

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
SEVENTH DAY**

**APRIL 29, 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 AND ALISON MAHONEY, COURT REPORTERS**

***[THE MEETING WAS CALLED TO ORDER AT 4:00 P.M.]***

**P.O. POSTAL:**

Roll call, ladies.

**LEG. CARACCIOLO:**

Roll call.

**P.O. POSTAL:**

Will everyone, please, come to the horseshoe. Everyone, please, come to the horseshoe for the

roll call. Henry, call the roll, please.

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

**LEG. CARACCIOLO:**

Here.

**LEG. GULDI:**

Here.

**LEG. TOWLE:**

(Not Present)

**LEG. FISHER:**

(Not Present)

**LEG. HALEY:**

(Not Present)

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. FIELDS:**

Here.

**LEG. ALDEN.**

Here.

**LEG. CARPENTER:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. BINDER:**

Here.

**LEG. TONNA:**

(Not Present).

**LEG. COOPER:**

Here.

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

Here.

**P.O. POSTAL:**

Here.

**MR. BARTON:**

14 present. (Not Present at Roll Call: Legs. Towle, Fisher, Haley and Tonna).

**P.O. POSTAL:**

Will everyone stand for the salute to the flag, led by Legislator Cooper?

***{ Salutation }***

Please remaining standing. Our guest clergy will be introduced by Legislator Cooper.

**LEG. COOPER:**

The invocation today will be conducted by Reverend Churchill Pinder from Saint John's Episcopal

Church. This church is probably the most recognizable landmark in Cold Spring Harbor. It was built in 1845 in a beautiful location next to a large tranquil pond, and the church has become a tourist spot for people from all over who like to spend an afternoon by the pond and simply admire the ornate stain glass windows, which were donated by Tiffany himself. The church has become so well-known that it was even used as the setting for the wedding in the movie "In and Out". Saint John's Church also has historical significance. The land that it was built on was originally granted to the Jones Family by the King of England and, as it's the only church in Cold Spring Harbor, it played an integral role in the community during the time that Cold Spring Harbor was a whaling village.

**REVEREND PINDER:**

Thank you. I want to thank Legislator Cooper for having me. And one of the nice benefits of gifts like Paramount Pictures finding you is that you then get resources, and those resources then went to our Habitat House. And I think we're the first church group that was able to offer a Habitat House, setting a good precedent, because now we've done two. So I hope that Suffolk County will continue to offer that land for that housing effort.

Let us pray. On this remembrance day for Holocaust, let us hold just a moment of silence for victims of violence and oppression everywhere. Let us also pray for our Armed Forces. May God continue to guide them and offer them support and protection wherever they may be. Let us pray for the whole human family. Oh, God, you made us in your own image. Look with compassion on the whole human family, particularly in this place. Take away the arrogance and the hatred which infect our hearts, break down the walls that separate us. Unite us in bonds of love, and work through our struggles and confusion to accomplish your purposes on Earth, that in your good time all nations and races may serve you in harmony around your heavenly throne. And be with this Legislative body. You, oh, God, are the fountain of wisdom, whose will is good and gracious and whose law is truth. We beseech thee so to guide and bless our Legislators, that they may enact such laws as shall please you to the glory of your name and the welfare of this people. Give them the spirit of wisdom, charity, and justice, that with steadfast purpose, they may faithfully serve to promote the well-being of all people. All this we ask in your name. Amen.

**P.O. POSTAL:**

I'm going to ask that you remain standing just for another moment. We just heard, and I'll repeat, that today is Holocaust Remembrance Day. None of you here is as old as I am, so none

of you had the experience I had of having friends back in the 1940's whose families had been in concentration camps, whose families had died in concentration camps, whose families had been refugees coming from places like Shanghai, where they at least survived the war.

I don't know if you remember people with tattoos on their arms, people who had no families, people who had no one related to them to spend a holiday with. I don't know if you know what it's like to be friendly with a four or five year old child who doesn't understand why there was something bad about him that made it necessary for somebody to take him and his family away from their home, take him away from his or her family, and leave them, if they were lucky, to survive at the end of the war a displaced person. That was a very common phrase that we knew. And those who were lucky enough to be displaced persons came to this country without homes, without families, without resources.

So, in memory of the fact that today is Holocaust Remembrance Day, I would like us to, please, have another moment of silence for all of those who suffered and died.

***{ MOMENT OF SILENCE }***

Please be seated. For the purposes of a presentation, Legislator Angie Carpenter will read into the record the names of all of the "Volunteers of the Month," which have been submitted to her from each of the Legislative districts. The proclamations recognizing these individuals as "Volunteers of the Month" will be presented by the individual --

**LEG. CARPENTER:**

Volunteers of the Year.

**P.O. POSTAL:**

Excuse me, of the year, I apologize.

**LEG. CARPENTER:**

No problem.

**P.O. POSTAL:**

Will be presented to these individuals by their Legislators in the Legislative district in which they reside. So, Legislator Carpenter.

**LEG. CARPENTER:**

Okay, I will be glad to do that. Thank you. And these are the "Volunteers of the Year" for 2003, and I'm sure when you hear these brief little descriptions, you'll understand why the particular Legislators chose to recognize them. And at the end, if any of them are present, I would just ask them to stand, so that we could recognize you.

First, from Legislator Caracciolo's district, Mr. James Messer of Shelter Island, who's being recognized for his outstanding efforts because of his exemplary commitment to his community. He is an Army veteran, member of American Legion, Town Board, Liaison to the Waterways Management Advisory Committee, and has served the Town faithfully in these positions. Mr. Messer has been a member of the Chamber of Commerce for 16 years, former President of that group. And for nine years, he's chaired the Fireworks Committee, providing the Island's Fourth of July crowds with outstanding displays of pyrotechnics. Jim Messer has also been honored by the Shelter Island Lions Club with its Citizenship of the Year Award for 2003.

From Legislator Guldi's district, we have Marion Boden from Hampton Bays. Ms. Boden is the lynch-pin of the Hampton Bays Civic Association, and has defined herself many times over as a truly remarkable individual. She not only coordinates all the activities of the Association, but keeps abreast of and addresses every Town and County issue which impacts the Hamlet and surrounding communities.

Ms. Boden has also served on the Suffolk County Women's Commission for the past two years, actively participating on the Housing and Homeless Committee.

Next, from Legislator Towle's district, we have Bill Biondi, who's the Chief of the Mastic Beach Fire Department, has served the Ambulance Company since '71. His many accomplishments include the forming of the first Scuba Rescue Team in the Mastic Beach Fire Department in '82, becoming a certified scuba rescue diver, and in '87, helped form the 90 Mastic Beach Ambulance Company Taxing District. He has also helped form the Bay Area Marine Search and Rescue, a group of the Fire Department, Ambulance Companies and the U.S. Coast Guard, which provides safety and rescues on the waters of Suffolk. His various positions in the Fire Department have been varied, and include his current Chief position. And for the past 15 years, he's been in charge of an emergency response team for KeySpan, and as the leader of the team, performs duties such as training and instructing the team in first aid, firefighting and confined space rescue.

Next, from Legislator Fisher's district, we have Virginia Connelly, who has worked tirelessly to bring to life the dream of the "Home of its Own" for the Three Village Boys and Girls Club, and has devoted countless hours to the youth of Suffolk County.

From Legislator Lindsay's district, we have Mary Ann Neil of Bayport, who is the current President of the Bayport-Blue Point Chamber of Commerce, also serving on the Boards of the Ursuline Sisters of -- Ursuline Sisters Center and the Suffolk County Community College Foundation Board. Mary Ann is selflessly devoted to her community and participates in many plans for local events, a current community "Operation Shoe" drive -- "Operation She Box" drive to supply our soldiers at war.

Next, from Legislator Fields' district, Pamela Burner of Oakdale.

Ms. Burner founded "Cans for Kids," a not-for-profit organization that collects empty cans and uses proceeds to send underprivileged children to summer camp. She also dedicates most of her time to Saint John's Church in Oakdale. She formed "Friends of Saint John's", opened the Saint John's Thrift Store, is a Senior Warden and Lay Eucharistic Minister, maintains the grounds of the church, and participates in various fund-raising activities. Pam is also very involved in the Annie May Ministry, as well as volunteering with the Prison Ministry, providing support to clients at the Yaphank DWI Center. She is actively involved in the Oakdale-Bohemia Anti-Bias Task Force to bring tolerance and understanding to the community, and is a member of the Sayville Rotary.

From Legislator Alden's district, he's recognizing the Rotta Family, R-O-T-T-A. The Rotta Family of Brentwood will represent the Legislative district as this year's honoree for April's Volunteer Recognition Award. The members of the family are John, Maria, and their children Johanna and Jonathon. The Rotta Family have devoted numerous hours of their time to KIC, Keep Islip Clean.

From Legislator Carpenter's district, Larry and Nancy Donohue. The Honorable Lawrence Donohue, a District Court Judge, and his wife Nancy, are the epitome of community volunteers, having given unselfishly to many organizations over the years, including the West Islip Orchestra, the West Islip Chamber of Commerce, Sagtikos Manor Historical Society, and the Bicentennial Committee, which hosts the annual Country Fair that tens of thousands have attended each Fall over the last 25 years. They certainly have earned the distinction

"Volunteers of the Year".

From Legislator Crecca's district, Claire and Jimmy McQuillan. Jim volunteers for the Saint Joseph Catholic Seniors, Saint Regis Knights of Columbus, Saint Vincent DePaul, Lake Nutrition Wheels on Meals -- isn't that Meals on Wheels?

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Thank you. And is President of the Post Office Emerald Society. He also helps the community by transporting people to church, meetings, and doctor appointments. Claire volunteers at the Saint Joseph outreach, the Lake Ronkonkoma Seniors, and Saint Joseph Catholic Seniors, where she served as Vice President and Treasurer. She's a member of the Saint Regis Columbettes, Saint Vincent DePaul and Catholic Daughters.

From Legislator Bishop's district, we have Edward McCarthy. Mr. McCarthy, a lifelong resident of Babylon, has dedicated tireless devotion to many Town activities. He has served on the Little League Board of Directors, the Babylon Beautification Society as President, Treasurer and fair Chairperson. He is also active with the Babylon Lions Club, serving on the Board of Directors, the Golf Committee, the Christmas Drive for the Marine Corps Toys for Tots, and the Eye Bank. He also volunteers on the Babylon Village Memorial Garden Committee, as well as the Conklin House Committee.

**P.O. POSTAL:**

From Legislator Postal's district, we have Matt Switt. Matt has organized a yearly essay contest for school-aged children in order to promote awareness of world hunger. The "Stop World Hunger" contest has expanded from Nassau and Suffolk to the five boroughs, and involves thousands of children every year. He has also organized a tennis tournament to promote awareness of world hunger.

From Legislator Binder's district, we have Daniel Brown from Dix Hills. Mr. Brown is the spokesperson for CARS, Citizens Against the Rest Stop" in Dix Hills. He has been instrumental in getting the State, and Federal Government, and the County to assess and review the rest stop along the L.I.E.. he has also helped his cause by getting the residents of Dix Hills involved, by

opening their homes to have meetings, so that citizens and elected officials can voice their opinions on the rest stop.

From Legislator Tonna's district, we have Peggy Vergis. Peggy is the founder and spokesperson for the Huntington Station civic group Citizens for a Better Huntington Station. She has been a leader in making positive changes within her community. She is currently working on the Huntington Station BID, a project started two years ago and should be a reality later this year. As a member of the Huntington Station Revitalization Committee, her ideas have become a vital part of the process. Her efforts have produced planters, banners, new garbage cans, and a new spirit of community within Huntington Station.

And last, but certainly not least, from Legislator Cooper's district, we have Sarah Ruppert. Sarah cofounded Volunteers for Wildlife in Lloyd Harbor in 1982, and has served as its volunteer Executive Director for 20 years. She has worked tirelessly on behalf of wildlife habitat and preservation issues. She established the first comprehensive Wildlife Advisory Telephone Network on the East Coast, which has proven to be a resounding success. Last year alone, 14,000 calls were received from the public requesting help with distressed wildlife. Sarah has also served as President of the Huntington Chapter of the Audubon Society, and is a Board Member of the New York State Wildlife Rehabilitation Council, and the Eastern Bird Banding Association. In addition, she established Coast Watch, which was designated as our region's official response team for oil spills.

I think just listening to these brief little bios or list of accomplishments, you can see why we all consider Suffolk County such a very, very special place, because of dedicated residents and citizens like these. And I know that there are countless others out there who do these kinds of things every day. So, for all of those reasons, we are very, very happy to make sure that all of this is part of the Legislative record, that they will be recognized in their individual districts, and that they are officially the Suffolk County Legislature's Volunteers of the Year. And if anyone is here, I would just ask that you stand, so that we could recognize you properly. Thank you.

***(Applause)***

I would just like to recognize just one more time Larry and Nancy Donohue. I know everyone here was very, very supportive of the County's acquisition of Sagtikos Manor Historical Society, and that happened in no small measure because of their efforts in bringing together a coalition

of community residents who supported the acquisition, and who, to this day, are working very hard to make sure that Sagtikos Manor is something that everyone in Suffolk County can be proud of. So, thank you very much.

***(Applause)***

**P.O. POSTAL:**

Thank you, Legislator Carpenter. We have a presentation by Legislator Vivian Fisher, who was delayed. When she arrives, we will go to her presentation. However, I would like to make a presentation to the Copiague Girls Basketball Team. So, if the girls and their coaches would please come in.

Legislator David Bishop and I each represent part of the Copiague School District. The Copiague School District, first of all, is a remarkable district, because it's a very small district and it's not one of the more affluent districts on the Island, and yet, it's been recognized for academic excellence and for achievement that is really kind of exceptional. And this is kind of an aside that has nothing to do with sports, but I think it's really meaningful and shows you that this is a district of excellence.

A while ago, the New York Times pointed out that in districts which are multiracial, students of color perform far below white students on academic tests, except for, and they pointed out, the Copiague School District. So the Copiague School District is really an extraordinary school district and deserves our respect and admiration. They look at the whole student. And one of the examples of their ability to do the best for every student and really excel beyond districts which are much wealthier and much bigger is their High School Girls Varsity Basketball Team, the Eagles.

The Eagles won the first Class A State Championship. This was their first Class A title ever. It was the first State title in nine years for a Long Island girls basketball team. It was the third straight League Championship, the second straight Suffolk County Championship, the second straight Class A Large School Championship, and it ended its season with a record of 25 wins and one loss. This is really remarkable, because Copiague is a small high school, small school district.

If I remember correctly, and my figures may be out of date, it has an enrollment, if I remember

correctly, of about twenty-five hundred students in the district. And so these young women are competing against districts which have been able to select their players from a much larger pool of applicants, so -- which makes this even more amazing that these young women, first of all, can achieve such excellence in their athletic performance, but even more so, they are a very committed team. They truly know what the word "teamwork" means. There's a lot of respect and admiration and support among this team for each of its players for every one of the other players, and that's a tribute to its adult leadership, its Coach, Carol Olsen, and I'm not just saying that, she's been recognized as Suffolk County Coach of the Year, and its Assistant Coach, Joanne Sullivan.

So it is an extraordinary pleasure for me and for Legislator Bishop, and I'm going to let him tell you himself, to present to you a proclamation in recognition of your achievement. We have certificates for each of you ladies, which we will give to your coaches to present to you.

**LEG. BISHOP:**

Thank you, Presiding Officer. There's not much I can add to those eloquent remarks, except that this means a lot to me, because I'm a former scholastic basketball player. I was the backup point guard on my high school team, and the coach gave me explicit directions never to shoot unless it was layup, which was testimony to my lack of skill. But I was determined and you were determined, and you have skill and talent on top of your determination, and you represented the Copiague community extremely well. We're all very proud of you. To have a State Champion come from Suffolk County is something special, and we'll always remember your efforts on behalf of the County. Congratulations.

**(Applause)**

**P.O. POSTAL:**

Thank you. And Coach Olsen. Coach Olsen, if you would come up and receive our proclamation from Suffolk County, and we will give you certificates for each of the young women, from myself, from Legislator Bishop, for Copiague Girls Varsity Basketball Team, and for all that the Copiague School District and you women do to achieve this honor.

**(Applause)**

**P.O. POSTAL:**

Say something.

**MS. SULLIVAN:**

Hello. I'm the Assistant Coach, so I'm assisting. We would just like to thank you for everything, for your support, for your guidance, for giving us the direction to go where we needed to go, and for having this moment in their lives today and in my moment in my life. This is thirty-one years. It was nice to have this happen for me, and it was nice that I -- it was great working with Coach Olsen, who gave me that opportunity, and with the team that made our moments just unbelievable. So thank you once again for today. Thank you and good night.

**MS. OLSEN:**

I would just like to add and thank everybody for their support of public education, especially athletics, because not only did the team achieve a great accomplishment, but we do have over \$500,000 worth of scholarship this year being awarded. We have one young lady going on a full scholarship, {Kia Wright}, to University of Connecticut, UCONN, another young lady --

**(Applause)**

-- going to Sacred Heart University on a full scholarship. Another, University of West Virginia and Emanuel College up in Boston.

**(Applause)**

And I would like to congratulate them in addition to the entire team. Thank you.

**LEG. BISHOP:**

Thank you.

**P.O. POSTAL:**

Thank you very much. And congratulations. Can't wait to see you guys at Homecoming Day. Have a good day.

**(Applause)**

Our next presentation is from Legislator Ginny Fields.

**LEG. FIELDS:**

I have with me Christine Ji-Hyun Park, and Christine is the winner of the Federal Junior Duck Stamp Contest for the entire State of New York.

**(Applause)**

There were 777 entries from all over New York State. And what I'd like to do is to pass this around to the Legislators who are on the horseshoe, so that they can see her wonderful artwork, and let the other Legislators know that out of all of the schools that participated from Suffolk, we had winners from Bay Shore, Bohemia, Center Moriches, Commack, East Setauket, East Moriches, East Northport, Hampton Bays, Lake Ronkonkoma, Mastic Beach, Medford, Moriches, Port Jefferson, Setauket, Shirley, Smithtown, Stony Brook, Water Mill and Westhampton Beach. That was just the Suffolk County winners. But, again, there were 777 entries, and Christine actually did the best in show for the entire State of New York. That entry went to Washington D.C. to compete against the whole rest of the United States.

And I just want to give you a little background on Christine. She resides in Commack. She's an exchange student from Seoul, South Korea. She's a Junior at Smithtown Christian School, where she's a member of the Art Group. In 2002, she was awarded first place in the Korean-American Youth Art competition, organized by Korean-American Contemporary Art Limited. In 1996, she won the gold prize in the youth -- gold prize in the Youth in Fine Art Contest held by the Korea Daily News.

Christine's also an accomplished Singer, and she won Award of Excellence in singing at a competition held by North Area Educational Department.

She submitted her entry, that's I think being past around, and entitled it "Mallards in Port Jefferson" to the Federal Junior Duck Stamp Contest, where she did win Best in Show, which is first place, in New York State. Her conservation message was "Without Conservation Beauty is Lost".

Christine is the first Best in Show winner from Suffolk County to win this honor since the program's inception. And the program is sponsored by Ducks Unlimited and U.S. Fish and Wildlife. So, excuse me, on behalf of the entire Suffolk County Legislature, I would like to

present you with this proclamation for your wonderful entry, and the fact that you made us very proud to win in Suffolk County. And we have Legislator Crecca, whose district you reside in, also would like to congratulate you. And keep it up. We want to see you come back again next year. She's only a junior in high school, so she has a second opportunity. Congratulations.

**(Applause)**

**LEG. FIELDS:**

Thank you.

**P.O. POSTAL:**

Our next presentations, we actually have two of them by Legislator Vivian Fisher, so . . .

**LEG. FISHER:**

Thank you, Madam Chair. Last month, we were pleased to see some of the Intel Semifinalists receiving their proclamations during our last Legislative meeting. Today, I have the distinct pleasure of presenting ten more. This is why Long Island is recognized all over the nation as its - as a place where one receives the level of education that is acknowledged and recognized throughout the United States.

Can all the Intel Semifinalists please come up here, please? I'm going to be reading your names alphabetically. I see Dr. Baldo here from Ward Melville with his group, and Mr. Rella, Dr. Rella, right?

Mr. Rella, come on up, please? The Principal of Comsewogue High School. How's your son doing?

**MR. RELLA:**

He's okay.

**LEG. VILORIA-FISHER:**

Where is he?

**MR. RELLA:**

He's in Iraq.

**LEG. FISHER:**

Mr. Rella's son is stationed in Iraq, and we all wish him well and safe home. It's good to see you. Okay. Hi, George. How are you doing? Good to see you.

I'm going to be just reading the names of the recipients. My Aide has your proclamations and will give them to you. We'll take a picture outside, but I'm going to be reading your names.

Stephen Dawson-Haggerty. The name of his project was "Diffraction: Experiment, Simulation and Application to Polymer Fibers". Stephen, where are you?

**(Applause)**

Stephen is a member of the National Honor Society, German Honor Society, All County Chorus, Science Olympiad, Eagle Scout, Volunteer at Our Daily Bread Soup Kitchen, and he will be attending Harvard. Congratulations to you.

**MR. DAWSON-HAGGERTY:**

Thank you.

**(Applause)**

**LEG. VILORIA-FISHER:**

Karen Law.

**P.O. POSTAL:**

Legislator Fisher, I'm going to have to ask you just to announce their names and --

**LEG. FISHER:**

Yes, I'll be going through these quickly.

**P.O. POSTAL:**

No, I'm sorry. Everybody has been asked just to limit themselves to announcing the names of winners when they have groups to present to.

**LEG. VILORIA-FISHER:**

Okay.

**P.O. POSTAL:**

And you can certainly --

**LEG. FISHER:**

All right. Well, these aren't teams, they're individual semifinalists.

**P.O. POSTAL:**

Doesn't make any difference.

**LEG. VILORIA-FISHER:**

Okay. I'll just go very quickly.

**P.O. POSTAL:**

Just with the name, please.

**LEG. VILORIA-FISHER:**

"The Effect of Age on Emotional Brain Reactivity".

**P.O. POSTAL:**

Legislator Fisher.

**LEG. FISHER:**

Yes. I'll be going through these very quickly.

**P.O. POSTAL:**

Every other Legislator here has abided by my request.

**LEG. VILORIA-FISHER:**

Yes, okay.

**P.O. POSTAL:**

Please abide by my request.

**LEG. FISHER:**

I thought I just heard a very long presentation for -- about Ducks Unlimited.

**P.O. POSTAL:**

For an individual, not for a team.

**LEG. VILORIA-FISHER:**

Okay.

**P.O. POSTAL:**

Not for a group, not --

**LEG. VILORIA-FISHER:**

But this isn't a team.

**P.O. POSTAL:**

Let me finish. Not for a group. And I have asked --

**LEG. VILORIA-FISHER:**

Okay.

**P.O. POSTAL:**

-- whenever there's a mass presentation, please just announce the names.

**LEG. FISHER:**

This is Karen Law. "The Effect of Age on Emotional Brain Reactivity". Congratulations.

**(Applause)**

James McConnell. "The Fractal Dimension of Impact Craters as Indicator of Subsurface Moisture". Interesting.

**(Applause)**

And he'll be going to Hamilton College. Congratulations. Limor Spector. Hi, Lemor. How are you doing? "A Novel DNA Delivery Vehicle: Smart Biodegradable Electrospun Membranes". Congratulations, Limor.

**(Applause)**

Wolodymyr Szczupak. "Trapping Force Studies in a Low-power Optical Tweezers Device". Sounds interesting. I'd like to see that.

**(Applause)**

Amit Taylor. "Modulation of {Apoptic}?"

**MR. TAYLOR:**

Apoptotic.

**LEG. VILORIA-FISHER:**

"Apoptotic Regulatory Gene Expression as a Function of the Apoptotic Cascade of the Pathogenesis of Huntington's Disease". Just the title is impressive.

**(Applause)**

Alexei Zaliznyak. Hi, Alexei. I said that right or wrong?

**MR. ZALIZNYAK:**

Alex.

**LEG. VILORIA-FISHER:**

Alex. "The Interplay of Clustering and Randomness: Virus Propagation on Scale-free Networks".

**(Applause)**

Jessica Dickenson. Jessica? Hi, Jessica. "Sizing Neutron Starts". Okay, good. Nice tidal.

Vikas Gupta from Comsewogue High School. Hi.

**(Applause)**

And, by the way, Jessica, you're Earl Vandermeulen High School in Port Jefferson.

**(Applause)**

Vikas Gupta, where did you go? "The Synthesis of Second Generation Taxoids as Potential Treatments for Malaria, Leishmaniasis, and Trypanosomiasis". Okay.

**(Applause)**

Because there are so many of you, very proudly I say that, we don't have time to go over your extensive bios. These are people who are not only terrific researchers and scientists, but their resumes make you wonder how they have been able to still stand. They've all been involved in community service. We have musicians among them, we have people who have excelled in languages and the humanities, people who have been accepted at all prestigious colleges. And we're just so very proud of you. We're proud of the teachers and the administrators who support your efforts. I know that Dr. Baldo worked so hard with his -- in his program. Mr. Rella is not only a wonderful Principal, but is very deeply loved by the students of his high school. And it's just a great honor to be standing here with all of you. Thank you very much.

**(Applause)**

Oh, I'll give her all of the -- we have copies of all of the titles. Okay. And now Comsewogue High School again. I think, Mr. Rella, before you pose for your Intel -- with your Intel Scholar. It's a proud evening for you. This is for the Comsewogue High School Girls Basketball Team. And I believe your Coach is here as well.

Okay. Well, the Comsewogue High School Girls Basketball Team.  
Coach Solomon, can you tell us what they've accomplished? I'll give you the mike.

**MR. SOLOMON:**

Very quickly, this was an accomplished group of girls, not only -- well, first of all, we won the Girls B League three years in a row, Suffolk County B League, a feat that's only been done once

by one other team as far as straight titles. We've won two league championships. We were semi -- finalists, actually, for last year's State Championship. And above being great girls and talented basketball players, these girls have -- we have about 12 girls on the team. Eight or nine out of the 12 girls have accomplished the student athlete criteria, which is a GPA or better out of the team. And, you know, to have eight or nine out of the 12 girls, I think that's incredible.

**LEG. VILORIA-FISHER:**

So you have scholar athletes.

**COACH SOLOMON:**

That's correct, yes.

**LEG. VILORIA-FISHER:**

Well, thank you very much. And I'll just read a little bit of this. "Whereas, the Suffolk County Legislature wishes to honor the Comsewogue High School Girls Varsity Basketball Team on its most successful season." I congratulate you.

**MR. SOLOMON:**

Thank you very much.

**LEG. VILORIA-FISHER:**

Thank you very much for being here.

**MR. SOLOMON:**

Thank you so much.

**(Applause)**

**P.O. POSTAL:**

We are going to have presentations by our elected officials, and we're going to begin with Todd Johnson, representing County Executive Gaffney.

**MR. JOHNSON:**

Good evening, Presiding Officer Postal, Deputy Presiding Officer Caracappa, and Legislators. My report this evening is going to be relatively brief. We do have a couple of Certificates of Necessity, which I -- the County Executive will be presenting this evening, one concerning repowering of police boats. We're going to be looking for some engines for the Marine Patrols, so that they will be up and available during the summer months. I would like to move on that as quickly as possible.

Also, with regard to the establishment and designation of the Empire Zones, I.R. 1081 and 1082, we'd like to move those forward this evening as CN's. I believe that Deputy County Executive Gatta is going to be speaking and giving you a little bit more detail about that, so I won't go in too much detail with regard to those items.

I believe also this evening you're going to be looking forward to a presentation from the Director of Planning and Real Estate on the Duke Property acquisition, which has been in the public news of late. I believe they have an entire entourage, as required by the revisions and the changes to the Real Estate procedures from last year.

Also, Vinny Iaria has been called to speak with regard to an appointment this evening, and I believe he should be present and available.

There are I believe no other questions or presentations that you've asked for from the County Executive. And if there are no other questions, I'll be available this evening, if you need anything.

**P.O. POSTAL:**

Thank you, Todd.

**MR. JOHNSON:**

Okay.

**P.O. POSTAL:**

Christine Costigan, Director of Real Estate.

**MR. ISLES:**

Madam Presiding Officer, we have a two-part presentation, and with your indulgence, we'd like

to just do it at this time.

**P.O. POSTAL:**

Sure.

**MR. ISLES:**

Okay. Thank you. Good evening. My name is Tom Isles. I'm the Director of Planning. We're here tonight to speak on the resolution involving the proposed authorization to acquire what is known as the Duke Property in the Town of East Hampton. We'll try to make this presentation as brief and concise as possible, but there are a few points that we feel are important to bring to your attention.

In addition, we do have additional backup information, part of which is being handed out to you right now in the form of two documents, one being a summary report that was prepared with the Town of East Hampton and the Nature Conservancy that was provided to the County at the beginning of this process. The other is what we call a Compliance Review Form that the Planning Department prepares at this time at the request of the Environment Committee.

So what I'd like to do is just to briefly walk through some of the planning and environmental considerations of this acquisition, and then ask Christine Costigan to speak on the evaluation aspects.

The acquisition itself involves a parcel of 57 acres in the Town of East Hampton in Northwest Harbor, a parcel that is currently not developed, but has extensive frontage on Three Mile Harbor, totaling over a half a mile, including frontage on Hand's Creek. It's the last large privately owned parcel on Three Mile Harbor, a harbor with very little flushing action, a harbor where the preservation of this parcel is of extreme importance.

A planning steps resolution was approved at the end of last summer by this Legislature, and from that, we then began the process to do further investigations, obviously, in the format of the appraisals and appraisal review process, but also to further review the environmental and planning issues.

We have provided to you a ranking sheet that's attached to the compliance review form. Here again, this is a practice that we've worked on with the Environment Committee. As you will see

with the ranking sheet, it's a -- it's kind of a thumbnail quick evaluation of the property that we use. It's a guide, it's certainly not gospel, but this parcel ranked an 85 out of total score possibilities of 110. It's the highest score that I've seen in a parcel in my two years with the County in any resolution that's been presented to the County, and that's based upon a number of factors. And not to get in too much detail in this forum, but we're dealing with a parcel that hasn't really been disturbed in over 100 years, a parcel that has -- is part of a pristine watershed to Hand's Creek.

And one interesting fact of many important aspects of this property is a very significant eel grass bed located off shore of this property. It's actually the largest contiguous eel grass bed in the Peconic Estuary. It's an indicator of the environmental quality and environmental health of this system, the aspects of a low nitrogen impact into the surrounding waterways. There are also threatened species on this property, as identified by New York State Department of Environmental Conservation, as well as certain rare species of plants as well.

The parcel also has a very interesting what's known as a seep marsh along Hand's -- marsh along Hand's Creek. That is a very pure groundwater migration into a brackish environment of Hand's Creek. This in itself has resulted in unique vegetation existing within this portion of Hand's Creek, and a very sensitive environment in terms of the possible effect of development of the Duke Property in terms of nitrogen loading, nitrate loading from septic systems, as well as more conventional suburban runoff.

That summarizes the -- very briefly the environmental aspects of this parcel. The report that's provided to you provides an overview of some of the environmental aspects in terms of the wetlands and so forth. We've also provided in the report, or has been provided in the report, photographs of the site that I think speak for themselves. And I think, as we look at the overall County Acquisition Program, and this parcel has been proposed for acquisition under the new Drinking Water Protection Program, we find from the Planning Department standpoint that the parcel clearly qualifies under that program in a number of different aspects.

I will point out, too, that the parcel has been reviewed by the Council on Environmental Quality, which has forwarded to this body a recommendation that this be classified as an unlisted action and that a negative declaration be issued. We do have currently available funds appropriated within the Drinking Water Account sufficient to cover this acquisition as well.

At this point, I would like to request the opportunity to have Christine Costigan speak on the appraisal aspect. Thank you.

**LEG. HALEY:**

I have a question of him first.

**P.O. POSTAL:**

Yeah, hold on. Legislator Haley.

**MR. ISLES:**

Yes.

**LEG. HALEY:**

Yeah. I just want to know, when they go to Peconic County, are the rest of the Suffolk County taxpayers going to get reimbursed for this, those dollars?

**MR. ISLES:**

I don't think I could answer that question.

**LEG. HALEY:**

Okay. Thank you.

**P.O. POSTAL:**

Miss Costigan. We'll try to restrain Legislator Haley. Go ahead. Go ahead.

**MS. COSTIGAN:**

Thank you. The reason we're here this afternoon, just to remind you, this is pursuant to Section 712, which was the -- when you passed it, it was Resolution 425. It's been codified as 712 of the County Code, and it requires, when there's a purchase, which is the price of which is over the mean of two appraisals, we have to come back to you to seek approval. In this instance, the County is paying one-half the mean and the Town is picking up the amount that is over the mean.

The two appraisals in this instance, one of them was twelve-million-six, the other was ten-million-six, which gives us the mean at eleven-six, and the County is paying 400,000, which is

over the mean to meet the purchase price.

**LEG. GULDI:**

The Town you mean?

**MS. COSTIGAN:**

The Town. Thank you. Thank you.

**LEG. GULDI:**

When you said the County, you meant the Town of --

**MS. COSTIGAN:**

I meant the Town.

**LEG. GULDI:**

The Town of East Hampton has approved that by resolution.

**MS. COSTIGAN:**

Thank you very much. They have approved it by resolution. And the Supervisor, in addition, the Supervisor of the Town is here to express the Town's support and feelings in regard to and familiarity with this. Also present for your questions or any further information that you want, and also as required by 712, Larry Indimine from Given Associates, one of the appraisers, Patricia Parsons from Clark and Marshall, the other appraiser, Supervisor Schneiderman I said was here. The Director of Planning for East Hampton is here, Joseph Potter, also available for any questions. And William Moore is here, the County General Appraiser, who was retained pursuant also to 712. Having said that, we stand ready for questions. I hope that it's self-evident.

**P.O. POSTAL:**

Legislator Caracciolo, and then Legislator Guldi.

**LEG. CARACCIOLO:**

My question is for Legislative Counsel, as well as Ms. Costigan. Paul, given the assurance now that the Town would be willing to pay the additional funds necessary to make this acquisition above and beyond County appraisals, does that require any special consideration, i.e. 12 votes

by the Legislature?

**MR. SABATINO:**

Yes, you need -- you still need to comply with the statute, because the statute states that you need the two-thirds vote when you're going in excess of the appraised value, regardless of who the parties are that are making the payment, because it's a County transaction.

**LEG. CARACCIOLO:**

Okay. Is there anything about this proposal, as we are considering it today, that causes any reservation or pause on your part?

**MR. SABATINO:**

The only -- I think the only issues you have to resolve that came out at the committee level were -- I think there were two or three issues. One was the -- there has to be an appropriation of actual monies in the resolution. That's not in the resolution. The second thing is, at the committee level, when the review appraisal was handed out, it contained some language, which I believe Legislator Fisher asked questions about regarding a comment or statement that was included that review, which stated that the second appraisal, the one from the I believe it's Town of South -- Town of East Hampton and the Nature Conservancy was unacceptable. That question was raised. I don't know if the committee was satisfied with the answers. But it's an issue that's got to be addressed, because it was -- it was in the document that was submitted.

**LEG. CARACCIOLO:**

Okay.

**MR. SABATINO:**

And the third issue is --

**LEG. CARACCIOLO:**

Just to backup on that, that second point, the appraisal review you're speaking of, okay, you're saying that has to be reconciled?

**MR. SABATINO:**

Well, it's -- you said, "Are there any questions that have to be resolved." I mean, that was a question that was raised at the committee. You know, somebody says that something is

unacceptable, I think you need a response before you go to the next stage.

**LEG. CARACCILO:**

Okay. I guess where I'm really going with this is, as my counsel, I want to make certain that this resolution is, in its current form, eligible for a vote today, and if not, let's specify why not, and see if we can work out those differences.

**MR. SABATINO:**

The only technical -- the technical things that you need are there has to be an appropriation in the resolution itself. That's got to be made part of the resolution. The second thing is you need a procedural approval at some point with two-thirds vote based on the articulated -- the way the statute is worded, it says there has to be the presentation, which you're getting tonight, from four parties. The four parties are the Director of Real Estate, the Director of Planning, the person who prepared the appraisal, and the review appraisal. After you get that presentation, then, if you're comfortable with the presentation, you have to affirmatively articulate in the form of a procedural motion what the basis is for going above appraised value. So that's the second technical thing that you've got to do. I only mention the other point, because that's part of that technical determination that you have to make. Do you have a comfort level that the information has been reconciled.

And then the only other point I think you just want to be clear about, you just want full disclosure on where the Nature Conservancy fit into the process, because there was some public discussion I think earlier in the year about the Nature Conservancy has got some kind of an ongoing contract with the County where they get a percentage when they act as an intermediary. I don't know if that's the case here, but since it was brought up, I think you should just have the record clarify whether they were or they weren't.

**LEG. CARACCILO:**

Okay. Ms. Costigan --

**MR. SABATINO:**

Those would be the three technical point I would --

**LEG. CARACCILO:**

On the last point first, could you address that?

**MS. COSTIGAN:**

I can address it. In this instance of this acquisition, the Nature Conservancy is being paid by the Town.

**LEG. CARACCIOLO:**

And what is their compensation for the --

**MS. COSTIGAN:**

They're paid a flat fee for their work on the Town, so there's no compensation additional for this particular work.

**LEG. CARACCIOLO:**

So they're other a retainer with the Town any time they --

**MS. COSTIGAN:**

That's right.

**LEG. CARACCIOLO:**

-- act as an intermediary in bringing buyer and seller together, much like a real estate broker or agent relationship?

**MS. COSTIGAN:**

They serve the same function for the Town as they do for the County, but they happen to do it on a flat fee for the Town.

**LEG. CARACCIOLO:**

You would not know what that fee is. You yourself would do not know.

**MS. COSTIGAN:**

No. We have --

**LEG. CARACCIOLO:**

Okay. We could find out later on about that. When I went through the appraisals, Ms. Costigan, I note, and I'm sure on the East End it's not easy to find comparables or, you know, the sales

approach method, but I was just curious, was there some reason that neither appraiser did not look at the Shadmoor acquisition?

**MS. COSTIGAN:**

I'll let the appraisers answer those questions, as it's their choice as to what comparables they want. We found the comparables were adequate and reliable. But if -- you know, I can bring them up separately, if you want them to come up now.

**LEG. CARACCIOLO:**

Okay. I think Counsel indicated we have to go through the -- yourself, the appraisers, and the review appraisers to have a comfort level that some of the concerns that he pointed out are adequately addressed for the record.

**MS. COSTIGAN:**

Yeah. I'm not suggesting putting them on as a direct presentation. They are here to respond to questions. In this instance, the issues are not, you know, so complicated.

**LEG. CARACCIOLO:**

Okay. Then maybe you could have them come up and address that particular issue of comparables and what methods they used to ascertain the values that they did, and why there was this fluctuation between the Town and County appraisal.

**MS. COSTIGAN:**

Yes. I think Ms. Parsons. This is Patricia Parsons from Clark and Marshall.

**MS. PARSONS:**

How do you do?

**LEG. CARACCIOLO:**

Good afternoon.

**MS. PARSONS:**

I, in fact, did us Shadmoor as a comparable. In appraising the Duke Property, I utilized two approaches within the direct sales comparison approach, placing an emphasis on one, the acreage analysis, considering it's raw land that had received no approvals. In looking through

the Planning Department files and in discussions with the Planning Department, the Board, and the Deputy Town Attorney, there had been several maps submitted and it commented upon. Because of this and because I was requested to, which is not standard, I did a subdivision analysis, which I feel is, at that point in the process, purely speculative and subjective.

I'm very involved and knowledgeable about planning and the process within East Hampton, since we specialize in that area. And from a yield map that was commented upon of 16 lots, I felt, considering the clustering mandates, the slopes, the archaeology and the wetlands, that a ten lot yield was possible. They had submitted a lot with a cluster plan of 12 lots, which is possible. I just felt, considering my experience within that area, a ten lot yield was -- of lots that offered water views, with access to the water, although there were severe slopes, was more acceptable. Both of these approaches work together, although I really believe that the acreage analysis is one that we would feel most comfortable with. And Shadmoor, I used four comps, Shadmoor being one of them.

**LEG. CARACCIOLO:**

Were you involved on the Town's behalf when the Town was considering -- -- well, the Town actually did purchase, along with the County and the State, the Shadmoor property. Were you involved in that acquisition?

**MS. PARSONS:**

I was.

**LEG. CARACCIOLO:**

Okay.

**MS. PARSONS:**

I appraised Shadmoor two or three times.

**LEG. CARACCIOLO:**

And why was that?

**MS. PARSONS:**

It was over a series of years. I appraised it once, and then they required an update three years

later. I believe I only did it twice.

**LEG. CARACCIOLO:**

Did you ever appraise the property for the U.S. Fish and Wildlife Service?

**MS. PARSONS:**

They were, I believe, one of the -- it was certified to them as well. I was employed by the Town and the Nature Conservancy, but the first time we did the appraisal, U.S. Fish and Wildlife I believe was involved. Again, we're going back a number of years.

**LEG. CARACCIOLO:**

We are, and we're also talking about a substantial amount of money from --

**MS. PARSONS:**

I know. I know, but --

**LEG. CARACCIOLO:**

-- the time the appraisal was done for U.S. Fish and Wildlife and some 18 months later, when the property was acquired, the property more than -- the purchase price, I should say, increased more than 300%, which was not disclosed to this Legislative body a year before that, when representations were made that if we didn't purchase the property, there would be homes built on it. What we weren't told is that the Town, in fact, would only have permitted four homes to be built.

No. I went back and looked at the minutes. That's not what the record reflects. But -- and that's unfortunate, because I think the County got hoodwinked on that one, but having --

**MS. PARSONS:**

There were a number of appraisers that worked on that. I am not sure. The last appraisal that was done that was prior to the purchase, that justified the purchase, was done by my office.

**LEG. CARACCIOLO:**

And how long have you had a relationship with the Town in terms of -- you know, I'm talking about a professional business relationship, where you provide appraisal services.

**MS. PARSONS:**

Well, the firm has been in business 25 years. I personally have been appraising with Clark and Marshall for 12.

**LEG. CARACCIOLO:**

And is this a contract you have with the Town or --

**MS. PARSONS:**

No, not at all. We bid on job, the same as, you know, any other firm, or requested to respond to how we'd approach something and a price we'd charge, and our time, you know, turnaround time to complete the assignment.

**LEG. CARACCIOLO:**

And, in essence, the difference between your appraisal conclusion and the County's was -- what is that attributed to, lot yield?

**MS. PARSONS:**

Since I'm not privy to the County's appraisal, I'm not quite sure.

**LEG. CARACCIOLO:**

Okay.

**MS. PARSONS:**

I can't tell you. I know in part of the preview process that we've been -- I've been discussing over the past week with the review appraiser, the questions they asked me were primarily concerned with the subdivision analysis, why I used 10 instead of 12 to justify my appreciation rate, which I can do with a matched pair analysis. I responded why my sellout was four years instead of five, which is subjective. I, you know --

**MS. COSTIGAN:**

Mr. Caracciolo, if you'd like the -- you know, comparison of the two, our in-house can do that. It's not appropriate for either of the appraisers.

**LEG. CARACCIOLO:**

That's fine. That's fine. Okay. Thank you very much.

**MS. PARSONS:**

Thank you.

**P.O. POSTAL:**

Legislator Guldi, did you have a question?

**LEG. GULDI:**

Yeah, actually -- are you done?

**LEG. CARACCIOLO:**

Yeah.

**LEG. GULDI:**

I just wanted, actually, on the appraisal issue, since we'll be making the procedural motion, I'd like the appraisers and the review appraisers to address the -- any time adjustment for the valuations that they proposed in their appraisals from the time they made them to the present, if you could -- if we could direct our attention to that first.

**MS. COSTIGAN:**

Yes, I'll ask Ms. Parsons to do it, since she's finished with everything else, and then she'll be followed by the other appraiser. So, if you'd just -- what we're talking about here is the update of value between the time of the appraisal and the current day.

**LEG. GULDI:**

Yeah, what's the current day value, is what I'm just trying to get at, and the basis for any differences.

**MS. PARSONS:**

Okay. The market has changed considerably in the past year, and whereas for the time leading up to the 2002 appraisal, I have in my file a matched pair analysis showing an appreciation rate going from 2.2% -- 2.26% to 6% to vacant land. I'm being conservative. I used a 2% appreciation rate. In trying to establish the same sort of mathematical scenario for the current time, it's -- I couldn't. There was no such thing, mainly because we have not that much vacant land being sold, not much left, but, also, the market is slow. There is still appreciation that

we're aware of by our -- I have constant communication with brokers and we're seeing them in other areas. One can only assume that the same is happening for large tracts of land, as well as other vacant pieces of land. I just don't have the numbers in the same way that I had the -- when there were -- there was a larger body of sales to work with. Matched pairs meaning the same lot was sold within, you know, a year or two later, so that we could make a percentage adjustment. Going from 2002 to 2003, that hasn't been evident to the point where I can make a logical --

**LEG. GULDI:**

Granted, you don't have -- you don't have sufficient data to do a mathematical analysis, but --

**MS. PARSONS:**

So what I went with was --

**LEG. GULDI:**

-- from 2002 to 2003, though, generally, is the market flat, up or down?

**MS. PARSONS:**

It's still up. I went from a 2% per month to a 1% per month, which is 12% a year appreciation, based upon just knowledge of the market and discussions with those involved in real estate sales in the area.

**LEG. GULDI:**

All right. Was your opinion of value, the ten-million-six or the twelve-million-six value.

**MS. PARSONS:**

Twelve-million-six.

**LEG. GULDI:**

Okay. And you believe that that's -- and that was of what -- in what month in '02?

**MS. PARSONS:**

April of '02.

**LEG. GULDI:**

April of '02. And now being April of '03, we have 12 months of valuation, at somewhere -- at some --

**MS. PARSONS:**

Fourteen-two-fifty, 14,250,000.

**LEG. GULDI:**

Thank you.

**MS. PARSONS:**

You're welcome.

**MS. COSTIGAN:**

The other appraisal was done by Given Associates. We have Larry Indimine here. I would add that they were not commissioned to give the update, so while I'm glad Ms. Parsons has it, it's not something we paid for initially. Larry will address -- the initial question was in regard to the comparables.

**MR. INDIMINE:**

Good evening, everyone. My name is Larry Indimine. As previously stated, I'm from Given Associates.

**MS. COSTIGAN:**

You have to talk into it.

**MR. INDIMINE:**

Okay. I apologize about that. My name is Larry Indimine and I'm from Given Associates. I did one of the appraisals prepared for the County of Suffolk on the Duke Property in East Hampton. I know you had requested or you had wondered why we used the comps that we did. I did not use the direct sales comparison approach in the analysis of the Duke Property, because I felt that there were -- that this property is just very unique in and of itself. It has unique water frontage, unique topographical conditions. There's some mention that there may be significant archaeological findings on this property. And since there was a map prepared by the property owners submitted to the Town of East Hampton, not too long ago, I believe it was in 1998, and there was another submission later on, of a 16 lot yield, the map that I appraised was a 12 lot

cluster plan. Therefore, I used lot sales in my analysis.

However, I will say that the plan that was submitted by the property owners back in 1998 for the subdivision of the property was very conservative and, essentially, environmentally friendly. Here, as everybody had stated before, is a property with significant water frontage, over a half a mile.

I believe the other appraiser, from what I've heard, did a ten lot subdivision analysis, which showed ten waterfront lots. The plan that was submitted to the Town that I analyzed was a 12 lot subdivision plan with only three waterfront lots, and many of the lots were separated from the water by a reserve area, which contained a trail and some of the potential environmentally significant sections of this particular property. I do believe that if another developer had gone in with some kind of application for this property, they would have been a lot more aggressive. It probably would have went for a bit more water frontage. In fact, they probably would have tried to get all their lots along the water frontage, which would have had a significant effect the value that I would have come up with.

But I will say that, because I did have some conversations with the Town, and I know there are many people who would like to see this property preserved and not developed, I think the Town had agreed that this 12-lot lot plan, which I do have here, I don't know if you folks have a copy of it, but this 12 lot plan is something that the town would have liked to see on this property. Now, again, let's realize that I believe the owners are somewhat environmentally friendly and would like to preserve some as much of the environmentally sensitive lands as they could. So with everybody in somewhat of an agreement on this, this particular yield, that's what I analyzed. But I do believe that somebody could have gone, and it may have taken some litigation to get it, but could have gotten significant more lots along the water.

And regarding the time adjustment to my appraisal, my appraisal was dated -- actually, the date of valuation was February, 2003, and the date of the report was March, 2003. We're talking about a two month difference in time. I don't think that would be a significant difference to my value, but there would be some increase. We are in an increasing market right now.

**LEG. CARACCIOLO:**

And your value was?

**MR. INDIMINE:**

Ten-million-six.

**LEG. CARACCILO:**

Thank you.

**LEG. ALDEN:**

Question

**P.O. POSTAL:**

Question from Legislator Alden.

**MR. INDIMINE:**

Yes.

**LEG. ALDEN:**

What size parcels -- I'm over here.

**MR. INDIMINE:**

Okay.

**LEG. ALDEN:**

What size parcels are there in that map that was actually granted, the subdivision map?

**MR. INDIMINE:**

It was never approved, it was just submitted.

**LEG. ALDEN:**

Oh, it was -- okay.

**MR. INDIMINE:**

The Town never approved it. There was never any recommendation as to how the yield should be changed, etcetera. I think it was something that, in my conversations with the Town, they just said it was something we'd like to see, something along these lines

**LEG. ALDEN:**

Okay. But you based your appraisal on that map, right?

**MR. INDIMINE:**

Yes.

**LEG. ALDEN:**

Okay. What size parcels are they?

**MR. INDIMINE:**

The lots vary in size. My three waterfront lots are 94,000 square feet to 148,000 square feet. And the majority of the other lots, which do not have water frontage, are in the 70,000 to 90,000 square foot size.

**LEG. ALDEN:**

You mentioned a reserve parcel also?

**MR. INDIMINE:**

Yeah. There were actually two reserve sections.

**LEG. ALDEN:**

And they would have been dedicated, or they would have been --

**MR. INDIMINE:**

They would have -- they could have been dedicated to the Town. The Town never specifically said --

**LEG. ALDEN:**

Okay.

**MR. INDIMINE:**

-- what they wanted to see with that. It could have been held in homeownership, which I think would have been the more likely scenario. That way at least the people who lived in this particular subdivision would themselves only enjoy the use of the land around it. That's probably what they would have liked to do. Granted, the Town would have loved to get their,

you know, hands on the waterfront land for, you know, a dedication price, but it never got that far, so we really don't know what they would have done.

**LEG. ALDEN:**

What are the sizes of the two reserve areas, approximate sizes?

**MR. INDIMINE:**

The size of the two reserve areas, one is 17.51 acres, the other is 11.24 acres.

**LEG. ALDEN:**

Okay. Thank you.

**MR. INDIMINE:**

Okay.

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

Yeah. If you had evaluated the parcel based upon what the maximum dollar generation of a proposed development would have generated, not necessarily by this owner, but by some owner, would you have come out with a substantially higher value than you did in your appraisal?

**MR. INDIMINE:**

You'd have to define substantial, but it certainly would have been higher than the value I would have come up with. I don't have a number for you right now prepared on a yield that I don't -- you know, a layout that I don't have in front of me, but it would be higher, certainly, than my appraised value.

**LEG. GULDI:**

And just by way of clarification, you said your appraisal was dated February of '03 or '02.

**MR. INDIMINE:**

'03, '03.

**LEG. GULDI:**

Okay. Thank you.

**P.O. POSTAL:**

Any other question? Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes. The Given appraisal indicated or factored in a 15% profit for entrepreneurship. Can you just elaborate and specify what that means?

**MR. INDIMINE:**

Sure.

**LEG. CARACCIOLO:**

I'm certain I know what it means, but I'd like it for the record.

**MR. INDIMINE:**

Absolutely. Typically, nobody would buy anything today and buy rather a large acreage tract without looking to get some kind of income over the time that they're doing their development, getting the approval, holding it for, you know, who knows how many years, three, four, five years is something that I think both appraisers are in line with. But it just represents profit that nobody would lay out a large chunk of money today and not expect to receive any kind of premium on the lot values over and above what they're paying right now. So it just reflects a developer's value for their money that they're laying out right now, that they're going to receive increased prices to the lot sales versus what they're going to pay for it right now.

**LEG. CARACCIOLO:**

So, in essence, we're talking about a piece of property that's valued in this range of 10 to 12 million dollars. A developer would expect to yield between one-and-a-half to two million dollars in profit after -- including the time value of money to develop the project out.

**MR. INDIMINE:**

Something along those lines is a reasonable expectation. People wouldn't enter into any kind of

business partnership for 10 million dollars without knowing that they're going to generate a reasonable return on that investment. And they are taking on a great deal of risk, particularly at this end of the market, where we've been at the top for quite sometime and it just keeps growing up. So I think 15% is a reasonable expectation for anybody to get into some kind of land subdivision application right now.

**LEG. CARACCIOLO:**

Who is the property owner and who is the potential developer?

**MR. INDIMINE:**

The Duke Family did the application and is the property owner, as far as I know. Jeffrey Bragman, the attorney for the Duke Family, I believe made the application, so I don't know who was behind it all. There could have been a contract vendee somewhere along the line, but I was not privy to any information like that.

**LEG. CARACCIOLO:**

Thank you.

**MS. COSTIGAN:**

Mr. Caracciolo, the Town Director of Planning is here, if you want to know anymore about the discussions that were had with the Town.

Something that was asked to us by the committee, which may be of interest to you, was the per acre value for this waterfront property in East Hampton. What we're suggesting is \$210,000 per acre, which is not reflected. It wasn't analyzed that way in either appraisal.

Supervisor, Schneiderman, would you like to hear from him?

**LEG. CARACCIOLO:**

Yes.

**P.O. POSTAL:**

Just one minute. Legislator Caracciolo has a question -- Legislator Alden has a question for -- who was it -- for you, Christine.

**MS. COSTIGAN:**

Yeah.

**LEG. ALDEN:**

Hi. And these are just two minor points. If this purchase goes through the Nature Conservancy, they get a commission of how much?

**MS. COSTIGAN:**

They're being -- they get no commission specifically for this. They're working for the Town and the Town pays them a flat fee for all the work they do, whether they do one or ten acquisitions. But, again, you could ask Supervisor Schneiderman more about that.

**LEG. ALDEN:**

Okay. Then I had one question for him.

**MS. COSTIGAN:**

They're not being paid any special fee for this acquisition, and they're not being paid by the County.

**LEG. ALDEN:**

Okay, good. Thanks.

**SUPERVISOR SCHNEIDERMAN:**

Good afternoon, Presiding Officer Postal, Legislators. I'm certainly happy to answer any questions. Let me just say a couple of very brief things. First, I want to introduce some of the contingents who have come with me here today from East Hampton. Rather than go through all the names, why don't you stand up, those people who came from East Hampton. Among them, the Natural Resource Director, Larry Penny, several people from our Nature Preserve Committee, two of our Town Board members, Diana Weir and Joe Potter, and citizens, Group For The South Fork, Bob DeLuca is here. So we have a group of people who have come out for me. This is probably my fifth or sixth trip in relation to seeing the County work with the Town in acquiring this to the Legislature or to Mr. Guldi's office, where this started.

So I'm happy to be here. I've got my fingers crossed that you will help us on this. This is a big acquisition. The Town is very interested in seeing it preserved. And we are, once again,

pleading with you to come and join us and make this happen.

One comment I'll offer off the top in response to some of what I've heard Legislator Caracciolo saying, you know, it's sometimes -- you know, putting values is not an easy thing to do. It's been a very fast real estate market. Sometimes, whether you have four lots or 12 lots or 20 lots, even one lot, you -- sometimes you'll see a property worth more for just one house as an estate lot. So you really have to also look at the value of public access, and that's really critical when you talk about Shadmoor, when you talk about this property. Once it's developed and it's in private hands, there is no ability for the Town to really take advantage for the people and for the members of Suffolk County to take advantage of this. And I don't know how much value you put on public access, but I put a lot of it there, and I think it's a -- if we lose this, we would lose that access to a very special place.

And I was out there today and it's a very serene spot. I don't know if any of the Legislators have been there. Today, from across Hand's Creek, I watched an osprey protecting her eggs in the nest there. And as I walked, you could see all the shellfish. Understand, as you walk in other places along the beach, you don't see the kind of shellfish that you do here. It's a very healthy system, this Hand's Creek system. There were razor clams, and oysters, and scallops, and mussels, and on, and on, and on. It's abundant. You could see how the Native Americans really thrived on the bounty of food that the earth provided in this location. So, it's a very, very special place. And with that, I'll answer some of your questions.

**P.O. POSTAL:**

Legislator Alden.

**LEG. ALDEN:**

Hi. Thanks for coming down. Are you paying for the acquisition out of that special transfer tax?

**SUPERVISOR SCHNEIDERMAN:**

Yes, the community preservation fund.

**LEG. ALDEN:**

Okay. I read in Newsday that, basically, if we don't come on board, that you're going to go forward with it anyway?

**SUPERVISOR SCHNEIDERMAN:**

We don't want to see this parcel slip away. What happened is a private developer had apparently mailed a contract. There was contracts going back and forth between Mr. Duke and a private developer at the 12 million dollars price that this property was for sale. We didn't want to see this privately developed. We really didn't have much choice, other than to step in and say, "Okay, we're going to keep our fingers crossed that the County will join with us. We want to see this preserved. We've had no guarantee that the County will do this. We know it's very high on your priority list to do this.

If the Town is forced to, we'll have to protect it on our own. That will be sad from the Town's perspective, because we simply don't have the funds to do this. We will have to increase our indebtedness, and other properties that, you know, we would like to see preserved will suffer because of it. So we're hoping that's not the case. We think that this property meets the profile of other properties that the County holds in the area. It's perfect for park purposes. And we certainly hope the County doesn't take advantage of the box that the Town is in.

**LEG. ALDEN:**

Two part question. First part, your plans for the property, if your Town is forced to purchase it on its own, and how your going to protect it and, you know, basically the plan, how -- what type of access you're going to allow people. And then, number two, if the County joins you in the acquisition, how do you envision the property being protected, and what type of access? But keep in mind, too, the County, we've bought, you know, thousands and thousands of acres that we don't really protect, because our Park Police have actually -- they've shrunk over the years as we've acquired more and more property. So we have more and more misuse of the properties and abuse of the properties. So, if you could address those, too.

**SUPERVISOR SCHNEIDERMAN:**

Okay. Yeah, let me -- let me address that. The Community Preservation Fund that you spoke of before, which has been extremely helpful to the Town in preserving properties, we've been seeing some months a million dollars a month come in through this fund. One of the provisions of that fund is to allow up to 10% of those revenues to be used toward property management. And this year, for the first year, we actually have set funds aside for that purpose. We're creating what is a function like a park ranger function with several people ultimately in this department, and equipment to help police these properties, and make sure that they are

available to the public and not being abused in any way. So, in the case of this purchase, we are looking toward the Town actually doing the management on this property. Now, we own many other properties with the County and we haven't had any problems in the past in terms of the management of those properties, so it would be a similar arrangement.

**LEG. ALDEN:**

Do you envision like active use, people camping, people accessing the -- like the beach front like you said? What type of use?

**SUPERVISOR SCHNEIDERMAN:**

We typically have procedures that do allow for camping with permission from the Town. Basically, this is fishing, hiking, passive recreation. There would be no active recreation on this property. There's no soccer fields or anything like that. Mostly hiking, bird watching nature studies.

**LEG. ALDEN:**

Access? Do you have good road frontage, or are you -- would you plan on building a parking lot, or, you know, like a ranger tower or something?

**SUPERVISOR SCHNEIDERMAN:**

I can't speak to the actual management plan. We, obviously, would work with the County on that, if the Nature Conservancy wanted to assist us as well, or the Town's Nature Preserve Committee. There, obviously, would have to be some parking provided. Where on the property that would be located I can't speak to, but, certainly, we don't want to discourage people from using this piece property, but we do want them to use it with care. So, yeah, it will be in an appropriate location.

**LEG. ALDEN:**

Okay. Thank you.

**LEG. LINDSAY:**

Yes, Mr. Supervisor, over here. Right here.

**SUPERVISOR SCHNEIDERMAN:**

Oh, there you are.

**LEG. LINDSAY:**

Legislator Alden asked many of the questions that I had in mind, but -- so this -- if this purchase goes through, as before us tonight, the property will be jointly owned by the Town and the County, but managed by the Town.

**SUPERVISOR SCHNEIDERMAN:**

Yes. And that's certainly up for negotiation. The Town would like to manage this property, if the County has no objections to that.

**LEG. LINDSAY:**

I don't think we have any objections.

**SUPERVISOR SCHNEIDERMAN:**

Okay. If, for some reason, the County a more active role in management, that's not an issue.

**LEG. LINDSAY:**

It looks like a beautiful piece of property. That's all I have.

**SUPERVISOR SCHNEIDERMAN:**

Can I ask a technical question of the Counsel to the County? You've said before that this vote would require a super majority, basically, a two-thirds Legislative vote. And I know, in the past, these acquisitions have gone through largely unanimously, so, hopefully, that will not be an issue. But we also heard testimony today that at least one of the appraisals has been increased to \$14 million, making the mean of the two appraisals maxed at price here. And is that still in play with that information?

**MR. SABATINO:**

Two-thirds vote requirement is based on the documents that were submitted. If you want to postpone action on the legislation and afford the parties the opportunity to update, modify their appraisal, and then go through the review appraisal process, I mean, that would certainly be something that could be taken under consideration. But the Legislature has to deal with the documents that were submitted to it, the formal documents that people signed off on, are the 12-6 and the 10-6.

**SUPERVISOR SCHNEIDERMAN:**

It wouldn't be up to me, but it, for some reason, it was not going to go through, they didn't have the two-thirds vote, but you had over a majority to purchase this, I might suggest that maybe that, you know, mechanically could be done.

**P.O. POSTAL:**

Any other questions? Legislator Caracciolo, before you ask your question, I just want to point out that there's five minutes left to this portion of our agenda. At 5:30, we must go to the public hearings. After the public hearings are concluded, we will return to this portion of our agenda. We have Mr. Iaria, Mr. Gatta would still like to address the Legislature, so that will be at the conclusion of the public hearings. We will address the Consent Calendar. But please be aware that we only have less than five minutes. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Supervisor Schneiderman, with respect to public access, within your Township, which is rather one of the smaller towns in the County in terms of geographical land mass, you and your predecessors, as well as the Town Board Members, historically have done a wonderful job with land use and zoning decisions, and I commend you and they for that. But I also note, when I look at a map of your beautiful township, that much of the land that has been preserved is already in public domain and does provide public access, I think, of the State Park. I think, of all of the County acquisitions in the Town, I think of Shadmoor now. And some might argue from other parts of the County certainly not I, but I think others might, that there's a disproportionate share of County funds going to certain localities within the County. And I don't think the issue of public access per se is limited by any means, because there's plenty of other parkland and public areas, including beaches, that are readily available, Hither Hills State Park and campground facilities, Montauk State Park, Cedar Beach Park, County Park, and many others. So I don't have an -- I don't take issue with the public access. But specifically to this property, I need to know, as I state, and my colleagues can verify, that any time the County is going to spend millions of dollars of County taxpayer funds, then there has to be a public benefit to the residents of Suffolk County. And I don't know that this additional acquisition is necessary from the standpoint of just getting a representation that it will permit passive recreational use.

**P.O. POSTAL:**

Mike, that is a question coming, right?

**LEG. CARACCIOLO:**

Yes, yes.

**P.O. POSTAL:**

Good.

**LEG. CARACCIOLO:**

Yes.

**LEG. FOLEY:**

That's a preface to a question.

**LEG. CARACCIOLO:**

It's preface to a question.

**LEG. GULDI:**

But the question is, will it end before 5:30?

**SUPERVISOR SCHNEIDERMAN:**

Okay. So, what's the --

**LEG. CARACCIOLO:**

The answer to that is probably not.

**SUPERVISOR SCHNEIDERMAN:**

Mike, is the question what's the public benefit, is that -- is that going to benefit Suffolk County as a whole?

**LEG. CARACCIOLO:**

No. The management plan is really where I'm going. I'm going to speak to the management plan, because another aspect that kind of rubs County residents the wrong way, including many in the environmental community and many in active sports and recreational groups, is that the County has this vast inventory, now approaching 45 to 50,000 acres that we've preserved at enormous expense, much of which is off limits to the public for many of the reasons the public would like to see it made accessible. So my reluctance is not on the beauty and the value of

preserving this property, but any time I see a proposal that is going to have some type of aspect to it of public access, I want to know what the -- I want to know up front what that public access is. I don't want to find out after what I thought was going to happen didn't happen. I think that has to be incorporated in a memorandum of understanding now.

So I have reservations on that score. The other aspects, Counsel, as you heard earlier, state the resolution as it's prepared could only allow the Legislature to vote on the adjusted price. You're suggestion is one that could be taken up at a later date. So I leave it to the sponsor as to what his preference might be in that regard. Thank you.

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

Okay.

**SUPERVISOR SCHNEIDERMAN:**

It turned out not to be a question, I guess, right? Public access --

**LEG. CARACCIOLO:**

Management plan.

**SUPERVISOR SCHNEIDERMAN:**

Make public access a condition of your involvement. The Town wants to see public access.

**LEG. GULDI:**

I've got a question that will actually answer his speech, and that is, from the Town's perspective, unless the County objects, will the Town support public access for use of this proposed parcel for acquisition? Can you say -- can you answer that unequivocally for my colleague?

**SUPERVISOR SCHNEIDERMAN:**

Yes, of course.

**LEG. GULDI:**

Okay. So there will be public access from the Town's perspective, unless we, the County, as your partners in the parcel --

**SUPERVISOR SCHNEIDERMAN:**

Don't want public access, right.

**LEG. GULDI:**

-- don't want public access.

**SUPERVISOR SCHNEIDERMAN:**

Absolutely.

**LEG. GULDI:**

Okay. So I don't think that's necessarily an issue that my colleague needs to be concerned, since there is no one in the County who wants to acquire this without public access.

**SUPERVISOR SCHNEIDERMAN:**

Okay.

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

Okay. We're all set?

**SUPERVISOR SCHNEIDERMAN:**

Thank you.

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

We're going to stop now. It is 5:30.

**MS. COSTIGAN:**

Thank you. That concludes the presentation.

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

Okay. Thank you.

**LEG. GULDI:**

I think we need -- we still need to hear -- to make the procedural motion Counsel requires, we still need your review appraiser to address this -- the reconciliation of the appraisals, and the question that Legislator Fisher raised in committee. So we will need you back at the end of the public hearings. And I apologize for the inconvenience.

**MS. COSTIGAN:**

But I can release the appraisers?

**LEG. GULDI:**

I would -- I would suggest not, because I suspect that some of my colleagues might dwell from a question from the review appraiser back to the original appraisers. And I don't want to see this tabled unnecessarily.

**MS. COSTIGAN:**

Thank you.

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

Thank you, Christine. Okay. We're going to go to public hearings now. It is just past 5:30. Mr. Clerk, the affidavits of publication, they have been filed?

**MR. BARTON:**

Yes, the affidavits of publication are in order.

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

Okay. We'll go directly to the first **public hearing on the agenda, which is regarding the 2004 to 2006 Capital Budget and Program**. We have no cards relating to this public hearing. Does anybody wish to speak relating to the 2004-2006 Capital Budget and Program? Hearing none, I'll make a motion to recess.

**LEG. FOLEY:**

Second the motion, Mr. Chairman.

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

Seconded by Legislator Foley.

**LEG. FOLEY:**

We have to recess.

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

Actually, I'm going to make a motion to close.

**LEG. FOLEY:**

Close?

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

Yeah, because we will have another one at -- in --

**LEG. FOLEY:**

Oh, okay.

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

Set for Riverhead, so that was the mistake. Second to close by Legislator Foley. All in favor? Opposed? That is closed. We move on to **Public Hearing 2105, adopting Local Law Number -- it doesn't have one yet. Wait. 1217, a charter law to expand prior written notice of defective condition requirements.** We're doing that one now, right?

**MS. BURKHARDT:**

Yes. We have no cards for 12 -- 2105.

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

We have no one here -- we have no cards. Does anybody like to speak on 2105? Hearing none, motion to close by myself. Is there a second?

**LEG. FIELDS:**

I'll second.

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

Second by Legislator Fields. All in favor? Opposed? Abstentions? Public Hearing 2105 is closed. Public Hearing --

**LEG. FISHER:**

Henry, I'm right here.

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

**Public Hearing 1021. This is adopting a local law, a charter law to restore and ensure honesty and integrity to Suffolk County land transactions.** We have no cards.

**LEG. CARACCIOLO:**

Motion to recess.

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

Anybody wishing to be heard? Hearing none, there's a motion to recess by Legislator Caracciolo, second by Legislator Carpenter. All in favor? Opposed? That public hearing is recessed.

**1092, authorization of rates for Bay Shore Ferry.** There are no cards. Anybody wishing to be heard on this matter? Is there a motion?

**LEG. FOLEY:**

Motion to close.

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

Motion to close by Legislator Foley, second by Legislator Bishop. All in favor? Opposed? Abstain? That public hearing is closed.

**Public Hearing 1207, authorization of rate alterations for Sayville Ferry Service, Inc. for cross bay ferry service between Sayville, New York and Fire Island communities of Fire Island Pines, Cherry Grove and Water Island.** We have no more cards. Anybody wishing to be heard on this matter? Hearing none, motion to close --

**LEG. FOLEY:**

Motion.

**LEG. FIELDS:**

Second.

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

By Legislator Foley, second by Legislator Fields. All in favor? Opposed? Abstain? That public hearing is closed.

**Moving on to Public Hearing 1210, adopting a local law to amend the living wage law for transition to full implementation.** There are no cards. Does anybody wish to be heard on this matter?

**LEG. BISHOP:**

Recess.

**P.O. POSTAL:**

Hearing none, there is a motion to recess by Legislator Bishop, second by Legislator Fisher. All in favor? Opposed? Abstain? That public hearing is closed -- recessed, rather.

**Public Hearing 1217, a local law authorizing County Department of Parks, Recreation and Conservation to construct dog runs at Coindre Hall and West Hills in Huntington.**

We have a series of cards. First speaker is Barbara Mitchell. Miss Mitchell, you have five minutes.

**MS. MITCHELL:**

Thank you. While many, if not most, individuals address the concerns of socializing our dogs, providing them with the exercise they require and the benefits thereof, I would like to speak to another aspect of dog guardianship. Elizabeth Von Arnim wrote very eloquently about the fluctuations of affection -- thank you -- in friends, lovers and husbands, preferring the unswerving constancy of dogs. I, too, prefer to be loved like that. And my dogs have always provided me with that immediate and transcendent devotion. So it is no wonder that my dog {Vita}, is my constant companion. She is my partner at work, as are many trained service and assistant dogs. She rides along with me on my errands, and in some cases, we are fortunate and then she can accompany me into local shops and offices. And to my great joy and astonishment, we have been able to stroll and play together with other like-minded people and dogs, most recently at Coindre Hall, thanks to Jon Cooper {HDOG} without fear of stiff fines or imprisonment. I say here that Jon Cooper was on the verge of getting phone calls from me when I was threatened with arrest.

In the almost 40 years that I have been a resident and the 29 years a home-owning taxpayer with a small family practice in Huntington, the places we once strolled have been developed for homes, schools, shopping malls and soccer fields. The legislation beginning with leash laws has

ended with dogs outlawed in almost all of the town, county and state parkland. The waterfront, once public, is now predominantly in the hands of private marinas, all presumably to make things better for our community. Well, it hasn't, in fact, made things better for me or for the six hundred and fifty thousand and one other homes with dogs in Suffolk County. I often feel like I am trapped in a prison without bars, having less recourse than convicted criminals, because I choose to make a canine my companion instead of a child.

There are so few places of beauty and tranquility that are offered us in a part of the country that is reputed to be one of the highest in both per capita income and taxes in the United States. The financial analysis belies the situation's dearth of recreation facilities available to families with dogs.

In Oakland, California, Point Isabelle has been an off-leash dog area since 1987. It includes both open space and shoreline where dogs may be off leash. Point Isabelle and the adjoining marsh have many elegant and unusual shore birds. Within the park, small mammals, gophers in the fields and rock squirrels along the shore also provide for amusing observation. Benches are provided along the paths to take a rest or observe a particularly lovely view. There are permanent restrooms and a drinking fountain. Biodegradable bags are provided for dog waste. There is an emergency telephone. There is a portable restroom in the eastern parking lot, and all restrooms are disabled accessible as are the main paths within Point Isabelle. Park bulletin boards are available for announcement, lost and found notices, and information of interest to all park users may be posted. Is this too much to wish for or to expect as a child-free homeowner, paying in excess of \$15,000 annually in property taxes, and 46% and some to state and federal coffers? As a caring, thoughtful and responsible homeowner, taxpayer, and, yes, loyal dog steward, I urge you to support Jon Cooper's proposed legislation with regard to dog parks. It can only serve to enrich all the members of communities and providing safe and beautiful places for humans to enjoy the outdoors of Long Island and learn about their humanity from and with their canine companions. Thank you very much.

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

Thank you. No other cards on this matter. Does anyone else wish to be heard? Hearing none, Legislator Cooper, what's your privilege?

**LEG. COOPER:**

Close.

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

Motion to close by Legislator Cooper, second by Legislator Fisher. All in favor? Opposed? Abstain? Public Hearing 1217 is closed.

We move on to **Public Hearing 1225, adopting a local law to authorize County registry for domestic partners.**

**LEG. TONNA:**

Henry, I'm right back here.

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

First speaker, Ms. Mitchell, you're up again, Barbara Mitchell, unless there's a separate Barbara Mitchell.

**MS. MITCHELL:**

Now this is a surprise. I was out in the parking lot an hour-and-a-half ago when I arrived and there was no one there that looked to me like they were queer. So I thought I better quickly sign a piece of paper that said I was, so that I could come in here and address the question that we are addressing today.

About 30 years ago, several of my friends and I walked around Long Island telling the lie that everyone we knew on the East Coast lived in Suffolk County. Now what we thought that would encourage was a large community, so that we would be safe in public. What it did do, in fact, was encourage a community to be built. Now that I am 54 years old and watching my ten year old niece age, and my partner and I develop aches and pains in the morning, I realize that we need protection and we need your support. And I ask you, please, to support this legislation as a 54 year old aging woman who would like some respect in her later years. Thank you very much.

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

Thank you.

**(Applause)**

Next speaker is James Stephens. James Stephens. I know I saw him here. There he is. James, you're up.

**MR. STEPHENS:**

Mr. Presiding Officer, my name is James Stephens. I am -- I live at 30A Pineville Road, Central Islip, and I am currently serving as a member of the Suffolk County Human Rights Commission. Last year, the Suffolk County Human Rights Commission voted to support legislation creating domestic partnership. We again ask that this years bill, which is an improved version, I feel, does get the consideration and, hopefully, become law.

There currently in the State, Governor Pataki, the State Senate and the State Assembly have all recognized in some form the domestic partnerships of people after 9/11. This bill is a bipartisan effort. We have worked hard in providing information to show that it's not just a gay bill, it's not a straight bill, it is a bipartisan bill that Republicans and Democrats both can support. We really do feel that with over 26,000 domestic partnerships in Suffolk County, based on the 2000 census, of which most of them are people living in heterosexual domestic partnerships, that we are providing a service to all citizens of Suffolk County by this. And I urge the members of this -- of our Legislature to consider this bill and, hopefully, move on the bill, get it through the committee and back to the floor, so we can have meaningful legislation. Thank you.

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

Thank you, James. It's always good to see you. Next speaker is Joyce Trebich. I'm sorry if I pronounced it wrong.

**MS. TREBICH:**

My name is Joyce Trebich and I'm President of PFLAG Long Island, Parents, Families and Friends of Lesbians and Gays. I'm also a resident of Smithtown for over ten years, and I've lived on Long Island for over 30 years. PFLAG has over 400 chapters in New York State. Our chapters include both Nassau and Suffolk County.

We in PFLAG support and encourage parents to accept their gay and lesbian children. We also advocate for equal rights, because we, more than anyone else, see how the laws discriminate against our children. Many of us have straight children also and we live with the discrepancies in the laws every day.

I am a mother of three children. Our youngest daughter came out to us seven years ago. She was 24 years old. We not only accept our daughter, but we respect the differences that make human beings unique. We don't believe anyone should be judged or mistreated because they are, quote, different. Our daughter is in a loving monogamous relationship for over seven years, longer than some marriages. Our daughter owns a home here in Suffolk County and pays her fair share of taxes. Our daughter, however, does not have the same entitlements as our straight sons and their families. Because she is not allowed to marry the person she loves, she is treated like a second-class citizen. This is not what democracy is about. It is not even fair.

Every gay and lesbian person in this culture lives with bias, hate and discrimination, from the schoolhouse to the office place, from religious institutions to antiquated laws that do not protect them. I am here today asking, I am begging for fairness. It is something I should not have to do if there was true equality. We are not even asking for equality, we are simply asking for a fair shake for our kids, a domestic partner registry, so that the gay community can have the dignity and some of the benefits that the rest of us have had all our lives.

So I respectfully ask you, each and every one of you, on behalf of the thousands of parents, of families of gays and lesbians in Suffolk County, please be at the very least fair. By the -- please, do not be influenced by the fanaticism of a few. Please, vote yes for this resolution that will create a domestic partner registry in the County of Suffolk. Thank you for listening.

**P.O. POSTAL:**

Thank you.

**(Applause)**

Next speaker is Robert O. Hawkins.

**MR. HAWKINS:**

Thank you. I have a copy of this that I'll give you after I finish. I am Robert Hawkins, Jr., PhD., Professor Emeritus, SUNY Stony Brook, President Emeritus of Long Island Gay and Lesbian Youth. I've been a resident of Stony Brook for 37 years. I was also a Commissioner on the Suffolk County Human Rights Commission for ten years, and I'm speaking in favor of the establishment of a registry for domestic partners in Suffolk County.

Actually, I've been speaking and working for equal rights for homoerotic individuals in this county for over 30 years, and it sometimes feels like the battles will never end. Among those efforts was teaching a course entitled "Overview of Lesbian and Gay Issues" at the University of Stony Brook for almost 20 years, giving me some insight into the state of homoerotic individuals, both historically and currently. And the fact that I am a gay man gives me additional insight.

The proposal before you is a compromise, and compromises are often the only way to approach even a modicum of justice where we are concerned. We don't have equal rights when it comes to our relationships with someone we love, because the person we love is someone of the same gender. Why this love is deemed inferior to love between people of different genders is puzzling, but the fact remains that it is so deemed.

This proposal is an attempt to give us some of the rights that married heteroerotic people have simply by the of marrying. Giving us the right to marry has obviously been seen as threatening to some structure within this society. However, arguments for denial of that right really don't make any logical sense, they are simply emotional responses aimed at relegating our love to a second-class status. Since it is abundantly clear that marriage is not going to be possible for us in the immediate future, denying us the rights of marriage becomes the issue that must be corrected and is the reason for this proposal.

I trust that you're able to understand the pain and annoyance caused by the refusal of this nation to give our deeply personal, loving relationships the legitimacy that they deserve, if we are indeed citizens of equal status, to heteroerotic people. This country has recognized our legitimacy in many ways and this is one more step in that direction. Your approval simply means that you understand the need for assuring the equality that our national Constitution guarantees. And I want to thank you very much.

**P.O. POSTAL:**

Thank you.

**(Applause)**

Next speaker is Tom Kirdahy, followed by Kim Schultze.

**MR. KIRDAHY:**

Good evening. My name is Tom Kirdahy. I'm the Co-President of the East End Gay Organization, and I'm a resident of Water Mill. I grew up here in Hauppauge. Many of you know me. I grew up here in Hauppauge, went to Hauppauge High School, went to law school, did all the right things, the things that I was raised to do in a loving Catholic family. There was one thing about me that distinguished myself from my brothers and sisters and that was that I loved members of the same sex. I am a gay man. My Catholic parents quickly understood the importance of embracing me and my capacity for love, knowing that I should be a full and complete citizen in the world, and I thank God for the upbringing that they gave me.

I'm here today to speak on behalf and in support of the domestic partnership registry. Since 1989, I have been involved in the provision of free legal services to people who are living with HIV and AIDS. In the course of that work, I learned of the importance of recording relationships between safe sex partners. It becomes relevant for things like staving off evictions, making sure that people are permitted to visit their partners in hospitals, accessing benefits through the government and through health insurance.

What we are asking for today is the creation of the right to publicly record a private commitment. We are not asking for anyone's blessings, we are not asking for anyone's endorsement. We asking for the public recognition of our very private and deep commitments with one another. If you could see the time I spend with my clients every day, I think that you would understand the devotion that they have for one another and the love that is contained within their households.

The issue of domestic partnership registries became more urgent I think to the world after 9/11, when every one of us in this room became a victim of terrorism. Only some of us were victimized twice, once when The Towers went down, and secondarily, when we went to the world who said, "Come to us, we'll give your surviving families benefits, we'll help you survive this process, we'll help you mourn, and we'll help you survive, we'll help you get back on the path to healing and recovery." Our families weren't afforded those rights initially. Thank goodness a Republican Governor Pataki said, "Yes, your families are legitimate, they do exist, and we will give you survivor's rights."

The public recording of a private commitment, the creation of a domestic partner registry creates in us presumptive rights. It lets the world know that, yes, this family did exist, not by

marriage, not by blood, not by traditional familial means, but, in fact, this relation was real and loving and deeply committed.

I have had to go into court and ask my clients to testify that, in fact, they loved their deceased partners. I've had to bring in pictures of anniversary parties and utility bills, phone bills, all to prove that two people who lived together for 20 years in a loving relationship were, in fact, and did put themselves out to the world as a family. This would mitigate that need for people. It would create the presumption of a commitment.

I am asking you to put aside your biases and to give us the presumptive rights that we think all citizens should have. Acknowledge the love that we have for one another. Don't sanction it, don't endorse it, don't comment on it, but give us the right to record it, so that we can protect ourselves. It won't cost you anything, but it will bring back so much to our society. I thank you.

**(Applause)**

**P.O. POSTAL:**

Thank you. Next speaker is Kim Schultze, followed by the Reverend Lynette Curley-Roam.

**MS. SCHULTZE:**

Hi. My name is Kim Schultze. I am a resident of Centerport and have been a resident of Suffolk County for about 40 years. I'm here today reading a statement on behalf of the Reverend Beth Graham, who's the Reverend, the Minister of the Unitarian Universalist Fellowship of Huntington. She wanted to be here today, but couldn't, so this is her statement.

"My name is the Reverend Beth Graham, and for the past nine years, I have been the Minister of the Unitarian Universalist Fellowship of Huntington, a congregation of about 400 adults and 180 children. I live with my husband in the Town of Huntington. Though I can't be present for tonight's hearing on Legislator Cooper and Postal's proposed legislation that would create a domestic partner registry for Suffolk County, I want to add my voice to the conversation."

"I know that this proposed legislation would positively impact nongay, unmarried, cohabitating couples, as well as same-sex couples, but I am going to limit my remarks to how the impact -- how the impact this law could have on the gay community. Unitarian Universalism, my religious

denomination, has been in the forefront of affirming and supporting the rights of gay and lesbian people for decades. We began performing same-sex union services in our religious settings in the 1960's. In 1984, our national denominational body passed a resolution affirming its support of clergy performing such ceremonies."

"Our experience of witnessing and supporting same-sex partnerships has strengthened thousands of individual lives. It has also strengthened our congregations, our civil communities and our religious faith. As a clergy person, I work with all different types of couples when they are planning to get married. When I meet with same-sex couples, there is an entire extra conversation that we need to have that heterosexual couples don't need to, and that is the legal aspects of their unions. When heterosexual couples exchange vows before a Justice of the Peace or a clergy person, a legal transaction takes place. For same-sex couples, this is not true. I often refer such couples to books, grassroots resources, and lawyers I know of in order to help them puzzle over the various legal unions they wish to make based on their emotional commitments to one another. But I have never been able to refer such couples to a civil institution that can help validate their union."

"The domestic partnership legislation you are considering tonight is a step towards helping gay couples and families have legal protections that are automatic for nongay couples. Domestic partnership legislation provides real protections for real families. Marriage provides a safety net of protections for families both during tough times and emergency situations, as well as everyday life. Since lesbian and gay couples cannot at this point in our country's history legally marry, they need other models of protection that are automatic for nongay families. Having a domestic partnership registry can provide same-sex unions that are not currently recognized by civil authorities with a venue for documenting their partnerships. This, in turn, puts couples on firmer ground when filing for domestic partnership benefits with employers, or responding to challenges to beneficiary status in an array of insurance related matters."

"I know that many religions don't celebrate same-sex relationships. That is a decision made by a faith. If the government allows lesbian and gay couples to obtain civil protections for their partnerships, that does not mean they will be forcing any religion to marry these individuals. It simply means that the County is protecting the commitment made between two individuals who have decided to join their lives together and any children that come into that union. Honoring the bonds of affection between two people in committed relationships is simply a social justice issue, a matter of treating people fairly and equally in society. Such respect helps support

loving and committed families, thereby building a better foundation for the larger community. Thank you. The Reverend Beth Graham."

**(Applause)**

**P.O. POSTAL:**

Thank you. The next speaker is Reverend Lynette Curley-Roam, followed by Kate Lehman.

**REVEREND CURLEY-ROAM:**

Good evening. I'm happy to be here to address all of you today. I am the Reverend Lynette Curley-Roam. I am the Pastor of {Amayas} Faith Community of the United American Catholic Church. I'm a Catholic Priest with a small church in East Yaphank. I've lived on Long Island for - I won't tell you how long, but it's over 50 years, and here in Suffolk County for about 32 years. I have four children, and I live in East Yaphank with my partner.

I'm here to urge you today, as the previous speakers have, to pass this domestic partnership bill. I'm also a social worker and a psychotherapist and I've seen the damage that it causes to people not to have the basic human right to be recognized as having the ability to love and make a commitment. There is right now no way for people who have made that commitment to say what a heterosexual couple can say. Here is a document that proves that I have some rights. And I'm asking you to give the gay and lesbian community that document that will prove that they have basic human rights to love and be loved.

And, again, as someone else previously said before me, none of us are asking for approval for any particular thing that happens in our lives, we're just asking for a basic human right. And as a Pastor, I am also asking you to give the God given right that has been given to all of God's children to love and be loved, some kind of legal documentation, so that people who have made that commitment no longer will suffer.

The damage that is caused, again, to people by not having the ability to be recognized as being valuable in this area is enormous. I believe it contributes to alcoholism, drug abuse, depression, I could go on and on, just because people are deprived of a basic human right. And so I ask you today to consider this bill as being something positive for the entire community.

I also want to say, too, that I have seen some of my children who have been living together at

times without the benefit of marriage suffer because of it also. I remember one of my sons calling me up and saying, "Mom, tomorrow we're going down to Town Hall in Brookhaven to get married, because, you know, although we're living together, I don't have any health insurance." And months before their planned wedding, they had to just go down to Town Hall and get married quickly in order to have health insurance. That's another issue, but my point is that it affects the entire community, but mostly I'm here to represent the gay and lesbian community. And I thank you for this ability to address you today.

**(Applause)**

**P.O. POSTAL:**

Next speaker is Kate Lehman, followed by Kathy Rosenthal.

**MS. LEHMAN:**

Thank you for the opportunity to be here. My name is Kate Lehman. I'm the Minister of the Unitarian Universalist Fellowship in Stony Brook, a position I've held for 14 years. I've lived in Suffolk County for 22 years. I was a Human -- one of the Human Rights Commissioners up until my husband came ill with what proved to be a terminal illness. And because of the experience of having been a Human Rights Commissioner, I know that Suffolk County was a pioneer when it came to including the rights of gays and lesbians in basic human rights. Gays and lesbians couldn't be discriminated against in housing, in their jobs. People who took an irrational dislike to them were breaking the law when they called them names, put graffiti on their houses, or tried to hurt them.

I'm asking you to continue to be a pioneer within Suffolk County, within our state by passing this law. And as has been noted, this benefits all people. But I'd like to point out some of the privilege that I had during my husband's illness, which a gay or lesbian couple would not have. His children from a previous marriage did not agree with the care that he chose, and because we were married, I was able to make decisions when he wasn't able to. I was able to make decisions at the end of his life about what kind of care he would receive. Had we been a same-sex couple, we wouldn't have had that privilege. And I was able to provide the kind of memorial service that he wanted, which was different than what his children wanted. Again, we wouldn't have had that right and that privilege had we been a same-sex couple.

The County now protects gays and lesbians from outside forces of ignorance and prejudice. This

law provides the protection within the home, people who love and care for each other, people who have responsibility for each other. This allows them to be recognized and to continue to provide the affection and responsibility that they have in many cases for years and years and years. I urge you to pass this bill and to continue to make the citizens of Suffolk County proud as leaders within our state and within our nation. Thank you.

**(Applause)**

**P.O. POSTAL:**

Thank you. Kathy Rosenthal, followed by Steven Sebor.

**MS. ROSENTHAL:**

Good evening. My name is Kathy Rosenthal. I'm a certified social worker, I work for a local not-for-profit human services agency, I sit on the board of two volunteer human service organizations on Long Island, and I am the mother of two infant twins. My partner gave birth to our two girls on January 7th. They're in the back here. I didn't want to bring them up, because ones getting a little fussy. My partner would have been here as well, but she had oral surgery this afternoon.

I'm here to advocate on behalf of the domestic partner registry in Suffolk County, because I think that it will be a huge step toward reducing discrimination on the basis of sexual orientation. I think it will go miles to increasing the legitimacy of gay and lesbian relationships, and I think, in general, it increases our human rights across the board.

We live in a heterosexist culture. I'm a sociologist at heart. And discrimination is, unfortunately, institutionalized I think to the extent that we don't even notice it anymore, even in our politically correct culture, or especially I should say. Heterosexual people and couples take for granted the rights and benefits they have, simply because they can legally marry.

I cannot legally marry my partner of seven years, the mother of our two children. And while I'm in the adoption process at this point, if something should happen to her in the next eight months or so, the length of time it takes for an adoption to go through, and, thank God, in New York State, we have legal adoption for same-sex couples, in that interim process if something should happen to my partner, I might be in a legal custody battle with her family for these children. I hope not, but it's possible, it has happened. If my partner lost her job tomorrow, these two girls

would not have health insurance benefits, because our agency that we work for does not have domestic partner benefits. And I think that these are -- would have a huge impact.

I've been a resident of Long Island all my life, and I've been a resident of Suffolk County for the last seven years. I plan to live in Suffolk County for the rest of our lives. And I think that this would be a huge step in really improving civil rights and human rights for gays and lesbians and for all of us. And I want to thank Legislator Postal and Cooper for sponsoring this legislation, and thank you for hearing me tonight.

**P.O. POSTAL:**

Thank you.

**(Applause)**

Kathy Rosenthal, followed -- that was Kathy. Stephen Sebor. After Stephen, we'll have Sharon Gillen.

**MR. SEBOR:**

Hi. My name is Stephen Sebor. I've been a Suffolk County resident for all of my life. I was born in 1969, and I mention that because that was the same year of the Stonewall Rebellion, which is considered by many to be the birth of the gay rights movement, when a group of individuals stood up and said that treatment -- their treatment was unacceptable, that they were treated like second-class citizens, and that that needed to stop. And I'm very proud to live in a time where there have always been people to stand up for equality for gays and lesbians and will continue to do that.

This issue has come before you several times and it's not going to go away. You know, I think there have been great advancements in our community. Most recently, at the State level, we passed the Sexual Orientation Nondiscrimination Act, which says now, in the State of New York, it is illegal to discriminate on the basis of sexual orientation. Well, I would argue to not recognize our relationships is a full violation of that law, and that needs to be ratified.

We need to pass this registry. It's a small step. It is not an endorsement of relationships, it's allowing, as some -- as a speaker said earlier, for people to register a very private commitment, and then to, hopefully, be able to jump through legal hoops that they might face, God forbid one

of their -- one of the partners dies in a relationship, and that has happened, and it's devastating to the family.

So I urge you all, please, to support the domestic partnership registry. It's really vital to our community for the advancement of full equality for gays and lesbians. And to discriminate against any one person based on any one criteria is to discriminate against everyone. And I hope that you will do the right thing. Thank you.

**P.O. POSTAL:**

Stephen, just a question.

**(Applause)**

I know that -- I guess, over the past year, two of the towns in Suffolk County approved legislation to create domestic partner registries within the towns. Does anyone have any idea if that had any affect on the number of marriages performed in either of those towns?

**MR. SEBOR:**

Well, I know that they were both very recently. But, actually, there's somebody here who might be better equipped to answer that who was very involved in the passage of both of those laws.

**P.O. POSTAL:**

Okay. Well, then --

**MR. KIRDAHY:**

Having studied this issue for many years, I --

**P.O. POSTAL:**

Just speak into the mike, so that the stenographer can --

**MR. KIRDAHY:**

There's no data whatsoever anywhere in the country to suggest that this reduces the number of marriages. In fact, most sociologists argue that it encourages marriage.

**P.O. POSTAL:**

Thank you.

**MR. SEBOR:**

Because the reality is, the people who are going to seek these out don't have access to marriage.

**P.O. POSTAL:**

Thank you, Stephen. The Next speaker is Sharon Gillen.

**MS. GILLEN:**

Good afternoon, everyone. My name is Sharon Gillen and I'm a Lindenhurst resident. I have spent many hours pondering what I wanted to say here today. I had hoped that I could come up with some prophetic statement that would provide enlightenment to anyone up there that is opposed to creating this domestic partnership registry, and I found that those words escaped me. I feel frustrated and angry, because to me, my sexuality could hardly define me as a person anymore than yours defines you, yet I have to stand before you to ask for the creation of a domestic partnership registry in an effort to gain some modicum toward equality. I am truly a whole person and I am not looking to this Legislature for approval of my sexuality, because I am perfectly comfortable in my own skin. However, I am in a committed relationship for over ten years, and this registry would help me to obtain certain benefits through my job and insurance company.

It is my understanding that we would have to pay a fee or to have our names put in a book or be issued the certificate, so the County would be generating a revenue from the process. I guess my anger and frustration is, in part, because, once again, I will be paying a fee and reaping no substantial reward in comparison to a heterosexual going and paying their one-time fee for a certificate of marriage that upon which will ride the benefit of getting married and reaping the monetary rewards and deductions that that certificate can bring to them.

So, in closing, I simply ask for you to extend to our community a dash of human equal rights, not special rights, and allow the registry to be implemented. Thank you for your time.

**P.O. POSTAL:**

Thank you.

**(Applause)**

I have no more cards on this hearing. Is there anyone else who would like to address the Legislature on this matter? Hearing no one, Legislator Cooper, motion to?

**LEG. COOPER:**

Motion to close.

**P.O. POSTAL:**

I'll second that. All in favor? Opposed? 1225 is closed.

**LEG. COOPER:**

I'd like to make a motion, please, to reconsider the closing of the public hearing on I.R. 1217. I have a constituent that wanted to testify and just arrived from New York City.

**P.O. POSTAL:**

I'll second.

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

Second.

**P.O. POSTAL:**

Okay. Motion to reconsider closing 1217 by Legislator Cooper, seconded by Legislator Caracappa. All in favor? Opposed? 1217 is open. Would you now like to make a motion, Legislator -- it's just open, right?

**LEG. COOPER:**

Yes.

**P.O. POSTAL:**

Okay. Michael Kahn.

**MR. KAHN:**

Thank you. My name is Michael Kahn, and I'm very proud to say that I'm a resident of Suffolk

County, living in the Town of Huntington.

**P.O. POSTAL:**

Mr. Kahn, just wait one second.

**MR. KAHN:**

Sure.

**P.O. POSTAL:**

Can everyone, please, exit the auditorium quickly? Will the Deputy Sheriff at the back please help the people on this side to exit quickly, so that we can close the doors? Okay. Go ahead.

**MR. KAHN:**

Okay. My name is Michael Kahn. I'm very proud to say that I'm a resident of Suffolk County, living in the Town of Huntington. I'm here today because I feel passionately about the issue of dog parks in Suffolk County. I represent one of the 650,000 Suffolk households that own a dog. I fully support Legislator Cooper's proposal to establish dog parks in West Hills and Coindre Hall County Parks, and I believe it's very important for all of you to understand just how very much this means to the hundreds of us who use those parks regularly.

For twenty-six years, I've been taking each dog I've owned to Coindre Hall on a regular basis, except for a couple of years when the County cut back on park maintenance and the tall grass became infested with ticks that were a risk to people and dogs alike. And when the dogs and their owners disappeared, Coindre Hall became a teen hangout, with graffiti, drug usage and vandalism, and the park fell into disuse by County residents. With the only dog friendly park in the area not usable, many of us had to take our dogs to school playing fields, simply because there was nowhere else left to go.

Dogs are like perpetual three year olds, and like children, need places to run, to play, to chase balls, and to play with each other. None of us want to, once again, end up with no place go.

It's difficult for me to really adequately convey to all of you just how very much this park means to me and my dogs. I thought this picture that I put up here could tell you more than any of my words. The picture was taken at Coindre Hall on April 27th, two years ago. I was there with my wife Ginny and my very sweet Golden Retriever, Tasha, and Tasha and I were both celebrating

our shared birthday that day. Tasha had turned thirteen that day and I was a little bit older. Tasha was dying of terminal cancer at the time this picture of taken, and her vet had told us many months earlier that she wouldn't live past the previous Thanksgiving, maybe Christmas at best. But she had a great enjoyment of life and a strong will to live, and beyond all expectations, we were given one more precious birthday to share together.

That day was a glorious day, and there was no place Tasha and I would rather have spent it than to go to Coindre Hall and look down over the cascading hills to the harbor and the bay below. All of Tasha's dog friends and people friends came over to us that day to say hello and to wish her one last happy birthday. You can see by both of our big smiles in this picture that this was a special day for us at a special place and it's a memory I'll always cherish. In looking at this picture, try to understand just how much having this park means to the hundreds of dog owners who go there.

Please, don't take something so special away from us and leave us to sneak onto school playing fields to try to bring happiness to the dogs who give us so much love and are such an important part of our lives. This simple piece of legislation truly means more than you can possibly imagine. I hope that some day soon, with this Legislature's support, there will be many Coindre Halls throughout Suffolk County. Thank you for your time and your attention.

**(Applause)**

**P.O. POSTAL:**

Thank you.

**LEG. COOPER:**

Thank you very much.

**P.O. POSTAL:**

Legislator Cooper, motion to?

**LEG. COOPER:**

Motion to close, please.

**P.O. POSTAL:**

I'll second it. All in favor? Opposed? 1217 is once again closed. **Public Hearing regarding Introductory Resolution Number 1226, a charter law to reform Early Retirement Incentive Program process to ensure real cost savings.** I have no cards. Is there anyone who would like to address the Legislature on this matter? Hearing no one, Legislator Fields?  
Motion --

**LEG. FIELDS:**

Motion to close.

**P.O. POSTAL:**

Motion to close, seconded by Legislator Lindsay. All in favor? Opposed. 1226 is closed.

**Public Hearing regarding Introductory Resolution Number 1235, a charter law to reform membership of Suffolk County Ethics Commission.** I have no cards for this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, motion to close by Legislator Haley, seconded by Legislator Lindsay. All in favor? 1235 is closed.

**Public Hearing regarding Introductory Resolution Number 1236, a local law implementing the Energy Star Labeling Program in Suffolk County.** I have no cards on this hearing. Is there anyone who would like to address the Legislature? Hearing no one, Legislator Carpenter?

**LEG. CARPENTER:**

Motion to close.

**P.O. POSTAL:**

Motion to close, seconded by Legislator Nowick. All in favor? Opposed? 1236 is closed. **Public hearing regarding Introductory Resolution Number 1242, a local law to toughen and graduate fines for item pricing violations within Suffolk County.** Let's see. The first speaker is Harry Janson II, and he'll be followed by Patricia Brodhagen.

**MR. JANSON:**

Good afternoon.

**P.O. POSTAL:**

Good afternoon.

**MR. JANSON:**

My name is Harry Janson, Jr. I represent -- I'm an owner/operator of the Shop Rite of Hauppauge, and I would like to propose my insight into the item pricing law as proposed from an independent owner/operator standpoint.

I've been in the community almost five years as an operator, and have always tried to uphold consumer satisfaction, price integrity, and adhere to the guidelines of the law. With the current proposal, I feel that it impacts my business as an independent operator, one who's tried to comply and maintain compliance of the pricing.

My main responsibility is the hiring. I hire the night crew, whose chief responsibility is item pricing in my store. We have over -- relatively approximately 60,000 items in the store, and on an incoming daily basis, between twenty-five hundred and 3,000 cases entering the store that have to be packed out on a daily basis. My turnover on the night crew that is responsible for this is between 70 and 75%. I currently try to maintain a training period for each one of these individuals of two weeks of intense training on exactly product placement, proper product placement, proper product pricing, and also general maintenance. I feel that, currently, there is an opportunity for someone, even trying to adhere to the law, to have an individual that would make mistake -- make a mistake in an aisle on a product.

And I would like to also provide some sort of insight. I don't know if it's the first time it's been proposed, but to be able to have -- I have currently three in-aisle scanners for consumers in the aisles. I don't know if it's something that's -- would be worth saying, but I feel that to maybe increase the number of those per square foot or to put them at the end of an aisle would be not only something that would be able to provide the consumer with a consistent opportunity to check prices, check for product integrity, but also an economic way for the retailer, such as I, to maintain and adhere to the law. Thank you.

**LEG. ALDEN:**

Motion to close.

**P.O. POSTAL:**

Motion to close, Legislator Alden, seconded --

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

There's another card.

**P.O. POSTAL:**

Is there another card? Excuse me.

**LEG. CRECCA:**

Yeah.

**P.O. POSTAL:**

No.

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

There was another group.

**P.O. POSTAL:**

No. They're not going to speak? That was Pat Brodhagen. Motion to close by Legislator Alden, second by Legislator --

**LEG. CRECCA:**

Legislator Alden, would you consider in the bill some changes to the bill, if I sat down and talked to you also?

**LEG. ALDEN:**

Absolutely. Aren't you on Consumer Protection?

**LEG. CRECCA:**

No.

**LEG. ALDEN:**

Oh, you were last year.

**LEG. CRECCA:**

Yeah, I was last year and the year before.

**LEG. ALDEN:**

Yeah, absolutely.

**P.O. POSTAL:**

Okay. Well, certainly, you can do that. But we have a motion and a second to close the hearing. All in favor? Opposed?

**LEG. CRECCA:**

Opposed.

**P.O. POSTAL:**

Opposed, Legislator Crecca, is that? Okay. 1242 is closed.

**Public hearing regarding Introductory Resolution Number 1250, a local law to defer to uniform State smoking regulations.** Let's see. I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one --

**LEG. HALEY:**

Close.

**P.O. POSTAL:**

Legislator Haley, a motion to close.

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

Second.

**P.O. POSTAL:**

Seconded by Legislator Caracappa. 1250 is closed. **Public Hearing regarding Introductory Resolution Number 1296, a local law to establish policy for connection by premises outside the Southwest Sewer District No. 3.** No cards. Is there anyone who would like to address this hearing? Hearing no one, I'll make a motion to close, seconded by Legislator Caracappa. All in favor? Any opposed? 1296 is closed.

**Public Hearing regarding Introductory Resolution Number 1301, a local law to exempt**

**shooting ranges from Suffolk County noise control.** The first speaker is James Burnett, and following Mr. Burnett will be Robert F. Baumann.

**MR. BURNETT:**

I thank the Legislature for an opportunity to speak. My name is James Burnett. I've lived in Deer Park for 25 years. I was also a shooter at the Suffolk County trap and skeet range for 25 years, until it closed a year-and-a-half ago, which is very disappointing.

This is the third time I've been to this facility on a hearing that involved reopening the range. It was a generator of revenues for the County. It was enjoyed by Suffolk County residents, as well as the residents from other regions.

When I started shooting at the range 25 years ago, there were no houses across the street or nearby. A friend of mine that introduced me to shooting started shooting there over 40 years ago, when his neighbor introduced him, and the houses weren't there even further away. It's incredible to see that maybe next, Brookhaven Airport gets closed, because the noise is a little too loud for somebody. I don't know. I'd just like to see the ranges opened that are being closed because of noise abatement. I'm sure some things can be done to satisfy local neighbors, but that should be at the expense of the County and not the operator. The next operator would then benefit from that improvement as well.

Again, I'd like to see this bill passed in order to open Suffolk County Trap and Skeet in particular, but to keep all ranges open. Thank you.

**(Applause)**

**P.O. POSTAL:**

Thank you.

**LEG. BISHOP:**

Presiding Officer, I just have a question --

**P.O. POSTAL:**

Question, Legislator Bishop.

**LEG. BISHOP:**

-- not of the speaker, but of perhaps Legislator Fields or anyone who can provide me the background. Why was the range closed? When I was last on the Parks Committee, there was an issue about the operator, and I thought that was -- the operator went bankrupt and nobody's opened  
It since?

**LEG. FIELDS:**

The operator apparently didn't follow or didn't comply with the lease agreement they had with the County, and the County shut him down and locked up the gate.

**LEG. BISHOP:**

And nobody has come forward -- I mean, the County hasn't made an effort to find a new operator, is that what this is about?

**LEG. FIELDS:**

We -- I had resolutions to have a sound analysis and an environmental analysis. Those were completed. An RFP then went out. Only one vendor responded and that vendor has withdrawn his bid, because he found it much too expensive to comply with the sound ordinances.

**LEG. BISHOP:**

The sound ordinances are County ordinances or Town ordinances?

**LEG. FIELDS:**

County. It was the Levy Law, because of boom boxes, and, apparently, the intent of the --

**LEG. BISHOP:**

Okay.

**LEG. FIELDS:**

-- author of that legislation did submit a letter to me saying that it was not his intent to close Suffolk Trap and Skeet, but his intent to limit boom boxes, and that's why he put the law in.

**LEG. BISHOP:**

Okay.

**LEG. FIELDS:**

Didn't realize that it would have a problem with Suffolk Trap and Skeet.

**LEG. BISHOP:**

Okay. Thank you for that background information, appreciate it.

**P.O. POSTAL:**

Robert Baumann.

**MR. BAUMANN:**

Good evening, Ladies and Gentlemen of the Legislature, and thank you again for your consideration and your time. I appear for the third time to urge on behalf of the thousands of members of the Suffolk Alliance of Sportsmen, Incorporated, which I serve as Vice President, and the New York State Rifle and Pistol Association, Incorporated, which I serve as Long Island Region Director, that you reconsider the more restrictive covenants that the original proposal forced upon the sole applicant to move for withdrawal and to reopen the range as soon as possible.

As you're well aware, the Huntington Town Range enjoyed, quote-unquote, an on-again-off-again, open and closed session due to unrelated situations, and the revision and the restructuring of that range removed their trap and skeet facility. This placed an additional burden on the then open Suffolk County Trap and Skeet Range and on the presently opened Long Island Shooting Range at Brookhaven. It is my understanding that the Long Island Shooting Range of Brookhaven has been overwhelmed, particularly on weekends, with people who want to shoot trap and skeet to the point where it is becoming impossible for them to be accommodated.

In the past, while the Suffolk Trap and Skeet Range at Yaphank was opened, it enjoyed international status and renown as a premier venue for that particular legal sporting pursuit. We urge you to make such revisions as are necessary to make the proposal for a new concessionaire to operate it as reasonable and economically feasible as possible and to reopen the range as soon as possible.

And one last word, if I may correct the previous speaker who alleged that the range has been

closed for a year-and-a-half. It is now 19 months and it's long overdue. Thank you for your time, your attention and your consideration.

**P.O. POSTAL:**

Thank you. Next speaker is Howard Carpluk, followed by John Palaser, Palaser.

**MR. PALASEK:**

Palasek.

**P.O. POSTAL:**

Palasek, excuse me.

**MR. CARPLUK:**

Good evening. My name is Howard Carpluk, and I stand opposed to Resolution 1301. And I ask you, is it right for the County to exempt a County facility from a law that they enacted? I feel the integrity of the Suffolk County Noise Law is being attacked.

The last Park Committee meeting I attended, the noise consultant hired by the County to do a study on the Trap and Skeet Range was present. He discussed how he did the sound study, and what he had done was he set up meters around the neighborhood and all were placed on streets. The meters showed Trap and Skeet Range was exceeding the law. But also in that study, he noticed some vehicles were also violating the law. And I say to you that a truck or a vehicle passing on the highway or street is going to give you a decibel level above the 65 limit. That's on the street. And I also say to you that that particular street in my backyard, I do not hear that bus or that truck or that car. My son will walk up to me in my backyard when he just got off the bus and I'll say, "What are you doing here?" He had just gotten off the bus. I don't hear the bus, I hear the gunshot. And not only do I hear the gunshot that's permeating from the County park, that particular shot is heard at Gerard, it's heard over a quarter mile away, it's heard in all the different meters that he had registered around the area over and above. It's the permeation of each individual shot, not just the individual bus or car at the street level.

I don't intend to read a book sitting on the road, I intend to read a book in my house with my windows closed, and I tend to push the fact that you understand that, yeah, a car is violating a law on the street. I asked the sound guy if he would take the meter and put it in my backyard. He said, "No, that would hamper the results." That was

Mr. Scott Hansen. I asked him if he would put it in one of the backyards and he wouldn't do it.

Moving on. This skeet shooting, this is a sport where all involved wear hearing protection, the reason being is that the noise produced can damage your hearing. The County cannot ignore the fact that there are homes within a hundred and fifty feet of the shooting stations, and noise abatement must be in place to bring the noise down to the level of the law.

Prior to the RFP to set up the new owner to walk into this range, the Parks Commission -- the Parks Committee received a letter from the County Executive's Office -- County Attorney's Office, also the Parks Commissioner received the same letter. The letter was from the Attorney's Office stating that the County Park's Trap and Skeet Range must abide by the law, they're not exempt from the law, and this was from the County Attorney's Office. So they drafted up an RFP based upon that letter and based upon the studies that they have done through the professionals that came in. And now, now you want to exempt the range from the law.

I personally feel this is an abuse of office and I ask all of you, is this the right thing to do? I mean, if the Suffolk County Trap and Skeet Range is not right, wouldn't you fix it? You don't change a law, you fix it. And that's all I have to say. Thank you very much.

**P.O. POSTAL:**

There's a question from Legislator Alden.

**LEG. ALDEN:**

I think probably over the course of the last year, you've probably answered this question before, but how long have you lived at your present location?

**MR. CARPLUK:**

Approximately 12 years.

**LEG. ALDEN:**

Twelve years. And -- okay. The other part of the question I'll ask when we debate the bill.

**P.O. POSTAL:**

Thank you.

**MR. CARPLUK:**

Thank you very much.

**P.O. POSTAL:**

Our next speaker is Ed Koropsak, followed by Jerry Rynston or {Rynstore}.

**MR. PALASEK:**

Didn't I get skipped?

**P.O. POSTAL:**

I'm sorry. Are you Mr. Palasek?

**MR. PALASEK:**

Yes.

**P.O. POSTAL:**

Oh, I'm sorry, I had called you. I thought you were the previous speaker. Come on up. I apologize.

**MR. PALASEK:**

Good afternoon, Ladies and Gentlemen. Excuse my appearance, I came here straight from work.

I stand opposed to this resolution as well, basically for the same reasons that Mr. Carpluk expressed. I'm at somewhat of a loss to understand as to how a law can be written and how a law can be in existence and needed to be complied with by all entities and how one can then exempt a specific entity from a law because the law makes it difficult for that entity to operate. It's -- to me it seems as if -- if you want to open up this range and you want to stay within the guidelines of the law that Suffolk County introduced, then whatever burden is placed on a prospective vendor is the vendor's burden. Just because it begins to cost a little more money to do what it is they want to do, I don't understand why then it's time to reshuffle the deck and deal the cards so that it becomes a more favorable outcome.

Everybody here, I assume, is a law abiding person, everybody claims to be, and I am, too, and if

I were to do something in my yard, for example, that ran afoul of say a building code and it was going to cost me more money to do a project in my yard, I can't simply petition the Town or the County to make an exemption in my case just because I wanted to do something and while the rest of the neighborhood would have to comply to it.

I think what we're looking at here is just a case of even-handedness.

I think it should be an even-handed situation across the board. And, yes, if it can't be resolved monetarily, or if it can't be justified monetarily, that is to make a profit to justify doing it in the first place, then maybe it isn't worth doing.

I'm in business. I would like a law passed for me, for example, that I only pay half price for all my materials, but that's not going to happen. So what precedent is there here now to change a law just to accommodate one vendor in one enterprise while other vendors in the County for other enterprises have to abide by whatever existing laws are in place? I think the law should stand, and I think if someone can find the resources to open the range, then open the range, as long as it falls within guidelines and falls within whatever sound levels or sound requirements are in place. I have no objection to it, and I've never had an objection to it, as far as it being there, as long as it complies with whatever laws are in place, and that's it. Thank you very much.

**P.O. POSTAL:**

Thank you. All right. Next speaker is Jerry -- oh, I'm sorry. Ed -- that was Koropsak, followed by Jerry Rynston.

**MR. KOROPSAK:**

Okay.

**P.O. POSTAL:**

This is Ed, yeah.

***[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]***

**MR. KOROPSAK:**

I'm just here to speak in favor of opening the range. I think the intent of the law -- the intent of the law was not to close the range. People are nitpicking, they're using this law as an excuse to

shut down this range. If that's the intent, the range was there before the law came to pass; maybe this whole law should be upheld and a new noise ordinance passed.

If this exemption cannot be granted to the range, the range is a place where people go to shoot guns, guns are noisy, there's no doubt about that, there are time restrictions when the range could operate. To me it's a necessary facility. There are a lot of other annoyances, I mean, I live on the south shore, every time the Coast Guard flies by the helicopter rattles the house; I mean, that's just something I have to live with. People who bought houses next to a range have to realize they must live with the noise next to their house, it's just a fact of life. And I'm just here to support repelling the existing or make an exception for the gun ranges so that they could open because this has already gone on far too long. And that's all I have to say.

**LEG. CARACAPPA:**

Thank you.

**LEG. TOWLE:**

Ms. Postal, could I ask a question of the speaker?

*Applause*

**P.O. POSTAL:**

Legislator Towle. There's a question.

**LEG. TOWLE:**

Sir?

**P.O. POSTAL:**

Just one minute.

**LEG. TOWLE:**

If you just would come back up for a second. Sir -- by the way, I agree with you, the range should reopen at that location or wherever the County is planning to do; I can't speak for the future. But let me just ask you a question if I could. You made a comment as to why to the range closed; do you know why the range closed, sir?

**MR. KOROPSAK:**

The contractor did not fulfill his obligations for running the range.

**LEG. TOWLE:**

That is true.

**MR. KOROPSAK:**

He operated without this noise abatement.

**LEG. TOWLE:**

No, he operated without paying the County.

**MR. KOROPSAK:**

Right.

**LEG. TOWLE:**

That's why he was evicted, not because of sound.

**MR. KOROPSAK:**

But he did not -- the range was open when he was running it; why was it open then? Did they close him from violating the noise?

**LEG. TOWLE:**

That's a very good question.

**MR. KOROPSAK:**

And if a new contractor is chosen, as the speaker before had mentioned --

**LEG. TOWLE:**

Which it was, a contractor was selected.

**MR. KOROPSAK:**

The noise abatement issue should go on the Suffolk County Department of Parks' wish list and if parks has money, whether it takes 10, 15, 20 years to do it, put it on their wish list, maybe the

Army Corps of Engineers could make it a project to do. It shouldn't be up to the contractor running the gun range, he's there to provide a safe environment where shooters could legally shoot. There is not -- I can't go in my backyard and do something like that, we need the space, we need a public piece of property to shoot on.

**LEG. TOWLE:**

In most instances the contractor --

**MR. KOROPSAK:**

The town range on 25 is already under pressure from the Pine Barrens because they expanded; they need to expand more to accommodate the shooters that are being pushed out by this range being closed. They have no sporting clay set up. If the Town of Brookhaven range has to pick up this slack, then a whole nother (sic) issue of expanding the Town of Brookhaven range has to be thought about and it's going to violate the whole Pine Barrens Commission and somebody else is going to be disturbed about it.

**LEG. TOWLE:**

I just wanted to clarify the record. As I said, you're comment was that it had closed because of the sound abatement problem and that was not the case. I just wanted to make sure that that was clear.

**MR. KOROPSAK:**

The new contractor bailed out because --

**LEG. TOWLE:**

No, the new contractor --

**MR. KOROPSAK:**

-- of the ridiculous requirement of the new contract for the contractor to have to pay for it.

**LEG. TOWLE:**

No, the new contractor bailed out, sir, because he never bothered reading the contract when he put in his proposal, because if he would have he would have --

**P.O. POSTAL:**

Legislator Towle, there is a question there, right?

**MR. KOROPSAK:**

The problem --

**LEG. TOWLE:**

There is if he stops interrupting me.

**MR. KOROPSAK:**

-- with that contract is that the contractor has to do the noise abatement.

**P.O. POSTAL:**

Oh, okay.

**MR. KOROPSAK:**

That's the problem.

**LEG. TOWLE:**

He keeps on jumping in. Did you read the RFP that went out, sir?

**MR. KOROPSAK:**

I did not read that explicitly, no.

**LEG. TOWLE:**

Have you looked at the contractor's response to the RFP at all, have you read that?

**MR. KOROPSAK:**

I have not gotten that information, no.

**LEG. TOWLE:**

Okay. You really should before you make comments then on behalf of the contractor, you know, just as a comment, because I have read all those things.

**MR. KOROPSAK:**

Okay. Well, it's just my -- I don't have all the details.

**LEG. TOWLE:**

Yep. Okay, thank you.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes. Sir? I don't think there's much disagreement on the issue. One of the two previous residents that spoke actually said as long as the range, be it through the vendor or the County was in compliance with the law, he's not opposed to having the range as a neighbor as long as an abatement system is in place. I think the issue you raise and I think is right on point, is yes there should be an abatement system and that it should be at public expense as opposed to a vendor's expense. You know, we provide public facilities and those facilities should be complete.

**P.O. POSTAL:**

Question, right, Legislator Caracciolo?

**LEG. CARACCIOLO:**

Well, the question is --

**P.O. POSTAL:**

I know, it's a long question, I just want to make sure there's a question at the end.

**LEG. CARACCIOLO:**

Okay. The question is do you not believe that facilities such as a shooting -- a skeet and shoot trap range should be provided -- trap and skeet range should be provided to the public, complete -- the facility complete at public expense as opposed to a vendor who will then have to pass the cost along to you and other users?

**MR. KOROPSAK:**

Well, I believe it should be a public expense but not if it keeps the range shut down. Right now if the exemption to the existing law --

**LEG. CARACCIOLO:**

I understand your point.

**MR. KOROPSAK:**

-- could be the range, open the range and in the future --

**LEG. CARACCIOLO:**

You don't want to see that as --

**MR. KOROPSAK:**

People will take many years --

**LEG. CARACCIOLO:**

Right.

**MR. KOROPSAK:**

If the County has to provide this noise abatement, there's going to be a construction project, we're not going to see it this year, we're not going to see it next year, it's going to get tied up in whatever, going out for bids again and whatnot; it's not going to happen.

**LEG. CARACCIOLO:**

I think your point illustrates what I personally have found for many years sitting around this horseshoe, is the inability of government to provide services. If you're going to have a range, then the range should be complete and it should have all the systems in place that are in compliance with the laws that we pass in this County, and that should be done at public expense.

**MR. KOROPSAK:**

That's correct, it should be provided for.

**LEG. CARACCIOLO:**

Thank you.

**P.O. POSTAL:**

Legislator Towle?

**LEG. TOWLE:**

Thank you. Sir, just if I could follow-up on something else. Legislator Caracciolo reminded me through his lengthy question of a couple of other things that had happened in the past on this and I was curious if you're aware of this. Are you aware that the Legislature hired two consultants --

**MR. KOROPSAK:**

Yes. I was here for the second meeting.

**P.O. POSTAL:**

Can I just ask --

**MR. KOROPSAK:**

I was here at the first one --

**P.O. POSTAL:**

Legislator Towle, just hold it. Can we just have a little quiet?

**LEG. TOWLE:**

Thank you, Legislator Postal. Are you aware that we had hired two consultants, one for sound and one for operations?

**MR. KOROPSAK:**

I was at the first one when they had the environmental survey complete as far as any environmental problems and it was agreed upon at that meeting that there is really no environmental issue. And I believe it was at that time when a noise consultant was to be done.

**LEG. TOWLE:**

So you are aware that we hired consultants.

**MR. KOROPSAK:**

I was aware that that was done. And as the man pointed out, trucks make noise. I mean, people that live next to the railroad tracks, trains make noise. People who live next to the firehouse, sirens make noise. People choose to live there, you don't have to move next to a range, if you don't like it, you don't move there. If you don't like planes you don't move next to

the airport.

**LEG. TOWLE:**

That really wasn't my question. My question was why did you not speak then when we hired the consultants against the County complying with the laws not only in the County by the way, sir --

**MR. KOROPSAK:**

I spoke at the first meeting --

**LEG. TOWLE:**

Sir, let me just finish my question, if I could, because you couldn't answer it if you don't let me finish it. Why didn't you speak then against the County hiring a consultant to put together a noise abatement plan at that facility so it could operate so that the County was not only in compliance with its own laws but also the town ordinances. Even if Legislator Fields' bill passes and we exempt the range, the range still has to comply with town ordinances; are you aware of that?

**MR. KOROPSAK:**

Well, I know the range operated for 50 years. Laws have been passed that seem to be shutting it down and unless exemptions are made, you could pass a law that anything in existence could be terminated because it will no longer meet the new law. It's the same as building codes; building codes change, a house built 50 years ago does not meet today's building codes.

**LEG. TOWLE:**

Correct.

**MR. KOROPSAK:**

You tell that person you can't live in that house now because the new building code came out and your house doesn't meet spec now?

**LEG. TOWLE:**

No, but if they renovated the house, sir, they would have to comply with the new building codes.

**MR. KOROPSAK:**

Only on the part they renovate.

**LEG. TOWLE:**

Well, that's open for debate.

**MR. KOROPSAK:**

Are they renovating the range or are they just reopening the existing range as it was; are they renovating it?

**LEG. TOWLE:**

I guess I get back to my question; why did you not speak then against the County complying with the laws? But now, because the vendor doesn't want to comply with the law because of the expenses, you're saying we should abolish the law? I'm curious why you didn't bring that up then.

**MR. KOROPSAK:**

Not abolishing but exempting the range --

**LEG. TOWLE:**

Well, you're abolishing it from this facility.

**MR. KOROPSAK:**

Or another case would be to abolish a law passed, it was created by people, the law could be changed by people.

**LEG. TOWLE:**

Yeah, by this body actually.

**MR. KOROPSAK:**

Get rid of the existing law and make a new noise ordinance law that is the intent of what was originally proposed by that law to limit noise in public parks from kids or whoever with boom boxes; I mean, that's the intent of the law as far as I heard at these meetings.

**LEG. TOWLE:**

Well, as I said, the law --

## ***Applause***

### **MR. KOROPSAK:**

You're taking a law and somebody's nitpicking, and if you look hard enough you could always find problems with things.

### **LEG. TOWLE:**

We're actually not nitpicking. The Legislature and the County Executive, sir, I'm curious if you're aware of this, the Legislature and the County Executive had agreed -- Legislator Fields, myself as the Legislator who represents the district where this facility is and the County Executive through his representative, Janet DeMarzo -- that we would hire the consultants, the consultants would go out and do a report, we'd put out an RFP which we did, one person responded to it and now has withdrawn. Were you aware that that was the understanding of how this was going to operate?

### **MR. KOROPSAK:**

I guess I was not fully understood. I thought they're going to do a survey, they'll find -- and if some noise abatement could be put in place, plant a few trees, in ten years they'll grow nice and tall. It will never be quiet and to expect it to be quiet is ridiculous. And it's something that to me it can't be done and if you hold a contractor to a noise abatement clause in a contract that's going to be almost impossible to fill, you're shutting down the range by holding them to this letter of the law.

### **LEG. TOWLE:**

I don't know if it is or isn't impossible to fill, but it's obviously costly and that's a separate issue.

### **MR. KOROPSAK:**

It's costly, yes. I mean --

### **LEG. TOWLE:**

So you were unaware -- I guess the bottom line is you were unaware of the arrangements that Legislator Fields', myself representing the Parks Committee and myself representing the district and the County Executive's Office made that we would hire the consultants, the consultants would produce the reports, the reports would be part of the RFP, the RFP has now been let out,

one vendor responded and was awarded the bid --

**MR. KOROPSAK:**

Well, I understand there were several vendors that responded.

**LEG. TOWLE:**

No, responded in the sense of responding back. A lot of people asked for information but I'm talking responded where they submitted a proposal to the County, one vendor did.

**MR. KOROPSAK:**

I know --

**LEG. TOWLE:**

And because the vendor didn't really bother reading the fine print or having an attorney represent him, I guess, then withdrew his bid when he realized what he actually got himself into.

**MR. KOROPSAK:**

Okay.

**LEG. TOWLE:**

You know, so none of this was done in the darkness of night, this was all done in the light of day before these meetings and before the Parks Committee.

**P.O. POSTAL:**

And that is a question, right?

**MR. KOROPSAK:**

In that case, the proposal has to be rewritten to get someone else in there that doesn't have to adhere to some cost -- if the cost is prohibitive --

**LEG. TOWLE:**

So in other words, you want us to tailor it --

**MR. KOROPSAK:**

-- for the operator --

**LEG. TOWLE:**

-- so that people don't have to comply with the noise abatement plan.

**MR. KOROPSAK:**

Say that again?

**LEG. TOWLE:**

You want us to tailor it so nobody has to comply with a noise abatement plan, we should ignore that responsibility.

**MR. KOROPSAK:**

It's a shooting range, it should not adhere to an ordinance that was designed to keep annoying noise at the beach or in a picnic area of a park down to a minimum.

**LEG. TOWLE:**

Well, as I said, the place --

**MR. KOROPSAK:**

The range is a big area, it's isolated from the rest of the park. Granted, gunshots are going to be heard, but that's just a fact of life, I mean, it's a gun range and that has to be considered. And to hold everything down to this fine detail of, "Well, you're ten decibels over what the spec says," is a difficult thing to even get contractors to answer for a Request For Proposal if they know they're not going to be able to meet this requirement, or to meet this requirement they're going to have to spend a ridiculous amount of money.

**LEG. TOWLE:**

As I said, sir, before you come before the Legislature, having read the consultants' reports, you know, I think you need to do that because the consultants' reports --

**P.O. POSTAL:**

Question. Question.

**LEG. TOWLE:**

Have you read the consultants' reports? Because they actually outline a plan.

**MR. KOROPSAK:**

I have not been getting that information.

**LEG. TOWLE:**

Okay.

**P.O. POSTAL:**

Legislator Guldi.

**MR. KOROPSAK:**

I use the range, I know a lot of people who do, I know this is the second time I've been here, I know of one meeting that I missed because it was during the day and I can't make it here during the day. And it just seems like something that's being tied up through, of course, the bureaucratic red tape. To me it's a simple thing, it's a gun range and open it.

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

Thank you. Could the Clerk's Office add me as a cosponsor to 1301, please?

**P.O. POSTAL:**

Thank you very much.

**MR. KOROPSAK:**

Thank you.

**P.O. POSTAL:**

Our next speaker is Jerry Rynston. And following that will be Bill Lunt.

**MR. RYNSTON:**

My name is Jerry Rynston, I'm the Vice-President of All-Island Trap Club. I came here originally

just to support this bill but I got an education with this conversation that just took place and it seems to me that somebody in the County dropped the ball. When the first building permit was issued for those houses, the County knew the range was there and they should have foreseen that this problem would arise, and I think it's up to the County to correct that. Thank you.

**P.O. POSTAL:**

I would just like to make you aware that it's the town that issues that permit, it's not the County. Thank you.

**MR. RYNSTON:**

Thank you.

***Applause***

**P.O. POSTAL:**

Bill Lunt.

**LEG. TOWLE:**

Was that a question?

**P.O. POSTAL:**

Point of information.

**LEG. ALDEN:**

Are you aware.

**P.O. POSTAL:**

Right, that was very good. Bill Lunt.

**MR. LUNT:**

Good evening. I'm here today to speak in favor of the exemption of the skeet range to the noise ordinance law. And the reason being is that there are more tax-paying residents using the range when it's open for many, many years than there are the residents around the immediate area.

Again, as we've heard tonight, that if you don't like the sounds of trains you shouldn't move

next to a railroad station or next to a firehouse or next to -- you know, if you don't like the noise of a shooting range, perhaps maybe moving in next to a shooting range is not the ideal thing. These people knew that range was there prior to their going in and in regards to -- we heard tonight from the people that oppose this that also trucks make -- are in violation of the law, but if you think about how many things do violate the law in the County such as a carpenter's hammer, you can hear that clear a far distance away, parades, all kinds of things violate the law if you want to uphold the law. But you have to have the exemption because even in the building, when you want to build something on to your house and it's breaking the law to do so, you go for a variance which it adheres to the law, it allows you not to break the law but the government allows you to do something that would be normally against the law, all right, is what this -- the variance system.

And in the same method, in the same way, the shooting range should be exempt from a law that was designed primarily for boom boxes and that it should be able to be reopened. Now, especially in lieu of all the papers last week of the Parks Department and the economy the way it is and they want to shut down this and they want to shut down that, the range probably statistically raises more money than other parks, the County parks and facilities. And maybe, you know, they're looking for money and the excess money they get from the range they can apply in another park or, you know, like towards the dog park over in Huntington. And I know that as I was in Mr. Towle's office one time, Mr. Doyle pointed out that people who buy property around the ranges and stuff like that have the right to develop their property, which they do, and people have the right to buy it. But it also, in lieu of there is a facility nearby that makes noise and you have to accept that.

I myself is four generations in this County and I moved out to Mastic in the 70's, the early 70's from Lindenhurst because I was tired of hearing that I wasn't like my father or my grandfather and I chose a nice dead-end block, just north of the railroad tracks because it's right by the Forge River here in Mastic by the fire department. And yes, the Long Island Railroad does break the sound law, I can tell you that, but I can also tell you that when I purchased my home I wanted it on a dead-end block, I wanted to be by the Forge River and the trains were something I had to live with and we too adapted. When we had that train strike back in the 80's, I couldn't sleep because the two o'clock train wouldn't -- I was waiting for it, it just wouldn't come, I would wake up in the middle of the night because I got so used to it. And you have to understand, that's how people are, all right.

So I'm in favor of Ginny Fields proposal to exempt the shooting range and I really hope you do that. Thank you.

***Applause***

**P.O. POSTAL:**

Thank you. Philip Kaskel.

**MR. KASKEL:**

Good evening. I live in Yaphank and one of the joys that I find living there has been the two shooting ranges that are within five minutes of my house. The fact that Suffolk is now closed on Saturday and Sunday, the other shooting range that is open is absolutely unbearable. There are so many people there that it is just impossible sometimes to shoot as much as you would like to, you have to shoot once or twice and then just wait the rest of the day while everybody else had a turn. If Suffolk was opened again, there would be more opportunity for many people to enjoy the sport that they do enjoy. Thank you.

***Applause***

**P.O. POSTAL:**

Thank you. Next speaker is Stanley Kessler.

**MR. KESSLER:**

Good evening. I'm a Suffolk County resident for 33 years; I've been shooting at that range, the one in Brookhaven, for almost as long. And I think on purely economic reasons that range should be reopened. We'd be bringing people in from out of town, it would help the businesses tremendously. And also, if I'm not mistaken, years ago one of the builders in the area of the range advertised in his brochures that it was close to the Suffolk County Trap and Skeet Range for convenience. Anybody that purchased a house near the trap and skeet range needs to know, or had to know at that point, it was going to be a little noisy at times.

My house is located in the flight path for McArthur Airport which is a lot noisier than the Suffolk County Trap and Skeet Range. I'd like to know if you are considering closing down McArthur Airport which, by the way, is great for the economy of Long Island and Suffolk County. I support this bill. Thank you, Mrs. Fields.

***Applause*****P.O. POSTAL:**

Thank you. Next speaker is Dr. Jack Giannola.

**DR. GIANNOLA:**

Thank you for allowing me to speak. It's very interesting. I shot on that range since I'm 14 traveling from Brooklyn. It was a great place to shoot, it taught me the skills I needed and go on in shooting all my life. And now I listen to this and I say what the heck has happened; things that I don't understand, maybe people can really make me aware of what's happening.

The range was closed because someone didn't pay a bill or whatever. All of a sudden now we have an abatement problem with sound. Let me ask you this; when that range was built, was it built legally, did it conform with all the rules and regulations of the town? All of a sudden now you have a law that was passed for boom box and the person who issued or sponsored the law is telling you that it was never a law to be used against shooting. So I don't understand, did they ever hear the word grand-fathered in? How many businesses in the City of New York get grand-fathered in because new laws can't be foreseen. And secondly, the people can't really come up to that standard. But when that business was open it was law, they were -- they didn't break the law, they were there and the law was there and they got licenses and they were able to do business. I don't see a problem; maybe I'm looking at it differently.

There's a law that doesn't really exist for the range, that law was for boom boxes on the beach; that's wonderful. You can't take law that law and say this is now part and parcel of what you have to do. You have been there for 60, 70 years, you're grand-fathered in, when

you built that range you were legal. They can't make you illegal by passing the law. Thank you.

**P.O. POSTAL:**

Thank you. George Glass. Not here? George glass? Richard Fahie?

**MR. FAHIE:**

Hi, I'm Treasurer of Sportsman Association of Firearms Education, otherwise known as SAFE. I do live in Mastic, I'm like inches away from Shirley, the Southport Soccer Center is literally in my backyard, it was a lot quieter there when it was just an old drive-in movie. My block wasn't a

dead-end when I moved there, they built Sunrise Highway and I'm about 150 foot from it, I can hear the trucks all night long. However, although the noise bill I think was full of good intention, it was so dramatic that many phases of life violate it; things like school buses, trucks, even roadways now violate this rule.

Suffolk County Trap and -- the range is basically shut down because of this, because there's new low noise level which is lower than New York State. It not only generates an income but it's also used by law enforcement and by our local sportsmen. The cost of renovating this range would be beyond the cost of what most vendors would be willing to put out.

I can see three solutions. We can close this range and use it for something else, but just closing this range and using it for something else would cost the County over \$2 million.

**LEG. FIELDS:**

Five.

**MR. FAHIE:**

And where would the sportsmen go? The other range is pretty crowded as it is, as you heard. Renovating this range, again, it would cost the County quite a lot of money. Now, I don't know about the rest of you, but I know what my taxes have been and they have gone up quite a bit since I've lived in Suffolk County and both of these things are going to cost the people quite a lot of money and I know I'm not happy every time my taxes go up.

The only other way is to really exempt the range. And let's be honest, how many tickets have you given -- I mean, you closed down the range, how many -- when was the last time a school bus got a ticket for being too noisy, or a parade? Are we going to discriminate against parades? We just heard about gay discrimination tonight and they claim no one group should be discriminated against; only enforcing the Draconian law against one group is discriminatory. Thank you.

**P.O. POSTAL:**

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? Come on up. Please identify yourself.

**MR. VAN WAGNER:**

My name is John Van Wagner and I live in Oakdale, not too far from Ginny Fields', her office. I'm here a short time, I'm only in the County about three years, I came from Nassau. It seems to me that if you close a range because someone is not in compliance with the payment agreements with the County, the solution is to simply find somebody who can come into compliance. If a franchise, a franchisee does not pay the franchiser, than the franchisee won't be the franchisee for very long. But the franchiser, on the other hand, would eliminate the person who's the bad apple and find someone else. So let's get somebody who will pay according to the County's requirements. Simple; close it for one reason, open it for the -- to have a solution to that problem.

I think the idea that there was a sound abatement situation sounds to me to be an artificial legal block to just keep that closed, keep that range closed. And I think it should be removed, that is the legal block, and somebody should be found to be put in there, perhaps {Parksign}, is that the name of the --

**LEG. FIELDS:**

Camp site?

**MR. VAN WAGNER:**

Camp-Site, either Camp-site or if Camp-Site doesn't want to do it, let's find somebody who will and who pay as they should according to the county requirements. Seems simple to me. Thank you.

**P.O. POSTAL:**

Thank you.

*Applause*

Legislator Fields, motion to --

**LEG. FIELDS:**

Close.

**P.O. POSTAL:**

Well, there's someone else who would like to -- wait, wait. Come on up, identify yourself.

**MR. { BALISTRARY } :**

Good evening. My name is Andrew Balistrary, I'm a resident of Medford. I've shot at the range at Southaven -- sorry. I've shot at the range at Southaven, I've shot at the Brookhaven Town range as well as some private ranges around, but I think we're drifting over all areas here. We're talking about a noise ordinance. What was the intent when that legislation was passed; was the intent to include shooting ranges or was the intent to include boom boxes, group noises or whatever? I mean, Counsel is here, he was probably still Counsel for the Legislature when that ordinance was passed; was it addressed?

**MR. SABATINO:**

I missed your question because somebody was asking me a question. Just the first part of it was whether or not --

**MR. { BALISTRARY } :**

The original intent of the County noise ordinance, was that intended to include shooting ranges or was that designed --

**MR. SABATINO:**

Well, it's not -- okay, it's not a question of intent. What happened was in fairness to everybody, at the time that that bill was adopted it was dealing with the issue of noise and it was written to deal with the issue of noise. There was no issue about the trap and skeet shooting range, so it wasn't done to address that and it wasn't done to exempt it, it's just that the consequence of adopting the legislation to deal with a general noise issue had the result that in this case an entity is not in compliance. But it wasn't a question of intent, it wasn't a question that was directed or not directed at the entity, it wasn't an issue at the time.

**MR. { BALISTRARY } :**

Okay. Well, you know, from my own side, coming from an Italian family, we --

**P.O. POSTAL:**

Legislator Fields, may be able to answer your question.

**MR. { BALISTRARY } :**

Okay, sorry.

**LEG. FIELDS:**

If I could answer that, I do have a letter from the author of the noise ordinance bill and in the letter he states that his intent was not to include Suffolk Trap and Skeet, that his intent was not to preclude them from being able to shoot there.

**MR. { BALISTRARY } :**

Thank you. You know, so basically if we go back to the origin of it, we shouldn't be here even discussing it.

**LEG. FIELDS:**

That's true.

**MR. { BALISTRARY } :**

But as some people may have gotten the hint, being from an Italian family, some of our functions are louder than the County's noise ordinance. I mean, I've been to the park for athletic events, church events and other picnics and stuff and we make a hell of a lot more noise than the range does. You know, I just -- you know, I feel we should exempt the range because the original intent wasn't to apply here, I think it's just being used as a matter of convenience now by some people. Basically that's it.

**P.O. POSTAL:**

Thank you.

**MR. { BALISTRARY } :**

You're welcome.

***Applause***

**LEG. TOWLE:**

Legislator Postal?

**P.O. POSTAL:**

Legislator Towle. Well, there's a question.

**LEG. TOWLE:**

No, no, I actually had a question of Counsel before we moved on the vote for the hearing.

**P.O. POSTAL:**

Okay. I think we have another speaker. There was somebody else who wanted to address the Legislature? Come on up and give your name.

**{MR. CARRY}:**

My name is Robert {Carry} and I've been a Suffolk resident for a little over 40 years and I've been shooting at the range prior to its being closed. There are a few things I would just like to bring up. Basically there are two types of noise, near and far afield. I happen to have shotguns, chain saw, leaf blower and I do wear for the near field noise ear protection for all of them. I think one speaker who is against -- anti this said, "We wear noise protection." Mr. Towle evidently has read all of the -- I guess what you paid the consultants for and I'd like to question him on how many decibels -- Mr. Towle, representative Towle.

**P.O. POSTAL:**

Actually, if I could just interrupt you. This is your opportunity to speak, not to question Legislator Towle.

**MR. FAHIE:**

Okay. Well, I thought -- looking at it, if you took a chain saw or a leaf blower, just like a shotgun, they make an awful lot of noise. Now, most local town ordinances forbid the use of those -- I live in Huntington -- within a certain time frame; you can't use it in the evening or early in the morning. So I think complying with the law, none of those instruments comply with it, but the way they've gotten around it is to keep certain time frames open. And I think Suffolk, when it was opened, did comply and kept in accordance with the town regulations, did not keep it open in the evening or early morning hours. So I'm suggesting that they treat it the same as an instrument, a chain saw or a leaf blower.

**P.O. POSTAL:**

There is a question from Legislator Field.

**LEG. FIELDS:**

Mr. {Carry}, are you aware that the boats that we have in our Suffolk County marinas actually violate the noise ordinance?

**MR. FAHIE:**

Yes, I have a boat but it's a sail boat.

**LEG. FIELDS:**

Are you also aware that our Suffolk County helicopters violate the noise ordinance in Suffolk County?

**MR. FAHIE:**

Yes, I live very close to (inaudible).

**LEG. FIELDS:**

So do you think that maybe we should close all of our Suffolk County marinas and stop our helicopters from flying?

**MR. FAHIE:**

No, you don't. I have a little experience on aircraft and generally some of the louder type aircraft, they have been permitted not to land after a certain time at night, either nine or ten o'clock. And all I'm saying, that's the way they comply with the laws thus far as far as noise. There has been restrictions on time limits and all I'm suggesting is that you go along with that, especially townships should, of treating it like a chain saw or any other instrument.

**LEG. FIELDS:**

Thank you.

**P.O. POSTAL:**

Thank you. There's another speaker.

**MR. MARTINELLO:**

Thank you. My name is Anthony Martinello, I'm a resident of Commack, the Town of Smithtown. I didn't come prepared to talk this evening but I think that there's something that was missed here. This facility is the only public -- I emphasize the word public -- sporting clays range on Long Island. My friends and I drive many miles to participate in this sport which is a lot more fun than skeet and trap in my opinion, but I think that that point was failed to be noted. And this is a very fine facility for that particular type of sport. I've enjoyed shooting there many times and I just thought that was worth being known. Thank you.

**P.O. POSTAL:**

Thank you. Anyone else? Come on up.

**MR. CAMPO:**

Good evening, Presiding Officer, Legislature and fellow Suffolk County residents. I'm Carlo Campo, I've been a resident of Suffolk County 54 years, Town of Islip for 54 years and the Hamlet of Brentwood for 54 years. I would like for you to vote yes on this proposal for the simple fact that I think things should be grand-fathered in.

As far as our quality of life, this range has been there in Yaphank for many years and I would like to see it continue for our quality of life to have recreation. None of us really are couch potatoes and I really don't want to be one, I don't want to turn into one; I'd gain too much weight and I'll get sick. But some people would like to have sports such as maybe riding bicycles, other County parks, town parks, as far as -- even as far as even playing music. This is a sport and I think it would be imperative for everybody to keep this range open, just as to grand-father it in, we don't want to just close everything that makes people unhappy just because they just move into a certain area for a couple of years and they decide they don't like bang bang bang. But perhaps maybe these people don't even like songbirds either and I think if a songbird was right by their window I think it would be louder than the shots from the range. Thank you very much.

***Applause***

**P.O. POSTAL:**

Thank you. Let's see, motion to close by Legislator Fields.

**LEG. GULDI:**

Second.

**LEG. CARPENTER:**

Second.

**LEG. TOWLE:**

On the motion. On the motion, I had a question.

**P.O. POSTAL:**

Seconded by Legislator Carpenter. On the motion, Legislator Towle.

**LEG. TOWLE:**

I just had a question of Counsel, Legislator Postal, if I could.

**P.O. POSTAL:**

Sure.

**LEG. TOWLE:**

My recollection of this debate the last time when we hired the two consultants to move forward with the potential reopening of this facility was that we were going to hire the consultants, allow the reports to come out how they would, include those reports and that information in the RFP, which the Parks Department did, in which multiple companies requested information. Only one, though, did respond and in their response was clearly not in compliance with the RFP in any way, shape or form and had not obviously read the RFP in detail, that's why they were not in compliance, and then ultimately withdrew their response. I'm curious if Counsel was aware of that; obviously sitting on the committees, is that an accurate characterization of what's transpired since the facility was closed due to lack of payment not because of sound?

**MR. SABATINO:**

It generically sounds like what I've heard third-hand.

**LEG. TOWLE:**

That's what I've heard third-hand as well, I didn't sit on the RFP Committee but I did send a staff person to the meetings just to get an account of what was transpired. The second question I have of Counsel, if I could, is that assuming this law passes, the facility still, though, which is a County facility, would still be forced to comply with any town ordinances, and we obviously do not have the power or the ability to exempt the facility from that.

**MR. SABATINO:**

That's correct.

**LEG. TOWLE:**

How would we circumvent, which is obviously what Legislator Fields is attempting to do at this point, circumvent our own law, how would we circumvent the town law and why would we not want to provide some type of abatement plan, environmental and/or sound?

**MR. SABATINO:**

It's not a question of circumvention. Statutes are written with or without exemptions, you can expand or you can contract legislation. So in this case, if there is a desire by the Legislature to contract the scope of the legislation, that's totally, completely appropriate and proper. Then the playing field will be a different playing field at the conclusion of that process. Presumably, another RFP process would be commenced at that stage, it would be based on the new parameters, one of which would be that there wouldn't be need to comply with this County provision. I don't know if the County provision is more stringent than the town provisions are. Presupposing that it is, then the process would move forward and if the party can comply with the less stringent town requirements then there wouldn't be a problem. If it turned out that the town requirements were equally stringent or more stringent than you would be in the same position with regard to the people responding to the next RFP. But presumably there would be a greater data base for them to work on since they now would have seen what happened in the first RFP process, they would be aware of the County statute having an exemption that he'd have to go forward on the basis of those new realities.

**LEG. TOWLE:**

When you drafted the bill for Legislator Levy regarding the sound abatement bill that was passed and approved by the Legislature, what was the guide that you used for that? I'm assuming we might have -- since we obviously have not passed that type of sound abatement, although he did try to regulate train whistles, I heard somebody talk about train whistles earlier this afternoon; he actually did try to do that. The bill that was passed, what did you use as a guide, was it a town standard or a State standard or a standard that Legislator Levy wanted to use? I mean, do you remember what you compared it to?

**MR. SABATINO:**

It was a combination of two things. One, the town of I think it was -- the Town of Smithtown had some model legislation, I know I looked at the town of Smithtown provisions and I believe there was just some technical, additional backup information with regard to decibel levels because I -- decibel levels have no meaning to me other than as a concept. So we were looking for technical background that would show some standards and for some reason the Town of

Smithtown stands out in my mind as having either provided us with the technical backup or maybe some actual model legislation, but it was a combination of those things.

**[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]**

**LEG. TOWLE:**

But the bottom line is, even if we were to approve this bill at our next meeting, because we would only be closing the hearing tonight, we would still be forced to comply with the local Town ordinances in the Town of Brookhaven.

**MR. SABATINO:**

Anybody who would be operating that facility would have to be in compliance with State, Federal and local law. If there's a Town ordinance in Brookhaven that deals with the noise issue, the answer is yes, he or she or the entity would have to be in compliance.

**LEG. TOWLE:**

Okay, thanks.

**P.O. POSTAL:**

Thank you. If there are other -- if you'd like to speak, you have to come up and identify yourself and speak, you can't just --

**LEG. TOWLE:**

There's a motion to close the hearing.

**P.O. POSTAL:**

There's a motion to close right now.

**LEG. GULDI:**

Point of order.

**P.O. POSTAL:**

Wait, wait, wait, wait.

**LEG. GULDI:**

Point of order.

**P.O. POSTAL:**

Wait a minute. Have you before?

**AUDIENCE MEMBER:**

Yes.

**P.O. POSTAL:**

You can't speak more than once on a public hearing, sorry. There's a motion --

**LEG. GULDI:**

On the motion.

**P.O. POSTAL:**

Wait, wait, wait. Legislator Guldi.

**LEG. GULDI:**

Yeah. What we should point out to the members of the audience is that the bill, after the hearing is closed, will go into committee. What committee is this bill before?

**LEG. TOWLE:**

Parks.

**LEG. GULDI:**

It's in the Park -- it will be before the Parks Committee at our next regular meeting which was held on -- what's the date of the next Parks Committee meetings?

**P.O. POSTAL:**

Who's -- you're the --

**MR. SABATINO:**

May 9th is a Thursday. It's the week of May 6th. I believe Thursday is the 9th,

**P.O. POSTAL:**

So the proper place to now speak would be the next Parks Committee meeting, which would be May 9th, because the bill --

**MR. SABATINO:**

I take it back. May 6th is a Tuesday, so it would be the 8th. I apologize.

**P.O. POSTAL:**

May 8th. What time?

**MR. SABATINO:**

That meets at 1 o'clock.

**P.O. POSTAL:**

One p.m. right --

**LEG. FIELDS:**

Twelve o'clock. Twelve o'clock.

**P.O. POSTAL:**

Twelve o'clock right here.

**MR. SABATINO:**

Back to twelve now?

**P.O. POSTAL:**

Because the bill can't be considered unless it is approved out of the Parks Committee. So, if you come to the next the Parks Committee Meeting --

**LEG. FIELDS:**

May 8th at 12 o'clock.

**P.O. POSTAL:**

May 8th at 12 o'clock and make your feelings known, then the committee would be the proper place, because, if it's not approved out of that committee, it can't go on the agenda. So that's

the proper place to speak. We now have -- let me see. Henry, do we have a motion to what?

**MR. BARTON:**

Close.

**P.O. POSTAL:**

We have a motion to close the public hearing on 1301. Do we have a second? I think we had a second. Henry?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

All in favor? Opposed? Okay. The public hearing on 1301 is closed. **I'm going to make a motion to reopen the public hearing regarding Introductory Resolution Number 1081.**

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Guldi. Can we do it on both?

**MR. SABATINO:**

One at a time. And, also, just for the record, the emergency hearing notice has been posted for at least more than one hour, and there's a Certificate of Necessity, which has triggered that process. So you can now, after the reopening of the hearing, ask if there are any people who wish to be heard and then go on that basis.

**P.O. POSTAL:**

Okay.

**MR. SABATINO:**

So take them one at a time.

**P.O. POSTAL:**

This is -- okay. This is a public hearing which we have made a motion to reopen, and was seconded and I believe approved. Everyone was in favor. And we have a card regarding testimony on Introductory Resolution Number eight -- Public Hearing Number 1081, a card from Lori Taggart. And she actually -- this card --

**MS. BURKHARDT:**

Yours is the next card. You're Lori Taggart?

**P.O. POSTAL:**

Yours is the next --

**MS. BURKHARDT:**

You're the next card.

**P.O. POSTAL:**

Lori Taggart has filled out a card for 1081 and 1082. Is she here?

**MS. TAGGART:**

Yes. I defer my time to Mr. Gatta.

**P.O. POSTAL:**

You withdraw your card.

**MS. TAGGART:**

Yes.

**P.O. POSTAL:**

Okay. Then our next card is from Deputy County Executive George Gatta, who is speaking on 1081 and 1082.

**LEG. GULDI:**

Should we open both hearings before he speaks?

**P.O. POSTAL:**

We'll do one at a time. He actually -- is Lori Taggart, is she giving her time to George?

**MS. TAGGART:**

Withdraw my card. I never filled one out.

**P.O. POSTAL:**

No. She's just withdrawing her card. Go ahead, George.

**MR. GATTA:**

Thank you.

**P.O. POSTAL:**

You've been very patient.

**MR. GATTA:**

Good evening. 1081 and 1082 have been discussed several times previously.

**LEG. GULDI:**

Oh, point of order, though. We haven't opened the hearing yet. We had a motion and a second to open the hearing, we didn't have a vote, and we didn't open yet.

**P.O. POSTAL:**

We had a motion to reconsider, I think, closing the hearing.

**LEG. GULDI:**

We didn't open -- we didn't call the vote on the motion, and we didn't do it as to both hearings. And I think before the testimony is taken, we should have both hearings opened.

**P.O. POSTAL:**

Okay. We --

**MR. SABATINO:**

It's a technical matter. You're supposed to testify on one hearing at a time. We hold the public to that standard. So 1081 is the one that was opened, the testimony is on 1081. Then we'll

open 1082 and take testimony on 1082.

**P.O. POSTAL:**

Okay. Okay, George.

**LEG. CRECCA:**

Take it away, George.

**MR. GATTA:**

Thank you. With reference to 1081, this resolution has been discussed several times at the public hearing before the Legislature. Additionally, various parties, including the Supervisors and staff from the Town of Riverhead, the Town of Southampton, and the Town of Babylon have addressed the Legislature at the public hearings and before the Economic Development Committee on a number of occasions.

I was originally coming here today to speak before the committee, but there wasn't sufficient time, so the Committee Chair asked that I would defer -- wait until -- wait until the full Legislature, so I could address all of you on 1081.

1081 would bring the current Empire Zone into compliance with the New York State Empire Zone's program, laws and regulations with respect to the original designation. We have been discussing this with the State for a number of months. The larger issue, which is really the expansion of the zone boundaries, is contained in 1082, and I guess I'll talk about that after we close this hearing. 1081 would reestablish the Zone Administrative Board, and in 1082, we would add some additional members to it. But 1081 would establish that Board. The State has advised the County that we need to do this pursuant to local law, and that's why you have 1081 in front of you. It would also reestablish the Zone Certification Officer and the zone overall administration responsibilities for the Calverton zone, which we proposed to expand to other areas in the County. So, if there are any questions on 1081, I'd be glad to respond to them.

**P.O. POSTAL:**

Legislator --

**LEG. GULDI:**

Yeah, I have a question.

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

Yeah. I need -- Linda, I need Counsel's attention. Sorry, sorry to interrupt, but, Counsel, first, point of clarification. The amended boundaries of the zone, do they now include an area in Downtown Riverhead that extends more than one block north of Main Street?

**MR. GATTA:**

I'd like to answer that, but that's in 1082.

**LEG. GULDI:**

I understand that, but I need that --

**MR. GATTA:**

Yes, yes.

**LEG. GULDI:**

Point of -- Counsel, the new --

**MR. GATTA:**

Yes, the answer is yes.

**LEG. GULDI:**

Yes. The new proposed boundary zone in Riverhead includes a piece of property in which I own an interest that I acquired in November of last year. That property is currently in lease negotiations for a proposed tenant who will not qualify for Empire Zone use, and there is no intention to apply for Empire Zone. Notwithstanding that pending, but unconsummated, lease negotiation, does my ownership interest in the parcel constitute a conflict sufficient for me to require to be -- my abstention on these two resolutions now that the boundaries have been expanded to include an area in which I known real estate, a real estate interest?

**MR. SABATINO:**

Yes. Based on your real property interest in the affected area, my advice would be to abstain or recuse yourself.

**LEG. GULDI:**

Okay. I will, therefore, be abstaining on the resolutions and recusing myself on these two matters from further discussion. Thank you.

**P.O. POSTAL:**

Any other questions on 1081? Okay. I'll make a motion to close.

**LEG. FOLEY:**

Second.

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

Second by Legislator Caracciolo. All in favor? Opposed? 1081 is -- there's an abstention?

**LEG. GULDI:**

My abstention, yes.

**P.O. POSTAL:**

Abstention, Legislator Guldi. 1081 is closed. Public Hearing regarding Introductory Resolution -- oh, I'll make a motion to reopen --

**LEG. CARPENTER:**

Second.

**P.O. POSTAL:**

-- the hearing on public -- on Introductory Resolution Number 1082, seconded by Legislator Carpenter. All in favor? Opposed?

**LEG. GULDI:**

Abstention.

**MR. SABATINO:**

And again, the statement I made before about the emergency notice and the Certificate of Necessity equally apply to this resolution.

**P.O. POSTAL:**

There's one card on this hearing from George Gatta.

**MR. GATTA:**

Thank you, Presiding Officer. 1082 would amend the boundary revisions of the Suffolk County Riverhead Town Zone. We've been working for a good number of months with three -- with three entities in addition to the State, the Town of Riverhead, the Town of Babylon, and the Town of Southampton. The boundary revisions would change the configuration of the Empire Zone within the Calverton property. It would take currently unused or underused property. Most of it, still being owned by the Department of the Navy, has not been transferred to the Town of Riverhead, and currently can't be used for economic development purposes. It would take part of that. It would take some undesignated acreage, 32 acres that were never originally designated for zone use, and would transfer that property, 61 of those acres to Downtown Riverhead. A hundred and thirty-nine acres would be changed inside the fence at Calverton, the old Grumman Property, in the industrial core area between the two runways, twenty-five acres would go to Downtown Wyandanch for revitalization in that community, nine acres to Riverside, directly across the Peconic River from Downtown Riverhead for a couple of projects there, and 48 acres to the industrial component at Gabreski Airport. There's a 48-acre parcel on the west side of the airport that is currently used for industrial office. There's a day-care facility. There's some other service oriented businesses there. We would designate that as part of Empire Zone to encourage redevelopment at Gabreski for the Town of Southampton.

I've given to the Clerk, and I believe you all may have at this point, a Memorandum of Understanding that we've been working on for sometime. At the last Economic Development Committee meeting, Supervisor Kozakiewicz appeared with the Town Attorney and I was also there. We discussed the fact that we were working on the Memorandum of Understanding at that time. Since then, all the parties have agreed, including New York State, and you've got the signatures of all those entities, including the Supervisors of Southampton, Babylon, Riverhead, and the Director of the State's Zone Program.

You've got correspondence. I see in your communications, a section of the agenda, the Town Board Resolution 391, dated April 1st of this year, which authorizes the Supervisor of Riverhead to sign that Memorandum of Understanding. So all the parties appear to be in agreement. We've had a number of discussions with Legislators, with Committees, and, at this point, I'd be glad to respond to any questions that you might have.

**P.O. POSTAL:**

Legislator Caracciolo, followed by Legislator Foley, followed by Legislator Fields.

**LEG. CARACCIOLO:**

George, this agreement, a Memorandum of Understanding, is effective immediately upon the adoption of these resolutions?

**MR. GATTA:**

That would be correct.

**LEG. CARACCIOLO:**

Right. Because I see the date is not yet --

**MR. GATTA:**

Filled in.

**LEG. CARACCIOLO:**

-- on this document. Just one more time for the record explain, you eluded to the Town of Southampton, how these credits would be used for some projects down there, some economic revitalization in the Town of Southampton. Can you elaborate specifically in the Town of Babylon how these 25 acres will be utilized, and what's the timetable?

**MR. GATTA:**

Sure. Those details have been previously provided by the Town, but I did bring a board for illustrative purposes to show the area. It is, I've been informed, and I am aware that it is the most distressed census tract anywhere in Suffolk County. The Town of Babylon plans to use these credits to bolster their urban revitalization efforts, their community renewal efforts at the -- I guess the epicenter would be Long Island Avenue and Straight Path. There are a number of

parcels that surround there. It would be used for both industrial, some retail, and also some residential revitalization. They do have a plan that's been -- I believe it's been filed with the Legislature. If not, we would be glad to provide that, but it is a comprehensive plan. They had -- they had been here and provided I think most of the details and there was a great deal of discussion about that particular project. But I do have a board, if you'd like to take a look at it. I can show you exactly the parcels that are involved.

**LEG. CARACCIOLO:**

Okay. The undesignated acreage at Calverton, could you just for the record explain the amount of such acreage and how that acreage can be utilized, and what is required to utilize the undesignated acreage? Because, obviously, when you talk about the Calverton Grumman property, there is much more than this acreage we're discussing here. So if you could just quickly run through all the numbers as to when the zone was created, what is retained by the Town of Riverhead and cannot be used by anyone else, I'd appreciate it.

**MR. GATTA:**

Sure. The zone was designated in the 1998 time frame. It might have been late '97. I don't have that in front of me. The maximum acreage that any zone can contain is 1,280 acres. Initially, there was 1,248 acres designated at Calverton. Thirty-two acres were undesignated and that acreage could be used anywhere in Suffolk County. The proposal before you would move 139 acres inside the fence at Calverton to a different location in Calverton, and I have also on the board that area outlined. It's on the eastern side within the runway to the east, so it is industrial, it does stay within that core.

**LEG. CARACCIOLO:**

And it does stay within the Town of Riverhead.

**MR. GATTA:**

It stays within the Town of Riverhead. They would be eliminating approximately 15 acres, which is currently a sewage treatment plant on the property. That's not needed for economic development zone benefits, we can't do any economic development there. They would also be eliminating some acreage that's currently owned by the Navy, and we don't know when that would be transferred or remediated, more importantly.

**LEG. CARACCIOLO:**

Is that the superfund site.

**MR. GATTA:**

I don't know if it's exactly superfund, but the Navy needs to remediate it before they can transfer it to the Town of Riverhead, and that's estimated to take years. It would probably take longer than the benefits could be provided through the program. So that property is currently -- basically, that designation is not being put to active or productive use.

When all is said and done, there will remain 1,137 acres inside the fence at Calverton. There will be nine acres in Riverside, excuse me, seven of which would be for the River Catwalk Project, which I think you're familiar with. Additionally, the Town of Riverhead requested two acres just around the circle as you enter into the Town of Southampton from Riverhead. Forty-eight acres at Gabreski, and 25 acres in the Town of Babylon. That would be the twelve -- the full 1,280 acres, of which -- oh, and also 61 acres in Downtown Riverhead. So, when all is said and done, you'd have 1,200 of those acres in Riverhead, 80 acres outside of Riverhead.

**LEG. CARACCILO:**

Under the confines of the EDZ Zone, would it be permitted at a subsequent date for the transfer of any other credits, EDZ credits, outside of Calverton.

**MR. GATTA:**

The way the program is structured, there would need to be an agreement, there would need to be an affirmative vote by the Town of Riverhead Town Board, the Suffolk County Legislature, the Zone Administrative Board, and then that would be --

**LEG. CARACCILO:**

Which has now been reconstituted.

**MR. GATTA:**

Yes. And then -- well, to some degree, it's been reconstituted.

**LEG. CARACCILO:**

Yes.

**MR. GATTA:**

We've added two additional representatives, one for the Town of Babylon for Wyandanch, and one for the Town of Southampton for Riverside. And we would need to make application to the State's Zone Program. With all of the other entities being in agreement, if that were the case, then the zone could act favorably, if they felt that it met the conditions of the program.

**LEG. CARACCIOLO:**

So each, separate and apart from the other, those four entities, State, Board, Town, County could veto the transfer of any subsequent EDZ credits.

**MR. GATTA:**

That's correct.

**LEG. CARACCIOLO:**

Okay. Thank you.

**LEG. FOLEY:**

Max. Max, I think I was next.

**P.O. POSTAL:**

Legislator Fields, and then Legislator Foley?

**LEG. FIELDS:**

George, just on -- the pages aren't numbers, but Number 5, when you look on the list, it says "D" and "E". I'm just wondering, it says, "Seven acres to Riverside, Town of Southampton," and then "E" says, "Approximately two acres in Riverside, Town of Southampton." Just wondering why that's broken out separately.

**MR. GATTA:**

Well, what happened was the original proposal was for seven acres. That's what Southampton requested. The Town of Riverhead Town Board, after they were -- when they were deliberating this, decided that there was an area adjacent, close to this other seven acres, that they wanted to add, and the Town of Southampton has agreed and that's why it was listed as a separate two-acre area.

**LEG. FIELDS:**

Okay. Thank you.

**LEG. CARACCIOLO:**

Ginny, if I just might add to Mr. Gatta's remarks.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

It literally is -- it literally is the town line.

**P.O. POSTAL:**

Okay. Were there any other questions for Mr. Gatta? Let's see.

**MR. GATTA:**

Just one other -- just one other comment. The reason that we're asking for a -- the reason that we're presenting this with a CN today is that this has been going on for a considerable amount of time. All of these issues have been discussed at the Legislature during public hearings, through -- at committee meetings, and the State has requested that we move this as quickly as possible.

**P.O. POSTAL:**

All right. Motion --

**LEG. FOLEY:**

Madam Chair, I have a question for --

**P.O. POSTAL:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. George, it's good to see you here today. When reviewing the Memorandum of Understanding, we brought this up in the past, and perhaps just one more time, the Zone Administrative Board, we've mentioned in the past that that particular board should not just keep the number of jobs created, but also have it further refined as to what

areas by zip code, and if it's a large zip code, by the communities within that zip code, and, additionally, the kinds of jobs that are created, whether they're minimum wage jobs, or whether they're higher wage jobs. Now, I don't see that contained in this MOU, but is it contained somewhere? I mean, verbally, you and others in prior committee meetings have and General have mentioned that you'll have that further -- require that further refinement of information, the kinds of jobs, where, and the wages. But is it written anywhere in any of the memoranda or of any of the backup that I don't see here today?

**MR. GATTA:**

No. No, it isn't, but I can tell you that the State's program is structured in such a way so that maximum benefits are only achieved by businesses for creating -- number one, creating jobs that never existed before, so adding new jobs. Number two, priority is given for special tax breaks, specifically wage tax credits if employers hire targeted employees, and those targeted employees include people that are currently unemployed, displaced homemakers, individuals who are entering the workforce for the first time. So there's a great deal of emphasis placed on providing employment for nontraditional workers, or displaced workers, or people that really need jobs. Additionally, any certified business that's certified through this program to get these benefits, all that information is collected by the State and we could make that available to you.

**LEG. FOLEY:**

Yeah. And by all the information, just through the Chair, by all that information, you mean above and beyond --

**MR. GATTA:**

The number of jobs, the types of jobs. As far as -- as far as zip codes, I'm unsure of that and I can't make that representation.

**LEG. FOLEY:**

Or, in the past, Lori has stated that that could be, and when I -- When Mr. Heaney, Supervisor Heaney was here last, he had stated on the record that he would endeavor to have that kind of information available as well. Because what's important, I think you'd agree, that the history of EDZ's on Long Island and the County, to a certain extent, it's an open question as to how many jobs are actually created in the immediate area where the businesses were located. Some of the promises in the past were that if it was located in a particular community, that every good faith effort would be made to create jobs within that community. And I would dare say that the

number of jobs created within that -- those given communities immediately adjacent to the building, if you will, are of a very limited nature. So, what I would like to see happen, and, again, on the record, it was stated that that information would be available, is to go beyond just simply the number of jobs, but the other information that I outlined, and I was told that that information would be -- would be kept on record.

**MR. GATTA:**

We certainly don't oppose it. We would work to make that available.

**LEG. FOLEY:**

And I think it would be relatively easy to do it. Okay. Thank you. Thank you, Madam Chair.

**P.O. POSTAL:**

Okay. I'm going to make a motion to close the hearing on 1082, seconded by Legislator Caracciolo. All in favor? Opposed?

**LEG. GULDI:**

Abstention.

**P.O. POSTAL:**

Abstention, Legislator Guldi. This public hearing on 1082 is closed. Now, I'm going to accept a motion from Legislator Carpenter, seconded by Legislator Alden, setting the date of May 13th, 2003, at 2:30 P.M., in Riverhead, New York, for the following public hearings: Public hearing regarding the 2004-2006 Capital Budget and Program, Public Hearing Regarding I.R. 1293, a Public Hearing regarding Introductory Resolution Number 1304, 1346, 1347, 1354. All in favor? Opposed? The date of the Public Hearings has been set.

Now, when we left -- when we left --

**LEG. ALDEN:**

Senses.

**P.O. POSTAL:**

Well, we're not ready for that yet. We were still listening to presentations from public officials. We were speaking -- hearing from Christine Costigan, Division of Real Estate. So, Christine, go

ahead.

**MS. COSTIGAN:**

Let's see. When we left off, the question had been posed as to addressing the requirements of 712, in that it requires the comment on the appraisal review. To handle that matter here is Bill Moore. And I'm glad to introduce him to you, because Bill is the General Certified Appraiser who was hired pursuant to the new resolution from the County.

**P.O. POSTAL:**

Mr. Moore.

**MR. MOORE:**

Good evening. Thank you. May I have the question redirected to me? I think we left off with a question about a specific issue.

**LEG. FOLEY:**

Can you speak closer into the microphone?

**P.O. POSTAL:**

Where were we? Legislator Guldi.

**LEG. GULDI:**

Yeah. I believe Counsel outlined earlier that one of the requirements in the statute is that the Review Appraiser discuss the reconciliation and the adjustment and the appraisal review of the two appraisals, and the -- specifically, further, there was a question in Committee about one line in the review appraisal about one of the appraisals that should be addressed. So, generally, I think the question is could you summarize your findings as the Review Appraiser and present them to the Legislature?

**MR. MOORE:**

Yes, I can. First off, I would have to say that the two appraisers we employed for this property are excellent appraisers. I'm very proud and pleased to have them with us here tonight.

We had four issues that were brought up by the first level review appraiser in which he found some issue with one of the appraisal reports and not the other. Those four particular issues I

can cover, I think, quite easily, and then for backup, we can always turn to our consultant appraisers. The issues were brought up with Clark and Marshall appraisal report. The first issue that was brought up was that it was felt that there was an incorrect number of lots in the appraiser's subdivision, in that we felt, or at least he felt, that 12 lots would be the highest and best use of the property, according to certain statements made by East Hampton Town Planning Officials, whereas Patricia Parsons of Clark and Marshall, who was here earlier, opined a ten lot subdivision.

I have spoken with Patricia at some length about this very issue, and, in fact, she has responded, I think earlier today, at some length, I think, as to her reasons. And I am perfectly satisfied that on that particular issue, she's bringing to bear her very subtle and deep knowledge of the East End real estate community, and I think she's very well founded in her particular opinion about ten lots. And she can speak more about that, if you'd like.

But I'll move to the second issue. In the second issue, the review appraiser felt that the Clark and Marshal appraisal report had all waterfront lots and this was unrealistic. Well, I think, as Pat has pointed out, the highest and best use of the property would be ten lots, in her opinion, as opposed to the 12 lots of the other appraiser. And if you have that lesser number of lots, you could thereupon conceivably more easily facilitate ten lots being on the waterfront. And she felt, after speaking with Town Officials and based on her knowledge of the market, that this would be doable and this would be the highest and best use of the property. I was perfectly satisfied with her response.

And, again, I'm not trying to discover who may be particularly correct, right or wrong, in each of the instance of the two appraisers, they are both professionals, and I believe they have given very well founded opinions about the highest and best use of the property.

The third issue that was found was concerning a kind of a minor technical issue. In the subdivision analysis of the property, that was one of the methods used to establish value, one appraiser was found to have a four-year sellout and the other appraisal was found to have a five-year sellout. The first level review appraiser believed that the five-year sellout was the more realistic. I have spoken to Pat Parsons about this, who had the four-year sellout, and she has come to agree that there is so little a difference between the four and five years, that given all of the gray area involved in such an analysis, that she now concurs with the review appraiser.

And the last issue she has spoken about, and that was the 24% increment for time, 24% annual increment for time, and I'm very pleased to say that she has performed what's called a paired sale analysis of certain sales in the town and I think has come up with some very good rationale to support the several time adjustment she has used for the period before her date of value, going back to one year ago, and subsequent to her date of value.

So I think that, in conclusion, the four points that were brought up as problematic were, relatively speaking, not all that important. But I think what we tried to do was to at least come to a meeting of the minds, and I'm perfectly willing to say that in my opinion, the four points are now cleared for all purposes.

**LEG. GULDI:**

Okay. The final question, however, is -- that I have, before I'm sure some of my colleagues will have one, see, we were informed by the Supervisors today that the initial -- that the seller had received in an arm's length negotiation an offer and a draft contract to sell the property for 12 million dollars sometime ago. Isn't an actual willing buyer offering to sell -- offering to purchase at a price a better valuation than a theoretical appraisal in all cases in any event?

**MR. MOORE:**

Maybe not in all cases, perhaps in some cases. However, I personally feel that may not be true here, only because, if you have a past history, a track record of conveyed sales which can establish values for you in many different ways, using several different approaches, I think you're on very firm ground. That's not to say that such a contract that you're speaking about cannot be used, of course, and be viewed as a good indicator of value. Here I think it is a good indicator of value.

**LEG. GULDI:**

Okay.

**MR. MOORE:**

I have not seen the contract.

**LEG. GULDI:**

Which leads me in a way the subtext of my same question, and that is, does the 12 million

dollar purchase price that is the negotiated purchase price for the County constitute fair and reasonable value for this property based on the appraisals you've reviewed and the other information you have with respect to the property?

**MR. MOORE:**

Yes.

**LEG. GULDI:**

Fair and reasonable value.

**MR. MOORE:**

Yes.

**LEG. GULDI:**

Okay. I have no further questions. Mike does, though.

**P.O. POSTAL:**

Legislator Caracciolo:

**LEG. CARACCIOLO:**

Yes. Mr. Moore, could you just briefly explain for the Legislature the difference between the two methods, which, apparently, are somewhat different, that were used by the two appraisers?

**MR. MOORE:**

Yes. In appraising a property such as this, there are schools of thought that say you can do it two ways. One way, and the easiest way to understand, is to look at the property as a piece of raw acreage, which it certainly is, and use comparable sales that are as similar as you can possibly find to the property as it presently sits there. You would find other properties of between 40 acres perhaps and 60 acres, make certain adjustments for location, waterfront amenities and things like that, and you would develop a fair market value for the property as it presently exists. That's the easy one to understand. The other one to try to understand for a property like this is what's called the subdivision analysis method, in which you project forward in time the number of lots that you envision will be allowable on the property. You further project forward in time the selling prices for those lots. You also develop estimates of expenses, carrying costs, advertising costs, survey costs, things of that nature, and you create a cash flow

analysis, so that over the next three, four, five years, you could develop a present value for that mix of expenses and profits, profits coming when you sell off the properties, expenses coming when -- in your development process, and you bring backwards to the present day all of those positive and negative figures and you develop a present value. One of our appraisers used both methods and one of our appraisers only used one of the methods.

**LEG. CARACCILO:**

Could you explain which did both?

**MR. MOORE:**

Yes. The appraiser that used both methods was the firm from East Hampton, Clark and Marshall. And the appraiser that used the one method, which was the subdivision analysis method only --

**LEG. CARACCILO:**

Was Mr. Given.

**MR. MOORE:**

-- was done by Patrick Given's firm, Given Associates, and that was represented here today by Larry Indimine.

**LEG. CARACCILO:**

In your opinion, what is the fair market value of this property, given the adjustments for time between the Town's appraisal a year ago and the County's appraisal of a few months ago?

**MR. MOORE:**

I endorse both appraisals that we have been discussing this evening. I both -- I think they're both very fine estimates of value. They are each an opinion of value. One is in at 12.6 million, one is in at 10.6 million. I believe that those two figures represent the range. And it would be perfectly reasonable for reasonable people to establish the fair market value today to be the middle of that range. However, having said that, one of the appraisal reports, as we've discovered earlier in testimony, is a year old, and a case can be made for adjusting that upwards, so that the -- that particular appraisal will certainly come in at a higher value.

**LEG. CARACCILO:**

Since that is the Town's appraisal and not the County's appraisal and the Town has approached the County to share or partner, I should say, in this acquisition, that gives rise in my mind to -- since there's already been testimony and quotes in yesterday's newspaper by one of the elected officials in the town, I believe the Councilman is still here, that, if necessary, the Town could go this acquisition alone. So that's a policy decision for the members of the Legislature to make. But at the end of the day, that the amount you endorsed is how much?

**MR. MOORE:**

Sometimes I hesitate to create my own opinion.

**LEG. CARACCIOLO:**

Well, we need your opinion here. That's why you're there.

**MR. MOORE:**

Okay. If you're asking, I would say the fair market value would be the mean of the two approved appraisals.

**LEG. CARACCIOLO:**

That would be 11.6 million dollars.

**MR. MOORE:**

Yes.

**LEG. CARACCIOLO:**

Okay. And you would have no problem in arriving at that figure if the difference in our appraisal, which is 10.6 million dollars, that essentially the County should cap its cost at half of ten-six and not -- I'm sorry. Well, you're saying eleven-six, I'm saying ten-six. I mean, that's where I think there's another difference between the way I would approach this acquisition and perhaps others.

**MR. MOORE:**

Yes. However, I believe that the --

**LEG. CARACCIOLO:**

A million dollars is not chump change.

**MR. MOORE:**

No, but -- yes, that's true. The appraisal done by the Clark and Marshall firm has been certified to the County, so we view it as a County appraisal.

**LEG. FOLEY:**

Just on that point, twelve-six was certified by the county?

**MS. COSTIGAN:**

To clarify, this is not a Town appraisal and a County appraisal, both of these appraisals were prepared from the County's list from County appraisers. Both are certified to the County, as well as to the Town.

**LEG. FOLEY:**

All right. So, if it's certified, then --

**MS. COSTIGAN:**

This is, for all practical purposes, our appraisal.

**LEG. CARACCIOLO:**

Did we pay for the appraisal by Clark and Marshall? Christine, did we -- are we --

**MS. COSTIGAN:**

Neither of the appraisals, I mean --

**LEG. CARACCIOLO:**

I was told earlier that Clark and Marshall are retained by the Town.

**MS. COSTIGAN:**

The way the process works --

**LEG. CARACCIOLO:**

I understand.

**MS. COSTIGAN:**

-- I know your point, and I'm not trying to be argumentative, but I understand they're also -- they are also on a list of County certified appraisers, therefore, we can use them under our new methods where we prescribe two appraisals, I understand that.

**MS. COSTIGAN:**

And, indeed, the County -- the Town is restricted to using them if it wishes to go in with us, so it is a joint appraisal for all practical purposes.

**LEG. CARACCIOLO:**

Okay. Now, I need you or Mr. Isles to put on your other hat, and maybe Mr. Isles, as the Planning Director, would be the best person to answer this question. From a -- from a County Land acquisition program, Project Outlook, and given what you know, Tom, has been something that I've been an advocate for a long time, putting some priority on County acquisitions, because, like the towns, we have an finite number of dollars and resources, this would be a very large acquisition, certainly for the Town, and certainly not a meager one for us. Where will this put us at the end of the day in -- A, what program do the proceeds come from, and what would be the fund balance left in that program?

**MS. COSTIGAN:**

This is a new drinking water acquisition. We have adequate money appropriated already for it, and there are additional monies yet to be appropriated, indeed, almost -- we have more than adequate money to pay for this and for prospective acquisitions in the immediate future.

**LEG. CARACCIOLO:**

Excuse me, I can't hear, there's a side-bar conversation going on. I'm sorry, Christine, could you just repeat that?

**MS. COSTIGAN:**

Yeah. I mean, just as an overall matter, we have more than the 5.8 million that we need here. We have almost eight million on hand, and that doesn't include any further bulk appropriations, so that we have -- we have adequate money, definitely, and --

**LEG. CARACCIOLO:**

Okay. But what you know that I don't know and my colleagues don't know, in terms of our

resources is, as Tom just provided at committee within the last week, there are pending some 125 resolutions for acquisition. I know they're in various stages. Some may have been declined since they were originally introduced. And in the absence of having full knowledge of where at the end of the day, what resources we're going to have left for other important priority acquisitions, again, it just gives me some pause. I think this is a fine piece of property. Perhaps it should be a County acquisition, the cost and the difference in the appraised value, and going down the road of -- for the first time of paying in excess, and I know we have provisions to do that, up to 10%, gives me a little pause, but not a whole lot.

I'd just like to hear from Mr. Isles in terms of an environmental sensitive acquisition. Should this be a County resource that we should partner with the Town? I mean, we have Shadmoor, we have a number of other holdings in the Town of East Hampton. This is a County with ten towns, and there are several large ones pending right now in Brookhaven and elsewhere. So I'd just like to get your perspective on that, Tom.

**MR. ISLES:**

Sure. On the issue of the quality of the acquisition, the environmental attributes of the property and so forth, we feel the parcel is a strong acquisition recommendation to the County. As I indicated earlier, the parcel had achieved a ranking on the Legislature's ranking form of 85, the highest I've seen since I've been here. As we've heard in testimony today, the parcel is truly unique, and we think, environmentally, it is a strong acquisition that stands on its merits.

In terms of the program, we do feel there are adequate appropriations to cover this acquisition. And then the larger question,

Mr. Caracciolo, in terms of the Drinking Water Protection Program, it is our newest program. It is a program that extends to 2013. It's anticipated to generate 118 million dollars. We're way below that. I don't think we've even broken 10 million in the program at this point. The Legislature has approved bonding through the Environmental Facilities Corporation for 41 million dollars, so this would go forward. I don't see any problem at this time with the acquisitions that have been approved at this point for planning steps, let's say, as well as authorization, and the funds that we expect to get from this sales tax generated program.

**LEG. CARACCIOLO:**

The new Quarter Drinking Water Protection Program is a pay-as-you-go program.

**MR. ISLES:**

Correct.

**LEG. CARACCIOLO:**

And what are the fund balances as we speak? Because the program has only been extended, now we're in the third year.

**MR. ISLES:**

Yeah. I'll turn it over to Mr. --

**MR. KNAPPE:**

Good evening. The Quarter Cent Fund 477 is broken up into different programs, as everybody's well aware of. The component that this acquisition would be coming from is the Open Space Program, which is 13.55% of the quarter cent sales tax, which is extended to 2013. And, currently, we are estimating a fund balance of approximately 14 to 15 million based on the sales tax numbers as budgeted. So, in actuality, it's going to be increased above and beyond that. That's unobligated amount at this point. Now, those numbers could be a little bit different than what Budget Review has, because I'm working on what I had in my model from a couple of months ago. They might have something more up to date.

**P.O. POSTAL:**

Probably.

**MR. KNAPPE:**

But that's about close to what I have.

**LEG. CARACCIOLO:**

So you're saying --

**P.O. POSTAL:**

Legislator Caracciolo, can I just --

**LEG. CARACCIOLO:**

Yes.

**P.O. POSTAL:**

It's past 8 o'clock, and I'm going to recess the meeting for one hour. We'll resume at 9 o'clock.

**MR. KNAPPE:**

I'll double check those numbers in the break, too.

**[THE MEETING WAS RECESSED AT 8:00 P.M. AND RESUMED AT 9:16 P.M.]**

**P.O. POSTAL:**

Sandy, please call the roll.

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

**LEG. CARACCIOLO:**

Here.

**LEG. GULDI:**

Here.

**LEG. TOWLE:**

(Not Present)

**MR. BARTON:**

Legislator Fisher.

**LEG. HALEY:**

By the way, for the record, if you don't mind, Legislator Fisher's son is being inducted into the Honor Society tonight. She should be back shortly.

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. FIELDS:**

Here.

**LEG. ALDEN:**

Here.

**LEG. CARPENTER:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

(Not Present)

**LEG. BISHOP:**

(Not Present)

**LEG. BINDER:**

Here.

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

(Not Present)

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

I'm here.

**LEG. TOWLE:**

Henry, I'm here.

**P.O. POSTAL:**

Here.

**MR. BARTON:**

14 are present.

**P.O. POSTAL:**

Okay. When we recessed, I believe that Legislator -- was it Caracciolo or Guldi was asking -- I think it was Legislator Caracciolo, was asking a question of a different person.

**LEG. GULDI:**

No, actually, I think we -- this was the -- this was the witness.

**P.O. POSTAL:**

Was it? Oh.

**LEG. GULDI:**

Yeah, but -- and the last question that he needs to address to complete the record is the appropriation issue that Counsel raised earlier. They've had plenty of opportunity to consult with each other. And would you, please, put on the record the fact -- of the facts about the appropriation clause and why it's already been done? Still -- this is still the Duke Property, but, hopefully, this is the last stop.

**LEG. HALEY:**

No, it's not. All right. Go ahead.

**MR. KNAPPE:**

Resolution 540 of 2002 appropriated 6.5 million dollars to Capital Project 8709 for the purpose of open space land acquisitions. That 6.5 million dollars was not designated for any set acquisition at that time. That 6.5 million is still intact, unobligated in the Capital Budget, and it is those funds that are being used as a -- the funds to purchase the Duke Properties.

**P.O. POSTAL:**

Legislator Guldi?

**LEG. GULDI:**

Yes. I have no further questions.

**P.O. POSTAL:**

Legislator Caracciolo, did you have a question?

**LEG. CARACCIOLO:**

No more.

**P.O. POSTAL:**

Okay. Any other questions? Okay. Thank you very much. Now, the last public official, who I hope has waited and is still here, is Vinny, Vincent Iaria. Is Mr. Iaria here? Come on up. We have a resolution, which I believe is on the agenda tonight, to appoint you to a board. If I could find -- if I could find my agenda, I would be able to tell you what the name of the board is, but -- and we wanted to give you an opportunity, since you, in essence, haven't had a chance to talk to us about it, although I know you were at the committee. Thank you.

**LEG. HALEY:**

Why is everything so wet over here?

**P.O. POSTAL:**

It was raining out earlier. Where were you?

**LEG. HALEY:**

I'm changing the order.

**P.O. POSTAL:**

Why do you think I wouldn't trust you? Anyway --

**LEG. HALEY:**

Because I'm a Conservative?

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

I can give you a bunch of reasons.

**LEG. FIELDS:**

That's on the record.

**LEG. CARPENTER:**

Page 8, under Health, Education and Youth.

**P.O. POSTAL:**

Right. **(1266) It's appointing Vincent J. Iaria as a member of the Suffolk County Community Mental Health, Mental Retardation, and Developmental Disabilities, and Alcohol and Substance Abuse Planning and Advisory Board.** That's quite a name. And I think we wanted to speak with you about that. First of all, what does that do? What does that Board do?

**MR. IARIA:**

Okay. Basically, they help -- this is a Health Department Committee. It's -- Tom MacGilvray chairs the committee for the Health Commissioner as the Director of the Division of Mental Hygiene and Developmental Disabilities and Alcohol and Substance Abuse Services for the County. And, essentially, the Health Department has been encouraged to get criminal justice membership, because the criminal justice community uses the health services, and the mental health services and the alcohol substance abuse services with the clientele that we deal with. So, basically, I'm to provide just some expertise on the Probation side of the needs for services in those areas.

**P.O. POSTAL:**

Is this a new commission?

**LEG. FOLEY:**

I could answer that, Madam Chair.

**P.O. POSTAL:**

Thank you.

**LEG. FOLEY:**

This really is -- wherein the past there were separate boards, they were combined not too long

ago, in order to have, let's say, a more unified approach to substance abuse, mental health and other related challenges and illnesses, and to have disparate boards become one board, so there would be a unified voice vis-a-vis County policies affecting the State programs in this particular area.

As Mr. Iaria had mentioned, Tom MacGilvray, our Director of Mental Health Services, wanted Vincent to be a member of this. The Probation component to this board is important because of the role that the Probation Department unfortunately has to play for a number of County residents who fall under the -- whether it's mental health problems, or substance abuse problems, or alcohol problems. So it's very fitting that Mr. Iaria be a member of this particular board. And I'm going to make a motion, Madam Chair, to take it out of order, if that's fine with you.

**P.O. POSTAL:**

All right.

**LEG. FOLEY:**

So I'll make a motion to take 12 --

**LEG. FOLEY:**

1266 out of order.

**P.O. POSTAL:**

Motion by Legislator Foley, seconded by Legislator Caracciolo. Any other questions?

**LEG. FOLEY:**

I think we have a quorum, Madam Chair.

**P.O. POSTAL:**

All right. All in favor? Opposed? Congratulations, Vinny.

**MR. IARIA:**

Thank you.

**LEG. FOLEY:**

Thank you, Vince.

***VOTE: 13 yes, 5 not present - Legs. Towle, Fisher, Binder, Tonna and Cooper).***

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

Another unpaid job, Vincent.

**P.O. POSTAL:**

Okay. We also have on --

**MR. BARTON:**

Legislator Postal.

**P.O. POSTAL:**

Yes. Yes.

**MR. BARTON:**

That vote was to approve, as well?

**LEG. FOLEY:**

Yeah, okay.

**P.O. POSTAL:**

Oh, yes. I'm sorry.

**LEG. FOLEY:**

The first was a motion to take out of order, and now we should formally --

**P.O. POSTAL:**

And then -- yeah.

**LEG. FOLEY:**

I make a motion to approve.

**P.O. POSTAL:**

There was actually a motion to take it out of order before Vinny came up.

**LEG. FOLEY:**

Okay.

**P.O. POSTAL:**

And so that this was the second motion.

**LEG. FOLEY:**

Okay.

**MR. BARTON:**

Okay.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

On Page 9, there's a resolution to appoint -- let's see. **1271 is confirming the appointment of Glenn A. Murphy District Court Judge for and of the Sixth District Court to fill a term ending December 21, 2003.** Mr. Murphy, actually, being from Babylon, I'm not aware of everything going on, but I believe it's The Honorable Mr. Murphy, yes. Now, what we might hold off on the actual vote until a little later, because there are so few of us here, but just because we have the opportunity to speak with you, I think we would like to take advantage of that right now. So, is there anyone who would like to ask a question? Go ahead.

**LEG. CARACCILO:**

I'll make a motion. You want to take it out of order?

**P.O. POSTAL:**

Well, no. Let's wait until more members of the Legislature are here to actually take the motion, because there are so few of us here. But, being from Babylon and so far from the Town of

Brookhaven, you're an elected official in the Town of Brookhaven?

**COUNCILMAN MURPHY:**

That's correct, I'm a Town Councilman.

**P.O. POSTAL:**

And how long have you been a Town Councilman?

**COUNCILMAN MURPHY:**

November, 2001, I filled the unexpired term of George Davis, who took over for the deceased Dan Maloney.

**P.O. POSTAL:**

And can you tell us a little bit about your legal preparation and career?

**COUNCILMAN MURPHY:**

Yes. Actually, upon graduation of law school in 1984, I went to work for the Suffolk County District Attorney, then Patrick Henry, and I was there until December of 1998, you know, through Mr. Catterson, serving most of my career in the Rackets Organized Crime Bureau, obviously, starting in District Court, then filling the Screening Bureau, Major Crime, and then most of my career was in the Rackets Bureau, and ending up serving under the now Honorable Randy Hinrichs in the Case Advisory Bureau. And then from there, I became Deputy Town Attorney and then moved on to the Town Council.

**P.O. POSTAL:**

Any other questions? Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. Glenn, it's good to see you here at the Legislature. The position you're seeking is at the Sixth District Court. As you know, the Court is in Patchogue and it's about to undergo an expansion, close to a two million dollar expansion in order to better serve those who need the services of that particular Court. But what I wanted to ask you is, since you're still a Town Council Member as we speak, and even if we approve it today, until you are formally sworn into office to be a Judge, the question that I have to ask, and it's one for the record, we in the Legislature, when a vacancy occurs among Legislators, there's a special

election that's normally held, unless, unless, unless it's closer to Election Day, which I know that Legislator Haley is looking very closely at Election Day. But when it comes to the Town of Brookhaven, if and when you become a Judge, and I know that you're the Deputy Supervisor as well, so you have a pulse on the decision-making at Town Hall, what will happen with your particular Council position, will it be an appointment made, will it remain vacant until Election Day, or where will things stand once you vacate your present position?

**COUNCILMAN MURPHY:**

I would assume, Legislator Foley, that when there was a vacancy in the position that I filled, that I would think they would probably move through that process as well, although that had not been told to me that that was, in fact, going to happen, but I don't see why they would not --

**LEG. FOLEY:**

Fill the vacancy.

**COUNCILMAN MURPHY:**

-- fill the vacancy.

**LEG. FOLEY:**

By appointment.

**COUNCILMAN MURPHY:**

They would certainly be empowered to do that.

**LEG. FOLEY:**

To be followed by an election this November.

**COUNCILMAN MURPHY:**

That's absolutely correct.

**LEG. FOLEY:**

But it would be an appointment. There's no thought given to a special election to fill your position?

**COUNCILMAN MURPHY:**

Those types of things, and I think -- I guess Legislator Haley could tell you as well, I think those decisions go back and forth. I think I would defer to the leadership of the political parties for those decisions, but I certainly wouldn't control it.

**LEG. FOLEY:**

Well, at this -- I'm not -- I won't quibble, but at this level, we don't defer to political leaders. At this level, we decide among the 18 of us as to when a -- when a special election needs to be held.

But --

**COUNCILMAN MURPHY:**

That's -- well --

**LEG. FOLEY:**

I would just say, through the Chair, this is a vacant position at the Sixth District Court that needs to be filled. It's -- as you know, it's a growing court, so I certainly would be supporting your confirmation.

**COUNCILMAN MURPHY:**

I appreciate that, and I appreciate the time of all of the Legislature, obviously.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Legislator Caracappa.

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

Yes. Hello. Not so much a question, but just a comment about Mr. Murphy. I've had the pleasure to work with him in many -- in many areas with relation to the Fourth Legislative District in the Town of Brookhaven, both as -- he as a Town Attorney and as The Honorable Councilman from the Town of Brookhaven, as well as Deputy Supervisor, and I've always found Glenn to be fair and balanced, and always putting the public first. And it's with great pleasure that I'm going to cast my vote in favor of him becoming a Judge this evening, and I'm very proud and honored to do so.

**COUNCILMAN MURPHY:**

Thank you very much.

**P.O. POSTAL:**

Legislator Haley.

**LEG. HALEY:**

Good luck.

**COUNCILMAN MURPHY:**

Thank you, sir.

**P.O. POSTAL:**

Legislator Towle.

**LEG. TOWLE:**

Yeah. Just to -- just to join with Legislator Caracappa and Haley, it's been a pleasure to work with Glenn as the Deputy Supervisor and a Councilman. I wish him much luck in the courts, and you'll surely be missed in the Town of Brookhaven.

**COUNCILMAN MURPHY:**

Thank you, Legislator Towle.

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

Motion. Oh, Madam Chair, I'd like to make a motion to take it out of order.

**LEG. TOWLE:**

Second.

**P.O. POSTAL:**

Okay. A motion by Legislator Caracappa to take 1271 out of order.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Towle. All in favor? Opposed? Okay. It's before us. A motion by Legislator Caracappa to approve, motion, seconded by Legislator Haley. All in favor? Opposed?

**MR. BARTON:**

16-2 not present. (Not Present: Legs. Fisher and Cooper)

**LEG. HALEY:**

Congratulations.

**COUNCILMAN MURPHY:**

Thank you all.

**(Congratulations Said in Unison by Legislators)**

**LEG. CRECCA:**

Good luck, Glenn.

**COUNCILMAN MURPHY:**

Thank you all very, very much.

**LEG. TONNA:**

Good luck.

**COUNCILMAN MURPHY:**

Thank you, appreciate it.

**P.O. POSTAL:**

I guess we're back to the Consent Calendar. And I'll have a motion -- I have a motion to approve by Legislator Foley, seconded by Legislator Fields. All in favor? Opposed? Consent Calendar is approved.

**MR. BARTON:**

16-2 not present. (Not Present: Legs. Fields and Cooper)

**P.O. POSTAL:**

Now, we're going to go to the public portion. Please, remember you have three minutes to speak during the public portion. And, Legislators, please remember this is a time for the public to speak and no members of the Legislature to speak. Our first speaker is Grace Ioannidis.

**MS. IOANNIDIS:**

Good evening. Good evening. My name is Grace Ioannidis, President of the Citizens Action Coalition. In the last two years, we have pointed out the inadequacy of the failed health system that continues to neglect the ill and places a large burden on our neighborhoods. You have heard our plea. You are in receipt of over 4,000 petitions supporting legislation for a sober house bill. We have told you these houses run with little or no supervision at all, and as a result, men and women are now dying of illegal drug overdose. We have made you aware how many of these slum landlords are profiting by receiving rent for single beds from the Department of Social Services, now called Human Services, a Suffolk County department. So today is the day when we all expect human services will be served for both our families and the ill. Say yes to bill 2246, local law establishing a site selection procedure for substance abuse houses, sober houses.

For the last two years, we've been coming before, giving you a total rundown of what's going on in the community. This is not a problem that is only for Mastic, Mastic Beach and Shirley, this is Suffolk County, New York State. The State has failed us. For the last two years, we've been lobbying the Senate and the Assembly. Tonight is an opportunity for all of you to fix what the State has not done. Thank you.

**P.O. POSTAL:**

Mrs. Cicerelli. Miss Cicerelli.

**MS. CICERELLI:**

Good evening. My name is Terrie Cicerelli. I'm Vice President of the Bay Area Civic Association. I am here today to urge you to pass the Resolution 2246, a/k/a Sober House Bill. This bill desperately needs to pass because of the dire need of regulation on these homes. The regulations are necessary, because, as the sober houses are now run, there can be up to 15 men or women in a house without 24-hour supervision. This causes great distress to the

neighborhood and community while these recovering addicts are left to themselves and their habits.

Oversaturation of these types of unregulated living arrangements in Suffolk County benefits only the pockets of the landlords. Sober houses is a very lucrative business. A landlord collects \$309 per month, per person, from the Department of Social Services. In one month, a 15-resident house cashes in at \$4,635. This becomes \$55,620 a year. There is one landlord in particular who we have investigated that purchased five homes within a six-month period and has turned them all into unregulated sober houses. Three of these homes are within a few blocks of each other and two are right next door. We have had complaints of the residents of these homes urinating on neighboring lawns, car traffic during all hours of the night, and obscene language from these residents. Loud and unruly behavior seems to follow these people throughout our community. Police activity, parole officer visits and arrests are often made.

Presently, these unregulated sober houses are checked only once or twice a day. This is unacceptable, as many of these people are too new in recovery to be left unchecked. These people are in need of 24-hour treatment and supervision and support services, similar to the many regulated homes we have for the mentally ill. The mentally ill who live in regulated community residents have 24-hour supervision. The newly recovering addicts need this same supervision.

For the sake of our community to continue to live in harmony, you must pass this bill. We need to know that our government recognizes its citizens' need for safety and peace of mind. Left unregulated, these sober houses are a source of anxiety and distress. We need to know that our government has an interest in our well-being, as well as an interest in helping the recovering addict in an appropriate manner. Obviously, the present system is not working. Oversaturation, nonsupervision and nonregulation is having a very negative impact on our community. Please, help us. Please, do the right thing. Thank you.

**P.O. POSTAL:**

Thank you. Miss Cicerelli, has there been any attempt to convince the Town to require that these residences be certified by the State?

**MS. CICERELLI:**

Yes, there has been.

**P.O. POSTAL:**

You're aware that there are two different types of houses or residences, that I assume the one that you're talking about, the sober houses, one that has no certification, requires no treatment, all it is is a number of people with substance abuse problems living in one location.

**MS. CICERELLI:**

Correct. They do require treatment from the facility, one particular Lake Grove treatment center, which do pick them up once a day and take them to a meeting and then drop them off again.

**P.O. POSTAL:**

But that's not necessary as a definition for a sober house, in other words, because --

**MS. CICERELLI:**

Well, that's what they call them.

**P.O. POSTAL:**

Yeah. Well, there are -- it's just that we've had them in Babylon, and we differentiate between the certified substance abuse residences and the sober houses in that way. So have you gone -- you have gone to the Town?

**MS. CICERELLI:**

Oh, yes. We tried to push it through a rental law, because they're not related, you know, the number of people, and the turnover is so great, there could be anywhere from nine to fifteen people in one two to three bedroom house.

**P.O. POSTAL:**

Thank you. The next speaker is --

**MS. CICERELLI:**

Thank you. Robert DeLuca. Robert DeLuca. John Sicignano.

**MR. SICIGNANO:**

That was pretty good. Most people don't get that right away. How are you?

**P.O. POSTAL:**

Just fine.

**MR. SICIGNANO:**

A little tired sitting there all these hours, but my name is John Sicignano from the Mastic Park Civic Association. We've been here, it's like deja vu, we've been here out in Riverhead the last time where we went this -- we went through this, and it went through and it got -- well, we all know the history of it. It went back to Gaffney and it was vetoed and came back, and, unfortunately, we didn't have enough votes to override the veto. We're hoping that this won't happen again.

We're here to -- obviously, in support of this bill. We talked in great length a year-and-a-half, two years ago on this issue. It's like two previous speakers, this is not just a Mastic, Mastic Beach, Shirley problem, it's a problem throughout the state, not even just Suffolk County. And from what I understand, the State does have a bill that came out of committee. It's waiting to go to the floor for a vote. I don't know when that's going to happen, but -- and we know that will probably trump, if this passes, which we hope does pass, would trump this here bill. I haven't seen the State version of it and I think some of the colleagues here have, but we're hoping that it's as -- it does the same type of protections to the community as this bill does, which -- which isn't before you, which lowers the amount of people in the homes, as you've heard from other complaints from other people. One guy that owns a vacuum cleaner place, his name is Dennis, Mastic Vacuum Cleaner, as two on Meadowmere, and he came before this Board two years and couldn't be here tonight, and many other people that came here previously. We're hoping that the four within two square miles is also in that bill. We know -- I think it's -- what are we 29 now in our community? We have 29. We had 32. Maybe because of the housing went up in value, maybe some people jumped out of the market and sold, I don't know, or knew this was coming down.

But we're hoping that this gets passed, and we hope -- we're almost assured it will probably be vetoed and it will probably come right back before you again, and we're hoping that, at this time, we hold together and override the veto. So, again, we're in support of this bill. And if I have any questions, if I can answer anything other than what we already talked about years ago and --

**P.O. POSTAL:**

Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you very much. Next speaker is -- looks like Lawrence Indimine. Charla Bolton.

**MS. BOLTON:**

Good evening, Ladies and Gentlemen of the Legislature. I'm here in -- my name is Charla Bolton. I'm Preservation Advocate for the Society for the Preservation of Long Island Antiquities. I'm appearing this evening in support of Resolution 1162, to authorize the necessary planning steps to acquire this Scully Property on South Bay Avenue in Islip.

The property contains significant wetlands, woodlands, as well as an early Twentieth Century country house. The house affords an opportunity for adaptive reuse as an environmental education center. And the property -- there is no question that the by any measure, this property fits within the County goals, the County's land preservation goals. We urge the Legislature to take this essential first step to authorize this legislation to set in motion the planning steps necessary and the fact-finding process necessary to acquire this property. Thank you very much.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you. Next speaker is John Keane, followed by Peter Freeman.

**MR. KEANE:**

Good evening, Presiding Officer Postal, and worthy delegates. I've been a Suffolk County resident for 43 years, and this is the first time I've appeared before this austere board. I hope this underlines the urgency of which I come here for. And second, please, take time to listen to a nonconfessional appeal.

My spring was shattered Saturday, when in front of me on my doorstep was this red appeal that said, the Suffolk -- the Audubon Society was about -- could selling the property of Scully's, which has just been talked about. Now, this property to me is absolutely pristine, and that's why I'm here to support the Resolution 1162, to purchase this or set into process.

Now, possibly, to tell you what Suffolk community people what value it is to them, I could tell you what value it is to me. Thirty years I spent in Centereach, I brought up kids, and it's time to think of retirement, so where do you go? Who would want to leave Suffolk, especially if you play the bag pipes and you don't have any noise abatements rules that not allow you to do so. But what is this place? It runs from Maple to the beach and it's absolutely pristine. To me, I get up in the morning, I look out my back window, and there's the rising sun. All right? Birds, egrets, fowl, all sorts of birds, foxes, foxes, really, in Long Island. The fox is gone, the rabbits are back, but that's beside the point; deer. It's absolutely pristine. Now, the thing that bothers me, this could be a prize for the people of Suffolk. It is my Shangri-la. But it is -- it is precious, and as soon as it's precious, it also could be destroyed. In the ten years I've been there, I would guess that it's flooded for three times a year. It looks like a lake. All right. Now, how can I -- how can I say -- a house was put on in Smith Street, possibly --

**P.O. POSTAL:**

Mr. Keane, I'm sorry.

**MR. KEANE:**

I'll be --

**P.O. POSTAL:**

Your time is up. I'm sorry.

**MR. KEANE:**

Three minutes.

**P.O. POSTAL:**

Everyone just has three minutes. We do get your point.

**MR. KEANE:**

Thank you very much. It is pristine. It could be robbed.

**P.O. POSTAL:**

Thank you. We understand. Thank you very much. Next speaker is Peter Freeman.

**MR. FREEMAN:**

Good evening, Ladies and Gentlemen. I'm Peter Freeman, the Vice President of the Historical Society of Islip Hamlet, where the Scully Estate is located. And we, as the Society, believe that this is a great opportunity for Suffolk County to preserve a tract of land, not only for its environmental importance, but for its history as well.

The Scully Estate is the last remaining estate that once started the south shore of our hamlet, and we would hate to see it lost to suburban sprawl. Suffolk County could maintain the integrity of Mrs. Scully's wishes to use the property as a wildlife preserve and nature center instead of a residential development.

The Historical Society of Islip Hamlet strongly urges the Legislature to approve the purchase of the Scully Estate. This purchase would ensure the permanent protection of this valuable property. Thank you.

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

Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you. Jay Schneiderman.

**SUPERVISOR SCHNEIDERMAN:**

I spoke earlier, so I'll pass. Thank you.

**LEG. FOLEY:**

Thanks, Jay.

**P.O. POSTAL:**

Tom Williams.

**MR. WILLIAMS:**

Good evening. Thank you very much for the opportunity to speak to you tonight, and thank you for your patience. I'd like to ask for your support for Bill 1116, which is a budget bill, which would restore some much needed funding to Cornell Cooperative Extension, among others. It would help us to restore our Family and Consumer Science Program, which provides many human development programs, training programs, parent education to schools, libraries, community groups throughout Suffolk, and it also would support our Food and Nutrition Program, Consumer Science Programs, and these are all traditional programs that have been funded over the years for Cooperative Extension in cooperation with the County. We really appreciate your support, and if you could support that bill, it would be just great. Thank you very much.

**P.O. POSTAL:**

Thank you. Next speaker is Susan Costanza. Susan here? Tim John. Is Tim here? Kay {Erwood}. Is Kay {Erwood} here? Charles Schlessinger. Maureen Fiorello.

**MS. FIORELLO:**

Good evening. My name is Maureen Fiorello and I'm the Chair of the Family and Consumer Sciences Committee for Cornell Cooperative Extension of Suffolk, which is a volunteer position. I come before you tonight also seeking support for Resolution Number 1116, amending the 2003 Operating Budget. And I would like to point out that Cornell is the only organization of its kind that I am aware of that is able to provide researched based information that supports families in parent education, nutrition education and consumer education throughout Suffolk County.

Historically, parents and professionals from the east end of the Island as far west beyond Wyandanch to the border of the County have been assisted and supported by these programs with the support of County dollars for many, many years. Once again, I am asking for your support and to please remember the families and professionals of Suffolk and support Resolution 1116. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you. Enrico Nardone.

**MR. NARDONE:**

Thank you. Good evening. My name is Enrico Nardone. I'm here on behalf of the Seatuck Environmental Association to urge the passing of Resolution 1162, authorizing the consideration of the acquisition of the Audubon Property on South Bay Avenue in Islip.

There's a couple of points I'd like to make, but first is, since the committee considered this, our beliefs have been confirmed, that the National Audubon Society does, in fact, own this property in fee simple title. There's no restrictions on it whatsoever. And, you know, that's not a surprise to me, because, as a former employee of the National Audubon Society, it's my understanding that Audubon rarely accepts donations of property with restrictions, because they always want to keep their options open, and it's their belief that, you know, they want to be in the position that, if a property ceases to be useful for their purposes or the best way to fulfill their mission, they want to be able to dispose of it. And their national board has obviously made that decision in this case. They decided in November to dispose of the Audubon property. And while that may not make sense to us, looking at this from a Suffolk County perspective, you have to understand that Audubon is looking at this from a national perspective, and they have decided that, for whatever reason, they feel that they can use the revenue from this sale to pursue their mission in some better way, be it acquiring more ecologically valuable habitats somewhere, or hiring additional lawyers or lobbyists to pursue their mission.

The key point, though, is that the decision has been made and that they are going to dispose of it. And that might be counterintuitive to us, since this is a conservation organization, but they deserve some credit, I think, because they are, in fact, talking to the County. If they were really interested in maximizing their potential here, they would probably be out on the open market trying to sell this to potential developers.

They clearly have no legal obligation to protect this land. They, obviously, have a sense of some moral obligation, and that's why they're interested in talking to the County. And I was at a meeting recently with the President of the National Audubon Society who made it clear that their first choice is to sell this to the County, that they are willing to go through the process and wait

until this is considered by the County. If this doesn't go through, they will consider other buyers, and they want to preserve this land, so they're going to try to find a single family buyer who will live in this house and accept conservation easements.

When pressed at this meeting, though, Audubon was clear to say that if they can't find such a buyer, they will consider other options. And it's -- you know, the fact that Audubon wants to preserve this property is not a sure thing, and if they go out on the market, they may not find somebody willing to buy such a large property and accept these conservation easements, and if pressed, they're going to be in a situation where they will have to turn to other options.

So I would urge the County to sort of take this opportunity where Audubon is willing to sell this at a much reduced price with conservation easements on it.

The second point I wanted to make is even if they do find a single family buyer, that doesn't do anything for the neighborhood, because the property would still be closed off to the public, which is pretty clearly contrary to what the family had in mind on both sides of South Bay Avenue, on the Seatuck National Wildlife Refuge side. The Webster Family clearly wanted the public to have access to that property and they are essentially closed off now by the Fish and Wildlife Service. It would be a shame to see the same thing happen on the National Audubon side of the property. So we urge again for the County to consider this.

And I want to just make it clear that my organization, the Seatuck Environmental Association, stands ready to enter into negotiations with the County to consider a partnership, whereby we would do whatever we could to take on the management and other needs at the property, and, hopefully, turn the place into a wildlife preserve and a nature center, which is pretty clearly what Mrs. Scully had in mind.

And I'm not sure if it's appropriate, but I have some information regarding our organization and the environmental education programs that we conduct, if I could have that distributed.

**P.O. POSTAL:**

Yes, that's fine. Thank you, Mr. Atwood, your time is up.

**MR. NARDONE:**

Thank you.

**P.O. POSTAL:**

I'm sorry, Mr. Nardone. I'm sorry. Next speaker is Frederic Atwood.

**MR. ATWOOD:**

Good evening. My name is Frederic Atwood. I live in Islip, and I have for many years. I'm the President of the Seatuck Environmental Association. I've been into New York and spoken with the Regional Representative of the Audubon Society with Enrico, who is our Executive Director. They are very much interested in having that property protected, and also having it used as a wildlife sanctuary and a nature center.

We -- they have been very favorably inclined to us, and I think that the Legislature would miss a really incredibly good opportunity to acquire this property, because they're not holding out for the last buck. They want it to -- they want for their own purposes to make sure that Mrs. Scully's wishes are carried out, that is that it be kept as a wildlife preserve and used as an environmental education center.

And we've had some wonderful experiences with kids of all ages and many adults in our education programs.

We use the library in Islip, which is very nice, but the building is particularly well suited for the purposes that we hope to see it used for, because it has been offices for the Audubon people and not a residential building. And it would take a great deal of money for somebody who says they're going to buy it and try to make it a residence. It would hardly be worth it. But I urge the Legislature to approve the -- to begin the procedure of having this acquired by the County. Thank you.

**LEG. FOLEY:**

Thank you, Fred.

**P.O. POSTAL:**

Okay. Next speaker is Peter Quinn. Is Peter Quinn here? Nope. Dr. Louis Gallagher. Dr. Gallagher.

**DR. GALLAGHER:**

Good evening. I'm Dr. Lou Gallagher, I'm with the Division of Community Mental Hygiene

Services. Can everybody hear me?

**P.O. POSTAL:**

Just speak into the microphone. Yes.

**DR. GALLAGHER:**

I'm Dr. Louis Gallagher, with the Division of Community Mental Hygiene Services, representing Thomas MacGilvray. And we'd like to thank you for granting us the opportunity to comment on the proposed Sober Home Legislation, 2246-2002.

While we agree that the need for regulation, we strongly believe that it's the State's responsibility to license and monitor these affiliated dwellings. The proposed legislation allows for this in Section 3, Item M, Number 1, where it says, "It shall be licensed by the Division in accordance with the provisions of Section 4 of this law, unless it has obtained a license from a Federal or State agency with pertinent jurisdiction, or unless a certification is issued by a State or Federal department, office or agency that such substance abuse house is being regulated by that department, office or agency."

There has been a historic unwillingness to take responsibility for the oversight of these homes by the New York State Office of Alcoholism and Substance Abuse Services, OASAS, that appears now to be willing to except their licensing responsibility. Like the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities, the other offices of the former Department of Mental Hygiene on the State level.

Mr. James O'Hanlon, the Associate Commissioner of OASAS, has acknowledged at a recent meeting that there has been considerable Assembly and Senate pressure placed upon them to address the sober home issue, since it is not only a Suffolk County problem, but it exists throughout the State of New York. Mr. O'Hanlon noted that he met with three representatives of the Long Island delegation recently for several hours, and during which time he shared the OASAS licensing plan with them.

OASAS has already begun the licensing process with those entities that are directly affiliated with the treatment programs. We believe that these programs account for more than half of the total beds in Suffolk County, and most importantly, represent the largest source of community concern complaint, which we share. These homes are highly visible and oftentimes poorly run.

In contrast, nonaffiliated sober homes are generally operated by a group of people in recovery who reside as quiet neighbors with strict behavioral expectations for its residents to remain in the community.

Further, we have reason to believe that efforts to regulate nonaffiliated homes may be in violation of the Federal Fair Housing amendments, given the fact that these are individuals with disabilities who are choosing to reside together, and to prohibit them could be perceived as being discriminatory.

Should the County decide to take on this licensing role, it would not only allow OASAS to avoid the statutory obligation according to Mental Hygiene Law, but also force the Division of Community Mental Hygiene Services to dedicate already insufficient resources towards a regulatory function that is far afield from our regular mission. Finally --

**P.O. POSTAL:**

Dr. Gallagher, I'm sorry, your time is up. Thank you.

**DR. GALLAGHER:**

Okay.

**LEG. FOLEY:**

Madam --

**P.O. POSTAL:**

Yes.

**LEG. FOLEY:**

No. I just have a question for the Chair.

**P.O. POSTAL:**

Yes.

**LEG. FOLEY:**

Since Mr. Gallagher -- Dr. Gallagher works for the Health Department, I mean, shouldn't have he -- he could have spoken earlier today. He didn't elect to do so, maybe he didn't know about

that, but since he's a County official --

**P.O. POSTAL:**

I have no choice.

**LEG. FOLEY:**

-- can we ask him --

**P.O. POSTAL:**

That's our rule. You know, I'm sorry. If he had requested -- Dr. Gallagher, were you aware that you could have requested to speak with the public officials?

**DR. GALLAGHER:**

No, I was not.

**LEG. FOLEY:**

Earlier today.

**P.O. POSTAL:**

I'm sorry.

**LEG. FOLEY:**

Because he was here all day.

**P.O. POSTAL:**

Yeah.

**LEG. FOLEY:**

I mean, you know, three minutes is --

**P.O. POSTAL:**

I really regret that.

**DR. GALLAGHER:**

I was told to be here at 4 o'clock.

**P.O. POSTAL:**

Oh.

**DR. GALLAGHER:**

That's all I was instructed.

**LEG. FOLEY:**

Okay.

**P.O. POSTAL:**

You were told to be here at 4 or 5 today.

**LEG. FOLEY:**

Four, right.

**DR. GALLAGHER:**

Four o'clock.

**P.O. POSTAL:**

I'm sorry. You know, if you had notified someone, you would have been permitted to speak earlier when the public officials had their opportunity to speak. I'm terribly sorry.

**DR. GALLAGHER:**

I did explain it to the Clerk outside.

**P.O. POSTAL:**

You did

**DR. GALLAGHER:**

I did.

**LEG. FOLEY:**

Can we waive the rules and let him finish?

**P.O. POSTAL:**

Yes.

**LEG. GULDI:**

Motion to waive the rules and permit the public official to address the Legislature.

**P.O. POSTAL:**

How much --

**LEG. CARPENTER:**

He just did.

**P.O. POSTAL:**

How much longer do you estimate you will be speaking?

**DR. GALLAGHER:**

About 45 seconds.

**P.O. POSTAL:**

Okay. Come one back. Can we --

**LEG. CARPENTER:**

While he's coming back --

**P.O. POSTAL:**

Henry.

**LEG. CARPENTER:**

-- Presiding Officer.

**P.O. POSTAL:**

Can we find out who it was who was made aware that this gentleman was a public official and didn't notify any of us? Thank you. Go ahead.

**LEG. FOLEY:**

Madam Chair, before the Doctor finishes, while some of us disagree with the position that the Department is taking on this, will -- no. I'm asking you a question. Some may have questions of Dr. Gallagher.

**P.O. POSTAL:**

You know, I think that, and I understand that, and I just -- I think that by allowing him to come back up and give him more time, I'm giving some leeway.

**LEG. FOLEY:**

All right. Okay.

**P.O. POSTAL:**

I don't think I can do more than that.

**LEG. FOLEY:**

Okay.

**P.O. POSTAL:**

Please, go ahead, Doctor.

**DR. GALLAGHER:**

Further, as a licensing body, the County would be subject to tremendous liability risk. In the one instance, if we turn individuals down based upon our review, we have not traditionally done reviews regarding licensure applications. If we turn someone down, we're opening the County to legal liability of a lawsuit based upon our inexperience in terms of performing that function and the State responsibility.

On the other hand, if we do -- if we approve a home that is -- turns out to be not a good place in the community, we do not have investigatory powers that would allow us to, or the resources that would allow us to continue to monitor the homes.

Finally, the Division was severely impacted by the recent early retirement incentive, and we believe that this is an unfunded mandate that is actually the responsibility of the State, and the State is beginning to take their responsibility. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

Thank you. Next speaker is Job Potter.

**MR. POTTER:**

I would waive my time.

**P.O. POSTAL:**

Kym Laube.

**MS. LAUBE:**

Good evening. I believe we're still in evening, not morning yet. I want to thank you for this opportunity to present in front of you once again. I will try to be as brief as I can. First, I can't imagine what it must be like for everybody getting tons of requests from people. And I know, in my own world, when everybody comes at me with different needs, it's tough to decipher what's - - slow down? Oh, pull away? Okay. It's tough to decipher what's the most important.

I've been coming to you since November, talking to you about a program called HUGS, and the importance of Resolution Number 1116 to be passed, which would reinstate us. I will reiterate once again, should that -- should that funding not be restored after 23 years, we would be faced with some real difficult decisions for this organization. I have committed everything that I have, my Board has committed everything that they have to making sure that our program continues. But just as my kids come to me and say, "Mom, I need this," I remain coming to you and saying, "I need this from you." Please support 1116. I thank you very much for your time tonight.

**P.O. POSTAL:**

Thank you very much. Next speaker is Melne Miller Thomas.

**MS. THOMAS:**

Thank you. Hello. It's Melne.

**P.O. POSTAL:**

Melne.

**MS. THOMAS:**

Melne.

**P.O. POSTAL:**

I knew you were going to say that.

**MS. THOMAS:**

That's okay. My name is Melne --

**P.O. POSTAL:**

It's the most unusual spelling I've ever seen, but I knew you were going to say that.

**MS. THOMAS:**

I'm from Mississippi. It's a Mississippi. Anyway, I've been living in Moriches for 12 years. My name is Melne Miller Thomas, and I come to you as a Secretary of the Board of Directors of the William Floyd Community Summit. We represent -- the Community Summit represents approximately 20 civic organizations within our community of over 55,000 residents.

Because we firmly believe that for the benefits of residents of substance abuse homes, as well as community residents, sober houses be licensed and supervised 24 hours a day, seven days a week, by certified personnel, our Summit Council has unanimously passed a resolution in support of Bill 2246. Because we currently have 29 substance abuse homes within our 15 square mile community, we feel that the limiting of four houses per two square mile is fair and logical.

The William Floyd Community Summit fully and strongly supports Bill 2246, and we appreciate your consideration for passage of this bill. Thank you.

**P.O. POSTAL:**

Thank you. Next speaker it is Adrienne Esposito. Adrienne still here? No. Next speaker, Linda Sharp. William Lynn. Lauren Storms.

**MS. STORMS:**

Good evening. Ladies and Gentlemen of the County Legislature, the Executive Director of the Long Island Pine Barrens Society, Richard Amper, is up in Albany tonight bothering other elected officials, but he asked me to share these comments with you guys. Lucky you guys, right?

**LEG. GULDI:**

Especially this late in the day.

**MS. STORMS:**

First, the Pine Barrens Society would like to express our support for the joint acquisition of the Duke Property. As you know, it's our position that the Legislature may legally pay whatever the property is worth to the public and should not be bound by strict appraisals.

Second, Legislator Cooper's bill to reinforce enforcement powers in the Central Pine Barrens is commendable. It deserves your vote. In combination with local laws recently approved in Brookhaven, Riverhead and Southampton, and contemplated State legislation, we will find ourselves in a better position to protect the resources this Legislature has so consistently sought to protect.

Third, Legislator Binder's proposal for creation of a separate Department of Real Estate would neither have prevented Suffolk's land scandal, nor would it advance the County's flagging acquisition program. This legislation should be rejected.

And, finally, the Society Opposes Legislator Fields' proposal to make money for the County by placing cell towers in County parks. Cell towers contribute to Long Island's visual clutter to such an extent that communities everywhere are rebelling against them. To punish the public, which has generously put up more money than the population of 45 of the 50 states for preservation. By making Suffolk parks the repository for these eyesores would be the ultimate insult. But to get -- excuse me. But it gets worse.

The United States Fish and Wildlife Service estimates that four to five million birds are killed annually at cell towers, although they note that this could be as high as 60 million. So far, the Fish and Wildlife Services found that 230 different species of birds have been documented as being killed at these towers, which is over one quarter of all avian species found in the United States. Many of these species could be found nesting on or migrating through Long Island, and especially in our parks. Moreover, since such towers, however they may be disguised, do not

constitute a park related use, they probably would be violating State law. Mr. Amper will be discussing this matter with State officials. In the meantime, we urge the Legislature to table or defeat this legislation. Thank you for your time. Good night.

**P.O. POSTAL:**

Thank you. Next speaker is Mark Shuster.

**LEG. HALEY:**

Because of that, I'm supporting it.

**P.O. POSTAL:**

Thank you, Legislator Haley.

**MR. SHUSTER:**

Hi. My name is Mark Shuster. I'm from Center Moriches. Though my exposure to sober houses is not through the residences, but through their affiliated counseling facilities, my story, I hope, shows the magnitude of the problems with sober houses.

**LEG. FISHER:**

Excuse me. It's hard to hear you.

**P.O. POSTAL:**

Speak right into the microphone.

**MR. SHUSTER:**

Oh, I'm sorry. Sure. The problems with sober houses and the State's inability to regulate the affiliated counseling facilities. For approximately one year. Located in the heart of Center Moriches business district, I'm sorry, it has a facility called Lake Grove Transition Counseling Center. It provides counseling to large numbers of sober house residences. The facility buses in 30, 40, 50 people at a time. It's a small facility that has about one bathroom. The clients are permitted to loiter in town and the public parking lot and the public park unsupervised. The property is also located right next to a residential district. Shopkeepers and residents alike have told of countless stories of shoplifting, harassment, drug use and sex in public areas directly attributed to this facility.

Hundreds of shop owners and residents of Center Moriches have signed a petition opposing the use of this facility as it is currently run. Thousands of signatures could have been easily obtained. The Town of Brookhaven Law Department is currently investigating how to mitigate this use without the Planning Department and Building Department, as those departments have indicated that, presently, this is a permitted use in the zoning district, as -- where it's located.

At this point, because of the weakly defined zoning law, the only recourse that we seem to have is through the Fire Marshal or the Department of Health. Currently, we are requesting that the Brookhaven Town Board amend the present zoning, so that it can better regulate uses of this nature.

OASAS has permitted this operation, and Lake Grove Transitions Counseling Center has clearly demonstrated that they are unwilling to regulate themselves, and operate in a manner that does not negatively affect contiguous properties in the general surrounding area. One business shot not be allowed to subject many negative influences on a community, both in business districts and in residential districts. I strongly support the adoption of the proposed legislation. Thank you.

**P.O. POSTAL:**

Thank you. Anthony Abruscato.

**MR. ABRUSCATO:**

Good evening. I've been a Brookhaven Town resident for 30 years now, and I'm here to talk about site selection procedure for sober houses. Three years ago, we had 29 sober houses in the Mastic/Shirley community, we now have over 40. This is an enormous amount for one community to absorb.

We're asking for some sort of relief from the County Legislature. There needs to be equal distribution throughout the County, so one community doesn't shelter the burden. These homes need to be staffed by a State certified social worker to ensure the residents are given the opportunity to live in a safe environment. There have been overdoses, a stabbing, a resident threatened to jump off the William Floyd Parkway overpass at Sunrise Highway. This is not an environment for someone trying to get off drugs and alcohol to get conducive treatment.

The owners of a lot of these homes are out to make a quick buck, so instead of renting a home

to a family, they open up a sober home where they get rent of \$309 for 15 to 20 residents. The sanitary conditions are horrendous, because some homes have only one bathroom. The outside of the homes are not kept up. There is a lot of garbage and debris.

By passing this legislation today you will help ensure that the residents are receiving conducive treatment in a safe environment, and you will be improving the quality of life for the community. Thank you.

**LEG. LINDSAY:**

Thank you.

**P.O. POSTAL:**

Thank you. We're going to continue with our agenda. We are at Page 7, Resolutions Tabled to April 29th of 2003. Will everyone please return to the auditorium. We are going to address the agenda.

**LEG. FISHER:**

I'd like to make a motion to reconsider the Consent Calendar.

**P.O. POSTAL:**

Well, let's just wait until everybody gets in.

**LEG. GULDI:**

I'll second the motion.

**LEG. TOWLE:**

I'll make a motion to reconsider the Consent Calendar to include Legislator Fisher with the majority.

**P.O. POSTAL:**

Okay.

**LEG. TOWLE:**

And Legislator Cooper.

**P.O. POSTAL:**

We're going to do that in just one minute. There's been a motion to reconsider the Consent Calendar and a second. But before we do that, if I could have your attention, please. You may notice that there's a pin on the horseshoe right in front of you, and I would like to turn the floor over to Legislator Lindsay, so that he can give us some more information about what these pins represent.

**LEG. LINDSAY:**

Thank you very much, Madam Chair. The pins that you'll see the Legislators wearing are to commemorate Workers Memorial Day, which is -- takes place every April 28th. It's a holiday that was created by the American Labor Movement about two decades ago to remember workers who have lost their lives on the job site and their health. And it's a very sad day, because it remembers fellow workers who, in the spirit of trying to feed their family, goes to work and as a result lose their lives. And in this area, just 18 months ago, we had the largest tragedy of lost workers in one day when 3,000 people died at the World Trade Center. So that's what today is all about, and that's what that pin's all about, and I hope you wear them and remember those people that lost their lives.

**P.O. POSTAL:**

I'm going to just hold off on turning to the agenda for a minute. I understand that William Ryan filled out a card to speak during the public portion.

**MR. RYAN:**

Yes, I did

**P.O. POSTAL:**

And I don't have that card, so I'm going to ask your indulgence in allowing Mr. Ryan to have his three minutes to address the Legislature. Go right ahead, Mr. Ryan.

**MR. RYAN:**

Thank you very much to the Legislature. My name is Bill Ryan and I am the President of the Chamber of Commerce of the Mastics and Shirley, so I know time is money, so I'll make this quick.

I just want to read a letter that we put together, and I hope you take this letter extremely serious. "The Chamber of Commerce of the Mastics and Shirley offer its complete support of the passage of Introductory Resolution 2246-2002 by the Suffolk County Legislature. We believe this resolution is critical in addressing the proliferation of sober houses throughout our community.

While we fully recognize the needs of those recovering from the problem of drug and alcohol abuse, we respectfully submit that it should be and must be done without placing an undue burden on any community, any community.

Introductory Resolution 2246-2002, local law regulating sober houses, provides guidelines limiting the number of these facilities in one community. This resolution provides for the proper supervision of individuals receiving services by requiring the presence of a New York State Office of Alcoholism and Substance Abuse certified site manager on site 24 hours a day, seven days per week, and limits the number of individuals occupying each facility. Extremely important.

You're playing with lives. These people need supervision, they must have supervision. They're recovering. And the people that live among them, the community and the business community, needs to know that they are being supervised. You heard from the gentleman from Center Moriches the problem they're having out there. So the Chamber asks for your vote on this critical issue in making this a reality. I thank you very much, and I'm sorry that the card got lost.

**P.O. POSTAL:**

Thank you. Okay. We are -- we have a motion and a second to reconsider the Consent Calendar.

**LEG. TOWLE:**

To include Legislator Fisher and Legislator Cooper.

**P.O. POSTAL:**

All in favor? Opposed? The Consent Calendar is before us. A motion to approve, Legislator Caracappa, seconded by Legislator Lindsay. All in favor?

**MR. BARTON:**

No. Motion by Legislator Foley, seconded by Legislator Fields, please.

**P.O. POSTAL:**

Okay.

**MR. BARTON:**

I've already done all the vote slips.

**P.O. POSTAL:**

Okay. I'm sure that will be fine.

**MR. BARTON:**

18.

**P.O. POSTAL:**

Okay. Thank you. The Consent Calendar is approved.

**RESOLUTIONS TABLED TO APRIL 29, 2003**

Now we were on Page 7. We were considering resolutions tabled to April 29th. **1050 - Authorizing retrofitting of traffic lights and LED fixtures.** Legislator Cooper?

**LEG. COOPER:**

Motion to table subject to call.

**LEG. TONNA:**

Second.

**P.O. POSTAL:**

Motion to table subject to call.

**LEG. TONNA:**

Second.

**P.O. POSTAL:**

All in favor? Opposed?

**LEG. BINDER:**

Third.

**P.O. POSTAL:**

1050 --

**MR. BARTON:**

17.

**P.O. POSTAL:**

1050 is tabled subject to call.

**MR. BARTON:**

17-1. (Not Present: Leg. Guldi)

**P.O. POSTAL:**

**1275, To implement Town of Babylon Affordable Housing Plan.** Motion to --

**LEG. BISHOP:**

How's it going?

**P.O. POSTAL:**

Well, they're still working on it. This is unbelievable.

**LEG. HALEY:**

Second.

**LEG. TONNA:**

Second the tabling motion.

**LEG. BISHOP:**

This is like three years they've been working on it.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

I know. Motion to table by Legislator Tonna, seconded by Legislator Haley. All in favor? You know, thank goodness it hasn't taken that long to do the simplest things in County government, or we'd still be trying to approve a charter here.

**LEG. HALEY:**

Stop talking about it.

**P.O. POSTAL:**

I'll try.

**MR. BARTON:**

18. It's tabled.

**P.O. POSTAL:**

**1585 (Authorizing 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, seconded by myself. All in favor? Opposed? 1585 is tabled.

**MR. BARTON:**

18.

**P.O. POSTAL:**

**1856 - Adopting mass transportation system map (policy for Suffolk County).** I'm going to make a motion to table that, second by Legislator Caracappa. All in favor? Opposed? 1856 is tabled.

**MR. BARTON:**

18.

**P.O. POSTAL:**

**2256 (Requiring County Department of Economic Development to advertise Suffolk County Commuter Tax Advantage for Workers).**

**LEG. BINDER:**

Motion to table.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

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

**MR. BARTON:**

18.

**P.O. POSTAL:**

2256 is tabled.

**LEG. BISHOP:**

Table referendum, yeah.

**P.O. POSTAL:**

**2297 - A Charter Law directing Suffolk County action to roll back cable television rates in Suffolk County.**

**LEG. ALDEN:**

Motion to table.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Motion to table, seconded by Legislator Haley.

**LEG. BISHOP:**

Why?

**LEG. ALDEN:**

On the motion.

**LEG. BISHOP:**

Let's go to a vote.

**P.O. POSTAL:**

Yes, on the motion.

**LEG. ALDEN:**

I just want to let everybody know, and I think I past it out, we have a tentative agreement with Cablevision. They've taken about a hundred steps forward. And I think that the people of Suffolk County are going it be a lot better off when we actually implement some of this stuff.

**LEG. FOLEY:**

Very good.

**P.O. POSTAL:**

Congratulations, Legislator Alden.

**LEG. FOLEY:**

Very good.

**LEG. ALDEN:**

Thank you.

**LEG. FOLEY:**

I'll say yes to that.

**LEG. HALEY:**

I'll start going to Direct T.V.

**P.O. POSTAL:**

We have a motion to table --

**LEG. FOLEY:**

I'll say to that.

**P.O. POSTAL:**

-- and a second. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

2297 is tabled. **1079** --

**LEG. GULDI:**

Motion to table.

**P.O. POSTAL:**

-- **a Charter Law in connection with subpoena power.** Legislator Guldi?

**LEG. GULDI:**

Motion to table.

**P.O. POSTAL:**

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

**MR. BARTON:**

18.

**P.O. POSTAL:**

1079 is tabled. **1080 - A local law to amend the process for seizure and distribution of forfeited assets used in (connection with or constituting the proceeds of crimes).**

Motion to approve by Legislator Alden.

**LEG. ALDEN:**

No.

**P.O. POSTAL:**

Second -- well, he was going to second it.

**LEG. TOWLE:**

Yeah, you jumped ahead of me.

**P.O. POSTAL:**

Seconded by Legislator Towle. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

1080 is approved. **1081 (A Local law authorizing the designation of an Empire Zone).**

**LEG. FOLEY:**

Did we approve those, too.

**P.O. POSTAL:**

Oh, we have a CN.

**LEG. FOLEY:**

We haven't approved them yet?

**P.O. POSTAL:**

Yeah. We have a Certificate of Necessity in front of you for 1081. And the necessity of the Certificate of Necessity was because of the Memorandum of Understanding and changes that were made in the Memorandum of Understanding. I'm going to make a motion to approve this.

**LEG. HALEY:**

Second.

**LEG. CARACCIOLO:**

Second.

**LEG. COOPER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Caracciolo. All in favor -- oh, excuse me. Okay all in favor? Opposed?

**LEG. GULDI:**

Abstain.

**P.O. POSTAL:**

Abstain, Legislator Guldi.

**MR. BARTON:**

17, 1 abstention.

**P.O. POSTAL:**

Okay. 1081 is approved.

**LEG. BISHOP:**

Cosponsor, please.

**P.O. POSTAL:**

Cosponsor, Legislator Bishop.

**LEG. BISHOP:**

I was involved in this.

**P.O. POSTAL:**

Yes. Actually, Legislator Bishop investigated what an Empire Zone means, and probably informed all of us by what that actually does. We have a **Certificate of Necessity for Introductory Resolution 1082, which is replacing the resolution that was on the agenda, and, again, a local law amending the designation of an Empire Zone, the CN necessitated by the Memorandum of Understanding.** I'll make a motion to approve, seconded by Legislator Caracciolo. All in favor? Opposed?

**LEG. GULDI:**

Abstention.

**P.O. POSTAL:**

Abstention, Legislator Guldi.

**LEG. BISHOP:**

Cosponsor, please.

**P.O. POSTAL:**

Cosponsor, Legislator Bishop.

**LEG. TONNA:**

Put me as a cosponsor.

**P.O. POSTAL:**

1082 is approved.

**MR. BARTON:**

17, 1 abstention.

**P.O. POSTAL:**

And, let's see. **1114 (Amending the adopted 2003 Operating Budget and creating positions in Board of Elections).** I'm going to make a motion to table that, seconded by Legislator Fields. All in favor? Opposed?

**LEG. GULDI:**

Opposed.

**P.O. POSTAL:**

Legislator Guldi.

**MR. BARTON:**

17-1.

**P.O. POSTAL:**

1114 is tabled. **1145 - To transfer (surplus Health Plan funds for restoration of cuts for Patient Care Services in County Health Department).**

**LEG. FOLEY:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve --

**LEG. FIELDS:**

Second.

**P.O. POSTAL:**

-- Legislator Foley, seconded by Legislator Fields. All in favor? Opposed?

**LEG. BINDER:**

On the motion.

**LEG. CRECCA:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Crecca.

**LEG. CRECCA:**

Can you, please, the Budget Review, tell us the numbers on this? I haven't looked at it in awhile. It's 1145.

**LEG. BISHOP:**

I thought we did it by CN. I'm always confused about this.

**LEG. FOLEY:**

Yes, we did it over a month -- if I could answer the question. We did it over a month ago with a different resolution. This resolution has been amended several times, and Legislator Alden is now a cosponsor. It's no longer so much a resolution to transfer monies from the Health Fund to restore cuts to Patient Care Services. What's also on there -- what's also included in the bill are some of the member item projects that Legislator Alden and I were not able to put on in the first round of our member item bills from the other month.

**LEG. BISHOP:**

Okay. So --

**LEG. FOLEY:**

So, essentially, what we've done, what we've done is, which is all proper and all straightforward, working with the Budget Review Office, where we amended this particular resolution to include those --

**LEG. BISHOP:**

Don't drag Fred's good name into your sully deal.

**LEG. FOLEY:**

No. So that we don't have to wait until June. Otherwise, we have to wait until June to approve this resolution. One of the more important portions of this resolution is a defibrillator for Saint Mary's Elementary in East Islip.

**LEG. BISHOP:**

I just want to understand.

**LEG. FOLEY:**

Right.

**LEG. BISHOP:**

The title has nothing to do with the body of the bill any longer.

**LEG. CRECCA:**

Actually, it's --

**LEG. FOLEY:**

Well, no. There is technical -- there is -- if someone would give me a moment, I'd explain it. There is technical adherence to the title of the bill. There is a small amount of money that is being transferred over, but the bulk of the bill is for those member items that we weren't able to include in the first round of member items, and we really didn't want to wait until June to have that approved.

**LEG. BISHOP:**

Okay. And these member item --

**LEG. FOLEY:**

Right.

**LEG. BISHOP:**

-- initiatives --

**LEG. FOLEY:**

Yes.

**LEG. BISHOP:**

-- they're all budgeted for already?

**LEG. FOLEY:**

Correct, correct.

**LEG. BISHOP:**

So there's no additional burden to the taxpayer?

**LEG. FOLEY:**

No, there isn't, that's correct.

**LEG. BISHOP:**

It's just a vehicle to accomplish what you needed to accomplish in a timely manner.

**LEG. FOLEY:**

That's correct.

**LEG. BISHOP:**

All right. And Counsel wouldn't let you change the title of the bill, he made you put seven dollars --

**LEG. FOLEY:**

That's right, exactly.

**LEG. BISHOP:**

Okay. I got it.

**P.O. POSTAL:**

Okay. Now --

**LEG. GULDI:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Guldi.

**LEG. GULDI:**

Yeah. On the backup, the two account listing in the bill, in the copy I'm looking at, which was the laid on the table copy, lists a number of account numbers without any description.

**LEG. FOLEY:**

No, that's all been -- that's been changed since then.

**LEG. GULDI:**

That superceded the --

**LEG. CRECCA:**

I have a recent copy of the bill. It shows \$7 coming from the --

**LEG. FOLEY:**

That's correct. As I said, there's -- we had to have technical adherence to the title of the bill. Otherwise, we'd have to wait until June, and, quite frankly, Legislator Alden and I did not want to wait until June.

**LEG. CRECCA:**

You're going to throw the whole budget off now by \$7.

**LEG. HALEY:**

I'm starting to get frightened.

**P.O. POSTAL:**

Okay. Are we -- let's see, where are we, Henry? We have a motion and a second?

**MR. BARTON:**

Yes, we do.

**P.O. POSTAL:**

All in favor? Opposed?

**LEG. TONNA:**

I'm abstain.

**LEG. CRECCA:**

Abstain.

**P.O. POSTAL:**

Abstentions by --

**MR. BARTON:**

16-2 abstentions.

**LEG. FOLEY:**

You're Mr. Defibrillator and you're abstaining?

**P.O. POSTAL:**

-- by Legislator Crecca Legislator Bishop.

**LEG. BISHOP:**

No, I'm for it. Crecca.

**P.O. POSTAL:**

Oh, it was Crecca? I thought I heard two people.

**LEG. TONNA:**

No.

**MR. BARTON:**

16-2 abstentions.

**P.O. POSTAL:**

1145 is approved.

**LEG. FOLEY:**

Thank you.

**P.O. POSTAL:**

**1147 - To establish financial incentive of local enforcement of Suffolk County Vehicle Seizure Law.** Legislator Towle?

**LEG. TOWLE:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve.

**LEG. FOLEY:**

Second.

**P.O. POSTAL:**

Second by -- was that Legislator Foley?

**LEG. HALEY:**

Explanation.

**P.O. POSTAL:**

Explanation?

**LEG. TONNA:**

Yeah, explanation.

**P.O. POSTAL:**

Go ahead.

**LEG. TOWLE:**

Counsel, myself, doesn't matter.

**P.O. POSTAL:**

Okay.

**LEG. TOWLE:**

Go ahead.

**MR. SABATINO:**

This is Legislator Towle's initiative to withhold the revenue sharing portion of sales tax from those towns and villages that failed to certify in writing that they are affirmatively enforcing the Vehicle Forfeiture Law as currently on the books in Suffolk County.

**LEG. ALDEN:**

Cosponsor.

**P.O. POSTAL:**

I have a question. I know that a number of years ago, when we were doing revenue sharing for public safety and we were requiring that the towns and villages report to us about the use of those funds, we had a great many municipalities which were not reporting to us, and I felt that they were not adequately reminded. Now, I do understand that the officials in these municipalities are not children and they should be able to meet their responsibilities without needing to be reminded, but reality is that sometimes they need to be reminded. And so my question is, does anyone at any point, when we get to I guess the required time when we need to have all reports in, communicate with those municipalities that we have not received those reports, and that if they don't turn them in immediately, they will forfeit their funding? Does anybody do that, Henry?

**MR. BARTON:**

Don't look at me.

**LEG. CARACCIOLO:**

We do.

**P.O. POSTAL:**

We do? Who's "we", who does that?

**MR. SABATINO:**

It's in the statute. The Budget Office, in the most recent codification, after we gave the municipalities three times to not adhere to the statute, provides the information. I think the Clerk of the Legislature, as a courtesy, was just doing a follow-up, but it was not his statutory obligation. And, as you recall, last December, with the whole episode with the Town of Riverhead, I mean, these people had the notification coming out of the County on more than one occasion and just basically --

**P.O. POSTAL:**

Yeah, and I --

**MR. SABATINO:**

-- walked in here and said they don't care.

**P.O. POSTAL:**

And I understand that, but these are two -- evidently, two different things that they have to report on. The first item, which is what we addressed at the -- when we were looking at the budget, was their need to report how they use the monies. This is a different issue.

**MR. SABATINO:**

Oh, no, that's absolutely correct. Legislator Towle is expressing in this bill a different level of frustration. I think his level of frustration was based on a meeting that he attended with the County Attorney in December of last year in which he ascertained through the County Attorney's Office and correspondence that the towns and villages who had lobbied for amendments to our Vehicle Seizure Law to have the ability to participate in that process. Apparently, based on information that was brought to his attention at that meeting, are not affirmatively going out and enforcing that statute. So what this bill is saying is that unless you affirmatively put in writing and certify to the County Attorney that you're doing it, you have the prospect of losing your revenue sharing.

**P.O. POSTAL:**

Right. Could I -- I would ask Legislator Towle that you allow one meeting to go by and allow us just to notify those municipalities which have not provided that -- I guess that assurance that they've done that, that given another chance to do it, and then if they failed to respond, then you go ahead with an action like this which is a little dramatic, because of the experience that we had previously with their failure to report on the use of public safety monies when we had never notified them and they were not in the habit of doing it. It was a relatively new procedure. And I felt that in view of the fact that they pay their share of these funds, they should at least have one reminder to get them into the habit of doing it. So I don't know if you would be willing to do. I would take it upon myself to find out which municipalities have not reported properly and to notify them that they will lose their funding, unless they do so immediately.

**LEG. TOWLE:**

Legislator Postal, if I may.

**P.O. POSTAL:**

Sure.

**LEG. TOWLE:**

Counsel was -- Counsel was accurate when he described that this issue was first brought to my attention in December. And then, in a subsequent meeting in Counsel's office, in fact, when we talked about Resolution 1080, it was asked of the County Attorney's Office designee, the person who's coordinating the Stop DWI Program, she has been the contact, Lori Pack, I believe, has been the contact for the villages and the towns, and she provided two memos from the County Attorney indicating that she had spoken to every village and/or town, and, you know, basically giving us an outline of who had complied and who had not.

The problem here is that there's no mechanism for the County Attorney's Office to get them to comply, and that's what this bill would do, it would provide them with the ability -- we don't necessarily have to withhold the funding immediately, it's not going to happen tomorrow. They would be notified that, you know, what's your response to this law. They would provide the County Attorney's Office some certification that this process was moving forward. And, if they were to fail to do that or to respond, then the ability would be given to the County Attorney's Office to notify the appropriate agencies within the County to withhold these monies.

My concern was this and this only. The fact that this Legislature and the County Executive have taken a very, I think, well balanced position on this particular issue with drinking and driving offenses, unlike Nassau, who's done, you know, splashes and headlines, and had a program that didn't work, we've run a very successful program that has been modeled and used by other counties within the State of New York. For our towns, who have their own police departments and villages in some instances to basically tell us to drop dead, that they're not going to enforce this law for whatever reasons is just unacceptable to me as a County lawmaker, and I would think would be unacceptable to the rest of you. And that's why this bill has been moved forward.

As you recollect, I probably -- you may recollect, I did table it at the last meeting to give the County Attorney's Office one more opportunity to see if we could update the list any further. And, to the best of my knowledge, you know, what we've been told is now, as it stands, and if this bill were to be passed and signed by the County Executive, each of the towns and villages would be notified that you're required to do this, and failure to do this would jeopardize their funding. And then that's where we pretty much stand.

**P.O. POSTAL:**

Well, thank you. My concern is with the County Attorney's Office. My experience has been that the County Attorney's Office doesn't always do what the County Attorney's Office should do. The contracts take forever coming out of the County Attorney's Office. And there are various other responsibilities that we expect of the County Attorney, which are either not done expeditiously or not done at all. So, you know, hearing your explanation, that would be -- I would be more agreeable to it. But I would ask the Clerk to secure for me a list of those municipalities which have not complied, so that we can contact those municipalities and ascertain what's happened, what actions have been taken to remind, encourage them to comply.

**LEG. FOLEY:**

You could ask --

**P.O. POSTAL:**

Just like --

**LEG. FOLEY:**

You could ask East Hampton tonight.

**P.O. POSTAL:**

Well --

**LEG. FOLEY:**

They're right in the audience.

**P.O. POSTAL:**

I would really rather try to deal with all of them. This is exactly what we did when we came to the Public Safety Revenue Sharing funds. I'd like to do exactly that.

**LEG. GULDI:**

On the motion.

**P.O. POSTAL:**

Legislator Alden, and then Legislator Guldi.

**LEG. ALDEN:**

I think that, actually, to have to even go to this extent is an affront to us as a Legislative body. There's a reason why we enacted this legislation to seize the vehicles that drunk drivers are out there killing people, killing innocent people with, and that is to take that implement, and it's in some cases a three, four, five thousand pound weapon out of their hands, so that they can't go out and kill more people or maim more people. And for a town or another municipality or a village to decide that they're not going to listen to us and they're not going to abide by what we've created as far as a law to save people's lives, I feel that that's an affront to us as a Legislative body.

And it's sad that it comes to this, but I think that this is only a minor move to for actually try to get these towns and villages that have actually come out and said that, "We're not going to comply with your law and we don't really care what your law is, we're just not going to comply with it." Because you know what in essence they're saying? They're saying that we don't care about the innocent people that are out there that are getting killed by these drunk drivers. So that, in essence is what it comes down to.

If this is passed, even if it's passed tonight, it has to go to Bob Gaffney, the County Executive, so there's "X" number of days that he has to sign this into law. And in the interim, we can more -- each one of us can take the opportunity to contact the villages or towns in our Legislative districts, or we can have the Clerk do that, to make sure that they're well aware of this. But the sad part of it is they're well aware of this law as it is, as it stands. They've been informed on numerous occasions, but they have actually taken the position that we're not going to enforce this law, "we don't care what you pass, we're not going to enforce this law."

**LEG. GULDI:**

On the motion.

**P.O. POSTAL:**

Legislator Guldi.

**LEG. GULDI:**

Yeah, I -- with all of the passion -- while I appreciate Legislator Alden's passion and I appreciate the importance of the bill, and while I've actually taken the extra step and checked to see that in

the opinion of the County Attorney, the towns and villages in my district have been actively and affirmatively, which is the mandate in the bill, enforcing the forfeiture law and complying with the administrative procedure of having the vehicles seized, stored and auctioned.

The concern I have with this resolution is that it -- this resolution, unlike our setting policy, is the Suffolk County Legislature dictating to the towns and villages how they should implement and operate their police departments, and threatening them with the deprivation of revenue, which was allocated to them because of the -- to compensate them, if you will, for their fair share of the sales tax collected for law enforcement purposes.

I don't think that we should be dictating policy and practices to law enforcement agencies operated by other levels of government, and I don't think that we should be threatening to deprive lower levels of government of their fair share of what is, in essence, their revenue if they don't administer their law department by actively and affirmatively, words which are subject to interpretation, enforcing our policy.

While the goal is laudable, the mechanism itself of this legislation is a mandate that we are imposing on another level of government, where we are threatening to deprive them of their fair share of funding if they don't abide our mandate. I do not believe that it is the proper role of this County Legislative body to dictate operational policy to police departments at other level of governments, and I urge my colleagues to not support this resolution and won't be supporting it myself.

**P.O. POSTAL:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Henry, which towns and villages have not complied with the annual March 31st deadline for town revenue sharing reports this year?

**MR. BARTON:**

They all have.

**LEG. CARACCIOLO:**

Everyone's in compliance.

**MR. BARTON:**

Yes.

**LEG. CARACCIOLO:**

Okay. Thank you.

**MR. BARTON:**

They were very receptive this year with the green cards.

**P.O. POSTAL:**

That's my point.

**LEG. TOWLE:**

Legislator Postal, if you'd add me to the list.

**P.O. POSTAL:**

Legislator Towle.

**LEG. TOWLE:**

Yeah. You know, just to respond to Legislator Guldi, you know, I happen to concur. It's pretty sad, actually, that we have to chase after people. However, you know, this Legislature passed a law expecting not only our Police Department to enforce this, but other police departments. We didn't exempt, you know, towns and villages who run their own police departments. Some of these towns and villages have opted not to enforce the law. And, quite honestly, having gone through the town revenue sharing issue, the only real mechanism that is making people comply with the law is the thought that they may lose their funding. And, you know, unfortunately, it's the carrot and the stick theory, I guess.

And it's pretty sad that, you know, with this particular issue, that we have to take such drastic steps, but, quite honestly, the County Attorney's Office did contact them back in December, and some of the towns and villages have still continued to opt out of not enforcing this law, despite being notified by the County Attorney in writing.

And just to address Legislator Postal's concerns, I agree with you, sometimes things fall into the

County Attorney's Office and wind up in the abyss.

**LEG. VILORIA-FISHER:**

The black hole.

**LEG. TOWLE:**

The black hole, as Legislator Fisher pointed out. But, as Legislator Alden knows, because he sat in on some of these meetings with me in reference to Resolution 1080, clearly, one of the County Attorney's Office brighter stars, Lori Pack, has been overseeing this department, and, as I said, this effort of with the seizing of vehicles, and it's been used as an example by other counties statewide to, you know, show how successful a program can run. And she's been left with no mechanism to do anything in reference to the East End departments, or villages, or towns, and my thought was, you know, this was an effort to try to make sure that law was being enforced.

**P.O. POSTAL:**

Legislator Alden, and then Legislator Foley.

**LEG. ALDEN:**

I spoke.

**P.O. POSTAL:**

Okay. Legislator Foley.

**LEG. FOLEY:**

To the point of Legislator Guldi, where, when we -- when County monies are allocated to the local governments, and they have to abide by County law, just as we, when we accept Federal dollars or State dollars, we have to abide by State laws and Federal laws, so the same holds true here. If the local governments, be they villages or townships, are accepting County monies, well, then they also have to abide by the laws that the County passes.

So, by all means, this may be a mandate, but unlike other levels of government, this is not an unfunded mandate. They do -- they are receiving the dollars, and what we're saying is, at the very least, they've got to abide by the laws that are approved by this Legislature, and in addition to the fact we, unlike other county governments, are willing to give some of treasury, if you will,

to those townships and villages, so they can help to enforce their local particularly public safety laws. That being the case, if we're going to help them enforce their public safety laws by giving them some dollars, then by the same extension, they have to live up to the responsibilities that we've requested them to live up to, particularly this kind of law that Legislator Towle has outlined here.

**P.O. POSTAL:**

Okay. Henry, I would ask you not only to prepare that information for me, but for each member of the Legislature, so that we can each be aware of which municipalities are in compliance and which are not in compliance, and speak with those in our district and find out what the reason was. Thank you. Roll call.

**LEG. CRECCA:**

I had asked to be --

**P.O. POSTAL:**

Oh, I'm sorry.

**LEG. CRECCA:**

No, no, no.

**P.O. POSTAL:**

Legislator Crecca, go ahead.

**LEG. CRECCA:**

Actually, I think I was just going to make the point that Legislator Guldi used the term that we're dictating to the towns how to enforce policy. And the fact of the matter is this is a County law, which they're required to enforce. And I don't want to beat a dead horse here, but I think Legislator Foley's point and the last points made by Legislator Towle and Alden are right on point. And if they want to share in the police revenues, the town sharing, then they've got to enforce these -- our County laws.

**LEG. HALEY:**

On the motion.

**P.O. POSTAL:**

Okay. We --

**LEG. HALEY:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Haley.

**LEG. HALEY:**

My only question is, there's been a level of communications that we believe is necessary before we take a move to punish them, and I think that's your --

**LEG. CRECCA:**

We're not punishing them.

**LEG. HALEY:**

Your question, right, Madam Chair?

**P.O. POSTAL:**

That was my question, yes.

**LEG. HALEY:**

Well, can anyone answer that?

**LEG. TOWLE:**

Can I?

**LEG. HALEY:**

Freddy, yeah.

**LEG. TOWLE:**

Yeah. Legislator Postal, it would be all right with you, I guess?

**P.O. POSTAL:**

Sure.

**LEG. TOWLE:**

As I said, this doesn't automatically force them to lose their revenues. What it does is give the County Attorney's Office now a mechanism to advise them that should they not enforce the law, that they're at risk in losing these revenues. It doesn't automatically make it happen.

Tomorrow, their check doesn't stop hypothetically because this law passes, it gives the County a mechanism to make sure that they're complying with our laws. That's all this does. I mean, Counsel may disagree, but I would think not going to, because that was my intention of this bill.

**P.O. POSTAL:**

Well, if I trust the County Attorney's Office, and if I believe that they operated efficiently, I might be willing to support this, but I do know that, in my opinion, the County Attorney's Office has a dismal record. That we all know that when we apply -- when we approve of grants for community-based organizations, we wait forever for contracts to be drafted, sometimes I think deliberately, so that the hope is that the entire fiscal year will pass by and the money will not have to be paid. So isn't that a surprise? But, you know, I really -- I feel very sad about saying this, but I have little or no faith in the County Attorney's Office, and that's why I'm -- I really don't feel comfortable about approving this.

**LEG. ALDEN:**

On the motion.

**LEG. FISHER:**

On the motion.

**P.O. POSTAL:**

Legislator Lindsay, Legislator Fisher, Legislator Alden.

**LEG. LINDSAY:**

I find myself agreeing with Legislator Towle. I think the point that's being missed here is, right now, there is no mechanism at all. If the towns do not go along with the seizure requirements, we don't really have any ability at all right now to say that you have to do that. What this will do is give us a mechanism to add an incentive for them to enforce the seizure laws. I don't think, as Legislator Towle pointed out, anybody's going to lose anything tomorrow, it just ups

the ante. If you don't -- if you don't enforce the seizure laws, you're not going to share in the revenue sharing. I don't think it's going to happen tomorrow, I think it gives us the ability to do that.

**P.O. POSTAL:**

Legislator Fisher was next.

**LEG. FISHER:**

I have a question either for Counsel or for the sponsor. I'm reading the the resolution and it seems to me that there might be a problem if the County Attorney's Office doesn't respond efficiently with the paperwork, because, as I read the resolution, there has to be certification first that the towns are in compliance, not a warning from the County Attorney that the town hasn't complied, but there has to be written certification first by the County Attorney before revenues are shared; is that correct? Am I reading this correctly?

**MR. SABATINO:**

If I could just help, I was going to interject before. There really shouldn't be a concern, because, in effect, you're giving them five months to get their act together, because the revenue sharing money for the Year 2003 has already been released. When you issued those waivers for Riverhead and Nissequogue, and whatever the other village was, back in December at the beginning of the year, the money flowed, so the money is gone. The next cycle of them getting the money is going to be the Year 2004. The action that will be taken on that will occur initially in September when the budget is proposed, then when you vote on the budget in November. So, if this bill passes tonight, you have five to six months for the County Attorney's office to get the requisite information from the towns and the villages, and then communicate that to you before January 1st of 2004.

**P.O. POSTAL:**

Legislator -- I think there was somebody over here who -- Legislator Alden, then Legislator Guldi.

**LEG. ALDEN:**

I just want to address the concern that you raised, Madam Presiding Officer, about whether the County Attorney's Office has actually conveyed this information to the towns and villages, and I can guarantee 100% that they have actually conveyed that information. They have met on

more than one occasion with towns and villages that the Judge has pointed out was not actually complying with the DWI seizure law. So every town and village that has not complied with this has actually received some kind of notification from the Judge, and also a visit from the County Attorney's Office, which has absolutely guaranteed taken place. And, as was just pointed out, you have another five months that, if there's any question in anybody's mind what the consequences are going to be with not complying with taking dangerous instruments out of drunks' hands, there will be no question, if this bill passes.

**P.O. POSTAL:**

Well, that's why Henry is going to get us that information. Legislator -- I think it was Legislator Foley. Did you --

**LEG. FOLEY:**

No.

**P.O. POSTAL:**

No? Legislator Guldi.

**LEG. GULDI:**

Me. The point I want to make, which is really corollary to what I've already said, which is I don't - - I fear the conflict we have is not the enforcement of laws. The Police Department have many mechanisms in place to comply -- to compel them to enforce the laws of the State of New York and the municipalities. The problem is, here, we are mandating that the villages, towns and their law enforcement divisions deal with our County Attorney and handle administratively the forfeiture of vehicles in the way in which our County Attorney is dictating, and that, it may not only be overreaching on our part, but it may actually constitute cruel and inhuman punishment to the towns and villages, given our uniform opinion of the way things go over at our County Attorney's Office.

**LEG. CARACCILO:**

Move the resolution.

**P.O. POSTAL:**

Okay. Let's have a roll call, Henry.

**MR. BARTON:**

On the motion to approve?

**P.O. POSTAL:**

This is to approve.

**MR. BARTON:**

On the motion to approve.

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

**LEG. TOWLE:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Pass.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes. Cosponsor.

**LEG. HALEY:**

No.

**LEG. FISHER:**

Yes.

**LEG. GULDI:**

No.

**LEG. CARACCIOLO:**

Yes. Cosponsor.

**LEG. HALEY:**

Now I'm worried.

**LEG. TOWLE:**

So am I. Maybe I want to table that.

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

Yes.

**P.O. POSTAL:**

No.

**LEG. TONNA:**

Yes.

**MR. BARTON:**

15-3.

**LEG. TOWLE:**

Thank you.

**LEG. CARACCIOLO:**

Consistent, right, Maxine?

**P.O. POSTAL:**

Okay. You said 15-3?

**MR. BARTON:**

15-3, yes.

**P.O. POSTAL:**

Okay. 1147 is approved. **1162 - Authorizing planning steps for the acquisition of land under the pay-as-you-go 1/4% Taxpayer Protection Program, land of National Audubon Society, Town of Islip.**

**LEG. FIELDS:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve, Legislator Fields.

**LEG. ALDEN:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Alden.

**LEG. LINDSAY:**

On the question.

**P.O. POSTAL:**

On the question, Legislator Lindsay.

**LEG. LINDSAY:**

And it's really a comment to a number of speakers that spoke before, because we don't really have an opportunity to respond to them. I'm going to go along with this resolution simply because it's planning steps, because I really want to see what kind of discounted price comes in on this property. I have a problem with this whole thing in that the Scully Family, from my understanding, donated this property to the Audubon Society, and whether it's codified in the documents that it should be kept forever wild, it certainly seems to be the intent, I would think, that the Audubon Society wouldn't develop the property. And for them to turn around and want to sell it to us, I have some problems with that when they receive the property for nothing. So I'm interested to see what kind of discounted price they're going to give us.

**P.O. POSTAL:**

Legislator Alden.

**LEG. BISHOP:**

On the motion as well.

**LEG. ALDEN:**

I'm glad that you're going to support the -- you know, this is a planning step resolution, and your point is well taken. The problem that we have is there's a significant piece of property on the west end. The quarter cent, which basically, if we do get to an acquisition resolution, you and Legislator Carpenter are definitely going to have to participate in the discussions of that, along with the sponsor of the bill.

And the other thing that has to be pointed out, we did hear testimony from a couple of people that if the Audubon Society cannot sell this and preserve it in some way, if they can't sell it to a single owner that will operate it as a single family dwelling, that they will look to sell it, or possibly look to sell it, which could mean that it could get developed. And I'm not saying all the

property is eligible to be developed, because there's significant water on the property and things of that nature, but there is a possibility that some of this property could be developed. It's a significant structure that could possibly end up on a register, whether it be national or whether it be the New York State register. And I'm glad that you would support at least this -- going this far, taking a look at it, what the price would be, and it would give us an opportunity to develop more information on it.

**[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]**

**LEG. ALDEN:**

I'm not saying all the property is eligible to be developed because there's significant water on the property and things of that nature, but there is a possibility that some of this property could be developed. It's a significant structure that could possibly end up on a register, whether it be national or whether it be the New York State Register. And I'm glad that you would support at least going this far, taking a look at it, what the price would be and it would give us an opportunity to develop more information on it.

**LEG. BISHOP:**

On the motion

**P.O. POSTAL:**

Legislator -- Wait -- Foley, Caracciolo, Bishop and Carpenter.

**LEG. FOLEY:**

I'm going to be supporting this resolution and hopefully we'll get to the point that if, in fact, it needs to be acquired in the second step, we should look at that very careful. As we know, in this particular area of the County unfortunately the {Toyford} mansion in this area was, through some bad decision making by the Federal government, was destroyed. And this particular mansion, one of the last in the area, could very well lend itself to both environmental educational pursuits as well as some other pursuits that fit in with the mission of Seatuck and the mission of those who are trying to educate residents in the area about the environment.

So I stand ready to support this today and to preserve in the future as well. Thank you.

**P.O. POSTAL:**

After Legislator Foley it was Legislator Caracciolo.

**LEG. CARACCIOLO:**

Let me echo Legislator Lindsay's comments; I feel very much the same way. It seems to me that an organization that is dedicated to the environment and the protection particularly of water fowl and bird life, to accept as a donation a piece of property and then turn around and offer that property for sale for possible development just doesn't make any sense. And I think it should send a message loud and clear to potential donors to take this into account to make sure you have covenants and restrictions and making sure that environmental organizations can't do what perhaps the National Audobon Society may be in the process of doing with this particular property. So I supported it in committee, I'll support it tonight, but I support it with serious reservations.

**P.O. POSTAL:**

Legislator Bishop?

**LEG. BISHOP:**

I want to add my voice to the voice of so many other Legislators who have said that they're troubled by the potential ultimate outcome of this which is an outright purchase by the County. I think it's important that we make the record clear that what most Legislators I believe are interested in is a lesser interest purchase than an out -- a lesser interest acquisition as opposed to an outright purchase.

The National Audobon Society is an organization which is dedicated to the health, welfare and survival of avian species, and presumably that includes the preservation of bird habitats. This is a habitat, 60 acres on the Great South Bay which I assume the sponsors would agree is unique and important. And yet this national organization is willing to -- or is sending signals that they have a willingness to sell it, and sell it for development no less. It seems to me that the first step in this is to let the membership of the Audobon Society that is local know what is being contemplated by the national organization. This is completely contrary to everything that the organization stands for.

And I will vote in favor of this resolution out of respect for the sponsors, out of consistency with a policy that I have advocated that we explore purchases and gather information, especially now that we have a two-step process where under planning steps we permit the Real Estate Division

to explore arrangements and then come back to us for a second vote when it comes time to appropriate. But by no means would I vote in favor of appropriating money for an outright purchase of this under the threat of development by an organization which should be working entirely in the opposite thrust.

**P.O. POSTAL:**

Legislator Carpenter.

**LEG. HALEY:**

Could you repeat that, please?

**LEG. BISHOP:**

I could but --

**P.O. POSTAL:**

Please don't. Thank you.

**LEG. CARPENTER:**

I was pleased to hear that Legislator Alden acknowledged that both Legislator Lindsay and myself would be involved with this ultimately if we are going to be purchasing it. I, too, will go ahead with this resolution, supporting it because it is planning steps, but a lot of very good points have been raised here. And much like when we first proposed the planning steps resolution for the acquisition of Sagtikos Manor, I think we need to look at ultimately what is the plan, what is going to happen with the property, the fact that we are not in a position to be pouring money into an acquisition once it happens. And I would recommend to all those involved in this acquisition to do much as we did with the Sagtikos acquisition and to form that group and to make sure that plans are in place and we will proceed along that way. But again, because it's planning steps, I will support it.

**P.O. POSTAL:**

We have a motion and a second.

**LEG. FOLEY:**

Move the question.

**P.O. POSTAL:**

All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**MR. BARTON:**

17-1 (Opposed: Legislator Binder).

**P.O. POSTAL:**

***1162 is approved.***

We have ***Designation of an official newspaper:***

***1408-03 - To designate local newspaper in which County Notices may be published (Town of Riverhead).*** And I'll make a motion to approve this.

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Caracciolo. This has been something which is pending since the very beginning of the year. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

***1408 is approved.***

**P.O. POSTAL:**

***park, Sports & Cultural Affairs:***

***1028-03 - Initiating process for cell tower revenue at County Parks (Fields).*** It was

assigned to Parks, it was approved 5-0-0-1. Motion.

**LEG. CARACAPPA:**

Second.

**P.O. POSTAL:**

Motion to approve, seconded by Legislator Caracciolo -- Legislator Caracappa; your mother once had a very funny remark about that, Joe. All in favor?

**LEG. CARACCIOLO:**

What resolution are we on?

**P.O. POSTAL:**

We're on 1028 at the top of page eight.

**LEG. CARACCIOLO:**

What's the motion?

**P.O. POSTAL:**

To approve.

**LEG. CARACCIOLO:**

No.

**P.O. POSTAL:**

Well, okay.

**LEG. BINDER:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Binder.

**LEG. BINDER:**

Can we just get Counsel's explanation?

**P.O. POSTAL:**

I'm sorry, I didn't hear you.

**LEG. BINDER:**

If Counsel can just explain.

**P.O. POSTAL:**

I don't think he heard you either.

**LEG. BINDER:**

Sorry.

**MR. SABATINO:**

This legislation would direct the Division of Purchasing working with the Board of Trustees of Parks & Recreation to develop RFP's for interested parties to respond to regarding the installation of structures for wireless communications through County Park facilities where determined to be appropriate by duly enacted resolution of the Board of Trustees of Parks & Recreation. Then there's a deadline for getting the RFP circulated of 90 days, then when the responses come back they would be subject to Legislative approval for specific sites and the standard would be the payment of at least fair market value.

**LEG. CRECCA:**

I just have one question. It's a great idea, I just -- my only concern would be that we don't want obviously huge cell phone towers going up in the middle of our County parks. So I ask the sponsor, I'm sure you've considered that and I'm sure you don't want that, Ginny, so does the bill -- how does the bill protect us from that?

**LEG. FIELDS:**

There are several ways that it protects us from having that happen. The intent of this is not to have the great big erector sets on park properties. Wireless communication transmission can be done in a medley of different ways. They can have the underground cable, they can have flag poles, they can have them on top of buildings; there are different ways. So the RFP would be put together as to the appropriate sites or the available sites that would be appropriate, it would then go before the Parks Trustees for appropriateness, it would then go back to this Suffolk County Legislature.

**LEG. CRECCA:**

Oh, it does come back to the Legislature?

**LEG. FIELDS:**

Absolutely.

**LEG. CRECCA:**

Oh, then that certainly more than covers it and I commend the sponsor and I actually would ask that I be listed as a cosponsor on the bill.

**P.O. POSTAL:**

Henry, you have that?

**MR. BARTON:**

Yes.

**P.O. POSTAL:**

Legislator Alden. No? Legislator Caracappa?

**LEG. CARACAPPA:**

As Legislator Fields mentioned, there is a whole host of different ways instead of just the big towers, the tr-stick towers that we see with cell phones technology. Down south and in the Carolinas where my sister lives, and actually in the Five Towns area there's also one, it's a pine tree and it looks exactly like a pine tree. And I didn't know it was a cell tower until my brother-in-law pointed it out and said, "You see that big pine tree amongst the others, believe it or not that's a cell tower." And it was actually -- I was amazed by it, I would have never known the difference, and actually it fit right in with the environment. So there are many different options for us to do it. And actually, to do it in our park system actually makes sense because communities are turning away from having cell towers in the backyards which unfortunately if they're in communities they are in backyards, and to use our massive park system and the acreage that we have and the ways that we can hide a cell tower now a days makes perfect sense and we should move forward.

**P.O. POSTAL:**

Legislator Fields?

**LEG. FIELDS:**

I just wanted to add that in some of my involvement of trying to get some answers on this, there is a public safety issue involved here also and I spoke to people in Montauk who said that there was apparently someone who had a heart attack out in Montauk and the wife called 911 from her cell phone and she ended up getting Connecticut to respond to sending an ambulance to go and get her husband, she could not get the phone call back to Suffolk County through her cell phone. So there is a public safety issue here where it would help us to be able -- 45% of our 911 calls, by the way, are made from cell phones and this might indeed help the Suffolk County population.

**LEG. CARACAPPA:**

Very good.

**LEG. CRECCA:**

All right.

**P.O. POSTAL:**

Okay. All in favor? Opposed?

**LEG. CARACCIOLO:**

Opposed.

**P.O. POSTAL:**

Opposed, was that Legislator Caracciolo? Okay.

**MR. BARTON:**

17-1 (Opposed: Legislator Caracciolo).

**P.O. POSTAL:**

***1028 is approved.***

***1165-03 - To reappoint Ronan Mulvey as a member of the Suffolk County Citizens***

***Advisory Board for the Arts (Caracappa).***

**LEG. CARACAPPA:**

Motion.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Legislator Caracappa makes the motion, seconded by Legislator Haley. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

***1165 is approved.***

***1233-03 - Re-extend the deadline for report by Committee to Study Common Sense Alternative Funding Mechanisms for the Suffolk County Parks System (Fields).***

Approved 5-0-0-1.

**LEG. FIELDS:**

Motion to approve.

**P.O. POSTAL:**

Motion to approve by Legislator Fields, second by Legislator Alden. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**P.O. POSTAL:**

Opposed, Legislator Binder.

**MR. BARTON:**

17-1 (Opposed: Legislator Binder).

**P.O. POSTAL:**

***1233 is approved.***

***1272-03 - Dedication of certain lands now owned by Catherine T. Koch 50% and Patrick Donoher as Executor of the Estate of Elizabeth Donoher 50% to the Suffolk County Department of Parks, Recreation and Conservation (SCTM No. 0200-980.70-05.00-040.000) (County Executive).***

**LEG. FOLEY:**

Motion.

**P.O. POSTAL:**

Motion by -- was that Legislator Foley? Seconded by Legislator Fisher was that?

**LEG. FISHER:**

Yes.

**P.O. POSTAL:**

It was approved out of committee 5-0-0-1. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

***1272 is approved.***

***1298-03 - Authorizing Cultural Affairs Agreement funding for 2003 (Fields).*** Approved 5-0-0-1. Motion by Legislator Fields, seconded by Legislator Carpenter. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

***1298 is approved.***

**Human Services:**

***1230-03 - To amend deadline and composition of Inter-Agency Task Force addressing homeless individuals (Bishop).*** Approved 4-0-0-1. Legislator Bishop?

**LEG. BISHOP:**

Motion

**P.O. POSTAL:**

Motion to approve.

**LEG. FISHER:**

Second.

**P.O. POSTAL:**

Seconded by Legislator Fisher. All in favor? Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

1230 is approved.

**Discharged by Petition - 2002-**

***2246-02 - Adopting Local Law No. 2003, a Local Law establishing a site selection procedure for substance abuse houses (Towle).*** It was discharged two -- I guess -- no, it was discharged. It was discharged by petition.

**LEG. TOWLE:**

Motion to approve.

**P.O. POSTAL:**

Motion by Legislator Towle.

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Second by Legislator --

**LEG. TONNA:**

On the motion.

**LEG. BISHOP:**

On the motion, I have a question.

**P.O. POSTAL:**

-- Caracciolo. On the motion, Legislator Bishop and then Legislator Lindsay and then Legislator Tonna.

**LEG. BISHOP:**

I have a question of Counsel as to the definition of what is being regulated. What is a sober house according to this resolution?

**MR. SABATINO:**

Sober houses become a colloquialism, but in terms of this particular legislation the definition is going to be any residential facility that's providing temporary housing to at least three individuals receiving treatment to recover from alcoholism or substance abuse. And then the definition goes on to exclude immediate members of the family, because that was an issue three years ago, so the extended family is excluded from that definition. So it's basically three unrelated individuals who are receiving that kind of treatment from someone who is being paid to provide that treatment.

**LEG. BISHOP:**

So the payment is the key? Well, I will give you an example of what --

**MR. SABATINO:**

Yeah, the payment. Yeah, it's not a situation where you're just bringing people in on a voluntary basis.

**LEG. BISHOP:**

Well, what I have in my district, and it's not the sober houses that seem to be for-profit that exist in out east, in my district what I have is the Reverend Jimmy Jack and he has three dwellings on one street and he has about 20 to 25 people, many of whom are referred by court -- by the court as an alternative sentencing, but it's not regulated by the State; would that be covered? In other words, there are no standards for this treatment.

**MR. SABATINO:**

Well, if the court is ordering the placement, somebody is making a payment then because I don't believe in that situation there would be a court ordered placement without compensation. So if you've got the compensation and you're getting one of those types of treatment, it's more than three people if it's 25 so I would say it's covered.

**P.O. POSTAL:**

David, could I try to answer you?

**LEG. BISHOP:**

Yes, please.

**P.O. POSTAL:**

Because there have been a number of sober houses in my district or proposed for my district and so I did some investigating, this was starting maybe three or four years ago. It's my understanding that a sober house is a residence in which a number of individuals with substance abuse problems live. They're not provided with any treatment, they're supposed to go to treatment but, you know, nobody makes them go to treatment, nobody checks that they go to treatment. They're supposed to be supervised 24 hours a day but there are no standards for the qualifications of the people who supervise them. And so if either they provide a treatment or they did have on staff people who are supervising and providing treatment, then they would be certified by DSAS, the State agency. These are not certified therefore you're getting the most horrendous of situations, you're getting a group of people who have substance abuse problems, all living next to each other without any kind of treatment; professionals will agree that's the worst living situation for a substance abuser.

**LEG. BISHOP:**

This is a slight digression from the intention of bill, and I understand the issue of sober houses. What I'm pointing out is that in our area we have a number of homes that there are 24 hour treatment, the operators of the homes think that they are providing treatment but there's no endorsement sanction by New York State, it's alternative treatment yet courts in Suffolk County will send people to these homes. So it's an interesting, you know, position that they occupy and I was trying to understand whether this legislation would cover them and Counsel tells me that it would be covered; is that correct?

**MR. SABATINO:**

Predicated on my belief that there's a payment, either direct or third party, the statute covers it either way. I can't imagine a court ordered placement without either direct payment or at least third party payment. So predicated on them getting payment, the answer is yes they would be covered.

**LEG. BISHOP:**

Okay, thank you. I appreciate it.

**P.O. POSTAL:**

Legislator Guldi. Legislator Lindsay.

**LEG. GULDI:**

Yes. Counsel, would a facility that provided alcohol treatment with several hundred beds be covered by this regulation? And even if it provided the 24 hour certified residence manager staffing, would it be licensable under this statute?

**MR. SABATINO:**

If it's providing for more than three people and it's a residential setting and it's compensation, the answer is yes, they would be covered.

**LEG. GULDI:**

They would be covered but would they be licensable with several hundred beds?

**MR. SABATINO:**

Well, they would be going beyond the six so they wouldn't be --

**LEG. GULDI:**

It would not -- well --

**MR. SABATINO:**

They would not be able to secure a license for more than six people.

**LEG. GULDI:**

All right. The point I want to make is that I live approximately -- I live and have lived for my entire life approximately 200 feet from a facility known as Seafield that runs several hundred beds and provides alcoholism counseling and has operated for the last 20 years at that location, this bill would prohibit their operation.

**LEG. LINDSAY:**

That's run by the State.

**LEG. CARACAPPA:**

That's a class act operation, they're the model.

**LEG. GULDI:**

Yes, but according to Counsel they would not be licensable in their existing location.

**MR. SABATINO:**

If they fit within the definition and they have more than six people, they would not be able to secure a license because one of the restrictions on the license would be you can't have more than six.

**UNKNOWN AUDIENCE MEMBER:**

They're already licensed.

**P.O. POSTAL:**

Okay. Where are we? We have a motion -- Legislator Fisher, did you have -- I'm sorry.

**LEG. FISHER:**

I'm just confused about the question Legislator Guldi just asked.

**LEG. TONNA:**

I asked to be recognized.

**P.O. POSTAL:**

We have Legislator Tonna. We really have some questions about the definition of a sober house and what's included under that definition and what's not. Legislator Tonna.

**LEG. TONNA:**

So we're going to table it?

**P.O. POSTAL:**

No, no, unless you make a motion; nobody has made a motion to do that.

**LEG. TONNA:**

Well, I'd like to speak first then make a motion.

**LEG. HALEY:**

Hey, Paul, how you doing?

**LEG. TONNA:**

Good.

**LEG. LINDSAY:**

I've been meaning to talk and you've recognized me three times.

**LEG. TONNA:**

Whose speaking now?

**LEG. HALEY:**

You are.

**LEG. TONNA:**

I'm waiting; yes? In committee, and I'll Paul, there was the question and I think it came up with regard to over eight people there's, what, 90 days, 120 days that if there's over eight people in

a home that they would have to be removed; is that true?

**MR. SABATINO:**

No, what we said was the restriction is six but we got into a whole discussion about whether there could be more than six people and the answer is yes because there's a possibility under the definition which is very expansive in terms of family members which were excluded.

**LEG. TONNA:**

Family members.

**MR. SABATINO:**

Right. So we came up with scenarios where, for example, an extended family, you know, of six or eight people plus the six unrelated people could put you in a scenario where --

**LEG. TONNA:**

Yeah, but if you had -- I mean, how many families run into that?

**MR. SABATINO:**

But assuming that there's no family, you're limited to six.

**LEG. TONNA:**

Six people.

**MR. SABATINO:**

Six unrelated, right.

**LEG. TONNA:**

So that any sober house right now -- existing, not for the future -- but any existing sober house right now that has eight people -- I mean, you know, it's not every sober house that has relatives living in them.

**MR. SABATINO:**

Right.

**LEG. TONNA:**

That's the exception to the rule, not the rule. Any sober house that has more than six people,

they get 120 days and if not they have to be moved out. So we're talking about -- and I think we did the math in the committee, we're talking about the displacement for those already existing of possibly a large percentage of people.

**LEG. BISHOP:**

Couldn't they just switch homes?

**LEG. TONNA:**

No, you can't just switch.

**MR. SABATINO:**

Yeah, the information we got at the committee was that there's a total of -- according to the documented information, there's a total of 800 people, total of 800 people in the County for an average of about eight per unit.

**LEG. TONNA:**

Right.

**MR. SABATINO:**

There's a hundred identifiable facilities, so just doing arithmetic it was averaged out to be approximately eight people per facility, and I believe that the transition period is --

**LEG. TONNA:**

A hundred and twenty days?

**MR. SABATINO:**

I think it's 180 days. But the point is that there would be -- it wouldn't be immediate.

**LEG. TONNA:**

So we'll be displacing --

**MR. SABATINO:**

A hundred and eighty days, it's 180 days.

**LEG. TONNA:**

Right. So we would be displacing --

**MR. SABATINO:**

So at the end of six months you'd have that potential.

**LEG. TONNA:**

So if anything, what's going to happen is that once this -- 180 days from now -- because again, having relatives live in a sober house would be the exception, when we had Social Services in front or whatever else, they said this would be the exception to the rule, that we would have the displacement of a number of people out of a sober house to comply with this law, so they're not grand-fathered in.

**MR. SABATINO:**

There's no grand-father clause.

**LEG. TONNA:**

So where are they going to go? So these are the people who want to clean themselves up, who want to, you know, do everything; where are they going?

**UNKNOWN AUDIENCE MEMBER:**

Back to the agency.

**LEG. TONNA:**

Just maybe the sponsor -- you know, I would ask the sponsor.

**LEG. TOWLE:**

Hand me the list, I'll answer your questions.

**LEG. TONNA:**

Okay. Right now they're not going anywhere, they're on the street.

**LEG. LINDSAY:**

Why don't you let the sponsor answer that.

**LEG. TONNA:**

Well, Legislator Lindsay and Legislator Towle, right, are the cosponsors; where are they going?

**P.O. POSTAL:**

Legislator Towle?

**LEG. TOWLE:**

Thank you. Legislator Tonna, I'd answer your question in two regards. First of all, there is a list of 41 houses that we received from State Senator Ken LaValle last month, they're about to come on-line in Suffolk County. They've applied through OASIS or in the State to open 41 new facilities, because as one of the Legislators pointed out, this is quite a lucrative business. They're making, you know, three or \$400 an individual in some of these homes and when they -- per month, and when they pack four or five or six or eight or nine people in these homes, that's obviously a significant amount of money that are going to some of these agencies that are completely unregulated.

Secondarily, let's go along with the thought as to why these facilities are on-line, and that's to provide services. And if we're packing eight, nine, ten, twelve, I've heard up to 16 people in some of these homes, they clearly are not getting the services they're supposed to be getting, the very people that we want to help when there is no one at these facilities, because in many instances that's how it exists today. So we can pretend that these facilities are completely working in every instance, which clearly they're not when you have 10 or 12 or 15 people in the facilities that are not receiving any treatment whatsoever.

So, you know, I'm not throwing the argument back, but I think to answer your question, there are facilities that are not being run properly and what this law would do is give us the ability to license facilities in a proper manner so we're sure that people are receiving services.

**LEG. TONNA:**

I don't have a problem, Legislator Towle, with the law, except for the issue -- and that's why I voted against it in committee and I think it's already on record -- is because we're going to be displacing on an average of two people in each home. Now, all I say is that the rest of the law I think would help to mitigate any of the problems that we speak about, but I don't think -- why aren't we grand-fathering in the existing facilities?

**LEG. TOWLE:**

That's also on the assumption, Legislator Tonna -- if Legislator Postal will allow me to continue -- that's also under the assumption that the data you've been given by the department is accurate; I don't believe it is, quite honestly.

**LEG. TONNA:**

Well, I mean, we can --

**LEG. TOWLE:**

They have not supported the data, it's been all through verbal conversations. I've had conversations with some of the State delegates and with some of the people in OASIS, I think, quite honestly, there are far more than a hundred homes in Suffolk County. I know of, as I said, specifically of 41 that are applying to come on-line now; I've heard numbers, as many as 400 homes in Suffolk County, not 100.

**LEG. TONNA:**

So -- okay. So I would ask the question then why are we willing to move on legislation until we have those numbers?

**LEG. TOWLE:**

(Inaudible) --

**LEG. TONNA:**

Nobody at Social Services gave the impression that they weren't accurate information. I would never think that a Social Services Department that came up and said this is what it is, I mean, I would just assume that they were being truthful.

**LEG. TOWLE:**

Well, as the minutes reflect and as the letters have reflected and as the conversations have reflected, including in our financial review of the resolution, it's approximate, it's a guesstimate, it's a number that we've heard. There's nothing specific attached saying the State of New York provided us a list of every sober house in the County of Suffolk, these are the hundred, these are where they're located; that hasn't happened. And that hasn't happened because, once again, the State has abdicated their responsibilities.

Two-and-a-half years ago we debated this issue and the County Executive vetoed the resolution and we were unable to override the veto. And there was a promise by the County Executive, and he lived up to his promise, to lobby and work with the State of New York to get OASIS off the dime and to make sure they did their job and they policed or patrolled these facilities so, A, the people who were in them were receiving the proper type of service and, B, the community had no negative impact. And then two or two and a half years the problem has only continued to grow and get worse and the State has only continued to abdicate their responsibilities which brings us to the resolution again tonight.

**LEG. TONNA:**

Right, to bring --

**LEG. TOWLE:**

To empower us with the ability to make sure these facilities are running properly and people are getting proper placement and that they're not having a negative impact on the community. Not that they're packed in a house like a herd of cattle.

**LEG. TONNA:**

Right.

**LEG. TOWLE:**

Because in many instances that's what's happening now.

**LEG. TONNA:**

Well, the problem that I have is not probably 90% of this bill. The problem that I have is on one aspect which is just by the law of averages, is that there are going to be people and a good considerable amount of people if we take a hundred, divide it by, you know, whatever, 800 or whatever else, we're talking about two people per home, so we're talking about, what, 200 people will be displaced, people who might have been behaving themselves, people who are used to a certain area and working in a certain area or whatever else. And I just think either we grand-father those people in -- we have many aspects of the bill that will mitigate all of the other problems that the communities are concerned about, and rightfully so and they're complaining about and should be dealt with. And all I'm saying is there are people in these homes, wherever they are, I'm sure it depends on each home and how they're treated and there are probably some much better and more scrupulous homes run much more, you know,

consistent with community standards and others. But what about those people who just by virtue of the fact that they're the eighth person and the seventh person, they're going to be now displaced? And I don't think that's right, either grand-father them in or, you know, create some type of exemption or some other type of standard to hold them to.

**LEG. TOWLE:**

Legislator Tonna, just to follow-up on my last point on your argument or position. The reality is this; the reason that many of these companies are in this business is to provide service and the reason that some of these companies are in this business or these agencies is because of the lucrative nature in which they're being funded. I'm sure, and having dealt with some of the legitimate companies who have supported this bill the last time and are supporting it now because there's nothing here that would be onerous upon them, that they don't have an issue here. As far as the companies who are, you know, questionable, those companies are going to take the individuals using your scenario and have to put them in another facility, another home that either they're going to own, occupy or rent. They're not going to lose the opportunity to continue to make that three or four or \$500 a month on each one of those people. And in most of the instances, from the list that I've seen from the State, companies own more than one home or are renting more than one facility. So theoretically, let's just say a company owned five and at each of those facilities they had eight people which they would not be in compliance with this law, they're going to need to go out and get a sixth or seventh facility to comply with the law. They're not going to take these people that are making them \$300 in change a month individually and lose that opportunity to continue to bring that funding into their agency; it would not be a wise business move.

**LEG. TONNA:**

Right. But Legislator Towle, and this is all I would say and I have an understanding -- I don't care about the company, I care about the people, the people who are in those homes. They don't go to a certain home and say because company X, Y and Z is running this, okay, and the reason why I'm living in this -- there are a thousand different human reasons why somebody chooses to go to a certain sober home. The company doesn't control their lives. But what's going to happen is now, because of this law and only one aspect of this bill that I have a problem with, is that now they're going to be displaced. Just because the company says, "Hey, you know, this home is in Babylon, now you can -- but my company will open up a home in Ronkonkoma, you know, go there," that might not meet the needs of a very fragile population who is trying to do the right thing and get the right help and put themselves on the right path.

And I just -- that's the only aspect of this bill. I don't care about the companies, I care about the 200 human stories that are going to be told about people who are going to be displaced who are following the rules who are trying to clean themselves up and whatever else. If we can grand-father those people in I would say fine. If there is something where you say, "Hey, you can't have six to a bedroom," I'm with you, all right. But based on the fact -- but based on the fact that just by virtue of the fact that they're not relatives and there are eight people in the home, two of those people have got to leave; and we already know the average is eight. I have a problem with the bill. But thank you.

**P.O. POSTAL:**

Legislator Fisher. Legislator Foley.

**LEG. FOLEY:**

Thank you, Madam Chair. And as one who is cosponsor and is supporting this bill, with regards to grand-fathering, grand-fathering to a large extent would perpetuate the current problem. And what the current problem is is that there are too many of the landlords who are not in this from the standpoint of services, they're in this to make a dollar.

**LEG. TONNA:**

It's not stopping them.

**LEG. FOLEY:**

They're not in this to deliver services to this clientele. What they're there for is to collect the dollars to cram as many as they can into particular homes and what's happened in too many areas of this County, not just in the Mastic-Shirley area but whether in my district or in other districts, there's not five, there's not six, there could be as much as 10 to 20 to 30 of these homes in different given areas of this County, at a minimum. And when you look at those areas, these aren't the Seinfelds of the world, these are people who are doing it, landlords doing it for one reason, for greed, that's why they're doing it.

So I can understand the concern that we all have for those who may have to move to a different location, but grand-fathering is just going to perpetuate the situation where the problems currently exist. And I think the way that Legislator Towle had responded to a good concern raised by Legislator Tonna is that if some people have to move out of that house, that landlord is

going to try to find a way to keep those folks housed somewhere else. And the difference will be for that community that's going to have that housing situation, there won't be 12 or 14 in a home. So with regards to those concerns, grand-fathering -- point well taken, but grand-fathering would perpetuate the problem where it currently exists. And the reason why this bill is moving forward is that in a great -- I would say in a great majority of cases the landlords aren't there so much for services, they're there for greed alone. And the proof is in the pudding when you think of how many are crammed into a building. And as the Presiding Officer had said, there isn't a provision of services for these folks nor is there any kind of systematic supervision for them either.

**P.O. POSTAL:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yeah, I really wanted to respond to the good doctor that testified before from the Health Department and I made some notes. One of the points he made is that this is a duty that the State should be exercising; we all agree with that, but they haven't done that. And as a result of them abdicating their responsibility, they have created a crisis in our community in a number of different ways and a crisis on our County services.

He talked about like being an unfunded mandate to the Health Department, but what he doesn't realize is these facilities are open for profit entrepreneurs that come into our community, buy a decrepid house, many times equip the house with absolutely nothing and they ship in people from outside of Suffolk County, we pay the bill under Social Services for a certain period of time until their treatment options are over with and then we throw them out on the street anyway and they add to our homeless crisis. So we're paying the bill one way or the other and all we're trying to do here is not throw anybody out on the street, we're trying to regulate these unscrupulous landlords that are taking advantage of the system, taking advantage of our community. They're bankrupting a lot of our food pantries that service the poor around the County because they don't provide them with anything and they depend on that social network to feed themselves. The system is just wrong and it definitely needs to be regulated.

The other point that we were talking about here when George brought up about Seafield, we believe Seafield is a State regulated facility now, they would be exempt from this law. And again, we don't want to step on the State or the Federal government's toes, if they're doing the job of regulating it we don't want to regulate it. We just want to fill in the void where they're not

doing the job.

**P.O. POSTAL:**

Legislator Caracappa.

**LEG. CARACAPPA:**

Thank you. Just for the record, I need to speak on this, and the two points I was going to make have been said but I'm going to say them again my own way. Because in my communities of Selden, Centereach, Farmingville and the Ronkonkomas that I share with my colleagues, the problem is just -- it's overwhelming on the communities and the difference with relation to quality of life is just that the communities can't take it anymore.

First and foremost with the State, the State government, this Legislature, how many times, how many times do we have to deal with the State government handing down either an unfunded mandate or just absolutely just taking their responsibilities as an elected governmental body and doing absolutely nothing with it, just passing the responsibility and passing the buck. Case in point, I had the Chairman of the committee of the Assembly down in my district doing a meeting on sober homes and all the guy kept saying, this is the Chairman of the committee now from the State, all he kept saying was point -- "Go to your local townships and have them enact housing codes." All they do is pass the buck time and time again. All we have to do is look at it. Medicaid, we can look at -- we took a stand at least once with relation to State-ready inmates, how much was it costing us then? At least we took a stand and we got some money back.

**[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]**

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

We can point to so many different areas for which the State has failed and failed miserably and sober homes is one of them, if not the biggest one.

**LEG. CRECCA:**

Maxine.

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

And with regard -- with regard to what, Paul, what you were saying, it's a legitimate concern, but once the revenue is starting to fall out of the pockets of these profiteers, when we start

regulating, when we have to regulate because the State won't do their jobs, they're going to clean up their act and they're going to clean it up quick, because they're going to be losing a lot of money. And these profiteers, they're not doing anything but possibly sometimes giving these people who need treatment a place to lay their head at night, not even on a pillow and not even on a bed sometimes, usually just on a floor, or even sometimes outside in the bushes. They don't care about the people that are in their houses, they care about the money they're getting for them.

What we need is to clean up these areas. We need to clean up these houses, so that these people who are sick of being supervised, that they get the treatment that they need that they're supposed to be getting, they're getting the counseling that they're supposed to be getting, they're getting the medical treatment that they're supposed to be getting, transportation that's associated with that, job training and possible job placement associated with that. These are all the things that are supposed to happen when someone is trying to get clean and sober, and when it's coming from a sober house and it's coming from a government subsidized one, it should be happening. It's not happening and it's a failure from the top to the bottom. And one more time, the County of Suffolk is going to step in we're going to have to take over where the State has failed time and time again.

We must pass this, and where the chips fall, we'll pick it up and we'll fix it. But, for now, there is no fixing the problem unless we get involved, because the State is asleep at the switch, at the wheel, whatever analogy you want to use. I can't use enough of them. It's time for the Suffolk County Legislature to give relief to these communities.

**(Applause)**

**P.O. POSTAL:**

Legislator Alden.

**LEG. ALDEN:**

I just want to clarify one point. Legislator Towle represented that Senator LaValle said that there's 40 applications in right now?

**LEG. TOWLE:**

Forty-one.

**LEG. ALDEN:**

Forty-one. At 40, with six people each, that's 240 beds, so that would pretty much take care of any displaced people that might occur. And we're also not factoring in those people that would actually complete the program and move on to a regular residence.

**P.O. POSTAL:**

You know, this is all very familiar. A number of years ago, I sponsored a bill establishing standards for congregate emergency shelters, which some of the people here remember. The Department of Social Services opposed it, because they were concerned that by establishing standards like the bill established, they would have trouble placing clients and they would have these clients out on the street. Well, their method of dealing with the problem was to ignore the statute. The first thing they did was to find new terminology, so that while the bill restricted the number of congregate emergency shelters that could exist within, I think it was a two mile radius, they started calling them by other names, so that they didn't fall under the jurisdiction of the bill.

Well, Charvon Davis from my staff and I have been making unannounced visits of congregate emergency shelters, and I need to tell you that of the shelters we have visited, not one has been in compliance with the statute we passed. Now, you need to know that these families, which consist of mainly mothers, but sometimes mothers and fathers and children, do not check against the State Child Abuse Registry, which they were required to do by the statute, for child abuse, they do not check to see whether their employees have been convicted of violent felonies such as rape, they do not do any kind of substance abuse screening, so that the people who are working there with these families are in no way checked to see that they're safe. They're supposed to be providing educational programs, assistance in finding permanent jobs, assistance in finding housing. There was no such thing.

One shelter directed their residents to the Department of Labor. That was great help in finding a job. The same shelter gave its residents a ten-page, very small typed listing of all real estate agents from Queens out to, I don't know where on the East End in Montauk. Didn't give them any information about how to go about trying to find out if there was appropriate housing for them, just gave them the list and it was their job to go check on these things. Not one of them checked to see that their employees were not pedophiles. I could go on and on and on.

Department of Social Services will tell you what's formerly told you, that they really have no choice, because if they closed these houses down, they'd have no place to send these people. Well, there is a different attitude now, and we are hoping to establish shelters with higher standards, and I'm working with the Department of Social Services to do that. I have some thoughts about where that might be done, where it would be appropriate to find those sites, and what agencies, reputable agencies like FECS, Family Service League, Catholic Charities, would be interested, and they have expressed interest in doing that.

The point is that until we establish standards for these places, there are going to be unethical operators who will rip off the County for every dollar that they can get at the expense of people who are unfortunate enough to either be poor or have substance abuse problems. And as long as we keep paying these people, they'll have no incentive to clean up their act.

We all read about Carrie Wilson in Amityville who didn't feed her clients, who shut off the heat at night, so that the house was freezing cold, where there was steel wool stuffed in holes in the walls so that rodents couldn't get out into the rooms, and Social Service response to that was, "We can't do anything, because if we close that down, we'll have no place to send homeless people." Well, that's just not an adequate excuse. As a matter of fact, that's inhumane. And by allowing that to happen, we're actually partners to perpetrating cruelty on people who are unfortunate.

So, I believe that if you make people live up to standards and you make them live up to standards by withholding the money, which is their reward, that they will have to clean up their act, and that the County will have to look for reputable agencies to operate these sober houses, these congregate emergency shelters. But to allow them to continue to abuse people, because we don't have anyplace else to send these people, inhumane.

**(Applause)**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

To pick up on your statement, I don't see any provisions in the legislation, which I support, that would put into place enforcement measures or an enforcement arm within the department to carry out the very mandates that you just referenced with respect to congregate care facilities.

And in the absence of that, we have a paper tiger. We have a forfeiture law, again. We have an example of passing laws that are not going to be followed, because we don't have the means -- now, I'll wait for the Chair to get her attention. We won't have the means --

**P.O. POSTAL:**

Can we have some attention, please?

**LEG. CARACCIOLO:**

Thank you. We won't have the means to carry out really what the real intent of this law is. It's not only about licensing these facilities and requiring them to go through a procedure to site the facilities to gain town approval, that's all well and good, but if we don't have the people in the Health Department and in DSS to enforce these -- the provisions and the fines that we could sanction under the law, again, we just have a paper tiger.

So I'd like it know, and I would hope to see very shortly, that this resolution is approved, and we get beyond the County Executive's disapproval, if he goes in that direction, hopefully, he won't. He is, okay. So the sponsor knows in advance he is. Then we better be able to pass a resolution to override, not only override the veto, but also to put in place the personnel requirements, because, as Dr. Gallagher mentioned, and like Legislator Lindsay, I listened very carefully to what he said.

Another aspect of what he side, Madam Chair, was that the department, through early retirement incentive, does not -- don't have the personnel resources to enforce this proposal. So we need to, you know, give the department and ourselves the hammer, if you will, to make certain that we're not passing a law that looks good, sounds good, but actually will have some applicability to the communities that have been infected with these individuals who are -- fall prey to entrepreneurs for profit at their expense. That's not acceptable. And we're just a contributing factor if we just pass this resolution and we don't put in place the means to enforce it. So I wanted to say that.

But I had a question that goes back to Legislator Tonna's point, and that was these are residential substance abuse treatment centers or facilities, yes? Counsel?

**LEG. FOLEY:**

Houses.

**LEG. CARACCIOLO:**

I understand that.

**MR. SABATINO:**

The law proposes to deal with residential settings.

**LEG. CARACCIOLO:**

Right. So the individuals in these settings, as Legislator Bishop eluded to, there are some in his district that the court has prescribed into three facilities. Typically, how long are these individuals required to participate in these treatment programs? What's the minimum and what is the maximum stay?

**MR. SABATINO:**

It really -- it's going to vary from case to case. I mean, I think it would come down to a large extent to the perceived degree of difficulty or problem that the individual's got. I mean, there's no magic potion that's three months, 90 days, 60 days, whatever.

**LEG. CARACCIOLO:**

So they're unlimited in some cases, unlimited stays?

**MR. SABATINO:**

In the case that Legislator Bishop's talking about, probably the court is doing it on the basis of some kind of a recommendation that the report's being issued by, you know, somebody with a background in the field, so it's not going to be a formula, it's not going to be -- automatically have a 90 day assignment or disposition, it's going to be whatever the recommendation is. I really -- I couldn't say that there's some standard formula or number of days or months or weeks.

**LEG. TOWLE:**

Legislator Postal.

**LEG. GULDI:**

Can I go on the list?

**LEG. TOWLE:**

Just to answer Legislator Caracciolo's question.

**P.O. POSTAL:**

Okay. Go ahead, Legislator Towle.

**LEG. TOWLE:**

Thank you.

**P.O. POSTAL:**

There's a list.

**LEG. TOWLE:**

Yeah. I just want to answer --

**LEG. GULDI:**

I think I'm next.

**LEG. TOWLE:**

I just want to answer his question.

**P.O. POSTAL:**

You're on it, Legislator Guldi.

**LEG. TOWLE:**

You bring up a valid point, Legislator Caracciolo, in reference to enforcement. Budget Review has spoke to the Health Department on repeated occasions, and today there was a final conclusion as to what type of positions would be needed. They're anticipating in the financial impact statement that they would need five additional positions to supervise this. Whether or not, you know, five is the actual number, if it's two or three, I don't know, but they're saying at this point five. That was estimated at a cost of \$300,000. The licensing fee based on 100 homes would generate \$100,000 in fees, and, you know, from that, there would be about a cost of \$200,000 to the County. I'm not sure whether or not these employees would be doing anything else beyond that, so I would be -- you know, I'd guessing at this point, to answer your question. But, clearly, there was no sense of putting positions in the budget and approving

funding without having the law in place.

**LEG. CARACCIOLO:**

I mean, that's key to making this a successful program.

**LEG. GULDI:**

I have a question on the bill.

**P.O. POSTAL:**

I have -- I have you on the list. I'm going to make a motion to extend the meeting until one o'clock.

**LEG. FOLEY:**

Second.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Second by Legislator Foley. All in favor?

**LEG. CARPENTER:**

Roll call.

**P.O. POSTAL:**

Roll call, Henry.

**LEG. GULDI:**

On the motion to extend the -- I just want to make a point. There were a lot of people here to talk on matters that we haven't gotten to yet. I don't think it's fair to us to make them come back and, yet again, repeat their statements to us. I think we should do it, do the agenda tonight --

**P.O. POSTAL:**

Okay.

**LEG. GULDI:**

-- and should extend the meeting.

**P.O. POSTAL:**

Okay. Let's have a roll call.

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

**P.O. POSTAL:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

No.

**LEG. BINDER:**

Pass.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

(Not Present)

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Pass.

**LEG. ALDEN:**

Pass.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. HALEY:**

No.

**LEG. FISHER:**

Yes.

**LEG. TOWLE:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Nope.

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

No.

**LEG. BINDER:**

No.

**LEG. NOWICK:**

No.

**MR. BARTON:**

Legislator Crecca.

**LEG. HALEY:**

Think wife, children.

**LEG. BINDER:**

Yeah, wife.

**LEG. HALEY:**

Wife, children.

**LEG. FOLEY:**

Another 45 minutes, we'll be done.

**LEG. CRECCA:**

No.

**LEG. FOLEY:**

We'll be done in 45 minutes.

**LEG. CARPENTER:**

No.

**LEG. ALDEN:**

No.

**LEG. FOLEY:**

We'll be done in 45 minutes, come on.

**P.O. POSTAL:**

Henry, I hope you're not counting, because you never asked me for my vote.

**MR. BARTON:**

You voted first.

**P.O. POSTAL:**

Did I? I made the motion, but I didn't remember voting.

**MR. BARTON:**

You did.

**P.O. POSTAL:**

Sorry.

**MR. BARTON:**

It's okay.

**LEG. HALEY:**

It's so late you didn't know.

**P.O. POSTAL:**

No, that's not my problem. Go ahead.

**MR. BARTON:**

Nine.

**P.O. POSTAL:**

Okay.

**LEG. TOWLE:**

Motion to extend the meeting to 12:30.

**LEG. FOLEY:**

Second.

**LEG. GULDI:**

Second.

**P.O. POSTAL:**

Okay. There's a motion to extend the meeting until 12:30, seconded by Legislator Guldi?

**LEG. FOLEY:**

No, I second it. Whatever.

**P.O. POSTAL:**

Okay. Roll call.

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

**LEG. TOWLE:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes, I guess.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

No.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

No.

**LEG. FISHER:**

Yes.

**LEG. CARACCIOLO:**

Nope.

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

No.

**P.O. POSTAL:**

Yes.

**MR. BARTON:**

12-6.

**LEG. FOLEY:**

Okay, thirty-five minutes.

**LEG. LINDSAY:**

Let's go.

**LEG. FOLEY:**

Thirty-five minutes.

**LEG. BISHOP:**

Call the question.

**LEG. GULDI:**

On this motion, just one question for Counsel.

**P.O. POSTAL:**

Okay.

**LEG. GULDI:**

Mr. Sabatino --

**P.O. POSTAL:**

Last question.

**LEG. GULDI:**

There's been discussion of both waiver and exemption provisions. Are there any under the bill? I've looked at it, I've read it three times, I don't see any.

**MR. SABATINO:**

No waiver, no exemption.

**P.O. POSTAL:**

Okay. There's a motion and a second. All in favor?

**LEG. TONNA:**

This is the sober house bill?

**P.O. POSTAL:**

Yes.

**LEG. TONNA:**

I think I was asked to be recognized.

**P.O. POSTAL:**

There's a long list and we will never get to half of what's left here, so I'm going to move ahead.

**LEG. TONNA:**

So, we're not going to -- we're not going to -- so, do you want to end debate? Do you want to make a motion --

**P.O. POSTAL:**

Yes.

**LEG. TONNA:**

-- to end debate?

**LEG. CRECCA:**

Yeah, make the motion, though, because --

**P.O. POSTAL:**

Well, I don't think I have to make a motion, I think I can just call for a vote on it.

**LEG. CRECCA:**

Well, then why did you take a list, then?

**P.O. POSTAL:**

Because I didn't realize that nobody was going to vote to extend this meeting until one o'clock, when we have people who have been waiting here forever and we have important issues.

**LEG. CARACCILO:**

Point of order.

**LEG. TONNA:**

This is an important issue.

**LEG. CRECCA:**

Point of order. Counsel, can the Chair unilaterally end debate?

**MR. SABATINO:**

No. To end debate takes a two-thirds vote.

**LEG. CARACCIOLO:**

A motion.

**LEG. CRECCA:**

Correct.

**LEG. TONNA:**

A motion and a second.

**LEG. CARACCIOLO:**

That's right.

**LEG. FOLEY:**

Move the question.

**P.O. POSTAL:**

Okay.

**LEG. FOLEY:**

Move the question.

**P.O. POSTAL:**

I will --

**LEG. FOLEY:**

Move the question.

**P.O. POSTAL:**

-- make a motion to end debate and go to roll call.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Second by Legislator Haley.

**LEG. TONNA:**

Roll call.

**P.O. POSTAL:**

Roll call.

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

**P.O. POSTAL:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Nope.

**LEG. BINDER:**

Pass.

**LEG. BISHOP:**

On passage? Yes.

**LEG. GULDI:**

No.

**LEG. CRECCA:**

To end debate.

**LEG. COOPER:**

End debate.

**LEG. BISHOP:**

Oh, yes. Yes, to end debate.

**LEG. CARACCIOLO:**

You want to stifle debate, Dave? You want to stifle debate?

**LEG. NOWICK:**

Abstain.

**LEG. BISHOP:**

I just want to go back to it. I want to suspend it and go back.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Pass.

**LEG. ALDEN:**

Pass.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. FISHER:**

Yes.

**LEG. TOWLE:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACCIOLO:**

Certainly.

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

Yes, to end debate.

**LEG. BINDER:**

No.

**LEG. CRECCA:**

Abstain.

**LEG. BISHOP:**

Change my vote to a no, please.

**LEG. CARPENTER:**

No.

**LEG. ALDEN:**

No to end debate.

**LEG. BISHOP:**

But I'd like to debate the ending debate for a half hour.

**MR. BARTON:**

12-5, and one abstention.

**P.O. POSTAL:**

Okay. All right. Let's move on. We have a motion to approve and a second. All in favor?

**LEG. CARPENTER:**

Roll call.

**P.O. POSTAL:**

Roll call.

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

**LEG. TOWLE:**

Yes.

**LEG. CARACCIOLO:**

Pass.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

No.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Pass.

**LEG. NOWICK:**

Pass.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Pass.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Yes.

**LEG. FISHER:**

Yes.

**LEG. GULDI:**

No.

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

Absolutely, yes.

**P.O. POSTAL:**

Yes.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Abstain.

**LEG. CARPENTER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. BISHOP:**

14.

**MR. BARTON:**

14-3, one abstention.

**P.O. POSTAL:**

Okay. 2246 is approved. We have already approved 1266.

**ENVIRONMENT, LAND ACQUISITION & PLANNING**

Environment, Land Acquisition and Planning. **1074 - To penalize the illegal clearing or building in the Suffolk County Pine Barrens.**

Legislator Cooper?

**LEG. COOPER:**

Motion to approve.

**LEG. CARACCIOLO:**

Second.

**P.O. POSTAL:**

Motion to approve.

**LEG. FOLEY:**

Second the motion.

**P.O. POSTAL:**

Second by Legislator Caracciolo.

**LEG. CRECCA:**

Motion to table.

**P.O. POSTAL:**

Motion to table --

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

-- Legislator Crecca. Second by -- who was that? Legislator Haley.

**LEG. GULDI:**

Roll call.

**P.O. POSTAL:**

Motion to table takes precedence.

**LEG. CARPENTER:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Carpenter.

**LEG. CARPENTER:**

I would just like an --

**LEG. FIELDS:**

You're not on.

**LEG. CARPENTER:**

I would just like an explanation.

**LEG. FOLEY:**

Explanation of the tabling motion or explanation of the bill?

**LEG. CARPENTER:**

No, the bill.

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

Taking the power away from the towns to do enforcement.

**LEG. FOLEY:**

Well, the sponsor should, but I think, the way that I read it is, quite frankly, we've seen examples in the past where the townships have not lived up to their responsibilities, so it's fallen upon the town -- the County to --

**P.O. POSTAL:**

Legislator Foley --

**LEG. FOLEY:**

-- move forward with the legislation.

**P.O. POSTAL:**

-- I think Mr. Sabatino is prepared to explain the bill.

**LEG. FOLEY:**

Well, then let's hear it.

**MR. SABATINO:**

This legislation would amend existing legislation which already deals with illegal dumping in

Suffolk County. But, in this case, it would impose penalties for illegal building or clearing in the Pine Barrens, with penalties to be unclassified misdemeanor penalties of up to \$10,000 and up to one year imprisonment, and subject to the same bounty hunter provisions that apply to the already existing provisions.

**P.O. POSTAL:**

Legislator -- I'm sorry, Legislator Foley?

**LEG. FOLEY:**

I'm done.

**P.O. POSTAL:**

Legislator Crecca.

**LEG. CRECCA:**

Yeah. I just would tell my colleagues that there's currently a bill pending I believe in the State Senate, as well as the Assembly, in the -- I think one is sponsored by Assemblyman DiNapoli and the other one is by Senator LaValle, which those bills are pending to provide penalties and enforcement for violations -- I'm sorry, I'm tired -- for Long Island --

**LEG. HALEY:**

You voted to extend.

**LEG. CRECCA:**

-- Pine Barrens. Only until 12:30.

**LEG. FOLEY:**

That's fine.

**LEG. CRECCA:**

I think that it would be duplicative of us, especially when my understanding, from at least talking to the Senator, is that these have a very strong likelihood of passing, which would supersede us anyway. And I would ask that we table this and allow this session to play out.

**LEG. FOLEY:**

Let's blaze the trail.

**LEG. VILORIA-FISHER:**

A Question for Counsel.

**P.O. POSTAL:**

Legislator Fisher.

**LEG. VILORIA-FISHER:**

Counsel, Paul, if we were to pass this and then the State law were to be passed, does this have a preemption clause in it? Would there be an automatic preemption?

**MR. SABATINO:**

It depends how the State bill is worded. If the State bill is worded with an explicit superseding clause, then you would be preempted, but if it's written with just normal language, then you'd have two sets of penalties that could be imposed. So, it depends on how the State bill is worded. I don't know what the State --

**LEG. FISHER:**

It would seem to me that we should pass this to protect the Pine Barrens. And if the State legislation is overarching, then there would probably be a preemption based on the language.

**P.O. POSTAL:**

In a case like this, it will be based on the wording, it won't be automatic. It will require some kind of affirmative provision in the State bill. Also, the corrected copy made the penalty 25,000. I wanted to correct the record, I said 10,000. It was originally 10,000, it was increased.

**LEG. FOLEY:**

Let's blaze the trail.

**LEG. CARACCILOLO:**

Madam Chair.

**P.O. POSTAL:**

Well, I was -- I will recognize you after --

**LEG. CARACCIOLO:**

Thank you.

**P.O. POSTAL:**

-- I make my point. I think that -- I commend Legislator Cooper for making this initiative. I just think that there are other initiatives out there and I would -- I don't know if you've spoken with, for example, Assemblyman DiNapoli. I would hope that that would take place. I wouldn't want to see us in a situation of competing initiatives. So I would really like to see us table this and make that initiative, reach to the State.

**LEG. COOPER:**

I disagree. I have no idea how the State bill is going to be written and whether it's going to be approved and when that may take place. If it supersedes our County initiative, then so be it. The Towns of Brookhaven and Riverhead have also apparently been working on local legislation that would impose fines similar to what I'm proposing.

**P.O. POSTAL:**

Okay. Legislator Cooper --

**LEG. GULDI:**

Call the question

**P.O. POSTAL:**

There are number of --

**LEG. COOPER:**

And the County law would not preclude the Towns --

**P.O. POSTAL:**

I understand, but there are --

**LEG. COOPER:**

-- from enacting their own, nor the State.

**P.O. POSTAL:**

There are a number of people who have asked to be recognized, so I would certainly put you on a list, although you've already made your point. Legislator Crecca.

**LEG. CRECCA:**

I spoke already.

**P.O. POSTAL:**

Legislator, okay, Foley.

**LEG. FOLEY:**

You know, we've heard the word "duplication", now it's complimentary. We can pass it, others can -- have passed it already, the townships. If the State passes it, you know --

**LEG. BISHOP:**

Everybody's passing it.

**LEG. FOLEY:**

In this case, the more, the merrier. I mean, if there's different provisions, not duplicative in this case, I think it would be complimentary. And the fact of the matter is that this is to address a wrong that's existed up to this point. I salute the sponsor for putting the bill in. It was only after the sponsor put the bill in that the townships own up to the -- own up to the problem, which still isn't wholly addressed, and which is why we need to pass this tonight.

**LEG. ALDEN:**

Point of order.

**P.O. POSTAL:**

Point of order, Legislator Alden.

**LEG. ALDEN:**

Are we debating the tabling motion right now or the bill?

**P.O. POSTAL:**

The bill.

**LEG. FOLEY:**

The merits of the bill.

**LEG. ALDEN:**

Because what motion is before use, then?

**LEG. CRECCA:**

Tabling motion.

**P.O. POSTAL:**

Henry.

**LEG. ALDEN:**

Okay.

**MR. BARTON:**

Tabling. There's a tabling motion.

**P.O. POSTAL:**

Legislator Caracciolo, did --

**LEG. CARACCIOLO:**

If we're on a tabling motion, I'll wait until the --

**P.O. POSTAL:**

Okay.

**LEG. CRECCA:**

Yeah, let's see if we --

**P.O. POSTAL:**

What's the motion, to table?

**MR. BARTON:**

Motion to table. Legislator Crecca.

**P.O. POSTAL:**

Okay. All in favor? Opposed?

**LEG. COOPER:**

Opposed.

**LEG. CARACCILO:**

Roll call, roll call, roll call.

**LEG. CARPENTER:**

Roll call.

**P.O. POSTAL:**

All right. Roll call.

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

**LEG. CRECCA:**

Yes, to table.

**LEG. HALEY:**

Yes, to table.

**LEG. COOPER:**

No, to table.

**LEG. TONNA:**

No.

**LEG. BINDER:**

(Not Present)

**LEG. BISHOP:**

Pass.

**LEG. NOWICK:**

Yes, to table.

**LEG. CARPENTER:**

Pass.

**LEG. ALDEN:**

Yes, to table.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

No.

**LEG. FISHER:**

No.

**LEG. TOWLE:**

Yes, to table.

**LEG. GULDI:**

Pass.

**LEG. CARACCILO:**

No, to table.

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

Yes, to table.

**P.O. POSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

No.

**LEG. CARPENTER:**

Yes.

**LEG. GULDI:**

Yes.

**MR. BARTON:**

11-7.

**P.O. POSTAL:**

Okay. 1074 is tabled. **1107 - (Authorizing) Planning steps for implementing Greenways Program in connection with acquisition of active parklands at 2295 Great Neck Road, Copiague, Town of Babylon.** Motion to approve.

**LEG. HALEY:**

Second.

**LEG. BISHOP:**

Second.

**P.O. POSTAL:**

Second by Legislator Haley. All in favor? Opposed?

**P.O. POSTAL:**

Okay. 1107 --

**MR. BARTON:**

18.

**P.O. POSTAL:**

1107 is approved. **1221 - Authorizing planning steps for acquisition Under Suffolk (County Multifaceted Land Preservation Program (Ridgehaven Estates LLC Property) Town of Brookhaven).**

**LEG. HALEY:**

Motion.

**LEG. TOWLE:**

Table.

**P.O. POSTAL:**

Wait, wait, wait. Motion by Legislator Haley, second by Legislator Towle. All in favor?  
Opposed?

**MR. BARTON:**

18.

**P.O. POSTAL:**

1221 is approved. **1240 - Making a SEQRA determination in connection with the proposed dog run at Coindre Hall, Town of Huntington.** Approved 4-1-0-1. Motion by myself, seconded by Legislator Cooper. All in favor?

**LEG. CARPENTER:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Carpenter.

**LEG. FOLEY:**

It's a SEQRA.

**LEG. CARPENTER:**

I know it is. Thank you. I just wanted to ask the sponsor while we have the bill before us, and I'm not on that committee, this is just specifically for Coindre Hall?

**LEG. COOPER:**

Yes, it is.

**LEG. CARPENTER:**

Okay. Thank you.

**P.O. POSTAL:**

Okay. Legislator Caracappa?

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

Yeah. The SEQRA determination was a neg dec Type II action?

**LEG. COOPER:**

Correct.

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

Okay. Thank you.

**P.O. POSTAL:**

Okay. We have a motion and a second to --

**LEG. BINDER:**

No, no, no.

**P.O. POSTAL:**

Legislator Binder.

**LEG. BINDER:**

He asked my question.

**P.O. POSTAL:**

We have a motion and a second to approve 1240. All in favor? Opposed?

**LEG. BINDER:**

Opposed.

**LEG. ALDEN:**

Abstain.

**P.O. POSTAL:**

Abstain -- opposed by Legislator Binder, abstain by Legislator Alden.

**MR. BARTON:**

16-1, and 1 abstention.

**P.O. POSTAL:**

1240 is approved. **1276 (Authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Suffolk County Multifaceted Land Preservation Program).**

**LEG. CARACCILO:**

Motion.

**LEG. TOWLE:**

Second.

**P.O. POSTAL:**

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

**MR. BARTON:**

18.

**P.O. POSTAL:**

1276 is approved. **1277 - (Authorizing the acquisition of development rights to farmlands by the County of Suffolk under the 1/4% Drinking Water Protection Program).**

**LEG. CARACCIOLO:**

Same motion.

**LEG. TOWLE:**

Same second.

**P.O. POSTAL:**

Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. POSTAL:**

**1279 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (Duke Property- Town of East Hampton)).**

**LEG. CARACCIOLO:**

Same motion.

**LEG. GULDI:**

Motion.

**LEG. CARACCIOLO:**

This is your motion.

**LEG. GULDI:**

Yeah, this is --

**P.O. POSTAL:**

Whoops.

**LEG. GULDI:**

Yeah. But point of order. Before we could move 1279, the revised motion is Procedural Motion Number 4 has been distributed and I'll move to approve Procedural Motion Number 4, which makes the determination on the appraisals that we had extensive discussion about that we agree to put up one-half of what the mean value of our appraisals are, which is actually 47% of the purchase price, notwithstanding the fact that one of our certified appraisers testified that if they adjusted their price, the actual mean appraisal would become 12.6 million dollars. We are essentially partnering the purchase of the parcel by putting up less than half the money. This is required because of our implementation of our new rules. It's a fine acquisition. I urge you all to join me in supporting it and supporting the procedural motion that's required to do the acquisition.

**P.O. POSTAL:**

All right. There's a motion --

**LEG. BISHOP:**

Second.

**P.O. POSTAL:**

To approve by Legislator Guldi, seconded by Legislator Bishop. All in favor?

**LEG. CRECCA:**

On the motion.

**P.O. POSTAL:**

On the motion, Legislator Crecca.

**LEG. CRECCA:**

Yeah. This is the -- I know we debated this a lot earlier, so I'm not going to try to prolong this, but I just want to make it clear. The appraised value, we're talking about paying a value overall between the Town's share and the County share that exceeds the fair market value in the appraisal; correct?

**LEG. GULDI:**

We're talking about --

**LEG. CRECCA:**

My question is directed --

**LEG. GULDI:**

-- putting up 5.8 million --

**LEG. CRECCA:**

With all due --

**P.O. POSTAL:**

Wait, wait, wait.

**LEG. GULDI:**

-- of a 12 million dollar purchase.

**LEG. CRECCA:**

Could I just finish, George?

**P.O. POSTAL:**

Let Legislator Crecca finish his question.

**LEG. CRECCA:**

I'll be happy to let you speak, I'll yield to you in a minute, but just let me -- I just -- I'm just asking Counsel, is that correct, and that's why it requires a two-thirds vote?

**MR. SABATINO:**

That's correct, Legislator Crecca.

**LEG. CRECCA:**

Okay.

**LEG. BISHOP:**

That's not correct. That's not -- that statement isn't inaccurate.

**P.O. POSTAL:**

Wait a minute. Wait, wait, wait.

**MR. SABATINO:**

We are paying -- this resolution is approving an appraised value in excess of the mean value. The mean value is 11.6 million.

**LEG. BISHOP:**

Okay.

**MR. SABATINO:**

This is approving an acquisition at 12 million. That's exactly what Legislator Crecca said --

**LEG. BISHOP:**

It's not exactly.

**MR. SABATINO:**

-- except that I'm adding the 12 million dollar figure.

**LEG. BISHOP:**

We could do a read-back, because that's not exactly what he said.

**P.O. POSTAL:**

Well, let's not debate what the question was. Our Counsel is clarifying the issue regardless of what the question was, so we now understand what the issue is.

**LEG. CRECCA:**

I understood Counsel's answer, so I'm satisfied with the answer to my question, so --

**P.O. POSTAL:**

Okay.

**LEG. BISHOP:**

We all understand each other.

**LEG. GULDI:**

Call the question.

**P.O. POSTAL:**

Okay. There's a motion to approve and a second. All in favor?

**LEG. BINDER:**

Roll call.

**P.O. POSTAL:**

Roll call.

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

**LEG. GULDI:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. COOPER:**

Yep.

**LEG. TONNA:**

Yeah.

**LEG. BINDER:**

Abstain.

**LEG. NOWICK:**

Abstain.

**LEG. CRECCA:**

Abstain.

**LEG. CARPENTER:**

Abstain.

**LEG. ALDEN:**

Pass.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Abstain.

**LEG. FISHER:**

Yes.

**LEG. TOWLE:**

Yes.

**LEG. CARACCIOLO:**

Abstain.

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

Yes.

**LEG. GULDI:**

Motion to table.

**LEG. VILORIA-FISHER:**

Second.

**P.O. POSTAL:**

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

**LEG. GULDI:**

Counsel, because Procedural Number 4 is tabled --

**MR. BARTON:**

18.

**LEG. GULDI:**

-- 1279 is required to be tabled?

**MR. SABATINO:**

Correct, Legislator Guldi.

**P.O. POSTAL:**

Well, let's just -- all in favor?

**MR. BARTON:**

18.

**P.O. POSTAL:**

18? Procedural motion is tabled. There's a motion to table 1279 and I'll second that. All in favor? Opposed? 1279 is tabled.

**MR. BARTON:**

18.

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

**P.O. POSTAL:**

Moving to Ways and Means. **1134 (Authorizing the extension of a lease of premises located at 1140 Motor Parkway, Hauppauge, NY for the Department of Social Services).** Approved 4-1-2-0. Is there a motion?

**LEG. FISHER:**

Motion.

**P.O. POSTAL:**

Motion.

**LEG. CRECCA:**

What was the vote out --

**LEG. VILORIA-FISHER:**

No, no, I'm sorry.

**LEG. CRECCA:**

I'm sorry, I apologize.

**P.O. POSTAL:**

The last one?

**LEG. CRECCA:**

Yeah. I was in committee and I just --

**P.O. POSTAL:**

What was the --

**LEG. CRECCA:**

On 1140, you just read it.

**P.O. POSTAL:**

Oh, the committee vote was 4-1-2-0.

**LEG. CARACCIOLO:**

I was the one.

**LEG. FOLEY:**

On the motion.

**P.O. POSTAL:**

The one was opposed. You were the one? Okay.

**LEG. CRECCA:**

Legislator --

**P.O. POSTAL:**

I'm sorry.

**LEG. FOLEY:**

One was opposed? I'm sorry.

**LEG. CRECCA:**

Legislator Caracciolo, would you just share with us again the reasons for that?

**LEG. CARACCIOLO:**

I think there has been a longstanding history about lease agreements in this County, and I for one am reluctant to approve this lease extension.

**P.O. POSTAL:**

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

**LEG. VILORIA-FISHER:**

No.

**P.O. POSTAL:**

No?

**LEG. TOWLE:**

Roll call.

**LEG. VILORIA-FISHER:**

On the motion.

**LEG. TOWLE:**

Do a roll call.

**LEG. FOLEY:**

Madam Chair.

**P.O. POSTAL:**

Yes.

**LEG. FOLEY:**

I have a question. 4-1-2, it was two absent or two abstentions?

**P.O. POSTAL:**

It's -- let me see.

**MS. BURKHARDT:**

Two abstained.

**P.O. POSTAL:**

It was -- this is the lease? Four in favor, one opposed --

**LEG. FOLEY:**

Two abstained.

**P.O. POSTAL:**

Two abstention, and that was it.

**LEG. FOLEY:**

All right. So, in essence, 4-3, for those of who abstained, we heard from a Legislator who opposed it. The other two who abstained, what were the reasons for abstention -- well, for not

supporting the bill?

No, I don't know.

**P.O. POSTAL:**

Well, I don't know if they --

**LEG. FOLEY:**

Who are the two that abstained?

**P.O. POSTAL:**

I don't know who the two who abstained were, and if they would like to share that. Obviously, nobody is responding.

**LEG. FOLEY:**

Since we're meeting -- Madam Chair, since we're meeting in another two weeks and it is now 12:15, and I think there are some other answers --

**LEG. CARACCIOLO:**

Motion to table.

**LEG. FOLEY:**

I'll second the motion to table.

**P.O. POSTAL:**

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

**LEG. HALEY:**

Opposed.

**P.O. POSTAL:**

1134 is tabled.

**MR. BARTON:**

17-1.

**P.O. POSTAL:**

1135.

**LEG. FISHER:**

Henry, I'm opposed also.

**MR. BARTON:**

16-2.

**P.O. POSTAL:**

**(1135) - A Local Law to restrict purchase of sports utility vehicles (SUV) by Suffolk County.**

**LEG. BINDER:**

Motion.

**MR. SABATINO:**

A corrected copy was filed today, so it has to be tabled.

**P.O. POSTAL:**

Oh, it has to be tabled.

**LEG. HALEY:**

Second.

**P.O. POSTAL:**

Motion to table by Legislator Binder, second by Legislator Alden.

**LEG. CARPENTER:**

On the motion.

**P.O. POSTAL:**

On the motion.

**LEG. CARPENTER:**

I just have a question for the sponsor on this resolution. Is there any exemptions for public safety?

**LEG. BINDER:**

There isn't currently. There's a discussion on. That's one of the reasons I want it tabled, because -- and there's been a change or a couple of more changes coming and that one's being discussed, but I didn't do that.

**LEG. HALEY:**

On the motion.

**LEG. CARPENTER:**

Because I would just like to bring your attention for the Marine Bureau in particular, those that patrol the barrier beach. It's absolutely essential that they have SUV's, the same with many of the park --

**LEG. BINDER:**

Right. But while that's true, it is also true that they can come and justify that and we can get them the SUV's, so --

**LEG. CARPENTER:**

But then again, I just feel --

**P.O. POSTAL:**

Legislator Binder, Legislator Carpenter --

**LEG. BINDER:**

That's the idea.

**P.O. POSTAL:**

-- let's not have a debate.

**LEG. BINDER:**

Okay.

**P.O. POSTAL:**

If you have a comment or question, that's fine.

**LEG. BINDER:**

But that's being looked at.

**P.O. POSTAL:**

Legislator Haley.

**LEG. HALEY:**

Legislator Binder.

**LEG. BINDER:**

Yes.

**LEG. HALEY:**

I would like to see a definition of "SUV" placed in that as well, I mean, and, you know --

**LEG. BINDER:**

It's a SUV.

**LEG. HALEY:**

-- Legislator Bishop would say he'd like to see transparency, but it's really ambiguity. I would like so see it be a little bit more definitive on what and SUV is.

**P.O. POSTAL:**

All right. We have a motion to table, I believe, and a second. All in favor? Opposed?

**MR. BARTON:**

18. It's tabled.

**P.O. POSTAL:**

Okay. 1135 is tabled. We did approve 1271 in Budget.

**1116 - Amending the Operating Budget transferring funds to HUGS, (Inc., Cornell**

**Cooperative Extension Association and Suffolk Y Jewish Community Center and Cedar Beach Youth Project (Summer Nights Program).**

**LEG. TONNA:**

Motion.

**P.O. POSTAL:**

A motion by --

**LEG. TONNA:**

No, no, on the motion.

**P.O. POSTAL:**

Well, there's a -- let's get a motion first. Okay. I'll make a motion, seconded by Legislator Caracciolo.

**LEG. HALEY:**

On the motion, too.

**P.O. POSTAL:**

On the motion?

**LEG. HALEY:**

On the motion, too.

**LEG. TONNA:**

Yes, on the motion.

**P.O. POSTAL:**

Legislator Haley.

**LEG. HALEY:**

He was first, so --

**P.O. POSTAL:**

Oh, okay. Legislator Tonna, then Legislator Haley.

**LEG. TONNA:**

I would just like to ask Budget Review, we'll start with how much money is this totally?

**MR. POLLERT:**

It is a total of -- you just lost it -- \$660,000.

**LEG. TONNA:**

Six hundred and sixty thousand dollars.

**MR. POLLERT:**

That's correct.

**LEG. TONNA:**

Okay.

**MR. SABATINO:**

No, it's six-seventy-one, I think.

**LEG. TONNA:**

Six-seventy-one? How much of this -- how is it proportioned from HUGS, Cornell Cooperative Extension, and the Suffolk Y Jewish Community Center --

**MR. POLLERT:**

There is --

**LEG. TONNA:**

And Cedar Beach Youth Project?

**MR. POLLERT:**

The bulk of the money goes to the Jewish Y, \$500,000, Cornell Cooperative Extension, \$120,000, HUGS gets \$40,000, and then the remainder goes to Cedar Beach.

**LEG. TONNA:**

Okay. What is the Suffolk Y Jewish Community Center, what are the programs?

**MR. POLLERT:**

They had sent a letter of explanation to the Presiding Officer. They're basically doing family programs.

**LEG. TONNA:**

Family programs?

**MR. POLLERT:**

Yes.

**P.O. POSTAL:**

They -- if I could clarify just briefly.

**LEG. TONNA:**

Sure.

**P.O. POSTAL:**

They have programs for senior citizens that assist senior citizens with some of the difficulties that they have that are health related, that are -- I guess they're all health related, because some are related to their mobility, some are related to the fact that they need care at some point during the day. They have child care programs, they have programs for the disabled, they have programs for the mentally disabled, and there is a long list. I think I provided it to Henry to distribute as backup. Henry?

**LEG. TONNA:**

Well, this is -- this is my concern. My concern, why didn't we address this in the budget? This is a huge sizable amount of money.

**P.O. POSTAL:**

Right.

**LEG. TONNA:**

We have -- we all, through the Legislative process, go painstakingly through what our priorities

are, what community programs are. To take a half a million dollars and then to add other -- it looks like to me that you have half a million dollars here, then you add some programs, so that we can get some other people to vote together as a package. We have contingency money. We've already gone through a program. Why do we have to, at a million a year, find an offset and do this? What is the need right now in the middle of a huge budget crisis? And I just ask, Fred, what are we projecting as our budget shortfall for the Year 2003?

**MR. POLLERT:**

We're currently looking at the neighborhood of about 100 million dollars.

**LEG. TONNA:**

So we're looking at over -- we're looking at a budget shortfall of 100 million dollars. We're looking at -- and each of us have gotten calls from Social Service agencies, not-for-profit organizations saying how much they need, and here, right now, we're going to spend 600 and something thousand dollars and 500,000 in a new program, and, you know, new programs. I mean, is this the time to do that? Isn't it the time to address these issues through the budget process?

Why, if we have -- if we have a surplus, why aren't we putting that to some of the agencies that have been shorted, some of the agencies that are not getting money that have existing programs who have had to cut back? And we know all of those programs. Why are we trying to create a new program, or set up a half a million dollars for a new program? And why are we putting this together with three other programs? Why aren't these each separately voted on as a separate program and up and down on the merits of each of these programs?

This is not like a contingency fund where we've already basically have decided, Legislators have decided the dollar amount of how much would be extended and then say, "Okay, here are some of the programs that we're going to do"? This is a huge amount of money with a hundred thousand dollar deficit. Why now?

**LEG. BISHOP:**

A hundred thousand dollar deficit?

**LEG. TONNA:**

A hundred million dollar deficit. I apologize. A hundred million dollar projected deficit and we're

looking to put an extra \$600,000. How do we justify that right now?

**P.O. POSTAL:**

Well, if I could respond to you.

**LEG. TONNA:**

Yes.

**P.O. POSTAL:**

If I'm correct, the Budget Review has indicated that with the changed proposal for funding the pension, and with the increased revenue that was received from sales tax, we're not anticipating a problem in 2003. As a matter of fact, we're anticipating a small surplus in 2003. That's number one. We do have to address 2004, and that's something that we've been working on and will continue to work on.

With regard to the individual programs, there were many programs that were funded in our omnibus budget, for example, the Cornell Cooperative Extension programs that the County Executive ended up cutting, so that we're trying to restore some of these programs. HUGS was just overlooked, completely overlooked. So I'm going to call for a roll call before the meeting ends.

**LEG. BINDER:**

Madam Chair.

**LEG. HALEY:**

I'm next, right?

**P.O. POSTAL:**

Roll call.

**LEG. BINDER:**

No. Madam Chair.

**LEG. TONNA:**

How can you -- whoa. You have to --

**LEG. HALEY:**

Wait a minute. Wait a minute.

**LEG. TONNA:**

You have to have a vote.

**LEG. HALEY:**

Wait a minute.

**LEG. TONNA:**

You have to have a vote --

**LEG. BINDER:**

On the motion.

**LEG. TONNA:**

-- to suspend debate, or whatever it is, to end debate.

**LEG. HALEY:**

Ten minutes. I have something to say.

**LEG. TONNA:**

That's what the rule is.

**LEG. BISHOP:**

Motion to extend the meeting for 15 minutes to --

**LEG. HALEY:**

No, wait a minute. Whoa. Hold it, hold it.

**LEG. BINDER:**

No, no.

**LEG. BISHOP:**

Then we don't have to rush.

**LEG. HALEY:**

I'm on the list, right?

**LEG. BISHOP:**

Right. Then everybody can have their say.

**LEG. HALEY:**

I'm not looking to delay, I have --

**P.O. POSTAL:**

Okay.

**LEG. HALEY:**

-- something significant to say.

**P.O. POSTAL:**

Let's -- well, first of all, Legislator Tonna has the floor, so if we're going keep debating this --

**LEG. HALEY:**

He's finished.

**LEG. TONNA:**

No, I'm not finished.

**P.O. POSTAL:**

No, he's not finished.

**LEG. TONNA:**

I have a question of Budget Review. The Presiding Officer said that we're going to have a surplus in the Year 2003, a small surplus; is that what you're predicting?

**MR. POLLERT:**

For 2003, we're looking for a break-even at this point in time. The problem is in 2004,

approximately the 100 million dollars.

**LEG. TONNA:**

Okay. And I just want to ask Presiding Officer Postal, HUGS was overlooked, Cornell Cooperative Extension was shorted, how do we get an additional \$500,000 for new programs for the Suffolk Y Jewish Community Center? How do we do that?

**P.O. POSTAL:**

I can answer that. I can answer that easily. You know, what I was looking over the budget, and I, first of all, was contacted by the JCC, which is the Suffolk Jewish Y, and told that they don't receive any funding whatsoever and they really do need funding for their programs. I looked through the budget and I found that the YMCA was funded last year for \$676,000.

**LEG. TONNA:**

Who did that?

**P.O. POSTAL:**

And while I'm not saying that one is more worthy than the other, I think that there's something inequitable when the YMCA is funded for \$676,000 and the JCC, which is the Jewish Y, is funded for zero, so --

**LEG. TONNA:**

But what is that analogy? What do you mean, that there's a Christian-Jewish thing going on or --

**P.O. POSTAL:**

No, no.

**LEG. TONNA:**

I want to get an idea. I've

**P.O. POSTAL:**

I can --

**LEG. TONNA:**

I have never funded anything for the YMCA.

**P.O. POSTAL:**

Well, nobody --

**LEG. TONNA:**

So I want to know where -- why -- in other words, there is one group that, because something gets funded for something -- I don't know what it is. Fred, what does the YMCA get? What do they do it for? What do we do \$600,000 for them for?

**MR. POLLERT:**

Primarily in mental health. What they have is they have prevention services in classrooms, assembly presentations and --

**LEG. TONNA:**

Who put those in? Is that something that Gaffney put in or --

**MR. POLLERT:**

It comes from the Community Mental Health through the Health Department.

**LEG. TONNA:**

Okay. So that hasn't been the -- I'm just wondering where's the analogy? How does one equal the other? By the way, if this is classroom program, smoking cessation, things like that, I'll remove the money from that. I don't think that's a good expenditure of money either. But what does -- what does the YMCA have to do with the new programs in the middle of the year for the Suffolk Y Jewish Community Center? How are they analogous? And why should we be funding it in the middle of the year when we have -- we have a budget process. And I could see -- I could see, you know, we shorted somebody on something that they're anticipating, but we haven't shorted five hundred -- a half a million dollars at a time when we're in a budget crisis. That's the concern that I have.

**P.O. POSTAL:**

All right. Legislator Haley, quick, quick.

**LEG. BINDER:**

Madam Chair.

**LEG. HALEY:**

The offset is retirement, all right, and while retirement is a very significant problem for us, not perhaps in this year, also next year, I just have a very simple question, Madam Chair. I would like the County Exec's Office to give us a quick overview of the retirement situation, because that's the offset that you're looking for.

**P.O. POSTAL:**

Okay. Well, why don't you ask Budget Review.

**LEG. HALEY:**

No, I --

**P.O. POSTAL:**

Because there are people.

**LEG. HALEY:**

No. I'm asking the County Exec's Office.

**P.O. POSTAL:**

Okay. Okay.

**LEG. HALEY:**

And Budget Review can be more than happy to respond to it.

**P.O. POSTAL:**

Go ahead.

**MR. KNAPPE:**

Yes. Thursday I sat in on a seminar where Mike Clanahan, who is our representative up in Albany working on behalf of the Retirement System, that both Budget Review and the Budget Office calls on a regular basis for updates. It is their office that submits their bills and invoices to the County for the retirement bills.

The estimates that I believe that Budget Review were just talking about, as far as where we

stand in 2003, is assuming that the Comptroller's plan, as presented with capping, the percentages --

**P.O. POSTAL:**

Okay.

**MR. KNAPPE:**

Everything is assuming that the Comptroller's plan will be adopted at the State -- at the State level, with the Assembly and the Senate signing off on it. Mike Clanahan reported to the group on Thursday not to assume that, that we still must go forward in 2003 with the numbers that his office supplied us with the bills and the invoices. That means that we will be looking at about 104 million still for our retirement bill. We are not out of the woods yet with this solving the retirement system. There is no plan that has been adopted. We have been cautioned and warned not to assume that.

**LEG. FOLEY:**

Well, they got to get their act together then.

**P.O. POSTAL:**

Okay. Legislator Binder.

**LEG. BINDER:**

Yeah. Madam Chair, I'm probably going to surprise the Chair. We haven't -- we haven't spoken too much on this of late. I've been looking at the budget. I'm very concerned about where we're headed and where we're going. And on this one I'm particularly pained in that I have a problem at this point supporting it.

I looked at what the YMCA is getting as -- and I think there are, there are two sides, and I understood that, I went to look at it. And the truth is I think it's probably inappropriate, because the list of things that they're doing probably is not something that this County in a fiscal crisis needs, putting assemblies together, groups together. It sounds very feel-good for \$600,000. So what I'm going to do, rather than adding 500,000 to this, I think whatever's left in that pot, I would hope that the Legislature will support me, whenever the next Davis budget amendment comes in, I'm going to put in a legislation to cut that funding to the YMCA. It's inappropriate in these times. Because I can't not support something like the JCC and then say

that it's okay to have this other program that it doesn't seem we need it.

It is painful to me, because I've been personally one who has put money in, member item, whatever we do, over the years, I've put in money for the JCC personally. But this is -- I mean, this is extraordinary times and I think we have to be very careful about our dollars. And so I think we should start cutting and not adding, and so I'm going to look to do that cutting on the YMCA side and hope I can get your support.

**P.O. POSTAL:**

Legislator Bishop, and then I'm -- we're going to go to a vote.

**LEG. BISHOP:**

May I make a motion, and I ask for the Body's support, to extend the meeting for fifteen minutes, 12:45, so we could finish the agenda, absent the Sense Resolutions, get to the CN's, which we haven't gotten to.

**P.O. POSTAL:**

I'll second that motion. All in favor?

**LEG. TONNA:**

Roll call.

**LEG. HALEY:**

Roll call.

**P.O. POSTAL:**

Roll call.

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

**LEG. BISHOP:**

Yes, please.

**P.O. POSTAL:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

No.

**LEG. CARPENTER:**

No.

**LEG. ALDEN:**

Nope.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

No.

**LEG. FISHER:**

Nope.

**LEG. TOWLE:**

No.

**LEG. GULDI:**

No.

**LEG. CARACCIOLO:**

No.

**LEG. CARACAPPA:**

No.

**LEG. COOPER:**

No.

**LEG. BISHOP:**

Madam Chair, I make a motion to reconvene the meeting at nine o'clock tomorrow morning.

**P.O. POSTAL:**

No.

**LEG. BISHOP:**

No. Why would we want to, you know --

**P.O. POSTAL:**

I'm going to call for a roll call on 1116. I believe we have a motion and a second. Roll call.

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

**P.O. POSTAL:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

No.

**LEG. BINDER:**

No.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Pass.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Pass.

**LEG. ALDEN:**

No.

**LEG. FIELDS:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. HALEY:**

Motion to table.

**LEG. TONNA:**

Second.

**LEG. HALEY:**

Roll call.

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

**LEG. HALEY:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Pass.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

No.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

No.

**LEG. FISHER:**

Pass.

**LEG. TOWLE:**

No.

**LEG. GULDI:**

No.

**LEG. CARACCIOLO:**

No.

**LEG. CARACAPPA:**

No.

**P.O. POSTAL:**

No.

**LEG. COOPER:**

No.

**LEG. CRECCA:**

Yes.

**LEG. FISHER:**

No.

**P.O. POSTAL:**

All right. Henry, we're in a roll call.

**MR. BARTON:**

Seven.

**(Roll Call Continued by Mr. Barton, Clerk)**

**LEG. HALEY:**

No.

**LEG. FISHER:**

Yes.

**LEG. TOWLE:**

Yes.

**LEG. GULDI:**

Yes.

**LEG. CARACAPPA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Abstain.

**LEG. LINDSAY:**

I said yes.

**MR. BARTON:**

Oh, I thought you said pass, sir. It was a yes?

**LEG. LINDSAY:**

Yes.

**MR. BARTON:**

Okay. Thirteen.

**P.O. POSTAL:**

Thank you. The meeting is adjourned.

***[THE MEETING WAS ADJOURNED AT 12:30 A.M.]***

***{ } Indicates Spelled Phonetically***