**

-- indicated a motion to table, seconded by Legislator Caracciolo. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1057 is tabled.

**PARKS, SPORTS & CULTURAL AFFAIRS**

Parks, Sports and Cultural Affairs. **1029 - Directing the County Comptroller to conduct an audit of the Friends of Long Island Heritage.** Approved 6-0. Legislator Fields?

**LEG. FIELDS:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve by Legislator Fields.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Foley. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1029 is approved. **1035 - Reappointing Marjorie E. Fuhrmann (as a member of the Suffolk County Vanderbilt Museum Commissioner (Trustee No. 10)).**

**LEG. CARPENTER:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Fields.

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Carpenter. It was approved 6-0. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1035 is approved. **1036 - Appropriating funds for improvements to Gardiner (County) Park/Sagtikos Manor, Town of Islip (CP 7164.311).** Motion by Legislator Carpenter, seconded by Legislator Nowick. Approved 6-0. Roll call.

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

**LEG. CARPENTER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. FISHER:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

17, 1 not present on the bond. (Not Present: Leg. Towel)

**P.O. POSTAL:**

Same motion, same second, same vote. **1093 - Designation, or designating I guess, "Suffolk County Invasive Weeds Awareness Week"**. Approved 6-0.

**LEG. FIELDS:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Fields.

**LEG. BISHOP:**

Second.

**P.O. POSTAL:**

Seconded by --

**LEG. HALEY:**

On the motion.

**P.O. POSTAL:**

-- Legislator Bishop. Who? Oh, Marty?

**LEG. HALEY:**

On the motion.

**P.O. POSTAL:**

Yes, Legislator Haley. I could barely wait.

**LEG. HALEY:**

I just wanted to make a quick statement. I'm not touching this one.

**P.O. POSTAL:**

Okay. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

1093 is approved.

### **SENSE RESOLUTIONS**

**P.O. POSTAL:**

Moving along to the Sense Resolutions. Sense 59 - Memorializing resolution requesting Federal courts to overturn judicial ban on Pledge of Allegiance. Motion by Legislator Binder, seconded by Legislator Haley. Approved 3-0-1-1. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

Sense 59 is approved. **Sense 1 of 2003 - Memorializing Resolution requesting United States Congress and State of New York to roll back basic cable television rates.**

**LEG. HALEY:**

Cosponsor.

**P.O. POSTAL:**

Approved 4-0. Motion by Legislator Lindsay, seconded by Legislator Carpenter. Cosponsor, Legislator Haley and Legislator Alden.

**LEG. FOLEY:**

Cosponsor.

**P.O. POSTAL:**

And Legislator Nowick.

**LEG. BINDER:**

I'll cosponsor.

**P.O. POSTAL:**

You know what, put us all on. All in favor? Opposed?

**MR. BARTON:**

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

**P.O. POSTAL:**

Sense 1 is approved. **Sense 2 - Memorializing resolution requesting State of New York to authorize municipal tax on tobacco products for dedicated smoking/drug abuse prevention fund.** Approved 3-0-1-1. Legislator Fields?

**LEG. FIELDS:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Fields.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Foley.

**LEG. CARACCIOLO:**

Explanation.

**P.O. POSTAL:**

Legislator Caracciolo is asking for an explanation. Yeah, why don't we let Counsel do it.

**MR. SABATINO:**

This would request the State of New York to give Suffolk County the kind of authority that New York City got in terms of imposing a local --

**LEG. CARACCIOLO:**

Cigarette tax?

**MR. SABATINO:**

-- tobacco tax. This would be a tax of up to a dollar-fifty.

**LEG. CARACCIOLO:**

Okay.

**P.O. POSTAL:**

I'm sorry. We have, I'm sure, a motion and a second, do we?

**LEG. FOLEY:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**LEG. HALEY:**

Opposed.

**LEG. ALDEN:**

Abstain.

**LEG. BINDER:**

Abstain.

**P.O. POSTAL:**

Abstention by Legislator Alden. And is that an abstention, Legislator Binder?

**LEG. BINDER:**

Yes.

**P.O. POSTAL:**

And opposed, Legislator Haley. Binder and Alden were abstaining and Haley is opposed.

**MR. BARTON:**

Thirteen.

**P.O. POSTAL:**

Sense 2 is approved. **Sense 3 - Memorializing resolution requesting LIPA to discontinue split billing practice.**

**LEG. COOPER:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve by Legislator Cooper. It was approved 5-0 out of committee. I'll -- Legislator Caracciolo, second. Explanation. Well, recently, LIPA established a new procedure of billing people separately for, if I'm correct, their gas and electric usage, so that instead of receiving one bill for both, consumers will be receiving two separate bills. In other words, they've gone to court and they've gotten divorced.

**LEG. COOPER:**

And, I may add, at a cost of about five million dollars a year to ratepayers.

**LEG. CARACCIOLO:**

Madam Chair.

**LEG. ALDEN:**

On the motion.

**P.O. POSTAL:**

Legislator Alden, and then Legislator Caracciolo.

**LEG. ALDEN:**

This mentions that to discontinue split billing practice. They're actually -- they've instituted or they intend to institute it?

**LEG. COOPER:**

They've actually --

**MR. SABATINO:**

They have already adopted it. The LIPA Board met, voted and adopted the process. It's going to take 1.4 million dollars to get the hardware and software up and running, and then it's going to cost 5 million dollars a year. So the reason you're asking for a discontinuation is because they adopted the practice.

**LEG. ALDEN:**

So how much did they expend up to date?

**MR. SABATINO:**

That I don't know. They -- I don't know. I don't know.

**LEG. CARACCIOLO:**

Similar question.

**P.O. POSTAL:**

Okay, Legislator Caracciolo.

**LEG. CARACCIOLO:**

When did this -- when was this practice instituted, and what was the justification?

**MR. SABATINO:**

Well, of the action took place about 45 days ago, maybe 60 days at maximum. But the rationale was that they wanted consumers to see, in their words, who was responsible for which portion of the bill they received.

**LEG. CARACCIOLO:**

When you say who was responsible, consumers that have a home or business that have gas and electric, they feel it's what, to the --

**MR. SABATINO:**

Well, I think what they're --

**LEG. CARACCIOLO:**

-- consumer's benefit to know that, you know, "X" amount is being spent on gas and a separate statement is needed to tell them what they're spending on electric, rather than consolidating that in a single statement? That's absurd.

**LEG. HALEY:**

Okay.

**LEG. CARACCIOLO:**

Now, because we don't have any State PSC oversight, they can get away with stuff like this.

**P.O. POSTAL:**

Okay. All right. We have a motion and a second, right?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed?

**MR. BARTON:**

16, 2 not present. (Not Present: Legs. Towle and Crecca)

**P.O. POSTAL:**

Sense 3 is approved. **Sense 5 - Memorializing resolution requesting LIPA to eliminate the 50% rate increase masquerading as a temporary fuel surcharge.**

**LEG. COOPER:**

Motion to approve.

**P.O. POSTAL:**

Approved 5-0. Motion by Legislator Cooper, seconded by Legislator Lindsay. All in favor?  
Opposed?

**LEG. ALDEN:**

Abstain.

**LEG. GULDI:**

Add me as a cosponsor to Sense 3 and 5, please.

**P.O. POSTAL:**

And Legislator Alden is abstaining on this, Sense 5.

**LEG. CARACAPPA:**

Madam Chair.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

15, 1 abstention, 2 not present. (Not Present: Legs. Towle and Crecca).

**P.O. POSTAL:**

Just -- okay. Yes, go ahead, Legislator --

**D.P.O. CARACAPPA:**

If I could, I'd like to make a motion to waive the rules, lay on the table and approve **Sense Number 10**, which is before everybody, and the title is **memorializing resolution requesting**

**State of New York to reject Governor Pataki's proposed budget cuts in education.**

**LEG. FOLEY:**

Good one. Cosponsor.

**LEG. FISHER:**

Cosponsor.

**P.O. POSTAL:**

There's a motion to waive the rules and lay on the -- and vote on Sense 10. Cosponsor by --

**MR. BARTON:**

I have it.

**P.O. POSTAL:**

Sorry, seconded by Legislator Foley. Am I right, Legislator Foley?

**LEG. FOLEY:**

Yes, yes, yes. Cosponsor.

**P.O. POSTAL:**

Am I correct in assuming we'd all like to cosponsor this?

**LEG. FOLEY:**

Absolutely, yes. Okay.

**P.O. POSTAL:**

Okay. Please, list us all as cosponsors. All in favor? Opposed? Sense 10 is approved.

**LEG. LINDSAY:**

Madam Chair.

**P.O. POSTAL:**

Legislator Foley.

**MR. BARTON:**

16, 2 not present. (Not Present: Leg. Towle and Crecca)

**LEG. LINDSAY:**

What I was just going to say is I see Christine Costigan just entered the auditorium. Maybe we could go back and reconsider that one before we break.

**P.O. POSTAL:**

We will, if we have time, if we could move along. Legislator Foley. I have a motion from Legislator Foley --

**LEG. FOLEY:**

Yes, I have a motion to --

**P.O. POSTAL:**

-- to lay on the table -- waive the rules, lay on the table --

**LEG. FOLEY:**

Lay on the table.

**P.O. POSTAL:**

-- Sense 11.

**LEG. FOLEY:**

Sense 11.

**P.O. POSTAL:**

And approve it.

**LEG. FOLEY:**

Yes.

**P.O. POSTAL:**

And.

**LEG. CARPENTER:**

Where is it?

**LEG. BINDER:**

What is it?

**P.O. POSTAL:**

It's been distributed, it's in front of you, **Sense 11.**

**LEG. FOLEY:**

Has it been distributed?

**P.O. POSTAL:**

**It's a memorializing resolution requesting State of New York to eliminate barriers to access to screening by requiring insurance companies to cover colonoscopy screening for those individuals 50 and older and those at risk at any age.** And I'll second that. You should have it in front of you.

**LEG. LINDSAY:**

I don't have it.

**LEG. FOLEY:**

Has it been distributed yet? It's being distributed as we speak.

**P.O. POSTAL:**

Okay. It's coming to you right now.

**LEG. FOLEY:**

It's being distributed as we speak. Currently, this particular procedure is not covered by insurance, and it's very important for a number of folks, particularly as they age. So this is something American Cancer Society --

**P.O. POSTAL:**

Can we have --

**LEG. FOLEY:**

-- and others who are in favor of --

**P.O. POSTAL:**

Can we just have some order? I think that --

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

This is the -- colon cancer is truly a preventable form of cancer and this is the tool by which it can be it prevented. You know, unfortunately, it's an expensive procedure. People should not be denied the opportunity to prevent developing colon cancer because they can't afford it, so I'm supporting it. Legislator Alden?

**LEG. ALDEN:**

Okay. It's a memorializing resolution.

**P.O. POSTAL:**

Right.

**LEG. ALDEN:**

But this would open it up for a lot of people to receive this procedure?

**P.O. POSTAL:**

Yes.

**LEG. FOLEY:**

Yes, it's requesting State legislation.

**P.O. POSTAL:**

Okay. We have a motion and a second. All in favor? Opposed?

**MR. BARTON:**

16, 2 not present. (Not Present: Legs. Towle and Crecca)

**P.O. POSTAL:**

Sense 11 is approved.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Now, I'm going to -- quickly, I'm going to ask for your cooperation. I'm turning to the CN's. We have --

**LEG. FOLEY:**

Is this the --

**P.O. POSTAL:**

-- CN on **Introductory Resolution 1144, to transfer surplus health plan funds for restoration of service cuts in the County Health Department.**

**LEG. FOLEY:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve by Legislator Foley, seconded by Legislator Binder.

**LEG. ALDEN:**

On the motion.

**P.O. POSTAL:**

On the motion.

**LEG. ALDEN:**

I believe there was a question as far as the legality of this. And if Paul Sabatino could address that. Has that been cleared up?

**MR. SABATINO:**

The money is available in the --

**LEG. FOLEY:**

Suffolk Health Plan.

**MR. SABATINO:**

Self-managed -- what do you call it? I'm sorry, the Managed Care Health Insurance Program. There's more -- there's more available than actually being transferred or appropriated. The only issue that was outstanding, I believe, was that the amount of above 10% of the surplus, which is somewhere between 13 and 18 million dollars right now, would require State approval. But, in order to get State approval, you have to take action first.

**LEG. FOLEY:**

Locally.

**MR. SABATINO:**

Clearly, the first one point, I guess, six million dollars of the total transfer would clearly be transferable, as long as it's used for, you know, health related purposes, which this clearly has done. And then the second part of it, which would be the difference between the 10% and the 1.6 million would require State approval.

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

And in order -- let the record reflect, Madam Chair, that the whole committee, both in a bipartisan basis, strongly supports the resolution.

**P.O. POSTAL:**

Okay. We have a motion and a second. All in favor? All opposed?

**MR. BARTON:**

16, 2 not present. (Not Present: Leg. Towle and Crecca)

**P.O. POSTAL:**

1144 is approved.

**LEG. FOLEY:**

Thank you very much.

**P.O. POSTAL:**

CN on --

**LEG. FISHER:**

Henry, cosponsor on that.

**P.O. POSTAL:**

-- **1154, which accepts and appropriates excess revenues received from the hotel/motel room tax.**

**LEG. FIELDS:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Fields, seconded by myself. All in favor? Opposed?

**LEG. GULDI:**

Hold on.

**LEG. FISHER:**

Hold on.

**LEG. GULDI:**

On the motion, just a point of information. It accepts the excess revenues, but it allocates it to three different accounts. Counsel, is that a permitted use of the hotel/motel tax, or is not -- are not those funds encumbered?

**MR. SABATINO:**

Well, it's putting them into the three accounts, which are properly line-itemed in the budget. I

think the only question is do the -- do the allocations, then, to the actual entities come back, you know, for an individual -- individual vote, and I'm not sure, because I'm not certain as to which entities are getting the money out of which portion of the bill. So that would take some clarification. I don't know for certain.

**P.O. POSTAL:**

Yeah.

**LEG. GULDI:**

Actually, my question is the portions of the hotel/motel tax have to be allocated to specific purposes. Does the acceptance of these funds and allocation here violate those thresholds?

**P.O. POSTAL:**

It's in the "whereas" clause.

**MR. SABATINO:**

It doesn't -- the appropriation doesn't, it's just I think you need to get a representation as to whether or not there's going to be a follow-up resolution, then, to allocate it to the actual organizations.

**P.O. POSTAL:**

Would you like us to skip over this one and see if we can get some more information?

**LEG. GULDI:**

Yeah.

**P.O. POSTAL:**

Todd, are you still here? Do you hear me? Okay. You heard what our question was? No. With regard to the CN on 1154.

**MR. JOHNSON:**

Which one?

**P.O. POSTAL:**

1154. We need some more information this afternoon with regard to the specific appropriations

and where those specific -- exactly where those specific appropriations are going, very specifically.

**MR. JOHNSON:**

Which resolution is this?

**LEG. GULDI:**

1154.

**P.O. POSTAL:**

1154, CN, hotel and motel.

**MR. JOHNSON:**

Hotel/motel --

**LEG. GULDI:**

Todd, me again.

**MR. JOHNSON:**

Okay. Hotel/motel tax go to three dedicated funds for tourism, cultural affairs, and I think the Parks Department. Paul, you can -- I don't know if you can correct me here, but there is by Charter a distribution of these funds which must occur. This is consistent with the way we've always spent the funds and always will spend the funds. There's no changes here.

**LEG. GULDI:**

My question was, I look at the contract agency's building repairs and special services. Do those allocations comply with those restrictions and the proportionate allocation of them? That's the question, because I can't tell from looking at this additional revenue without looking at the total program and knowing what those -- what those -- the purposes of those appropriations are.

**MR. JOHNSON:**

Okay. I'll make sure. I'm sure it does, but I'll confirm it and get back to you.

**P.O. POSTAL:**

And since this is a CN, you might even want to include something that clarifies that when you

come back, because we're going to move along to **1155, which is amending Resolution 509 of 2002 and authorizing (a design competition for a memorial to the residents of Suffolk County who died in the terrorist attacks on September 11, 2001).**

**LEG. CARACAPPA:**

Motion.

**P.O. POSTAL:**

Motion by Legislator Caracappa, seconded by Legislator Foley. All in favor?

**LEG. TONNA:**

I'm right here.

**P.O. POSTAL:**

Opposed? 1155 is approved. I know that Christine Costigan is here. However --

**LEG. TONNA:**

Put me down as an abstention.

**MR. BARTON:**

You're an abstention?

**P.O. POSTAL:**

And abstention, Legislator Tonna. It is time for lunch, so I'm going to ask her to come back in the afternoon. And we are adjourned until 2:30 -- recessed until 2:30.

**LEG. TONNA:**

Henry, I'm sorry, that was a different one.

**MR. BARTON:**

Okay. (Vote: 16 yes, 2 not present - Legs. Towle and Crecca)

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

**(SUBSTITUTION OF STENOGRAPHER - ANA GRANDE)**

**P.O. POSTAL:**

Mr. Clerk, are the affidavits of publication in proper order?

**MR. BARTON:**

Publication and posting, yes.

**P.O. POSTAL:**

Thank you. We're going to begin public hearings. **Public Hearing regarding Introductory Resolution Number 2105, a Charter Law to expand prior written notice of defective condition requirements.**

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

**LEG. BISHOP:**

Motion to recess.

**P.O. POSTAL:**

Hearing no one, motion to recess by Legislator Bishop.

**LEG. TOWLE:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Towle. 2105 is recessed.

**Public Hearing regarding Introductory Resolution Number 2246, A Local Law establishing a site selection procedure for substance abuse houses.**

First speaker is Georgia Beck.

**MS. BECK:**

I was hoping to --

**P.O. POSTAL:**

Can we have some order, please?

**MS. BECK:**

Okay. I'm representing -- hi, how are you doing? My name is Georgia Beck and right now I'm representing Saint Joseph's Outreach in Ronkonkoma, which is an emergency food pantry that helps individuals in the area that are in the need.

Unfortunately, we are being bombarded right now by the clientele of the sober houses, which we have to service. I can go on and on and on concerning this issue. It is very, very important that the Legislature takes a good look as where these houses are. We have approximately fifteen of these houses surrounding our outreach of which we have to service. We're supplying food, bedding, clothing to these individuals. That makes it very, very difficult for us to handle the other families in our area that need help.

Second of all, we have a soup kitchen that we service on Mondays, Wednesdays and Fridays. The numbers in the soup kitchen have doubled, making it very, very difficult for us to supply everyone.

Another issue is the tax rolls for these homes. They're listed on our tax rolls as single-family homes, yet indeed they're considered, as far as I'm concerned, boarding houses that are not paying the proper amount of tax. I don't know if that's the way you want to look at it, but I've spoken to the Town on this issue, I have spoken to Legislators on this issue, I have spoken to Assemblymen, this is a problem.

Not only do they -- they're concentrated in the Ronkonkoma area, but they're being transferred here from Upstate New York, from Manhattan, Brooklyn, Queens. They're transferred out here, they go on our social security, naturally, but they're also on our social service system, which this has skyrocketed.

Another issue I have is exactly what are these so-called sober houses? What are they providing, what are these companies providing in the way of counseling, in the way of help? Are they actually helping these individuals? They go through the system, they spend six or seven months

there, the next thing they have graduated so they say from this program and they're put out into the street with no job, no houses, no place to go and they're right back to square one.

So what indeed are these counseling services supplying for these people? Are they supplying counseling or are they just bombarding one specific area and supplying housing? What is it? What is their purpose?

Our social service system pays three hundred and nine dollars monthly for one individual, there are fifteen to twenty individuals in single family homes. I had the Fire Department approach and say when they answer a fire alarm, they don't know anymore if they're going to a single-family home or there's fifteen or twenty people in that house, they have no idea anymore when they're approaching this situation.

I can go on and on and on. I'd be happy to talk to anybody concerning this, this is something I face on a daily basis. There's a turn over in these homes constantly.

Another big issue is the Probation Department. When the Probation Department refers one of these people to counseling and they're placed in one of these homes, there is nobody checking on where that house is located. We had a known sex offender placed in a house five hundred yards from a school. That was a major, major problem.

Again, it's the problems of the outreach programs that are having to support these people while they're in these programs. It's the tax rolls, it's our social service system that its affected and some sort of licensing or governing of these places has to take place. Thank you.

**P.O. POSTAL:**

Thank you. Our next speaker -- actually, I have no more cards on this public hearing. Is there anyone who would like to address the Legislature on this hearing, 2246? Hearing no one, Legislator Towle?

**LEG. TOWLE:**

I'd like to keep the hearing open, Legislator Postal.

**P.O. POSTAL:**

Motion to recess by Legislator Towle.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Second by Legislator Haley.

**LEG. CARACAPPA:**

There's another speaker.

**P.O. POSTAL:**

Oh, there is another speaker. You're on a different hearing, you're on the next hearing. So that 2246 is recessed.

We are now on public hearing regarding **Introductory Resolution Number 2297, a Charter Law directing Suffolk County action to roll back Cablevision television rates in Suffolk County**. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one.

**LEG. ALDEN:**

Motion to recess.

**P.O. POSTAL:**

Motion to recess, Legislator Alden, seconded by Legislator Carpenter. 2297 is recessed.

Public hearing regarding **Introductory Resolution Number 1021, a Charter Law to restore and insure honesty and integrity to Suffolk County land transactions**. First speaker is Andrea Vecchio.

**MS. VECCHIO:**

Good afternoon. Excuse me. I've been reading through your resolution and it sounds very good. I'm glad to see that such a sweeping reform has been proposed. I wonder if Newsday hadn't come out with that expose if we would be looking at this today, but then that's another, that's another story.

I guess what I'd like to suggest is that if -- if you're around when these things are happening and do nothing about it, you certainly bear some responsibility and this seems to be something that was endemic to the system. And from what I've seen today, maybe the system is about to be changed and that would be a very good thing. I certainly hope so, because the taxpayers of Suffolk County badly need some help in making it in this place, because it's become harder and harder.

And I wrote, I'm just going to read a little something that I wrote and that's it. I've always believed we need less rather than more government, but Newsday's recent series on the Suffolk County Land deals makes compelling case for all manner of government reform, including term limits, which I know is going to kick in next time now.

Campaign finance reform instituting I&R ballot initiatives to reduce the cost to County government, and that would be reducing possibly the Legislative districts would be a good, positive step, and to cut property taxes. That's really what it's all about. Anything that shakes up the system will be worth a try.

Such an outrageously bald face rip off of the taxpayer and outright theft of public funds in the name of saving the environment is really beyond ludicrous. Add to that the recent disclosure of huge cost overruns uncovered in the County health plan, even as plan administrators unilaterally approved expensive lifetime health coverage for relatives of County employees. I hope that that's another resolution that you'll be bringing up very shortly.

I don't have much else to say except that I'm encouraged, but I'm disappointed about what has been uncovered in the recent past and I'm hoping that everybody can do a lot better in the future. And I'm also hoping that Mr. Spota has some indictments coming on that whole land deal scandal. Thank you very much.

**D.P.O. CARACAPPA:**

Thank you, Ms. Vecchio. That's the last card we have on this matter. Is there anybody else who would like to be heard? Is there a motion, Legislator Caracciolo?

**LEG. CARACCIOLO:**

Motion to recess.

**D.P.O. CARACAPPA:**

There's a motion to recess by Legislator Caracciolo, seconded by myself. All in favor? Opposed? 1021 is recessed.

We now move on to **Public Hearing 1022, adopting a Local Law authorizing 10% property tax exemption for volunteer firefighters and ambulance workers.** The first speaker on this public hearing is Joseph Werner.

**MR. WERNER:**

I think the best way I can, you know, speak in reference to this is that in 1996 I established the American Spirit Award, and it's an annual national award for an individual or an organization that I selected that has done something very outstanding. And again it was the first, the first recipient of the award was the fire department volunteers. That was 1996, as I said. Then in 1997, it was the Guide Dog Foundation for the Blind, then there was Child Find of America, Pop Warner football and the hospital volunteers throughout America, etcetera.

Now, I give out a permanent wall plaque to each recipient of the award and in 1996 the award read for 1996, First Annual National American Spirit Award presented to volunteers of Westfall Volunteer Fire Departments, Incorporated, also representing nearby volunteers of Matamoras and Port Jervis Fire Departments, plus all fire department volunteers throughout America who give their time, effort and sometimes even their life to help protect fellow Americans. I just rushed in from outside working on papers, so if I sound as though I'm a little out of breath, it only is because I am. The ultimate example of Americans helping Americans.

Now, this is one of the news releases that I had sent out. American Fire Department Volunteers to be nationally honored, Setauket, Long Island, New York, May 20th, 1996, Fire Department Volunteers throughout America who give their time, effort and sometimes even their life to help protect fellow Americans have been selected to receive the Joseph Werner 1996 First Annual National American Spirit Award.

These unsung, unpaid heroes have woven a safety net throughout the USA that protects life and property by covering fires, medical emergencies and accidents of all kinds on land, sea and from the air. American Fire Department Volunteers maintain the safety net every second of every day and are the ultimate example of Americans helping Americans.

The award is in the form of a permanent wall plaque, permanent wall display plaque, which will be presented to the Westfall Volunteer Fire Departments, Matamoras, Pennsylvania on June 22nd, 1996, at its annual open house. Engraved on the plaque will note the award, also it represents nearby volunteers of Matamoras, Pennsylvania, Port Jervis, New York Fire Departments plus all Fire Department Volunteers throughout America.

Mr. Werner will travel from his home and office in Setauket, Long Island, New York, to make the presentation personally. Let me get a breath here.

Then two little tributes I had written and sent out, "Fire Department Volunteers, thank you. We hear the sound of the firehouse horn any hour of day or night, it's the signal to Fire Department Volunteers who rush like lightning to a site. These unsung, unpaid heroes do this not for fortune or fame, they do it to save lives of neighbors and avoidance of a hardship and pain.

Where would America be without them, what would Americans do? They personify all that is good, plus our flag's proud colors, red, white and blue. If ever you take Fire Department Volunteers for granted, there's one thing you should ask, if they didn't volunteer to help in an emergency, whom would perform the task?

There are many Americans the thought of Fire Department Volunteers at times bring a tear, for had the volunteers not rescued them from a life threatening situation, they today would not be here. When you're fortunate to pass a firehouse and see Fire Department Volunteers there too, show them a sign of appreciation and a big, big thank you.

And then something a little added to it is, "A Devilish Tale" copywrited in 1996. "The devil left the furnaces of Hades for one day on earth to roam, to do the most damaging thing, to keep Fire Department Volunteers at home. But the devil's attempt was a failure, this right from the start, for the Fire Department Volunteers are so devoted and the people much too smart. The --

**D.P.O. CARACAPPA:**

Mr. Werner, your time has just run out, would you like to sum up quickly?

**MR. WERNER:**

I have two more sentences. The devil angrily returned to Hades while waving a finger in disgust

did say, I'll be back to cause havoc if ever all Fire Department Volunteers take their vacation on the very same day." Thank you.

**D.P.O. CARACAPPA:**

Thank you, Mr. Werner. Next speaker on this public hearing is Robert Franz.

**MR. FRANZ:**

Good afternoon. My name is Robert Franz. I'm president of Huntington Community First Aid Squad. On behalf of our membership, I'd like to thank the Suffolk County Legislature for your consideration of a partial tax exemption for volunteer firefighters and ambulance workers and respectfully request your support of this legislation.

Huntington Community First Aid Squad is a volunteer emergency medical service which covers the Huntington Ambulance District. We are one hundred percent volunteer with no paid employees. The squad is the third busiest emergency medical service agency in Suffolk County. The squad answered four thousand four hundred and forty-four calls in 2002. This is an increase of four hundred and twenty-five calls over the year 2000, a ten percent increase. The number of calls keeps going up, not down.

We are proud in 2002 that we had only thirty-one calls that we had to mutual aid, that was less than one percent of our calls. And we responded to fourteen mutual aid requests from other departments. As a member of the Suffolk County Recruitment Volunteer Committee, I understand the necessity and importance of our squad's recruitment program. The recruitment program is taken very seriously by our squad and the recruitment of volunteers is an ongoing process.

Retention of these highly trained volunteers is also one of our biggest concerns and your consideration of the tax break for our volunteers will be an incentive for recruitment of new members and for our current members to continue to remain as volunteers.

Huntington Community First Aid Squad has over a hundred and fifteen EMT's and every certification requires an EMT class or course of a hundred and eighty to two hundred hours and each EMT has to recertify every three years. There is a need for well trained emergency medical service volunteers and this property tax exemption will be an incentive for our members to continue to volunteer.

I understand that our fellow firefighters also have intensive training programs comparable to what it takes to become an EMT. The Town of Huntington, South Huntington School District and Huntington School District have passed resolutions to give our volunteers and the volunteers in the Huntington Manor Fire Department and the Huntington Fire Department a partial tax exemption from school taxes.

I respectfully ask that the Suffolk County Legislature consider a vote in the affirmative on this legislation and help us continue to provide the best volunteer emergency medical service and fire fighting service to Suffolk County. Thank you.

**LEG. CARACCIOLO:**

Mr. Chairman.

**D.P.O. CARACAPPA:**

Legislator Lindsay is first and then Legislator Caracciolo.

**LEG. LINDSAY:**

Go ahead, Mike.

**LEG. CARACCIOLO:**

Thank you, Bill. Sir, I appreciate your comments. Right here. And you made reference to several taxing districts in the Town of Huntington where you live and are a volunteer. In the cumulative, what would be the reduction in property taxes for a volunteer ambulance member in your core or a volunteer firefighter in the Town of Huntington for those entities that have already favorably considered this reduction in taxation?

**MR. FRANZ:**

I would think the amount would come to at the present time the way the New York State Law is written, approximately fifteen to twenty dollars.

**LEG. CARACCIOLO:**

I appreciate that response, because I know last year when Legislator Cooper sponsored similar legislation, there was a lot of criticism among those in the volunteer service about the proposal, because the financial impact was very small. So it's encouraging to hear that as small as it may

be, it is what we are permitted to consider at this time and that you're appreciative of those efforts. So thank you for your testimony.

**MR. FRANZ:**

Absolutely. And it definitely aids in the recruitment and the retention of our members. Thank you.

**D.P.O. CARACAPPA:**

That does it for cards on this hearing. Is there anyone else wishing to be heard? Hearing none, Legislator Cooper, what's your pleasure?

**LEG. COOPER:**

Motion to close.

**P.O. POSTAL:**

Motion to close by Legislator Cooper, second by Legislator Binder. All in favor? Opposed? Public Hearing 1022 is closed.

Next public hearing **Introductory Resolution 1030, adopting Local Law to require verbatim minutes for Suffolk County Industrial Agency.**

There are no cards. Anyone wishing to be heard on this public hearing? Legislator Towle? Motion to close by Legislator Towle, second by Legislator Foley. All in favor? Opposed? Abstain? 1030 is closed.

**Public Hearing 1041, adopting Local Law, a Charter Law to establish 19th Suffolk County Legislative District.** We have a number of cards on this. The first speaker is Mr. Joseph Werner.

**MR. WERNER:**

I would just like to ask a question of Legislator Fisher. Why do you feel we should have nineteen districts now?

**LEG. FISHER:**

Actually, this is the time for you to make a statement.

**MR. WERNER:**

Well, I can't hear you.

**LEG. FISHER:**

I'm not certain procedurally if that's permissible, it's the time for you to make a statement. You can feel free to call my office anytime, Mr. Werner.

**MR. WERNER:**

What does the Deputy Presiding Officer say to that? Can I ask a question such as that?

**D.P.O. CARACAPPA:**

Counsel?

**MR. SABATINO:**

Legislation can be discussed during the public hearing, unlike the public portion. However, the sponsor of a bill is not obligated to reply to a personal inquiry.

**LEG. FISHER:**

No, I have no problem. I just didn't think procedurally that it was done.

**MR. SABATINO:**

Public hearing, we can, a full fledged debate is permitted.

**LEG. FISHER:**

Mr. Werner, the reason I believe that we should have a 19th district is, the first reason is that I believe we would function better having an odd number of seats. The second is that when the census was conducted in the year 2000, there was an increase of about seventy-eight thousand people in Suffolk County, which constitutes another district.

And number three, in Suffolk County we have always prided ourselves in having very representative and responsive government, and I feel that with the increase that we have seen in the population of Suffolk County, we would better represent the people of Suffolk County by having that number.

It doesn't mean that every time we increase population we would add another Legislator, no, not necessarily, that's not for me to determine at this point, but at this point I think we would be better off with an odd number of Legislators.

**MR. WERNER:**

Personally, I find that rather subjective, but I'll let it go at that.

**LEG. FOLEY:**

Thank you.

**D.P.O. CARACAPPA:**

Thank you, Mr. Werner. The next speaker is Felix Palacios. I hope I said it right. Felix? Going once, Felix, going twice. Okay, Felix. Next speaker is Joe Albertus.

**MR. ALBERTUS:**

Good afternoon. My name is Joe Albertus. I'm with the Brentwood Civic Association and I've been asked to voice the opinion of a number of our residents.

Brentwood is not a minority area, it's a multi-cultural area, there's a big difference. The residents of our town represent a large portion of the world's population. There's probably somebody from every country in the world in our town, it makes us very different. The residents would like to have the services that other towns enjoy. Housing needs to be addressed, it's one of the things affect the entire County, better roads, schools and school programs for all to benefit. Jobs and income are also important to our residents in Brentwood.

In these harsh economic times when government budgets are strained and we're expecting to go to war and we are in the midst of inflation, cuts in services, adding another district is not a good idea. We are being asked to fund one million dollars to set up a new district, approximately three hundred thousand dollars a year to operate in the first year and who knows how much to operate in the years to follow.

The residents of Brentwood find it very disturbing, already paying more than their fair share. All homes are affected by these economic situations. These are the people who will be asked to pay another tax.

More about the tax situation. Residents from Brentwood that ride the Long Island Railroad will

be asked to pay somewhere from twenty to thirty-three percent on a fare increase. If they work in the city, they will also be asked to pay a commuter tax that Mayor Bloomberg is trying to get. I'm sure that there will be a County tax increase since the State is decreasing the aid that it sends to Suffolk County in these financial times.

Can we really afford this, a million dollars here, a million dollars there? We don't think it's a good idea. The possibility of the sales tax coming back, thanks to the Suffolk County Legislature that was defeated a few months acquisition, but we know it's a possibility of coming back. It will affect the very people that we're talking about here, but we're all in this together.

After many years of being called a blighted area, we are in a comeback. There are many multi-million dollar projects that are coming into the Brentwood/Central Islip area. Our downtowns are all about to be revitalized and there is many road projects that we're spending money on to have done.

Build it and they will come. They come to our local economy, the economy begins to rise. Jobs become available, we spend money, we help stimulate the economy instead of being a burden to it. It's a win/win situation. But given all the stigma of a minority district, it won't happen. It will take forever, we'll go back to where we started.

We have two Legislators, two State Senators, we have an Assemblyman, we have two Town Councilmen, I think that's enough representation. What we all suggest is that we all get-together in a bipartisan level, sit down, speak to these communities, find out exactly we need. Seven? Why eight? We should be able to do it with seven, in the perfect world we could probably do it with three.

Legislator Alden is also looking to condense from eighteen to seventeen districts. The Brentwood Civic Association has asked me to make the following statement. Legislator Alden has done a great job for the community. He's aware of our needs and answers his calls and is involved in the day-to-day operation of the District. We are in constant contact with his office by phone and have several meetings on a monthly basis concerning the issues that affect us. He's been very beneficial in the Liberty Super Fund Site that effects all of Suffolk County and has been responsible for projects that needed to be done. He is always ready to guide us in the direction we need to go.

Legislator Carpenter as well has been behind the community. She takes an active part in her issues. Some of the projects that are scheduled to start would be tied up in red tape if it wasn't for Legislator Carpenter.

The same could be said for Senator Johnson's office, Senator Trunzo's office. We now have Assemblyman Phil Ramos, another new player in the game. He's representing us. I've had several conversations personally with Assemblyman Ramos and he assures us that he only has the best intentions for Brentwood and Central Islip and will work very hard for these regions.

So, we have seven representatives looking out for us, plus the entire Legislature, everybody here trying to do what's right. I think we need to find a means to accomplish the goals that we are all striving for, and the only way we can do this is by working together with what we have now. I want to thank you for your time.

**LEG. FOLEY:**

Thank you.

**D.P.O. CARACAPPA:**

Thank you. Questions? Next speaker is Ursula Monaco.

**MS. MONACO:**

Good afternoon. My name is Ursula Monaco. I'm a Brentwood resident, I'm a wife, mother and grandmother. I have lived in Suffolk County for over thirty-five years and my grown children reside here with their families. I am also a returning adult student at Suffolk County Community College, Michael J. Grant Campus at Brentwood.

In this time of uncertainty, the talk of war, higher taxes, not only County-wide, but also State-wide, an additional legislative district would not be in the best interest of the residents of Suffolk County. As for new representation for the Brentwood District, which is already placed at the New York State Assembly, on the County level this is not a necessity. There are two Legislators, Cameron Alden and Angie Carpenter, who have worked with this community continuously with not only community groups, but also individual residents of Brentwood and they continue to do so.

With the estimated cost to exceed approximately one million dollars for a special election and a

supposed annual cost of three hundred thousand dollars, although I have heard the estimate to be much higher, I would like to say that the cost of an additional district is not warranted at this time. Thank you.

**D.P.O. CARACAPPA:**

Thank you very much. The next speaker is Yvonne M. Patterson-Quirk.

**MS. PATTERSON-QUIRK:**

Good afternoon. As I look around the horseshoe, I see a lot of people that I know, however, I don't see anybody that looks like me. When I walk around my neighborhood, I see a lot of people that I know and a lot of them do look like me and have my interests at heart. They know what I feel, they know what I've been through, because they've been through it as well as I have.

Today I'm not here to say yes, I want a 19th district, or no, I don't want a 19th district, or yes, I want eleven, or yes, I want seven or four or two or one, what I'm here to say is I would like to see some equal representation on this horseshoe. Thank you.

**D.P.O. CARACAPPA:**

Thank you. There are no other cards related to this public hearing. Anyone from the public wish to be heard on this? Come up, sir. State your name.

**MR. OLIVER:**

My name is Lou Oliver. I'm a resident of Brentwood for forty-five years out of my fifty-two. We have four generations in Brentwood. We have two veterans, myself and my son went to fight for this country. I go back by marriage, the last person to represent our community was { Lizzy Quinell,} a lot of you know her. We have been divided for a long time. All we're looking for is just equal representation. That's all we want. Nineteen, eleven, whatever, we just want somebody to represent our community. Thank you.

**D.P.O. CARACAPPA:**

Thank you, sir. Legislator Fisher, do you have a motion?

**LEG. FISHER:**

Motion to close.

**D.P.O. CARACAPPA:**

Motion to close by Legislator Fisher.

**LEG. FOLEY:**

Second.

**D.P.O. CARACAPPA:**

Second by Legislator Foley. All in favor? Opposed? 1041 is closed.

We now move on to public hearing on **Introductory Resolution 1074, adopting a Local Law to penalize illegal clearing or building in the Suffolk County Pine Barrens.** We have one card. Chris Nuzzi. Welcome back, Chris.

**MR. NUZZI:**

Thank you.

**D.P.O. CARACAPPA:**

I don't know if I should say welcome back or condolences.

**MR. NUZZI:**

I'm happy to be back, I always enjoyed the Legislature, working with everyone.

**LEG. GULDI:**

Stop lying.

**LEG. CRECCA:**

You just lost all credibility.

**MR. NUZZI:**

I had to try at least before I started. Good afternoon, Deputy Presiding Officer Caracappa, members of the Legislature. Again, for the record, I'm Chris Nuzzi, and I'm here on behalf of the Brookhaven Town Supervisor, John LaValle. I'm also here in coordination with the Towns of

Southampton and Riverhead.

And I'd like to share comments on Introductory Resolution 1074, and that's to penalize illegal clearing or building in the Suffolk County Pine Barrens. First and foremost, we're opposed to the bill and it's intent to revise current system of enforcement as legislated in the original Pine Barrens Law by the New York State Legislature.

That legislation appointing a commission consisting of three Town Supervisors, Brookhaven, Southampton and Riverhead, the County Executive and a representative of the Governor, as I'm sure you all know. Important to note was that home rule was an integral part of the negotiations of the original legislation and in order for the three towns to support.

Recently, Governor Pataki vetoed similar legislation partially on the basis of preemption of home rule authority as exercised by the towns. And the reason for this was the towns' inherent authority over local land use issues, our ability to take faster action and to maintain focus on applying standardized regulations on offenders. The towns are best equipped to enforce their own codes.

Furthermore, appointment of a Pine Barrens Commission with the majority of town members to confirm that the central role of the towns in this matter. We also have the necessary enforcement agents currently assigned throughout each jurisdiction and will maintain this commitment. Perhaps most importantly, fines levied and collected are used for remediation efforts in effected areas and will be continued to be used in this regard.

As a result of the recent State legislation, the three towns have held numerous meetings to conform their codes, creating a uniform approach with respect to enforcement actions within all regulatory jurisdictions. New language will include stiffer penalties up to twenty-five thousand dollars per violation and criminal penalties more severe than provided for on the County bill. We expect to have it finalized within the next several weeks.

So, in closing, we'd ask for cooperation of the County Legislature in opposing any efforts that will undermine the authority of our towns or create regulatory confusion. And let me reassure you that Supervisor LaValle's position on enforcement within any within any critical environmental area is that it will be dealt with swiftly in accessing penalties and remediating any damages caused.

In order to do this, we've strengthened our code in conjunction with the Towns of Southampton and Riverhead and we'll continue our efforts revising it to reflect current needs including the increase of fines and penalties. We will continue to designate all enforcement dollars towards remediation, we'll maintain an open dialogue with all concerned entities and we look forward to working with the State, County and effected towns to protect this critical resource. And I thank you for the opportunity to speak before you today.

**D.P.O. CARACAPPA:**

Thanks, Chris. We have some questions. First, Legislator Crecca.

**LEG. CRECCA:**

Chris, what mechanism or what authority within the town, the three towns is there for enforcement of the codes?

**MR. NUZZI:**

The towns would do so through a comprehensive or a coordinated land use plan. Recently, with the exception of the State legislation or the proposal of the State legislation, the towns have had numerous meetings to coordinate and to standardize the codes so that the penalties will be increased, there will be stiffer fines, there will be criminal penalties and they will do it through their own local zoning regulations.

**LEG. CRECCA:**

And do you guys -- do the towns have code enforcement officers?

**MR. NUZZI:**

Yes.

**LEG. CRECCA:**

Are they the ones who would be doing like inspections and all that?

**MR. NUZZI:**

The town investigators will do the inspections, they have been and will continue to do so.

**LEG. CRECCA:**

Okay. In other words, the towns have the resources to do this?

**MR. NUZZI:**

Yes.

**LEG. CRECCA:**

Because one of my concerns that came up with the bill, and I don't know if this is a concern that's been discussed among the Town Supervisors or the Town governments, that at the County level we don't have, obviously we don't deal with land use other than through our Planning Commission and some general, I won't even call it oversight, just general input in land use, that's traditionally been a town function. We don't have such enforcement officers. Unless, you are in the County too, so I ask you with your background, are you aware of available resources or currently enforcement officers at the County level who would even be able to enforce such a law if we were to pass it?

**MR. NUZZI:**

What I could re-enforce is exactly along the lines of what you said, that the town does currently have obviously jurisdiction over these matters, they do have enforcement officers assigned to these matters and it will continue to be that way. So the town is disposed towards continuing to be the authorities on this issue and can handle that matter.

**LEG. CRECCA:**

I have no further questions. Thank you, Legislator Caracappa.

**D.P.O. CARACAPPA:**

Legislator Fields.

**LEG. FIELDS:**

My question is to Paul Sabatino. Do we have jurisdiction over this kind of legislation? Would this legislation allow us and would we have jurisdiction?

**MR. SABATINO:**

Yes. It would be the exact same jurisdiction that was exercised when Chapter 490 Article 1 of the Suffolk County Code was adopted, which is the sections being amended by this statute. That particular section dealt with dumping in this particular Pine Barrens region. This would be

the same chapter, it would be the same jurisdiction and it would be same penalties and the same enforcement mechanism.

**LEG. FIELDS:**

I guess -- I spoke to Supervisor LaValle about this and he informed me that the bill or the legislation that they're working on now has a twenty-five thousand dollar fee for the violation?

**MR. NUZZI:**

That's correct.

**LEG. FIELDS:**

Legislator Cooper, what was yours?

**LEG. COOPER:**

It's currently ten thousand dollar fine, but also up to one year imprisonment.

**LEG. FIELDS:**

Does the Supervisor's have --

**MR. NUZZI:**

Similar criminal penalties.

**LEG. FIELDS:**

I guess my question is why would we approve this kind of legislation before the Town is doing it, when it's their community, home rule kind of thing?

**LEG. COOPER:**

Suffolk County has spent literally tens of millions of dollars over the years acquiring land in the Pine Barrens and there's concern on the part of many, including Long Island Pine Barrens Society, that the towns have not been acting forcefully enough in all instances to penalize violators of the Pine Barrens Act.

The most notable example was a recent case with the Long Island shooting range, where they cleared trees on I believe over twenty acres of the property, and to my knowledge still no fine has been imposed. My legislation would not take away any measure, authority from the towns, they can still enforce their penalties as they see fit, this would only supplement those penalties

by another level of government.

Yes, it's true that if the towns did not act, then Suffolk County might have to go in on its own. But if the towns impose fines and/or jail sentences, this would simply add on to that penalty. And I believe that our investment is great enough in the Pine Barrens that we need to make sure that at least one level of government, if not town, then County is acting aggressively to protect that investment.

**D.P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

I thank my colleague, Ginny Fields, for that last question, because it really summarizes why the County does have a role with respect to this issue. Chris, let me ask you, how many violators and violations have the towns cited in the Pine Barrens since the Pine Barrens Act of 1994?

**MR. NUZZI:**

There have been several citations. I can get you a specific number as to who they were and the fines assessed after the meeting. I don't have it with me.

**LEG. CARACCIOLO:**

With respect to the much published incident at the town shooting range, what can you share with us with respect to that investigation and violations and fines and so forth?

**MR. NUZZI:**

I can tell you that currently the Town is in litigation over the matter. We're looking for fines and remediation measures in the range of two hundred thousand dollars. The Supervisor, by letter dated I believe June 11 of 2002, and this speaks also to the County legislation, petitioned the Attorney General to also join in the lawsuit against the Long Island shooting range.

**LEG. CARACCIOLO:**

When it comes to environmental spills, violations, is it the position of the towns that they and only they have jurisdiction? Especially when we're talking about public lands that were purchased not only with dollars from residents of those three towns, but from residents of all ten towns, I would submit that the County certainly has a regulatory role, we are a member of the

Pine Barrens Commission, the County Executive by law is the Chair of that Commission, although he doesn't personally serve, his designee, George Proios does.

And I would just submit that we clearly have not only a role, a regulatory role, we have a role that when other levels of government fail to take action, to have statutes that would permit us to take action. I don't think there's any attempt here by Legislator Cooper, and I haven't even spoken to Jonathan about it, but I don't think there's any attempt -- intent in this legislation to supersede or take powers away from any other level of government. I think they are there to supplement and provide additional reason why individuals who would dare go into and on to these public lands and either damage them, clear them or take other actions that are clearly in violation of law, to think twice about that.

So I'm a little puzzled as to why public officials in other jurisdictions would be opposed to such a measure. Does not the State DEC also have jurisdiction here?

**MR. NUZZI:**

I can tell you that certainly the town and towns that are involved are always alarmed when it comes to anything, any clearing, any type of harmful effects that may have happened to any of the areas within the Pine Barrens. I think that's a shared thought. When it comes to the position of the town on this matter, I can tell you that they do not want to be or would not and don't find it practical to be preempted as they petition to the State, as this is a matter for local authority in their own land use or in their own code.

**LEG. CARACCILO:**

Going back to the State legislation that was vetoed by the government, that was sponsored by Senator LaValle, as I recall?

**MR. NUZZI:**

Yes.

**LEG. CARACCILO:**

What was the essence of that legislation and why was it vetoed?

**MR. NUZZI:**

The essence of the legislation was similar to parts of the County legislation. And again, it was

vetoed. One of the concerns in the Governor's message that he highlighted and one of the concerns that we conveyed to the Governor and I can reiterate was the fact that here in these three towns, you know, first and foremost in the formation of the Pine Barrens Commission years ago, part of the negotiations process for practical reasons was to leave certain authorities within the towns, land use being one of them.

**LEG. CARACCIOLO:**

Well, land use we would not argue, that's clearly in State town law, and we don't have jurisdiction there, but here we're talking about environmental protection, the very essence of why these lands were purchased were to protect the groundwater. And I dare say that every level of government, every elected official has a responsibility to enforce those laws and regulations and I don't see where the overlapping of jurisdiction in any way diminishes that responsibility.

**MR. NUZZI:**

I think that those laws and regulations can and will be enforced by the localities and those same localities are taking steps to do so.

**LEG. CARACCIOLO:**

What did you indicate would be the timetable for them to actually pass these local resolutions and ordinances?

**MR. NUZZI:**

We hope within the next several weeks. And we've had numerous meetings with both towns to do so.

**LEG. CARACCIOLO:**

What are some of the -- do you have a copy of the town ordinances that are proposed to be --

**MR. NUZZI:**

I can get you a copy.

**LEG. CARACCIOLO:**

Okay. I'll at this point just for the record state that I think we have jurisdiction, there's no

question in my mind we have jurisdiction. Perhaps I would support a motion when this resolution is eligible for consideration to table it to give the towns reasonable time to enact stronger measures. But if they fail to do so in the very near future, then I would say we have to step in and do that for them.

**MR. NUZZI:**

Thank you, Legislator Caracciolo.

**D.P.O. CARACAPPA:**

Legislator Guldi, then Fisher, then Cooper.

**LEG. GULDI:**

You're not done yet. I was so looking forward to an opportunity to finally debate you, Chris. Clarify for me the basis for the stated objection of the towns to the proposed County regulation.

**MR. NUZZI:**

Well, I guess --

**LEG. GULDI:**

Is it preemption?

**MR. NUZZI:**

I think to an extent that it is. The Pine Barrens Commission in its formation, obviously three of the five members are town members. The towns supported the comprehensive land use plan, they're in the process of updating their own codes to be standardized and to be uniform, preemption would be one issue.

The other would be a practical issue associated with doing the enforcement actions. The other would be --

**LEG. GULDI:**

Well, hold on, let's go there for a minute. What's the practical issue of doing enforcement actions? They ultimately go to Court, whether you're in the Justice Court, the Town, a District Court, a County Court, the Court has jurisdiction over all the laws, what's the practical problem?

**MR. NUZZI:**

The practical issue being the inspectors or the investigators who are doing the search of violations.

**LEG. GULDI:**

So what difference should that make if the Inspector -- the inspectors doing or enforcement officers would be testifying as to facts, the facts would apply to all of the applicable laws, I don't see the problem, I'm trying to understand it. Counsel has already clarified that we don't have a preemption problem, we have coterminous jurisdiction. The -- and I don't see a practical enforcement problem, because park police, State police, County police, town police, village police should all be out there enforcing all of the laws, in addition to your code enforcement officer.

So you know, I'm trying -- I hear you say that the towns are objecting, but I don't hear a why that rings true. So, I hear preemption and enforcement problems, do you have anything else?

**MR. NUZZI:**

Well, I should clarify what I mean by enforcement. We have the manpower and the inspectors to go out and do that and we've done that. And along with that goes the fact that these towns have coordinated and will now have standardized sections of their code.

**LEG. GULDI:**

Let's go to that. The towns are right now working up a comprehensive plan you say to -- for enforcement in the Pine Barrens. Okay. And that is a work in progress. Will it be done this year or are we going to wait till next year for the 10th anniversary of the Pine Barrens Act before we have the plan?

**MR. NUZZI:**

I would hope that that would be done this year.

**LEG. GULDI:**

I'd like to see it done --

**MR. NUZZI:**

In the very near future.

**LEG. GULDI:**

-- before the 10th anniversary would a good idea. But there's nothing in our proposed legislation that would preempt you from doing that. So the fact that you're going to come up with a comprehensive plan, hopefully soon, does not conflict with this proposed law.

**MR. NUZZI:**

Well --

**LEG. GULDI:**

As I see it. And, you know, show me one -- show me if -- that's my thinking, show me if I'm wrong.

**MR. NUZZI:**

I understand your thinking. Another portion that we would tend to disagree with, and if you look at the updates to the code, that hopefully will soon be out, will be stiffer penalties, stiffer than those outlined in the County legislation. The County legislation talked also about the Attorney General having the authority to intercede. The Town Supervisor actually petitioned the Attorney General.

**LEG. GULDI:**

Well, we're not preempting him, that's for sure.

**MR. NUZZI:**

Of course not. Along those lines, these are things that have happened.

**LEG. GULDI:**

So you want the Attorney General, but that won't be a problem with enforcement or a problem with preemption, but you don't want the County. What's the difference?

**MR. NUZZI:**

The difference being the Attorney General is coming in as part of a lawsuit that the town has initiated against a violator or presumed violator in that area.

**LEG. GULDI:**

Yes?

**MR. NUZZI:**

And is being petitioned by the town to join a lawsuit that the town has brought against a violator.

**LEG. GULDI:**

For enforcement action on a civil action. We're talking, however, about a simple criminal penalty, where that wouldn't be an issue here, would it?

**MR. NUZZI:**

I'm sorry, the criminal penalty?

**LEG. GULDI:**

A civil action and prosecution thereof wouldn't be an issue because you're talking about a criminal violation here, not a civil action. There's no basis for a civil action in the statute, it is a criminal violation and enforcement thereof, so that's not a problem.

**MR. NUZZI:**

I'm not following the --

**LEG. GULDI:**

You parsed the distinction between the County's role and the Attorney General's role by stating the Attorney General is being petitioned to come in as a joint party in a lawsuit, this statute doesn't contemplate a lawsuit, but a criminal action, and a criminal action or proceeding would simply have this law as a violation and any ordinance the towns, including one that would be included in the soon to come comprehensive plan.

**MR. NUZZI:**

I think that what we're saying is the towns are best suited to define those regulations.

**LEG. GULDI:**

Why?

**MR. NUZZI:**

As partners to the original legislation.

**LEG. GULDI:**

I thought we were partners to it too.

**MR. NUZZI:**

You are partners as well, as partners to the original legislation --

**LEG. GULDI:**

Anyhow, as the bill is in committee, I look forward to it, particularly to the number of enforcement actions that you're going to provide to Legislator Caracciolo and continuing discussion of this. And I'd love to see a draft of the soon to come comprehensive plan.

**MR. NUZZI:**

No problem.

**(\* Substitution of Stenographer - Alison Mahoney \*)**

**P.O. POSTAL:**

Legislator Fisher.

**LEG. FISHER:**

Thank you, Madam Chair. Chris, how many Investigators or Enforcement Officers are there in Brookhaven Town?

**MR. NUZZI:**

I don't know the absolute number between Code Enforcement and those Investigators in the Law Department, but I can find out.

**LEG. FISHER:**

Is it a very large unit?

**MR. NUZZI:**

The hard number you're talking about, it's a relatively large unit.

**LEG. FISHER:**

Okay. I'm asking that because Brookhaven Town, as we all know, is a very large town and these investigators would have jurisdiction not only over the Pine Barrens but all of Brookhaven Town and it's an enormous geographical area. So I think that having supplementary -- supplemental personnel would be advantageous to code enforcement and that's why it puzzles me to read and to hear of the town's objections to this.

You have answered the other questions that I had, Chris. Thank you very much.

**MR. NUZZI:**

Thank you.

**LEG. FISHER:**

Would you be able to provide that information for us, please?

**MR. NUZZI:**

Sure, no problem.

**LEG. FISHER:**

Thank you.

**P.O. POSTAL:**

Legislator Cooper.

**LEG. COOPER:**

Chris, I have to say that I really think that a lot of the concern on the part of the towns is misplaced and perhaps they didn't understand the Legislative intent of the bill. And I'm going to be reaching out tomorrow to Town Supervisors in Brookhaven, Southampton and Riverhead and offer to meet with them to discuss the legislation. But I did want to say that perhaps unlike the State bill, the Suffolk legislation was very carefully drafted so that it would not preempt town authority because that was a concern of mine and I really thought we had accomplished that in the legislation, but I did have a couple of questions for you. Do you have any idea as to how much money the Towns of Brookhaven, Southampton and Riverhead spent over the years to acquire land in the Pine Barrens?

**MR. NUZZI:**

The towns themselves?

**LEG. COOPER:**

Yes.

**MR. NUZZI:**

No, the absolute number, that's another thing I can put together in a package that I'll provide to yourself, Legislators Caracciolo and Guldi and Fisher.

**LEG. COOPER:**

Because my understanding is that Suffolk County spent significantly more than the towns did and if that is indeed the case, then I really do feel that it's appropriate for us to at least play a role in the enforcement actions and to protect this multi-million dollar investment. And as I said, it was not my intention to preempt the towns in any way, I was just hoping to have an additional level of authority. But hopefully this could be addressed later in this week in my discussions with the Town Supervisors.

**MR. NUZZI:**

Let me say that we do definitely understand and appreciate your concern and, you know, I'm sure all of the towns look forward and will certainly work for the Legislature and all of the involved entities to reach a consensus on this issue as well as others related. And you'll find by speaking with the Supervisor, Supervisors and their offices that you may be content as well with the new updates that are coming and some of the positions that have been taken since even this recent State legislation has been passed. So we look forward to working with you.

**LEG. COOPER:**

But I'd really like to see us working together hand in hand as partners on this.

**MR. NUZZI:**

Absolutely.

**LEG. COOPER:**

And I really think that there is a role to play by the towns, the County and the State in this

enforcement effort. Thanks.

**MR. NUZZI:**

Thank you.

**P.O. POSTAL:**

Legislator Foley?

**LEG. FOLEY:**

Well, the sponsor will be meeting with the towns -- first I want to thank Chris for his answers today. But to the points raised by Legislator Guldi, I think it would be advantageous, Madam Chair, if the legal counsel of each of the townships would also be present at some future committee meetings regarding this. Certainly there are some answers that Mr. Nuzzi can give, other questions that were raised by Legislator Guldi seem to be more of an enforcement/town attorney area of expertise. And in order to have a fuller dialogue and conversation on this, it would be worth while and instructive to have the town attorneys from each of the affected townships to also appear at a future committee meeting where this can be vigorously discussed and debated.

**P.O. POSTAL:**

Thank you. And I assume that Legislator Bishop, as the Chair of the Environment Committee, would be willing to contact each of the town attorneys in the affected towns for a committee meeting so that there could be a further discussion of this in committee?

**MR. NUZZI:**

I could coordinate that, Legislator.

**P.O. POSTAL:**

Okay, thank you. That would be very good. Legislator Bishop is especially grateful. Thank you.

**MR. NUZZI:**

Thank you.

**LEG. COOPER:**

Thanks, Chris.

**P.O. POSTAL:**

Now, I have no other cards on this public hearing. Is there anyone who would like to address the Legislature? Please come up and give your name.

**MS. JUDD:**

Good afternoon, Ladies and Gentlemen. My name is Kimberly Judd, I'm Assistant Town Attorney with the Town of Southampton. Supervisor Heaney asked me to attend since he's in a Town board meeting right now.

I think I can address a lot of the questions. I feel sorry that Mr. Nuzzi had to take the heat of most of the questions, I didn't fill out a card. I have a copy of the proposed Local Law that Supervisor Heaney is going to introduce at a work session this Friday to the Town Board and he authorized me to share copies of this proposed Local Law with the Legislature. So do I give these to the Clerk?

**P.O. POSTAL:**

Yes, thank you.

**MS. JUDD:**

As I said, Supervisor Heaney will be introducing this legislation at a work session on Friday. Hopefully the Town Board will okay it to be put on for a public hearing which we hope will happen within the next three to four weeks.

A few of the others questions I think that I would like to address that I heard a lot of the Legislators speaking about today was enforcement. Presently, the Town of Southampton does enforce clearing violations that happen within the Central Pine Barrens overlay districts. Currently we have eight Code Enforcement Officers, eight Building Inspectors. Never has there been an instance where a defendant has overcleared and not revegetated. So I just wanted to emphasize that one of the reasons in your Legislative Intent for drafting this Local Law was that the towns have not been enforcing penalties for those who are legally clear and I want to say within the Town of Southampton that's not the case.

I think a lot of the opposition from the towns to this proposed Local Law has to do with the fact that it may be unnecessary. The Town of Southampton, as I have just stated, will be introducing at a work session this law this Friday and, as I said, hopefully it will be introduced on

a public hearing basis within the next three or four weeks. Some of the points of the town's Local Law has to do with a \$25,000 fine for any violations within the compatible -- I'm sorry, within the central core area, a \$10,000 violation within the compatible growth area and a \$1,000 continuing violation for each day that the violation exists. Also, we can mandate them to post a performance or maintenance bond to make sure that the work, the revegetation does occur.

I just wanted to reiterate something that Governor Pataki stated in his veto message. He stated in his veto message that, "Under current law, local government representatives have primary responsibility for overseeing land use issues. Indeed, the statute, by creating a commission that consists of four local government officials and one state appointee, confirms the central role of the local governments in this regard. The bill potentially strips local government of this responsibility working a significant shift in the manner in which land use issues will be resolved in the Central Pine Barrens area. It's true that the three towns have been working together to conform language in their respective town codes. I have been one of the members of the Town Attorney's Office that we've had many meetings on this. We have come up with a plan with a Local Law that we all -- I know the Town of Southampton will be doing it this Friday, I believe Brookhaven Town, I spoke with Jean Compitello who is the Town Attorney representing Brookhaven said that her Supervisor is going to introduce the same legislation this Friday as well.

So I think in the next few weeks you're going to see public hearings held on this Local Law within the respective towns and I would ask the County Legislature to give the towns the opportunity to pass -- to have the Local Law hearings on this matter, to enact it. And I do believe that one of the reasons for the Legislative Intent for your proposed Local Law will no longer be valid.

**LEG. CARACCILO:**

Question.

**LEG. BISHOP:**

I have questions.

**P.O. POSTAL:**

I'll put you on the list. Legislators Guldi?

**LEG. GULDI:**

Yeah, thanks for coming down, Ms. Judd. Do you have a copy of the draft of the legislation with you here today?

**MS. JUDD:**

Yes, I just gave it to your Chief Clerk.

**LEG. GULDI:**

It's being distributed. Thank you.

**P.O. POSTAL:**

Legislator Bishop.

**LEG. BISHOP:**

Does Southampton Town have a Nuisance Abatement Law?

**MS. JUDD:**

Yes, we -- you mean a provision to go to Supreme Court on enforcement actions; is that what you mean?

**LEG. BISHOP:**

For example, a crack house; do you have provision in your Town Code to seize the dwelling from the owner?

**MS. JUDD:**

We've -- think what you're talking about -- I think you're talking about violations of the zoning code.

**LEG. BISHOP:**

No, many towns have Nuisance Abatement Laws similar to the County. The point I'm making is that there are probably numerous circumstances where both the town and the County are pursuing the same goals and have similar ordinances and Local Laws and they -- not even complimentary, just existing dual track coexist without issue.

**MS. JUDD:**

Oh no, I agree with that, yes.

**LEG. BISHOP:**

So I don't know why the energy is being spent to oppose a County initiative. Clearly, the County has an interest in the future of the Pine Barrens, after all, we paid for a great deal of them. And so to say it's simply a matter for town jurisdiction misses the point that the County taxpayers have spent -- made an enormous commitment to the future of the Pine Barrens and have an interest in preserving them.

**MS. JUDD:**

Right, and I don't disagree with that. I think the point here is that the towns have already been enforcing violation of clearing restrictions. We have been doing it since the aquifer protection overlay since the Central Pine Barrens overlay have been enacted. We have the manpower to do it, we have the Code Enforcement Officers, we have the Building Inspectors already. We have already been doing it and we're not belying the intent of the County Legislator.

**LEG. BISHOP:**

Perhaps then this is an issue more about the feelings of the town of being slighted by the rationale rather than having an objection to the ultimate purpose of the Local Law.

**MS. JUDD:**

I don't think --

**LEG. BISHOP:**

So, I mean, if the WHEREAS clauses were adjusted, the objection may go away, right?

**MS. JUDD:**

And in particular, I think what the Town of Southampton found slightly offensive was that it's alleged in your Legislative Intent that we have not been enforcing penalties against those who -- that's totally false, that's not correct.

**LEG. BISHOP:**

Okay.

**MS. JUDD:**

And I think that was probably one of the reasons why the Supervisor asked me to come here so we could have me advise you that we have been enforcing this and that he is proposing to introduce legislation for stiffer penalties than already is allowed by our Town Zoning Code.

**LEG. BISHOP:**

I understand.

**MS. JUDD:**

Right now our Town Zoning Code only allows for a maximum fine of \$2,500, so if there is an overclearing violation we would send them back to revegetate instead of fine. This law would allow us to set much higher penalties.

**P.O. POSTAL:**

You finished, Legislator Bishop? Okay, Legislator Caracciolo.

**LEG. CARACCIOLO:**

First let me thank you for a copy of the draft Town Board resolution. Also, let me make a similar request that I made earlier to Chris Nuzzi of the Town of Brookhaven to provide members of the Legislature with a list of the violations and violators and the sanctions that have been imposed since the enactment of the Pine Barrens Act of '94.

And to just pick up on the line of question Legislator Bishop raised, I don't ever recall a town being reluctant to come before the Legislature, particularly when it came to preserving the thousands of acres that have been preserved in the Pine Barrens region which is a regional resource. This is not a resource that belongs to any one of those three towns, it's a County and State resource and that's why, in fact, as this draft notes under purpose and findings, that it does have a five member commission including State and County representative. In fact, the overwhelming sum of public dollars, over 95% were County and State funded financial resources.

So again, I would just reiterate that the County very much has a role here. I would consider holding back on the County proposal if, in fact, the towns moved precipitously to enact these local town ordinances and also demonstrate by past actions that they have taken actions where actions were warranted. I would like to see the evidence, you know, because right now I'm a

little sceptical that that in fact is the record. But if that's the record, then I think we have an obligation to work with our partners in local government and give them an opportunity to enact their own ordinances and enforce them. And if they don't, then at a later date it would certainly be within our purview to pass our own legislation. So as I said earlier, I would move if the resolution came up today to table it and give the towns -- when do you think -- you mentioned Supervisor Heaney would be presenting this at a work session, I think you said on Friday.

**MS. JUDD:**

This Friday, correct.

**LEG. CARACCIOLO:**

Okay. How soon thereafter do you think this would be acted upon?

**MS. JUDD:**

If the Town Board agrees that they would like to schedule this for a public hearing, we'd have to allow -- we'd have to print it in the newspaper and it would have to be in the paper ten days before, I would say about three weeks before we can actually hold a public hearing at least in order to meet the notice requirements.

**LEG. CARACCIOLO:**

Are you aware -- do you have any knowledge if the Town of Riverhead, who apparently -- I don't know if -- is anyone here from the Town of Riverhead today? Do you have any knowledge that they may be also working on a similar draft resolution?

**MS. JUDD:**

Well, the three towns have enacted identical legislation, that's what we've been working on. So what you see that I have passed to you is what you're going to see from Brookhaven and from Riverhead. I don't know Riverhead's timetable, but I do know from speaking with Jean Compitello from the Brookhaven Town Attorney's office that Brookhaven plans to introduce theirs on this Friday as well.

**LEG. CARACCIOLO:**

Okay, I'll look forward to that. Thank you very much.

**MS. JUDD:**

Thank you.

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

Yeah, you mentioned that you were going to rely on Code Enforcement Officers to enforce this ordinance?

**MS. JUDD:**

And Building Inspectors, correct.

**LEG. GULDI:**

And Building Inspectors. Is Steve Frano still the only Code Enforcement Officer in the Town of Southampton?

**MS. JUDD:**

No, we have eight Code Enforcement Officers.

**LEG. GULDI:**

Eight Code Enforcement Officers and Building Inspectors?

**MS. JUDD:**

And eight Building Inspectors.

**LEG. GULDI:**

Okay. And the Fire Marshals aren't part of that group.

**MS. JUDD:**

No, the Fire Marshals are not part of that group.

**LEG. GULDI:**

Okay. I just was concerned when you said that.

**P.O. POSTAL:**

Legislator Cooper.

**LEG. COOPER:**

I took umbrage when one of the Town Supervisors questioned yesterday why I as a Huntington Legislator had such an interest in protecting the Pine Barrens.

**MS. JUDD:**

That wasn't my Supervisor.

**LEG. COOPER:**

I know, I didn't want to mention names. And employing or actually saying that it only had to do with money and that the County wanted to get their hands on the fines collected. And clearly, this is a County-wide resource and I think that every Legislator has a strong desire to attempt to protect our underground drinking water.

But I, likewise, meant no offence in drafting the legislation. And if there were some concerns raised by the wording of the Legislative Intent section, I apologize for that. And I will be taking another look at that and reword it and attempt to overcome whatever hurdles there may be in the towns and the County working together on this matter.

**MS. JUDD:**

Okay, thank you.

**P.O. POSTAL:**

Legislator Foley, you're next.

**LEG. FISHER:**

He's chomping at the bit

**P.O. POSTAL:**

I know he is, he's always chomping at the bit.

**LEG. FOLEY:**

Thank you for coming down today on this matter. The point that I would raise and to take back --

you know, many times the townships have asked us to be partners such as with land acquisitions, partners in land stewardship. So the way that some of us would look at this is that this is another partnering, this is a partnership in enforcement. There are things that we can do either on a complementary basis, we can do from the standpoint of maybe perhaps some redundancy. But because of the very importance of the Pine Barrens and because the County residents, not just the residents within the three townships in which the Pine Barrens are located, but extant throughout the County we have spent well over hundreds of millions of dollars in the Pine Barrens. That being said, there is a County-wide imperative here that is reflected with this legislation.

So as I said, just as the towns have readily agreed to other kinds of partnerships, I and some other colleagues review this as a natural continuation or extension of those other partnerships; in this case, a partnership of enforcement. Because even though you listed the number of code enforcement folks you have in your township, there are those in Brookhaven Town and Riverhead, but I think you would have to readily agree that their hands are already full with what they have to currently do. And if there's going to be let's say a stepped-up enforcement within the Pine Barrens, all the more reason there should be not only intertownship cooperation but also intergovernmental cooperation between the different levels of government.

So this does make a lot of sense. And again, it's the next step in what I would call the partnership of local governments in order to realize a public policy imperative which in this case is to make sure that our Pine Barrens are there not just for the immediate future but far into the future. So if there are things that the towns can do, that's fine. I have never known the towns in the past to not ask for help or support from the county when we can give it in other ways. I think this is, in fact, another way that we can work together in order to realize the same goals that both the towns have as well as the County has which is to ensure that inappropriate development, inappropriate behavior, if you will, does not occur within the Pine Barrens.

**MS. JUDD:**

I don't disagree with anything you've just said about the partnership. What I'm looking at in your Legislative Intent, none of that is in there.

**LEG. FOLEY:**

Okay, that's in the intent, but as -- you're an attorney, correct?

**MS. JUDD:**

I'm an attorney.

**LEG. FOLEY:**

As you know, the WHEREAS clauses are important because they do describe the intent, but where the rubber meets the road is in the RESOLVED clauses. And when you look at the RESOLVED clauses, I think there you'll see the fact that we are -- we believe that not to replace the towns, but in essence to augment, to supplement the town's work in this particular area of trying to prevent bad decisions from being made through the levying of penalties.

**MS. JUDD:**

And I don't disagree with the intent of the County Legislature. It's just that when you're reading this Local Law --

**LEG. FOLEY:**

Right.

**MS. JUDD:**

-- it's not in the intent language. What it does say is that we haven't been enforcing --

**LEG. FOLEY:**

Okay. Then let me ask -- I know that the sponsor -- just one follow-up question. If that, let's say, offending language is taken out, and since it appears that that is the primary reason for your presence here today, does that mean that once that language is taken out that the town would be supportive of the resolution?

**MS. JUDD:**

I can't speak on behalf of Supervisor Heaney, he would have to speak to that himself.

**LEG. FOLEY:**

Okay. Because let the record reflect that the primary concern here as expressed by the towns the way that I hear it is in the intent language, in the WHEREAS clauses, not in what I call the RESOLVED clauses which gets to the real meat of the issue which is the County exercising our ability and our option of insuring the protection of the Pine Barrens.

**P.O. POSTAL:**

Thank you.

**LEG. GULDI:**

Hold on.

**P.O. POSTAL:**

Oops, sorry. Legislator Guldi.

**LEG. GULDI:**

Yeah, I just want to clarify one thing and --

**MS. JUDD:**

I almost made it out.

**LEG. GULDI:**

Not quite. I want to clarify one thing and you may well be familiar with it and to send it back to Supervisor Heaney, and I'm sure you'll enjoy conveying it to him.

**MS. JUDD:**

Actually, I think he will be here shortly on a different Local Law hearing on the Empire.

**LEG. FOLEY:**

He wants us to help him.

**LEG. GULDI:**

Good. The question -- the point -- we have kind of a tradition here; whenever we have a problem with language, either in any of our draft statutes or ordinances, we have a Counsel to the Legislature and his purpose here is so we have someone to blame for that, and it's -- I'm sure it's a process that you might have some familiarity with.

**MS. JUDD:**

Yeah, I do know what you're talking about.

**LEG. GULDI:**

And you can explain to him that it's the attorney's fault and nobody meant to offend him.

**MS. JUDD:**

Okay. I think also what Mr. Nuzzi said when he approached you earlier was that we'd like to be given the opportunity to enact this legislation. I think if at the point you feel that the towns, the three towns have not been sufficiently enforcing clearing restrictions in the Pine Barrens Overlay District, then that would be, as Mr. Caracciolo had said before, the time to revisit this matter.

**P.O. POSTAL:**

Thank you.

**LEG. FOLEY:**

Thank you.

**MS. JUDD:**

Thank you. This is my first time speaking before you, so I thank you.

**LEG. COOPER:**

You did great.

**P.O. POSTAL:**

Well, thank you very much. I have no more cards on this public hearing. Is there anyone else who would like to address the Legislature on this matter? Seeing no one, Legislator --

**LEG. COOPER:**

Motion to close.

**LEG. CRECCA:**

Can we get -- do we even have a quorum yet?

**P.O. POSTAL:**

We don't need a quorum for a public hearing, unfortunately.

**LEG. FOLEY:**

Second the motion.

**LEG. CRECCA:**

I'm going to make a motion to recess.

**LEG. FOLEY:**

Motion to close.

**P.O. POSTAL:**

No, I won't accept that. Motion to close by Legislator cooper --

**LEG. CRECCA:**

Excuse me. Did you just say no, you won't accept my motion?

**P.O. POSTAL:**

I won't accept your motion. We don't need a quorum. If you would like to see if you can get other Legislators to come in --

**LEG. CRECCA:**

No, not a motion to recess the meeting.

**P.O. POSTAL:**

To recess --

**LEG. CRECCA:**

The public hearing.

**P.O. POSTAL:**

Oh, the public -- I'm sorry, I thought you meant --

**LEG. CRECCA:**

I'm sorry. I was wondering why, I was like you can't just not accept a motion. But I'm sorry for that.

**P.O. POSTAL:**

No, no, I would never.

**LEG. CRECCA:**

I understand the confusion.

**LEG. CRECCA:**

And as a matter of fact, I thought that Legislator Cooper, since he's the sponsor of this bill, were discussing his wish.

**LEG. CRECCA:**

I got you. Sorry about that.

**P.O. POSTAL:**

But okay. Legislator Cooper, was it also your wish to recess the hearing?

**LEG. COOPER:**

My wish was to close. Legislator Crecca, what is your motive for recessing?

**LEG. CRECCA:**

I just think that we've had at least two of the three towns that are involved here bring up issues that I think have a significant relevance to the matter. I think this is something that -- and I indicated this to you earlier -- that we really need to work out with the towns and I think that by leaving the public hearing open, the only time we can really ask questions on public record are at the public hearing.

**LEG. COOPER:**

That's fine, I'll second the motion to recess.

**P.O. POSTAL:**

Okay. So there's a motion and a second to recess. All in favor? **Public Hearing 1074 is recessed.** And I apologize, Legislator Crecca, I just wanted to see if you were awake and alert.

**LEG. CRECCA:**

You're all looking at me going no, no, and I'm like, I just want to recess the hearing.

**P.O. POSTAL:**

Oh, you mean there were other people who misunderstood you, too?

**LEG. GULDI:**

You can only treat Legislator Bishop like that.

**P.O. POSTAL:**

Okay. The next ***Public Hearing is Regarding Introductory Resolution No. 1078-03 - A charter Law to establish a fully independent County Department of Real Estate.*** And I have no cards on this. Is there anyone who would like to address the Legislature on this hearing? Seeing no one, Legislator Binder?

**LEG. BINDER:**

Motion to close.

**P.O. POSTAL:**

Motion to close, Legislator Binder, seconded by Legislator Bishop. All in favor? Opposed? ***1078 is closed.***

***Public hearing Regarding Introductory Resolution No. 1079-03 - Adopting a Charter Law in connection with subpoena power.*** I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this matter? Seeing no one, Legislator Guldi?

**LEG. GULDI:**

Motion to close.

**LEG. FISHER:**

Second.

**P.O. POSTAL:**

Motion to close, seconded by Legislator Fisher. All in favor? Opposed? ***1079 is closed.***

**Public Hearing Regarding Introductory Resolution No. 1080-03 - A Local Law to amend the process for the seizure and distribution of forfeited assets used in connection with or constituting the proceeds of a crime.** I have no cards on this public hearing. Is there anyone who would --

**LEG. TOWLE:**

I want to recess the hearing, not close.

**P.O. POSTAL:**

Okay, motion to recess the hearing, seconded by Legislator Crecca because he likes to recess. All in favor? Any opposed? **1080 is recessed.**

**Public Hearing Regarding 1081-03 - a Local Law authorizing designation of Empire Zone.** I have no cards on this public hearing.

**LEG. CARACCIOLO:**

Motion to recess.

**P.O. POSTAL:**

Motion to recess by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? **Public hearing on 1081 is recessed.**

**Public Hearing Regarding Introductory Resolution No. 1082-03 - a Local Law amending the designation of an Empire Zone.** I have a speaker on this hearing, Lauren Van Kirk.

**MS. VAN KIRK:**

Hello, I'm Lauren Van Kirk, 376 33rd street, Lindenhurst, New York, representing the Town of Babylon. I'm asking for your support for the Empire Zone for the area of Wyandanch. As you know, Wyandanch was ranked one of the worst distressed in the -- regarding the 2000 Census and the Town of Babylon Supervisor Balone is totally in support of this Empire Zone and we ask for your support. Thanks.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you. I have no other cards on this public hearing. Is there anyone else -- yes, please come up and give your name.

**MR. STEWART:**

Good afternoon, {Dilana Stewart}. I live at 133 Commonwealth Drive in Wyandanch. It is my understanding that the intent of this legislation, very beneficial legislation, is to provide an opportunity for communities that are economically distressed or underdeveloped to pull themselves up by the proverbial bootstrap; we think that there is wide recognition that we qualify in the first with the economic distress and the underdevelopment. I still can't buy a greeting card in my community, I can't buy shoes, I can't buy shirts. If I do buy them, I can't take them to the cleaners, none of these facilities and others exist in the Wyandanch community. They will not exist unless there is an effort to provide the means through which we can, quote, pull ourselves up by the bootstrap.

We have been encouraged by the Supervisor Balone's attempt to get the designation for the Empire Zone for our community and we believe that we qualify under the bootstrap concept also. Myself and several others in the community are working on plans to bring some of those facilities to the neighborhood, some shopping, some spaces that would qualify for shopping; the spaces that we have are dilapidated and inadequate. We hope to build some new spaces that would attract the kind of shopping and services and goods that are essential to community life there.

I believe that you understand the need for these services and facilities in the community, you understand the need for creating jobs in a community, you understand the need for the larger benefits to our total community of economic development and productivity in each of our constituent communities. I feel certain that you would want to provide this opportunity for us to use our bootstraps and I am simply here to thank you in advance for your kind consideration. Thank you.

**P.O. POSTAL:**

Thank you. I have no additional cards for this public hearing. Is there anyone else who would like to address the Legislature on 1082? Hearing no one, I'll make a motion to close the public

hearing.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Foley.

**LEG. GULDI:**

Hold on.

**P.O. POSTAL:**

All in favor? Opposed? ***1082 is closed.***

***Public Hearing Regarding Introductory Resolution No. 1094-03 - A Charter Law in connection with reduction of number of County Legislative Districts to 11.*** And the first speaker is Joseph Werner.

**MR. WERNER:**

Actually I have little to say except that as many of you know, I have been coming before you for more than ten years and I would like to congratulate Legislator Caracciolo that he really represents the people and I've seen him fight for the people. Now, there may be little chance of this going -- being passed, but I know he has done his homework and I want to congratulate him and all he's done.

**P.O. POSTAL:**

Thank you.

**LEG. CARACCIOLO:**

Madam Chair?

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Mr. Werner, I don't really have a question for you but I thank you for those kind remarks. I can

only tell you that momentum for this initiative is gaining every day, we have a new sponsor, Legislator Towle and that makes three, I know there are several other Legislators that have expressed some interest in this matter. And ultimately, I would hope my colleagues would give you and I and every resident of Suffolk County the opportunity to put this on the ballot and let the voters decide whether they want more government, the same amount of government or something slightly less.

And as most of my colleagues who I have had this conversation with are aware, I am preparing, along with Legislators Tonna, Towle and others, to go to the residents of this County through our newly adopted '99, 1999 revision in the County charter to initiate initiative and referendum to place this on the ballot if we're unsuccessful at the horseshoe; hopefully that won't be necessary. But this is a law that if it's approved by the Legislature or by the electorate would not take effect until 2005 in which time, coincidentally, seven of the existing members of the Legislature would be term limited out of office. So I think it makes sense for a lot of reasons and the cost per district is 600,000; I heard several other people, previous speakers speak to the \$300,000 figure, that's incorrect. It's a minimum of \$600,000 per Legislative District and a minimal savings of \$4.2 million. So I appreciate, again, your kind remarks. And thank you, Madam Chair, for giving me that opportunity.

**P.O. POSTAL:**

I have no more cards on this public hearing. Is there anyone else who would like to address the Legislature on this matter? Hearing no one, Legislator Caracciolo, what's your pleasure?

**LEG. CARACCIOLO:**

I'm going to recess.

**P.O. POSTAL:**

Oh, I'm sorry. I can't -- is there someone? I can't see. If there's someone else, please come up to the podium, give your name.

**MR. { DI FELIO } :**

My name is Leonard {Di Felio}. Good afternoon, everyone. I think Suffolk County is on the cutting edge of a civil rights issue. I've been working with the Puerto Rican Defense League, I have seen their maps. I think with a new 18th District we're going to have better representation for minorities, and what's that going to do is make government better. There's been too much

gerrymandering, people being cut out of their rights, lines being drawn. So I'm hoping that I'm going to be at the forefront on the cutting edge to getting rights for minorities because the lines drawn by the Puerto Rican Defense League are fair, they're equitable and they think -- I think they turn -- they're going to put the clock forward as far as bringing government closer to the people, and that's what democracy is all about. We have preamble articles and amendments and changes and I think it's time for change. So I want to go on record. I don't think it's a matter of money, I think it's a matter of civil rights. And people long being denied for three decades for political purpose, being deprived of political equality.

So I want to thank Vivian Vilora Fisher for introducing legislation for a majority district which is just by chance Puerto Rican and African-American. But I think it's timely and I'm going to be working hard within my community to see that the rights, especially of African-Americans, are forwarded and they have an equal voice in government. Thank you for your time.

**LEG. FISHER:**

Thank you.

**P.O. POSTAL:**

Mr. {DiFelio}, there's a question. Legislator Crecca?

**LEG. CRECCA:**

My understanding of -- I guess you're speaking in favor of creating the 19th Legislative District?

**MR. {DI FELIO}:**

That's correct, sir.

**LEG. CRECCA:**

Okay. There is no map with the 19th -- is that correct?

**LEG. FISHER:**

No, there is no map.

**LEG. CRECCA:**

So it doesn't necessarily create a minority district, that's just number one. And I guess the other question is would you support maintaining the 18 Legislative Districts? Because the map

that you're talking about, I believe I have seen the map and that map was drawn based on 18 Legislative Districts.

**MR. { DI FELIO } :**

Well, I would support that because, you know, it meets the demographics and the population about 75 grand so, you know, the lines

were drawn very well, they were fair. And I think it's going to be a role model for integrated politics because it's a diverse community.

**LEG. CRECCA:**

But that's based on the 18 Legislative Districts.

**MR. { DI FELIO } :**

That's based on the 18, that's correct.

**LEG. CRECCA:**

Okay. So is it -- in other words, your position is as long as we create a minority district, it doesn't matter whether we have 18 or 19, or are you expressing a preference?

**LEG. CARACCILO:**

Or 11.

**MR. { DI FELIO } :**

That's partially correct, you're right. As long as we draw a map that's going to bring people close to their government, which I think the 18th does, I wouldn't care whether it's 18 or 19 --

**LEG. CRECCA:**

Okay.

**MR. { DI FELIO } :**

-- as long as we bring some type of, you know, redress for equality. Any other questions?

**P.O. POSTAL:**

Yes, legislator Alden has a question.

**LEG. ALDEN:**

Hi. Thanks a lot for coming down.

**MR. { DI FELIO } :**

Thank you very much. My pleasure.

**LEG. ALDEN:**

Since this hearing, though, is on Legislator Caracciolo's legislation that would create 11 districts and it's my understanding from reading it that he would --

**MR. { DI FELIO } :**

Seventeen, wasn't it 17?

**LEG. ALDEN:**

No, his is 11.

**LEG. CRECCA:**

No, his is 11.

**MR. { DI FELIO } :**

Eleven, oh.

**LEG. ALDEN:**

So I want to just understand your position because Legislator Caracciolo's redistricting plan would actually follow the New York State Assembly Districts, and as you are well aware of, last year they did create a minority district in the Brentwood/Bay Shore/CI area. So would you be in support of his legislation if it created that same type of districting?

**MR. { DI FELIO } :**

As long as we get -- the central lines for Bay Shore and Brentwood have about 75,000 people and they have been gerrymandered for so long -- okay, they have been gerrymandered for so long. If we can draw a district, give those communities of common interest representation, that's

what I'm for, that's the issue I'm raising here.

**LEG. ALDEN:**

Okay. Well, this --

**MR. { DI FELIO } :**

I hope I'm clear on that.

**LEG. ALDEN:**

He follows --

**MR. { DI FELIO } :**

I'm trying to be fair. I want a district where people can have political empowerment to get a step closer to government so our representatives can better represent our needs. It's not based on, you know, taking away anybody's power but giving people a chance that they didn't have before, okay? I hope I'm clear; am I clear about this?

**LEG. ALDEN:**

Well, I have to ask you just one more clarifying question. Legislator Caracciolo follows the Assembly Districts and the newly created Assembly districts did carve out the Brentwood/Bay Shore/Central Islip area as an Assembly District onto itself. So in that regard, do you favor that or don't favorite it or --

**MR. { DI FELIO } :**

If that matches up to Puerto Rican Defense League, you know, that matches, you know, toe to toe, well, I would think that would be fair.

**LEG. ALDEN:**

All right, thanks.

**MR. { DI FELIO } :**

Any more questions?

**P.O. POSTAL:**

Legislator Fields.

**LEG. FIELDS:**

Hi, Leonard.

**MR. { DI FELIO } :**

Hi, Ginny. Oh, by the way, I want to compliment Ginny Fields for doing a fine job with the minority community, okay? It's all about -- not personal, it's all about bringing government closer and you've done a wonderful job. She gave over a thousand dollars to NAACP youth groups so, I mean, shes' done a nice job. It's a pleasure having you, Ginny

**LEG. FIELDS:**

Thank you; I wasn't looking for a compliment but I will be happy to accept one.

**MR. { DI FELIO } :**

You earned it.

**LEG. FIELDS:**

Thank you. I just wondered what you would think about this district if it cut Central Islip in half.

**MR. { DI FELIO } :**

I wouldn't be in favor of that because the Puerto Rican and African-American community do have common interests. It's not ethnic and racial but it's definitely, you know, with education, there's other variables, so we have a definite community of interest with Brentwood. So no offense to you, I would be in favor of us being included with Brentwood/Bay Shore and -- we don't want to be a part of that team, yes, because of our common interests.

**LEG. FIELDS:**

Except that that plan does cut Central Islip in half.

**LEG. FOLEY:**

He has to take a look at it.

**MR. { DI FELIO } :**

You mean the plan as proposed by the Puerto Rican Defense League.

**LEG. FIELDS:**

Right.

**MR. { DI FELIO } :**

I think that includes Central Islip.

**LEG. FIELDS:**

It cuts it. I just want you to be aware that when you look at any plans, be aware of whether or not it is cutting your community in half or not.

**MR. { DI FELIO } :**

Okay. Well, I'm going to look, but we would like to be included, that's my answer.

**P.O. POSTAL:**

Legislator Fisher?

**LEG. FISHER:**

Hi.

**MR. { DI FELIO } :**

How are you?

**LEG. FISHER:**

Thanks for coming down.

**MR. { DI FELIO } :**

My pleasure.

**LEG. FISHER:**

You mentioned in your remarks that one of the things that you're looking for is greater representation and empowerment of the people to feel closer to their government.

**MR. { DI FELIO } :**

Yes.

**LEG. FISHER:**

Do you think that would be better accomplished by having -- with 11 districts I assume it's about, what, 90,000 more, over a hundred; Legislator Caracciolo, how many?

**LEG. CARACCIOLO:**

A hundred and thirty thousand.

**LEG. FISHER:**

A hundred and thirty thousand. Do you think there would be better representation with 130,000 people to one Legislator or with the 19 districts so that would be about 75?

**MR. { DI FELIO } :**

Good question. I think the 75,000 probably would bring you closer to government.

**LEG. FISHER:**

And that's what we look for in Suffolk County which is to have very close representative government with the people.

**MR. { DI FELIO } :**

Yes, I would go for the 75,000.

**LEG. FISHER:**

Okay, that's 19 districts.

**MR. { DI FELIO } :**

Yes, thank you.

**LEG. CARACCIOLO:**

Madam Chair?

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

The lead-in question that was just raised I have to respond to because

I would hope that Legislator Fisher would support giving all the people of Suffolk County an opportunity to answer that question.

**P.O. POSTAL:**

You know, I'm afraid we're going to get involved in a dialogue here rather than testimony from the public.

**LEG. FISHER:**

Absolutely, we want to hear from the public.

**P.O. POSTAL:**

So thank you, Mr. {Di Filio}.

**MR. {DI FELIO}:**

It's my pleasure. Thank you very much.

**P.O. POSTAL:**

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

**LEG. BISHOP:**

On this hearing, I want to ask a question of Counsel, if I may.

**P.O. POSTAL:**

Paul?

**LEG. BISHOP:**

In your review of lawsuits involving redistricting where there is a newly emerging minority population sufficient to create a district or to support, enough population to support a district in an existing Legislative structure; has there not been cases where Legislatures have then passed laws that have reduced the number of districts thereby enlarging the population and reducing the minority voting impact and haven't those been struck down as illegal?

**MR. SABATINO:**

Yes, you have to be careful. If the effect is to preclude what otherwise would occur under normal circumstances which would be the creation of a majority/minority district, that could have the effect of leading to a successful challenge. So you have to be extremely careful --

**LEG. BISHOP:**

Counsel, I thank you for that answer. I don't think one of the sponsors was listening and I hope that they absorbed the point that you just made, that this attempt -- you could phrase it in terms of letting all the people decide, but it's going to be struck down as illegal and it's going to waste a lot of time and resources on something that is blatantly illegal.

**LEG. TONNA:**

Illegal to advocate for 11 Legislative Districts?

**P.O. POSTAL:**

Legislator Tonna. Legislator Tonna.

**LEG. BISHOP:**

Yes.

**P.O. POSTAL:**

Legislator Alden and then Legislator Tonna.

**LEG. TONNA:**

Okay.

**LEG. ALDEN:**

I just would direct this question to Legislative Counsel then. The Assembly of New York State, that's an illegal district that they created then?

**LEG. FISHER:**

No.

**LEG. ALDEN:**

That minority district?

**LEG. FISHER:**

No.

**MR. SABATINO:**

Nom. What I had -- first of all, I didn't say it was automatically going to be stricken. What I was saying was that you have to be cautious. I had mentioned this in the Rule 28 Memorandum of Explanation which is that the Assembly District was created in the context of 151 or 152, whatever it is, State Assembly seats, so their total pie that has to be looked at in terms of impact is different from Suffolk County's. If the effect in Suffolk County is to create a situation in which the majority/minority district that would virtually automatically evolve from the current configuration of the demographics in Suffolk County, you know, cannot materialize under the Assembly District because you then perhaps lose the African-American district which is in another portion of the County, you could have -- which under U.S. Supreme Court cases is not the intent but the effect of diluting that vote by eliminating one of those two districts result in a successful challenge.

**LEG. ALDEN:**

Well, isn't increasing then, that's a {dillutive} effect also because you'd only have 1-19th rather than 1-11th, so you would have a minority district that was one-eleventh as far as a County government. When you create a new district, now they're only 1-19th, so they would actually have less of a voice than they would have if you reduced the number of districts. So there's an argument on that side also.

**MR. SABATINO:**

You have to be careful. I mean, that's why I -- I don't have a final answer. I mean, I didn't say it's an automatic result but I'm not sure how it's going to work because if you are going from a district which is 78,000 right now under the proposed -- under the current demographics to 129,000 under the proposal and you wind up with the one Assembly District, I think that you've had an adverse impact in

the Amityville/Copiague/Babylon area with regard to the other minority districts.

**P.O. POSTAL:**

Did someone else want the floor? I would just -- are you finished?

**LEG. ALDEN:**

I'm sorry, yes.

**P.O. POSTAL:**

I would just in terms of that ask if we were -- and I don't know if our Counsel can answer that. District 15 has been referred to as a minority district for the past ten years. If we were to change the number of districts and go to, for example, either 11 districts or 19 districts, what would happen to -- and I'm not asking you to be absolutely specific, but what would happen to the 15th Legislative District in terms of being the first district in the County that was a district with a majority of people of color?

**MR. SABATINO:**

Well, under the 11 district scenario, that was the concern that I had raised. I'm trying to get an actual copy of the map with the demographics because I want to see how it will play itself out when you limit it to Suffolk County. There would clearly be a concern in the 11 district scenario. In the 19 district scenario, it would seem to me that there wouldn't be an adverse impact unless there was some attempt to move away from contiguity of Legislative Districts from a geographic standpoint. So 19 Legislative Districts, I don't think there would be a problem; 11 is an open question in my mind.

**P.O. POSTAL:**

Well, just to follow-up on that. The two districts which have the primary concentration of people of color or the areas are North Amityville and Wyandanch which are not only not contiguous but one is at the extreme western side of the 15th Legislative District and the other is at the extreme eastern side of the 15th Legislative District. So in order to get from North Amityville to Wyandanch, there's an a necessity to include a large population in the middle of people who are not people of color, and that's my concern.

**MR. SABATINO:**

Yeah, and that's why I clearly believe it's problematical in the 11 district scenario.

**P.O. POSTAL:**

Legislator Fisher?

**LEG. FISHER:**

Mr. Sabatino, I have a question with regards to the general population. I have read anecdotally that there have been issues raised when representation has been changed in the manner that we would change our representation by going from 18 districts to 11 districts which would mean much greater -- a much greater ratio of the constituents to the representative. Do you have any opinion on that, going from much smaller ratio to a greater ratio like that?

**MR. SABATINO:**

In and of itself in a vacuum, there would be no legal consequence. The only reason that you have to look at it is because of the collateral issues of what it may or may not do to minority groups that live in areas where you can otherwise create what's known now as a majority/minority district. So from an absolute standpoint in a vacuum with none of the other considerations, going from 18 to 17 or 15 or 11 or whatever number would and should not create a legal problem, it's only because there are these other implications of minority communities that with the demographic shift are now in concentrated, contiguous areas that you have to be alert and aware and sensitive to what you're doing.

**LEG. FISHER:**

Thank you.

**LEG. CARACCIOLO:**

Maxine?

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Counsel, with respect to the three resolutions, and we have one more that's coming up for a public hearing next, what are the time lines that the Legislature has to be concerned about and what is the status of this year's reapportionment plan?

**MR. SABATINO:**

Okay, two of the three proposals that are before you look for an April 29th special election on the referendum, that's the bill dealing with the 19 Legislative Districts and the 11. In order to make that happen, it's going to require either a lot of cooperation from everybody who's involved in the process or accelerating the normal course of events. Because if you wait until

March 11th to have the vote on those two bills, the County Executive has 30 days to either approve or veto the legislation which would take you out to approximately April 12th. There has to be a legal publication by the Board of Elections for at least two consecutive weeks proceeding April 29th, so things have a way of going wrong in government, people forget to do notices, people forget to do paperwork, it's really tight. If you go to March 11th and you're assuming that everybody does his or her job in perfect symmetry.

On the other hand, if the County Executive for example didn't take the full 30 days, you'd have less to be concerned about. So it's physically doable but everybody has to have a heightened sensitivity to his or her role in doing what has to be done with the legislation. An alternative would be to have a special meeting at an earlier date to insure that, that the bill would make the referendum for the 29th.

The third bill, which is the bill that deals with the 17 districts, would be taking -- would take effect at the General Election in November of this year.

With regard to where we are with reapportionment, at this juncture there is no plan that's been adopted. Something has to be done relative shortly, I would say preferably by May to have something in place so that you could have candidates running on the new district lines for 2003.

**LEG. CARACCIOLO:**

Okay. Now, with respect to the April 29th date, why is that date finite in terms of --

**MR. SABATINO:**

Well, each of the two bills pick that date but based on a rational thought process which is that if -- if you are going to have the options put before the voters and still want to be in a position to have candidates selected based on that new configuration, if you wait beyond May 1st you're not going to have enough time to then do the mechanical part of adopting a reapportionment plan with a configuration of districts, have that Local Law, that set a public hearings, those notices all in place in time for the respective party conventions to then pick candidates. So if you go beyond April 29th on a special election, I don't -- well, nothing is impossible, I mean, you get into court and they push all these deadlines back. But if you look at the deadlines that you're currently dealing with, it would be physically impossible to get candidates in place in a timely fashion.

**LEG. CARACCIOLO:**

Then, Madam Chair, I would submit in the Legislature's deliberation of these resolutions, the first and foremost question should be are we going to adopt reapportionment in a timely fashion, that's an 18 district plan. Can we justify to the voters of this County with some reasonable rationale that we should put a special -- we should have a special election at a cost of \$1 million -

**P.O. POSTAL:**

Legislator Caracciolo --

**LEG. CARACCIOLO:**

Yeah?

**P.O. POSTAL:**

Could I suggest that the first issue is to go through our public hearings --

**LEG. CARACCIOLO:**

Okay.

**P.O. POSTAL:**

-- close the public hearings, allow these issues to be discussed in committee.

**LEG. CARACCIOLO:**

Evolve?

**P.O. POSTAL:**

Yeah. So the first issue is a resolution with regard to Public Hearing on 1094, and what is your pleasure?

**LEG. CARACCIOLO:**

Close.

**P.O. POSTAL:**

Motion to close 1094, Legislator Caracciolo. Seconded by myself. All in favor? Opposed? **1094**

***is closed.***

**LEG. GULDI:**

Madam Chair?

**P.O. POSTAL:**

Legislator Guldi?

**LEG. GULDI:**

Yeah, Supervisor Heaney has driven from Southampton to address the Legislature with respect to Public Hearing No. 1082 which we closed. So I will make a motion to reopen that hearing to permit him to speak on the issue.

**LEG. TOWLE:**

Second.

**P.O. POSTAL:**

Okay. All in favor? 1082 is reopened. Supervisor Heaney?

**LEG. BISHOP:**

Which one?

**LEG. GULDI:**

this is the Empire zone hearing. The other issue, I don't know if the Supervisor wants to speak.

**LEG. FOLEY:**

We were trying to have this hearing in Riverhead, we just couldn't.

**SUPERVISOR HEANEY:**

Nothing would have delighted me more.

**P.O. POSTAL:**

Go right ahead.

**SUPERVISOR HEANEY:**

Good afternoon --

**P.O. POSTAL:**

Good afternoon, Supervisor.

**SUPERVISOR HEANEY:**

-- Legislator Postal. How are you?

**P.O. POSTAL:**

Very well.

**SUPERVISOR HEANEY:**

There must be something good in the air today because we had public

session and we conducted 15 public hearings and somehow got it done in two hours; we normally would be leaving tonight at about eleven.

**P.O. POSTAL:**

Wow.

**SUPERVISOR HEANEY:**

So I thought I would be arriving here in time to wait for an hour, I commend you for the work that's being done here today.

**P.O. POSTAL:**

Well, thank you.

**SUPERVISOR HEANEY:**

With regard to the proposal to extend the boundaries of the Suffolk County Empire Zone, I just need to speak strongly in favor of landing some of those credits on a proposed site in the hamlet of Riverside in the Town of Southampton.

People get certain impressions about the Town of Southampton as every street is Gin Lane and every street is a McMansion and, in fact, nothing could be further from the true -- truth. I know that one of the other communities that's intended to benefit from this proposal is the area of

Wyandanch and I would suggest to you that while Wyandanch and Riverside, when compared, differ in magnitude in terms of area, the problems, the social problems that exist do not vary very much at all. I have some statistics that I would just like understood by the members of the Legislature so you get kind of an idea about what Riverside looks like. It's one of three communities in the northwestern part of the Town of Southampton, Flanders, Riverside and the Northampton area, there's a total of about 7,800 people who live in this area. The Riverside community consists of about 3,100 people. Since the last census was taken the population has actually grown in that community by 139%. I would point out that the average income in that community is just a slight bit over \$28,000 a year which by today's standards is extremely low.

I would point out that in the three communities, more than 50% of the properties are declared blighted. We are presently -- or currently I should say -- in the midst of concluding -- I'm going to shut them down in a minute, too, don't worry, I see your eyes going over there; I have to deal with that issue myself. We're in the middle of conducting a hamlet study for the Riverside/Flanders/Northampton area that is looking at a host of issues that affect that community. This is a community that's been crying out for some attention for probably better than 20 years. We have at the Town Board in Southampton committed to doing revitalization strategies within the community in order to address their needs intention. The intention of the hamlet study that is under way is to take a close look at what the problems are and to engage directly the community with our consultants and with our planners to allow the community to decide how it wants to see the community look in years to come.

**[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]**

**SUPERVISOR HEANEY:**

One of the things that we have proposed was the acquisition of properties in order to aggregate enough property to attract the State Police Barracks into the community. We've accomplished that. The State Police Authority have negotiated successfully with a developer, and we know that building a new State Police Barracks will provide a public safety anchor in a community that probably has one of the highest crime rates that can be found on Long Island.

We have in our comprehensive plan update, which was a master plan that was updated in 1999, designated 20 acres along the Peconic River for a maritime development proposal. We now have a developer who stepped up to the plate and said that she would be willing to invest as much as 20 million dollars in order to construct a regional hotel accommodation with a marina

on site.

We believe strongly that if we're to address issues of blight in that community, we need to attract important capital reinvestment, someone who would step up to the plate and provide a \$20 million shot in the arm for a community that has one of the lowest per capita incomes, has more than 50% of its properties blighted, will serve to attract other development interests that come into the community. And so I'm here today to just lend my strongest possible support to the proposal that's before the County Legislature on this issue.

**P.O. POSTAL:**

Thank you, Mr. Supervisor. There's a question from Legislator Bishop.

**SUPERVISOR HEANEY:**

Yes, sir.

**LEG. BISHOP:**

Yes. First of all, welcome. Thank you for coming out this afternoon. I want to congratulate you on the attention that you want to pay to Riverside and of your overall effort in that area. I, however, have a serious concern, which I'd like you to address, and perhaps you can.

I'm sure in the course of your career in Town government, you've heard the public decry spot zoning, saying that the granting of a privilege to build outside the generally accepted zoning is something that shouldn't be done on a piecemeal basis, and it's unfair and there's an equity issue. This is the granting of government benefits on a piecemeal basis in that it's not Riverside that's being conferred the benefit, but a particular parcel; correct? Or a group of parcels, or a particular development application. And I'm concerned about how that developed and what kind of precedent that sets, and perhaps you can address that.

**SUPERVISOR HEANEY:**

I'm very happy to do that. In 1999, the Town adopted a comprehensive plan that was five years in the making, and looked very closely at the existing zoning that existed in the Riverside area of the Town of Southampton. At that same time, we had ratified the Central Pine Barrens Preserve Act, which required us to establish receiving areas in order to shift industrial development rights out of the Central Pine Barrens core and land them on other sites in an effort to redirect development from a natural resource area that we wanted to protect. There's nothing wrong

with balancing the needs of preservation with the needs of sound development, in this case, revitalization in a community that cries out for revitalization.

I wouldn't consider it spot zoning. It comes under the category of incentive zoning, and incentive zoning is provided for in New York State Town Law. So what we have done in the Town of Southampton is to adopt an entire section of our zoning called -- code called the Planned Development District. We have about five different categories and each is intended to satisfy the needs to shift development rights either under a Smart Growth Program or under an Agricultural Overlay District Program, or a Drinking Water Protection Program, or, in fact, the Central Pine Barrens Preserve Act. We were required as a condition of the Preserve Act to establish receiving areas. The only way you can do that is through a float zone or predetermined receiving areas. So this is a mechanism that's provided for in State Law.

**LEG. BISHOP:**

With specific attention to this application, how did it come to be -- how does it come to receive the benefits of the empire zone?

**SUPERVISOR HEANEY:**

How does it come to receive?

**LEG. BISHOP:**

Yeah. In other words, which came first? Did Riverside get an empire zone designation, or did an application come through to the Town, and then, on top of the application, was laid the benefits of an empire zone?

**SUPERVISOR HEANEY:**

Neither. What came first was a five-year planning effort that looked comprehensively at the existing zoning and development patterns in this area of the community, as well as every -- virtually every other hamlet in the Town of Southampton. The recommendation for this area made by planners was that we try to promote a maritime development proposal on the site, take -- in order to take advantage of the obvious resource that existed along the Peconic River. This was an opportunity for us to take a portion of the Peconic Riverfront, which has been treated as a back door, and turn it into a front door into the community.

Based on those very general planning observations that resulted in recommendations being put

forth in the Town's comprehensive plan, somewhere along the line, several developers take a look at those recommendations and, in this instance, a woman by the name of DeDe Gotthelf, who has -- had a previous experience doing a subdivision, commercial subdivision in the Town of Southampton, saw an opportunity to explore whether or not it was feasible to develop a maritime theme along that -- at that site. She deemed that it was feasible, and has been working with Suffolk County Health Department to deal with sanitary flow calculation issues that are -- I suppose present somewhat of a hurdle. She was compelled to deal with the need of the State of New York DOT to condemn a portion of the property in order to establish, of all things, a sump in the middle of what was proposed to be a hotel, and that complicated her efforts. She's been moving forward, although, at this time, I will tell you, there is no change of zone application before the Southampton Town Board. The Board, which is a bipartisan board, stands firmly united behind a change of zone that would permit this kind of development, because we think it is so essential to this community.

**LEG. BISHOP:**

Does the zone go to the land or the application?

**SUPERVISOR HEANEY:**

It goes to the land.

**LEG. BISHOP:**

Okay.

**SUPERVISOR HEANEY:**

It's a local law.

**LEG. BISHOP:**

So whatever goes there, whether her --

**SUPERVISOR HEANEY:**

A change of zone, Legislator Bishop, is a local law. It goes to the specific site.

**LEG. BISHOP:**

No. The empire zone, this designation, these credits.

**SUPERVISOR HEANEY:**

Yes, sir.

**LEG. BISHOP:**

They go to the Southampton Town or they go to this particular --

**SUPERVISOR HEANEY:**

No. They would go -- they will land -- actually, as I understand it at this point, they, because there are so few of them available to be distributed --

**LEG. BISHOP:**

Right.

**SUPERVISOR HEANEY:**

-- between two communities, I think I've heard correctly that they are the first and second most blighted communities in Suffolk County.

**LEG. BISHOP:**

Yes, that's true.

**SUPERVISOR HEANEY:**

It would land on the six-acre footprint of the proposed building itself.

**LEG. BISHOP:**

So, if the building goes away, the zone stays, so whatever comes after that would receive the credits, if this marine hotel doesn't come to pass.

**SUPERVISOR HEANEY:**

It would be available for whatever proposal could make use of these advantages on six acres of footprint. If not this proposal, I would say some other proposal.

**LEG. BISHOP:**

But it would go with the land.

**SUPERVISOR HEANEY:**

It will go with the land.

**LEG. BISHOP:**

That's good.

**SUPERVISOR HEANEY:**

Yes. It goes to the --

**LEG. BISHOP:**

That helps me to get to where you want me to be.

**SUPERVISOR HEANEY:**

Sir, I wouldn't be here talking about the needs of Riverside if even remotely it would be possible that these credits would go somewhere else within the Town of Southampton. Our goal is to help revitalize the Hamlet of Riverside.

**LEG. BISHOP:**

Well, let me just ask one final question, and I believe I will be supporting this. Do you have any written commitment, or, if not even written, verbal commitment on the record in Southampton Town from this developer that she will be hiring within the Riverside community.

**SUPERVISOR HEANEY:**

That would probably come about as a condition on the approval for the change of zone. The PDD legislation in the Town of Southampton requires that there be a number of public benefits be established as a condition of granting the change of zone. And, you know, I have already heard from residents living in the Riverside area, that they would want to know that any jobs that would be generated, and we expect that there would be about 145 jobs that would be generated, however, we don't -- we don't see that as the greatest benefit for this proposal. We see the 20 million dollar investment as key to setting the stage for revitalization of an entire community.

So, if you're asking me would I be willing to condition a change of zone to require that the higher priority be given to residents living within the community to set -- to have access to service jobs. That's an easy one. Yeah, I think the answer would be of course I would. I speak for myself at this point, I cannot speak for an entire Town Board.

**LEG. BISHOP:**

I think that's terrific, and based on that, I will be supporting this this, because I don't want to see the empire zone credits become a mechanism for gentrification rather than development. And what we're looking to do is to empower communities, not to -- not to change them and force them to move elsewhere.

**SUPERVISOR HEANEY:**

You and I agree entirely.

**LEG. BISHOP:**

So thank you, Supervisor.

**SUPERVISOR HEANEY:**

Thank you.

**P.O. POSTAL:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. And welcome, Supervisor to --

**SUPERVISOR HEANEY:**

I'm still on deck.

**LEG. FOLEY:**

Oh, yeah, there's some more questions.

**SUPERVISOR HEANEY:**

Okay.

**LEG. FOLEY:**

When this was before the Economic Development Committee meeting, and I think it would be helpful if either yourself or others from your staff would avail themselves to the next committee meeting, because Laurie Taggart, when she had given the administration's support letter, if you

will, at our last committee meeting, I had asked her a whole host of questions that I won't ask on the record again today. Suffice it to say that a copy of that written record should be sent to your office, because one of the primary points that I had raised at that time, and something that Legislator Bishop has raised is that, in fact, one of the conditions of granting an economic development zone is part and parcel of the conditions from the State, is that not only a good faith effort be made, but that, in actuality, the developer who has been granted this special classification is required, required to create jobs for those in that immediate area. And one of the questions I had asked her at that time is, "How do you keep track of that?" And the answer given to me is that the developer in question, those who own the building and so forth, have to give to the State the number of jobs they created. Then I had asked the question, "Well, do you have an even more refined category of not only the number of jobs created, but where these folks live who have these jobs, and the answer to that was no.

So the only point I'd raise here today, and I'll raise it again at the next committee meeting, is while it may not be required, I would -- I would expect that, in keeping with the spirit of what -- of your discussions today, that the developer would not only keep a copy of how many jobs have been -- have been created, but also how many from the greater Riverside area have those jobs. And the reason I state that is that there are other economic development zones on the Island where that was, you know, the selling point, if you will, and if you go back and revisit those areas, the amount of jobs that were created in the immediate area were next to nil. So, if that developer wants this kind of benefit, notwithstanding the larger issue that the Township has of wanting to use this as a stimulus for development in the area, the fact of the matter is they should make -- I would say, the great majority of the jobs should go to folks in the area.

**SUPERVISOR HEANEY:**

I think that's a fair observation. I'm willing to go right on record here today saying that I would push for that as a condition.

**P.O. POSTAL:**

Thank you. Just before Legislator Guldi asks his question, I would just like to respond to Legislator Foley's question, because I'm a little bit familiar with this, because of the Wyandanch community accessing a portion of this empire zone. And as I understand it, one of the requirements is that the jobs created by the existence of the empire zone is that residents from the immediate community, the affected community, be hired as employees, but there's something even I think more attractive. The employer who takes advantage of locating in the

empire zone must also create, in essence, a job training program, so that employees are not only hired, but they're given training, so that they can move into more responsible positions, instead of just being hired for the lowest level positions. So that's my understanding of what happens in an empire zone.

**LEG. FOLEY:**

Thank you

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

Yeah. I'd like to -- a couple of questions for clarification purposes. Isn't it -- it's my understanding that in order to qualify for empire zone credits, that the -- any application has to be an application that is submitted after the creation of the zone, and that there can't be any approval if an applicant or business were in the -- at a site before the zone was created, they wouldn't qualify. So with that understanding, could you clarify the status of the proposed use before Southampton Town?

**SUPERVISOR HEANEY:**

Well, let me first say that I think the matter of approving the zone is your responsibility, I don't think it's the Town of Southampton's. I'm here to promote economic revitalization in a community that would have a great advantage put before it, if it had the ability to benefit from such a zone. We don't make the decision ultimately about whether or not those credits will land on on this site, or if they do, in what number. I can only tell you that if an array of economic benefits do come to this particular site, it portends the likely probability that we will be able to revitalize that community. I don't think I can answer your question more accurately than that.

**LEG. GULDI:**

Well, let me parse the question slightly different. Does Southampton Town have before it an application for the construction and operation --

**SUPERVISOR HEANEY:**

No. I indicated earlier that we do not have an application for a change of zone before us. I can tell you that we are going through the informal process of meeting with the developer in order to

go through a wide number of site plan issues that need to be addressed, taking a close look at the sanitary flow calculations, taking a look at the number of Pine Barren credits that may have to land here, looking at other public benefits that may have to be satisfied, including making contributions towards acquisition of other blighted properties nearby that would then be converted into a gateway park, so --

**LEG. GULDI:**

Okay.

**SUPERVISOR HEANEY:**

There's an ongoing informal effort at this time, but no formal application.

**LEG. GULDI:**

Ongoing informal effort --

**SUPERVISOR HEANEY:**

Right.

**LEG. GULDI:**

-- is what I wanted to emphasize. But until such time as we -- the County moves the zone, it would be imprudent for the applicant to submit an application or Southampton to take it up. Is that -- that is my understanding. Is your understanding consistent with that?

**SUPERVISOR HEANEY:**

I think you need to rephrase that. What I'm hearing from you is that the applicant should not advance an application for a change of zone until they have been satisfied that they will receive the six credits, is that what you're asking me?

**LEG. GULDI:**

Well, no. I'm concerned that if the applicant were -- if Southampton Town had approved this site for this operation prior to the County acting, it strikes me that that would clearly disqualify from the credits. That's my understanding, and I'm --

**SUPERVISOR HEANEY:**

I don't know the answer to that.

**LEG. GULDI:**

And what I'm trying to get at is my concern that our consideration is delaying -- is our consideration delaying Southampton and the applicant?

**SUPERVISOR HEANEY:**

The answer to that is no, if that's your question.

**LEG. GULDI:**

Yeah, that's my -- that was the bottom line to my question. And you partially answered the next question, which is, if you don't have an application, how do you know what the six-acre footprint is? But you've mentioned -- you've described the informal discussions you've had that answers that.

We, the County, run County Road 105 nearby the parcel. It is your major north/south, if you will, feeder to this area. The State or -- it's a north/south feeder to the east of the proposed site; is that not correct?

**SUPERVISOR HEANEY:**

It's adjacent to, but I don't think it's a feeder at all.

**LEG. GULDI:**

Okay.

**SUPERVISOR HEANEY:**

I think Nugent, Nugent is the feeder coming from L.I.E.

**LEG. GULDI:**

Coming from the L.I.E.?

**SUPERVISOR HEANEY:**

This is right at the traffic circle. It's the intersection with the County Center. It's the intersection with downtown Riverhead and with the Riverhead community in Southampton. It's perhaps three miles from Route 105.

**LEG. GULDI:**

Isn't that -- all right. So it's over at the circle next to where County Road 24 comes in.

**SUPERVISOR HEANEY:**

That's correct.

**LEG. GULDI:**

Okay. Isn't that an overburdened traffic situation today without any additional activity?

**SUPERVISOR HEANEY:**

I don't know. Is it, George?

**LEG. GULDI:**

I'm asking.

**SUPERVISOR HEANEY:**

I know that it's an intersection, that the study has --

**LEG. GULDI:**

Well, let me put it this way. What are you going to do about the proposed traffic on the -- additional traffic at that site?

**SUPERVISOR HEANEY:**

Well, it's very -- I don't think that that's the question that should be posed at me, but that is one question that we will pose of the applicant when they make the submission for a change of zone, because, no doubt, we're going to trigger some sort of an environmental review, or if we don't, we're at least going to be looking at a traffic impact at that intersection, because somebody's going to have to address that.

**LEG. GULDI:**

Okay. Granted, the next question is isn't the substantial portion of the community immediately to the east and south of the proposed site largely residential, albeit some of it blighted?

**SUPERVISOR HEANEY:**

Part of -- some of it? Part of the problem here is that we have a community that about 85% of the land mass has been removed for conservation purposes. What exists, what remains is largely a residential community with very few basic services.

**LEG. GULDI:**

Yeah, I understand that, but there is a residential community.

**SUPERVISOR HEANEY:**

Certainly.

**LEG. GULDI:**

Certainly. The -- what extent has that community is supporting or, opposing, or articulating an opinion with respect to this proposed use?

**SUPERVISOR HEANEY:**

That's a great question, because it's not only proposed in the Town's comprehensive plan, the proposal is not only proposed in the Riverside revitalization strategy, but it's also proposed as one of the key recommendations in the Flanders/Northampton/Riverside Hamlet study. The community is working on refining the final round of recommendations in that study before bringing it before the Town Board, at which point we will move to adopt the recommendations and then actually amend the Town's 1999 master plan to include these recommendations. The key recommendation in that hamlet study is to bring a maritime development proposal to this particular site. It is largely supported by the community.

**LEG. GULDI:**

I don't have any further questions. Thank you.

**SUPERVISOR HEANEY:**

Thank you.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Hi, Skip.

**SUPERVISOR HEANEY:**

Hi, Mike.

**LEG. CARACCIOLO:**

When we talk about the traffic circle and it's proximity to the Town of Riverhead, an area I represent, a couple of issues come to mind besides the transfer of EDZ credits. Tire Craft building, I know that's a subject that's near and dear to your heart. What is the status of the demolition of that property?

**SUPERVISOR HEANEY:**

Well, as you know, we intended originally to acquire that property with Suffolk County, but because of the delays in your acquisition program, we were not able to get ourselves in synch, so we made a decision to acquire that property on our own. We made it in part as a promise to our colleagues in Riverhead Town that we would begin to address in earnest issues of blight that affected both communities. We purchased the property. When we adopted the budget process last November, I had proposed in our capital budget that we put \$100,000 into the budget in order to deal directly with the demolition of that site and to do some fundamental just clearing and regrading in the short term, and to provide enough money to undertake the preengineering necessary to design a park at that site.

It's our intention that it should be a gateway that welcomes people into the downtown area of Riverhead, that welcomes people into the Riverside area of the Town of Southampton. There's no way that we can get away from the fact that the gateway defines what people's first impressions are of a community. And so we are looking to work with folks in Riverhead.

I'll go back for a moment, I'll deviate away from Tire Craft, because that's going to be a park, Mike. But I will tell you that having that park on that site, having a maritime development proposal that can provide as a condition that we provide transportation from those accommodations down to the Main Street area or Aquarium area is mutually beneficial to the residents of Southampton and to Riverhead. I would point out that when we create parks where blight existed, where we create hotels where blight existed, we do much to improve the ratable tax base to the existing school district, and in this case a 20 million dollar shot in the arm is not a bad thing for residents in the Town of Southampton, or residents generally within the

Riverhead Central School District. To have that kind of economic development come into the community doesn't put children into the school district, but it helps to pay for the cost of education.

**LEG. CARACCIOLO:**

The actual location for this development is where? You have the Shell Gas --

**SUPERVISOR HEANEY:**

If you come to the east of where the McDonald's is located.

**LEG. CARACCIOLO:**

Okay.

**SUPERVISOR HEANEY:**

And then there is a Friendship Baptist Church. It absolutely -- it wraps around the three sides of the little church and then continues easterly towards a preexisting nonconforming junkyard. It's a 20-acre -- actually, it began as a 25-acre site, but the State DOT condemned four acres right in the middle for a sump. And so we're working with what we have left to work with.

**LEG. CARACCIOLO:**

Okay. So the actual process now for the Town to be the recipient of these EDZ credits entails what action and by whom?

**SUPERVISOR HEANEY:**

Well, certainly, it requires an action by this Legislative body to approve an extension of the boundaries of the existing zone to include two sites, as I understand it, the six acres that would consist of or comprise the footprint for the physical buildings that would be proposed on the maritime development site, and the balance, I think that's probably 25 credits, is that correct, would go to the community of Wyandanch. So that's your responsibility.

My responsibility is to make sure that the application that comes before the Town Board for a change of zone is given, you know, a full review, and measures all of the significant potential impacts, weighs them against the benefits, and, hopefully, concludes with a conditioned change of zone, a local law, that permits the applicant to move forward to the Planning Board where site specific site plan issues are dealt with directly. For me, my responsibility is to provide the --

**[P.O. POSTAL USED GAVEL TO MAINTAIN ORDER]**

-- legal framework -- thank you, appreciate that. The legal framework for the application to move forward to the Planning Board.

**LEG. CARACCIOLO:**

In terms of what EDZ attempts to accomplish by it's very nature, the creation of economic development zones, the types of employment or jobs that would be created, you mentioned, I believe the number was 145 jobs.

**SUPERVISOR HEANEY:**

That is the estimate put forward by the developer, yeah.

**LEG. CARACCIOLO:**

And what salaries are we speaking of here.

**SUPERVISOR HEANEY:**

I can't -- I'm not, you know, prepared to address that. I certainly haven't moved that close into the day-to-day operating budget of a hotel. My concern, again, is to provide the law that would permit the application to then move forward to the Planning Board.

I will tell you that the jobs you can expect are service oriented jobs. By any measure today, an employer with 100 or more employees, if they're not engaged in some sort of a program that allows people to advance from within and to actually establish careers on site, that's a company that is operating 30 years ago.

**LEG. CARACCIOLO:**

But, basically, we're talking about a hotel/motel operation here?

**SUPERVISOR HEANEY:**

It's a hotel. I think the number that I recall was about 120, 125 rooms. There is a marina that is attached to this. It's intended that there be some sort of use of the Peconic River to provide some sort of water taxi. There's a proposal to provide shuttle service to take people and make

use of the accommodations from Route 24, around Peconic Avenue to Downtown Riverhead, or wherever they need to go within the Riverhead area. That's going to be a condition of the zoning change.

**LEG. CARACCIOLO:**

I know this has been a contentious issue between both Town governments, since Riverhead would have to acquiesce to the transfer of these credits. What is the latest status on that?

**SUPERVISOR HEANEY:**

Well, let me just comment that, and, of course, I can only give you my bias, if I know that I'm in Riverhead and I'm dealing with "X" number of credits that are going to evaporate away in the Year 2004 if I don't make use of them, and I know that I can't make use of all of them, and there's an opportunity for me to land six on an adjoining township property within reach of my downtown area, but within my central school district, that's going to generate on day -- the day that the key turns, you know, some 20 million dollars worth of street value, it costs nothing to put those credits there, but the return to the taxpayers at large, just in terms of the benefit that accrues because of the ratable tax monies for the school district, that would be reason enough. But if that weren't reason enough, I would be looking at what that kind of revitalization means for my downtown area if I'm struggling to keep it going. So, as far as I'm concerned, if I were someone in Riverhead, I would be promoting this from a very selfish perspective. Allowing those six credits to land along the Peconic River in the Town of Southampton in a community where the residents are, the people who frequent the shops on Main Street, seems to make a lot of sense.

**P.O. POSTAL:**

Mike.

**LEG. CARACCIOLO:**

Just so you know --

**P.O. POSTAL:**

Mike, could I --

**LEG. CARACCIOLO:**

Yes.

**P.O. POSTAL:**

Could I just --

**LEG. CARACCIOLO:**

I know you want to carry this over to --

**P.O. POSTAL:**

Well, I'm just suggesting that we recess this hearing to Riverhead, and then the Supervisor can come back, because I think that there is a lot for everybody to think about. So that might be the best course of action, if you'd like to make a motion to recess.

**LEG. CARACAPPA:**

Yes, because I know next month, your counterpart, Mr. Kozakiewicz, would like to address the Legislature in Riverhead.

**LEG. GULDI:**

And you might want to respond to that when it happens. On the motion to recess.

**P.O. POSTAL:**

Yes, Legislator Guldi.

**LEG. GULDI:**

I understand -- Todd, stay, please, for a minute. I understand that since we recessed the other resolution relating to the composition of the Empire Zone Board, that we can't act on this anyway, so there is no reason to not recess the two hearings, since one is already recessed.

**P.O. POSTAL:**

I take that as a motion to second the recess.

**LEG. GULDI:**

Is that correct? Just nod.

**MR. JOHNSON:**

Hoping to close both of them.

**LEG. GULDI:**

Yeah, I understand what you were hoping. That's not the question.

**MR. SABATINO:**

I could tell you.

**MR. JOHNSON:**

I think they are related, but it stands that they have the same effect.

**MR. SABATINO:**

You can't adopt 1082 until 1081 is in place --

**LEG. GULDI:**

Okay.

**MR. SABATINO:**

-- as a technical matter from a legal standpoint.

**LEG. GULDI:**

As a technical matter. So for that -- for that reason, I'll second the motion to recess this to the night meeting in Riverhead on March 11th.

**P.O. POSTAL:**

So we have a motion and a second to recess the public hearing on 1082. All in favor?

Opposed? 1082 is recessed.

**SUPERVISOR HEANEY:**

Thank you for the opportunity to speak.

**P.O. POSTAL:**

Thank you. Now, we're going to come -- move to our last public hearing regarding

**Introductory Resolution Number 1095, a Charter Law in connection with reduction of number of Legislative districts.** And the first card on this public hearing is Yvonne Patterson-Quirk.

**MS. PATTERSON-QUIRK:**

Hello again. I would like to know what happened to the Reapportionment Committee that was already formed and then disband. Were there any findings from that committee?

**P.O. POSTAL:**

I will have one of the Legislative staff people, my Chief of Staff to talk with you about that. We have not received a report from that committee.

**MS. PATTERSON-QUIRK:**

Okay. I would just like to go on record to say that I don't think that there would be equal representation with 11 districts of over 100,000 people. Currently, the seventy-plus-thousand people that are represented in the Legislature seems to be a good number. I don't believe that we should go down to 11. Since I don't know what is being proposed for 17, I do know what is being proposed for 19. I cannot say that I would go with 17, but I am leaning more towards 19 districts.

Again, this is about equal representation, and I urge the horseshoe, everyone in the horseshoe, to think about everything that Legislator Bishop said and everything that Counsel Sabatino has said. This is about equal representation and it's time, it is time for equal representation in the Legislature.

**LEG. CARACCIOLO:**

Madam Chair.

**P.O. POSTAL:**

Yes.

**LEG. CARACCIOLO:**

Just to correct the record, I have not seen a map for 19 districts that carves out a minority district. I don't believe one exists yet. So I think the speaker needs to be informed of that fact.

**MS. PATTERSON-QUIRK:**

Okay. I have not seen a map that carves out 11 districts either, or for 17, but -- and I'm not asking about a map.

**LEG. CARACCIOLO:**

No. But you made statements that the 11 districts didn't accomplish --

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

-- the goal you seek.

**P.O. POSTAL:**

Legislator Caracciolo, let's not have an exchange of dialogue, just questions.

**LEG. CARACCIOLO:**

Well, the record needs to reflect that 11 districts has passed Constitutional muster with respect to minority-drawn districts in the State of New York.

**P.O. POSTAL:**

And I think that Miss Patterson-Quirk was just expressing her point of view with regard to a district of a majority of people of color.

**MS. PATTERSON-QUIRK:**

Yes, with regard to the number in the district.

**P.O. POSTAL:**

Right.

**MS. PATTERSON-QUIRK:**

That's what I was expressing my opinion on.

**P.O. POSTAL:**

That's what she was talking about. Legislator Alden?

**LEG. ALDEN:**

I'm all set.

**P.O. POSTAL:**

Okay. Thank you very much.

**MS. PATTERSON-QUIRK:**

Thank you.

**LEG. FOLEY:**

Thank you.

**LEG. FISHER:**

Thank you, Yvonne.

**P.O. POSTAL:**

Our next speaker is Andy Como.

**MR. COMO:**

How are you doing? Boy, I got some bad luck. I come late, I end up being probably the last speaker of the day, and just before we get to my number, the Supervisor shows up. So I know you guys are all tired and you want a break, but I'll make this as quick as I can.

I'm against 19 districts in the County Legislature, I lean towards 17. I think that in the past, being a resident of Brentwood for a hundred years, we've had representatives, Mr. Rizzo, Mr. Finlay, Mr. Nolan,.

Mr. Grant, all had offices in the Brentwood community. Okay? There was no outcry at that time. It seems that when the people who came after these gentlemen took their offices out of Brentwood, all of a sudden, the situation comes up. But I do have to tell you this.

Mr. Alden and Miss Carpenter, I don't know of anything in our community that we have needed that they did not deliver on. Okay? They have Aides that are very, very good. They talk to us, they get back to us. Okay? Billy Menendez, Warren, Doug, I mean, they get back to us. If people in our community have a problem reaching them, okay, I haven't heard it, and I'm in the community every day.

I've had other Legislators come and meet with us in the community,.

Mr. Foley's dad, Mr. Carcappa's mom. They used to come into our community all the time. I

don't think we need the added expense to the County budget at this time to go to 19. It's a lot easier to add another Aide, okay, to each one of the 17 elected officials to help in that addition of the population that they would be having than add a whole new office.

**LEG. CARACAPPA:**

That's a good idea.

**MR. COMO:**

Okay? The second thing you might want to consider, and this goes to Mr. Caracciolo, I got it, I practiced it since the last time, okay, if his proposal is brought up, you might want to think of giving each Legislator a second office in a different part of their community, in a different part of their district. This way, if they're at the east end, they got one at the north end or the south end, or whatever.

Elected officials, well, we elect you to do the right thing. Okay? And if you don't, you know what, we got rid of people and I got their names right here, too. Okay?

**LEG. CRECCA:**

Who? Who?

**MR. COMO:**

All right? Incumbents, incumbents are not safe, okay, as we have seen when Mr. Downey ran, he won, Mr. Lazio, he won, Mr. Schumer, he won, Mr. Pataki, he won. All right? If we need representation or the Brentwood community needs a person to represent them, then let's find someone and challenge a person who's not doing the job. If they're doing the job, we don't need to change them. If we find out that our Legislators are not performing their duties, then we'll get rid of them. Okay?

I read in Suffolk Life the other day, "Some say that creating a Brentwood district is to include those not included." I say to those people, get involved. The squeaky wheel gets the oil. If you don't go to their office and tell them what you need, you are not getting it. You could sit back on Fifth Avenue in Brentwood and do all the complaining you want about the County not cutting the grass, okay, or something else, but if you don't go to your Legislator and say that there's a problem, all right, it ain't going to happen, guys. So we have to monitor our own selves.

Thirty thousand, seventy-five thousand, again, I don't know what the heck that means. It means that maybe you have to work a little harder. You know, if our State Assembly People can do it, why can't we? We're closer to the people. We don't have to travel to Albany to get things done, we have to travel to Riverhead. It's silly.

**P.O. POSTAL:**

Mr. Como, thank you.

**MR. COMO:**

Yes.

**P.O. POSTAL:**

I'm sorry, your time is up.

**MR. COMO:**

That's okay.

**P.O. POSTAL:**

Thank you very much.

**MR. COMO:**

I appreciate the time. Except, put the Supervisors towards the end next time.

**P.O. POSTAL:**

Well, actually --

**MR. COMO:**

I'm only kidding you. Thank you.

**P.O. POSTAL:**

Okay. Thank you. Is -- let's see. Legislator Alden, what's your pleasure on this?

**LEG. ALDEN:**

Motion to close.

**P.O. POSTAL:**

Motion to close, seconded by Legislator Caracappa. Oh, excuse me, Caracciolo. You know, there's a funny joke about that. You remember it, Mike. All in favor? Opposed?

**MR. WERNER:**

Excuse me, I signed a card for this.

**P.O. POSTAL:**

No, you -- I only had one card. I'm sorry.

**MR. WERNER:**

I signed a card.

**P.O. POSTAL:**

You spoke on the previous 1094 Charter Law in connection with the reduction of the number of county Legislative districts, reducing to 11?

**LEG. FOLEY:**

He already spoke.

**P.O. POSTAL:**

You spoke. Thank you. All in favor? Opposed? 1095 is closed. Legislator Towle.

**LEG. TOWLE:**

Legislator Postal, again, I apologize for my absence before when the votes took place. I'd make a motion to reconsider the resolutions that were voted on to include my vote with the majority, if you wouldn't mind.

**MR. WERNER:**

Excuse me. I signed a card.

**P.O. POSTAL:**

Mr. Clerk. I don't know if you can do that. You can do it at a committee. I don't know if you can do it. Let's ask Counsel.

**MR. SABATINO:**

He was absent, so as a member who was absent, he can make a motion to reconsider and then --

**P.O. POSTAL:**

All of them en masse?

**MR. SABATINO:**

Well, if -- you could do them one at a time, or you could -- you know, you can consolidate all of them, if you want. It takes a motion to reconsider, you can't do it any other way.

**P.O. POSTAL:**

Well, why don't we -- why don't we consolidate. Okay. We have a motion to reconsider all of the resolutions that Legislator Towle missed when he was visiting his wife.

**LEG. BISHOP:**

Is that a motion?

**MR. SABATINO:**

Except for the bond -- was there one bond resolution?

**MS. JULIUS:**

Two.

**MR. SABATINO:**

Two, okay. Except for the bond resolutions, which require a roll call vote.

**P.O. POSTAL:**

That's fine.

**MR. SABATINO:**

Those we couldn't do. I thought there was one or two, but those two we can't do.

**P.O. POSTAL:**

Okay. That's a motion by Legislator Caracciolo, seconded by Legislator Towle. All in favor?

Opposed?

**LEG. LINDSAY:**

Opposed.

**P.O. POSTAL:**

Legislator Lindsay?

**LEG. LINDSAY:**

Opposed.

**P.O. POSTAL:**

Okay. Now, okay, there is a motion, I guess, to register Legislator Towle's vote --

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

-- with the prevailing side. Legislator Towle makes the motion, seconded by Legislator Guldi. All in favor? Opposed?

**LEG. LINDSAY:**

Opposed.

**P.O. POSTAL:**

Opposed, Legislator Lindsay. Okay. Now, Legislator Cooper -- oh, excuse me. Excuse me. You're really --

**MR. WERNER:**

Excuse me.

**P.O. POSTAL:**

You're really -- let's just have some order. I would accept a motion by Legislator Nowick, seconded by Legislator Binder, to set the date of March 11th, 2003, at 5:30 p.m., in Riverhead, New York, for the following public hearings: Introductory Resolution Number 1039, 1090, 1092,

1106, 1135, 1143, and 1149. All in favor? Opposed? The date of the public hearings is set. Legislator Cooper.

**LEG. COOPER:**

I'd like to make a motion to approve Resolution 1954. And, on the motion, I'd like to acknowledge the presence of Karen and Tom Schlendorf, the parents of Peter Schlendorf, the 20 year old Northport High School graduate who died after he ingested Ephedra, and they were the impetus for introduction of this legislation.

**P.O. POSTAL:**

I'll second that. And resolution is on Page 7 of your agenda.

**LEG. GULDI:**

Eight.

**P.O. POSTAL:**

Oh, I'm sorry. My pages are not correctly numbered.

**LEG. CRECCA:**

I'm sorry. What resolution is that?

**P.O. POSTAL:**

It's 1954, yeah. 1954, on Page 8 of your agenda. There's a motion and a second.

**LEG. GULDI:**

Roll call.

**P.O. POSTAL:**

Roll call.

**MR. BARTON:**

Who's the second?

**P.O. POSTAL:**

I'm sorry.

**MR. BARTON:**

Who was the second?

**P.O. POSTAL:**

Me.

**MR. BARTON:**

Oh, thank you.

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

**LEG. COOPER:**

Yes.

**P.O. POSTAL:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

No.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

No.

**LEG. FISHER:**

Yes.

**LEG. TOWLE:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. CARACAPPA:**

No.

**MR. BARTON:**

12-5, 1 abstention.

**LEG. COOPER:**

Thank you very much.

**(Applause)**

**P.O. POSTAL:**

Okay. 1954 is approved. **2141, making a SEQRA determination in connection with the proposed scavenger waste facilities at existing (Yaphank sewage treatment plant site (proposed SD #24) Town of Brookhaven).**

**LEG. TOWLE:**

Motion to table.

**P.O. POSTAL:**

Motion to table, Legislator Towle.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Seconded by -- was that Legislator Foley?

**LEG. FOLEY:**

Give it to Guldi.

**P.O. POSTAL:**

Legislator Guldi. All in favor? Opposed? Now, is Christine Costigan here?

**MR. BARTON:**

18.

**P.O. POSTAL:**

Okay. There were some questions, Christine.

**LEG. CRECCA:**

George, did we ever do 50 Laser?

**LEG. GULDI:**

We did it.

**LEG. CRECCA:**

We did it? Okay.

**P.O. POSTAL:**

Okay. Thank you for being here.

**MS. COSTIGAN:**

My pleasure.

**P.O. POSTAL:**

We were discussing **Introductory Resolution 2339, which was approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands, Hilaire Drive Property, Town of Huntington.**

**MS. COSTIGAN:**

Yes.

**P.O. POSTAL:**

We had -- did we have a motion and a second on this?

**MR. BARTON:**

Yes, we did.

**LEG. CRECCA:**

Which? I don't even know what page we're on.

**P.O. POSTAL:**

This is --

**LEG. CRECCA:**

What page?

**P.O. POSTAL:**

Oh, okay. We can -- is there -- where is Legislator Cooper?

**MS. COSTIGAN:**

Over there.

**P.O. POSTAL:**

Is -- Legislator Cooper? Would you like to make a motion? Would you like to make a motion to approve?

**LEG. COOPER:**

Motion to approve.

**LEG. FISHER:**

I'll second.

**P.O. POSTAL:**

Seconded by Legislator Fisher, and --

**LEG. CRECCA:**

Can you tell me what page?

**P.O. POSTAL:**

We're on Page 9, I think. And there were some questions. I think one question was, Christine, why was this resolution -- could we please have some order? Why was this resolution discharged without recommendation; do you have any idea?

**MS. COSTIGAN:**

I would hesitate to explain why anybody votes as they do, but at that particular meeting, there was a quorum problem --

**P.O. POSTAL:**

Oh.

**MS. COSTIGAN:**

-- which was resolved late, I know, and I -- certain key members, I think, were not there that caused them to want to move it along, but they didn't -- I think the attendance was the issue.

**LEG. BISHOP:**

I explained that earlier on the record.

**P.O. POSTAL:**

Oh, okay. Okay. There was also a question with regard to the appraisal.

**MS. COSTIGAN:**

Yes, indeed. There were two appraisals. The one appraisal was 704,000 and the other was 718. They were both reviewed and approved at 700, which is the purchase price, and the County's share of that is 350,000.

**LEG. CRECCA:**

Is this a --

**P.O. POSTAL:**

Were there other questions?

**LEG. CRECCA:**

I have a question.

**LEG. ALDEN:**

Question.

**P.O. POSTAL:**

Legislator Crecca, Legislator Alden, Legislator Caracciolo.

**LEG. CRECCA:**

Christine, what was the score on the County's rating system, do you remember?

**MS. COSTIGAN:**

Thirty-five comes to my mind. I don't have the planning file, but I believe that was it.

**LEG. CRECCA:**

And is this something that the Real Estate Department is in favor of this acquisition, or have they taken a position on it? I know sometimes there are -- you recommend --

**MS. COSTIGAN:**

Right.

**LEG. CRECCA:**

-- acquisitions, sometimes you just --

**MS. COSTIGAN:**

I do recommend this acquisition.

**LEG. CRECCA:**

And what would the merits be of getting this acquisition?

**MS. COSTIGAN:**

The acquisition is adjacent to the other property, which we bought last year. It does provide -- it was one of those things, if you were going to buy the other property, this property is a natural, if you will, to provide access and parking. Without this property, the use of the other property is somewhat hampered. On that basis alone, I would recommend it.

**LEG. TONNA:**

Can I be put on the list?

**P.O. POSTAL:**

Yes. Let's see. All right. So --

**LEG. CRECCA:**

Thank you.

**P.O. POSTAL:**

Are there other questions? Okay. Legislator Alden.

**LEG. ALDEN:**

Now, on the appraisal reviews, you've just indicated that you had one appraisal of 704 and one at 718?

**MS. COSTIGAN:**

That's correct.

**LEG. ALDEN:**

And you had to reduce that to 700?

**MS. COSTIGAN:**

There were adjustments made on those appraisals, which is very common, that there may be an on offset or a discount. I have the appraisals and the review and the appraisal reviewer, but the purchase price, again, is the lowest of those numbers.

**LEG. ALDEN:**

Okay. But what you're saying, though, is you got two valid appraisals that upon review, you found that mistakes were made or that other adjustments had to be made to them?

**MS. COSTIGAN:**

That's -- it happens in virtually every instance with a major appraisal. There are always two different schools of thought as to what the discount figure should be, as to what the comparables are, as to the historic analysis. This is standard.

**LEG. ALDEN:**

Seven hundred thousand dollars --

**MS. COSTIGAN:**

It was not unusual.

**LEG. ALDEN:**

Seven hundred thousand dollars is a major appraisal?

**MS. COSTIGAN:**

Yes, indeed. A \$700,000 acquisition requires two appraisals, because it is a major acquisition.

**LEG. ALDEN:**

All right. And could you just put on the record, then, what the adjustments were that you found that you had to drop these down to 700,000?

**MS. COSTIGAN:**

I -- wait a minute. I have the appraisal review in hand. Terry, are you standing by? There was a location adjustment, for instance, for the comparable sales that was adjusted, as the comparable sales are on the next block and not distant. They were pretty subtle adjustments.

**LEG. ALDEN:**

Well, the next block would make it more valid than something that was distant, so if you're saying that --

**MS. ALLAR:**

No, the other --

**MS. COSTIGAN:**

Terry.

**MS. ALLAR:**

If I may. The other appraiser had -- he had sales that were in the immediate vicinity sold by the same grantor for -- yes, for I believe \$165,000 per plot. And I felt that the value of these plots should be closer to that, and so I concluded value at 170,000, giving a little bit more adjustment for time, and so, therefore, the total value was the 700,000.

**LEG. ALDEN:**

Okay. So the appraisal that we had done actually valued at --

**MS. ALLAR:**

Higher.

**LEG. ALDEN:**

A higher number.

**MS. ALLAR:**

Yes.

**LEG. ALDEN:**

And you adjusted it down --

**MS. ALLAR:**

Correct.

**LEG. ALDEN:**

-- for an actual sale.

**MS. ALLAR:**

Correct.

**LEG. ALDEN:**

All right.

**P.O. POSTAL:**

Let's see. Legislator -- Legislator Caracciolo.

**LEG. CARACCIOLO:**

Who in the Real Estate Division has physically visited the property besides Tom Isles.

**MS. ALLAR:**

I have.

**LEG. CARACCIOLO:**

Okay. Could you describe --

**MS. COSTIGAN:**

I have as well twice.

**LEG. CARACCIOLO:**

Okay. Could you describe the property, give a property description of the elevations and the changes in elevations?

**MS. COSTIGAN:**

This particular piece is flat.

**LEG. CARACCIOLO:**

This seven-tenths of one acre piece of property is flat?

**MS. COSTIGAN:**

Is flat, yes. The edge of it drops off -- excuse me. The parcel that we bought back last fall is extremely steep. That's the hill I think I told the committee I fell down when inspecting it. This -- the edge of this, the last lot, is part of the initial steepness, so I would say that drops off, but the three of the four lots are flat.

**LEG. CARACCIOLO:**

Okay.

**MS. COSTIGAN:**

The last one is quite steep.

**LEG. CARACCIOLO:**

And the actual size of the property is?

**MS. COSTIGAN:**

I think it's point eight acres.

**LEG. CARACCIOLO:**

And this is being proposed for purchase for a parking lot.

**MS. COSTIGAN:**

No, no. The access road, which has yet to be developed, the edge of the road is on the edge of the lot, which is to the -- to the farthest to the north. So that area will be pebbled and you'll have parking for maybe two or three cars. We're not talking a parking lot here, it's just an access way. The plan, as I understand it, from Huntington, and the Town is here, is to use that

flat area as a staging area and as a sort of interpretive area, with boards explaining the flora and the fauna. There's some very interesting fauna and birds that are in these major trees that are in the steep part of the piece we bought last year. So they'd be using it to get together groups, that sort of thing.

**LEG. CARACCIOLO:**

What size is the property that we currently own there?

**MS. COSTIGAN:**

The piece that drops down next to it, I don't have it exactly in front of me. My recollection is it was about four acres.

**LEG. CARACCIOLO:**

Eight acres.

**MS. COSTIGAN:**

Eight acres, good.

**LEG. CARACCIOLO:**

Eight acres. Okay. I just think, again -- thank you, Christine. I just think this is a frivolous acquisition, and I do not recommend anyone support it. But I know it's great sound bite issue, so go for it.

**P.O. POSTAL:**

Legislator Tonna.

**LEG. TONNA:**

Yeah, I just want to get a sense. We're paying almost \$100,000 a tenth of an acre, right?

**MS. COSTIGAN:**

Eight, yeah.

**LEG. TONNA:**

Eight-tenths of an acre, \$700,000.

**LEG. CARACCIOLO:**

But you're splitting it with the Town, so --

**LEG. TONNA:**

Well, that doesn't matter. Whatever is -- and you're saying that steep pieces, whatever else, can you tell me why -- Legislator Cooper has explained to me that this is the launching point for all of the other property. There is no other access that people would have, residents or anything else or anybody, to this piece of property? I mean, I could think of using \$700,000, you know, in a different place, that's -- and I just want to get an idea of why so much money for so little.

**MS. COSTIGAN:**

Well, certainly, in the area, the property values are very high. And the trail -- Huntington has a trail planned, and on this end of the trail, there is literally no other way -- if you don't buy this piece, then you sort of have to go across somebody's backyard to get on to the property, or go across a corner, which is no bigger than the area in the central of the rotunda here. This property is a part, really, of the other property. It wasn't available at the time, or we would have bought them both at the same time. The trail you can access from way down the south and come up. You could come up and go down again.

**LEG. TONNA:**

Right.

**MS. COSTIGAN:**

Now you can come up, go through this property, keep going, go around, and make the whole loop.

**LEG. TONNA:**

And how long is the trail total, any kind of idea? I mean, is this a -- is this something that a Boy Scout would have to put his boots on and, you know, it's a ten-mile trail, it's a one --

**MS. COSTIGAN:**

Oh, no.

**MS. SQUIRES:**

I put --

**MS. COSTIGAN:**

Tell who you are.

**MS. SQUIRES:**

Joy Squires. As I had told you before when I had the great big maps, and I'm sorry I stuck them in car, Mr. Tonna.

**LEG. TONNA:**

No, don't worry, Joy, I saw the maps, where, of course, I wasn't even looking.

**MS. SQUIRES:**

This will eventually be the Huntington Historic Trail, which will be good for Boy Scouts. It will be a three-mile trail, and it would be a great badge. You brought up the Boy Scouts. Eventually --

**LEG. TONNA:**

I remember doing those things.

**MS. SQUIRES:**

Eventually, we will --

**P.O. POSTAL:**

Joy. Joy, he just asked how long it was.

**MS. SQUIRES:**

Three miles.

**P.O. POSTAL:**

So you've answered his question. Thank you.

**MS. SQUIRES:**

It will be three miles. I'm sorry, Paul.

**P.O. POSTAL:**

That's okay. Three miles.

**MS. SQUIRES:**

Three miles.

**P.O. POSTAL:**

And so you think the launching --

**MS. SQUIRES:**

The easements.

**LEG. TONNA:**

Right.

**MS. SQUIRES:**

I'm sorry.

**LEG. TONNA:**

The launching areas. So and now you need an end. You need somewhere to park at one end, you have another place too park at the other.

**MS. SQUIRES:**

That's correct.

**LEG. TONNA:**

But now it would be a six-mile trail, because they would have to come up and then turn around and go back, this way they have somewhere that they can be picked up, basically, we're looking at it?

**MS. COSTIGAN:**

Depending where you started, yes, that's true.

**LEG. TONNA:**

Okay. Thank you.

**P.O. POSTAL:**

Okay. Thank you. Angie did you have a question?

**LEG. CARPENTER:**

I'm a little concerned over the cost. It seems to me, for eight-tenths of an acre, \$700,000 is bizarre. I don't care how high the property values are in that area, it just seems incredibly high.

**MS. COSTIGAN:**

Well, we have to emphasize that this isn't just eight-tenths of an acre, it's -- this is an approved subdivision with four lots on which you could get a building permit tomorrow. These were already approved, it's wrapped and packed, so this is not a speculative value as to the lots. And this is -- in Huntington, if we are going to -- and I'm going to bring you other acquisitions, they're expensive. If you intend to inquire -- you know, acquire property in that town, it's -- the price is high.

**LEG. CARPENTER:**

I would just question why we're waiting until the approvals are in place to build to buy it. Why didn't we buy it before?

**MS. COSTIGAN:**

It wasn't available for sale before, particularly because they were waiting for the approvals. It has a different value. The owner was trying to put together a development that would fit, and this is the last bit of it and it is now all approved and he said he would sell it to us, but it wasn't available before.

**LEG. CARPENTER:**

Thank you.

**P.O. POSTAL:**

Legislator Alden.

**LEG. ALDEN:**

Just a follow-up on an answer that you gave to Legislator Caracciolo, that the one lot has a very steep drop on it, and that was approved for a building lot also?

**MS. COSTIGAN:**

Yes. Yes, it was. They have a full approval on all four lots. This is quite a hilly area. All the houses are on steep and odd lots.

**P.O. POSTAL:**

Somebody forgot to shut off their cellular phone. Go ahead.

**LEG. ALDEN:**

I'm all done.

**P.O. POSTAL:**

Okay. We now have -- let's see. We have a motion to approve and a second on 2339, and I'll have a roll call.

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

**LEG. COOPER:**

Yes.

**LEG. FISHER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Abstain.

**LEG. ALDEN:**

Abstain.

**LEG. FIELDS:**

**(Not Present)**

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. TOWLE:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Nope.

**LEG. CARACAPPA:**

Yes.

**P.O. POSTAL:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. CRECCA:**

Yes, because I'm following Dave on this one.

**LEG. GULDI:**

Dave, same price per acre we paid for OBI, don't worry about it.

**LEG. FIELDS:**

Yes.

**LEG. BISHOP:**

OBI is the Atlantic Ocean backyard, this is somebody else's.

**MR. BARTON:**

15-1, 2 abstentions.

**P.O. POSTAL:**

Thank you. We're going to break in just a moment for our executive session, long overdue, but I would just like to point out, I think that everyone received a memorandum from Fred Pollert regarding the 2002 sales tax revenue and stating that the notice from the State of the final sales tax check, February 2003, which is accrued back to 2002 budget year, will be, let's see, 5.8 million dollars over what was estimated and included in the approved budget for 2002. Now --

**LEG. GULDI:**

Presiding Officer, we still have one open item on the agenda.

**P.O. POSTAL:**

I know we do. I know we do.

**LEG. GULDI:**

2328.

**P.O. POSTAL:**

We're going to go back to the agenda.

**LEG. GULDI:**

Okay.

**P.O. POSTAL:**

We just have our attorney. And I did want to go to the executive session, but I felt that this was really important to note. And I'm just pointing out -- I just wanted to point out that after it -- you'll notice that Mr. Pollert points out that after lengthy budget deliberations this past fall, the Legislature increased 2002 estimated sales tax revenue by 23.5 million. You'll remember that the County Executive came here and said that our revenues were speculative, that they were over estimates, and so on and so forth. At the risk of repeating what I have said before, the County Executive was wrong and we were right. So I just want to point out that here we are at the beginning of the year being consistent with past performance where the County Executive has been wrong and the Legislature is right. Yes, Legislator Bishop.

**LEG. BISHOP:**

On a different issue.

**P.O. POSTAL:**

No, after the executive session.

**LEG. BISHOP:**

We're going to have more votes after the executive session?

**P.O. POSTAL:**

Oh, yes. I don't want anybody to leave. We haven't -- we haven't finished the agenda and we have a number of important resolutions. It's just that our attorney has been here now for --

**LEG. TONNA:**

Which resolutions?

**P.O. POSTAL:**

-- let's see, an hour-and-a-half

**LEG. TONNA:**

Which resolutions?

**LEG. BISHOP:**

There's a delegation from a very high price town that wants to leave, apparently.

**P.O. POSTAL:**

Believe me, we've been here --

**LEG. TONNA:**

When you can get \$100,000 per tenth of an acre, all right, that's high priced.

**P.O. POSTAL:**

Well, all I can say is that in the past, what we assumed to take a very short amount of time often surprises us, so I would suggest that we -- one way or the other, we're going to stay here until the executive session is finished and until we complete the agenda. So out of courtesy to Mr. Like, I would like to make a motion to go into executive session. And at the executive session, I would like the Budget Review Office to stay, Legislative Counsel, as well as Mr. Like, and for purpose to discuss a status of litigation, LIPA litigation. And I would take a second by Legislator Foley. And all in favor? We are now going into executive session. I would ask?

**LEG. CRECCA:**

Madam -- sorry, go ahead.

**P.O. POSTAL:**

I would ask everyone to leave, except the members of the Legislature, the Budget Review Office, and our Legislative Counsel, Mr. Like, and I would ask that all the microphones be shut off.

**LEG. CRECCA:**

Madam Chairman. Madam Chairman. Madam Chairman.

**P.O. POSTAL:**

Yes.

**LEG. CRECCA:**

Generally, we have a representative or representatives from the County Executive's office to stay. I don't know if -- I don't know if there's a reason why we're excluding them this time.

**P.O. POSTAL:**

They haven't been involved in any of the LIPA litigation and that's the reason. It wasn't an oversight --

**LEG. CRECCA:**

Okay.

**P.O. POSTAL:**

-- it's our litigation. Okay. Will everyone please leave who's not authorized to be present at the executive session, and will the Clerk please -- Clerk, Sandy, will you please shut off all the microphones.

**[EXECUTIVE SESSION HELD FROM 5:32 P.M. TO 6:05 P.M.]**

**P.O. POSTAL:**

We're going to Page 10 of our agenda where we had -- you have 11. We all have -- you know, that's what happens when Linda goes on vacation. Sorry, Meghan.

**LEG. FISHER:**

Mine is on Page 10.

**P.O. POSTAL:**

Okay. We're turning to Page 10, **2328, which is authorizing the lease of premises located at 50 Laser Court, Hauppauge, New York for the Department of Health Services.** It was discharged from committee 7-0. Now, I don't even believe we had a motion and a second, right, Henry?

**MR. BARTON:**

That's correct.

**P.O. POSTAL:**

Legislator Foley? It was approved.

**LEG. FOLEY:**

For which?

**P.O. POSTAL:**

This is 2328 on Page 10.

**LEG. FOLEY:**

Yeah.

**P.O. POSTAL:**

The authorization of a lease

**LEG. FOLEY:**

Thank you, Madam Chair. The question that I had posed to the County Executive's Office was what particular service within the Health Department is going to be moving to this location?

**P.O. POSTAL:**

And --

**LEG. FOLEY:**

And where are they now, and what is the need to pass the resolution?

**MS. COSTIGAN:**

We can answer some of that from Real Estate, because we handled it in Space Management. The Office for Children in Need of Special Services is going to go here. This is not an office where the children are going to go there, this is largely the staff. The staff are home visiting and out -- you know, their office is here and then they visit the homes. So, when this space was initially -- space request was put in, it was for the Hauppauge area. That's the catchment area for their clientele.

**P.O. POSTAL:**

Okay. Brian?

**LEG. FOLEY:**

Yes, that --

**P.O. POSTAL:**

That answers your question?

**LEG. FOLEY:**

Now, where are they moving from, and what's happening to the former building that they were in?

**MS. COSTIGAN:**

They're moving from Oser Court. That had been shared space of DSS and Health, and we'll be moving out of that building.

**LEG. FOLEY:**

Both will be moving out.

**MS. COSTIGAN:**

Yes.

**LEG. FOLEY:**

So that building is going to be vacated. And DSS is moving to where?

**MS. COSTIGAN:**

DSS is moving to --

**LEG. FOLEY:**

I just want them to say it on the record. Hey, Terry.

**MS. ALLAR:**

Hi. I'm sorry. I believe they're moving to the MacArthur Center.

**LEG. FOLEY:**

Okay, very good.

**MS. ALLAR:**

Yes. Yes, they are, they're moving to the MacArthur Center.

**LEG. FOLEY:**

Okay.

**MS. ALLAR:**

And it's 415 Oser Avenue that Children of Special Services will be vacating.

**LEG. FOLEY:**

All right. Thank you for the explanation.

**P.O. POSTAL:**

Okay. Legislator Fields?

**LEG. FIELDS:**

What's actually going to go into the building on Vets Highway that's being built right now, then?

**MS. COSTIGAN:**

That's MacArthur.

**MS. ALLAR:**

That I believe you're referring to the MacArthur Center.

**LEG. FIELDS:**

Whatever it's called.

**MS. ALLAR:**

Which is the Social Services. That will be their administrative offices. The lease in front of us is Health Department.

**LEG. FIELDS:**

Oh, okay.

**P.O. POSTAL:**

Okay. Are there -- George?

**LEG. GULDI:**

Yeah. Miss Allar, thank you. When this was in committee, you provided us with a copy of Mr. Benjamin Berger's rent survey showing four or -- six or seven properties, which had a range in values from between 22 and 27 dollars a square foot, or thereabouts.

**MS. ALLAR:**

Correct.

**LEG. GULDI:**

Mr. Crecca, whose district this is in, looked at those and pointed out that those properties were different in kind from the 50 Laser Court property. I indicated to -- through the County Exec's Office that I wanted to see some like kind comparisons, in that I wanted to see office space in industrial parks versus prime office space on main roadways to compare it to. I had received a fax from you, I believe.

**MS. ALLAR:**

Yes.

**LEG. GULDI:**

Dated --

**MS. ALLAR:**

Yesterday.

**LEG. GULDI:**

Yesterday, showing four properties, four additional properties with a range in values between \$16.11, which is 40 cents -- 39 cents below the proposed lease --

**MS. ALLAR:**

Yes.

**LEG. GULDI:**

-- to \$21.59 for various parcels. Mr. Crecca, I showed you --

**LEG. CRECCA:**

Those are adjusted, though, George, just so you know. If you look above those numbers that you're looking at, those are the unadjusted amounts.

**LEG. GULDI:**

Oh, yeah. So sixteen-fifty-seven -- fourteen-fifty, sixteen-fifty and seventeen-seventy-five are the --

**LEG. CRECCA:**

It's just that it looks a little different --

**LEG. GULDI:**

I see.

**LEG. CRECCA:**

-- when you look at the unadjusted amounts. I'm not saying the adjustments are improper --

**MS. ALLAR:**

No, no, I -- yes.

**LEG. CRECCA:**

-- it's just it should be looked at both ways. I did look at those, just to interrupt George, because we were talking about it. I recognized three out of the four locations, and I would say, not being a real estate expert, but they are very comparable.

**LEG. GULDI:**

Similar.

**LEG. CRECCA:**

I'm not familiar with the other ones.

**MS. ALLAR:**

Yes, they are.

**LEG. GULDI:**

All right. No. Have you, Miss Allar, been in these four spaces that were the subject of this second rent survey?

**MS. ALLAR:**

I did not go into each building, but I did look at each one and I drove by.

**LEG. GULDI:**

Okay. The one problem -- the concern I have is the -- you know, if these were readily available, I think I asked for them on --

**MS. ALLAR:**

Yes.

**LEG. GULDI:**

On Tuesday or Wednesday, and you produced some on Friday?

**MS. ALLAR:**

I believe you asked for them on Thursday.

**LEG. GULDI:**

Yeah, and --

**MS. ALLAR:**

And I asked the appraiser if he would work over the weekend and get me something by Monday, which is what he did.

**LEG. GULDI:**

I see.

**MS. ALLAR:**

And as soon as he received it, I faxed it over to you.

**LEG. GULDI:**

Okay. Well, my concern is, and why didn't we have similar type properties prior to that time?

**MS. ALLAR:**

When he did the research back in the end of March, when I first hired him, in the beginning of April, these -- he did not have this data. Going back this time around, he was able to receive this data, and this supports -- this supports what the industrial park, the rentals are leasing for, for commercial office-type space within the park.

**LEG. GULDI:**

Okay. And are you convinced, having reviewed the appraiser and -- the appraisal and the rent survey that the proposed lease for 50 Laser Court constitutes good value to the County for its use and occupancy for this --

**MS. ALLAR:**

Definitely.

**LEG. GULDI:**

Thank you.

**LEG. CRECCA:**

Madam Chairman, I would make a motion to approve this lease --

**LEG. HALEY:**

Second.

**LEG. CRECCA:**

-- so we can move forward.

**P.O. POSTAL:**

Second --

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

-- by Legislator Haley. All in favor? Opposed?

**LEG. TOWLE:**

Abstention.

**LEG. CARACCIOLO:**

Abstention.

**P.O. POSTAL:**

Legislator Bishop is right back there.

**MRS. SULLIVAN:**

The only one that's not here is Caracappa.

**P.O. POSTAL:**

Oh, okay.

**MR. BARTON:**

15. (Not Present: Leg. Caracappa)

**P.O. POSTAL:**

Okay. 2328 is approved. Now we have a CN that we looked at earlier with regard to the hotel/motel room tax, and we wanted information about whether the distribution of the revenue corresponded to the formula of sixty-six and two-thirds percent to the Tourism Promotion Agency, County of Suffolk contracts, Long Island Convention and Visitors Bureau, and one-third collected be divided equally between the care maintenance and promotion of County parks and recreation facilities and nonprofit museums and cultural organizations. And Todd is here so I'm hoping that he can clarify that for us.

**LEG. CRECCA:**

Todd, why don't you step up to the mike now.

**MR. JOHNSON:**

Thank you for the opportunity to speak before the Legislature. I appreciate that.

**P.O. POSTAL:**

I know it's always a pleasure and a delight. Thank you, Todd.

**LEG. GULDI:**

Gives you something to look forward to.

**MR. JOHNSON:**

Thank you. Yes, I did take a look at it. The distribution of the funding, as you'll -- if you review the legislation, you'll see that it is divided according to the normal plan, 66%, and I guess two-thirds to the LICVB, which is the contract agency noted there. The rest of the thirty-three and a third percent is divided, half of that to the Parks Department for building repairs, and the other half to Cultural Affairs. Now, with regard to the specific monies for the Cultural Affairs --

**P.O. POSTAL:**

Question.

**MR. JOHNSON:**

This is money that's going to be divided, put into and added to the new pot, and I believe it's going to be voted on in, actually, just a few weeks and divvied up by the representatives on the Cultural Affairs Board that's -- that is appointed by the Legislature.

**P.O. POSTAL:**

Legislator --

**LEG. TOWLE:**

Legislator --

**P.O. POSTAL:**

Legislator Carpenter.

**LEG. CARPENTER:**

I just want to clarify.

**P.O. POSTAL:**

And then Legislator Towle.

**LEG. CARPENTER:**

I just want to clarify, the language that's in here, and Todd just repeated it, with parks, maintenance and promotion of County parks and recreation facilities, it was my understanding that the one-third remaining was divided equally between historic preservation and cultural arts.

**MR. JOHNSON:**

Yes. And as you see, that designation there is where that money is taken out of for historic preservation.

**LEG. CARPENTER:**

Yeah, but --

**P.O. POSTAL:**

It's not specific.

**MR. JOHNSON:**

The appropriation I don't believe reads historic, but that is what that pot of money is, budgetarily speaking. I don't know if BRO can speak to whether this is the same pot where some money is normally taken out of.

**MR. SABATINO:**

I think that's the correct line item for Historic Services in that department. The concern that was raised this morning was the one that Todd just addressed, which was will the money go into the pot that gets divided up for the cultural and arts representatives and he's indicated that that will be the case, so that's important. And with regard to the historic structures, the only thing I'm not clear on that is I know it goes into the -- it's in the right line item, but I'm not certain about whether or not that will then be allocated by subsequent legislation for each of the historic structures as it comes up. That I'm not certain about.

**MR. JOHNSON:**

Okay. Like I said, I think it's going to be handled exactly the same way it has in the past. This is just some extra money going into the pot. If they come back to you normally to distribute

this money, then they'll come back to you again. If they have --

**MR. SABATINO:**

And it will be applied the same way.

**MR. JOHNSON:**

Right, it will be applied exactly the same way.

**P.O. POSTAL:**

Legislator Haley.

**LEG. HALEY:**

No, I'm sorry, Legislator Towle was next.

**P.O. POSTAL:**

I'm sorry. Legislator Towle.

**LEG. TOWLE:**

Yeah. My concern is on the 118,000 and then the 29 and 29, have they decided on how that money is going to be spent, either of the three groups?

**MR. JOHNSON:**

That's the question I just answered. As far as the -- okay.

**LEG. TOWLE:**

Yes or no?

**MR. JOHNSON:**

Maybe I didn't answer it, is that the LICVB, that will be going into -- the short answer to that is probably no, okay --

**LEG. TOWLE:**

Okay. So let me ask the next question.

**MR. JOHNSON:**

-- as far as the money.

**LEG. TOWLE:**

Let me ask the next question. Then why come over with a CN for this if they haven't decided on how they're going to spend the money?

**MR. JOHNSON:**

That's a very good question. And the question is, with regard to the LICVB, that money has to be distributed within a time -- a certain 30-day time frame from the time it's received. If we wait until.

March 11th , we'll pass that 30-day time frame. The departments just wanted to be able to distribute that under the restrictions for the distribution of the --

**LEG. TOWLE:**

I'll tell you what, I think we meet on March 4th. Come back with a plan and I'll be more than happy to vote on a CN --

**MR. JOHNSON:**

Okay.

**LEG. TOWLE:**

-- but I'm not going to approve --

**MR. JOHNSON:**

The 30 days --

**LEG. TOWLE:**

-- you know, \$150,000 without having any idea of how the money's going to be spent.

**MR. JOHNSON:**

The 30 days does not start today.

**LEG. FOLEY:**

We have to come back.

**MR. JOHNSON:**

Okay? The 30 days does not start today. The 30 days is already in place by March 11th, which I think -- are you meeting on March 4th now?

**LEG. TOWLE:**

We have a March -- what's our next meeting, is it --

**LEG. CARPENTER:**

11th.

**MR. JOHNSON:**

Okay. You'll be well past the 30 days by then.

**P.O. POSTAL:**

Any other questions?

**LEG. CRECCA:**

Well past what 30 days?

**P.O. POSTAL:**

To accept the -- to distribute the money, the excess money. We're limited.

**LEG. CRECCA:**

What happens to it then?

**LEG. TOWLE:**

What happens if you don't, I mean, just --

**P.O. POSTAL:**

Todd, what happens if we don't, does it go into the General Fund? Where does it go?

**MR. JOHNSON:**

Well, they're going to be -- they're going to be in violation of the section which governs the distribution of this money.

**P.O. POSTAL:**

So, where does --

**LEG. TOWLE:**

Legislator Postal.

**MR. JOHNSON:**

That's all they're trying to avoid.

**P.O. POSTAL:**

So where does it go?

**LEG. TOWLE:**

Legislator Postal, if I could.

**P.O. POSTAL:**

Legislator Towle.

**LEG. TOWLE:**

Counsel, if I could just ask a question. If we were to approve a CN on March 11th, attached with a plan to spend the money, would that meet the deadline requirement? I heard the deadline was March 11th, so I'm asking, if we approve it --

**MR. JOHNSON:**

No, the deadline is not March 11th.

**LEG. TOWLE:**

Okay. What is the deadline, though? Let me go back to the --

**MR. JOHNSON:**

The Deadline --

**LEG. TOWLE:**

I thought you said the 11th, but --

**LEG. CRECCA:**

Can we get Budget Review here?

**MR. JOHNSON:**

Yeah.

**P.O. POSTAL:**

It is here.

**LEG. CRECCA:**

Oh, I'm sorry, I didn't see -- I didn't see you there.

**LEG. TOWLE:**

Okay. While we're figuring out that, let me go back to Counsel. If we were to approve it with a CN, that would meet the time requirement? We're not exactly sure what the time requirement is, but would it meet the concept of the time requirement?

**MR. JOHNSON:**

I believe the money was received within the second or third week of January, so that means by the second and third week of February, the 30 days would be past.

**MR. SABATINO:**

It sounds like you're going to miss the deadline then.

**LEG. TOWLE:**

Just to follow up, then, what happens, Counsel, if we do miss the deadline, what happens to the money? Sorry to ask these tough ones at the end of the day.

**LEG. HALEY:**

Goes into the Treasurer's slush fund.

**LEG. TOWLE:**

Chief Deputy Treasurer, right?

**LEG. HALEY:**

Slush fund.

**P.O. POSTAL:**

I don't know. Does it have to come back to us, Mr. Sabatino?

**MR. SABATINO:**

The money is going to -- the money is going to be in limbo, because it will not have been accepted -- it will not have been accepted, so it can't -- it's not going to be anywhere, it's going to be -- it's not going to be -- it's going to be off -- it's going to be off budget.

I mean, it's --

**P.O. POSTAL:**

Does this money -- does this have to come back to us in a resolution to specifically appropriate --

**MR. SABATINO:**

Well, Cultural -- yeah, Cultural Affairs does. That's why Legislator Guldi's question from this morning was important, because it wasn't clear from the resolution that that's what was going to happen. Legislator Carpenter's question is also pertinent, was with regard to the historic preservation. I don't know if that's line-itemed beyond the level of detail that they're showing in this resolution.

**LEG. FOLEY:**

It comes back a second time.

**P.O. POSTAL:**

That's my point, if they have to come -- do they have to come back to us a second time?

**MR. SABATINO:**

LICVB will not come back. That's by contract, they're locked, so that wasn't -- you know, that's not a question -- on Cultural Affairs --

**LEG. FOLEY:**

They had to come back, Cultural Affairs.

**MR. JOHNSON:**

They have to come back.

**MR. SABATINO:**

On Cultural Affairs, they do.

**LEG. FOLEY:**

So why don't we just --

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

This is the first of a two-step process.

**P.O. POSTAL:**

So we're just accepting --

**MR. JOHNSON:**

Yes.

**P.O. POSTAL:**

We're just accepting money within a time limit --

**LEG. FOLEY:**

Yes.

**P.O. POSTAL:**

-- and then it comes back to us for the specifics.

**LEG. FOLEY:**

It comes back to us, Legislator Towle.

**LEG. TOWLE:**

But that's not true, Legislator Foley, only \$30,000 of it comes back to us.

**LEG. FOLEY:**

No.

**LEG. TOWLE:**

The LICVB is going to get that 118,000, we're not going to know how that's spent until they tell us, and the other 29,000 is questionable.

**LEG. CRECCA:**

Can we --

**LEG. TOWLE:**

It's very vague.

**LEG. CRECCA:**

Can we have Budget Review give us their interpretation of this law, please.

**MR. POLLERT:**

What this is is a byproduct of the Budget Review Office report that we had done at the request of Legislator Cameron Alden. We had found that the LICVB was overpaid, because they were always putting in a budget estimate and then the revenues would come higher and they were being prepaid. So our recommendation was, as the revenues come in at the end of the year, we'll appropriate everything that is larger than the budget item that was approved by the Legislature. Extra hotel/motel tax revenues came in. They are due you to the LICVB, the LICVB would be spending them in any event with just nominal type of oversight. This is merely giving them the amount of money that they are legally entitled to, and enables them to have the cash, so they don't have to borrow the cash in advance of getting it.

**MR. JOHNSON:**

And they would be restricted to spend this money according to the existing contract that exists with them right now.

**LEG. FIELDS:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve, seconded by Legislator Lindsay. Let's do a roll call, just in case.

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

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. COOPER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. BINDER:**

Pass.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Here -- yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. FISHER:**

Yes.

**LEG. TOWLE:**

No.

**LEG. GULDI:**

No.

**LEG. CARACCIOLO:**

No. This is the "no" corner.

**P.O. POSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. GULDI:**

That's 12, Allan.

**LEG. CRECCA:**

That's 10.

**MR. BARTON:**

12.

**LEG. GULDI:**

12.

**LEG. CRECCA:**

My math was bad.

**MR. BARTON:**

12, 3 no's, 3 not present. (Not Present: Legs. Cooper, Tonna and Caracappa)

**P.O. POSTAL:**

Okay. We now have a number of late-starters, so I will accept a motion from Legislator Guldi, seconded by Legislator Fields, to lay the following resolutions on the table and assign them to the following committees: **Sense Number 12, assigned to Consumer Protection. Introductory Resolution 1153, assigned to Budget. 1156, assigned to Ways and Means. And 1157, assigned to Budget.** All in favor? Opposed? Late-starters are laid on the table.

**LEG. BISHOP:**

Madam Chair.

**P.O. POSTAL:**

Yes.

**LEG. BISHOP:**

Before we adjourn, I make a motion to lay on the table -- waive the rules, lay on the table, and approve **Sense Resolution 12**, which was previously distributed, calling on the Public Service Commission --

**P.O. POSTAL:**

That was the resolution which is before you. **It's requesting the New York State Public Service Commission to investigate whether Verizon is meeting its public service obligations.** It's right in front of you.

**LEG. BISHOP:**

Yes.

**LEG. CRECCA:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Crecca.

**LEG. CRECCA:**

What is the impetus of the bill?

**LEG. BISHOP:**

The Impetus of the bill is that Verizon has announced several workforce --

**LEG. CRECCA:**

Layoffs, yeah, I know that.

**LEG. BISHOP:**

-- layoffs in the area, and the increase at the same time, simultaneously, was, in my office and in other offices, was receiving increased complaints about the service of Verizon. And Verizon, not -- Verizon is a regulated utility. When it doesn't invest in its service, it affects the regional economy, and I think it's important that the Public Service Commission, which has the obligation to regulate them, meet their obligation and investigate.

**LEG. FOLEY:**

Madam Chair, if I may add to that.

**P.O. POSTAL:**

Yes, Legislator Foley.

**LEG. FOLEY:**

When you read the "whereas" clause, Legislator Crecca, it itemizes the problems that have occurred over the last several -- over the last year-and-a-half, a deterioration with Verizon's service calls. There was, in fact, a 203% increase in other troubles that were not fixed within 48 hours --

**LEG. CRECCA:**

I read it.

**LEG. FOLEY:**

-- which used to be the threshold. So there's a variety of service, particularly service problems, that the PSC needs to take a look at, because those problems are expedientially increasing at the same time when they're laying off workers. So this is fully within the purview of the PSC and why we've submitted this resolution.

**P.O. POSTAL:**

Okay. All in favor? Opposed?

**MR. BARTON:**

14, 4 not present. (Not Present: Legs. Lindsay, Tonna, Cooper and Caracappa)

**P.O. POSTAL:**

Sense 12 waives the rules and is approved. The meeting is adjourned.

**[THE MEETING WAS ADJOURNED AT 6:25 P.M.]**

**{ } Indicates Spelled Phonetically**