

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
SEVENTEENTH DAY
NOVEMBER 18, 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, COURT REPORTER**

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

D.P.O. CARACAPPA:

Mr. Clerk, please call the roll.

MR. BARTON:

Good morning Mr. Chairman.

D.P.O. CARACAPPA:

Good morning.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Here.

LEG. GULDI:

(Not Present)

LEG. O'LEARY:

(Not Present)

LEG. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Here.

LEG. TONNA:

There you go.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARACAPPA:

Here.

P.O. POSTAL:

(Not Present)

LEG. FOLEY:

Henry, I'm here.

LEG. O'LEARY:

Henry, I'm present.

MR. BARTON:

We have thirteen present. (Not Present at Roll Call: Legs. Guldi, Fields, Bishop, Binder and P.O. Postal)

D.P.O. CARACAPPA:

Thank you, Mr. Clerk. Would everyone rise for a salute to the flag, led by Legislator Losquadro.

(Salutation)

Please remain standing. I'd like to introduce Legislator Cameron Alden for the purposes of

introducing today's clergy. Legislator Alden.

LEG. ALDEN:

Thank you. It's actually my honor today to introduce a man that has done so much for the community. And it's very, very fitting that today we can pause and just take a minute and thank him for what he's done over at Saint Anne's in Brentwood. It's a community that needs a lot, and Father Jerry really rises to the occasion on every day. So with that, I will introduce Father Jerry Twomey, and thank him very much for what he does for the community and for all of us in Suffolk County on a daily basis. Thank you.

FATHER TWOMEY:

Thank you, Legislator Alden and Legislator Caracappa. In the spirit of Thanksgiving, I invite you now, please, to bow down your heads as we pray God's blessing in the words of the Psalmist, Psalm 107.

Oh, give thanks to the Lord, for he is good, for his love endures forever. Let them say this, the Lord is redeemed. Whom he redeemed from the hand of the foe and gathered from far off lands, from the east and west, north and south. Some wandered in the desert, in the wilderness, hungry they were and thirsty. Their soul is fainting within them. They cry to the Lord in their need and he rescued them from their distress and he led them along the right way, to reach the city in which they could dwell. Let them thank the Lord for his love, for the wonders he does for them, for he satisfies the thirsty soul. He fills the hunger with good things.

Some lay in darkness, in gloom, prisoners in misery and chains. He led them from the darkness and gloom and broke their chains to pieces. They cried to the Lord in their need and he rescued them in their distress. Let them thank the Lord for his love, for the wonders he does for them. Let them offer a sacrifice of thanks and tell of his deeds with rejoicing.

Some sail to the sea in ships to tread on the mighty waters. These people have seen the Lord's deeds, the wonders he does in the deep. Let them thank the Lord for his love, the wonders he does for them. Let them exalt him in the gathering of the people, and praise him in the meeting of the elders. He changes desert into streams, thirsty ground into springs of water. There he settles the hungry, and they build a city in which to dwell. They sow fields and plant their vines. These yield crops for the harvest.

He raises the needy from distress, makes families numerous as a flock. The upright see it and rejoice, but all who do wrong are silenced. Whoever is wise, let that person heed these things and consider the love of the Lord. Amen.

D.P.O. CARACAPPA:

Please be seated. It gives me great pleasure this morning to bring forward our County Clerk, Ed Romaine, for the purposes of swearing in our newest colleague here in the Legislature, Legislator Dan Losquadro from the Sixth District. Mr. Romaine, come forward. And I'd ask the Losquadro family to come forward as well. And, Dan, just go around in the front.

[LEGISLATOR DANIEL LOSQUADRO WAS SWORN IN BY COUNTY CLERK ED ROMAINE]

(Applause)

MR. ROMAINE:

Congratulations.

LEG. LOSQUADRO:

Thank you.

D.P.O. CARACAPPA:

Again, Dan, we'd like to welcome you, and we all look forward to working with you. And to the Losquadro Family, congratulations to all of you.

I'd like to recognize Legislator Viloría-Fisher for the purposes of presenting a proclamation.

LEG. VILORIA-FISHER:

Thank you, Legislator Caracappa. As you can tell by my outfit, I'm wearing the Ward Melville school colors, because today we're congratulating and celebrating three women's teams of Ward Melville High School who have certainly done us proud.

Before I ask them to come up, I will mention that the motto of the Ward Melville Field Hockey Team this year has been "Ward Melville Respect". These young women have certainly carried themselves with a great deal of respect for themselves and respect for the teams against whom they've competed, and have certainly earned the respect of everyone here in Suffolk County.

I would like to call the teams up one by one. Our Volleyball Team did win our County Regional and State Championship. Volleyball Team, can you, please, come up?

(Applause)

With their Coaches, Mr. Fernandez and Miss Weiner. Can you just stand right across here, because there are so many of you? Congratulations.

I would like to invite up our Field Hockey Team, with whom we also traveled to Syracuse. These are our County and Long Island Region Champions, with their coach, Nancy {Cole}. Come on up. And I would -- I know there's a little -- there are nepotism laws, but my daughter is a member of this team, so please take note the really good looking one who looks like her mother. I would like -- oh, I'm sorry. You could probably tell who my daughter is, because she's the one who's blushing the most.

Okay. I would like to also welcome our County Champion Swim Team. Come on up, swimmers.

(Applause)

Would also like to invite up here to stand with me the Athletic -- Director of Athletic Education, I'm not sure if that's your correct title, Don Webster.

(Applause)

Again, I started off by saying that these young women have certainly earned our respect. In education, we often speak about authentic assessment. Anyone who's an educator knows that. Authentic assessment, being the best way to determine whether or not someone has achieved success. Well, these young women have certainly demonstrated in their authentic assessments that they have the grit, the determination, the class, the strength, the courage, because sometimes you see these little blond ponytails shooting across the field at someone swinging a stick and you know that these are courageous young women. They have -- they certainly work hard, they're dedicated, and they -- you know, two weeks ago today, there was a public official who made insulting remarks to all women in Suffolk County, and you young women exemplify the best of womanhood in Suffolk County, and I really want to congratulate you. And I warned

Paul Tonna about never playing golf with our field hockey players, because Kate Johnson over there, I think, could certainly drive a ball.

LEG. TONNA:

A lot farther.

LEG. VILORIA-FISHER:

A lot farther.

LEG. TONNA:

I bet you that's true.

LEG. VILORIA-FISHER:

And she has great hair, too, Paul.

LEG. TONNA:

Are you interested in a donation?

LEG. VILORIA-FISHER:

Okay. If I could have the coaches up here, please, so that I can present you with the proclamations, and then we'll -- and the Captains, too. And then we'll all go pose together over there for a picture.

Whereas the -- and I'll read just the first "whereas" and just give everyone their proclamation.

"Whereas; the Suffolk County Legislature wishes to honor the Ward Melville High School Girls Varsity Volleyball Team on its most successful season." Okay? Mr. Fernandez can come forward.

MR. FERNANDEZ:

Thank you.

(Applause)

"Whereas; the Suffolk County Legislature wishes to honor the Ward Melville High School Girls Field Hockey Team on its most successful season."

(Applause)

"And the Suffolk County Legislature wishes to honor the Ward Melville High School Girls Swim Team on its most successful season".

(Applause)

Okay. Congratulations to all of you. Mr. Webster, would you like to say a few words?

MR. WEBSTER:

I just would like to take this opportunity to thank the Suffolk County Legislature and Legislative Group for this fine honor. We in the Three Village Community are certainly very, very proud of each and every one of our athletic programs, and to achieve this recognition is certainly something that we'll always treasure, so thank you very much.

(Applause)

LEG. VILORIA-FISHER:

We'll take a picture with the girls.

D.P.O. CARACAPPA:

Thank you, Ladies, and congratulations again. At this point in time, I'd like to ask Legislator Carpenter to come to the podium for the purpose of presenting a proclamation.

LEG. CARPENTER:

I would just ask if the Brentwood Varsity Soccer Team would come forward and stand in front of the horseshoe, so we could properly recognize you. And I'd ask if, first of all, Legislator Cameron Alden join me at the podium. And also from Brentwood, we have the Superintendent of Schools, Les Black, Steve Coleman, the President of the Board of Education, and, of course, Tom O'Brien, the High School Principal, if you'd come join us at the podium.

Thank you. Thank you very much. Ladies and Gentlemen, you see before you this morning the League I Champions, the Brentwood Varsity Soccer Team. And these gentlemen, through their

dedication, hard work, and most importantly teamwork, have brought this championship to Brentwood, and the community is very, very proud. And we also would like to acknowledge the efforts of their coaches, Ron Eden, Peter Schmitz, and also the Athletic Director, Kevin O'Reilly.

Gentlemen, we are very, very proud of you. We have this proclamation on behalf of the 1.4 million people that we collectively, as a Legislative body, represent here in Suffolk County. You certainly exemplify some of our most finest young people and we're very, very proud of you. Legislator Alden?

LEG. ALDEN:

Actually, at Brentwood, which is the size of a lot of universities, it's an honor to make the varsity team, first off, and then to put in the time and to dedicate yourselves to the effort that you actually had to go forward with to win a League and a Division Championship, it's just mind-boggling, because that's the largest school league in the County. You guys went out there, and I know that it's a lot of hard work. I played in high school, not soccer, but football, basketball and baseball, and I really know what kind of time to put in. You had to leave your at home and you had to go in there and you had to work out. And congratulations, great job.

(Applause)

LEG. CARPENTER:

Thank you, Legislator Alden. Also, we'll just have a few words from Kevin O'Reilly, the Athletic Director. Kevin?

MR. O'REILLY:

Thank you very much. I would like to thank the Suffolk County Legislature for bestowing this great honor, proclamation, for the boys. It was an exciting year. Be very proud of what you have achieved. You did a great justice for the community, something that brought a lot of pride to the school district and the community. And I want to thank the boys of the team, the coaches, the administration, all my fellow workers for the help, and also the Legislature for honoring us here today.

(Applause)

LEG. CARPENTER:

Thank you. You know, Mr. O'Reilly's words were very fitting. And I think, just by seeing everyone that came down, you've got the Board of Education President, which truly exemplifies a community, and all of the administration, your Athletic Director and your Coaches. It really was a team effort. Thank you. We're very proud of all of you.

(Applause)

D.P.O. CARACAPPA:

Congratulations, gentlemen. I'd ask all Legislators to report to the horseshoe. Motion to approve the Consent Calendar by Legislator Losquadro, second by myself. All in favor? Opposed? Abstentions? Just note Legislator Alden and Carpenter is right behind you.

LEG. FOLEY:

Henry.

MR. BARTON:

Got it.

D.P.O. CARACAPPA:

Do we have a count, Henry?

MR. BARTON:

15.

D.P.O. CARACAPPA:

15. We'll now go to the public portion. First speaker is the Honorable County Clerk, Mr. Ed Romaine.

MR. BARTON:

16 on the Consent Calendar, 16. (Not Present: P.O. Postal and Legislator Guldi)

MR. ROMAINE:

Good morning. I won't take much time. I'm just here to talk about the omnibus resolution, specifically the Omnicode DO33, which creates a shortfall of about \$275,000 in permanent salaries for the County Clerk's Office. When I submitted my budget to the County Executive in

May of this year, we submitted a 1.8% increase, which we thought was a reasonable amount of an increase. If this \$275,000 shortfall stays, we will not be able to fill any position that becomes vacant in 2004, and I would say that would be cutting off your nose to spite your face, since the County Clerk's Office only produces revenue. What a shortfall in staffing will do, it will mean a delay in the recording of documents and the collection of revenues for the County of Suffolk, the towns, and the State of New York.

I don't understand, since we submitted a very reasonable budget, why the County Clerk's Office was short-funded by \$275,000 in permanent salaries, but it will have an immediate and dramatic effect beginning in to 2004 in the collection of revenues and the recording of deeds, mortgages, liens, judgments and other such things. And that will widen as the year goes along. So I just would like to call that to your attention.

It's my understanding that the County Executive may be sending over a veto message on this. However, Legislator Crecca explained to me that that resolution is bundled up with a number of other things, and it may not be possible to override that veto today. But, certainly, I want to bring it to this Legislature's attention, so I could come back to you in January to correct this shortfall, because this will have an impact on the collection of revenues.

If you have any questions, I'd be happy to answer them. If not, I thank you very much for your attention.

LEG. CRECCA:

I thought we could if it was an elected official or somebody from the County Exec's. No?

LEG. VILORIA-FISHER:

Yeah, I thought. Paul?

LEG. CRECCA:

Yeah. We changed that rule, didn't we?

D.P.O. CARACAPPA:

That portion is slated for after public hearings.

MR. ROMAINE:

I'd like to thank you for your attention.

LEG. CRECCA:

Thank you.

D.P.O. CARACAPPA:

Thank you, Ed. Thank you. Next speaker is Peter Bevaqua, followed by Matthew Atkinson.

MR. BEVAQUA:

Hi. Again, my name is Peter Bevaqua. I'm from the United States Golf Association and I'm the Director of U.S. Championships for the United States Golf Association.

And I just wanted to start by thanking the Suffolk County Legislature. And, you know, again, we're experiencing what we did in 1995 last time the U.S. Open was at Shinnecock, and what we experienced in 2002, when the U.S. Open was at Bethpage State Park. And it's just a great effort from the Suffolk County, from the State Police, from the Economic Development Department in Long Island, the Long Island Railroad. It just makes our job a lot easier and makes bringing the U.S. Open to New York and to Long Island a much easier process for us.

And you'll see later today, you'll be voting on it, I don't know if that's the right term, but our ability to use a bridge over.

County Road 39, and also parking of spectator vehicles at Gabreski Airport. I just wanted to let you know that, substantially, we're doing the same thing we did in 1985 when we were last at Shinnecock. It worked incredibly well in '95. We anticipate that it will work equally well, if not better, at 2004 for this year's upcoming Open Championship. And in connection with that, we have raised the contribution the U.S.G.A. made to the County to help cover those costs. I believe it was in the 115, \$120,000 range in '95, and for 2004, I believe it's at \$150,000.

So, again, I just wanted to thank everyone and to let you know that we stand ready to, you know, help out or answer any questions that may arise between now and when the Open comes to town in June. Thanks a lot.

D.P.O. CARACAPPA:

Thank you, Peter. We would just ask for an exemption for our colleague, Paul Tonna, so he can play in it. Matthew Atkinson, followed by Jill Louis.

MR. ATKINSON:

Hello. Yes, my name is Matthew Atkinson. I'm General Counsel for the Peconic Baykeeper, and I'm here to speak about Resolution 1919, approving the 2002 plan of work for Vector Control into 2004.

I'm just going to touch briefly on the history. The 2002 plan of work we opposed as being -- as requiring an environmental impact statement. This body found that after that plan of work was sufficiently scaled back, it could receive a negative declaration. We disagreed. Then the long-term plan of work came before this body, and it was a multi-year plan of broader scope, and this body found that this did warrant a positive declaration and the processing of an EIS and we agreed.

Then the 2002 plan of work was extended into 2003. This Legislature decided that that also was entitled to a negative declaration on the grounds that we disagreed with, finding that there was segmentation. In fact, now, the 2002 plan of work was a multi-year plan. Well, now here we are with the 2002 plan of work into 2004. At this point, it is entirely clear, and it should be clear to this body, that the 2002 plan of work is now a multi-year.

The very basis for this body's determination that the 2002 plan of work did not require the preparation of an EIS was that it was limited, it was limited in scope, it was limited in time. It's no longer limited in time, and the scope has thus increased. Instead of one set of digits of 75 linear miles, we now have 75, then 75, then 75, as if this body approved a 75 mile highway and that, therefore, obviated any need for environmental review of 75 miles of highways every other year.

The real point here, just on the legal matter, is that the 2002 plan of work, the review, the environmental review that was done of that did not encompass it as a multi-year plan. This 2002 plan of work extended year after year has never been reviewed on by this body as a multi-year plan. You have never looked at the cumulative impacts, the real devastation that occurs from placing these poisons and insecticides year after year in the marshlands, nor the extensive re-ditching of Suffolk County.

This re-ditching of Suffolk County is something I specifically want to address. The present EIS that's also before you today calls for making a distinction between nuisance control and disease

prevention. Peconic Baykeeper would like very much for this body to protect public health.

We have also felt that Vector Control has conflated the issues of public health and nuisance control. This EIS recognizes that and needs -- and states that they need to be distinguished. This ditching is primarily in tidal wetlands. These tidal wetlands are crucial to the people of Suffolk County, to the livelihood of the baymen. These wetlands act as the kidneys of the environment. The ditches form a conduit for pollutants to pass directly into the surface waters.

D.P.O. CARACAPPA:

Sir, please sum up, your time is up.

MR. ATKINSON:

Okay. Well, I ask you to, please, require the type of environmental review that's mandated under law, which is to review this plan as it is now exists. It is a multi-year, and look at the cumulative impacts. Thank you.

D.P.O. CARACAPPA:

Thank you very much. Jill Louis, followed by Peter Quinn.

MS. LOUIS:

Good morning. My name is Jill Louis. I'm Executive Director of the Long Island Pine Barrens Society. Dick Amper was out of the country, but asked if I could please come and convey our support for Resolution 1774, and just to review a couple of points with all of you.

We feel that this resolution will eliminate some of the excuse-making by the Executive Branch concerning their incapacity to complete real estate transactions, while retaining the Legislature's control over the land purchase process. Additionally, the Legislature acknowledges that there is nothing established in the law limiting its ability to pay the actual value of the land, whatever its value to the public, it is only prohibitive from making a gift of public wealth by purchasing property for more than it's worth to the public. The key to prevention of future abuses is transparency. As long as we understand whom the County is purchasing land from and why, we feel that will be okay.

The Pine Barrens Society feels that this prepares Suffolk County to restore its land preservation programs under a new administration, understanding that as the quantity of land diminishes,

acquired parcels will regularly be worth more to the public than to the developers. Suffolk can't allow itself to compromise a 2.7 billion dollar tourism industry or its role as the largest agricultural producing county in New York State through loss of lands essential to the protection of those industries, nor can we otherwise compromise Suffolk's economy, environment and quality of life. This legislation will help enable restoration of these historic preservation programs. Thank you.

D.P.O. CARACAPPA:

Thank you very much. Peter Quinn, followed by Walter Rabe.

MR. QUINN:

Good morning, members of the Legislature. Peter Quinn, Long Island Coalition for Democracy.

There's a legal term called "willful blindness", and the best example of that, I suppose, is the corporate boards that close their eyes to the excess corporate compensation given to people like Ken Lay of Enron and Dennis Kozlowski of Tyco, Richard Grasso of the New York Stock Exchange, and the management funds that have been skimming from investors. But there's also a political term, a comparable political term, called "feasible deniability". And I suppose the best example of that is when, during last summer, Governor Pataki gave away over 600 million dollars to IBM, claiming that he was going to create jobs with a new plant outside of Albany, when, at the same time, IBM was in the process of laying off 11,000 workers.

It should be noted that this Legislature has been informed about companies getting the same kinds of perks. For example, last December and January, I told you about Computer Associates and how this County, through its IDA, Industrial Development Agency, gave that company \$750,000, even though that company laid off over 4,000 workers in the preceding year, and is under a fuzzy accounting cloud by the Federal Government. But today, the IDA is giving out, or is holding public hearings for three perks, one, it's giving to {Landco} Realty. Now I ask you, aren't there a hundred different realty companies on Long Island -- in Suffolk County that are at a competitive disadvantage because you're giving some perks, sales discounts and the like to one company? Then there's KeySpan. KeySpan is being given a perk by this IDA while they're claiming that they need a 9% increase in rates, in fees that they charge LIPA, which will translate into increased rates.

Now, I am -- you can't claim the -- you can't claim feasible deniability when you've been informed. I ask you to speak out against what the IDA is doing. I'm sending a letter to Steve Levy, the County Executive Elect, and if he believes in fiscal reform, this is the time to enunciate it. You have 50 Police jobs, 20 Sheriffs jobs and 77 jobs by Gaffney that are supposed to be shuffled around between now and January. What are you going to do about all of those -- money that's going out the back door to three different corporations?

And I'll leave you the copy of the legal notice that appeared in Newsday that gives information about these three companies. They're meeting today on these public hearings.

D.P.O. CARACAPPA:

Thank you, Peter.

MR. QUINN:

Thank you.

D.P.O. CARACAPPA:

Walter Rabe, followed by Philip Logue.

MR. RABE:

Good morning, County Legislators. My name is Walter Rabe. I'm here to speak on Resolution Number 1784, and is a return of some grant monies to the Greenlawn Civic Association. I am the President of the Greenlawn Civic Association, an organization of over 500 businesses and families, and have been over the past six years, so I'm well versed on the Downtown Revitalization Grant process. I was in it, basically, from the beginning.

Downtown revitalization was and is a great idea to help the older quaint downtowns compete against the corporate giants by making the downtowns more attractive. The money I'm asking for was awarded to Greenlawn Civic Association about three years ago. After getting this grant, there was a long time in actually receiving the money, and paperwork caused numerous delays. It was complicated, because Broadway, Greenlawn is a County road. The Town of Huntington was requested to be the administering municipality. They didn't have any engineering plans for Broadway, Greenlawn either.

The Town of Huntington volunteered after two years to draw the engineering plans up. I have a

miniaturized version of the plans. Most of you probably are well aware seeing the engineering plans, but they have to show every tree, every telephone pole, every building, every curb that's in the village, so it took a long time to just draw them up.

I'm asking you, please, don't penalize the 8,000 residents in Greenlawn and the Greenlawn Civic Association the things that we had no control over.

Another reason why the -- I don't think the grant money should be taken away from us is that I'm also on the County Downtown Revitalization Committee, and the date that the money expired was never brought up at the Downtown County Revitalization meeting. So, otherwise, I wouldn't have let it expire.

Small business is why and in some cases still are the lifeblood of Long Island. Greenlawn Civic Association has been committed to help them remain a viable part of Greenlawn. We kept the big CVS Store out Greenlawn for the past seven years. Even though they're going to be opening up next week, they had a long and hard fight.

I want to thank you for letting me speak. This is very important to me, so important that I postponed my vacation and it cost me hundreds of dollars to change my plans just so I could be here to speak today. And these funds were given back to the County in January of this year, so I'm not asking for new money, I'm just asking that the money that was put back into the County budget be reallocated to the Greenlawn Civic Association. Thank you.

D.P.O. CARACAPPA:

Thank you very much. Philip Logue.

MR. LOGUE:

Good morning. My name is Philip Logue, I'm from the Southampton School District. I was at your September 16th meeting and requested that Proposal 1564 be put back on the agenda, and I could see that it was not.

I also have to make a complaint. I've been trying to reach the Legislator's Office, the Clerk's Office of Suffolk County, and I can't get a straight answer what went on with this proposal. Going through -- it's sad to say that the agenda, your agenda's on the internet, on your website, and there's people in the County Clerk's Office and one of the Legislator's Office that don't even

know that. I've been waiting a month to get a phone call back from Legislator's Guldi's Office and I still haven't received it. And I just want to know, does anybody know what happened to Proposal 1564 for the surplus vehicles for Southampton School District? Well, I'll help you out, because it took sometime to figure it out.

On 6/24 of this year, it was proposed to be placed on the agenda. It was. On 8/28, it was tabled for 8/28 -- 8/26 meeting and it failed. At the September meeting, I had no correspondence to get back to me. I had to wait until yesterday to find out that this failed, and it makes me, you know, really look like a jerk.

I'm coming here an hour out of my way to try to get something done that other school districts and the Village of Patchogue is getting done, and my thing was failed and nobody could tell me that, and I would like an answer why.

D.P.O. CARACAPPA:

Who's the Legislator that sponsored it?

MR. LOGUE:

Legislator Guldi. And -- well, that's -- you know, you all work for the people. I came to you saying this is a good thing you're going to do. You have on the proposal to challenge this today to assist school districts and local districts to do -- to save money and provide a service. Yes, you use the vehicles, you declared them surplus, now the organizations that do come in and bid on them and do get them for fair market price, because a vehicle over a hundred thousand miles that's been used, basically, if you ever went to your auctions, if you can't sell a vehicle, you pay somebody \$125 to take them away. So, if a district or an organization is paying you \$200 to use these vehicles, I don't see how you're losing money.

And maybe I'm wasting your time, and I'm sorry if I am, but I really -- maybe I have to wait until January until the new organization comes in. I'm a Democrat and I'm embarrassed to be a Democrat, because my person can't even talk to me. I can't get people on the phone. The County Clerk's Office can't tell anybody. I'm a taxpayer of this district and -- of this town and I'm -- County, and it's sad, that if I did that in my job -- I transport 2,000 student a day. If I told -- I know you're going to cut -- say I'm up, but if I did that --

D.P.O. CARACAPPA:

Well, you're well past your time.

MR. LOGUE:

Okay. If I did that to the public, I would be out of a job.

D.P.O. CARACAPPA:

Thank you, Mr. Logue, we appreciate you coming down. Jiminy Cricket. Good morning, Phil.

MR. GOLDSTEIN:

Good morning, Joe. In October of the Year 2000, this Legislature, by a vote of 15 in favor, one no, one absent, and one NP, the abbreviation for which I don't know, voted to send a memorializing resolution. The Resolution is Number 135-2000. That resolution requested the State of New York to create a sunset mandatory arbitration provision in connection with County collective bargaining.

Fifteen members of this Legislature, incumbents, voted as an act of indignation as a result of what the arbitrator had done in the process of creating a contract for the law enforcement organizations of this County in the Year 2000. There was a give-away and the give-away was not just in dollars, but there was a usurpation of the power of the purse.

Legislative bodies are supposed to be in control of the purse strings of their appropriate jurisdiction, yet this Legislature allowed the horses to be stolen out of the barn and then attempted to close the door when it was too late by passing this memorializing resolution to notify the Legislature, and I want to quote from two sections of that -- of that resolution.

Number 4, "Such mandatory arbitration provisions have become counterproductive and result in an unnecessary and unacceptable increase in the real property and sales tax burden to the taxpayers located in the County of Suffolk." We just raised the Police District Taxes again.

Number 7, "Whereas, recent Police arbitration decisions have demonstrated a rigid unwillingness on the part of the public arbitrator to realistically consider the ability to pay criteria of a locality as something more limited than the boundless authority to raise real property taxes and increase sales taxes."

This Legislature went on record opposing arbitration. That was in the Year 2000. However, this

year, 18 Legislators unanimously approved going to arbitration, despite the fact that we know that in Nassau County, the arbitrators had already given a generous raise once again to the law enforcement agencies in Nassau County.

I cannot comprehend. And on the part of the taxpayers of Suffolk County, I demand that this Legislature in writing, each and every Legislator provide an explanation of why it was that you did a 180 degree turnabout and approved not only arbitration for the PBA, but you added to it arbitration for the Superior Officers and the Detectives Association. It is incomprehensible to me. I mean, there were thirteen Apostles and Jesus was betrayed by one. The Suffolk County taxpayers have been betrayed by all 18 members of the Legislature. I cannot comprehend this give-away.

You, Joe, were not even challenged in an election. I call upon you to introduce a resolution reversing that agreement to go to a four-year arbitration, not just two years.

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

But you are giving away everything --

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

-- to four years, and you are spitting in the face of the voters who this was an issue in that election.

D.P.O. CARACAPPA:

I've let you go on --

MR. GOLDSTEIN:

-- and they clearly had showed that the --

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

-- Police unions are paper tigers.

D.P.O. CARACAPPA:

Phil.

MR. GOLDSTEIN:

Because Levy won overwhelmingly, and, yet, you have denied him the right to exercise any control --

D.P.O. CARACAPPA:

Phil.

LEG. TONNA:

Is he over his time?

MR. GOLDSTEIN:

-- in this give-away.

LEG. TONNA:

Is he over his time?

D.P.O. CARACAPPA:

Well over his time. I gave him the --

LEG. TONNA:

Then why do we indulge him? He's going to be back.

D.P.O. CARACAPPA:

I gave him the respect.

MR. GOLDSTEIN:

You're right, Paul, I will be back.

LEG. TONNA:

Thanks.

MR. GOLDSTEIN:

I will be back continuously.

LEG. TONNA:

Okay.

D.P.O. CARACAPPA:

Thank you, Phil.

LEG. TONNA:

But I like the outfit more, when you had the outfit on.

D.P.O. CARACAPPA:

We have no further cards before us. Anyone else wishes to address the Legislature? Hearing none, I make a motion to close the public portion, second by Legislator Losquadro. All in favor? Opposed? Abstentions? I'd ask all Legislators report to the horseshoe, we're going to go to budget veto overrides.

Okay. As you can see before us, we have a tremendous amount of vetoes as it relates to the budget we had just adopted as a Legislature. Paul, I'd ask that you just quickly lay out for us the -- our options as we move forward with these.

MR. SABATINO:

Yes, Mr. Chairman. There are -- at the get-go, there's two omnibus resolutions. Within the omnibus resolutions, one was on the mandated side, one was on the discretionary side. You have the option of either treating all of the individual line item vetoes on a one-vote basis by first passing a procedural motion saying you want to take all of them on a one-shot basis and then that would be two votes; one would be the procedural vote, one would be the vote to override.

The other option within the omnibus is to lump sum together, you could pick two or three and

say you want on those as a group, or you could just go one line at a time, take each of the line items within each of the omnibus and just go through a straight vote one at a time, but it' either or. You've got to make a decision at the threshold, either you're going to lump sum them or -- you know, consolidate them, or you're going to go a line item. Then there's six stand-alone resolutions which were individually sponsored budget amendments, which would all be treated one at a time. They're not related, they're not an omnibus.

D.P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Paul, as it relates to the EMHP, I just want to clarify how I -- I can vote to override the omnibus, right?

MR. SABATINO:

You're okay in the omnibus, because the omnibus was constructed without that line item --

LEG. TONNA:

Right.

MR. SABATINO:

-- impacting your situation, so you were free to vote on the omnibus the first time, you're free to vote on it again, and you're free to vote on it, whether it's consolidated or it's individualized one line at a time.

LEG. TONNA:

Are there any stand-alones that I'm --

MR. SABATINO:

Not from the veto. All the vetoed ones dealt with social security offsets.

LEG. TONNA:

Okay. And then -- okay, great. Is the \$500,000, is that -- was that vetoed?

MR. SABATINO:

That was -- that was not adopted, it never got --

LEG. TONNA:

Yeah, it was. That was a stand-alone that got -- that got put into the --

MR. SABATINO:

Oh, then it wasn't -- okay. Then it wasn't -- it's not one of the vetoes, no.

LEG. TONNA:

So he vetoes everything but that one?

LEG. CRECCA:

No.

LEG. LINDSAY:

It was a stand-alone.

LEG. TONNA:

It was a stand-alone. Five hundred thousand dollars --

LEG. CRECCA:

It was a stand-alone failed though, so stayed in the omnibus.

LEG. TONNA:

No, it didn't fail.

MR. SABATINO:

My recollection was the stand-alone failed, but --

LEG. TONNA:

No, the --

MR. SABATINO:

My honest recollection is the stand-alone failed. I thought it got five or six votes.

LEG. TONNA:

No, that was -- that was to remove it.

MR. SABATINO:

That was to put the money in the Tax Stabilization Fund.

LEG. TONNA:

Yeah.

MR. SABATINO:

Right, that failed.

LEG. TONNA:

Okay. All right, it failed.

MR. SABATINO:

That clearly failed, so there was no adoption.

LEG. BINDER:

It got eight votes.

MR. SABATINO:

Eight? Okay. I thought it was seven, but okay.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. I guess my question is both for Paul and Mr. Pollert. I've got nine separate resolution numbers in front of me of vetoes. And, I guess, my question, Paul, is for example, the first one's Resolution 844-2003. And my question, I guess, is do we treat -- does this all get treated as one vote, is that what you mean by a line item, or is the 11th Resolved Clause, 12th Resolved Clause each a line item?

MR. SABATINO:

Right. The first resolution, 844, is the first omnibus, which dealt with the mandated side of the budget. Within that omnibus, as you pointed out, there are individual line items being vetoed. So, for example, you've got the 11th Resolved Clause, you've got the 12th, the 15th, the 18th --

LEG. CRECCA:

Right, Okay.

MR. SABATINO?

-- the 25th, and then Line Item MO 33. Your choice is, if you wish to treat all of those on a consolidated one-vote basis, you have to make a procedural motion saying, "The Legislature wishes to consider and treat all of them on a one-line consolidated basis." If that passes, then it's just one vote. If that fails, then you have a fall-back position, as you could say -- you could group three of them together for --

LEG. CRECCA:

Right. May I make -- if I could make this recommendation, and is that -- maybe what we should do is have, based on each packet, in other words, each resolution, have an explanation from Budget Review on it, and then make the motion appropriately at that point, and so we go through 844, then 845, as to whether we're going to treat them as one. That's what I would recommend we do, probably the quickest most efficient way to get through it, and that nobody will be voting on something they're not sure of what they're voting on.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

My only question is a number of the vetoes, the County Executive questions the legality of them. I'm for handling them as a group, but do -- to Counsel, we feel confident about the legality of what we did in the omnibus?

MR. SABATINO:

Real briefly, there's basically two legal issues that are raised in the veto messages. The first one deals with contingency accounts. The veto message cites the lower court decision, but neglected to mention that the case went to the Appellate Division. In the Appellate Division, what the court said was that you cannot substitute a contingency account for something that is

line-item budgeted in the proposed budget in the first instance. All of the contingency accounts that were constructed were constructed on that basis, which is that it did not take preexisting line items and simply convert them into a contingency account, and, in fact, instead it created brand new account with brand new money. So, therefore, you're in compliance with the ruling of the Appellate Division, just as you were last year, and the year before, and the year before that, when you did the Living Wage and Anti-Bioterrorism contingency account. So, with that -- in that respect, you're on solid ground.

The other legal issue that was raised is one that deals with trying to save the County some money on these FIT reimbursements. The legal issue there, and this has been ongoing for about three consecutive years, because this has been in the omnibus since the 2000 for Fiscal Year 2001. The issue there is that State Law, Section 6302 of the New York State Education Law states that the County is responsible for the out-of-county tuition chargebacks for two-year community colleges. FIT is a four-year institution by definition. So the theory on that legislation was to stop making payments for an institution that by definition doesn't fall within the definition of a community college, which is two years.

Unbeknownst to the Legislature, unbeknownst to myself until about a year ago, the County Comptroller's Office, which is charged with this responsibility, was advised by the Department of Law not to implement those provisions, because they reached a different conclusion. You know, the section of law that they cited is a different section, which authorizes the City of New York to create the FIT, but that's not the section that deals with the chargebacks. But my position would be that, I mean, in the worst case scenario, I mean, the worst case scenario, your starting point would be that you want to have the leverage of withholding the payments to try to stop the -- to try to stop something that's going to a four-year institution when it's a two-year definition. And, lastly, it would also give you additional leverage, because another section of the Education Law states that the County should be getting 50% reimbursement for these costs from the State of New York, and, apparently, from what Budget Review has advised me, we have not been receiving that 50% reimbursement since 2001, even though the obligation goes back to June 1st of 1995.

So those are the two legal issues, and I feel comfortable that we're on the right side of both.

LEG. LINDSAY:

Mr. Chairman, just to follow up on that. As long as our Counsel feels comfortable with the legal

issues, I would make a motion that we handle the vetoes in total.

LEG. CARACCILO:

Second.

D.P.O. CARACAPPA:

Okay. The motion before us is to handle Resolution 844 as one, and Legislator Caracciolo has second that motion.

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

You're next, Legislator Carpenter.

LEG. CARPENTER:

I would like to -- I'll go along with handling it all in one vote, with the exception of the 15th Resolved Clause, which the County Executive cites that since the Airport benefits all residents and businesses of Suffolk County, not only those who reside or are located within the Town of Islip. To amend the motion to exempt the 15th Resolved Clause.

D.P.O. CARACAPPA:

And to have it voted as a stand-alone.

LEG. CARPENTER:

Right. Well, to --

LEG. ALDEN:

Right, as a stand-alone.

LEG. CARPENTER:

Right.

D.P.O. CARACAPPA:

It would have to be a stand-alone.

LEG. CARPENTER:

Right, okay.

LEG. BISHOP:

Can we --

D.P.O. CARACAPPA:

There is a motion to --

LEG. BISHOP:

On the motion.

D.P.O. CARACAPPA:

Well, let me make that motion first.

LEG. TONNA:

I'd like to do something there, too.

D.P.O. CARACAPPA:

There's a motion to amend the original motion, which was to take it in total, Budget Veto Resolution 844, and to exempt and have stand alone the 15th Resolved Clause. There's a motion. Is there a second?

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. On the motion, Legislator Bishop.

LEG. BISHOP:

Well, on the original motion that's pending, not on the substitute. I just wanted to know from Budget Review, before I make this determination of whether to take it as a whole or do it individually, what are the fiscal impacts of each of these vetoes?

LEG. CRECCA:

That's a good question.

LEG. BISHOP:

So I guess -- he heard it, so it's all right.

D.P.O. CARACAPPA:

Okay. Fred.

MR. POLLERT:

Just with respect to the mandated omnibus resolution, if the vetoes are sustained, there would be a decrease in the General Fund property tax levy primarily associated with removing the funds for the additional class of 50 correction officers, which was to have begun in March. So there were two items which were vetoed, one was turnover savings of \$427,000, and then the other component that was vetoed was \$2 million dollars, which was added by the Legislature in a contingency account for the hiring of an additional 50 correction officers to attempt to reduce the overtime costs in the Sheriff's Department.

LEG. BISHOP:

Well, also, presumably, the 15th Resolved Clause has a fiscal impact that's positive, right?

MR. POLLERT:

Which is really just shown on the discretionary side of the budget. The clause is shown in both the mandated and the discretionary, but there's no budgetary impact shown on the mandated side, it's shown as a discretionary revenue.

LEG. BISHOP:

So it would be in the next measure.

MR. POLLERT:

It's in the next measure, but the Resolved Clause has been included in both resolutions.

LEG. BISHOP:

We should know the number now, because you can't --

MR. POLLERT:

It's -- right.

LEG. BISHOP:

You have to be consistent, right?

MR. POLLERT:

Right.

LEG. BISHOP:

So, I mean --

MR. POLLERT:

It is 2 million dollars on the discretionary side, but the 2 million dollars was transferred to the Employee Medical Health Program. So there would be no direct fiscal impact if that was sustained by the Legislature, because the revenues were increased by 2 million dollars, but the transfer to Employee Medical Health Program was also increased by 2 million dollars.

LEG. BISHOP:

All right. If you would bear with me, and I'll are try to do this quickly. On the first one, the 11th Resolved Clause, that's a 2 million dollar impact.

MR. POLLERT:

Yes.

LEG. BISHOP:

So the expenditure of the Legislature sustains the veto. The next one, any impact?

MR. POLLERT:

No, that's the legal mechanism to actually put the 2 million dollars into a contingency account.

LEG. BISHOP:

Okay. Fifteenth Resolved Clause we discussed.

MR. POLLERT:

Yes.

LEG. BISHOP:

Eighteenth Resolved Clause.

MR. POLLERT:

Paul Sabatino has already addressed. The County Legislature did not reduce appropriations for out-of-county tuition, we merely directed the Comptroller not to authorize the payment. So if the Law Department, again, directs the County Comptroller to make those payments, there are sufficient funds in the budget.

LEG. BISHOP:

Twenty-fifth.

MR. POLLERT:

The Correction Officer class, that, again, relates back to the \$2,075,000.

LEG. BISHOP:

And the final, turnover savings.

MR. POLLERT:

That's the turnover savings, is a savings of \$427,168. Turnover savings was increased on the mandated side of the budget.

LEG. BISHOP:

That would be a negative, as opposed to the other ones that are --

MR. POLLERT:

That would be a negative, that's correct.

LEG. BISHOP:

Some of them are positive. Okay. Thank you very much, I appreciate it.

LEG. CRECCA:

Can you --

D.P.O. CARACAPPA:

There's a list. Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Okay. What did you say the impact was on the 21st? Isn't that.

2 million dollars? The 21st Resolved Clause, revenue enhancement chargeback for MacArthur Airport security.

MR. POLLERT:

Oh.

LEG. FISHER:

Did I get that wrong?

MR. POLLERT:

The total revenue increase is 2 million dollars, which was included in the 2004 Operating Budget. But that 2 million dollars was not used to lower taxes in the Police District, instead, it was transferred to the Employee Medical Health Program Drug Claim area. So, if the revenues come in, those funds will be transferred and the Police District will have a surplus. If the revenues don't come in, it won't create a budgetary shortfall in either the Employee Medical Health Program or in the appropriations available for the Police.

LEG. VILORIA-FISHER:

Okay. The other vetoes, Mr. Chair, I'll get to them later, because they were on the stand-alones. It was my question, which I believe was a budgetary interpretation of social security funds, so I'll get to that when we get to those stand-alones.

D.P.O. CARACAPPA:

Legislator Alden, then Foley.

LEG. ALDEN:

On taking the Fifteenth Resolved Clause and let it do -- let that stand alone, I would highly

suggest that this actually ends up -- we look like we're doing smoke and mirrors if we include some kind of 2 million dollars in our budget that we have zero chance of ever collecting, so I would strongly suggest we take that as a stand-alone.

D.P.O. CARACAPPA:

Brian.

LEG. ALDEN:

Honest budgeting.

LEG. FOLEY:

Thank you, Mr. Chairman. Fred, when you look at the increase in turnover savings, part of the rationale given by the County Executive, he gives the example of the Jail medical program, where it's his contention that by increasing the turnover savings, that's going to preclude the department from filling six vacant medical positions, four of which have been released and candidates identified. It should be known for the record that many of these have been chronically vacant over a over a long period of time; correct?

MR. POLLERT:

Yes, the Jail Medical Unit has had a chronic problem with vacancies.

LEG. FOLEY:

So now, all of a sudden, we find that there is this sudden interest in filling these positions. If we override the veto, given the vast number of vacancies that exist in the Health Departments budget line, if you will, a number of vacancies, unfilled positions next year, the Department could still have the discretion administratively to find a way to fill some of these positions; is that not correct?

MR. POLLERT:

The turnover savings adopted by the Legislature was not pushed to the max. There should be some available appropriations. If the Department feels that they need to have a spot to be filled, but which they have insufficient appropriations to fill that spot, they always have the capability of coming to both the Executive and the Legislature requesting a transfer of funds, which has been done in the past.

LEG. FOLEY:

It's been done in the past.

MR. POLLERT:

That's correct.

LEG. FOLEY:

Okay. Thank you. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

Any other comments? The motion before us is to amend Legislator Lindsay's motion and to take 844 as a whole, excluding the Fifteenth Resolved Clause. There's a motion and a second.

LEG. FOLEY:

No, No, this motion is not to --

D.P.O. CARACAPPA:

No, I know. There's an amendment -- there's a motion to amend his motion, which takes precedence.

LEG. BISHOP:

Mr. Chair, I have a question.

D.P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

My question is, if I have another paragraph, resolved clause that I'd like to have removed or have considered removed, this would not be the time to do it, right? First, we vote --

D.P.O. CARACAPPA:

On 844, it would be now.

LEG. CARPENTER:

Yes, it would be.

LEG. BISHOP:

Well, I don't want to -- I don't want to impact the vote on your decision, on your motion with my motion. In other words, there are people who probably support --

LEG. CRECCA:

Treat them separately.

LEG. BISHOP:

-- treating them separate for the --

D.P.O. CARACAPPA:

Treat them separately.

LEG. ALDEN:

There's only five or six. Let's just do them all individually.

LEG. BISHOP:

Yeah, I think that's really the cleanest way to do it..

LEG. LINDSAY:

Motion is to do it as a packet, vote it down, and do it separately.

LEG. CRECCA:

Why don't you wait.

LEG. BISHOP:

I would wait. I just want to make sure I'm not going to be excluded. I have no problem waiting.

LEG. CRECCA:

No, you could still do it after this.

LEG. ALDEN:

Let him make a motion right after we vote on this.

LEG. BISHOP:

Right.

D.P.O. CARACAPPA:

Okay. All right. The motion before us is to take 844 as a whole. See, but this is where I think you'd be affected. We'd be taking it as a whole and excluding Fifteen. So, once we vote to take it as a whole, excluding Fifteen, you would be out of luck.

LEG. BISHOP:

Would I? Ask counsel.

MR. SABATINO:

Can I just interject? I apologize. I think what Legislator Carpenter is trying to do is just simply amend Legislator Crecca's motion by deleting the Fifteenth Resolved Clause. So I think the motion should be a motion to delete the Fifteenth Resolved Clause from Legislator Crecca's motion. Okay? So this way we're voting only on that, then Legislator Bishop can make his motion --

LEG. FOLEY:

That's right, that's right.

LEG. CRECCA:

It was Legislator --

LEG. CARPENTER:

That was it.

D.P.O. CARACAPPA:

Hold on. Hold on.

LEG. LINDSAY:

But, if you approve the amended portion of the motion, you still have to approve the original motion.

LEG. CRECCA:

Correct.

LEG. CARPENTER:

That would be a separate vote.

MR. SABATINO:

Correct. But by wording it as "deletion", it preserves other Legislators' options to make similar requests for other line items. Okay?

LEG. CARPENTER:

Okay.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Okay. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Pass.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Pass.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Pass.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Pass.

D.P.O. CARACAPPA:

Yes.

LEG. GULDI:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. BISHOP:

Yes.

LEG. COOPER:

No.

MR. BARTON:

12. (Not Present: Leg. Postal)

D.P.O. CARACAPPA:

Legislator Bishop, you have a motion?

LEG. BISHOP:

Perhaps just for the purpose of discussion, I'd like to make a motion to remove the Eleventh Resolved Clause and it's --

LEG. CRECCA:

You have to do Twelfth with it, too.

LEG. BISHOP:

Yeah, Twelfth. That's where it's rather -- Eleventh and Twelfth, which is the 2 million dollar add

for a correction class. When the omnibus process is conducted, oftentimes decisions are made without adequate record on the -- without adequate public record, and I just want to get on the public record that if we invested this 2 million dollars, and if -- and assuming the Executive followed through, and the Legislature followed through and provided the authorization and funding next year for this class actually to occur, that it would result in more than a 2 million dollars savings in overtime. I think all of us who have been here for awhile have heard this maintained time and again, that if you provide more Correction Officers, they'll reduce the overtime. I just want to make sure that we're getting that dollar for dollar impact, positive impact.

LEG. LINDSAY:

Mr. Chairman.

LEG. BISHOP:

So I know that there are members of the Sheriff's Department here who could probably make that representation, and I then I would withdraw the motion, if that's true. So, if I can get a second for the purpose of discussion, I would appreciate it.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. As you know, Dave, and those of us who have been here, we've gone through this time and time again, especially with Corrections Officers. And the reason why we haven't seen savings with relation to the new positions --

LEG. BISHOP:

They never follow through.

D.P.O. CARACAPPA:

-- they never fill them in a timely --

LEG. BISHOP:

Right.

D.P.O. CARACAPPA:

-- fashion. Excuse me. Hopefully, if those positions are filled in a timely fashion, we can realize the savings that we anticipate while we put the budget together. So, there's a motion and second on the motion. Legislator Lindsay.

LEG. LINDSAY:

Legislator Bishop, that was one of the things, as you know, I think you were in the room, that's the reason we put the money in a contingency account.

LEG. BISHOP:

Yeah, we say it --

LEG. LINDSAY:

That it could only be accessed if the class actually starts.

LEG. BISHOP:

We say it to each other. I want to hear the Sheriff's Department confirm it, just on the record, and then I'll withdraw the motion. I just want to know that --

LEG. LINDSAY:

Well, whether they say it on the record or not, if the Resolved says that they can't access the money, unless the class starts, I don't understand what you're trying to get at.

LEG. BISHOP:

I don't want to invest -- my concern is that we invest 2 million dollars on the idea that it's going to save 2 million dollars in overtime, and that's not true. And I know we believe that to be true, our Budget Review Office believes that to be true. I want to hear if the Sheriff's Department believes that to be true.

LEG. CARACCILO:

Mr. Chairman.

MR. SABATINO:

Just technically, Mr. Chairman, just to interject, we also need to include in that motion the 25th

Resolved Clause, because all three go together.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. And I just want to add, and Budget Review should correct me if I'm wrong, but I do not -- we will not realize any savings in 2004 as a result of this class. The first savings that we will be able to realize won't come until -- early 2005 is then we'll start to see savings, if any, from the result of adopting this portion of the omnibus; correct?

MR. POLLERT:

No. With respect to the Correction Officers, it was anticipated that there would be some savings during 2004, and, specifically, one of the Resolved clauses requires the Sheriff's Office to document that. The reason the class began in March with the Correction Officers, it was anticipated that there would be some savings, and if it was documented prior to the adoption of the 2005 budget, that would impact what the Legislative decisions were with respect to the 2005 budget.

LEG. CRECCA:

And I guess the theory behind that, also, is, is that if there were no savings, the Sheriff would not -- possibly not have the good fortune of us adopting more Correction Officers for 2005.

MR. POLLERT:

That was exactly the logic.

LEG. CRECCA:

So, you know what -- no. The only reason I say it, Dave, is we sort of built in this mechanism of a check to the extent we could on putting the Sheriff's feet to the fire, so to speak, to produce some overtime savings, if he can, but, at the same time, also, you know, leaving our options open for 2005.

LEG. BISHOP:

I never got my question answered, which is the whole reason I did this.

D.P.O. CARACAPPA:

Well, let's have comment first. Legislator Caracciolo.

LEG. CARACCIOLO:

Through the Chair, I have a question for Legislator Bishop.

LEG. BISHOP:

Through the Chair.

LEG. CARACCIOLO:

Dave.

LEG. VILORIA-FISHER:

That's Brian's line.

LEG. CARACCIOLO:

I know.

LEG. FOLEY:

It's a long distance.

LEG. CARACCIOLO:

I've been here long enough to remember when Brian's dad was the Legislator, so -- and that was his tradition as well, always through the Chair. So in honor of Mr. Foley, Sr. --

LEG. FOLEY:

Senior.

LEG. CARACCIOLO:

-- we'll continue the tradition.

LEG. FOLEY:

Thank you.

LEG. CARACCIOLO:

Dave, you, too, have been here for awhile, in fact, this is your last two-year term coming up, and I'm somewhat confused by your circuitous logic. In the first veto, budget amendment veto override, as appropriately cited by Legislator Alden, you make the case that we should put a provision in next year's budget to require a charge-back of the Town of Islip for airport public safety fees, which some members found objectionable, and on the previous motion, the majority agreed, and that veto override with that exception was approved. And the thesis was, from your perspective, let's put in next year's budget that we will receive 2 million dollars in hypothetical fees from the Town of Islip for public safety services provided by County police. I understood where you were coming from, but now, in this instance, you seem to go completely 360 and try to make the case that you want it on the record from the Sheriff's Department that if the County Executive, who has the authority to hire and hire in a timely fashion, makes the hirings, we will produce 2 million dollars in savings? We all know that to be the case. But no one in this auditorium is the County Executive, the new County Executive, so it's really up to Mr. Levy now to make that determination and make that determination quickly in his term of office, so that we're not sitting here a year from now saying, "Well, you" -- you'll be saying, "Well, you see, I told you so last year, we didn't save the 2 million dollars." Now, if you hired the correction officers, you reduce overtime costs. There's nothing hypothetical about that. Budget Review has stated that time and time again. We all know that to be a fact. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher, and -- you're up Vivian.

LEG. FISHER:

Okay. Again, through the Chair, I had a question for?

LEG. BISHOP:

We didn't even, through the Chair, answer the last one.

LEG. VILORIA-FISHER:

Well, actually, because -- you know what, Dave, because mine is also a question, and so I thought you could answer everything at once, because I agree with what Andrew had -- what Legislator Crecca had said previously, which is that we have a safeguard in as much as there's a contingency fund, and so they need to come back to the Legislature in order to provide -- release the money for the positions. So, if we need to make a determination, that gives us some control over the process. So, while you're answering Legislator Caracciolo's, I was hoping

you could address that contingency fund issue as well.

D.P.O. CARACAPPA:

You're up, Dave.

LEG. BISHOP:

Okay. Thank you. First, through the Chair, Legislator Caracciolo, opposite is 180 degrees, 360, you're right back to the same point.

LEG. FISHER:

He passed Geometry.

LEG. CARACCIOLO:

We went around twice, that's it.

LEG. BISHOP:

The first -- the reason I made this motion, and what I'm trying to ascertain, is I want to know if the Sheriff's Department, which operates -- which is the manager of Correction Officers, agrees, that if we invest, "we" being the County, the Legislature and the Executive, in a new class right away, is that going to result in the savings that we anticipate? What I don't want us to get into is a situation where we add 2 million dollars worth of new Correction Officers and don't see a commensurate savings in overtime. So I guess my first question, before I even get to them, is to Budget Review and ask what do we anticipate the savings in overtime to be from an investment of

2 million dollars in new Correction Officers, both next year and the year after, because I understand the long-term perspective is important.

MR. POLLERT:

When the omnibus was constructed and the new class was added, the Legislature did not reduce the amount of overtime given to the Sheriff's Department. The Sheriff had requested overtime, assuming that he wasn't going to have classes on board during 2004. He got his overtime request from the County Executive's Office. So, if there were no overtime savings, there will not be a hole in the budget. However, the 25th Resolved Clause, the second portion of it directs the Sheriff's Department to identify the cost savings attributable to such hiring on a detailed line item basis. So the long short of the answer is we didn't take any savings into account, however,

we hope there are going to be savings, and it's up to the Sheriff, based upon the 25th Resolved Clause to document what the savings are.

In theory, you should be able to save more than the 2 million dollars, because the overtime goes out to stop step individuals that are getting time-and-a-half times their top step salary. It's up to the Sheriff to be able to mobilize the new Correction Officers, so that those savings actually do materialize. So, in theory, you should save more than the 2 million dollars.

LEG. BISHOP:

Good. So that's Budget Review says yes, if it's done properly, it will save more than 2 million dollars that you're investing. The only other part of this dialogue that I was trying to put on the record was the Sheriff's Department agreeing with that assessment. And then I'll withdraw my motion, because if that's the case, then it's a good idea.

LEG. LINDSAY:

Get them up and testify, Joe, get this over with.

LEG. BISHOP:

They're here.

D.P.O. CARACAPPA:

Chief Otto.

LEG. BISHOP:

Whoever wants to make the --

D.P.O. CARACAPPA:

Under-Sheriff, please come up quickly, and just say you agree with Budget Review, so we can move on.

UNDER-SHERIFF SULLIVAN:

Actually, when we were before Public Safety a few weeks ago and we received Budget Review's recommendation, we agreed with it, but we noted at that time that we do not believe there will be a Correction class of any large size that will be able to go into in -- into the academy in March of this coming year. Logistically, and there was an extensive record made at that time, and I

believe Mr. Bishop was here, yeah, in fact, I'm sure Mr. Bishop was here, so we questioned any savings that were predicted by Budget Review based upon a graduating class that went in in March of '04. In fact, it is close to impossible to believe realistically that Civil Service and the Health Department are going to vet a large number of Correction Officers fast enough to get them into an academy that starts in March of '04. That's caveat number one.

Number two, looking into the future, we believe that Budget Review's opinion, and as Mr. Pollert has stated, is accurate. We had a protracted conversation about this in front of Public Safety a few weeks ago and noted anecdotally, and it doesn't transfer immediately into this question, but last year, when we were given an increase in Deputy Sheriffs, something like I think 23 Deputy Sheriffs overall, by the end of this year, we predicted just shy a 20% drop in Deputy Sheriff overtime by hours, not dollars. By extension, I would predict, as best I can answer Mr. Bishop's question, that it is undeniable that there will be a large impact of hiring 50 cheaper Correction Officers and putting them on line in this coming year. If he wants a guarantee from us that our opinion is you're going to save 2 million dollars next year if you spend 2 million dollars, I can't give you that guarantee.

LEG. BISHOP:

No, you can't, because you said right off the bat that we'll never be able to get it going by March anyway.

UNDER-SHERIFF SULLIVAN:

Which has been on the record extensively in the past.

LEG. BISHOP:

Perhaps this -- I'll just be another minute. Perhaps this Deputy Sheriff situation is instructive. The amount saved in Deputy Sheriff overtime, as compared to the amount spent, do you have an analysis of that at all?

UNDER-SHERIFF SULLIVAN:

No, and nor --

LEG. BISHOP:

Mr. Pollert, do you have anything on that?

MR. POLLERT:

No, we don't.

UNDER-SHERIFF SULLIVAN:

It was actually in Budget Review's report.

MR. POLLERT:

Basically, what we did in the report is we showed the number of overtime hours, but we haven't done a detailed analysis of what the dollar savings are, we just looked at the total number of hours.

LEG. BISHOP:

Okay. I would ask that you prepare that for us, because, obviously, this has to come back if it's in a contingency account. I will withdraw my motion. Thank you.

UNDER-SHERIFF SULLIVAN:

Thank you.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

No.

D.P.O. CARACAPPA:

Have you withdrawn the motion?

LEG. BISHOP:

Yes.

D.P.O. CARACAPPA:

Okay. That motion is withdrawn. So the motion before us now is 844 as a whole, minus the 15th Resolved Clause; correct, Counsel?

MR. SABATINO:

That's correct, it's a motion to override all of the clauses on a one-vote basis, except for the 15th.

D.P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

D.P.O. CARACAPPA:

Resolution 844 is overridden. Now we're going to do, right, the 15th Resolved Clause.

LEG. FIELDS:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Fields. Second?

LEG. GULDI:

Second.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

By Legislator Guldi. All in favor? In fact, let's just go to a roll call.

LEG. FOLEY:

This is to --

D.P.O. CARACAPPA:

This is to --

LEG. FOLEY:

Override.

D.P.O. CARACAPPA:

To override.

LEG. FOLEY:

The veto, okay.

LEG. O'LEARY:

Prior to the roll call, Chair.

D.P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Would this clause, would this Resolved Clause be in conflict with 845, the 21st Resolved Clause?

LEG. VILORIA-FISHER:

That's what I was asking him before.

LEG. ALDEN:

On the motion.

LEG. VILORIA-FISHER:

That's what I asked Fred before.

MR. POLLERT:

Clearly, the Legislative action should be consistent, but -- so, if you take it out of one, you should take it out of the other one. But I would defer to Legislative Counsel what the impact would be if it came out of one, but it was left in the other.

MR. SABATINO:

No. You only need to do it once. The reason it was put in both omnibuses was there was uncertainty as to what was going to happen with the discretionary omnibus, so the clause was put in both. If you adopt it once, you would have the authority. So it's an inconsistent vote from a personal standpoint, but what matters is whether or not one of the clauses passes. If

one of them passes, then the authority is there to collect the revenue.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just, if we want to continue with, you know, the honesty and integrity in the budget, we would not override this veto, because this is just something that -- these funds are never going to materialize. If we want to send a message to Islip, there's other more appropriate ways to send a message to Islip, but this is not the way to do it by including a couple of million dollars of income in our budget that's never going to happen. Thank you.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

And, on the merits, on top of what Legislator Alden has added, on the merits, this is a regional airport.

LEG. VILORIA-FISHER:

I said that.

LEG. CRECCA:

It's not -- oh, did you say that already? Well, then I'll echo Legislator Carpenter's comments. It's a regional airport. It's not used by just the residents of Islip, it's used by the residents of Smithtown, of Babylon, of Huntington, Brookhaven.

LEG. CARPENTER:

And Nassau County.

LEG. CRECCA:

And Nassau County. So charge back Nassau instead of Islip.

LEG. CARPENTER:

Yes, there you go.

D.P.O. CARACAPPA:

Legislator Bishop, then Foley.

LEG. BISHOP:

I just want to know from Budget Review, this revenue, however speculative it may be, is included in the final tax rate, right? So, if you vote to sustain this veto -- no?

MR. POLLERT:

No. Just because it was a speculative revenue, what the omnibus did is the 2 million dollars was, if it materializes, it will be transferred to the --

LEG. BISHOP:

Oh, funds the tax stabilization reserve.

MR. POLLERT:

No. It would be transferred to Employee Medical Health Benefits, to the Pharmacy --

LEG. BISHOP:

Okay. So if that's short 2 million dollars, what happens?

MR. POLLERT:

No. It would have a surplus if the revenues materialized.

LEG. BISHOP:

Oh, it was just going to be banked.

MR. POLLERT:

If the revenues did materialize, it would be properly budgeted.

LEG. TONNA:

It goes to Employee Medical Health Benefits?

LEG. BISHOP:

It would go to Employee Medical Health Benefits, which is fully funded.

MR. POLLERT:

Which is fully funded. This would over-fund that.

LEG. BISHOP:

So the point of that was to over-fund it as a bank for next year -- for the following year.

MR. POLLERT:

That's correct. And then, if the revenues actually came in in 2005, it would have the same net effect as lowering taxes in the Police District by 2 million dollars in 2005.

LEG. BISHOP:

Okay. Thank you.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

I'm going to support the override of the veto, but one of the other important aspects to this is the fact that by inserting this into the original omnibus resolution, at least we've had a real healthy discussion about the pros and cons of this particular approach. Already, we're seeing a positive result of this. In the latest packet, Legislator Caracciolo has a sense resolution urging the Federal Government to pay the County directly through Homeland Security Funds for the police protection that we have afforded the Islip Airport. So, in other words, you know, we can discuss this issue as it relates to this particular budget line, but in the larger sense, we've accomplished something that we had initially set out to do, which is to discuss and debate this, to bring it to the attention of both Islip Town and now to the Federal Government, that in perfect harmony, if you will, with the intent of the Homeland Security Act, these are the kinds of -- these are the kinds of local government actions, if you will, that to my mind are eligible for these federal funds.

So, whether -- I would hope, though, that we could override this veto, because then that would impel the Town of Islip to also use its good offices to persuade the Federal Government to give them the money, then we could also pass a sense resolution that Legislator Caracciolo has, so you have both County and Town impressing upon the Federal Government, to give this particular

locale so close to New York City the monies it surely deserves to have in order to adequately police and safeguard this regional airport. And because it's a regional airport, it shouldn't just be the County of Suffolk that is left paying the bill, but, instead, the promise made by the Bush Administration is to bring monies to the greater New York area, because, unfortunately, we still are an area that's a target of terrorists. So this whole discussion I think is helping us in the larger context, that some point, getting some kind of funding, other than County taxpayer funds, to pay for the policing at the Islip Airport.

D.P.O. CARACAPPA:

Thank you, Brian. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FIELDS:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. O'LEARY:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. FOLEY:

Yes, to override.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Absolutely.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

No.

LEG. O'LEARY:

No.

LEG. LOSQUADRO:

No.

MR. BARTON:

Nine. (Not Present: P.O. Postal)

LEG. GULDI:

It's a first, isn't it?

D.P.O. CARACAPPA:

Moving on to Resolution **845**.

LEG. LINDSAY:

Mr. Chairman.

D.P.O. CARACAPPA:

Which is **Budget Amendment 3**. Legislator Lindsay?

LEG. LINDSAY:

Yeah. I'd make a motion that we consider this in its entirety.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

There is a motion and a second, motion by Legislator Lindsay, second by Legislator Foley, to consider the veto of **Resolution 845**, which is **Budget Amendment 3**, in its entirety.

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion.

LEG. VILORIA-FISHER:

On the motion.

D.P.O. CARACAPPA:

Hold on. On the motion Legislator Carpenter, then Viloría-Fisher.

LEG. CARPENTER:

I'd ask that we remove the 21st Resolved Clause. I'll make that motion.

LEG. O'LEARY:

Second.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

There's a motion and a second to remove the 21st Resolved Clause, which is?

LEG. CARPENTER:

Same thing, airport.

D.P.O. CARACAPPA:

Airport, airport security. Okay.

LEG. CRECCA:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

Budget Review?

MR. POLLERT:

That should also include D003 in the omnibus, which actually shows the revenue coming in and the transfer to the Employee Medical Health Program.

LEG. CRECCA:

What should include that?

LEG. ALDEN:

On the motion.

LEG. CARPENTER:

Well, it says it.

LEG. CRECCA:

Oh, it says --

LEG. CARPENTER:

It's all part of that, yeah.

LEG. CRECCA:

It says it in the override message. But my question was, could you explain what, if any, budgetary impact or fiscal impact there is with relation to the 17th Resolved Clause, Gabreski Airport?

MR. POLLERT:

Just hold on a minute, two seconds.

MR. SPERO:

That item would create a separate Airport Fund -- excuse me, Airport Department, which has its own separate operating fund. As part of that resolution, a new Airport Manager position was created at a cost of about \$52,000. If the veto was sustained, there would be a savings of \$52,000 in the General Fund, because the position would not be created.

LEG. CRECCA:

Is the only thing the 17th Resolved Clause do -- does is create the -- that new department?

MR. SPERO:

That's right.

LEG. CRECCA:

Okay. It doesn't deal with the overtime?

MR. SPERO:

Right. And item D008 is the budgetary adjustments to accomplish that, so those two have to go together.

LEG. CRECCA:

All right. I'm going to make a -- well, actually, do we need to consider Legislator -- I'll wait to make any motions.

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

Legislator Carpenter stated my motion, which is be -- I was looking to be consistent in the two areas.

D.P.O. CARACAPPA:

Okay.

LEG. BINDER:

Mr. Chairman, on the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. BINDER:

Could you go through the -- Mr. Pollert, go through the cost, so we can go -- if this were to be sustained or be overridden, what would be the effect of all of it, or as with the motion being stated, what would the effect of a vote to override or not to override without the -- without the airport clauses? If I could -- just so we know the effect of what we're voting for here.

MR. POLLERT:

It would stay in the Department of Economic Development.

LEG. BINDER:

No. I mean, overall, the cost. In other words, the number is with --

MR. POLLERT:

The entire omnibus.

LEG. BINDER:

With Resolved Clause 11, 12. I mean --

MR. POLLERT:

Okay, yes.

LEG. BINDER:

-- you have all of these different ones.

MR. POLLERT:

Yes, yes.

LEG. BINDER:

In total, what's the cost savings or cost of the vetoes? And you can -- I guess, with the two clauses, because I don't know if that's how we're going to vote for it, and without the clauses that were taken out. I just want to know the costs in terms of both ways we could look at this.

MR. POLLERT:

Just with respect to the bottom line with the property tax warrant, if this omnibus is sustained, there would be a tax increase of 1.5 million dollars in the General Fund. That's primarily associated with the fact that savings from turnover savings of approximately 3.4 million dollars was vetoed. One of the other large swings would be a savings of 1.1 million dollars for the contingency that was established for the hiring of Deputy Sheriffs. But, in total, the net effect of sustaining this veto would be a property tax increase in the General Fund of 1.5 million dollars. Specific --

LEG. BINDER:

So a no vote is an increase of 1.5 million in taxes?

MR. POLLERT:

That's correct.

LEG. BINDER:

Okay. So that's with everything included.

MR. POLLERT:

That's with everything included.

LEG. BINDER:

And then on the -- if you were to take out -- as the motion now stands, if you were to do it without the -- with the airport as a separate vote?

MR. POLLERT:

That would be a de minimus amount of approximately \$50,000.

LEG. BINDER:

And the 2 million doesn't play again because of the same reason.

MR. POLLERT:

Right.

LEG. BINDER:

Okay.

D.P.O. CARACAPPA:

Is that it, Allan? Bill?

LEG. LINDSAY:

No.

D.P.O. CARACAPPA:

Anyone else? Okay. The motion before us is to take **Resolution 845** as a whole, minus the 21st Resolved Clause.

LEG. CARPENTER:

Actually, I think the motion is just to exempt.

D.P.O. CARACAPPA:

To exempt it.

LEG. CARPENTER:

Yes.

D.P.O. CARACAPPA:

Correct. All in favor?

MR. BARTON:

I don't have a second.

D.P.O. CARACAPPA:

Oh.

LEG. ALDEN:

I second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed?

LEG. GULDI:

Opposed.

LEG. FIELDS:

Opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Guldi, Legislator Fields.

LEG. FOLEY:

What was the motion?

LEG. LINDSAY:

Airport, to be consistent.

MR. BARTON:

15.

D.P.O. CARACAPPA:

Okay. 845 is now before us.

LEG. CARACCIOLO:

Motion.

D.P.O. CARACAPPA:

There's a motion to override by Legislator Caracciolo.

LEG. LINDSAY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Lindsay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. LINDSAY:

Yes.

LEG. GULDI:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes, to override.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Veto of 845 has been overridden. Now we have to do **Resolved Clause Number 21**.
Legislator Carpenter? Is anybody? You want make a motion on this?

LEG. FOLEY:

Motion to override.

D.P.O. CARACAPPA:

There's a motion to override 21st Resolved Clause by Legislator Foley. Fails for lack of a second. Moving on to the stand-alones.

LEG. VILORIA-FISHER:

Mr. Chairman.

D.P.O. CARACAPPA:

Resolution 849.

LEG. CARPENTER:

Explanation, please, Budget Review.

D.P.O. CARACAPPA:

Well, is there a motion to override **Resolution 849?**

LEG. VILORIA-FISHER:

I'd like to second it for purposes of questioning.

D.P.O. CARACAPPA:

Who made the motion?

LEG. GULDI:

Me.

D.P.O. CARACAPPA:

Legislator Guldi makes the a motion to override 849, second by Legislator Viloría-Fisher. On the motion.

LEG. VILORIA-FISHER:

I have a question for Budget Review regarding I think almost all of the stand-alones, which are -- were vetoed on the basis of the Social Security funds that we're using used as an offset.

Although there are some stand-alones that aren't included in the vetoes that also use Social Security as an offset, can you explain the process by which -- but their Budget Office came to the conclusion that there wasn't enough money, and our Budget Review Office had represented that there is enough money in the Social Security Fund to cover these stand-alones. All of the resolutions which used Social Security as an offset were vetoed by the County Executive. The Budget Review Office felt that there was a surplus in the Social Services -- in the Social Security act, because turnover savings was increased on both the mandated and discretionary side of the budget, but we did not adjust any of the fringe benefits accordingly. So we estimated that there's approximately \$500,000 worth of surpluses in Social Security.

Legislator Crecca had requested a tracking resolution for all resolutions submitted by the Legislature that would have increased taxes to come up with an offset, and we used Social Security because we felt there was a surplus there of about \$500,000. In total, \$956,000 worth of resolutions were adopted using Social Security as an offset. If they are all sustained, there will be a shortfall of about \$400,000 in Social Security, assuming no increased attrition in the County or delays in the hiring. Clearly, with a new administration, there will probably be some delays in hiring, so that \$400,000 is the worst case type of scenario. If they're all sustained and if it does come out that there's a shortfall, the shortfall would be relatively de minimus when seen in the context of a budget as a whole, and the Legislature could always adopt a resolution during the year to transfer funds to cover Social Security. But the \$400,000 is a worst possible case, assuming that hiring continues at a very quick pace with the new administration.

LEG. VILORIA-FISHER:

Okay. Thank you, Fred.

LEG. LINDSAY:

I have a question.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. On 849, it deals with the SAP's. I wish Legislator Bishop was here, because this was his issue. But a question for Counsel. According to the veto message, a number of these don't qualify for I guess that 9/11 account to get reimbursed by. If you could elaborate on that, Paul.

MR. SABATINO:

Well, that's what the enabling State legislation states, but this resolution is not technically taking that revenue, it's just increasing \$300,000 of appropriations for the PSAP's. And it's just projecting that the cellular phone surcharge will increase by an equivalent amount. But, if it doesn't, it's County money that's going to pay for the PSAP.

LEG. LINDSAY:

That was our understanding when we added it, as I remember, to improve service, not necessarily to capture reimbursements from the State.

MR. SABATINO:

That's correct. The goal of the sponsor was to get \$300,000 to the PSAP's. That's County money no matter what happens. The projected increase is just something, you know, separate and apart from that. If the projected increase materializes, that's wonderful and terrific, but it's not linked -- it's not linked from a legal standpoint to the availability of the \$300,000.

LEG. LINDSAY:

In light of that explanation, I'll make a motion to override the veto of --

D.P.O. CARACAPPA:

There's a motion and a second already. Any other discussion? All in favor? Opposed? Abstentions?

LEG. BISHOP:

I'm in favor.

LEG. CRECCA:

David's here.

LEG. VILORIA-FISHER:

Ah, he emerges.

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Thank you, Henry.

LEG. CRECCA:

Mr. Chairman, point of order.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. If it's possible to do, I'd like to make a motion to handle --

D.P.O. CARACAPPA:

The rest of these as one?

LEG. CRECCA:

Yeah, 850 through 857 --

D.P.O. CARACAPPA:

Counsel.

LEG. CRECCA:

-- as one. I would want to make that motion to override --

LEG. GULDI:

Second.

LEG. CRECCA:

-- Resolution 8 -- they're all based on the same --

D.P.O. CARACAPPA:

Social Security offset.

LEG. CRECCA:

Yeah, the Social Security offset. Counsel, is that a legal motion to do it that way, to handle all seven of these, or eight of these remaining together?

MR. SABATINO:

It's a legal motion. You would be -- you would be consolidating, you know, whatever it is.

LEG. CRECCA:

Okay. I'm going to make --

D.P.O. CARACAPPA:

Motion by Legislator Crecca to consolidate.

MR. SABATINO:

Just make sure you identify each one in the motion.

LEG. CRECCA:

Yeah, let me do it -- let me make the motion, so the record's clear. I make a motion to override Resolution 850, 851, 854, 855, 856, and 857 of 2003.

D.P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions? They're all before us now as a single item. A motion to override.

LEG. CRECCA:

Motion.

D.P.O. CARACAPPA:

By Legislator Crecca.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Thank you. That concludes the veto --

LEG. FOLEY:

Mr. Chairman.

D.P.O. CARACAPPA:

-- overrides. Legislator Foley.

LEG. FOLEY:

Yeah. Just before we move on to the agenda, just once again, at the last meeting, it was quite late at night when we made this remark, but during, let's say, the -- during the daylight hours, I think all of us collectively want to thank the Budget Review Office for the excellent job they've done over these many, many months of helping to craft a budget with the help of Legislators to better serve the County residents. So, as one Legislator, I just want to thank the Budget Review Office for their fine, fine work.

(Applause)

D.P.O. CARACAPPA:

I recognize Legislator Tonna.

LEG. TONNA:

Paul. Paul, I just wanted to ask you, I know at the last meeting that we had, we were rushed and we did a whole bunch of, I guess, to lay on the tables. One of them had to do with the EMHP Plan. And although we voted en masse, I needed to abstain, if I'm not mistaken, from that vote, from the --

LEG. CARPENTER:

I think you did.

LEG. TONNA:

I don't think I did.

MR. SABATINO:

That's correct.

LEG. TONNA:

No, I didn't.

MR. SABATINO:

I thought that you had, but I think you told me the next day, when you checked the record, that it had not taken place. So I recommended to you is that you just get a motion to reconsider to get your recusal on the record.

LEG. GULDI:

Second.

LEG. TONNA:

Yeah. Thank you.

D.P.O. CARACAPPA:

There's a motion to reconsider -- what was that number, Paul?

LEG. TONNA:

Bill Number --

MR. SABATINO:

I think it's 1794.

D.P.O. CARACAPPA:

1882.

MR. SABATINO:

Okay, 1882.

LEG. TONNA:

And that's the --

D.P.O. CARACAPPA:

Motion to reconsider --

LEG. TONNA:

Right.

D.P.O. CARACAPPA:

-- that motion to lay on the table.

LEG. TONNA:

Right.

D.P.O. CARACAPPA:

Seconded by Legislator --

LEG. TONNA:

Just it's a procedural motion, but I thought I was under the impression, as long as it's a procedural motion --

D.P.O. CARACAPPA:

Understood. Understood.

LEG. TONNA:

-- I didn't have to, you know --

D.P.O. CARACAPPA:

Second by Legislator Guldi. All in favor? Opposed? Abstentions? It is now before us once again.

LEG. TONNA:

Right.

D.P.O. CARACAPPA:

There's a motion to lay -- what was the number again?

MR. SABATINO:

1882.

D.P.O. CARACAPPA:

1882 on the table and send it to --

MR. SABATINO:

Ways and Means.

D.P.O. CARACAPPA:

-- Ways and Means.

MR. SABATINO:

And record the recusal, right.

D.P.O. CARACAPPA:

Motion by myself, second by Legislator Guldi. All in favor? Abstentions?

LEG. TONNA:

I recuse myself on that vote, so I abstain.

D.P.O. CARACAPPA:

Abstention by Legislator Tonna. It's sent to Ways and Means. Very good.

RESOLUTIONS TABLED TO NOVEMBER 18, 2003

Moving on to resolutions tabled to November -- to today, Page 9 on our agenda.

1585 - Authorizing waiver of interest and penalties (for property tax for Joseph Bryan and Marie Bryan). Legislator Foley.

LEG. FOLEY:

Table another round, Mr. Chairman.

D.P.O. CARACAPPA:

Motion to table by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?
1585 is tabled.

1224 (Enforcing reverter clause for 72-h real estate transfers).

LEG. ALDEN:

Motion to table.

D.P.O. CARACAPPA:

Motion to table, Legislator Alden.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1224 is tabled.

1357 (Directing Office of Legislative Budget Review to audit legislative vehicles).

LEG. CARACCIOLO:

Motion to table.

D.P.O. CARACAPPA:

Motion to table, Legislator Caracciolo.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

1361 (To establish County office space policy for downtown revitalization).

LEG. CRECCA:

Motion to table.

D.P.O. CARACAPPA:

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

1391 (Appropriating funds in connection with the purchase of Environmental Health Laboratory Equipment). I believe this is the first resolution we have as it related to the pay-as-you-go funding; is this correct?

MR. SABATINO:

Right. This is --

D.P.O. CARACAPPA:

Have they changed the resolution?

MR. SABATINO:

Yes. I think there's just one problem. Just let me double check on the corrected copy. My recollection is what it did was it's directing the Comptroller to appropriate money, which you

can't do. It's --

LEG. CRECCA:

Can we ask for some clarification from the County Exec's staff?

MR. SABATINO:

Just hold on.

D.P.O. CARACAPPA:

Yes. Todd, were all of the tabled resolutions that were changing the method of financing that were being held up for that one reason, were they changed?

MR. JOHNSON:

I think there were nine all together and all of them were changed.

D.P.O. CARACAPPA:

Very good. Thank you. Well, Paul has a --

MR. SABATINO:

Yeah, just -- from a technical standpoint, the word "appropriate" should be changed to "transfer", because the County Treasurer and the Comptroller can't appropriate funds. So with that -- with that adjustment, each of those resolutions can be voted on, and they now become ten-vote resolutions, because we're back to pay-as-you-go.

D.P.O. CARACAPPA:

To cash.

MR. SABATINO:

So just if the Clerk would just, you know, make that part of the record on each of them. There's just a one word change in the Resolved Clause, they use the wrong word "appropriate", it should be "transfer".

D.P.O. CARACAPPA:

Very good.

LEG. FOLEY:

Mr. Chairman, can I make a motion, then, to approve?

D.P.O. CARACAPPA:

Of course. Motion by Legislator Foley.

LEG. GULDI:

Second.

LEG. FISHER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? It's approved.

1425 (To ensure League of Women Voters representation on Reapportionment Commission).

LEG. VILORIA-FISHER:

I'm going to make a motion to approve.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

To approve by Legislator Viloría-Fisher, second by Legislator Fields. All in favor?

LEG. BINDER:

Roll call.

LEG. CARACCILO:

On the motion.

D.P.O. CARACAPPA:

Roll call. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

My constituents, George, are much greater numbers than yours. In fact, greater than anybody around the horseshoe, but that's a different story.

Mr. Chairman, this resolution I spoke out against in committee and I'll speak out against today, because it seeks to change the organization or construction of the Reapportionment Committee, which doesn't meet again for another nine years. It is premature, it is unnecessary. It's a lot of other things, which I won't state right now on the record, because we just past Election Day, but I urge my colleagues to vote against this resolution.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Mike, should I get an award for most improvement --

LEG. CARACCIOLO:

Yes.

LEG. ALDEN:

-- on numbers? Thank you.

D.P.O. CARACAPPA:

You should, absolutely.

LEG. GULDI:

No, I think I should.

LEG. BINDER:

Mr. Chairman, motion to table. Motion to table.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Binder, takes precedence. Is there a second?

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

Opposed, Legislator Viloría-Fisher, Legislator Foley, Legislator Guldi, and Legislator Fields.

LEG. COOPER:

Opposed.

D.P.O. CARACAPPA:

Legislator Cooper.

MR. BARTON:

12. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's tabled. **1500 (Authorizing the sale of surplus County car (showmobile) to Town of Southampton).** Legislator Guldi.

LEG. GULDI:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Guldi. Is there a second?

LEG. LINDSAY:

I'll second it.

D.P.O. CARACAPPA:

Second by Legislator Lindsay.

LEG. ALDEN:

Motion to table.

D.P.O. CARACAPPA:

Motion to table, Legislator Alden.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

Legislators Guldi, Viloría-Fisher, Foley, Lindsay.

LEG. BISHOP:

Which one are we on now?

LEG. BINDER:

Showmobile.

LEG. BISHOP:

This is to table?

LEG. GULDI:

Yeah.

LEG. BISHOP:

I'm opposed to table.

D.P.O. CARACAPPA:

And Bishop.

LEG. GULDI:

And O'Leary, too.

D.P.O. CARACAPPA:

And O'Leary.

MR. BARTON:

11. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's tabled. **1506 (Appropriating funds for the purchase of equipment for groundwater monitoring and well drilling (CP 8226)).** Motion by Legislator Caracciolo. I believe this is another pay-as-you-go item.

MR. SABATINO:

Right, again, with that change I mentioned before.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1531 (Approving amended cross bay ferry license for Bay Shore Ferry, Inc.)** Motion to table.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor?

LEG. BISHOP:

Who made the motion?

D.P.O. CARACAPPA:

Opposed? I did. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1565 (Authorizing the sales of four (4) surplus County cars to Sachem School District).

LEG. LINDSAY:

Motion to approve.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Motion to approve by Legislator Lindsay, second by Legislator Foley.

LEG. ALDEN:

Motion to table.

LEG. CARACCIOLO:

Roll call.

D.P.O. CARACAPPA:

Motion to table by Legislator Alden, second by Legislator Nowick.

LEG. CRECCA:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

What are we doing this, are we adopting a policy to --

LEG. CARPENTER:

We're having a public hearing today.

LEG. CRECCA:

Yeah, I know the public hearing is today. But, you know, the issue is I support the resolution that's been filed. I believe I'm a cosponsor, if I'm not, I'm going to add my name today. But in the same respect, too, these bills that are before us have been lingering. These were before we instituted that policy, or before the resolution was even introduced. And while I support that and will support it, these are being carried on our agenda, these were arrangements that have already been made with the entities that are listed here. I say we just approve them and move on and adopt the new policy, so --

LEG. LINDSAY:

Mr. Chairman.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

Legislator Alden, then Legislator Lindsay.

LEG. ALDEN:

I would just call your attention to the fact that the Comptroller issued a pretty thorough investigation and the results of that investigation, and it ends up hundreds of thousands of dollars worth of vehicles that we've given away for pennies, basically. So we've really got to look at our policy and then go forward, and I don't think this is a time to change that policy, as far as getting full value for these vehicles. So I would strongly recommend tabling these. We'll look at the policy and then going forward in the next year with -- if you want to change it, where

we're actually giving it away, but then put on the record when we give away cars how much of the taxpayers' dollars we're giving away.

LEG. CRECCA:

But -- oh, sorry.

D.P.O. CARACAPPA:

Legislator Lindsay, you're next.

LEG. LINDSAY:

Yeah. I'm the sponsor of this resolution and it is a few sessions old, it's been lingering for awhile. I originally tabled it, because I had intended on sponsoring a resolution to qualify this whole procedure, whereby we would put the excess cars up for auction. If they weren't acquired on the auction block, then we would give them away or sell them at a minimal value. However, Legislator Carpenter has filed a bill to get a jump on me on it, and I'll -- you know, I'll look at hers and might not file my own, I might support hers. But in the interim, we have approved some of these resolutions for other school districts, and I feel compelled to go forward with this, because I don't want to discriminate against Schem.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

This issue certainly has engendered a lot of discussions over a number of meetings. In fact, I've heard more discussion on an item that's being sold for 200 as opposed to 2,000, more discussion on some of these issues than on some multi-million dollar appropriation resolutions that we've approved in the past.

You know, I would say this. These are County assets, as is land, and many times we transfer land for a dollar to another municipality, another political subdivision, so it could be used for a public purpose, as opposed to auctioning off the property, which would then go into private hands. The same holds true here. These cars are of no use to the County, however, there is another public entity, in this case, a school district, I have one for the Village of Patchogue, that wants to use these, let's say, former County assets for a public purpose. Since they're being used for a public purpose, we're selling it, as we do with 72-h's, at a greatly discounted rate.

In the terms of BRO and the 2.2 billion dollar annual budget, these monies are de minimus. And I respectfully differ with the Comptroller on this. It's not just a matter of dollars and cents, it's also working in a cooperative fashion with another entity, whether it's a school district, a not-for-profit, or a village government, and in other cases town governments, so that they can achieve their mission of serving the public by using these vehicles for whatever particular public purpose they have in mind. In Sachem, it's for a very important purpose, and that very important purpose is to allow, let's say, a certain level of a security at their different campuses. And if you know Sachem, they are campuses, they are large school grounds. So this is -- we're going to be able to help the residents within the Sachem School District, the administration of the Sachem School District, the School Board of the Sachem School District to better protect their buildings and grounds by giving these cars to them, yes, at a discounted rate, as we do with all the townships when we do 72-h's. So it's almost -- it's the same difference. We're taking a County asset, and this is one that has wheels on it, and we're giving it to a local district, so they, or in this case, a school district, so they can provide their public mission of protecting, in this case, buildings and grounds, so the kids can have a safe environment to learn in.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

I'll pass.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I just have a quick question, through the Chair, of Legislator Foley. Has Sachem School District actually given a representation that they're going to lower their taxes in correspondence with the savings that they're going to have on this?

LEG. FOLEY:

I think they would love to lower their taxes, if the Pataki Administration would give enough money to the school districts.

LEG. CARPENTER:

Oh, touche.

LEG. VILORIA-FISHER:

Good for you.

LEG. ALDEN:

What? I'm not part of the Pataki Administration.

LEG. CARACCIOLO:

Mr. Chairman.

D.P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yeah. If we're going to start playing partisan politics --

D.P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

We are, unfortunately.

LEG. CARACCIOLO:

-- I can do more than my fair share from this end of the horseshoe.

D.P.O. CARACAPPA:

Yeah, we know.

LEG. FOLEY:

We know that.

LEG. CARACCIOLO:

Okay? So let's stay on course here.

LEG. FOLEY:

We'll stay on course, yes, sir.

LEG. BISHOP:

According to Newsday, you're "Mr. Bipartisanship", Mike.

D.P.O. CARACAPPA:

There is a motion to table 1565 and a second. All in favor? Opposed?

LEG. CRECCA:

Roll call.

D.P.O. CARACAPPA:

Roll call.

LEG. ALDEN:

I'll withdraw my table, just let it go up or down.

D.P.O. CARACAPPA:

Okay. The motion to table has been withdrawn. There's a motion --

MR. SABATINO:

It takes a two-thirds vote, Mr. Chairman, just for the record.

LEG. CRECCA:

Why does it need two-thirds vote?

D.P.O. CARACAPPA:

Why two-thirds, Paul? Because we're transferring property.

LEG. CRECCA:

Okay.

MR. SABATINO:

No. It's written into the Charter, when that provision for \$200 was put in, it was two-thirds.

LEG. BISHOP:

We've always had a two-thirds vote requirement.

D.P.O. CARACAPPA:

Roll call on the approval.

LEG. O'LEARY:

Prior to the roll call, Chair.

D.P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Could I ask the maker of the motion to possibly amend that to include 1565 through 1569?

LEG. BISHOP:

What?

D.P.O. CARACAPPA:

Well, if the first one is approved, I'm going to make a motion to include them all.

LEG. BISHOP:

You can't do that.

LEG. CRECCA:

You can't do that.

LEG. BISHOP:

You can't do that.

LEG. BINDER:

That we can't do.

D.P.O. CARACAPPA:

After the first one's approved, we'll see how -- all right.

LEG. O'LEARY:

You have to wait until the first one's approved?

D.P.O. CARACAPPA:

Let's see how the first one goes, first.

LEG. O'LEARY:

Okay.

D.P.O. CARACAPPA:

Before we -- it will give us a pretty clear understanding where the other ones are going. There's a motion to approve and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. O'LEARY:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

No.

LEG. FIELDS:

Pass.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

Yes.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Pass.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Yes.

LEG. FIELDS:

Abstain.

LEG. CARPENTER:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

12. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved.

LEG. CRECCA:

Motion.

D.P.O. CARACAPPA:

1565 (Authorizing the sales of four (4) surplus County cars to Sachem School District). Same motion, same second, same -- I would assume same vote.

LEG. COOPER:

66.

LEG. CRECCA:

It doesn't matter, doesn't matter.

D.P.O. CARACAPPA:

1566 (Authorizing sale of two (2) surplus County cars to Hauppauge School District).
Motion by Legislator Crecca, second by myself. All in favor? Opposed? Abstentions?

LEG. CARACCILO:

Opposed.

D.P.O. CARACAPPA:

It's the same -- that's where we -- okay, it's the same vote.

MR. BARTON:

Same vote.

LEG. GULDI:

Same motion, same second, same vote.

D.P.O. CARACAPPA:

1567 (Authorizing the sale of two (2) surplus County cars to Commack School District). Same motion, same second, same vote.

1568 (Authorizing the sale of surplus County car to Long Island Gay and Lesbian Youth (LIGALY)). Same motion, same second, same vote.

1569 (Authorizing the sale of surplus County cars to Wyandanch School District). Same motion, same second, and vote.

1570 (To establish land development policy for mixed use smart growth in Suffolk County).

LEG. BISHOP:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Bishop.

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

Second by Legislator Fields. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1570 is tabled. **1574 - Appropriating funds in connection with the acquisition of Disaster Recovery Plan (CP 1729).**

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter.

LEG. NOWICK:

Second that.

LEG. CARPENTER:

Changing that to transferring funds.

D.P.O. CARACAPPA:

Second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved.

MR. SABATINO:

Again, just make that same change in the Clerk's Office.

D.P.O. CARACAPPA:

1583 - Amending the 2003 Capital Budget and Program and appropriating funds in

connection with the airport fencing and security system at Francis S. Gabreski Airport (CP 5721).

LEG. GULDI:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Guldi, second by myself. All in favor opposed abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1591 (Directing County Department of Health Services to renegotiate malpractice liability clauses for County Health Centers).

LEG. CARACCIOLO:

Motion to approve.

LEG. GULDI:

1591, I think I'd like make a motion.

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Guldi.

LEG. FIELDS:

I'll second.

D.P.O. CARACAPPA:

Second by Legislator Fields.

LEG. GULDI:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Guldi.

LEG. GULDI:

Yeah. For those of you who are not members of Ways and Means, at the last monthly meeting of Ways and Means, we approved approximately 9 million dollars, mostly in malpractice claims, of settlements, the County share being 9 million dollars. Unfortunately, the County Attorney's Office informed me that next month we can anticipate a similar volume. This bill prohibits the County from entering into any future contracts for the provision of health services where we pick up the malpractice exposure, the malpractice insurance for the doctors rendering services to those patients and clinics under circumstances where we don't have the authority to supervise, and reprimand, and discharge those doctors, so that we would no longer be, in effect, using taxpayer money to subsidize insurance companies. Every single one of these doctors who works for us is affiliated with a hospital who's already insured for their other work, but by contract, we are saddling the taxpayers with this huge exposure and liability to the benefit of the insurance companies already getting paid to insure these doctors.

And the -- while it may be difficult for the department, and the department actually raised the issue about the fact that they'll have some difficulty in renegotiating contracts that are in current negotiation, I feel it's unconscionable for the County to go forward and continue to take these same kinds of liabilities for these same kinds of cases from the same doctors at the same facilities where we don't have the authority to discharge.

LEG. BINDER:

Mr. Chairman, on the motion.

D.P.O. CARACAPPA:

Legislator Lindsay, then Legislator Binder.

LEG. LINDSAY:

Yeah. I have a question for Legislator Guldi. But wouldn't the cost be past on in the contract?

LEG. GULDI:

The answer is I think it already -- the bill -- I think it already is. I think we're already paying for the doctors' services with the insurance. And if there is -- if there is an incremental increase in the insurance costs for these doctors, I'm sure that it will be passed along and it will be borne by us. But the current system is nuts and we need to change it.

This bill, I've spent a lot of time. The language in it has been rewritten with the County Attorney's Office. I've spent a lot of time talking to people at Risk Management about it, because of the concern of the impact on health clinics and services. But the current system is broken. When we're taking 9 million dollars a month in the neck for malpractice claims on doctors we can't discharge, when those doctors are already insured with hospitals they're affiliated with, the system is wrong. This is a good bill to change that system, reverse it. If we have some increase in cost, it won't be 9 million dollars a month, I can tell you that.

D.P.O. CARACAPPA:

Okay. Legislator Binder, then Foley, then Crecca. Remember that, because I've got to leave for a second.

LEG. BINDER:

I want to --

LEG. CRECCA:

Anarchism.

LEG. GULDI:

Joey, wash your hands when you're done.

LEG. CRECCA:

Anarchy.

LEG. BINDER:

I want to commend Legislator Guldi. I think this is an absolutely -- really, more for -- for us, it's almost landmark. We've had this problem in Suffolk County for years, and I'm glad Legislator Guldi took it on. And it's not an easy thing to take on, because he had to somewhat go head to

head with the Health Department, because there are a lot of concerns in trying to get these -- keep these contracts up, keep them going, but it's killing us.

I mean, this is -- this is millions and millions of dollars going out the door when we have -- when we have relationships with hospitals that insure their doctors. They have malpractice coverage on these doctors, and it is an absolute crime that Suffolk County covers these doctors additionally through our own self-insurance, and we end up having to spend millions and millions of dollars. This is -- it's been outrageous, and I think an absolutely important piece of legislation that absolutely needs to be passed today, needs to go forward, and I think will have a great effect on our County budget, more than we even know. I think there will be a huge effect on the County budget. And I am absolutely certain we will still have the same contracts with the same hospitals who will do the same work with the same doctors, and we won't lose any services. If anyone's concerned we will not lose -- I could tell you, if I was concerned about losing services, I wouldn't be voting for this today. And I am telling you, we will not lose any services, but this needs to happen. And just to close with, as shocked as he may be, commending Guldi for a great piece of legislation.

LEG. GULDI:

I'm in trouble now.

LEG. BINDER:

For all the work, you did a ton of work.

LEG. O'LEARY:

Henry, put me as a cosponsor on this, please.

LEG. BINDER:

Yeah, cosponsor.

LEG. CRECCA:

I think Legislator Foley is next. No comment?

LEG. FOLEY:

Legislator Binder had, let's say addressed, the concerns I had, particularly in the area of

reducing services, so we'll be looking at this very carefully next year. It's my hope that this won't reduce services. But, certainly, Legislator Guldi has put an enormous amount of time in an area that needs it. But the record should reflect that it's not 9 million dollars a month, it just so happens that some of these cases go back a good 10 or 12 years; is that not correct, Legislator Guldi?

LEG. GULDI:

Some of them do, Legislator Foley, but, unfortunately, I projected the current inventory of stuff that we just settled and the stuff we have yet to -- that we'll be compelled to settle, because, frankly, each one of these cases is compelling. It's going to be more in the order of 30 million dollars for the balance of this year with that nine included. I fear that.

LEG. FOLEY:

Okay.

D.P.O. CARACAPPA:

Andrew.

LEG. CRECCA:

Yeah, I'll agree with everything Legislator Binder said. Legislator Guldi and Ways and Means Committee as a whole should be praised for moving in this direction. And if we do lose some of the services, I hope we lose the services of some of these doctors. And if you sat on Ways and Means, and I can't get into the specifics, because it's, you know, part of litigation settlements, but your jaw would drop at some of the things and it's disgusting. And only by doing this will we protect, not just the County, but we will protect the residents of Suffolk County from some horrendous medical treatments.

D.P.O. CARACAPPA:

Very good. There's a motion and a second. All in favor? Opposed? Abstentions? 1591 is approved.

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1658 (Dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural lands).

LEG. FOLEY:

Mr. Chairman, motion to table.

D.P.O. CARACAPPA:

Motion to table, Legislator Foley, second by myself.

LEG. FOLEY:

Let me put on the record that by the end of this month, Department of Public Works will be in-house taking a survey of the County Farm in Yaphank, so that at our first meeting in December, it should be an apple pie order that we can approve this resolution and save this County Farm in perpetuity as a farm for County residents to enjoy.

D.P.O. CARACAPPA:

There's a motion to table and a second.

LEG. FOLEY:

Motion to table. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1670 (Approving the reappointment of William Garthe as a member of the Suffolk County Home Improvement Licensing Board). I've been asked for a --

LEG. CRECCA:

Motion.

D.P.O. CARACAPPA:

I've been asked for a tabling motion by the sponsor, so I'll make a motion to table.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. CRECCA:

You mean, from the County Executive asked it be tabled?

D.P.O. CARACAPPA:

Yes. All in favor? Opposed? Abstentions?

LEG. CRECCA:

Opposed. Opposed.

LEG. CARPENTER:

Opposed.

D.P.O. CARACAPPA:

Opposition by --

LEG. CRECCA:

Roll call.

D.P.O. CARACAPPA:

Roll call.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARPENTER:

Is this to table?

LEG. FOLEY:

Is this to table?

MR. BARTON:

To table, yes.

LEG. CARPENTER:

This is to table.

LEG. FOLEY:

Yes, to table.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yeah.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

MR. BARTON:

Ten. It's tabled, 10. (Not Present: P.O. Postal and Leg. Bishop)

D.P.O. CARACAPPA:

Tabled.

LEG. CRECCA:

Legislator Caracappa, did the sponsor or the County Executive give a reason why he wanted this tabled?

D.P.O. CARACAPPA:

No. They had asked for it to be tabled one more cycle.

LEG. CRECCA:

You know, I'm going to ask somebody on the prevailing side to make a motion to reconsider. Mr. Garthe, and I probably should have made this argument before, but Mr. Garthe is a long-time President of the Saint James Chamber of Commerce. He has been a great advocate here in Suffolk County, and he has -- he served in many capacities, and I think to hold up this appointment is --

D.P.O. CARACAPPA:

Legislator Crecca, Counsel believes there's a technical problem.

MR. SABATINO:

Well, let me just make -- the original bill had the term of office going through 12/31/2005. That was the question that was raised at the last session. Okay. There is a corrected copy. I just wanted to -- all right. The corrected copy takes it through December 31st of 2003, so I apologize. The corrected copy is now correct. It was originally tabled because there was a with the 2005.

D.P.O. CARACAPPA:

Okay.

MR. SABATINO:

It's eligible to be voted on.

LEG. LOSQUADRO:

I was incorrect in my understanding --

D.P.O. CARACAPPA:

Legislator Losquadro. Just use the microphone, Dan.

LEG. LOSQUADRO:

I was incorrect in my understanding that it was a motion to table. I would like to change my

vote to no.

D.P.O. CARACAPPA:

There's a motion to reconsider by Legislator Losquadro.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions? **1670** is now before us once again. There's a motion to approve by Legislator Crecca.

MR. JOHNSON:

I ask that the resolution be withdrawn.

D.P.O. CARACAPPA:

Withdrawn. The resolution's withdrawn by the sponsor.

LEG. CRECCA:

Actually, the Presiding Officer is the sponsor of the bill. I don't think --

D.P.O. CARACAPPA:

No, it's the County Executive.

LEG. VILORIA-FISHER:

It's County Executive.

LEG. GULDI:

County Executive at the request.

D.P.O. CARACAPPA:

At the request.

LEG. CRECCA:

What's that?

D.P.O. CARACAPPA:

The P.O. at the request of the County -- it's a County Executive bill.

LEG. CRECCA:

I think only -- I really believe only the Presiding Officer can withdraw it, then.

MR. SABATINO:

No, not --

D.P.O. CARACAPPA:

He's the sponsor.

LEG. CRECCA:

Well, then I direct Counsel to refile the bill.

MR. SABATINO:

It's a County Executive appointment. Okay.

LEG. CRECCA:

Refile it anyway, what the heck.

LEG. LINDSAY:

Why did you go through all that tabling then to withdraw it?

LEG. CARPENTER:

No, he didn't want to table it, he wanted to --

D.P.O. CARACAPPA:

Okay. It's withdrawn. Let's move on. **1691 (Appropriating funds in connection with the purchase of equipment for Med-Legal Investigations and Forensic Sciences (CP 1132)).**

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley to approve, second by Legislator Fields.

LEG. ALDEN:

With the change?

LEG. FOLEY:

With the change, right.

D.P.O. CARACAPPA:

With the change.

MR. SABATINO:

This is ten votes with that change.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1691 is approved. **1693 (Appropriating funds in connection with engineering for safety improvements at various intersections (CP 3301)).**

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second my myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1696 (Appropriating funds in connection with the reconstruction of Culverts, South County Road at Dunton Avenue (CP 5371)).

LEG. FOLEY:

Motion, Mr. Chairman.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by myself, with the change.

LEG. FOLEY:

Yes. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Okay. Thank you.

MR. BARTON:

17. (Not Present: P.O. Postal)

LEG. CARPENTER:

Excuse me. I'm sorry, yes, motion.

D.P.O. CARACAPPA:

1734 (Renaming Pine Aire Drive at Northeast Corner of Pine Aire Drive and 5th Avenue at North Bay Shore as "Raheem Heigher Drive").

LEG. CARPENTER:

Motion to approve.

D.P.O. CARACAPPA:

Motion to approve by Legislator Carpenter.

LEG. ALDEN:

Second.

D.P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1744 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the dredging of Moriches Inlet for Smith Point Park Beach replenishment. In the past, there was some opposition by the Commissioner of Public Works. He has withdrawn that opposition to this resolution.

LEG. FOLEY:

Motion.

LEG. O'LEARY:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator O'Leary.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. Roll call.

MR. SABATINO:

Just, again, a technical correction, Mr. Chairman. The resolution makes reference to changing the method of financing, which would be a three-quarters vote, but it appears to have an offset, so I --

D.P.O. CARACAPPA:

Yes.

MR. SABATINO:

I just want to check with Budget Review if we have an offset, because then it would be two-thirds vote instead, that's my only point. The Whereas Clause is referred to as being a change in financing, but it looks to me like it's just a straight offset, so it would just change the vote requisite.

MR. REINHEIMER:

That's correct, there are several road projects that are not ready to be advanced as offsets.

MR. SABATINO:

Then the Sixth Whereas Clause should be stricken, because it erroneously calls for a three-quarters vote.

D.P.O. CARACAPPA:

Let the record reflect that. There's a motion and a second. Roll call.

MR. BARTON:

On the motion to approve.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. GULDI:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

17 on the bond.

D.P.O. CARACAPPA:

Same motion, same second, same vote, the companion resolution.

1745 - Amending the 2003 Operating Budget and the 2003 Capital Budget and Program and transferring and appropriating funds in connection with the purchase of equipment for the fare collection system for Suffolk County Transit (CP 5648).

LEG. FOLEY:

Motion, Mr. Chairman.

D.P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Viloría-Fisher. Roll call. No, this isn't -- no. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approve. **1752 - Authorizing the Director of the Division of Real Estate to enter into contracts for appraisal services.**

LEG. FOLEY:

Explanation.

D.P.O. CARACAPPA:

Explanation, Counsel, please.

MR. SABATINO:

Under the reform package with regard to real estate a year ago, one of the changes was that the list of at least 30 qualified real estate appraisers would be updated on an annual basis. This resolution, as I pointed out at the last session, just made reference to identifying additional appraisers, but didn't indicate, you know, what the modifications were. Were appraisers being deleted, were these simply being added on? In an intervening period of time, backup information was submitted with regard to that list, so now you at least have the list of deletions and changes and modifications in terms of the backup. It really should have been in the resolution, but if you want to vote on it with the backup, if you're satisfied with the backup, you can vote on it.

D.P.O. CARACAPPA:

And that was the original complaint against the bill, they didn't have backup.

MR. SABATINO:

Yeah. The problem was that it was an amendment to the existing list, which was adopted by resolution. I mean, technically, the list itself should be changed, so that when you go to run a search on it, you know, in the County Clerk -- I'm sorry, in the Clerk of the Legislature's records, he'll be able to find it. The problem is that that change wasn't done, instead a list was submitted as backup. I mean, if you feel comfortable with that and the Clerk can make it an exhibit, you can use that. I mean, technically, it should have been done the other way, which was the resolution itself should modify, delete and change, but I give you that option.

D.P.O. CARACAPPA:

I'll make the motion, second by Legislator Nowick. All in favor? Opposed?

LEG. GULDI:

I'm going to take an abstention.

LEG. CARACCIOLO:

Opposed.

D.P.O. CARACAPPA:

Abstention Legislator Guldi, with the opposition by Legislator Caracciolo.

MR. BARTON:

15.

D.P.O. CARACAPPA:

And an opposition by Legislator Fields.

MR. BARTON:

14. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

It's approved. **1761 (Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long Term Plan)**. Is there a motion?

LEG. FOLEY:

Motion to table.

D.P.O. CARACAPPA:

Motion to table, Legislator Foley.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed abstentions? It's tabled.

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1774 - Permitting County to waive 10% rule for land acquisitions.

LEG. BISHOP:

Motion to approve.

D.P.O. CARACAPPA:

Motion to approve by Legislator Bishop.

LEG. COOPER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Cooper.

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I would just ask for a thorough explanation of what this is doing in light of the fact that much time and energy on behalf of Legislator Lindsay and myself and a couple of other people into the reforms was put in, and I'd like to make sure there's a clear understanding of what we're doing here.

MR. SABATINO:

This amendment deals with that reform provision that you referred to, Legislator Carpenter, which provided that the mean value of appraisal for land acquisitions could be exceeded by up to 10%, as you recall, with a procedural motion of two-thirds vote and an articulated explanation from the Director of Planning, the Director of Real Estate, the review appraiser, as well as the actual appraiser. So those four individuals under the reform measure would come before the Legislature, it would be a separate two-thirds procedural motion, and then you could go as high as 10% above the mean value of the two appraisals that are ordered by the County for an acquisition. That provision would be further modified by this proposed amendment, so that you could go above the 10% by a two-thirds procedural motion.

Again, in this case, you'd have to affirmatively put on the record the rationale and the determination for going forward above and beyond the 10%, again, based on the appraiser, the review appraiser, the Director of Real Estate, and the Director of Planning coming forward. So there would have to be an articulated reason and two-thirds vote to go above the 10% without limit. You'd go above 10% without limit.

LEG. LINDSAY:

Mr. Chair.

D.P.O. CARACAPPA:

Legislator Alden, then Legislator Lindsay.

LEG. ALDEN:

This is dangerous ground we're going on, and as far as the ability to exceed appraised value of property and have us purchase it. Number one, we're sending a message to everybody in Suffolk County that if you want to sell property to Suffolk County, you can get 10% and you can get above that, you can get -- the sky's the limit, so just hold out and work your little magic and you can get whatever you want out of the Suffolk -- out of Suffolk County. If there's a problem with an appraisal, let the Director of Real Estate throw that appraisal out, if they find it defective, and let's go get decent appraisals and let's establish the value of the property and not exceed that. We're going right back into that spiral of where we're bidding against ourselves, and, really, you're opening the door for chicanery and other types of problems, actually, with the acquisition program. Thank you.

LEG. BISHOP:

Am I on the list?

D.P.O. CARACAPPA:

Legislator Lindsay. You're next.

LEG. LINDSAY:

It was really just a short period of time ago that we faced this problem with our Real Estate Department, and an Executive Legislative committee was commissioned look at all the

problems. It was brought back to this body. The body amended it somewhat, adopted rules, and now we want to start undoing the rules. When we were in the original discussions about this whole issue, there was a whole question of the legality of us paying above the appraised value for a piece of property, and, really, has a compromise, I think we agreed to go along with that 10% rule. But to throw that out the window altogether I think would be foolish and I would be opposed to it.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Thank you. I think to get the proper perspective on the reform and the modification to reform, you have to step back to what the old system was.

Under the old system, the Legislature would authorize the purchase of a particular property and then the Executive Branch would appraise it, negotiate it, and ratify it, so that we were -- we, as a Legislature, were cut out of the process. In that -- under that old process, what would too often happen is that we would find that the amounts paid were in excess of what we felt were fair -- were fair market value. So then we enacted reforms, and the thrust of the reforms in every case was to create transparency and accountability to inject those ideas into the system. On top of that, what we added was an -- what I would say is an artificial, it certainly wasn't arbitrary, it wasn't arrived at scientifically, notion that you can't go more than 10% above the mean appraised value. The problem with that, we're finding, is that in a dynamic real estate market, particularly, but, in general, appraising is more art than it is science, and we're getting appraisers with 100% variations in the amounts that they arrive at. What are we going to do in those circumstances? It's not very few, and we're told by the Real Estate Division -- we were told by the Real Estate Division in the ELAP Committee that the reason that more deals are not brought forward is because the variations in appraisers -- in the appraised values are such that they cannot meet the -- come close to the price that the seller wants to gain.

What is the protection to the public? Well, the protection to the public is what it should be, it's the wisdom of this Legislature, and we are the ones who are accountable to the public in the end. Under the old system, that protection wasn't there, and that was the fundamental flaw of the old system, was that the Legislature never got to take a look, after the deal was negotiated, to see whether the amount that they arrived at was a fair one, one that we felt was providing

value to the taxpayers.

The 10% rule is not working, it's an artificial rule, and it's particularly a failure, because appraising as a profession is not the science that we believe it to be. It's very arbitrary and we're losing out on valuable properties, because we are not having those deals presented to us. We should have the bottom line say on whether it's a good deal and a bad deal, and, ultimately, the public, by voting for us against us, will have their say of whether we're doing a good job in making those determinations. That's the best system and that's the one that this bill seeks to adopt.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah, I just -- I'm not so sure this is the solution, but the problem is absolutely there. And just as a quick example, we had a parcel, seven-acre parcel right here in Hauppauge that was wetlands, environmentally sensitive. It appraised at several hundred thousand dollars, was the mean appraisal. It sold for 1.4 million dollars. And when you have a million dollar difference between what something actually sells for and what the appraised value is, and we had it appraised and reappraised, you know, there's just something wrong with the way we're doing our appraisals. And it happens more probably in the west than in the east, but what we're seeing is appraisals coming in. And I'm not saying Dave's resolution is the -- is the solution here, but we've got to do something, because what's happening here is we're getting mean appraisals and appraisals that are far below what these parcels are being sold for and we're losing parcel after parcel, especially on the west end of the County. So even if we don't adopt this today, this Legislature is going to have to address how we do our open space acquisitions and quarter percent drinking water acquisitions, and our parkland acquisitions, because the appraisals aren't working. I mean, we're losing deal after deal after deal. So I'll just leave it at that.

D.P.O. CARACAPPA:

Legislator Binder.

LEG. CARACCILO:

Mr. Chairman.

LEG. BINDER:

I just want to add my voice to Legislator Crecca's and Legislator Bishop. I've seen it -- OI'm seeing it too many times. There's not a lot of land in my district particularly, but even the land, the few parcels in my district just come in unreasonably low. And I've talked to the appraisers, they're gun shy. I mean, they're definitely very gun shy. Maybe they should be. They're concerned about the taxpayers, so are we.

But the point is that there was a farm in my district, eight acres, it was unreasonably appraised, and it sold for a lot more. Now they're building on it and so now there'll be houses where there could have been an extension to a County and a town park, and we had an opportunity and it's now gone. And there'll be more opportunities like that that will be gone to keep open space, and the protection really is -- I know we smile and we laugh when Legislator Bishop said the wisdom of the Legislature, but, at the same time, we're not looking even for a majority vote, it's a two-thirds vote. There has to be an overwhelming majority. There has to be a real consensus here and a lot of very open debate and disclosure. And you can be sure that if they're -- if there are a number of Legislators here who are concerned about the price of a piece of property when we have all the information before us, there will be some loud debate. We have it a lot here, particularly on things like that. And I would think that that was -- that is an important protection for the people, but we're not protecting them by losing opportunities for expansion of parks, play areas, open spaces, we're just letting it slip through our fingers.

So I enthusiastically support Legislator Bishop. That's two in a row for the Democrats, I guess.

LEG. CARACCIOLO:

Must be P.O. time.

D.P.O. CARACAPPA:

I have no comment on that. Legislator Caracciolo, then Cooper.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. You know, it seems to me that memories are very short around the horseshoe. It was just a couple of years ago that Newsday brought to everyone's attention a scandal in the County's Real Estate Division as a result of actions by the former Division Director. That gave rise to the reforms that Legislator Lindsay and Carpenter eluded to and the

reforms associated with it.

We now have a new opportunity to work with a new County Executive who has been talking nothing but reform for the last six months, including real estate, changes he'd like to make. So, at a minimum, I would like to give our former colleague and now County Executive Elect Steve Levy an opportunity to join this debate before we go ahead and jump head first into an area that I think deserves a lot more deliberation.

Legislative Counsel, what is the policy in terms of public land management at the State of New York level, vis-a-vis appraisals and what can be purchased over appraised value?

MR. SABATINO:

I mean, I'm not absolutely certain on all the details, but my last conversation, I believe that the State, you know, does the two appraisals, and they have in-house review, and, to my knowledge, they don't go above the appraised value that they ascertain.

LEG. CARACCIOLO:

That's right. And I think, and I'm glad you mentioned in-house review, because in this County, which has one of the largest land acquisition program of any county in the United States, we have those checks and balances. You have two appraisals. You then have a mechanism under the reform package we approved just more than 12 months ago to factor in and go above the mean appraised value. We did that once with the Town of East Hampton already, so there is latitude here. To write a blank check, I think, can be dangerous, it's misleading everyone into thinking that we can just all of a sudden open up the County's checkbook and let the Treasurer write as big a check as somebody can get an appraiser to write an appraisal report. It is not a science. And there has been numerous article after article in professional journals and admissions by appraisers themselves that there is a very large fudge factor. A lot of influence goes into what a buyer of an appraisal report can, I guess, lean on the appraiser to come up with a value on a property.

This is public money, public treasury. If you want to go spend your own money in a foolish way, I think this is the mechanism to do it. If you want to spend the public's money and have -- and uphold your fiduciary responsibility, this is not the way to do it. So, at a minimum, I would encourage the body to work with County-Elect Steve -- Executive Steve Levy and look at other alternatives, instead of jumping ahead here in late November, before he even has an

opportunity to weigh in on this and take action. Thank you.

D.P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

Legislator Caracciolo referred to the Chandler Estate --

LEG. CARPENTER:

Put me on the list, please.

LEG. COOPER:

-- scandal, and my recollection is that a large part of the public outrage over that scandal resulted from the hidden business ties between the developer, between the owner of the property and an appointed official. I just wanted to mention it, for those who may not be aware, that I have introduced a resolution, there'll be a public hearing at the next meeting, that seeks to ensure integrity in the land acquisition process by requiring anyone who owns property and is offering it for sale to Suffolk County to, number one, disclose any financial contributions that they've made that total over a thousand dollars over the previous three years, and also to disclose any business relationships that they may have with any appointed or elected officials.

My feeling is that as long as we shed full light on the entire -- all the details regarding the potential land acquisition, and because of the fact that, as has been said multiple times, the appraisal process is not a science, but is an art, and there are tremendous disparities between the appraised value and what I feel is the actual real appraisal of a property, I think that if both resolutions were enacted, it would provide enough protection to us that it would avoid the potential for future scandals in the future.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

The frustration that was expressed by Legislators Crecca, and Bishop, and Binder I understand and sympathize with, but I don't think this is the way to get there. I think that, you know, an appraisal is supposed to be an educated guess on the value of a piece of property, and if the

appraisers that we're hiring is coming in with educated guesses, a million dollars under the actual sale price, then I think it's time to get new appraisers, and I think that's the way to solve the problem.

D.P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

I fully concur with the need for us to make sure that we can move forward and buy the land as expeditiously as possible. Working on that panel with Legislator Lindsay, we were very concerned that we address whatever improprieties or procedures that were not appropriate, but, at the same time, not slow down the process. In fact, we had -- we brought in a number of experts and people that were involved just to give us some of the institutional knowledge of what went on. In fact, Legislative Counsel came before the panel, even Dick Amper. And he, at the time, and Legislator Lindsay, perhaps you can corroborate what I'm saying, supported reform, but, at the same time, wanted to make sure that we moved forward quickly.

I think all of us can agree throughout this whole election cycle, the County Executive Elect has made it abundantly clear that he wants to do everything he can to support us acquiring as much open space as is feasibly possible. And I think that the suggestion to perhaps wait, or at least reconvene not necessarily the panel that existed before, but a group to look at the process, since we've instituted the reforms, it's only been a year, or less than a year, because I think it was exactly a year in December that -- because I know it was just before the holidays. Was it two years? And that we look to do that to make sure that we're proceeding in an appropriate way and not acting hastily.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

There have been well reasoned arguments both pro and con. Those of us who have seen the loss of land, because, in some instances, what could have been settled with just, let's say, an additional one or two percent above the 10% has caused great pain and consternation for some of us who really worked hard over the years to try to get more land acquired, and that's what this resolution will allow us to do. It doesn't mean that there's going to be 100% over the

appraised value, but we did in some cases lose properties just by a few percentage points. That being the case, the issue of reform, I think, is spoken to, if you will, or is being taken care of by a fact of transparency. By having a more transparent process, that's where you have reform, whereas in the past it was done under the cloak of darkness, if you will, where it wasn't transparent, it wasn't being brought before the Legislature. By having those mechanisms in place now that it will come before the Legislature when there is an agreement above the 10%, that's the transparency, which in turn is one of the protocols of reform. So the transparency takes care of that issue.

And the other issue why all of us, many of us got involved in this field of work is try to preserve what remains of our County lands. And, if we don't pass this resolution, my concern is if we wait another two, or three, or four months, as we know, it's a dynamic marketplace out there, that we're going to lose more lands between now and a more perfect solution, which will never be in land. So this is why I'm going to support it today. The transparency that is part of this resolution speaks to reform, but it also allows us to carry out the mission of preserving properties where heretofore we've lost them, in some cases just by a matter of a couple of percentage points about 10%.

D.P.O. CARACAPPA:

Legislator Carpenter, then Tonna.

LEG. CARPENTER:

Thank you. Legislator Bishop. I have a question for Legislator Bishop, if he didn't mind answering. Have you had any discussion with County Executive Elect Levy on this particular resolution?

LEG. BISHOP:

I have not, and frankly, whether it's County Executive Elect Levy or any County Executive, this really should be considered, because it is, a question of how this branch wants to set up the system, and I believe that the best solution for us is to assert our authority to set policy. And so I don't really think this is a question of whether, you know --

LEG. CARPENTER:

Yes or no would have been great.

LEG. BISHOP:

I mean -- well, all right. I'm sorry. The answer is no, I have not. But I would note that this County Executive's Real Estate Division Director and Planning Director -- hold on. They're supportive, but --

LEG. TONNA:

You've lost your mind. You've lost your mind.

LEG. BISHOP:

They're supportive of the resolution as well.

LEG. CARPENTER:

You know, I could go along with supporting some waiver, but what makes me uncomfortable is that there is no ceiling. And even though someone eluded to the fact that, well, we're not asking for 100% above the appraised value, you're sending a message that there is no ceiling. And I think, for the purposes of negotiating, that's not a very good tactic.

And I would just ask that we -- that we table this, I'm not necessarily saying for a couple of months, but at least one more cycle to see if there are some refining that we can do to it to put some safeguards in there, so that we're not compromising our position in negotiation for the purchase of property, but, at the same time, moving forward with the process.

LEG. BISHOP:

May I respond?

LEG. TONNA:

Wait, I go next.

D.P.O. CARACAPPA:

Yeah, Legislator Tonna.

LEG. BISHOP:

Will you yield?

LEG. TONNA:

Will I yield?

LEG. BISHOP:

For the purpose of continuity, so I can answer?

LEG. TONNA:

If you can be --

LEG. BISHOP:

Concise?

LEG. TONNA:

Concise, yes, and have some continuity.

LEG. BISHOP:

I appreciate your perspective, and I would be willing to make changes to the bill to have it obtain the necessary votes, but I would point out that perhaps for the purpose of negotiation, any limit suggests that if it goes up to that limit, it's acceptable. And from the negotiators, from the County negotiator's perspective, one of the things they can always say is, "There's no way I'm going to get that past the Legislature, it requires a two-thirds vote." So not having a limit might have the -- you know, the effect of putting the negotiator, our negotiator in a better position than if there were a limit. But, you know, I'm willing to change it, if that's not the consensus of the Legislature, but that's how I see it.

D.P.O. CARACAPPA:

Legislator Tonna, if you could just hold on for one second.

LEG. TONNA:

Sure.

D.P.O. CARACAPPA:

Legislator -- I recognize Legislator Cooper for the purposes of an introduction.

LEG. COOPER:

Thank you, Mr. Chairman. I'd like to just take a moment to welcome and bid farewell at the

same time to a number of students from Northport High School who are members of their Environment Team, more commonly known as the E-Team, and their teachers Stacy Schultz and Suzie Travis.

(Applause)

LEG. TONNA:

That's the A-Team or the E-Team?

LEG. COOPER:

The E-Team.

LEG. TONNA:

E-Team. Yeah, okay.

D.P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Thank you very much. While I have such great regard and respect for my colleague, Dave Bishop, I think this is the wrong message at the wrong time. We know that there have been boondoggles in the past, and to tell you quite honestly, to be able to have no limit whatsoever, to be able -- this is when people get into trouble. And to say -- to think that this Legislature is going to be, you know, disciplined, so well disciplined that they're going to scrutinize everything, I think you're asking a lot, especially on its past history. So I would suggest -- I talk to people who own land who said this is the greatest deal in the world to sell land to the County. It's --

LEG. BISHOP:

Who did you speak to? As a fiduciary issue, you should let us know who thinks it's such a great thing.

LEG. TONNA:

Well, I could tell you that probably the owner of Shadmoor does, and if you want me to go down the list, I'd be glad to. How about --

LEG. BISHOP:

You said you talked to.

LEG. TONNA:

What? Oh, you didn't talk to the owner of Shadmoor.

LEG. CARACCIOLO:

Mr. Chairman.

LEG. TONNA:

My point is, is that we've just come from a situation where this County, the taxpayers, and taxpayer money has been utilized and we've been burned, and now within the period of one year, we're going to make skies the limit based on the reputation of this Legislative body, because we scrutinize things so well? All I can say is that I think some time -- I think the County Executive Elect's input is important.

What I see is a subtle thing going on. We want to hold things for the County Executive Elect on certain things, like appointments and things like that, all right, so that, you know, give him time to get in and see what he wants, but another thing is that you think that maybe the County Executive Elect is not going to be in favor of it. "Let's get this through, because it's really none of his business, it's our policy. So, you know, my sense is, is that there's a bit of a dichotomy and a bit of a, you know, double-speak going on. Let's wait. Let's find out. Let's find out who this named environmentalist is, let's find out. I don't see here in front, I don't see the Nature Conservancy coming and speaking on behalf of this bill, I don't -- you know, I don't see all of the large environmental groups coming out. All I want to know is -- usually, when there's something that's really of important environmental concern, you know, they come out in full force, so I would say lets wait. Let's wait until the new County Executive comes in, let's discuss this. And I don't think I'd ever be for sky's the limit.

D.P.O. CARACAPPA:

Okay. Keep in mind there's a motion to table before us by Legislator Carpenter. Is there a second?

LEG. TONNA:

Second.

LEG. CARACCIOLO:

Second.

D.P.O. CARACAPPA:

Second by Legislator Tonna. At this point in time, Legislator Carpenter has the floor, followed by Legislator Caracciolo.

LEG. CARPENTER:

I just want to thank Legislator Bishop for being willing to look at maybe tweaking it a little bit. I would also suggest that perhaps one of the things that you could do is to raise the level even higher to a super-majority. I think this has the same kind of import as it does when we look at piercing the spending cap or any of the other things that we've put in place, that this should be a 14-vote majority, too.

D.P.O. CARACAPPA:

Before I recognize you, Legislator Caracciolo, I just want to remind the Legislature that at 12:30, there's a luncheon being sponsored by the Suffolk Community College in the Budget Review's conference room to introduce the new President of the College to each and every one of you. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. And just to segue from Legislator Carpenter's last remarks, that suggestion, Angie, of 14 votes is precisely the right medicine that I recommended to Legislator Bishop when he introduced the resolution some two or three months ago. I think when you do that, you ensure public confidence, which is sorely needed in this land acquisition program.

But I'd also like to make a remark on Shadmoor. And again, to refresh memories, because I remembered very well, it was November of, I believe, 1999, when Janet DeMarzo, Assistant County Executive, came in here with a CN in an unprecedented manner, a resolution that talked about a tripartite acquisition of a piece of land, which was a CN, mind you, in November of '99 that was not consummated for another 11 months. Adding insult to injury, the resolution identified a dollar amount that the County would be on the hook for. That's like waving the red flag, or the white flag I should say, to the sellers, because now he knows what the County's

contribution is going to be, triple that amount, and he knows what the total acquisition price is going to be.

Now, at that juncture, the State had not yet committed any funds, the Town of East Hampton had, the County was about to. And I remember a line of questioning by Legislator Binder, and I went back and I looked at the minutes, and Allan's questions were right on the money. What is the zoning on the land? How many homes can be built on it? And it's unfortunate that right now George is out of the room, but he and I have had this conversation many times since, and I've had this conversation numerous times with reporters and editorial boards, because I think Shadmoor is a classical example of where this Legislative body went off the reservation in protection the public treasury. And I say that because there was representations made here by the Executive Branch at the Legislative level saying that we had a 100 acre parcel, the last of its kind on the Montauk bluffs, you have to preserve it. You had two sellers who made it known they would not sell this property for less than 15 million dollars.

D.P.O. CARACAPPA:

Mike.

LEG. CARACCIOLO:

Therefore, the resolution specified an amount that was not only equal to the 15 million, it was greater. Now, here's what happened, Joe.

D.P.O. CARACAPPA:

I know. Are you going to make a correlation between this resolution and that --

LEG. CARACCIOLO:

Yes, yes.

D.P.O. CARACAPPA:

-- and Shadmoor?

LEG. CARACCIOLO:

And I think the danger of just going sky's the limit --

D.P.O. CARACAPPA:

So, please.

LEG. CARACCIOLO:

-- as Legislator Tonna said, is a dangerous one. Because that's, in essence, what that resolution did. It not only gave a threshold, it went above what even the seller was looking for as a purchase price of 15 million. And at the end of the day, we find out, after the land was purchased, number one, 100 acres, yes. How many homes could be built on it? Absent the representations that were made in this Legislative auditorium, it wasn't 20 homes or 25 homes, four.

The zoning on that property by the Town of East Hampton was to preserve 83% of the property through conservation easement or open space. Never once were we informed of that when this Legislative body voted on that resolution.

So to talk about checks and balances in the Legislature, you know, being the check, I have a real problem with that. So I just want everybody to keep in mind recent history, this isn't ancient. And if you go back to the old system, as Legislator Bishop talks about, under the previous administration, Halpin, that's when this Legislative body gave a blank check to the Executive Branch, which was a huge mistake, because when voters approved in 1988 the 100 million dollar Open Space Program and the Legislature just handed over carte blanche to Mr. Halpin the 100 million dollars to spend, guess what he did in the last 12 months of his office? He went around ribbon cutting and making foolish acquisitions like Froehlich Farm in Huntington that still sits fallow, and we paid 10 million dollars for 100 acres there.

LEG. BINDER:

17 million.

LEG. CARACCIOLO:

Was it 17, Allan?

LEG. BINDER:

Seventeen million.

LEG. CARACCIOLO:

Seventeen million. Okay 17 million. And I could go on and on and on. Let's move cautiously. I

think there's some rationale to make some adjustment here, Dave. Dave, I think there's some rationale to make some accommodations. And I think one of the mechanisms that I've advocated, I'm now happy to hear Legislator Carpenter advocates for, is requiring a super-majority vote. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yes. I want to echo my colleagues' statements regarding a super-majority, Legislator Carpenter and Caracciolo as well. I have some questions regarding this. I think it best that we move on the tabling motion, because I think the resolution has a lot of merit and is something that's so important that we should look into this a little bit further because of the impact it will have on the future of Suffolk County with respect to the acquisition of land.

I would be supportive of an amendment to the resolution requiring a super-majority. I also question, and I would like to look into why there's such a disparity, if you will, between the various appraisers, that there's a lot of questions in my mind as to why the appraisers hired by the County would come well under some of the other appraisers, and I'd like to question that with respect to, you know, the Real Estate Division, or whatever. But I have a lot of questions with respect to this resolution and I would ask the sponsor of the resolution to consider amending it, and ask the Chair to move the tabling motion. Thank you.

D.P.O. CARACAPPA:

There's a motion and a second on the tabling.

LEG. BISHOP:

On the tabling.

D.P.O. CARACAPPA:

On tabling, Legislator Bishop.

LEG. BISHOP:

I would urge supporters to agree to the tabling. I'm going to amend the resolution to incorporate the super-majority language, which would be to change it from 12 votes to 14

votes. And I appreciate the comments of my colleagues, and I think that we're on a path to adopting something that will be to the benefit of the residents of Suffolk County.

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. Counsel. I asked Counsel to file a resolution for the three-quarters earlier, a little earlier in the discussion. I'll withdraw that request now to Counsel and defer to Legislator Bishop changing is his bill as such.

LEG. CARACCIOLO:

Cosponsor, Henry.

D.P.O. CARACAPPA:

All in favor? Opposed?

LEG. FOLEY:

To tabling.

D.P.O. CARACAPPA:

Of tabling. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Tabling. It's tabled. **1779 (Authorizing the sale of four (4) surplus County cars to Village of Patchogue).**

LEG. FOLEY:

Motion, Mr. Chairman.

D.P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

Okay. Legislator Caracciolo, Legislator Losquadro, Legislator Alden.

MR. BARTON:

That's it? 14. (Not Present: P.O. Postal)

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

It's approved.

LEG. FOLEY:

The Village of Patchogue thanks you.

D.P.O. CARACAPPA:

All right. We have five minutes left, we're going to keep going. Introductory Resolutions. Let's try and get through Budget.

INTRODUCTORY RESOLUTIONS FOR THE NOVEMBER 18, 2003

MEETING OF THE SUFFOLK COUNTY LEGISLATURE

BUDGET

1782 - Amending the 2003 Operating Budget transferring funds for the Adult Community Alternative Sentencing Program. It was approved out of committee 3-1. Motion by Legislator Carpenter. Is there a second?

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

LEG. FOLEY:

Mark me as opposed.

D.P.O. CARACAPPA:

There's one opposition.

MR. BARTON:

16. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1784 - Amending the Adopted 2003 Operating Budget to allocate downtown revitalization funds in connection with Greenlawn Civic Association.

LEG. BINDER:

Motion.

LEG. CARACCIOLO:

On the resolution.

D.P.O. CARACAPPA:

Discharged without recommendation 4-0.

LEG. BINDER:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Binder, second by Legislator Bishop. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. There's a letter that we all received today from Supervisor Petrone. Mr. Binder, would you like to comment?

LEG. BINDER:

There are two --

LEG. CARACCIOLO:

It was addressed to you, so --

LEG. BINDER:

Yeah. There are two questions. One, the first one is the Whereas Clause. After my office had been in contact with the Director of Engineering of the Town of Huntington, and the Town of Huntington was talking about the fact that the money didn't happen because of County -- in a County action, and there wasn't a question of County action, there was a contractor that was hired to do the plans to take care of this problem. The Town kind of lost track. They had a number of different programs going on at the same time of these downtown revitalizations. They lost track of this one. They told that to my office. And so I wanted make sure it was consistent where a Town had -- we had the Riverhead question, and other times where we've restored money when towns have made a mistake. This would make that consistent with the same kind of votes that we've taken before where we've restored money where there's a town mistake.

The second question in the Resolved Clause, counsel can address it, if anyone feels that he needs to. In the Resolved Clause, they question whether the money is going to go to the town. Of course the money goes to the town, the money's not going to go straight to the civic. But what it does is it restricts the ability of the Town to use it for other things. We're making sure that the 61,000 doesn't go for other downtown revitalizations, so it just goes for that. And I've made all the changes that was asked for by the committee. There was a number of changes, we made them, and so that's why it's out here today. Thanks.

D.P.O. CARACAPPA:

Any other questions? Legislator Lindsay, I'm sorry.

LEG. LINDSAY:

What troubles me about this is that this was 2001 money?

LEG. BINDER:

Counsel, can give you --

MR. SABATINO:

It was 2001. It's just that much time has elapsed with all of the paperwork.

LEG. BINDER:

Right, but there's a three-year window on it.

LEG. LINDSAY:

I thought it was an annual window, that it had to be spent in --

LEG. CARPENTER:

Not on downtown revitalization.

LEG. BINDER:

Not on downtown revitalization. There's three-year windows on the money, that's the point.

LEG. LINDSAY:

Okay.

D.P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1784 is approved.

LEG. BINDER:

Thank you.

D.P.O. CARACAPPA:

Legislator Guldi, you have a motion?

LEG. GULDI:

Yes. I'd like to make a motion to take 1762 out of order. It's the authorization of the use of Gabreski Airport and the cooperation with Southampton Town in connection with the U.S. Open at Shinnecock this year. The reason I'd like to make the motion now is that I will be unable to come back later this afternoon, and if there are questions, I'd like to be able to address them.

LEG. CARACCIOLO:

Second.

(1762 - Authorizing the County Executive to enter into a license agreement for the use of 110 acres of land at the Francis S. Gabreski Airport to the United States Golf Association, authorizing the installation of a pedestrian bridge over C.R. 39, and authorizing the County Executive to enter into an intergovernmental cooperation agreements with the Town of Southampton and the State of New York to assist with public safety).

D.P.O. CARACAPPA:

This Is Page 13, under Economic Development and Energy. It's authorizing the County Executive to enter into a license agreement for the use of 110 acres of land at Gabreski Airport and installing the pedestrian foot bridge over County Road 39 for the U.S. Open.

LEG. CRECCA:

This is --

D.P.O. CARACAPPA:

Page 13, Economic Development. On the motion -- there's a motion by Legislator Guldi, second by Legislator O'Leary. On the motion, Legislator Alden.

LEG. ALDEN:

The indemnification clauses and all the hold harmless are --

LEG. GULDI:

Beyond the indemnification and the hold harmless and the authorization or approval of Risk Management, we've been working on this for about a year. We've also done it in the past, so we've got in place a lot of learning curve. There would be \$150,000 in direct revenue to the County, 50,000 in connection with parking arrangements at Gabreski Airport, 100,000 in connection with the installation and removal of the pedestrian bridge, a facility which in years past the U.S.G.A. gave us the funds to purchase and which we use in, when it's not needed to cross County Road, we've found other uses for it. So it will be -- it will be serviced and installed.

Also this deals with and authorizes an intermunicipal agreement with the Town of Southampton for the use of emergency service personnel for traffic and the like, so that, you know, the I's are dotted and the T's are crossed, and we've been working on it for better than a year.

LEG. ALDEN:

Does this include the -- as stated by Legislator Caracappa before, the exemption for Legislator Tonna?

LEG. GULDI:

I'm always willing to make special arrangements --

LEG. ALDEN:

All right.

LEG. GULDI:

-- for Legislator Tonna. You all know how fond I am of him.

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions? It's approved.

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

Let's just finish up the budget now. **1795 - Amending the 2003 Operating Budget transferring funds for the Town of Babylon Youth Bureau.**

LEG. BISHOP:

Motion.

LEG. BINDER:

Second.

D.P.O. CARACAPPA:

Discharged without recommendation 4-0. Motion by Legislator Bishop.

LEG. BINDER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Binder.

LEG. ALDEN:

Explanation.

LEG. VILORIA-FISHER:

Why was it discharged without recommendation?

LEG. BISHOP:

I don't know.

D.P.O. CARACAPPA:

I thought it was approved. I thought it was approved in Budget. It's revenue neutral. It's just taking within the omnibus an item and moving it to another funding source.

D.P.O. CARACAPPA:

Okay. We're all good? All in favor?

LEG. ALDEN:

Just on --

D.P.O. CARACAPPA:

It's revenue neutral, Cameron.

LEG. ALDEN:

No, I know it's revenue neutral, but I just, as a side-bar, it moves it from where to where?

MR. SABATINO:

It was originally in the Health Partnership in the omnibus under 2003, and now it's going to go to the Babylon Youth Bureau.

LEG. ALDEN:

All right. All right.

D.P.O. CARACAPPA:

Any other questions? All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: P.O. Postal)

D.P.O. CARACAPPA:

1795 is approved. Once again, there's a lunch being sponsored by the Suffolk County Community College in the Budget Review Conference Room for Legislators to meet the new President. Public hearings are at 2:30. We're adjourned.

LEG. CARPENTER:

Also, too, I think the Budget Review Office was invited, also, and Legislative Counsel.

LEG. CRECCA:

And, Counsel, yeah, I was just going to say.

LEG. CARPENTER:

Yeah.

LEG. CRECCA:

If you weren't invited, we just invited you.

LEG. CARPENTER:

No, you are definitely.

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

D.P.O. CARACAPPA:

Okay. We're going to start the public hearing portion of today's General Meeting. Mr. Clerk, the affidavits of publication have been filed and are in proper order?

MR. BARTON:

Yes, they are.

D.P.O. CARACAPPA:

Thank you. The first **public hearing before us is (1773) Approving the extension of license for South Ferry Company, South Ferry Company, Inc.** We have one card, Bill Clark.

MR. CLARK:

Good afternoon, Mr. Chairman, Members of the Legislature. I'm Bill Clark. I'm here representing South Ferry today in the matter of the extension of our license to operate ferry service between Shelter Island and North Haven, which is on the South Fork of Long Island. We've been operating -- my family's been operating ferry service at that location since about 1800, when my Great-Great Grandfather.,.

Samuel G. Clark came to Shelter Island as a farmer and ran a ferry service as a sideline.

I'm here to answer any questions that you may have today, and we'd certainly like to continue operating the ferry boat. I'm fifth generation, my son is a sixth generation captain. Thank you very much.

D.P.O. CARACAPPA:

Thank you, sir. There are no other cards on this matter. Anyone wishing to be heard on this? Hearing none, is there a motion?

LEG. CARACCIOLO:

Motion to close.

D.P.O. CARACAPPA:

Motion to close by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions? 1773 is closed.

Moving on to **Public Hearing 1785 - Adopting Local Law to modify implementation of Affordable Day Care Facilities Program for Suffolk County employees.** We have no cards. Anyone wishing to be heard on this? Hearing none, I make a motion to close.

LEG. CARACCIOLO:

Second.

D.P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions? Public Hearing 1785 is closed.

Moving on to **Public Hearing 1801 - A local law to create a Taxpayer Office of Inspector General.** We have no cards.

LEG. CARACCIOLO:

Motion to table.

D.P.O. CARACAPPA:

Motion to --

LEG. O'LEARY:

Second.

D.P.O. CARACAPPA:

Motion to recess by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions? It's recessed.

Moving on to **Public Hearing 1805 - Adopting a Local Law to modify restriction on purchase of sport utility vehicles.** I have no cards. Anyone wishing to be heard? Hearing none, Legislator Binder, motion to close?

LEG. BINDER:

Motion to close.

D.P.O. CARACAPPA:

By Legislator Binder, second by myself. All in favor? Opposed? Abstentions? 1805 is closed.

Moving on to **Public Hearing 1836 - Adopting a Local Law, (a charter law) to dispose of all surplus County vehicles via public auction.** We have no cards. Anyone wishing to be heard? Hearing none, is there a motion?

LEG. CARPENTER:

Motion to close.

D.P.O. CARACAPPA:

Motion to close by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public hearing 1836 is closed.

Moving on to **Public Hearing 1871 - Local Law to abolish Division of Sports and Recreation.** I have no cards.

LEG. VILORIA-FISHER:

Motion to close.

D.P.O. CARACAPPA:

Anyone wishing to be heard? Hearing none, motion to close by Legislator Viloría Fisher --

LEG. CARPENTER:

Motion to recess.

D.P.O. CARACAPPA:

-- seconded by Legislator -- there's a motion to recess by Legislator Carpenter, second by Legislator Losquadro. All in favor? Opposed? Abstentions? 1871 is recessed.

Moving on to **Public Hearing 1872 - Adopting a local law creating the Suffolk County Department of Aviation.** I have no cards.

LEG. CARPENTER:

Motion to recess.

LEG. CRECCA:

Motion to recess.

LEG. COOPER:

Second.

D.P.O. CARACAPPA:

There's a motion to recess by Legislator Crecca, second by Legislator Carpenter. All in favor? Opposed? Abstentions? Public Hearing 1872 is recessed.

That does it for the public hearings. I'd like to set the date for the December 2nd, 2003, at 2:30 p.m. in Riverhead, New York, for the following public hearings public: **Public Hearing Number 1851, 1852, 1856, 1860, 1862, 1863, 1884, and 1917.** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions? Those public hearings are set.

Going back to the agenda. I would ask all Legislators to report to the horseshoe, please. We are on Page 11, ELAP.

ENVIRONMENT, LAND ACQUISITION & PLANNING

LEG. CARACCIOLO:

Motion.

LEG. CRECCA:

Joe, what page is that?

D.P.O. CARACAPPA:

Page 11, ELAP. Okay. Here we go. **1758A (Approving acquisition under Suffolk County Multifaceted Land Preservation Program (St. Gabriel's Property) Town of Shelter Island)**. This is just a bond based on prior --

LEG. CARACCIOLO:

Prior approval.

D.P.O. CARACAPPA:

Absolutely. Legislator Caracciolo makes the motion, second by Legislator Foley. All in favor?
Oh, roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. FOLEY:

Yes.

LEG. GULDI:

(Not Present)

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yep.

MR. BARTON:

Legislator Fields (Not Present). Legislator Tonna (Not Present).
14 on the bond. (Not Present: Legs. Tonna, Fields, Guldi and
P.O. Postal)

D.P.O. CARACAPPA:

All right. Moving on to **1793 (Authorizing planning steps for the acquisition of farmland under Pay-As-You-Go 1/4% Taxpayer Protection Program (Land of Nassau Office, Town of Riverhead)).**

LEG. CARACCIOLO:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo.

LEG. LINDSAY:

On the issue.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah, just a question of the sponsor. This is the Boy Scout camp?

LEG. CARACCIOLO:

This is the 4-H camp.

LEG. LINDSAY:

4-H camp. And Nassau owned that property, didn't they?

LEG. CARACCIOLO:

Nassau County owns it, yes.

LEG. LINDSAY:

Yeah, I never knew that.

LEG. CARACCIOLO:

Yeah. The Dorothy P. Flint 4-H Camp on Sound Avenue.

LEG. LINDSAY:

That's right near the Boy Scout camp, too.

LEG. CARACCIOLO:

Just a little further east.

D.P.O. CARACAPPA:

At the bottom of the hill there on Sound Avenue?

LEG. CARACCIOLO:

No, that's the Boy Scout Camp there, Joe.

D.P.O. CARACAPPA:

Okay.

LEG. CARACCIOLO:

Yeah, this is a little further east.

D.P.O. CARACAPPA:

Oh, yeah, right, I know where.

LEG. CARACCIOLO:

And, as we know from newspaper accounts, County Executive Suozzi has been -- has taken a hard look at Nassau County's real estate inventory and is in the process of reviewing and

consolidating and selling some of their assets, and this is one of those properties that they have indicated publicly that they would be interested in a possible sale.

D.P.O. CARACAPPA:

Very good. Motion by Legislator Caracciolo, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

14. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Okay. **1796 (Making a SEQRA determination in connection with the proposed Suffolk County Sewer District No. 3 - Southwest Inflow/Infiltration Study/Habilitation and Interceptor Monitoring, Town of Babylon.** Motion by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions? 1997 --

MR. BARTON:

14. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

(1797 - Making a SEQRA determination in connection with the proposed improvements to Suffolk County Sewer Districts Chemical Bulk Storage Facility Compliance, Countywide.

MR. BARTON:

14. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote. **1798 (Making a SEQRA determination in connection with the proposed replacement of the bridge carrying Motor Parkway (CR 67) over the LIE (I-495) at Exit 55 Town of Islip).** Same motion, same second, same vote.

MR. BARTON:

14. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1799 (Making a SEQRA determination in connection with the proposed construction of a sanitary facility at Indian Island County Park, Town of Riverhead). Same motion, same second, same vote.

MR. BARTON:

14. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1800 (Making a SEQRA determination in connection with the proposed improvements of Sewer District No. 20, Leisure Village (CP 8148), William Floyd, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

14. (Not Present: Leg. Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1837 - Amending the 2003 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) (Reserve Fund to the Cornell Cooperative Extension of Suffolk County for the administration of a program entitled "Alternative Management Strategies for Control of Insect pests in Suffolk County Agriculture and Landscapes").

LEG. CARACCIOLO:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1837 is approved.

MR. BARTON:

14. (Not Present: Legs, Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1841.

LEG. BISHOP:

1837. I'm sorry.

MR. BARTON:

Use your microphone, please.

D.P.O. CARACAPPA:

It's approved, David.

LEG. BISHOP:

I know, but I'd like to be heard on it.

D.P.O. CARACAPPA:

Go ahead.

LEG. BISHOP:

This is to use the 477 Account, that's our account on surface water quality programs, to fund a position in Cornell Cooperative Extension, and I think it's a bad precedent. It's a position that we need to fund, but I don't think it should come from this fund. So I'd like to, if you'll allow me, to change my vote to a --

D.P.O. CARACAPPA:

I will.

LEG. BISHOP:

-- to a no.

D.P.O. CARACAPPA:

I'll make a motion to reconsider **1837**, second by Legislator Alden. All in favor? Opposed?

Abstentions? It's before us. 1837.

LEG. CARACCILO:

Motion to approve.

D.P.O. CARACAPPA:

There's a motion to approve by Legislator Caracciolo, second by Legislator O'Leary. Mr. Clerk, are you with us?

MR. BARTON:

Yeah, I think so.

D.P.O. CARACAPPA:

It's just before us once again.

MR. BARTON:

Got it.

D.P.O. CARACAPPA:

All in favor? Opposed?

LEG. BISHOP:

Opposed.

D.P.O. CARACAPPA:

Abstentions? Mark myself as an abstention.

MR. BARTON:

12. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1841 - To establish centralized surface water and groundwater database for Suffolk County. Approved out of committee 4-0-0-1. Legislator Bishop?

LEG. BISHOP:

Motion to approve.

D.P.O. CARACAPPA:

Motion by Legislator Bishop, second by Legislator Caracciolo. All in favor?

LEG. CARACCIOLO:

Cosponsor, Henry.

D.P.O. CARACAPPA:

Opposed? Abstentions?

MR. BARTON:

14. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

WAYS AND MEANS, REAL ESTATE TRANSACTIONS & FINANCE

D.P.O. CARACAPPA:

1792, moving on to Ways and Means. **1792 - Authorizing the sale of County-owned real estate pursuant to Section 215, (New York State County Law to Jeannette Bowman).**

Motion by Legislator Bishop, second by Legislator Nowick. All in favor?

LEG. ALDEN:

As of right?

LEG. BISHOP:

Yes. Yes, this --

LEG. ALDEN:

A redemption or a sale?

D.P.O. CARACAPPA:

This is a -- you're on 215.

LEG. BISHOP:

You're on 215?

D.P.O. CARACAPPA:

Yeah.

LEG. BISHOP:

Paul, it meets the standards, right?

MR. SABATINO:

Yeah, it meets the standards, two-thirds vote. It's not as of right, it's to discretionary, but it met the standards. I mean, she provided the documentation.

LEG. CARACCIOLO:

Mr. Chairman, where is this property located?

D.P.O. CARACAPPA:

Paul. David? Could the sponsor tell us?

LEG. BISHOP:

Next to the -- I think it's next to the B & B Fish Market. Are you familiar with it?

LEG. CARACCIOLO:

It's in Babylon, Dave?

LEG. BISHOP:

Yeah, it's in Babylon Town. It's in Copiague, if I'm not mistaken.

D.P.O. CARACAPPA:

Okay. There's a motion and second. All in favor? Opposed? Abstentions?

MR. BARTON:

14. (Not Present: Legs. Tonna, Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1839 - Authorizing transfer of surplus County computers to various churches.

LEG. O'LEARY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary.

LEG. ALDEN:

Just on the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Are we considering, and I think it might be Legislator Postal that wrote it, but -- oh, no. Was it Legislator Carpenter? A different way of disposing of surplus computers?

LEG. CARPENTER:

Right. We just closed that public hearing.

LEG. ALDEN:

Okay, good.

D.P.O. CARACAPPA:

These are --

LEG. FOLEY:

Community College.

D.P.O. CARACAPPA:

Yeah, Community College.

LEG. LINDSAY:

Yeah, they're Community College computers. I think our own computers, we just trash them, because it costs too much money to cleanse them.

D.P.O. CARACAPPA:

Right.

LEG. CARPENTER:

No.

LEG. LINDSAY:

No?

LEG. CARPENTER:

No, they're cleansed before they're trashed, but we're not going to trash them any longer, hopefully.

LEG. LINDSAY:

We cleanse them and then trash them.

LEG. CARPENTER:

Right.

LEG. LINDSAY:

But these aren't County computers, they're College computers.

D.P.O. CARACAPPA:

Right.

LEG. LINDSAY:

So there's no sense to cleanse them, because there might be some knowledge on them.

LEG. FOLEY:

Depends on which office.

LEG. CARPENTER:

Exactly.

D.P.O. CARACAPPA:

There's a motion and second.

LEG. ALDEN:

Just --

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I'm sorry to do this, but just for the record, do we have a value to the -- because we're doing this and there's a companion resolution, or the next resolution deals with -- Budget Review, do you have a value just on any of this, or is it valueless?

MR. SPERO:

Not specifically, but I know the College, I think, pays 20 or \$25 just to dispose of computers. So if we could get -- you give them away --

LEG. ALDEN:

Wait.

MR. SPERO:

-- you could actually save money.

LEG. ALDEN:

There's companies that pay for that, because there's silver and there's gold in computers, right, that can be recovered it?

MR. SPERO:

Well, I understand that they actually have to pay to get rid of them.

LEG. ALDEN:

Oh, that's great. Legislator Caracciolo, the College actually has been paying people to dispose of the computers. All right.

D.P.O. CARACAPPA:

Counsel.

MR. SABATINO:

A little confusion. We did pass a resolution earlier this summer, which was Legislator Carpenter's resolution. That resolution basically called for the Information Processing and Purchasing Division to implement the laws that currently exist, which is to go to auction. This one requires a two-thirds vote. But Legislator Carpenter did pass a resolution to change -- not to change, but to have the County actually carry out the policy that's already on the books, which is not to throw this stuff out. What happening is there are actually piles of Xerox machines and fax machines and computers just being thrown out, I mean, physically thrown out. This was the genesis of that bill, so you really should be keeping an eye on these things.

D.P.O. CARACAPPA:

Any other discussion? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

D.P.O. CARACAPPA:

One abstention, Legislator Alden.

LEG. CARACCIOLO:

Make that two.

D.P.O. CARACAPPA:

Two.

MR. BARTON:

Thirteen. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1840 - Authorizing transfer of surplus County computer to Wyandanch School District.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions? 1840 is approved.

MR. BARTON:

15. (Not Present: Legs. Fields, Guldi and P.O. Postal)

PUBLIC SAFETY & PUBLIC INFORMATION

D.P.O. CARACAPPA:

Public Safety and Public Information. **1786 - Reappointing Clifford H. Foster as a member of the Suffolk County Vocational, Education and Extension Board.** Approved 5-0.

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

15. (Not Present: Legs. Fields, Guldi and P.O. Postal).

D.P.O. CARACAPPA:

1810 and 1810A - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase and installation of security booths at County Correctional Facilities - Yaphank & Riverhead.

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

(Not Present)

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

14 on the bond. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

PUBLIC WORKS & TRANSPORTATION

Public Works and Transportation. **1811, 1811A - Amending the 2003 Capital Budget and Program and appropriating funds in connection with strengthening and improving County roads (CP 5014).** Motion by Legislator Foley, second by myself. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

D.P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

MR. BARTON:

15 on the bond. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1812 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with traffic signal improvements on various County roads (CP 5054).

LEG. LINDSAY:

Motion.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Foley.

LEG. O'LEARY:

Motion.

D.P.O. CARACAPPA:

Seconded by Legislator O'Leary. Counsel?

MR. SABATINO:

This is the one that's made that change again --

D.P.O. CARACAPPA:

Right.

MR. SABATINO:

-- on the appropriation, ten votes.

D.P.O. CARACAPPA:

Just make the change in the language. All in favor? Opposed? Abstentions?

MR. BARTON:

15. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

1813 - Appropriating funds in connection with the dredging of Napeague Harbor, Town of East Hampton (CP 5200). Motion. Is there a motion?

LEG. LINDSAY:

I make a motion.

D.P.O. CARACAPPA:

Motion by Legislator Lindsay, second by Legislator O'Leary.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Just through the Chair, suggestion, to save Henry a little bit of voice, "Legislators", and then call the names off.

MR. BARTON:

Okay.

D.P.O. CARACAPPA:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

(Not Present)

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

Mr. Losquadro, your vote? I didn't record it. What was your vote?

LEG. LOSQUADRO:

Yes.

MR. BARTON:

Yes?

LEG. LOSQUADRO:

Yes.

MR. BARTON:

15 on the bond. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote, on the companion resolution. **1817, 1817A - Appropriating funds in connection with safety improvements on CR 105, Cross River Drive at Riverside Drive and NYS Route 25, Town of Southampton (CP 5075).** Approved 5-0. Motion by myself.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

Second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCILOLO:

Yes.

LEG. GULDI:

(Not Present)

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

P.O. POSTAL:

(Not Present)

MR. BARTON:

15 on the bond. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. Moving on to **1818**, I believe, **appropriating funds in connection with the intersection improvements on CR 16, Smithtown Boulevard, Town of Smithtown (CP 5118)**. Motion by Legislator Crecca, second by Legislator Nowick. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

(Not Present)

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

15 on the bond. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1819, 1819A - Appropriating funds in connection with the dredging of Goldsmith's Inlet, Town of Southold (CP 5200). Approved 5-0. Is there a motion? Motion by Legislator Caracciolo, second by Legislator O'Leary. Roll call.

MR. BARTON:

Legislators --

LEG. VILORIA-FISHER:

On the motion.

D.P.O. CARACAPPA:

On the motion.

LEG. VILORIA-FISHER:

Budget Review, how much will that dredging cost? I don't have the bill right in front of me.

MR. SPERO:

Two hundred and seventy thousand.

LEG. VILORIA-FISHER:

And that had been in the Capital Budget?

MR. SPERO:

That's right, there's no offset required.

LEG. VILORIA-FISHER:

Okay. How often does that dredging have to be done there?

MR. SPERO:

That location, I can't say.

LEG. VILORIA-FISHER:

Okay. And what did you say it was?

MR. SPERO:

Two-hundred and seventy thousand.

LEG. VILORIA-FISHER:

Okay. Thank you.

D.P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

(Not Present)

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

15 on the bond. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Same motion, same second, same vote on the companion. Moving on to Page 13, Human Services.

HUMAN SERVICES

1847 - Accepting and appropriating a performance based grant from the New York State Office of Temporary and Disability Assistance for the Homeless Intervention Program and creating two new positions in the Department of Social Services.

Approved 4-0-0-1.

LEG. VILORIA-FISHER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher, second by myself. All in favor? Opposed? Abstentions?
1847 is approved.

MR. BARTON:

15. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Economic Development. 1762 was done already.

HEALTH EDUCATION & YOUTH

Health, Education and Youth. **1659 (Approving appointments to the Suffolk County Disabilities Advisory Board - Group "D"), 1662 (Approving appointments to the Suffolk County Disabilities Advisory Board - Group "C"), and 1663 (Approving appointments to the Suffolk County Disabilities Advisory Board - Group "B") --**

LEG. FOLEY:

Mr. Chairman.

D.P.O. CARACAPPA:

-- there's been a request for them to be tabled.

LEG. FOLEY:

Table just one cycle, Mr. Chairman.

D.P.O. CARACAPPA:

Yeah. They've been asked for a tabling by the County Executive. So motion to table by myself, second by Legislator Foley on 1659, 1662 1663. All in favor? Opposed? Abstentions?

MR. BARTON:

15.

D.P.O. CARACAPPA:

Those three are tabled. **1809 - Accepting and appropriating grant proposal to the National Science Foundation for a course, curriculum and Laboratory Improvement Grant 73% reimbursed by federal funds at Suffolk County Community College.**

LEG. CARACCIOLO:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Foley. All in favor? Opposed? Abstentions? 1809 is approved.

MR. BARTON:

15. (Not Present: Legs. Fields, Guldi and P.O. Postal)

PARKS, SPORTS & CULTURAL AFFAIRS

Parks, Sports and Cultural Affairs. **1814, 1814A - Amending 2003 Capital Budget and Program and appropriating funds in connection with improvements at County campgrounds (CP 7009).**

LEG. CARACCIOLO:

Motion.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator O'Leary. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yeah.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

15 on the bond. (Not Present: Legs. Fields, Guldi and P.O. Postal)

SENSE RESOLUTIONS

D.P.O. CARACAPPA:

Sense Resolutions on Page 14. **Sense 61 - Memorializing resolution requesting United States Congress to provide free life insurance to members of the Armed Forces serving in active duty.**

LEG. CARACCILO:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Caracciolo. All in favor?

LEG. FOLEY:

Cosponsor.

D.P.O. CARACAPPA:

Opposed?

LEG. VILORIA-FISHER:

Cosponsor.

D.P.O. CARACAPPA:

Abstention?

LEG. CRECCA:

Cosponsor, Henry.

LEG. CARACCIOLO:

Cosponsor.

D.P.O. CARACAPPA:

Please list everyone as a cosponsor, Mr. Clerk.

MR. BARTON:

15. (Not Present: Legs. Fields, Guldi and P.O. Postal)

LEG. CRECCA:

List me twice, Henry.

MR. BARTON:

15 on the senseless resolution.

D.P.O. CARACAPPA:

Hey.

LEG. CARPENTER:

Hey.

LEG. CRECCA:

Hey.

LEG. FOLEY:

Hey, only we can say that.

LEG. CARPENTER:

We can tell you were never a veteran.

LEG. FOLEY:

Only we can say that.

MR. BARTON:

I didn't even know what it was. The microphone was on.

D.P.O. CARACAPPA:

We're moving on to adopting the levy.

LEG. CARPENTER:

Okay, Henry, I'll remember that one.

D.P.O. CARACAPPA:

You should all have it, it was distributed.

LEG. CRECCA:

Hours ago.

D.P.O. CARACAPPA:

And we will go through these quickly.

LEG. CRECCA:

These are the tax warrants?

D.P.O. CARACAPPA:

Yes. Okay. **Introductory Resolution 1995 - Extending the time for annexation of the warrants of the tax rolls.** Mr. Clerk?

MR. BARTON:

Yes. This one is approved by the Legislature each year to extend the tax warrants to give us the time to prepare the warrants, if necessary. My expectation is that this year we will have

everything ready for the December 2nd meeting, therefore, not requiring a special meeting.

D.P.O. CARACAPPA:

Very good. Motion by myself.

LEG. VILORIA-FISHER:

Second.

LEG. FOLEY:

Does the Town of Riverhead have their paperwork together this year? And I mean that seriously. Are they --

LEG. CARPENTER:

He's going to have a lot time on his hands.

LEG. FOLEY:

There's no surprises or --

MR. BARTON:

Everybody has been cooperating thusfar.

LEG. FOLEY:

Yeah, but that's in January, that's not now, Mike, so that's --

D.P.O. CARACAPPA:

There's a motion by myself, second by Legislator Viloría-Fisher. All in favor? Opposed?

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

Abstention? One opposition, Legislator --

MR. BARTON:

14. (Not Present: Legs. Fields, Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Legislator Binder. **1996 - Levying unpaid County sewer rents and charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington, and Islip.** Motion by myself.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. Mr. Clerk?

MR. BARTON:

This one is the unpaid sewer rents. If not approved, the Towns would not have the authority to collect the rents that have therefore -- have thusfar been uncollected.

D.P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions? 1996 is approved.

MR. BARTON:

17. (Vote: 16 - Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

1997 - Levying unpaid County sewer rents and charges in the Town of Islip: Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 15 (Nob Hill) and Suffolk County Sewer District No. 22 (Hauppauge Municipal). There's a motion by Legislator Crecca, second by Legislator Nowick. Same explanation, Mr. Clerk?

MR. BARTON:

Yes. It would allow for the attachment of the unpaid rents.

D.P.O. CARACAPPA:

Motion by -- the motions have been paid. All in favor? Opposed abstentions?

MR. BARTON:

17. (Vote: 16 - Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

1997 is approved. **1998 - Levying unpaid County Sewer Rents & Charges in the Town of Brookhaven: Suffolk County Sewer District No. 1 (Port Jefferson), Suffolk County Sewer District No. 7 (Medford), Suffolk County Sewer District No. 10 (Stony Brook), Suffolk County Sewer District No. 11 (Selden), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 19 (Haven Hills), Suffolk County Sewer District no. 20 (William Floyd) and Suffolk County Sewer District No. 23 (Coventry Manor).** Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Vote: 16 - Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

1999 - Levying unpaid County Sewer Rents & Charges in the Town of Smithtown: Suffolk County Sewer District No. 6 (Kings Park), Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial), Suffolk County Sewer District No. 22 (Hauppauge Municipal), and Suffolk County Sewer District No. 28 (Fairfield @ St. James). Motion by Legislator Crecca, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present. P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

I.R. 2000 - Levying the return of the mandated fund balance for Year 2002 Actual and Year 2003 Estimated for the General Fund and the Police District Fund to the taxpayers in the Towns of Suffolk County.

LEG. CARPENTER:

Motion.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Carpenter.

LEG. ALDEN:

On the motion.

D.P.O. CARACAPPA:

Legislator Alden, on the motion.

LEG. ALDEN:

Fred, a little earlier, we passed a resolution, Legislator Binder brought it forward. Does this have any effect on the fund balances? It was for downtown revitalization, but that money might have gone into fund balance already.

MR. POLLERT:

No, it did not.

LEG. ALDEN:

Good. Okay. Thank you.

D.P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

2001 - Levying the return of the discretionary fund balance for Year 2002 and 2003 estimated for the General Fund, Police District Fund, and District Court District Fund to the taxpayers of the Towns of Suffolk County.

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

2002 - Approving equalized real property valuations for the Towns in order to distribute the 2003 Mandated and Discretionary General Fund, Police Fund, Community College Fund, and District Court Fund. Motion by myself.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter. Mr. Barton?

MR. BARTON:

These are the rates that are provided to us by the State, the Legislature has to adopt them. For the first time in three years, they're actual figures.

D.P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

2003 - Levying the Property Tax Assessment for County Sewer Districts in the Town of Brookhaven, Huntington, Smithtown for County Budget of the Year 2004. Motion by myself. Is there a second?

LEG. LOSQUADRO:

Second.

D.P.O. CARACAPPA:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

2004 - Levying of the Property Tax Assessment for the Southwest Sewer District No. 3, affirming, confirming and adopting the assessment roll for S.C.S.D. No. 3 and levying of Property Tax Assessment within the Towns of Babylon, Huntington, and Islip for County Budget of the Year 2004. Motion by myself, second by Legislator Fields. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

2005 - Levying the 2004 County Budget (Mandated portion) to the Towns and charging the erroneous assessment charges to the Towns. Motion by myself, second by Legislator Fields. Mr. Clerk?

MR. BARTON:

These are the erroneous assessments that have been brought to our attention. It's pro forma.

D.P.O. CARACAPPA:

Pro forma.

MR. BARTON:

That's the information that's brought to us.

D.P.O. CARACAPPA:

All in favor? Opposed?

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Binder. Abstentions?

MR. BARTON:

15. (Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

2006 - Levying the 2004 County Budget (Discretionary portion) to the Towns. Motion by myself, second by?

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Legislator Vioria-Fisher. All in favor? Opposed?

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

Abstentions?

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

One opposition.

MR. BARTON:

15. (Not Present: P.O. Postal and Legislator Guldi)

D.P.O. CARACAPPA:

Moving on to late-starters. I'm going to make a **motion to waive the rules and lay on the table Introductory Resolutions 2007, which will go to Public Works, 2008, which will go to Public Safety, 2009, which will go to Public Safety, 2010, which will go to Ways and Means, 2011 to Ways and Means, 2012 to Ways and Means, 2013 to parks, 2014 to Ways and Means, and 2015 to Health.** All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legislator Guldi and P.O. Postal)

D.P.O. CARACAPPA:

Those are laid on the table. Is there any other business to come before the Legislature today?

LEG. CRECCA:

Motion to adjourn.

[THE MEETING WAS ADJOURNED AT 3:00 P.M.]

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