

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
EIGHTEENTH DAY  
DECEMBER 2, 2003**

MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER  
300 CENTER DRIVE, RIVERHEAD, NEW YORK

MINUTES TAKEN BY:  
ALISON MAHONEY - COURT STENOGRAPHER

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

D.P.O. CARACAPPA:  
Mr. Clerk, would you call the roll, please.

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

LEG. CARACCIOLO:  
Here.

LEG. GULDI:  
(Not present).

LEG. O'LEARY:  
Here.

LEG. VILORIA-FISHER:  
(Not present).

LEG. LOSQUADRO:  
Here.

LEG. FOLEY:  
(Not present).

**LEG. LINDSAY:**  
Here.

**LEG. FIELDS:**  
(Not present).

**LEG. ALDEN:**  
(Not Present).

**LEG. CARPENTER:**  
Here.

**LEG. CRECCA:**  
Here.

**LEG. NOWICK:**  
Here.

**LEG. BISHOP:**  
(Not present).

**LEG. BINDER:**  
(Not present).

**LEG. TONNA:**  
(Not present).

**LEG. COOPER:**  
Here.

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

**P.O. POSTAL:**  
(Not present).

**LEG. FOLEY:**  
Present.

**MR. BARTON:**  
Ten present (Not Present: Legislators Postal, Tonna, Binder, Bishop, Alden, Fields, Viloría-Fisher, Guldi).

**D.P.O. CARACAPPA:**  
Thank you, Mr. Clerk. Would everyone please stand for the salute to the flag led by Legislator Lindsay.

## Salutation

Please remain standing. It's with great pleasure that this morning I introduce Clergy, and I would like to introduce Dr. Richard Hill. Pastor Hill has been serving as a Pastor since 1973 when he joined the Hope Lutheran Church in Braintree, Massachusetts. He then attended Andover Newton Theological School where he received his Doctor of Ministry in Church and Ministry. He was installed as Pastor of Hope Lutheran Church in Selden, my home hamlet, on July -- January 9th, 1983. During his 20 years at Hope he has seen the congregation grow in numbers and he has provided leadership in several building improvements and programs. He has led the congregation in the expansion of the ministry in the areas of worship, education and services to the community, and which I can fully attest to. He is currently serving as a Dean of the Peconic Conference and serves on the Suffolk County Anti-Bias Task Force as well as he is a member of our Human Rights Commissioner here in Suffolk County. So without further ado, Pastor Hill?

### PASTOR HILL:

Thank you. I assume that by now you are aware of the fact that one of the Commissioners on the Human Rights Commission, James Stevens, died last week. And I was told that there was no memorial service for him, and so I would like to ask you to take a moment just to remember him and give thanks to him. He was a man with whom I disagreed on many issues personally, but I respected him for his integrity, his courage, his commitment and his compassion for all people. And so we offer thanks to God for him today. Let us pray.

Oh, Mighty God, our maker and true governor in whom we live and move and have our being, we bless you for this beautiful County in which we live and for the people with whom we live and serve. Thank you for the opportunity to serve you here in this way by governing the life of this community. We give thanks for all those who have diligently served over the past many years, especially our County Executive, Robert Gaffney, and his administration, Legislators whose terms are coming to an end. We ask your blessing upon those newly elected to serve, our new County Executive and Legislators. And we ask that you continue to guide and bless those who have been reelected to serve so

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that they may use the experience, the wisdom and the relationships that have been developed over the years as a blessing to the people of our County. We ask that you continue to guide and direct our President George, our Governor George, and that you protect and care for the men and women from our County and our country who are serving in Afghanistan and Iraq.

We give thanks for Commissioner James Stevens and for his strong advocacy and work in our County. We also ask for your protection and healing of Professor {Curiali} of the Brentwood Campus who was recently stabbed by a student, and we ask the healing of that student as well. Guide and direct the work that is set before the Legislature today, help them always to keep in their minds the needs of the poor, the needy and the disadvantaged. We ask all these things in your mighty name, Amen.

D.P.O. CARACAPPA:

Thank you, Pastor Hill. This news about Mr. Stevens is just that to me. Jim Stevens, though I, too, disagreed with some of his stances, was a good man. With relation to respect, you've got to give it to get it and Mr. Stevens always did with relation to me and I'm sure each and every one of you and he will be missed.

#### Moment of Silence Observed

Motion by myself, second by Legislator Bishop to approve the consent calendar. All in favor? Opposed? Abstentions? The consent calendar is approved.

Moving on to the public portion. The first speaker is Lieutenant Bob Donohue.

LIEUTENANT DONOHUE:

Good morning, Ladies and Gentlemen.

D.P.O. CARACAPPA:

Good morning.

LIEUTENANT DONOHUE:

I'm here with you today to discuss a program that PAL is offering the children of Suffolk County, it's called Ident-a-Kid; I'm passing around a sample now.

The purpose of this program is to provide parents with vital information concerning their children; mainly it's vital emergency information such as a DNA sample, fingerprint sample, a current photograph and emergency contact information. I think by now each of you should have received a packet that was sent to your office with a sample of this program and also a cover letter explaining what we're trying to do in PAL and how we're trying to offer this program.

I'm looking to offer this County wide through each Legislative District. The cost of this program is free, it's being sponsored by District Attorney Thomas Spota and being paid for through the use of Asset Forfeiture money. The program can be offered in various ways including an event at your office, a community event, the local fire

department or ambulance corp or any other type of event that you see fit to have us respond and offer this. Recently I've had contact with three Legislators including Legislator Carpenter, Legislator O'Leary and Legislator Lindsay, and I'm in discussion now on making dates available for their offices to offer this.

So I just wanted to come today just to answer questions, if I could, or just explain further what this is about. I think it's a great program; again, it's totally free. Unlike other identity programs, this program combines fingerprints with DNA and a current photograph, and the way the packet is designed, it's a little unique, it's unlike other programs where you get the samples and you place it in a drawer and you forget about it, it's placed in a clear envelope with magnets on the back and it's designed to be placed on the refrigerator of the person's home so there's always access to it, God forbid, in case of an emergency or just to have medical information or contact information if necessary.

I'd also like to apologize for a recent Newsday article which appeared describing this program where it stated that if anyone was interested to call your local Legislator; that wasn't my intent to have people call your office and I hope that didn't cause too many problems. I suggest that since that has been published already, at this point perhaps your aide or secretary could just make a list of the names and phone numbers for the people that have called, and if you're interested in having this offered in your community they could be called just prior and notified.

Part of what we're planning to do here is through our public relations company which is Todd Shapiro & Associates, we're going to publicize this event afterwards when this is offered in your district including a photo opportunity to local newspapers, and that will be done through Todd Shapiro & Associates. If anyone has any further questions for this program, you can contact me at any time at the PAL office which is 852-6109. I understand you're not allowed to ask me questions now, so I apologize.

D.P.O. CARACAPPA:

Lieutenant, we appreciate it.

LIEUTENANT DONOHUE:

Thank you.

D.P.O. CARACAPPA:

We appreciate the work PAL does and especially this endeavor. I'm sure each and every one of us will take advantage of this great program and provide it to the families in our districts, so we

certainly appreciate it. Thank you.

LIEUTENANT DONOHUE:

Thank you.

D.P.O. CARACAPPA:

Next speaker is Ginny Salerno followed by Ned Hurley. Ms. Salerno, just pull that microphone down towards you. Thank you.

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MS. SALERNO:

Good morning, everyone.

D.P.O. CARACAPPA:

Good morning.

MS. SALERNO:

I'm the Director of the Long Island Two-Day Walk to Fight Breast Cancer and I'm here today to thank you all for supporting this two day event on Long Island. I would just like to briefly share why I decided to promote an event like this on Long Island.

In 2002 I participated in a three day event and due to the generosity of my friends and family from Long Island, I raised \$2,300. When I did some math, I multiplied my \$2,300 times the 6,000 participants and it came out with a lot of zeros. So there was an incredible amount of money to be made and appropriated to breast cancer through this type of an event. But with the event that I did, we don't know where the money went, how much money went to administrative costs and how much actually came back to Long Island. So I decided let's promote an event here that all the money would come back to Long Island, we would know where it was going.

For the inaugural year of 2004 we expect a thousand participants to raise a minimum of \$1,500 each, thus generating over one and a half million dollars for breast cancer, grass roots programs and funding for research right here on Long Island. Sponsorship dollars support the event so the money raised by the participants will all be distributed to these organizations. Many of my friends participated in these events before that supported -- just to support a friend or a loved one that either had breast cancer or died from breast cancer and ended up having life changing experiences. So this is a win/win situation for all of us who choose to be involved.

Participants and volunteers make a commitment and their resolve changes their lives forever. Breast cancer patients and survivors are beneficiaries of improved and fully funded grass roots programs and research. Suffolk County, in addition to demonstrating your

commitment to fight breast cancer on Long Island by passing Resolution 1992, the Suffolk County Legislature also promotes the beautiful Suffolk County Parks. As Long Islanders, we all come together for a common cause, government, corporations, participants, volunteers and the public at large to support the fight against breast cancer on Long Island. Your support for this event has made my vision a reality.

So here I stand before you today, the Suffolk County Legislature, to thank all of you for passing this resolution; it is because of each of you that this event will take place. I'd especially like to thank Legislators Peter O'Leary and Andrew Crecca for sponsoring the resolution and for believing in me and in the event, and Legislator Brian Foley for his past and continued support for the event which will take place in his district. I look forward to working with each and every one of you to complete the job we started with the passage of this resolution. You will be receiving a packet detailing the event within the next few days. Please pass the word to your families and friends, I encourage each of you to be part of this wonderful 35

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mile, two day journey for beautiful Suffolk County on June 5th and 6th, 2004. I also invite all of you to closing ceremonies on June 6th at Smith Point Park so you can be thanked publicly by all of those who participate and thus benefit from this experience. Once again, thank you all. And if anybody needs to reach me, my home number is (631) 724-7047 and you can call me any time. Once again, thank you very, very much.

D.P.O. CARACAPPA:  
Thank you very much.

LEG. FOLEY:  
Thank you.

D.P.O. CARACAPPA:  
The next speaker is Ned Hurley followed by Kevin McAllister.

MR. HURLEY:  
Hi, good morning. I just want to speak for a moment on Resolution 1531 which is the Bay Shore Ferry. I seem to recognize everybody today.

I had some issues that got brought up about zoning with my properties and where the ferry runs from. I'm not a lawyer, as you all well know from these experiences, but the property on Fire Island is a preexisting, non-conforming use, just like every other property on Fire Island where ferries run to, and they're actually -- there are zoning issues on Fire Island in that B-3 in the Town of Islip is what

is required to operate a ferry and there is not one B-3 located on Fire Island. So if it's held against me it would have to be held against any kind of ferry running in Fire Island, and I don't think really there's an issue here because everything has been operating before there was zoning in the area. 1958 is when the dock in question on Fire Island for me -- that's in question, was not in question to me.

There's another issue about the Maple Avenue Arena which went through its process for a changing of zoning, was approved by the town board and now I had to file a site plan, that has been filed. And we have to work that through the town and then that should be approved I hope, I don't quite understand the process, but it will be so that should be fine and we are complying with what it is that they've asked.

The resolution is just to pretty much be able to lease boats, one boat for the summer, and to operate a little bit more of an expanded service. It's not the Dearth Vader of the world trying to destroy other companies, it's small. It's really two stops on Fire Island, one in Bay Shore and it's really not -- it's competition. And there is a water taxi company that's now been acquired by the ferry company so really there's only the ferry corporation which owns the water taxi now and me who are in competition. If I can't run a service that is a lease, it's competitive, then there really is no competition on the Great South Bay. And I don't quite understand how the Legislature would think that it's their business to stop competition, I don't think that is, I think they should foster it. That's pretty much all I wanted to say. I just think it's important

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to understand that, you know, there are zoning issues that are being addressed with the Town of Islip and they will be settled. That I think is it. Thank you very much for your time.

D.P.O. CARACAPPA:

Thank you, Ned, we appreciate it.

LEG. FOLEY:

Thank you

D.P.O. CARACAPPA:

Kevin McAllister followed by Matthew Atkinson.

MR. McALLISTER:

Good morning, everyone. I attended a Health Committee meeting about two weeks ago with Mr. Foley and I actually presented a statement first followed by your staff and I wanted to provide some rebuttal to some of the statements that were made by DPW and the Office of

## Ecology.

Mr. Foley, when you queried Mr. Ninivaggi about the Cupsogue application where it verbatim says, "These ditches are important for drainage of upland rain runoff," his response was, "Cupsogue is largely undeveloped." Cupsogue County Park is an expansive, paved parking lot, multiple acres that pitches directly into those wetlands. Also, in the course of his statement he made a statement that the ditches were important for the control flooding on residential properties and this speaks to what I've been talking about for four years now, that ultimately the ditch maintenance and the activity goes far beyond mosquito control, that this is an extension of plumbing.

Very concerning, Mr. Dawydiak made a statement in the course of -- in the context of his remarks, "It is highly unlikely that the findings of the study will recommend that the existing network of ditches be allowed to revert, fill-in naturally." This is in direct contradiction with the Estuary Management Plan and also I think it suggests strong bias. The study is at really ground level under way and for this assertion that we have already predetermined what the results of the study would be, very concerning. And again, certainly in the past I've been, for lack of a better term, accused of strong bias in my position and, again, I think this exemplifies bias on the part of Mr. Dawydiak.

Also, he made a statement that there were no studies that confirmed or spoke of the outwelling of upland source pollutants. In 2001 the Town of East Hampton, in conjunction with Cornell Cooperative Extension, released a study looking at marsh systems in that town and they made clear determinations that there was outwelling of pollutants and they were looking at coliform bacterior in these areas. They ultimately implemented some plugging of the ditches which retained these pollutants; and again, this speaks to the natural biofiltration of the marsh that's critically important for protection of our surface waters.

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I ask this body as it's -- will be probably asked to do in coming weeks to look at the annual work plan. Again, let's stay this work plan until this environmental study is complete. And insure, I also ask you to get more involved in this process, the study itself, to ensure that it's legitimate, above board and is going to take a hard look at Vector Control's practices . In the interest of really what amounts to I guess 2005 which was represented, I think that's the responsible thing to do. Thank you.

LEG. FOLEY:  
Thank you.

D.P.O. CARACAPPA:

Thank you, Mr. McAllister. Matthew Atkinson followed by Adrienne Esposito.

MR. ATKINSON:

Good morning. I'm Matthew Atkinson, General Counsel to the Peconic Baykeeper. I'm speaking under the Vector Control Plan as well.

The first thing I'd like to point out is that Council on Environmental Quality is seeking to characterize this as a Type II Action under the initial Negative Declaration of the 2002 Plan of Work. I'd like to point out a couple of items in the Negative Declaration of the 2002 Plan of Work. It said first of all that these mosquito control structures will not be maintained on a cycle and this modified program shall be implemented only for a ten month period. As I said previously, there has been no SEQRA review of the 2002 Plan of Work as a multi-year plan. I believe this Legislature should consider this and send it back to CEQ for a consideration on that. There's no reason to take action, there's no emergency now for the public health, we're in the winter season. CEQ has plenty of time to relook at this and to treat it as a multi-year plan which, in fact, it has now become.

Secondly, the consistency of this ditching practices with the Peconic Estuary Program, Comprehensive Conservation Management Plan. The Conservation Plan says that there should be no new ditches and that there should be a policy established for the reversion of the existing ditches to their natural state. Walter Dawydiak at the last Health Committee meeting said that really reversion was no longer on the table. This is a position now being taken by the County Administration that's completely at odds because when do you a multi-year program to reopen all the ditches, you are not adopting the policy of letting these ditches revert. This is a unilateral position, ignoring the position that was established in conjunction with all the partners of the PEP, including the DEC and the EPA.

The third thing I would like to bring out is that there's been a statement that the Centers for Disease Control advances mosquito ditches as a way of controlling mosquito populations. The Center for Disease Control specifically looks at Open Marsh Water Management and {empowments}; neither of these techniques are being considered under this 2002 Plan of Work. Furthermore, it notes that this has become a practice that's being rejected by many communities and it's not useful in many areas. Specifically, every act to control mosquitoes in

should be balanced against the harms that it does to the environment. And CDC doesn't attempt to establish a comprehensive system of mosquito control for all areas in all places. Thank you. That's all I have.

D.P.O. CARACAPPA:

Thank you. Adrienne Esposito followed by Scott Cullen.

MS. ESPOSITO:

Good morning, Legislators. Adrienne Esposito with Citizens Campaign for the Environment. Happy Thanksgiving. I also am here to ask you to please do not grant any more interim approvals for the Suffolk County Vector Control Plan. Why you may ask?

LEG. TONNA:

Why?

MS. ESPOSITO:

Well, I'd like to tell you; thank you, Legislator Tonna. Because what we don't know about this plan is voluminous, that's why you have voted to spend three to \$4 million on finding answers. What don't we know? Well, what we don't know is we don't know if pesticides are effecting crustaceans, we don't know if pesticides are effecting finfish, we don't know the effects of pesticides and repeated sprays to public health, we don't know the effect of ditching. Do we know if ditching is effecting the quality of the Long Island Sound? We don't know. Is ditching effecting the quality of the South Shore Estuary? We don't know. Is ditching effecting the quality of the Peconic Estuary? We don't know.

I have heard members of this Legislature ask repeatedly, not just once but repeatedly, questions of the Department of Public Works, questions about the Vector Control Plan and you have yet to receive answers. What questions you may say? Well, I've heard specific questions, for instance, from Legislator Fields, Legislator Cooper, saying what prompts a spray; what is the criteria that causes Vector Control to go into a community and use an adulticide? You still don't know. I've heard it asked from -- actually it was Legislator Caracciolo and I believe it was Legislator Binder who said, well, what causes Vector Control to go in and reditch a ditch; what's the criteria? You don't know, you didn't get the answer. And yet for the last several years you're continuously asking questions, not getting answers.

We don't know the ramifications of the program and yet interim plans are granted year after year. We're asking you to please stop doing that, we're asking you to wait and vote with knowledge and not vote on presumptions and not vote on assumptions, that's the wrong way. I've never seen you do that, in 18 years I've been coming to this Legislature -- when I was 16 I started, no -- and I've never seen the Legislature repeatedly vote for something without the information.

You've held up votes because you didn't have answers to your questions, you've delayed votes and yet with the Vector Control Plan that's not true. So we are asking you to vote no. We're expecting either a CN either today or at your next Legislative meeting before the year ends on the Vector Control Plan, we're asking you to vote no

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when it comes up. Also, I'm just going to hand out, this is a Vector Control position paper from Citizens Campaign for the Environment, The Nature Conservancy and Peconic Baykeeper that may be helpful to you, or hopefully it will be.

D.P.O. CARACAPPA:

Scott Cullen followed by Linda Fleming.

MR. CULLEN:

Good morning. My name is Scott Cullen, I'm the Coastal Program Director for The Nature Conservancy. And I'm basically speaking about the same issue that you've from the previous three speakers, the approval of the Suffolk County Vector Control Work Plan.

And I have to tell you, I think that Adrienne Esposito really summed it up well, that there's a huge amount of things that the Legislature doesn't know about what Vector Control is planning to do and it's really prudent to wait until after the answers come in from the environmental impact statement that's being done. There's a large amount of money and work that's going into the process and it doesn't make sense to go out and open up ditches and do work in salt marshes that could harm irreparably these ecosystems that will take 70 to 80 years to repair themselves. If we have to wait a year or two more to make reasoned decisions, that's really the prudent thing for the County to be doing and we urge you to do that.

And I just have to point out, I'm fairly new to this issue and this position but I've really -- the deeper I've looked into how Vector Control operates and the more I've analyzed it, it's amazing that they've gotten away with what they have and that this Legislative body hasn't overseen them as much. There's so much that they do that you guys just really don't have answers to how they're doing it, what the logic is behind it, where do they ditch, why do they ditch, how effective are they; I mean, it's really -- it's amazing to me the deeper I look into it. And I think it's incumbent upon you to get these answers before you allow them to go out and destroy our marshes because it's hurting the ecosystems, it's hurting the water bodies and it's likely hurting the economy with less fish, you know, reduced water quality. It's a serious issue that should be taken seriously and we urge you do that. Thank you.

D.P.O. CARACAPPA:

Thank you, Mr. Cullen. Linda Fleming followed by Peter Cheney.

MS. FLEMING:

Good morning. I'm Linda Fleming, I'm Executive Director of Alternatives Counseling Services and I'm here to represent The Quality Consortium. The Quality Consortium of Suffolk County represents the 24 not-for-profit agencies providing all levels of drug and alcohol treatment and prevention services throughout the County.

We are very concerned today about the timely passage of Resolution 1981 which was introduced by the Presiding Officer at the request of the County Executive. This resolution will pass through the 3% COLA approved by OASIS and the New York State Legislature for our agencies. This is a COLA that goes from December, 2002, through December, 2003.

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This should be an easy one for you because it's 100% pass-through money. However, as you know, we drug agencies have had so much confusion this area with the cuts and returning the money and getting this money budgeted that we're just very concerned with the long agenda, that it gets voted on today. If it does not get voted on today, then those of our agencies that are town-based agencies will not be able to spend that money, they must have it in the budget by today basically. So that's what I'm really here to urge you to do.

This is an action -- accept this money, it will have no impact on the County budgets. I have put a note on here that I hope is unnecessary but something that had been e-mailed to me with this resolution showed our contract agencies with the old budgets and I'm sure you're all aware of this. There had been a huge 10% cut of our total budgets, not just the County money, in September that money was restored to us but by the time the County 2004 budget or the budget came out, that money didn't show up. So I just want to make sure that this resolution gets passed but it gets added to our return 2003 money; this is all 2003 matters.

I think you'll also know, we've said many times that many of our agencies cut back services, laid off people this year, it's been a very rough year for us. So we really hope you will get to that resolution and if I'm here to midnight I'll be here to make sure that resolution gets voted on. So thank you.

D.P.O. CARACAPPA:

Ms. Fleming, thank you. You can go home because we already approved it this morning on the consent calendar.

MS. FLEMING:

You're kidding?

D.P.O. CARACAPPA:

No.

LEG. CARPENTER:

Merry Christmas.

D.P.O. CARACAPPA:

Peter Cheney followed by Lance Mallamo.

MR. CHENEY:

Mr. Presiding Officer, Legislators, I would like to thank you again for giving me the time to speak. This is in opposition to IR 1917-03, a bill put before you that calls for a \$2,500 convenience fee for cubicle holders for access to tax maps.

Currently we are paying 25 cents a page for tax maps. As you can see, \$2,500 would equate to 10,000 tax maps a year; none of the people in this building will do that amount of business in the best year available. Most of the business we have are small abstract companies of five or fewer people with no chance of doing 10,000 tax maps a year. We do currently rent space from the County and there are 60 cubicles, at \$2,500 per cubicle, that is a convenience fee of

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\$150,000; I'm sorry, gentlemen, that's not a convenience fee, that's an exorbitant charge.

It's also important to note that we have just found out about this on Friday and we have generated approximately 40 signatures since then and I would like to present those to the Clerk of the Legislature, if I may. I would also like to talk about that we have never been consulted or requested any kind of time regarding this issue and that we are the people it impacts directly. Now, we realize that there is a cost for everything, there's a cost of doing business, there's a cost of those tax maps and we're certainly not opposed to that. But a fee of \$2,500 per cubicle area is more than convenience cost, that's a profit making organization and it will not be supported by anyone in our industry.

Again, I would like to thank you for your time and hope you'll take into consideration those of us that work here that are all part of your districts and are making a living in the title insurance business and the abstract business are very concerned about this charge because it does impact how we can do business and whether we can continue to do business in the existing system. May I submit the signatures to the Clerk?

D.P.O. CARACAPPA:

Yes; someone just grab those, please.

MR. CHENEY:

And again, thank you for your time. And please -- again, we request a no vote when this is up for a vote. Thank you.

D.P.O. CARACAPPA:

Thank you, Mr. Cheney. Lance Mallamo.

MR. MALLAMO:

Good morning, Ladies and Gentlemen of the Suffolk County Legislature. Lance Mallamo, I'm Executive Director of the Suffolk County Vanderbilt Museum. I'm here this morning to enlist your support for IR 1953 which would appropriate Capital funding included in the 2003 Capital Budget for improvements to the Vanderbilt Planetarium.

The Vanderbilt Planetarium was constructed approximately 34 years ago on the former Vanderbilt Estate tennis court itself, formerly built on a hillside which was leveled by the Vanderbilt Family in the 1920's. About approximately ten years ago the museum noticed significant cracking in the southwest portion of the building and at that time the Department of Public Works came in, took up the floor in that corner of the building, installed an approximately 60 foot deep concrete column to shore up that portion of the building. Apparently those remedial measures were not sufficient and the cracking has continued, currently we have about a one inch gap between the south wall and the west walls of the building. We're suffering water infiltration underneath the rug in the lobby, every time it rains we have water come up that has to be vacuumed up, the damage is now effecting the closing of doors and windows which are out of the metal tracks and they've noticed cracking in the wood beam structure of the dome. So DPW has inspected the situation, they do not have the wherewithal to

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perform this engineering study and that's what these funds would do. The planetarium, of course, is responsible for 50% of the museum income, we have close to 80,000 school kids a year attending programs in this building and I hope you see it in your power to approve this today. Thank you.

D.P.O. CARACAPPA:

Thank you, Lance. I have no further cards. Anyone else wishing to address this Legislature? Phil, come on up.

MR. GOLDSTEIN:

The first point I wish to make is that the conduct of this Legislature

is a violation of the First Amendment rights to the U.S. Constitution for citizens who appear before this body in that the policies you have adopted, both that apply here in these Legislative meetings and in your committee meetings, deny me the right to petition for a redress of my grievances in that this body sits unresponsive. I can get no answers from you when I appear before you to put forward my grievances which brings me more specifically to the grievances that I wish to address. But in any event, I would like to urge the Legislature after January 1st when you set up your agenda and your rules of procedure that you revise these procedural rules. I believe that any citizen who appears before you has the right to a response to the grievance that they present to you.

But in any event, moving on, I have said on repeated occasions that it will not be alien invaders nor foreign ideologies that bring this society to it's knees, but rather it will be the conduct of our elected officials. To wit, this County Legislature has abrogated its constitutional responsibility regarding the power of the purse. When this nation was founded and when the various State governments were set up, under the separation of powers the Legislative bodies have the power of the purse. You have the power to raise the taxes and allocate those tax dollars to be spent in the pursuit of the legally justified government activities. However, recently this Legislature has done a 180 degree about-face.

In the year 2000, as I have pointed out in the past, you were outraged by virtue of the fact that arbitrators, unelected lawyers who were appointed, were able to impose upon the taxpayers of Suffolk County a contract to satisfy the demands of the law enforcement community to the point that you complained that no consideration was given to the ability of the County to meet these demands. And as a result of which, what happens is we reward the greedy at the expense of the needy. You hear various groups and agencies appear before you complaining about the fact that their budgets are being cut, and we have already had a tax increase imposed upon us with regard to the Police District.

In the year 2000 you passed two resolutions, one calling upon the State Legislature to put a sunset provision in the Taylor Law because of the imposition by arbitrators of legally binding contracts that caused undue fiscal hardship to the County.

D.P.O. CARACAPPA:  
Phil, please sum up.

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MR. GOLDSTEIN:

In addition to which you passed the so-called Scheinmann Resolution, I

believe that was the name that was applied to it, whereby you said hey, don't screw us with the same arbitrators that have worked in Nassau County by assigning those arbitrators here in Suffolk County to repeat the same mistakes and engage in this leapfrogging which has made the police community the wealthiest law enforcement agencies in the United States of America.

D.P.O. CARACAPPA:  
Phil, please.

MR. GOLDSTEIN:  
Yes this year --

D.P.O. CARACAPPA:  
Phil?

MR. GOLDSTEIN:  
-- you did an about-face and instead of opposing the arbitration you overwent what is occurring, and instead of a two year limit --

D.P.O. CARACAPPA:  
Phil?

MR. GOLDSTEIN:  
-- you granted a four year arbitration contract.

D.P.O. CARACAPPA:  
Phil, I see what you're trying to do.

MR. GOLDSTEIN:  
There is no rationality --

D.P.O. CARACAPPA:  
Phil, you're going to keep talking over me --

MR. GOLDSTEIN:  
-- to what you are doing.

D.P.O. CARACAPPA:  
You're going to keep talking over me until you start screaming and yelling.

MR. GOLDSTEIN:  
Yes, I will. I don't care if I get arrested; I told you that in the past and I say it again.

D.P.O. CARACAPPA:  
I know and I know that's why you came here this morning most likely.

MR. GOLDSTEIN:

I want an answer. And you add insult to injury because now you're talking about a seven year --

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D.P.O. CARACAPPA:  
Turn off his mike.

MR. GOLDSTEIN:  
-- health contract, despite the fact that the health contract --

D.P.O. CARACAPPA:  
Just turn off the mike.

MR. GOLDSTEIN:  
Despite the fact that the health contract --

LEG. TONNA:  
All right, come on. Have a seat, Phil.

MR. GOLDSTEIN:  
No, I won't have a seat.

LEG. TONNA:  
Can I be recognized for a second, Joe?

MR. GOLDSTEIN:  
I want an answer to my question.

LEG. TONNA:  
Joe, can I be recognized for a second, please? Joe, can I be recognized for a second, please?

MR. GOLDSTEIN:  
I want an explanation from some member of the Legislature.

D.P.O. CARACAPPA:  
Legislator Tonna, I recognize you.

LEG. TONNA:  
Point of personal privilege.

D.P.O. CARACAPPA:  
Absolutely, go ahead, Legislator --

MR. GOLDSTEIN:  
Mr. Caracappa --

D.P.O. CARACAPPA:

I'm recognizing Legislator Tonna.

MR. GOLDSTEIN:

-- you ran unopposed.

LEG. TONNA:

Phil? Phil, come on, Phil.

MR. GOLDSTEIN:

There is no excuse for your cowardice in the face of the law enforcement community.

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D.P.O. CARACAPPA:

Thank you, Phil. Thank you for those scathing remarks, I appreciate it.

LEG. TONNA:

Phil. Phil, Phil, come on, Phil.

MR. GOLDSTEIN:

This Legislature can do something to put an end to this abuse.

LEG. TONNA:

Why are you going to make an issue of this? Phil, please. We love you, come on, just sit down.

MR. GOLDSTEIN:

And don't tell me you love me.

LEG. TONNA:

All right, I won't.

MR. GOLDSTEIN:

I don't care if you despise me, I want my answer. I want you to justify the actions you have taken; as a taxpayer and as a citizen I feel I have a right to this answer. There is no rationality to the actions that you have taken, it appears to be nothing more than cowardice.

LEG. TONNA:

I would say call a recess, that would be the easiest. Why make a martyr out of this guy?

MR. GOLDSTEIN:

And Mr. Levy has proven that the police community is a paper tiger.

D.P.O. CARACAPPA:

Five minute recess.

[THE MEETING WAS RECESSED AT 11:16 A.M.]

[THE MEETING WAS RECONVENED AT 11:20 A.M.]

D.P.O. CARACAPPA:

Go ahead, Henry.

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

LEG. CARACCIOLO:

Here.

LEG. GULDI:

Here.

LEG. O'LEARY:

Here.

17

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LEG. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Here.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. FIELDS:

(Not Present).

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:  
Here.

LEG. BINDER:  
Here.

LEG. TONNA:  
Here.

LEG. COOPER:  
Here.

D.P.O. CARACAPPA:  
Here.

LEG. FIELDS:  
Here.

MR. BARTON:  
17 present (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
Just let me close -- is there anyone wishing --

MR. BARTON:  
The vote on the consent calendar is 17 (Not Present:  
Legislator Postal).

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LEG. TONNA:  
Oh, it was? Okay, thank you.

D.P.O. CARACAPPA:  
Very good. We have no more cards. Anyone else wishing to address  
this Legislature? Seeing none, I will make a motion to close the  
public portion, second by Legislator Losquadro. All in favor? Opposed?  
Abstentions? Public portion is closed.

We are now going to Resolutions Tabled to December 2, 2003:

Resolutions Tabled, page eight, Resolution 1585-02 - Authorizing  
waiver of interest and penalties for property tax for Joseph Bryan and  
Marie Bryan (SCTM No. 0200-979.70-02.00-025.000) (Foley). Legislator  
Foley.

LEG. FOLEY:  
Motion to approve.

D.P.O. CARACAPPA:  
Motion to approve?

LEG. FOLEY:  
Yes.

D.P.O. CARACAPPA:  
This is the waiver of interest and penalties?

LEG. FOLEY:  
Right.

D.P.O. CARACAPPA:  
The case has been settled?

LEG. VILORIA-FISHER:  
Second.

LEG. BISHOP:  
Where's Counsel. Getting Phil Goldstein mad?

LEG. FOLEY:  
The case has not been fully settled, but I wanted to move it before the end of the year to then try to work this out with the Comptroller to have these back taxes waived and have the interest and penalties waived. So I would like to move it out.

D.P.O. CARACAPPA:  
There's a motion to approve by Legislator Foley --

LEG. FOLEY:  
Thank you.

D.P.O. CARACAPPA:  
-- second by myself. And based on my seconding, I agree with Legislator Foley. All of you have received comments and statements and letters from the Comptroller's Office where he's not pursuing the

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Caputo litigation, he feels that certain waivers of interest of penalties of this magnitude are acceptable, as we all have lately over the last couple of years. So I'll make that second. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:  
I just have a question for Counsel; does this qualify under --

LEG. VILORIA-FISHER:

He's not here.

MS. BURKHARDT:

I'm sorry. Can we have a five minute recess? We have a really -- an issue with the warrants we have to resolve.

D.P.O. CARACAPPA:

We're doing warrants today and we just have to resolve a small matter with relation to them, so we're going to take a --

LEG. BISHOP:

Can't they resolve it?

D.P.O. CARACAPPA:

I asked if they could resolve it without the Legislature stopping, apparently they can't. So seeing that there's questions for Counsel --

LEG. BISHOP:

Well, skip over this and let's continue doing business.

MS. BURKHARDT:

I need Paul out and Henry.

D.P.O. CARACAPPA:

Henry's out, Paul's out.

MS. BURKHARDT:

You're okay then?

D.P.O. CARACAPPA:

Yeah, we're all right.

LEG. FOLEY:

We're fine.

D.P.O. CARACAPPA:

All right, skipping over it for now.

LEG. FOLEY:

We can pass over this.

D.P.O. CARACAPPA:

I don't think this qualifies, Mike, under our current rules from what we were told in past testimony of Counsel. Would you still like to skip over it or would you like --

LEG. LINDSAY:  
Yeah, skip over it.

D.P.O. CARACAPPA:  
Okay.

1224-03 - Enforcing reverter clause for 72-h real estate transfers  
(Postal). Is there a motion?

LEG. LINDSAY:  
Motion to approve.

LEG. BISHOP:  
Motion to approve.

D.P.O. CARACAPPA:  
Motion to approve by Legislator Bishop, second by Legislator Lindsay.

LEG. BISHOP:  
On the motion.

D.P.O. CARACAPPA:  
On the motion, Legislator Bishop.

LEG. BISHOP:  
There were concerns from the Real Estate Division that this would be an onerous task for them to research every 72-h for the last ten years. But what has been constructed by Legislator -- Presiding Officer Postal and her staff is that working with the Affordable Housing Unit in the Executive Branch, a letter will go out to all the towns and municipalities that have received 72-h's and they will be asked to demonstrate back to the County that they have been used for the purpose that they're intended. So with that change, I think this is a bill that we can all agree is worthwhile.

D.P.O. CARACAPPA:  
There's a motion and a second. All in favor? Opposed? Abstentions?

MS. SULLIVAN:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
I would like to thank the Presiding Officer's staff for changing that.

1357-03 - Directing Office of Legislative Budget Review to audit  
Legislative vehicles (Caracciolo). Legislator Caracciolo, what's your  
pleasure?

LEG. CARACCIOLO:  
Motion to table.

D.P.O. CARACAPPA:  
Motion to table by Legislator Caracciolo. Is there a second?

LEG. O'LEARY:  
Second.

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D.P.O. CARACAPPA:  
Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MS. SULLIVAN:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
That is tabled.

1361-03 - To establish County Office Space Policy for downtown revitalization (Postal). Motion to table by myself, second by Legislator Lindsay, that was requested by the sponsor. All in favor? Opposed? Abstentions? Tabled.

MS. SULLIVAN:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
1425-03 - To ensure League of Women Voters representation on Reapportionment Commission (Viloria-Fisher). Legislator Fisher?

LEG. VILORIA-FISHER:  
Motion to approve.

D.P.O. CARACAPPA:  
There's a motion to approve by Legislator Fisher, second by Legislator Foley.

LEG. CARACCIOLO:  
Motion to table.

D.P.O. CARACAPPA:  
There's a motion to table by Legislator Caracciolo, that takes precedence, second by myself. All in favor? Opposed?

LEG. FOLEY:  
Opposed.

LEG. GULDI:  
Opposed.

LEG. VILORIA-FISHER:

Opposed.

D.P.O. CARACAPPA:

There's opposition by Legislator Guldi, Fisher, Foley, Lindsay, Fields, Cooper and Bishop.

LEG. BISHOP:

Half-heartedly.

D.P.O. CARACAPPA:

Half, there was only half a raise of the hand.

LEG. FOLEY:

There's no such thing as half a vote, Dave.

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LEG. NOWICK:

You can't even get it up.

MS. SULLIVAN:

Opposition by Guldi, Fisher --

D.P.O. CARACAPPA:

What was the vote?

MS. SULLIVAN:

The oppositions, I don't know all the oppositions.

D.P.O. CARACAPPA:

In opposition was Legislator Guldi, Fisher, Foley, Lindsay, Fields, Bishop and Cooper.

MS. SULLIVAN:

12. No, 11, I'm sorry, 11.

D.P.O. CARACAPPA:

Eleven, thank you. It's tabled.

\*\*CORRECT VOTE: 10-7-0-1 (Opposed: Legislators Guldi, Viloría-Fisher, Foley, Lindsay, Fields, Bishop & Cooper - Not Present: Legislator Postal).

1500-03 - Authorizing the sale of surplus County car (showmobile) to Town of Southampton (Guldi). Legislator Guldi.

LEG. BISHOP:

Motion to approve.

LEG. GULDI:  
Second.

D.P.O. CARACAPPA:  
Motion to approve by Legislator Bishop, second by Legislator Guldi.  
All in favor?

LEG. ALDEN:  
Motion to table.

D.P.O. CARACAPPA:  
Motion to table by Legislator Alden, second by Legislator Carpenter.  
All in favor? Opposed? Here we go; opposed, Legislator Guldi,  
Fisher, Foley, Lindsay, Bishop, Fields.

LEG. LINDSAY:  
You can't give George his showmobile?

LEG. BISHOP:  
They won't give it to him, no matter what.

MS. SULLIVAN:  
11 (Not Present: Legislator Postal).

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D.P.O. CARACAPPA:  
It's tabled.

1531-03 - Approving amended Cross Bay Ferry License for Bay Shore  
Ferry, Inc (Presiding Officer Postal).

LEG. BISHOP:  
Motion to approve.

D.P.O. CARACAPPA:  
There's a motion to approve by Legislator Bishop, second by myself.

LEG. CARPENTER:  
On the motion.

D.P.O. CARACAPPA:  
On the motion, Legislator Carpenter.

LEG. CARPENTER:  
This was the resolution that the gentleman addressed earlier and has  
rectified the situation with the town was the representation he made  
on the record but he's submitted the site plan and is awaiting

approval for that. So I think it would be premature for us to approve this until all of those approvals are in place. So I'll make a motion to table if someone else hasn't already done so.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Carpenter. Is there a second?

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

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

LEG. BISHOP:

On the motion. This is the same problem all the time. Our job as the Legislature with regard to ferry licenses is not to enforce the zoning code. We have a strict box or contours that we operate under which is that we can review whether the crafts are safe and whether the consumers are protected. Zoning falls under the town; we should do our job, does it meet the criteria that we are charged with protecting, if it does we should approve it, and if he has problems with the town then he won't be able to operate because of his problems with the town. But I think too often, you know, we go far beyond our charge when it comes to these ferry licenses and I think that confusion really needs to be rectified in the years ahead because it's just taking up so much time in the Legislature as meeting after meeting we go over these ferry applications but we don't do so in a way that we're legally charged and we should do our job and not more than our job.

D.P.O. CARACAPPA:

Legislator Carpenter then Alden.

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LEG. CARPENTER:

I think we, in fact, are doing our job because if we're to be concerned about the safety of the public and the approvals for an appropriate terminal are not in place, then how can we approve a license? So, you know, the very argument that you made for not tabling this I think is a valid argument for tabling it and waiting until the approvals are all in place and it's something that we've done in the past for other operators. If they don't have the approval to land the ferry, you can't approve the license to operate.

LEG. BISHOP:

Does Fire Island Ferry have the conforming uses that this ferry company does not? It's the same situation.

D.P.O. CARACAPPA:

We will find out.

LEG. BISHOP:

And so you better be prepared to apply it across-the-board, Legislator Carpenter --

LEG. CARPENTER:

I don't think I was finished speaking.

LEG. BISHOP:

-- because I know what's going on and we all know what's going on.

D.P.O. CARACAPPA:

Legislator Bishop, Legislator Carpenter has the floor.

LEG. CARPENTER:

Okay, that's it.

D.P.O. CARACAPPA:

Did you ever see the South Park movie when the guys says, "Can I finish? Can I finish?" And then he says, "Okay, I'm finished."  
Legislator Alden.

LEG. ALDEN:

1531, does that include the use of the ferry boats from whatever it is, the guy that's stationed in New Jersey, and this is the expanded schedule or this is the original schedule?

MR. SABATINO:

This is the -- the final version that's before you is the segmented schedule which breaks it up into the three periods of time, Labor Day, then the middle of the summer and then -- I'm sorry, Memorial Day, then the middle of the summer and then the Labor Day schedule, so this is the segmented one with all the specific details, not the original schedule that you saw.

LEG. ALDEN:

And this one does deal with -- what's the name of the company from New Jersey?

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LEG. CARPENTER:

New York Waterways.

LEG. ALDEN:

New York Waterways?

LEG. BISHOP:

Yes.

MR. SABATINO:

Yeah, it takes into account the proposal he made to use boats from the Waterways, right.

LEG. ALDEN:

All right. Now, the other question is as far as time is of the essence on this, we're in like almost like a down period where, you know, the boats probably won't be running at all at this point. So there's really not a need to act speedily or hastily in this matter either; is that correct or not, Paul?

MR. SABATINO:

The sense of urgency that was there in May and June and July is not there now. The only advantage in adopting it sometime sooner rather than later is that it will lay out the schedule in advance for next Memorial Day. But you're absolutely correct, it doesn't have to be done today.

LEG. ALDEN:

Okay, thanks.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

One last point. We have professional staff that reviews these ferry applications and professional staff's report, Budget Review Office's report, was favorable on this application. So again, I think that we're looking -- bringing in factors that are outside of our purview and I think it's highly unfair to the operator.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I would have to respectfully disagree, Legislator Bishop; I wouldn't characterize BRO's report as favorable. One of the issues is not only a zoning issue, and we never have given conditional approvals in the past for any ferry license conditioned upon other levels of government given their approval. But to me, the more fundamental problem here is the actual application in a way that it intends to serve the public through this business. There's no other ferry license that we have granted on the service waters of this County where there are boats on a Friday afternoon coming from another jurisdiction riding through Fire Island Inlet to get in time to Bay Shore in order to ferry people over to Fire Island. For those who know about this field of work, it is -- and I've said this before on

the record, it is an untenable business position to think that you could come before us to try to receive our approval based upon not just an assumption but a promise through a contract that boats are going to arrive in a timely fashion from another part of the metropolitan area to serve people who are trying to get to Fire Island from Bay Shore; it's done by no other ferry operation. And as I've said in the past, the other part that I find incomprehensible was that when the question was raised by myself and others earlier in the year of what kind of crew they would have for the ferries, even during the weekdays when the applicant himself would be operating the boats or his staff, it was one captain and two deckhands, there was no backup. And as many of us know who have been in this field of work or have been on the bay or the sound for lives, that you have to have backup in any field of work. He didn't speak of -- now, he may tell us something differently now, but when we asked him the question, he had one captain and two deckhands, that is not how you operate a business, a consistent business on any bay going to any barrier beach in Suffolk County.

So to me it's not just -- the issue is not just a zoning one, the more fundamental question for me as our role as a regulatory agency is that I don't believe that his proposal to expand his service meets the criteria that we have established for all other ferry operators to have, I would say, some redundancy in the system so that there is consistent service to those who want to use the ferries. There is not that consistent service when you have at most a skeleton crew working during the weekdays and then on the weekends with a hope and a prayer expecting the boat to come from another jurisdiction of Metropolitan, New York, as I said, coming through Fire Island Inlet in order to go to Bay Shore in order to ferry people over to the beach for three days. And then that opens up the whole issue of an assignment of a license which is a whole nother (sic) issue that we went into in great depths in the past that there are a lot issues raised and concerns raised by what is -- if not in the literal sense, but certainly one can make a judgment that this is -- you know, a rose is a rose by any other name is a rose, that is essentially an assignment of a license which opens up a whole host of questions.

Now, we granted a license to this operator on a limited basis and we all were fine with that. If you're going to have competition that's fine, but you have to have parity in competition; this is not parity in competition, this is trying to compete, you know, on the cheap and you can't do that. So that's why I've been tabling this for quite some time. And quite frankly, I think after all this discussion that, you know, the applicant should give serious consideration of withdrawing the expanded schedule, stay with the schedule that he

currently has, and when he's able to have a fleet of boats that are docked, you know, 24/7 in Bay Shore, well, then we can get to the question of competition. But not this other methodology which, quite frankly, I don't know whether it's done anywhere else on the eastern seaboard. So anyway, that's my two cents on it.

D.P.O. CARACAPPA:

Thank you, Legislator Foley. I will respectfully disagree with part of your statement where -- and kind of similar to what Legislator Bishop said, where we're going to hold the other ferry company coming

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before us currently to the same standards. Why should we be allowing and turning a blind eye to a ferry company that's coming before us who does exactly opposite of what you're disagreeing with, taking the boats that we license under our Suffolk County licensing jurisdiction and letting them send their boats to New York City?

LEG. FOLEY:

It's a fair question.

D.P.O. CARACAPPA:

Under a very lucrative contract, I might add.

LEG. FOLEY:

It's a fair question but --

D.P.O. CARACAPPA:

Secondarily, you talk about parity of competition; what competition? This Legislature is silting back and stifling it to no end when it comes to the Great South Bay. There is one entity now that they have assumed the ownership of the water taxi completely running the South Bay Transportation. This ferry company has a -- the one that's before us right now with this resolution has obliged to our every whim, he's been here more times than I wish he had to be. We have a process from the Budget Review Office, a very strict process, rules and regulations that they to follow to the letter, to the T; he's followed them and then some. He's been -- I don't want to say harassed by the town, but he's going through a process in the town, he's doing it. Everything that we asked for as a County, as a Legislature, as a minipublic service commission this operator has met time and time again and we're just stifling him because I think we're trying to give a leg up to what has now become a monopoly on the Great South Bay and Fire Island Ferries. So I don't think it's fair. We're delaying this for no good reason other than to put this guy in a box.

LEG. CARACCIOLO:

Mr. Chairman, put me on the list.

D.P.O. CARACAPPA:

Legislator Carpenter is next, then Legislator Alden then Caracciolo.

LEG. CARPENTER:

I just wanted to echo because I had -- it's been awhile since we've addressed this, what Legislator Foley said. The issue of assigning a license I think is very critical and something that we should look at very, very carefully and that's what we're being asked to do here. It's not just a matter of leasing a boat from someone else and using that boat on the bay, but they're talking about the boat with a crew from New York and I have a concern. Are these people going to be as familiar with this Great South Bay as those that work it all the time? And when we're asked to cast these votes and be concerned about the public safety, we have to ask these questions; and yes, we have to ask them of every operator that comes before us. I don't think we're being discriminatory in just addressing them to one operator.

D.P.O. CARACAPPA:

Cameron?

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LEG. ALDEN:

Budget Review, you have looked at the contract. Now, it's been a little while since I've looked at it, but I do believe that it calls for a sudden period of time when an outside operator would come in, charge the money and actually keep 100% of the receipts. And as far as -- you know, like my familiarity with contracts and independent contractors and things like that, that doesn't even fall under an independent contractor, that actually takes them outside of that scope to somebody that's been assigned all the duties of rights under a contract or under a franchise, and in this case we're looking at a franchise also. So I would -- I have some strong doubts about how we're categorizing this as far as who's running this operation, where is money is going and for what purpose. So in my mind, it raises more doubts than actually gives answers to things. And Legislator Foley brings up a whole host of things that I think have to be cleared up before we can actually act on this.

D.P.O. CARACAPPA:

Any other -- Legislator Caracciolo.

LEG. CARACCIOLO:

I think both sides have raised fair issues. For me to make an informed decision, I'd like to hear from the Legislator whose district this is in, I believe that's Mr. Foley or is it Ms. Carpenter?

LEG. ALDEN:

No, it's Mr. Alden.

LEG. CARACCIOLO:

Oh, I'm sorry, Cameron; Bay Shore, that's right.

LEG. ALDEN:

And it's Legislator Carpenter because where he takes off from in Bay Shore, that's my Legislative District and where he lands over at Fire Island, that's Legislator Carpenter's district.

LEG. CARACCIOLO:

Okay. I always had this view that your district, Brian, took it -- oh, just in the Town of Brookhaven takes in the barrier beach.

LEG. FOLEY:

That's been changed recently.

LEG. ALDEN:

January 1st.

LEG. CARACCIOLO:

All right, that's why I'm thinking Foley, all right, so now that we've cleared the air on that. Then as the two individuals in the Town of Islip whose district this impacts, I would be guided by your recommendation. You know, I guard very jealously the Shelter Island Ferry operations and rightfully so, it impacts 2,500 residents on a town that that's their only means of transportation; this isn't a comparable situation because this ferry service is used seasonally and by a lot of out-of-towners as well as local residents. So while there are those distinctions, I still feel at the end of the day for myself

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to past judgment affirmatively, I need to hear from the district Legislators as to their recommendation, and since there is a reservation right now on their part, I will support the tabling motion.

D.P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

I'm going to oppose the tabling motion but I'm going to concede that the tabling motion will probably carry. But at the next meeting I would ask that prior to the meeting, if Counsel could prepare a memorandum to the Legislature about what our role is in the ferry licensing on the Great South Bay. I think that will be most helpful in allowing people to reach the proper decision. You know, just by way of humor, if you really wanted to get the Legislator whose

constituents were affected, you'd probably have to go to Manhattan since most of the people taking these ferries are probably from out of town.

But in terms of what we need to do, I think we need to know what our role is and if we can have for the next meeting a copy of the Budget Review Office Report again and Counsel's memorandum about what our legally defined role is, I think that will help shape the debate.

D.P.O. CARACAPPA:  
Legislator Alden.

LEG. ALDEN:  
Just as a point of information. When my mother immigrated to this country, her family lived over on the beach and that was their sole -- the sole place, their sole point of residence. So it effects people that live there, it effects people that live in Bay Shore, there's many, many people in the Bay Shore/Islip area that had a second house or a house over there. So if you're looking at the middle of the season, possibly you might have almost an equal number of people that live or reside in Manhattan or other areas other than Suffolk County, but if you're looking at out-of-season, certainly the majority of the people that ride on those vessels are local residents that live in Suffolk County, work in Suffolk County.

D.P.O. CARACAPPA:  
Thank you. The final word is if we're trying to improve the quality of life of people that live over at Fire Island, keep in mind, this application, their rate is cheaper than their opponents which I think would help them if they're taking the ferry every day.

There's a motion to table and a second. All in favor? Opposed? Mark me in opposition.

LEG. BISHOP:  
Opposed.

D.P.O. CARACAPPA:  
Legislator Fisher, Caracappa, Bishop and Cooper; it's tabled.

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MR. BARTON:  
13 (Opposed: Legislators Viloría-Fisher, Caracappa, Bishop & Cooper - Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
It's tabled.

Moving on to 1570-03 - To establish Land Development Policy for mixed

use smart growth in Suffolk County (Bishop). Legislator Bishop?

LEG. BISHOP:  
Motion to table.

LEG. FOLEY:  
Second.

D.P.O. CARACAPPA:  
There's a motion to table 1570, second by Legislator Foley.  
All in favor? Opposed? Abstentions?

MR. BARTON:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
1583-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with airport fencing and security system at Francis S. Gabreski Airport (CP 5721) (County Executive).

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: Legislator Postal).

D.P.O. CARACAPPA:  
1658-03 - Dedicating the Suffolk County Farm in Yaphank to the Conservation of Agricultural lands (Foley).

LEG. FOLEY:  
Mr. Chairman, regretfully I'll make a motion to table one more time.

LEG. VILORIA-FISHER:  
Second.

D.P.O. CARACAPPA:  
Motion to table by Legislator Foley, second by Legislator Viloría-Fisher.

LEG. FOLEY:  
Just on the record, the Department of Public Works is doing an in-house survey of the meets and bounds of the farm, it was supposed to be ready by today, obviously it's not but I have the assurances

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from the department that it will be ready for our December 16th General Meeting.

D.P.O. CARACAPPA:  
All in favor? Opposed? Abstentions? It's tabled.

LEG. FOLEY:  
Thank you.

MR. BARTON:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
1659-03 - Approving appointments to the Suffolk County Disabilities Advisory Board - Group "D" (County Executive).

LEG. FOLEY:  
Motion to approve.

D.P.O. CARACAPPA:  
Motion to approve by Legislator Foley. 1659, 1662 and 1663.

LEG. VILORIA-FISHER:  
Second, Mr. Chair.

LEG. CARACCIOLO:  
Are we --

D.P.O. CARACAPPA:  
There's a motion and a second to approve those three resolutions.

1662-03 - Approving appointments to the Suffolk County Disabilities Advisory Board - Group "C" (County Executive).

1663-03 - Approving appointments to the Suffolk County Disabilities Advisory Board - Group "B" (County Executive).

LEG. CARACCIOLO:  
Are we now clearing the decks on the logjam of all the appointments that were held up pending the election?

D.P.O. CARACAPPA:  
I would hope so, but --

LEG. FOLEY:  
They're Legislative appointments.

LEG. CARACCIOLO:  
Okay. Brian, is that what these are?

LEG. FOLEY:

These particular appointments, these are approximately 14 of a 30 member board. They went through a rigorous review in committee and to a person, they have whether a professional, personal or voluntary commitment to this particular area of public service. So each of them I think would be a stellar member of the board and they really are

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looking forward to not only working with us on the County level but also challenging the State and Federal government to live up to its responsibilities for providing for the disabled in the County.

D.P.O. CARACAPPA:

There's a motion and a second to approve 1659, 1662 and 1663.

LEG. CRECCA:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

Are these -- and I apologize, I was listening, Brian, but I was trying to look through the resolutions. Are these Legislative appointments or are these Executive with our approval?

LEG. FOLEY:

These are Executive appointments with the consenting approval of the Legislature.

LEG. CRECCA:

All right. The only thing I would ask -- I have no problem approving these -- is that I just don't understand, there's been a standing policy for the last several months among certain members of the Legislature who have refused to make appointments because of the new County Executive coming in.

LEG. FOLEY:

Well, what's --

LEG. CRECCA:

And I just --

LEG. FOLEY:

It's a good question, and if I may respond to it, there's two ways to respond. Number one --

LEG. CRECCA:

I really wanted Dave to respond to it but I'll take Brian.

LEG. FOLEY:

Well, you can in a second.

LEG. BISHOP:

I'm going to yield to Brian.

LEG. FOLEY:

Thanks. But Dave certainly will amplify on what I'm going to say. But as I said, when --

LEG. CRECCA:

David is anxiously awaiting how you're going to explain this inconsistency.

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LEG. FOLEY:

No, no, he has to talk about consistency. But anyway, what I would say is, again, in committee each of these persons really showed a commitment to this field of public work, public service. But secondly, as I said, it's 14 out of 30, the other 16 members will be submitted by the incoming County Executive. Of these 14, only a handful are reappointments, the majority of them are new appointments so they're bringing in a fresh look at this particular area of County government. As far as consistency and inconsistency, I'll hand that over to Legislator Bishop.

LEG. CRECCA:

Brian, I can support you now just because of that explanation and the fact that you did turn it over to Legislator Bishop. Legislator Bishop?

LEG. BISHOP:

Consistency is the hobgoblin of a small mind.

D.P.O. CARACAPPA:

There's a motion and a second to approve 1659, 1662, 1663. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

They are approved.

We are skipping over 1761 for now due to the fact that we're having an

executive session later.

1774-03 - Permitting County to waive 10% rule for land acquisitions (Bishop).

LEG. BISHOP:  
Motion to approve.

LEG. BINDER:  
Second.

D.P.O. CARACAPPA:  
Motion to approve by Legislator Bishop, second by Legislator Binder.  
On the motion, Legislator Bishop.

LEG. BISHOP:  
Since the last meeting the bill has been amended to reflect the comments of a great many of you that you would prefer a 14 member super majority in order to waive the 10% rule. I think that ultimately what this measure will allow is more flexibility but not abandoning our reform effort, to create more accountability and transparency in the process.

LEG. CARACCIOLO:  
Second.

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LEG. BISHOP:  
This is a tool to bring more deals to the table and I think ultimately the taxpayers and the environment will be best served by its approval.

D.P.O. CARACAPPA:  
There was a motion and a second. All in favor? Opposed?

LEG. ALDEN:  
Opposed.

LEG. LINDSAY:  
Opposed.

LEG. FIELDS:  
Opposed.

D.P.O. CARACAPPA:  
There's an opposition by Legislator Lindsay, Legislator Alden, Legislator Fields.

MR. BARTON:  
14 (Opposed: Legislators Lindsay, Alden & Fields - Not Present:

Legislator Postal).

D.P.O. CARACAPPA:

We're going to go back to the beginning of the Resolutions Tabled, Authorizing waiver of interest and penalties for property tax for Joseph Brian and Marie Brian, 1585. Legislator Foley, there is a motion to approve by yourself, second by myself.

LEG. CARACCIOLO:

On the motion.

D.P.O. CARACAPPA:

Legislator Caracciolo had a question for Counsel.

LEG. CARACCIOLO:

Counsel, does this waiver meet the criteria for a waiver from the Charter?

MR. SABATINO:

Well, the problem is you've still got part of the Caputo lawsuit out there. The new County Comptroller Sawicki got permission from the court to substitute himself in his capacity as the new County comptroller. He took the position in the papers he filed earlier this year that were in support of the County Legislature's position. The former County Comptroller, Joe Caputo, is trying to hang on in his capacity as a taxpayer, that issue is being litigated. Until that get resolved there are no criteria in place, so you can't do anything on waivers of interest and penalties until that gets resolved. I mean, hopefully we're going to prevail now because the County Comptroller is in alignment with our position, but unfortunately you've got this one issue hanging out there.

LEG. CARACCIOLO:

Well, then is this resolution in order today?

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MR. SABATINO:

No, it has to be tabled, that's the point.

LEG. CARACCIOLO:

Thank you.

MR. SABATINO:

All waivers of interest and penalties have to be held in suspension until that gets resolved.

LEG. CARACCIOLO:

Thank you.

LEG. VILORIA-FISHER:

That's too bad.

LEG. FOLEY:

Yeah.

D.P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

I'll withdraw the approval motion, but question to Counsel. When do we expect this to be resolved? I mean, if this goes -- if you're saying we have to wait for a final judicial determination, could that be ten years from now because it gets to the Court of Appeals? Because quite frankly, quite frankly we have constituents who many of us believe deserve to have this waiver. So how long -- if you're counseling us that we have to wait, how long do we have to wait?

MR. SABATINO:

You have to wait until --

LEG. FOLEY:

Especially when we have a Comptroller that's willing to work with us as opposed to the former Comptroller?

MR. SABATINO:

Right, which is a major breakthrough and I commend the new County Comptroller for seeing the wisdom of our position and joining it.

LEG. FOLEY:

Right.

MR. SABATINO:

The problem I have is that you've got a former person out there who continues to -- well, they resisted some negotiations to try to resolve the matter. I mean, basically he's looking to get legal fees for his Counsel, but until that gets resolved you can't do it. There are no criteria in place based on the court decision that's out there, you can't do anything.

LEG. FOLEY:

I would have thought that once there's a new Comptroller in place, the

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former Comptroller's lawsuit would be moot; how does that lawsuit continue when there's a new Comptroller?

MR. SABATINO:

Because --

LEG. FOLEY:

When the the lawsuit was filed by -- under the title and name of the former Comptroller; not him is a person but he as an office holder, which he no longer is.

MR. SABATINO:

Correct, and that was the significant breakthrough when we got the new County Comptroller to adopt that position; that didn't happen over night, but fortunately the new County Comptroller did share that viewpoint. However, the former County Comptroller does not share that viewpoint, he continued on or is attempting to continue on in his capacity as an individual taxpayer. You know, we believe that that's not a sound position that will prevail, but until the courts say that they agree with our position you have no criteria in place. It's a very unfortunate situation that was brought about not by anything that you did but by the former County Comptroller who for reasons that are unclear to us decided to challenge the waivers of interest and penalties.

LEG. CARACCIOLO:

Mr. Chairman? I thank Counsel for the explanation. I thank Brian for the withdrawal of the approval motion; no, I'm thanking him. I think it's important to note in conjunction with the County Executive elect, when he was a member of this body, as those of us who were here remember, he was a very staunch advocate of following the rules as to eligibility. So in that tradition, I'm glad to see that the 7th District Legislator has withdrawn his approval motion.

LEG. FOLEY:

Temporarily. Motion to table.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

He eventually did cave in; once the others were passed, Mike, he put in a few of his own. There's a motion to table and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

There has been a resolution sent to all of you, 1975, I'm going to make a motion to discharge.

LEG. FOLEY:

Title?

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D.P.O. CARACAPPA:

This is amending the Suffolk County Classification and Salary Plan, and the 2003 Operating Budget in connection with the new positions title in the Department of Public Works.

LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

There's a second by Legislator Foley.

LEG. CARACCIOLO:

Explanation.

D.P.O. CARACAPPA:

This was in Public Works -- I mean Ways & Means, it wasn't passed, it was 3-3.

LEG. CARACCIOLO:

I supported it but I think for the benefit of the members who were not on the committee --

LEG. FIELDS:

Use the microphone.

LEG. VILORIA-FISHER:

Microphone, Mike.

LEG. FOLEY:

Why don't we just get it out and then in an hour's time we can discuss the merit of it.

LEG. CARACCIOLO:

Okay.

D.P.O. CARACAPPA:

So there's a motion to discharge and a second. All in favor? Opposed? Abstentions? That will age.

MR. BARTON:

17 (Not Present: Legislator Postal).

LEG. CARACCIOLO:

Apparently the Chairman doesn't object to moving this resolution forward, so I'll make a motion to approve.

D.P.O. CARACAPPA:  
We have to wait an hour.

LEG. FOLEY:  
We have to wait an hour.

LEG. VILORIA-FISHER:  
We have to wait.

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LEG. CARACCIOLO:  
Okay. When?

D.P.O. CARACAPPA:  
We can waive the rules, right, and waive the hour?

MR. SABATINO:  
Yeah, you can make a motion to waive the one hour if you wish.

D.P.O. CARACAPPA:  
We'll just wait. You want to make the motion to waive the hour?

LEG. BISHOP:  
No, that's a bad precedent.

D.P.O. CARACAPPA:  
I don't think you have --

LEG. CARACCIOLO:  
Who's going to come forward in an hour?

D.P.O. CARACAPPA:  
I agree, Mike, but it doesn't sound like it has the support.

LEG. CARACCIOLO:  
I'll make the motion to do it; will you second it?

D.P.O. CARACAPPA:  
I'll second the waiving of the rule that mandates the one hour aging period. Motion and a second. All in favor? Opposed?

LEG. BISHOP:  
Opposed.

LEG. VILORIA-FISHER:  
Opposed.

D.P.O. CARACAPPA:

Opposed, Legislator Fisher, Foley, Fields, Losquadro, Lindsay, Carpenter, Bishop, Nowick, Alden; I think everyone but me and Mike.

MR. BARTON:

Eight (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

We'll wait an hour, Mike.

LEG. CARACCIOLO:

All right.

LEG. VILORIA-FISHER:

Rules are not made to be waived.

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D.P.O. CARACAPPA:

Veterans & Seniors:

1938-03 - Appropriating funds in connection with the purchase and replacement of nutrition vehicles for the Office for the Aging (CP 1749) (County Executive).

LEG. FOLEY:

Motion to approve.

D.P.O. CARACAPPA:

Motion to approve by Legislator Foley, second by Legislator Lindsay. All in favor? Opposed?

LEG. CARPENTER:

On the motion.

LEG. VILORIA-FISHER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I just want to make sure that this includes the directive that we had adopted in the budget process that the vehicles indicate that the funding came through the Legislature.

LEG. LINDSAY:

I'm sorry.

LEG. CARPENTER:

Well, I --

LEG. LINDSAY:

I didn't hear you, Angie. Would you repeat that?

LEG. CARPENTER:

We had discussed this in the past during the budget process that any of these vehicles that we appropriate the monies for and then send to the towns for them to use, that the vehicle should -- I mean, if there's going to be any signage on it, that it should reflect where the funding came from so that the taxpayers realize that it's County funding that enables the Meals-on-Wheels or whatever the program is, Youth Bureau, whatever, that it have some indication on it that this is County funded.

LEG. LINDSAY:

That's a good point. Mr. Chair, if you don't mind.

LEG. CARPENTER:

We had adopted that I thought as part of the budget process.

LEG. LINDSAY:

Somehow it didn't come up in the discussion we had at committee. You know, if you'd like to table it we'll review it again.

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LEG. CARPENTER:

All right. Maybe Counsel could respond.

MR. SABATINO:

In addition, they're going to have to comply with that new Local Law that was adopted earlier this year on vehicle -- it's called the SUV Law, but in that SUV Law you have to have the rationale or justification, the explicit assignment, so you're going to need that second level of approval plus compliance with the vehicle performance standard. So the answer is you should table it not just for the question you raise but also for legal questions.

LEG. CARPENTER:

Okay. But in the meantime, how are we going to address that, do we need to put a clause in this resolution or has the --

MR. SABATINO:

I think the point is that -- what should happen -- it dovetails what you're saying. Part of that new SUV law would basically kick in the kind of thing -- trigger I should say the kind of things you're talking about in terms of where they're going to be assigned, so it

would be answered in that new clause that would deal with that issue.

LEG. CARPENTER:

Okay. So if the sponsor --

MR. SABATINO:

It would do a dovetail.

LEG. CARPENTER:

Yeah, okay.

D.P.O. CARACAPPA:

There's a motion and a second to table.

LEG. VILORIA-FISHER:

I had a question, Mr. Chair.

D.P.O. CARACAPPA:

You're on the list; Legislator Viloría-Fisher, then Alden.

LEG. VILORIA-FISHER:

Okay, this is a question regarding the vehicles that will be replaced. I'm looking at the list and most of the vehicles are in poor condition or decommissioned. Vis-a-vis the recently passed -- did we pass the resolution that all vehicles have to be --

D.P.O. CARACAPPA:

No.

LEG. VILORIA-FISHER:

Go through the auction process rather than --

D.P.O. CARACAPPA:

Not yet.

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LEG. FOLEY:

Public hearing.

LEG. VILORIA-FISHER:

Well, based on that resolution perhaps being passed in the near future, what will happen with these vehicles? Do they belong to the County, had the County purchased those vehicles, a 1984 Voyager, etcetera; Paul?

MR. SABATINO:

If they're decommissioned they're the County vehicles, right. That new Local Law that's being proposed is currently pending.

LEG. VILORIA-FISHER:

Only two of them say decommissioned, the other four say that they're in poor or very poor condition. Now, I assume that in the past we would have simply given those vehicles to other municipalities or community groups. If the resolution that has been laid on the table passes, will we then have to auction those off?

MR. SABATINO:

Yeah, if the new proposed Charter Law is approved and those become available, they will under the new procedures have to be auctioned off, that's correct. If that new bill is adopted, you no longer will have the option to go to the \$200 transfer, these will become surplus vehicles and they'll be covered by the new law.

LEG. VILORIA-FISHER:

Okay. And is there any kind of right of first refusal for the contract agency that currently has those vehicles that are going to be replaced?

MR. SABATINO:

The only place where there's a right of first refusal is where the vehicles were acquired with Federal money, I think in Social Services or the Labor Department, I can't remember. But there's one program where if you use Federal money there's a right of first refusal that goes to the contract agency, but this would not be one of them.

LEG. VILORIA-FISHER:

Thank you, Paul.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

And I'll defer to the Chairman of the committee, but I believe that if we don't pass this we run the risk of ending the parcel anyway, this Meals-on-Wheels program. Because I believe that these vehicles, there's a lead time to actually go and order these and have them delivered, so if we really don't do it now -- if you don't do it now there's going to be seniors and other people that are not going to be getting their meals delivered, and they also use these for transportation because the design that they were coming up with and asking us to approve was specific so that seniors could get in and out of these vehicles a little bit easier. So if we hold off on this we

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run the risk of really affecting some seniors and their ability to go and get fed and us to deliver meals to them.

D.P.O. CARACAPPA:  
Legislator Lindsay.

LEG. LINDSAY:

Well, to answer Legislator Alden, there's no doubt that there's a desperate need for these vehicles, the vehicles that the seniors are using now are in really deplorable shape and we need to replace the fleet, but I'm not sure whether we meet in two weeks that will make any great difference. But the two questions that arose, one is to Counsel; how does the SUV provision apply to this, these are mini-buses.

MR. SABATINO:

Because it's colloquially referred to as SUV Law because the starting point of that statute was to put restrictions on SUV's, but the bill also incorporated some very tough and stringent vehicle assignment provisions which is separate and apart from SUV's, it was for all County vehicles, you have to authorize the purchase and the allocation of all the individual vehicles. The bill was broader than just the SUV title.

LEG. LINDSAY:

And who signs off on it?

MR. SABATINO:

Well, that information is supposed to come from the department and the vehicle performance standard comes from Purchasing -- I'm sorry, from Highway.

LEG. LINDSAY:

The second question again is for Counsel. What Legislator Carpenter referred to, I'm not sure, was that in a form of a resolution that was passed? I mean, I sympathize with what you're saying in that we buy the vehicles and every town puts their name all over it and, you know, everybody believes it's a town service when, in fact, it's a service that's being provided by the County.

LEG. CARPENTER:

If I could respond.

D.P.O. CARACAPPA:

Hold on; who did you ask that question to?

LEG. VILORIA-FISHER:

May we have order?

LEG. LINDSAY:

Legislator Carpenter if I might, I'm sorry.

D.P.O. CARACAPPA:

Oh, I'm sorry. Legislator Carpenter.

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LEG. ALDEN:

We need some order here.

D.P.O. CARACAPPA:

Yeah.

(\*Deputy Presiding Officer Banged Gavel\*)

LEG. CARPENTER:

If I could. If memory serves me correct, I thought it was a note that we had put in an Omnibus resolution that addressed that funding for those vehicles; is that not true?

MR. SABATINO:

No, I think what happened was I think there was a controversy a couple of years ago on a stand-alone resolution where we were -- probably about two years ago when we were purchasing --

LEG. CARPENTER:

It wasn't this budget process, it was last year.

MR. SABATINO:

Yeah, it wasn't in this budget cycle, it was probably two -- well, I think it was two cycles ago which would have been --

LEG. CARPENTER:

Was it in the Capital Budget process that we did it? I'm almost positive it was a note that we had added --

LEG. LINDSAY:

I think you're right.

LEG. CARPENTER:

-- to an Omnibus resolution.

MR. SABATINO:

I recall the concept and I recall there being concern and I recall us addressing it; whether it was an Omnibus or a stand-alone, I'll defer -- I thought it was a stand-alone. But the answer is yes, we did address it, but you need -- you know, it's coming up again two years later, here we are looking at it again. So the answer is if you wish to address it again you can.

LEG. CARPENTER:

So is this another one of these notes that we put as a condition in an

Omnibus resolution that people ignore and perhaps we need a separate specific resolution addressing this issue?

MR. SABATINO:

Well, the reason I don't think -- well, I could be wrong. I don't think it was in the Omnibus only because the -- I think this was a Capital Budget, so I don't think it was in the Omnibus that we did for the Operating Budget. I just don't recall it being in the Capital Budget Omnibus but I'm not going to say you're wrong, it's just I do recall the issue.

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LEG. CARPENTER:

Okay. Well, is it possible that Budget Review might recollect? Maybe when we break for lunch you guys could check on that and we can just pass over this for now. Because I certainly wouldn't want --

MR. SABATINO:

No, we can go back and look. Again, I think it's two years ago but we can look.

LEG. CARPENTER:

Okay.

MR. SABATINO:

It's better to be accurate than to just rely on my memory.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, maybe we could do this; maybe we could pass this resolution now and myself and Legislator Carpenter could sponsor a resolution that any vehicles purchased by the County would have the County's name on it.

LEG. CARPENTER:

Can we just --

LEG. ALDEN:

You can make it retroactive, too.

LEG. CARPENTER:

Can I just respond?

LEG. LINDSAY:

Well, if we order the vehicles now we're not going to have them for months, so we have plenty of time to sponsor legislation that would

put forward the thought that you were presented.

LEG. CARPENTER:

Someone just corroborated my recollection, that it was done in the Capital Budget process, this past Capital Budget process, and that it was, you know, a note added to the Omnibus. So if that --

LEG. LINDSAY:

And these vehicles were in the Capital Budget.

LEG. CARPENTER:

So if that is the case, so if that were the case then we're covered, so there's no reason why we can't approve it.

LEG. LINDSAY:

All right. Where was the tabling motion; who presented the tabling motion?

LEG. NOWICK:

They withdrew the tabling motion.

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LEG. CARPENTER:

Whomever, it's withdrawn.

D.P.O. CARACAPPA:

I don't believe there is a tabling motion yet.

LEG. LINDSAY:

Okay. Then I'm going to make a motion to approve.

LEG. ALDEN:

I will second it.

LEG. LINDSAY:

And we'll explore that note in the Capital Budget, if it isn't sufficient then we'll sponsor legislation to do it, all right?

D.P.O. CARACAPPA:

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

LEG. COOPER:

Cosponsor, Henry.

MR. BARTON:

17 (Not Present: Legislator Postal).

**LEG. FOLEY:**  
Cosponsor, Henry.

**LEG. VILORIA-FISHER:**  
Cosponsor, Henry.

**LEG. CARPENTER:**  
Cosponsor.

**LEG. BISHOP:**  
Did the budget note say that my name goes first?

**D.P.O. CARACAPPA:**  
1960-03 - Accepting and appropriating additional 100% reimbursable funds for the Title VII Program with the Suffolk County Office for the Aging (CP 1749) (County Executive).

**LEG. CRECCA:**  
Motion.

**D.P.O. CARACAPPA:**  
Motion by Legislator Binder, second by myself. All in favor?  
Opposed? Abstentions?

**MR. BARTON:**  
17 (Not Present: Legislator Postal).

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**D.P.O. CARACAPPA:**  
1970-03 - Amending Resolution No. 956-2001, to authorize the continuance of the EPIC Reimbursement Program for retired County residents (County Executive).

**LEG. LINDSAY:**  
Motion.

**LEG. VILORIA-FISHER:**  
Second.

**D.P.O. CARACAPPA:**  
Motion by Legislator Lindsay, second by Legislator Viloría-Fisher.  
All in favor? Opposed?

**LEG. FIELDS:**  
Cosponsor.

**LEG. BISHOP:**  
Mr. Clerk, since this is the program that Legislator Fields and I

sponsored, we ask to be cosponsors.

D.P.O. CARACAPPA:  
Abstentions?

LEG. COOPER:  
Cosponsor.

LEG. CARPENTER:  
Cosponsor.

LEG. CRECCA:  
Henry, put me as a cosponsor, too.

LEG. BINDER:  
Cosponsor, Henry.

D.P.O. CARACAPPA:  
Add everyone as a cosponsor, Mr. Clerk. All in favor? Opposed?  
Abstentions?

LEG. BISHOP:  
That would only be fair. Come on board, everybody.

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
Parks, Sports & Recreation:

1864-03 - Implementing Dog Run Program at Coindre Hall (Cooper).  
Motion by Legislator Cooper, second by Legislator Viloría-Fisher.  
All -- on the motion, Legislator Alden.

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LEG. ALDEN:  
I put it on the record at the Parks Committee meeting, I just really follow-up at some point in time from the County Attorney and/or our Counsel as far as our legal liability. Now we've actually -- we're going to allow an activity formally on County property that can result in bodily injury and has in the past resulted in bodily injury in other locations and also injury to the animals. So I just want to make sure that we're covered as far as our liability and I think that the sponsor of the resolution said that he was going to work to resolve that issue also. Whether it be getting the town to indemnify us or the people that are going to make use of this to pay into a fund where we actually go out and pay insurance, but one way or the other, the County is self-insured, we're going to be allowing a dangerous

activity on County property that can result and does usually result in lawsuits.

D.P.O. CARACAPPA:

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

LEG. CARACCIOLO:

To what?

D.P.O. CARACAPPA:

Approve.

LEG. VILORIA-FISHER:

Coindre Hall.

LEG. CARACCIOLO:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

The backup Town Board resolution indicates that the town will enter into a intermunicipal agreement with the County. The point raised by Legislator Alden, is that included, is there specific language holding harmless the County of Suffolk?

D.P.O. CARACAPPA:

Counsel, is there indemnification at all?

MR. SABATINO:

No, there's not. It's a joint municipal activity, it's County property.

LEG. CARACCIOLO:

Okay. In the absence of that, I think we are venturing into an area that could have serious financial ramifications and I will abstain on the resolution.

D.P.O. CARACAPPA:

There's a motion and a second to approve. All in favor? Opposed? There's opposition by Legislator Binder, an abstention by Legislator Caracciolo.

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MR. BARTON:

14 (Opposed: Legislator Binder - Abstention: Legislator - Caracciolo - (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1875-03 - To reappoint Lillian Barbash as a member of the Suffolk County Citizens Advisory Board for the Arts (Carpenter). Motion by Legislator Carpenter.

LEG. FIELDS:

Second.

D.P.O. CARACAPPA:

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

LEG. BINDER:

Opposed.

D.P.O. CARACAPPA:

One opposition, Legislator Binder.

MR. BARTON:

15 (Opposed: Legislator Binder - Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1953A, 1953-03 - Appropriating funds in connection with improvements to the Planetarium at the Vanderbilt Museum (CP 7437) (County Executive).

LEG. O'LEARY:

Motion.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Binder. Roll call.

LEG. FOLEY:

That wasn't me, I didn't make the motion.

LEG. VILORIA-FISHER:

It was O'Leary's motion.

LEG. ALDEN:

Just do Legislator and then hit all of us.

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

LEG. O'LEARY:

Yes.

**LEG. BINDER:**  
Yes.

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**LEG. COOPER:**  
Yes.

**LEG. TONNA:**  
Yes.

**LEG. BISHOP:**  
Yes.

**LEG. NOWICK:**  
Yes.

**LEG. CRECCA:**  
Yeah.

**LEG. CARPENTER:**  
Yes.

**LEG. ALDEN:**  
Yes.

**LEG. FIELDS:**  
Yes.

**LEG. LINDSAY:**  
Yes.

**LEG. FOLEY:**  
Yes.

**LEG. LOSQUADRO:**  
Yes.

**LEG. VILORIA-FISHER:**  
Yes.

**LEG. GULDI:**  
(Not Present).

**LEG. CARACCILO:**  
Yes.

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

MR. BARTON:

16 two not present on the bond. (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

Moving on to Human Services:

1785-03 - Adopting Local Law No. 2003, a Local Law to modify implementation of Affordable Day Care Facilities Program for Suffolk

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County Employees (County Executive). Approved out of committee 3-0-0-2.

LEG. CARPENTER:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Viloría-Fisher.

LEG. CRECCA:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

Explanation, Counsel.

MR. SABATINO:

Well, the net effect of it would be to go from the current standard of having three day-care facilities for County employees -- one in Hauppauge, one in Yaphank and one in Riverhead -- to one in Hauppauge with the ability to go beyond that in the event that the Director of Human Services can establish a documented need and the financial viability and feasibility of going to the additional sites in the future.

LEG. VILORIA-FISHER:

If I may, Mr. Chair.

D.P.O. CARACAPPA:

You may.

LEG. VILORIA-FISHER:

To amplify on that, it's because the enrollment hasn't achieved the levels that had been anticipated.

LEG. CRECCA:  
Hasn't or has?

LEG. CARPENTER:  
Has not.

LEG. VILORIA-FISHER:  
Has not, and that's why they amended the process.

LEG. CRECCA:  
Okay.

D.P.O. CARACAPPA:  
There's a motion and a second.

LEG. CRECCA:  
Thank you.

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D.P.O. CARACAPPA:  
All in favor?

LEG. LINDSAY:  
I have a question.

D.P.O. CARACAPPA:  
On the question, Legislator Lindsay.

LEG. LINDSAY:  
Yeah, probably to Budget Review. Is there -- I didn't get a chance to look at the backup; is there a cost item on this to us, is it revenue neutral?

MR. SPERO:  
This is a County Executive resolution, so they would have prepared the fiscal impact statement.

LEG. LINDSAY:  
So we don't know.

MR. SABATINO:  
No, I have the attachment, it says NA, not applicable, which is not an appropriate response, but that's what the FIS says.

LEG. CARACCILOLO:

Counsel, obviously this has financial impact.

MR. SABATINO:

Yeah, it's -- most of the County Executive financial impact statements usually say this, they say not applicable or no impact which is silly, but --

LEG. CARACCIOLO:

I know that and they're wrong, they're wrong.

MR. SABATINO:

That's been historically the case.

LEG. CARACCIOLO:

Okay. Hopefully the new Budget Office will get it right. But that said, Budget Review Office, neither they or you can tell us that there is an affirmative financial impact?

MR. SABATINO:

Well, in theory -- it's speculative, in speculative but in theory it should be a positive impact because the way the law is currently structured, there's an obligation to have three sites; the County has not met that obligation for 13 years now because the original bill goes back -- longer, it goes back 15 years to 1988, so for 15 years you haven't been in compliance with the three site standard. To the extent that you believe that the standard of law should be met, there's a speculative potential obligation out there for at least two more sites. Adopting this legislation removes that speculative theoretical obligation for two sites, so there should be a positive fiscal impact in theory. In fact, also, if you comply with the law,

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you'd be spending money to bet the other two sites, so. So that's where the impact is.

LEG. CARACCIOLO:

Well, do we know with the site that's up and running, what that cost is? I mean, would it be fair to say --

MR. SABATINO:

Well, you have to use Dennison as a benchmark because that's the one that did get up on a pilot basis.

LEG. CARACCIOLO:

Okay. Does Budget Review know what it costs to build and operate -- well, not operate, but to provide that facility in the Dennison Building?

MR. SPERO:

Not specifically, but someone from the County Exec's Office did testify before the Legislature some months back stating that the operator of the facility is not breaking even at this point in time because there's not enough enrollment.

LEG. CARACCIOLO:

All right. Can you elaborate as to how this program works then? In other words, you're saying an operator; there's a vendor, we have a contract?

MR. SPERO:

That's right.

LEG. CARACCIOLO:

Okay.

MR. SPERO:

We contract with a vendor that operates the day-care facility for a per diem rate, I believe, and enrollment is not sufficient for the vendor to break even; at least that was what was --

LEG. CARACCIOLO:

Okay. So what's the appropriation in the budget for that function?

MR. SPERO:

It's off budget because the money is paid to the vendor.

MR. SABATINO:

Just to go back, a few years ago, back in '95 or '96, whenever the renovations were done to the Dennison Building, there was a cost component in the Capital Budget. From memory I thought it was a half of million dollars but clearly it was money spent for the renovation to get the facility in Dennison at the time of the renovation. So you've got at a minimum whatever the capital cost of the renovation was for that and that would probably be a comparable figure if you were to do something similar in Yaphank and Riverhead.

LEG. FOLEY:

Also --

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LEG. CARACCIOLO:

Brian, if I may.

LEG. FOLEY:

-- there's a memo in the back of the resolution that gives a detailed description and the reason, justification why they're putting the bill

forward; it's attached.

LEG. CARACCIOLO:

Brian, I don't have that in my backup. Would you be kind enough to just share that information with me?

LEG. FOLEY:

Sure.

LEG. CARACCIOLO:

Because looking at the County Executive's resolution it says, "The Legislature further finds and determines that the construction of additional facilities in Yaphank and Riverhead would cost the County taxpayers an additional \$5 million"; is that an accurate estimate, Counsel? It's embodied in the resolution by the County Executive. It's the next to last paragraph in Legislative Intent.

MR. SABATINO:

Oh, I see it, yeah. Well, that contradicts the fiscal impact statement that they filed. I would suspect that a large segment of that would be the capital renovations that I described before.

LEG. CARACCIOLO:

The capital costs, yeah. Now, what would be the mechanism to advance this initiative as far as the Capital Project goes? Is there currently money set aside in the Capital Program and Budget for these facilities?

MR. SPERO:

There was funding put in for construction of a Yaphank facility but that was used as an offset for other capital projects. And currently there's planning going under way for this building's renovation, the Riverhead County Center, and current renovation plans include constructing a day-care facility here in Riverhead, in this building.

LEG. CARACCIOLO:

So then what are we really accomplishing with the passage of this resolution; what exactly would be accomplished, Counsel?

MR. SABATINO:

It would convert the current law which has an obligation that's been out there, as I said before, for approximately 15 years to have three sites -- Riverhead, Yaphank, Hauppauge, i.e. Dennison -- to have an obligation to have one pilot at Dennison. And then the ability to go back to a second or a third site would be delegated to an official in County government.

LEG. CARACCIOLO:

Okay, so then the title is somewhat misleading.

MR. SABATINO:

Yeah, the bill is not particularly well constructed, it's not the way I would do it but --

LEG. CARACCIOLO:

I mean, one looks at the title here and it appears as though the County is providing facilities for its employees --

MR. SABATINO:

Yeah, I agree, it's a very confusing bill.

LEG. CARACCIOLO:

-- at all three County centers when, in effect, it's doing the opposite. So Legislators need to be mindful of that; it's not advancing the concept that was approved 15 years ago, it's actually repealing it.

MR. SABATINO:

That's correct, it's scaling it back, it's dramatically changing it.

D.P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

That's all right.

D.P.O. CARACAPPA:

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

LEG. CARACCIOLO:

Opposed.

D.P.O. CARACAPPA:

I will oppose as well. Abstentions?

LEG. FIELDS:

I'll abstain.

D.P.O. CARACAPPA:

One abstention, Legislator Fields.

MR. BARTON:

13 (Opposed: Legislators Caracappa & Caracciolo - Abstention: Legislator Fields - Not Present: Legislator Postal).

D.P.O. CARACAPPA:

Thank you.

Health Education & Youth:

1943-03 - Appropriating funds in connection with the Public Health Nursing Patient Records System (CP 4065) (County Executive).

LEG. FOLEY:  
Motion.

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D.P.O. CARACAPPA:  
Motion by Legislator Foley.

LEG. CRECCA:  
Second.

D.P.O. CARACAPPA:  
Second by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
1968-03 - Authorizing the approval for the Department of Health Services, John J. Foley Skilled Nursing Facility, to pay membership fees for the participation in the Myzia Site of First Reference for the Nursing Home Profession (County Executive). I'll make that motion.

LEG. LOSQUADRO:  
Second.

LEG. FOLEY:  
Second.

D.P.O. CARACAPPA:  
Second by Legislator Losquadro. All in favor? Opposed?

LEG. VILORIA-FISHER:  
I'm right behind you.

D.P.O. CARACAPPA:  
Abstentions?

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1983-03 - Appointing Peter Sullivan to the Suffolk County Health Facilities Commission (Foley).

LEG. FOLEY:  
Motion, Mr. Chairman.

D.P.O. CARACAPPA:  
Motion by Legislator Foley, second by myself. All in favor?  
Opposed? Abstentions?

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
1984-03 - Appointing Michael Sacca to the Suffolk County Health Facilities Commission (Foley). Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

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MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
1985-03 - Appointing Dr. Bernard Lane to the Suffolk County Health Facilities Commission (Foley). Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

LEG. FOLEY:  
Thank you.

D.P.O. CARACAPPA:  
1986-03 - Appointing Donald A. Roth to the Suffolk County Health Facilities Commission (Foley). Same motion, same second, same vote.

LEG. FOLEY:  
Just for the record, that's Mr. Donald Roth.

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

LEG. NOWICK:  
On the motion.

D.P.O. CARACAPPA:

On the motion, on 1986?

LEG. NOWICK:

Yes.

D.P.O. CARACAPPA:

Go ahead.

LEG. NOWICK:

Just a question that Mr. Roth had -- Mr. Roth is a municipal banker and does business with Suffolk County and he wanted to make sure through Legislative Counsel that there is not any conflict of interest.

LEG. FOLEY:

Mr. Roth is also in the audience if you have a question.

LEG. NOWICK:

That's correct.

LEG. FOLEY:

It's a good question.

MR. SABATINO:

It wouldn't be a per se conflict, but he will have to monitor his activities carefully and make sure if something comes before him which is a matter that impacts what he's doing in his private capacity then he'd have to recuse himself from the vote. So it's not a per se

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conflict because it's not an activity -- the person's activity is not exclusively the same activity that he's engaging in in the private sector, but if there's any overlap on a particular issue he's going to have to recuse himself.

LEG. NOWICK:

Okay, so that's only problem. And then I would go along with the motion.

MR. SABATINO:

Yeah, there's no problem with the caveat as long as he understands that he has to be careful.

LEG. NOWICK:

That's fine.

D.P.O. CARACAPPA:

The vote?

MR. BARTON:

It's been approved, 16 two not Present (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1987-03 - Appointing Marilyn Shellabarger to the Suffolk County Health Facilities Commission (Foley). Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

16, two not Present (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1988-03 - Appointing Ernest Gonzales to the Suffolk County Health Facilities Commission (Foley). Same motion --

LEG. CARPENTER:

Motion; I'd like to make that motion, please.

D.P.O. CARACAPPA:

Oh, I'm sorry. Motion by Legislator Carpenter, second by Legislator --

LEG. FOLEY:

I'll make the second.

D.P.O. CARACAPPA:

-- Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

LEG. ALDEN:

After the motion I'd like to just make one quick statement. I would like to thank Legislator Foley and Legislator Carpenter for their work to try to reopen the Bay Shore Health Clinic, thank you very much. This is a big step towards that.

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LEG. FOLEY:

We have a ways to go but we're getting there, and this commission will also have a broader mandate. It's an exciting field in which this particular Facilities Commission can also enable other health care institutions to help loan monies at lower rates than they otherwise could receive from the open market in order to meet their mission of delivering health care to their particular parts of the County. So this is something that we had done years ago for Brookhaven Hospital, now this will have more current applications for a number of other

facilities as well throughout the County. So this is a way in which both the Health Department and the County can work in concert and in partnership with particularly our community hospitals in order to deliver adequate health care to our residents. So I thank our colleagues for supporting these resolutions.

D.P.O. CARACAPPA:

Thank you, Legislator Foley.

2015-03 - Renaming Tri-Community Health Center in Amityville as the Maxine S. Postal Tri-Community Health Center (Bishop).

LEG. CARACCIOLO:

Motion.

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Bishop, second by Legislator Binder.

LEG. TONNA:

Put everybody as a cosponsor.

LEG. BISHOP:

On the motion. Everybody is --

D.P.O. CARACAPPA:

Absolutely, cosponsor, please. Legislator Bishop, I would just like to say that this is a wonderful gesture to our colleague, and well deserved I might add.

LEG. BISHOP:

And obviously there will be other days that we can -- you know, when Legislator Postal returns -- make proper tribute and statements, but I guess this simply is a get well card from all of us on behalf of all the people of Suffolk County.

D.P.O. CARACAPPA:

Well said. Beyond that, as I mentioned, well deserved, she's been champion since the day she arrived at this Legislature for her constituents, especially in the area of health care. So it's appreciated by us all that you sponsored this. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Postal).

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

Approved unanimously, everyone is listed as a cosponsor.

Moving on to ELAP (Environment, Land Acquisition & Planning):

1802-03 - Appointing new member to Agricultural Environmental Management Task Force (Marci L. Bortman) (Viloria-Fisher).

**LEG. VILORIA-FISHER:**

Motion.

**LEG. CARACCIOLO:**

Second.

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

Motion by Legislator Viloria-Fisher, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Not Present: Legislator Postal).

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

1803 - Appointing four new members to the Agricultural Environmental Task Force (Charles F. Scheer, Jr., Henry Ludlow, Phil Schmidt III & Ron Goerto, Jr.) (Viloria-Fisher). Motion by Legislator Viloria-Fisher, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Not Present: Legislator Postal).

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

1853-03 - Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program (Browns River Road Property)(Town of Islip) (Fields).

**LEG. FIELDS:**

Motion.

**LEG. LINDSAY:**

Second.

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

Motion by Legislator Fields, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17 (Not Present: Legislator Postal).

**D.P.O. CARACAPPA:**  
1868-03 - Authorizing application for clean vessel assistance reimbursement (Fields).

**LEG. FIELDS:**  
Motion.

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**D.P.O. CARACAPPA:**  
Motion by Legislator Fields, second by Legislator Carpenter.  
All in favor? Opposed? Abstentions?

**MR. BARTON:**  
17 (Not Present: Legislator Postal).

**D.P.O. CARACAPPA:**  
1870-03 - Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land of South Oak Lane, East Islip, Town of Islip) (Alden). Motion by Legislator Alden, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**  
17 (Not Present: Legislator Postal).

**D.P.O. CARACAPPA:**  
1877-03 - Making a SEQRA determination in connection with the proposed temporary pedestrian bridge - CR 39, North Road and LIRR, CP 5405, for 2004 U.S. Open Golf Championship, Town of Southampton (Presiding Officer Postal). Motion by myself, second by Legislator Crecca.  
All in favor? Opposed? Abstentions?

**MR. BARTON:**  
17 (Not Present: Legislator Postal).

**D.P.O. CARACAPPA:**  
1878-03 - Making a SEQRA determination in connection with the proposed safety improvements on CR 50, Union Boulevard at CR 82, Higbie Lane, CP 3301, Town of Islip (Presiding Officer Postal). Same motion, same second, same vote.

**MR. BARTON:**  
17 (Not Present: Legislator Postal).

**D.P.O. CARACAPPA:**  
1879-03 - Making a SEQRA determination in connection with the proposed improvements to CR 76, Townline Road at Hoffman Lane (Phase II) CP 5039, Towns of Islip & Smithtown (Presiding Officer Postal).  
Same motion, same second, same vote.

MR. BARTON:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
1880-03 - Making a SEQRA determination in connection with the proposed planning of the revitalization of William and Mollie Rogers Waterfront at Vanderbilt Museum, Town of Huntington (Presiding Officer Postal).  
Same motion, same second, same vote.

MR. BARTON:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
1885-03 - Authorizing the granting of a permanent easement to the Suffolk County Water Authority for production, distribution and

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transmission of drinking water supply on Drinking Water Protection Lands of the County of Suffolk (Laurel Valley County Park, SCTM No. 0900-022.00-01.00-052.001 p/o) (Guldi).

LEG. GULDI:  
Motion.

D.P.O. CARACAPPA:  
Motion by Legislator Guldi, second by Legislator O'Leary.  
All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:  
Abstention.

MR. BARTON:  
16, 1 abstention (Abstention: Legislator Caracciolo - Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
1886-03 - Authorizing the granting of a permanent easement to the Suffolk County Water Authority for production, distribution and transmission of drinking water supply on Drinking Water Protection Lands of the County of Suffolk (Dwarf Pine Plains County Park, SCTM No. 0905-001.00-01.00-01.1 p/o) (Guldi).

LEG. GULDI:  
Motion.

D.P.O. CARACAPPA:  
Motion by Legislator Guldi.

LEG. LOSQUADRO:  
Second.

D.P.O. CARACAPPA:  
Second by Legislator Losquadro. All in favor? Opposed? Abstention,  
Legislator Caracciolo.

MR. BARTON:  
16, 1 abstention (Abstention: Legislator Caracciolo - Not Present:  
Legislator Postal).

D.P.O. CARACAPPA:  
1951A, 1951 - Appropriating funds in connection with the Suffolk  
County Multifaceted Land Preservation Program (CP 7177) (County  
Executive). Is there a motion?

LEG. GULDI:  
Motion.

D.P.O. CARACAPPA:  
Motion by Legislator Guldi, second by Legislator Foley.

LEG. GULDI:  
Roll call on the bond.

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D.P.O. CARACAPPA:  
Roll call on the bond.

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

LEG. GULDI:  
Yes.

LEG. FOLEY:  
Yes.

LEG. COOPER:  
Yes.

LEG. TONNA:  
Yep.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yeah.

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MR. BARTON:

17 on the bond (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

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

1954-03 - Approving the acquisition and appropriating funds under the Suffolk County Multifaceted Land Preservation Program (Abets Creek, East Patchogue, Town of Brookhaven, CP7177.219) (County Executive).

LEG. FOLEY:

Motion, Mr. Chairman.

D.P.O. CARACAPPA:

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

MR. BARTON:

17 (Not Present: Legislator Postal).

LEG. FOLEY:

Thank you. List me as a cosponsor, Henry.

D.P.O. CARACAPPA:

1955A, 1955 - Authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Multifaceted Land Preservation Program (Corso Farm, Town of Southold, CP 7177.221) (County Executive).

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Second.

D.P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor -- roll call, I'm sorry.

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

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

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LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

17 on the bond (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

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

1971-03 - Accepting and appropriating up to 50% grant funds from the United States of America, acting by and through Commodity Credit Corporation under the Farm and Ranch Lands Protection Program (FRPP), formerly known as the Farmland Protection Program, to the County of Suffolk for the acquisition of conservation easements or other interests in farmland pursuant to Suffolk County Code Chapter 8 (05-PL-004) (County Executive).

LEG. GULDI:

Motion.

LEG. VILORIA-FISHER:

Second.

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D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher, second by Legislator Guldi.  
All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

1971 is approved.

1989-03 - Implementing Greenways Program in connection with acquisition of Active Parklands at Marion Carll School, Commack (Town of Huntington) (Crecca). Motion by Legislator Crecca, second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

Ways & Means, Real Estate Transactions & Finance:

1748-03 - Authorizing the County Comptroller and County Treasurer to close certain capital projects and transfer funds (County Executive).  
Motion by myself.

LEG. O'LEARY:

Second.

LEG. FOLEY:

Mr. Chairman, if we could just --

D.P.O. CARACAPPA:

Second by Legislator O'Leary. On the motion, Legislator Foley.

LEG. FOLEY:

Yeah, if we could table this for one round, I haven't had a chance to look as closely at this resolution as I would like. Sometimes they close Capital Projects when in those particular projects there are certain items that should be done that usually at a small amount they could use the additional funds to do the small additions and if we close it now they won't be able to do it. So I would just like the chance to review it and then --

D.P.O. CARACAPPA:

All right, two week cycle.

LEG. FOLEY:

-- probably finalize it two weeks from now.

D.P.O. CARACAPPA:

A two week cycle.

LEG. FOLEY:

Thank you.

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D.P.O. CARACAPPA:

There's a motion to table for two weeks, I'll second it. All in favor? Opposed? Abstentions?

LEG. FOLEY:

Thank you.

MR. BARTON:

17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

1748 is tabled.

1805-03 - Adopting Local Law No. 2003, to modify restriction on purchase of sports utility vehicles (SUV) by Suffolk County (Binder).

LEG. CARPENTER:

Explanation.

LEG. BINDER:

Motion.

D.P.O. CARACAPPA:

There's a motion by Legislator Binder, I'll second it. Motion by Legislator -- I'm sorry, Counsel, would you please?

MR. SABATINO:

The bill makes four changes to the SUV Law that I had mentioned in an earlier discussion. The changes are the definition of police is restricted to the Suffolk County Police Department, the relevance of that is because they're a preexisting exemption for police so it's clear that it applies to the Police Department. A definition of the Sheriff's Department is added because now there is going to be an exemption from the SUV requirement for the Sheriff's Department's vehicles. And then the last change is that the authority to purchase SUV's is broadened from just using the State contract to using either the State or the County contract, whichever one is more cost effective

as long as it still meets the County Vehicle Performance Standard.  
Those are the four changes.

D.P.O. CARACAPPA:

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

MR. BARTON:

17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

It's approved.

1830-03 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, SCTM No. 0200-721.00-06.00-001.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Motion by Legislator Guldi, second by myself. All in favor? Opposed? Abstentions?

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MR. BARTON:

17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

1854-03 - Establishing policy to protect County employees against identity theft (Caracappa). Motion by myself, second by Legislator Guldi.

LEG. CRECCA:

Cosponsor.

LEG. LINDSAY:

Cosponsor.

LEG. CARPENTER:

Cosponsor.

D.P.O. CARACAPPA:

All in favor? Opposed?

LEG. ALDEN:

We don't put black hoods over them, do we?

D.P.O. CARACAPPA:

No, no. Abstentions?

MR. BARTON:

17 (Not Present: Legislator Postal).

LEG. VILORIA-FISHER:

Mr. Chair, I have a question about that.

D.P.O. CARACAPPA:

On the motion, Legislator Viloría-Fisher.

LEG. O'LEARY:

Cosponsor.

LEG. VILORIA-FISHER:

A question I wanted to ask of Counsel. When you fill out employee forms when you begin working anywhere, aren't you required to use a Social Security number? I'm just curious as to how this will be done. I think it's a good idea, there's such a problem with identity theft.

MR. SABATINO:

Yeah, I think in the initial phase you have to provide the information. But I think the key to what Legislator Caracappa is trying to address is that afterwards when you're dealing with County agencies and offices, Benefit Fund, things like that, instead of using the Social Security number as the ID -- for example, to get an application from the Benefit Fund -- an alternative form of ID would be used instead, so maybe it would be a code number or, you know, an alphabetical designation, but something other than your Social Security number after you get into the system; that's the goal of Legislator Caracappa, after you get into the system.

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LEG. VILORIA-FISHER:

Thank you.

LEG. ALDEN:

I have a question of the sponsor.

D.P.O. CARACAPPA:

Yeah.

LEG. ALDEN:

Did you consult with Legislator O'Leary about protecting the identity? Because he's got extensive experience in protecting identities of witnesses and others. Did you get the picture?

LEG. O'LEARY:

Explanation.

LEG. ALDEN:

Did you get the picture this morning?

LEG. O'LEARY:  
Yes, I did.

D.P.O. CARACAPPA:  
It's an inside joke, obviously.

LEG. O'LEARY:  
That was from 1988 I think, that picture.

D.P.O. CARACAPPA:  
Okay. Call the vote, Henry. Did you call it?

MR. BARTON:  
17 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:  
Thank you.

1857-03 - Authorizing conveyance of parcel to Holbrook Fire District,  
Town of Islip (Section 72-h, General Municipal Law) (Lindsay).

LEG. LINDSAY:  
Motion.

D.P.O. CARACAPPA:  
Motion by Legislator Lindsay.

LEG. FIELDS:  
Second.

D.P.O. CARACAPPA:  
Second by Legislator Fields. What's the property being used for,  
Bill?

LEG. LINDSAY:  
This property was a civic center that was -- for about 40 years that

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was part of a local civic groups that went to funk (sic). The County wound up acquiring the property because of tax liens and for the last three years I have been searching for a government agency that would adopt the building to maintain it as a civic community meeting center and the fire department has stepped up and has agreed to adopt it, to maintain it and to leave it in for the use of the community.

D.P.O. CARACAPPA:

It's just a building and a small parcel of land?

LEG. LINDSAY:

Correct.

D.P.O. CARACAPPA:

There's covenance on this? I'm only asking for past experience in my own district, because covenance --

LEG. LINDSAY:

Yeah, it's got --

D.P.O. CARACAPPA:

Does allow communication towers and cell towers and things of that nature.

MR. SABATINO:

No, that doesn't happen, it's to be used for a community meeting hall subject to the normal reverts clause, but there's nothing about beyond that. I mean, it could be, you could modify the resolution, but that wasn't an issue that I was aware of on this particular resolution.

D.P.O. CARACAPPA:

I'm just asking from past experience. It's Legislator Lindsay's district, he made the motion, there's a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17-1 (Not Present: Legislator Postal).

D.P.O. CARACAPPA:

1883-03 - Establishing binding arbitration policy for Suffolk County Detective Investigators (DI) Contract (Carpenter).

LEG. CARACCIOLO:

Motion to approve.

D.P.O. CARACAPPA:

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

LEG. BISHOP:

Motion to table.

D.P.O. CARACAPPA:

Motion to table by Legislator Bishop.

LEG. VILORIA-FISHER:  
Second.

D.P.O. CARACAPPA:  
Second by Legislator Vilorio-Fisher.

LEG. CARACCIOLO:  
Roll call.

LEG. BISHOP:  
On the motion.

D.P.O. CARACAPPA:  
On the motion, Legislator Bishop.

LEG. BISHOP:  
The newly elected County Executive I believe transmitted a letter to all of us asking that we not act on this; in fact, it probably asked that we disapprove it. My feeling is that whatever it is on the merits, the fact is that the County Executive was elected by an overwhelming majority throughout the County on a platform of not approving binding arbitration and that we at least should table this until he takes office and have had a chance to discuss with him the matter more directly. I think that ultimately he may find that this does not mandate anything, it just provides an authorization and something he can live with. But at this point, since there's this misunderstanding, I think we would best be served by tabling it

D.P.O. CARACAPPA:  
Well, there's a motion and a second to table.

LEG. CARPENTER:  
On the motion.

D.P.O. CARACAPPA:  
On the motion, Legislator Carpenter.

LEG. CARPENTER:  
Again, this does not do anything but say if they do go to binding arbitration they can, in fact, have four years; it's not mandating anything. I think the matter of is that we have approved this for other public safety bargaining units, this is the only one that we have not approved it for, and I do think on that basis that we should move forward and approve this today.

LEG. CRECCA:  
On the motion.

D.P.O. CARACAPPA:  
On the motion, Legislator Crecca.

LEG. CRECCA:

You know, and we do have -- we've had at least since I've been here a policy of trying to extend these to four years so we can do better budget forecasting and for a host of other reasons. It's been a policy that's been rather consistent of this Legislature and, you

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know, if there's a reason why that policy should be changed now then that should be discussed, but short of that, I would recommend that we approve this bill.

LEG. TONNA:

On the motion.

D.P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah, just the logic; we did it for the PBA because of some of the reasons that Legislator Crecca enumerated, we did it for the SOA and I think we should in kind follow suit and finish up, you know, for this one. There will be plenty of opportunities for the new County Executive to look to the future, but right now I think that we should stay consistent with our policy which is basically we've said that a four year arbitration is better for us, not just from a budget forecast but probably would be better for us for the climate. We see what happened in Nassau, it's a better time to get that done; let's get it done, let's be consistent with all branches of service and move on.

LEG. LINDSAY:

Mr. Chairman?

D.P.O. CARACAPPA:

There is a list; Legislator Caracciolo, O'Leary and Lindsay.

LEG. CARACCIOLO:

Mr. Chairman, I respect the right of the County Executive-Elect to send out a memo, as he did yesterday, and grandstand as he did often times in this horseshoe on issues like this. The fact of the matter is and the record is, and let's look at the record, Mr. Levy when he was an Assemblyman in Albany was one of 150 members of the State Assembly to oppose the extension of the Binding Arbitration Law which is a law that has to be extended every two years by the State Legislature. Counsel, could you state for the record what type of Memorializing Resolutions as this Legislative body, as one of 62 counties in this State, has sent to our State lawmakers, including

Mr. Levy, requesting changes to the State Binding Arbitration Law.

MR. SABATINO:

Only one has been adopted, that was the one in the year 2000, all the others were defeated.

LEG. CARACCIOLO:

Okay. What did that law request the State Legislature to do?

MR. SABATINO:

That one called for a change in the way -- it called for a change in the way binding arbitration is done in terms of putting more emphasis and focus on the ability of a municipality to pay.

LEG. CARACCIOLO:

Exactly, and that's really the essence of the issue when it comes to

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this matter of binding arbitration. This is the smallest -- and Fred, can you tell me how many members are in this bargaining unit; or Jim, I'm sorry, I didn't know Fred wasn't there.

MR. SPERO:

No, I don't know the number off hand, but I would say it's probably around 50.

LEG. O'LEARY:

It's approximately 45; yeah, it's 45, 50.

LEG. CARACCIOLO:

Forty-five, 50 members. So the financial impact that Mr. Levy seeks or potentially seeks is not going to materialize with this bargaining unit. If he wants to use it as a standard to apply to other bargaining units, this is simply not the way to go about it, to single this small bargaining unit out in this fashion. Further, it is inconsistent with Mr. Levy's actions as a State Assemblyman.

LEG. VILORIA-FISHER:

How is that?

LEG. CARACCIOLO:

He supported binding arbitration for Deputy Sheriffs, and I applaud him for that, that's what he should have done. So if he wants to be consistent, then his Legislative record in Albany doesn't indicate that he's been consistent, he's been inconsistent.

LEG. BISHOP:

He won in your district, he won in your district, he won in your

district, he won in your district.

LEG. CARACCIOLO:

He didn't win my district, Dave. Stand correct, he did not win the north fork, wrong, he lost the north fork.

LEG. BISHOP:

You're about the only one.

LEG. CARACCIOLO:

But that's not the issue here. The issue here is the resolution specifies that the County Executive -- let me go right to the resolution. This is 73, right?

LEG. LOSQUADRO:

Eighty-three.

LEG. CARACCIOLO:

Eighty-three, I'm sorry; thanks, Dan. In the first RESOLVED clause it indicates that, "In the event that the County Executive and the DI" -- in this case meaning the Detective Investigators -- "mutually agree to request binding arbitration, then the County of Suffolk, pursuant to New York County Law, which is State law, hereby authorizes a determination of a Public Arbitration Panel for the conditions of employment of the members of the Suffolk County Detective Investigators for a four year period," and it specifies a period.

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Well, all Mr. Levy has to do is call upon the outgoing County Executive, Mr. Gaffney, to do that, to do that.

He talks about working as a coalition government beginning January 1st; well, I take him at his word. And he should do that by beginning today to work in a bipartisan manner and not grandstand on issues that he is famous for, and this is a classic example of that.

Furthermore, I would like to know if the District Attorney, Mr. Spota, supports Mr. Levy's position. As the head of that department, he is an independently elected official, should chime in as whether or not he believes his employees deserve the same benefit as other County employees. They're both of the same political party, I'd like to know Mr. Spota's position on this. So I'm not going to vote to table this because I think Mr. Spota supports binding arbitration; in the absence of here and otherwise, I believe that to be the case. And I think like every department head, he wants to make sure that there is balance and equity with his 45 employees as there are with the other members of the sworn forces in Suffolk County.

So I know where the motion to table is coming from, this is nothing but a political ruse. Let's get on with it, let's defeat the motion and reward our deserving County employees who do very important and delicate work in the District Attorney's Office. Thank you.

D.P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Before we go on with further statements, I'd ask maybe we can take the politics out of our statements. I appreciate it being said, it's going to be said again by Legislator Bishop I'm sure as a rebuttal, but maybe we could just stick to the resolution and we can get through this quickly.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair.

LEG. TONNA:

Do you appreciate it or don't you appreciate it?

D.P.O. CARACAPPA:

Legislator -- I appreciated his statements, I'm sure I'm going to appreciate Dave's, I'll let them point and counterpoint but everything in-between maybe we can just stick to the resolution. Thank you. Legislator O'Leary.

LEG. O'LEARY:

Thank you. For the record, I, too, want to go on record that I'm opposed to a tabling motion on this particular resolution and urge my colleagues to approve it. As Legislator Caracciolo just alluded to, the County Executive-Elect did on occasion vociferously as he was opposed to binding arbitration, he did, in fact, vote for it as an Assemblyperson for the Deputy Sheriffs and I applaud that vote as well. But this is nothing more than -- to comment or to reiterate what Legislator Bishop said, consistency is important, this is consistent. This is doing nothing more for one bargaining unit than what this body has already done for three others, it would have no impact on the County Executive-Elect's administration or an impact

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whatsoever with respect to a binding arbitration decision on the part of a three member panel. So I would urge my colleagues to support this resolution and to pass it today. Thank you.

D.P.O. CARACAPPA:

Legislator Lindsay, Viloría-Fisher and --

LEG. LINDSAY:

It's a simple question and I'm not sure who would have the answer, but do we know the status of these negotiations now?

MR. SABATINO:

I don't, no.

LEG. LINDSAY:

Is there anyone from the County Executive's office here? I think that's a very important issue because unless they're at impasse now, you know, the new County Executive is going to have input into these negotiations, whether they're two year, four year or whatever.

D.P.O. CARACAPPA:

Well --

LEG. LINDSAY:

Could we find out what the status is?

D.P.O. CARACAPPA:

We certainly can. We have presentations later by the County Executive's representatives, we can ask them or we can find out beforehand, if you'd like to skip over this for now?

LEG. LINDSAY:

I think that might be a good idea if we skip over it now until we can get a report from the County Executive's Office.

LEG. ALDEN:

Haley's here, he's an administrative guy now; do you know anything about this?

MR. HALEY:

Not a thing.

LEG. ALDEN:

All right.

LEG. CARPENTER:

Call the County Executive's Office here now, come on.

LEG. BISHOP:

See, that's consistent.

LEG. ALDEN:

That's a cheap shot.

MR. HALEY:

Stand up, Dave.

LEG. BISHOP:  
That's consistent, too.

LEG. FIELDS:  
That's consistent.

D.P.O. CARACAPPA:  
Well, Mr. Weishann --

LEG. LINDSAY:  
He probably knows.

LEG. CARPENTER:  
There you go.

D.P.O. CARACAPPA:  
Why don't you just step up real quick, we have a question for you.  
Legislator Lindsay has a question.

LEG. LINDSAY:  
Jack, where are the negotiations now; have you started negotiating,  
are you at an impasse; where are you?

MR. WEISHAHN:  
My negotiations?

LEG. LINDSAY:  
Yeah.

MR. WEISHAHN:  
We haven't started yet at all, we just sent a letter to the County --

LEG. LINDSAY:  
Fine, that clarifies the whole issue.

LEG. CARACCIOLO:  
Mr. Chairman, I have a question for Mr. Weishahn.

D.P.O. CARACAPPA:  
There's a list of speakers.

LEG. CARACCIOLO:  
Jack, I don't know, did you just arrive?

D.P.O. CARACAPPA:  
Mike, there's a list, there's a long list.

LEG. CARACCIOLO:  
Oh, I'm sorry, I'm sorry.

D.P.O. CARACAPPA:  
Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:  
I don't have a question for you.

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MR. WEISHAHN:  
Okay, thank you.

LEG. VILORIA-FISHER:  
No, I can't help but, first of all, react to the comments by my colleague, Legislator Caracciolo. Because you begin your statement with a characterization which I believe certainly indicated the direction in which you were going which is the use of the term grandstanding, and I think that was an unfortunate way to begin the arguments because it just clearly showed that it was going to be a political statement rather than a statement based on the merits.

If you recall, I was the only person around this horseshoe who voted against the Sense Resolution which was asking the State not to engage in binding arbitration. So I ask that my colleagues be consistent; to the question of being consistent, you were one of the people who voted --

LEG. CARACCIOLO:  
What does that mean?

LEG. VILORIA-FISHER:  
-- who clearly said that you didn't think that binding arbitration was a good process, that was your vote in that Sense Resolution, so that's where I'm referring to being consistent.

LEG. CARACCIOLO:  
Okay.

LEG. VILORIA-FISHER:  
Number two, you had said the essence of the issue here was binding arbitration; actually, the issue here is the four years rather than -- a four year contract is the essence of this particular resolution.

The reason I'm supporting a tabling motion is because -- is out of deference to the new County Executive who will be involved in negotiations. The status of the negotiations is that they will be active negotiations and I would like him to be a part of the process. The negotiations regarding the PBA is a fete accompli and so he has no part of that process. And so I feel that I am being consistent, I believe in binding arbitration, I have always believed in binding

arbitration. I believe personally in a four year contract, I think it's fiscally better, but I also believe that if we're going to entertain true coalition government where we don't begin our statements with politically loaded characterizations, that we give the new County Executive the opportunity to work with us and that we show that we have the support behind him around this horseshoe and that's why I'm supporting the tabling motion.

D.P.O. CARACAPPA:  
Legislator Bishop.

LEG. BISHOP:  
Legislator Fisher's, Viloría-Fisher's statements are eloquent and informed. I just want to say to my colleague from the 1st District, grandstanding has a meaning and the meaning I take grandstanding to

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mean is to take a position without the burden of an obligation or of accountability. This is the elected County Executive who is charged with labor negotiations, when he takes a position it's not grandstanding it's his position. He's going to be the County Executive, he's going to have to get this job done and he's asking us to help him. He says what he wants to do is to negotiate this labor contract and not have it go to binding arbitration and so he made a request. I don't think that's grandstanding and I think it's hyperpolitical to start right off the bat accusing him of bad motives when his obligations are to negotiate these contracts. Now, whether you agree with it or not, you know, we're all free to vote our conscience, but I just think that that was out of bounds.

I'm going to help this new County Executive. I think that the people of the County have spoken, they want us to get behind him, his platform was clear on this and we should fall behind County Executive Levy because that's what the people of the County want.

D.P.O. CARACAPPA:  
Thank you. Legislator Caracciolo, then Carpenter and O'Leary.

LEG. CARACCIOLO:  
Jack, could you inform us as to the size of your bargaining unit?

MR. WEISHAHN:  
We have 44 members right now.

LEG. CARACCIOLO:  
Forty-four members. The last collective bargaining agreement that you and the County had, was it through arbitration?

MR. WEISHAHN:

No, it wasn't, we reached a negotiated agreement.

LEG. CARACCIOLO:

And could you tell me what the salary increase is for that term and what was the term?

MR. WEISHAHN:

Well, it was a four year agreement and it was 3.95% per year for those four years, somewhat below what the other police unions got at the time under binding arbitration.

LEG. CARACCIOLO:

The -- do you have any idea of what the financial impact, cost of your 45 member collective bargaining agreement was to the County; was it a million dollars, was it a million and a half?

MR. WEISHAHN:

It think it was somewhere between one and one and a half million or somewhat less than that, yes.

LEG. CARACCIOLO:

Okay. And Mr. Chairman, that speaks to the essence of the point I'm making. Okay, we're not talking about the PBA here, we're not talking about a large bargaining unit where something of this magnitude would

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have a material effect on the County's finances, we're talking about a very small bargaining unit with a very small financial impact. Jack, do you know as an Assemblyman if Mr. Levy voted for a binding arbitration bill for the Deputy Sheriffs?

MR. WEISHAHN:

Yes, it is my understanding he did, yes.

LEG. CARACCIOLO:

And did that include wages and benefits?

MR. WEISHAHN:

Yes.

LEG. CARACCIOLO:

That's where the inconsistency is, Mr. Chairman, that's where the inconsistency is. Thank you.

D.P.O. CARACAPPA:

Thank you. Legislator Carpenter then O'Leary.

LEG. CARPENTER:

Thank you. Again, I'm going to reiterate that this is not -- we're not voting to go to binding arbitration, the process hasn't really begun yet. And what we're saying here is that if the County Executive that will be negotiating the contract, County Executive-Elect Levy, that if the choice is made to go to binding arbitration, we're enabling them to go to four years instead of two.

I spoke with the County Executive-Elect yesterday, he asked about this resolution and I told him I was not supportive of tabling it where we are in the process in the year, all resolutions die at the end of the year, but that I was planning to move forward with it today and try to explain to him again that this was not a mandate to go to binding arbitration. And I think that he is going to sit down and try to negotiate a contract in earnest and I think that will be a good thing for this County. I think that we have been too quick in the past, and I say we even though we as a Legislature had no part in it but that the previous administration has too often quickly gone to binding arbitration and it really isn't fair to either side.

So I think in light of the fact that this is the smallest bargaining unit of the public safety sector, as I reminded the County Executive-Elect yesterday, and that we have done it for the other bargaining units, that we need to be consistent, we need to approve this. And as Legislator Bishop challenged us, I think I for one am looking forward to working with the new County Executive. I don't know if I'm going to get in lock-step behind him as you suggested because I would just remind everyone that we are coequal branches of government and I would rather think that we are going to work alongside the County Executive-Elect.

D.P.O. CARACAPPA:

Legislator O'Leary and then Legislator Caracciolo again.

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LEG. O'LEARY:

Yes, I would like to echo my colleague, Legislator Carpenter's statements. However, I just would like to remind my colleagues that during the negotiation process there are three separate and distinct phases, that's negotiation, mediation, then arbitration. And in response to Legislator Bishop's position, I just want to state for the record that the County Executive-Elect will have every opportunity to take part in all three phases of this particular process with the Detective Investigators bargaining unit. So to say that he's not going to have any input with respect to negotiations is totally misrepresentative of the process itself.

The County Executive-Elect will have he or his representatives sitting

at the table with the Detective Investigators' representatives to negotiate a contract, and if that negotiation breaks down it goes to mediation, and if mediation breaks down then there's a filing for arbitration. And to reiterate what I said earlier, I would urge my colleagues to support this because this resolution does nothing more than grant to the Detective Investigators bargaining unit the very same length of term of arbitration award that we've granted to the three other public safety units that have been granted through this body as well.

D.P.O. CARACAPPA:  
Mike?

LEG. CARACCIOLO:

Just a final point. I think the issue of binding arbitration or the history of binding arbitration recently has changed somewhat. When you have the neighboring County Executive, Mr. Suozzi, coming out and embracing the recent arbitration award in Nassau County as he did, I think it shows that the climate is changing and a lot of it comes down to the arbitration panel; maybe the model that was used there can be used here. But nonetheless, the issue is that it's not the nemesis that everybody makes it.

This is a high cost of living area. When you subtract property taxes, income taxes and the standard of living that we in suburbia like to think our residents enjoy, you know, the salaries that our sworn personnel for what they do -- and let's never forget 9/11, it didn't happen here but we did send on a daily basis over 200 sworn personnel for many weeks to New York City to assist in the aftermath of 9/11. You know, we still live in a very dangerous world and those events may take place again and the public -- I have never heard a complaint, not one complaint about the salaries of sworn personnel, be it the villages, the towns or the County police force, not one and I have been in office 12 years.

I think there's this myth out there somehow that these individuals are over paid, just as many -- or I should say, not many, some individuals including Mr. Goldstein who was here earlier, when he was a school teacher he didn't think he was over paid but now all of a sudden everybody else is. Well, the cost of living increases, in order to maintain a standard of living that we'd like our residents to enjoy, our employees have to be compensated accordingly.

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The reality is, Mr. Chairman, that -- and I'm going to ask this question again, I'm going to raise it at every Legislative meeting so that the record is very clear. Mr. Spero, if you recall two weeks ago I requested from Fred when he was here how much of the County budget

is from unfunded State mandates; could you put on the record what that dollar amount is?

MR. SPERO:

Well, it's over a billion dollars in the General Fund.

LEG. CARACCIOLO:

One billion out of a total budget of two billion, so more than 50% of what this County has to raise to meet our obligations are put on us by the State of New York, a body of which the County-elect and his predecessor, Mr. Gaffney, were members of the State Legislature, so I'm not making this partisan. These are the facts, folks. I'd like to know what they have done and what others are going to do about taking that burden off local taxpayers. You want to know why taxes are what they are? And let's put in perspective what are County taxes in my district; 1% of a total tax bill is for the County, in west end towns it's 15%. It's school taxes that really put a dent on people and that's something that's strictly the purview of the State government, the State Legislature. Thank you, Mr. Chairman.

D.P.O. CARACAPPA:

Thank you, Legislator Caracciolo. There is a motion to table and a second. Roll call.

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

LEG. BISHOP:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

D.P.O. CARACAPPA:

To table?

LEG. TONNA:

No, no.

LEG. BINDER:

No.

LEG. NOWICK:

No.

LEG. CRECCA:  
No.

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LEG. CARPENTER:  
No.

LEG. ALDEN:  
No to table.

LEG. FIELDS:  
No.

LEG. LINDSAY:  
No.

LEG. FOLEY:  
No.

LEG. LOSQUADRO:  
No.

LEG. O'LEARY:  
No.

LEG. GULDI:  
(Not Present).

LEG. CARACCIOLO:  
You know my answer; no.

D.P.O. CARACAPPA:  
No.

LEG. O'LEARY:  
Motion to approve.

LEG. CARPENTER:  
Second.

D.P.O. CARACAPPA:  
I believe there is a motion and a second already to approve.  
All in favor?

LEG. FIELDS:  
Roll call.

D.P.O. CARACAPPA:  
Roll call.

LEG. ALDEN:  
Henry, just do Legislator once and then go through them, it saves your voice.

MR. BARTON:  
Okay, thank you.

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

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LEG. CARACCIOLO:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. COOPER:  
Yes.

LEG. TONNA:  
Yep.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
No.

LEG. NOWICK:  
Yes.

LEG. CRECCA:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. O'LEARY:**

Yes.

**LEG. GULDI:**

(Not Present).

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

Yes.

**MR. BARTON:**

14 (Not Present: Legislators Postal & Guldi).

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

It's approved.

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1890-03 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Incorporated Village of Babylon, Town of Babylon, SCTM No. 0102-018.00-01.00-022.002 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Motion by Legislator Bishop, second by Legislator Tonna. All in favor? Opposed? Abstentions?

**MR. BARTON:**

16 (Not Present: Legislators Postal & Guldi).

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

1907-03 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Incorporated Village of Babylon, Town of Babylon, SCTM No. 0102-001.00-02.00-090.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Same motion, same second.

**MR. BARTON:**

16 (Not Present: Legislators Postal & Guldi).

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

Same vote.

1908-03 - Authorizing the Director of the Division of Real Estate, Department of Planning, to issue a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Huntington, SCTM No. 0400-197.00-02.00-103.000 pursuant to Section 40-D of the Suffolk County Tax Act (County Executive). Motion by Legislator Cooper, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1918-03 - Authorizing Public Hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the construction of right turn lanes on CR 3, Wellwood Avenue, Town of Babylon, Suffolk County, New York (County Executive). Motion by Legislator Bishop, second by Legislator Binder. All in favor? Opposed?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1934-03 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (0200-526.00-06.00-032.000) (County Executive).

LEG. VILORIA-FISHER:

Motion.

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D.P.O. CARACAPPA:

Motion by Legislator Viloría-Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

We have a lot of bonds here, so let's try and pay attention.

1937A, 1937 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with alterations to Criminal Courts Building, Southampton (CP 1124) (County Executive). Motion by Legislator Foley, second by Legislator O'Leary.

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

Thank you. I would just ask for an explanation and what the dollar amount is for these alterations.

MR. SPERO:

Seven hundred and twenty-seven thousand dollars.

LEG. CARPENTER:

And what are we doing?

MR. SABATINO:

I have the details if you want. Security and safety improvements for employee facilities, juror amenities, a patio for the jurors in the courtyard and expanding the parking lot by 75 spaces, window repairs, lavatory fixtures and card access installation.

LEG. CRECCA:

It says Southampton, is this the Riverhead facility?

D.P.O. CARACAPPA:

This is right here.

MR. SABATINO:

Well, it's really in Southampton but you're right.

LEG. CRECCA:

All right, that's fine.

LEG. CARPENTER:

All right, thank you.

D.P.O. CARACAPPA:

Roll call.

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

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

(Not Present).

LEG. CARACCILO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

194A, 1942-03 - Appropriating funds in connection with the acquisition of land for the reconstruction of a portion of CR 4, Commack Road at Daly Road, Town of Huntington (CP 3301.228) (County Executive). Motion by Legislator Tonna, second by Legislator Binder. All in favor? Opposed?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1944A, 1944 - Amending the 2003 Capital Budget and Program and appropriating funds for the acquisition of land for the County share for the Westhampton Interim Storm Damage Protection Project, Town of Southampton (CP 5374) (County Executive).

LEG. FOLEY:

Explanation.

MR. SABATINO:

This is to increase the Capital Budget by \$126,000 for the Westhampton Storm Damage Project. The offset is coming from drainage improvements on Townline Road in Islip and Smithtown for safety improvements and then this would appropriate an equivalent amount to do the actual work.

LEG. FOLEY:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Roll call, I'm sorry.

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

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

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LEG. NOWICK:

Yes.

LEG. CRECCA:

Yep.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yep.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

(Not Present).

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1946A, 1946 - Appropriating Start-Up Funds in connection with the acquisition of land for the County share for the reconstruction of CR

16 Portion/Horseblock Road from CR 83, Patchogue-Mt.Sinai Road to Manor Lane, Town of Brookhaven (CP 5511) (County Executive).

LEG. TONNA:

Why don't we just motion, motion, motion, motion.

D.P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Losquadro.  
All in favor? Roll call.

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

LEG. O'LEARY:

Yes.

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LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. GULDI:

(Not Present).

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1947A, 1947 - Amending the 2003 Capital Program and Budget and appropriating funds for the acquisition of land for the reconstruction

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of CR 35, Park Avenue in the vicinity of Old Country Road to CR 86, Broadway-Greenlawn Road, Town of Huntington (CP 5519.211) (County Executive).

LEG. TONNA:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Tonna, second by Legislator Binder. Roll call.

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

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

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D.P.O. CARACAPPA:

Yep.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1948A, 1948 - Appropriating Start-Up Funds in connection with the acquisition of land for the construction of right turn lane son CR 3, Wellwood Avenue Bridge, Town of Babylon, (CP 5521) (County Executive).

Motion by Legislator Tonna, second by Legislator Bishop. All in favor? Roll call.

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

LEG. TONNA:

Yep.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

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LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yep.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1972-03 - Amending the Suffolk County Salary & Classification Plan in connection with the creation of the Title Medical Records Administrator and amending the 2003 Department of Health Services budget to include this position (County Executive).

LEG. TONNA:

Motion.

D.P.O. CARACAPPA:

Motion by Legislator Tonna. Second by Legislator Foley?

LEG. FOLEY:

No.

D.P.O. CARACAPPA:

No?

LEG. VILORIA-FISHER:

Motion to table.

LEG. LINDSAY:

I will second it.

D.P.O. CARACAPPA:

Is there a second on the approval?

LEG. CARACCIOLO:

I will second.

LEG. LINDSAY:

No, I second it.

D.P.O. CARACAPPA:

Well, there's a second on the approval. On the table, Mike?

LEG. CARACCIOLO:

Yeah.

D.P.O. CARACAPPA:  
Okay, tabling takes precedence.

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LEG. VILORIA-FISHER:  
Okay, I'd like to ask my colleagues --

D.P.O. CARACAPPA:  
Just a second, Vivian. There's a motion by Legislator Foley to table --

LEG. VILORIA-FISHER:  
No.

D.P.O. CARACAPPA:  
Viloria-Fisher to table, second by Legislator Caracciolo. On the motion, Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:  
Okay. I'm sorry, somebody had asked me --

D.P.O. CARACAPPA:  
One cycle.

LEG. VILORIA-FISHER:  
I would ask my colleagues to just table this for one cycle. I've received a lot of calls from the Public Health Nurses, there's a Public Health Nurse position that's being used as an offset for this position.

LEG. TONNA:  
I withdraw my motion.

LEG. VILORIA-FISHER:  
Thank you.

D.P.O. CARACAPPA:  
There's a motion to table and a second. All in favor? Opposed? Abstentions?

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
1972 is tabled.

1977-03 - Authorizing transfer of surplus computer equipment to the Economic Opportunity Council of Suffolk, Inc. (EOC) (County Executive).

LEG. TONNA:  
Motion.

LEG. FIELDS:  
Second.

LEG. CRECCA:  
Second.

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D.P.O. CARACAPPA:  
Motion by Legislator Tonna, second by Legislator Fields. All in favor? Opposed? Abstentions?

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
1977 is approved.

1982A, 1982-03 - Amending the 2003 Capital Program and Budget and appropriating funds for the acquisition of land for the reconstruction of CR 35, Park Avenue in the vicinity of Old Country Road to CR 86, Broadway-Greenlawn Road, Town of Huntington (CP 5519) (County Executive). Motion by Legislator Binder, second by Legislator Bishop. Roll call.

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

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. COOPER:  
Yes.

LEG. TONNA:  
Yep.

LEG. NOWICK:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

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LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1990-03 - Authorizing purchase of vehicle for County Treasurer (Crecca). Motion by Legislator Crecca, second by Legislator Binder.

LEG. CARACCIOLO:

Motion to table.

D.P.O. CARACAPPA:

There's a motion to table by Legislator Caracciolo. Is there a second?

LEG. CARACCIOLO:

Did Haley jump out of his seat?

MR. HALEY:  
Thanks, Mike.

LEG. CARACCIOLO:  
No, I'm withdrawing my motion.

D.P.O. CARACAPPA:  
There's no second. All in favor?

LEG. BISHOP:  
What are we doing?

D.P.O. CARACAPPA:  
To approve 1990. All in favor? Opposed? Abstentions?

LEG. BISHOP:  
Opposed.

D.P.O. CARACAPPA:  
One in opposition, Legislator Bishop.

MR. BARTON:  
15 (Opposed: Legislator Bishop - Not Present: Legislators Postal & Guldi).

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D.P.O. CARACAPPA:  
1992 -03 - Authorizing use of Smith Point County Park property and Cathedral Pines County Park by the Long Island 2 Day Walk to Fight Breast Cancer, Inc. For Breast Cancer Walk (O'Leary). Motion by Legislator O'Leary, second by Legislator Tonna. All in favor? Opposed?

LEG. ALDEN:  
Cosponsor, Henry.

LEG. CARPENTER:  
Cosponsor.

D.P.O. CARACAPPA:  
List Legislator Alden and Carpenter as cosponsors.

LEG. LINDSAY:  
Me, too.

LEG. BINDER:  
Cosponsor.

**LEG. FIELDS:**

Cosponsor.

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

Legislator Binder and Fields as well.

**LEG. FOLEY:**

Cosponsor, please.

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

Legislator Foley.

**LEG. LINDSAY:**

Lindsay.

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

And Lindsay.

**LEG. COOPER:**

Cosponsor.

**LEG. CARACCIOLO:**

Cosponsor.

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

And Cooper, Caracciolo, the whole place.

**LEG. LOSQUADRO:**

Cosponsor, please.

**MR. BARTON:**

16 (Not Present: Legislators Postal& Guldi).

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

2011-03 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2003 Adopted Discretionary Budget (County Executive).

**LEG. TONNA:**

Motion.

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

Motion by Legislator Tonna.

**LEG. BINDER:**

Second.

D.P.O. CARACAPPA:  
Second by Legislator Binder.

MR. SPERO:  
Mr. Chairman?

LEG. FOLEY:  
Motion to table.

D.P.O. CARACAPPA:  
Budget Review, Jim Spero?

MR. SPERO:  
There's a scrivener's error on the resolution.

D.P.O. CARACAPPA:  
Would you please just point that out to us and read it into the record.

MR. SPERO:  
On Schedule A, the second line, the object should be 1880 and not 1080.

LEG. VILORIA-FISHER:  
Jim, which one?

D.P.O. CARACAPPA:  
Paul, is that acceptable to just change the number?

MR. SABATINO:  
The second line of Schedule A, the object.

MR. SABATINO:  
Yeah, that was just a technical error.

D.P.O. CARACAPPA:  
Please let the record reflect that. There's a motion and a second.  
All in favor?

LEG. FOLEY:  
On the motion.

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D.P.O. CARACAPPA:  
On the motion, Legislator Foley.

LEG. FOLEY:  
Yeah. I don't remember the committee and I know that it's considered

housekeeping at the end of each fiscal year, calendar year, but since it's unanticipated expenses and we look at the backup, the 2010 Schedule A, there's one unanticipated expense of over \$8 million, of 1.8, 1.6, actually of 11.2 is where it comes from. What are these large ticket items that are the unanticipated expenses; could we have a description of that, please? Schedule A, mandated expense, if you look at fund -- let's go down the list, we'll take the largest one first, DSS, third from the bottom on the to side -- not the from but to -- 8.3 million, what is that unanticipated expense within the Department of Social Services?

MR. KNAPPE:

Basically if it was in years past, the DSS portions would not be included in this resolution, but because of the 10% rule for budget transfers or a hundred thousand, these items are now included as attachments so that the transfers of appropriations can be made and the Comptroller's Office can approve them.

LEG. FOLEY:

Right.

MR. KNAPPE:

These expenses actually in this resolution and the other resolutions are not unanticipated. They were a part of the estimate that the County Executive's Office submitted and that Budget Review Office wrote up about in their Budget Review Report as well as within -- if there was any changes made in the Omnibus. So they are the adopted estimates for the '03 year, so we're just covering those expenses.

LEG. FOLEY:

Could I hear from BRO on that? Not to get into a -- through the Chair, not to point/counterpoint, but is it anticipated? If it was estimated then there wouldn't have to be a transfer if this was the estimated when we approved the '03 budget last year.

MR. SPERO:

The estimated budget does not amend the adopted budget, that takes an action of the County Legislature.

LEG. FOLEY:

But when we adopted the budget we adopted it for this particular budget line for eight million less than what's been being transferred here, correct?

MR. SPERO:

Right, but the estimated cost for Medicaid is \$8 million higher than what we budgeted.

LEG. FOLEY:

All right, so --

MR. SPERO:

This resolution will actually move the money into the appropriation so it can be paid.

LEG. FOLEY:

All right. So let's say --

MR. KNAPPE:

This is the vehicle that is needed to drive.

LEG. FOLEY:

This 8.3 then is for Medicaid; is that correct?

MR. KNAPPE:

Without having -- I believe it's Medicaid and the other mandated DSS costs taken from one program and transferring it to the other one,

LEG. FOLEY:

Well, Mr. Chairman, with sufferance of the Chair, if we wouldn't mind, whether today or no latter than the next meeting, I would like to have this tabled so that we could have -- or at least one Legislator, I could have a better understanding on which budget line and which programmatic line we're transferring these monies to within DSS. Because when you look at this back page it's just numbers.

MR. KNAPPE:

If you were to --

LEG. FOLEY:

I'd like to know exactly what particular program it is and then have an explanation as to why we need to transfer this. If it's Medicaid then that's the explanation, but looking at this one page it doesn't explain that, it's just simply numbers.

MR. KNAPPE:

I certainly understand your concerns. If I could request possibly, I'll have that information for you this afternoon --

LEG. FOLEY:

That's fine.

MR. KNAPPE:

-- and we can go over it then.

LEG. FOLEY:

That's fine.

MR. KNAPPE:

Because it is too important --

LEG. FOLEY:

Absolutely.

MR. KNAPPE:

-- to make the payments to wait two weeks, we would like to get it through.

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LEG. FOLEY:

And especially if it's mandated on us to do it, all the more reason why we should know exactly where we're being mandated to pay for this, why and where we're mandated to pay these particular expenses.

LEG. CARACCIOLO:

Okay, let's pass it.

MR. KNAPPE:

I would be more than willing to go over line by line with you this afternoon.

D.P.O. CARACAPPA:

Just get that information for Legislator Foley by this afternoon so we can do it right after the public hearings, please.

MR. KNAPPE:

Certainly.

D.P.O. CARACAPPA:

Brian, is that acceptable?

LEG. FOLEY:

That's fine. Thank you.

D.P.O. CARACAPPA:

We'll skip over 2011 and 2012.

We're going to go to 1975 which was discharged earlier by myself. There's a motion by myself --

LEG. CARPENTER:

Second.

D.P.O. CARACAPPA:

Second by Legislator Carpenter.

LEG. CARACCIOLO:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Just quickly, what are the improvements? Where are the improvements; where in the building are the improvements?

D.P.O. CARACAPPA:

Excuse me?

LEG. LINDSAY:

This isn't improvements, it's salary.

LEG. CARACCIOLO:

Oh, I'm sorry.

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D.P.O. CARACAPPA:

This is the discharge. 1975-03 - Amending the Suffolk County Classification and Salary Plan, and the 2003 Operating Budget in connection with the new positions title in the Department of Public Works. There is a motion and a second to approve. All in favor? Opposed?

LEG. FIELDS:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Fields.

LEG. FIELDS:

Is this a position that is going to be filled by someone that's already there?

D.P.O. CARACAPPA:

Yes, a 25 year employee of DPW.

LEG. FIELDS:

Why now? Why not --

D.P.O. CARACAPPA:

Why now?

LEG. FIELDS:

Yeah, just wondering why now.

D.P.O. CARACAPPA:

The time is right. This was brought before Ways & Means committee, as it was scheduled to be, even the Chairman of the committee approves with this resolution. I couldn't comment on the time frame or the reason why it's now, it was just brought -- this is just the cycle that it's before us. Legislator Foley?

LEG. FOLEY:

Yeah, it's a very good question. And all of us at this time of year and with changes of administrations certain things come to our mind, however, with this particular resolution, it really is wholly and exclusively on its merits. This is Paul Campagnola who has been a long standing and outstanding member of the management of Public Works. A desk audit was conducted last -- at the beginning of last summer, he was working out of title, the middle of the summer time the department had submitted to the County Executive's Office the results of that desk audit and for whatever reason, whoever desk it landed on in the Dennison Building, they waited almost four months to submit it to us. So that's why, again, unfortunately it's being mixed in with some others that, quite frankly, should not be approved, but here's a person who certainly is highly qualified. And plus, those of us who have been around here for a little while, the position that he's, leaving is not being filled by anyone else, it's going to be eliminated, so.

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LEG. FIELDS:

Okay, that's far more information than we actually had at the Ways & Means Committee --

LEG. FOLEY:

Right.

LEG. FIELDS:

-- and I appreciate that. Thank you.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

Very good. There's a motion and a second to approve. All in favor? Opposed? 1975 is approved.

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

**Public Safety & Public Information:**

**1940A, 1940 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with improvements at Police Headquarters (CP 3122) (County Executive). 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. COOPER:**

**Yes.**

**LEG. TONNA:**

**Yes.**

**LEG. BINDER:**

**Yes.**

**LEG. BISHOP:**

**Yes.**

**LEG. NOWICK:**

**Yes.**

**LEG. CRECCA:**

**Yes.**

**LEG. ALDEN:**

**Yes.**

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**LEG. FIELDS:**

**Yes.**

**LEG. LINDSAY:**

**Yes.**

**LEG. FOLEY:**

**Abstain.**

**LEG. LOSQUADRO:**

**Yes.**

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

15, one abstention (Abstention: Legislator Foley - Not Present: Legislators Postal & Guldi). \*\*\*SEE CHANGE IN VOTE BELOW\*\*\*

D.P.O. CARACAPPA:

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

1941-03 - Appropriating funds in connection with Uninterruptible Power Supply (UPS) Systems for Computers - Police (CP 3202) (County Executive).

LEG. FOLEY:

I'm sorry, Mr. Chairman. On 1940, put me as a yes, I apologize, if you don't mind.

MR. BARTON:

\*\*\*VOTE CHANGE\*\*\* 16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1941, there's a motion by Legislator Carpenter, second by Legislator O'Leary. On the motion, Legislator Alden.

LEG. ALDEN:

Could I just have a quick explanation on this?

MR. SABATINO:

This is going to be a transfer of \$135,000 from the General Fund, it would be ten votes, to pay for computers at -- well, to pay for the backup system for computers at the Police Department.

LEG. ALDEN:

I think it was at the last -- within the last like four to six months that we actually approved, you know, some more generators which I'm not all that happy about and we didn't really look at a global

small amount of money -- but it's money going into, you know, a system that I don't think we took the proper look at this. There's at least five County buildings within a couple of hundred yards of each other in this area, and each of them now ends up with backup generators that are some kind of diesel. We didn't look at an overall system or an overall grid plan which we could have done where we could have actually sold some electricity back to LIPA possibly. And again, now we're into an uninterruptible power supply which we absolutely need, but why is this just like one thing after another without having some kind of solution to the whole problem?

LEG. FIELDS:

Good question, there's no answer.

LEG. ALDEN:

No, there probably isn't an answer because, you know, for years we've been doing this, we buy a backup generator, then we either throw it away or whatever we do with it and then we buy another backup generator. So it's millions of dollars that we spend where we could have had a plan and put in some kind of a power system or a grid that would have been clear to especially those five buildings. Now, we're going to run into the same situation up in Hauppauge in the North Complex where we're going to end up with five or six backup generators up there that we're going to throw away and a couple of years from now we're going to spend millions of dollars to buy new ones of those. So I just think that this is -- you know, this is just not the way to do business. Although we do need an uninterruptible power supply because the police -- obviously there's a safety concern for all our citizens, but this is just not the way to do business.

D.P.O. CARACAPPA:

I turn to our resident expert, Legislator Lindsay, on the electrical matter, uninterrupted power source. Please, Legislator Lindsay, could you answer?

LEG. LINDSAY:

Well, with the advent of computerization, as we computerize more and more stuff, you need UPS systems almost more and more because of our great dependency on computers. And centralized systems, self-contained generating plants that would serve a whole grid, doesn't seem to prove to be efficient and economical. Individual units for buildings seem to be the way that the industry is going.

LEG. ALDEN:

But LIPA does it, right, the big grids, they build big grids.

LEG. LINDSAY:

Yeah, I know, but --

LEG. ALDEN:

Hospitals do it when they have four or five buildings on a plant.

LEG. LINDSAY:

Yeah, but even in hospitals you'll see individual backup generators to maintain constant power in case of an outage on the grid.

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LEG. ALDEN:

But a larger hospital might have five or six buildings in their complex and they do a centralized --

LEG. LINDSAY:

Sometimes.

LEG. ALDEN:

-- large unit, I've seen it done.

LEG. LINDSAY:

Sometimes; sometimes, not all the time.

LEG. ALDEN:

I just -- I'm just --

D.P.O. CARACAPPA:

Okay. 1941, there is a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

2009-03 - Accepting and appropriating additional grant funds from the New York State Division of Criminal Justice Services to the Suffolk County Youth Bureau for the Girl Scouts of Suffolk County, Inc. (County Executive). Motion by Legislator Carpenter, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

Public Works & Transportation:

1773-03 - Approving extension of license for the South Ferry Company, Inc. (Caracciolo).

LEG. CARACCIOLO:

Motion.

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

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

**MR. BARTON:**

16 (Not Present: Legislators Postal & Guldi).

**LEG. BISHOP:**

Brian, have you investigated?

**LEG. FOLEY:**

They have a 200 year history of outstanding service.

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

1820-03 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2003 Operating Budget and Program and appropriating funds chemical bulk storage facilities for Sanitary Facilities in Suffolk County Sewer Districts (CP 8178) (County Executive). Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

16 (Not Present: Legislators Postal & Guldi).

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

1850-03 - Allocating pay-as-you-go funding for planning for the construction of noise abatement structures adjacent to Patchogue-Mt. Sinai Road, CR 83, between Granny Road and Bicycle Path, Town of Brookhaven (CP 5546.110) (Caracappa). Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

16 (Not Present: Legislators Postal & Guldi).

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

1859-03 - Authorizing public hearing for authorization of approval of Cross Bay Ferry license for Fire Island Ferries, Inc. (Presiding Officer Postal). Motion by Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

16 (Not Present: Legislators Postal & Guldi).

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

1861-03 - Authorizing public hearing for authorization of approval of lateral ferry license for Fire Island Ferries, Inc. (Presiding Officer Postal). Motion by -- same motion, same second, same vote.

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
1936-03 - Authorizing the execution of an agreement with the New York State Department of Transportation for transit Capital Assistance (County Executive). Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
1939A, 1939-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with planning for a memorial for the victims of the September 11th Terrorist Attacks (CP No. 1773) (County Executive). Motion -- actually I'll make a motion to approve -- God bless you, Legislator Losquado. Motion by myself.

LEG. O'LEARY:  
Second.

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D.P.O. CARACAPPA:  
Second by Legislator O'Leary. Any questions? Roll call on the bond.

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

D.P.O. CARACAPPA:  
Yes.

LEG. O'LEARY:  
Yes.

LEG. COOPER:  
Yes.

LEG. TONNA:  
Yes.

LEG. BINDER:  
Yes, cosponsor.

LEG. BISHOP:  
Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

Yes, cosponsor.

LEG. CARPENTER:

Cosponsor.

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LEG. FOLEY:

Cosponsor.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1945A, 1945-03 - Amending the 2003 Capital Budget and Program and appropriating funds for the acquisition of land for the reconstruction of Deer Park Avenue East, CR 66, Town of Huntington (CP 5508.211) (County Executive). Motion by Legislator Tonna, second by Legislator Cooper. Roll call.

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

LEG. TONNA:  
Yes.

LEG. COOPER:  
Yes.

LEG. BINDER:  
Yes.

LEG. BISHOP:  
Yes.

LEG. NOWICK:  
Yes.

LEG. CRECCA:  
Yes.

LEG. CARPENTER:  
Yes.

LEG. ALDEN:  
Yes.

LEG. FIELDS:  
Yes.

LEG. LINDSAY:  
Yes.

LEG. FOLEY:  
Yes.

LEG. LOSQUADRO:  
Yes.

LEG. VILORIA-FISHER:  
Yes.

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LEG. O'LEARY:  
Yes.

LEG. CARACCIOLO:  
Yes.

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

Yep.

**MR. BARTON:**

16 on the bond (Not Present: Legislators Postal & Guldi).

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

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

1949A, 1949-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with a Highway Transportation Needs Assessment (CP 5530) (County Executive). Motion by myself, second by Legislator Foley. Roll call.

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

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

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. FIELDS:**

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1950A, 1950-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with planning for a memorial for the victims of the September 11th Terrorist Attacks (CP No. 1773) (County Executive). Motion by Legislator Bishop, second by Legislator Crecca. Roll call.

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

LEG. BISHOP:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CARPENTER:

Yes.

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

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LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

16 on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

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

1956-03 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, Amending the 2003 Operating Budget, Amending the 2003 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 20-William Floyd (CP 8148) (County Executive). Motion by Legislator O'Leary, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1957-03 - Transferring Assessment Stabilization Reserve Funds to the

Capital Fund, Amending the 2003 Operating Budget and appropriating funds for Project Labor Agreement Services for Sanitary Facilities in Suffolk County Sewer District No. 3 - Southwest (CP 8180) (County Executive). Motion by Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1958-03 - Amending the 2003 Adopted Operating Budget and the 2003 Capital Budget and Program and accepting and appropriating funds in connection with the purchase of Sewer Billing Software and Hardware (CP 8182) (County Executive). Motion by myself.

LEG. CARACCIOLO:

Second.

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D.P.O. CARACAPPA:

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

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1959-03 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, Amending the 2003 Operating Budget, Amending the 2003 Capital Budget and Program and appropriating funds for Engineering Services for an Infiltration and Inflow Study in Suffolk County Sewer District No. 3 - Southwest (CP 8181) (County Executive). Motion by Legislator Bishop, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

1969-03 - Authorizing the execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 - Southwest with Superior Package, 324 South Service Road, Melville, NY, 11747 (County Executive). Motion by Legislator Binder, Legislator Tonna is the second. All in favor? Opposed?

LEG. FIELDS:

Opposed.

LEG. ALDEN:  
Opposed.

D.P.O. CARACAPPA:  
Legislator Fields and Legislator Alden are opposed. Abstentions?

MR. BARTON:  
14-2, 2 not present (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
It's approved.

1979A - A resolution authorizing the issuance of \$19,500 Serial Bonds of the County of Suffolk, New York, to pay part of the cost of the purchase and installation of Bus Shelters (CP 5651.516) (County Executive).

LEG. CRECCA:  
Motion.

LEG. VILORIA-FISHER:  
Second.

D.P.O. CARACAPPA:  
There's a little problem here.

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MR. SABATINO:  
Yeah, that should be tabled, Mr. Chairman, to allow another bill in committee to catch up.

D.P.O. CARACAPPA:  
Motion to table by myself, second by Legislator Bishop. All in favor? Opposed? Abstentions? Tabled.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
1991-03 - Appointing members to the Suffolk County Transportation Advisory Board (John Corrado, Judy Record, Robert J. Smith) (Foley).  
Motion by Legislator Foley.

LEG. CARACCILO:  
On the motion.

D.P.O. CARACAPPA:  
Motion by Legislator Foley, second by Legislator Binder. On the

motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Yes, Mr. Chairman, John Corrado, is he the owner and principal of the bus company?

D.P.O. CARACAPPA:

Yes, he is.

LEG. CARACCIOLO:

Well, I would just request that members search their memory for political contributions because my recollection is there are members on this horseshoe who have received contributions from a John Corrado and maybe they should abstain on this resolution.

LEG. ALDEN:

On the motion.

LEG. BINDER:

I proudly support him for the bill.

D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I have a question. If a member of this horseshoe actually sold part of a bus company to the Corrado Family, would they be precluded from voting on this bill?

LEG. BISHOP:

It's an advisory committee.

LEG. FOLEY:

Yeah, exactly, advisory.

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LEG. CARPENTER:

Exactly.

MR. SABATINO:

Well, there's two parts to the analysis. One, it's an advisory board but if the transaction took place prior to the creation of this board, this board was only created by legislation adopted earlier this year, then I would see no problem; if the transaction took place after the board was created, I think it would be wise to abstain.

LEG. ALDEN:

Okay. And as Mister -- Legislator Caracciolo said, is there a

statutory reason for us to abstain if we have received a contribution from any member of the three members that are proposed here?

MR. SABATINO:

There's no per se prohibition against taking a contribution and voting, it's always in a context so, I mean, each and every individual knows what that context was.

LEG. ALDEN:

Thank you.

MR. SABATINO:

I mean, I don't know the fact surrounding what took place, but you have to reach back and think about what took place before you cast a vote.

LEG. ALDEN:

For the record --

MR. SABATINO:

It's not a per se violation.

LEG. ALDEN:

And for the record, I did sell some buses, some contracts and it's more than 25 years ago, to the Corrado Family, so.

D.P.O. CARACAPPA:

That's duly noted for the record, thank you. Legislator Foley.

LEG. FOLEY:

Yeah, just finally, when we created the Transportation Advisory Board last year, we had approved the resolution and it included a for-profit company to be part of that overall advisory board simply because they're in the business and to have at least one member who's in the business on the board, we felt collectively and in a bipartisan fashion that they not only should have a voice there but they could also have a perspective on there along with the advocates for public transit.

And finally, John Corrado is widely acknowledged as an expert in this particular field and he brings a lot of knowledge and expertise that's going to help the deliberations of this board, as will Judy Record as an advocate for the physically handicapped and as will Mr. Smith who

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has done a lot in the area of veterans and the need of a number of veterans that have public transportation.

D.P.O. CARACAPPA:  
Legislator Caracciolo.

LEG. CARACCIOLO:  
Thank you. Could you just explain what the role and mission of the Transportation Advisory Board is?

LEG. FOLEY:  
Well, I would --

LEG. CARACCIOLO:  
Well, I want to make sure that these individuals won't be in conflict with the mission at hand.

LEG. FOLEY:  
No, if they were in conflict I would not have submitted a resolution, number one. But number two, if you look at both the resolution as well as the enabling legislation from last year that created the board, it speaks of all the reasons why we need to have a Transportation Advisory Board because all, particularly in the Public Works and Transportation Committee, we adhere on an ad hoc basis about different problems within public transportation.

LEG. CARACCIOLO:  
Brian, I can't hear you.

LEG. FOLEY:  
Okay.

(\*Presiding Officer Banged Gavel\*)

D.P.O. CARACAPPA:  
Brian, let's --

LEG. FOLEY:  
Not to go over the whole thing, but -- you want him to do it?

D.P.O. CARACAPPA:  
I was just going to let Paul say, is there any sort of problem, the direct question from Legislator --

MR. SABATINO:  
No. When the statute was created last year it specifically identified a role for this one individual, not this individual Corrado but for somebody from the for-profit transit industry with intent to be representation. There's a diversity of representation with the overall 14 members.

LEG. CARACCIOLO:  
I understand that.

MR. SABATINO:

And as far as what the board does, I mean, there's a list of about 15 or 16 things, but the general idea is for them to try to help the County develop a County-wide transportation policy. I mean, it talks about a level of detail that --

LEG. CARACCIOLO:

Okay, but that's my concern. Now you have a principal of a bus company, and a major one at that, on this board; could he not influence decision making and outcomes that somehow will personally benefit his company and his operation?

MR. SABATINO:

I think that issue was resolved when Resolution 947 of 2002 was adopted because a roll for somebody in a for-profit transit industry was created, so it's not about this resolution because it could be John Smith, it could be Mary Jones.

LEG. CARACCIOLO:

I understand.

MR. SABATINO:

The issue about having at least one person out of the 14 represent that portion of the Trans --

LEG. CARACCIOLO:

Okay, so it's a 14 member board and this individual is just one, got it. Okay.

D.P.O. CARACAPPA:

Legislator Lindsay, anything further?

LEG. LINDSAY:

Yeah, I just wanted to make Legislator Caracciolo aware that this is a common practice. We have a number of occupational licensing boards where people operate within an industry that have expertise in the industry actually sit on the board. So I don't think this is uncommon because of that prior practice.

D.P.O. CARACAPPA:

Okay. We're all set? There's a motion --

LEG. CARPENTER:

On the motion.

D.P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I just wanted to just get clear, is this a salaried position?

LEG. FOLEY:

No.

LEG. CARPENTER:

Okay. It's a volunteer advisory, okay.

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MR. SABATINO:

No, there is no compensation.

D.P.O. CARACAPPA:

No, no compensation. There's a motion and a second to approve. All in favor? Opposed?

LEG. TONNA:

I'm going to abstain.

D.P.O. CARACAPPA:

One abstention, Legislator Tonna.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

It's approved.

MR. BARTON:

15.

D.P.O. CARACAPPA:

2007-03 - Appropriating funds in connection with intersection improvements on CR 19, Patchogue-Holbrook Road at Old Waverly Avenue, Town of Brookhaven (CP 5040.310) (Foley). Motion by Legislator Losquadro, second by Legislator Foley. Roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

**LEG. COOPER:**  
Yes.

**LEG. TONNA:**  
Yes.

**LEG. BINDER:**  
Yes.

**LEG. BISHOP:**  
(Not Present).

**LEG. NOWICK:**  
Yes.

**LEG. CRECCA:**  
(Not Present).

**LEG. CARPENTER:**  
Yes.

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**LEG. ALDEN:**  
Yes.

**LEG. FIELDS:**  
Yes.

**LEG. LINDSAY:**  
Yes.

**LEG. VILORIA-FISHER:**  
Yes.

**LEG. O'LEARY:**  
Yes.

**LEG. CARACCILO:**  
Yes.

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

**LEG. CRECCA:**  
Henry, yes.

**LEG. BISHOP:**  
Yes.

LEG. FOLEY:

Thank you.

MR. BARTON:

16, two not present on the bond (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

Moving on to Sense Resolutions:

Sense 63-2003 - Sense of the Legislature resolution expressing support for KeySpan/American National Power, Inc., Joint generating plants (Cooper). Motion by Legislator Cooper.

LEG. TONNA:

Second by myself and cosponsor.

D.P.O. CARACAPPA:

Second by Legislator Tonna and cosponsor. All in favor?

LEG. BISHOP:

Explanation.

D.P.O. CARACAPPA:

This is a resolution expressing support for KeySpan/American National Power, Inc., joint generating plants.

LEG. VILORIA-FISHER:

Where is it?

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LEG. TONNA:

It's going to be on Spagnoli Road, or one of them.

LEG. VILORIA-FISHER:

Oh, this is the Spagnoli plant?

LEG. TONNA:

Yeah, in my district.

LEG. VILORIA-FISHER:

Okay.

LEG. TONNA:

Right in my district.

MR. SABATINO:

One's in Melville and one's in Yaphank, it's two.

D.P.O. CARACAPPA:  
All in favor? Opposed?

MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
Sense 64-2003 - Memorializing Resolution by the Suffolk County Legislature calling for additional Congressional funding to provide continuing WTC 9/11 medical services and checkups (Lindsay). Motion by Legislator Lindsay.

LEG. LINDSAY:  
I'm going to withdraw that resolution.

D.P.O. CARACAPPA:  
That is withdrawn.

LEG. LINDSAY:  
The funding has already come down so the resolution is moot.

D.P.O. CARACAPPA:  
Sense 67-2003 - Memorializing Resolution requesting the State of New York Department of Transportation to raise the speed limit on the Long Island Expressway (LIE) (Caracciolo). Motion by Legislator Caracciolo.

LEG. CRECCA:  
Second.

D.P.O. CARACAPPA:  
Second by Legislator Crecca. This is to raise the speed limit to 65.

LEG. CRECCA:  
That's it?

LEG. TONNA:  
That means I can go 75, that's great.

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D.P.O. CARACAPPA:  
On the motion, Legislator Losquadro.

LEG. LOSQUADRO:  
Is there a stipulation as to what portion of the Expressway this would be on?

LEG. CARACCIOLO:

I believe Senator Trunzo sponsored a piece of legislation in Albany that requires the New York State DOT to conduct a study as to determine the speed limit on the LIE as well as other State roadways that many feel are not in conformance with daily practices and increasing the efficiency of commuting for local residents. So that's, in essence, what this resolution, Memorializing Resolution requests, that the State DOT do that study and make a determination or recommendation to the State Legislature and if in their wisdom they approve it, we're demonstrating our support for raising the speed limit.

D.P.O. CARACAPPA:

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

LEG. FOLEY:

Opposed.

LEG. FIELDS:

Opposed.

D.P.O. CARACAPPA:

Opposition, Legislator Foley, Fields. Abstentions? Sense 67 is approved.

MR. BARTON:

14-2, two not present (Not Present: Legislators Postal & Guldi).

Sense 68-2003 - Memorializing Resolution requesting Federal government to reimburse Suffolk County for Homeland security costs at Long Island McArthur Airport (Caracciolo). Motion by Legislator Caracciolo, second by Legislator Alden. All in favor? Opposed? Abstentions?

LEG. FIELDS:

Cosponsor.

LEG. CRECCA:

Cosponsor.

D.P.O. CARACAPPA:

Cosponsor by Legislator Crecca, Alden, Carpenter and Fields.

CN 2090-03 - Authorizing certain technical correction to Adopted Resolution No. 861-2003. Motion by Legislator O'Leary, seconded by Legislator Losquadro. This is just a technical correction. All in favor? Opposed? Abstentions? It's approved.

I'd ask for ten more minutes of indulgence from my colleagues so that we can do the warrants.

MR. BARTON:  
16 on the CN (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:  
Do you have a motion, Legislator Carpenter?

LEG. CRECCA:  
What about 2010, 11, 12?

LEG. ALDEN:  
Joe?

D.P.O. CARACAPPA:  
We're going to go back to those after lunch.

LEG. ALDEN:  
Joe, strategically you might want to do the warrants at like 2:30 for strategic purposes.

LEG. LINDSAY:  
We've got to come back anyway, right?

LEG. ALDEN:  
Wait a minute, though. Why would we have to come back?

D.P.O. CARACAPPA:  
Well, we have important resolutions we skipped over.

LEG. ALDEN:  
Let's take a bet on how many people come back for public hearings.

D.P.O. CARACAPPA:  
We still have time. Legislator Caracciolo?

LEG. CARACCIOLO:  
I requested earlier from Budget Review the Melvins; do we have the Melvins, Fred?

MR. POLLERT:  
Yes, they're being photocopied now; there he is, he has a copy.

LEG. CRECCA:  
The Melvin is here.

LEG. CARACCIOLO:  
This is what shows the town by town tax impacts.

LEG. CARPENTER:  
In the meantime --

D.P.O. CARACAPPA:  
Let's just start and you guys review the Melvins.

Resolution 2079-02 - Levying unpaid water rents. Motion by myself,  
second by Legislator Tonna. All in favor? Opposed? Abstentions?

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MR. BARTON:  
16 (Not Present: Legislators Postal & Guldi).

2080-03 - Implementing budget, staff and taxes for Fiscal Year 2004  
(Mandated). Motion by Legislator Tonna, second by myself. All in  
favor? Opposed?

LEG. CARACCIOLO:  
Opposed.

LEG. BINDER:  
Opposed.

D.P.O. CARACAPPA:  
Opposed, Legislator Caracciolo and Legislator Binder. Abstentions?

LEG. FOLEY:  
What resolution?

D.P.O. CARACAPPA:  
That's 2080.

LEG. VILORIA-FISHER:  
What page are you on?

D.P.O. CARACAPPA:  
This is the cover sheet.

MS. BURKHARDT:  
It's in the other folder.

LEG. VILORIA-FISHER:  
Oh, okay. Thank you.

MR. BARTON:  
That's 14-2

D.P.O. CARACAPPA:

There's a motion and a second. You got the vote on 2080?

MR. BARTON:

Yes, 2080 is 14-2 and two not present (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

2081-03 - Implementing budget, staff and taxes for the Fiscal Year 2004 (Discretionary). Motion by myself, second by Legislator Carpenter. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

D.P.O. CARACAPPA:

Legislator Caracciolo, Legislator -- no, Legislator Binder?

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MR. BARTON:

15.

D.P.O. CARACAPPA:

And Legislator Binder is a no.

MR. BARTON:

14-2, two not present (Not Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

2082-03 - Authorizing that the tax warrants for fiscal Year 2004 be signed by the Presiding Officer and the Clerk of the County Legislature and that they be annexed to the tax rolls for the collection of taxes. Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstention?

MR. BARTON:

16, two not present (Not Present: Legislators Postal & Guldi).

LEG. BINDER:

No.

MR. BARTON:

No to signing them?

LEG. BINDER:

Sure.

MR. BARTON:

Okay. 15, one wants to save my hand (Opposed: Legislator Binder - (Not

Present: Legislators Postal & Guldi).

D.P.O. CARACAPPA:

All right, just a quick reminder, we do have Public Hearings, we have an executive session as well following the Public Hearings and to be followed by a few resolutions that we've skipped over on the agenda. And late starters.

LEG. TONNA:

What's executive session?

LEG. ALDEN:

Executive session is on your pay, so anybody that doesn't want to come back --

D.P.O. CARACAPPA:

It's on the Vector Control.

LEG. CARPENTER:

Just a moment, please. I just want to make a motion -- I just want to make a motion to discharge and let age for the purpose of approving one hour 1975, it's a technical correction. No, it's not 1975.

D.P.O. CARACAPPA:

1975 has been done, it's the other one.

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LEG. CARPENTER:

All right, they're doing a CN and I'm just hoping that we have 12 people here.

LEG. NOWICK:

I'll be here.

[THE MEETING WAS RECESSED AT 12:33 P.M.]

[THE MEETING WAS RECONVENED AT 2:30 P.M.]

D.P.O. CARACAPPA:

I'd like to call the meeting to order. Mr. Clerk, are the affidavits of publication, they've been filed and are in proper order?

MR. BARTON:

Yes, they are, Mr. Chairman.

D.P.O. CARACAPPA:

Thank you. We're going to go to the public hearing portion of today's meeting. First public hearing before us is Public Hearing with regard

to 1801-03 - A Charter law creating Taxpayer Office of Inspector General. The first card, first speaker is Suffolk County Comptroller, the Honorable Joseph Sawicki.

MR. SAWICKI:

Good afternoon, Ladies and Gentlemen, Presiding Officer Postal, Deputy Presiding Officer Joe Caracappa. As you mentioned earlier, I'm here to address 1801, the proposed Charter Law creating the Taxpayers Office of Inspector General. It's my belief that this proposed law, perhaps well intentioned on the surface, is completely and totally unnecessary and duplicative in nature. Our County government simply does not need such a super agency to preempt all other investigatory bodies. There is no public outcry anywhere for another layer of government, for another department or other agency to duplicate what we already have in place on a County, on a State and even on our Federal levels, especially when the estimated start up cost -- and this is just the start up cost -- exceeds \$800,000 annually.

As an example, you already know we have the Department of Audit & Control which is headed by myself as the County Comptroller. Our charge is to be the County's chief auditing authority and that's established by the County Charter. Our Audit Division already performs many of the functions identified in the proposed resolution such as ferreting out fraud, waste and abuse. We are responsible for audits of County operations, contract agencies and we perform reviews and evaluations of the management of the departments and those agencies and we offer recommendations as to how to operate in a more fiscally prudent manner. And incidentally, I'm proud of our Audit Division since we now have ten CPA's all professionally licensed, as you know, by the State Education Department.

Since I have taken office back in January, I made it a priority to establish an active working relationship with our District Attorney. Our auditors work with the DA and his staff whenever we detect a hint of possible corruption. The DA and I feel strongly that by working

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together we can provide that necessary fiscal oversight of the monies that are spent by the County and we do this all for our common boss and that's the Suffolk County taxpayer.

The District Attorney -- and Mr. Spota, the Honorable Tom Spota is here with us this afternoon -- he has the Public Integrity Unit to investigate and prosecute those cases that have violated the public trust or those officials who have misused their office. As I'm sure Mr. Spota will point out to you, between his investigators and ADA's, they all have been extremely aggressive, as we all know, in weeding out corruption from one end of our County to the other.

Looking at the State level, we have a State Comptroller who has teams of auditors and a State Comptroller who even not only has auditors, they have an Office of Investigations whose investigators accompany their auditors whenever necessary. As a matter of fact, the State Comptroller, as we all know, is now examining the Employee Medical Health Plan of this County. We also have a very active and aggressive State Attorney General, also with investigatory and prosecutorial powers. We then have a State Commission of Investigations to, "investigate matters of public safety and public justice, investigating areas also of fraud, corruption and mismanagement in State and local government." We have the Suffolk County Ethics Commission, the New York State Ethics Commission, the New York State Police and our own County Police Department all with investigatory powers. On top of all this, we have the United States Attorney's Office for the Eastern District with a Long Island office right in Uniondale. And of course, we have the Suffolk County Legislature, all of you who possess oversight responsibilities and powers. As a matter of fact, as you know, recently you've directed our department to conduct audits of the Department of Real Estate, the Department of Parks and even the Employees Medical Health Plan just to name a few over the recent years, so.

But a very critical and noteworthy point concerning all these departments that I just mentioned, the DA, the Comptroller, the State Attorney General, the State Comptroller and even you as the County Legislature, is that we are all independently elected by the people of this County and we answer to no one except the taxpayers. And that is what our -- and that is what and why our County Charter and State Constitution called for and for just and sound reasons.

In contrast, this proposal of creating the Inspector General heading this super agency, as I like to refer to it, is an appointed position. And we all know what happens to appointees or appointments in government and they're often the result of a process called politics, and there's nothing wrong with that process called politics. But I shutter to think what a political appointee could do once he or she is given such monumental investigatory powers. I believe we owe it to the citizens of this County, of our County to allocate taxpayer dollars prudently. Creating a new layer of government to duplicate the responsibilities of many other departments and agencies provides no added benefit and therefore it is not prudent, it is actually squandering our taxpayers dollars. Therefore, I strongly urge you not to adopt that resolution. Thank you.

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D.P.O. CARACAPPA:

Thank you, Mr. Sawicki. Next speaker is the Honorable Tom Spota, the

District Attorney of Suffolk County.

D.A. SPOTA:

Thank you very much. Ladies and gentlemen of the Legislature, first of all, I want to thank you for affording me the opportunity to speak before you today. And I'd like to echo and adopt the remarks of our County Comptroller, Joe Sawicki.

In my view, the proposed Charter Law creating the Taxpayer Office of Inspector General is completely unnecessary and an attempt to duplicate investigative functions that can be accomplished by those law enforcement agencies which truly have investigative powers. Certainly, the District Attorney's Office has full investigative powers to accomplish everything that this proposed law seeks. And as Comptroller Sawicki has stated, my office is working in close conjunction with his office on a number of significant investigations and we have worked together in the past. By working together we can provide the tough aggressive financial and legal investigation that this proposed law seeks. Moreover, if we can't accomplish it, certainly we have many other investigative agencies in the State, the County and on the Federal level such as the State Attorney General, the State Comptroller, and on the Federal level the United States Attorney's Office and the law -- Federal law enforcement, all of whom are available if the need arises.

Indeed, Mr. Sawicki and I requested just recently the assistance of the State Comptroller in the EMHP matter and his auditing staff, after finding the audit by the firm hired by the County to be totally inadequate. But I have certain additional concerns about this resolution. While the resolution seeks to allow allegations of criminality to be investigated, the proposed resolution does not even require the Inspector General or, for that matter, the Deputy Inspector General to have any experience in criminal investigations. But if you look at your proposed resolution, it states in pertinent part that there is a requirement of five years of legal experience in the civil and/or, and/or criminal investigations. And I would strongly suggest that if this law were enacted, I would hate to think that somebody who has never had any experience in the criminal arena would be conducting investigations of the magnitude that this law calls for.

Far more importantly as far as the DA's Office itself is concerned, I can state to you with absolute certainty that there will be a legal challenge by my office if and when the resolution is enacted into law. Section 50-(4)(B) which is entitled "Restrictions" precludes the DA's Office from investigating or prosecuting any County employee for allegations or founded violations of law, and even goes so far as to restrict a Grand Jury from conducting any such investigation, another law enforcement agency from conducting an investigation or any other prosecutorial agency such as the State Attorney General, the U.S.

Attorney or anybody else from investigating or prosecuting a crime unless and until the Inspector General refers the matter to us.

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Let me read to you the first paragraph of Section 50-(4)(B).

"Notwithstanding anything herein contained to the contrary, this law shall not be construed to prevent investigation or prosecution of any County employee for alleged violations of law by a duly constituted court having jurisdiction, a Grand Jury, a District Attorney, another law enforcement agency or any other pertinent prosecutorial agency after referral by the office," and the office is defined as the Suffolk County Taxpayer Office of Investigator General, to that pertinent prosecutorial agency. The very last sentence of that same paragraph says, "Nothing contained herein shall be construed as preventing parallel investigations by appropriate authorities or agencies of any County employee for alleged violations of law."

Now, that in and of itself is absolutely contradictory and I, quite frankly, just don't understand it. But what I did do is I went to the memorandum of your Legislative Counsel. I know there has been a change or an amendment to the proposed -- the resolution that's now before you but I don't have -- and I've requested it, I don't have any other change in the memorandum of your Legislative Counsel so I would rely upon the one that was given to me. In it he clearly states that the clear-cut intention of this legislation is as follows; once the Inspector General has undertaken an investigation against a member of a Police Department or the DA's Office, the County Executive, department heads and the Police Department are precluded, are precluded from conducting a simultaneous investigation until the Inspector General has completed his investigation under Section 50-4(A). So the clear-cut import of this is that the proposed resolution attempts to stop the DA's Office, a Grand Jury or, for that matter, anybody else from conducting investigation until the IG has had an opportunity to conduct it and then may see fit to refer it to us.

Although -- it goes on to say, "Although constraints have been imposed on simultaneous investigations, Section 50-(4)(B) permits the investigation of prosecution of alleged violations by law enforcement officers by an appropriate judicial forum, a Grand Jury, a District Attorney or a Police Department only at the conclusion of the Inspector General's investigation. Since significant powers of elected officials such as the DA, the County Comptroller, the County Executive and members of this body of the Legislature will be curtailed by the adoption of this legislation, Section 8 contains provisions which convert the permissive referendum requirement of Section 34-4 of the New York Municipal Home Rule Law into a mandatory referendum to be held at the next General Election. Now, what that

means to me is that your Legislative Counsel is not even sure if this law is constitutional or not.

D.P.O. CARACAPPA:

Mr. Spota, I'm sorry to cut you off. Your time expired some time ago but there are questions from members of the Legislature; would you be willing to take some questions at this point in time?

D.A. SPOTA:

Could I just finish one more thing?

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LEG. CARACCIOLO:

Absolutely, go right ahead, just sum up.

D.A. SPOTA:

In my view, the resolution is a clear-cut attempt to abrogate the powers of the DA's Office granted by the New York State Constitution, the New York State County Law, Penal Law, Criminal Procedure Law and other laws. Simply put, this is an unconstitutional curtailment of the powers of the DA's Office since I am a constitutional officer under the New York State Constitution. I had some more to say but I can incorporate it into whatever questions you might have.

D.P.O. CARACAPPA:

Your answers, right, correct. Legislator Binder has a question.

LEG. BINDER:

Thanks. To evaluate this versus what we have now, I just want to get an idea of let's say the system that we have now, the way it would work. If let's say the DA's Office got wind of a public official, there was a question.

D.A. SPOTA:

That was what?

LEG. BINDER:

If the DA's Office got wind of a question about a public official in some capacity doing something.

D.A. SPOTA:

Yes, uh-huh.

LEG. BINDER:

At what level would an investigation start? In other words, would it be because somebody goes over to the District Attorney and whispers in your ear, "Hey listen, I heard this," or would it be more -- it would

have to have some substance, it would have to be some background? And then what would you do at that point? Let's say you heard it, let's make an assumption.

D.A. SPOTA:

Okay. Yeah, I'll give you a perfect example of it.

LEG. BINDER:

And then what do you do?

D.A. SPOTA:

Let me give you an example of what would happen under this proposal and what we would do, and I'll give you something that occurred within the last year. We received information from a civilian with respect to a Police Officer in Suffolk County who was abusing drugs and possibly selling controlled substances. What we did was we --

LEG. BINDER:

Let me ask you about the information. I mean, anybody can accuse anybody, you can have a grudge.

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D.A. SPOTA:

Absolutely.

LEG. BINDER:

Maybe it could be a neighbor of the police officer.

D.A. SPOTA:

Right.

LEG. BINDER:

So at what level would you feel comfortable that you heard something that would launch you into an investigation?

D.A. SPOTA:

What we did was -- I'll tell you exactly what we did, we determined from the information that was given to us that there was sufficient corroboration -- and I'm not going to go into everything that it was, but I will say that there was electronic surveillance and other matters that came to our attention. The Police Department, Commissioner Gallagher and myself, we did some additional electronic surveillance and we determined that indeed there was some substance to the allegations. What we then did is we used covert techniques, we employed the assistance -- and I say we, I'm talking about Commissioner Gallagher and myself -- we employed covert techniques, we obtained the assistance of the New York City Police Department using I think seven of their undercover police officers. We actually engaged

the subject in conversation, there were sales of narcotic substances made to the undercover police officer, we went up on wires and we ultimately expanded the investigation to the point where it led to the arrest of four police officers, two from the State Police, a Suffolk County Police Officer and a New York State Police Officer.

Now, what would happen under this, as I see it, under this proposed resolution or bill or law, whatever it may be, is that -- assuming I'm interpreting this correctly, and I have to look to the Legislative memorandum. What would happen is that we would be precluded from any investigation, the Inspector General would call for -- I guess they would actually speak to the police officer because they don't have the powers that we have, the electronic surveillance powers and the wiretapping provisions of the law, and of course obviously they would tip the police officer, the target of the investigation, into the fact that they were investigating him; and there goes the entire investigation, that ends it right there, and I don't see why or how.

LEG. BINDER:

So one of the differences that -- if it comes to you, you're not going to make the call yourself, you're not going to get on phone and you're not -- you'll hand it to your staff and you'll have people on your staff doing an investigation rather than in an IG situation, the IG will probably do with his staff on a personal basis rather than hold -- and another question is the level of --

D.A. SPOTA:

We -- to maybe further clarify, certainly I'm not going to make the determination. I will say that in that particular --

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LEG. BINDER:

No, but I mean even redo the investigation itself.

D.A. SPOTA:

Yeah, we have undercover cops.

LEG. BINDER:

Right, you have staff to do that kind of thing, right.

D.A. SPOTA:

We have trained police officers on our staff, we have our main partner, the Suffolk County Police Department and their police officers.

LEG. BINDER:

Well, you wouldn't do it, I mean, you're the DA; right, you don't have the time to do that.

D.A. SPOTA:

Yeah, yeah. But we did employ police officers -- well, actually because of this, the sensitivity of this police investigation, using the Suffolk County Police Officers, one of the officers was a Suffolk County Police Officer, we decided rather than use our own undercover Police Officers who he may know, thankfully we went to the New York City Police Department and they supplied undercover officers.

LEG. BINDER:

So in a sense, it would be improper for an IG to do it not -- in other words, without professional staff, the IG getting on the phone themselves would be an improper way to conduct the investigation probably.

D.A. SPOTA:

Well, it just makes sense. I mean, if you were the target of the investigation and I came to you as an IG and said, "Hey, we're looking at you, we want to talk to you about the -- we got a tip that you're using and selling drugs," what do you think is going to happen?

LEG. BINDER:

Right, or if they went to someone else but they might not conduct a proper investigation.

D.A. SPOTA:

Yeah.

LEG. BINDER:

The other question I guess is the level of information that they might go on. Do you see a different level of information that might trigger the investigation? Where you as a District Attorney might require a certain level of corroboration, a certain level of information before you would start an investigation, or not you yourself but your staff, versus what an IG would do on, let say, an anonymous tip or hey, they know somebody, somebody comes to them, they know them and they say, "Look, I heard this," and they might just go off and do that and that's a problem.

D.A. SPOTA:

Well, it's a real problem because, again, they're using the -- maybe I -- I hope I'm understanding your question correctly.

LEG. BINDER:

No, it's just -- right, if the level of information might not be highly corroborated they just -- let's say somebody comes to the IG, he knows somebody and they say, "Wow. Really? Let me see," and they

start an investigation, it might not be based on a high enough level of information to make it a decent investigation and actually might put us in -- or could have put us in a compromising position that the County started an investigation on something that really didn't have a lot behind it.

D.A. SPOTA:

Well, let me tell you this. From what I see, I mean, we get I can't tell you, countless numbers of anonymous letters or letters with authorship that we investigate all the time. Now, some investigations need go no further than talking to the person and you can tell right away that this is just some disgruntled taxpayer or that there isn't just -- there's nothing to it, you see. We do that and we have that ability to do that. We have police officers in our employ, we have prosecutors who have been doing this for years and years and years and they can pick these things out right away. Whereas if you have this IG and they literally, going down the list of agencies which is virtually every agency in the entire County, I could tell you your \$800,000 appropriation is going to be about \$80 million in short order; I'm exaggerating of course, but it's going to be far, far, far more than that.

LEG. BINDER:

Thank you.

D.A. SPOTA:

Sure.

D.P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

How are other municipalities -- for example, New York City, New York State -- able to resolve these differences and still be able to prosecute effectively with Inspector General's Offices in place? I don't see that it's that much of a hinderance in other parts of the State or the country.

D.A. SPOTA:

Well, I don't know, I think the City of New York has something similar to an Inspector General and I truly don't know what their powers are; I can't answer that question. I don't know if they have -- what investigative powers they do have. I do know that often times they will refer matters directly without investigating where they feel that there is some allegation of criminality.

LEG. LOSQUADRO:

Okay. I'm not saying that there's wording in here, I haven't had a

chance to go through it completely, that might not need some changing, but Inspector General's Offices are able to coexist with other prosecutorial bodies.

D.A. SPOTA:

They may coexist but they don't preclude them. I don't imagine anybody is going to tell the Manhattan DA's Office -- let me just finish.

LEG. LOSQUADRO:

Correct. No, but I was just saying that they are able to coexist in other areas.

D.A. SPOTA:

Well, I don't know what you mean by coexist, but they certainly are not going to preclude the Manhattan District Attorney from taking a case initially that they may -- that the Taxpayer General may be investigating. I don't know what they call them in the city, there is an agency though.

LEG. LOSQUADRO:

Thank you.

D.P.O. CARACAPPA:

Legislator Vioria-Fisher.

LEG. VILORIA-FISHER:

I haven't read -- I may not have read this as carefully as I should have, but I can't find the reference to which you refer that says that your office would be precluded from initiating an investigation; can you point that out to me?

D.A. SPOTA:

Yeah, it's B, "Notwithstanding anything herein contained to the -- "

LEG. VILORIA-FISHER:

Can you just tell me where it is?

D.A. SPOTA:

50-(4)(B).

LEG. VILORIA-FISHER:

Oh, 50-(4), okay.

D.A. SPOTA:

(B).

LEG. VILORIA-FISHER:

(B).

D.A. SPOTA:

Yeah, just read the first sentence.

LEG. VILORIA-FISHER:

It says, "Shall not be construed to prevent investigation or prosecution."

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D.A. SPOTA:

After referral, after referral by the office to that pertinent prosecutorial agency.

LEG. VILORIA-FISHER:

Oh, I see, the after referral is what constitutes that pecking order, so to speak.

D.A. SPOTA:

Right.

LEG. VILORIA-FISHER:

Okay. Thank you, Tom.

D.A. SPOTA:

Sure. There is another provision in here below which seems to be contradictory but I just, quite frankly, don't understand it. The very last sentence.

LEG. VILORIA-FISHER:

Yeah, the last sentence which is, "Nothing contained herein shall be construed as preventing parallel investigations."

D.A. SPOTA:

Right. Now, that's why I said before, then you have to go -- it's absolutely contradictory.

LEG. VILORIA-FISHER:

I had just missed the first reference so I wasn't certain why you said it would preclude.

D.A. SPOTA:

That's quite all right. If you go to your Legislative memorandum, you'll see in there that he definitely says that the intent of this legislation is to preclude not only my office but a Grand Jury or any other prosecutor's office from conducting an investigation until such time as the Inspector General has concluded his investigation and referred it over.

LEG. VILORIA-FISHER:

Yes.

D.P.O. CARACAPPA:

Legislator Caracciolo?

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I want to take this opportunity to thank District Attorney Tom Spota for sharing his thoughts about this proposal. Tom, as you know, you and I have had some telephone conversations and I appreciated --

D.A. SPOTA:

Yes, absolutely.

LEG. CARACCIOLO:

-- some of the concerns that you raised in the past as well as those

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that you're raising today. And as I indicated then, this is a work in progress, this is by no means a definitive product that I intend to proceed with. The purpose of this hearing and others will be to elicit from you and the public and other jurisdictions that have Inspector Generals --

D.A. SPOTA:

Yes.

LEG. CARACCIOLO:

-- insight as to how to make one work here in Suffolk County.

Counsel, I want to address one of the concerns Mr. Spota raised today and that is the preclusion for the invasion of the constitutional requirements he has under the New York State Constitution as a constitutional officer. Are there any issues here that raise to the level that would interfere, prohibit and outright take away from the District Attorney those powers or conflict? I mean, if there's a conflict I'm willing to address conflicts and work those interagency issues out with the District Attorney having the preeminent role, as the Constitution indicates, to investigate and bring to justice, if you will, those individuals who violate the law. It was never my intention to supercede that constitutional right that you have.

D.A. SPOTA:

And you've mentioned that to me, absolutely.

LEG. CARACCIOLO:

And I have. The concerns you raised with regard to the Police Department, I think we've pretty much worked those out.

D.A. SPOTA:

Well, for the most part, yeah.

LEG. CARACCIOLO:

For the most part.

D.A. SPOTA:

There are some provisions in here that may --

LEG. CARACCIOLO:

Right. I indicated to you that I was willing and was going to advise Counsel to exclude your office from the auspices of the Inspector General.

D.A. SPOTA:

All right. Now, could I -- and can I just expand upon that?

LEG. CARACCIOLO:

Sure.

D.A. SPOTA:

You're absolutely correct and I don't mean in any way for anybody to think to the contrary. Legislator Caracciolo and I have had a number of discussions on this, I asked him to eliminate, the original bill dealt with the Sheriff's Department, any police agency in the County

of Suffolk, special municipal districts which essentially could be fire departments; that's still in there, but they did eliminate the Police, the Sheriff but for some reason didn't eliminate the DA's Office. And quite frankly, this was on I think a week or two ago for a public hearing and I indicated I wasn't going to come, you were down in Florida and I was under the impression that this was going to be tabled again and I was told today it's not going to be tabled, there is going to be a public hearing so that's why I'm here.

LEG. CARACCIOLO:

Well, as the sponsor I would have been able to tell you it is going to be tabled because, as I said, it is a work in progress.

I think the point made by Legislator Losquadro is a good one and it's the reason why I intend to table. In New York City it is the Department of Investigations that pretty much has the function.

D.A. SPOTA:

Yeah, that's what it's called.

LEG. CARACCIOLO:

-- of what an Inspector General has and the Federal Government in almost -- well, the majority of State Governments have Inspector Generals and there are a number of County governments that have Inspector Generals.

D.A. SPOTA:

Okay.

LEG. CARACCIOLO:

Given the focus of the County Executive-Elect on weeding out fraud, abuse and corruption in County government, I think this very much dovetails a direction he would like to see undertaken with respect. You are already doing I think an yeoman's job of going after criminal prosecutions and getting a lot of good convictions. You have a limited staff, you have a limited budget. It would appear to me that the focus of an Inspector General's Office would be one more of going after internal administrative waste, fraud and abuse. Now, I know the County Comptroller is going to speak, I see a statement that he has prepared -- I'm sorry, has spoken -- and I'm less inclined to be sympathetic towards his objections to the bill than I am to some of yours. But with that said, I think there really has to be a separation of powers in County government, just as there is, as I said, in a number of states and in every agency of the Federal government where you have Inspector Generals.

Simply put, Legislator Cameron and I can cite instances where we've gone to the County Comptroller's Office -- not this office under Mr. Sawicki but his predecessor -- and we have cited, as you know I have already with you, a number of instances where I think there's either criminal wrongdoing or something else taking place and that office has failed the people of this County dismally. And I'm not saying that would be the direction under Mr. Sawicki's leadership, I just want to separate, you know, those functions. He has a very important function under County law and I want to see him continue to focus on that. I think some of the recent examples that he's been in

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the press and he should be given credit for like the College President issue and so forth are good examples of the type of leadership he brings to that job. But I don't really see any issue with us creating a small Inspector General's Office to go out there and uncover within a County government that has a \$2 billion a year budget and employs over 11,000 people and where I as an individual Legislator and perhaps others over the years have heard complaints from citizens that their complaints have fallen on deaf ears within existing agencies of County

government.

LEG. TONNA:  
Joe?

LEG. CARACCIOLO:  
So just to give some perspective --

D.A. SPOTA:  
All right, let me just -- there are two things I just want to say. Whether you do that or not, my primary concern, and setting aside I think it's duplicative, but we may disagree on that, that's fair game for both of us, fair comment.

LEG. CARACCIOLO:  
Right.

D.A. SPOTA:  
And I'm not so sure you're not right. I will -- absolutely I object to anything that precludes or tries to estop the constitutional authority of the District Attorney's Office.

LEG. CARACCIOLO:  
And I'm with you on that, I'm with you.

D.A. SPOTA:  
Thank you. And secondly, I just want to say, I want to put my little plug in for Joe Sawicki and his office. We have worked very, very well together. Whatever the other people did while they were in those offices I'm not going to comment upon, but I will say that we have worked just terrifically together, he's been a great asset to our office.

LEG. CARACCIOLO:  
Okay. Counsel, could you just answer that question about the preclusion?

MR. SABATINO:  
No, there's no constitutional problem. As evidenced by the fact that New York City has a Department of Investigations that has authority beyond what you're proposing in your legislation.

A comment was made to the effect that my Rule 28 somehow indicated that the conversion of the referendum into mandatory somehow implied a constitutional problem; no. The reason for that section is that you wanted to have the electorate afforded the opportunity to vote on the initiative; the only way to get from here to there is you've got to invoke the Section 34-(4) of the New York Municipal Home Rule Law. So

I didn't mean to imply with that language that somehow that raised it to a constitutional issue, it's simply the only way you can get a referendum is to do that.

But with regard to the other question you raised before, that language about -- the parallel language has been taken out because you excluded the police and law enforcements from the corrected copy. But even if the language was there, there was no contradiction because the first paragraph that was made reference to about dealing with after the investigation was to clarify that the Inspector General doing an investigation would not be viewed as finality precluding a routine ordinary District Attorney prosecution or investigation from going forward. The idea was that somebody might misconstrue the Inspector General doing an investigation and then say, "Well gee, at the end of that process you can't have the normal criminal investigation go forward." So that was the purpose of that language and that's not inconsistent with a parallel investigation because you'd have two investigations going on at the same time, one would be the Inspector General, one would be law enforcement.

So maybe it needs a little more clarification in that section, but that's the way it was worded. The idea was that there's no finality after that first investigation takes place, but it's a moot point now because your corrected copy hat no longer has the law enforcement component.

LEG. CARACCIOLO:

I would just request, Mr. Spota, that if you would submit your written recommendations for modification, I'd be happy to consider those.

D.A. SPOTA:  
Sure.

LEG. CARACCIOLO:

And while I have you, I'm going to put you on the spot.

D.A. SPOTA:  
Okay.

LEG. CARACCIOLO:

How do you feel about binding arbitration for Detective Investigators?

D.P.O. CARACAPPA:

Mike, it is a public hearing towards the bill.

LEG. TONNA:

Oh, come on. Come on, let's stay on the bill. There's other people who want to talk.

LEG. VILORIA-FISHER:

No, it's a public hearing, it has to be on this topic.

LEG. CARACCIOLO:

Do you support it, Tom?

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D.A. SPOTA:

Let me just -- ask O'Leary.

D.P.O. CARACAPPA:

There you go; good answer, Tom. Legislator Tonna has a question.

LEG. CARACCIOLO:

I think the answer is yes.

LEG. TONNA:

Yeah, I just --

LEG. CARACCIOLO:

You do, right?

LEG. TONNA:

Mike? Mike?

D.A. SPOTA:

I'm not saying; that has nothing to do with my authority right now.

LEG. TONNA:

Mike, we have agreed on a lot of things but this one -- and now that we have you, Tom, here, I just want to ask the question. The sponsor is asking you to write your written recommendations on how you would, you know, change the bill. I mean, from my standpoint why would you even -- you know, is there anything at all that would -- in your term of office so far has indicated that you would want, you know, an Inspector General when you already -- this is your job? I mean, is there anything in your -- you know, an experience that said that there's -- I would rather give you some more budget money if you feel that you need to, you know, do something.

D.A. SPOTA:

I'll take it.

LEG. TONNA:

I would rather run out of -- to have an appointed position. This Legislature has a history when they felt -- and I was a freshman Legislator when the car leasing deal came up, when this Legislature

empowered somebody to do an investigation. If we feel that there's a need, you know, a specific need to do an investigation, at that time there was some question with regard to the sitting District Attorney at that time and we felt that we needed our own look at something we did it. Why would we want something when already we know that resources are short and tight; why would we want to do anything that, you know -- so I'm asking you the question.

D.A. SPOTA:

Well, I thought I had answered it. I don't see the necessity of the legislation, I think we're doing a pretty good job. I think my --

LEG. TONNA:

Right.

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D.A. SPOTA:

-- friend over here, Joe Sawicki, is doing a great job. I think right now we're at a level where we can do this type of work.

LEG. TONNA:

Right.

D.A. SPOTA:

We -- it's no secret that we do have a significant investigation under way, many of the -- much of the information that we receive are from --

LEG. TONNA:

Right, exactly.

D.A. SPOTA:

-- taxpayers. And it may have to do, and I'm not saying it does, it may have to do with municipal employees and I just don't want somebody interfering with our abilities. We have the power of a Grand Jury.

LEG. TONNA:

Right.

D.A. SPOTA:

We have undercover police officers, we have very sophisticated techniques of surveillance, wiretap and I just myself don't think it's necessary. But I will -- but let me just say that -- and Legislator Caracciolo and I have had discussed this and he's given me every courtesy, I don't mean to ever let it think otherwise.

LEG. TONNA:

Well, the concern that I have is that, you know, that it might be

construed if you write some things about, you know, how you would change the bill that somehow that's a tacit endorsement of a changed bill. And Legislator Caracciolo and I have --

D.A. SPOTA:

Why don't you wait and see what I write?

LEG. TONNA:

Right. I just want to make sure, you know, that that's -- and the only other thing that I'm really concerned about is the idea of being an appointed position. We have an elected official that the people of Suffolk County to enforce the laws, that's our District Attorney, that's our Comptroller in the area of -- and I think that's where it goes. Once you go to an appointed position, then it's a whole nother (sic) level of politics and I think this is completely unnecessary. Thank you.

D.P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Thank you. I want to thank the District Attorney for coming down here this afternoon and enlightening us on the functions and responsibilities of his office. I think it's very, very important to

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make note of the fact that any proposed legislation that jeopardizes criminal investigations or prosecution should be looked at very, very, carefully. And I think you've alluded to the fact that this proposed resolution by creating an IG does, in fact, create a system where there's duplicative services or efforts being performed at the same time. I for one would be strongly opposed to any investigation or matter or incident that's under review by any law enforcement agency where there would be a comparable, parallel investigation going on by someone who does not have the prosecutorial powers of say your office or, for that matter, any prosecutorial office whether it be on the State, Federal or County level. So I think it's very, very important that we be very, very careful proceeding forward with respect to the language of this resolution and anything that impinges upon the authority and the prosecutorial and investigative authorities of any law enforcement agency, including the District Attorney's Office, should be carefully scrutinized so as to not jeopardize any investigations that would result in prosecution.

D.P.O. CARACAPPA:

You should say do you think -- do you agree with that just to form it as a question. Is that a question; do you agree Tom?

LEG. O'LEARY:

Do you agree with that assessment, Mr. District Attorney?

D.A. SPOTA:

Let me think; yes.

D.P.O. CARACAPPA:

Legislator Caracciolo, you're up again.

LEG. CARACCIOLO:

Thank you, Mr. Chair. I would just like to reiterate what I think you've acknowledged, Tom, and that is it has never been my focus, intent or purpose to supercede your constitutional duties or that of the people assigned to your office. And that I would agree with the remarks made by Legislator O'Leary, that I will do everything that's necessary to make sure that any legislation that creates an office of IG does not do that.

D.A. SPOTA:

Thank you.

D.P.O. CARACAPPA:

Any other questions? Thank you, Mr. Spota. We appreciate it.

D.A. SPOTA:

Thank you very much.

LEG. TONNA:

Thank you very much.

LEG. FOLEY:

Thank you, Tom.

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D.P.O. CARACAPPA:

Any other speakers on this matter? Motion to recess by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions? Public Hearing 1801 is recessed.

Moving on to Public Hearing Regarding Intro Resolution No. 1851-03 - Adopting Local Law No. 2003, a Charter Law facilitating partial County funding of voluntary public financing for County elections through County contract processing fee (Viloria-Fisher). We have no cards. Legislator Viloria-Fisher, what's your pleasure?

LEG. VILORIA-FISHER:

Close.

D.P.O. CARACAPPA:

Motion to close by Legislator Vioria-Fisher, second by Legislator Caracciolo. All in favor? Opposed? Abstentions? 1851 is closed.

Moving on to Public Hearing Regarding Intro Resolution No. 1852-03 - Adopting Local Law No. 2003, a Local Law prohibiting use of invasive plant species by the County of Suffolk (Fields). We have one card, Bill Jacobs.

MR. JACOBS:

Good afternoon. I'm here to speak in favor of Resolution No. 1852 entitled prohibiting the use of invasive plant species by Suffolk County.

I am an Invasive Species Specialist with The Nature Conservancy here on Long Island and I'm also a lifelong resident of Suffolk County as well. Over the years Suffolk County has been very successful in preserving and maintaining a large and impressive system of parks comprised of more than 42,000 acres, much of it unique in New York State and some of it unique globally as well. And in addition, the Department of Public Works maintains and operates significant public properties or County properties. These County lands and waters are legally protected from inappropriate development and inappropriate use, yet there is still a very real danger that we may lose significant portions of the forests and wild life to invasive plants. These are plants that have been introduced from other parts of the country or other parts of the world and they escape cultivation into the native forests and wetlands and they cause extensive ecological and economic damage.

It's important to note that most non-native species are not invasive, they are beneficial, including most of the plants used in agriculture and horticulture; most of them are perfectly fine to use, they're not invasive. Only a small number of non-native plants actually escape cultivation and spread into natural areas and now compete with the native species. The Nature Conservancy works in conjunction with Partners of the Long Island Weed Management Area. The Weed Management area is a voluntary association of land managers and land owners that are working together to reduce the threat of invasive plants on public and private lands. The Partners of the Weed Management Area include more than 20 government agencies and private conservation groups

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including other NGO conversation organizations like Audobon and representatives from the nursery and landscape industry.

The two highest priorities that have been developed by this group are to, number one, prevent new invasions and, number two, to rapidly

detect and control small populations before they become widespread and out of control, and we believe that these are the most cost effective and environmentally sound methods of managing invasive plants.

The resolution before you represents an important contribution from the County to help prevent the spread of invasive plants on public lands and it's very much in line with the two highest priorities of the Long Island Weed Management Area to prevent new invasions and the resolution does that by prohibiting the planting and introduction of invasive species on County lands. And the resolution also authorizes the removal of invasive plants that have been installed in past landscaping activities.

The conservancy and other members of the Long Island Weed Management Area have found that controlling invasive plants before they escape cultivation and spread into the forest, such as when they are still in landscaping, in a landscape situation, is the second most cost effective and environmentally sound method of controlling invasive plants. So this resolution really focuses on the two highest priorities of the Weed Management Area.

This legislation will make an important contribution to the cooperative public and private partnerships already taking place across Long Island to control invasive plants. In conclusion, I would like to say that The Nature Conservancy supports this legislation and views this as an excellent example of the use of best management practices on County lands. Thank you.

D.P.O. CARACAPPA:

Thank you very much. We have no further cards. Anyone who wishes to be heard on this matter? There's a motion to close by Legislator Fields.

LEG. CARACCIOLO:

Second.

D.P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed? Abstentions? Public hearing 1852 is closed.

Public Hearing Regarding Intro Resolution No. 1856-03 - Adopting Local Law No. 2003, a Local Law to authorize the establishment of fees in the Department of Health Services, Division of Medical/Legal Investigation and Forensic Sciences for requests for cremation approvals (County Executive) (SEQRA Complete). I have no cards on this public hearing.

Anyone wishing to be heard?

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? Public Hearing regarding 1856 is closed.

Public Hearing Regarding Introductory Resolution No. 1860-03 - Approving Cross Bay Ferry License for Fire Island Ferries, Inc. (Presiding Officer (SEQRA Complete). I have no cards.

MR. SABATINO:

Mr. Chairman, the next two have to be recessed because legal notices are being done pursuant to the resolution we adopted earlier today. So to keep them consistent, table -- I'm sorry, recess this one and 1862.

D.P.O. CARACAPPA:

There's a motion by myself, second by Legislator Fields to recess 1860. All in favor? Opposed? Abstentions? That is recessed.

Public Hearing Regarding Intro Resolution No. 1862-03 - Approving Lateral ferry license for Fire Island Ferries, Inc. (Presiding Officer) (SEQRA Complete). Same motion, same second, same vote.

Moving on to Public Hearing Regarding Intro Resolution No. 1863-03 - Adopting Local Law No. 2003, a Charter Law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions (Cooper) (SEQRA Complete). I have no cards on this public hearing. Anyone wishing to be heard on this issue? Seeing and hearing none, there's a motion by Legislator Cooper to close.

LEG. CARACCIOLO:

On the motion. I'm going to second the motion.

D.P.O. CARACAPPA:

Second to close by Legislator Caracciolo. On the motion.

LEG. CARACCIOLO:

Also list me as a cosponsor. But Counsel, just clarify the previous version of this proposal which was much broader than this proposal, does this proposal incorporate the essence of that? That was the one I sponsored a few months ago, actually earlier this year, right after the first of the year.

MR. SABATINO:

Well, your legislation dealt with a whole array of issues, not just a disclosure. This deals with disclosure but in a different level of detail than your bill. So it's narrower in the sense that it's one

component whereas yours was about ten or twelve components, but it's a little bit more stringent from the standpoint of that one component that it does deal is a little bit more restrictive than what you would propose.

LEG. CARACCIOLO:  
Cosponsor.

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D.P.O. CARACAPPA:  
All in favor? Opposed? Abstentions? Public Hearing Regarding 1863 is closed.

Moving on to Public Hearing Regarding Intro Resolution No. 1871-03 - Adopting Local Law No. 2003, a Charter Law to abolish the Division of Sport and Recreation (Postal) (SEQRA Complete). I have no cards. Anyone wishing to be heard on this matter?

LEG. CARACCIOLO:  
Motion.

LEG. LINDSAY:  
Motion to close.

D.P.O. CARACAPPA:  
There's a motion to close by Legislator Fields, second by Legislator Lindsay. All in favor? Opposed? Abstentions? Public Hearing Regarding 1871 is closed.

Public Hearing Regarding Intro Resolution 1872-03 - Adopting Local Law No. 2003, a Charter Law creating Suffolk County Department of Aviation (Guldi). I have one card, Steve Corrado.

MR. CORRADO:  
Ladies and Gentlemen, my name is Steve Corrado. I have been a designer and builder of residential structures for 25 years. I am a private pilot --

D.P.O. CARACAPPA:  
Mr. Corrado, just speak into that microphone a little better.

MR. CORRADO:  
I'm sorry.

LEG. LINDSAY:  
Lift it up.

MR. CORRADO:  
Is this better?

LEG. LINDSAY:  
Much better.

MR. CORRADO:  
Okay. I'm a private pilot, an airframe and power plant technician and inspection authorization rating. I own an aircraft. In 1998 I built the first steel hangars at Gabreski Airport since the County took possession. I also owned and operated an airframe and power plant prep school, an FAA approved testing center and flight school at Gabreski Airport for eleven years. I sold the business this April and I recommended that the new owner remove the business from Gabreski Airport.

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Gabreski Airport offered no support to new or existing aviation businesses. For example, because of the events of September 11th, numerous aviation businesses were put at risk. There was at least one punitory} business and an FAA approved flight school that went out of business; these businesses would still be there if the County offered them a rent abatement during this difficult time.

General aviation does not mean commercial jets; this term refers to private and corporate aircraft. There are many different types of general aviation support businesses, yet there is only one general aviation maintenance facility at Gabreski. I do not find anything wrong with the existing management structure or the creation of a Department of Aviation. I agree that something has to be done about how Gabreski Airport is run.

As Resolution 1872 points out, Gabreski Airport is a County asset with the potential to further enhance economic development for the County of Suffolk. In the past, operation of Gabreski Airport has been inefficient and ineffective.

In my opinion, it would be advantageous to the taxpayers of Suffolk County that at least half the members of the Airport Lease Committee be required to have a background in general aviation. The airport manager and assistant or deputy manager should possess a Bachelor's and Master's Degree in Aviation Management and five years of experience in working in the aviation field.

Whether we approve or disapprove Resolution 1872 does not matter. What does matter is that the personnel that run the airport must have the knowledge, skills and background to make the correct and necessary decisions. Since January is next month, this Legislature has the

unique opportunity of setting in place knowledgeable and qualified people for 2004. Thank you.

D.P.O. CARACAPPA:  
Questions, Legislator Guldi.

LEG. GULDI:

Mr. Corrado, for the record, I think I should disclose that you and I are parties -- adverse parties in litigation and that I have sued you because of your conduct at Gabreski Airport with respect to me.

My first question to you is I'm glad to see that your concern -- articulated your concern about the qualifications, background training and experience of those who should run the airport. How many weeks was the course you attended in Kansas City or Oklahoma in order to get the certifications that you possess to take -- that you used to found your aviation business?

MR. CORRADO:  
How many -- excuse me?

LEG. GULDI:  
How many years did you study?

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MR. CORRADO:  
For which are you referring to? I'm talking about the management of the airport. What businesses I have and operated doesn't have anything to do with what we're talking about here.

LEG. GULDI:  
Okay. Well, I understood that you were critical of the airport management. Is it or is it not a fact that your lease at the airport was terminated for nonpayment of rent?

MR. CORRADO:  
That's not a fact. I was current and all my bills were paid.

LEG. GULDI:  
Eventually.

MR. CORRADO:  
They were all paid at the time. My lease was not terminated, okay.

LEG. GULDI:  
Okay. Well, clarify one thing for me; your statement here today with respect to the Department of Aviation, you didn't state whether or not you're in favor or opposed to it.

MR. CORRADO:

I -- it could be a good thing, I am not for it or against it.

LEG. GULDI:

Okay. Thank you.

MR. CORRADO:

I didn't attack you in any way.

D.P.O. CARACAPPA:

Thank you, Mr. Corrado.

LEG. GULDI:

I don't think I attacked you in any way, did I?

D.P.O. CARACAPPA:

Motion to close?

LEG. GULDI:

Yeah, motion to close.

D.P.O. CARACAPPA:

Motion to close by Legislator Guldi.

LEG. CRECCA:

Motion to recess.

D.P.O. CARACAPPA:

There's a motion to recess by Legislator Crecca.

LEG. FOLEY:

Second the motion to close.

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D.P.O. CARACAPPA:

There's a second to close. I'll second the recess.

LEG. GULDI:

On the motion to recess.

D.P.O. CARACAPPA:

Second the recess --

LEG. GULDI:

Which takes priority, Counsel?

MR. SABATINO:

Well, recess takes priority, but I just want to bring a legal issue to everybody's attention. The Omnibus in adopting the budget provided for the budgetary transfer, so you need a Charter Law to allocate the legal authority to the people that you transferred the positions to, or you have to reverse that and not adopt this law, so at some point you have to make that decision. You've already made the first step which is to budgetarily allocate resources, personnel and people to this department.

LEG. GULDI:

It was part of the Omnibus. On the motion to recess, the question I have for the movant -- as soon as I can get your attention, Mr. Crecca?

LEG. CRECCA:

I'm sorry.

LEG. GULDI:

The question I have for the movement is other than the new Legislator doesn't want to make changes before he hits the ground, the resolution was in Omnibus, it was adopted -- it was put in Omnibus long before Election Day. And the change in structure merely takes the authority and responsibility from the airport and vests it in the same people instead of as we have in the past continually vested the authority but not the responsibility, first in DPW and then in Economic Development where the airport has always been an ancillary concern. Merely makes it directly appointable, directly accountable to the County Executive, it does not change the number of personnel, change the structure of the airport.

LEG. CRECCA:

And Legislator Guldi, I supported the Omnibus and included that part of the Omnibus so I don't argue with you on the point. Legislator Schneiderman, or Legislator-Elect Schneiderman has indicated that he has input in here and things that he would like to address that are district specific with Gabreski Airport. I have not discussed the specifics with him, I know he's discussed that with other Legislators also, and I believe he would want to be afforded the opportunity before -- to have input on the changes.

LEG. GULDI:

Well, he'll have two years to have that opportunity I submit. And I submit that this was part of Omnibus that was put together before

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Election Day and, frankly, to roll this over into next year and operate with the budget structure one way and the department structured another creates not only an anomaly but a legal question

about who has what authority at the airport. I submit that we should turn down your motion to recess the hearing, we should close the hearing and we should adopt this in the next cycle so that what we're doing after January 1 is legal.

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

There is a motion to recess by Legislator Crecca, second by Legislator Alden. There is a motion to close by Legislator Guldi, seconded by Legislator Foley. Recess takes precedence, roll call on the recess.

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

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. TONNA:**

(Not Present).

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

No.

**LEG. NOWICK:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. FIELDS:**

No.

**LEG. LINDSAY:**

No.

**LEG. FOLEY:**

No to recess.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

No.

LEG. O'LEARY:

Yes.

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LEG. GULDI:

No.

LEG. CARACCIOLO:

Yes.

D.P.O. CARACAPPA:

Pass.

LEG. TONNA:

I'm here, Henry.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

D.P.O. CARACAPPA:

Yes.

MR. BARTON:

Eleven, it's recessed.

D.P.O. CARACAPPA:

Moving on -- that's the only card. It's recessed, okay.

Moving on to Public Hearing Regarding Intro Resolution No. 1884-03 - Adopting Local Law No. 2003, a Local Law to repeal annual audit of County Forfeiture Funds (Postal) (SEQRA). I have one card, County Comptroller Joe Sawicki.

MR. SAWICKI:

Good afternoon again, Ladies and Gentlemen, Members of the esteemed Suffolk County Legislature. This is cool, twice in the same afternoon.

LEG. BINDER:

(Inaudible).

MR. SAWICKI:

Eleven years in Albany, it was cold enough, thank you. And today's weather is very reminiscent of Albany.

LEG. BINDER:

It's always cold back here.

MR. SAWICKI:

No comment. Forfeiture Fund audits. This resolution sponsored by Presiding Officer Postal is something that we feel has been placing an enormous burden on the limited resources of our Audit Division. We are currently required to perform six audits a year on forfeiture and Special Services Funds and we really need your support in alleviating the burden placed on our department and repeal this Local Law which really dates back to 1993 which was again amended in 1995. Please consider the following. Our Audit Division has issued 33 audits reports since then covering Forfeiture Funds and Special Service

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accounts, again, from '94 through 2003. The Audit Division staff days devoted to these audits totaled over 4,200 which equates to over 29,500 staff hours and a cumulative cost of these audits payroll wise was approximately \$1 million.

The audits of Forfeiture Funds and Special Services Funds have not and would not result in any monetary recovery for the County because of the nature of the funds. Recent audits of Forfeiture Funds and Special Services Accounts have not generally even disclosed any non-compliance with the applicable laws and regulations. District Attorney Tom Spota is here to answer any questions on this also and has assured me his support on this because it does tie up man hours not only in our department but in his department to respond to our auditor's requests. We know full well that Federal Forfeiture Funds are allocated to the County as a result of local law enforcement assistance provided on Federal investigations. Therefore, it's the United States Department of Justice and the U.S. Treasury Department that really ultimately have the final say about how the funds are spent, not us on the County level. As Mr. Spota can tell you, they are the final judge and jury of how these funds are being spent.

When you, therefore, consider the cost of conducting these audits, and you realize that not one dollar has been recovered in the last seven or eight years as a result of these audits, we cannot help but question the reasonableness of mandating these annual audits of these accounts. The scarce resources of our department would be better utilized conducting audits of contract agencies and of other County operations. Audit of County -- as you know, audits of County agencies frequently result in monetary audit recoveries. We audit internal County operations and they generally result in recommendation designed to strengthen internal controls, and we also do performance audits of County operations and they usually result in recommendations to enhance revenues and streamline County expenses.

I, therefore, strongly believe in the intention of this resolution and I would appreciate very much if you could support this resolution which would free up our resources, resources of the District Attorney's Office so that we can do the work that we have been charged to do through the County Charter. Thank you very much.

D.P.O. CARACAPPA:

Hold on, Joe. Question, Legislator Lindsay.

LEG. LINDSAY:

Yeah, Joe, if we were to adopt this resolution, would any of this forfeiture money be audited at all at any time or would it be up to the purview of the Comptroller's Office?

MR. SAWICKI:

It would go back just like any other County department bill and any County operation, it would be at the purview and at the discretion of the County Comptroller as the auditing authority; that's the way it was prior to 1993. Unfortunately politics, as it was back in '93, you had a little tiff that occurred between a former Comptroller and a

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former DA and I think we all know the history with what transpired since then. So now we're kind of paying the price of that tiff that's ten years old.

LEG. LINDSAY:

Unfortunately the history here is that we create a law as a reaction to a prior problem and I guess that's how this came about. Currently how do you determine what contract agency or subset of government you would audit?

MR. SAWICKI:

Our Executive Director of Auditing, Elizabeth Tesoriero, and I and other members of our Auditing Division sit down and we analyze from a whole variety of areas. Number one, you have the County Legislature's request, last year we did the Department of Real Estate which, as you could imagine, took a lot of time and a lot of man hours. We're currently in the Department of Parks at the request of Legislator Ginny Fields, and that's turning out to be a huge audit. So a lot of times we don't really have a say, although I would more than likely concur whatever the Legislature wanted to do anyway. All those other contract agencies out there, we look at a materiality factor, how much money is involved. But as Mr. Spota was saying in addressing the prior resolution, several of them ago, we get a lot of complaints off the street, if you will, about money being misappropriated, misspent here, you get some whistle -- potential whistle-blowers from other

departments who say, "Come in here and look at this." I wish we had another hundred auditors to do all that we get requested to look at.

So it's a materiality factor. There are some contract agencies like Southside Hospital, for instance, which takes another huge usage of manpower hours and it's just -- you know, if we had a hundred auditors we could sit down and work out a whole audit schedule with the whole County Legislature, literally.

LEG. LINDSAY:

So again, if this legislation passes, these funds would be treated like any other contract agency or subset of government.

MR. SAWICKI:

Correct. It's not that we never want to audit them, but it's that we all -- we have the State Criminal Justice overlooking them; right, Tom? You have the Feds overlooking how their funds are being spent. Because remember, these are really Federal funds and to a limited extent State funds, so they have ultimate -- even if we came up with a finding that said, "I don't like the way Mr. Spota is spending the money," the Justice Department will come in and say, "Joe Sawicki, you're wrong, Mr. Spota is right and that's why we gave him the money." And so you say we're wasting all these manpower hours, for what? And then to be honest with you, the last thing I think our resources in the Audit Division should be used for is literally auditing the District Attorney.

LEG. LINDSAY:

Thank you.

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D.P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Hi, Joe. Thanks for coming down. Would this include the DWI Forfeiture money, too, or this is just -- maybe Tom would be able to answer that.

MR. SAWICKI:

No, is that -- DWI Forfeiture is --

MS. TESORIERO:

(Inaudible).

MR. SAWICKI:

No, that's -- is that the County Police Department?

D.A. SPOTA:

Yeah, we don't do that.

LEG. ALDEN:

Because there's certain forfeiture accounts that are more locally controlled and what you're talking about are the ones through the Federal and the State.

MR. SAWICKI:

Right. The resolution that was adopted in '93 and '95 spells out six of them, the District Attorney's Special Account and Forfeiture Funds, the Police Department's Forfeiture fund --

MS. TESORIERO:

The police might have three different.

MR. SAWICKI:

The Police might have two or three, the Sheriff has one or two small ones; there are six in total that are specially spelled out in that resolution. So the DWI Forfeiture wouldn't be addressed by this resolution at all.

LEG. ALDEN:

There is a certain public sensitivity I guess to, you know, funds that are forfeiture -- forfeited and then used by us for certain things. Your plans would be just to allow that to occur as far as an audit of these just on an irregular basis or whatever type of basis that would be normal so that you can guarantee to the public and to this body that the funds are being --

MR. SAWICKI:

Just like we do, Cameron, with the other \$2 billion in the County budget, we pick and choose as best we can with the resources we have what we feel should be audited and what needs to be audited. And to a large extent, it's governed by what you vote on which, you know, ties up our audit resources also. So when you weigh it altogether, if we had a hundred auditors, I'd love to do -- and I'm sure Mr. Spota would

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love to investigate every area of the County also, we'd love to audit every area of the County but we just can't. And you try to say where are our audit resources better spent and more effectively utilized.

LEG. ALDEN:

But if we close this and then we go and vote on it at our next meeting, which that would probably be the normal process because it would go through the committee cycle and it would come up, so we don't have to have you back here, you can make us feel comfortable with the

fact that it's not going to be ignored, it's just going to fall within a regular auditing or an irregular auditing cycle, surprise auditing cycle, whatever you want to call it, it's just going to free up a million dollars worth of money that you have mandatorily been --

MR. SAWICKI:  
Exactly.

LEG. ALDEN:  
Okay, good. Thanks.

MR. SAWICKI:  
And when you look at the history, Cameron, we haven't found anything anyway in the eight years we've been looking at it.

D.P.O. CARACAPPA:  
Legislator Bishop, you're next.

LEG. BISHOP:  
I am going to ask questions which -- good afternoon. I'm going to ask questions which repeat the perspective I laid out in committee which is isn't this the only fund in the entire Suffolk County government where a single elected official determines how it's spent?

MR. SAWICKI:  
I don't know if it's the only fund, Dave, but keep in mind --

LEG. BISHOP:  
Well, what other fund --

MR. SAWICKI:  
-- that the District Attorney has to abide by any -- I mean, Tom can speak better than I can, but they have to abide by certain requirements and regulations and restrictions of how the money is being spent and that's determined at higher levels.

LEG. BISHOP:  
I guess he's going to spend it on law enforcement is about the only, I would think, significant --

D.A. SPOTA:  
Let me just clarify. Yeah, it's supposed to be -- there are some minor exceptions, but for the most part it is for law enforcement. But I still, if I'm using the money, let's say, for -- and I can give you a very good example, one of the fire departments has a fire police van which broke down.

LEG. BISHOP:

Or kids ID's, that was one.

D.A. SPOTA:

They assist the Arson Squad and Initial Investigations. They came to me and asked me is it possible to fund it, I thought it was a terrific idea, I wrote to the Department of Justice, I was turned down. To me, that was law enforcement oriented but they felt otherwise so I did not do it. So we are pretty much --

LEG. BISHOP:

Right, but if you didn't take the initiative to write to the Department of Justice and you were a more cavalier District Attorney, you could just direct the money to that purpose and the Legislature would --

D.A. SPOTA:

Well, yeah, except for one thing; the DA then has to answer to the Justice Department and I don't particularly want to do that.

LEG. BISHOP:

Well, I understand you don't want to --

D.A. SPOTA:

I mean, I want to know what I'm doing is --

LEG. BISHOP:

My point is that this is a unique fund, that there's no negotiation, there's no interaction with the Legislature on budget lines, it's the money that, you know, you control.

D.A. SPOTA:

Yes.

LEG. BISHOP:

Now, you have guidelines, you act within those guidelines.

D.A. SPOTA:

Right.

LEG. BISHOP:

In the past, and I was here in 1993, there were problems with the previous District Attorney who was more cavalier and we swung the pendulum this way and we said, "All right, we can't stop you from spending the money how you want, but we want to provide this oversight to make sure that it's spent properly."

D.A. SPOTA:

Yes.

LEG. BISHOP:

And so that's where we are today, that oversight is an annual audit that occurs every year; is that correct?

D.A. SPOTA:

Yes.

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LEG. BISHOP:

And that annual audit is expensive is what the Comptroller is saying; how much does that cost annually?

MR. SAWICKI:

Well, we've spent over a million dollars in eight years.

LEG. BISHOP:

In a year, so it's --

MR. SAWICKI:

Forty-two hundred mandates.

LEG. BISHOP:

So it's over a hundred thousand dollars a year. And the fund itself is approximately how many millions of dollars?

D.A. SPOTA:

I can't give you the number right now but it's -- yeah, as we spend the money it just goes up and down, or as we receive the money I expect to be --

LEG. BISHOP:

Approximately.

D.A. SPOTA:

Well, I think I started the Federal number -- I don't particularly want to go into that, we'll do that in private session.

LEG. BISHOP:

Okay. Is that private? I mean, that's going to --

D.A. SPOTA:

Yeah. But it does, it fluctuates, it goes up and down as we just spend the money and then we get more in. My point is this, and I can appreciate what Joe is saying, my books are open to him any time. And as somebody suggested, sometimes they will call us up and say, "We want to do this," if he wants it to be a surprise audit, I have absolutely no objection to that at all.

LEG. BISHOP:

Yeah. And it's not the audit that I'm looking for, it's the transparency, it's where are you spending the money so that -- since you don't have to come to us with the budget, this at least was supposed to -- was designed to ensure that, you know, the public was protected.

D.A. SPOTA:

Yes.

LEG. BISHOP:

Okay. So I'm all for a resolution that would relieve the audit burden, but I would like to see something replace it that would still protect the public so we don't swing the pendulum too far back the other way. So that's --

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D.A. SPOTA:

Sure. You know, again --

LEG. BISHOP:

And if either of you have ideas on how we can accomplish that, I think that would be helpful.

D.A. SPOTA:

Okay.

D.P.O. CARACAPPA:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I'm over here, Joe.

MR. SAWICKI:

I know that. How are you doing?

LEG. VILORIA-FISHER:

Okay. It seems to me that in looking at 1884 we have to see the many ways that it's connected to 1801 and my questions are along those lines. If there were to be a Legislator who felt that somewhere there was malfeasance or misfeasance, that Legislator could go to you to ask that you do an audit of that department.

MR. SAWICKI:

Correct.

LEG. VILORIA-FISHER:

If there were to be an Inspector General's Office, would you be

precluded from conducting that audit if the Inspector General's Office was looking at that same department first or would you -- those were some of the arguments that were previously posited. Would you feel that you -- would that in any way impede your ability to audit?

MR. SAWICKI:

I believe it would, Vivian, if I recollect correctly the reading of the -- the writing of that resolution; we would be precluded from going in until the Inspector General is finished with his or her investigation.

LEG. VILORIA-FISHER:

Okay. Would that office, would that Inspector General's Office --

LEG. CARACCIOLO:

Excuse me.

LEG. VILORIA-FISHER:

Let me just --

LEG. CARACCIOLO:

Just --

LEG. VILORIA-FISHER:

No, I'm not yielding; hold on.

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LEG. CARACCIOLO:

But on point, on point.

LEG. VILORIA-FISHER:

It's okay.

LEG. CARACCIOLO:

The record --

LEG. VILORIA-FISHER:

I'm not yielding.

LEG. CARACCIOLO:

All right, okay.

LEG. VILORIA-FISHER:

Okay, I have the floor. As far as you know, would the Inspector General's Office have the ability to do auditing?

MR. SAWICKI:

I'm not sure what the intent is behind the resolution. I didn't see

in the listing the delineation of the positions, I didn't see any auditors or accountants in part of the Inspector General's Office.

LEG. VILORIA-FISHER:  
Okay.

MR. SAWICKI:  
But I saw investigators.

LEG. VILORIA-FISHER:  
But if that preclusion language were changed, if that after were no longer in the language in paragraph A, do you envision that Inspector General's Office being an office with which you could partner in doing these audits? I'm just trying to get a picture of how these all look together if they were to all move forward.

MR. SAWICKI:  
I don't -- I just think it would be literally a duplication, Mrs. Fisher, because with all the other investigatory bodies that are out there, like Legislator Tonna said before, if we feel that we are understaffed, I'd love to have another team of investigative auditors.

LEG. VILORIA-FISHER:  
Okay. Now, what if we had as --

MR. SAWICKI:  
In other words, working with -- there's an old saying, you know, if it ain't broke don't fix it?

LEG. VILORIA-FISHER:  
Uh-huh.

MR. SAWICKI:  
And what we have now in Suffolk County government is working really, really well.

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LEG. VILORIA-FISHER:  
But what if we had a situation which Legislator Bishop euphemistically called a cavalier DA's office, could a Legislator go to you to ask that you look at that DA's Office?

MR. SAWICKI:  
Absolutely, or I could look at it on my own.

LEG. VILORIA-FISHER:  
Okay. And would it be helpful if that DA's Office were cavalier in its spending of the Forfeiture Funds, would it help to have an Inspector

General with whom you could partner if you were working with a cavalier DA's Office?

MR. SAWICKI:

It would be totally unnecessary because we have all the audit resources and CPA's and literally professional accountants and auditors to do the audit. I wouldn't want to share our audit findings and audit space and audit time with anyone, just like --

LEG. VILORIA-FISHER:

But if it rose to the level of criminality, wouldn't you need to work with someone else other than just your department? And if the DA's Office was the office where that possible criminality was occurring --

MR. SAWICKI:

Going back ten years ago when there was a concern that that's what might have been occurring, I believe, it's just speculation on my part, if the auditors found something and they couldn't approach the District Attorney, you go right to the Department of Justice where the funds are disbursed or the Criminal Justice System, CJSS of New York State where the other monies come from.

LEG. VILORIA-FISHER:

So even in that case you see it is as duplicative?

MR. SAWICKI:

Sure, sure, or you come to the County Legislature and say, "This is what we found out there, Ladies and Gentlemen, you know, what would you like us to do with it, what's the next step?"

LEG. VILORIA-FISHER:

Okay. Thank you, Joe.

MR. SAWICKI:

Okay.

D.P.O. CARACAPPA:

Mike?

LEG. CARACCILOLO:

Thank you. Counsel, could you just respond to the Q and A that just took place in the first part of it where Legislator Fisher raised the issue of whether or not there would be a conflict here in the rolls of the County Comptroller and an Inspector General's Office.

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MR. SABATINO:

There wouldn't be a conflict in the sense that the Inspector General

bill will be prohibiting the County Comptroller from conducting audits; that clearly would not be the case. You know, overlap is in the eye of the beholder. The County Comptroller is expressing a concern with regard to duplication and overlap, but there would not be a legal prohibition against his office conducting the audit under either version, either the original version or the subsequent version.

LEG. CARACCIOLO:

Mr. Sawicki, you had indicated that 4,200 hours a year are spent reviewing auditing the Forfeiture Funds. And I support the resolution, just let me make that clear.

MR. SAWICKI:

In total?

LEG. CARACCIOLO:

In total.

MR. SAWICKI:

In total, over the eight year period.

LEG. CARACCIOLO:

Over the eight years, I'm sorry.

MR. SAWICKI:

Yes.

LEG. CARACCIOLO:

On an annualized basis, how many audits does the Comptroller's Office conduct; of County governmental operations, not external to County government.

MR. SAWICKI:

Liz, come on up. Liz is our Executive Director of Auditing who handles this day in and day out, let me defer to her. And it varies, it varies from the work load.

MS. TESORIERO:

That would vary every year. It would depend upon priorities; the last couple of years the priorities have been certain departmental audits.

LEG. CARACCIOLO:

Well, in the last twelve months, how many County departments have been audited?

MS. TESORIERO:

The last twelve months our focus has been almost primarily Parks Department, to a huge extent.

LEG. CARACCIOLO:

Okay, one department, one department; out of how many County departments, Counsel, 26?

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MR. SABATINO:

Thirty-four.

LEG. CARACCIOLO:

Thirty-four now, okay.

MS. TESORIERO:

Well, you would not normally do every department every year no matter what.

LEG. CARACCIOLO:

From my perspective, there are a lot of County departments that need to be visited in terms of audit more frequently than the current schedule permits, and I understand that's due to staff constraints and other issues. But having said that, I seem to recall that within State government, Counsel, he's not called an Inspector General per se but there is someone that the Governor appoints that has --

MR. SABATINO:

Yeah, it's a different title, it's not exactly the same, and the powers are significantly less than what you're proposing, but there's an office that's Inspector something; I don't recall the exact wording, it's in my file back in Hauppauge.

LEG. CARACCIOLO:

All right, and yet we have an elected State Comptroller. And New York is the anomaly here and we should not use New York State as any example, okay; New York City would be a better example, other counties and states that I alluded to earlier with respect to 1801.

But we're on this bill, I support it, I think it's a step in the right direction. It will free up, I think, more of your personnel to do the job of constructing routine audits of other County departments and not one in twelve months, and that's not your fault. I know in the previous twelve months when you first got elected you had the whole issue of the Division of Real Estate and that was a very lengthy, time consuming, overwhelming task.

MR. SAWICKI:

Time consuming, lengthy audit, sure.

LEG. CARACCIOLO:

So two departments in two years just doesn't cut it from my perspective. Thank you.

MR. SAWICKI:

But also contract agencies, Mike; how many contract agencies were audited?

MS. TESORIERO:

I mean, generally we average about 20 to 25 audits a year of various operations. But there is a change in focus, sometimes everybody is concerned, the Budget Office is concerned about recovering County dollars.

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LEG. CARACCIOLO:

Right.

MS. TESORIERO:

Well, that's why we do contract agencies. Then things happen within the County and all of a sudden there's concern about what could possibly be going wrong and we do reviews of internal controls which we do very routinely.

LEG. CARACCIOLO:

Who establishes the priorities for audits? There is an Audit Committee.

MS. TESORIERO:

Yes, the Audit Committee doesn't really establish the schedule. We basically --

MR. SAWICKI:

It's usually a Comptroller and in the recent year I like to think that I enjoy a good working relationship with this Legislature.

LEG. CARACCIOLO:

You do.

MR. SAWICKI:

And, you know, we have audited everything you have asked us to because we want to and we share your feelings, whether it's the Parks Department or whether it's Real Estate, it's got to be looked at. What was the contract agency that resulted with District Attorney Spota's Office and the indictment of --

MS. TESORIERO:

New Life Christian Ministries.

MR. SAWICKI:

New Life Christian Ministries from the Town of Babylon, the Amityville

area.

MS. TESORIERO:

Right.

MR. SAWICKI:

We found some heavy duty, what we thought was corruption out there in that contract agency, we turned it over to the District Attorney and the District Attorney got an indictment on that lady, so a lot of those we do also. But again, it's -- you could solve this problem very easily, Mr. Caracciolo, just give us another 20 or 30 auditors in the budget.

LEG. CARACCIOLO:

Well, I'm sure from your perspective, but I have a larger concern that goes back to 1993, as Mr. Tonna pointed out, when you had a situation where you had two elected officials of the same political party who had other agendas besides the public's agenda and it deteriorated into a situation where I believe an Inspector General would better serve than the example those two individuals did back in '93. Thank you.

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MS. TESORIERO:

Mr. Caracciolo, can I address that, please? That prior situation with the former DA, we got legal opinions dating back to 1994, 1995. We issued reports -- and I wasn't involved in it personally but I did review the reports -- and we were critical of how funds were spent. But we sought a legal opinion from the County Attorney's Office and the County Attorney's Office basically turned around and told us, tore our report apart and basically told us that we did not really have this authority, so that was from within the County that we were told that. So even if we felt that they were spending money on plaques or whatever and we criticized it, the bottom line is they had the approval of the Justice Department or the Treasury Department or whatever and even our own County Attorney supported their right.

LEG. CARACCIOLO:

Well, getting back to the resolution before us or the public hearing, as I said, I think it's something that is certainly in order and I will support.

D.P.O. CARACAPPA:

Thank you.

MR. SAWICKI:

Thank you.

D.P.O. CARACAPPA:

Thank you, Joe. I have no other cards. Anyone wishing to be heard on this matter? Anyone else?

LEG. LINDSAY:  
Motion to close.

D.P.O. CARACAPPA:  
Actually I have a request from the sponsor, a motion to recess, so I'll will make that motion.

LEG. O'LEARY:  
Second.

D.P.O. CARACAPPA:  
Second by Legislator O'Leary. All in favor? Opposed? Abstentions?  
Public Hearing Regarding 1884 is recessed.

Moving on to Public Hearing Regarding Intro Resolution No. 1917-03 - Adopting Local Law No. 2003, a Local Law to authorize the establishment of fees in the Real Property Tax Service Agency for subscription services (County Executive). We have several cards. The first speaker is Penny LaValle.

MS. LAVALLE:  
Good afternoon, Deputy Presiding Officer Caracappa. We're passing out some literature. Members of the -- Honorable Members of the Legislature, I'm here to speak in support of 1719. I am the Director of Suffolk County Real Property Tax Service Agency and my right-hand person is Gary Simonson who is my Deputy Director.

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I have -- the legislation that the County Executive has submitted on our behalf is a simple, clean proposal to charge a convenience fee for Internet access to the information that we collect. For -- since 1996 you have all been reading, hopefully, my budget proposal which has consistently stated that Suffolk County Real Property provides the keystone to information for Suffolk County; the keystone is the Suffolk County Tax Map. Now, we are required by law to provide the Suffolk County Tax Map and maintain the Suffolk County Tax Map for ad valorem} purposes, for assessing purposes. There are several laws that mandate that we do such, there are several laws that mandate that we collect the information on the parcel. We call it a keystone because without the unique Tax Map Number and the verification and recording of documents, no information, at least in my office, is attached to a parcel,

I come here and I speak passionately and fervently about streamlining government and about government working together. The information or the packets that I have distributed or that are being distributed to

you I'm hoping provide a visual impact of only a small piece of what Real Property does. If I can walk through these 14 pages very quickly, I hope I keep you entertained enough to keep your attention on the matter that we are collecting this information in the process of verifying the Tax Maps.

Page one is a sample screen -- as soon as you all have it. Page one is a sample screen that my verification staff pulls up on -- it's an oracle database on our screen and they put in a Tax Map Number and they put in the documents that is being -- that are being verified. Page two provides once they have verified the information, this screen comes up and my staff will enter the new owner and all the related information, whether it's a partial interest and other information that is on the 5217 which is a form that has also been distributed to you, it's the large document, that's the EA5217. My staff is now entering all that information including the sale price, land information on it, land use, assessing information.

What we are proposing on page three in the Introductory Resolution is an annual fee of \$2,500 for Internet access to the information, to the screens that you see. It's an information database, people can enter -- and I have details on the search that they will be permitted to access on pages four through -- bear with me -- four through eight, so you see all the screens that for -- all the screens that for the \$2,500 they will have access to. And the most important part is once they have access to that public information they get -- they can access the spacial information which is the Tax Map; they can take a look at the Tax Map, they can print the Tax Map as much as they want and they can also print that information that appears on the screen in terms of the ownership.

Page nine I will go through very briefly for you, the laws that concern the Real Property collection of data on that parcel. We are required by New York Codes, Rules and Regulations to collect the supporting information on the parcel and that includes -- these are only a few of the items that we're required to collect for the assessor, Tax Map parcel information, school district name, property location, reputed owner, complete mailing address, and the list goes

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on. And also under 1530 and 1532 I am required, Real Property Tax Law, to provide the information to the assessors.

The second part of Introductory Resolution 1719 proposes an annual fee of \$5,000, an annual convenience fee for accessing the Form 5217 which appears on page ten. It's truncated so you get the picture, you have the whole document, but this is a form that we have created. So for the fee of \$5,000 you will get title companies and attorneys offices

who are filling out these forms to provide them with access to our information, they will put the Tax Map Number in and it will populate their form, they will put in the new information and they will do an eight digit number and they'll bring that into my office, the eight digit number, my staff will enter it and it will populate our information saving my staff reentry time.

Page eleven is a concept that I came up with --

D.P.O. CARACAPPA:

Penny? Penny, can I just tell you to sum up, the five minutes has been up for a little while.

MS. LAVALLE:

Oh, thank you.

D.P.O. CARACAPPA:

But there's questions.

MS. LAVALLE:

Okay. Just page eleven is the concept, page 12 through 14 are the screens that we have developed to exchange this information with the assessors and the Office of Real Property. That's it.

D.P.O. CARACAPPA:

Questions, Legislator O'Leary, then Caracciolo, Vilorio-Fisher and Lindsay.

LEG. O'LEARY:

Yes, hi, Penny. There's some confusion as to the effect and impact of this particular resolution. We had a gentleman who was here this morning who gave us the impression that the individual copy fee is repealed as a result of this resolution; in other words, the example he gave, if he wanted a copy of a particular Tax Map it would cost him 25 cents or whatever, now it's going to cost him \$2,500?

MS. LAVALLE:

Our --

LEG. O'LEARY:

Is not the -- I mean, can you clarify that? Is the individual -- if somebody comes in off the street and wants a copy of something, is there a fee, a minimal fee for purposes of obtaining one copy?

MS. LAVALLE:

Yes, there is if they come to our office. And that fee structure, it depends upon the size of the Tax Map that they ask for and they come

to our office and we provide them a B base size or a C size and that was a resolution that was passed in the spring. That has been --

MR. SIMONSON:

A screen shot is 25 cents.

MS. LAVALLE:

Okay, and the screen shot is 25 cents. If they came to our office and they saw the screen shot of the Tax Map and we printed it, it would be 25 cents if it's an eight and a half by eleven sheet.

LEG. O'LEARY:

Okay. So who then -- I mean, besides someone who would use this very infrequently, who then would embrace this resolution for purposes of paying \$2,500 or \$5,000?

MS. LAVALLE:

I currently have subscribers to our Land Information System which is our Tax Maps and a CD, we bring in approximately \$300,000 every year. Of those 500 subscribers, they have been adamant about please provide this on the Internet to us appraisers, attorneys, surveyors. I've talked to all these groups and it's a drop in the bucket for them to have this convenience without having someone come out to our office and look up that information. We are public accessible, but this is a convenience for professionals to access that information.

LEG. O'LEARY:

Okay, but this wouldn't preclude John Q citizen coming in off the street for purposes of obtaining a copy from your office, he wouldn't have to --

MS. LAVALLE:

It doesn't change anything that had to do with our previous resolution, no.

LEG. O'LEARY:

Okay. All right.

MS. LAVALLE:

No, this is just a convenience.

LEG. O'LEARY:

Okay, that answers my question. I have a second question. As you are well aware of, during the committee the County Clerk's Office representative was at the committee and voiced somewhat of an objection that there was no dialogue between your office and his; can you amplify on that as to, A, why that did not occur and what in your mind is the conflict, if you will, the duplicative services that are being provided?

MS. LAVALLE:

Well, I believe over the years I have tried and I have had a conversation with the Clerk, I was hoping to have a meeting with the Clerk after the committee meeting but for various reasons that did not happen. But I have demonstrated -- by collecting this information we have certainly helped the Clerk's Office by my staff collecting this

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information and we provide -- when we send the document down to the Clerk's Office there is an eight digit number, and I guess we can -- There's an eight digit number on this cover sheet that you will see, that's a unique number that's attached to all the documents that go down to the Clerk's Office. We have designed this so that the Clerk can enter that eight digit number and they can retrieve all the ownership information that we have entered saving them, and it has been reported to me not officially by Mr. Romaine but by staff, that on the front end of their system it has saved their staff 25% in time by being able to pull this ownership information in.

So I am one who strongly desires streamlining government, I believe touch that document once, if I can collect the information and share it with other governments, we have close to a hundred other licenses with governments and municipalities sharing our information, it's a two-way street, that's what I believe. I believe if we -- in support of this that creating this prototype for County government, other government agencies can glean off of our success and we have been very successful, I have great staff.

MR. SIMONSON:

Good afternoon. I would just like to say that I don't know where the duplication is. And John Kennedy is here from the Clerk's Office and if he'd like to tell us where the duplication is I'd love to hear it because I don't think it's there.

D.P.O. CARACAPPA:

Just state your name for the record, sir.

MR. SIMONSON:

Oh, I'm sorry, Gary Simonson. So I don't know --

LEG. O'LEARY:

But clearly, I mean, that's my point, that that issue was raised in committee and it's one of the reasons why we're here asking the questions today. And I would imagine there's somebody from the County Clerk's Office here who will respond to that; Kennedy is here?

D.P.O. CARACAPPA:

They're going to speak, there's a card.

LEG. O'LEARY:

Okay.

MS. LAVALLE:

I do have a concept in mind that I wanted to share with the Clerk and I suppose now is an opportune time to provide it. Once -- I have always thought that the public should access County government through one portal and then go to those respective sites should they enter it, because people know Real Property, we get calls and I get e-mail all the time about everything between Real Estate and the Clerk's Office and the Treasurer's Office and we try to provide them with the information that they -- or the right office that they need to address.

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My concept is that once information -- they find the Tax Map Number or they get the owner through whatever means necessary and they get the spacial aspect of the Tax Map, there is then an icon or another portal if they want additional information, if they want a copy of the document that's attached to that parcel which is what the Clerk has. We have relational database, the Clerk has the document's imagine and that would be a great way, if they can click on that and then the Clerk can carry on whatever their -- what they consider their domain or the access to the deeds, the access to whatever other documents they have imaged. I think it's a good resolution.

LEG. O'LEARY:

No further questions.

D.P.O. CARACAPPA:

Mike?

LEG. CARACCIOLO:

Thank you. Hi, Penny.

MS. LAVALLE:

Hi.

LEG. CARACCIOLO:

I understand -- or it appears to me, I shouldn't say understand, but it appears to me that the primary purpose behind this resolution is to, as it says in its title, establish or I guess another way to put it is maybe recover funds for the County as it is made in the investment of new technology, that not only assist and aids County services and operations but also those other vendors who come into your office as well as the Clerk's Office and other County agencies

for this type of information.

MS. LAVALLE:  
Uh-huh.

LEG. CARACCIOLO:  
What kind of -- quantitatively what would be the price tag on the technology that we have made the investment in that provides this type of information?

MS. LAVALLE:  
I'm not sure how to quantify what you're asking.

LEG. CARACCIOLO:  
What's the County's investment in the new technology that helps speed up and provide this information on not a real-time basis but a much more rapid basis than its predecessor manual systems?

MS. LAVALLE:  
Well, our plan is to -- and I might add that I have -- all the aspects plus of what you see currently in this handout is in our system. I am always reluctant to move forward with things until I have the body's approval. I don't like to make an investment in something unless I know that I'm going to be able to carry it further, it's wasted. And I believe that you're the body and the County Executive is the body to

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go through to have the authority to put information on the Internet, especially in light of homeland security and privacy issues which I feel are very important to us.

We currently have a requisition in for a robust server, to give you an example, for approximately -- I've been dealing with things, I think it's -- don't quote me on this but I'll get back to you, I believe it's 30,000; \$30,000, very robust. And what I'm going to do is copy our information because the spacial information is voluminous, copy that on to a separate server so that people will have access to that but not our real-time data, that's very precious to me and very precious to all of you. So I am building another portal or another repository where they'll access that information; that's an example of what I've proposed.

All this other information is there, the Tax Map software that we will be using, I'm planning on changing it a little bit to make it a little bit faster so there's an investment in that. We are very parsimonious in what we do, the total project that we started with in '96 and '97 was 850,000 and I believe that we still have a considerable amount of that to use to provide this information on the Internet.

LEG. CARACCIOLO:

Obviously there's a benefit to end-users when you have systems like this; what are those benefits?

MS. LAVALLE:

To the end-user? Speed, real-time, as real-time as we copy it over to that server data. We are currently fielding phone calls over -- probably about 200 phone calls every day requesting this information, that would reduce the level of phone calls and provide that staff that I have answering those phones time to reduce the volume of documents that they have to deal with to verify.

LEG. CARACCIOLO:

So in essence, when you spoke in your preface about streamlining, consolidating, you could add the words make more efficient your staff and staff resources and perhaps at some later date reduce staff requirements with the addition of this new technology. And I guess the threshold question, and I don't know who's following you but I heard there were two cards, it's my sense it might be someone that would utilize these services and would feel that \$2,500 is way too high of a price that they should pay for, if anything at all, and what would be your rebuttal to that since you won't have an opportunity to speak after they do?

MS. LAVALLE:

Thank you. I wish we had that gentleman, I think -- he's changed his mind? I think he might have reconsidered but I'm not sure. Well, my rebuttal then to that would be this is a convenience fee. Currently that individual works within the building and has access to this information. We're talking about access on the Internet, someone from their office in Southampton, someone in their office, you know, from whatever part of the County --

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LEG. CARACCIOLO:

So it's only external users.

MS. LAVALLE:

Yes.

LEG. CARACCIOLO:

And what kind of revenue would you hope to generate, do you have any estimate?

MS. LAVALLE:

Well, if I even do a fifth of my 500 subscribers that's a hundred, and if they do the \$2,500, we're talking quarter of a million. If we're

talking -- if they want to apply for the 5,000, you know, we're talking a half of million dollars.

LEG. CARACCIOLO:

So somewhere between a quarter and a half of million dollars would be generated to the County treasury to offset operating costs as well as maximizing the efficiency of staff.

MS. LAVALLE:

We bring in a lot of money to Suffolk County, this year I expect to be close to 12 million, my budget itself is about two.

LEG. CARACCIOLO:

I meant this initiative.

MS. LAVALLE:

Yeah, but I never have a crystal ball, you know, I wish I did, you know, to tell you to be firm in that. I have done surveys, you know, people say, "Oh, I want everything for nothing, " and then you say, "Well, you have to pay," and then they reconsider.

LEG. CARACCIOLO:

Have you heard from end-users who would now have to pay a fee as to their, you know, agreement or disagreement with your proposal?

MS. LAVALLE:

I'm an active member of the Appraisal Institute and all of those, all the appraisers are very anxious to get this information.

LEG. CARACCIOLO:

And they're willing to pay for it?

MS. LAVALLE:

Oh, yes.

LEG. CARACCIOLO:

Okay. Thank you.

D.P.O. CARACAPPA:

Finished? Thank you. Legislator Lindsay.

LEG. LINDSAY:

No, no questions.

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D.P.O. CARACAPPA:

All right.

**MS. LAVALLE:**

Thank you.

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

Thank you, Penny. Next speaker is John Kennedy.

**MR. KENNEDY:**

Good evening. Good afternoon, Members of the Legislature. My name is John Kennedy, I'm here on behalf of the County Clerk. Mr. Romaine could not be here this afternoon, he had a follow-up medical visit with a minor medical procedure.

**LEG. CARPENTER:**

More information than we need.

**MR. KENNEDY:**

I appeared at the Ways & Means Committee last week and expressed to the members there at the committee some of the sentiments of Mr. Romaine and I actually have a statement now I guess that I'll read to you, and I'd be happy to go ahead and address any questions.

"I'm addressing concerns regarding IR 1917. This Local Law would authorize the establishment of fees in Real Property Tax Service Agency in connection with subscription services to a website. I have no problem with the Real Property Tax Service Agency site providing equalization and assessment information needed for the New York State Equalization Assessment Form 5217 that is filed in the County Clerk's office, nor do I have a problem with the proposed site providing Tax Map viewing and printing. But I do have a concern with the Real Property Tax Service Agency website providing historic ownership information gathered from my office that would control and duplicate County Clerk land records such as deeds and undermine the profitability to the General Fund of the County Clerk website, or possibly undermine."

"Even more troubling is that the State Constitution and the County Charter explicitly give the responsibility and control of the land records to the County Clerk and not to Real Property Tax Service Agency. Land records by law must continue to be the responsibility of the County Clerk. Thus, I would ask that Real Property Tax Service Agency's resolution be tabled at such time as it is made clear that the agency is not utilizing the County Clerk's records and/or data on its website nor is displaying any records that should be the responsibility of the County Clerk."

"Furthermore, I would recommend that the Legislature direct the Budget Review Office to draft recommendations concerning the competitiveness of these two websites and determine the probability of the website undermining profitability to the General Fund over all. I thank you in advance for your consideration in this matter."

LEG. BISHOP:

It sounds like a good idea, push it to BRO, I like that.

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D.P.O. CARACAPPA:

Thank you, John.

MR. KENNEDY:

Questions?

D.P.O. CARACAPPA:

No.

MR. KENNEDY:

Okay dokey. All right, thank you.

D.P.O. CARACAPPA:

Mason Haas.

MR. HAAS:

Good afternoon, Ladies and Gentlemen. My name is Mason Haas, Land Title Examiner for over 20 years working here in the Clerk's Office using space that we rent from the County of Suffolk.

Earlier today a gentleman came in and spoke, Pete Cheney, regarding this resolution, regarding the cost of this resolution, the fees that would be charged. One of the problems with this resolution was that there was not enough information out there for us to really give an opinion of this resolution. As to the amount of money, Pete was right, \$2,500 in our type of industry is high for what we do. A user in a business that I do doesn't do 10,000 files a year.

I sat down today and I spoke with Deputy Director Gary Simonson who clarified some information for me, that information has to do with the purpose of this resolution which this resolution is missing a word in here because the County has two -- now coming up to two access systems. The County has an Intranet system within its own County departments and now you're getting into the world of Internet; what this resolution is missing is the word Internet. The way this resolution stands now, any access spins any department, you can turn around and this department can charge another department and that was what the concern was of the Title Examiners. So before you even vote on this one, I would ask that you amend it to include the word Internet next to access.

The issue that Gary Simonson brought up to me was what I did understand is that they do have a lot of companies that turn around

and purchases the books from them, the Real Property Tax Map books and the CD's. A complete set, according to the literature I picked up upstairs, runs 2,475. And of course, Gary also explained to me that the concern is that they have people who don't want to have to keep every year lugging the books back in and then getting the books back down. First off, you don't have an escalator that works and the only elevator you have is at that end of the building; a long way to walk carrying all those books. That I can understand and I can understand where the \$2,500 fee comes from because really what you're doing is replacing the 2,475 fee that you get from them walking in the building to the \$2,500 fee.

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There are issues that you have between a couple of departments which are between those departments and their communications. But as far as this issue here, what he spoke about to you earlier, Pete Cheney, being that this is not changing our end of the service, what we do now here, this would not effect us. And what Gary and I had spoken about is that they would look at if they were to charge a fee they would be willing to talk to us about a fee for the service that we perform, Intranet service wise that, you know, we could get on the computer systems that we have within the buildings.

The issue, the greater issue, I guess, down the line, and this probably is not going to sit well with too many departments right now, is that you are venturing into the Internet and the access that you give out there. I am in the title business, I've been in this business for 20 years, major title corporations are opening up but they're not opening up in the State of New York. Pittsburgh is a big place for that, I know that because I do numerous accounts in Pittsburgh, they are national accounts. What's happening is you ventured to this and it's something you need to venture and check out and walk very slowly, is how much sales tax revenue and employment you're going to lose in this County as you keep putting more and more information out there in the title industry. Many of these companies now, they do -- there are other states that do give it, but I think you need to look at how much of it you want to make available so that you do not lose the 600 jobs here in the County of Suffolk and your sales tax revenues. I don't think your sales tax revenues are going to make up, are going to balance out to what your -- revenues you're going to get from user fees as you move into this area. So it's something I wish you do take into consideration as you move along on this.

Again on this bill, what I ask is that you do an amendment on this adding the word Internet so that there is no confusion and no department can charge another department for intra access. As to the price, again, they did talk to us and they said that they would be willing to sit down with us and discuss another fee when we want to

turn around and get these things on the system on other computers within the building that we use.

Other than that, I really don't have any other question. If you have any questions to ask me regarding the industry and what I was talking about, walking on the thin ice there. Like I say, you are going to be losing sales tax revenue, we see it already in our industry because now what happens is a person can turn around, live in another state or live right here in Suffolk County and go to a borrower, a lender and that lender happens to be a national company like Ameriquest and they're going to a Pennsylvania company who's doing their title work and that title company will then be dialing up on the Internet doing the work right there, producing the policy and then there will be no employment, there will be that loss of employment and jobs here in Suffolk County and the loss of sales tax revenues. Thank you.

D.P.O. CARACAPPA:

Thank you very much. I have no further cards on this issue. Anyone wishing to be heard? Motion to close by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public hearing Regarding Intro Resolution No. 1917 is closed.

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LEG. CRECCA:

Mr. Chairman?

D.P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah, I just wanted to request that we make a formal request to BRO to examine this. And obviously there's been things brought up by the Real Property Tax Service Agency as well as County Clerk, if they could report back to us on the next meeting as to their recommendations as far as the effects on the revenue stream and all that. I think it's very important given the issues that have been raised here.

D.P.O. CARACAPPA:

Jim, you have that? Thank you.

Okay. We now have Presentations from County Officials; we have one individual that would like to speak to us, Vito Minei.

MR. MINEI:

Good afternoon, Deputy Presiding Officer Caracappa, Ladies and Gentlemen of the Legislature, or a portion thereof. I'm Vito Minei, I'm Director of Environmental Quality for the Suffolk County

Department of Health Services. Thank you for the opportunity to speak to you today.

I'm here to encourage you to please pass Intro Resolution 1761, that's the recommendation concerning the final scope for the Generic Environmental Impact Statement.

It has literally taken us more than two years to get to this point. When we proposed this process to the County Executive and to the County Legislature back in the fall of 90 -- well, 2001 I guess officially -- we had set a course for the County to take a very thorough look at the alternatives of doing business with regard to Vector Control here in Suffolk County. And we had proposed a process whereby we would do a comprehensive plan, do detailed evaluation of alternatives to what is currently the practices in Vector Control, and then conduct a Generic Environmental Impact Statement on that comprehensive plan.

There was no subtlety to this process that we proposed and I know it's been a couple of years and we've gone through a number of presentations and there might be some confusion. But the whole strategy, and I believe the appropriate rationale was that this would allow the County to continue to conduct a very limited scaled down version of Vector Control activity, reduce the amount of adulticides used, reduce the amount of ditching to just maintenance of a small portion of the length of ditching in Suffolk County and then we would go through this master planning process and then provide the guidance for future annual plans. It was simple, everyone bought into it. The scoping process was conducted in the Fall of 2002, CEQ not only oversaw that process but also provided a couple of their members to help shepherd the process through. They recommended to this body in

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the Fall of 2002 that you accept the final scope and that we proceed what everyone, environmental advocates, people from the general public, had said they wanted done, a very thorough examination and a management plan to leave the activities of Vector Control.

Now, we've moved ahead a considerable amount of time, it took several presentations and we finally got concurrence from this Legislative body to the budget, but we need you to approve the Generic Environmental Impact Statement. And if I could invite your attention very quickly to two handouts I believe are provided in your package, one is color and one is a narrative on the overview of the summary of the Wetlands Management Plan and Environmental Impact Statement, but really I'd like to just concentrate on this colored document. The Adoption of GEIS and Scope is really necessary at this point. As IR 1761 indicates, CEQ recommends to you folks that you pass it. But I

believe equally important a management structure has been set up with a steering committee and the steering committee recommends that you adopt the GEIS scope and let the project proceed.

The second bullet indicates that there really is no reason, at least no legitimate reason at this time not to adopt. SEQRA was commenced in accordance with the legal process, the long-term plan will not be implemented until SEQRA is complete; indeed, the term GEIS is in the title of the project. It is functionally independent from the Annual Plans of Work, I know -- certainly I attend the Environment and Land Acquisition and Planning Committees and I know there's controversy about the Annual Plans of Work, but again, those same groups fully supported and actually added to the budget and the scope of work for the comprehensive plan. So there really is no interdependence of the Annual Work Plan and this comprehensive plan. And as I mentioned before, it's got very large scale, broad-based support from the general public, environmental groups, etcetera.

One of the concerns we have is that further delay may cause confusion. We've seen in the press and we've heard at various meetings that the County Legislature and the County Executive have supported the budget and yet we're sort of in a partial movement forward in that we're not allowed to continue to do the Generic Environmental Impact statement.

Finally, the point that has to be made is I think delay will add to the cost. I have been asked a number of times why the cost of this project is in the millions and I think if you took the time to really thoroughly scrutinize the work plan and how comprehensive this is and how multifaceted and how involved it is you would understand the cost and the caliber of some of the nationally renowned and world class scientists that have been brought into the work team to work on this, you would understand this.

But the really underlying point here is that the long-term plan work has started, the contract work has started since October but we don't have this element for the consultant to be considering the GEIS and that conducting the GIS task concurrently is cost effective. I mean, we've got really about 3.2 -- about \$3 million going to the consultant team. But when we first proposed this in the Fall of 2001, we thought we would have a plan for you by the fall maybe of 2003, early 2004. Now, because of the time to get to this point of approval, we're

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talking about having a comprehensive plan and a GEIS in the fall of 2005. So we have lost at least another year of that annual work plan and all the controversy that goes with conducting the Annual Work Plan as a scaled-down business as usual.

The point is it has been recommended, we have heard some confusing and misleading information brought to this body in the past and we think the time is now that we really need the scope of the GEIS so we can get on with the work we've promised. Thank you.

D.P.O. CARACAPPA:

Thank you, Vito.

LEG. FOLEY:

Thank you.

D.P.O. CARACAPPA:

There's a question by Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Mr. Minei, for your comments. If you could respond directly to the main charge that has been posited by the opponents to the GIS resolution, that the main difficulty, if you will, or the major failing of the proposed resolution regards segmentation of the process. And how because in the estimate of Baykeeper and his Counsel that segmentation in the process is a violation of SEQRA. Notwithstanding the fact that CEQ did approve this, but I want -- would like to hear from you on the record on why you differ with that particular position of those who oppose the bill because of the issue of segmentation of the SEQRA process.

MR. MINEI:

It's my understanding, Legislator Foley, that you're going to consider that question in executive session and the County Attorney advises me that's the best forum to have that discussion.

LEG. FOLEY:

Because it was publicly stated.

MR. MINEI:

Yeah. But I have to tell you, quite honestly, that there's a tremendous amount of frustration. And we're very chagrined that the groups who back in the fall of 2002 supported this process now are coming before you in various committees and saying, "It's segmentation, you can't let this process go forward; " it's really counterproductive. But I think the question of segmentation as I understand it will be answered thoroughly in closed session, in executive session.

LEG. FOLEY:

Mr. Chair, it will be in closed session but it was in open session where the criticism was made about segmentation. So I don't know whether that's a litigated issue or whether it can be -- again, I'll defer --

MR. MINEI:

I'll defer to the County Attorney.

LEG. FOLEY:

-- to Counsel on it. But if it was brought up publicly, and I don't know whether that segmentation issue and the GEIS is part of the lawsuit against the County which I think more has to do with the ditching plan than it does have to do with the GEIS plan.

MR. GRIER:

Well, merely because the Baykeeper brought it up in open session or another non County entity, it doesn't create a situation where since there is an issue of segmentation in litigation that it abrogates the need for an executive session because it has to do with the County's position on the issue before the courts.

LEG. FOLEY:

Okay. Thank you.

D.P.O. CARACAPPA:

Very good. I'm going to go back to the agenda, so I'd ask all Legislators to come to the horseshoe. Thank you, Vito.

LEG. GULDI:

Mr. Presiding Officer, I thought we were scheduled to have that executive session now.

D.P.O. CARACAPPA:

We are, we're just going to finish up three items on the agenda first, we're going to go right into it.

Page 12, 2010, these are questions -- information was asked by Legislator Foley earlier, Legislator Foley has been given that information with regard to the transfers. 2010, 2011 and 2012. I'll make a motion on 2010-03 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2003 Adopted Mandated Budget (County Executive).

LEG. CRECCA:

Second.

D.P.O. CARACAPPA:

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

LEG. FOLEY:

Mr. Chairman?

D.P.O. CARACAPPA:  
Legislator Foley.

LEG. FOLEY:

If other colleagues wish to have copies of what I received which is the detailed backup in what particular areas there were -- expenses were unexpected. Probably the largest, Mr. Chairman, and we've spoken about this in the past and I know this is going to be part of the State Legislative agenda that we have next year, the single largest

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transfer regards in the Department of Social Services and Medicaid where almost \$8.4 million needs to be transferred from one budget line probably institutional, most likely institutional care, part of that is going to Medicaid. And that's a sizeable amount of money and that's indicative, if you will, of why next year there will be over a \$50 million increase and it's something that the counties just can't continue to shoulder at its expedential growth. So I'll just say that for the record, if others want a copy of this detailed breakdown of expenses, I'd be happy to distribute those. Thank you, Mr. Chairman.

LEG. VILORIA-FISHER:  
Mr. Chair?

D.P.O. CARACAPPA:  
Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:  
Mr. Chair, with regards to those Medicaid expenses, I applaud my colleagues in supporting the stand-alone resolution which I had presented at the Budget meeting providing more Medicaid workers in order to process all of that. So it might mitigate this kind of expenditure at the end of next year.

D.P.O. CARACAPPA:  
We can only hope. Okay, did you call the vote on the first one, Henry?

MR. BARTON:  
15, three (Not Present: Legislators Postal, Cooper & Tonna).

D.P.O. CARACAPPA:  
Thank you. Moving on to 2011, motion by myself, second by Legislator Crecca. All in favor?

LEG. BINDER:  
Read the title.

D.P.O. CARACAPPA:

I'll read the title, authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2003 Adopted Discretionary Budget (County Executive). There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

15 three not present (Not Present: Legislators Postal, Cooper & Tonna).

D.P.O. CARACAPPA:

2012-03 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses within the Police District (FD 115) Adopted 2003 Operating Budget (County Executive). Motion by myself, second by Legislator Nowick. All in favor? Opposed? Abstentions?

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MR. BARTON:

15, three not present (Not Present: Legislators Postal, Cooper & Tonna).

LEG. ALDEN:

Who are you marking as not present? Mike's here, right; you got Caracciolo?

MR. BARTON:

Postal, Cooper and Tonna.

LEG. ALDEN:

Okay, good.

D.P.O. CARACAPPA:

We have two CN's, 2083-03 - Authorizing certain technical corrections to Resolutions 445-2003 and 862-2003, they're just contingency monies. Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Postal & Cooper).

D.P.O. CARACAPPA:

Thank you.

2086-03 is another CN, Accepting and appropriating 100% grant funds from the New York State Office of Mental Health to the Department of Health Services, Division of Community Mental Hygiene Services for additional State Transitional Funds for the Project Outreach Program

due to a reduction in their Medicaid rate.

LEG. LINDSAY:  
(Inaudible).

D.P.O. CARACAPPA:  
Motion by Legislator Foley, second by Legislator Lindsay.  
All in favor? Opposed? Abstentions?

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Cooper).

D.P.O. CARACAPPA:  
2086 is approved.

We're going to do the late starters. I'll make a motion to waive the rules and lay on the table, seconded by Legislator Losquadro, 2084 and assign it to ELAP; 2085 and assign to ELAP; 2087 and assign it to Public Works; 2088 and assign it to ELAP; 2089, assign it to ELAP; and Sense 72 which I will assign to Vets & Seniors. There is a motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Those are laid on the table.

MR. BARTON:  
16, two not present (Not Present: Legislators Postal & Cooper).

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D.P.O. CARACAPPA:  
We are now going to go into executive session. Well, who wants to make the motion to go into executive session? Because I'm not.

LEG. FOLEY:  
Motion.

D.P.O. CARACAPPA:  
I'm not.

D.P.O. CARACAPPA:  
Is there a motion to go into executive session?

LEG. GULDI:  
Yeah, I will make the motion.

D.P.O. CARACAPPA:  
Motion by Legislator Guldi.

LEG. O'LEARY:  
Second.

LEG. CRECCA:

I'll second it.

D.P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. GULDI:

Motion to go to executive session to discuss the SEQRA litigation regarding Vector Control's Work Plan. Approving the presence of Counsel to the Legislature, Budget Review, County Attorney's Office.

MS. BURKHARDT:

Walter Dawydiak.

LEG. GULDI:

And Walter Dawydiak and Vito Minei? Vito, do you want to leave?

MR. MINEI:

I'm going to leave Legal Counsel with you.

LEG. GULDI:

Yeah. No, I'll authorize Vito Minei to stay so that he can leave and not be present.

MR. SABATINO:

Just add in connection with IR 1761.

MS. BURKHARDT:

Ivan Young.

D.P.O. CARACAPPA:

Also recognize personnel from the Presiding Officer's staff, Budget Review and that's it.

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LEG. FOLEY:

Second.

D.P.O. CARACAPPA:

And representatives from the County Executive's Office.

LEG. CARPENTER:

Before we go into executive session, Mr. Chairman.

D.P.O. CARACAPPA:

Just a second. We haven't voted yet, so Legislator Carpenter.

LEG. CARPENTER:

Right. I just want to put on the record that Counsel did check and on the nutrition vehicles that we did adopt that as part of the Capital Program Omnibus, that the Division of Human Services is directed to indicate where the funding comes on those vehicles.

D.P.O. CARACAPPA:

Okay. There's a motion and a second to go into executive session. All in favor? Opposed? I'm opposed.

MR. BARTON:

15 (Opposed: Legislator Caracappa - Not Present: Legislators Postal & Cooper).

[\*EXECUTIVE SESSION: 4:40 P.M. - 4:56 P.M.\*]

D.P.O. CARACAPPA:

Okay. I'll make a motion to go back into General Session, second by Legislator Foley. We are now back to Resolutions Tabled.

Resolution 1761-03 - Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long-Term Plan (County Executive). Is there a motion? Well, first before we make a motion. We have been led to believe, Counsel, that there is a change in the language that needs to be done. Can it just be changed on the record; seeing that it is a County Executive's resolution, can the Legislature ask that that one word be changed now on the record or do you strongly feel that it needs a corrected copy?

MR. SABATINO:

It's really a substantive change. And I had mentioned it on September 16th as well as the subsequent meeting on November 18th, that the first RESOLVED clause has to be converted from a recommendation to an approval. So without a Certificate of Necessity, I would recommend one more tabling just to get the language right and then you can vote on it on the 16th.

MR. JOHNSON:

We're just checking to make sure. A corrected copy of this was filed, I just want to make sure that Counsel and everyone is looking --

MR. SABATINO:

Yeah, we have it, October 9th, but it didn't make the changes.

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MR. JOHNSON:

Okay.

MR. SABATINO:

I had my secretary check today because I thought, quite frankly, in between it had gotten done, but the most recent copy we have is October 9th and that one continues the same recommendation language.

LEG. CRECCA:

It's just the removal of the one word then, right, Counsel?

D.P.O. CARACAPPA:

From recommend to approve.

MR. SABATINO:

Well, it's not -- well, okay.

D.P.O. CARACAPPA:

That's not a problem, we can get that done?

MR. JOHNSON:

It's not a problem at all. I was hoping that it was done already, I have somebody checking it right now.

LEG. VILORIA-FISHER:

Mr. Chair?

D.P.O. CARACAPPA:

Legislator Vilorio-Fisher.

MR. JOHNSON:

As Walter said, every day is costing us money here, so.

LEG. VILORIA-FISHER:

Okay. Mr. Chair, or Counsel rather, if we were to put the Legislature recommends that it be approved by the Legislature, by us, all you're doing is putting the agent in of the passive sentence, by us.

MR. SABATINO:

No, it has to -- it currently says, "Hereby recommends that the plan be approved," okay.

LEG. VILORIA-FISHER:

Approved by us.

MR. SABATINO:

It has to be changed to --

LEG. VILORIA-FISHER:

To say we approve it.

MR. SABATINO:

No, it has to be changed to, "Hereby approves". It's more than one word, you have to change four or five, but the idea is to say, "Hereby approves the final scope for the General Environmental Impact

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Statement, " or you can get a Certificate of Necessity but then you need twelve votes.

LEG. VILORIA-FISHER:  
Okay.

D.P.O. CARACAPPA:  
Legislator Bishop.

MR. SABATINO:  
I mean, there's litigation pending, you don't want to cut corners when you know somebody is challenging what you're doing. It's a substantive change, I've mentioned it not once but twice on the record.

LEG. BISHOP:  
Okay. Well, let me -- I just want to get a more simple perspective and a step back. This is the SEQRA determination or the GEIS, if we don't pass this the Vector Control Plan for 2004 cannot go forward, right? And that includes both their actions in terms of doing things that they can to eradicate mosquitoes as well as the long-term plan that we have also --

LEG. VILORIA-FISHER:  
The scoping.

LEG. BISHOP:  
It's all in here.

LEG. VILORIA-FISHER:  
It ties in with it, yeah.

MR. SABATINO:  
That plan was in committee, that was tabled in committee so theoretically it could -- the plan itself for 2004 could be coming for a vote on the 16th, so you could be in a parallel universe.

LEG. BISHOP:  
Okay. But, I mean, when we approve this then we are approving both the study plan and the plan of action, that's what I want to understand.

LEG. VILORIA-FISHER:  
No.

LEG. BISHOP:

This is just the plan of action.

LEG. VILORIA-FISHER:

No.

LEG. BISHOP:

This is just the study.

LEG. VILORIA-FISHER:

This is just for the study.

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MR. SABATINO:

This is the scoping of the GEIS. Then the plan is, like I said before, in a parallel universe on the way to a vote.

LEG. BISHOP:

Okay. Now, when the environmental groups, particularly the Baykeeper, come before us and they speak about ditching and opposition of ditching, that's the plan not the study.

LEG. VILORIA-FISHER:

Correct.

LEG. BISHOP:

So this is not -- if you're concerned about ditching, this is not where to take it out on.

LEG. VILORIA-FISHER:

Right.

MR. SABATINO:

Exactly.

LEG. BISHOP:

Okay. I just want to understand what --

LEG. LINDSAY:

Very good. It clarified it for me.

D.P.O. CARACAPPA:

Thank you for the clarification, Legislator Bishop.

LEG. BISHOP:

And now I don't need to talk to Mr. Dawydiak, I understand where we're at.

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

Okay. The changes that the County Executive's representatives thought were made have not been made, they're going to be made. Therefore, I'll make a motion to table for one cycle.

**LEG. CARPENTER:**

Second.

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

Second by Legislator Carpenter. All in favor? Opposed? Abstentions?  
It's tabled.

**MR. BARTON:**

15 (Not Present: Legislators Postal, Guldi & CHECK VOTE SLIP).

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

Is there any other business to come before the Legislature today?  
Hearing none, we're adjourned.

[THE MEETING WAS ADJOURNED AT 5 P.M]