SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
JUNE 10, 2003

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS

[THE MEETING WAS CALLED TO ORDER AT 9:37 A.M.]

P.O. POSTAL:
Will everyone please rise for the salute to the flag, led by Legislator Legislator Lindsay.

{SALUTATION}

Please remain standing. Is our guest clergy here today?

LEG. BINDER:
Yes.

P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
Thank you. It is my distinct honor and pleasure to introduce a Rabbi from the Deer Park

community, Rabbi Gabriel Maza, who I've known since I was about, I guess, seven years old, when we moved here from Brooklyn and my family joined the Suffolk Jewish Center. He was the Rabbi who Bar mitzvahed me, Rabbi who officiated at my wedding, and he's served, I think it's now 40 --

RABBI MAZA:
Forty years.

LEG. BINDER:
Forty years. And he will be retiring, I think, from -- for distinguished service. He's had a very large voice in the Jewish community on -- in Deer Park and Long Island through the Board of Rabbis, and, really, almost nationally that he's had a voice in community affairs. And so it is, especially on the occasion of his 40 years, a distinct honor and pleasure to introduce Rabbi Gabriel Maza of Suffolk Jewish Center.

(Applause)

RABBI MAZA:
We begin with faith. We begin with the Bible. In the third chapter of the Book of Kings, Solomon pleads with God, "How can I judge my people? Only you, oh, Lord, can judge. Give me, oh, Lord, a discerning heart." And God responds, "Because you have asked for this and you have not asked for long life, nor riches, I will give you as you ask a discerning heart. A heart and mind of knowledge and caring for your people, and with that, you will be able to judge."

As we convene this session of the Legislature here in Suffolk County, may this prayer of Solomon always be our faith and focus in our deliberations. May we serve the people of Suffolk County with discerning hearts and minds.

As Americans, we pray, oh, Lord, our God, protect our men and women fighting on continents across the seas. Protect all Americans here at home. And may this land increasingly be a beacon of freedom and democracy for all humanity. And, oh, Lord, bless us with a day that we shall see no more war, and we shall see no more strife among peoples and nations. With this in mind, give a Heavenly reward, oh, Lord, to all the Legislators and their families, reward of long life and health as we convene here. God bless all the Legislators and all who have come to share and to regard the deliberations, all the public. God bless America. Amen.

P.O. POSTAL:
Thank you, Rabbi. Now we have a real treat. We're going to have the Kings Park Chorus, and they will sing God Bless America, which I know will be received by each of us as a truly meaningful prayer at this time.

{PRESENTATION BY THE KINGS PARK CHORUS}

P.O. POSTAL:
Thank you to the Kings Park Chorus and Legislator Lynn Nowick. That was not only beautiful, but I know for all of us, it has a profound meaning at this time to hear those songs. Thank you.

We have a presentation from Legislator Lynn Nowick to the Kings Park Girls Lacrosse Team.

LEG. NOWICK:
Could I bring the ladies up from the Lacrosse Team? You can come over here. You want to stand over here? The best way, I guess, is -- all right, go that way.

Good morning, everybody. Just to tell you a little bit about this Lacrosse Team in Kings Park and about the final game, I should tell you or give you a little story and have you imagine having the referee stop the Super Bowl in the middle of the fourth quarter and say to the teams, "Let's start over from the beginning tomorrow," and that very next day, the two teams would have to be ready to do battle once again. On May 28th, that happened during the Suffolk County Class B Girls Lacrosse Final between Kings Point and -- Kings Park and Rocky Point. As I recall, a bolt of lightening canceled the game with Kings Park leading 8 to 7, with less than ten minutes to play. That very next day, the two teams had to replay that entire game from the very beginning. Am I right?

(Affirmative Response)

That was no ordinary contest. This was going to be the game that people would talk about for ages. After playing the complete game, the score was tied 13-13. After two three-minute overtime periods, the score still remained tied, only this time it was 14 to 14. These girls were leaving nothing on the field. They put everything they had into this game. Finally, they went into a sudden death overtime period. Whichever team scored first would be the champions. The

second team -- the seconds ticked off and time, I guess, was like an eternity that day. Kings Park won the face-off and began to play the period and moved the ball towards their all American Casey McGrath. Casey, where are you?

(Applause)

Holding the ball in her stick pocket, Casey looked for a teammate who could free herself from the Rocky Point defense. Not seeing a single person, she moved to her right and fired the ball at the goalie and watched as the ball sailed passed the goalie. The Kings Park Team celebrated a victory that was hard fought as any team can ever laid claim to.

I would like to salute the Lady Kingsmen for their victory and recognize their standing as the Suffolk County Class B Champions. Congratulations. I'm so proud of all of you.

(Applause)

And if you would bear with me, I would also like to bring up Coach Sally Ayers.

(Applause)

You're going to come over here. Oh, and there's another coach, I can't think of her name. Megan Hogan, could you come up here?

(Applause)

And I would like to give a proclamation to these two coaches, but you know what, I'd like to bring up a Legislative Aide here to do this with me. Could this Ed Hogan come up, because I think there's some --

MR. HOGAN:
Congratulations.

LEG. NOWICK:
Why don't you stand right over here.

MR. HOGAN:
Yeah.

LEG. NOWICK:
I think that would be appropriate. I would like to congratulate this team, certainly these coaches. To Megan and to Sally, you've done a wonderful job. This is what brings these young people in -- to go out into the world, to keep themselves busy, to know that they've accomplished something, and that both of you have done that. And we, as your Legislators, appreciate what you do. And I know this particular person here appreciates it. For those of you that don't know, Ed is Megan's dad, and he taught her everything she knows. Congratulations.

(Applause)

LEG. NOWICK:
I'm going to give you -- I have Certificates of Merit for all of you ladies. I'm so proud of you all. I'm so proud to have the choir in my district and all of you. Thank you. That's for you both. These are the Certificates of Merit for the ladies.

MS. AYERS:
Thank you.

MS. HOGAN:
Thank you.

(Applause)

LEG. NOWICK:
And keep up the good work. Thank you, Ladies.

MS. AYERS:
Thank you very much.

(Applause)

P.O. POSTAL:

Legislator Allan Binder.

LEG. BINDER:
I have the distinct honor and pleasure this morning to give a proclamation to a regular hero, a person who is like you and me, no different, does their work, gets up in the morning, does the same as all of us, but has just one special character trait and that's a deep abiding caring for other human beings.

It was in January -- as we know, we've had a pretty bad winter this year where we've had ice, snow, all kinds of problems on our roads, and we have a particularly bad road in my district, Vanderbilt Motor Parkway. If those of you who served with me all the way back remember, when I first got into office, one of the first things I had to deal with was fixing a road where a 19 year old had died by driving over the side of the road, the car flipping, and a lot of contention about how to fix this road; should we straighten it, flatten it. Half the community didn't want that. It would be change of character of the road, and the nature why they came here. Half the community said, "Well, just make it safe," and there was a real fight going on. So we found a way to make it as safe as possible without ruining the character. That was the balance that we made.

But on a fateful day, very early morning in January, there was an accident because of black ice. And an officer, a County Police officer, Joe {Delisandro}, had an accident and he needed some assistance. And you would think, of course, everybody driving by would get on their cell phones, as a lot of us do. You see an accident, you feel like you do your thing, you pull out your cell phone, you call the police, you figure they'll go there, and you move on because you've got your job, you've got things you've got to do during the day , you've got to be somewhere. But Wendy {Fletterback} didn't say, "I'm going to pull out my cell phone, I'm going to wait for someone else, I'm going to let someone else help," she got out of the car, she saw the accident, she said, "I'm going to help and I'm going to be a part of helping another human being. I'm going to give of myself."

And let me tell you something, you have to know, when you do something on an icy road that's hilly and windy, that you're taking a very big risk when you do that. And I am absolutely sure that Half Hollow Hills graduate, Wendy {Fletterback}, and I'm pretty sure you're a Half Hollow Hills graduate, so that's another reason to make me proud, she said, "I'm going to go out and do something about this and take a risk," and she took that risk. And, unfortunately, unfortunately

for her, there was another car that skidded and pinned her and pinned her leg against a car, and she has been dealing with trying to rehabilitate this leg because of how she reached out for another human being.

Now, it is said that God doesn't give us any challenges that we can't overcome, and this is a very big challenge in her life. But I do know there's a community out there that has supported her, who has given for her, who cares about her because of how much she's cared about another human being.

So I thought it was appropriate, proper, and important for this Legislature to give a proclamation for Wendy for being a hometown hero in Dix Hills, and someone who I think that we should look up to as someone who has that outstanding shining character of caring so much about someone else that they took their own risks and, unfortunately for her, it didn't work out, but you know what, I am sure in the end, with all the hard work and courage that she showed then and the courage she's showing now that it all will work out and it will all be for the best. This is a proclamation for Wendy for what she's done in our community.

I wanted to say that the -- some of the Fire Services, Dix Hills Fire Services are here. I'm not going to name them, because we're going to do something at the firehouse. There's only a few here. There was a very big team that worked on this. They literally had to cut the car away, pick it up, move it. It was an incredible task for this group to save Wendy, to save her leg. It was an amazing feat. And so what we're going to do is we're going to do a separate opportunity at the firehouse, and since they're not all here, I don't want to mention any particular names, because they're all deserving of so much credit for what at they've done today. I want to just ask Wendy to come up and receive her proclamation.

(Applause)

P.O. POSTAL:
Thank you, Legislator Binder. And, Wendy, we are truly filled with admiration and respect for you. We understand that you did something truly extraordinary and we know what you're going through now. We wish you well. I don't know that any of us can ever express the gratitude that we feel to you. Good luck.

(Applause)

Okay. We're -- in my haste to listen to the Kings Park Chorus, I forgot to ask the Clerk to read the roll. So, Henry, would you read the roll.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:
(Present)

LEG. GULDI:
Here.

LEG. VILORIA-FISHER:
Here.

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:

(Present)

LEG. BINDER:

(Present)

LEG. TONNA:

Here.

LEG. COOPER:

(Present)

LEG. CARACAPPA:

Here.

P.O. POSTAL:

Here.

LEG. CARACCIOLO:

I'm here, Henry.

MR. BARTON:

16 present. (Not Present: Leg. Haley)

P.O. POSTAL:

Okay. We are going to go to the public portion. Our first speaker, please --

D.P.O. CARACAPPA:

Consent Calendar.

P.O. POSTAL:

Oh, I'm sorry. There's a motion from Legislator Caracappa to approve the Consent Calendar, seconded by Legislator Fields. All in favor? Opposed? Consent Calendar's approved.

LEG. BINDER:

I'm here, Henry.

MR. BARTON:

16. (Not Present: Leg. Haley)

P.O. POSTAL:

We're going to go to the public portion. Please remember that each speaker will have three minutes.

LEG. LINDSAY:

Any presentations?

P.O. POSTAL:

I don't have any. If there is one, no one signed up, so I assume that anyone who comes along will have to sign a card and wait his or her turn. Sheriff's Department is here? All right. Please, come up.

And there was a gentlemen who raised his hand. Meghan, can you find out? Is the Sheriff's Department here to speak?

LEG. CARACAPPA:

This is -- Madam.

P.O. POSTAL:

No.

D.P.O. CARACAPPA:

Madam Chair.

P.O. POSTAL:

No one notified my office. Let me state again that if there's a public official of any type, an

elected official, a public official, we would like to extend you the courtesy of permitting you to speak at this time. You must, however, contact my office to make us aware that you're going to be here. And if you fail to do so, then you must fill out one of these yellow cards and go in order of the first-come-first-serve policy we follow for the public portion. So if you're an elected official or a public official and you have not notified the Presiding Officer's Office and you would like to speak, please, fill out a card. We don't have a very large number of people who have indicated a wish to speak, and you will be called in the order in which you sign up. I would suggest that you do that now.

I have -- as I said no one has notified me that there's any public official who would like to speak who has notified my office in advance, so we're going to go to the cards. The first speaker is Dr. Cyla Allison. Remember, --

LEG. FIELDS:
Cyla.

P.O. POSTAL:
Cyla? Cyla.

DR. ALLISON:
C-Y-L-A, Cyla.

P.O. POSTAL:
Yeah. You have three minutes to speak. Everyone during the public portion has three minutes. Go ahead, Dr. Allison.

DR. ALLISON:
All right. I don't really understand -- know whether my issue is going to be before the Legislature today, so I'll -- can you hear me? So I'll speak as if it were, and if it's not, you save the piece of paper until later when it is. Does that make sense? To whom do I hand this out?

P.O. POSTAL:
One of the ladies will take it from you.

DR. ALLISON:

Okay.

LEG. BISHOP:
Ten second.

DR. ALLISON:
I understand that I'm speaking a little ahead of time. I represent the thousands of horsemen on Long Island. I reach about 2,000 of them through our newsletter and other publications. You have my business card that tells you of my other affiliations. For one, I have been a participant in the Protected Lands Council of the Central Pine Barrens since its first meeting nearly ten years ago. I've spent a lot of time doing this.

When I became a member of the Alternative Funding Committee, I was rather skeptical of the concept. As I have participated since November in the twice monthly meetings, I have moved from skeptical to positive in my assessment of the concept. With more information, I might even become enthusiastic.

It may not be on your agenda. I understand perhaps it's not today. This is last minute. But, eventually, you will receive a proposal to allow us to discuss the possibility of a separate park district. The technicalities of explanation I'm going to leave to the professionals who will talk to you at sometime in the future. All I ask this morning is that when the time comes, you give the authority to let the people and yourselves decide in this truly American style forum the possibility of putting such a referendum on the ballot.

As we need -- all we need from you, when the time comes, is a clearance to allow the State Legislature to allow the debate in Suffolk County to go forward. We need to discuss it.

Regardless of how you think you feel at this present time about the proposal, I would like you to give us permission to go forward with the debate.

D.P.O. CARACAPPA:
Thank you.

P.O. POSTAL:
Thank you. Our next speaker is gym Morgo. Is Jim back? Yeah.

MR. MORGO:

Good morning. I'm Jim Morgo, I'm president of the Long Island Housing Partnership. The Housing Partnership is the region's leading not-for-profit developer of affordable homes. Since 1988, the Housing Partnership has helped 6,248 families access decent, safe and affordable homes. We have helped them through a wide variety of methods. One method, the actual development and sponsorship of new homes, has created more than thirteen hundred new units, most of them for ownership. We have not done enough. We have not done -- we have done not nearly enough, as a matter of fact.

No one today is denying the economic and the social need for homes affordable to Long Island workers. The Housing Partnership study, Lack of Affordable Housing, a Prescription for Economic Disaster, quantifies the need in stock numbers. It is currently -- executive summary is currently being distributed to you, and I hope you will take a look at those numbers. The sense that I'm going to be talking about today mentions the 95,000 homes, new homes affordable to workers needed in Suffolk. And I'm distributing -- I'm having the study distributed, so that you can read it and I can stay under the three minutes.

Sense 38 boldly addresses the two major impediments to the creation of more affordable homes, homes affordable to Long Island's workers on Long Island. Those two impediments are funding and land use. The cost of building homes has skyrocketed. Insurance costs, material costs have really put affordable homes out of workers -- out of touch for Long Island's workers. And, of course, we know the supply does not anywhere meet the demand.

The second major impediment, land use, is not a problem, not a huge problem everywhere in Suffolk County. Some municipalities -- now listen to this. Some municipalities actually facilitate the approval of affordable homes, other municipalities do not. Other municipalities, in fact, impede every way they can the creation of affordable homes.

This legislation, Sense 38, does two good things. Its entrepreneurial plan to bring revenues to be used for the creation of affordable homes and its method to spur every Suffolk municipality to facilitate the creation of affordable homes, these are the two reasons the Long Island Housing Partnership enthusiastically, enthusiastically supports Sense 38. Thank you. Was I under the three minutes, too?

P.O. POSTAL:

Well under.

MR. MORGO:

Oh, good.

P.O. POSTAL:

Thank you, Jim.

MR. MORGO:

Okay.

LEG. FOLEY:

Thank you, Jim.

P.O. POSTAL:

Next speaker -- does someone have the cards?

LEG. LINDSAY:

Who took the cards?

P.O. POSTAL:

This is very funny.

LEG. LINDSAY:

There they are.

P.O. POSTAL:

You're a good person. Thank you. You know me well. Next speaker is Judy Pannullo.

MS. PANNULLO:

Good morning. My name is Judy Pannullo. I'm the Executive Director of the Suffolk Community Council, also called the voice for Health and Human Service agencies.

I would first like to reference a letter sent by the Council to all of the Legislators and the County

Executive about the deep concerns of a large number of our agencies with regard to the $500,000 appropriated -- appropriating funds to an agency that was not a contract agency with the County, while, at the same time, longtime loyal contract agencies were being cut at a minimum of 10%, necessitating the laying off of staff, closing of offices, and generating long wait lists for vital services for children, youth, families and seniors.

Last October, when the agencies were told that there would be a straight, across-the-board 10% cut to contract agencies, we were told that this was due to a lack of funds. When the devastating second 10% cut was introduced, we were told once again this was due to lack of funds. As a matter of fact, we were encouraged and challenged to find funds. We looked at the budget, noted some glaring amounts, but still, there was a large deficit. However, now, according to the New York Times and Newsday, the Medicaid relief funds for Suffolk County comes to 21.7 million dollars. Twenty-seven point -- 21.7 million and that's -- and then depending on how the State is going to work out their.
22.2 billion Federal Government, that is if they are willing to share with the counties in the State of New York, Suffolk County would then be receiving 27.5 million dollars. It's a lot of money, a lot of money that could be used to make a significant difference to the poor and to the vulnerable.

I am here representing our member agencies who are longtime contract agencies with Suffolk County, and, quite frankly, coming back to request once again that all the agencies receive the cuts -- all the agencies be fully restored at 2003 rates, so that they may continue their good work in caring for the poor and vulnerable.

As you continue in the restorations you began on May 13th, and with the new found money that will provide offsets, I urge you to continue the restorations to the agencies that have not yet been restored. The contract agencies have been loyal to the County, have lived up to their end of caring for those most in need, and doing it under extremely difficult conditions and with less and less money, and in some cases, having to close offices or lay off staff. We now have an opportunity to right that wrong and to make our agencies whole once again.

The Suffolk Community Council, the Peconic Community Council and others offer you our time and are most willing to sit down and work with you, so there can be complete restorations of funds to all of the contract agencies for Fiscal Year 2003. Thank you.

P.O. POSTAL:

Thank you. I'm going to interrupt the public portion for one minute, because Todd Johnson, who's the County Executive's representative, did contact my office, and so he is going to address us at this moment. Todd.

MR. JOHNSON:

Thank you. Good morning, Presiding Officer post, Deputy Presiding Officer Caracappa, Legislators. This morning I just want to inform you about a few things which the County Executive is going to be putting before you today. There'll be a couple of Home Rule Messages, which we'll be asking for your consideration and approval. One of them is an extender of the sales tax, which you know expires on November 30th. This is a 1% extender. This is going to be vital to the ongoing operations of the County next year, represents about nearly a quarter of a billion dollars, 225 million-plus in revenue to the County, and it's essential that we address this as soon as possible. And, actually, today would be the day, since the State Legislature is going out of session, I believe, on June 19th.

Another matter which we are going to be presenting to you today is a Home Rule Message concerning the wireless 911 surcharge. This is a new item. This is a 30 cent per month local charge on cell phones, which will go to support the infrastructure of wireless services throughout the County and the nine departments which participate in this program.

Another item which we'll be putting forward today is a -- hopefully, a CN for the consideration of the sales tax on clothing. As you know, the State Legislature has passed and has reimposed the sales tax on clothing. What we're putting before you today is an option which they've allowed, to allow localities to opt into a two-week holiday period, that is a one-week holiday period twice a year. We hope that you would consider this as an option to offer at least some relief to the people who do shop in Suffolk County.

Another item that we're going to be putting forward today would be a CN for seasonal employees. These are for -- this is in consideration of the antinepotism rule. As you know, we've considered this every year. The Parks Department is always in need of seasonal employees. And, in fact, if anybody does have anybody who is looking for seasonal work, they are always falling short. Some of the people who have come forward are related to County department officials, and so by law, we do have to put forward this resolution to get your approval for these items.

I believe that is all I have for you today. I do have one request for Tom Isles to come and speak on a piece of legislation later on today. Besides that, I have not heard any request for questions or information from the Legislators, and so that concludes my report, unless there are questions.

P.O. POSTAL:
Thank you. Thank you, Todd. Legislator Lindsay has a question.

MR. JOHNSON:
Thank you, yes.

LEG. LINDSAY:
Yeah. Todd, really two different questions, one that we were just discussing here. The Enhanced 911 surcharge, will that money be dedicated to improving our system here in Suffolk County?

MR. JOHNSON:
Yes. This is a local charge. I think some people were aware that there's also a State surcharge that is imposed on the wireless services and cell phones that the State distributes to different PSAPs throughout the County. This item that we're talking about today is something that is going to solely concern Suffolk County, and the infrastructure for wireless services in Suffolk County -- for the 911 services in Suffolk County. I'm sorry, not wireless, for the 911 services in Suffolk County.

LEG. LINDSAY:
And the second question I had was on the two-week periods to exempt sales tax. What is the threshold on that?

MR. JOHNSON:
Threshold? I'm sorry.

LEG. FOLEY:
Dollar figure.

LEG. LINDSAY:

Dollar figure.

MR. JOHNSON:

How much would it represent, are you saying?

LEG. LINDSAY:

No, no. What is the exemption on?

MR. JOHNSON:

Oh, oh. I believe $110 and under. It remains the same as it was before.

P.O. POSTAL:

Todd, a number of us have the impression that the figure has changed to $500.

MR. JOHNSON:

Okay.

P.O. POSTAL:

We need to check that.

MR. JOHNSON:

Yeah, I guess I'm going to need to check that. Okay?

P.O. POSTAL:

Also, if I could just interrupt Legislator Lindsay for one minute.

MR. JOHNSON:

I apologize. I will check into it.

P.O. POSTAL:

I understand that there is a need to get some information that we don't have now, and it's been suggested to me that the County Executive doesn't have that information, and, therefore, this will be delayed. I don't understand why the information cannot be secured. It's early in the morning, we have the whole day ahead of us. We've just spoken with Senator Johnson's Office.

LEG. LINDSAY:
On what?

P.O. POSTAL:
On the sales tax. Yeah. So what I would ask is that you speak with Elie, and the two of you get to work, because --

MR. JOHNSON:
What information are you looking for?

P.O. POSTAL:
There's information that he can ask you for, which you can get, and we can pass this resolution today. It's really important. You know we know how important this is to our fiscal stability.

MR. JOHNSON:
No. As I just said, I intend to present that to you today.

P.O. POSTAL:
With the information that Senator Johnson tells us we don't have?

MR. JOHNSON:
Okay. Again, I don't know what information --

P.O. POSTAL:
That's why I'm suggesting you speak with Elie. I would hate to see this delayed because there's some kind of misunderstanding or lack of clear communication. So, if you would speak to him, I think we can resolve this very easily.

MR. JOHNSON:
Okay. As I said, it's my intention to present something to you today. I'm not aware of us missing any information, but I will speak to Elie.

P.O. POSTAL:
Yeah, because I can speak for myself. I would guess that I'm speaking for many of the other

Legislators. It's my intention to pass this today, too. So the County needs the money. It would be very important to us.

MR. JOHNSON:
No. I agree with you totally.

P.O. POSTAL:
Thank you.

MR. JOHNSON:
And I will confirm that. As I think about it, the 110 versus the 500, I think it was changed, but I'll confirm it.

P.O. POSTAL:
Okay. Thank you. Is there any --

LEG. FOLEY:
Yeah.

P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
Yes, thank you.

LEG. CARPENTER:
Then me.

P.O. POSTAL:
And then Legislator Crecca.

LEG. CRECCA:
No, Carpenter.

LEG. CARPENTER:

Carpenter.

P.O. POSTAL:

And Legislator Carpenter.

LEG. FOLEY:

Thank you, Madam Chair. We'll here from the Budget Review Office later about the Enhanced 911. But, Todd, it's my understanding that some years ago, when the original surcharge was levied, the compact, if you will, the understanding was that either a large percentage or all the amount was going to flow back to the county of origin where the surcharge was levied against. Now, is it my understanding that the State has kept all the funding from the original surcharge?

MR. JOHNSON:

No, no.

LEG. FOLEY:

Or what -- if you could now give us some information, and if you need to give us some more later, I'd appreciate it, but if you could just respond to that.

MR. JOHNSON:

Okay. The information I have about the current one that was -- that has been in place --

LEG. FOLEY:

Yes.

MR. JOHNSON:

-- is limited right now. I can --

LEG. FOLEY:

Okay.

MR. JOHNSON:

I can go back and try to get you some more information.

LEG. FOLEY:

It would be very important, because when we -- when it was originally approved, we were led to believe that if those within the locality were going to be levied the surcharge, that the locality would benefit, at least partially, from having some of the those funds returned to put into the very infrastructure that you mentioned earlier.

MR. JOHNSON:
Okay. I believe there are two different areas. The original State surcharge is going to -- I think it's a 30-plus public safety organizations in Suffolk County also. Okay? This pertains to the nine departments that are involved in the wireless services in this specific agreement, plus the County service. This is a different surcharge. This is a different dedicated fund and this will be going to support different --

LEG. FOLEY:
Or it would be helpful if you could give us a breakdown of where the original surcharge is going --

MR. JOHNSON:
Okay.

LEG. FOLEY:
-- and what the intentions are with this surcharge, because --

MR. JOHNSON:
Okay, sure.

LEG. FOLEY:
-- it would at least make us better informed before we make a decision on it.

MR. JOHNSON:
Very good. The differences between the two, okay, that's fine.

LEG. FOLEY:
Okay? All right. Thank you. Thank you, Madam Chair.

P.O. POSTAL:
Thank you, Legislator Foley. I think that there's been many questions about where that

surcharge has gone, and it would be most informative to receive a breakdown. Thank you. Legislator Carpenter?

LEG. CARPENTER:
Thank you. Todd, I just wanted to go back to the sales tax on clothing. It's my understanding, and I really need -- I think it's important to have it stated on the record. This Legislative body had voted to support the exemption on clothing, and we reaffirmed that commitment many times. The actions that were taken by the State Legislature totally have overridden our decision to remove the sales tax on clothing; is that not correct?

MR. JOHNSON:
That is my understanding of what the State has done, okay, and I believe that's Tax and Finance's, on the State level, interpretation. They have taken the option out of the localities' hands and said that the tax on clothing has been reinstated. What is left for the localities to decide is whether they want to allow two weeks of holiday during the year or not allow two weeks of holiday during the year.

LEG. CARPENTER:
And I think that that point needs to be made very clear, that, you know, when this Legislative body takes the action regarding the sales tax on clothing, it's really just to allow our residents the ability to shop sales tax free on clothing for those two weeks, and that this body is not necessarily advocating that the sales tax be back on clothing permanently.

And I also think it's important to state for the record that there was some confusion, to say the least, about how this was handled, because our exemption on clothing was due to expire in March, because that was the constraints that we were under according to what the State had set out, and yet, when they put the sales tax back on clothing, they did it for June. So, even in calling to check on it in response to some requests by constituents who were confused and wondering why they were now all of a sudden paying sales tax on clothing, that even in calling the State, they did not have definitive answers. And I know we had the discussion earlier in the week. Legislative Counsel had called the Department of Taxation and Finance and they had no answers; that there is an awful lot of confusion. And I think, as the Presiding Officer has said, we need to get answers to these questions, so that when we do act today, we know exactly what we're voting on.

And to the issue of the one cent sales tax, I would like to also get a clarification. If we do not act on extending the one cent or the sales tax that is due to sunset, does that money then flow to the State, or do we just --

MR. JOHNSON:
No, that money does not flow to the State. As of November 30th, that authorization to impose that tax would expire, and so --

LEG. CARPENTER:
Okay. So that is due to expire November 30th. So then that leads me to my next question. Is this deadline that we have to act really real here for June 19th, act by June 19th, because the State Legislature is recessing for the summer? If that's the case, perhaps we would be able to act in the Fall when they resume session.

MR. JOHNSON:
Okay.

LEG. CARPENTER:
And I think that's something else I would like you to check on.

MR. JOHNSON:
Okay, I'll check on that. It's my understanding that we have to act before the Legislature goes into its summer break, but I will confirm that.

LEG. CARPENTER:
Just for the record, we'll be here the end of July and August, and so forth, we're not breaking for the summer.

MR. JOHNSON:
No, no. The point was that the Legislature has to act before it goes out of session on June 19th.

LEG. CARPENTER:
No, I understand that. I was just --

MR. JOHNSON:

Okay.

LEG. CARPENTER:
-- letting everyone know that, unlike other bodies, we don't break for the entire summer, we keep working.

P.O. POSTAL:
That's true.

MR. JOHNSON:
I apologize.

LEG. CARPENTER:
That's okay.

P.O. POSTAL:
Andrew?

LEG. CRECCA:
No. Actually, I'm going to -- Legislator Carpenter made the points that I wanted to make. I just will reiterate the fact that we don't have a choice whether or not to have sales tax on clothing, the Suffolk County portion. There's no enabling legislation to allow us opt out of sales tax on clothing; correct?

MR. JOHNSON:
That's correct.

LEG. CRECCA:
Okay. That's all.

P.O. POSTAL:
Legislator Nowick.

LEG. NOWICK:
Yeah. Legislator Carpenter made -- is this working -- made most of my points. Just on the

record, the sales tax that we now begin to pay, the County part of it on clothing, that does come back to the County; is that correct?

MR. JOHNSON:
Yes.

LEG. NOWICK:
So that would be money that we did not plan for in the budget, but that's going to be coming in now. It started two weeks ago, is that correct?

MR. JOHNSON:
Well, that would go into the Operating Budget, which we haven't finalized yet for next year.

LEG. NOWICK:
Okay.

MR. JOHNSON:
Okay? You know, and I don't believe that it's been budgeted for this year also.

LEG. NOWICK:
I just want to make sure, if we pay it, we get it.

MR. JOHNSON:
That's right.

P.O. POSTAL:
Thank you. Not only do we get it, but Budget Review tells us that it would -- collecting that sales tax would help us to end this year, 2003, with a small surplus, in fact, instead of the deficit we were looking at, and collecting it for all of 2004 would bring in -- I think it comes to about 120 million dollars. So, right now, and, of course, everything changes, we were looking at a deficit of -- for 2004 of, I believe, 160 million. So that restored sales tax would fill a considerable portion of the 2004 deficit. That's my understanding.

MR. JOHNSON:
That's right.

P.O. POSTAL:
It would be very helpful to us. I know a number of us have been working very, very hard trying to find ways to keep the County on a stable fiscal footing. We've cut so many things that it was really very difficult to find other areas that could be cut that would not seriously impact on services, so this is really a blessing. I'm counting -- oh, yes. Gee, would you like to be a Legislator?
We're going to have to recess the meeting until we have a quorum. We do not have ten Legislators, so this meeting is recessed until a quorum is present. I'm going ask that the staff get some Legislators back into the auditorium. Todd, if you would just be patient with us.

[THE MEETING WAS RECESSED AT 10:30 A.M. AND RESUMED AT 10:30 A.M.]

P.O. POSTAL:
Okay. Todd, you can continue. Thank you.

MR. JOHNSON:
Okay.

P.O. POSTAL:
Go ahead.

MR. JOHNSON:
I was just available here. I was answering Legislator Nowick's question.

P.O. POSTAL:
Well, okay.

MR. JOHNSON:
I think she was finished.

P.O. POSTAL:
Legislator Nowick?

LEG. NOWICK:

I was just making sure we had that money.

P.O. POSTAL:
Okay. Any other questions for Todd?

MR. JOHNSON:
I'll collect the information that you've asked and report back to you.

P.O. POSTAL:
Thank you.

MR. JOHNSON:
Okay. Take care.

P.O. POSTAL:
Our next -- we're going back to the public portion, and our next speaker is Peter Quinn.

MR. QUINN:
Good morning, members of the Legislature. Three items. One, Avon. Avon is a publicly traded company of cosmetics and clothing, and over the years, since the exemption on the tax of clothing, the -- Avon has been collecting the tax from its independent contractors in Suffolk County and demanding that they pay the full tax to Avon, but the independent contractors have been unable to collect that tax on clothing to its customers. There are probably 2,000 of these independent contractors in Suffolk County. Therefore, I'm calling upon Cameron Alden, as Chairman of the Consumer Protection Committee, to send a letter to Elliot Spitzer asking him to investigate Avon for its skimming of its independent contractors.

Second, MTBE, MethylTeriaryButylEther, is -- you imposed a ban some four years ago. It was delayed by lobbying from the oil industry. We know it's a carcinogen which impacts adversely on our aquifer, and they're seeking to extend their delay a few more years, because they claim they have no substitute. It's 13% of gasoline, and it bothers me that the oil industry is seeking to delay this further. I urge the Presiding Officer to send a letter to Bruno, Silver, and Pataki seeking or demanding that this ban be implemented at the end of this year, when it's supposed to be.

Third, the Suffolk County Legislature passed a year ago the solar energy port, solar port and electric car legislation. DPW asked for a delay while they studied the issue. They've done a report and this was supposed to come up in June, actually, 330 days later, which would have been May, to implement this resolution based upon the report of DPW. It seems to me this dove-tails beautifully with Allan Binder and Dave Bishop's resolution calling for a cutback on SUV's among Suffolk County's automobile fleet, because the electric cars would be a great substitute for SUV's; cut back on the use of gasoline and cut -- reduce pollution. And, therefore, I'm calling upon this Legislature to pass that resolution posthaste. Thank you.

P.O. POSTAL:
Thank you, Pete, and just in time. Look at that timing.

MR. QUINN:
Perfect three minutes.

LEG. CARPENTER:
He's got this down to a science.

P.O. POSTAL:
Okay. Our next speaker is Christina Kim.

MS. KIM:
Good morning, Ladies and Gentlemen. I'm here representing a group, number of people who live in Tulipwood section of Commack. We're here today to speak to all of you to pass this legislation. We are asking a sound barrier on Motor Parkway, which is dementing our quality of life because of the noise, because of the industrial park near Hauppauge. A lot of transportation has been increased and it's affecting our quality of life. The noise is unbearable.

And, also, those people who live on Motor Parkway, the backs -- their backyard is Motor Parkway. It's been getting worse and worse every year. Okay? And I also, as far as, you know, selling price of the value of the homes is just quality of the value of the home is lessened because of that noise and it's affecting a lot of people. Okay. That's why I'm here for today.

(Applause)

P.O. POSTAL:
Thank you. Our next speaker is George Silverman.

MR. SILVERMAN:
Good morning, Ladies and Gentlemen. I'm here along with Christine and several other people in my neighborhood.

P.O. POSTAL:
His name is George Silverman.

MR. SILVERMAN:
Yeah. I live on Deepdale Drive in Commack, and Motor Parkway is not too far from me, and it is very noisy, very loud. And to give you an indication, when I purchased my home was November two years ago. Unfortunately, I didn't think about opening the windows or spending any time outside, being that the weather was so cold. Well, in the Spring, when I did open the windows and tried to relax in my living room and watch some television, pretty much unable to because of the noise; trucks, tractor trailers, motorcycles, and, of course, cars as well.

It's only gotten worse. I find it very difficult to sit out front, even in the back of my yard. I have a deck. I really don't utilize it like I should. I just think that anybody that would be living in the general area there, in the entire Tulipwood section, would agree with me that it's very loud, and noise pollution, air pollution, all those factors, and the quality of life isn't where it should be. When people talk about living in Commack, people talk about how wonderful it is there and I don't agree. I've lived here two years and I can't say I'm completely happy with it. I don't know how safe it is to live backing that roadway with the cars racing by like it is. I don't know how safe it is to live there where people can possibly have easy access to the back of your home. And I don't know how safe it is for me to live one street off of that.

So I'm here to hope to bring to your attention that if some kind of sound barrier, a wall would be a great idea, at least in my belief. I drive on the Expressway every day to the North Shore, Great Neck, Manhasset, Lake Success, and there are sound barriers everywhere there. So I feel, if it's good enough for those folks, it should be good enough for us. Thank you.

(Applause)

P.O. POSTAL:
Thank you. Our next speaker is Michele Rolla.

MS. ROLLA:
Good morning. My name is Michele Rolla. I also live on Deepdale Drive. My backyard overlooks Vanderbilt Parkway. I recently put my house up for sale. Do I want to move? No.

When I first moved into the area, Vanderbilt Parkway was fully lined with trees. The industry is not what it was -- is not as much. When I first moved in, there was little industry, there was little traffic, and there were plenty of trees. Today, there are no trees, industry is booming, the traffic is unbelievable. I witness accidents when I'm in my backyard. I witness people being pulled over, being tested for drunk driving.

I have three very young children. I fear that somebody's going to come crashing through the fence and kill one of us, yet nobody's going to buy my house, because they're going to have the same fear.

The noise is obvious, but I need to bring to your attention safety concerns. My neighbor was robbed, because they have such easy access to jump over the fence, because all the trees are gone. Between the environmental issues of the trees being not replaced, the traffic, the noise and the safety, it would be a very good idea to propose the sound barrier. Thank you for your time.

(Applause)

LEG. CARACAPPA:
Thank you.

LEG. VILORIA-FISHER:
Thank you.

P.O. POSTAL:
The next speaker is Carolyn Miller.

MS. MILLER:

Good morning. I'm a little nervous, so, please, bear with me. I'm not used to public speaking.

Yes, the noise on County Road, Motor Parkway is unbearable, getting worse. Reverberates for blocks into our neighborhood. The Federal guidelines, which I have here from the State, does say that Motor Parkway exceeds the noise limit. It's terrible when people in your neighborhood dread opening their windows and sitting outside in front of their homes and they do not back the Parkway, they are blocks into your neighborhood. Kids don't play outside, they don't play inside the backyards, they're afraid.

Some people are -- they hate to wake up on a Saturday or a Sunday to a lawnmower. It doesn't bother me, because it drowns out the noise. I do back Motor Parkway. I've never had this problem before. I'm here ten years. The noise is getting worse. I also have family that come in from Manhattan, because they live in Manhattan. We sit out front. They cannot believe the noise has increased so much. I myself grew up in the City, and, yes, I know I bought a house on the road, but my neighbors did not. The road is very busy. It's congested, it's loud. There's drag racing. There's tractor trailers coming in and out from the industrial area. They also gave them $750,000, almost a million dollars, to do a study to expedite out their supplies, which would mean day and night noise.

It is very hard for me, like I said, to speak here, but I can't sit by and watch my neighborhood deteriorate. I'm losing neighbors and friends over this road. Cars come through backyards. They cut down the trees behind us. The noise is unbelievable. You can get in your car, drive six or seven blocks into my neighborhood. I welcome any of you to come to my home and sit in my yard, to drive a few blocks into my neighborhood. You hear the noise in front of people's houses, like I said, six or seven blocks into the neighborhood.

My neighbor six houses up had their trees cut down. There's nothing there but garbage. Trucks come by, they shake your home. I have little piece of mind, because people were robbed in that area. It's also terrible to be in your yard and your cell phone, your portable cell phone rings and you have to go into your house to answer your phone, because you can't hear what they're saying. I have a three year old child and I cannot hear him when he's on the swing, I have to go up into his face. And I have two teenagers who were in this house and it was not like this when we moved in.

I was told by the County that you have guidelines and rules for barriers, that a lane has to be added, or something like that, to be entitled to a sound barrier. I want you to find out that Deer Park Avenue that turns into Route 231 did not have lanes added and they got a sound barrier. I called the Town of Babylon, I discussed with them how they got it. They led me to you guys, the Legislature. They said it's really within your power to try to help us and my neighborhood.

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

MS. MILLER:
Well, thank you for your time, and I hope you understand how concerned I am about this problem. And I hope you help us with this, because it's affecting our quality of life, and we'd like to maintain that in the Tulipwood section. Thank you.

P.O. POSTAL:
Our next speaker is Tara Ann Fries.

MS. FRIES:
Good morning, Legislators. I'm Tara and this is my son Ian. This is his infusion pump, and this is his gastrotomy tube.

Four weeks ago, all 18 Suffolk County Legislators received a hand-delivered letter from my son Ian concerning his very severe dilemma with the County, Suffolk County Employee Medical Health Plan. To Legislators Alden, Bishop, Caracciolo, Caracappa, Carpenter, Fields, Foley and Lindsay, who either called or wrote letters on Ian's behalf, we thank you.

On April 11th, the Suffolk County Employee Medical Health Plan denied Ian his much needed internal formula feeding, the reason being we had reached our twenty-five hundred per year allowance. We appealed this decision on April 15th. This appeal, after many rescheduled committee meetings, was denied at the June 5th meeting, long past the 30-day reply time. We had been informed by Debbie Troise, Coordinator of the Suffolk County Employee Health Plan, that an outside medical consultant had recommended denying the appeal, and that all committee members, some present, some contacted by phone, had concurred. These outside consultants never contacted Ian's staff of medical doctors at renowned Schneider's Children's Hospital. Dr. Jeremiah Levine, Director of Pediatric Gastrology at Schneider's, would have

answered any questions, if given the opportunity. My question then is who are these outside medical consultants, Pediatric Gastrologists, Pediatric Endocrinologist, or Pediatric Surgeons?

For those who may not have had an opportunity to have read their letter, I will give you a quick history of Ian. Ian has lived and played all his 12 years in Suffolk County after being born at Good Samaritan in West Islip. Ian was an athletic and bright 11 year old when he was diagnosed with Crohns Disease in January, 2002, after several endoscopies and colonoscopies. Aside from occasional bouts of stomach cramping and bloody diarrhea, Ian's top issue of the disease is failure to thrive.

With Crohns Disease, the small intestines cannot absorb nutrients from the food you eat, depriving your body at its very core. Growth in a child is greatly affected. Please remember how this aspect is what you can see with your eyes. Try to imagine how vital organs like the liver, kidney, lungs, heart and even the brain might also be developing. The internal formula is broken down into its smallest constituents, making absorption in the small intestines quite ease. No table food can even compare. We also know that proper nutrition is what is keeping the disease in remission and from many stays at the hospital. This internal formula is what is sustaining Ian's quality of life without more costly intervention. There are many different medications to control the symptoms of Crohns Disease, but none that will cure it. These medications are fully covered and cost thousands of dollars a year for health plans.

This takes us to the real issue of the County, dollars and sense. The internal formula feeding, which has been prescribed as peptamin 1.5 at 3 cans infused nightly. This costs approximately 11,000 per year. Ian's doctors believe he should continue this treatment until his body has fully developed the way it was meant to, approximately three to four years. Ian's only other medication is a medication named Ascol, which is an anti-inflammatory to control the inflammation in the colon. It is at minimal cost to the County. This is not an expensive drug.

If Ian does not receive this doctor prescribed medical treatment, there will be long-term damage to Ian. He would also be considered malnourished. Imagine, a boy from Suffolk County, Long Island, malnourished. It sounds more like a story you might read in Newsday about a boy from a third world country, certainly not from Suffolk County.

As the 18 lawmakers of this County, it is imperative that you intervene on Ian's behalf regarding the Employee Medical Health Plan Committee's decision. After hearing and seeing this

information today, I'm sure you will agree something has gone horribly wrong. For whatever reason, this decision seems to have been made in haste and without any regard for all the consequences at stake. Remember, today's child is tomorrow's future. Thank you.

P.O. POSTAL:
Thank you.

(Applause)

Ivan, please call Alan Schneider now and get Miss Fries specific information, you know, her I.D. number, and make Alan know that this is just unacceptable. I think I speak for every one of us that this is unacceptable.

(Applause)

LEG. FOLEY:
Madam Chair. Madam Chair.

P.O. POSTAL:
Wait, wait, wait. Brian.

LEG. FOLEY:
Yeah. Even though that Ian has left the room, I just want it reflected on the record that, indicative of his spirit, he and my son were on the same Little League team in the Bayport- Blue Point Little League, and Ian really comported himself so well and really was the spirit of the team, and had a wonderful time in Little League. And all the more reason for him to continue to enjoy his boyhood that this service should be provided to him. So thank you.

P.O. POSTAL:
Absolutely. Legislator -- you know, I think every one of us feels exactly the same way. You know, I would be really surprised if there was a Legislator here who didn't have the same reaction to Miss Fries. So I would -- I would expect, I'm not going to say I would hope, I would expect that there would be a different outcome. We're getting on the phone right now with Alan Schneider, Debbie Troise. And I know -- I don't know if Ivan can hear me, so I'm going to ask Charvon to please tell him to tell them I want an answer today. Thank you.

Okay. Our next speaker is Peter Iannone.

MR. IANNONE:
My name is Peter Iannone, I live in Commack. Madam Chairlady, and women and members of the Legislature, Madam Chairlady would you just give me a few minutes to place the folders on the desk of each one?

LEG. ALDEN:
He doesn't have to do it, let somebody do it for him.

MR. IANNONE:
Well, okay, here. And what I'd like is the Legislators to keep the manilla folders closed until the end of the speech. It's only supporting information for my speech. But when I begin to make my formal prepared speech, you may open the business envelope and then we'll continue.

Good morning, everyone. I'd first like to make a short story before my prepared speech. The last time I saw my best buddy, Joel {Lareo}, was when we were in Korea, North Korea to be specific. We were sitting on our helmets viewing Marilyn Monroe performing for thousands of troops. She had a black sequins shiny dress, and I remember her song was Diamonds are a Best -- Diamonds are a Best --

("A Girl's Best Friend" stated in unison by Legislators)

MR. IANNONE:
Correct. Okay. When you get 71, you get Alzheimers. Then we went back to the MLR, and he went his way on his platoon and I went mine. The Battle of 255 was raging, better known as Pork Chop Hill. I fired my second gun, which is the base gun, from the FDC, Federal Direction Command, giving us fire missions every 15, 20 minutes for three days and three nights. We hardly had any sleep in our bunker, maybe a cat sleep -- wink, and then we kept going.

And what I'd like you to know is that people call the Korean War the "Forgotten War", and I hope that they -- it will be dispelled, for here it is, my best buddy, volunteered to help a gun crew to fire on Pork Chop Hill, one round got the entire crew and killed them all.

And I'd like to pass this around, it's both sides, so you can see and remember it wasn't a police action, it wasn't a conflict. And based on the terms of police action, they all attributed it to our President at the time, Harry S. Truman. It didn't work that way. If you go to the books, you'll find that a reporter asked him the question, "Do you feel or think that this is a police action?" Harry S. Truman's reply was, "Yes, I think you can call it a police action," but it was the most bloodiest, vicious war ever fought.

And I'd have to bring up Legislator Rose Caracappa. I feel that her son here today, Legislator Caracappa, should be the proudest man because of the contributions that his mother, Rose Caracappa, did for the Korean War veterans, the Armed Forces Plaza, and the women veterans. And I don't think you'll ever see a Rose Caracappa in my lifetime again, she was such a woman.

Now, let me go to my prepared speech. My prepared speech, you can begin opening your white envelopes, and come to your own conclusions. Her name is Nancy, and I have pictures of it, a day before Mother's Day. And my speech today is the homeless in our country. We should strive harder than before to hold onto the true values in our society. We end our Pledge of Allegiance to the Flag with "Liberty and Justice for All". Are we truly living up to this sacred pledge? Let us begin today closing the gaps that still exist in Nassau and Suffolk County and continues to evolve in our society.

Our government has for too many years ignored the sacrifices of our homeless war veterans. We must never, never forget the burden and sacrifices made to keep us free. I am cognizant of the VA's community-based stand-downs to make benefits information assistance more accessible to the homeless veterans. I am cognizant with your establishment of the Homeless Housing Commission, Section 654-1, on 8/14/1990 as Resolution Number 718-1990, to expire on June 30th, 1992, and extended through June 30th of this year, 1993.

P.O. POSTAL:

Mr. Iannone, I'm sorry, your time is up. I assume you're asking us to extend it further.

MR. IANNONE:

Yes, I'd appreciate it.

P.O. POSTAL:

Thank you.

MR. IANNONE:
I only have a couple of pages.

P.O. POSTAL:
Thank you.

MR. IANNONE:
Thank you. On --

P.O. POSTAL:
No, no, no, I can't -- I can't give you anymore time. Three minutes is the time that everyone gets. But we do understand what you're asking us and --

MR. IANNONE:
Okay. I thank you, Chairlady.

P.O. POSTAL:
And, you know, I don't want to speak for Legislator Lindsay, but I assume he will --

LEG. GULDI:
If he has written remarks, could he give them to the Clerk and pass a copy?

P.O. POSTAL:
Yeah, if you would either -- if you have them --

MR. IANNONE:
I have a copy of the speech for each Legislator.

P.O. POSTAL:
Oh, good. Thank you very much. So, if you would give them -- actually, since Legislator Crecca is standing there, you can give them to him and he'll distribute them to all of us. Thank you, Mr. Iannone. Next speaker is Steve {Schram}.

AUDIENCE MEMBER:

He had to leave.

LEG. CRECCA:
Oh, he had to leave.

P.O. POSTAL:
He's not here?

LEG. CRECCA:
He had to leave. He was here on the Motor Parkway issue.

P.O. POSTAL:
Okay. Rob Parrino.

MR. PARRINO:
Good morning. My name is Rob Parrino, President of Paradise Point Oyster Farms located out in Southold. I'm here before you today once again to ask you to abandon Resolution 1267, which is trying to declare a governmental need to the land I'm trying to redeem to move my business forward. I'm an oyster farmer. The lands that we currently own we're having disease problems with. When this bankruptcy came up where I saw it as the only chance to purchase new lands to try to grow on, because there's no leasing program in Suffolk County. There don't seem to be any leasing program in the near future, so that's why I'm asking you guys to let me redeem this land, so I could move my business forward, try to plant my oysters, where I think they're going to have a better chance to grow.

And there's been -- this has been going on for almost nine months. I think the time has passed when you could declare a governmental need. I'm looking into that now. But there are other people that feel the same way I feel. I'm a mid-scale aquaculture farm that's trying to bring back some of Suffolk County that once in the '50's and '40's was a booming oyster industry. I have my own private shellfish hatchery, the only one in the Peconic Bay System. I bought land back in 1993 from the Bankruptcy Court. Back then, Suffolk County was patting me on the back, saying, "Make the best of your land." They were all for what I was doing.

There's 110,000 acres that you guys own, there's only twenty-nine hundred acres that's privately granted out, and the 700 acres I'm trying to redeem is still a very small portion of that

land that you guys have, that you could do a leasing program and have plenty of public land for everybody else.

I think everybody could get along out in Gardiner's Bay together. It's a giant estuary. And I'm just looking to have a better home for my seed, so, when we plant it every summer, it takes. There's been brown tides, red tides, all different tides we've been battling over the years. Gardiner's Bay has never had any known occurrences of these conditions, so that's why we were looking out that way for the future of our business. Thank you.

P.O. POSTAL:
Thank you. Next, I would take a motion from Legislator Guldi, seconded by Legislator Cooper, to extend the public portion. All in favor? Opposed? Public portion is extended.

Next speaker is David Hotine. I don't know if I'm pronouncing that right. David Hotine, is he here?

MR. HOTINE:
Yes. Good morning. My name is David Hotine. I'm against the Resolution 1267 about the governmental need for underwater lands. I am from Paradise Point Oyster Farms and I'm involved with Robert Parrino
That just spoke before me, firsthand, growing the seed, and we have been having a tough time and we're trying to make a go of it, of doing aquaculture.

All these other states up and down the East Coast are way past us in aquaculture and they're taking over the New York market. And we have our New York money leaving New York State, going into other states, buying shellfish from other states up and down the East Coast. North Carolina, Florida, Virginia, Connecticut, all these states are like way ahead of us in aquaculture. And we've already established that aquaculture is good for the bay, it's good for the community, it creates jobs, and I think we should take a little bit back of our portion of the New York market. And I just -- I feel that it's ridiculous that you're trying to take this land away from us when you should be behind us and supporting us like these other states do up and down the East Coast. Thank you.

P.O. POSTAL:
Thank you. Our next speaker is Richard Koubek.

MR. KOUBEK:

Good morning. My name is Richard Koubek, I coordinate the Public Policy Network for Catholic Charities. Catholic Charities is one of the agencies that Judy Pannullo eluded to earlier, agencies that fell through the cracks and were not restored in the November restorations of funding. I did not bring a client today who could have told you some of the stories of misery that we serve. Rather, I'm going to take three minutes with statistics, boring, but compelling, I hope.

We serve thousands of people every year, Catholic Charities, and we lost $105,000 in funding for our chemical dependency and mental health programs. We fell through the cracks when you did the restorations back in November. Who are these people? Forty-three percent of the folks we serve at our Talbot House Chemical Dependency Center are homeless. Eighty-one percent in our Chemical Dependency Program are unemployed. Fifty-four percent have no high school diploma. Forty percent are mentally ill. Ladies and Gentlemen of the Legislature, these are the most vulnerable, the poorest of the folks here on Long Island and we are serving them in partnership with you.

Last year, Catholic Charities in Nassau and Suffolk County provided.
1.5 million dollars more in services than we were contracted to provide. We did this by dipping into the Bishop's Appeal, we did this by dipping into our investments. Two funds, you know, that are questionable at the moment. We did this because we don't want to turn folks away, the poor and the vulnerable, the uninsured.

In Suffolk County alone, in the two programs that were not restored, Chemical Dependency and Mental Health, last year, we gave $511, 000 more in services than we were contracted to give. When you also factor in what we save by paying less in our salaries than the government pays, we actually save the County $680,000 last year. It's good church, it's bad business. It pleases the Bishop, it does not please our accountant.

So I'm here, as one of many agencies that fell through the cracks last year, to ask you, with the additional monies you're getting in Medicaid, with the additional monies you were able to find to restore a number of agencies and to create funding for one agency last month, find the money, not only for Catholic Charities, but for the other agencies who serve the poor, who serve the vulnerable, and who have not received the appropriate funding that we should have to be a real partnership with you. These are real people. These are real stories. This is real money. You

now have it. Please, restore it to those of us who were cut. Thank you.

P.O. POSTAL:
Thank you. Our next speaker is Artie Clark.

MR. CLARK:
Good morning. I'm a resident of the Tulipwood section in Commack, and I've lived there for approximately a year-and-a-half. I'm selling my house because of the noise that is on the Parkway. It's unbearable.

When I first came into my house, I thought I could deal with the noise, because I grew up on Little Neck Parkway and it's pretty noisy, but after awhile, the noise is so bad that you can't even open your windows, you can't go out in your yard. The diesel fumes from the trucks, my kids have asthma. They can't go out in the yard, because the fumes are that bad. So after -- after a year-and-a-half, I decided to sell my house, because I just didn't want to put up with the noise or the pollution.

So, you know, I just wanted to let you guys know that it's a pretty bad situation. Something has to be done in order to, you know, make things right for the people who live there. I mean, we pay high taxes, you know, and, you know, we would just like something done for us. And I appreciate it. Thank you very much.

P.O. POSTAL:
Thank you.

(Applause)

Our next speaker is an old friend of mine, Sue Arons.

MS. ARONS:
Good morning, everyone. I live with my backyard on Motor Parkway, and about ten years ago, there was a car that went out of control and literally went through the fence that was there, and the only reason that the car stopped was because it hit my house. Ever since that happened, I would never let my two daughters play in the backyard. I just had nightmares about it, and my children always knew they played in the front. They're now grown. I have a -- my daughter's

now 26. And when my neighbors told me what was going on today and ask me if I would come and speak, and I said, "Of course." And, when I was having dinner with my twenty-six year old, who at the time was 16, and told my husband I was going to come here to speak, my daughter said, "Mommy, why are we going to speak about the backyard? We don't have a backyard." Thank you.

(Applause)

P.O. POSTAL:
Thank you, Miss Arons. Next speaker is Sharon Lehrer.

MS. LEHRER:
Hello. Good morning. First of all, I want to thank everybody very much for hearing us with our situation. I live on 38 Pinewood Drive in the Tulipwood section of Commack.

First of all, I'd like to say that I have a petition here that ranges in about seven blocks of the Tulipwood area with neighbors that are very upset about the noise situation. And when they heard that we were upset, we walked around and everybody signed, because they said neighbors that back and that do not back Motor Parkway are both very, very, very, very upset. We're all upset.

To go on, I moved into my house last May, I have not been there very long, and I knew that I was backing a major road. What I didn't realize is that I was backing a major thoroughfare, because that's how bad the noise is. It's like I am backing a major, major thoroughfare. I found out that not only I feel this way, but, obviously, my community feels this way. I do not open my back doors, I do not open my windows towards the side and the back of my house. My husband actually put outdoor speakers to drown out the noise, so that when we are in our backyard, which isn't for very long, we're blasting the music to drown out the truck noise, and the cars, and the motorcycles, of course.

I also just want to explain quickly what separates my community's backyards from Motor Parkway; a small, thin six-foot wooden fence, and very little shrubbery, shrubbery which was cut down over this past winter. A lot of it was cut down, so when you're driving, you can see right into my living room window, directly into my living room window. Everything was just cut down.

This situation is not only horrible for our quality of life, but very dangerous as well. We have a lot of tractor trailer trucks, speeding cars and motorcycles that use Motor Parkway daily, both day and night. My neighbor across the street, who does not back Motor Parkway, unfortunately, she could not be here today, wrote a letter several years ago to the County, about seven years ago, actually, about not cutting down the trees and shrubs on Motor Parkway. Well, they did it anyway, and she said seven years ago, the noise from then on to here has been increasingly, increasingly worse.

My family and I love Commack, we love our area, we love our house, and I just feel that the quality of life is drastically declining because of the noise, because of the traffic situation on Motor Parkway. I see my neighbors moving in, I see them moving out, and not because of bad schools or drugs, it's because of the noise and the traffic, and also the danger, because cars are speeding up and down that road unbelievably.

So we ask you to please help us find an amicable solution to a very serious problem in our community, such as a sound barrier, or, please, work with us. Thank you very much for your time.

P.O. POSTAL:
Thank you. Charles --

(Applause)

Charles Prott.

MR. PROTT:
Hi. My name is Charles Prott. I'd like you to abolish Resolution 267, because -- I'm kind of nervous, I've never spoken.

P.O. POSTAL:
That's all right.

LEG. CRECCA:
You're doing a good job.

P.O. POSTAL:
We're just people.

MR. PROTT:
I'm a local bayman and I would like to get into mariculture. If you take this land back, we'll never get it back again to use as mariculture. My entire life I've been fighting the weather and Mother Nature, and I'd like to just turn that around a little bit and be able to grow some shellfish on my own. Once this -- once you take this land back, it will be a very long time before I'll be able to get it back again. Thank you.

P.O. POSTAL:
Thank you.

D.P.O. CARACAPPA:
Thank you.

P.O. POSTAL:
Our next speaker is Jason Rhodes.

MR. RHODES:
How are you doing? My name is Jason Rhodes. I'm a self-employed bayman also. I would ask you to abandon Resolution 1267.

There -- I've been a bayman like my father my whole life and things are getting worse, and I think aquaculture is the wave of the future. If these guys can redeem this land, it's going to help the surrounding areas. I look at Flowers Oyster Company and see how Oyster Bay has gotten better over the years. I think it would be a good thing. Thank you.

LEG. CARACAPPA:
Thank you.

P.O. POSTAL:
Thank you. Next speaker is John Serafini.

MR. SERAFINI:

Good morning, Ladies and Gentlemen of the Legislature. And thanks to our Legislator, Mr. Crecca, this issue has surfaced again.

I reside on Pinewood Drive between Shinbone and Melwood, which is the straightest portion. I am also the senior Pinewood Drive resident, both in age and seniority here today, which I'm not sure I'm happy about, but it gives me a little bit of history. And I'm not going to repeat what you've already heard, because they're all truisms, and I haven't been in my backyard probably in six years. However, back when this project was undertaken, I know that some of the residents, when we saw the work being done, tried to file a protest, and those were neighbors by the name of Santini, Drucker, Rautenberg, Colasanto, {Maneely}, Rizzuto. They're all gone. They no longer reside in Pinewood, because, when the noise got unbearable and their children grew up, they moved out of the area. Back then, they were told that the project was underway and it was too late to do anything, and, therefore, it was a dead issue, so, the Expressway was moved over, the new overpass was put in, all of the greenbelt was taken away. As a matter of fact, the best I could do was put an illegal eight-foot fence and some hemlock trees. Seven foot, really. I knew you'd -- eight foot, they'd probably fine me.

What do I know about history? I'm Sue Arons' neighbor and I had the misfortune of witnessing the accident that occurred where the young lady, on a rainy day, in her Z, new licensee, did a wheely, came through Sue's backyard, missed all the trees, and ended up against her fireplace. Now that can't happen anymore in Sue's backyard, because part of the renovations where these six or eight inch diameter pipes filled with concrete, which were planted all the way along the back of her fence. We haven't reached that point yet. So, you know, there was an attempt and that attempt was stifled, because the wheels of progress had already taken place.

The other thing that added to the problem, I think, was that some of the inroads into the industrial park were made one way, so, in the morning, those inroads handle some of the traffic, but from 3:30, 4:00 on, the only excess traffic comes down Motor Parkway.

No matter what other issues that these -- have all been addressed, our quality of life has certainly deteriorated. Most of us in the working years didn't really know how bad it was getting, because we left. Now that I'm retired --

P.O. POSTAL:

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

MR. SERAFINI:

It's okay.

P.O. POSTAL:

Thank you.

MR. SERAFINI:

I'm at the end of it anyway. Thank you very much --

P.O. POSTAL:

You're welcome.

MR. SERAFINI:

-- for hearing us. Nothing to add. Have a good day.

P.O. POSTAL:

Thank you.

(Applause)

Our next speaker is Phil Goldstein. I'm always tempted to say Jiminy Cricket, but I restrained myself, Phil.

MR. GOLDSTEIN:

I asked that you do that.

P.O. POSTAL:

Oh, you want me to call you Jiminy Cricket? Sure. Our next speaker is Jiminy Cricket.

MR. GOLDSTEIN:

Courtesy of Mr. Paul Tonna, the former Presiding Officer.

P.O. POSTAL:

Wait. Let --

MR. GOLDSTEIN:

I don't consider it a derisive description of myself.

P.O. POSTAL:

No, we would never, we would never use a derisive description of you anyway.

MR. GOLDSTEIN:

Okay.

P.O. POSTAL:

But I'm just counting how many -- we have 11 Legislators? Okay. Go ahead, Phil.

MR. GOLDSTEIN:

Okay. Thank you. Some weeks back, you may recall national news brought to the attention of the nation, the fact that the Democratic members of the Texas Legislature had to flee the State of Texas to adjoining Oklahoma -- Oklahoma State, and the reason behind that was the Republican members of the Legislature had redistricted the State of Texas, and through an artful use of gerrymandering, they had succeeded in shifting the balance of power, so that the new Congressional Delegation that would be attending the Congress of the United States would be a majority Republican, rather than a majority Democratic Legislative Delegation. Unfortunately for the Republicans, and fortunately for the well-being of the nation, the fact that a quorum is required in order for the legislation to be enacted, and that that quorum exceeded the majority who were Republicans, the Republicans failed in what they attempted to do.

Recently, I watched television, and on C-SPAN 2, there was a debate between Trent Lott and Senator Dodd from Connecticut, and it was a very illuminating debate. What was it all about? It was about the filibuster. For those of you who may not be familiar, the filibuster is a time honored rule of the Senate, which allows any Senator to engage in unlimited debate and can only be terminated by a vote of 60 Senators. That's called cloture. Well, at the present time, the Republican majority in the Senate of the United States is attempting to do away with the right to filibuster. I won't go into the details of the reasons why.

What is my point? Why do I raise these two issues? One, a national issue, another a state issue. Because it has to do with a very important principle, and that principle is what democracy is all about. And, unfortunately, too many people, including, I'm afraid, members of this Legislature, think that democracy operates under a procedure in which majority rules. But, Ladies and Gentlemen, whether it's ignorance or arrogance, that is not the proper definition of democracy, because the Constitution of the United States provides that majority rule is not the full definition. There must be respect and protection for minority rights. That's what the Bill of Rights is all about. And, yet, here in the County of Suffolk, the Republicans, who held a ten-vote majority, succeeded in redistricting this County, and imposing their will, and in so doing, they pitted two Democrats against one another --

P.O. POSTAL:
Phil. Phil.

MR. GOLDSTEIN:
-- thus diminishing the democratic representation.

P.O. POSTAL:
Phil, as much as we enjoy listening to you, your time's up. I'm sorry.

MR. GOLDSTEIN:
Wow, that was fast three minutes. All right. The point, very simply, is tyranny of the majority is a violation of what this country is all about.

P.O. POSTAL:
Thank you.

MR. GOLDSTEIN:
And you've got to think about principle, not just pragmatism. That is why I broke with --

P.O. POSTAL:
Phil.

MR. GOLDSTEIN:
-- the County Leader of the Independence Party, Frank MacKay, because he's a pragmatist --

P.O. POSTAL:
Thank you.

MR. GOLDSTEIN:
-- and he has sold out the party --

P.O. POSTAL:
Thank you.

MR. GOLDSTEIN:
-- all right, and its principles.

P.O. POSTAL:
Okay. Our next speaker is Rick VanDyke.

LEG. FIELDS:
I wish you would have given him more time.

P.O. POSTAL:
I couldn't. I couldn't. He's got to learn to speak faster.

MR. VAN DYKE:
Hi. My name is Rick VanDyke, and I'm Executive Director of Family Service League based here in Suffolk County, and we've been providing services to residents of this County since 1926. I'm here to -- this morning to speak to you about wait lists. Ian is not the only child who is waiting for dire services. And you did the right thing as the Legislature last year, you reinstated the cutbacks that the County Executive had not placed in his budget for 2003. But cuts went through, nevertheless, and many of our programs experienced a 10% cutback, and I want to tell you what that's all about. In Huntington, for example, it has to do with 21 children waiting for a school readiness program.

P.O. POSTAL:
Rick.

MR. VAN DYKE:
Yes.

P.O. POSTAL:
Excuse me. Just hold it there. We don't have a quorum. I'm stopping the timer. I'm asking you to just wait until we get some more Legislators in here. Okay. Go ahead.

MR. VAN DYKE:
Thank you. We're talking about wait lists in Huntington for children in our Family Centers in Babylon, Islip, Brookhaven, and Smithtown, we're talking about youth who are waiting for counseling for various kinds of youth activity, for homework help, which helps them be successful in completing school, and we're working on the prevention of violence.

On the East End, we have 38 people who have been waiting for several months, waiting for alcohol and substance abuse treatment. And in addition to that, their families would be involved in that treatment, if we had the funds to provide those services.

Mental health, I found out just recently that there are 19 boys, ages six through 17, who are awaiting mental health services, and 11 girls. Twenty-nine single parents on the North Fork are awaiting services.

We have attained national accreditation in terms of best practices for the provision of services to the residents of this great County, but we cannot provide these services without the resources that you have provided in the past, and which we desperately need this year.

We're asking for a restoration of that 10%, which represents 145,000, and in addition, and additional $65,000 for increases in cost of rent, utilities, etcetera.

We understand that Suffolk County will have some resources coming from the Federal Government, and we would like these funds to be considered as a reinstatement to the contract agencies, which are providing so many vital services to children like Ian and on down the line.

P.O. POSTAL:
Thank you.

MR. VAN DYKE:

All those who are on our wait list. Thank you very much.

P.O. POSTAL:

Thank you. Our next speaker is Jim Stephens.

MR. STEPHENS:

Thank you, Madam Presiding Officer. I'm not here to speak on the normal topic I'm usually here on, I'm here to speak on behalf of myself.

In 19 -- in the Year 2000, shortly after the election, I was diagnosed with a disease called cryptogenic cirrhosis, which is meaning that they know no reason why I ended up with cirrhosis. This is also affecting my esophagus by having varices. It's affected my lungs through pulmonary fibrosis and other reasons. It's a struggle from day to day just to make it. And since December, I've had to spend 11 days in hospitals because of the problems. I've had to have 11 liters of fluid drained off of me.

I go to the Mount Sinai Recanati/Miller Transplant Institute with the hope of someday receiving a liver transplant. Every time I have to go there, it's a minimum $21 just to get there and back on the Long Island Railroad and the subways.

I was informed in May by DSS that I'm only allowed to make $667 a month to live on, without including rent, telephone I have to have, because being on the transplant list, and so on. It's impossible to live in Suffolk County at that rate. I only make $770 on social security. I'm not allowed to work, because I don't have the strength to do it.

I don't understand how -- you know, I was told by DSS that if I was a -- if I had the HIV/AIDS virus, that would be -- I would be able to make a lot more money and not have a pay-down. I don't have the virus, and I choose never to get that virus. You know, I don't understand how I'm expected to live each month. Now that I've paid my bills for June, I don't have the spend-down, so I'm going to be denied my Medicaid.

And I just -- I'm asking the Legislature to please inform the State that it's impossible to live on what they're asking us to live on to keep our Medicaid.

P.O. POSTAL:

Thank you, Mr. Stephens. I have no more cards. Is there anyone who would like to address the Legislature? Come up and identify yourself.

MS. STORMS:

Hi. Just for the record, I filled out a card and I don't know what happened. It must have gotten mixed up in the shuffle, but good morning. My name is Lauren Storms, and I'm here to speak on behalf of the Long Island Pine Barrens Society. I'm here today to ask you to not override County Executive Gaffney's veto of Resolution 1028. Resolution 1028 dealt with the placement of cell towers in County parks. It was sponsored by Legislator Fields. Although I am sure Legislator Fields meant well, this resolution would have put the County parks system at risk.

I have heard from several sources, including Legislator Fields, that the intent of this legislation was to place cell structures on preexisting facilities, like flag polls or buildings, within the County parks. The Society is not opposed to this, but the legislation does not make the intent clear. We ask that if the Legislature only intended cell structures to be placed on existing facilities, that the legislation say so. Right now, the wording is very vague and it does not protect the park system from being filled up with gigantic unsightly cell towers that harm wildlife and the quality of our wonderful park system.

Rather than overriding this veto and having to deal with the unintended consequences, we ask that new legislation be introduced clearly specifying the intent of the bill. We are sure that new legislation can be created that meets the needs of cell users, raises funds for the County park system, and protects the environment. Thank you for your consideration.

P.O. POSTAL:

Thank you. I have no more cards. Is there anyone else who would like to dress the Legislature at this time? Hearing no one, I have a motion to close the public portion by Legislator Caracappa.

LEG. FOLEY:

Second.

P.O. POSTAL:

Seconded by Legislator Foley. All in favor? The public portion is closed. We're going to go to

our agenda.

LEG. BISHOP:
I think you're going to need a minute to round up the troops.

P.O. POSTAL:
Okay. Would -- yeah, I know. I'm just counting how many of us are here. We're going to go to the agenda, so all Legislators should return to the auditorium. All right. We're going to take a five-minute recess. We'll be resuming promptly at 11:40.

[THE MEETING WAS RECESSED AT 11:30 A.M. AND RESUMED AT 11:40 A.M.]

Okay. Would all Legislators please return to the horseshoe. We are going to address the agenda. Please return to the horseshoe. We're going to begin with resolutions tabled to June 10th. Okay. Resolutions tabled to June 10th, 2003.

RESOLUTIONS TABLED TO JUNE 10, 2003

1585 - Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan.

LEG. FOLEY:
Table, please.

LEG. HALEY:
Second.

P.O. POSTAL:
A motion to table by Legislator Foley, a second by Legislator Haley. All in favor? 1585 is tabled.

LEG. BISHOP:
Did we do the Consent Calendar?

P.O. POSTAL:

Yes. **2252.**

MR. BARTON:
13.

P.O. POSTAL:
To authorize and empower the audit of the Suffolk County Pharmacy Benefits Manager. Legislator Bishop?

LEG. FOLEY:
Dave.

LEG. BISHOP:
Table, please.

P.O. POSTAL:
Was that --

LEG. CARACAPPA:
Second.

P.O. POSTAL:
I didn't hear you.

LEG. TONNA:
To table.

P.O. POSTAL:
To table?

LEG. TONNA:
Table, second.

P.O. POSTAL:
Okay. Second by Legislator Tonna. All in favor? Opposed? 2252 is tabled. **2256.**

MR. BARTON:
15.

P.O. POSTAL:
Requiring County Department (of Economic Development to advertise Suffolk County Commuter Tax Advantage for Workers).

LEG. BINDER:
Motion to table. I'm going to be withdrawing it.

P.O. POSTAL:
Motion to table by Legislator Binder, seconded -- was that Legislator Tonna?

LEG. TONNA:
Yes.

P.O. POSTAL:
All in favor? Opposed? 2256 is tabled.

MR. BARTON:
15.

P.O. POSTAL:
1079 - A Charter Law in connection with subpoena power. Legislator Guldi? I thought we had actually acted on this, but --

LEG. HALEY:
Motion to table.

LEG. ALDEN:
Second.

P.O. POSTAL:
Motion to table, Legislator Haley, seconded by Legislator Caracappa. All in favor? Opposed?

LEG. CARACCIOLO:
Opposed, Henry.

P.O. POSTAL:
Opposed, Legislator Caracciolo, was that?

LEG. FOLEY:
Is the sponsor within distance of --

P.O. POSTAL:
Hearing distance?

LEG. FOLEY:
Hearing distance?

LEG. BISHOP:
And myself.

LEG. FOLEY:
Oh, just on --

P.O. POSTAL:
You're opposed?

LEG. FOLEY:
On the motion to table. I'll speak on the motion to table, if a staff member would go and get the sponsor of the bill to come back into the horseshoe.

D.P.O. CARACAPPA:
Filibuster.

LEG. FOLEY:
On the motion. Madam Chair, may I be recognized?

P.O. POSTAL:

Sure.

LEG. FOLEY:

Thank you.

LEG. BISHOP:

You're speaking on a motion that's been called.

P.O. POSTAL:

Well, there hasn't been --

LEG. FOLEY:

The vote has not been called. And I think, out of --

P.O. POSTAL:

The vote has not been called. There's a motion and a second --

LEG. FOLEY:

Out of courtesy to the sponsor, who briefly walked through here not more than a moment ago, I think we should wait until the sponsor is back to see whether or not he wants --

LEG. NOWICK:

Let's go back to it.

P.O. POSTAL:

Okay.

LEG. CRECCA:

Can we get Legislators here?

P.O. POSTAL:

The sponsor is at a press conference, and, actually, I think in our rules, we have this whole issue of press conferences during meetings addressed; am I right?

LEG. CARPENTER:

I thought we're not supposed have to have any.

LEG. FOLEY:

Could we hold this over until noon time?

P.O. POSTAL:

That's what I'm saying. That's what I'm saying. So we have a motion and a second. I'm sorry the sponsor is not here, I wish he was.

LEG. CARPENTER:

Madam Presiding Officer.

P.O. POSTAL:

But all in favor?

LEG. CARPENTER:

Oh.

P.O. POSTAL:

Opposed?

LEG. BINDER:

I'm opposed.

LEG. BISHOP:

Opposed.

P.O. POSTAL:

Okay.

LEG. CARPENTER:

On the issue that you just mentioned about --

LEG. FOLEY:

Opposed. I'm opposed to tabling.

LEG. FIELDS:

Opposed.

P.O. POSTAL:

1079.

LEG. FOLEY:

Opposed to tabling, also.

P.O. POSTAL:

Let me if we have enough votes. One, two, three, four, five, six, seven --

LEG. FOLEY:

Can we table it for like -- for a half an hour?

MR. BARTON:

Ten.

P.O. POSTAL:

Eight, nine.

LEG. HALEY:

You called the vote.

P.O. POSTAL:

Well, it's up to the maker of the motion.

MR. BARTON:

Ten.

LEG. HALEY:

Ten.

LEG. CARACCIOLO:

Wait. How many people voted no, Henry?

MR. BARTON:

Three.

P.O. POSTAL:

Okay. So --

LEG. CARPENTER:

Madam Presiding Officer, I would just ask that you reiterate the rule about press conferences, because, I mean, we're here --

P.O. POSTAL:

We prohibit them, yes.

LEG. CARPENTER:

During Legislative time. Thank you.

P.O. POSTAL:

I will. I will --

LEG. BISHOP:

You can't prohibit it, it's free speech.

P.O. POSTAL:

Well, it is free speech. We're asking as a courtesy.

MR. BARTON:

Please, use your microphones.

P.O. POSTAL:

This is not -- you know, it's a prohibition, but it's not a --

LEG. CARPENTER:

But it's a rule and --

LEG. ALDEN:

Madam Presiding Officer.

P.O. POSTAL:

Well, we'll just skip over it. Okay. Legislator Alden.

LEG. FOLEY:

Legislator Alden.

LEG. ALDEN:

If it will do any good, let's just -- can you call a roll?

LEG. CARPENTER:

He did.

MR. BARTON:

I did, it's ten.

LEG. CARPENTER:

He called the vote.

LEG. ALDEN:

No, not the vote. Roll call.

P.O. POSTAL:

He wants a -- Legislator Alden is calling for a roll call.

LEG. FOLEY:

But it's already been called.

LEG. LINDSAY:

Here's the sponsor.

P.O. POSTAL:

That's his right.

LEG. CARPENTER:

Remind of this rule.

P.O. POSTAL:

He has the ability to do that.

LEG. ALDEN:

It's not on this vote, it's a roll call.

P.O. POSTAL:

It's just a roll call. Go ahead, Henry.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

No to table.

P.O. POSTAL:

No, no. It's just a roll call, Mike. Just a roll call.

LEG. CARACCIOLO:

This is a vote?

P.O. POSTAL:

It's "here".

LEG. ALDEN:

Just a roll call.

P.O. POSTAL:

No. It's just a "here", or "not present". It's just a roll call.

LEG. CARACCIOLO:

Here. I thought it was roll call on the resolution.

MR. BARTON:

Legislator Guldi.

LEG. HALEY:

You just can't make this up.

P.O. POSTAL:

You're going to miss us.

LEG. FIELDS:

George. George, say, "Here."

LEG. GULDI:

Yes, I'm here.

LEG. VILORIA-FISHER:

Here.

LEG. HALEY:

Here.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

I'm here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

(Not Present)

LEG. CARACAPPA:

I've been here.

P.O. POSTAL:

Here.

MR. BARTON:

16 present. (Not Present: Leg. Cooper)

P.O. POSTAL:

Well, that's very good. Now, let's see. Legislator Guldi, this is your resolution, 1079.

LEG. CRECCA:

It's already been -- the vote's already been --

LEG. ALDEN:

Let's table it.

P.O. POSTAL:

That was tabled?

LEG. CRECCA:

Yes.

P.O. POSTAL:

Okay. We had -- okay.

LEG. BISHOP:

Vote was called.

P.O. POSTAL:

Okay. **1114 - Amending the adopted Operating Budget and creating positions in the Board of Elections.** I'm going to make a motion to approve. Legislator Crecca?

LEG. CRECCA:

I'll second it.

P.O. POSTAL:

Thank you.

LEG. CARACCIOLO:

On the motion.

LEG. TONNA:

On the motion.

P.O. POSTAL:
Yes, Legislator Caracciolo, followed by Legislator Tonna.

LEG. CARACCIOLO:
Could Legislative Counsel give a synopsis of the resolution?

MR. SABATINO:
There's a corrected copy, which was just filed, and the corrected copy would now create two ungraded Election Administrator titles at the Board of Elections.

LEG. CARACCIOLO:
It's a resolution for two positions, Counsel?

MR. SABATINO:
Yes, two election administrative positions. And I'm just checking one other portion of it.

P.O. POSTAL:
Okay.

MR. SABATINO:
And I'm sorry. And there were four, four Assistant Election Clerks ungraded. Those were the other four positions. So it's six all together. It's two Election Administrator and four Assistant Election Clerks.

LEG. CARACCIOLO:
Okay. Counsel, the Board of Elections operates under New York State Election Law, or what other applicable State statutes govern the operation and the staffing of the Elections -- Board of Elections?

MR. SABATINO:
Staffing is governed by the New York State Election Law.

LEG. CARACCIOLO:

And could you just explain how that works, because it's always been my understanding that there's supposed to be some type of relationship between -- between the major parties and the number of people employed there, an equal number, as I understand it.

MR. SABATINO:
Yes. There's a section of the New York State Election Law, I think it's Section 104, if I remember correctly, but that section basically states that the appointment of employees at the Board of Elections is supposed to constitute equal representation of the major political parties. The major political parties are defined as who secured the highest number of gubernatorial votes at the last gubernatorial election. So that's the statutory standard that's set forward in the State statute, and then it provides for employees to be -- to be appointed and removed within the appropriations that are provided by the local Legislative bodies. So the Legislature itself is what appropriates the funds to make the positions available.

LEG. CARACCIOLO:
Okay. Fred Pollert.

MR. POLLERT:
Yes.

LEG. CARACCIOLO:
The six positions that are contained inside this resolution, could you just elaborate as to what they are, what the salary grade level is, and what the total cost is, first, for the four clerical positions and, two, for the administrative positions?

MR. POLLERT:
Because the resolution was just amended, I don't have those numbers in front of me.

LEG. BISHOP:
It was just amended, it couldn't be eligible; is that correct?

LEG. CARACCIOLO:
Counsel, is that --

LEG. TONNA:

How could this be eligible?

MR. SABATINO:

It was -- the corrected copy was filed on June 2nd, today is June 10th, so it's eligible.

LEG. BISHOP:

Oh, okay. Because everybody's saying it's just amended, just amended.

MR. SABATINO:

Well, I meant that it --

LEG. BISHOP:

You said it. You said it in your opening remark, you said today.

MR. SABATINO:

Yeah, it's a recent amendment -- I didn't say today, I said it's a recent amendment, because it's been out there for a long time, and that's why I was going back to track my notes.

LEG. BISHOP:

Oh, so it's eligible.

MR. SABATINO:

Clearly eligible.

LEG. TONNA:

Eligible because of the eight-day rule?

MR. SABATINO:

Clearly eligible.

LEG. BISHOP:

But Budget Review hasn't looked at it, is that was is going on?

LEG. CARACCIOLO:

Well, I think I have the floor, Dave. I didn't mind yielding to that inquiry, but I think what I'd like to know, what's relevant for the vote, is what are the payroll costs associated with, first, the four positions, including fringes, and then separately for the two administrative positions?

MR. SABATINO:
I have the old fiscal impact statement, which is attached. It's real easy. It's the Election Administrator is 108,889, so you multiply that by two, and the Assistant Election Clerks are 36,253, so you would multiply that by four.

LEG. CARACCIOLO:
And what would the total cost be with fringes, Fred?

MR. POLLERT:
I have the Capital Program book, I didn't bring in the other resolution book. I'll be back in a moment.

LEG. BISHOP:
Three-sixty.

LEG. CARACCIOLO:
Three hundred and sixty thousand dollars. Okay. And what is the justification or the urgency in filling these positions?

P.O. POSTAL:
Well, I can respond about one aspect of that. The Board has been required to make whatever provision it needs to make to permit blind people to vote, so there's going to have to be a procedure and a system for people to vote by voice and by hearing. And that's, as you could imagine, rather difficult and rather complex, and it's going to require a certain level of expertise, and there is no one at the Board currently who has that expertise. So that was really how this began.

With regard to the four clerks positions, as you know, the Board has an equal number of employees who are Republicans and -- you know, to the number who are Democrats, and somehow, someplace along the line, the Democrats ended up with four extra clerical positions. So there are four Republican clerical positions to comply with that, equal numbers and equal

positions on either side. So that's how this has come about.

There's the electronic -- I don't remember the title, but the electronic positions are to enable the Board to make whatever provisions they need to make to enable blind people to vote. And the four clerical positions are because the Democrats right now have four additional -- four more clerical positions than the Republicans do.

LEG. CRECCA:
Would you suffer --

P.O. POSTAL:
Sure.

LEG. CARACCIOLO:
The individuals who will be filling these administrative positions, do we have copies of their resumes, what their -- are their qualifications for sight impaired voting?

P.O. POSTAL:
Yes. They are actually working already in County government and they'll just be moving from their current positions to these -- these positions at the Board.

LEG. CARACCIOLO:
Are they working -- do they have the expertise is the question.

P.O. POSTAL:
Yes.

LEG. CARACCIOLO:
And where is there evidence of that?

P.O. POSTAL:
Well, I can get you the resume of one of those individuals. The second individual is someone whom I know, but I don't know what his qualifications are, but I have been told that he has the qualifications and the training and the ability to do this? You know, frankly, I -- you know, I personally don't know that.

LEG. CARACCIOLO:
Right.

P.O. POSTAL:
I've been told that.

LEG. CARACCIOLO:
Neither do I and that's -- I think it's very important to establish some kind of a record here. These are significant expenditures at a time when we have level revenues. We have an obligation to hold the line or cut --

LEG. CRECCA:
Madam Chairman, I don't think --

P.O. POSTAL:
Wait, wait, wait. Let's let --

LEG. CRECCA:
I'm sorry.

P.O. POSTAL:
-- Legislator Caracciolo finish, and then I'll recognize you, Legislator Crecca. Go ahead.

LEG. CARACCIOLO:
I was saying that at a time that we have level revenue, we seem to be having concurrently an increase in expenditures. First question relates to the four additional positions that were established where one party had four more employees than the other. Is that something that was contained in this year's Operating Budget?

P.O. POSTAL:
I don't think that anybody realized that at the time that the Operating Budget was adopted. That's my impression.

LEG. CARACCIOLO:

That speaks to a more fundamental issue, then, and that is who's at the switch and who's watching what's going on? Where are taxpayer dollars going?

P.O. POSTAL:
However, overall, you can't create money, so that I think that there were funds available. But, in any case, it doesn't make any difference, because at the Board of Elections, for example, if there's a special election, it needs to be held and the money needs to be found someplace, because we really don't have any jurisdiction, we must do it.

LEG. CARACCIOLO:
I understand that. But we're talking about the Operating Budget of the BOE, wherein we're learning today that there were four additional employees on one side of the aisle. If that was a mistake, then those four employees should have been let go. We shouldn't be compounding the problem.

P.O. POSTAL:
Well, I can't address that, but I will tell you that the other positions, the electronic positions, are extremely important, because we have been directed to make whatever provisions and adjustments we need to make to enable blind people to vote, and that's going to require a level of electronic expertise, so that they will be able to listen to the issue by voice and vote by voice, and that's something that's going to be difficult and will require that level of expertise that we just -- we must fill that, we must do that, we must meet that requirement. That's all. You know, we've been directed to do that. Now, the other four positions are being filled, because we always have and have had corresponding positions.

LEG. CARACCIOLO:
Fred.

MR. POLLERT:
Yes.

LEG. CARACCIOLO:
The 2003 adopted budget, what were the budget lines for staffing at the Board of Elections?

MR. POLLERT:
What were the staffing lines?

LEG. CARACCIOLO:
What did we adopt? What was adopted? Don't tell me that's another book and you don't have it.

MR. POLLERT:
That's another book. That's the Operating --

LEG. CARACCIOLO:
We have computers, we have books, we need electronic expertise at the Board of Elections, we have all of this expertise sitting here, but we can't get fundamental information. Incredible.

MR. POLLERT:
What I had was the answer to the last question that you had asked, so I'm playing catch-up. The total cost, plus the fringe benefits, is approximately $303,000 on an annualized basis, clearly depending upon the lead times. The cost will be less than one-half of that for 2003. That includes the fringe benefit costs.

LEG. CARACCIOLO:
Okay. Now, the positions at the BOE, I'd like to know what we adopted. In your view, has your office looked at this resolution from the standpoint of justifying the additional expense?

MR. POLLERT:
We had a discussion with the Commissioners of Board of Elections with respect to this title. The conversation was along the lines of there is a disparity between the number of Republicans and the number of Democrats. And if there was a shortfall, they wanted the Legislature to be aware of the fact that the Board of Elections was responsible for carrying out elections, and that if a transfer would be required at the end of the year, it would be part of the County's housekeeping resolution to make the Department whole.

LEG. CARACCIOLO:
Were there any employees at the Board of Elections that participated in the early retirement incentive?

MR. POLLERT:
Probably, but I don't know the number. I can call it up. That, in fact, we do have on the computer.

LEG. CARACCIOLO:
Okay. I guess what I'd also like to know is what type of cost savings, given all of our attempts to bring the Board of Elections into the 21st Century --

MR. POLLERT:
I'm sorry, one more time.

LEG. CARACCIOLO:
I'll let you finish that conversation, then I'll ask the question. Before I go on, let's get some answers to the questions I've raised already.

MR. POLLERT:
Okay. The 2002 adopted budget included 123 spots in the Board of Elections, in 2003 adopted, it was reduced to 117.

LEG. CARACCIOLO:
Okay. Now, historically, I know the number's been about 105, so it seems we've had some payroll creep here in the last few year. What's the justification for that? I'm told, with all the automation, Fred, that's taken place there, that there's a need for fewer employees rather than more.

MR. POLLERT:
Clearly, there has been a positive benefit from automation in the Board of Elections. I am going to defer to Lance with respect to the staffing levels over time.

MR. REINHEIMER:
We have a file of staffing level over time, which I'll pull up. I don't recall that positions in the Board of Elections have been expanded in the past couple of years. I think they've been somewhere, like you say, 105 filled positions. We will get the number of people that did retire.

And we also have by time the number of filled positions.

LEG. CARACCIOLO:
What do we currently have as far as the present day staff at the Board of Elections?

MR. REINHEIMER:
I will pull that up in just a second.

LEG. CARACCIOLO:
Okay, okay. Because I think that argues against adding -- well, let's get the information. All I will say at this point, pending that additional information, is that it is June. We have seen the State Legislature enact legislation that has unilaterally increased sales taxes as an alternative to increasing property taxes by voters when they voted for their school budgets. In essence, what they did was shift taxation from one form to another. People are paying more, not less. The Board of Elections is an area where we can exercise some real control and restraint and I urge all of us to start thinking about doing that. Thank you.

P.O. POSTAL:
Okay.

LEG. TONNA:
I think I'm on the -- I'm on the -- I think I'm next.

P.O. POSTAL:
Well, do we have an answer for Legislator Caracciolo?

MR. POLLERT:
Well, actually we have a partial answer. You had 11 employees participated in the Early Retirement Incentive Program last year.

LEG. CARACCIOLO:
Okay. What you would need to know to make some kind of an informed judgment is what positions were they, and what expertise did they have, and did you and your office review the qualifications of the individuals who are being advocated for these two administrative positions?

MR. POLLERT:

No. That went beyond the scope of Budget Review Office. That would be up to the two Commissioners whether or not the individuals are qualified. But we will print out the titles of the individuals that did participate in the Early Retirement Incentive Program.

LEG. CARACCIOLO:

With all due respect, I think it's up to this Legislative body, since we are appropriating County funds, to make sure that the individuals appointed to these positions are qualified, not the Commissioners.

P.O. POSTAL:

Okay? Legislator Tonna.

LEG. TONNA:

Just a few things. First is that I don't understand the numbers. We have six positions. Just cut -- for the last three years, when I was Presiding Officer, Board of Elections and party leaders came to me and said, "Hey, we want this resolution, we would like to have more." The inequity was on the other side at that time, it was more Republican positions. And I told the Board of Elections and party leaders the same thing, which is just cut two Republicans and then you have equity. At a time when you're financially, you know, strapped, why add positions?

The second part, everybody knows who these positions are for. Legislator Postal says she knows who those positions are for already. Before we even okay the positions, I'm told that this is for Elie Mystal and for Jesse Garcia. What does that have to do with the blind? I just -- I find why are we doing things like this at a time when we have no money? Now, I know it helps the Board of Elections, okay, it helps create more jobs that they can play around with. I have never heard a complaint from people in the Board of Elections that they're overworked. If they need some job training with regard to reaching out to the blind or new technology, or whatever else, it's a lot less expensive to basically pay for some job retraining or for some competency on computers, or whatever else that they need, than it is for hiring six new positions, two of them that everybody here knows who they're for. Now, before those positions are hired, before there's even an interview process, before anything else, everybody already knows who they are. So, in a sense, when you're voting for this resolution, it's not the Board -- the Commissioners who are going to decide who those positions are for, we're deciding who those positions are for. And I just think this is not right.

P.O. POSTAL:

All right. We have a motion and a second. All in favor?

LEG. CARACCIOLO:

Roll call.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

No.

LEG. BINDER:

(Not Present)

LEG. BISHOP:

Pass.

LEG. NOWICK:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Nope.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Abstain.

MR. BARTON:

Thirteen.

LEG. HALEY:

Elie's buying.

MR. TONNA:

Yeah, he should.

P.O. POSTAL:

Elie and Jesse are buying together.

LEG. TONNA:

Yeah. That's great.

P.O. POSTAL:

Okay.

LEG. TONNA:

No, the taxpayers are buying.

P.O. POSTAL:

1114 is approved.

1143 - Adopting a Local Law to establish hospital reporting policy for indigent care in Suffolk County. Legislator Foley.

LEG. FOLEY:
Madam Chair, I'm going to table it one more round.

LEG. HALEY:
Second.

LEG. FOLEY:
We'll be ready to vote on it at the next General meeting.

LEG. HALEY:
Second.

P.O. POSTAL:
Okay. Motion and a second to table. All in favor? Opposed? 1143 is tabled.

MR. BARTON:
16.

P.O. POSTAL:
1143 - A local law to establish a hospital reporting policy for indigent care --

LEG. FOLEY:
We just tabled it.

P.O. POSTAL:
Oh, I'm sorry, I apologize. We just tabled that. Okay. **1225 - A Local Law to authorize County registry for domestic partners.** I would make a motion to approve.

LEG. GULDI:
Second.

LEG. CARACCIOLO:

Roll call.

LEG. CRECCA:

Motion to table subject to call.

LEG. HALEY:

Second.

LEG. BINDER:

Second.

P.O. POSTAL:

Okay. Legislator Crecca has made a motion subject to call.

LEG. BINDER:

Second.

P.O. POSTAL:

Seconded by Legislator Binder. Let's have a roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

(Not Present)

LEG. TONNA:

No.

LEG. BISHOP:

Pass, please.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Is this subject to call? I'm a no, please.

MR. BARTON:

Legislator Nowick?

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

Nope.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Motion to table.

LEG. FOLEY:

Second.

LEG. CRECCA:

He's got to call -- he's got to call the vote on that.

P.O. POSTAL:

It wasn't finished.

MR. BARTON:

I wasn't finished.

P.O. POSTAL:

I didn't vote. I made a motion to table.

LEG. GULDI:

Point of order.

MR. SABATINO:

Subject to call still takes precedence, so we have to conclude the vote on subject to call.

MR. BARTON:

Legislator Postal?

P.O. POSTAL:

Yes. This is a motion to table subject to call?

MR. SABATINO:

Subject to call.

P.O. POSTAL:

No. I'm sorry. I just -- no.

MR. BARTON:

Legislator Cooper?

LEG. TONNA:

Legislator Cooper just say no.

LEG. COOPER:

Motion to table subject to call?

LEG. TONNA:

Yeah. No, you're a no.

LEG. COOPER:

No.

MR. BARTON:

Seven.

LEG. CARACCIOLO:

Motion to approve for the purpose of defeating the resolution.

LEG. FOLEY:

I'll make a motion to table.

LEG. GULDI:

There was already a motion to approve.

MR. BARTON:

I have a motion and a second to approve already.

LEG. FOLEY:

That's right, but motion to table takes precedence. I'll make the motion to table.

P.O. POSTAL:

I'll second it.

LEG. HALEY:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes, to table.

P.O. POSTAL:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes. Is it to table?

P.O. POSTAL:

Yeah.

MR. BARTON:

Yes.

LEG. TONNA:

You need a table? Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No, to table.

LEG. CARPENTER:

No.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No, to table -- I mean, yes, to table. I'm sorry.

LEG. LINDSAY:

Yes.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Nope.

LEG. COOPER:

Yes, to table.

LEG. CARACAPPA:

No.

MR. BARTON:

Nine.

LEG. CARACCIOLO:

Motion to approve for the purpose of defeating the resolution.

LEG. GULDI:

There's already a motion to approve.

LEG. CRECCA:

There's already a motion to approve before us, Mike.

LEG. HALEY:

Roll call.

LEG. CARACCIOLO:

When was that motion? There was a motion to table subject to call.

LEG. TONNA:

On the motion.

MR. BARTON:

Just before.

LEG. CARACCIOLO:

It wasn't seconded.

LEG. VILORIA-FISHER:

Yes, it was.

LEG. TONNA:

On the motion. On the motion.

LEG. CRECCA:

Roll call.

LEG. TONNA:

On the motion.

P.O. POSTAL:

Who seconded it?

LEG. GULDI:

I did the second.

MR. BARTON:

Legislator Guldi did.

LEG. CRECCA:

I believe we were in the middle of a roll call on the motion to approve when the motion to table subject to call was, so --

P.O. POSTAL:

Okay.

LEG. TONNA:

No. I think -- oh, all right. Yeah, I think you're right.

P.O. POSTAL:

Okay. Henry.

MR. BARTON:

Yes.

P.O. POSTAL:

Where were we?

LEG. TONNA:

No, no. There was a motion called, there was no vote, and then there was a motion subject to call right immediately after with no vote yet.

MR. BARTON:

I have a motion and second to approve.

LEG. CRECCA:

Right. Would you just start the --

LEG. TONNA:

Yeah, on the motion.

P.O. POSTAL:

All right. And did we complete the roll call?

LEG. TONNA:

No, we didn't even start the roll call.

MR. BARTON:

We never started it.

P.O. POSTAL:

Okay.

LEG. CRECCA:
I thought we did. Okay, I apologize.

P.O. POSTAL:
Yeah, I did, too.

LEG. TONNA:
On the motion.

LEG. CRECCA:
I apologize, Legislator Tonna.

P.O. POSTAL:
Okay.

LEG. TONNA:
On the motion. Just can you review the bill, Legal Counsel? This is a harmless bill. This is cost effective, neutral, except for people who are living in domestic partnership relations, who -- at no cost to the County taxpayer. It's no -- it's a bill that's basically -- it's not condoning a certain way of life, it's not doing anything, it's just creating a registry. This is neutral, that's the -- this is not enhancing somebody's benefits on the County level, this is not doing any of that. It's allowing people in America who choose to have a certain lifestyle just to be registered as having that life-style for the private sector, whether it be benefits on the outside, private sector, whether it be insurance money, or whatever else. I just -- I don't understand why there would be such opposition to this. This is not condoning anything.

LEG. COOPER:
Max.

P.O. POSTAL:
Jon.

LEG. COOPER:

I think everyone knows how I stand on this bill. I just want to take a minute to express my great disappointment in a lot of my colleagues at this point. We've been trying to get domestic partner legislation in one form or another passed since my first days in the Legislature.

A lot you have gotten to know me. A lot of you who have gotten to know my domestic partner, Rob. You've met my kids. You've come to my home. You've shared our food. I've been with my domestic partner for -- he's going to kill me -- I think it's 23 years, or is it 22 years? Twenty-three years. He's the legal parent of our five adopted kids. Daniel -- all adopted at birth. Daniel's about to go off to college in September. But he's my spouse, and he's treated differently than all your spouses, even though we've probably been together more than a lot of you have, even though we probably have more kids than a lot of you have. My spouse does not get health benefits, doesn't get medical benefits, doesn't get prescription coverage, he gets zip. I'm getting compensated less as a County Legislator than all of you are.

LEG. TONNA:
That's not the issue.

LEG. COOPER:
I know it's not that issue, but it's the issue of how I'm being discriminated against and my family is being discriminated against.

Setting aside the issue of health benefits, which we've tried for in the past, and that effort's been tabled for now, which would cost taxpayers a certain amount of money, this proposal will generate revenue for Suffolk County. We're not going to set up this domestic partner registry for free, there's going to be a fee. I think it's $25 or more.

It's going to raise much needed revenues for Suffolk County. It in no way endorses the concept of domestic partnership for an individual couple, but it allows a couple like me and Rob, that you all know -- you all know Rob, some of you went to our commitment ceremony. And as I said, most of you have been to our house at one point or another. It allows us, should we so choose, to register our partnership with Suffolk County. That's all it does. And for you to vote against this measure, and everyone knows the reason why you're hesitating to vote for this, it's shameless, it's absolutely shameless. I would never do this to any of you. I would never do this to any of you on an issue like this that can impact one of my colleagues the way this impacts me and my family. The message that you're sending about me and my family, that what, we're less

valued than you are, because it's a man and a man or a woman and a woman? We love each other, love makes a family. There's nothing more that I can do to make that statement. And I would hope that one of you, one of you would have the guts to buck who you know you're bucking, to buck the Conservative Party who has threatened not to give -- excuse me. People are shooting me looks, "Oh, my God, you're not supposed to say this at the horseshoe."

LEG. CRECCA:
Say what you want to say, Legislator Cooper.

LEG. COOPER:
Well, that -- okay. So, I mean, I wish that one of you would have the guts to do the right thing that you know in your hearts is the right thing to do, but for political reasons, you don't. There's nothing else I can say. I wish that Rob was here and my five kids, so you could look them in the eyes when you cast this vote. You've got to live with yourselves. It's the least -- and this is something that's been done in municipalities, and cities, and states across the nation, across the nation, and often with broad bipartisan support. Thank you.

LEG. CARACCIOLO:
Madam Chair.

P.O. POSTAL:
That was very eloquently said.

(Applause)

I know that there were a number of people who wanted to address the Legislature. Legislator Viloria-Fisher, Legislator Crecca, Legislator Bishop and Legislator Caracciolo, in that order.

LEG. VILORIA-FISHER:
Legislator Cooper, some of us said yes, you have -- if you have said it before, you don't have to say it again, we've heard it, but you've never said this before. And you join the many people who have come to speak before us to express that this is a personal effect -- this has an effect on their personal lives, and the -- the self -- the view that they have themselves, of how their own life is valued and how their own life-style is valued. And I truly appreciate your making this statement today, because it is about the personal quality of life.

And there are those people at this horseshoe who are making their decision based on their own personal philosophy, but I agree with you, if it's not made on that personal philosophy and that commitment to their own personal philosophy, then they should look at it closely and look at how it's impacting human beings and the respect for families, because yours is a family that I'm very proud to know, and that is a great asset to our community at large, and I'm proud of you for expressing it on its personal level. Thank you.

LEG. COOPER:
Thank you, Vivian.

P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
Yes. First of all, I have been consistent on this issue throughout. And I have stated my reasons in the past, while I do not believe that unless and until New York State recognizes domestic partnerships as marriages, or otherwise defines them, I do not believe it is our place to set up registries or to move forward on this type of legislation.

Legislator Cooper, I attended your commitment ceremony over the objections of many, including the Conservative Party. And I say to you, how dare you accuse me of kowtowing to the Conservative Party or any other political party? And I find it personally offensive that you would make that accusation here in front of my colleagues. I have been consistent with you on this issue, I have discussed it with you. And, you know, I don't like it being thrown back in my face about the politics of it when you know that this is something that I feel is inappropriate under the way the law is in this state and the common-law the way it exists in this state.

And so, I just want to say that I am doing this for the legal reasons that I believe are correct. I respect my fellow Legislators who choose otherwise, and that's why we're here, to cast votes based on what we believe is proper, both personally, but more importantly, to our constituency and representing our constituency. So, you know, I would ask that you take back what you have said and the accusations you have made, unless you absolutely believe those to be true.

P.O. POSTAL:

Let's not get into a debate. Legislator Bishop.

LEG. BISHOP:
Let's not get into a debate? I'm well into the debate.

P.O. POSTAL:
You could debate the issue.

LEG. BISHOP:
You know, the legal --

P.O. POSTAL:
I meant do not debate your colleague.

LEG. BISHOP:
The legal --

P.O. POSTAL:
I am afraid we might degenerate to that.

LEG. BISHOP:
What legal bar is there from New York State? None whatsoever. You know, thank goodness that this crew, who is going to oppose this legislation, wasn't around in the '50's and '60's, when civil rights was coming to the floor. It's unbelievable what's going on here. Everybody, all of you, all in private say, "Oh, I have no problem with gays. You know, that's -- they are the way they are. It's fine, I have no personal problem." But when it comes time to treat them equally legally, suddenly, you're going to hide behind, you know, the State or some other entity. It's a moral issue, it's a clear issue. Treat people in this country the same.

We have an opportunity as County Leaders to send a very strong message in this County that we are going to treat everyone equally. These are people, not abstractions, real people. One of them is a colleague of ours. They're police officers, they're Social Service employees, they're throughout this government. They simply want to be treated as everybody else. They want to support their families and they want to know that there's legal protection behind their family structure. I don't think that's too much to ask. I don't think your constituents think that's too

much to ask. I think that Legislator Cooper nailed it right on the head, that there's some political convenience to denying a hated minority their rights, and shame on you for that.

(Applause)

P.O. POSTAL:
Okay. Legislator Caracciolo.

LEG. CARACCIOLO:
Counsel, did we suddenly move Suffolk County from New York to the State of Vermont? I don't think so. I'm not aware of any State legislation that changed the marriage laws in this state. We're talking about something that some, maybe not all, hold very near and dear. I'm not aware that in this State it recognizes the marriage of gay couples. Now, did something happen that I'm not aware of?

MR. SABATINO:
The marriage, the marriage laws in New York State have not changed.

LEG. CARACCIOLO:
Okay. Now, with all due respect to Legislator Cooper, Jonathan, like you, this County of Suffolk does not provide any health care benefits for me or my family, so you're not the only one that sits around this horseshoe that, you know, doesn't have family health care benefits. All right? So I don't know what that was supposed to mean. I say let's move the vote.

LEG. FOLEY:
Madam Chair.

P.O. POSTAL:
Wait, I'll put you on the list. You, actually, are on the list, but Legislator Cooper.

LEG. CRECCA:
I think I was back on the list, also, I had asked to be.

P.O. POSTAL:

You are.

LEG. CRECCA:

Okay.

LEG. GULDI:

Max.

LEG. COOPER:

Look, you know I don't speak much around the horseshoe, so I'm going to use up -- indulge me, I'm going to use up --

LEG. TONNA:

But you have a lot of people come and speak about --

LEG. COOPER:

How many of you remember our colleague, Mike D'Andre? When I was elected to the County Legislature, my introduction to my fellow Legislators -- New York Times did a story on my election; quoted four or five Democrats, four or five Republicans, Conservatives, and they quoted this guy I didn't know, Mike D'Andre. Mike's quote to the New York Times was, and even then he called me by my last name, "I have no problem with Cooper joining the Legislature. There but for the grace of God go I. As long as Cooper keeps his hands to himself, it will be okay. I'm not prejudiced." That was Mike D'Andre. But, unfortunately, and, you know, I used to say to the press when asked that I didn't think any of my other colleagues felt as he did. Unfortunately, to my shock, I learned of at least one that's also homophobic. Never would have believed it, but found out. I won't mention the name. But, really, can you --

LEG. GULDI:

Let's talk.

LEG. TONNA:

Excuse me. For those that are Jewish, if you found out that you had -- there was a colleague that was anti-Semitic, it would bother you, or anti --

LEG. TONNA:
Catholic, how about Catholic?

LEG. TONNA:
-- Maltan, or --

LEG. TONNA:
Anti-Maltan.

LEG. COOPER:
Or anti-Catholic, you name it --

LEG. TONNA:
I know a lot of anti-Maltese people.

LEG. ALDEN:
Anti-Republican.

LEG. TONNA:
I've got 17 of them.

LEG. COOPER:
But, look, it's not a laughing matter. Gays and lesbians, we're the only minority where it's still fashionable amongst some quarters to attack us and belittle us, and compare gays to kleptomaniacs, and compare sexual relations between two man -- two men to sexual relationships between men and animals. And I'm not talking about -- I'm not talking about the extreme right wing religious nuts, I'm talking about the Trent Lotts of the world and the Senators, our Senators and our Congressmen that feel that they can get away with this. And you know what, they can get away with this. Look what happened to Trent Lott versus what happened to the other Senator who made disparaging remarks about gays. One has lost his leadership position, one has had his leadership position reinforced. It's shameful, shameful.

And I was always proud that Suffolk County was different than that. And I'm sorry, Andrew. I mean, maybe if that actually is your belief, then you're the exception. But several colleagues, several colleagues -- and I don't consider you a homophobe, I don't.

LEG. CRECCA:

Thank you.

LEG. COOPER:

You're not the one I was referring to.

LEG. BINDER:

One by one we can get eliminated. You don't have to name us.

LEG. TONNA:

Like Clue. Yeah, wait. In the red room, Mrs. Colonel or Mustard --

LEG. COOPER:

With a candlestick, right. But three of my colleagues, three of my colleagues, came to me, and I know I'm not supposed to be saying this at the horseshoe, and I won't mention names, but three of you came to me privately and said, "Jon, you know I'd like to vote for this, it's the right thing to do, but I hope you understand, I can't vote for it, I'm afraid of losing the Conservative Party line." So, please, you know, let's not say that's not an issue for at least some of us. What we need is one more Legislator to do the right thing. One Republican has --

LEG. CARACCIOLO:

Madam Chair, could you put me back on the list, please?

P.O. POSTAL:

Yeah, there are a number of people who want to be back on the list. We are going to take a lunch break, and we'll return at 2:30 for the public hearings.

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

P.O. POSTAL:

Mr. Clerk.

MR. BARTON:

Yes.

P.O. POSTAL:
Are the affidavits of publication in order.

MR. BARTON:
Yes, they are, they're on file.

P.O. POSTAL:
Okay. Thank you very much. We're going to go to the public hearings. And if I could ever turn the pages on my agenda, we will actually go the public hearing. Okay.

Public hearing regarding Introductory Resolution Number 1293, approval of extension of license for North Ferry Company, Inc. I have no cards on this hearing. Is there anyone who would like to address Legislature? Oh, here come cards. Okay. The first speaker -- let me just check something. The first speaker on this hearing is Julie Ben-Susan.

MS. BEN-SUSAN:
Good afternoon, Ladies and Gentlemen. I'm pleased to stand before you with great pride to report on the progress made at North Ferry over the last few years.

We took close to a year and redid our slips one at a time, widening them and replacing the ramps and works which raise and lower them. We converted the tie-up slip to an operating slip and made them wide enough to accommodate our new boat, without changing the land side look and feel of the staging area. Throughout 2002, we built a brand new ferry boat, The MV Mashomack, which means "They go by water". She is longer, wider, quieter, safer and more high tech. We institutionalized a training program for our captains, continued to refine our internal controls, introduced new duplexes, and tightened our cash and financial controls, both on the boats and in the office. We launched and education campaign in the form of a short newspaper column called "Nautical Notes" to address the most frequently asked questions, remind people of their safety issues, and alert them to schedule changes. We used the traffic data and input from our captains to more closely match the shift links and boats available for our traffic patterns. We get if right most of the time, wrong some of the time, and adjust accordingly.

What has all this done for our ridership? The "Big Boat" takes the entire {hairpin} in Greenport

in one shot. Many commuters have told us that we've added between a half our and an hour to their day by shortening their commute by 15 minutes each way. Cluster of trucks scattered in the staging area, especially in Greenport, is no longer. Now, for the most part, we take the trucks as they come down the road. Late at night, in the early -- in the early off-season, when we run only one boat, it is the big boat, so we've doubled our capacity.

We're able to actually spend some serious time on each of the old boats this Spring grinding down the rust spots, and engaging -- identifying areas for extensive repair. This comes none too soon, as our fleet is aging. Our crew got to rearrange themselves, choosing their partners, their vessels and their shifts.

We thank you for your support, and we hope that you will favorably upon our request for our new -- to renew our franchise for whatever period of time you deem appropriate. If you have any questions, I'm happy to answer them. Thank you.

LEG. CARPENTER:
Thank you.

P.O. POSTAL:
Thank you. Okay. I have no other cards on this public hearing. Is there anyone else who would like to address the Legislature on this matter? Hearing no one, I have a motion to close.

LEG. BISHOP:
Close.

LEG. COOPER:
Second.

LEG. CARPENTER:
Second.

P.O. POSTAL:
Legislator Cooper, seconded by Legislator Carpenter. All in favor? Opposed? 1293 is closed.

Public Hearing regarding Introductory Resolution Number 1411, a local law to require

retail food establishments to disclose salt, sugar, fat and carbohydrate contents to purchasers of food products. I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no -- yes come on up, Phil, or Jiminy, whichever you prefer.

MR. GOLDSTEIN:
Just a -- just a quick thought. As a Type II diabetic, and because of the growing concern throughout the nation with regard to the fact that diabetes is a matter of great concern, especially the growing incidents of diabetes in our youth, and so it would seem to me that we ought to be cautious in this regard, and that perhaps it would be in the best interest of the residents of Suffolk County if information of this sort were readily available. I don't -- this is just an off the top of my head reaction, so I don't know, you know the intimidate details in terms of what kind of problems this would impose upon the retail business community. But I -- you know, I think it ought to be given due consideration, considering the import of the decision.

LEG. CARACAPPA:
Thank you.

P.O. POSTAL:
Thank you. I have no other cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, I'll make a motion to close, seconded by Legislator Caracappa. All in favor? Opposed? Public hearing on 1411 is closed.

Public Hearing regarding Introductory Resolution Number 1422, a Charter Law to reform the Charter Revision Commission for good government purposes. Let's see. Do we have any cards? Why, by God, Phil Goldstein.

LEG. CRECCA:
I wish we could hear from Phil more often.

P.O. POSTAL:
You will, just give it until the next hearing.

MR. GOLDSTEIN:
Ladies and Gentlemen, I had spoken to you earlier about a principled concern of mine with

regard to an abuse in our nation and that is the tyranny of the majority. And in regard to this bill, I am concerned that sufficient opportunity may not have been provided for divergent opinions with regard to the reform of government in that five members are appointed by the Presiding Officer, five members can be appointed by the County Executive. There is the possibility that both may be of the same political persuasion. And while there is a Provision C for five members to be appointed from various, quote-unquote, reform organizations, I think that due regard has not been incorporated in the bill with regard to ensuring that diverse opinions from other political groups is ensured an opportunity to be present or participants in decisions with regard to reforming the County Charter.

Since we have other political parties in the State of New York that have legal status, I think some provision within this bill ought to acknowledge them, plus the fact that there are those who are independent, with a "T", and some effort ought to be made to make some members of this Commission independent persons who are not members of the dominant political parties and who could bring a different perspective to reform. Thank you.

P.O. POSTAL:
Thank you. I have no other cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, I have a motion to --

LEG. VILORIA-FISHER:
Motion to close.

LEG. CARPENTER:
Recess.

P.O. POSTAL:
Let's see, recess by Legislator Carpenter, seconded by Legislator Caracappa.

LEG. CARACAPPA:
No.

P.O. POSTAL:
No? Okay. Seconded by Legislator Lindsay.

LEG. VILORIA-FISHER:
I made a motion to close.

P.O. POSTAL:
Well, let's -- we're on the motion to recess. Let's see if we get votes for that. Legislator Lindsay, are you willing to second the motion to recess?

LEG. LINDSAY:
Sure.

P.O. POSTAL:
Seconded by Legislator Lindsay. All in favor? Opposed?

LEG. CRECCA:
What is this, to recess?

P.O. POSTAL:
This is on recessing the hearing. Okay. 1422, the public hearing is recessed. Public Hearing regarding Introductory Resolution Number 14 --

LEG. VILORIA-FISHER:
Excuse me, Madam Chair, I have a question. I was just wondering why Legislator Carpenter made the motion to recess.

P.O. POSTAL:
I don't know if she would choose to explain or not.

LEG. VILORIA-FISHER:
Was there a reason or

LEG. CARPENTER:
Yeah. I listened to the speaker and he raised some questions and I'd like an opportunity to look into it.

LEG. VILORIA-FISHER:

Okay. I just wanted to know why it was that you made the motion.

LEG. CARPENTER:
I listened to the speaker.

LEG. FISHER:
Okay. Thank you.

P.O. POSTAL:
Okay. Let's see. We are on a **Public Hearing on Introductory Resolution Number 1423, a Charter Law authorizing partial County funding of voluntary public financing for County elections through County contract processing fees.** And our speaker is Phil Goldstein.

LEG. CARACAPPA:
You're wearing out the carpet, Phil.

MR. GOLDSTEIN:
Thank you once again for the opportunity. As one who has worked long and hard in the realm of campaign finance reform, I was somewhat dismayed by the ineffectiveness of the existing law. There is an inadequacy of funds and there was a minor technical flaw in that it was required that candidates file their intent to participate in the program at a point so early in the political calendar as to make it questionable as to whether those who subsequently became candidates would be able to participate once they realized that they had the possibility of being an effective candidate in a competitive election. And so, in order to make it easier for such persons to participate, since the intent is to improve the competitiveness and, thus, enable the voters to feel that elections mean something and that they have real choices, I would urge you to vote for this bill. And of course, funding the bill is vital. Otherwise, what we have done is merely made a cosmetic change in the law to dupe the voting public into believing that Suffolk County is in favor of trying to do something about this ugly situation of campaign financing. And while I would like to see it fully funded by public funds, as I made a statement outside at a press conference about this bill, we, the people, should, in fact, own the electoral system, and ownership means we should incur the cost of operating the system.

This is a step in the right direction. And since contractors with the County often have motivation

to want to affect the electoral outcome, it seems to me that these administrative fees to be imposed on a sliding scale is a just way of creating an adequate fund that would provide for partial public financing. So I urge you as a matter of conscience to pass this bill. Thank you.

P.O. POSTAL:

Thank you. Phil, there are some questions.

LEG. CARACAPPA:

Actually, I have a question for the sponsor or Counsel.

P.O. POSTAL:

Wait, wait, wait. I think Legislator Fisher also has a question. I don't know if it's for Phil.

LEG. VILORIA-FISHER:

No. I was just getting ready to make a motion to close it.

P.O. POSTAL:

Okay. You can --

LEG. CARACAPPA:

My question is this is a ballot initiative?

LEG. VILORIA-FISHER:

Yes.

LEG. CARACAPPA:

Okay.

LEG. VILORIA-FISHER:

Proposition wording is here.

LEG. CARACAPPA:

I just wanted to -- I'll get to the --

LEG. FISHER:

Okay.

D.P.O. CARACAPPA:

I'll get to the bill. I just want to make sure I know what I'm talking about here. Thank you.

LEG. VILORIA-FISHER:

It's on Page 6.

P.O. POSTAL:

Okay.

LEG. VILORIA-FISHER:

Madam Chair, I have a question before we go on to the next public hearing.

P.O. POSTAL:

Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:

If I were to make a motion to reconsider 1423 -- 1422, since I had forgotten that during public hearing we could ask questions, and so I didn't ask any questions of the speaker. If I were to make a motion to reconsider, would I then be able to ask -- go back and ask questions of the speaker on 1422?

P.O. POSTAL:

I would assume so, but I would ask our Counsel.

MR. SABATINO:

The person who makes the motion has to be somebody on the prevailing side or somebody who was absent.

LEG. VILORIA-FISHER:

I was on the prevailing side.

MR. SABATINO:

Then you would be eligible to make that motion to reconsider, yes.

P.O. POSTAL:

I think what the Legislator's question is, she wants to know if, if she did that and it was successful, whether she could ask questions on --

LEG. FISHER:

Yes.

P.O. POSTAL:

-- that public hearing at this time.

LEG. FISHER:

Could I have the speaker come back and ask him questions, because I have --

MR. SABATINO:

Yes, if you -- in effect, you'd be reopening the hearing, yes.

LEG. VILORIA-FISHER:

Okay.

MR. SABATINO:

I'm sorry. Somebody was speaking to me at the same time.

LEG. VILORIA-FISHER:

That's okay.

P.O. POSTAL:

Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:

Okay. I'd like to make a motion to reconsider **1422.**

LEG. BISHOP:

Which is what?

LEG. CRECCA:

She wasn't on the prevailing side.

LEG. VILORIA-FISHER:

Yeah, I voted --

P.O. POSTAL:

She was.

LEG. VILORIA-FISHER:

I voted yes.

P.O. POSTAL:

I think we all were, actually.

LEG. CRECCA:

You didn't oppose it?

P.O. POSTAL:

No.

LEG. VILORIA-FISHER:

No, I didn't oppose it.

P.O. POSTAL:

No.

LEG. FISHER:

No. My question was simply why there was a -- okay. So I'd like to make a motion to reconsider 1422.

LEG. COOPER:

Second the motion.

P.O. POSTAL:

Okay. There's a motion to reconsider by Legislator Viloria-Fisher, seconded by Legislator Cooper. All in favor? Opposed? 1422 is reopened. And I recognize Legislator Viloria-Fisher. You had a question of the speaker?

LEG. VILORIA-FISHER:

Well, I'd like to ask Phil to come back to the podium. Okay. Phil, your objection, although I know that -- although I think you mentioned that in -- you basically support the legislation, the local law, but your objection was that it did not include parties that would be considered third parties or independent voters. And what made you reach that conclusion? Because the legislation really doesn't enumerate the members of the Commission in terms of party, but, rather, in terms of --

MR. GOLDSTEIN:

Well, I stated the fact that it is quite possible that the Presiding Officer of the Legislature and the County Executive, and so on, could be of similar political persuasion, and so on. And so, in terms of the nature of the appointments, since I had raised the issue of the tyranny of the majority earlier in this Legislative session, it is a matter that concerns me. There is either an ignorance or an arrogance that sometimes prevails, and they discount concern for the rights and the respecting minority points of view. And so I just wanted to make sure that the bill contained adequate provision to ensure that diverse opinion would be present on that reform body.

LEG. VILORIA-FISHER:

So what you're saying is that in the fourth paragraph of Section II, where I had enumerated members of the League of Women Voters, Common Cause, Neighborhood Network, you're suggesting that I also include a category such as a member of a third party, or a nonmajor party, or an independent voter; is that what you're saying?

MR. GOLDSTEIN:

I -- perhaps that's one alternative. Or in the two prior, A, Part A and Part B, that each of those responsible officials be required to expand the nature of their appointments to others than members of their own party.

LEG. VILORIA-FISHER:

Okay. Because the requirements in A, B and C of the previous section, which is Section I, which charges the County Executive, the Presiding Officer and the Legislature to appoint --

MR. GOLDSTEIN:
Right.

LEG. FISHER:
-- the members, it refers to Paragraph 4, which is the one that I just indicated, and Paragraph 4 has all those headings. That's why I suggested that perhaps in Paragraph 4 is -- that might satisfy what you're asking for.

MR. GOLDSTEIN:
To be perfectly honest, having just read the bill today --

LEG. VILORIA-FISHER:
Okay. I just wanted to be clear on what you were asking.

MR. GOLDSTEIN:
Yeah. I just want to ensure the diversity of opinion represented on that body, so as to ensure that not just testifying, but being constantly present in the activities of that body ensures that people are able to argue the case and listen to the counter-arguments with regard to what, if any, reforms are advisable as far as the County Charter is concerned.

LEG. VILORIA-FISHER:
Okay. Thank you, Phil.

MR. GOLDSTEIN:
You're welcome.

P.O. POSTAL:
Thank you. Is there a motion on this hearing?

LEG. VILORIA-FISHER:
Legislator Carpenter, did that satisfy your questions, or do you still want it to be recessed for one more cycle?

LEG. CARPENTER:

It doesn't matter.

LEG. FISHER:

Okay.

LEG. CARPENTER:

Whatever your pleasure is.

LEG. VILORIA-FISHER:

I'd like to make a motion to close.

P.O. POSTAL:

Okay. Motion to close.

LEG. COOPER:

Second.

P.O. POSTAL:

Seconded by Legislator Cooper. All in favor? Opposed? 1422 is closed.

Public Hearing regarding Introductory Resolution Number 1423, a Charter Law authorizing partial County funding --

LEG. VILORIA-FISHER:

We voted on that already, I think, didn't we?

LEG. CARPENTER:

We didn't vote.

LEG. VILORIA-FISHER:

Oh, we didn't vote?

P.O. POSTAL:

We didn't vote.

MR. SABATINO:

We didn't vote.

P.O. POSTAL:

Is there a motion?

LEG. CRECCA:

Motion to recess.

P.O. POSTAL:

Motion to recess, seconded by Legislator Foley.

LEG. FOLEY:

Which number is that?

LEG. CRECCA:

1423.

LEG. FOLEY:

Okay.

P.O. POSTAL:

All in favor? Opposed? 1423 is -- what did you say, closed?

LEG. CARPENTER:

Recessed.

P.O. POSTAL:

Recessed. **Public Hearing regarding Introductory Resolution Number 1424, a law to streamline County government by repealing costly laws, archaic statutes, superfluous boards, and duplicative commissions.** That's an awful lot of adjectives. I'm impressed.

LEG. FOLEY:

Archaic. The only one you're missing, Paul, is anachronistic, then we would have been perfect.

LEG. VILORIA-FISHER:
You could have made a sonnet out of it, Paul.

P.O. POSTAL:
Our first and perhaps our only speaker, okay, is Jiminy Cricket.

LEG. CARPENTER:
Is he getting a stipend for this?

P.O. POSTAL:
No. Actually, he's practicing for a standup act he has.

MR. GOLDSTEIN:
My only concern in this regard is that were adequate hearings held and were duly concerned organizations contacted prior to the contemplation of this act? For example, the first one has environmental hazardous products involved. Were the organizations of the environmental community made aware of the intent to negate this previous law, which the County in its wisdom decided it needed, now they feel it no longer is necessary? It would seem to me that those people who have a concern ought to have been invited to participate in any hearings that might have been held prior to the determination to do away with this.
The same thing with regard to B.

I mean, the economy is on the forefront of everybody's concern, and here is a body called an Economic Development Advisory Board. Should we just simply abolish it, or should representatives of the community, the business community, and so on, LIA, whatever have you and so on, be invited to appear and to discuss whether or not we ought to abolish it. Maybe we're throwing out the baby with the bath water. I don't know. But my point is act in haste, repent at leisure.

Now, granted, if these things have been hanging around and haven't been funded, part of it may have been a reluctance on the part of the political establish to address these issues. For example, in the preceding paragraph, you say that, "Commissions and regulatory legislation that no longer receive adequate funding." Well, that makes me fearful, because one of the ways you

can abolish something very neatly is to shrink its funds down to the point where it becomes ineffective. For example, the Campaign Finance Board. All right. If you shrink it down to the point where it cannot perform its function adequately, then you can say, "Well, what's the point in having it, it doesn't do anything? You know, this can be a ploy that can be used to do away with something which the public has felt is something of value, and yet, you know, you've manipulated things politically, so that while you pass the law, the law was never fully implemented, and, thus, the public never gained the benefit of whatever the intent was to pass the law in the first place. And now that it has drifted from the public's attention, you just do away with it and, thus, something that was supposed to help the public in some manner is now no longer available to the public. So I'm just expressing my concern with regard to your actions.

P.O. POSTAL:
Phil.

MR. GOLDSTEIN:
Yes.

P.O. POSTAL:
I happen to agree with you. At the time, and you mention specifically the Public Campaign Finance Law, which is especially close to my heart, because I have always felt, and continue to feel, that that should be funded out of the Operating Budget, and no other system of funding will work. At the time that that law was proposed, I'm sure there were public hearings, because it was a local law, did you express any reservations about the method of funding?

MR. GOLDSTEIN:
Oh, yes, at the time, most certainly. I mean, this was, you know, discussed at length. And the point, very simply, was that when -- if you recall, there were two --

P.O. POSTAL:
Oh, I remember.

MR. GOLDSTEIN:
-- attempts to pass, and the first attempt failed, because the power of the Legislature was such that -- when I say "you", I'm using the generic term.

P.O. POSTAL:

Yeah.

MR. GOLDSTEIN:

You were able to frame the proposal that appeared on the budget in such a way as to constantly belabor the fact that tax dollars were going to be turned into welfare for politicians. I'm not quoting the exact words, but I'm quoting the manner in which the proposal was framed, you know, relatively speaking, and so it failed that time. Then the second time around, changes were made. Mr. Levy, in order to count heads and get the necessary votes, and so on, in the Legislature, came up with the partial public financing alternative, and so on, and it was passed. But we passed it reluctantly in the hope that, with an ongoing educational effort, we could induce the public to accept the idea that ownership of the electoral system was important in maintaining the realities of democracy in our society, and that ownership meant the public had to be willing to invest some money in the process. And so that's what's going on now. We're attempting to once again come forward to the public and say, "Hey, look, you know, it ain't working, we need to go more, you have to be willing to reach into your pocket and pay that 50 cents per voter to put the ownership of the electoral system in your hands, if you so choose and if the candidates so choose." S-o

P.O. POSTAL:

Yeah. I remember both attempts to pass public campaign finance statutes very vividly, and I remember that at the time that, I guess, we passed the second one, there were people who came before us, and, you know, one of them might have been yourself, one of them might have been Lee Lutz, I don't remember who it was, but there were people who came before the Legislature who made the commitment to us that if we passed the statute and there was, in fact, a referendum, that whoever it was who made that promise would educate the public as to the benefits of public campaign financing.

MR. GOLDSTEIN:

You can't do it without the funds to reach out and educate.

P.O. POSTAL:

Exactly, exactly. But, you know, I truly, despite the fact that a promise was made that an individual or a group would assume the responsibility of educating the public, I don't remember that ever taking place.

MR. GOLDSTEIN:

Well, I'll answer you in that I have been intimately involved in a close relationship with Mr. Lutz, who is my former associate on independent thinkers, the T.V. program I had on the air. He has sent letters out. He sent letters out to community organizations, he sent letters out to schools. He asked for the opportunity to appear, and where he did appear, the response was favorable, overwhelmingly favorable. And I wish he were here to testify in that regard, because I'm giving you hearsay. But the point very simply was that the students and the teachers appreciated his appearance and -- but the point was there wasn't enough of a response to our efforts to gain an audience to be able to sell the idea to that audience. I had volunteered for the Campaign Finance Board and said that I would be willing to speak on behalf of the bill, and so on, and explain it, other members of the Campaign Finance Board themselves. The League of Women Voters, I believe had also expressed a willingness to participate in the educational campaign. I cannot speak to their efforts, because I'm not a member of the League of Women Voters.

So, unfortunately, his efforts were minimal, because the funds available to him to do mailings, and so on, to constantly try to reach out, then there were questions with regard to enclosures, and in the mailings that went out by the Towns, the Towns' Receiver of Taxes, the ability to inform the public via that, there were problems with that. I won't go into the intimate details of it. But his office got a lot of calls, not with regard to campaign finances, but with regard to local taxes, because the informational letters had his number on it, and the people were receiving their tax bills and so they thought they could call him with regard to their taxes, rather than calling with regard to campaign finance.

So it was not a truly effective effort, but as I say, without adequate funds, and he was working solely on his own, I mean, he is the Executive Director, but he is all of the staff as well of the Campaign Finance Board. And so I think he has made a diligent effort, it's just that, you know, people have other concerns. It's difficult to get the message out. You, as candidates, in this forthcoming election know how difficult it is to, you know, get the public to be aware and participate, and this is not a sexy issue.

P.O. POSTAL:

Thank you.

MR. GOLDSTEIN:

Okay.

P.O. POSTAL:
Okay. I have no other -- wait a minute. Wait a minute. Nope. I have no other cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, I'll make a motion to -- I can't --

AUDIENCE MEMBER:
You missed somebody here.

P.O. POSTAL:
Excuse me?

AUDIENCE MEMBER:
You missed this lady.

P.O. POSTAL:
Okay. Come on up.

LEG. BINDER:
Madam Chair, while she's coming up, can I just --

P.O. POSTAL:
Certainly.

LEG. BINDER:
-- correct the record? There were more than two votes, there were three votes. There was a vote where public financing fail, because, as was said, the extra tax language. There was also a second vote that failed also by two to one. And then the other -- the last one passed, but there was a -- twice it failed.

P.O. POSTAL:
You're younger and you have a better memory than I do. Thank you. Would you please give your name?

MS. PENNINO:

My name is Mary -- oops, I'm sorry.

P.O. POSTAL:

Speak into the mike.

MS. PENNINO:

My name is Mary Pennino, and I want to speak on Number 1424. Is that the right one?

LEG. FOLEY:

Yes.

MS. PENNINO:

Yes? Okay. All right. Ladies and Gentlemen, first I want to thank Presiding Officer Maxine Postal for introducing the law to streamline the County government by replacing laws and archaic statutes. I know we are a nation of laws and that is what makes our country great. However, too often, the laws become unfair and overkill. Various departments abide to the letter or code of the law and ignore the reality of the situations. The nitty-pick is duplicative, and the demands are ridiculous, very costly and unfair.

I realize that they are only doing their jobs. However, no consideration is given to the individual or small business who wants to cooperate with the law, but be heard and listened to. There should be someone or someplace they can go to when the regulations are costly and overbearing and lack common sense. Your consideration will be appreciated, and perhaps the Towns can take up this agenda also. Thank you.

P.O. POSTAL:

Thank you.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Is there anyone else who would like to address the Legislature on this public hearing? Hearing

no one, I'll take a motion -- I'll make a motion to close.

LEG. CARPENTER:
Second.

P.O. POSTAL:
Seconded by Legislator Carpenter. All in favor? Opposed? 1424 is closed.

Public Hearing regarding Introductory Resolution Number 1462, a local law to expand exemptions from Suffolk County employment residency requirement. I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter?

LEG. LINDSAY:
Could I just ask the --

P.O. POSTAL:
Certainly.

LEG. LINDSAY:
-- sponsor for some clarification? On Page 2 of the bill, there's a list of occupations. Were any of them there before, or is that the expanded list?

LEG. FOLEY:
There's a corrected copy that gives -- I think you have the corrected copy, that gives the, let's say, technically correct names for each of the positions. Those are positions, particularly in the Health Department, where there's great difficulty in hiring within the County, and they need to broaden the geographic area in order to hire qualified civil servants.

LEG. LINDSAY:
Wonderful.

LEG. FOLEY:
Motion to close.

LEG. LINDSAY:

Second.

P.O. POSTAL:
Motion to close by Legislator Foley, seconded by Legislator Lindsay. All in favor? Opposed? 1462 is closed.

I have a motion from Legislator Nowick, seconded by Legislator Alden, **setting the date of June 24th, 2003, at 2:30 p.m., in Riverhead, New York, for public hearings regarding Introductory Resolution Number 1479, 1486, 1531, and 1534.** All in favor? Opposed? The public hearings are set.

Now, we're going to turn to the Capital Budget, so I believe you have your material in front of you. We're going to ask that all Legislators please come to the auditorium. I'm sure that you want to be here for this extremely important matter. Can we have -- let's have a couple of staff members just go out and scour the halls and see if --

LEG. BISHOP:
Round them up.

P.O. POSTAL:
-- we can get everyone in here. Okay. Now, if we turn to the proposed Capital Program and the amendments to resolutions, you should have a sheaf of papers. You'll see that Resolution Number 1 is a very comprehensive resolution that lists all of the different components on Page 1 through 5 of your materials. Is -- would the Budget Review Office, or can the Budget Review Office give us a quick overview?

MR. POLLERT:
Jim, why don't you start it.

MR. SPERO:
The amendment deals with the over 90-plus different capital projects. Many of the changes are in conformance to Local Law 23 of 94, where we changed the funding from serial bonds to pay-as-you-go, pursuant to that legislation, which is not waived next year. It's waived this year, but not next year. There are numbers of capital projects which were underfunded in the Capital Program or were included in subsequent years. Portions of the Capital Program where funding

was included and/or advanced in a variety of areas, including sewage treatment, the bus program, and other areas, the jail, construction, so there's a number of projects dealing with that kind of an issue.

If you look at the very last page of the Omnibus Number 1, Page 116, there's a table at the very end of the resolution which details the funding increases, decreases and changes in funding sources for the entire omnibus legislation over the Capital Program period. Approximately one-half of the 123 million dollar increase is State and Federal Aid. The other remaining portion would be County funded.

Sewer district projects are funded with sewer district serial bonds and would not be impacted -- impacting the General Fund. The net increase in County funding is 59.7 million dollars. I could just go through this. Funding's included for upgrading the payroll system, 1.6 million dollars, two-and-a-half million dollars is included for the construction of a FRES vehicle storage facility in 2005. And improvements to County Road 36 is included at three-and-a-half million dollars. And acquisition of a hangar for the East End Helicopter Service is included for 1.5 million dollars. Three new buildings are included for the Community College, one a library at the Eastern Campus, a science building at Ammerman, and a similar type of building for the Western Campus. Those projects total 74.5 million dollars, half of which of that would be State Aid.

The purpose of putting those projects in, which are included in the subsequent years portion, is to see if the County can leverage State Aid for the construction of those buildings. It's not clear what the State will fund at this point, but if we don't include it in the program, the State will not include it in their five-year plan.

1.2 million dollars is included at Smith Point Park for the protection of the Flight TWA 800 Memorial. $500,000 is included for a trap and skeet noise abatement at Southaven Park. 20.1 million dollars is included for the transit vehicles, which were excluded from the program.

Funds for the construction of the Yaphank Correctional Facility have been advanced 65 million dollars additional in 2005. That would bifurcate the construction process over two phases. And, let's see, 43.5 million dollars is included for the repairs, enhancement and maintenance of various sewer districts, primarily Southwest and Hauppauge Industrial.

P.O. POSTAL:

Thank you. You know, the issue of jail construction and expansion has been, I guess, of major concern to the members of the Legislature. There's been a great deal of discussion and deliberation on the jail expansion. Would you just elaborate on what's included in the Capital Budget and Program related to our jails?

MR. SPERO:
Well, the proposed program also has a bifurcated construction plan. It includes funding for construction of about 280 cells, I believe it's in 2005. And the construction of the other 900-plus, 980 cell expansion is included in subsequent years.

P.O. POSTAL:
Legislator Lindsay?

LEG. LINDSAY:
I don't -- I thought we had split it in half.

MR. POLLERT:
Yes.

MR. SPERO:
No. I'm talking about the proposed program.

LEG. LINDSAY:
The proposed program now. I'm sorry.

MR. SPERO:
Proposed program. Okay. The 280 expansion is in 2006, not 2005. And we're advancing the funding into 2005, 43 million dollars to -- for the bifurcated -- to split the construction roughly in half for the eleven hundred-plus cells that the Commission of Corrections is requiring the County to build to replace the existing dormitories.

P.O. POSTAL:
I'm concerned about -- not concerned. I guess I note that we seem to be budgeting more honestly in this budget in the sense that we're looking at putting in both planning money and

adequate construction monies. And am I right that in the proposed budget that wasn't the case, that there was a proposal to put the planning money in, but no -- not really adequate construction funds? Have we corrected that?

MR. POLLERT:
The Commission of Corrections indicated to us by memoranda that they found that the planned proposed by the County Executive wasn't adequate. Specifically with respect to the jail, the funds were included in subsequent years. So what this Capital Program does is it advances the funding, so that you can both begin the planning process this year and begin some construction next year.

In addition to that, there were a number of other projects, which did not completely reflect the construction cost, such as, as Jim had mentioned, the helicopter hangar. The planning funds were included, but no construction funds were included. Funds were not included for the continued purchase of transit buses, even though it's a highly aided function. So the Capital Program included more than 20 million dollars, so that we could continue the program of the purchase of transit vehicles. There are also a number of cases where the complete funding was not completely reflected in the Capital Program. That was corrected within the Omnibus.

P.O. POSTAL:
Thank you. Legislator Bishop?

LEG. BISHOP:
Yes. Mr. Pollert and members of the Legislature, would -- could we turn to Page 9 of the report, the one -- that's the page that has the chart regarding our debt structure.

LEG. CRECCA:
We have that with us today?

LEG. BISHOP:
If you have the Budget Review Office report.

LEG. LINDSAY:
The chart itself?

LEG. BISHOP:

Right, I'm looking at the chart.

LEG. LINDSAY:

Chart 9?

LEG. BISHOP:

The chart is -- for colleagues who don't have the report in front of them, this is the chart that is supposed to reflect long-term trends and the level debt service line, the line at which above that line you are impacting the Operating Budget, adding dollar-for-dollar costs to the Operating Budget to pay off debt. That chart was prepared prior to the creation of the omnibus resolution. I just wanted to know where the omnibus takes us in terms of the level debt service line.

MR. POLLERT:

Probably, it's going to advance funding from the subsequent years. A large portion was advanced to 2005 for the construction of the jail. So that shaded area, which is shaded on the diagonal is going to kick up a little bit sooner, and then it will be more flat thereafter.

LEG. BISHOP:

So it's going to kick up -- in other words, we are going -- that shading, shaded area, which represents, and I'm going to phrase it directly, "Operating Budget tax increases" is going to occur sooner rather than later, and it's going to be above the level debt service line by what, 20 million dollars; is that correct?

MR. POLLERT:

Approximately, yes.

LEG. BISHOP:

And that's beginning in 2005.

MR. POLLERT:

It should probably begin in 2005 or 2006, and part of that is the advancement of the funds on the construction of the jail. The jail construction project would really distort any type of a level debt policy that you could come up with. The total cost of the construction of the jail would really require you to shut down in totality all of the building and road projects for more than one

year --

LEG. BISHOP:

Right.

MR. POLLERT:

If you wanted to maintain a level debt policy.

LEG. BISHOP:

That's right. That's how I understood it. Are we now in the debating portion?

LEG. CRECCA:

Sure.

LEG. BISHOP:

There's been a motion and a second?

P.O. POSTAL:

Well, I think that it's discussion. No, there hasn't been. I think it's a discussion portion to explore --

LEG. BISHOP:

Well, I want to yield to colleagues who have questions --

P.O. POSTAL:

Yeah.

LEG. BISHOP:

-- before I make a speech, so I --

P.O. POSTAL:

Yeah. We haven't gotten into --

LEG. BISHOP:

All right. So I'll wait to make my speech.

P.O. POSTAL:
-- making a motion and debating a motion. I think Legislator Caracappa, and then Legislator Caracciolo.

D.P.O. CARACAPPA:
Yeah. Just one point, and I know my colleagues know this, but just to remind you all, that the Capital Budget is a spending plan, it's not so much like the Operating Budget, where, when we adopt it, that's going it be our spending plan for the year. We have two bites at the apple. This is a blueprint for spending. It's wishes to move forward with these projects, and we, of course, have the opportunity to say yea or nay when appropriating resolutions do -- when they come before us throughout the year. So I say that as a direct response to Legislator Bishop's remarks with relation to the debt service line and trying to keep it flat. We do have the ability to maintain that if we so choose, but, again, this is just a blueprint. These are projects we'd like to see move forward in the next 12 months and it's up to us during those 12 months to say yes or no.

P.O. POSTAL:
Legislator Foley?

LEG. FOLEY:
No, not yet.

P.O. POSTAL:
No? Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you.

P.O. POSTAL:
And then Legislator Alden.

LEG. CARACCIOLO:
Madam Chair, what I think, no discussion about the Capital Program and Budget would be

complete without putting into context where the County has been with respect to its commitment to keep its infrastructure and make infrastructure improvements, some that have been delayed for more than a decade. A good example, as some of the colleagues who have been here almost that length of time or more like ourself, would be the Riverhead County Center, the Evans K. Griffing Building in the Town of Southampton. Got to get that in. But that said, finally, after seeing that particular project in the Capital Program and Budget year in and year out, and then watching as we go through the process we're undertaking today, to see it get pushed out of the budget into subsequent years -- and it's interesting that Legislator Bishop leaves, because we had this discussion in Ways and Means. So, for the benefit of the members of the Legislature that don't sit on Ways and Means, I think his view of just looking at absolute numbers or trend lines can and is very misleading, because in 1990, when I first arrived here, if we had undertaken that capital project and improvement, it would have cost, and maybe, Fred, you'd care to guesstimate how much in the last thirteen years the cost of a project like the renovations to the County Center in Riverhead may have increased.

MR. POLLERT:
The cost went up in part because of cost increases, in part because they kept changing the scope of the program. You're correct, we have probably been talking about that project for the last 15 years. It's finally scheduled to go off in 2004. Those funds were not changed in the Capital Program or Budget, so it's going to continue to be scheduled for 2004.

LEG. CARACCIOLO:
What is the total dollar amount associated with that Capital Project?

MR. POLLERT:
In 2004 it's 27.8 million dollars. The total cost is 32.9.

LEG. CARACCIOLO:
If you take that projects along with the new correctional facility needs, what does that number increased to?

MR. POLLERT:
The total cost of the jail is in the neighborhood of 140 million dollars. So it's close to 170 million dollars between those two projects, and then the other large building project deals with --

LEG. CARACCIOLO:

New courts.

MR. POLLERT:

-- the courts in Riverhead.

LEG. CARACCIOLO:

Right. So, in effect, when you add those three Capital Program projects, you're looking at a cumulative total that approaches 200 million dollars. That is a very significant number. But at least when we deal with the first of those three projects, the County Center, it's a result of inaction, delay, procrastination, waiting until another time to undertake a project that was necessary 15 years ago. Now, can't look around anywhere else but this horseshoe and say, "Why didn't we undertake that project sooner?" Some of the benefits maybe of doing it now versus then is we will certainly take advantage of new state-of-the-art energy efficient programs, rebates and the like, but, certainly, labor costs have increased since that time, material costs. So there's been a sizable increase in just that one project alone.

Move on to the correctional facility. We do not have an option. Despite what Legislator Bishop may maintain, we do not have an option. We are under a mandate by the New York State Commission on Corrections to build and expand our facilities. Now, no one around this horseshoe incarcerates the people who are housing those facilities. The court system does, and that's why we're building and adding court rooms.

This is a County today that has 1.4 million residents. It's not like it was in 1960, when it had less than half that number of people. We are a growing populous with growing demands on County services, and one of those services that we are tasked with is the internment of prisoners that get remanded to jail. It's not a State function, it's not a Town function, it's a County function.

So, again, to ignore the reality that we're under a mandate by a State Commission and say, "Well, let's undertake studies, let's do this, let's do that," it's not real, it's posturing. And I wish Mr. Bishop would cease and desist from his posturing over citing one chart in the Budget Review report, because, at the request of the Chair of the Ways and Means Committee, George Guldi, and myself, the Budget Review Office, and in particular Robert Lipp and Lance and others have

put together a very complete and total examination of County analysis of debt service.

Look at this, not Page 9, look at the report in its entirety. Now, when you do, and you'll see comparisons with the other 61 counties in the state, remember that there are only three other counties in terms of some of the needs that we have, like a correctional facility, that are on par with us. So, when you look at those numbers, Herkimer County, Otsego County, Hamilton County, Saint Lawrence County, they don't have anywhere near the population to serve or the demands on services that we have, so just eliminate on them. Concentrate instead on Westchester, on Nassau. And when you look at Nassau, what do you see? And I haven't looked at this since this morning, but it comes right off the page. You look at Page -- Chart 4, "New York State Counties Debt Services, a Percentage of Total Expenditures," and who stands by far among the highest, but counties like Nassau and Rockland County, a small county just north of New York City. Where's Suffolk? And look at the trend line for Suffolk. So charts and graphs and selective information can be very misleading, and I suggest that everybody take a complete look at this excellent report prepared for us today. Thank you.

P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
Actually, Fred, I just had a couple of questions. There's a report that you prepared for the Ways and Means Committee Chairman. That would indicate that we're actually -- we've reduced debt?

MR. POLLERT:
No. The total cost of debt service has been increasing, but as a percentage of total expenditures, the portion of debt service has been going down, and the reason if that is that County expenditures in total have been growing faster than the debt service component.

LEG. ALDEN:
What do we pay for when we go out now?

MR. POLLERT:
Right now, we have very advantageous interest rates. The weighted average that we're using is about 3%, I guess.

LEG. ALDEN:
Now that compares with, say --

MR. POLLERT:
Yeah.

LEG. ALDEN:
-- whatever period you want to use, five years ago or ten years ago. It's about half of what it was?

MR. POLLERT:
Yes, approximately. And in real terms, short-term borrowings is actually in the negative range. It's -- you know, it's not even a zero percent interest rate, in real terms you're actually saving money. It's hard to believe.

LEG. ALDEN:
In a way, it would be nice if we could lock in that rate for the next whatever --

MR. POLLERT:
Yes.

LEG. ALDEN:
-- amount of years that we could go out with this debt service or with our whole plan.

MR. POLLERT:
Right.

LEG. ALDEN:
Fred, you've looked at the whole plan, you've looked at, you know, how we've operated, you have a historic perspective on this. Our debt service, actually it's reflective of what kind of service we actually give to the people in Suffolk County. Do you think they're getting a fair share?

MR. POLLERT:

With respect to what the County has been doing with the Capital Program, yes, absolutely, because what the emphasis of the Legislature has been in the Capital Program has been infrastructure improvements and maintaining the infrastructure. So, for the most part, just like in this Omnibus bill, they're not funding new projects, it's a question of accelerating the funding for existing capital projects, in most part, to maintain the County's infrastructure.

LEG. ALDEN:

Aside from two things that jump out at you, and one of them is the County Center, the other is the jail, are there any surprises that the people in Suffolk County are going to see, like in the future? Have we ignored certain things? Are buildings going to fall down? Are people put at risk? Are we going to have to decrease services to people because of this service, or because of this plan that we're putting forward today?

MR. POLLERT:

The Capital Program is reflected in Omnibus Resolution Number 1, deals with properly resourcing the County to deal with projects. If you did not adopt the Omnibus resolution, there's a possibility, in particular in the Southwest Sewer District and some of the sewer projects, that an insufficient amount of funds had been included to maintain the County's infrastructure in the sewers. That has been rectified in the Omnibus resolution.

LEG. ALDEN:

Now, from a financial point of view, does it make sense to load on as much debt as we can in this environment, where, historically, interest rates have been a little bit higher than -- not a little bit higher, a lot higher than what they've been recently?

MR. POLLERT:

Yes, it would make sense to do so. What is of concern is that the total amount of authorized but unissued debt continues to increase. So the County Legislature has been appropriating funds, but there seems to be an inability on the part of the County to progress a lot of the projects. So the total amount of authorized but unissued debt actually increased by more than 60 million dollars from last year. So you can appropriate funding for new capital projects, the question becomes whether or not those projects can be progressed to completion, in fact, if we can take advantage of the short-term debt. Part of what the omnibus does is it attempted to accelerate projects like equipment purchases that could be done relatively quickly. But there's some

speculation whether or not a lot of the larger projects, a lot of the road projects can actually be, you know, completed as presented in the Capital Program, only because of either delays with right-of-way or design problems, or something of that sort.

LEG. ALDEN:
Well, some of the implication is towards our actually Operating Budget, whether we're scoped enough or whether we have the personnel that we can actually go forward with those jobs.

MR. POLLERT:
Right.

LEG. ALDEN:
Is that not correct?

MR. POLLERT:
So, if you could progress the projects, now is the time to take advantage of the interest rates. There's no guarantee that if you want to construct a project in two or three years that the interest rates will be this low. There's a huge amount of currently authorized debt that the County should be attempting to expedite to take advantage of the lower interest rates, absolutely.

LEG. ALDEN:
Just one other thought, too. If we see a spike in interest rates, that would probably indicate an environment where we should probably reconsider a lot of the things that we have done, or a lot of the plans that we're putting forward today; is that not correct? From -- and that would be from a financial point of view, too, because they're going to get a lot more expensive.

MR. POLLERT:
It's difficult to do that, because, as Legislator Caracappa said, this is a planning type of document. So when you start to go down the path, just like on the construction of the jail, by the time we get around to the construction of the jail, it's going to be two or three years hence. Interest rates could be higher, but by that point in time, you've done the planning funds. If you have a need where you have to repair the infrastructure to construct the new jail cells, you really have very few degrees of freedom. Because most of the Capital Program deals with infrastructure improvements, there are very few options of things that could come out of the

Capital Program without having an impact to the County's operations or not maintaining the County's infrastructure.

So, clearly, if interest rates were going to spike up, you may wish to postpone things like construction at the Community College. That's an option that you may be able to push out a year or two. You probably would not be able to push out things like the jail or a road project if it is slated for the receipt of federal funds, just because it's like trying to turn a battleship at that point.

LEG. ALDEN:
Thanks, Fred.

P.O. POSTAL:
Thank you. Legislator Lindsay.

LEG. LINDSAY:
Fred, the County Executive's Capital Budget that he sent to us this year, how did it compare to last year's?

MR. POLLERT:
The Capital Program was reduced in cost from what was proposed last year in part because it did not reflect the full cost of funding capital projects. The Capital Program also reflected perhaps more recommended changes on the part of Budget Review Office to a Capital Program than we have ever had in the past. So, that's part of the reason that if you look at something like the Omnibus resolution, it's significantly larger than previous years Omnibus resolutions, because it deals with more technical issues, the changing of the funding, increasing funding, properly rescheduling funding, as requested by the Department of Public Works. So the Capital Programs that came across did reduce the costs, but it did it as a result of either not including full funding, or rescheduling quite a few projects into subsequent years.

LEG. LINDSAY:
I understand that, but what was the dollar amount between last year and this year's request, if you know it off the top of your head?

While they're getting the accurate number, I'll just share a few thoughts with my colleagues that came out of the Omnibus Budget Committee meetings, and one was, and we'll quantify the numbers shortly, but it was significantly less that the County Executive requested this year as compared to last year what he asked for. How he did that was, certainly, the way he budgeted things, there was a number of items that should not have been in the Capital Budget. I mean, some projects that were as short of as week in duration was placed in the Capital Budget and it was absolutely erroneous and inappropriate. So that's one of the things the Committee did is to go about their business in a more honest budgeting method.

The whole issue of the jail, there's no doubt about it, that was the 900 pound gorilla that we had to tackle in the Budget Committee talks. And what we did is really three things. First of all, we accelerated the planning money all into 2004. The County Executive had requested it over a two-year period, and I think that upset the Corrections, the State Corrections Bureau more than anything else, that it took two years to plan this or to budget the planning of it. And the second thing we did is, instead of putting all the construction in one year, we split it into two phases, with a year in between, to build 600, or close to 600 cells in one year, get them open before we started the second phase, in the hope that we would have a better handle on whether, in fact, we would need the second phase. Simultaneously, we're going forward with a Needs Assessment Study to see if we really warrant all these new jail cells. So it gives us a little bit of a breather in the middle, which should really be helpful in assessing our needs two years hence or three years hence.

Of course, the big factor is, if we didn't satisfy Corrections and if they went through with there threat to pull all our waivers, we're looking at 20 million dollars in additional expenses to the Operating Budget, because we have to send the prisoners out of town and we have to pay for their board, and their expenses, and their transportation expense of moving them back and forth.

So, I mean, even if we adopted the budget that was sent over to us is a false savings, that's my point. If State Corrections went through with there threat, it would add another 20 million to our Operating Budget.

Just a couple of other things that we tackled and talked about a lot was there's 74 million dollars in there for the College. It's a five-year plan. If we didn't put those projects in now, we would have no hope of recouping 50% matching funds from the State. It doesn't mean we have to

spend the money. By putting it in the Capital Budget now, we will be able to access as much as 37 million dollars from the State in -- over the next five years.

The sewer improvements, again, a major, major item. I believe that's 90% federally funded; am I correct, fellas?

MR. SPERO:
Those would be funded primarily with Sewer District bonds.

LEG. LINDSAY:
Okay. Do we get any matching funds on those projects?

MR. SPERO:
No, we don't.

LEG. LINDSAY:
No matching funds. Okay. But the point with those is, if we don't take care of our sewer plant infrastructure, we're going to destroy our environment, especially the Great South Bay. Bergen Point is at the point of exploding, unless we don't spend some major money down there. And the alternative, if you don't spend the money, you're going to be dumping raw sewage into the Great South Bay, and I don't think anybody wants that on their plate. So that's some of the reasonings why we went the way we did with the Committee. I thought it was a really good effort at trying to solve some massive problems. Did you get the number yet?

MR. SPERO:
The proposed program is 46 million dollars less than last year's adopted program.

LEG. LINDSAY:
Than last year. And we added back 59, net 59 million.

MR. SPERO:
Right.

LEG. LINDSAY:
Thank you.

P.O. POSTAL:
Just before we continue, other people have other points to make, I just would like to thank the members of the work group. I think it's very hard for anyone who hasn't served on such a group to comprehend the amount of time and the amount of effort that the members of that group contribute to producing and adopting a Capital Budget that does the right thing, that makes the right choices, that avoids overburdening the public with unconscionable tax increases. And having been on work groups, I just think that we all owe you a tremendous debt of gratitude, because you put in the time and you take it very seriously. And it's a very difficult job, it's not easy. You have to make some hard choices. And I just want to say for all of us, thank you. We do appreciate it.

LEG. LINDSAY:
Just to add one point, too, is the work group, I mean we had the Sheriff's Office in, we had the Department of Public Works in, we had the County Executive's Office in.

LEG. CARPENTER:
Board of Elections.

LEG. LINDSAY:
The Board of Elections in. Certainly, Budget Review worked with us. So it wasn't a process that was done haphazardly, we did our research and spent a lot of time on it. And I, too, want to echo your thoughts and thank the people that served on it.

LEG. CARPENTER:
Madam Presiding Officer, if I could, just to reiterate. Legislative Counsel, too, was there each and every meeting, as was Budget Review. And very often, documents that were needed were turned around on a dime from the Budget Review Office. So I really can't say enough for Budget Review and their work ethic and how dedicated they are to this County, really, and this Legislative Body.

P.O. POSTAL:
Thank you. That's an excellent point. Legislator Alden.

LEG. ALDEN:

Fred, just one other quick question on the point that was raised about the sewer district. That's a dedicated fund, though, right, that pays those bonds?

MR. SPERO:
Well, yeah, the bonds each -- the bonds would be charged to each sewer district, and then to the extent the annual operating costs for the district would go above 3%, we have the stabilization funds available to stabilize rates in the various districts.

LEG. ALDEN:
And then just to pick up a little bit more on what Angie -- Legislator Carpenter just said, and I see a lot of your people from Budget Review, there's twice a year that you guys are called on to go way far and above what would normally be expected of people, and burning the midnight oil is an understatement. So, with all of you sitting there, and Fred and Jim, we really do, we appreciate all the work that you do and the people that you've -- you know, that you have in your staff, they just do a fantastic job. Thank you.

(Applause)

LEG. CARPENTER:
And the College budget, you put a lot of time and effort into it.

P.O. POSTAL:
Yeah, for sure. Legislator Foley.

LEG. FOLEY:
Thank you, Madam Chair. A point made earlier certainly needs to be amplified, and that is there are costs that different departments were going to incur over the next several years that were not included in the County Executive's proposed Capital Program. A perfect example was in the field of Public Works and Transportation Division, where they intended over the next couple of years to purchase nine -- over $9,000,000 worth of buses, and, yet, in the proposed Capital Program, there was no mention of that.

So the fact of the matter is, you know, there has to be truth in budgeting, so we have to reflect that particular cost item within the -- within the overall Capital Budget.

Now, with that said, that $9,000,000 is a 90/10 split. Ninety percent of that will be picked up by the federal government, 10% locally. So that's just one example where the department was intending to purchase those vehicles within the next several years, but there was absolutely no mention of it within the proposed budget, and that's why we had to change that. And while it may look like there's an increase of $9,000,000, we're actually able to leverage $900,000 into $9,000,000. And I think that is something that's going to accrue to the benefit of those who utilize our bus systems to get to work, to go to downtowns, or wherever they may go.

Secondly, Legislator Lindsay mentioned earlier, it is most important that we include a number of the Community College projects within this budget that were not included by the County Executive. Over the next five years, the SUNY Construction Fund, there's all kinds of community colleges throughout this state. They're going to be vying in a competitive way for a limited pot of money from the State.

By including these monies this year, and we've already heard this from college administrators, as well as from the State, by including the monies within this budget as presented, we're going to be at least one, if not two, steps ahead of every other community college in this particular state. So it's absolutely crucial that we put it in today, vote on it today, so that when the State is putting together their five-year plan, they'll see Suffolk County, and we're going to be way ahead of a number of other community colleges. And, again, that will accrue to the benefit of those residents who utilize our College, as well as the faculty and administrators who work there as well.

So those are two items in particular that had to be included, because there's every intention of moving forward in those directions, but they were not included in the proposed budget, and we need to show that those were some initiatives that we, as a body, want to move forward with.

So I want to thank the Presiding Officer, and particularly thank Legislator Lindsay for the leadership that he had shown within the special committee that was created.

P.O. POSTAL:
Legislator Carpenter.

LEG. CRECCA:
Work group.

LEG. CARPENTER:
Just to --

LEG. FOLEY:
Work group.

LEG. CARPENTER:
-- reiterate the comments about the Community College. Legislator Foley said that we're putting these monies in today. Actually, what we're doing is including these projects in subsequent years as part of this overall planning, showing the County's commitment, if you would, to support of these projects, not that we're necessarily, you know, plunking down the money today. I think that's an important point that needs to be made. But absent that kind of commitment, they would not entertain including us for funding for these very needy and important projects.

P.O. POSTAL:
Thank you. Legislator Bishop.

LEG. BISHOP:
I'll wait for the motion.

P.O. POSTAL:
Okay. Is there a motion to approve?

LEG. LINDSAY:
I'll make the motion.

LEG. CARPENTER:
Second.

P.O. POSTAL:
Motion by Legislator Lindsay, seconded by Legislator Carpenter. Legislator Bishop.

LEG. BISHOP:

Thank you.

LEG. CRECCA:
Go, David.

LEG. BISHOP:
First, I want to join the sentiments of appreciation for the people who work on those work groups. I worked on the Capital Budget Work Group for the previous six years and I know what a challenge it is to somebody's cholesterol level, and also how the, you know, minutia can really swallow up everything and all your time, and I thank you.

And I have no quarrel with your work product, the final result, except that there is one issue that I knew was going to be either compromised or accepted, and to me it's an unacceptable choice, which is, of course, the jail. And yes, this will be another lengthy speech about the proposed jail.

First, I think that at a time when the economy is down and interest rates are low, as it is right now, that we should be investing in our future. And the amount of authorized debt that is outstanding suggests that we could have a policy that is very aggressive, that puts thousands of Long Islanders to work, and we could do so without any Legislative action, just by having the Department and the Comptroller move forward on projects. We have the 34 million dollar Civil Court, we have the 29 million dollar Riverhead Center, we have a 16 million dollar Yaphank Infirmary. Those are major projects that are imminent and they should be done, and they should be moved aggressively, and the County will be a better place afterwards. The problem is that when I served on these committees in the past, we always kept our eye on the one line, which was the level debt service policy line. We always tried to stay right around the line.

Now, Legislator Caracciolo, in his remarks, points out to a number of charts, which I think the effect of the charts is to take the readers' eyes off the chart that the constituents care about. One chart suggests Nassau County has a very high level of debt, Suffolk low. So, should we be more like Nassau and have more debt? Another chart says that as a function of our Operating Budget, our debt remains relatively low. That's because we have been expanding our Operating Budget, mostly because of mandates. But for whatever reason, does that mean that we should borrow more? Well, this Capital Budget amendment, I believe, with the jail included, is a dangerous lurch towards recklessness. And I will not support it.

First of all, I want everybody to consider the performance of the elected Sheriff. It is abysmal. This year he will go at least.
8 million dollars over budget. He is expanding services without authorization, issuing press releases and congratulating himself for doing so. There's something called a MERV. Now he's patrolling the waters. Did you know that the Sheriffs are patrolling the waters now? Did anybody contemplate that? It's an expansion of services that I don't think that we were asked about, and it's an example, perhaps a small one, of the dangerous growth in the Sheriff's budget. Did you know that next year's budget request to the County Executive from the Sheriff's Department is a 20% increase? Now, there aren't anymore prisoners in this County. A 20% increase in the Operating Budget for the Sheriff's Department, and that's before he builds this jail. And you're going to reward this manager with this projects?

This project is poorly planned. And it's part of a tradition, an unfortunate tradition in this County, of leaping before we look when it comes to building jails. There has been no needs assessment study to date. It's in the process of being conducted. We made the same mistake a decade ago in maximum security, which was changed to a medium security, which costs hundreds of thousands of dollars, and we couldn't open it up, because we didn't have the Operating Budget capacity to hire the necessary correction officers once we completed construction, an example of what happens when you leap before you look. We had a similar thing in Yaphank 15 years ago, where we had an urgent request from the Sheriff to construct modular units, units that turned out not to be functionally working. And we've had more recent examples. This year, the Sheriff has had to spend 2 million dollars out of the Operating Budget to change doors, because the doors were not appropriate for the facility.

Obviously, when you're going to construct this project -- and let me just give you the size of this project at a hundred -- as proposed, at 155 million dollars. It is the single largest nonaided project in Suffolk County history. It's an enormous bohemoth project, and not one that we had contemplated. In fact, where did it come from? Last year we were talking about addressing a problem in the Yaphank facility that would have yielded 288 beds; isn't that correct? And that's what we -- we had 30 million dollars that was supposed to -- set aside for that purpose. Up walks the Sheriff and says, "Nope, I've decide that, instead, we're going to expand our capacity to eleven hundred additional beds, and bond 150 million dollars." Meanwhile, the same Sheriff refused to participate in the proper planning process.

Also, this project reflects an arrogance the Sheriff holds towards this Legislature. We have passed resolutions that have called for the double-bunking of prisoners and we have successfully implemented that program. Do you know that when this project is done, every single prisoner will have their own cell? Now, every child in Suffolk County doesn't have their own apartment.

LEG. TONNA:
Or bed.

LEG. BISHOP:
Or bed. But we certainly are going to make sure that the prisoners of Suffolk County have their own cell. Is that really the policy choice that we want to make? Is that really the priorities that we want to hold?

Do you know that when this project is done, the Sheriff contemplates paying for part of it by shipping in prisoners from other counties? Is that the way you wanted the County to run? Do you want to build a jail so big that you want to rely on them sending them in from out of town? Now, come on. This is -- none of this is what you would -- would you do individually, if you thought about it.

It also represents the worst capitulation of this government towards an unfunded mandate in its history. It's the largest unfunded mandate in Suffolk County's history. We have little unfunded mandates. People, you know, squawk and demand that we take action, fight the State. Here comes the mother of all mandates and everybody's like, "Oh, well, we have to. I guess that's what it is." This is a doubling of the property tax. The General Fund property tax, when this project is completed, will double. That's not capital expenditure, that's not, you know, contemplated borrowing, that is the actual tax bill that will be sent out. It will have to double. And that statistic comes from the Budget Review Office. All the information in front of you, you just need to think about where we're going with this.

Now, there are those who argue, "Well, our hands are tied. The State is going to make us do it." They're going to pull the variances. You know, if they pulled all the variances, and I believe the number is thirteen hundred is all we're allowed to have, and, by the way, I think that the jail population at the last Public Safety Committee, when it was discussed, is at a recent year low, somewhere around seventeen hundred, if I'm not mistaken, but, anyway, if you sent all those hundreds of prisoners Upstate to Rikers Island, who will ever take them, do you know you will

save? You'll save as compared to the 60 million dollar operating additional costs. You'll probably save 30 million dollars. Now, think about that.

Clearly, this project, which is poorly planned, has a tremendous fiscal impact, is rewarding arrogance, and has policy implications for years to come, should not move forward at this time. We should think about what we're doing before we do it. Thank you.

LEG. CARACCIOLO:
Madam Chair.

P.O. POSTAL:
We're going to go to Legislator Lindsay, and then Legislator Caracciolo.

LEG. CRECCA:
I believe I had asked previously to speak.

P.O. POSTAL:
Oh, I don't have you there, but after Legislator Caracciolo.

LEG. LINDSAY:
I've spoken already, if he wants to go.

P.O. POSTAL:
Okay.

LEG. LINDSAY:
All right?

P.O. POSTAL:
Okay. He's --

LEG. LINDSAY:
I want to speak again after you.

P.O. POSTAL:

Legislator Lindsay is deferring to you.

LEG. BINDER:
Put me on.

P.O. POSTAL:
Legislator Binder, I'll put you on the list.

LEG. CRECCA:
Yeah, I'll be brief, though. My only -- my question is, as far as next year, to Budget Review, for 2004, the monies that were advanced there, those are planning funds --

MR. POLLERT:
That's correct.

LEG. CRECCA:
-- for the jail; correct?

MR. POLLERT:
Yes.

LEG. CRECCA:
Okay. And so -- and I don't necessarily 100% disagree with you, Legislator Bishop, on the needs assessment study, which is -- my understanding is in the process of being completed at this time. And I think that's helpful, but I think that -- I think that the 2004 part of this capital project is to plan. And I think that we have, in the years I've -- I have also served, not as long as Legislator Bishop in the past on the Capital Budget Work Group, and I can tell you that this is a problem that well preceded Sheriff Tisch, a problem that we have been battling with for the state, as you know better than I, for many years.

We do have to -- we have a responsibility to address the fact that we have been working on a variance for many, many years, and we have been continuously requested by the State to have the proper jail facilities for our prisoners. Whether we like it or not, it is a mandate that this County must meet. And, again, I don't disagree with much of what you said, Legislator Bishop, but I do think that we, as elected officials, have to address this.

There is no question in any of the Legislators' sitting at this horseshoe, I think, that our jails fail in many respects, that there are inadequate conditions in those jails, and that we do not have the proper space for the current amount of prisoners that we have. So, in the same respect of what you're saying, we can't continue to ignore this problem and we have to do something.

I think Legislator Lindsay can address it better, but I think the approach suggested by Legislator Lindsay in this regard was a good one in the sense that it splits up the project, so that we're adding, and, Bill, correct me if I'm wrong, about 600 beds in the first phase. We may never fund the second phase, because it may not be necessary, but the -- and that was the idea of breaking the project into two. It was also a cost effective way to spread the cost out, but relieve some of our problems. And so I think that Legislator Lindsay has really taken -- and there were others involved, but I'm just -- but I think he's taken a good approach to resolving an ongoing problem that we do have, and I commend him on that. And I think it's time for the Legislature to step up to the plate and do something about our jails, and I think this is the way to do it.

P.O. POSTAL:
Legislator Caracciolo?

LEG. CARACCIOLO:
Thank you --

LEG. LINDSAY:
And I want to say --

P.O. POSTAL:
Oh, I'm sorry. Oh, I'm sorry.

LEG. CARACCIOLO:
Bill, would you like -- go ahead. Go ahead, I'll wait for you.

LEG. LINDSAY:
Okay. I'll be really brief. I'll be really brief, just to address some of the things that Dave brought up. In the -- in the -- tonight, we're going to vote on the rest of the funding for the needs assessment study. If it's appropriated today, Legislator Caracappa assures me that it will

be completed before the end of the year. So we'll have that needs assessment study completed before we start the planning for the new jail, which is all in 2004.

The second thing is Legislator Bishop talked about double-bunking, and he made it sound like that our jails are luxurious. They're anything but. I toured Yaphank and I toured Riverhead, and the problem why this -- we need so many cells is that Yaphank is totally antiquated. The facility is 50 years old. There's bathrooms that are leaking underneath the walls into the hallways. We don't have double-bunking out there, we have dormitories. There's 40 prisoners in one room. It's not a safe condition for our guards, it's not a safe condition for the prisoners. And whether you want to admit or not, we owe responsibility to both of those people. It's a lawsuit waiting to happen in Yaphank and we have to correct it, I'm convinced of that.

The only other thing that I wanted to say in terms of the whole budget process, there was another large item that the work group chose not to include in this year's Capital Budget and that's a request from the Board of Elections for 10 million dollars for new voting machines. We were told that there's a State mandate -- is it State or Federal?

LEG. VILORIA-FISHER:
It's Federal.

LEG. CRECCA:
Federal.

LEG. CARPENTER:
Federal.

LEG. LINDSAY:
That we have to replace all of our voting machines by 2006 to make them multilingual and handicapped accessible for all sorts of handicaps. And we got hung up on whether we would get any kind of subsidy to do this, and because we couldn't get a clear-cut answer on that, we chose not to put it in the Capital Budget, but that's something that still hanging over our head that we're going to have to deal with probably rapidly next year. That's it.

P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you. I find it truly unfortunate that Legislator Bishop would characterize Judge Tisch's tenure of only 18 months as somehow being connected with the neglect of the previous administration, which was headed by a member of your political party, David. I would also note -- I would also note --

LEG. BISHOP:
Wait. He was elected as a member of your party.

LEG. CARACCIOLO:
I would also note that this committee, this bipartisan committee, work group was chaired, I'm not certain if the Presiding Officer chaired the committee or Legislator Lindsay did, but there were four Democratic members on the committee, a majority, and three Republican members. This was a bipartisan effort. And unless I'm reading into something, it seems to me that at least the seven of you concurred on this budget amendment.

I would also note, and I refer to the Budget Review Office analysis -- analyses, rather, of the project, 3035, and quote from their evaluation as follows: "The Budget Review Office supports the inclusion of funding in the Capital Program to provide the Sheriff with sufficient space." It goes on to point out that "We believe that the project should be completed as planned, and that the construction of the addition should not be delayed a year, nor should the installation of all the metal garage warehouses to be delayed until subsequent years." So we have the expert, non -- I mean --

MR. POLLERT:
Nonpartisan.

LEG. CARACCIOLO:
Nonpartisan Budget Review Office, of all you just gave accolades to, and everyone else, for their once again brilliant work in preparing us with a complete view of this subject matter, as well as everything else before us. You have a bipartisan committee, with a majority of your members, of members of your political party, in agreement. And I really find it odd, David, that you don't believe this project is necessary.

In Ways and Means, unknown to me at the time, we had public hearings. This committee was taking into account, and has now made a recommendation, that was totally consistent with what I stated on the record during the public hearing, and that is this project should be bifurcated. So I want to take this opportunity to applaud Legislator Lindsay and all of the members of the Committee in doing just that, because that's a financially responsible way to proceed with this project.

You're right, we don't need a thousand additional beds tomorrow, but there is a time line for construction. Money is very -- as Mr. Pollert pointed out at this juncture, we're practically borrowing money for nothing when you factor in inflation and the low cost of borrowing money today.

And you mentioned the MERV, the Marine Emergency Rescue Vehicle. I need not remind you that the Sheriff of this County is an independently elected official representing -- elected by the majority of voters in Suffolk County, and he doesn't need your approval or my approval to use forfeiture funds to replace an amphibious vehicle that's been in his department and basically inoperable for the last dozen years.

As far as the cost and the 8 million dollars, I'm not certain what you're speaking of, but if we're talking about overtime in the Department, I could only tell you that when I chaired the Finance Committee three years ago, and up until that time, and Mr. Pollert and Mr. Sabatino will acknowledge this, that until that year, there was no one in this Legislature that attempted to hold accountable the heads of department in both the Police and the Sheriff's Department until that committee and this Chair of that committee did so by having them come in quarterly and present to us what they were spending and what the justification for those expenditures were. And, as I recall, and,
Mr. Sabatino and Mr. Pollert, correct me if I'm wrong, I believe the overtime expenditures in the Sheriff's Department at that time were somewhere in the area of 13 to 15 million dollars annually, more than double the number you're speaking of, Dave.

So let's stop the partisanship here. If you want to run for Sheriff, he runs again in two-and-a-half years. You know, organize a committee and take him on. Be a man about it. Thank you.

LEG. BISHOP:

Am I eligible for a point of personal privilege, since he --

P.O. POSTAL:

Yes. Yes, I think so.

LEG. BISHOP:

And concluded with, "Be a man about it."

P.O. POSTAL:

I think so.

LEG. BISHOP:

What an obnoxious, stupid thing.

P.O. POSTAL:

No.

LEG. BISHOP:

You know, I don't want to be the Sheriff, I just want the Sheriff to manage his budget correctly. I want the Sheriff not to cause a 100% property tax increase in two years, and I want the Legislature to stand up to the Sheriff and say, "Enough." That's what I want, Legislator Caracciolo.

LEG. CARACCIOLO:

Madam Chair.

P.O. POSTAL:

Mike.

LEG. CARACCIOLO:

Just one more point.

P.O. POSTAL:

Go ahead.

LEG. CARACCIOLO:

I was just reminded of a marine boat or vehicle that was sponsored by Legislator Bishop in his district for the Lindenhurst -- what was it?

LEG. BISHOP:
Copiague.

LEG. CARACCIOLO:
Copiague Fire Department?

P.O. POSTAL:
It was Copiague and I sponsored it.

LEG. CARACCIOLO:
You sponsored it? Okay. But it's part of his district.

P.O. POSTAL:
Well, it is now, but it was then mine.

LEG. CARACCIOLO:
I mean, you know, lets be consistent around here. Again, let me extend --

P.O. POSTAL:
Wait, wait, wait, wait.

LEG. CARACCIOLO:
-- because I had not previously --

P.O. POSTAL:
Wait.

LEG. CARACCIOLO:
Let me just extend --

P.O. POSTAL:
Can we try to please avoid attacking each other personally?

LEG. CARACCIOLO:
Well, don't attack --

P.O. POSTAL:
I know.

LEG. CARACCIOLO:
-- someone who's not here, because I'll stand up for them if they're right, and he's right.

P.O. POSTAL:
All I'm saying is that, at this point, we are deeply embroiled in a very involved Capital Budget approval, and I think we need to confine ourselves to discussion of the Capital Budget, or we will, first of all, not address the issues that we need to address and we'll be going on forever.

LEG. CARACCIOLO:
Let's go. We have a motion and a second.

P.O. POSTAL:
Okay. Thank you. Now, there are a couple of people who wanted the floor, one of whom, I think, is not here. Oh, yes he is. Legislator Binder.

LEG. BINDER:
Fred, let me ask you the question or -- well, not a question, the comment made by Legislator Bishop about the cost of their service versus shipping prisoners out. Can you give me -- give me that number, or how you see that? If we did the whole thing.

MR. POLLERT:
If the State of New York were to remove all the variances, based upon the Sheriff's Capital Project request, it would be less expensive to ship out the prisoners. We won't actually know what the actual cost of operating the jail is going to be until such time as there are final blueprints. We contacted the Commission of Corrections. They won't give us a ballpark estimate until their final blueprints, that they can go through and determine the number of posts. However, based upon the debt service and based upon what the Sheriff had estimated in his capital project request, it would be less expensive to transport prisoners out of the County.

LEG. BINDER:
That's based on just the Capital, not the Operating side.

MR. POLLERT:
No, no, that includes Capital, plus the Operating costs.

LEG. BINDER:
Operating. And give me the difference.

MR. POLLERT:
The Capital costs are approximately 10 million dollars on this project per year, the Operating costs are in the neighborhood of 50 million dollars.

LEG. BINDER:
So that's 60 million versus how much?

MR. POLLERT:
Roughly 25 to 30 million dollars.

LEG. BINDER:
So it's a two to one.

MR. POLLERT:
Right.

LEG. BINDER:
So then, if we did half the project, I don't know if the logic holds, that if we did half the project as being proposed, it would basically break even. That we could send out all the prisoners for the cost of what we're proposing to do, everyone at half the project.

LEG. BISHOP:
I don't know if that works.

LEG. BINDER:

I don't know.

MR. POLLERT:

Doing one half of the project would enable you to, in all probability, continue with the variances, or at least some of the variances that the Department of Corrections is giving to the County, because then the County will have taken positive steps to replace Yaphank. So, in all probability, if you move it --

LEG. BINDER:

No, no. What's the debt service -- what's the debt service on the half?

MR. POLLERT:

Roughly five million dollars.

LEG. BINDER:

On half the project, it was --

MR. POLLERT:

Right.

LEG. BINDER:

-- five million? And the Operating side of that?

MR. POLLERT:

That I don't know, because that would have to be reestimated by the Sheriff's numbers. What we did is we just included the Sheriff's numbers, we didn't actually do the analysis ourself, with respect to what the configuration's going to look like.

LEG. BINDER:

But still, the apples to apples, it still would be --

MR. POLLERT:

In theory, it would be roughly what you had mentioned, yes.

LEG. BINDER:

Somewhere near the same.

MR. POLLERT:

Right.

LEG. BINDER:

Okay, thank you.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Over the next 12 to 18 months we develop the right process. The first is the needs assessment will get under way shortly, that's going to be obviously a critical component here which will drive the rest of the Capital Project. That Needs Assessment Study which will take maybe close to six or eight months, less than that, excuse me, I stand corrected, less than that. With the oversight of the right committees, with the involvement of this Legislature, we'll know by the end of the year where we need to go. And then next year, depending upon what the needs assessment outcome is, then we can make judgements next year as to the planning portion of this thing, and then once we make judgements on planning, then we can move forward at some level of construction. So no one should leave here with the misimpression that this is a chaotic undertaking, this is a very deliberate approach we're taking where we're doing the needs assessment first, then dependent upon the outcome of the needs assessment we have planning monies that will be available next year and then construction monies. It doesn't mean automatically that we're going to access those monies, but we've set up the blueprint by which we're going to move forward to make judgements on where we need to go, vis-a-vis those who work in our jail and those who are housed in our jail.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

As Almost-Sheriff myself, I tend to agree with Almost-Sheriff Caracciolo. But the only thing is is that if he was Sheriff they'd probably have a navy and he'd make us call him Admiral; sorry, Mike.

I just have a question just about some of the process. When you decided to put together the work committee, did the committee as a group decide on an approach to this Capital Program or was there an approach that you had asked that they follow? I'm trying to figure out some of the reasoning behind how we got to where we're at.

P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yeah, the Presiding Officer's Office drafted I think six or eight points that we were requested to follow as to whether to put a project in or out.

LEG. HALEY:
The only reason I -- because I don't remember ever hearing that information or being contacted about, you know, concerns surrounding those particular issues that you enumerated in your memo.

P.O. POSTAL:
Well, I regarded that as being kind of the province of the caucus, to share information with the members of the caucus; it seemed to be the most efficient way to proceed.

LEG. HALEY:
Thank you.

P.O. POSTAL:
You're welcome. Legislator Caracciolo. Last comment and then we're going to go to a roll call.

LEG. CARACCIOLO:
I just would like to follow-up on the line of questioning raised by Legislator Binder, Fred. Is it -- what is the probability that if we didn't build or add on to existing facilities, in this case we're

talking new construction in Yaphank, if we didn't do that, what is the likelihood that we would be successful in shipping out to other municipalities prisoners for detention? You know, to me it seems to be a bit hypothetical.

MR. POLLERT:
Clearly the most advantageous thing to look at, farming out the prisoners is a short-term stopgap type measure. If you have a reoccurring shortfall in jail cells, you want to construct so that you can meet your base line in-house without having to ship them out. You can probably get by short-term for a few years shipping out your prisoners if the variances were removed. It's not an ideal situation, it drives up your transportation costs and at the end it's like renting a building, you don't actually own the building, you're not owning anything, you have a high operating cost but you don't have any asset to show for it.

One of the other difficulties is attempting to look at it as a long-term type of solution is that you don't know what's going to happen with available housing in other counties. As it becomes more restricted they could start to drive up the costs; they can't make a profit on it but they can certainly throw and be fairly creative with their accounting to increase what the costs are. So from a practical point of view, you would not want to look at farming out the prisoners as a long-term type of solution.

LEG. CARACCIOLO:
Because it's really not a practical solution. Thank you.

P.O. POSTAL:
Okay. We have a motion and a second, Henry?

MR. BARTON:
Yes.

P.O. POSTAL:
Roll call.

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

LEG. LINDSAY:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

What is this on?

MR. BARTON:

To approve.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

I'll pass.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

14.

P.O. POSTAL:

Budget Amendment 1 is approved.

Now we're going to go to --

LEG. FOLEY:

Madam Chair?

P.O. POSTAL:
Yes?

LEG. FOLEY:
Madam Chair, before we get to the rest of the Capital Program. At what point can we go back to the issue of Ian Freis and the mother's presentation to try to get an answer from Civil Service as well as from the County Attorney's Office; do we want to do that at the end?

P.O. POSTAL:
No, I think -- as a matter of fact, thank you for reminding me. I think we need to call Allan Schneider right now before it gets any later.

LEG. FOLEY:
I think the calls have been made and part of the answer so far is that neither Civil Service nor the County Attorney's Office is going to give us any information because of what they consider to be medical confidential -- confidential medical information. I have a letter here that we will distribute from the mother, Tara Ann Freis, that states, "Dear Legislator Foley: Please accept this letter as authorization for the Suffolk Legislature Office to receive any medical information regarding my minor son, Ian Freis. Ian is currently a patient of Dr. Jeremiah Levine of Schneider's Children Hospital," so forth and so on.

So the reason given for part of the stay by the County Attorney's Office not to come here is no longer a valid reason because the mother of this minor son has given us the authorization to receive any medical information that heretofore the County Attorney's Office is using as a reason not to give us answers to these very serious medical questions that have been raised by the child's mother to us this morning.

P.O. POSTAL:
Well, it's my -- first of all, I understand that Allan Schneider is away, so at this moment we're requesting the County Attorney's Office to come here and address that question.

LEG. CRECCA:
Madam Chairman?

LEG. ALDEN:

I have a point of law.

P.O. POSTAL.

Yes, Legislator Alden.

LEG. ALDEN:

I just want to address this to Paul Sabatino. While she's released that --

LEG. CRECCA:

Right.

LEG. ALDEN:

-- given a release for us, that might necessitate an executive session because --

LEG. FOLEY:

Whatever it may necessitate --

LEG. ALDEN:

Yeah, because it doesn't warrant release to the public --

LEG. FOLEY:

That's fine.

LEG. ALDEN:

-- that might just be releasing it to us.

LEG. FOLEY:

That is fine.

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Yeah, what I was going to add is I think we're all in agreement here but I think this matter should first be investigated and dealt with by the Presiding Officer's Office. I don't think we need to have 18 members do this, even though we're all in agreement, this isn't -- I think that that's the more proper and private way to handle it. And I agree with Legislator Alden, that if we do have to address this as a full body, that we should do it in executive session if Counsel agrees that that's appropriate given the sensitivity and the personal nature involved.

MR. SABATINO:
Medical treatment is one of the categories and personnel information that would be permissible to go into executive session for. So the answer is yes, you could go into executive session.

LEG. FOLEY:
Madam Chair, Madam Chair, I know we have to get on the Capital Program, but I would hope that we could even at the conclusion of this General Meeting, certainly I'm more than willing to stay and go in executive session to discuss this with the appropriate County officials from other departments so we can before we leave this building today or tonight have some answers to some very serious questions that were raised earlier today.

P.O. POSTAL:
And I would expect that we will. The County Attorney's Office will be here today, Legislator Foley.

LEG. FOLEY:
Thank you very much, Madam Chair.

P.O. POSTAL:
You're welcome. Now, let's see, we were on Amendment No. 3 and we need a roll call. Do we have a motion and a second?

LEG. FOLEY:
What about number two?

P.O. POSTAL:

No, anything that you don't hear me say is in conflict or eliminated by the approval of one. So I'll make a motion to approve I guess it's Amendment ***No. 3 - Renovations & Improvements to Cohalan Court Complex, Central Islip.***

LEG. CRECCA:
I will make a second.

P.O. POSTAL:
And second by Legislator Crecca.

LEG. FOLEY:
Hold on, not everyone has their --

LEG. CRECCA:
It's on the last page.

P.O. POSTAL:
It's on page six.

LEG. BISHOP:
What's the --

LEG. CRECCA:
I'll be happy to explain.

P.O. POSTAL:
Well, why don't we let Budget Review explain; no offense, Legislator Crecca.

LEG. CRECCA:
Wow.

MR. POLLERT:
Are we on Resolution No. 3?

P.O. POSTAL:
Yes.

MR. POLLERT:
Yes. Well, what it does is it advances $200,000 in planning which was included in the subsequent years to 2004 for the renovations and the expansion of Cohalan Court Complex. It does not include any funds for construction, no funds were included in the recommended Capital Program either

P.O. POSTAL:
So it's increasing the Capital Budget for 2004 by $200,000?

LEG. CRECCA:
That's correct. And if I can just give a little bit of a further explanation?

P.O. POSTAL:
Yes.

LEG. CRECCA:
There's been talk about the expansion of Cohalan Court Complex. In some conversations I've had with some from Public Works and others, I believe that we can expand the courtroom space there considerably, get us out of the Federal Court leasing by building a very minimal addition to that building and moving current clerical space into an office tower there and convert current office space into courtroom space. What this $200,000 does is allows us to do a study and some I'll call it preplanning to see the feasibility of that and I think in the long run it will save us a lot of money down the road, both in leasing courtroom space as we do now and more importantly by giving us adequate courtroom space at Cohalan. So that's why I was asking that this be added and I would ask my fellow Legislators to indulge this project because I think in the long run it will save Suffolk County a lot of money.

P.O. POSTAL:
We have a motion and a second I believe, Henry?

MR. BARTON:
Yes.

LEG. CARACCIOLO:

On the motion.

P.O. POSTAL:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Did BRO comment on this?

MR. POLLERT:

Yes.

P.O. POSTAL:

Would you? I know they did, I'd like to hear it.

MR. POLLERT:

Okay. Basically what this resolution does is advances the funds. When the Budget Review Office Report, we had concurred with the County Executive only because we had a lot of Capital Project construction, but Legislator Crecca has made the point that we need to start some planning.

LEG. CARACCIOLO:

And you agree? That's the question, Fred.

MR. POLLERT:

No, actually we agree with the County Executive with respect to including it in subsequent years.

LEG. CARACCIOLO:

Okay

P.O. POSTAL:

Okay. We have a motion and a second, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor?

LEG. CARACCIOLO:

Roll call.

LEG. CARPENTER:

Roll call.

P.O. POSTAL:

Okay, roll call.

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

P.O. POSTAL:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

Yes.

LEG. CARPENTER:

Yes.

LEG. GULDI:

Yes.

MR. BARTON:

10.

P.O. POSTAL:

Okay, Budget Amendment 3 is approved.

No. 4, Renovations to Surrogate's Court. Legislator Haley?

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion to approve.

LEG. CARACCIOLO:

Same question of BRO.

P.O. POSTAL:

If we can just get a second.

LEG. FOLEY:

Second for purposes of discussion.

P.O. POSTAL:

Okay, seconded by Legislator Foley.

LEG. FOLEY:

For purposes of discussion.

P.O. POSTAL:

Okay. There was --

LEG. HALEY:

You want my thoughts first, Legislator Caracciolo, if you don't mind; may I?

P.O. POSTAL:
It's all right with me.

LEG. HALEY:
Okay, thank you. Keep it clean he says. How many meetings have we had out there where people can't find a parking space? I can't imagine that we go out to the Riverhead Center, we have all of these renovations in the hopper, yet no one has done anything to provide additional parking.

The problem with additional parking, however, as I'm finding out is DEC is a problem, that you can't really expand existing parking unless you go up. This particular project for 2006 is to add a one level parking garage, I think it's approximately 200 spaces I think that will add, probably -- my suggestion would be on the south end of the building, similar to where we typically park when we go into the Legislature, that second level or that additional level to enter the building right on that same level if you wanted to do that as well. But we have a responsibility to provide adequate parking for all of those facilities and I find that this is probably the only way we're going to be able to do it is via a parking garage because we have that problem with DEC. And it is 2006, it's off a little bit, Dave.

LEG. BISHOP:
That makes it worse.

LEG. CARACCIOLO:
BRO?

P.O. POSTAL:
Okay, roll call.

LEG. CARACCIOLO:
Madam Chair, I requested that BRO --
P.O. POSTAL:
Oh.

LEG. VILORIA-FISHER:

He had a question for BRO.

P.O. POSTAL:

Legislator Caracciolo, I can't hear you. Would you use your microphone?

LEG. CARACCIOLO:

Do they concur, BRO?

MR. POLLERT:

The project was never requested by the department, so it was never reviewed by the Budget Review Office. Years ago the former County Comptroller used to make a request for multi-level parking at Yaphank but there was no need in Yaphank; there is a need and it's agreed to by the Department of Public Works that additional parking is required in Riverhead but they never included it in their Capital Project request. They were directed, I believe, by the County Executive to keep down the size of the Capital Program, so they did not want to include a new Capital Project.

LEG. CARACCIOLO:

Okay. Madam Chair, then the follow-up question would be unlike the previous Budget Amendment that preceded this one, this is one that you would concur with.

MR. POLLERT:

There is according to the Department of Public Works a critical parking shortage at --

LEG. CARACCIOLO:

And you would concur?

MR. POLLERT:

Yes, we do.

LEG. CARACCIOLO:

Thank you.

P.O. POSTAL:

Okay. We have a motion and a second, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

Roll call.

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

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. TONNA:

Can you change my vote to a no, please?

LEG. COOPER:

Change mine to a no as well, please.

MR. BARTON:

10-7, one not present, one vacancy.

LEG. HALEY:

Thank you.

P.O. POSTAL:

Okay, ***Budget Amendment No. 9 - Personal Body Alarm System for Riverhead Medium and Maximum Security Correctional Facilities.***

Motion by Legislator Guldi. Is there a second by --

LEG. CARPENTER:

Second.

P.O. POSTAL:

-- by Legislator Carpenter. Can Budget Review just tell me where -- have we ever taken action on a personal body alarm system? I remember there was an issue of personal body armor, I believe it was, for the Correctional Officers. Where is this? I mean, have we ever done something like this?

MR. POLLERT:

It was part of the project that was also supposed to include the surveillance cameras as well. There is -- the proposed Capital Program indicates that this project will be funded in 2003. However, what this stand-alone resolution would do would be to also provide funding in 2004 in case there was no offset available in 2003. In addition to that, in the Omnibus resolution there was discussion that if there was no funding in 2003 it could be funded through the Infrastructure Improvement Capital Project. So it's not in conflict with number one, it's just it would include funds that had also been included in the Omnibus resolution under a different project number, Infrastructure Improvements.

LEG. GULDI:

If I may?

LEG. BISHOP:
But it's an add.

P.O. POSTAL:
Legislator Guldi?

LEG. GULDI:
Yeah, the reason that -- the personal alarm system is a safety issue for the officers. It was contemplated to be done in 2003 as an offset, but Budget Review I recall advised us that the offsets for '03 are becoming scarce. There being a substantial likelihood that it wouldn't be available in '03, I asked this amendment to be prepared so

that it could be done in the first part of '04 in the event it's not done in '03.

LEG. LINDSAY:
I have a question.

P.O. POSTAL:
Legislator Lindsay?

LEG. LINDSAY:
Yeah, Fred, I'm just confused a little bit. Is this, in fact, adding $600,000 to the Capital Budget for --

MR. POLLERT:
Yes, it would, in 2004.

LEG. LINDSAY:
Okay, but I thought earlier you said that this was already in the Omnibus but under a different line item.

MR. POLLERT:
It was included as infrastructure improvement, it was part of the Infrastructure Improvement

Project. However, there's not a conflict, you can keep adding money to a project if you wanted to.

LEG. LINDSAY:

But we're not counting it twice.

MR. POLLERT:

It would be counting it twice if this was adopted.

LEG. LINDSAY:

Okay. So there's really no additional cost, then, if it's already in there.

MR. POLLERT:

No, there would be an additional $600,000.

LEG. LINDSAY:

There would be.

LEG. CRECCA:

Why if it's already in --

P.O. POSTAL:

Legislator --

MR. POLLERT:

It's just that it's not inconsistent. And inconsistent action would be if in the Omnibus you add in money and this resolution attempted to take it away, you could over fund it.

LEG. CRECCA:

Why would we -- I don't mean to cut you off, Fred, but why would we vote for this if the money is already there?

MR. POLLERT:

There would be no need to do so but there's no conflict. It's already -- part the reason I had

mentioned it, it's in the Omnibus but it's not a conflict.

LEG. CRECCA:
What's it listed as in the Omnibus?

MR. POLLERT:
It's listed as Capital Project 1755, Infrastructure Improvements.

LEG. CRECCA:
And it specifically makes reference to the body alarms.

MR. POLLERT:
No, it just provides a source of funds. The discussion in the Omnibus Committee was we can fund the body alarms, if no offset is available, through the Infrastructure Improvements.

LEG. CRECCA:
Couldn't we make a motion to change the name of that project to include the body alarms in it?

MR. POLLERT:
No, because it's for too much money to include just the body alarms. We could change the note; I don't know if the note included it.

LEG. CRECCA:
Can we make a motion to take 600,000 from that line and add --

MR. POLLERT:
Actually, the note does reference that it can be used for body alarms. So the note specifically says that $3.3 million for infrastructure improvements in 2004 includes a possible requirement of funding for Capital Project 3033 to purchase body armor if funds are not appropriated in 2003.

LEG. CRECCA:
Can I make a suggestion? Can we now make a motion to change that 3.3 million to 2.7 million and add -- make a motion to do that and then vote this and that would be revenue neutral, or I should say Capital Budget neutral?

MR. SABATINO:
Well, we'd have -- the mechanical way to get there is we'd have to go back and reconsider Budget Amendment No. 1 and then make a motion to do what you described, then we'd have to come back to this. So mechanically there is a path you could take.

LEG. GULDI:
If I may?

LEG. CRECCA:
Yeah, I yield to George Guldi.

LEG. GULDI:
Yeah, the reason that the -- by including it in the overall project for the surveillance camera system, the three point -- the fear I have is that the 3.3 will be consumed for that project and the possible offset if that project is not going forward could be an offset for anything. The possible offset is not sufficient to meet the needs of this personal safety equipment for the officers who are serving in the facility. That's why I put it in as a stand-alone and as an add and that's why I urge you to adopt it as an add. Because a possible offset for personal safety equipment is not, in my opinion as a Legislator, adequate to make sure that this equipment is provided. Hopefully we'll find a way to provide it in '03 so we're not waiting for January of '04.

P.O. POSTAL:
So we have a motion and a second?

MR. BARTON:
Yes.

P.O. POSTAL:
Roll call.

LEG. CRECCA:
On the motion, I'm still --

LEG. VILORIA-FISHER:

I still have a question.

LEG. CRECCA:
I yielded, I didn't --

P.O. POSTAL:
On the motion. Go ahead, Legislator Crecca.

LEG. CRECCA:
George --

LEG. VILORIA-FISHER:
Madam Chair, can you put me on the list?

P.O. POSTAL:
Legislator Viloria-Fisher.

LEG. CRECCA:
-- if we did it the way I was speaking of, we would then be able to keep things revenue neutral but still guarantee, you know --

LEG. GULDI:
Well, the fear I have is it wouldn't guarantee the project and it wouldn't beat the other one. I submit that the proper way to do it is to do it as a stand-alone and an add, that's why it's in on that basis.

LEG. CRECCA:
If we do that, I would just remind my fellow Legislators that when we go to fund the $3.3 million project next year, from what I'm hearing, Fred, that other project, the surveillance camera equipment project, does it really need 3.3 million or can it live --

MR. POLLERT:
No, that's not --

LEG. CRECCA:

Maybe I'm confused.

MR. POLLERT:
I didn't mean to confuse the Legislators. The surveillance project has already been appropriated by the Legislature, part of that was to include a component for --

LEG. CRECCA:
Body alarms?

MR. POLLERT:
-- the body alarms; that was not funded, the County Executive wishes to fund it in 2003 with an offset. The Omnibus Committee said if it can't be funded we will fund it through Infrastructure Improvements; Infrastructure Improvements Project is available for the Legislature if there's an emergency that comes up for highways or bridges or roads.

LEG. CRECCA:
I understand now; never mind.

P.O. POSTAL:
Okay. So we have a motion and a second, Fred?

LEG. VILORIA-FISHER:
I was on the list, Madam Chair?

P.O. POSTAL:
Oh, I'm sorry.

LEG. VILORIA-FISHER:
I just overheard an aside from Legislator Foley saying but it's not to be used for this purpose. However, didn't Budget Review indicate that there was a note that said that the money was to be used for this purpose, or could be used for this purpose?

MR. POLLERT:
That's exactly correct, we included that in the note.

LEG. VILORIA-FISHER:

And then in appropriating the money, we can make the decision to use it for the body alarms.

MR. POLLERT:

That is correct.

LEG. VILORIA-FISHER:

So we still do have control with regards to using this money rather than adding another $600,000 to our Capital Budget.

MR. POLLERT:

You have complete control over that Capital Project 1755, it is for whatever the Legislature decides is a priority.

LEG. CRECCA:

This year, 2003?

LEG. VILORIA-FISHER:

In 2003?

MR. POLLERT:

In 2004.

LEG. VILORIA-FISHER:

2004, right.

LEG. GULDI:

If I may?

P.O. POSTAL:

Legislator Guldi, then Legislator Foley.

LEG. GULDI:

The relatively modest amount of this equipment will pay for itself in prevented injuries in extraordinarily few cases. The fact that we could fund it from essentially the Infrastructure

Improvements Account or, for that matter, from an offset against any other Capital Project, notwithstanding -- I believe we should have a separate dedicated Capital item for the equipment and that's why I put the bill in and I urge you to support me on it.

LEG. VILORIA-FISHER:
Okay, I wasn't quite finished and George jumped in.

P.O. POSTAL:
Go ahead.

LEG. VILORIA-FISHER:
And since his voice is always louder, I didn't want to fight him for the floor. Because I don't think we're arguing the merits, I believe that we all support this use of our money, I believe that what Legislator Crecca was trying to get to was a way not to be duplicative in the -- well, actually we are because the $600,000 is anticipated from another fund as indicated by the note that was made there. So I would prefer -- Paul Sabatino, you had said that there was a way of reducing the number to 2.7 if we were to revisit the Omnibus and make that change?

MR. SABATINO:
Correct, it would take a motion by somebody who voted in favor of Resolution No. 1 to reconsider that bill. On reconsideration, we could then have another motion to make the amendment; if that was adopted then we would go back, adopt the bill and that would render this one academic.

LEG. VILORIA-FISHER:
Okay. Well, if we --

MR. SABATINO:
I might add a point, just to -- given the fact that the note is not binding, if there truly is a desire amongst Legislators to have it line item as a specific earmarking of the money, it really is better to go --

LEG. VILORIA-FISHER:
To make the change in the Omnibus.

MR. SABATINO:

-- back and make the change. I think what confused the issue is that because there's an anticipation that the money is going to be done in the year 2003 with an offset, when the work group was contemplating how to fund it they just said we have an infrastructure generic account and we didn't want -- the group didn't want to lock it into that particular project. But if you desire to lock it into the project, the correct way to do it is to go back to Omnibus, Budget Amendment No. 1 and just do it that way.

LEG. VILORIA-FISHER:
I'd like to make a motion to reconsider Budget Amendment 1.

P.O. POSTAL:
Okay. There's a motion --

LEG. GULDI:
Point of order.

LEG. VILORIA-FISHER:
Oh, we're in the middle of a vote, aren't we?

LEG. GULDI:
Yeah, we have a motion and a second on the approval of this and I believe that the pending motion takes priority.

LEG. VILORIA-FISHER:
The only problem that I have supporting this if I don't know that it can be removed in the other place.

P.O. POSTAL:
Okay. Well, everybody is going to have to decide what they want to do because there's a motion and a second.

MR. SABATINO:
Actually, a motion to reconsider takes priority over a motion to approve.

P.O. POSTAL:

Legislator Guldi?

LEG. GULDI:
well, No, actually on the motion -- on the motion to reconsider, if I may. I don't think we get there the same way, the Infrastructure Improvement Account is a contingency account for infrastructure improvements. If we budget to use 600,000 of that for this body alarm system which, frankly, isn't an infrastructure improvement, it's a personal body alarm system, it's a -- that fund will not be available for the contingency it's designed for. I, therefore, urge that we not reconsider it, that we take this issue up on its own merits and we decide on it as an add. I'd urge you to vote against the reconsideration, we're going to need those funds for other purposes, and let's just decide this on its merits up or down.

P.O. POSTAL:
Okay. We have a motion to reconsider and a second.

MR. BARTON:
Who's the second?

P.O. POSTAL:
Oh, you withdraw the second?

LEG. CARACAPPA:
I withdraw my motion.

P.O. POSTAL:
Oh, you made the motion.

LEG. VILORIA-FISHER:
No, I made the motion and Legislator Caracappa seconded; he's withdrawing his second.

P.O. POSTAL:
Well, he's withdrawing his second.

LEG. LINDSAY:
I'll second it.

P.O. POSTAL:

Legislator Lindsay will second it. Roll call on the reconsideration.

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

LEG. VILORIA-FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. BISHOP:

Is that the flow? Yes, I'll go with the flow.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Pass.

LEG. FOLEY:

Reconsider? No.

LEG. HALEY:

Yes, sure.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

Pass a second.

P.O. POSTAL:

No.

LEG. COOPER:

No.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

No.

LEG. FIELDS:

No.

LEG. CARACAPPA:

No.

MR. BARTON:

Eight.

P.O. POSTAL:

Okay.

LEG. LINDSAY:

Dave, couldn't you give your speech about the jail?

P.O. POSTAL:

Don't encourage him, Bill.

Okay, so we are considering Amendment No. 9. We have a motion and a second?

MR. BARTON:

Yes.

P.O. POSTAL:

Roll call.

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

LEG. GULDI:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BINDER:

Pass.

LEG. BISHOP:

I apologize; this is to do what?

MR. BARTON:

Approve 9.

LEG. BISHOP:

To move the body armor --

LEG. CARACAPPA:

The personal body alarm.

LEG. BISHOP:

Oh, just the amendment on a stand-alone?

P.O. POSTAL:

Yes.

LEG. BISHOP:

But we can't get it back into Omnibus, so yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Abstain

LEG. FIELDS:

Abstain.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Body piercing or body alarm? Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. VILORIA-FISHER:

Yes.

MR. BARTON:

15, two abstentions, one vacancy (Abstentions: Legislators Alden & Fields).

P.O. POSTAL:

Okay, Amendment 9 is approved.

Amendment No. 10 - Purchasing an additional helicopter. Is there a motion?

LEG. GULDI:

Motion.

P.O. POSTAL:

Where was that? Legislator Caracciolo, was that your motion?

LEG. GULDI:

My motion.

P.O. POSTAL:

Oh, Legislator Guldi. Is there a second?

LEG. CARACCIOLO:

Second.

P.O. POSTAL:

Second by Legislator Caracciolo. Roll call.

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

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

No.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. COOPER:

No.

LEG. NOWICK:

No.

MR. BARTON:

Four.

P.O. POSTAL:

Okay, Amendment 10 is not approved.

Amendment No. 13 - Construction of a new Fire Vehicle Storage at Yaphank. Motion by Legislator Guldi to approve, second by Legislator Carpenter. Roll call -- oh, question by Legislator Lindsay.

LEG. LINDSAY:

Yeah, question of the sponsor. This is just accelerating the money from '05 to '04; is that it?

LEG. GULDI:

Yes.

LEG. LINDSAY:

We've already approved this project in the Omnibus but I think it was to '05; am I right, Fred?

MR. SPERO:

This was already put in '05 in Omnibus, so this resolution is really in conflict with the Omnibus.

LEG. BINDER:

Yeah, because you can't move it twice.

MR. POLLERT:

That was a mistake on our part.

LEG. VILORIA-FISHER:

Oh, okay.

P.O. POSTAL:

Okay. So let's go to Budget Amendment 13 which is construction of a new -- oh, that was the one?

LEG. FOLEY:

It conflicts; next.

P.O. POSTAL:

No. 14 - Reconstruction of County Road 43, Northville Turnpike from Kings Drive to County Road 58, Old Country Road in Riverhead. Motion by Legislator Caracciolo.

LEG. GULDI:

Second.

P.O. POSTAL:

Second by Legislator Guldi.

LEG. CARACCIOLO:

It's recommended by BRO.

P.O. POSTAL:

Okay, roll call.

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

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. BISHOP:

I have a question, I'm sorry, but I just want to understand. This is --

P.O. POSTAL:

Why don't you get up and privately ask?

LEG. BISHOP:

Because by the time I get up it's going to pass me.

P.O. POSTAL:

Well, pass and then we'll --

LEG. BISHOP:

Pass.

LEG. COOPER:

Pass.

LEG. TONNA:

No.

LEG. BINDER:

Pass.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

No.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

No.

LEG. HALEY:

Abstain.

LEG. VILORIA-FISHER:

Pass.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. COOPER:

No.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

No.

LEG. CARPENTER:

I said yes

MR. BARTON:

Oh, you did? Okay, I thought you said pass.

LEG. ALDEN:

No.

LEG. LINDSAY:

No.

LEG. VILORIA-FISHER:

No.

MR. BARTON:

Four.

P.O. POSTAL:

Okay, Amendment 13 is defeated.

14 -- I'm sorry. No. 17 --

LEG. VILORIA-FISHER:
What about 15?

P.O. POSTAL:
Oh, it wasn't highlighted for me, okay.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

P.O. POSTAL:
No. 15 - Reconstruction of County Road 11, Pulaski Road, Huntington. Legislator Cooper?

LEG. COOPER:
Motion to approve.

P.O. POSTAL:
Motion to approve. Seconded by?

LEG. TONNA:
By myself.

LEG. CARACCIOLO:
On the motion.

P.O. POSTAL:
Legislator -- let me get a second. Legislator Binder?

LEG. BINDER:
Yeah.

P.O. POSTAL:
Okay. Legislator Caracciolo, on the motion.

LEG. CARACCIOLO:

Is this a BRO recommendation?

LEG. COOPER:

Yes, it is.

MR. SPERO:

Yes, it is.

LEG. CARACCIOLO:

Okay. So was the last one, Jonathan. Thank you.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

No.

LEG. GULDI:

Yes.

MR. BARTON:

Six.

P.O. POSTAL:

Amendment 15 is defeated. **Amendment 17, County share, reconstruction of County Road 16, Portion/Horse Block Road in the Town of Brookhaven.**

LEG. CARACAPPA:

Motion.

P.O. POSTAL:

Motion to approve by Legislator --

D.P.O. CARACAPPA:

But on the motion, Madam Chair.

LEG. FOLEY:

Second the motion.

P.O. POSTAL:

Are you making a motion, though?

D.P.O. CARACAPPA:

Yes, but there's also a caveat.

P.O. POSTAL:

Okay. Legislator Caracappa is making a motion to approve, Legislator Foley is seconding that.

LEG. CARACCIOLO:

On the motion.

P.O. POSTAL:

Legislator Caracappa, on the motion.

LEG. CARACAPPA:

Yes. What this does, this is already in the Capital Program. What I'm asking here is to move the monies back a year. But, with relation to the '04 dollars that were moved, I didn't want that to happen, I wanted to keep the '04 dollars where they were, both -- and you could see the "B" and the "F", that's acquisition monies on our end and the Federal money as well. So I'd like that to stay in '04 while moving the construction money to '06. So I'd like to make that amendment on the floor.

LEG. FOLEY:

Second.

P.O. POSTAL:

Okay. Legislator Caracciolo.

LEG. BISHOP:

This has no fiscal impact, it's just redistributing.

LEG. CARACCIOLO:

Yeah.

D.P.O. CARACAPPA:

Just -- right.

LEG. CARACCIOLO:

For the sponsor, the reprogramming of the funding is because?

LEG. CARACAPPA:

Because we have a tremendous amount, if you look at the dollar amount, for acquisition, and there's actually more coming for the year '03, before we get all the maps prepared and the acquisition completed, we won't be in the construction phase until '06. That's our estimation. And by moving the money there, it's appropriate, number one, and in a secondary note, it gives the community more time to have input into the project.

LEG. FOLEY:

Excellent.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACAPPA:

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.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

Legislator Tonna, did you pass?

LEG. TONNA:

I passed, but I'll say yes.

MR. BARTON:

Okay. 17, 1 vacancy.

P.O. POSTAL:

Okay.

LEG. BISHOP:

I don't think you have to say that.

P.O. POSTAL:

Amendment 18 - Sound barrier improvement to Patchogue-Mount Sinai Road, County Road 83. Motion to approve by Legislator Caracappa, seconded by Legislator Haley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

P.O. POSTAL:

Yes.

LEG. COOPER:

No.

LEG. NOWICK:

No.

LEG. CARACCIOLO:

No.

MR. BARTON:

Seven.

P.O. POSTAL:

Okay. **Amendment 19 - Reconstruction of Middle Road, County Road 48, Horton Avenue to Main Street, Southold.**

LEG. CARACCIOLO:

Is this a BRO recommendation, Fred?

MR. POLLERT:

Yes.

LEG. CARACCIOLO:

Motion.

P.O. POSTAL:

Motion to approve by Legislator Caracciolo. Is there a second?

LEG. GULDI:

Yes.

P.O. POSTAL:

Where was that, Guldi? Seconded by Legislator Guldi. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. COOPER:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. LINDSAY:

No.

MR. BARTON:

Three.

P.O. POSTAL:

Amendment 20 - Noise abatement structures - Study for Motor Parkway at Harned

Road. Motion by Legislator Crecca.

LEG. CRECCA:
Yeah, motion by myself.

P.O. POSTAL:
Seconded by myself.

LEG. CRECCA:
On the motion.

P.O. POSTAL:
Roll call.

LEG. CRECCA:
Well --

P.O. POSTAL:
Okay, on the motion.

LEG. CRECCA:
I'll be really brief.

P.O. POSTAL:
Good.

LEG. CRECCA:
This is the problem those -- the people came this morning to testify about. When I had first looked into this, I wasn't too sure about it, but I have -- I was out not only at the site, but I saw a study done by the Federal Government that said it was Motor Parkway and the improvements we made at Motor Parkway and the increased traffic on a County road that caused this problem. This is not just the people who border that road, I went two blocks in and you can hear the noise at excessive levels. This allows for us to do a study, a noise abatement study, and planning money for -- to abate that. I'm stopping there.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

P.O. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Abstain.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

MR. BARTON:

14.

P.O. POSTAL:

Amendment 20 is approved. **Amendment 21 - Reconstruction of Roanoke Avenue, County Road 58 to Main Street, Riverhead.** Motion by Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

LEG. GULDI:

Hold on. Counsel, I own a piece of -- an interest in a piece of property on that roadway. Should I be abstaining on this project? It's a road improvement in front of --

MR. SABATINO:

This is not -- no, this is general improvements, not an acquisition of land.

LEG. GULDI:

No, but it's a road improvement adjacent to a parcel I own.

MR. SABATINO:

Generic -- you know, we had this discussion once before. You're not obligated to, but, if you wish to, you may.

LEG. GULDI:

Yeah, I --

MR. SABATINO:

But you're not obligated to.

LEG. GULDI:

On that basis, I won't seconding the motion, I'll be abstaining with respect to this resolution.

P.O. POSTAL:

Okay. Second by Legislator Foley. How's that, good?

LEG. FOLEY:

For which one?

P.O. POSTAL:

This is Number 21, reconstruction of Roanoke Avenue, County Road 58 to Main Street, Riverhead.

LEG. CARACCIOLO:

Madam Chair, it's $200,000 for '04 planning.

P.O. POSTAL:

Okay. Is that okay, Legislator Foley?

LEG. FOLEY:

I'll second for the purpose of discussion, but I'd like to know a little more about it, what did BRO say, and why --

LEG. CARACCIOLO:

All right. I'll be happy to give you what they said.

P.O. POSTAL:

Okay. I just -- Mike, I think that it needs to be noted that it's also for construction.

LEG. CARACCIOLO:

But in subsequent years.

P.O. POSTAL:

Yeah.

LEG. CARACCIOLO:

Yeah.

P.O. POSTAL:

But, you know, people --

LEG. FOLEY:

No, it's not subsequent years, it's '05. It's not subsequent years.

LEG. CARACCIOLO:

'05, yeah. So it's within the time frame in this Capital Budget.

P.O. POSTAL:

But I just think that it's important to note that, so that people --

LEG. CARACCIOLO:
Oh, that's fine.

P.O. POSTAL:
-- aren't mistaken.

LEG. CARACCIOLO:
That's absolutely fine.

P.O. POSTAL:
Okay. So we have a motion and a second. Roll call.

LEG. CARACCIOLO:
Yes.

LEG. FOLEY:
No, no, no. I just wanted an explanation, because --

LEG. CARACCIOLO:
Yes. Before you answer, through the Chair, before you answer, Legislator Caracciolo, if we're going to '04,'05, I know at this point there's a number of road projects in that time frame that's already in the pipeline through the department and how they can add another project. I don't know how they could, to be quite honest with you.

LEG. CARACCIOLO:
I could just tell you that this is an area, as noted in the BRO report, that has severe flooding problems. The -- let me just see. It says, "Project will improve overall capacity, liability and safety." And more than once does the Budget Review Office cite the safety factor. "This roadway has been resurfaced many times. There is a severe five to six inch dip at every catch basin. These dips cause operational and safety problems. Additionally, there are severe flooding problems at the corner of Second Street. The Budget Review Office recommends that the project be reinstated with $200,000 in planning funds in '04 and 1.8 million in '05."

LEG. FOLEY:
What was the -- through the Chair, if I may, what was the proposed budget by the County Exec on this?

LEG. CARACCIOLO:
He omitted it, right, Fred?

MR. POLLERT:
Right.

LEG. FOLEY:
And what was the --

MR. POLLERT:
It was included last year and it was omitted this year with --

LEG. FOLEY:
What was the departmental request to the County Exec for this project this year?

MR. POLLERT:
It was what we had recommended in the report. It's basically this resolution was requested by the department.

LEG. FOLEY:
So the department did request '04, '05 --

MR. POLLERT:
Yes, they did.

LEG. FOLEY:
-- for this project.

MR. POLLERT:
That's partly how the County Executive brought down the size of the Capital Program, he took out a lot of existing capital projects.

P.O. POSTAL:

Okay. So we have a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Pass.

LEG. BINDER:

No.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Pass.

LEG. CRECCA:

(Not Present)

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

No.

LEG. LINDSAY:

Pass.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

(Not Present)

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. COOPER:

No.

LEG. TONNA:

I said pass?

MR. BARTON:

I think you did.

LEG. TONNA:

No.

MR. BARTON:

No, okay.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

(Not Present)

LEG. CARPENTER:

Yes.

LEG. LINDSAY:

Yes.

LEG. GULDI:

(Not Present)

MR. BARTON:

Seven. (Not Present: Legs. Crecca and Guldi)

P.O. POSTAL:

Okay. That concludes our action on the Capital Budget. We're going to return to our agenda. And we were on --

LEG. VILORIA-FISHER:

Thank you, Budget Review.

LEG. FOLEY:

Yeah. Before we leave Madam Chair, certainly, the great work of the Budget Review Office and the whole staff. And I note for the record, and I know this is Jim Spero's twenty-sixth Capital Budget that he's worked on. So we should note that for the record.

MR. POLLERT:

It shows.

LEG. FOLEY:

It shows.

MR. SPERO:

You had to remind me.

LEG. BISHOP:

Thank you, Jim.

P.O. POSTAL:

We can certainly thank them. We have thanked them, but they're certainly --

(Applause)

Their work is certainly deserving of another thanks.

LEG. ALDEN:

That's why you get the big bucks.

P.O. POSTAL:

We couldn't pay them enough for what they do, frankly.

LEG. CARPENTER:

Or us.

P.O. POSTAL:

Well, that's true, but that's immodest, so -- okay. We're going to return to Resolutions Tabled to June 10th on Page 6 of our agenda. We were in the middle of debating **I.R. 1225.**

LEG. CARPENTER:

35.

P.O. POSTAL:

No, 25, which was -- we have a list of people who would like to speak. That was **adopting a local law to authorize County registry for domestic partners.** And we'll start with the first name on our list, which is Legislator Foley. I believe we had a motion and a second?

MR. BARTON:

Yes.

P.O. POSTAL:

Okay.

LEG. FOLEY:

Thank you, Madam Chair. One of the points raised earlier was the issue of whether or not this bill reaches the legal bar that supposedly has been set by the State. And I would just note for the record, and I stand ready to be corrected, but I would note for the record that the Townships of East Hampton and Southampton had sometime ago approved this very registry, and it's my understanding, from that time to this, there hasn't been any legal challenges by any person or organization against those two localities, law that -- resolution law that they enacted. So, if anyone is opposing this legislation based upon some concerns about whether it's legal or not, certainly, the recent history of those two townships were -- they passed the resolutions and they haven't been challenged up to this point, I think, would -- well, should put the issue, whether it's legal or not, to rest. Thank you.

P.O. POSTAL:

Thank you. Legislator Crecca.

LEG. CRECCA:

I'll pass. I'll yield my time to whoever wants it.

P.O. POSTAL:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. I just want to ask both Jonathan and the contingent from Babylon, seeing Legislator

Foley did bring up the two other Townships, has there been any movement in the Town of Huntington or the Town of Babylon to provide such a registry?

LEG. BISHOP:
I don't know. There should be, if there isn't.

D.P.O. CARACAPPA:
Because --

P.O. POSTAL:
No. I can tell you. In the Town of Babylon, there's been no resolution that has been introduced. That doesn't necessarily mean anything other than nobody has thought of it, yet.

LEG. COOPER:
And in the Town of Huntington, they're in the process of drafting a resolution.

LEG. CARACAPPA:
Okay. And my second point was, Jonathan, earlier you -- I know you were emotional and this affects your family, but some of the comments you made I did take exception to. And, you know, whatever happened to just basic difference of opinion? It seems like every time someone may just have that against one of your resolutions, you seem to get a little personal and you attack, or today you called us shameless. On past legislation, you've made the reference that we were either in the pockets of drug companies or cell phone companies. It's just that you -- it's just a difference of opinion. It's not attacking any certain segment of the population. We're not saying that your ideas are bad. Or I'm -- I'm speaking for myself -- certainly not saying that your efforts aren't those of -- based on hard work and your philosophy, and I appreciate that. And though I may not agree on your other resolutions, or whatever it may be, I always come over and I say, "Good work and congratulations on your efforts." So, to say that because I'm opposed to this today doesn't mean I'm shameless and I should be ashamed of myself, I have just a basic difference of opinion, and I would hope that you at least respect that as I respect your difference of opinion.

LEG. COOPER:
For the record, Joe also was not the homophobe.

LEG. TONNA:

He narrowed it down.

LEG. CARACAPPA:

Seeing that I worked --

LEG. TONNA:

Next, next.

D.P.O. CARACAPPA:

The five years prior before I came to the Legislature, I worked in the communities on Fire Island of the Pines and the Grove every day, ten hours a day, and I forged some of the greatest relationships --

LEG. TONNA:

What are you saying?

D.P.O. CARACAPPA:

-- with friends that I have to this day. So to say that I'm a homophobe would be absolutely a stretch.

P.O. POSTAL:

Okay. Let's see, Legislator Crecca.

LEG. CRECCA:

No, I don't need to speak anymore, I've said my piece.

P.O. POSTAL:

Okay. Legislator Guldi.

LEG. GULDI:

Counsel, you had a question earlier with whether -- as to whether or not there had been any marriage law change in the State of New York, which you answered basically by saying simply no. My question's a little broader than that. Obviously, there have been some tax law changes

in New York, but the fact that no merits law changes have been made and tax law changes have, in fact, been made, equally have absolutely no bearing on the legislation that's before us; isn't that correct?

MR. SABATINO:
That's correct.

LEG. GULDI:
Okay. The point I wanted to make is, realistically, it is past time for this issue to have been addressed by this Legislative body. Yes, some of the towns have taken it up on a bipartisan basis and adopted it. Particularly, both Southampton and East Hampton in my Legislative districts have created their own registries. We, however, I think have an obligation to offer it to all the citizens and residents of Suffolk County. It is not a matter of anything except equal rights and equal protection. And that's, after all, what Jiminy Cricket was here earlier to tell us that our obligations in a democratic republic are. Thank you.

P.O. POSTAL:
Thank you.

LEG. GULDI:
Oh, and, by the way, Jonathan, I can't believe that any member of this Legislative body needs to be a homophobe. After all, nobody here is attractive enough to have to worry about that.

LEG. TONNA:
What are you saying?

P.O. POSTAL:
That's an odd point of view, George.

LEG. TONNA:
What does that mean?

P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:

I'll pass. Let's have the vote.

P.O. POSTAL:

Okay. Legislator Binder.

LEG. BINDER:

Thanks. I'm glad time has passed since the Legislator from the.
18th District made his comments, because it gave me time to somewhat calm down, and when I'm not calm, unfortunately, sometimes I say things I don't want to say, so I'll -- I'll be a little bit more considered. But I think it's very unfortunate when Legislators, and the truth is not many Legislators do this, I've been here 14 years and not many Legislators do this, that when they don't -- when other Legislators don't see it their way, when they don't think they're going to get the vote, they usually don't accuse, blanket accusations, "I'm not going to say who this one is," labeling. I mean, it's become the joke, who's the homophobe? The fact is someone's been labeled here in some generic sense. We've all been labeled in a sense, because there were three people that went to the Legislator and had a discussion with him. Of course, he said, "Well, I shouldn't say this on the record," but he did, the fact that it's on the record that three Legislators supposedly had some private conversation, we don't know who they are, it wasn't me, about the question with the Conservatives, and it's the wrong way to handle a discussion. And if it was the first time with this Legislator when people disagreed, I think, as Legislator Caracappa brought up, if it was the first time, you know, if it was early on in the career of -- just joined the Legislature, it's understandable. But it's repeated over and over every time someone doesn't disagree or a group doesn't disagree, or it looks like it's not going to pass, everyone else has another ulterior motive, a political motive, not that Legislator. The truth is I'm not going to bring up other political considerations that I've heard, maybe even today. Maybe we even had a legislation that happened today that the political system actually imposed on that Legislator and asked that Legislator do something.

The point is that it should be about what you believe, what you don't believe, and accept whether you have the vote or you don't. And I would hope that Legislators, particularly the Legislator from the 18th, would comport himself differently during debate and keep it away from the personal, keep it to the governmental, the policy. If you're not going to win a vote, then just live with not winning the vote. But, please, don't cast aspersions on other members here, don't label, and don't leave open people talking to me, but I don't say who. It's not fair to

members. And I would a say that members should be very careful when talking to that Legislator in private about anything having to do with things you're going to do in this Legislature. Just be very careful, because this is not the first time. Is it now a pattern established of on the record, saying, "Legislators have come to me and said, but I don't want to say who." So I would tell my colleagues, be careful with your private conversations. And I guess we all know who you can say things to and who you can't say things to, and I think it's unfortunate.

But for me, this is -- has nothing to do with the Conservative Party. I've run without their line before. One vote is not going to something that I would hold back for or against because of getting a particular line. I've lost lines because of votes, whether it was the Independence line, Conservative line, whatever, in the past. And I would think that my colleagues would do the same, if they believe that it's the right way to vote on something, that's what they'll do. And I would give that to all my colleagues, no matter the political stripe, I would give that to my colleagues, that they pretty much do what they need to do by their own conscience.

LEG. CARACAPPA:
Good thing you calmed down.

P.O. POSTAL:
Legislator Cooper.

LEG. BISHOP:
May I go on that list?

LEG. CRECCA:
Can we just take a roll call?

LEG. COOPER:

LEG. TONNA:
No. That was -- that was curious. Allan, I don't know whether you were speaking as just a colleague of mine, or as someone who I understand is chairing my opponents re-election -- election campaign against me. Excuse me. Excuse me.

LEG. BINDER:

Fine. Go ahead, finish.

LEG. COOPER:

Calm down.

LEG. CARACAPPA:

Now you got him mad.

LEG. COOPER:

It's just curious that he would go on to such length. I didn't want to mention this, but correct the record, Joe, I never accused anyone, going back to the cell phone bill, check the minutes, I never accused anyone here of being in the pocket of the cell phone industry. If anyone could find that in the records --

LEG. CARACAPPA:

You made connotation to it.

LEG. COOPER:

Please, I never said that. And I never made blanket accusations on the Ephedra bill. As you know, I had an issue with one of my colleagues for reasons that, if people recollect, we don't need to address here again, but it was very clear who I was addressing that to. I'd be pleased to discuss that again.

LEG. BINDER:

Madam Chair.

LEG. CARACAPPA:

I'm just saying you're getting personal, Jon, you're not --

LEG. BISHOP:

Okay. Am I -- am I on that list?

LEG. COOPER:

Please.

P.O. POSTAL:
No. Yes, you are, as a matter of fact. I apologize.

LEG. COOPER:
Now, for Legislator Binder to say that I shouldn't take this personally, this is an issue that impacts me as an individual, it impacts me as a father of five kids, as the life partner of my spouse of 23 years. And for Legislator Binder to say I shouldn't take this personally, if this was something that was impacting your family, Allan, in the same way, I would assume that you would feel just as upset as I am, just as disappointed as I am in my colleagues.

P.O. POSTAL:
Allan, don't.

LEG. COOPER:
Rightly or wrongly.

P.O. POSTAL:
Jon.

LEG. COOPER:
Yeah.

P.O. POSTAL:
Jon, I think both of you have said as much as --

LEG. BINDER:
No, no, no, no -- I have -- but I will have time.

P.O. POSTAL:
Well, excuse me. Excuse me. I would like to recognize Legislator Bishop, who is waiting patiently.

LEG. BISHOP:
But I'm only going to add fuel to the fire.

P.O. POSTAL:
Okay. Oh, then don't do that.

LEG. COOPER:
Excuse me, I'm not done talking. Please, I just want to --

P.O. POSTAL:
Well, I'm going --

LEG. COOPER:
I had no problem with Joe's points, I had no problem with Andrew's, but for Allan to make some of the comments that he made, this is for me. I'm sorry, for me, this is a very personal emotional issue --

P.O. POSTAL:
And I do understand that.

LEG. COOPER:
-- that goes to the heart of my being, of my life partner and my family. And by -- as I said, forgetting health benefits, which is another issue, but I feel just as strongly about, you're not even granting me the ability to register my relationship in -- yes, Maxine.

P.O. POSTAL:
Well, I would just like to have it, because I haven't said anything, and I would like to have the opportunity. Allan.

LEG. BINDER:
I think I have the right to reply. People ask for a point --

P.O. POSTAL:
Well, Allan --

LEG. BINDER:
-- of personal privilege all the time and are given it --

P.O. POSTAL:
Allan.

LEG. BINDER:
-- right after they're attacked.

P.O. POSTAL:
I will recognize you. I just would like to make a brief comment. I think that there are times here, very few, but there are times when members are really out of line in attacking other members. We all feel very strongly about a number of issues, and, yet, I believe that when you attack another member, you lose the whole argument, because the argument degenerates and it becomes very personal.

I feel very strongly about this issue, and, yet, I recognize that other people have different points of view. And I don't believe that their points of view are hateful points of view, they're just different. And while I believe I deserve respect for my point of view, I think other people deserve respect for their points of view. I don't think anything is gained.

You know, I've been here, unfortunately, when I have been personally attacked in a very painful and hurtful manner over the years. I found that very difficult to deal with. And, yet, it was not -- certainly, it wasn't helpful, it didn't change my point of view about anything. It took a great deal of effort to overcome that, and to overcome the animosity I felt toward the people who attacked me. As a matter of fact, I have come to respect and like the people who attacked me, not for attacking me, but through understanding that they didn't feel hateful toward me in that attack, and I think they made a mistake. I've made mistakes. I've seen a lot of people here make mistakes. And I just think, if you want to discuss the merits of the issue, that's wonderful. We're all entitled -- we all have different points of view, we're all entitled to those different points of view, but to everyone who has characterized a person who's on the other side of an issue who has a different point of view, I don't think you have a right to do that. I don't think anyone does.

I have very strong feelings about this, but I would never dream of criticizing the motives or the person who holds a different point of view. I would try to persuade you of why you're wrong and I'm right, but I would never criticize you. I think you have a right to your opinion. I don't think

it indicates any kind of base motive on your part, any kind of lack of humanity on your part. I would hope that we could avoid that kind of personal attack, because I don't think that accomplishes anything.

And I will now recognize you, Legislator Binder, and then Legislator Cooper.

LEG. BISHOP:
Wait, wait.

P.O. POSTAL:
And I would hope --

LEG. BISHOP:
What happened to my time?

P.O. POSTAL:
He was actually speaking when I interrupted you, I think, Allan.

LEG. BISHOP:
I thought you had recognized me and then --

LEG. BINDER:
No.

LEG. BISHOP:
And then I said I was going to add fuel to the fire.

P.O. POSTAL:
Allan said no.

LEG. BINDER:
Would you like to go?

LEG. BISHOP:
Would you ask your --

P.O. POSTAL:
He will defer to you if you want, if maybe he would defer?

LEG. BINDER:
Would you like to go?

LEG. BISHOP:
I would.

LEG. BINDER:
Go ahead.

LEG. BISHOP:
But I would like it go on the theory --

LEG. BINDER:
Go ahead.

LEG. BISHOP:
-- that I was next.

LEG. BINDER:
It will give me more to say, so I can finish up longer, right.

P.O. POSTAL:
Okay. Legislator Bishop.

LEG. BISHOP:
I appreciate the sentiments that we don't want to engage in personal attacks, but I don't think Legislator Cooper engaged in any personal attack that I heard of. I think, if anything, Legislator Cooper is guilty of believing what he hears, and then, as a result of what he hears, making an appeal to conscience.

You know, the -- he heard, Legislator Cooper heard that people who were supportive of the bill

had backed away and apparently had told him, because they were going to lose the conservative line, and he found that to be unfathomable, because Legislator Cooper would never compromise something as basic as equal rights for political convenience, and that's the point he was making. And, you know, sometimes in politics there are the equivalence of political heroin. You know, you take a drug like heroin once and you're on top of the world and you think it's great, and after awhile, you keep taking it and you look at the mirror and you don't --

LEG. BINDER:
How do you know this?

LEG. BISHOP:
And you don't recognize yourself. I read about it.

LEG. BINDER:
Good, great.

LEG. BISHOP:
And you wouldn't recognize yourself. I'm sure there are Legislators here -- no, I'm not sure. From what I -- from what Legislator Cooper has stated in the conversations that he had, there may be Legislators here who came -- who ran for office for the right reasons, saw themselves as a fighter for fairness, as a champion of the underdog, as someone who would stand up for equal rights, but the political drug has gotten in the way, and now they look in the mirror and they see something very different, somebody who would compromise those principles for, as I said, a political convenience. And I think that's the appeal that he was making, and I think that's a very noble approach, because he's simply responding to what he's been told and he just -- he can't believe it, and, frankly, neither can I.

P.O. POSTAL:
I'm going to interrupt. And, Allan, I know you're chomping at the bit.

LEG. BINDER:
No.

P.O. POSTAL:
But I --

LEG. BINDER:

I'm a new man.

P.O. POSTAL:

I also know, because I disagree strongly with Allan, but I also know that he's motivated by religious convictions, because I have discussed this with him on a number of occasions. I don't agree with him, but -- you know, I don't agree with him, but I really feel strongly that it's his religious beliefs and convictions that are the foundation of his beliefs on this issue. By the same token, I know that Jon Cooper feels equally strongly about this. I don't think that either of these gentlemen or anybody else here is voting out of base motives.

I think that everyone's convictions deserve the respect of everyone else. Whether you agree with them or not, you need to respect them. And I'm going to ask that we try to avoid attacking each other, and we try to address the merits of the issue, and try very hard to avoid attributing motives to somebody, try very hard to avoid, I guess, evaluating or putting your value on the motivating beliefs that somebody has, and let's just -- can we just talk about this issue?
I mean, there are so many things that could and should be debated about this issue, and I would ask that you try very hard to have respect for your fellow Legislators to avoid attributing motives to your fellow Legislators, and just have respect for where your fellow Legislators are coming from.

Allan and I have very different points of view about this. I don't disrespect Allan's point of view. I truly believe, and I think I'm right, that Allan's point of view comes from his religious convictions. I know that Allan doesn't agree with me at all, and I don't know what he attributes my beliefs to, but I think he has respect for my beliefs, even if he disagrees with them.

So I would hope that we could discuss this issue on the issues. If you don't agree with it, don't vote for it. If you want to convince somebody else that it's the wrong thing to vote for, do that based on the issues, don't -- let's avoid accusations, let's avoid attacks, because I don't think it's to our credit, and I think it destroys any collegiality we could have here. Allan, it's your turn.

LEG. BINDER:

Thank you for giving me the time to calm down, I appreciate it. With respect to the Legislators talking about my saying not making it personal, I think -- I would hope that's not a deliberate

misinterpretation. When I say don't make it personal, it wasn't about the Legislator, I understand and we all understand his personal situation, it was about not making it personal to others. Hurling a label out, "Someone here is homophobe," that's -- that's personal, that's a label. That's wrong. There's nothing noble about that, as Legislator Bishop would have us believe, there's nothing noble about that.

With respect to the question of my chairmanship of the campaign against him this year, no, I'm not the campaign chairman, but I am her boss, of the person who's running against him. But -- and I can clearly show how it has nothing to do with it. During, as Legislator Caracappa brought up, the question of Ephedra, and the same kind of activity happened on the record, I took issue very strongly with it then in the same way. There was no campaign against him at the time. So it has nothing, zero to do with it. But after 14 years here, I even at one point, one time there was an accusation that someone had gone to meet with someone and it affected in a vote, and they wouldn't say who. It was a previous Democrat Legislator from Babylon who was here who made an accusation, general accusation. It ended up that the District Attorney was -- came in and had to -- because I stopped everything. I said now we're all being accused of possibly have broken the law. It had to do with radio --

LEG. BISHOP:
That was funny.

LEG. BINDER:
Right. What the 800 MHz system, {Erickson}, the whole thing. So I ended up stopping, and I said, "So somebody here now is accused of breaking the law, she won't say who." And so it's happened here eye number of times. All I'm saying, and, you know, the Legislator can get all emotional about it, but it's not a question of that. And it's not noble to say, "Someone said to me that" -- I'd knock them because of the Conservative. Well, that -- the interpretation is, otherwise, they would have voted for it. And maybe they just wanted to do it because they wanted to be there for Jonathan, because they know it's personal to him, but they know the Conservatives wouldn't be there, and maybe that's really where they are anyway, in other words, personal beliefs. I don't know. All I know is that it's not something you have to bring on to the floor if you want make -- if you want to appeal to a conscience, go up to a Legislator and personally talk to that Legislator. But, on the floor, there should be a debate about the issue, and if the issue not going your way, please, I would ask that we don't try to single out members, label members, make it look like all these things are going on and we don't know who it's going

on, and we start pointing -- it's just wrong. It's the wrong way to handle ourselves, and that's what my statement was about and it continues to be about it. I would hope we could better than that.

LEG. CRECCA:
Motion. Could we --

P.O. POSTAL:
Motion.

LEG. CRECCA:
-- call the roll on this? I was --

P.O. POSTAL:
Do we have a motion, Henry?

MR. BARTON:
Yes.

P.O. POSTAL:
Motion and a second?

MR. BARTON:
Yes.

P.O. POSTAL:
All right. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:
This is to approve, yes.

LEG. GULDI:
Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

No.

LEG. BISHOP:

This is on passage? Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

No.

LEG. FIELDS:

(Not Present)

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

(Not Present)

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

No.

LEG. FIELDS:

Yes.

MR. BARTON:

Legislator Haley.

P.O. POSTAL:

Motion to table.

LEG. FOLEY:

We tried that.

LEG. GULDI:

Table, table to a specific date.

P.O. POSTAL:

Whenever our next meeting is. June --

MR. SABATINO:

No, that was --

P.O. POSTAL:

Oh, okay. To table to the first meeting in August.

LEG. GULDI:

Second.

LEG. ALDEN:

Roll call.

LEG. CARACCIOLO:

Roll call.

LEG. CRECCA:

I mean, it's ridiculous, we had to vote on the merits twice.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. GULDI:

Yeah.

LEG. COOPER:

Yes.

LEG. TONNA:

No, not to table.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

No.

LEG. HALEY:

No.

MR. BARTON:

Eight. So, I should finish the other?

LEG. LINDSAY:

Yeah.

MR. BARTON:

Okay. Legislator Haley, on the merits? I have to finish the roll call.

LEG. HALEY:

No.

MR. BARTON:

No, okay.

LEG. CARACCIOLO:

He was confused.

LEG. CRECCA:

It happens often.

MR. BARTON:

Nine.

LEG. GULDI:

Refile the bill.

MR. BARTON:

Seven.

P.O. POSTAL:

1225 is defeated. **1235 - A Charter Law to reform membership of the Suffolk County Ethics Commission.** Motion by Legislator Guldi?

LEG. GULDI:

To approve.

P.O. POSTAL:

To approve. Second by myself. Legislator Guldi, would you care to explain?

LEG. GULDI:

Yeah. We received a first of many annual reports on the status of the Ethics Commission and its work, and one of the glaring -- there were two glaring problems with it. One was that the Legislature had years ago created an independent staff position for the Ethic Commission, which staff position has never been filled. As a result, the work of the Ethic Commission is not done by independent personnel, but are done by discretionary personnel of the County Executive. That flaw has continued, notwithstanding prior Legislative resolutions to permit that.

The other -- the gist of the other amendment is that this bill expands the membership of the Ethic Commission and the sources from -- by which they're appointed. The source of that information -- the reason for that change was that Southampton Town, in revising its ethics bill asked me to advise them as to whether or not they should use our Ethics Panel as an Appellate Review Panel for decisions from their Board. The basic tenets of the {FERA} Commission Report on governmental ethics from some years ago recommended a broader commission than we're using. This legislation expands the board to reflect the recommendations of that report, and directs that the staff needs of the Ethic Commission be met by independent personnel, and not by discretionary personnel of the County.

LEG. CRECCA:

Madam Chairman.

P.O. POSTAL:

Legislator Caracciolo, then Legislator Crecca.

LEG. CARACCIOLO:

Yes. Legislator Guldi, could you recite who the members of the Commission would be, and how they would get there?

LEG. GULDI:

Yeah. There would be -- it would be this seven, with staggered terms, two -- one individual appointed by the County Executive as a -- from among the retired Judges, ratified by the Legislature, one individual appointed by the County Executive, subject to the Legislature to have -

- to be a Law Professor with a specialty or expertise in Ethics. One individual appointed by the County Executive to be a retired Judge. So it's two retired Judges, pardon me. And again, confirmed by the Legislature. The fourth seat is an individual appointed by the County Legislature, again, a Law Professor with a specialty in ethics. The fifth individual would be appointed by the County Legislature, a retired lawyer where the background and expertise consists of at least ten years of prior experience working as a lawyer in public or private sector dealing with issues of ethics compliance in the workplace. The sixth position would be an individual who's appointed by the Presiding Officer of the Legislature, said member to be a retired person where the background and expertise consists of at least ten years of prior experience working as Human Resources Officer, Personnel Director or Labor Relations Officer in the private sector, dealing with issues of ethics compliance in the workplace. And finally, the last position would be one individual appointed by the Minority Leader of the Legislature or the largest majority party in the Legislature, said member to be an academician whose expertise and specialty is in the field of ethics.

LEG. CARACCIOLO:
Counsel, Legislative Counsel, could you just give us a quick summary overview of the jurisdiction of the Ethics Commission?

MR. SABATINO:
Well, the Ethic Commission, first and foremost, has the obligation and responsibility to review all financial disclosure forms, which are required of elected officials and a certain class of County public officials, which generally Commissioners, Deputy Commissioners, Department Heads.

The second level of responsibility is that they have the authority to issue opinions regarding interpretations of the Suffolk County Ethics Law and whether or not individuals who have contemplated certain types of transactions, or business relationships, or personal relationships would be in conformity or in violation of that statute.

The third responsibility, which hasn't been fulfilled, because of the failure to have an Executive Director, as required by the County Charter, would be to proactively respond to or investigate allegations of either Ethics Law violations or improprieties. But those would be the three basic areas of jurisdiction.

LEG. CARACCIOLO:

When was the provision for an Executive Director passed into law?

MR. SABATINO:
That was 1988.

LEG. CARACCIOLO:
So, for the last 15 years, from the time that law was enacted, there has not been an Executive Director.

MR. SABATINO:
That's correct.

LEG. CARACCIOLO:
Okay. When did the financial disclosure law change, or perhaps not change, but reinterpreted by some as to not permit the disclosure of financial information, which is what one would think financial disclosure forms should entitled the public to.

MR. SABATINO:
The first time that happened was 1993, which would imply that somebody in 1992 determined or gave a new interpretation for the forms for 1993.

LEG. CARACCIOLO:
Okay. This particular proposal, while somewhat meritorious, I don't feel absence itself from the political system that a true Ethic Commission should really be removed from. When you have appointments from minority parties and you have retired Judges, who for the most part get on the bench because they're part of a political system --

LEG. TONNA:
Absolutely.

LEG. CARACCIOLO:
-- you don't have a real true Ethic Commission. So I think the proposal falls short in that respect.

Further, I would consider an overhaul of the Ethic Commission, including the composition of

same, when this Legislature steps up to the plate and permits the public to look inside of those disclosure forms and see what type of interest, financial interest and otherwise that are made as part of the annual disclosure. It's there, but you could never determine what the amounts are, because everybody's very comfortable with the redact.

Now I have attempted to pass legislation to change that. I understand Legislator Bishop's in support of that. As far as I know, we're the only two. So perhaps I will sit down and take that proposal, which Counsel has redrafted for me recently, and incorporate some real substantive Ethic Commission reform legislation. That's something that sounds good, but doesn't accomplish the goal. And I say that with all due respect, George. I'd like to work with you on accomplishing the goal.

LEG. TONNA:
Am I on the list?

LEG. CRECCA:
I think I --

P.O. POSTAL:
Yes, you are. Legislator Tonna, Legislator Crecca.

LEG. TONNA:
All right. Who's next?

P.O. POSTAL:
You.

LEG. TONNA:
Okay. My question is --

LEG. HALEY:
Am I on the list?

LEG. TONNA:
-- what's wrong with the Ethic Commission now?

P.O. POSTAL:
Do you want to be --

LEG. TONNA:
And to tell you quite honestly, you know --

P.O. POSTAL:
All right. Marty --

LEG. TONNA:
-- for the ten years that I've been a Legislator.

P.O. POSTAL:
-- after -- I'm sorry.

LEG. TONNA:
Okay.

P.O. POSTAL:
Go ahead.

LEG. TONNA:
No. Go ahead. Just whatever you --

P.O. POSTAL:
No. I just wanted to tell Legislator Haley that after Legislator Crecca has the floor, he has the floor.

LEG. TONNA:
Ten years being a Legislator, where, you know, I've had things in front of the Ethic Commission, not a peep has ever been spoken. They've handled themselves in an absolutely professional manner. I would not be aware of anything else that has gone on in the Ethics -- all I can talk about is my experience in ten years. And I -- if it's not broken, why try to fix it, especially with -- and I think, Michael, you're right. You know, what, retired judges, all of a sudden, you know,

they get picked by a system. Basically, you know, they can't make a living as a lawyer, so then they get picked in as a -- you know, as a judge, then they become a judge, they retire. What all of a sudden qualifies them? This, the bill as it is, a Human Resource Director, I was in the private sector as a Human Resource Director.

LEG. GULDI:
Well, maybe we can change that.

LEG. CRECCA:
Let's change that.

LEG. TONNA:
Right, that's my point. I don't know -- I don't know what Human Resources Directors you have that would be able to spend an inordinate amount of time with these issues and stuff like that. And why more? Having a few people that deal with it professionally on, you know, whatever matters, why more? You have now -- what, you're going to have a larger committee where there's more potential for people to --

LEG. CARACCIOLO:
Manipulate.

LEG. TONNA:
-- say different things, manipulate different things all of a sudden? I just don't see it. Nobody has made an argument that there is something broken. It's working very well. Why change it?

And this would -- by the way, somebody said to me, well, I guess there's some legislation that's been submitted with regard to, you know, a reconstituted Ethic Commission or an Ethics Officer. I guess one of the candidates for County Executive is talking about an Ethics Officer? What does that have to do? We have a District Attorney. If there any problems with regard to things, it's not the -- it's not the role of an Ethics Officer, you know, to look into that, or a Special Investigator, or Inspector General, we have a District Attorney and it works, doesn't it? District Attorney does his job, at least this current District Attorney has done his job, found whatever it was, handled himself professionally and that's it. So I just -- I don't see the commingling of these issues, because one has nothing to do with the other. I don't see why we'd have a larger committee. And to give any preference to retired judges, or whatever else, from my standpoint,

and lawyers, you know, I mean, they're the most ethically challenged people I've seen in my life, so I don't see that.

LEG. BISHOP:
Now, didn't you just make a whole speech?

P.O. POSTAL:
Paul, I think you have made a dangerous statement. There'll be a crowd of lawyers chasing you out of here very shortly.

LEG. CRECCA:
I think he said it with a little bit of jest.

P.O. POSTAL:
Oh.

LEG. TONNA:
In the aggregate. In the aggregate.

P.O. POSTAL:
Okay.

LEG. HALEY:
I agree with him.

P.O. POSTAL:
Okay. Let's avoid a discussion of lawyers. Okay. Legislator Crecca.

LEG. CRECCA:
If Mr. Sabatino would indulge me by responding. The current makeup of the Ethics Commission is -- I know it's a three-members board.

MR. SABATINO:
Three members.

LEG. CRECCA:
And how are they appointed?

MR. SABATINO:
One is selected by the County Executive, one is selected by the Presiding Officer, and one is selected by the Legislature.

LEG. CRECCA:
I don't see how this improves on that. Also, I know in Committee I had raised the concern, George, to you about specifically six and seven, appointment number seven being by the, quote, Minority Leader, which I don't -- we had discussed that about, you know, what legal authority a Minority Leader had or, for that matter, a Majority Leader to do an appointment. Again, I don't see how bigger is better in this case. And I also -- I would assume there was a decision made not to amend that seventh appointment; is that correct, George? I'm just asking.

LEG. GULDI:
That's correct.

LEG. CRECCA:
Okay.

LEG. GULDI:
There's still a requirement in the bill that no more than four of the seven members come from the same political party. When you have a three-member board coming from the same political party, you have no diversity whatsoever on the Ethics Commission, which is one of the things that's wrong with it. When you have no diversity, you have no checks and balances within the committee, and that is a failure, an institutional failure of an Ethics Commission.

LEG. TONNA:
Absolutely false.

LEG. CRECCA:
George. George, but I don't see -- and understand what you're saying with the four-three and I respect --

LEG. GULDI:

It lacks independence when it's -- when it's one organization.

P.O. POSTAL:

Gentlemen, could you avoid debating this, please?

LEG. CRECCA:

Thank you. I just --

LEG. GULDI:

I thought that's we're doing.

P.O. POSTAL:

Could you avoid the cross-talk? Thank you.

LEG. CRECCA:

I won't reiterate, because I agree with the comments made by Legislator Caracciolo earlier about the bill. I think that the sponsor should work with Legislator Caracciolo to constitute and form something that -- meaningful, that can really make some meaningful ethic changes, and not just lip service. Thank you.

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Motion to table.

LEG. TONNA:

Table subject to call.

P.O. POSTAL:

No. I think --

LEG. TONNA:

I make a motion to table subject to call.

LEG. ALDEN:
Second.

P.O. POSTAL:
All right. Which takes precedence, Paul, a motion to table subject to call?

MR. SABATINO:
Subject to a call, Madam Chair.

P.O. POSTAL:
Okay. There's a motion to table subject to call. Is there a second?

LEG. ALDEN:
Second.

P.O. POSTAL:
Second by Legislator Alden.

LEG. GULDI:
On the motion.

P.O. POSTAL:
We'll do -- oh, on that motion, yes.

LEG. GULDI:
I think that, with all due respect to the Legislative rhetoric that we've just heard, the fact of the matter is the Ethics Commission that we have is not an Ethics Commission, it is -- by virtue of its constitution it has been -- become the hostage, if you will, of the political system, and only one fragment of the political system. It has no balance, no checks and balances, it has no independent staff. And, with all due respect to the lie that there would be a tremendous burden of work, there are fewer than ten opinions a year rendered by the Commission.

LEG. TONNA:
How would you know that?

LEG. GULDI:
By reading the report that was circulated to all Legislators.

LEG. TONNA:
There there's ten -- there are ten -- they write a report and tell you that there is ten opinions rendered?

LEG. GULDI:
I think I have the floor.

LEG. TONNA:
I'm asking.

LEG. GULDI:
Yes, the report told you how many opinions have been rendered over the years. I think that to say that the bill doesn't go far enough and that, therefore, since it doesn't go far enough, we should vote it down, is also a false argument. The fact of the matter is everybody's comfy with a political structure where it can be your Aide, your neighbor and your political ally's fried. And, certainly, that will be no trouble for you, but what this bill would create is a truly independent body with a divergence of sources of opinion.

Now, granted, if you don't want to use retired judges, if you want to alter the criteria, that would be a legitimate question to raise. That's not what's going on. What we're looking for is a way to avoid voting on the merits of compliance with the basic principles that will ensure ethics in government, which is true independence, diversification of the Board, so that you don't have a monolithic, captive, nonindependent Commission representing one set of political interests and being used as such. I'm opposed to tabling.

P.O. POSTAL:
Okay.

LEG. GULDI:
I'd like to have a vote on the merits.

P.O. POSTAL:

Okay. Do we -- do we have a motion, Henry, to approve and a second? It was so long ago --

MR. BARTON:

Yes.

P.O. POSTAL:

-- I see Henry has to leap back.

LEG. TONNA:

Motion to table subject to call.

MR. BARTON:

Yes, we have both.

P.O. POSTAL:

It was a table subject to call?

LEG. TONNA:

And a second.

MR. BARTON:

And we have motion to table subject to call.

P.O. POSTAL:

Which takes precedence?

MR. SABATINO:

Subject to call, Madam Chair.

P.O. POSTAL:

Okay. Legislator Haley, you are on the list.

LEG. HALEY:

Diversification, hogwash. There are mostly lawyers on there. That's the biggest problem to

begin with. I don't understand why we have to have lawyers on this.

Secondly, you know, no matter how you look at it, it's political. Even in your own -- in your own legislation, you're saying, "Okay, the Presiding Officer is going to get one selection and the minority." That is because you're trying to facilitate that which has been established by statute, and that is the furtherance of the two-party system. That's a fact, it's political, that's the way it is.

The defect in this particular one is the circumstance that we presently sit in, where we have -- we have the Minority Party and the Presiding Officer from the same party. So therein is your defect. So, in absence of correcting that and in absence of doing something about the diversification, I can't support it.

P.O. POSTAL:
Okay. Legislator Crecca, and then we --

LEG. CRECCA:
No. Roll call.

P.O. POSTAL:
Okay. We have a motion to table subject to call. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:
Yes, yes.

LEG. ALDEN:
Yes.

LEG. COOPER:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes, table subject to call.

LEG. CRECCA:

Yes, to table.

LEG. CARPENTER:

Yes.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No. Fix the bill. Put redact in --

P.O. POSTAL:

We don't need an explanation. Thank you, Mike.

D.P.O. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. BISHOP:

No.

MR. BARTON:

Eight.

P.O. POSTAL:

Okay. That motion fails. Is there another motion?

LEG. CRECCA:

Motion to table.

P.O. POSTAL:

Motion to table by Legislator Crecca, seconded by Legislator Haley.

LEG. CARPENTER:

All in favor?

P.O. POSTAL:

All in favor?

LEG. ALDEN:

Opposed.

LEG. TONNA:

To table?

LEG. GULDI:

Opposed.

P.O. POSTAL:

To table.

LEG. BISHOP:

Roll call.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Pass.

LEG. BINDER:

No.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

No, to table.

LEG. VILORIA-FISHER:

Pass.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Pass.

LEG. CRECCA:

Henry, change my vote to a no.

LEG. CARACAPPA:

No.

P.O. POSTAL:

This is to table? Yes.

MR. BARTON:

Okay. Passes win.

LEG. COOPER:

No.

LEG. TONNA:

Nope.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CARPENTER:

No.

LEG. FISHER:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

MR. BARTON:

Four.

P.O. POSTAL:

Okay. Now we have had --

LEG. CRECCA:

Roll call.

P.O. POSTAL:

Do we have a motion to approve?

LEG. GULDI:

Yeah, we do.

MR. BARTON:

Yes, we do.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

P.O. POSTAL:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

To approve? No.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

Nope.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. CARACAPPA:

No.

LEG. COOPER:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:
Nine.

P.O. POSTAL:
Okay. 1235 is defeated. Before we move to the next resolution, I would just like to point out to you that you have each received a memo from the Budget Review Office on the sales tax issue. I would ask that you review that before we get to that issue on the agenda, because this is extremely important, and the earlier that we can take action on this, the more beneficial it will be to us as a County.

LEG. CRECCA:
Madam Chairman, I'd like to move the CN regarding the special election at this time, if that's all right with you?

P.O. POSTAL:
Well, where is it?

LEG. CRECCA:
I was told it was distributed.

P.O. POSTAL:
Well, you were told wrong.

LEG. CRECCA:
Okay, I apologize.

P.O. POSTAL:
That's all right. Let's move to **1267 - Declaring governmental need for underwater lands located in Peconic and Gardiner's Bays.**

LEG. GULDI:
Motion to approve.

P.O. POSTAL:

Motion to approve by Legislator Guldi, seconded by Legislator Caracciolo.

LEG. CARPENTER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

Is this the resolution that the people came forward --

LEG. CARACCIOLO:

Yes, yes.

LEG. CARPENTER:

-- and were in opposition to? Okay.

P.O. POSTAL:

Okay. All in favor?

LEG. CARPENTER:

Roll call.

P.O. POSTAL:

Roll call.

D.P.O. CARACAPPA:

On the motion.

P.O. POSTAL:

On the motion, Legislator Caracappa.

LEG. CARACAPPA:

Let me get it. This is what -- the bill they were opposed to?

LEG. GULDI:
This was the bill they were opposed to, yes. What has happened is that in the -- we're not talking about -- the underwater lands were sold, essentially, in a bankruptcy sale to a -- years ago. That developer wanted to engage in dredging, digging, as if aquaculture, within the area. He subsequently ended up in bankruptcy court for years to delay the payment of his taxes. That proceeding was ultimately resolved, and this -- the individuals -- some 700 acres of a massive portion of the bay, were, if you will, purchased at bankruptcy sale with a right to redeem them by a party that, frankly, intends to use in development. They say they want to do aquaculture. The unfortunate information that we have is they -- the 700 acres that they happen to want to do aquaculture on seem to have been the same areas that would be most productive for the dredging of the natural set clams that are on the bottom, and that would make the subject parcels inappropriate and, in fact, unlicensable for aquaculture.

The three or four individuals here that testified in opposition to the bill, we, as a County, should, and at the advice of the Planning Department as a result of not one, but two separate Commissions, we should embark on a leasing program for aquaculture to foster it instead of a land grant where we get a minuscule portion of taxes back from permitting the private ownership of bay bottom.

This particular bay bottom is in the Peconic Bay. It should not be in private hands. To permit the redemption of this parcel by anyone, even if they had been a longstanding owner who had lost it for one technical reason or another, would be as irrational as it would be to permit redemption of Pine Barrens. But here, we're not looking at a traditional owner, we're looking at, essentially, a speculator who purchased the right to redeem the land, purchased, if you will, some deeded rights at a bankruptcy sale, arguably a form of bottom feeding in itself.

P.O. POSTAL:
Okay.

LEG. ALDEN:
On the motion.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:
I had raised a couple of questions at the last meeting, and Tom Isles came to my office. There is a governmental policy now, though, that any of these bay bottom leases or property ownerships, any of them that come or become available, the County is purchasing them to actually put together, again, County ownership and management of all these bay bottom and all these claims. So there is a County policy that would consolidate all this in the County hands, and then they would go forward with either leasing it to individual baymen or companies that are going to do aquaculture.

P.O. POSTAL:
Okay.

LEG. LINDSAY:
Call the question.

P.O. POSTAL:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Cameron, Legislator Alden, but they need this resolution in order to go forward with the plan, don't they?

LEG. ALDEN:
Yes. This is part of -- any piece that becomes available, the County --

LEG. VILORIA-FISHER:
I think this is part --

LEG. ALDEN:
-- has a policy to take it into County ownership.

LEG. VILORIA-FISHER:

They need this resolution as part of that.

LEG. ALDEN:
Yes.

LEG. VILORIA-FISHER:
Okay.

P.O. POSTAL:
Okay. Legislator Bishop.

LEG. BISHOP:
I'm not opposed to the County's long-term policy goal of consolidating the property and having a leasing program. The problem is that, from this owner's perspective, whether he is, quote, a bottom feeder, which is appropriate, since he's --

LEG. CRECCA:
Can we just do the business we're here for? I'm sorry.

P.O. POSTAL:
Legislator Crecca. Legislator Bishop.

LEG. BISHOP:
I think I'm discussing the resolution that's before you.

LEG. CRECCA:
I thought you were talking about the lawyer's comment.

LEG. BISHOP:
No.

P.O. POSTAL:
Oh, no.

LEG. BISHOP:

I'm talking about the bottom, the bay bottoms.

P.O. POSTAL:
He thought the bottom feeders referred to lawyers.

LEG. CRECCA:
I did. That is funny. I apologize.

LEG. BISHOP:
From Mr. Parrino's perspective --

LEG. FOLEY:
That's what happens when you have a landlocked Legislative district.

LEG. BISHOP:
-- it's going to be years, a year or two at least, before the County is prepared to lease it back to him. And I didn't, from my perspective as a Legislator on the Environment Committee, where we've had gone over this ad infinitum, I didn't think that was fair to him.

I would also point out that Cornell Cooperative Extension, who we look to often on issues regarding the quality of the bay and aquaculture, supports Mr. Parrino's effort. So I don't think it's so clear-cut, it's a tough choice. I know where I'm coming down, on his side. I understand there's significant opposition to that. Thank you.

P.O. POSTAL:
Okay. Was there anyone else? Okay. We have a motion and a second?

MR. BARTON:
Yes.

P.O. POSTAL:
Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Cell tower?

LEG. GULDI:

No, the other way, bay bottom.

LEG. CRECCA:

Bottom feeders.

LEG. BINDER:

A little lower.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

No.

LEG. ALDEN:

Yes.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Not Present.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. CRECCA:

Abstain.

MR. BARTON:

Legislator Haley. Ten. (Not Present: Leg. Haley)

P.O. POSTAL:

1267 is approved. **1294 - Designating a day to acknowledge contributions of members of the armed forces serving in Iraqi Freedom War.**

LEG. CARACCIOLO:

Motion to table.

P.O. POSTAL:

Motion to table, Legislator Caracciolo, I'll second it. All in favor? Opposed? 12 --

MR. BARTON:

17.

P.O. POSTAL:

1294 is tabled.

MR. BARTON:

Oh, I'm sorry, 16.

LEG. HALEY:

17, Henry.

MR. BARTON:

Okay, 17.

P.O. POSTAL:

1306 - Authorizing certain technical correction to adopted Resolution Number 1189-2002. Roll call.

MR. BARTON:

Madam Chair.

P.O. POSTAL:

Oh, I'm sorry.

MR. BARTON:

I've been advised that 1306 and 1307, there are no bonds.

P.O. POSTAL:

Okay.

MR. BARTON:

The Budget Office has decided they don't need a bond.

P.O. POSTAL:

Okay.

LEG. BINDER:

Motion to table.

P.O. POSTAL:

Motion to table by Legislator --

LEG. BINDER:

Wait. You don't need the bond or --

MR. BARTON:

No.

LEG. BINDER:

Oh, okay.

MR. SABATINO:

No, but you need -- we need -- the Legislature needs to act on the underlying amendment.

MR. BARTON:

The resolution, yes.

MR. SABATINO:

So the bond resolution should be withdrawn by the County Executive.

P.O. POSTAL:

Okay, so this is --

D.P.O. CARACAPPA:

So just ten voters?

P.O. POSTAL:

Uh-huh.

D.P.O. CARACAPPA:

Regular 10-voters.

LEG. LINDSAY:

Could we --

P.O. POSTAL:

This is on --

LEG. LINDSAY:

Could we have an explanation of it?

LEG. BISHOP:

Technical corrections.

MR. SABATINO:

On both of these bills, they were a little bit more substantive than the normal technical correction, because, in both instances, there was a -- there was a State grant of significant amounts of money for farmland preservation, and the County had to upfront a portion -- there appeared to be a missing bond resolution, but it turns out that there wasn't. However, the resolutions did not -- in both cases, 1306 and 1307, did not correctly, you know, state the funding.

P.O. POSTAL:
Okay. We have -- Henry, did we get a motion on 1306?

MR. BARTON:
Not yet, no.

P.O. POSTAL:
All right. I'll make -- who was that? Legislator Caracappa makes a motion to approve, I'll second it, 1306. All in favor? Opposed?

MR. BARTON:
16. (Not Present: Legislator Haley)

P.O. POSTAL:
Okay. **1307 (Authorizing certain technical correction to adopted Resolution No. 1191-2002).**

LEG. BISHOP:
Same motion.

P.O. POSTAL:
Same motion, same second, same vote.

MR. BARTON:
16. (Not Present: Leg. Haley)

P.O. POSTAL:
1311 (Making a SEQRA determination in connection with the proposed sludge

treatment system improvements to Sewer District #11 - Selden, Town of Bookhaven).
Motion by -- who was that? Legislator Caracappa.

LEG. VILORIA-FISHER:
Second.

P.O. POSTAL:
Second by Legislator Viloria-Fisher. All in favor? Opposed?

MR. BARTON:
16. (Not Present: Leg. Haley)

P.O. POSTAL:
Approved. **1319 - Authorizing use of Gardiner County Park property by the Long Island Alzheimer's Foundation for their Pet-Walk fundraiser.**

LEG. VILORIA-FISHER:
Motion.

P.O. POSTAL:
Motion by Legislator Viloria-Fisher, seconded by Legislator Binder.

LEG. CARPENTER:
I will second that.

P.O. POSTAL:
Okay.

LEG. CARPENTER:
But I would ask on the record that, in the future, if something is planned in the park in any Legislative district, that the County Executive's Office, as a courtesy, should notify the appropriate Legislator for that district.

P.O. POSTAL:

I think that's appropriate. And if Todd Johnson is within my range, please note that. That's seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

16. (Not Present: Leg. Haley)

P.O. POSTAL:

1319 is approved. **1357 - Designating the Office of Legislative Budget Review to audit Legislative vehicles.**

LEG. CARACCIOLO:

Motion to approve.

P.O. POSTAL:

Legislator Caracciolo?

LEG. CARACCIOLO:

Motion to approve.

LEG. ALDEN:

Explanation, though. Audit what?

P.O. POSTAL:

Well, first of all, we have a motion to approve. Is there a second?

LEG. BINDER:

Second.

P.O. POSTAL:

Resolution fails for lack of a second.

LEG. BINDER:

I said second.

P.O. POSTAL:

Oh, I'm sorry. Did you say -- I didn't hear you. Okay, so there's a second. Now you could ask your question, Legislator Alden.

LEG. ALDEN:

Explanation. Audit what?

LEG. CARACCIOLO:

You want me to explain?

P.O. POSTAL:

Yeah, please.

LEG. CARACCIOLO:

Okay. Very simply, it would just require the Budget Review Office to go through all the mileage records to ensure that vehicle assignments in the Legislature, both staff and elected, are -- or exempt employee, are justified based on the criteria that they developed in their 1999 fleet analysis report.

P.O. POSTAL:

Could I -- if you don't mind. Could I suggest, would you be willing to amend that to extend that to other County departments? Because I think that, from everything I've seen, this requirement has never been enforced. There are County employees all over the County who are keeping voluminous mileage and travel records. And the Department of Public Works is supposed to be reporting, I think twice a year, George, to the Ways and Means Committee and there has never been a report. I spoke to Charlie Gardiner about that and he just looked --

LEG. LINDSAY:

Bartha.

P.O. POSTAL:

Bartha, excuse me. And he looked at me with puzzlement. And I said, "Well, where do those reports that all these employees go," and he said they stay within the departments.

So I think that -- I'm taking a guess, and I would make this guess based on the fact that the

Legislature was responsible when it came to the matter of internet access, and no other County department was, that we're compiling the results of our mileage and vehicle usage, and I'll bet there are a number, at least a number, if not all, other County departments are failing to do that.

So I would suggest that, and I don't know if this is appropriate,
Mr. Sabatino could tell me, that this should be corrected to require all County departments to do this, not just the Legislature. Why do we hold ourselves to a higher standard than we hold everybody else, when, in fact, we're generally the department that is most conscientious about meeting our obligations?

LEG. CARACCIOLO:
Counsel?

LEG. ALDEN:
I just had -- I just had one quick other question, and that would be more like a point of order. Do we need a -- do we need a Legislative resolution to ask Fred to do a --

LEG. CARACCIOLO:
Unfortunately, the answer it that is yes.

LEG. ALDEN:
Okay.

LEG. CARACCIOLO:
Because, administratively, it has to go through the Budget Review Steering Committee, and I'm told there has been discussion with the Budget Review Office. This is, apparently, a project that would take some considerable time because of the way records were maintained. And tracking the vehicle assignments, because they've changed over the years, it's not an easy process.

LEG. ALDEN:
Okay.

LEG. CARACCIOLO:
So just to do it for the Legislature is becoming a very cumbersome and time consuming project.

My fear is, if you extend this, and I'm not adverse to doing that, as a separate resolution, if that's necessary. However, Madam Chair, the question I'd have for Counsel, as he has cited before, the Legislature has responsibility for County department oversight. If the counties are not providing the relevant Legislative committees with the information or reports, as is the case with the vehicle usage, then it's up to the chair of that committee to make sure that that department head is called on the carpet, if you will, and comes before the relevant committee to make a presentation. So, since this is the first year that I'm on Ways and Means, I wasn't even aware of that requirement. But if it is Ways and Means, then I would encourage Legislator Guldi to send out that invitation, but let's not try to bark down what we're trying to do.

To answer your question Madam Chair, as elected officials, we should be willing to set the example. And if we have the assignment of vehicles that cannot be justified, then you have to take steps, as Mr. Hackeling did. Remember when he wanted everybody to ride around with a County seal on their car? Okay? That wasn't meaningful at all. This is meaningful.

P.O. POSTAL:
Well, all I can say to you --

LEG. CARPENTER:
That was an Executive Order.

LEG. TONNA:
He didn't have one.

LEG. CARPENTER:
That was an Executive Order.

LEG. CARACCIOLO:
Oh, Executive Order Number 1, remember? Of all time, the only one that was ever issued.

P.O. POSTAL:
Well, all I can say is that I think that there's the wrong message sent out when we confined ourselves to inquiries solely about the Legislature, when, in fact, I think the Legislature is probably the most conscientious department or branch, whatever you want to call us, of County government when it comes to things like that.

LEG. CARACCIOLO:
Well, then we should not shy away from disclosing that information. It's just like the bill Legislator Guldi attempted to have the Legislature consider today. It seems we were willing to go so far, but then when it's really putting the spotlight on the Legislature, it's like, "Whoa, whoa, we really don't want to go there." Okay? I mean, it's really time to either set the example or get out of office.

P.O. POSTAL:
Well, there -- Legislator Lindsay.

LEG. LINDSAY:
Doesn't the Presiding Officer's office compile records of vehicle use now for the Legislature?

P.O. POSTAL:
Yeah.

LEG. LINDSAY:
So it --

P.O. POSTAL:
Yeah. I can get the records.

LEG. LINDSAY:
So we are changing, just changing who the reporting goes to from the Presiding Officer --

P.O. POSTAL:
No.

LEG. LINDSAY:
-- to the Budget Review?

P.O. POSTAL:
No. The reporting -- it comes here, the information comes to the Legislature.

LEG. LINDSAY:
Right.

P.O. POSTAL:
The Legislature then reports it to DPW. DPW is supposed to compile a report. For example, the person who's responsible for receiving that information just gets numbers from each Legislator, and each month transmits those numbers --

LEG. LINDSAY:
But, at the end of the year, doesn't each Legislator have to do a self-audit of the vehicle that's assigned to them and give that --

P.O. POSTAL:
For tax purposes.

LEG. CARPENTER:
Oh, right, exactly.

LEG. LINDSAY:
And give that into the Presiding Officer's Office.

P.O. POSTAL:
Uh-huh, yeah. And we can certainly -- we can supply you with that tax information. That would be, you know, very easy.

LEG. CARACCIOLO:
That has the annual mileage usage on it; correct?

P.O. POSTAL:
Well, it has -- it depends on how you compute it, but you can figure it out. It actually does list the mileage and then it lists -- there are a number of different choices as to how you can -- yeah, Fred?

MR. POLLERT:

Just to clarify, the data is turned into the Department of Audit and Control. There are two different ways to report the mileage, depending upon the valuation of the car and when it was first received. If it was more than $15,200, it should be computed based upon the least value mileage of the car. If it's less than fifteen-thousand-two, then it's on the cents per mile, which is 35 cents per mile for the nonbusiness use of the car.

LEG. CARACCIOLO:
Right.

MR. POLLERT:
That data is provided to the Department of Audit and Control.

LEG. CARACCIOLO:
Right. With that --

MR. POLLERT:
If we were going to --

LEG. CARACCIOLO:
I'm sorry, Fred, if I can interrupt you. That same report has the mileage, annual mileage used on that vehicle, or is it just the computation mileage.

MR. POLLERT:
Just the nonbusiness mileage. So I would have to go --

P.O. POSTAL:
Personal use.

LEG. CARACCIOLO:
That's where it gets -- I see, okay. That's where you --

MR. POLLERT:
So I would have to go to the Department of Audit and Control to actually pull what the Legislator has filed to determine if they used the proper method, and number two, to attempt to calculate

what the number of miles --

LEG. CARACCIOLO:
But wouldn't a simpler method be -- I mean, this is really -- as your report indicated, 12,000 miles is kind of the threshold that your report said justifies a use of a County vehicle by a County employee, including Legislators. If we can just get the mileage records and make that calculation, doesn't that accomplish the goal of identifying who meets the threshold and who doesn't?

P.O. POSTAL:
Well, let me -- let me see if I understand what you're saying. You're saying you want to know how many miles a County car is driven per year.

LEG. CARACCIOLO:
By each employee and member of the Legislature that's assigned a County car.

P.O. POSTAL:
Sure, we could do that, right, Fred?

MR. POLLERT:
You could do that. In all probability, that 12,000 mile threshold for business use is high for Legislative use of vehicles.

LEG. CARACCIOLO:
But is that the County policy?

MR. POLLERT:
No. That was what we calculated the break-even point to be. There is, even though there were a lot of --

LEG. CARACCIOLO:
Okay. So then the policy decision to be made by this Legislature --

MR. SABATINO:
Can I interject? I think --

LEG. CARACCIOLO:
Yeah.

MR. SABATINO:
-- tax issues and legal issues are being confused. The standard that I think Legislator Caracciolo is referring to the Levy Law standard, which basically stated that vehicles are prohibited from being assigned to employees when more than 50% of the mileage use of that vehicle is for personal, or nonbusiness, or commuting purposes. That's statutory. That applies to all County employees, but not to elected officials. That has nothing to do with the tax issue. The tax issue affects everybody, including elected officials. What you file for tax purposes is the calculation that Mr. Pollert made reference to. But the statutory standard is not 12,000, 15,000, 14,000, or any other number, it's the strict prohibition based on the computation of personal commuting versus business.

The reports -- there's been a sporadic adherence to that periodic reporting policy. When it was most recently brought to the attention, again, of the Legislature, you did get a report earlier this year. Chairman Guldi did finally get one of the reports that was discussed at Ways and Means and you started to go through that list. The committee members went through it and started comparing mileage, they had a person testify. It's a lot of work to go through all those lines. The report appeared to be maybe a little bit incomplete. There was a request to come back with more information. But if you continue to pursue it there, you can get the information. In a prior -- for example, that's how the SUV issue came up a couple of years ago when the committee was looking at it and you stumbled into the assignment of an SUV that was a little bit extraordinary, so it really comes down to that oversight process. If the committee insists on the two reports and actually goes through them in a separate committee, you can get those mileage issues.

LEG. CARACCIOLO:
Paul, those reports would include the Legislative --

MR. SABATINO:
No. It includes -- the elected officials are not part of that reporting policy.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:
It covers all employees to whom vehicles have been assigned.

LEG. CARACCIOLO:
So this resolution would require that the standard of -- if a Legislative employee or a Legislator, Paul, is using a County-owned vehicle, and more than 50% of that use is for computation -- I mean, for commuting, then that vehicle is not a justified official business use.

MR. SABATINO:
If commutation and/or personal use is more than 50% of the vehicle usage to an assigned employee, not an elected official, to an assigned employee, under the Levy Law, that's a prohibited use, the vehicle is supposed to come back to the particular department.

LEG. CARACCIOLO:
Okay. So the 12,000 mile --

MR. SABATINO:
That was something that -- there was a report prepared a few years ago by Budget Review. They were just trying it give an illustrative calculation purely for computational purposes, but it was never -- it was never statutorily codified into anything. They just came up with that figure to have a benchmark, but it's not -- it's not statutory.

LEG. CARACCIOLO:
All right. Then just to sum this up, if an employee or a Legislator, let's say, used a County vehicle and put on 4,000 miles a year, and 2,500 miles was for official business and 1,500 miles was for commuting back and forth to their place of business, which is considered their Legislative district office, I believe, right, then -- well, not here, this is official business. If you're coming from Selden here, that's not -- you're not commuting --

LEG. CARPENTER:
Yes, you are.

LEG. CARACCIOLO:

Your office is considered your district office. Right, Paul?

LEG. CARPENTER:

From home to your place of employment.

MR. SABATINO:

Commuting is when --

LEG. CARPENTER:

You start your workday.

MR. SABATINO:

Commuting is when you leave home to go to your place of business. If you go --

LEG. CARACCIOLO:

Which your principal place of business, though --

MR. SABATINO:

Which on -- which 90% of the time would be your district office. On the day of a Legislative meeting, it would be --

LEG. CARPENTER:

Here.

MR. SABATINO:

The Riverhead or Hauppauge, depending on the particular day, because that's where you're --

LEG. CARACCIOLO:

So then when would one consider usage outside of computation -- I mean, commuting?

MR. SABATINO:

First of all, that standard doesn't apply to elected officials.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:
Okay. It doesn't apply to elected officials. The reason it doesn't apply to elected officials I think was that at the time the Legislature considered it, the theory was that elected officials have another standard, they're accountable to the electorate. Employees at whom the legislation was directed are not accountable to the electorate in the same fashion that elected officials are, and the idea was to get control of the vehicles that were being assigned to County employees. So that's why those reports that are supposed to be filed twice a year are -- really should be reviewed in the context of that 50% standard and some other items that are in the statute.

LEG. CARACCIOLO:
All right. So, ultimately, who should be looking at the County employee's use of --

MR. SABATINO:
The first thing is -- the first line of defense in that statute is the department head. I mean, the department head generates the information. He or she should look at it to fulfill his or her responsibility under the statute and say, "Hey, we have a vehicle here that's being used for personal purposes or purely -- or primarily for commuting. That vehicle under the statute, just really self-executing self-enforcement should be pulled back and either be made part of the pool or should be reassigned to another person. That's the first line of defense. The second line of defense is that all of this is supposed to be consolidated with -- I'm sorry, reported to the County Executive.
The third line of defense is the Ways and Means Committee, which is then supposed to on a biannual basis look at those reports and see if the first two lines of defense of functioning. If they're not, the committee puts the spotlight, and, for example, it worked a couple of years -- well, it partially worked a couple of years ago with that SUV issue, because that's how it came to the knowledge of, you know, the public was when this committee looked at it. But you're the third line of defense, not the first.

LEG. CARACCIOLO:
Okay. Thank you.

P.O. POSTAL:
Brian.

LEG. VILORIA-FISHER:

Excuse me. I was on the list, Madam Chair.

LEG. FOLEY:

Essentially --

P.O. POSTAL:

Oh, okay.

LEG. VILORIA-FISHER:

I'm sorry.

LEG. FOLEY:

I'll just say one sentence. Essentially, this is a classic management issue. It should be handled at the departmental level. As was mentioned by Counsel, you know we get involved, whether in the third level or fourth level, but this really should be handled right at the department level before it even gets to our shop. And the most egregious example, to get back to the Levy Law --

LEG. VILORIA-FISHER:

It's very gentlemanly of you to jump right in front of me and barrel forward.

LEG. FOLEY:

All right. I'm trying --

P.O. POSTAL:

You know, can we --

LEG. VILORIA-FISHER:

Really.

LEG. FOLEY:

The most egregious part was there was employees from Huntington going out to Riverhead and that's what --

LEG. VILORIA-FISHER:
He doesn't stop.

LEG. FOLEY:
That's what the issue was.

LEG. VILORIA-FISHER:
Thank you.

P.O. POSTAL:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
I know, for a one minute sentence.

LEG. FOLEY:
Thank you.

LEG. VILORIA-FISHER:
I didn't yield to you, so it's not necessary to thank me. We really can't vote on this today, because it's defective, because it's going in various directions at once, I feel. It's not clearly defined. In the "whereas" clause, the 12,000 mile issue -- 12,000 mile threshold is hinted at. I certainly inferred it when I read this, but it's not clearly stated. But the inference is there because of the clause that says, "Used in a cost effective manner." However, in the "resolved", none of -- not A, B or C provides a vehicle, using the word loosely, for us, or an instrument for us to reach that kind of assessment of the 12,000 miles.

And as far as the commutation, I generally leave my car at my district office, my County car, so I don't see coming here as commuting, because I'm coming from my district office to this meeting. So we're not really clear on any of the terms that we're using in this particular resolution, so I believe, at the very least, we should table it.

LEG. CARACCIOLO:
Okay. I'll get together with Legislative Counsel to come up with a policy for the Legislature.

LEG. CARPENTER:

Ah, wonderful.

LEG. CARACCIOLO:

And we'll distribute that draft copy.

LEG. FIELDS:

Motion to table.

LEG. CARACCIOLO:

And appreciate your input.

P.O. POSTAL:

Okay. I think that that's an excellent idea, because I think you can secure --

LEG. CARACCIOLO:

Motion to table.

P.O. POSTAL:

-- the information that you like in a way that is reasonable and possible. So there's a motion to table --

LEG. GULDI:

Second.

P.O. POSTAL:

-- by Legislator Caracciolo, seconded by Legislator Guldi. All in favor?

LEG. ALDEN:

Opposed.

P.O. POSTAL:

Opposed?

LEG. ALDEN:

Opposed.

P.O. POSTAL:

Legislator Alden is opposed. Okay.

LEG. CARPENTER:

May I just say one thing quickly?

P.O. POSTAL:

Yes, yes, certainly.

LEG. CARPENTER:

I would just ask Budget Review, perhaps the criteria that was established in '99, since a number of years have passed and we've been working under that, those -- that criteria that was established, that perhaps you might want to review it and see if it needs updating.

MR. BARTON:

14. It's tabled. (Not Present: Leg. Haley)

P.O. POSTAL:

Okay. 1357 has been tabled. **1362 - Appointing a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation.** Legislator Caracciolo.

LEG. CARACCIOLO:

Oh, motion to approve.

P.O. POSTAL:

Okay.

LEG. CARACCIOLO:

Motion to approve. Thank you.

LEG. FIELDS:

I'll second.

P.O. POSTAL:

Legislator Caracciolo makes a motion to approve.

LEG. CARACCIOLO:

1362.

P.O. POSTAL:

Seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

16. (Not Present: Leg. Haley)

P.O. POSTAL:

1362 is approved.

P.O. POSTAL:

Let's see. **1388 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the removal of toxic and hazardous materials in County parks.**

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion by Legislator Foley.

MR. SABATINO:

A three-quarters vote, because we're changing the method of finance.

P.O. POSTAL:

Okay.

LEG. VILORIA-FISHER:

Okay.

P.O. POSTAL:

Seconded --

LEG. VILORIA-FISHER:

I'll second it, but I need to ask a question of Budget Review.

P.O. POSTAL:

By Legislator Viloria-Fisher. Go ahead.

LEG. VILORIA-FISHER:

Fred, isn't this in the Capital Budget?

MR. POLLERT:

For 2004. This is an ongoing project, which --

LEG. VILORIA-FISHER:

Okay.

MR. POLLERT:

-- is also funded in 2003.

LEG. VILORIA-FISHER:

Okay. I just thought I had read this very recently. Thank you.

P.O. POSTAL:

Okay. So we have a motion and a second, and we need a roll call, Henry.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. GULDI:

Abstain.

LEG. CARACCIOLO:
Yes.

LEG. CARACAPPA:
Yes.

P.O. POSTAL:
Yes.

LEG. BISHOP:
Yes.

LEG. CRECCA:
Yes.

MR. BARTON:
16, 1 abstention.

P.O. POSTAL:
Okay.

MR. BARTON:
On the bond.

P.O. POSTAL:
Okay. Same motion, same second, same vote. Before we move to Introductory Resolutions for today, we have a group of Certificates of Necessity I would -- I would like to address before it gets any later. We have Certificate of Necessity for **Introductory Resolution 1530, which is authorizing a public hearing for an amendment to Bay Shore Ferry, Incorporated, license over Great South Bay.**

LEG. CARACAPPA:
Motion.

P.O. POSTAL:

Motion -- wait. Who was that? Legislator -- oh, Legislator Caracappa.

LEG. CARPENTER:

On the motion.

P.O. POSTAL:

Do we have a second?

LEG. FOLEY:

I'll second that.

LEG. CARPENTER:

I will second that.

P.O. POSTAL:

Okay. Legislator Foley seconds. Legislator Carpenter has a question.

LEG. CARPENTER:

Just a comment, really. Part of the route that this ferry is going to is in my Legislative district, and I think, as the Legislator representing the area, I should have been notified that they were requesting a CN for this. I've already talked to Todd about it, and, hopefully, this won't happen in the future to me or any other Legislator.

LEG. CARACAPPA:

Could I address that, Madam Chairwoman?

P.O. POSTAL:

Yes, Legislator Caracappa.

D.P.O. CARACAPPA:

I do apologize. It was done quickly, Angie. I didn't know I needed a CN. In light of the Presiding Officer being away at the end of last week, and seeing that I'm the Deputy, and that we haven't changed the rule yet with relation to ferry applications, my name was put on it. And

seeing that Counsel told me just a couple of minutes ago that we needed a CN for this to fit into the time line before we went on break, so I just ran back there and got a CN, so I do apologize for not telling you.

LEG. CARPENTER:
I would imagine that it is, you know, very time sensitive. We're only addressing the public hearing at this time, because I do know that the operator is already advertising this service.

P.O. POSTAL:
Legislator Alden, did you want the floor?

LEG. ALDEN:
This is strictly for the public hearing.

LEG. CARPENTER:
Public hearing.

D.P.O. CARACAPPA:
Yes.

LEG. ALDEN:
Great.

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

MR. BARTON:
17.

P.O. POSTAL:
1530 is approved. **1533, this is filling a vacancy in the Third Legislative District.** I'll make a motion to approve this.

LEG. CARACCIOLO:
What's the date?

LEG. CRECCA:
Second.

P.O. POSTAL:
Second by Legislator Crecca.

LEG. CARACCIOLO:
What's the date?

P.O. POSTAL:
The date is August 5th. All in favor? Opposed?

MR. BARTON:
17.

P.O. POSTAL:
1533 is approved. **1544, the appointment of summer employees to various positions pursuant to Section (6-3 of the Suffolk County Code).**

LEG. FOLEY:
Motion.

LEG. HALEY:
Second.

P.O. POSTAL:
Motion by Legislator Foley, seconded by Legislator Haley.

LEG. FOLEY:
Under one condition, at the end of the summer, each of these employees reports back to us about their -- what they did for summer vacation.

LEG. VILORIA-FISHER:

Write a composition.

LEG. CRECCA:

I'll second that.

P.O. POSTAL:

Do they have to write a composition? Yeah.

LEG. VILORIA-FISHER:

They have to write a composition.

P.O. POSTAL:

Okay.

LEG. FOLEY:

Especially the Guldi boys.

LEG. GULDI:

On the motion.

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Yeah. With respect to the Guldi boys, neither one of them know that they've been -- had their names added to this resolution. They will be informed that if they fail to find other employment on their own, they can look forward to another summer of emptying garbage and cleaning bathrooms, the courtesy of the Parks Department, at wages well below the what the East End's prevailing wages are. I, however, because of my relationship to them, will be abstaining from the resolution.

P.O. POSTAL:

Okay. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. POSTAL:

Opposed, Legislator Caracciolo, and Legislator Guldi abstains.

MR. BARTON:

15, 1 no, 1 abstention.

P.O. POSTAL:

1544 is approved.

P.O. POSTAL:

1545 - Electing temporary exemptions from sales and compensating use taxes for receipts from retail sales of and consideration given or contracted to be given for certain clothing and footwear. This is extremely important. There was a memo distributed to each of you.

LEG. VILORIA-FISHER:

Madam Chair?

P.O. POSTAL:

Let's get a motion and a second first.

LEG. VILORIA-FISHER:

Okay, I'll make a motion.

P.O. POSTAL:

Motion by Legislator Viloria-Fisher, Legislator Guldi seconds. On the motion, Legislator Caracappa.

LEG. VILORIA-FISHER:

Okay. Could you yield just for a second, because there was a mistake in the memo and I just wanted to point it out to everyone, okay; would you mind, Joe?

LEG. CARACAPPA:

Do I have a choice?

LEG. VILORIA-FISHER:

No.

LEG. CARACAPPA:

Obviously, I don't.

LEG. VILORIA-FISHER:

I mean, yes, you do. I'm sorry. It's just very quickly, I asked Budget Review, because I thought I misunderstood it, and it's on the one that says sales tax, and it says, "If we do not opt out," and it should say, "If we opt out," okay? I just wanted to let everybody know that that's what that fourth bullet should have said. Okay. I'm sorry, Joe.

LEG. CARACAPPA:

You don't have to apologize.

P.O. POSTAL:

Okay.

D.P.O. CARACAPPA:

This time.

P.O. POSTAL:

Legislator Caracappa.

LEG. VILORIA-FISHER:

Not this time, huh?

P.O. POSTAL:

Followed by Legislator Caracciolo.

D.P.O. CARACAPPA:

Budget Review.

P.O. POSTAL:

Followed by Legislator Lindsay.

LEG. CARACAPPA:

Budget Review, since the State budget's been passed and the State raised their sales tax and they did away with the exemption on clothing and footwear in Suffolk County -- in fact, all counties -- it's been brought to my attention that there been -- actually been some talk about the State keeping that -- the County's portion of the sales tax; is there any truth to that and, if so, what are you hearing?

MR. POLLERT:

The Budget Review Office contacted the New York State Sales Tax Division, and while we don't have anything in writing, they for the first time today told us that the County would, in fact, be receiving the local portion of the sales tax. NYSAC is also under the belief that the County is to receive the local portion of the sales tax on clothing. However, we don't have anything in writing in the Budget Review Office from the State of New York. I know the Legislative Counsel was attempting to follow up and I'm not sure if he has anything in writing yet.

MR. SABATINO:

No. I sent the fifth or sixth letter last night by fax, but I finally got a phone call this afternoon during -- a return phone call during the lunch break, and after hesitating, the -- and saying that they were uncertain and they had to look into it, they got back to me 15 minutes later, but again, it's only verbal. They finally stated for the first time that the belief was that the County would keep -- would get back that portion, I should say, from the State, but that has not been put in writing. And the first letter I sent was in January of this year. And the fact that they hesitated again this afternoon was kind of odd, but at least verbally they've now said that we get the money. Excuse me.

D.P.O. CARACAPPA:

Well, the reason -- okay, follow-up to that. Of course, that's a very important item if they have raised the sales tax and we're not going to get it, and especially if we're being asked to opt into an exemption for which we're not participating, really, if they do keep it. So something you, as my colleagues, should be aware of as we move forward with this vote.

LEG. CRECCA:

Madam.

P.O. POSTAL:

Paul can we just send them a letter from the Presiding Officer stating that that -- exactly what our understanding is, that, you know, by taking this action, we understand that this permits us to receive our portion of the sales tax.

MR. SABATINO:

No. These are two separate issues. This resolution opting into the temporary, or if you go for the permanent exemption, is not what triggers getting the money back. The overriding issue, before you got to this vote, just to reiterate, because I've been making a big deal about this for a couple of months, is that the State, first Governor Pataki, then the State Legislature proposed unilaterally repealing the exemption, which means that they took away the exemption and generated a sales tax revenue of substantial numbers, whether it's 40 or 50 million dollars per year. The significance of that is that you all then got telephone calls from your constituents and from merchants, whatever, thinking that you reinstated that sales tax. So the first problem you had was that you were being -- well, I don't want to use the word blamed, but you were being -- having attributed to you the fact that it was the responsibility for that. The second point was, then, if you're going to -- who's going to get the money, and getting the money is significant. Whether you opt in or you don't opt into this exemption, it's important to know if you're going to be able to get the money. That's issue number one.

LEG. CARACCIOLO:

Madam Chair.

LEG. CRECCA:

I've asked --

P.O. POSTAL:

Well, I'm just -- I'm just asking. Michael, just one minute. I just want to ask, is there any way that we can, by writing to, whether the Majority Leader Bruno, Assembly Speaker Silver, just clarify exactly what our understanding is, not asking them, but stating that we've done this and we understand that this means that we will be receiving our percentage of the sales tax revenue on the formerly exempt items of clothing, just so that we're stating what our understanding is,

and by their, I guess, silence on the matter, they're confirming that our understanding is correct. Otherwise, I assume they would have to -- they would be obligated to correct us.

MR. SABATINO:
We can certainly send another letter. My personal view is that I think it's going to -- the answer is yes. The answer is yes.

P.O. POSTAL:
Okay. And would you do that? Thank you. Okay.

LEG. CRECCA:
Legislator Postal.

P.O. POSTAL:
Now, I have a long list here. I'm going to start with Legislator Caracappa.

LEG. CARACAPPA:
I'm done.

P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Yes. What I would suggest, perhaps before we leave today, you could have some member of your staff contact the Speaker's Office. When bill drafted and Albany prepares a bill similar to what Legislative Counsel Sabatino does for us, they also attach to that bill a bill memorandum that clearly states what the intent is. This is not rocket science, it shouldn't be difficult. In fact, you could probably go on the web, if you know the bill number, and have somebody research it in a matter of maybe 20 minutes, because it's going to be a big bill. But I would think a call from your office to the Speaker's office or the Majority Leader's Office should definitively clarify whether or not the State reinstatement, the New York State reinstatement of the sales tax on clothing and footwear will be shared with localities.

My recollection, there was only 14 counties and the City of New York in the state that participated in the program, so I'm sure somebody up there, if you get the right person, could

tell you definitively yes. I mean, the stakes are huge. New York City, it's got to be into the hundreds of millions of dollars what this means. So you might want to call the Mayor's Office and talk to one of his budget people. I'm sure you can get an answer from those folks.

But the other point I wanted to make is, as many other Legislators have considered or contemplated that the State would take this action, I think the -- we now have to make a choice, and the choice is whether or not we want to provide a temporary clothing and footwear holiday, if you will, as prescribed in the State legislation, the one week in August and the one week in January, or if we want to make it permanent.
Legislative Counsel has prepared for me a resolution to make it permanent, because, clearly, it was never my intent, nor do I believe it was a number of other Legislators' intent, to make this a temporary program. I'm talking about the two tax-free holidays.

P.O. POSTAL:
Weeks.

LEG. CARACCIOLO:
Yeah, tax-free weeks. So I'd like to see the resolution modified to make permanent. And as Counsel prepared for me today this memo, he said that, as he acknowledged a moment ago, he stated a moment ago, that finally today the State Department of Tax and Finance did respond. He said this proposal, the one I'm talking about, would make the exemption permanent rather than temporary, and this is clearly a policy decision for the Legislature. If it is not made, and this is an important aspect, then the permanent exemption cannot take effect earlier than March 1st, 2005. That's almost two -- five. You heard me right, five; correct, Counsel?

MR. SABATINO:
Yes. The practical import would be that if you adopt the temporary, you can do the temporary on a stand-alone basis for August of this year and then January of 2004, but the way the State has set this program up, at least under its current -- it's current framework, you would not be able to do anything for the year 2004, beginning of 2005, because you would miss Labor Day and Martin Luther King Day.

LEG. CARACCIOLO:
So you would have, in effect, if I understand --

MR. SABATINO:
You'd have a gap of one year, unless --

LEG. CARACCIOLO:
That's right.

MR. SABATINO:
You have a gap of one year .

LEG. CARACCIOLO:
That's right. And that's an important consideration before we vote on any resolution. Thank you.

P.O. POSTAL:
Well, I would ask Todd, because I'm assuming that the County Executive's Office, which contacted me with regard to this, received the State legislation.

MR. JOHNSON:
Yes.

P.O. POSTAL:
I'm assuming.

MR. JOHNSON:
Yes. This is in front of you, a resolution based on the enactment model given to us by State Tax and Finance. In that model, they do state that, and in the package they sent out, that localities do have to act, and they do have to act, I think, as it states in the legislation, by July 18th. What we're doing here is trying to make sure that we act by the time that the State Legislature goes out of session, similar to our intention concerning the 1%. We would like to make it clear what exactly it is we're doing.

P.O. POSTAL:
All right. There are two different issues here.

LEG. CARACCIOLO:

Right.

P.O. POSTAL:

One is extending 1% of the sales tax.

MR. JOHNSON:

I don't mean to confuse -- go ahead.

P.O. POSTAL:

And I think, obviously, we need to do that before the Legislature goes out of session, and I think that's very important for us to do in order to maintain our fiscal stability. But the second issue is the issue of eliminating the exemption for clothing items under $110. And what Legislator Caracciolo is asking is to be absolutely sure that we understand what that means. And so, what I'm asking you, I would assume that we've received a copy of the State legislation.

MR. JOHNSON:

I'm sorry. Were you talking about the enabling legislation that the State passed repealing?

P.O. POSTAL:

Yes.

MR. JOHNSON:

Okay, yes. And I believe that it should be attached in your package, if it's --

LEG. CARACCIOLO:

Madam Chair, if I may.

P.O. POSTAL:

Yeah, go ahead, Legislator --

LEG. CARACCIOLO:

Todd, did you hear Legislative Counsel's dissertation a moment ago about temporary versus permanent?

P.O. POSTAL:

Yeah.

LEG. CARACCIOLO:
I think you were in the auditorium.

MR. JOHNSON:
Yes.

LEG. CARACCIOLO:
Right?

MR. JOHNSON:
Yes.

LEG. CARACCIOLO:
Okay. My concern is, speaking for myself, that I do not want to see us --

MR. JOHNSON:
Just to interrupt, I'm sorry, it is not attached. I apologize.

P.O. POSTAL:
No, it's not.

MR. JOHNSON:
Okay.

LEG. CARACCIOLO:
Okay. I would like to see us pass a permanent exemption, so that we don't have a void in 2004, in August, and January of 2005, as Counsel has described. I think it's unfortunate that this has taken place the way it's taken place at the State Legislative level, but it has. We didn't have any discretion in that. However, we do have discretion now as to whether or not to make this a temporary or permanent.

I think we made a bond with taxpayers of Suffolk County when we enacted this legislation that it

was permanent. Due to circumstances beyond our control, the State Legislature has superseded our actions and has now given us the only option of making it temporary or permanent. My preference is make it permanent. Modify this resolution to make it permanent, I support it. That's where I'm coming from. Counsel, how do we do that?

MR. JOHNSON:
This legislation is not based on the option of making it permanent or temporary, this legislation reflects the options that the State Legislature has given us in either allowing us to have a one-week holiday twice over a twelve-month period, or not to have a one-week holiday twice. In other words, to either collect the tax for fifty-two weeks in a row, or to have two weeks where we do not collect the tax.

LEG. CARACCIOLO:
I understand that, but I think where there is confusion --

P.O. POSTAL:
Mr. Pollert may be able to --

LEG. CARACCIOLO:
Okay.

P.O. POSTAL:
-- address your question, so why don't we let him.

MR. POLLERT:
The enabling State legislation is convoluted. However, this is a temporary restoration of the sales tax; it will expire in June 1st of 2004.

MR. SABATINO:
Let me interject, though. Mr. Pollert's correct. The problem is the State has screwed this thing up so badly that nobody knows what they're talking about, including myself prior to this afternoon, because I didn't know what they had done. But I specifically asked that question to the Council, because they sent a model which gives you four options. But the two fundamental options for Suffolk County are do you want to go temporary or do you want to go permanent. I wasn't aware that there was an option until the lunch break today, because I thought either you

would opt in or you would do nothing.

Specifically said, if you want to go permanent and you don't adopt their model of going permanent now, do you lose the ability to get that one-year period and I was advised yes, and that's exactly the way the instructions read from the State of New York.

Now, I agree with Mr. Pollert, that it's convoluted, it's unprecedented, it's not the way business has been done at any other time in the past, but as recently as this morning, we had a State Legislator telling a County Legislator that the exemption applied to $500, and when I conferred with the State Department of Taxation and Finance this afternoon, they said, "No, it's $110." So you've got the Executive Branch and the Legislative Branch in Albany not really speaking the same language. I'm relying this afternoon on the documents that they forwarded, finally, after five or six requests, and the verbal conversation.

I only bring this to your attention because I don't want -- I don't want the decision to be made without having all the options in front of you, and then two weeks later, you know, somebody comes back --

LEG. CARACCIOLO:
Okay.

MR. SABATINO:
-- and says, "Gee, the State gave you a chance to go a different route and you missed it because there was miscommunication."

LEG. CARACCIOLO:
Madam Chair, based on remarks by Mr. Pollert, would it be fair to say that based on the State Legislative action to date, that they have reinstated the tax on clothing and footwear up to $110 through -- what was that date in '04, Fred?

MR. POLLERT:
June 1st.

LEG. CARACCIOLO:
June 1st. And then it sunsets; correct?

MR. POLLERT:
Yes.

LEG. CARACCIOLO:
Okay. So then my question to Counsel would be, is there any practicality in us considering a permanent exemption, if, in fact, this legislation is going to expire in June of --

MR. SABATINO:
Ordinarily, ordinarily, I would say it makes no sense. But because the instructions that came from the State said, if you want to have this option, you've got to write the language, and I specifically asked the question this afternoon, I said, "So if you do nothing" -- I specifically said, "Will we revert back to the County -- to the County law at that point," and I was advised no, which makes sense in a different respect, which is that if they unilaterally repealed our exemption, they unilaterally repealed it. But I'm not defending what they've done in terms of being logical or sensible or rational, but you've got instructions from them which say this is the way you go, so I --

LEG. CARACCIOLO:
Madam Chair, then let's raise this issue, because you eluded to it, and that is revenues. It seemed to be a mix blessing, when Albany reinstated this tax, that they were going to share it with localities. But now we learn it's not a permanent share, it's for a period of one year. So that when we prepare the '04 budget, or the County Executive prepares the '04 budget, he can only program into that budget revenues through June of 2004 and not beyond, because we're not certain next year if the Legislature is going to yet extend it further the repeal or sunset it as their current legislation.

P.O. POSTAL:
Well, what's going to have to happen at that point is that in preparing the budget for two thousand --

LEG. CARACCIOLO:
'04.

P.O. POSTAL:

Actually, for 2005, because this is going to -- we're going to adopt a budget for --

LEG. CARACCIOLO:
2004.

P.O. POSTAL:
-- 2004 very shortly.

LEG. CARACCIOLO:
Yes. And what I'm saying is we can only at this juncture rely on the revenues from clothing and footwear.

P.O. POSTAL:
For half a year.

LEG. CARACCIOLO:
-- through June, six months.

P.O. POSTAL:
Yeah. So, I mean, we have got to make --

LEG. CARACCIOLO:
Or was it five months?

P.O. POSTAL:
We're going to have to make a decision --

MR. JOHNSON:
No, the --

P.O. POSTAL:
-- at that point about whether we're committed to keeping that restoration of the sales tax, or whether we're going to be faced with a tremendous deficit. That's a decision we'll have to make.

LEG. CARACCIOLO:

Well, let's not forget cost cutting, you know, Mr. Levy's favorite topic.

P.O. POSTAL:

Well, you know, that's, obviously, another option. But, I mean, we're going to have to decide to go with one of those options, and that's going to be a decision we're going to have to make at that time, because we don't have any choice.

MR. JOHNSON:

I just want to --

LEG. CARACCIOLO:

I am looking so forward to the County Executive race to hear both candidates explain how they're going to cover the revenues next year.

MR. JOHNSON:

Three candidates, three candidates.

P.O. POSTAL:

Right. But, in the meantime -- in the meantime, this is -- this is really something that is extremely important to us. We have spent six months in trying to find ways to fill an enormous deficit. The State has now made a decision which changes the playing field for us. They have not given us a whole bunch of options, they've given us a "take it or leave it", and we've got to make the decision right now, and based on what's before us, and then we'll have to take other action at some future point in time. But right now, this is what they've given us. This is what is the basis for our decision and we have to take action. That's all.

LEG. CARACCIOLO:

Just everyone should be aware that if we do the temp, we don't have a second bite at the apple to do a permanent; is that right, Counsel?

MR. SABATINO:

What I would suggest, since there's so much confusion and the deadline is July 18th, if you just lay the bills on the table tonight, it would give you another two weeks to confer with State people and you could vote on June 24th, and at least be a little bit more certain --

LEG. CARACCIOLO:
Let's do that.

MR. SABATINO:
-- than you are today.

MR. JOHNSON:
Yeah, we would --

MR. SABATINO:
I hate to rush through something that looks incomplete to me in terms of the information from the State, but --

LEG. CARACCIOLO:
Okay.

P.O. POSTAL:
Well, can I ask a question? If we approve a resolution, haven't we always been able to do a reconsideration at the next meeting?

MR. SABATINO:
As long as the County Executive hasn't signed the bill in the intervening period of time.

P.O. POSTAL:
Well, we can ask Todd to make that request.

MR. JOHNSON:
Are you asking me?

P.O. POSTAL:
Yes.

MR. JOHNSON:

I didn't hear it in the form of a question, but yes.

P.O. POSTAL:
Well --

MR. JOHNSON:
Listen, this is what we'd like to do.

LEG. TONNA:
What is this, jeopardy?

MR. JOHNSON:
What we're -- what we're trying to do here is recognize the fact that the exemption is gone; okay? So, as far as next year is concerned, you would still have to act if you wanted to, you know, reimpose and get State legislation passed to reimpose the exemption in place on clothing. Right now, the exemption is gone, we're going to be collecting the tax. What the State has given us is an option to give the consumers in Suffolk County two weeks of holiday, and that's what we're trying to see if we can -- we can get that done right now.

LEG. CARACCIOLO:
Todd, would you suffer an interruption?

MR. JOHNSON:
Sure.

LEG. CARACCIOLO:
The real question is why the rush to judgment today? I think it's prudent, as Counsel has described, to wait until we have all of the facts, so we can make an informed decision. This is not time sensitive. If we don't do it today, we can do it in two weeks; am I right about that, Counsel?

MR. SABATINO:
That deadline is --

LEG. CARACCIOLO:

July 18th.

MR. SABATINO:

July 18th.

LEG. CARACCIOLO:

Thank you. Okay. Motion to table.

P.O. POSTAL:

Is there a second?

LEG. FIELDS:

Second.

P.O. POSTAL:

All right. There's a motion to table by Legislator Caracciolo, seconded by Legislator Fields. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. FIELDS:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes, to table.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

No.

LEG. FOLEY:

To table? Yes.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

Yes, to table.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. TONNA:

No.

MR. BARTON:

Nine.

LEG. CARPENTER:

Can I make a motion, instead of tabling it, to assign it to committee?

P.O. POSTAL:

I'm going to -- well, I don't know which takes precedent, so I'm going to take a motion --

MR. SABATINO:

No. What happens is, if you -- I mean, that was a motion to table, which would have --

P.O. POSTAL:

Yeah.

MR. SABATINO:

-- pushed it out to the next meeting. If you just vote on the merits and it gets less than 12, but more than ten, it will go to committee.

P.O. POSTAL:

I'm going to make a motion to approve.

LEG. VILORIA-FISHER:

I'll second.

LEG. BINDER:

Madam Chair, motion. Motion to commit to committee. That's a reasonable motion and it takes precedence.

MR. SABATINO:

It's a Certificate of Necessity. The way to get it to -- the way to get it to committee with a Certificate of Necessity is you could vote on the merits. If it gets to ten --

LEG. BINDER:
I understand that, but that doesn't mean it's the only method to put it to committee.

LEG. CARPENTER:
You could make a motion to lay it on the table.

LEG. BINDER:
If we have the ability to table a Certificate of Necessity on the floor, it would seem to me that we can make a motion to commit it to committee, lay it on the table and commit it to committee. Motion to lay it on the table and commit --

MR. SABATINO:
Lay it on the table. Motion to lay it on the table, then, right, you could do that.

LEG. BINDER:
Right.

LEG. BISHOP:
Second.

LEG. GULDI:
Second the motion.

LEG. LINDSAY:
Madam Chair.

MR. SABATINO:
Laying it on the table will put it in committee.

LEG. BINDER:
On the motion, Madam Chair.

P.O. POSTAL:

Wait a minute. Legislator Lindsay, then Legislator Binder. Legislator Lindsay.

LEG. LINDSAY:

Why can't we approve this now and let Mike or another Legislator file another resolution to cover the year 2004? Approve it now, we go on record that we're for the holidays, it's done for they year. We can worry about next year on June 24th. But at least we're on the record, we've approved this. And, first of all, I'm disappointed. I understood it was a $500 exemption and it's down to $110.

MR. JOHNSON:

I think at one time there was some discussion about that.

LEG. ALDEN:

On the motion.

LEG. CARPENTER:

Can I?

P.O. POSTAL:

Wait. Legislator Alden, and then Legislator Carpenter.

LEG. ALDEN:

If there's any chance that we lose the ability to make this permanent, then we really should not do this, because we're doing a disservice to the people of Suffolk County. So if we rush into this --

MR. JOHNSON:

You do not lose that.

LEG. VILORIA-FISHER:

No.

LEG. ALDEN:

What?

LEG. VILORIA-FISHER:
It doesn't jeopardize that.

MR. JOHNSON:
It doesn't jeopardize that at all.

LEG. ALDEN:
Well, Legislative Counsel said you do.

MR. SABATINO:
Let me read the one sentence of instructions from the State, keeping in mind that on sales tax resolutions, just historically, you're allowed no deviation, no discretion, you've got to follow their model. So this is not -- this is not me, this is the State of New York on all sales tax resolutions. But, on this one specific --

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

MR. JOHNSON:
Paul, can I just follow you here; where are you reading?

MR. SABATINO:
From the instructions from the State of New York. Okay, it says, "Please also note that in order to elect a permanent exemption to be effective June 1st, 2004, a locality must enact the appropriate model by July 18th, 2003, otherwise the permanent exemption cannot take effect earlier than March 1 of 2005."

Now, the key language is, aside from the deadline, the appropriate model. They send you the model, I have never been allowed in the past to deviate from their model. So even though logically it sounds like you should be able to do one thing tonight and something different at a subsequent time, I can only tell you from experience that we haven't been allowed to deviate from their model in the past; they didn't give another model which said do it in steps. So I'm being extremely cautious and conservative about this only because dealing with the State Department of Taxation and Finance has historically been a very frustrating process. For

example, they won't let you use the word RESOLVED versus enacted, which I think is absurd, but that's been something that they've pushed in the past.

MR. JOHNSON:
This resolution has been approved by State Tax and Finance already.

MR. SABATINO:
Of course it's been approved because you used the first -- you used the model for the temporary, okay?

MR. JOHNSON:
Right, but this does not give up the option.

MR. SABATINO:
There's a model for the temporary and then there's a model for the temporary permanent; you have to use their model. Of course they approved the temporary one because you copied Option A.

LEG. BINDER:
Counsel, the --

MR. JOHNSON:
Okay. But --

P.O. POSTAL:
Wait, wait, wait.

MR. SABATINO:
If you want to go to Option C --

LEG. BINDER:
Counsel, the question to Mr. Johnson should be did the County Executive's Office ask that if we did the temporary, would we be able then subsequently to go permanent? Because Counsel is saying you can't change models in the middle. Did you ask that specific question, if we did one could we then change to the permanent model at some other time; did you ask the question of

the State?

LEG. LINDSAY:
Max?

MR. JOHNSON:
I didn't ask that question to the State. Phil {Angerman} from our office did call the State and ask them what was intended by each model, they have four models that they've given us, A, B, C and D. What we're trying to do here is, as I said before, they said you can either pass the model with a two week holiday or you can pass a model without the two week holiday. At the end of that period, you then have to act again for the subsequent time period. When you're talking about the permanent exemption that may be an option in March is it?

LEG. LINDSAY:
June.

MR. JOHNSON:
June 1st; then at that time, after the State acts you have the option of passing a permanent exemption at that time.

LEG. HALEY:
Madam Chair? Madam Chair, why can't --

P.O. POSTAL:
Wait, wait, wait.

LEG. HALEY:
Why can't any of this wait till the 24th?

P.O. POSTAL:
There's a list.

LEG. BISHOP:
That's what I wanted to ask.

P.O. POSTAL:

Todd, why don't you give us your perspective on that question about waiting until the 24th to pass this. Are they about to go out of session?

MR. JOHNSON:

They're going out of session on the 19th. And as a courtesy for them giving us this option, you know, as things have worked out, they have asked us if we can act before they go out of session and I would like to do that.

MR. SABATINO:

But their going out of session is irrelevant because this is --

MR. JOHNSON:

I'm not saying it's directly relevant.

MR. SABATINO:

That's relevant for the other one, the sales tax extension;. Them going out of session is relevant for that.

MR. JOHNSON:

No.

P.O. POSTAL:

No.

MR. JOHNSON:

As a courtesy I'm talking about. You're perfectly right, Paul, that it is not tying one to the other; we have to pass the 1% today so that the Legislature has time to act before they go out of session. They do not have to act with regard to this, the clothing exemption, you're a hundred percent correct. This is a courtesy to move forward with something, they've given us an option here to say are you going to give a holiday or not give a holiday? We want to take this time to say yes, we are going to opt in to give the consumers in Suffolk County a holiday.

LEG. FOLEY:

Right.

P.O. POSTAL:

There are -- there are a number of people on the list, but I would like to just say to you that I have been working with, talking with and meeting with members of the Senate and members of the Assembly since just about the beginning of this year. This has been very difficult. They have been, I don't know, less than completely receptive and I want to tell you that this has been -- this has been a process that required a great many gymnastics to accomplish.

We're at a point where we've accomplished something that seemed to be virtually impossible at some point in time. The County Executive and the Legislature has been working since January in attempting to create and adopt a savings plan to fill an enormous deficit and we have come up with nothing. This is not only a blessing from my point of view, but it's a blessing that didn't seem to be possible at many points in the past for many months in the past.

There are people I have been talking with in Albany who have been very demanding in a number of different ways, who have required a Home Rule Resolution, a Sense Resolution from this Legislature. Where we are now is truly amazing. The fact that we went from there to here is an incredible, incredible achievement. And, you know, I really am very anxious and very uneasy about doing something at this point which may be regarded in a less than favorable light when this requires very little of us. I think that we could really hurt ourselves by not enacting this resolution today.

You know, I don't know how else to say that this is the result of many hours of meeting with Owen Johnson, with Bob Sweeney, with Tom DiNapoli; I don't even remember who else. And we've come to this which seemed to be an impossible accomplishment; in fact, just a few months ago. I would hate to see us destroy what has been accomplished after many, many months of work, and for what? You know, I just think that this is extremely important. And if, you know, there being -- I don't know whether you want to regard this as their prerogative because they're helping us with a very difficult problem, or whether you want to regard this as being the demand of a primadonna; I don't think it makes any difference. I think it's not worth taking a chance on losing something that is vitally important to this County for whatever reason. So I think we need to approve this now.

LEG. CARACCIOLO:

Madam Chair?

P.O. POSTAL:

Yeah.

LEG. CARACCIOLO:

Why --

LEG. BISHOP:

Is there a list?

P.O. POSTAL:

There is a list.

LEG. CARACCIOLO:

What are we jeopardizing since we have acknowledgment

LEG. CRECCA:

Is there a list? Mike, there are other people speaking.

P.O. POSTAL:

There is a list, Mike. I'll put you on the list.

LEG. CARACCIOLO:

Pardon?

P.O. POSTAL:

I'll put you on the list.

LEG. CARACCIOLO:

Oh, I'm sorry.

P.O. POSTAL:

Legislator Carpenter is next. I'll put you on the list, too.

LEG. CARPENTER:

Given what Counsel said and I have listened to the Presiding Officer and she really makes a lot of sense. I think, however, rather than tabling -- rather than assigning this to committee and jeopardizing the possibility that it -- or presenting us with the possibility that it might not get out of committee, we are meeting in two weeks, it still is timely according to what Counsel said, and I think if someone is on the prevailing side who could make that motion to reconsider that tabling motion so that we can table this, at least it will be live when we meet in two weeks.

P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:
Why is it time sensitive?

LEG. LINDSAY:
Am I on there?

P.O. POSTAL:
Because I was told that -- and I'll name the person -- Senator Johnson wants this done today and he's a very powerful person and I'm not going to -- you can laugh, Mike, you can laugh all you want, but I'm not going to take a chance on antagonizing somebody who's doing us a favor and may be taking not only a risk but putting the Legislature and the County in a very precarious position. And believe me, I'm not kidding you, you have no idea at how much --

LEG. BISHOP:
What is the favor that he's doing?

P.O. POSTAL:
This is what he wants. I don't know what the favor is.

LEG. BISHOP:
Maxine, I'm -- Legislator Postal, just -- what is the favor that he's doing? I think a lot of us don't understand.

P.O. POSTAL:
He's a very -- he has agreed to do this without a Home Rule and without a Sense from us. Now -

-

LEG. BISHOP:

Okay, so we're skipping a step in the process.

P.O. POSTAL:

Yes, we are.

LEG. BISHOP:

That's what the favor is, okay. So without a sense or a Home Rule, he will allow us to enact legislation to have the two week holiday --

P.O. POSTAL:

Right.

LEG. BISHOP:

-- from sales tax.

P.O. POSTAL:

Right, and the State has reimposed sales tax on formerly exempt clothing.

LEG. CARACCIOLO:

Madam Chair, with all due respect --

P.O. POSTAL:

I'm sorry, you have a right to your opinion. There is a list and you can voice your opinion when the people who are on the list have --

LEG. CARACCIOLO:

Okay. All right, I'll wait my turn, but if I can just make a quick inquiry.

P.O. POSTAL:

No.

LEG. CRECCA:

No. No.

P.O. POSTAL:

No, you can't.

LEG. CARACCIOLO:

Of course not because, you know, the truth always hurts around this horseshoe.

P.O. POSTAL:

No. Mike, you're being --

LEG. CARACCIOLO:

Doesn't it; it really hurts to tell the truth.

LEG. HALEY:

Motion to close debate.

LEG. CARACCIOLO:

Is this --

LEG. CRECCA:

Why can't you wait your turn? Why can't you wait your turn like the rest of us?

P.O. POSTAL:

Five minute recess.

LEG. CARACCIOLO:

I will wait my turn.

[THE MEETING WAS RECESSED AT 6:58 P.M. AND RESUMED AT 7:38 P.M.]

P.O. POSTAL:

Ladies and Gentlemen? Ladies and Gentlemen, I'm calling a recess until 8:45 for dinner. Thank you.

[THE MEETING WAS RECESSED AT 7:38 AND RESUMED AT 9:02 A.M.]

P.O. POSTAL:

Would all Legislators please come to the horseshoe, we would like to continue with the agenda. Please come to the horseshoe. Henry, roll call.

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

LEG. CARACCIOLO:

Here.

LEG. GULDI:

(Not present).

LEG. VILORIA-FISHER:

(Not Present).

LEG. HALEY:

Here.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

I am here and present.

LEG. NOWICK:

(Not present).

LEG. BISHOP:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

(Not present).

LEG. CARACAPPA:

(Not present).

P.O. POSTAL:

Here.

LEG. BISHOP:

How many we got?

MR. BARTON:

12 (Not Present: Legislators Guldi, Viloria-Fisher, Nowick, Cooper & Caracappa).

LEG. BISHOP:

Madam Presiding Officer?

LEG. CARPENTER:

Say excuse me, Madam Presiding Officer Levy Postal.

P.O. POSTAL:
Yes?

LEG. BISHOP:
Madam Presiding Officer Levy Postal, May we go to the -- since we only have the 12, can we go to the agenda and get some work done?

P.O. POSTAL:
Rather than -- sure, we'll wait until everybody comes back to get back to the issues we were discussing previously.

LEG. BISHOP:
Right. Where's Linda Burkhardt? Oh, you got two Linda Burk -- three, I see three behind you.

P.O. POSTAL:
Linda is on vacation.

LEG. HALEY:
That's Ivan's maiden name is Burkhardt.

P.O. POSTAL:
We're going to go to page eight, the Introductory Resolutions for today.

INTRODUCTORY RESOLUTIONS

Ways & Means, Real Estate Transactions & Finance:

LEG. BISHOP:
Motion to table ***1210 (Adopting Local Law No. 2003, to amend living wage law for transition to full implementation (Bishop).***

LEG. FOLEY:
Second.

P.O. POSTAL:

All in favor? Opposed? 1210 is tabled; right, Henry?

MR. BARTON:

Yes.

LEG. BISHOP:

Motion to table subject to call ***1247 (Adopting Local Law No. 2003, a Charter Law amending the Suffolk County charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan I) (Crecca).***

LEG. CRECCA:

Yes, motion to table subject to call 1247.

LEG. CARACCIOLO:

This should be withdrawn, we have a plan.

LEG. BISHOP:

There's an appeal, so in theory --

P.O. POSTAL:

All right, we have a motion and a second to table subject to call. All in favor? Opposed?

MR. BARTON:

12 (Not Present: Legislators Guldi, Viloria-Fisher, Nowick, Cooper & Caracappa).

P.O. POSTAL:

1247 is tabled subject to call.

LEG. BISHOP:

Same motion, same second --

P.O. POSTAL:

1248 - Adopting Local Law No. 2003, a Charter Law amending the Suffolk County charter with respect to the reapportionment of Suffolk County Legislative Districts

(Plan II) (Tonna).

LEG. CRECCA:
Same motion.

P.O. POSTAL:
Same motion, same second, same vote.

1249 - Adopting Local Law No. 2003, a Charter Law amending the Suffolk County charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan III) (Viloria-Fisher). Same motion, same second, same vote.

1354 - Adopting Local Law No. 2003, a Charter Law amending the Suffolk County charter with respect to the reapportionment of Suffolk County Legislative Districts (Plan V) (Viloria-Fisher). Same motion, same second, same vote.

LEG. BISHOP:
I suggest we skip over 1409 until we get our --

P.O. POSTAL:
Well, we're going to have to do the same motion, same second, same vote on 1354.

And 1409 we will skip over.

LEG. CARACCIOLO:
Motion.

LEG. HALEY:
Second.

LEG. BISHOP:
What, we're skipping it.

LEG. HALEY:

Why?

P.O. POSTAL:

We're just skipping over it.

LEG. BISHOP:

People are missing.

LEG. HALEY:

You can't skip it.

P.O. POSTAL:

There aren't a whole lot of people here and I want to --

LEG. BISHOP:

There's aren't a whole lot of people. Don't make trouble, we're trying to get through this.

P.O. POSTAL:

-- accomplish whatever we can without waiting for people to get here.

LEG. BISHOP:

1420.

P.O. POSTAL:

1420 - Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law, to Eileen Kelly (Carpenter).

LEG. BISHOP:

Motion to approve.

P.O. POSTAL:

Motion to approve by Legislator Carpenter, seconded by Legislator Bishop. 4-0-0-3, approved out of committee.

LEG. CARPENTER:

I just want to just state for the record that this person, Eileen Kelly, is not the woman who worked for the County, she's a senior citizen constituent who lives in my district.

P.O. POSTAL:
Okay. All in favor?

MR. SABATINO:
Do we have 12, because it requires a two-thirds vote.

P.O. POSTAL:
Oh.

MR. SABATINO:
The Chapter 27's require a two-thirds vote.

P.O. POSTAL:
Oh, we have just 12. Okay, we have a motion and a second? All in favor? Opposed?

MR. BARTON:
12.

P.O. POSTAL:
Okay, 1420 is approved.

1421 - Approving payment to General Code Publishers for Administrative Code pages (Presiding Officer Postal).

LEG. BISHOP:
Motion to approve.

LEG. CARPENTER:
Second.

P.O. POSTAL:
Motion -- wait, wait. Motion by Legislator Foley, seconded by Legislator Carpenter. All in favor?

LEG. ALDEN:

Shouldn't there be some debate on this?

P.O. POSTAL:

Thanks, Cameron. We're saving our debate. Anyway, Henry?

MR. BARTON:

Yes?

P.O. POSTAL:

I called -- nobody was opposed.

MR. BARTON:

Okay, 12.

P.O. POSTAL:

1421 is approved.

LEG. BISHOP:

May I suggest that we skip over the bond resolutions?

P.O. POSTAL:

Certainly.

LEG. CRECCA:

Why? We have 12, let's do it.

LEG. BISHOP:

Oh, we've got 12. All right, let's go.

LEG. CARACCIOLO:

Motion.

LEG. HALEY:

Second.

P.O. POSTAL:

1428A, 1428 - Appropriating funds in connection with the Civil Court renovation and addition, Riverhead (CP 1130) (County Executive). Motion by Legislator Caracciolo, seconded by Legislator Bishop.

LEG. FOLEY:

How much money is this, Madam Chair?

LEG. BISHOP:

That's why.

LEG. FOLEY:

No, I just want to know how much, how extensive of a project?

MR. SPERO:

Thirty-four point six million.

LEG. FOLEY:

How much?

MR. SPERO:

Thirty-four point six million.

LEG. FOLEY:

1428 is $34 million?

MR. SPERO:

Thirty-four million, six hundred and fifty thousand.

LEG. FOLEY:

So this isn't just simply -- the title says Civil Court renovation; in addition, these are the eight new courtrooms, correct?

LEG. FIELDS:

Motion to table.

LEG. CARACCIOLO:

It's starting in December.

LEG. BISHOP:

Okay. Why don't we skip over the bonds --

P.O. POSTAL:

Okay.

LEG. BISHOP:

-- until we have the full contingent.

LEG. CARACCIOLO:

Don't go there. Who said motion to table?

LEG. HALEY:

There's no second.

P.O. POSTAL:

There was a second.

LEG. FIELDS:

I can go there.

LEG. CARACCIOLO:

Don't go there.

LEG. BISHOP:

Madam Presiding Officer?

LEG. FIELDS:

I am going to go where I want to go.

LEG. BISHOP:

She wants to go there. Why don't we just skip over these until --

LEG. CARACCIOLO:

No, let's vote on it, Dave.

LEG. BISHOP:

For what? Come on, do we need to have a fight without the full Legislature here? The plan was to get some work done.

LEG. FOLEY:

We're missing four -- we're missing five Legislators.

P.O. POSTAL:

Let's just move down to ***1444 - Amending the 2003 Operating Budget and reappropriating unexpended, uncommitted 2002 funds in Fund 176 to the 2003 Operating Budget (County Executive).***

LEG. BISHOP:

Motion.

P.O. POSTAL:

Motion by Legislator Bishop, seconded by Legislator Lindsay. All in favor? Opposed?

MR. BARTON:

12.

P.O. POSTAL:

1444 is approved.

1453 - Authorizing the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes (County Executive).

LEG. BISHOP:

Motion.

P.O. POSTAL:

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

MR. BARTON:

14.

P.O. POSTAL:

1453 is approved.

1454 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip Community Development Agency for affordable housing purposes (County Executive).

LEG. BISHOP:

Motion.

LEG. FIELDS:

Motion.

LEG. CARPENTER:

Motion.

LEG. BISHOP:

I'm sorry, second.

LEG. FOLEY:

How many parcels?

P.O. POSTAL:

Motion to approve by Legislator Fields, seconded by Legislator Lindsay.

LEG. FOLEY:

How many parcels, Madam Chair, are we looking at?

MR. SABATINO:

Nine parcels.

P.O. POSTAL:

Nine parcels. All in favor?

LEG. CARPENTER:

On this motion; is this the Sunnybrook --

MR. SABATINO:

No, these are nine parcels in Brentwood and one in East Islip; Sunnybrook we did a ways back.

LEG. CARPENTER:

Okay.

P.O. POSTAL:

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

MR. BARTON:

16.

P.O. POSTAL:

1454 is approved.

1474 - Transferring funds for the year 2002 in accordance with policy established for use of fees collected from Title Examiners utilizing County facilities (Presiding Officer Postal). Approved 5-0-0-2. Motion by --

LEG. CARACCIOLO:

Explanation.

P.O. POSTAL:

Well, let's get -- I'll make a motion to approve. Do I have a second?

LEG. BINDER:
Second.

P.O. POSTAL:
Second by Legislator Binder. Okay, Legislator Caracciolo.

LEG. CARACCIOLO:
Explanation.

MR. SABATINO:
This is the implementation of that 1997 legislation which states that the additional monies that are taken in from title examination fees are to be appropriated the following fiscal year for improvements that are related to that. In this particular case mit's the second resolution this year which would allocate 174,157.02 for basically carpeting and repair of the deed and record books and the purchase of printers at the title examination portion of the County Clerk's Office.

P.O. POSTAL:
Okay? We had a motion and a second. All in favor? Opposed?

MR. BARTON:
16.

P.O. POSTAL:
1474 is approved.

Budget:

1146 - Implementing agreement between the County of Suffolk and the Suffolk County Campaign Finance Board. I will make a motion to table.

LEG. COOPER:
Second.

P.O. POSTAL:

Second by Legislator Cooper. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. TONNA:

Opposed.

LEG. HALEY:

I'm opposed.

LEG. ALDEN:

Opposed to the tabling?

LEG. BINDER:

Roll call, please.

P.O. POSTAL:

Okay, roll call.

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

P.O. POSTAL:

On the motion to table, yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

No to table.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Slant, off tackle.

P.O. POSTAL:

What?

LEG. ALDEN:

Oh no, pass.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No to table.

LEG. VILORIA-FISHER:

This is the tabling motion? Yes.

LEG. CARACCIOLO:

No to table.

LEG. CARACAPPA:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. NOWICK:

I'm sorry.

LEG. CARPENTER:

No.

LEG. NOWICK:

I need to change mine to a no.

LEG. ALDEN:

No.

MR. BARTON:

Eight.

P.O. POSTAL:

Okay, 1146 is defeated.

MR. BARTON:

That was on the motion to table.

LEG. BISHOP:

No, that was to table.

P.O. POSTAL:

Oh, sorry.

LEG. HALEY:

Motion to approve.

LEG. CRECCA:

Second.

P.O. POSTAL:

Who made the motion to approve?

LEG. HALEY:

I did.

LEG. TONNA:

For the purposes of defeating?

LEG. FOLEY:

Can we have an explanation?

P.O. POSTAL:

Of the resolution or the reason for approving?

LEG. FOLEY:

No, let's just for the record have an explanation of the bill.

P.O. POSTAL:

All right, I'll second the motion to approve. This has to do with -- I don't know if it's more than that, the salary of the Director of the Public Campaign Finance Board. There was -- it's my understanding that at some point there was a resolution that contained a salary that was inappropriate because it was a salary that wasn't correct for the title. So the salary is now appropriate to the total title.

LEG. TONNA:

Is it cutting it or is it --

P.O. POSTAL:

I think it's cutting it, it's about, what, 35,000?

MR. SABATINO:

Let me just in --

LEG. TONNA:

Paul, could you just tell me the merits of the bill? Because as soon as I hear people talking about campaign finance, you know --

P.O. POSTAL:

Well, the only reason that the bill is in is because there's a director, the director deserves a salary.

LEG. HALEY:

Right.

P.O. POSTAL:

And there was a resolution before but Civil Service tells us that the salary for the title was incorrect --

LEG. HALEY:

Madam Chair?

P.O. POSTAL:

-- and the salary actually had to be lower.

LEG. TONNA:

Was it 125,000?

LEG. HALEY:

Madam Chair?

P.O. POSTAL:

Do you remember what it was?

LEG. CRECCA:

It's a hundred -- Counsel, could you just --

P.O. POSTAL:

Wait a minute, wait a minute.

LEG. TONNA:

Let Counsel; I'm asking a question of Counsel.

MR. SABATINO:

Let me explain.

LEG. TONNA:

Thank you.

MR. SABATINO:

In 2001 you adopted a resolution which basically set forward the operating agreement. The operating agreement between the Campaign Finance Board and the County is to provide for line item budgeting instead of lump sum budgeting and it was to provide for a budgeted position as opposed to a contract. The Legislature never passed a resolution for a salary. This resolution would now take the $125,000 of lump sum funding which is in the budget, convert it to line items and it would create the one position for the Executive Director. So there would no longer be a contract that was paying 66,000 and instead, because it would be a position in the Salary and Classification Plan, the salary would be either -- well, the starting salary at that level would be $37,949 and the high end of that would be -- which would require an up-stepping would be $53,000. So it would be line item budgeting, a budgeted position and no separate contract.

LEG. TONNA:

Where does this guy fit in?

MR. SABATINO:

Well, in the absence of a -- in the absence of a --

LEG. TONNA:

Up-stepping.

MR. SABATINO:

-- an up-stepping which would require the County Executive to sign-off on a higher step, it would be 37,949.

LEG. TONNA:

Where is he now?

MR. SABATINO:

The contract -- okay, the contract which was not a resolution provided for 66,000.

LEG. TONNA:

So now this resolution would cut his salary to 37,000?

MR. SABATINO:

Well, that's the effect of that portion, but the other portion --

LEG. TONNA:

Is it a cosign thing where the Presiding Officer and the County Executive or it's just a unilateral action of the County Executive?

MR. SABATINO:

Well, it would be an in-step hiring and an in-step hiring would just require the County Executive.

LEG. TONNA:

Okay.

MR. SABATINO:

An up-stepping after the person gets there requires a double sign-off.

LEG. TONNA:

Okay, and just one other question. This is the gentleman who is in the position now? Do we have any idea of how much the taxpayers have given for this big sum of money that's going to be allocated?

P.O. POSTAL:
I have no idea. It is for the person who's there now.

LEG. TONNA:
Right. We had $14,000 the last time, I've heard about to be able to be distributed through the County. But we're cutting his salary, right?

P.O. POSTAL:
Yeah.

LEG. HALEY:
Yeah.

LEG. BINDER:
No, maybe not.

LEG. TONNA:
What -- Paul, let me ask you this question; then why are we doing this resolution? I mean, there was arguments a year ago --

LEG. HALEY:
We have to establish this position.

LEG. TONNA:
There were arguments a year ago that they should have had more money

and more money for the Executive Director. This basically codifies the position, though, right?

LEG. HALEY:
Madam Chair, by virtue of our actions, we have to establish a position and this is what it's been established, as this grade.

LEG. CRECCA:
I'm not so sure that -- can I --

LEG. TONNA:
Doesn't it demand --

P.O. POSTAL:
Wait. Civil Service tells us that for this title this is the salary, they are telling us that we have no discretion in this matter.

LEG. HALEY:
Yeah, they feel very comfortable with that.

LEG. TONNA:
Right, but it codifies the position, it basically moves us from a contract that we have, you know, to basically fix in the budget.

LEG. BISHOP:
The votes are there to kill it, let's just kill it.

MR. SABATINO:
The technical aspect of it --

LEG. TONNA:
I don't know if I want to kill it, I'd like to --

LEG. BISHOP:
So you should have tabled it.

LEG. TONNA:
I'm trying to find out about it. David, David, the fact is that all I want to do is get some information so I can have, at least for once tonight, an informed vote.

LEG. BISHOP:

You should have done that before you didn't vote to table it.

P.O. POSTAL:

Well, Paul is going to --

LEG. HALEY:

At least you admitted it.

P.O. POSTAL:

Why don't we let Paul explain exactly what the situation is.

LEG. TONNA:

Yeah, I'd like to find out why -- what we're doing.

MR. SABATINO:

The technical aspect of it is that it's been improperly presented in the budget since its inception. For some reason, the County Executive consistently showed the money, A, on a lump sum basis but, B, with Budget Review. It has nothing to do with Budget Review, it's a separate entity, it should have always had a separate line item in the budget in terms of the presentation. There's $125,000 in the budget, in the year 2001 you finally adopted a resolution which basically authorized the operating agreement which would outline what the duties, functions, responsibilities of managing the budget would be and that provided for line item budgeting and ultimately a budgeted position as opposed to that contractual agreement which was never something that was authorized by the County Legislature. So from a technical standpoint, this will take the money that's in the budget as currently presented and at least line it up the right away it should be. And secondarily, it creates the position of Director of Campaign Finance Board at Grade 17; the Grade 17 did come from Civil Service in terms of the recommended slot.

LEG. TONNA:

Does that require a college education?

MR. SABATINO:

I don't know, I didn't look at the details of what Civil Service did.

P.O. POSTAL:

Whatever this is, Civil Service --

LEG. TONNA:
I mean, I might not agree with campaign finance, but since the Legislature voted for it --

LEG. HALEY:
Madam Chair?

LEG. TONNA:
I mean, we have to respect the process. I mean, I don't agree with it, I voted against it all the time, but in fairness to the employee and everything else, it was the will of the Legislature, right, to basically create the position.

LEG. HALEY:
Madam Chair?

P.O. POSTAL:
But Civil Service has told us --

LEG. HALEY:
Madam Chair?

P.O. POSTAL:
-- that for that title this is the salary, it's not a salary we made up.

LEG. HALEY:
Legislator Tonna? Paul?

LEG. TONNA:
Yeah.

P.O. POSTAL:
Marty?

LEG. HALEY:

Yeah, Civil Service has established what they believe the requirements are for that position and it's a Grade 17, but also the qualifications; I can't tell you whether or not Mr. Lutz fits that qualification one way or another. But in any case, Civil Service feels comfortable with giving it a Grade 17 and feel it fits the qualifications.

LEG. TONNA:
Okay.

P.O. POSTAL:
Legislator Caracappa.

LEG. HALEY:
It's another question whether Lee Lutz fits it.

P.O. POSTAL:
Legislator Caracappa.

LEG. CARACAPPA:
Thank you, Madam Chair. Okay, obviously we know it's a Civil Service position now, or they'd like to create it as one. Number one, will there be a test associated with this? This is provisional.

LEG. HALEY:
I don't believe so.

LEG. CARACAPPA:
Well, that's what I'd like to know.

LEG. TONNA:
What; there's not going to be a test?

LEG. CARACAPPA:
If they're creating a grade --

P.O. POSTAL:
As far as I know --

LEG. TONNA:
There's got to be a test.

LEG. CARACAPPA:
It's either provisional or there's a test associated with it to follow it, that's how I've always believed.

LEG. TONNA:
Yeah, there's got to be a competitive test.

LEG. CARACAPPA:
Secondarily, now that it is a Civil Service position, what unit, what bargaining unit does this person belong to? Will they remain exempt, which I doubt. And --

P.O. POSTAL:
Bargaining Unit 2, Joe.

LEG. CARACAPPA:
-- does this person now receive benefits as it is associated with other Civil Service positions?

P.O. POSTAL:
Joe, I can answer the last two questions; it's level two and the person does not receive benefits.

LEG. CARACAPPA:
What about a competitive examination?

P.O. POSTAL:
Right now there's none. Right now there is none.

LEG. CARACAPPA:
There is none. Will there be?

P.O. POSTAL:

Whatever the benefits are that go with Bargaining Unit 2 will --

LEG. CARACAPPA:
So with the Civil Service creating position, creating a grade and actually codifying the position within the County as opposed to being contractual in the past, I'd like to know will there be a Civil Service examination associated it.

P.O. POSTAL:
I don't know.

LEG. HALEY:
That's for Fred.

LEG. CARPENTER:
Fred knows.

MR. POLLERT:
The title is a competitive title which infers that there will be an examination which will be given. He can be appointed on a provisional basis --

LEG. TONNA:
Right.

MR. POLLERT:
-- but whoever will finally be appointed must be off the eligible list.

LEG. TONNA:
He's not going to write the test, right?

MR. POLLERT:
No.

LEG. TONNA:
Okay.

P.O. POSTAL:
Okay?

LEG. CARACAPPA:
All right, I'll give him a shot at the test.

P.O. POSTAL:
Okay. Legislator Crecca?

LEG. CRECCA:
My question is we took 125,000 from Budget Review and then it's allocated into one, two, three, four, four different lines? Could someone from Budget Review explain to me what that means?

MR. POLLERT:
Currently there's only a lump sum budget which is included in the Budget Review Office line item. We moved in $22,500 into the permanent salary line item --

LEG. CRECCA:
Hold on one second.

MR. POLLERT:
We move $2,000 into the 301 line which is office supplies, we move $500 into the 307 line item which is printing and -- excuse me, which is memberships and subscriptions, and we move $100,000 into 456 line item. They will have the capability with a request of the County Executive's Office to internally change that allocation once this resolution is adopted.

LEG. CRECCA:
So then the 22,500 represents the Grade 17 salary for the remainder of this year.

MR. POLLERT:
It represents an approximation.

LEG. CRECCA:
Right.

MR. POLLERT:
They have the capability of transferring funds up.

LEG. CRECCA:
How did this person get paid prior to this if there was no line item?

MR. POLLERT:
They are currently being paid through the Budget Review Office's operating budget. They have an allocation of $125,000, they send in vouchers which I have to approve --

LEG. CRECCA:
I got you.

MR. POLLERT:
-- based upon the hours that the director, works that the attorney works and whatever supplies and materials they're purchasing.

LEG. CRECCA:
Economically this is -- it would be cheaper to go this way than being billed hourly?

MR. POLLERT:
It's six of one, half dozen of another. It is, however, conformable with what the intent of the legislation was which was to set up a separate unit for campaign finance. We only got it in Budget Review Office because Board of Elections wasn't processing their payments.

LEG. CRECCA:
Okay. Thank you.

P.O. POSTAL:
Okay. Legislator Alden.

LEG. ALDEN:
Fred, just to pick up on one thing. You said that internally they can change the dollar amount

that goes for this position?

MR. POLLERT:
Yes. They have the capability of putting in what's called a TBA transfer budget request to the Budget Office to move money, you know, to a different line item. It has to balance but they could transfer a portion of that $100,000 from the fees for services into salaries or supplies or something of that sort.

LEG. ALDEN:
Well, they would indicate only one person, right? There's only one employee.

MR. POLLERT:
At this point in time there's only one employee.

LEG. ALDEN:
So the one employee that we hire could actually just go and transfer more money into his own salary account.

MR. POLLERT:
It would be only -- he doesn't have the unilateral authority to do that, it would have to be signed off by the Budget Office.

LEG. ALDEN:
Okay. Now, also, if this is a created Civil Service position, by law don't we have to give him the benefits that come with County employment?

MR. POLLERT:
Yes. He would receive the benefits which normally inure to a County employee. Part of the reason --

LEG. HALEY:
He or she.

MR. POLLERT:
He or she. Part of the reason that the salary is relatively low as a Grade 17 is because the

individual will now receive health benefits and other benefits.

LEG. ALDEN:
So this $125,000 does not represent health benefits, retirement, all the other benefits.

MR. POLLERT:
That's correct.

LEG. ALDEN:
So that's on top of all this.

MR. POLLERT:
That's correct.

LEG. ALDEN:
Okay, thanks.

P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
I want to pursue that. So you're saying that -- when you said six of one, half dozen of another; in other words, he's going to get paid the same generally anyway? Because you --

MR. POLLERT:
No, actually he will be receiving less money because currently he's covering his own benefits. So the Grade 17 salary range where he will be hired is less than what he's currently making.

LEG. BINDER:
What are the benefits worth?

MR. REINHEIMER:
Health insurance is worth about $7,500 on a blended rate depending whether the individual has a family or individual plan, and the Benefit Fund is 1,030 annually, social Security is 7.65% of salary.

LEG. BINDER:
So we're talking he's at 46,000, basically in salary benefits, cost to the County about 46, 47,000 maybe. And we were talking right now he has the ability to take up to 60 something, right? I mean, that's -- is there a max, because if he's at an hourly rate he has a maximum, or how does that work?

MR. POLLERT:
He should be hired -- with a Civil Service list, he should be hired at entry-level salary. If, however, the County Executive, through the Department of Labor Relations, has the capability of doing an in-step hiring and hiring the individual at above the minimum entry-level salary, top step would be approximately $52,000.

LEG. BINDER:
So 52 plus the benefits, we're up over 60 which is probably equal to what he has now. Now, under the contract now his number 60 somewhat thousand dollars, that is a maximum or is that what he gets? Because you said he's an hourly worker.

MR. POLLERT:
It's really up to the board. A few years ago Legislator Tonna reduced the allocation to Campaign Finance Board, his hourly rate then went down because the board wanted to keep him on and he was willing to work through the end of the year at a lower cost per hour.

LEG. BINDER:
What's his cost per hour now?

MR. POLLERT:
That I don't recall off hand, I have the vouchers inside.

LEG. BINDER:
Well, the problem is that a number was given that he is now at 60 some odd then this goes to --

MR. POLLERT:
That's approximately what his annualized salary is; it is dependent upon the number of hours which he works.

LEG. BINDER:
Is that the current number?

MR. POLLERT:
That's the current projection of the number. Clearly, if he doesn't work from now through the end of the year, he won't get any salary because it's based upon the number of hours, but the projection through the end of the year is in that neighborhood, that's correct.

LEG. CARACCIOLO:
Madam Chair?

LEG. HALEY:
It's cheaper.

LEG. BINDER:
Okay.

P.O. POSTAL:
Fred, but this resolution, if this resolution were approved, what would his salary be?

LEG. HALEY:
It would be a range.

MR. POLLERT:
His salary should be at entry-level, his salary should be a starting salary on an annualized basis of about $36,000.

P.O. POSTAL:
Okay, thank you. Legislator Caracciolo.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]

LEG. CARACCIOLO:
Thank you. Fred, has the BRO ever reviewed the operation of the Campaign Finance Board?

MR. POLLERT:
We sign off on the vouchers and we review it indirectly so we know what we're do -- you know, what they're doing, what they're spending the money on and how the funds are being expended, yes.

LEG. CARACCIOLO:
Okay. The scope of their duties and responsibilities, what are they?

MR. POLLERT:
The duties and the responsibilities are defined by both the law and by the group of individuals headed up by Ann Riordon that supervise the Executive Director.

LEG. CARACCIOLO:
They're volunteers, they're not paid, are they?

MR. POLLERT:
They are not paid, that is correct. But that is the board that will be the board that hires the Executive Director and they're the board that directs what his work is.

LEG. CARACCIOLO:
My question really relates to the position that's currently occupied and compensated for. Is this a 35, 40 hour a week position, or is this a per diem position; what is it?

MR. POLLERT:
He's being remunerated on an hourly basis.

LEG. CARACCIOLO:
What is the hourly rate?

MR. POLLERT:
I don't recall offhand.

LEG. CARACCIOLO:
All right. As far as the duties, I mean, we all -- we all are familiar with the requirements under

the Election Law and once the reports are filed, they have a responsibility to put them up on the web. Beyond that, what do they do for the remainder of the next 180 days before the next reports are filed?

MR. POLLERT:
I can explain what he had done in the past. In the past, he was involved with the computer operations, getting up the software, getting the system up, creating a website.

LEG. CARACCIOLO:
That was then, that was the start-up operation, you had to get it up from scratch, I understand that. But now that all of those systems are in place, what does this individual do on a day-to-day basis?

MR. POLLERT:
We don't monitor that, we check his timesheet.

LEG. CARACCIOLO:
I'd like you to monitor that because I don't know how we can justify even a part-time salary. I mean, everybody, just for a minute, stop and think about this. The reports, as per the legislation that I voted for and I think, obviously, the majority voted for, requires that, simultaneously, Campaign Treasurers file, Board of Elections and Campaign Finance Board. So now electronically or a hard copy gets sent over to the Campaign Finance Board. If they have to scan, if it's not electronically transmitted, they have to scan and put it into the computer system, that should take all of about two or three days. Once that's done, I'd like to know what the duties and responsibilities on a day-to-day basis or on a per diem basis of this office and this individual. You know, because now, if you break it down, you're really talking about a salary on an annualized basis that exceeds 60, $70,000 a year, and that's hard to justify.

LEG. HALEY:
Legislator Caracciolo, would you suffer an interruption? I agree with you, and I think -- I have a problem with all of this. But, you know what, at the end of the day, there was a voter referendum, we have to go there. And what we did is we went through a process and we, in fact, asked Civil Service to pick a number that works for whoever that individual might be, male, female, or whatever. The unfortunate part of it is that some of us --

P.O. POSTAL:
Excuse me. Can we have some order?

LEG. HALEY:
-- don't agree with what's taken place, but it's a fact of life, they have to put a position in there. Civil Service feels very comfortable with that Grade 17. I would imagine that the individual who is going to be that Grade 17 would probably say it should be more like a Grade 34, but that's not a fact. This is what Civil Service has agreed to. Unfortunately, we as a Legislature have to go through that process and we have to say, "Okay, we have to buy into the system." There is, in fact, a Campaign Finance Board, there is, in fact, an individual that has to be hired and we have to pay that individual. And we rely upon Alan Schneider and the Civil Service Commission to come up with what we feel is the appropriate title for that and I think that's all that really is.

Whether or not -- whether or not Mr. Lutz is going to be hired at thirty some odd thousand or fifty some odd thousand is something to be addressed at another date. But this is unfortunately -- it's almost perfunctory that we have to go through this process and select, you know, or I should say approve that which has been represented to us by Civil Service. I, personally, don't have that much of a problem with it. I don't like all of it; if I could do away with all of it and say, you know what, this Campaign Finance Board --

LEG. CARACCIOLO:
Well, it's a misnomer to call it a board, because it's really an individual.

LEG. HALEY:
I know, but you -- my whole point is it doesn't make sense --

P.O. POSTAL:
Well, could we --

LEG. HALEY:
Wait a minute, I have the floor. It doesn't make sense --

P.O. POSTAL:

Could we not engage in any --

LEG. HALEY:

-- to rehash all the arguments leading up to where we're at. I agree with you, I don't agree with any of it, but we're now here. I was on the minority side and, unfortunately, we have to select and we have to do the business that's before us, and that is we have a Campaign Finance Board and we have a position that has to be determined. And fortunately, I believe, is that Civil Service has decided that it's not a profound position, it's a lower level position and that's what they're recommending, and they feel firmly behind that and I have faith in Alan Schneider and in Civil Service, that they've selected that. It has nothing to do with how we got there, we're already here and we have to come to that conclusion.

LEG. CARACCIOLO:

Maybe, if you don't mind, it might be time to revisit the issue.

LEG. HALEY:

That's possible, but I think that's an issue for another day, a debate for another day. I think we just need to understand that this is --

LEG. CARACCIOLO:

Your point is well made.

LEG. HALEY:

Thank you.

P.O. POSTAL:

Okay. I'm going to -- I know Fred wanted to -- he had some information for us.

MR. POLLERT:

Just to clarify, I had pulled a file, the hourly rate is $36.36. We receive an annotated time sheet on a day-by-day basis indicating both the number of hours worked, as well as what was worked on during the day. We don't actually go out to verify it. The time sheet is signed off by Lee Lutz and by Ann Riordan, we review the computations and the calculations and then we sign off on it if it is correct.

LEG. CARACCIOLO:

So now, if you add to that 36 hour -- 36 dollar hourly wage fringe benefits, what is the cost per hour?

MR. POLLERT:

Currently, he is absorbing his own fringe benefits at this point in time. The County is not providing any fringe benefits. He's an hourly employee, so he doesn't get any health benefits. Part of the reason, as I had said, the hourly rate is lower with the County title is, he will now start to receive those benefits.

LEG. CARACCIOLO:

Okay. So by comparison, what will the new equivalent be when you figure hourly wage with fringes?

MR. POLLERT:

Approximately the same.

LEG. CARACCIOLO:

Approximately the same. Thank you.

P.O. POSTAL:

Okay. Legislator Binder.

LEG. BINDER:

Okay. Could I -- I would like to ask the County Executive's Office if they can commit to us that he's not going to be hired in-step above -- because he could do it on his own. So before we do this, I would like to know where the County Executive's going to be and that they can tell us that, no, he'll be coming in at the bottom grade or whatever, entry-level grade, so we know what we're working with here.

P.O. POSTAL:

Okay. I believe that Todd Johnson is going to be coming in shortly.

LEG. BISHOP:

This is the same resolution for a half hour?

LEG. HALEY:
Madam chair?

P.O. POSTAL:
Yes?

LEG. BISHOP:
I beg you, all of you, stop.

LEG. HALEY:
Madam Chair, could you suffer an interruption?

LEG. CARACAPPA:
I'm with you, Dave.

P.O. POSTAL:
Yes.

LEG. HALEY:
I don't know what the procedure is but -- Madam Presiding Officer Levy-Postal, I have a request from Legislator Viloria-Fisher. She would like to be considered with the majority on all of the resolutions on Page 8, and I don't know if she needs to make that resolution or can I make that resolution?

P.O. POSTAL:
I'm going to ask Paul.

MR. SABATINO:
Anyone who was on the prevailing side or absent, so if she was -- which obviously she was out of the room, so she could make the motion or you could make the motion.

LEG. VILORIA-FISHER:
Okay. And I think Legislator Nowick and Legislator Cooper, who were with me waiting to be -- and Legislator Caracappa --

D.P.O. CARACAPPA:

I wasn't with you, but I'd like to be included.

LEG. VILORIA-FISHER:

And Legislator Guldi, we didn't make it back.

LEG. CARACAPPA:

I was changing.

LEG. VILORIA-FISHER:

Well, we were waiting for our food.

LEG. CARACAPPA:

This is my turncoat.

P.O. POSTAL:

So we have a motion to reconsider. Is there a -- I'll second that. All in favor? Opposed? It's before us.

MR. SABATINO:

Well, it was motion to reconsider all of the bills that were adopted on page --

LEG. VILORIA-FISHER:

Page 8.

MR. SABATINO:

-- eight -- well, from the point when we came back. We came back at the point of --

LEG. BISHOP:

At the very first resolution. Counsel?

P.O. POSTAL:

Is the motion --

LEG. BISHOP:

Counsel, we came back on the very first resolution, 1210. We skipped 1409, 1428 and 1441.

P.O. POSTAL:

1420.

LEG. BISHOP:

1409, 1428 and 1441 were skipped, the rest were approved.

MR. SABATINO:

Well, or tabled subject to call or tabled.

LEG. BISHOP:

Or tabled, yeah, action was taken on the rest of them.

LEG. VILORIA-FISHER:

Would you like me to read them out, Paul, is that what you'd like me to do, read out the ones we missed?

LEG. BISHOP:

No, I think the Clerk has it.

MR. SABATINO:

No, I was trying to help the Clerk.

LEG. VILORIA-FISHER:

Okay.

LEG. BISHOP:

The Clerk has it, they're clear. So we'll add those votes to the majority, right?

LEG. VILORIA-FISHER:

Thank you.

P.O. POSTAL:

We have to --

LEG. HALEY:

Why do you have to make everything so complicated?

P.O. POSTAL:

Okay. Todd Johnson.

LEG. VILORIA-FISHER:

Thank you, Legislator Haley.

MR. JOHNSON:

Yes.

LEG. BINDER:

It was my question.

P.O. POSTAL:

Legislator Binder?

LEG. BINDER:

Right.

MR. JOHNSON:

Yes.

LEG. BINDER:

I would just like to know, on the bill to implement the operating agreement between the County of Suffolk and the Campaign Finance Board, the plan is to put the current person in provisionally at entry grade and entry step; that would be about $36,000. Our understanding is that the County Exec can unilaterally hire him in-step and put him up to somewhere over 50,000. Could we get assurances from the County Exec that he'll hire him at entry grade and entry level so we'll know where he's starting provisionally? That would give us an understanding of the difference between where he is now and where he'd be going to after this vote.

MR. JOHNSON:
Okay. I can give you no such assurances because I'm not familiar with any discussions regarding how he's going to be --

LEG. BINDER:
Motion to table, Madam Chairwoman.

LEG. TONNA:
Second.

P.O. POSTAL:
There was a motion to table --

LEG. BINDER:
Which will give them time.

P.O. POSTAL:
Yeah. No, I'm not disagreeing with you. I'm just saying that there was a motion to table which was defeated, so we'll have to table it to a certain date.

LEG. BINDER:
Motion to reconsider the tabling, so maybe we could -- now we have the information that we don't have the information.

P.O. POSTAL:
All right, second. Okay. Motion to table is before us.

LEG. TONNA:
Second.

P.O. POSTAL:
It's been seconded. All in favor?

MR. SABATINO:

That was the motion to reconsider.

LEG. BINDER:

Yeah.

P.O. POSTAL:

All right, motion to reconsider. All in favor? Opposed?

(Opposed Said in Unison by Legislators)

It was reconsidering on the tabling motion on 1146. So, Henry, it's confusing, I know.

MR. BARTON:

Oh, no, not at all.

MR. SABATINO:

The tabling motion was defeated initially, so somebody who voted no had to be the person who made the motion.

P.O. POSTAL:

So now --

MR. BARTON:

Yes, that was fine. It's 14 on the reconsideration.

P.O. POSTAL:

Okay. And now --

LEG. BINDER:

Motion to table.

P.O. POSTAL:

-- we're reconsidering. There's a motion to table by Legislator Binder.

LEG. LINDSAY:

Roll call.

P.O. POSTAL:

Second by -- I'll second it. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

P.O. POSTAL:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Yes, table.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

Change my vote to a no.

LEG. FIELDS:

Yes.

LEG. CARACAPPA:

Nine.

MR. BARTON:
Nine.

P.O. POSTAL:
Okay.

LEG. VILORIA-FISHER:
Let's make a motion to approve, Marty.

LEG. HALEY:
We have a motion to approve, Madam Chair.

LEG. VILORIA-FISHER:
Second.

P.O. POSTAL:
Motion to approve by Legislator Haley, seconded by Legislator Viloria-Fisher.

LEG. LINDSAY:
On the issue, Madam Chair:

P.O. POSTAL:
On the issue, Legislator Lindsay.

LEG. LINDSAY:
I think a lot of you know, I'm not a great fan of the Campaign Finance Board, but the fact of the matter is that this came about as the result of a referendum of the voters. Unless we're willing to put it back before the voters, the whole thing is there and this at least quantifies the position in some formal way.

I think the Grade 17 was done as a result of a desk audit or something like that, on what he does. What we're doing now, paying the guy on an hourly basis, I don't think is fair to anybody, the voters, ourselves or the man himself. And I don't think we can vote on a -- the person, the

personality, I think it has to be on the position. The position was -- was established as a result of a referendum.

LEG. VILORIA-FISHER:
Correct.

LEG. LINDSAY:
Unless we're going to put it back before the voters, you have to go along with it.

P.O. POSTAL:
You're absolutely right. This title and this salary was -- is actually required, according to Civil Service. This was not a discretionary amount. Okay.

LEG. HALEY:
Roll call.

LEG. VILORIA-FISHER:
Roll call.

P.O. POSTAL:
Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. TONNA:
Pass.

LEG. VILORIA-FISHER:

It's the law, Paul.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. TONNA:

No.

MR. BARTON:

11.

LEG. VILORIA-FISHER:

Okay.

P.O. POSTAL:

Okay. ***1146 is approved.***

1418, transferring contingent funding for various contract agencies (Phase II).

LEG. HALEY:

Motion, Madam Chair. And I don't let too many things out of Budget Committee unless I think it's appropriate to approve.

LEG. GULDI:

Second the motion.

P.O. POSTAL:

Motion by Legislator Haley, seconded by Legislator Guldi. All in favor? Opposed?

MR. BARTON:

17.

P.O. POSTAL:

1418 is approved.

LEG. GULDI:

Can we go back?

LEG. VILORIA-FISHER:

Can we go back to 1409?

P.O. POSTAL:

1409 (Establishing binding arbitration policy for Suffolk County Policemen's Benevolent Association (PBA) contract). This is -- this was approved, so --

LEG. FIELDS:

No.

P.O. POSTAL:

No? Oh, we skipped over it?

LEG. GULDI:

Motion to approve.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Okay.

LEG. CRECCA:

Page, please.

LEG. CARACCIOLO:

On the motion

P.O. POSTAL:
This is on Page 8.

LEG. FIELDS:
On the motion.

P.O. POSTAL:
We have a motion by -- who was that? Legislator Guldi, seconded by Legislator Fisher to approve.

LEG. CARACCIOLO:
On the motion.

P.O. POSTAL:
On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:
Counsel.

P.O. POSTAL:
We're back -- we're on Page 8 and we're looking at 1409.

LEG. CARACCIOLO:
So we don't wind up in a situation later this year, I understand this resolution has overwhelming support. I'm going to support it, but I want to make it -- I want the record to be absolutely clear. Tell us what the major components and contents of this resolution is.

MR. SABATINO:
This legislation is predicated on the existing provisions of the Taylor Law. The Taylor Law right now limits binding arbitration to two years. In the past, four-year agreements were entered into in violation of the Taylor Law, because they were unilaterally done in 1992 and in 1996 by the Director of Labor Relations simply signing off with the pertinent labor unions for a four-year agreement. In the Year 2000, it was done the correct way, which is if the parties agreed to go beyond two years, the parties can do that, but the parties are the County of Suffolk and the

pertinent labor organization and that requires a duly enacted resolution. So in the Year 2000, the four-year initiative was, in fact, adopted by legislation. In this case, the PBA contract is going to expire on December 31st of this year. What this legislation calls for is the next binding arbitration, if there, in fact, is a next binding arbitration, to be four years instead of two years, and this resolution would make that a legal process as opposed to an illegal unilateral process.

LEG. CARACCIOLO:
It would make it legal like the 2000 process; correct?

MR. SABATINO:
Correct, and unlike the two before it.

LEG. CARACCIOLO:
Also, it does not preclude, if the County chooses to bargain in good faith, to negotiate a settlement, rather than go to arbitration. And what the record needs to reflect is that there has been -- it has been said that the County has not attempted in the most recent negotiations of 2000 to bargain a fair and equitable contract, but, basically, say, "Go to arbitration," and we all know when that happens.

Also, it's my understanding that, I believe it was earlier this year, and maybe correct me if I'm not correct, that the State Legislature extended the provisions of the Taylor Law relating to binding arbitration and that it was overwhelmingly approved. I think the vote was 149 to one. It was not?

MR. SABATINO:
No, it was 210 to one, and it was last year. They do them in the --

LEG. CARACCIOLO:
Oh. Well, that's both houses.

MR. SABATINO:
Right.

LEG. CARACCIOLO:

I was talking about the Assembly. Okay. And that this Legislature has submitted to Albany Sense Resolutions requesting reconsideration and repeal of the binding arbitration statute. This Legislature has banned one of the former arbitrators in this County and we've successfully withstood legal challenges to the banning of that individual. And I think, when you consider this resolution, it has to be considered in the full context of the history with this particular labor organization, because, in my perspective, this County has not bargained fairly with this labor organization. Thank you.

P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
May I ask why we would go into a four-year -- what's the purpose of going to four years?

P.O. POSTAL:
Who's the Chair of Public Safety?

LEG. FOLEY:
Well, he's --

P.O. POSTAL:
No, but there -- we now have another person who is --

MR. SABATINO:
Legislator Carpenter.

P.O. POSTAL:
-- serving as Chair.

LEG. FOLEY:
In absentia.

P.O. POSTAL:
Legislator Carpenter, has that been discussed in Public Safety?

LEG. CARPENTER:

Well, actually, I have just chaired one meeting. This was not in committee, it was in Ways and Means.

P.O. POSTAL:

Oh.

LEG. VILORIA-FISHER:

Well, Miss --

P.O. POSTAL:

Okay.

LEG. VILORIA-FISHER:

Madam Chair.

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

In Ways and Means it was discussed ad nauseam by, among others, Legislator Caracciolo, as well as myself. Frankly, the purpose for the four-year arbitration is, from the union's perspective, would be certainty. From the taxpayers' perspective, given the state of the economy, the state of the inflation rate, the state of interest rates, it would be, I believe, in the taxpayers' interest to negotiate or arbitrate a long-term contract in this economy, because the taxpayers could benefit from it. The union, in turn, and its membership would have to consent to that, as would the County Executive, in the event that their bargaining doesn't result in agreement. That's the reason that I supported the four year, and I believe that that's the reason that the majority of the committee did, but I -- they would have to speak for themselves.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

I think you need to hurry, though, to take advantage of what Legislator Guldi says, because I've

predicted that in 12 to 14 months, the DOW will be over 10,000. So you've got to be really cautious there. You've got to move and move quickly to come to some sort of agreement with the PBA.

LEG. FIELDS:
May I ask why now and why not a month, two months, three months, four months, or five months from now?

LEG. HALEY:
Because you're approaching the DOW, it's going to be over 10,000.

LEG. FIELDS:
What does that have to do with this?

LEG. VILORIA-FISHER:
Okay.

LEG. HALEY:
It has to do with the reflection of the economy. I mean, I'm talking about Legislator Guldi's comments concerning the economy. Now's the time -- and I understand that approach. Take advantage of the economy. If you can get an agreement now when the economy is down, you're going to do better. But I don't think we have too much longer to wait, that's my only concern.

P.O. POSTAL:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
I think what Legislator Fields is asking is why now, why in June and not in December. The contract must be prepared and negotiated by that time, by the end of the year. Labor negotiations begin months before the end of the current contract, and it's important for all of the parties to know the conditions and the meets and bounds that are constraining them or defining where they're going as they enter negotiations. So this isn't premature, it's certainly something that's well within reasonable expectations for us to act on this now.

P.O. POSTAL:

We have a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. VILORIA-FISHER:

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:

Abstain.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

16, 1 abstention.

LEG. CARACCIOLO:

Motion on 1428.

P.O. POSTAL:

Motion on **1428 (Appropriating funds in connection with the Civil Court renovation and addition, Riverhead (CP 1130),** by Legislator Caracciolo, seconded by Legislator Guldi. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

One second. Abstain.

LEG. FIELDS:

Abstain.

LEG. HALEY:

What? What's the vote?

P.O. POSTAL:

I think people are still voting.

LEG. HALEY:

Oh, I'm sorry.

LEG. CARACCIOLO:

Tonna vote?

LEG. TONNA:

Yeah, I voted.

P.O. POSTAL:

Yeah.

MR. BARTON:

14-1, 2 abstentions.

P.O. POSTAL:

All right. Same motion, same second, same vote. **1441 - Amending the 2003 Operating Budget and appropriating funds in connection with bonding settlements for medical malpractice cases.** Approved 5-0-0-2.

LEG. FIELDS:

Explanation.

LEG. GULDI:

Motion.

P.O. POSTAL:

Motion. Was that Legislator Haley?

LEG. GULDI:

No, here.

LEG. HALEY:
Second.

LEG. FIELDS:
Explanation.

LEG. GULDI:
I'll make the motion.

P.O. POSTAL:
Okay. Legislator Guldi, seconded by Legislator Haley.

LEG. GULDI:
This money is to bond settlements of previously approved litigation settlements, each of which were presented to the Ways and Means Committee. This is to pay the money that we've approved.

P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
We're self-insured and, yet, any insurance company, they actually reserve money each year to pay for settlements and things like that. We don't do that. After we make settlements, then we come and do bonding resolutions.

LEG. GULDI:
Not always. We budgeted a certain amount, what the situation is. And, Counsel, correct me if I'm wrong, that we've burned through the budgeted amount and yet have liability. Each one of the settlements is scrutinized by the committee in some detail, and the votes uniformly reflect the best interest of the taxpayers in settling cases instead of going to trial. All of them have been recommend by Counsel. We don't even see them until they're recommended.

LEG. ALDEN:
I sat in on Ways and Means, you were the Chairman, and I agree with your statement, however,

I don't agree with the process. I do not agree with the idea that we go -- we're self-insured, so we know we're going to have losses. We do not fully fund those losses out of our Operating Budget, which we should be doing, which most insurance companies do, and we don't estimate the amount that we really should be putting aside. This actually makes the settlements a lot more expensive when you have to go out and bond them.

LEG. GULDI:
Ordinarily, I'd agree with you, except for the fact that bonding costs are lower than the inflation rate. This actually reduces the net real dollar --

LEG. ALDEN:
Today.

LEG. GULDI:
-- costs of the settlements.

LEG. ALDEN:
Today.

LEG. GULDI:
Today, in this case.

LEG. ALDEN:
Yesterday it didn't, and tomorrow it won't again.

LEG. HALEY:
You're right.

LEG. GULDI:
But today it does.

LEG. ALDEN:
Right. So the process, like I just said before, that process I'm not really in agreement with. I think that we should actually have somebody that -- and it doesn't necessarily fall to us to do this or to you as Chairman, so I'm not criticizing you, but somebody in government should

actually be looking ahead and actually proposing to us to put aside the proper amount of set-asides for these, because in the future and the past, this has cost us a lot of money to go out and bond these type of settlements.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

16-1.

P.O. POSTAL:

Same motion, same second, same vote. Okay. **1379 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the second floor construction,**

Special Patrol Bureau-Police Department. Motion by Legislator Carpenter.

LEG. FOLEY:
Explanation, please.

P.O. POSTAL:
Let's get a motion and a second. Second by Legislator Lindsay.

LEG. LINDSAY:
For the purposes of explanation.

P.O. POSTAL:
Okay. There was a -- Legislator Haley, you had a question?

LEG. FOLEY:
I had a question.

P.O. POSTAL:
Oh, Legislator Foley.

LEG. FOLEY:
I just wanted to here about the project.

MR. SABATINO:
Just before the debate, though, just a technical point. The offset in this particular bill is also an offset in I.R. 1405, so you might just want to jump ahead and know that 1405 is another bill that provides for funding for a different kind of a program. So if you use -- if you adopt this bill, you take away the offset.

LEG. FOLEY:
Okay.

P.O. POSTAL:
Okay. Legislator Lindsay.

LEG. FIELDS:

Where is 1405?

LEG. LINDSAY:

Motion to table.

MR. SABATINO:

1405 is --

LEG. VILORIA-FISHER:

Second.

MR. SABATINO:

-- in Public Works, if you flip to Page 10. It's about three-quarters of the way down. It's a different -- it's the same offset, but a different Capital Project, so you'd have to make a choice between the two.

P.O. POSTAL:

Okay. We have motion to table, and I don't know if we have --

LEG. VILORIA-FISHER:

I'm a second.

P.O. POSTAL:

We have a second.

LEG. CARPENTER:

On the motion to table.

LEG. VILORIA-FISHER:

I'm a second.

P.O. POSTAL:

On the motion to table, Legislator Carpenter, was that?

LEG. CARPENTER:

Yes. This is for the renovations to the Special Patrol Bureau where our helicopters are, the helicopters that we spent a lot of money on. This was to do the second floor construction. I thought that we had -- just calling up the resolution here. Okay. This is calling for a $200,000 transfer.

LEG. HALEY:

Excuse me, Madam Chair.

P.O. POSTAL:

Yes.

LEG. HALEY:

I think there's an inappropriate caucus going on over there.

P.O. POSTAL:

Gentlemen, we're still in the middle of the agenda, so can you, please, resume your seats?

LEG. FOLEY:

Can you tell us what's on the screen --

LEG. CARACAPPA:

Find your assigned seats.

LEG. CRECCA:

Actually, we were looking at a resolution he pulled up.

LEG. CARPENTER:

Sure.

LEG. LINDSAY:

Madam Chair, if --

P.O. POSTAL:

Gentlemen.

LEG. CARPENTER:

I would just ask if --

P.O. POSTAL:

Come on, come on. David, sit down.

LEG. CARPENTER:

Budget Review could probably give a better explanation than I, if you would, please.

LEG. LINDSAY:

Legislator Carpenter.

LEG. CARPENTER:

But they've asked for additional funding for the project.

LEG. LINDSAY:

If you would just give me a moment, I could help out with this, if you don't mind. It is -- there's nothing wrong with the project, it's the offset that we have a problem with. The offset is taken from the Red Light Camera Fund that never got spent, and we had -- we were looking to appropriate the money to finish Raynor Park to buy some equipment for Consumer Affairs. This came out of left field. We didn't know this was coming down the line. And I think we bought some AED's out of these fund already.

D.P.O. CARACAPPA:

We did, that's true.

LEG. LINDSAY:

Right. And it was my project and it really -- it's just that the offsets are inappropriate.

LEG. CARPENTER:

Well, it got inappropriate since last Tuesday?

LEG. FOLEY:

No, no.

LEG. LINDSAY:
No, we -- nobody discussed this with us. All of a sudden, the bill showed up using the same offset that we've already spent some money out of.

LEG. CARPENTER:
All right. Well, then I'm going to ask the County Exec's rep if they can find a more appropriate or another offset, or another offset for 1405 that this conflicts with, so that we can move both of these this evening.

MR. KNAPPE:
Members of our staff right now are checking. We believe that a corrected copy was filed with an appropriate offset. They're right now going through their paperwork to pull that resolution.

LEG. CARPENTER:
All right. Then why don't we pass over this and --

P.O. POSTAL:
Okay.

LEG. CARPENTER:
Thank you.

MR. KNAPPE:
Thank you.

P.O. POSTAL:
Okay. **1426 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with a Correction System Needs Assessment Study.** Approved 5-0.

D.P.O. CARACAPPA:
Motion.

P.O. POSTAL:

Motion by Legislator Caracappa, seconded by Legislator Bishop. All in favor? Opposed?

MR. BARTON:
17.

P.O. POSTAL:
1426 is approved. **1431 - Appropriating funds in connection with improvements to the County Correctional Facility, C-141 Riverhead (CP 3014).**

LEG. FOLEY:
This is Legislator Bishop's.

LEG. BISHOP:
Motion.

LEG. HALEY:
Second.

LEG. CRECCA:
Explanation.

P.O. POSTAL:
Approved 5-0. There's a motion to approve by Legislator Bishop, second by Legislator Haley. Can we get an explanation?

LEG. FOLEY:
From Legislator Bishop. He made the --

LEG. CRECCA:
I'll withdraw my request for an explanation.

P.O. POSTAL:
Okay.

LEG. BISHOP:

It's within the Capital Budget, it's not amended.

P.O. POSTAL:

All right.

LEG. CRECCA:

Roll call.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Bishop says yeah, yeah.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. ALDEN:

Yes.

MR. BARTON:

17.

P.O. POSTAL:

Same motion, same second, same vote. **1432 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of a rigid hull police rescue vessel.** Approved 5-0 out of committee.

LEG. CARPENTER:

Motion.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion by Legislator Carpenter.

LEG. FOLEY:

Second.

P.O. POSTAL:

Seconded by Legislator --

LEG. FOLEY:

Foley.

P.O. POSTAL:

Foley. Legislator --

LEG. ALDEN:

On the motion.

P.O. POSTAL:

Well, Legislator Caracappa, you have a question? And then Legislator Caracciolo, did you have a question? No?

LEG. ALDEN:

Alden.

P.O. POSTAL:

Alden.

LEG. CARACAPPA:

I was just curious if this is changing the method of finance.

LEG. GULDI:

Yes, it is.

MR. SABATINO:

Yes, it does, it changes the method of financing, three-quarters vote.

LEG. CARACAPPA:

Thank you.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Is this replacing a vessel or is this adding a vessel?

LEG. CRECCA:

Purchasing.

LEG. CARPENTER:

Purchasing.

LEG. ALDEN:

Yeah, but is it replacing one that we have?

LEG. CARPENTER:

No, no.

LEG. LINDSAY:
No.

LEG. ALDEN:
The rescue --

LEG. CARPENTER:
This is a rescue vehicle.

LEG. ALDEN:
So this is a new type of patrol that we're going to do with this?

LEG. CARPENTER:
Not a new type of patrol, it's a patrol that we've been doing, but a vehicle that enables us to do it that much more effectively and safely.

LEG. ALDEN:
What have we been doing -- what have we been doing with it in the past, what vehicles?

LEG. CARPENTER:
Regular boats, whalers or something like that. But this is a much safer, more stable boat. This is something like the Coast Guard uses and something that we're getting more and more requests for.

LEG. ALDEN:
Okay. I have just another question. And as far as rescue vessels, at one time, I think that the Police Department had put forward a proposal for some kind of -- and I think they were almost like inflatables to use as rescue vessels; is that what this one is?

LEG. CARPENTER:
Yes.

LEG. VILORIA-FISHER:

Rigid hull.

LEG. GULDI:

Rigid hull with a soft perimeter. It's the -- it's state-of-the-art.

LEG. ALDEN:

How much is this for?

LEG. GULDI:

I think it's 130,000.

LEG. ALDEN:

And then how much -- how much for the additional officers that we're going to need to man this?

LEG. GULDI:

I believe there's -- I believe they intend to use existing personnel.

LEG. CARPENTER:

Exactly.

LEG. ALDEN:

And this is going to be stationed where?

LEG. LINDSAY:

East End.

LEG. CARPENTER:

In the Marine Bureau.

LEG. ALDEN:

Over by Crecca?

LEG. CARPENTER:

It's -- it would be stationed at the marine Bureau and could be used either on the North or the

South Shore as needed.

P.O. POSTAL:

Okay. A roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

16, 1 abstention.

P.O. POSTAL:

Same motion, same second, same vote.

MR. SABATINO:

Madam Chair, you can go back to 1379. There is a corrected copy. We just tracked it down. I see the Budget Office approaching. The corrected copy eliminates the conflict issue. It was filed at the deadline.

MR. KNAPPE:

The corrected copy is using the last amount of the pay-as-you-go money, about $200,000. There is no bond needed.

P.O. POSTAL:
Okay.

LEG. CARPENTER:
Motion.

P.O. POSTAL:
Motion by Legislator Carpenter.

LEG. GULDI:
Second.

P.O. POSTAL:
Seconded by Legislator Guldi.

LEG. ALDEN:
On the motion, just one quick question.

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

LEG. ALDEN:
Budget Review, that's -- so that's it for the pay-as-you-go for this year? What month is this, June?

MR. SPERO:
That will finish it up.

LEG. ALDEN:
That will finish it up? Thanks.

P.O. POSTAL:

Okay. On the motion, roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Pass. Oh, yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Sure.

LEG. HALEY:

(Not Present)

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yeah.

P.O. POSTAL:

Yes.

MR. BARTON:

Legislator Haley?

LEG. HALEY:

On?

LEG. FOLEY:

1379.

LEG. VILORIA-FISHER:

1379. It found a different offset.

LEG. FOLEY:

Second floor construction.

LEG. HALEY:

Yes.

MR. BARTON:

16-1.

P.O. POSTAL:

Okay. 1379 is approved. **1433 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the 800 MHz radio system and South Shore radio enhancement.** Approved 5-0 out of committee. Motion by?

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Legislator Carpenter, seconded by Legislator Caracappa.

LEG. CARACAPPA:

On the motion.

P.O. POSTAL:

On the motion.

LEG. CARACAPPA:

Another change of method of finance?

MR. SABATINO:

Yes. Three-quarters vote.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Motion -- yes.

LEG. CARACAPPA:

Pass.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

P.O. POSTAL:

Yes.

LEG. CARACAPPA:

No.

LEG. CRECCA:

Yes.

LEG. FIELDS:

No.

LEG. CARACCIOLO:

Nope.

MR. BARTON:

13.

P.O. POSTAL:

Okay. 1433 is defeated. **1434 - Appropriating funds in connection with improvements to the police 800 MHz radio communication system.** It was approved 5-0. Motion by Legislator Carpenter?

LEG. CARPENTER:

Yes, I'll make that motion.

P.O. POSTAL:

Seconded by -- I'll second it.

LEG. GULDI:

On the motion.

P.O. POSTAL:

On the motion.

LEG. GULDI:

Yeah. Both this bill and the last bill are parts of equipment purchases --

LEG. CARPENTER:

Exactly.

LEG. GULDI:

-- to complete the ongoing 800 MHz communication system. Without the communication -- with the change in financing, and the last one was to eliminate the use of planning money to purchase the -- purchase and install the equipment and make it operational instead. For us to not complete the conversion to 800 MHz is, I submit, irresponsible. And I submit that this is a critical portion of our public safety budget, that we should approve this bill, and that someone on the prevailing side should reconsider their vote with respect to the last bill.

LEG. CARPENTER:

Thank you, Legislator Guldi.

P.O. POSTAL:

Okay. Is there anyone who'd like to reconsider his or her vote?

LEG. FOLEY:

We've already made a motion on 1434, so we have to dispense with this --

LEG. CARPENTER:

Yeah, let's move forward with 1434.

P.O. POSTAL:

Okay.

LEG. FOLEY:

-- before there is a reconsideration made.

P.O. POSTAL:

All right. We have a motion. Do we have a second, Henry?

MR. BARTON:

Yes, it was you.

LEG. CARPENTER:

Yes.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

P.O. POSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Abstain.

MR. BARTON:

16, 1 abstention.

P.O. POSTAL:

Same motion, same second, same vote. **1439 - Accepting and appropriating additional grant funds in the amount of $20,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department to continue the Sexual Assault Nurse Examiner --**

LEG. VILORIA-FISHER:

Motion.

P.O. POSTAL:

-- **Program with 75% program.**

LEG. VILORIA-FISHER:

Motion.

P.O. POSTAL:

Motion by Legislator Viloria-Fisher, seconded by Legislator Foley? All in favor? Opposed?

MR. BARTON:

17.

P.O. POSTAL:

1439 is approved.

PUBLIC WORKS AND TRANSPORTATION

P.O. POSTAL:

Public Works and --

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Yeah.

LEG. FOLEY:

Madam Chair, is there anyone on the prevailing side of 1433 willing to make a reconsideration motion?

LEG. GULDI:

The prevailing side would have been a no vote.

LEG. FOLEY:

It would have been a no vote on 1433.

LEG. CARPENTER:

Henry, can you give me a vote slip on that one, please?

LEG. CARACCIOLO:

One South Shore Legislator who voted no.

LEG. FOLEY:

Okay. We have to keep going.

LEG. VILORIA-FISHER:

1433 is the 800 MHz system?

LEG. FOLEY:

We have to keep going.

P.O. POSTAL:

All right. Let's move.

PUBLIC WORKS AND TRANSPORTATION

Public Works and Transportation. **1223 - Adopting a mass transportation public information policy.**

LEG. CRECCA:
Motion.

P.O. POSTAL:
Motion by Legislator Crecca.

LEG. FOLEY:
Second.

P.O. POSTAL:
Seconded by myself. All in favor? Opposed?

MR. BARTON:
17.

P.O. POSTAL:
1223 is approved. **1359 - To amend the 2003 rules of the County Legislature in connection with ferry operators.** I'll make a motion to approve that.

LEG. CARACCIOLO:
Explanation.

P.O. POSTAL:
It was approved out of committee 5-0. And what it says, previously, only the Presiding Officer could sponsor resolutions having to do with ferry -- extension of ferry licenses -- of ferry licenses. I felt that that was very restrictive. And at very least, the Legislator in whose district the ferry operated should also have that right, and that's what this says. This amends the rules, so that the Legislator in whose district the ferry operates can introduce such a resolution.

Okay. There's a motion and a second. All in favor?

MR. BARTON:

No second? I need the second.

P.O. POSTAL:

We need a second.

LEG. FOLEY:

Second.

P.O. POSTAL:

Second by Legislator Foley. Legislator Foley.

MR. BARTON:

I got it. Thank you.

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

17.

P.O. POSTAL:

Okay. The resolution is approved. Public Works and Transportation. Wait a minute.

LEG. FOLEY:

We just did that. We have to go to 1370.

LEG. VILORIA-FISHER:

1370.

P.O. POSTAL:

1359? Okay.

LEG. VILORIA-FISHER:
We did that.

P.O. POSTAL:
Okay. **1370 - Accepting (Appropriating) funds in connection with the Riverhead County Center (Power Plan Upgrade).**

LEG. LINDSAY:
Appropriating.

LEG. VILORIA-FISHER:
Appropriating.

P.O. POSTAL:
Appropriating, excuse me.

LEG. GULDI:
Motion.

P.O. POSTAL:
Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Oh, excuse me, it's a roll call.

LEG. ALDEN:
But on the motion.

P.O. POSTAL:
Yeah, on the motion, Legislator Alden.

LEG. ALDEN:
Just a quick explanation of this.

LEG. GULDI:
Twelve hundred kilowatt generating facility at the County Center in Riverhead that is antediluvian and needs to be updated. The million-eight cost of the project will, no doubt, be

realized in power savings because of new efficiencies form using state-of-the-art equipment.

LEG. ALDEN:
Is this part of our -- and I'm going to -- it's almost like schizophrenic, power backup generator type of program? Because we go all over the place with this. This is nuts, as far as I'm concerned.

LEG. GULDI:
And this is not power backup. I understand this is the chiller towers for the air conditioning and the air handling system.

P.O. POSTAL:
Okay.

LEG. ALDEN:
Well, it doesn't say that in the -- this is a power plan upgrade.

LEG. GULDI:
The power plant runs the chillers.

LEG. VILORIA-FISHER:
I'm sorry. Cameron, in the backup, it says that, "We are ready to proceed with the next phase of this project, that includes replacing absorption chiller. The chiller is almost 30 years old. Replacing the oldest emergency generator, upgrading several smaller systems, and continuing with our energy improvements." I think this would probably be a good environmentally sound process here --

LEG. ALDEN:
Okay, environmentally sound. But now, are we having some kind of a continuity now in thought as far as what we're going to do with these generators? Because we bought generators, backup generators, and we spent -- we spent millions of dollars all over the place for backup generators when we've got some kind of technology where we could actually start kicking our own electricity in and selling it back maybe to the utilities. But, instead, what --

LEG. VILORIA-FISHER:

Like cogeneration?

LEG. ALDEN:
Right. Instead, what we've done is millions of dollars, and I've seen like more than one, so it's two or three a year, resolutions come by where we're buying millions of dollars worth of generating equipment. Will this actually -- will this generate some electricity that we could sell back, or is this just another backup generator system?

LEG. GULDI:
My understanding is the bulk of this project is to deal with the chiller and the air handling system upgrade --

LEG. VILORIA-FISHER:
It looks like it's the chiller.

LEG. GULDI:
-- and it's actually consuming -- this is not really a --

LEG. CRECCA:
A generator.

LEG. GULDI:
-- cogeneration facility, and it's not really a massive backup generator that will carry that facility. I believe that it's got limited -- the backup generator is not the core of the project, as I understood it.

LEG. VILORIA-FISHER:
It gives absorption chillers.

LEG. ALDEN:
Right. So, in other words --

LEG. CRECCA:
Lance has the answer.

LEG. ALDEN:

This goes on the top -- oh, Lance. Somebody -- if you have an answer for that, that's fine.

MR. REINHEIMER:

Okay. If it is to replace one of the generators, it's an approximately 30 year old generator. It's for emergency backup services for the jail, the Criminal Courts Building, the County Center. They have generators in there and this is to replace one of the other ones.

LEG. ALDEN:

So it is part of our schizophrenic generation --

MR. REINHEIMER:

No, these are -- these are --

LEG. ALDEN:

-- replacement type of system?

MR. REINHEIMER:

No. These are emergency backup generators, because we have to have backup systems for the jail and for the County Center.

LEG. ALDEN:

Isn't there some kind of technology, though, or was I just -- maybe I'm mistaken. We had people present to us over the last five years, they came in and presented that we can buy stuff that will do backup generation, but it will also generate electricity that we could sell back to utilities and actually probably make money on it and run other things when we're sitting around, you know, like waiting for -- waiting for the electric to cut out, or whatever reason why we have a generation system.

LEG. HALEY:

May I? May I? I.

LEG. ALDEN:

Backup generation system.

P.O. POSTAL:

Well, let's let Fred respond.

MR. POLLERT:

The County has received a number of proposals over the years for cogeneration, in particular where there's a demand for hot water on a continuous basis. We had looked at the jails, because they operate 24 hours a day. They have a continuous demand for hot water, as well as the Skilled Nursing Home, the Foley Nursing Home. The Department of Public Works is supposed to be evaluating those. This is just purely an emergency backup generator, it is not a cogeneration unit, nor is it a fuel cell, it's just an emergency backup.

LEG. ALDEN:

How much are we spending here? I didn't hear how much.

MR. POLLERT:

The total cost is roughly 1.9 million dollars, but that also includes, as Legislator Guldi said, the absorption chillers as well. I don't know specifically how much is being spent on the generators.

LEG. ALDEN:

Okay. But correct me if I'm wrong, the presentations that we saw said that you need a concentration of County buildings, you need the 24 hour a day thing. Isn't that where this is going? Where is this going, out by itself somewhere?

MR. POLLERT:

Yes, it is going to be located in the powerhouse and --

LEG. ALDEN:

In Riverhead.

MR. POLLERT:

Yes.

LEG. ALDEN:

By the County -- by the County Jail, by the County Center.

MR. POLLERT:

That's correct.

LEG. ALDEN:

By the courthouses, all within a short run from any of those --

MR. POLLERT:

Yes. And they're all wired into those buildings as well.

LEG. ALDEN:

So can somebody tell me what the County policy is now as far as --

LEG. HALEY:

Legislator Alden, would you suffer an interruption?

LEG. ALDEN:

Absolutely.

LEG. HALEY:

Primary source of power can come from a number of locations, which we know, one of which is if you want to buy your own fuel cells and you want to generate your own power, and if you do that, perhaps you could sell it back to LIPA. But no matter what your primary source of fuel is, at some point or another you need backup, so it's a totally separate point. I think your discussion is -- revolved around the primary source. The backup is something that's necessary irrespective of what we have, and that's something we don't have any choice, we need to do that.

LEG. ALDEN:

Well, actually --

LEG. HALEY:

Does that make sense?

LEG. ALDEN:

I'm listening to your point, but if our backup can be something that we can actually use on a

regular basis and we can actually generate some income to the County, why shouldn't we be doing that? Why shouldn't we look at that policy? And I've asked for that for six years and we haven't gotten that.

LEG. HALEY:
I agree with that, that's looking at a primary source.

LEG. ALDEN:
No.

LEG. HALEY:
But backup is a totally different --

LEG. ALDEN:
No, backup source, I'm looking at a backup source. We're going to spend another couple of million dollars.

LEG. HALEY:
I mean, if you look at fuel cells, and backup sources are going to be more expensive than a basic generator whose probably usable time is -- you know, they may operate 24 hours a day, but, typically, they're designed to operate maybe eight hours in an emergency situation; totally different approach.

LEG. ALDEN:
What's the County policy, then? Maybe somebody could tell me. What's our County policy on this --

LEG. HALEY:
County policy --

LEG. ALDEN:
-- cogeneration or something that's going to generate some money for the County?

LEG. HALEY:

For primary use, the County policy maybe is one issue. The second issue is no matter what we use, at some point or other, that could fail, so we need to have a backup. And what's -- right now, there's -- backup generation is something that's very narrow and is not -- it's not presented in a cogeneration perspective.

LEG. ALDEN:
Well, let's get LIPA to back us up and let's go and put a cogeneration unit in here that's going to make us some money.

LEG. HALEY:
Isn't Islip the guys that just sued them like a thousand times in the past few years and you want them to give you backup?

LEG. TONNA:
Always number one.

LEG. HALEY:
I'm just kidding. I'm just kidding.

LEG. ALDEN:
Always leading the way, you're right.

P.O. POSTAL:
Okay.

LEG. TONNA:
Always number one.

P.O. POSTAL:
Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

D.P.O. CARACAPPA:

Yeah.

P.O. POSTAL:

Yes.

MR. BARTON:

16-1.

LEG. FIELDS:

Motion.

P.O. POSTAL:

Same motion, same second, same vote. I recognize --

LEG. FIELDS:

Motion to -- oh, I'm sorry.

P.O. POSTAL:

Recognize Legislator Fields.

LEG. FIELDS:

Motion to reconsider 1433.

LEG. VILORIA-FISHER:

Second.

LEG. HALEY:
1433?

P.O. POSTAL:
What page is that?

LEG. CARPENTER:
It's on page --

LEG. VILORIA-FISHER:
Page 9.

P.O. POSTAL:
Motion by Legislator Fields to reconsider --

LEG. CARPENTER:
1433.

P.O. POSTAL:
-- 1433, which is amending the 2003 Capital Budget and Program and appropriating funds in connection with the 800 MHz radio system and south shore radio enhancement.

LEG. CARPENTER:
Second.

P.O. POSTAL:
Seconded by Legislator Carpenter. This is a motion to reconsider. All in favor? Opposed? Okay.

MR. BARTON:
17.

P.O. POSTAL:

Now, a motion to approve --

LEG. GULDI:

Second.

P.O. POSTAL:

-- I assume, by Legislator Fields, seconded by Legislator Carpenter.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

Why are we changing funding sources?

LEG. GULDI:

Actually, it was originally planning money, I think, on this one.

P.O. POSTAL:

Well, let's ask the Budget Review Office, since we don't seem to have agreement.

MR. SABATINO:

It's converting from pay-as-you-go. This is because of the 5-25-5 waivers.

LEG. CARPENTER:

Right.

P.O. POSTAL:

Okay. Roll call.

LEG. ALDEN:

Whoa.

P.O. POSTAL:

I'm sorry.

LEG. ALDEN:

I still have -- so this was originally pay-as-you-go and now we're going to bond it. Why -- why?

LEG. CARPENTER:

Because they need additional funding to complete this portion of the project and it's for the 800 MHz for the South Shore.

LEG. ALDEN:

Okay. It sounds like it's a very valuable type of project. Why are we changing from pay-as-you-go to bonding?

MR. SPERO:

There is no pay-as-you-go.

P.O. POSTAL:

There's no more money.

MR. SPERO:

There's no pay-as-you-go money.

LEG. ALDEN:

What happened to pay-as-you-go? Why did we originally put this in --

MR. SPERO:

Within budget -- we were $15 million short on what we should have budgeted in pay-as-you-go, so --

LEG. CARPENTER:

So, in hindsight --

MR. SPERO:

Now we have to change the funding on all those projects that were included with pay-as-you-go

funding to serial bonds.

LEG. ALDEN:

Because we spent all the pay-as-you-go money.

MR. SPERO:

No.

LEG. CRECCA:

No, we didn't --

LEG. CARPENTER:

No, because we didn't --

P.O. POSTAL:

We didn't budget enough.

LEG. CARPENTER:

I guess we didn't fund it appropriately.

MR. SPERO:

We didn't budget enough pay-as-you-go money in the Operating Budget. There was less than a million dollars -- no, excuse me, 1.1 million dollars appropriated.

P.O. POSTAL:

Okay. Cameron, is that the -- do you have your answer?

LEG. ALDEN:

Actually not, but go ahead and vote.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk).

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No. I'm only kidding. No. Change my vote to a yes, Henry.

LEG. ALDEN:

Abstain.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. CARACAPPA:

Yes for Angie.

LEG. CARPENTER:

No, for the 800 MHz.

P.O. POSTAL:

Yes.

MR. BARTON:

16 on the bond.

LEG. CARACCIOLO:

Whoa, whoa, whoa.

P.O. POSTAL:

Same motion. Same motion, same second, same vote.

MR. BARTON:

No, hold on.

LEG. CARACCIOLO:

No.

P.O. POSTAL:

Okay. Now --

LEG. ALDEN:

What was the vote?

P.O. POSTAL:

Henry, what was the vote on that?

MR. BARTON:

Okay, hold on. 15-1 and 1.

P.O. POSTAL:

Okay. **1371 - Appropriating funds in connection with the installation of emergency systems for major County-owned buildings, New York State Fire Standards.** Approved 5-0.

LEG. HALEY:

Motion.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Motion by Legislator Haley, seconded by Legislator Viloria-Fisher. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Sure.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yep.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. GULDI:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. GULDI:

Abstain.

MR. BARTON:

16, 1 abstention on the bond.

P.O. POSTAL:

Same motion, same second, same vote. **1372 - Appropriating funds in connection with roof replacements on various County buildings.** Approved 5-0.

LEG. FOLEY:

Motion.

LEG. HALEY:

Second.

P.O. POSTAL:

Motion by Legislator Foley, seconded by Legislator Haley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

What building, Madam Chair?

MR. SABATINO:

BOMARC.

LEG. CARACCIOLO:

BOMARC?

LEG. CARACAPPA:

Among others.

P.O. POSTAL:

Okay.

(Roll Called by Mr. Barton, Clerk).

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Abstain.

D.P.O. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

16, 1 abstention on the bond.

P.O. POSTAL:

Same motion, same second, same vote. **1373 - Appropriating funds in connection with elevator study upgrading at various County --**

LEG. FIELDS:

Elevator safety.

P.O. POSTAL:

Elevator safety, excuse me, **upgrading at various County facilities.** Approved 5-0. Motion by Legislator Caracappa, seconded by Legislator Haley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17.

P.O. POSTAL:

Same motion, same second, same vote. **1374 - Amending the 2003 Capital Budget and Program, reauthorizing and appropriating funds and approving Federal and State aid for participation in engineering in connection with a closed loop traffic signal system.**

LEG. CRECCA:

Motion.

P.O. POSTAL:
Approved 5-0.

LEG. FIELDS:
Explanation.

P.O. POSTAL:
Motion by Legislator Crecca, second by Legislator Lindsay. Can we have an explanation?

LEG. CARACAPPA:
Yes, Madam Chair. Closed loop traffic system is actually a main control room where Public Works has been working on for years and they'll have access and accessibility to all County traffic lights, traffic control systems from the control room.

LEG. HALEY:
Doesn't the State do that now?

LEG. CARACAPPA:
The State does that and we're going to be doing it on a local level.

LEG. CRECCA:
Eventually, they think they can get it down to such an exact science that they could actually prevent a Legislator from getting to the meeting by just triggering the right light. Never mind.

P.O. POSTAL:
Thank you, Legislator Crecca. Valuable information.

LEG. HALEY:
It will catch Legislator Guldi going through red lights.

P.O. POSTAL:
Roll call.

MR. SABATINO:

No, wait, wait. Fred has --

P.O. POSTAL:

Oh, wait. I'm sorry.

MR. POLLERT:

Actually, this was the first victim of the Legislative resolution that required that the Department of Public Works take action. Five years they didn't take the action, so we have to reappropriate the funds. So the funds have been appropriated for a number of years and then the funding lapsed, because they hadn't taken any action in five years.

LEG. VILORIA-FISHER:

Question.

P.O. POSTAL:

Okay. Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:

Fred, in looking at the resolution, it seems that we would be eligible to apply for T21 grants.

MR. POLLERT:

Yes, that's correct.

LEG. VILORIA-FISHER:

Okay. And, also, for other -- for other -- the SEMAC funding, is that under the T21, or are those separate funds?

MR. POLLERT:

SEMAC is separate than the T21.

LEG. VILORIA-FISHER:

So could we in the end realize 100% reimbursement for this?

MR. POLLERT:

No, it would be a maximum of 80%.

LEG. VILORIA-FISHER:

Okay. I was just looking at different numbers and I thought they could all add up to be 100% reimbursement. Okay. Thank you, Fred.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

I'm leaning towards it. Yes.

LEG. FIELDS:

Yes.

LEG. VILORIA-FISHER:

Cameron, 80%.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yeah.

P.O. POSTAL:

Yes.

MR. BARTON:

17.

P.O. POSTAL:

Same motion, same second, same vote. **1376 - Amending the 2003 Capital Budget and**

Program and appropriating funds in connection with replacement of major buildings operations equipment at various County facilities. Approved 4-0-1-0.

LEG. CARACCIOLO:
Explanation.

P.O. POSTAL:
Motion by Legislator Caracappa, seconded by Legislator Haley. Roll call.

LEG. CARACCIOLO:
Explanation.

P.O. POSTAL:
A question. Legislator Caracciolo wanted an explanation of the resolution. Either Fred or Paul.

MR. SPERO:
It appropriates $250,000. This project is used to replace major building equipment items. It's a pool of money they use that they can draw from for --

LEG. CARACCIOLO:
When you say "major building improvements items", what specifically is it?

MR. SPERO:
It could be a 40 year old generator at Shinnecock Canal. That's one item they want to buy.

LEG. VILORIA-FISHER:
HVAC system?

MR. SPERO:
It's condensers, cooling fans and sewage ejector pump in Riverhead County Center.

LEG. CARACCIOLO:
Okay. Cameron likes to hear all East End stuff.

LEG. GULDI:

Sheriff's Academy --

P.O. POSTAL:

Please use your microphone.

LEG. VILORIA-FISHER:

What he's reading is Sheriff's Academy, air conditioning at the Marine Burea and HVAC work at the south wing of the Criminal Courts.

P.O. POSTAL:

Okay. Roll call.

MR. SABATINO:

It's a three-quarters vote.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

MR. BARTON:

15 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. **1378 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of heavy duty vehicles.** Approved 5-0. Motion by Legislator Caracappa.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Second by Legislator Viloria-Fisher.

LEG. ALDEN:

Just a quick explanation. This isn't portable generators or anything, is it?

MR. SABATINO:

It changes the method of financing to purchase heavy duty vehicles.

LEG. CARACAPPA:

Just so you know, car carriers.

LEG. VILORIA-FISHER:

And police patrol boats.

P.O. POSTAL:

Okay. Roll call.

MR. SABATINO:

Three-quarters vote.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. GULDI:

(Not Present)

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

LEG. BISHOP:

No.

MR. BARTON:

Legislator Guldi? 14-2, 1 not present. (Not Present: Leg. Guldi)

P.O. POSTAL:

Same motion, same second, same vote. **1405 - Amending the adopted 2003 Capital Budget and Program and appropriating funds from Red Light Camera project for other projects.** Approved 5-0. Legislator Lindsay?

LEG. LINDSAY:

Motion.

D.P.O. CARACAPPA:

Second.

P.O. POSTAL:

Motion to approve, seconded by Legislator Caracappa. Roll call.

LEG. VILORIA-FISHER:

Question for the sponsor very quickly.

P.O. POSTAL:

Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:

Part of this is going to octane testing equipment, that they go to the gas stations and see if the appropriate octane, that the octane advertises correct; is that what this is, is that what that means?

LEG. LINDSAY:

This was a piece of equipment that the Consumer Affairs Department requested. I think -- aren't we borrowing the equipment now from Nassau; do you remember, Cameron?

LEG. ALDEN:

Yeah.

LEG. LINDSAY:

And I guess we have difficulty --

LEG. VILORIA-FISHER:

But that's what it's for, to go to the gas stations and see if --

LEG. LINDSAY:

Right, correct.

LEG. VILORIA-FISHER:

-- what they're advertising is the correct octane?

LEG. LINDSAY:

Correct.

LEG. VILORIA-FISHER:

Okay. Thank you.

P.O. POSTAL:

Okay. Where were we, Henry, had we gone to a roll call yet?

MR. BARTON:

Nope.

P.O. POSTAL:

Nope. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes, cosponsor.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

17 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. **(1427) Amending the 2003 Capital Budget and Program and appropriating funds in connection with Public Works Fleet Maintenance equipment replacement.** Approved 5-0.

LEG. FIELDS:

Explanation.

P.O. POSTAL:

I'll make a motion to approve. We need a second, by Legislator Haley. Legislator Fields wants an explanation.

MR. SABATINO:

Changes the method of financing from pay-as-you-go for maintenance equipment for the fleet. It's a three-quarters vote.

LEG. GULDI:

Two trucks.

LEG. VILORIA-FISHER:

Two trucks.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk).

P.O. POSTAL:

Yes.

LEG. HALEY:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yeah.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Oh, yes.

LEG. ALDEN:

Oh, no.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

15-2.

P.O. POSTAL:

Same motion, same second, same vote. **1435 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of highway maintenance equipment.**

LEG. HALEY:

Motion.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Motion by Legislator Haley, seconded by Legislator Viloria-Fisher. Approved 5-0. All in favor? Oh, excuse me. Roll call.

MR. SABATINO:

Three-quarters vote again.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Nope.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

14-3.

P.O. POSTAL:

Same motion, same second, same vote. **1449 - Transferring escrow account funds to the Capital fund, amending the 2003 Capital Budget and Program, and appropriating design and construction funds for facilities improvements to the Suffolk County Sewer District No. 11 - Selden.** Approved 5-0. Motion by Legislator Haley, seconded by Legislator Caracappa.

LEG. ALDEN:

Just a quick explanation.

P.O. POSTAL:

Explanation, Paul.

MR. SABATINO:

Yes. Money is going to be transferred from the escrow account for Sewer District Number 11.

That's money that was collected from various developers known as Rolling Hill, Fairfield Knolls and Fairfield at Setauket. That total of $749,700 will then be used to do some renovation and improvement work to help handle the sludge and the treatment process at the sewer plant. So it's basically out of pocket from the escrow account as opposed to the ratepayers.

D.P.O. CARACAPPA:
The progress, though, that will be done and the work that will be done will actually eliminate truck traffic coming out and, you know, reduce it by half, actually, from what it currently is.

P.O. POSTAL:
Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

LEG. TONNA:
Yes.

LEG. BINDER:
Yes.

LEG. BISHOP:
No.

LEG. NOWICK:
Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Oh, yes.

LEG. ALDEN:

Oh, yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

P.O. POSTAL:

Yes.

MR. BARTON:

15-2.

P.O. POSTAL:

1449, it's approved.

HEALTH, EDUCATION AND YOUTH

1214 - Appropriating funds for improvements to HYO Suffolk County Complex Field, Town of Islip. Motion by Legislator Crecca, seconded by Legislator Carpenter. Approved 4-0. All in favor? Oh, excuse me. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

MR. BARTON:

Oh, I thought he said pass. 17 on the bond.

P.O. POSTAL:

Same motion, same second, same vote. **1265 - Approving the appointment of Ellen M. Healion as a member of the Suffolk County Community Mental Health, (Mental Retardation & Developmental Disabilities & Alcohol and Substance Abuse Planning and Advisory Board).**

LEG. FOLEY:
Motion.

P.O. POSTAL:
Motion by Legislator Foley, seconded by --

LEG. VILORIA-FISHER:
I'll second.

P.O. POSTAL:
Legislator Viloria-Fisher.

LEG. ALDEN:
On the motion.

P.O. POSTAL:
All in favor -- excuse me. It was approved 4-0 out of committee. Question by Legislator Alden.

LEG. ALDEN:
Did she approve -- did she appear before the committee?

LEG. VILORIA-FISHER:
She did come before the committee, yes.

LEG. FOLEY:
She came before the committee and really demonstrated a thorough knowledge of particularly the area of mental health and the relationship between the Community Investment Act and the need for the State to do more.

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

MR. BARTON:
17.

P.O. POSTAL:

Okay. 1265 is approved. **1392 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with public health related harmful algal blooms.**

LEG. CARACCIOLO:

Motion.

P.O. POSTAL:

Roll call.

MR. BARTON:

You need a motion and a second.

LEG. VILORIA-FISHER:

Second.

LEG. CARACCIOLO:

I made a motion.

P.O. POSTAL:

Do we have a motion?

MR. BARTON:

I do now.

LEG. FOLEY:

I'll second it. I'll second the motion.

LEG. VILORIA-FISHER:

He already has it.

LEG. FOLEY:

Whatever.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yeah.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. GULDI:

Yes.

LEG. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

16, 1 abstention on the final bond.

P.O. POSTAL:

Same motion, same second, same vote. **1445 - Amending prior Capital authorization appropriations for the mechanical/electrical upgrades at Huntington Library - construction (CP 2105.310) (to mechanical/electrical upgrades at Huntington Library - planning (CP 2105.110).** Motion by --

LEG. FOLEY:

Motion.

LEG. FIELDS:

Why are we paying for a library?

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Well, let's get a motion and a second. Motion by Legislator Binder, seconded by Legislator Tonna. Is he here?

LEG. ALDEN:

On the motion.

LEG. TONNA:

Right here, right here.

P.O. POSTAL:

Oh, okay.

LEG. FOLEY:

You don't need to ask the question.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

Okay. Now, there was a question. Legislator Alden.

LEG. ALDEN:

This is for Suffolk Community College, right?

LEG. FOLEY:

Yes, it is.

LEG. ALDEN:
Huntington College.

LEG. FOLEY:
As we all know the College well, they've named the buildings after towns.

LEG. VILORIA-FISHER:
After the towns.

LEG. FOLEY:
It's not for the Huntington Library.

LEG. ALDEN:
Because Huntington is not first and it's not leading the way, but --

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

MR. BARTON:
17.

P.O. POSTAL:
1445 is approved. **1446 - Amending prior Capital authorized appropriations for the renovations of Sagtikos Theater - construction (CP 2115.313) to renovations of Sagtikos Theater - planning (CP2115.113).**

LEG. FOLEY:
Motion.

LEG. VILORIA-FISHER:
Second.

P.O. POSTAL:
Motion by Legislator Foley.

LEG. VILORIA-FISHER:

Second.

P.O. POSTAL:

Excuse me?

LEG. CARPENTER:

Second. Second.

P.O. POSTAL:

Second by Legislator Viloria-Fisher. All in favor?

LEG. CARPENTER:

I said second.

P.O. POSTAL:

Oh, I'm sorry. Second by Legislator Carpenter. I knew it was a female. Okay. All in favor? Opposed?

MR. BARTON:

17.

P.O. POSTAL:

Okay. 1446 is approved. **1447 - Amending prior Capital --**

LEG. VILORIA-FISHER:

Motion.

P.O. POSTAL:

-- **authorized appropriations** --

LEG. FOLEY:

Second.

P.O. POSTAL:

-- for the renovations to the Smithtown Science Building - (construction (CP 2182.310) to the Smithtown Science Building - planning (CP 2182.110).

LEG. NOWICK:

Motion.

P.O. POSTAL:

Motion by Legislator Viloria-Fisher, seconded by Legislator Carpenter, I hope.

LEG. CARPENTER:

Absolutely.

P.O. POSTAL:

See, I didn't know if it was Legislator Carpenter or Legislator Nowick.

LEG. NOWICK:

It was Nowick.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

17.

P.O. POSTAL:

1447 is approved. **1448 - Amending prior Capital authorized appropriations for the renovations to the Babylon Student Center - construction (CP 2207.310) --**

LEG. FOLEY:

Give that one to Bishop.

P.O. POSTAL:

-- **to renovations to the Babylon Student Center - planning (CP 2207.110).** Motion. I'll make the motion.

LEG. BISHOP:

A party in Babylon, that's why it's a student center.

P.O. POSTAL:

Right.

LEG. FOLEY:

You got it right.

P.O. POSTAL:

I take that's a second.

LEG. BISHOP:

Yes.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

17.

P.O. POSTAL:

1448 is approved.

LEG. FOLEY:

Thank you very much.

CONSUMER PROTECTION AND GOVERNMENT OPERATIONS

P.O. POSTAL:

Consumer Protection and Government Operations. **1227 - To establish County website page for retail store violations of item pricing law.**

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by Legislator Alden. Approved 4-0. All in favor?

LEG. FOLEY:

Cosponsor, please.

P.O. POSTAL:

Opposed? Cosponsor, Legislator Foley.

LEG. LINDSAY:

Lindsay, too.

P.O. POSTAL:

And Legislator Lindsay.

MR. BARTON:

17.

P.O. POSTAL:

1227 is approved. **1347 - A local law updating regulations for precious metal exchanges and dealers in secondhand articles.** Motion -- it was approved 4-0.

LEG. CARPENTER:

Motion.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed?

MR. BARTON:

17.

P.O. POSTAL:

1347 is approved.

PARKS, SPORTS AND CULTURAL AFFAIRS

Parks, Sports and Cultural Affairs. **1442 - Authorizing the installation of a memorial at Southaven County Park.** Approved 6-0. Motion by Legislator Caracappa, seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:
17.

P.O. POSTAL:
1442 is approved. **1443 - Amending the 2003 Operating Budget and reappropriating unexpended, uncommitted 2003 funds in Fund 192 to the 2003 Operating Budget.**

LEG. FIELDS:
Motion.

P.O. POSTAL:
Approved 6-0. Motion by Legislator Fields. Is there a second?

LEG. GULDI:
Second.

P.O. POSTAL:
Who seconded that? Was that Legislator Lindsay?

LEG. VILORIA-FISHER:
Guldi seconded it.

P.O. POSTAL:
Legislator Guldi.

LEG. CRECCA:
Is this revenue neutral?

P.O. POSTAL:

Can we have an explanation from Budget Review?

MR. POLLERT:

I would like to defer to the County Executive's Office. They drafted the resolution and, frankly, we would not have drafted it this way, so --

P.O. POSTAL:

Okay.

MR. POLLERT:

-- it would be better if they had explained it.

P.O. POSTAL:

Todd, where are you? We'll move on and come back to this

LEG. BISHOP:

Let's do the Senses, get them over with.

P.O. POSTAL:

We have -- where are they? Have they been distributed? We have late- starters.

LEG. FOLEY:

Let's do the Sense Resolutions.

LEG. HALEY:

Madam Chair, I have a motion. Everybody should have a copy of **Home Rule Message Number 4.**

P.O. POSTAL:

Is it in the packet, or has it been distributed?

LEG. HALEY:

It's been distributed.

LEG. HALEY:

It's **Home Rule Message requesting New York Legislature to extend time and benefits to County Employee Giustina R. Lombardi.** We've been through this year in and year out. We've actually approved this in the past, but through a technicality, we need to do it again, so I make a motion to waive Rule 6 of 2003 Rules of the Legislature, and in order to have the bill, Home Rule Message Number 4, laid on the table and voted upon.

P.O. POSTAL:

Second? Do I have a second? Seconded by Legislator Caracappa. Legislator Haley, is there a cost to the County?

LEG. CARACCIOLO:

Oh, yeah.

LEG. HALEY:

Potentially, I would imagine there would be, yeah, under --

LEG. CARACCIOLO:

Sixty-eight thousand dollars.

LEG. HALEY:

Sixty-eight thousand dollars. We've been through this before. You know, every year that we try to get her that which we feel is appropriate for her, we've approved it, but some -- it's been a problem at the State. Actually, this is her last shot, and I think she's actually going to retire this year. And, you know, if she doesn't -- if she doesn't get this consideration, she'll -- you know, it will be done.

LEG. CARACCIOLO:

On the motion.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

This would provide her with a Tier -- is it Tier II status? Paul is that what this does?

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Tier II instead of -- what is she now, a Tier IV?

LEG. HALEY:

I would assume it's Tier III. It doesn't say and I don't see it right here.

LEG. CARACCIOLO:

I'm just trying to think of the difference in retirement benefits and why the cost is so great. I mean, there isn't --

D.P.O. CARACAPPA:

It's just based on the year that she started, because she wasn't a member of the State Retirement System, so they're granting her the benefit of having come into the system on March 6th of 75, which was when --

P.O. POSTAL:

Excuse me.

D.P.O. CARACAPPA:

-- Tier II was being established.

P.O. POSTAL:

Todd, I just want -- Todd.

LEG. HALEY:

Don't go, Todd.

P.O. POSTAL:

Come back.

MR. JOHNSON:

I'm going get some information. I'll be right back.

P.O. POSTAL:

Okay. Okay.

LEG. HALEY:

Did you say "mum back"?

P.O. POSTAL:

Okay.

LEG. HALEY:

We're still on --

P.O. POSTAL:

We have a motion for Home Rule 4 to waive the rules. Did we have a second on that?

LEG. HALEY:

Yeah, Legislator Caracappa.

P.O. POSTAL:

I thought -- who was the motion made by?

LEG. HALEY:

Me.

P.O. POSTAL:

Legislator Haley?

LEG. HALEY:

Yes.

P.O. POSTAL:

And seconded by Legislator Caracappa? All right. Were questions answered? Are there any

other questions on this?

LEG. BISHOP:
How did I vote last time, Marty?

LEG. HALEY:
Affirmative.

P.O. POSTAL:
All in favor? Opposed? I'm abstaining.

LEG. HALEY:
And approving, by the way. Thank you.

P.O. POSTAL:
Okay. **1443.**

MR. BARTON:
15.

LEG. HALEY:
Thank you.

P.O. POSTAL:
Amending the 2003 Operating Budget and appropriating unexpended, uncommitted 2003 --

LEG. LINDSAY:
Where are you?

P.O. POSTAL:
The bottom of Page 11. **Amending the 2003 Operating Budget and reappropriating unexpended, uncommitted 2003 funds in Fund 192 to the 2003 Operating Budget.** Approved 6-0. Is there a motion to approve? Legislator Foley, seconded by Legislator Lindsay. Can we have an explanation on this?

MR. KNAPPE:
Would you like me to or --

P.O. POSTAL:
Yes, please.

MR. KNAPPE:
As I represented in the Finance Committee, Fund 192 -- I'm sorry, this is Fund 176, my apology. Fund 176 of the Quarter Cent of the sales tax that expired on November 30th of 2000. The funding has been included in the budget up until 2002. It was estimated to be spent in its entirety at the end of 2002. However, all the funds weren't spent in its entirety and there are still some funds that are dedicated for that specific purpose that needs to be spent. This resolution is simply taking that unexpended money in 2002, amending the 2003, so the Department can expend those funds in 2003 and finally collapse the fund, as was the intention of both the Legislature and the County Executive's Office in the 2002 and as well the 2003 Operating Budget.

P.O. POSTAL:
Okay. All right.

MR. POLLERT:
It was Fund 192.

MR. KNAPPE:
Oh, Fund 192? I thought it was 176.

LEG. FOLEY:
Scrivener's error.

P.O. POSTAL:
Okay.

LEG. FOLEY:
Scrivener's error.

LEG. CRECCA:
Scrivener's error.

MR. KNAPPE:
Scrivener's error, yes. I'm going to get a copy of the resolution. I thought it was Fund 176 that you were talking about.

P.O. POSTAL:
Okay. We have a motion, do we?

LEG. FOLEY:
What's Fund 192, Fred?

P.O. POSTAL:
Are you going to get that corrected?

MR. KNAPPE:
No, I'm going to speak on the resolution.

P.O. POSTAL:
You're just going to state it.

MR. KNAPPE:
I will speak on the Fund 192 resolution when it comes out. They're getting it for me in the back room.

P.O. POSTAL:
Oh, okay. All right. Then let's move on. Sense -- we're going to go to the Sense Resolutions.

SENSE RESOLUTIONS

Sense 32 - memorializing resolution requesting Metropolitan Transportation Authority to rescind Long Island Railroad fare hikes. Legislator Cooper.

LEG. COOPER:

Motion to approve.

LEG. BISHOP:

Second.

LEG. VILORIA-FISHER:

Second.

LEG. LINDSAY:

Second.

P.O. POSTAL:

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

LEG. ALDEN:

Just on the motion. Didn't the courts just order --

LEG. FOLEY:

No. It's being litigated still.

LEG. ALDEN:

But the original court order ordered a rollback, right?

MR. SABATINO:

The State Supreme Court did. It's on appeal to the Appellate Division.

P.O. POSTAL:

Okay. All in favor? Opposed? Sense 32 is approved. I'm sorry, I didn't wait for Henry.

MR. BARTON:

17.

P.O. POSTAL:

Okay. **Sense 38 - Memorializing resolution requesting the State of New York to create**

the Suffolk County Government Facilities Agency. Approved 4-1-0-2. Legislator Guldi.

LEG. GULDI:
I'll yield to Legislator Lindsay for the motion.

P.O. POSTAL:
Okay.

LEG. LINDSAY:
I'll make the motion.

P.O. POSTAL:
Motion to approve by Legislator Lindsay.

LEG. GULDI:
I'll second it.

P.O. POSTAL:
Seconded by Legislator Guldi. On the motion.

LEG. NOWICK:
Just on this motion, I just wanted to get a few things clear and ask Counsel. And while I understand the intent of this motion, I'm afraid this sets up another area of government. But I'm going to ask Paul Sabatino, am I correct in when I read this, that this will allow the Legislature to choose where these different government buildings are going to go, whether or not the local authority approves or disapproves? Does the local authority, i.e. the Supervisor and the Town Board, have any say?

P.O. POSTAL:
I'm sorry.

MR. SABATINO:
They would have input, but they wouldn't have final say. The County would be in control of the ultimate site selection process.

LEG. NOWICK:
I am afraid that this gives us too much power and takes away too much power from the local community, which -- I'm sorry. Oh. The districts that I represent, and I would be not inclined to vote for this.

P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Any County facility now doesn't go through local zoning. We built the Dennison Building, we built the Cohalan Court Complex. None of that went through local zoning, it's County property, it's a County building nothing's changed.

LEG. NOWICK:
That might be so, but to legally take it away from the jurisdiction, the local jurisdiction concerns me.

LEG. LINDSAY:
And kind of --

LEG. NOWICK:
And I know it concerns --

LEG. LINDSAY:
Any kind of County facility does not -- is not subject to local zoning, never has been.

LEG. GULDI:
Max, if I may.

P.O. POSTAL:
Legislator Guldi.

LEG. GULDI:
To clarify Legislator Lindsay's comments, this law expressly makes no change in the relative power of the County government to site County facilities with respect to local ordinances. They

are identical to -- after the full implementation of this agency, as they are today. This reaffirms existing law in every particular regard regarding site selection and the interrelationship of zoning between levels of government.

LEG. NOWICK:
Well, then why is it important to write a piece of legislation if it already exists? I mean, we're not in the housing business. Why do we have to write the legislation at all if it already exists?

LEG. GULDI:
I'm not sure I understand your question.

LEG. NOWICK:
Well, you said that this doesn't change anything, this already exists.

LEG. GULDI:
With respect only to zoning. With respect to the agency structure, the agency structure would permit the County to realize and distribute between 40 and 50 million dollars a year in savings to taxpayers.

LEG. NOWICK:
However, the County has the final say, not the local authority; correct?

LEG. GULDI:
With respect to the interrelationship between County and local levels of government, the agency would have no powers, authorities or responsibilities any different than they exist between the County and the -- for the County facilities, and the local municipalities, as those -- as those intragovernmental rights exist at this moment. There will be no change regarding that question.

LEG. NOWICK:
Go ahead.

P.O. POSTAL:
Okay. Legislator Crecca?

LEG. CRECCA:

Yeah. Just I think, and I may be wrong, but I think Legislator Nowick's point is, is that in the -- while we have sited buildings in the past, we have never, to my knowledge, sited housing facilities without local legislative -- I'm sorry, local town approval on land use. So I understand what you're saying, Bill, and I know that we are exempt from that, but I think the issue is, if we're going to go into the housing business and we're going to be -- maybe I'm wrong, but that's what I think her point was.

LEG. GULDI:
That's not quite --

P.O. POSTAL:
Okay.

LEG. GULDI:
Bill, do you want --

LEG. LINDSAY:
Well, the only things that I want to say is, probably to frame the issue, is whether we should facilitate working class housing in our community. And the first question you have to answer, do we need it? And I think anybody that clearly looks at the issue will honestly say that there's a huge housing crisis in our community.

LEG. CRECCA:
I don't disagree with you. I don't think anybody disagrees with that point.

LEG. LINDSAY:
But let me just finish. All right?

P.O. POSTAL:
Let Legislator Lindsay finish.

LEG. LINDSAY:
Maybe some of the confusion about the bill is if the County was to build a facility and own that facility, just like we do now, it doesn't go through local zoning, if the County was to facilitate housing for resale, it would have to through the normal zoning powers, it doesn't bypass it.

LEG. CRECCA:
No. Say that again, just the last --

LEG. LINDSAY:
Well, say, for example, this agency is approved here and at a State level, and there's no doubt about it, it's a super agency to try and solve the housing needs in our community, and they go out and the agency goes out and buys a track of land and builds housing on it for resale, that is subject to local zoning approval. If the County builds a facility and keeps the facility, whether it be an office a building, a shelter --

LEG. CRECCA:
Well, doesn't it -- does this allow you to do both resale and also -- was it all County operated, both?

LEG. LINDSAY:
Yeah, but we have the ability to do that now.

LEG. CRECCA:
I understand that. But, I mean, we've never -- we've never done that with housing, or we put up an apartment building in a residential neighborhood. Theoretically, as long as we're operating that apartment building, or the GFA is, we don't have to give local approvals.

LEG. LINDSAY:
That's correct.

LEG. CRECCA:
Okay.

LEG. LINDSAY:
If it's a County -- if it's a County facility, it wouldn't be subject to that, but if it's for resale, it goes through local zoning.

LEG. CRECCA:
And who makes that decision, the Legislature or the GFA.

LEG. LINDSAY:
Well, the GFA would make the decision, just like -- the JFA would make a decision on the courts.

LEG. CRECCA:
Right, but the JFA has a very limited scope in what they can do, so --

LEG. LINDSAY:
But we also have another issue before us to expand that scope.

LEG. CRECCA:
Right. But this lock-boxes the money for affordable housing.

LEG. GULDI:
No, it doesn't. That's a miss -- that's a misunderstanding and a misreading of the bill. What the bill -- what the agency is -- well, the agency, the power to borrow, finance, fund, promote town.

LEG. CRECCA:
Right.

LEG. GULDI:
In fact, is directed to facilitate the towns meeting their own affordable housing needs pursuant to their own plans. The agency has a last resort power to engage directly in housing. The housing funding is limited, there is a cap. The agency cannot go beyond the housing count that is -- that the report you had Jim Morgo testify about earlier indicates that we are deficient in today. In fact, the agency is lower that that count, because anything any town has built or has permitted to be built to meet affordable housing in the last 25 years --

LEG. CRECCA:
Can we go in --

LEG. GULDI:
-- is a credit off of the proportionate shares of the bill.

LEG. CRECCA:
I understand that.

LEG. GULDI:
Okay.

LEG. CRECCA:
But, in other words, we can't go in and use the monies to -- to the Operating Budget and things like that.

LEG. GULDI:
No, we can't, because to do that would violate the independence of the agency, would not permit the bonding, etcetera. What the agencies -- what the governmental purpose that the agency can do once it builds the limited -- within the several pages of limitations of housing and it meets the County's general facility needs, the only other place it can put revenue is into direct aide to school districts to reduce school tax. It cannot -- it cannot be used for general governmental purposes to the County without violating its independence and its ability to raise funds through tax free bonding.

LEG. NOWICK:
Just quickly.

P.O. POSTAL:
Legislator Nowick.

LEG. NOWICK:
Just quickly, I can't help thinking, if we have the power to do all of this now, why bother creating another agency, if we had -- from what you say, we already have the power. I just don't want to go back to my town and my constituents and say, "By the way, we're the County, we're coming in, we're going to do what we want to do. Even though you already -- we already have the right, we're going to put it legally." It's just my personal opinion within my district.

LEG. GULDI:
I understand that, and, frankly, I understand that many people have different reasons. The ultimate -- however, the reason to do it through the agency is only through the agency would we

be able to capture and create the tax savings for taxpayers form the reimbursement rate. It's only through that mechanism that the agency step is required. None of the housing powers are any different than have been exercised by other counties with identical charter provisions to ours, including Westchester.

LEG. CRECCA:
But it's not a tax -- you're saying it's a tax saving, but it won't go back to Suffolk County taxpayers, unless they --

LEG. GULDI:
Absolutely wrong. It ultimately will go to Suffolk County taxpayers, because the only place it can go beyond the cost realization of implementing the facilities aspects of the agency is to education cost, and that education cost is very much on the back of our local taxpayers.

LEG. NOWICK:
Also, one other question. Do I understand that the GFA sets the criteria as to where these homes should go to be completed on a priority basis by school district, starting with --

LEG. GULDI:
Well, what it does is it creates -- it takes the County count, I mean, to find any County need, and it spreads it out proportionately among the school districts, so no school district will be impacted proportionately differently than any other school district. And it doesn't -- and with respect to school districts that lay in multiple town or village tax residentials and treats each area within those school districts as separate for this 7 1/2 and then 15% phases of the bill.

LEG. NOWICK:
And it very carefully mentions that in those school districts with the highest per capita incomes and not first in the poorest, is that --

LEG. GULDI:
That's to prevent the agency from only building it in the poorest districts.

LEG. BINDER:
Madam Chair.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

A question of the sponsor. So how do you overcome zoning problems, in other words, being able to get density, other things that would probably make it affordable?

LEG. GULDI:

To the extent that you're subject to zoning, you're going to be required to go -- to essentially work with the towns. The bottom line on the agency is the agency's primary purpose is not to become the builder, operator of affordable housing units, the primary purpose of the agency is to provide facilities, resources, revenue and program to the towns, so, essentially, that's going to be a negotiated process. To the extent that that process -- that process has not developed or created the -- or met the current affordable housing needs of the County, the paradigm shift is the agency will be able to, if push comes to shove, go forward with some sort of housing within the communities that fail or refuse to make any accommodation --

LEG. BINDER:

How is that?

LEG. GULDI:

-- for affordable housing needs.

LEG. BINDER:

How is that? How are they able to create housing where they're not --

LEG. GULDI:

When they're not -- in that eventuality, the only way they could do it would be to continue the agency or direct ownership of it, it would not be able -- it would not be a -- they would not be able to do a subsidized homeownership program to meet that, they'd have to do permanent rentals, they'd have to do another array of housing or other facilities.

LEG. BINDER:

What if they didn't -- I mean, that still doesn't get to what if they don't get the yield. I mean, a lot of affordable housing hinges on the ability to get yields, so how is it that -- I mean, you could

change all the paradigms of money all you want, but if you don't get -- if you're not able to get the densities, and that's where it's -- all the problems come in in the ability to get affordable housing. How are you going to -- unless you're saying at the end they're able to put them in anyway and they're going to put rental housing in, even if they can't get through the normal zoning procedure.

LEG. LINDSAY:
Subsidies.

LEG. BINDER:
To?

LEG. LINDSAY:
The pool of money that's going to be captured by creating this arms-length agency is going to subsidize working class housing in our community.

LEG. BINDER:
I understand, but -- so you're saying --

LEG. LINDSAY:
It's not just through density, it's through subsidies that you get the cost of the house down.

LEG. GULDI:
It's through subsidy. It's also through -- one of the other ways you can achieve the savings is through the lower cost of capital. You're borrowing capital at, in some instances, short-term bond rates, which is a quarter or less of what the private capital markets pay --

LEG. BINDER:
Right, but --

LEG. GULDI:
-- for equivalent risk capital.

LEG. BINDER:
Right. But right now, risk capital, a quarter of the percentages that are out there are not too

high anyway, you're not --

LEG. GULDI:
No, not true.

LEG. BINDER:
You're not -- I mean, you're not talking big numbers right now.

LEG. GULDI:
I disagree.

LEG. BINDER:
Well, right --

LEG. GULDI:
Capital costs on any real estate project are huge.

LEG. BINDER:
Well, right now, borrowing costs are not high.

LEG. GULDI:
There's still a huge cost to any project.

LEG. BINDER:
I think -- I mean, you're still talking about the problem with being able to get yield, and yield is where you're going to get both costs down and you're going to get -- the ability to get the numbers that you're looking for to make an impact in affordable housing.

LEG. GULDI:
If we do nothing, we certainly won't get the yield. This agency has not -- I have not foreseen or solved every potential problem that's going to go forward with meeting Suffolk's housing needs. This agency, however, has a number of dynamic mechanisms that can and may solve a large portion, hopefully, a very large portion of those problems. Are we going to be compelled to revisit this issue as long as there is a housing crisis in Suffolk County? You bet. And as we go forward and we learn from our experience, we'll have to revisit the issue as and when it's

appropriate.

P.O. POSTAL:

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

LEG. NOWICK:

Roll call.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. BISHOP:

Is this to table it or approve?

P.O. POSTAL:

Approve.

LEG. CRECCA:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

Abstain.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

(Not Present)

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Motion to table.

LEG. LINDSAY:

Second.

P.O. POSTAL:

All in favor? Opposed?

LEG. BINDER:

Opposed.

P.O. POSTAL:

Opposed, Legislator Binder.

LEG. NOWICK:

Opposed.

LEG. CARACCIOLO:

Madam Chair.

P.O. POSTAL:

Legislator Carpenter.

LEG. BINDER:

Roll call. Roll call.

P.O. POSTAL:

Oh, I don't think we need a roll call. We're just -- we're voting on a motion to table.

LEG. CARACCIOLO:

Fine.

P.O. POSTAL:

I'd like to -- we have a lot of things left to do.

LEG. CARACCIOLO:

Okay. But, at some point, I'd like to reconsider, bring back before us for reconsideration 1214.

P.O. POSTAL:

Okay. We'll get to it. Okay.

MR. BARTON:

Who was opposed? I just have Mr. Binder.

LEG. CRECCA:

And Nowick.

MR. BARTON:

And Nowick. Thank you.

P.O. POSTAL:

Okay.

MR. BARTON:

Yes, that's 14-2.

SENSE RESOLUTION

P.O. POSTAL:

Okay. We're going to go to the Sense Resolutions. We were -- **sense 40 - Memorializing resolution requesting State of New York to authorize increase in local 911 wireless surcharge for E-911 County costs.** I'll make a motion to approve. Is there a second?

LEG. BISHOP:

Yes, second.

P.O. POSTAL:

I hear Legislator Bishop seconding.

LEG. CARPENTER:

What are we doing?

P.O. POSTAL:

This is asking the State to authorize an increase in the local 911 wireless surcharge for E-911 County costs. You may have been receiving communications from Fire and Rescue Services

asking that this charge be increased and used specifically for County emergency costs. The Fire and Rescue Services have been very disturbed that the money that our residents are paying for E-911 services are going for State, offsetting State costs, rather than coming back to the County, and they're asking that this increased E-911 charge comes back to the -- you remember all the letters? Okay. So --

LEG. FOLEY:
Madam Chair.

P.O. POSTAL:
Was that Legislator Foley?

LEG. FOLEY:
Yeah, when you're finished, yeah.

P.O. POSTAL:
I am finished.

LEG. FOLEY:
Okay. I don't see Mr. Pollert, but I had earlier in the meeting today had asked for some information, which he was able to give me some hours later, where back in 1995, Local Law 25 of '95 implemented emergency telephone system surcharge in Suffolk County, and the purpose at that time was to implement a funding mechanism to assist in the payment of costs associated with establishing to maintain a 911 system. Back in '95, as some of us who were here at the time, it was our intention, and also the impression given, that the surcharge, the flow of funds from the surcharge would come back to the County. The problem is that much of the money was parked in the State of New York.

My concern is that prior, and I've just been made aware of this effort about increasing the surcharge only in recent weeks, instead of the various fire districts and others wanting us to immediately raise -- increase the surcharge, I think a more fundamental question is under the present surcharge that generates "X" amount of dollars, why is the State holding onto more of that than they are giving back to the counties. And I would like to, even though it's the end of session up in Albany, but before we request an increase in the surcharge, I think we should say to the State, "You should be giving back to us more of the money that you're presently

collecting."

It's my understanding, Madam Chair, that, as we speak, that a dollar, and correct me if I'm wrong, Mr. Pollert, but, currently, the surcharge is at 70 cents or a dollar-twenty; where are we?

MR. POLLERT:
It's a dollar twenty.

LEG. FOLEY:
It's a dollar-twenty. And how much comes back to the County?

MR. POLLERT:
Last -- in 2003 we received --

LEG. FOLEY:
1.8.

MR. POLLERT:
1.8 million dollars, and 2004 would be the last payment.

LEG. FOLEY:
With $750,000. And next year, the State is going to retain the entire amount. So the obvious question is, if we've gone from 1.8, 750 to zero, I don't think the issue is that we should put on another charge to those who use these cell phones or who own cell phones, I think the more equitable question is why does the State, forgive slang at this time of night, but why is the State glomming the whole amount of money? These monies should be coming back as part of the compact, if you will, to the county governments.

So I for one, whereas I do -- I and we have help helped fire districts in the past, at this point, I'm not ready to support, with all due respect to the Presiding Officer, but I'm not ready to support this sense resolution. I think what has to happen is the State has to wake up to its responsibilities and allow some of these monies to flow back to the counties.

P.O. POSTAL:

You know --

LEG. FOLEY:

Under the current surcharge.

P.O. POSTAL:

I don't disagree with you. I think that there's a strong advocacy for attempting to get some funding for --

LEG. FOLEY:

I understand.

P.O. POSTAL:

-- our Fire and Rescue Services. This way --

LEG. FOLEY:

Yes.

P.O. POSTAL:

-- whether the State's right or wrong, this is -- I'm trying to achieve --

LEG. FOLEY:

I understand.

P.O. POSTAL:

-- achieve a good end, and --

LEG. FOLEY:

No, I understand that. And I applaud the effort, believe me, I do.

[SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY]

P.O. POSTAL:

I'm going to ask for a vote. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

LEG. FOLEY:

Opposed.

LEG. CRECCA:

Opposed.

P.O. POSTAL:

Roll call.

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

P.O. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

No new taxes.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

Yes.

LEG. BISHOP:

Yes.

MR. BARTON:

Six (In Favor: Legislators Guldi, Carpenter, Bishop, Cooper, Caracappa & Postal - Not Present: Legislator Haley).

P.O. POSTAL:

Okay. That is defeated and I would like a copy of the vote slip, Henry. Thank you.

Now, there's a ***Home Rule Message 2, it authorizes -- it requests the New York State Legislature to authorize the County of Suffolk to convey certain parklands to Jocal Enterprises in exchange for conveyance of certain lands to be dedicated as parklands.*** I'm going to make a motion to approve this.

LEG. FIELDS:
Second.

P.O. POSTAL:
Seconded by Legislator Fields. I'll explain real fast because we're running short on time. There were lands that were dedicated to The Nature Preserve, those lands were damaged because heavy equipment was stored on that property, oil and all kinds of things leaked into the property. The exchange would be to trade a pristine piece of land that's adjacent to a greenbelt with wetlands, which both these parcels are, for the damaged parcels. So that's what this is all about. Legislator Guldi

LEG. GULDI:
Yeah, doesn't -- my recollection is it comes back to the Legislature for further review after the appraisals and the environmental audits are done.

P.O. POSTAL:
Yes.

LEG. GULDI:
So this simply facilitates the examination of the exchange --

P.O. POSTAL:
It starts the process.

LEG. GULDI:
-- but doesn't authorize the exchange.

P.O. POSTAL:

Yes, absolutely. So where are we, Henry; motion and a second?

MR. BARTON:
Yes.

P.O. POSTAL:
All in favor? Opposed?

LEG. ALDEN:
Abstain.

LEG. CARACCIOLO:
Opposed.

P.O. POSTAL:
Opposition from Legislator Caracciolo, abstention from Legislator Alden.

MR. BARTON:
14-1-1, and one not present (Opposed: Legislator Caracciolo - Abstention: Legislator Alden - Not Present: Legislator Haley).

P.O. POSTAL:
All right. Because it is getting late and there's something very important that we must do, I'm going to return to the resolution that we were considering earlier which is on a ***CN to elect the temporary sales tax, the temporary exemption from sales and compensating use tax for receipts from retails sales of and consideration given or contracted to be given for certain clothing and footwear, Introductory Resolution 1545.*** I'm going to make a motion to approve this.

LEG. CARACCIOLO:
On the motion.

P.O. POSTAL:
Do I have a second?

LEG. LINDSAY:

Second.

P.O. POSTAL:

Second by Legislator Lindsay.

LEG. LINDSAY:

On the question.

P.O. POSTAL:

Would -- let's see, on the question. Would you like Mr. Sabatino to explain it first?

LEG. LINDSAY:

Please, just how it turned out.

P.O. POSTAL:

Okay. Paul?

MR. SABATINO:

There are conflicting interpretations given to everybody including Budget Review Office. But putting that aside, the four models that are before you have -- that were sent down by the State are as follows. Option number one which is called Model A would provide for the two one-week exemptions. Those two one-week exemptions would be Labor Day, the Labor Day weekend and week before in 2003 and then Martin Luther King in 2004, then the full -- the full sales tax at the local level on the purchases of clothing of $110 or less would continue to be collected starting June 1st of 2004. So Model A is you just get the two one-weeks but the full sales tax continues to be collected beginning June 1st of 2004, that's -- Model A happens to be the Certificate of Necessity which is IR 1545.

LEG. BINDER:

Wait, let me ask --

P.O. POSTAL:

Legislator Binder?

LEG. BINDER:

Are you saying that they can't collect -- until June 1st, 2004, there's still an exemption in place?

MR. SABATINO:

No, the opposite.

LEG. BINDER:

The opposite. So there is --

MR. SABATINO:

If you go with Model A, you get two one-week -- the starting point -- the starting point is the state has reinstated the sales tax.

LEG. BINDER:

Just the two one-weeks and an exemption until June 1st, 2004; what happens after June 1st, 2004?

MR. SABATINO:

No, no. Okay, the starting point for all of this, the starting point for all of this is that the State has wiped out the exemption, that means that people are paying the full sales tax.

LEG. BINDER:

I got that. And then you have the two possible exemptions, these -- if we do Model A, it has two exemptions during the year, those two periods.

MR. SABATINO:

Right.

LEG. BINDER:

What happens June 1st, 2004?

MR. SABATINO:

June 1st, the tax continues to be collected on all purchases, no exemptions starting on June 1st.

LEG. BINDER:

Oh, so you -- and then there's -- then you phase out even the two, you can't even get those two periods.

MR. SABATINO:
There's no exemption at all, there's not -- it's the full taxes being collected at that point. That's under Model A which happens to be the Certificate of Necessity.

Model B which --

MR. JOHNSON:
Yeah, if I --

MR. SABATINO:
-- which the State sent down as a proposal is that you would do nothing with regard to the two one-week periods, but then you would opt in to -- and you would do nothing with regard to -- you would do nothing with regard to the permanent exemption beginning on June 1st. So in that situation you would be collecting the sales tax for the entire period of time; there would be no exemption, okay?

In Model C which is the one that we were talking about earlier in the debate, in Model C you would go for the two one-week temporary exemptions and then you would also be going for the permanent exemption. But to clarify, the permanent exemption beginning on June 1st of 2004 would be the entire local portion of the sales tax on clothing, it wouldn't be limited to any particular period of time, it would be 52 weeks, you know, the entire year. So you would be getting the temporary exemption for two weeks between now and next June and then you would be going back to the 1999 exemption on the clothing of sales -- tax of clothing as it was in 1999, okay.

LEG. BINDER:
And that would start --

MR. SABATINO:
June 1st of 2004.

LEG. BINDER:

-- June 1st of '04, so you just get the two and then it goes back in to where we were --

MR. SABATINO:
Right.

LEG. BINDER:
-- prior to the State action.

MR. SABATINO:
But you have to affirmatively do that. If you don't affirmatively opt into that, then the sales tax would continue to be collected as under options A and B.

LEG. LINDSAY:
But only the County portion.

LEG. CARPENTER:
Correct.

MR. SABATINO:
Well, all we can deal with is the County portion, yeah.

LEG. LINDSAY:
So there would still be a State sales tax on anything under $110.

MR. SABATINO:
Well, as the law is currently constructed, yes.

MR. JOHNSON:
Could I just clarify? With regard to the CN that's been submitted here, the way I understand it, this resolution would -- it would continue the State reinstatement of the clothing tax, it would offer a two week holiday. With regard to what would happen subsequent to June 1st, 2004, this particular CN is silent as of right now, it is not opting us into accepting or exempting that period right now. We still before July 18th can come back and address that issue with regard to what's happening after June 1st, 2004.

What we're talking about today is just for the period covered through May 29th of 2004 of keeping the imposition of the sales tax on clothing under $110 and allowing two periods of holiday during that time.

LEG. BINDER:
Could we -- before we get -- could we just do Model D so we --

MR. JOHNSON:
I'm sorry.

LEG. BINDER:
I just want to get all of it down so --

MR. JOHNSON:
No, that's fair.

LEG. BINDER:
-- we understand all the models, then we can figure out what you're doing and why you're doing it and what we want to do.

P.O. POSTAL:
Okay.

MR. SABATINO:
Model D, you affirmatively decline the temporary exemption and you opt into the permanent exemption which means that you would not take advantage of the two one-week periods between now and next year and then you would --

LEG. BINDER:
But you would start --

MR. SABATINO:
-- opt into June 1st of 2004 --

LEG. BINDER:

And then --

MR. SABATINO:

-- to go back to the way the law was in 1999.

P.O. POSTAL:

Okay. We --

MR. JOHNSON:

Just in summary, the State gives us two options; either we can have the holiday over this period or subsequent to that we can have the exemption forever and never get sales tax on clothing on $110. This does not address what we're going to do in perpetuity with regard to

sales tax, this addresses the holiday only over the period from now until the end of May.

LEG. BINDER:

Madam Chair, can I just --

P.O. POSTAL:

Yeah.

LEG. BINDER:

And I want to see what Counsel -- and this is where the rub I think is going to happen. You said, Counsel, that once we opt into a model, A, B, C or D, that's the model and we're stuck with it. I'm hearing, no, we can pick a model and then we can -- it's more like a chinese menu here, one from column A, then we can pick column B later and we can kind of mix and match. And if we're not sure of what we're doing tonight, I have to tell you, I think it's a very bad thing to go forward if we're having differing opinions? Am I summarizing that, Counsel? I want to make sure --

MR. SABATINO:

There's two issues, one was the disclosure issue. I was emphasizing at the outset of the debate the fact that there were essentially two options; I mean, it's formatted four ways but there are essentially two options. I only became aware of those at mid-day and I wanted everyone to be on equal playing fields so that there was a fully informed decision that was made tonight; that was issue number one.

The secondary issue is that because the State Department of Taxation and Finance, when it comes to the sales tax resolution say use their model and nothing else, I'm concerned that if you deviate from the model there's a potential that they can say, "You didn't do it the right way."

LEG. BINDER:
Or that we could be stuck in the model thinking that we wanted a change at another --

MR. SABATINO:
In two weeks, right. That's why I thought this morning, or least earlier in the debate I should say, that I didn't think there would be -- since there was all this uncertainty and given the fact that we've all gotten different interpretations from the State, I didn't feel that there would be a problem just laying the bill on the table and going for the vote on the 24th. However, there are other considerations now which are not legal considerations but there are other considerations about this process and how it evolved which, you know, I understand caused some concern --

LEG. BINDER:
Right.

MR. SABATINO:
-- about voting tonight. The only thing I can say to you is that I can't give you certitude, I can't give you a guarantee that if you deviate from the model, the State will --

LEG. BINDER:
And that's why I need to ask why Todd or why the County Exec's Office believes with certitude -- in other words, our Counsel has a history -- our Counsel has a history -- looks at the history of how we've dealt with the State on these kind of questions. They've set up the question, the model is the model and once you opt into the model that's it, that's the expectation and there's no changing. What leaves you to believe that we can pick a model tonight, Model A, and then if we want to decide to go to Model C later which has the exemptions but we want to add on the

permanent exemption after June, what makes you believe we're going to be able to do that?

MR. GRIER:
Well, based on my conversations with one of the senior Counsel up at State Taxation and Finance, he indicated to me because he had reviewed the bill that's before you and he wanted to make sure that what we were doing was Model A which was the two one-week exemptions; I indicated that's what we were proposing tonight. He said that's fine, but so long as you know that you won't be able to do the June 1st, 2004, exemption unless you do it by July 18th. He was not concerned that it be done all in one act, he said as long as you act to do both before July 18th you'll be fine, otherwise you would lose the ability to get the permanent exemption.

LEG. BINDER:
He's Counsel for where?

MR. GRIER:
State Department of Tax and Finance.

LEG. BINDER:
Tax and Finance. Now, did he -- was he willing to give us a letter? Did you ask for some documentation so we would not have -- my concern is that Counsel could have given that advice, he gives it over the phone, he gives it verbally and he can tell you tomorrow, no, no, I didn't say that. What I said was -- and you can be absolutely confident of what you heard, but if the word in the department changed, why did you give that advice, oh, I didn't -- you know. My concern is we don't have anything in writing. We have a history from Counsel, Counsel is giving us a history of not being able to find another date. Maybe this is special because there's some drop-dead date of July 18th that is --

MR. GRIER:
Well, that is true.

LEG. BINDER:
-- different than other kinds. Is that in the legislation, it says that we're allowed to -- my concern is that without a letter and without Counsel and without -- and with the history that Counsel gives us of not being able to change, I'm not confident that we're going to be able to change anything. And so it would seem to me that if we're going to vote tonight, that whatever

the model is that we pick we better be confident that that's what we want to do, do that -- that's the model. And then if we get lucky because of July 18th, maybe we have another bite at the apple.

And also, by the way, we're off all of July and I don't know who's going to be out of town, who's going where, I don't know -- you know, a lot of people might be taking off, we might not be able to have a number of members here to even vote on this. So if we're looking in the July period which normally we're off. So I'm concerned about the whole thing tonight with this thing up in the air.

P.O. POSTAL:
Dave, is it possible that we could get a written clarification from Albany almost immediately, you know, within a week or something like that?

MR. GRIER:
Well, I did specifically ask Bruce whether or not we would be receiving anything from them in writing with regard to the fact that they've reviewed it and it meets their requirements. What I got was no, we're not going to send you anything in writing, unlike what we do for the typical extensions where they send it to us confirming that they have approved the form resolution, he said in this case we're not going to be sending you anything in writing. However, as far as the July 18th date is concerned, that is in the State legislation as the drop-dead date by which we have to act.

P.O. POSTAL:
Well, you know --

MR. GRIER:
But again --

P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
It's late, I'm tired, we want to have the two week holidays, this year, next year, the year after; what do we have to do?

MR. GRIER:
Just to make sure you understand, the two week holidays is only for the next 12 months. Any exemption after that is 52 weeks out of the year, there is no temporary exemption periods, it's a permanent exemption.

LEG. LINDSAY:
So we can't have two week holidays in 2004.

MR. GRIER:
Only for the January 26th through February 1st period, the rest of it is a full tax on sales of clothing and footwear.

LEG. LINDSAY:
That seems impossible, that just doesn't seem right. I'm sorry, guys. That's screwed up information. Why would the State go forward with the two one-week holidays and tell the County that they can't buy into it? Your sales tax is going to change, it's going -- I mean, the State portion is what, four and a half percent and ours is three and a half or something like that, it's four and three?

LEG. CARACCIOLO:
Four and a quarter.

LEG. BINDER:
They're four and three quarters, we're four and a half.

LEG. LINDSAY:
I mean, you're going to drive every merchant absolutely bonkers in this County.

LEG. CARPENTER:
They already have.

LEG. CARACCIOLO:
That's the whole issue.

MR. GRIER:
Again, that's --

MR. SABATINO:
Another way to look at it --

LEG. LINDSAY:
It's screwed up.

P.O. POSTAL:
Wait. I know, I would like to hear what Mr. Pollert has to say.

MR. POLLERT:
The option is not currently available but what has happened in the past is next year the State will make it available to the County. So in previous years when we used to opt into these exemptions, it was made available on an annual basis by the State, but there was no way to opt into, you know, just as a default, you had to do it each and every year. So each and every year the Legislature had to approve a resolution opting into the tax-free weeks.

LEG. LINDSAY:
I have before me the CN that will take care of the two week period for 2003 and the first week in 2004; am I correct?

MR. GRIER:
That's correct.

LEG. LINDSAY:
Okay. So if we pass this, Paul Sabatino had a notation from the State in writing that if you pass by July 18th is it, Paul, then you can have the exemption for 2004.

MR. SABATINO:
Right, but the -- yeah, written instruction said in order to elect the permanent exemption effective June 1st, 2004, a locality must enact the appropriate model by July 18th, 2003, otherwise the permanent exemption cannot take effect earlier the March 1st of 2005.

LEG. LINDSAY:
Okay.

MR. GRIER:
That's correct.

MR. SABATINO:
The issue became -- they went through the trouble of preparing four models, they didn't do the fifth model to address what's being proposed tonight.

LEG. LINDSAY:
Okay. I --

MR. SABATINO:
So based on the past experience with them, you worry because they didn't give you the fifth model.

LEG. LINDSAY:
But I think at this point in time we have to pass the CN, we have to get clarification between now and June 24th if that's the right thing to do for 2004-2005.

LEG. BINDER:
Legislator Lindsay, would you yield for a moment?

LEG. LINDSAY:
Go right ahead.

LEG. BINDER:
I would suggest that what we should do is take the fullest exemption which is C, ask them to change that and if by July 18th if we want to pull back to only the two one week holidays, then we should do that. But why go with less and then say well, we'll hope that by July 18th we can get more if we wanted. I would say let's go for the whole apple which is C, ask that -- they should come in with C and go for as much as we can get. And then if we think it's too much between now and July 18th, let's meet again and see if we can -- and then we'll roll it back some if Legislators want to do that. But I tell you what, I think the people of this County deserve C

which is the fullest exemption that's allowable by New York State after they have taken away what is a necessity, a necessity sales tax exemption; that's for necessities, these are people who can barely buy the clothes, this is a big thing to them.

LEG. LINDSAY:
I don't think anybody disagrees with you is C the model that we want.

P.O. POSTAL:
That's -- I --

LEG. BINDER:
Go with the biggest and then go backwards.

P.O. POSTAL:
Well, let's recognize Legislator Caracappa.

MR. JOHNSON:
Let me just -- can I just suggest something?

P.O. POSTAL:
Excuse me. Legislator Caracappa.

LEG. CARACAPPA:
Thank you. I think it makes really good fiscal sense for us, based on our current fiscal situation, to go with A. As much as we want to go with C, as much as we want to provide relief as soon as possible and give back the full exemption, we have to make sure that our fiscal house is in order first and foremost. And we cannot just go and say, okay, we'll give the two weeks, we'll accept the gift, so to speak, from the State on the sales tax being put back on clothing and footwear for the year and then we'll go back to the full exemption; it's too cloudy to say we could do that yet. And as time progresses, A gives us the option to do C in the future. A gives us the option possibly, depending on what the State says, Allan -- I'm just saying, why box ourselves now when we really haven't even addressed our Operating Budget for the remainder of this year and for '04 and '05. So you're saying it's a big help for people with relation to the sales tax on clothing, we all know what it is, but what about the property tax impact we're going to have in this county if we don't have that sales tax to fall back on in '04 and '05? It's too early to say let's

just jump at the sea. I think the most prudent thing we should do right now is go with A which is the CN before us tonight.

P.O. POSTAL:
Legislator Nowick and then we're going to go to a roll call.

LEG. NOWICK:
Just something that Legislator Caracappa said. Is that true that we can, if we opt into Model A, that we could always in the future go back into Model C?

LEG. BINDER:
I don't know. Ask Counsel?

MR. SABATINO:
I hope that we'll be able to do that if you adopt Model A. But what I stated before was that I can't guarantee with certitude only because the instructions that were sent with the accompanying model don't provide for that. And based on history, as I stated before, they have been very resistent to you breaking out of the model. But mainly because the circumstances are just so incredibly unique this time around, so chaotic and so confusing, maybe we'll be able to go with a hybrid which is you do Model A and then they give you a chance to do some new model. But I'm just trying to clarify that I can't tell you with the kind of certainty that would be absolute and complete that if you do that you're not foregoing the option for the permanent exemptions.

LEG. NOWICK:
Could we get that answer before we come back again and know and do --

MR. JOHNSON:
Well, I'll tell you what.

LEG. NOWICK:
Do we still have the options or not?

MR. JOHNSON:
We can certainly seek that answer before the County Executive signs the resolution.

P.O. POSTAL:
That would be -- once the -- we do have that window where we have an opportunity to reconsider before the County Executive signs the resolution.

MR. JOHNSON:
Well, like I said, I can certainly seek that information from State and Finance before the County Executive signs the resolution.
P.O. POSTAL:
Okay.

LEG. CRECCA:
The resolution that's before us now, though, if I can just get a clarification, is saying it's option A or is it just the first part of option A?

MR. SABATINO:
No, it's Model A which is only the two one-week periods.

P.O. POSTAL:
Okay.

MR. SABATINO:
Model A by definition is just the two one-week periods.

LEG. BINDER:
May I?

P.O. POSTAL:
I'm going to make a motion --

LEG. VILORIA-FISHER:
Second.

LEG. BINDER:
Madam Chair, on the motion. Just real quick, I would say, urge -- I would urge my colleagues to

vote this down and then ask the County Executive to give us Model C, or at least abstain so that this doesn't pass tonight and then go for model C. That's what we should be doing for the taxpayers of Suffolk County, that would be the best for them, that's the exemption that they would want and I would hope we'll do that. So I'm going to abstain --

P.O. POSTAL:
Legislator Bishop, please stay with us. Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
I just wanted to second the motion so that we could vote.

P.O. POSTAL:
Which one?

LEG. VILORIA-FISHER:
Model A, to approve.

P.O. POSTAL:
My motion.

LEG. VILORIA-FISHER:
Yes.

P.O. POSTAL:
Okay, roll call. I know we need 12.

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

P.O. POSTAL:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. TONNA:

Two one-weeks and never again after that?

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BINDER:

Abstain.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. CARPENTER:

Pass.

LEG. ALDEN:

Pass.

LEG. FIELDS:

Pass.

LEG. LINDSAY:

Yes for the two holidays, the two one-week holidays of no sales tax.

LEG. FOLEY:

Yes.

MR. BARTON:

Legislator Haley?

P.O. POSTAL:

He's not here right now.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. CARACCIOLO:

Sure.

LEG. CARACAPPA:

Smart move.

MR. BARTON:

15 (Abstention: Legislator Binder - Not Present: Legislator Haley).

MR. JOHNSON:

Thank you.

LEG. CARACAPPA:

Good work, Maxine.

P.O. POSTAL:

Thank you. ***1545 is approved.***

I'm going to recognize Legislator Lindsay for a motion on ***Home Rule 5 - Requesting New York State Legislature to allow Suffolk County to install and operate red light camera program.***

LEG. LINDSAY:

Yes, I'd like to ask that the Legislature waive the rules on Home Rule 5. It's another Home Rule Message on the red light cameras, it came as a result of a request from the Senate. We passed one about two months ago before, we thought it was for the whole Legislature, the Senate wants one of their own. So I ask that you's do this one more time.

P.O. POSTAL:

Okay, you have a motion?

LEG. LINDSAY:

Motion.

LEG. FOLEY:

Second.

P.O. POSTAL:

Second by Legislator Foley. All in favor? This is to waive the rules and lay this on the table and approve. So we have a motion and a second. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. CARACCIOLO:

Opposed.

P.O. POSTAL:

Opposed, Legislator Caracciolo and Legislator Binder? Okay.

MR. BARTON:

14 (Opposed: Legislators Caracciolo & Binder - Not Present: Legislator Haley).

P.O. POSTAL:

Home Rule -- let's see, that was Home Rule 7? Five, it was approved.

Now, I'm going to make a motion to waive the rules and lay ***Home Rule Message 6*** on the table and vote on it, that Home Rule is ***requesting the New York State Legislature to authorize Suffolk County to extend a temporary 1% sales and compensating use tax rate.*** I actually will hold off on that for just a minute because I know we have a motion for veto overrides, so let's do that and then we'll come back to that one.

LEG. FIELDS:

I would like to make a motion to override Veto No. -- does anybody have the number on that one?

LEG. FOLEY:

273.

LEG. FIELDS:

273. And also request my colleagues to remember that in our discussions this was a question of a matter of public safety in that we have a responsibility to ensure the ability of people to call

911 and give them that good cellular ability. Secondly, that this can be placed inside flag polls or on already existing facilities, that it was no -- there is no intent to build huge erector set types of towers, that this is for an RFP that we're looking to see if there are appropriate sites. It has to go before the Parks Trustees if they come back with those recommendations, and after it goes through the Parks Trustees the Legislature has the ability to say yea or ney.

P.O. POSTAL:
Okay. There's a motion to override by Legislator Fields, I'll second that motion. Any questions? Roll call.

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

LEG. FIELDS:
Yes.

P.O. POSTAL:
Yes.

LEG. COOPER:
Yes.

LEG. TONNA:
Pass.

LEG. BINDER:
No.

LEG. BISHOP:
Pass.

LEG. NOWICK:
Yes.

LEG. CRECCA:

Yes to override.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

Yes.

LEG. TONNA:

Yep.

LEG. BISHOP:

No.

LEG. LINDSAY:

No.

LEG. VILORIA-FISHER:

No.

LEG. BISHOP:

Change my vote to a yes.

MR. BARTON:

12 (Opposed: Legislators Caracciolo, Viloria-Fisher, Lindsay & Binder - Not Present: Legislator Haley).

P.O. POSTAL:

Okay. We have a group of late starters. I'm going to make a motion to ***waive the rules and lay on the table 1541, 1542, 1543, Sense 49 and Sense 50.*** Okay, 41 is assigned to Ways & Means, 42 is assigned to Ways & Means, 53 is assigned to Public -- 43 is assigned to Public Works, Sense 49 is assigned to Public Works, Sense 50 is assigned to Ways & Means. So I'm going to make that motion, seconded by Legislator Guldi.

LEG. ALDEN:

These are all time constraints on these?

P.O. POSTAL:

Well, I assume it's because we have no meetings during the month of August so people are hoping that they'll at least -- during July, they'll at least start process as soon as possible. All in favor? Opposed?

MR. BARTON:

16 (Not Present: Legislator Haley).

P.O. POSTAL:

They're laid on the table. Now, let's see --

LEG. CARACCIOLO:

Madam Chair?

P.O. POSTAL:

Yes.

LEG. CARACCIOLO:
I've just been handed a copy of a resolution that would make permanent the sales compensating tax on the retail sales of clothing and footwear. Given that we now have time to evaluate that issue and we've already adopted one exemption, I'd like to lay this on the table as a late starter.

P.O. POSTAL:
As a late starter? Actually, would you be willing to move to lay it on the table and vote to approve it or --

LEG. CARACCIOLO:
Yes.

P.O. POSTAL:
Thank you. I'll second that.

MR. SABATINO:
No, no, you can't. All you can do is lay it on the table. If you lay it on the table, at least you'll avoid the necessity for a Certificate of Necessity at the next meeting if it becomes a viable option; it may not be a viable option, but at least by laying it on the table you short circuit that one potential impediment.

LEG. CARACCIOLO:
Okay. So madam Chair, we'll just lay it on the table.

LEG. BINDER:
Can I just ask the sponsor a question?

P.O. POSTAL:
Yes, Legislator Binder.

LEG. BINDER:
That would seem to be Model D, the permanent exemption; would that be added to A or would your have -- is yours a combination of D and A?

LEG. CARACCIOLO:

Paul?

MR. SABATINO:

It's C, right, because it's -- having adopted Model A tonight --

LEG. BINDER:

Oh, so it's an add-on.

P.O. POSTAL:

It's an extension.

MR. SABATINO:

If it's viable, by laying it on at least it becomes an option.

LEG. BINDER:

But it would be additional to what we did tonight --

MR. SABATINO:

It would be supplemental to --

LEG. BINDER:

-- to create the model of C.

MR. SABATINO:

Right.

LEG. BINDER:

Okay. That's all I wanted to know.

MR. SABATINO:

Because you adopted Model A and not Model C, if there's a possibility that you can do the second half --

LEG. BINDER:

Hands on, create C (inaudible).

P.O. POSTAL:

Can we please have your attention? This is really important.

LEG. CARACCIOLO:

Okay, Madam Chair, can we do that?

P.O. POSTAL:

Just lay it on the table?

LEG. CARACCIOLO:

Yes.

P.O. POSTAL:

Yeah.

LEG. BINDER:

Second.

P.O. POSTAL:

We have a motion to lay it on the table, I'll second it. All in favor? Opposed?

MR. BARTON:

15 (Not Present: Legislator Haley).

P.O. POSTAL:

And it's assigned to Ways & Means.

Now, we actually did not address ***IR 1443-03 under Parks, Sports & Cultural Affairs, amending the 2003 Operating Budget and reappropriating unexpended, uncommitted 2003 funds in Fund 192 to the 2003 Operating Budget (County Executive).***

LEG. BISHOP:

Kenny, come on up, stop the nonsense.

MR. KNAPPE:
This is simply just a reallocation of unexpended funds from 2002 that deals with the Hotel/Motel Tax; it's being redistributed to 2003.

LEG. FOLEY:
Motion.

LEG. BINDER:
Second.

P.O. POSTAL:
Motion by Legislator Foley, seconded by Legislator Binder was that? All in favor?

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
Just on the motion, just so everybody is aware of it, there might be some problems with the way funds are being expended by Convention and Visitor's Bureau.

LEG. FIELDS:
What do you mean?

LEG. FOLEY:
This is for the Parks Department.

MR. SABATINO:
This was the -- that's correct, but this is the historic repair, renovation component.

LEG. ALDEN:

I know, I'm just saying about the other portion of it.

LEG. FIELDS:

Can you just --

LEG. BINDER:

There's no time.

LEG. FIELDS:

Yes we do, we still have like four minutes.

LEG. BINDER:

Go.

LEG. FIELDS:

It will take you 30 seconds to explain what you mean.

LEG. ALDEN:

I'm trying to get information on an ad that I saw in the papers the other day, eight pages in Newsday paid for it looks like by the Long Island Convention and Visitor's Bureau with all Nassau County, it had nothing to do with Suffolk County. Nassau County is not paying them very much at all, Suffolk County is the bulk of their operating budget so I'm trying to get some more information on that.

LEG. FOLEY:

Okay.

LEG. FIELDS:

Was it in a Suffolk County Newsday?

LEG. ALDEN:

It was in Newsday, Suffolk County Newsday, promoting events in Nassau County.

LEG. CARPENTER:

If I could interrupt this discussion that you've started, we probably want to hear more about it. I just want to make a motion to extend for 15 minutes.

LEG. LINDSAY:
I'll second that.

P.O. POSTAL:
Motion by Legislator Carpenter, seconded by Legislator Lindsay to extend the meeting by 15 minutes. All in favor? Opposed?

LEG. CARACCIOLO:
Opposed.

LEG. TONNA:
Opposed, Legislator Tonna, Legislator Bishop, Legislator Binder, Legislator Caracciolo opposed, and Legislator Cooper.

MR. BARTON:
11 (Opposed: Legislators Caracciolo, Bishop, Binder, Tonna & Cooper - Not Present: Legislator Haley).

P.O. POSTAL:
The meeting will be extended to 12:15.

MR. SABATINO:
No, you need 12.

P.O. POSTAL:
We need 12?

LEG. CARPENTER:
Make it ten minutes, to 12:10.

P.O. POSTAL:
Okay. Motion to extend the meeting till 12:10. All in favor? Opposed? Opposed, Legislator

Caracciolo -- let me just get the vote -- Tonna, Bishop and Binder I think; your hand is up, David or not? Yeah.

MR. BARTON:
It's the same 11.

P.O. POSTAL:
Wait a minute. How many Legislators are present?

MR. BARTON:
You have 16 present.

P.O. POSTAL:
So if four voted against it --

LEG. BINDER:
Cooper just changed.

MR. BARTON:
Cooper just changed, okay. Now it's 12.

P.O. POSTAL:
All right, so the meeting is extended to 12:15.

LEG. BINDER:
Ten.

P.O. POSTAL:
12:10? Okay. All right, 12:10.

LEG. BINDER:
You have ten minutes. Sense No. 7.

MR. BARTON:
We have to finish the vote on 1443.

LEG. TONNA:

It's requesting New York State -- hey, all right, Marty is here. Let's get this over with, he's here, he's here.

P.O. POSTAL:

Marty.

LEG. HALEY:

I've been standing here for the last 20 minutes.

P.O. POSTAL:

Well, you have to speak up. You know, you're so quiet and shy.

MR. BARTON:

1443, we're in the middle of that.

P.O. POSTAL:

Okay. Henry, did we --

MR. BARTON:

I have a motion and a second.

P.O. POSTAL:

We have a motion and a second on?

MR. BARTON:

1443.

LEG. FIELDS:

Which one?

MR. BARTON:

The one with the Hotel/Motel Tax.

P.O. POSTAL:

The Hotel/Motel Tax.

MR. BARTON:

Right.

P.O. POSTAL:

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

MR. BARTON:

17.

P.O. POSTAL:

Okay, that's approved.

LEG. BINDER:

Okay, go to the next one.

P.O. POSTAL:

Now, I'm going to make a motion to waive the rules and approve ***Home Rule Message No. 6 which is requesting the New York State Legislature to authorize Suffolk County to extend the temporary 1% sales and compensating use tax rate.*** Seconded by Legislator Caracappa.

LEG. TONNA:

Roll call.

P.O. POSTAL:

All in favor? Roll call.

LEG. CARPENTER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Carpenter.

LEG. CARPENTER:
I just want to state that the tax is due to expire November 30th of this year, and so this would extend it through to November 30th of 2005. But I also from my perspective don't think we have to act today, it's not --

P.O. POSTAL:
Well, I've been told by the State Legislature that we do because they're going out of session and they don't anticipate that they're going to come back in time. So this is extremely important to us. We were looking at a tremendous deficit, without this extension of the sales tax we would be facing that deficit after all. We have a motion I think and a second, Henry?

MR. BARTON:
Yes.

P.O. POSTAL:
Okay, roll call.

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

P.O. POSTAL:
Yes.

LEG. CARACAPPA:
Yes.

LEG. COOPER:
Yes.

LEG. TONNA:
Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Abstain.

LEG. CRECCA:

No.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

MR. BARTON:

10 (Opposed: Legislators Caracciolo, Fields, Alden, Crecca & Binder).

LEG. GULDI:

Madam Presiding Officer?

P.O. POSTAL:

Yeah.

LEG. GULDI:

Motion to reconsider the tabling of Sense 38.

LEG. HALEY:

Second.

LEG. FIELDS:

Which is?

LEG. GULDI:

That was the GFA.

P.O. POSTAL:

That requests New York State to create the Suffolk County Government Facilities Agency, GFA. There's a motion and a second --

LEG. TONNA:

I will second it.

P.O. POSTAL:

-- by I think Legislator Viloria-Fisher?

LEG. GULDI:

No, Legislator Haley seconded it.

P.O. POSTAL:

Legislator Haley.

LEG. BINDER:

Madam Chair?

P.O. POSTAL:

To reconsider.

LEG. BINDER:

Motion to adjourn.

LEG. CARPENTER:

Second.

LEG. BINDER:

It's a non debatable motion.

P.O. POSTAL:

Okay. Roll call.

LEG. LINDSAY:

On what?

P.O. POSTAL:

Roll call, there's a motion to adjourn.

MR. BARTON:

Who's the second?

LEG. TONNA:

Me. Oh no, to adjourn? No, I don't want to adjourn.

P.O. POSTAL:

All right, wait a minute. I don't think that Henry or anybody else can understand what's going on here? It's very confusing. There was a motion to adjourn.

LEG. ALDEN:

Second.

P.O. POSTAL:

And I called for a roll call.

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

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

No.

LEG. CRECCA:

No to adjourn

LEG. CARPENTER:

No.

LEG. FIELDS:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. HALEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. GULDI:

No.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

Yeah.

P.O. POSTAL:

No.

MR. BARTON:

Three.

LEG. GULDI:

On the motion to reconsider, call the question.

LEG. TONNA:

Second.

LEG. GULDI:

I had a motion and a second to reconsider Sense 38; call the question.

P.O. POSTAL:

Okay. Henry?

MR. BARTON:

I have a motion and a second.

P.O. POSTAL:

You have a motion on Sense 38.

LEG. FOLEY:

Roll call.

LEG. GULDI:

To reconsider.

P.O. POSTAL:

And do we have -- to reconsider; is that to reconsider?

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

LEG. GULDI:

On the motion. Yes on the motion to reconsider.

LEG. HALEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

No.

LEG. ALDEN:

(Not Present).

MR. BARTON:

Legislator Alden?

LEG. GULDI:

He stepped out of the room.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

No to reconsider.

P.O. POSTAL:

Yes.

MR. BARTON:

10.

LEG. FOLEY:

Let's move.

P.O. TONNA:

Now make the motion.

LEG. GULDI:

A motion and a second were made before; should we continue the roll call or do we start it over, Henry?

MR. BARTON:

I'm good, I'm good.

(*Roll Call Continued by Mr. Barton, Clerk*)

LEG. GULDI:

Yes to approve.

LEG. HALEY:

Pass.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. CARPENTER:

Abstain.

LEG. ALDEN:

(Not present).

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. HALEY:

I think I passed.

MR. BARTON:

You did.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

LEG. HALEY:

Pass. Abstain.

MR. BARTON:

Nine.

LEG. CARACAPPA:

Good night.

P.O. POSTAL:

Okay, motion -- meeting is adjourned. Thank you very much.

I think this was a very productive meeting.

[THE MEETING WAS ADJOURNED AT 12:03 A.M.]

{ } - Denotes spelled Phonetically