

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
EIGHTH DAY  
MAY 11, 2004**

**MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER  
IN THE MAXINE POSTAL LEGISLATIVE AUDITORIUM  
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

**MINUTES TAKEN BY  
LUCIA BRAATEN AND DONNA CATALANO, COURT STENOGRAPHERS**

**[THE MEETING WAS CALLED TO ORDER AT 9:30]**

**P.O. CARACAPPA:**

Good morning, Mr. Clerk. Would you, please, call the roll?

**MR. BARTON:**

Good morning, Mr. Chairman.

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

**LEG. CARACCIOLO:**

Here.

**LEG. SCHNEIDERMAN:**

(Not Present)

**LEG. O'LEARY:**

Here.

**LEG. VILORIA • FISHER:**

Here.

**LEG. LOSQUADRO:**

Here.

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

Here.

**LEG. NOWICK:**

(Present)

**LEG. BISHOP:**

Here.

**LEG. MYSTAL:**

Here.

**LEG. BINDER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

Here.

**D.P.O. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

**LEG. LOSQUADRO:**

Henry.

**MR. BARTON:**

14 present. (Not Present at Roll Call: Legs. Schneiderman, Nowick, Binder and Tonna)

**P.O. CARACAPPA:**

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

**(\*SALUTATION\*)**

Please, remain standing. I'd like to introduce, at this point in time, Legislator Michael Caracciolo for the purposes of introducing today's clergy. Good morning, Legislator Caracciolo.

**LEG. CARACCIOLO:**

Good morning. It's my pleasure this morning to welcome Reverend David M. Powers of the First Parish Church, United Church of Christ, on Sound Avenue in Riverhead. Reverend Powers comes to us via New England, having served in the New England area in many places for almost, I guess, 25, 30 years. He's a graduate of Carleton College and the Harvard School of Divinity. And his most recent assignment, as I said, is right here in beautiful Riverhead. Ten

years prior, Reverend Powers was the Pastor of the Briarcliff Congregational Church in Briarcliff Manor, New York, and today he caps a career of leading us in prayer, having done so already at the Town level, the State level of New York and in Washington D.C. Reverend Powers.

**REVEREND POWERS:**

Thank you. Let us pray. As you bring new life from the earth, oh, God, on these bright days of spring, greening the world with promise and with hope. So grace this gathering with your presence, we pray. Guide those whose decisions shape the life we share as citizens of Suffolk County. Enable them to hear not only what they want to hear, but also what they need to hear. Grant wisdom in governance, patience in service, vision in planning for the day to come. And as we pray for this Legislature, so hear our prayer for all who serve the public needs. Protect those who protect our country, our County, our communities. Strengthen those who struggle with intractable problems in our midst, the burdens of poverty and ill health, the needs of the environment, challenges in the educational system, issues of justice and safety, so that all who work for the common good may be strengthened to serve you in serving others. Amen.

**P.O. CARACAPPA:**

Thank you. Please, remain standing. I'd like to recognize Legislator Jon Cooper at this point in time.

**LEG. COOPER:**

Thank you. I'd like to request a moment of silence for Nathan Bruckenthal, who was a native of Northport. Nate was a Coast Guard Officer who died in a terrorist attack against an oil terminal in Iraq two weeks ago. Because of Nate's heroic actions, the lives of dozens of his comrades in the military were saved. Nate died fulfilling his mission. He was truly a hero, and he will be sorely missed by his friends, his family, and especially his young wife, Patricia, who is pregnant with their first child. Thank you.

**(\* MOMENT OF SILENCE \*)**

**LEG. COOPER:**

Thank you very much.

**P.O. CARACAPPA:**

Thank you. Good morning, everybody. I'd like to go directly to presentations by Legislators. I'd like to introduce and recognize Legislator Brian Foley.

**LEG. FOLEY:**

Thank you, Presiding Officer Caracappa. It's my honor and pleasure today to give a proclamation to an outstanding health services organization that has been in the greater Patchogue area for a number of years, and has served the greater County area for quite sometime, and that's the Suffolk County Perinatal Coalition. I would ask if Ameer Bay could step forward, as well as Gail Burrus. Gail is the Assistant Director of the Perinatal Coalition.

As we do from time to time as Legislators, we name weeks after a variety either of people or of organizations, and I'd like to announce that this particular week from the 10th of May to the 17th will be known as Suffolk County Perinatal Coalition Week here in Suffolk. It's to highlight the great services that this coalition has provided to a whole host of families and women for a great number years. It's through their great work, in concert with our Suffolk County Health Department, that healthier babies are born, healthier women deliver those babies, and they have a much better start out in life than they otherwise would, if not for the great work of the Perinatal Coalition. With that said, I'd like to have Miss Burrus say a few words about the coalition, and then we'll give the official proclamation to the organization. Miss Burrus.

**MS. BURRUS:**

Thank you. On behalf of Suffolk County Perinatal Coalition, I just want to say thank you for acknowledging our work that we have done over the 14 years in reducing infant mortality by addressing the health and wellness and the needs of women and children and families in Suffolk County. Our goals are to provide these services to families in need, so they can have healthy outcomes.

One of the programs that we are very proud of is the Mentoring Mothers Program. This program trains volunteers in the communities to work with women, pregnant women that are in need of community and social support through their pregnancy. So, I would like to thank you again for acknowledging the work that we've done.

**LEG. FOLEY:**

Thank you.

***(Applause)***

Let me just finish with two points. Gail had mentioned earlier the infant mortality. That has been an issue for quite many •• quite a number of years here in Suffolk County. Former Commissioner Mary Hibberd had gone to great lengths to help reduce the infant mortality rate. It's something that is an ongoing concern for our Health Department. And also, there's another program that Perinatal Coalition runs that is not as well•known and that is the Smoking Cessation Program for pregnant women, as well as for the families of those particular families that access the coalition. Now, we know the smoking cessation programs through the American Lung Association, with the Health Department, but the coalition is doing its, let's say, fair share in also delivering and utilizing their services to help people to stop smoking.

And, as we all know, as a Legislature, I notice also the presence of Roger Corbin here from Nassau County, that tobacco control is a huge public •• public health issue, and the Perinatal Coalition is helping in that regard as well.

So, again, I'd like to thank you. And just, also, the fact that those of us who know of Amee Bay, or her mother Linda is here, of course, and if we didn't have this proclamation given today, we know that we'd hear it tomorrow. So, I want to thank you very much.

***(\*Applause\*)*****P.O. CARACAPPA:**

Thank you, Legislator Foley. I'd like to recognize Legislator Lynne Nowick and Legislator Angie •• Deputy Presiding Officer Angie Carpenter for the purposes of a proclamation.

**LEG. NOWICK:**

Good morning, everybody. We have with us today the Coaches of the Suffolk County Community College Men's Basketball Team. Good morning, everybody. If you want to just come in a little closer there. The team, of course, was taking finals, so we didn't bring the whole team in.

Just for those of you that don't know, the Suffolk County Community College Men's Basketball

Team completed a spectacular season, winning their second straight NGCAA National Championship, posting an undefeated 34 to 0 season record. They have extended their current winning streak to 52 consecutive games. So, I think that that deserves a round of applause.

**(\*Applause\*)**

And we would like to extend our congratulations to the Athletic Department, the Coaches, and the individual players. As I said, the young men are taking their finals, so I do have proclamations for everybody. And I have a proclamation from the entire Legislature for the Coaches, and I'm going to give this to you. And if you want to come up here, I know that Legislator Carpenter has a few words to say.

**D.P.O. CARPENTER:**

Basically, just to echo what Legislator Nowick has said, the College has become known for many, many things, workforce development, academic All Americans, and, certainly, when it comes to the area of sports, they are leading the way, too, so we're very, very proud of our Community College.

**LEG. NOWICK:**

Congratulations.

**MR. WRASE:**

Thank you very much.

**MR. POLICASTRO:**

Thank you.

**(\*Applause\*)**

**LEG. NOWICK:**

And just by way of an introduction here, we have Coach Richie Wrase here with us, Assistant Coach Pat Policastro, and also Athletic Director for the College, Art DelDuca. Nice to have you with us.

***(Thank You Said in Unison)***

Congratulations. Very good work.

***(\* Applause \*)***

**P.O. CARACAPPA:**

Thank you, Legislator Nowick. At this point in time, we're going to deviate from our usual schedule and we're going to have a presentation by Mr. Richard Amper from the Pine Barrens. Mr. Amper, the floor is yours, so ••

**MR. AMPER:**

Thank you very much. If I can just join my colleagues, Mr. Pally, and Dr. Koppelman, we'll try to do this very efficiently. Thank you kindly. Mitch, come and sit to my right.

**MR. PALLY:**

I'm right here.

**MR. AMPER:**

Mr. Presiding Officer, Members of the Suffolk County Legislature.

**LEG. LINDSAY:**

The mike isn't on.

**MR. AMPER:**

Is that better?

***(Affirmative Response)***

It's the first time actually in my history that anybody said they couldn't hear me and cared. Thank you very, very much. I do want to congratulate you on the Detmer Farm acquisition. That was a very, very difficult process for you. It showed that you have confidence in Mr. Isles and the professionals in the Real Estate Division. I think we're moving ahead, we're making some reforms to make that program work, and this Legislature is second to none in its

commitment to open space and farmland preservation, and that's the subject of this morning.

The Presiding Officer indicated that he needed to have this presentation completed in a half hour. It involves me, Dr. Koppelman, and Mitchell Pally, the Vice President of Long Island Association, and we're here to talk about the economic and the environmental imperatives of expediting the land preservation process in Suffolk, and the specific role of the Suffolk County Legislature in doing that.

We've shortened this presentation by a couple of minutes to allow for Supervisors Phil Cardinale and Josh Horton of Riverhead and Southold, respectively, and Joe Gergela of the Farm Bureau.

I'm here to report that there's a coming together of the economic, environmental community, along with planners, the Town Supervisors, the Legislative and Executive Branches of government that we feel very optimistic about.

If you'll look at the screen to my right, your left, we're calling for expedited preservation of land under Suffolk County's famous programs. Long Island has become a national model for suburban sprawl. The problem has been overdevelopment. But early on, there was a recognition by this body of the need for preservation. H. Lee Dennison, the first County Executive bought Robert Cushman Murphy Park in the '60's, then in the 1970's, John Klein began the Farmland Program. Dr. Koppelman remembers that as well. And we have now preserved some 10,000 acres of farmland. As you'll hear from Dr. Koppelman, we need to do more.

Long Islanders support reservation. In referendum after referendum, bond act, sales tax, the real estate transfer tax, the public's squarely behind preservation, with 66 to 84% pluralities. We're all •• you folks in public office have to be somewhat jealous of the tremendous pluralities the public invests in this. In fact, Suffolk has spent more money preserving open space and farmland than have 45 of the 50 states in this union. Now, that's not numbers of acres, that's absolute dollars. Land is expensive here, but it's as important to the people of Suffolk as it is to the real estate developers. That has also leveraged money from New York State, from the community preservation funds on the East End and town bond acts individually.

My personal favorite accomplishment was your successful preservation of the Pine Barrens. It's a national model of the combination. The Long Suffolk Association, the Suffolk County Water Authority were principal parties in that. We preserved 53,000 acres. Forty•seven thousand five

hundred acres have been left for sensible, responsible development in less sensitive areas.

I would like to report to you, so you can tell your constituents, there are only thirty•five hundred acres of privately owned land remaining to be secured in the Pine Barrens, the rest have been purchased. Congratulations and thank you. However, we must repeat this process one more time. Let me explain.

Once Suffolk County averaged nearly twenty•five hundred acres per year. You'll see by the bar graph. Of course, there was more land available, the parcels were bigger, but we were also aggressively preserving it at this time. Last year, a little more than 500 acres. That trend needs to be reversed. But, instead, the problem was compounded by the real estate scandals back in 2002. The charge was that Suffolk County was overpaying for land that was owned by business or political friends. That's something this Legislature did not want to see happen and they responded appropriately. The Legislature imposed reforms. However, while it stopped corruption, it stopped it in part by stopping the preservation itself. Ask so we're here before the Legislature to refine how we can guarantee the oversight responsibility of this Legislative body on the one hand, but to expedite acquisitions, and here's why.

It is inescapable, we are an island. Here is a view of overdevelopment, a satellite picture that literally shows the development. We have a natural urban growth boundary. It's the Long Island Sound on the north and the ocean on the south. We have a measurable carrying capacity, a finite amount of space. In the past 40 years, Long Island has preserved 40,000 acres. That's a remarkable accomplishment. I should report to you, however, that in that same period of time, 400,000 acres were developed, ten times as many as were preserved. What are the consequences? We know it as we try to get to the County Center in Riverhead, too much traffic. Then there are the tax implications. There are the cost of new taxes. Long Islanders are paying twice the national average in taxes. Overdevelopment demands new government services. There are schools, fire and police protection, new roads, an enormous burden of spiraling traffic congestion that's hurting the economy and our quality of life. And this is important, we're going to go back to it over and over again, but briefly, and that is that we cannot separate the economic implications from the environmental ones, right, Mitch?

In 1948, Suffolk, the largest agricultural county •• producing county in New York State, had 125,000 acres of farmland. You can see it dissolve. By 1968, there were only 62,000 acres.

By 1998, just 34,000 acres remain. Houses are sprouting from farm fields like so much summer corn, our agricultural viability is endangered. You'll hear from Joe Gergela about his concern about that.

The Long Island Regional Planning Board has estimated that without a minimum of 30,000 acres remaining in agriculture, the state's largest agricultural producing county can be out of business. And that means that we have to preserve almost all of what is left.

Then there's the threat to tourism. It's not just the growing cost of government services that this overdevelopment represents, tourism is a 4 1/2 billion dollar industry. It's the number one business on Long Island. Tourists do not flock to suburban sprawl. How much more land can we afford to lose?

There are more industries that are threatened, a burgeoning wine producing region, generating 65 million dollars in gross annual sales, and employing, directly and indirectly, some 4,000 people. It's a major tourist destination. It's imperiled if the land around it is not preserved. Then the recreational opportunities that are lost. The Long Island Convention and Visitors Bureau says that two•third of the tourist who come to Long Island are visiting family and friends. They are the backbone of the number one industry on Long Island.

And we lose our character when we lose our open space. Yes, it's principally in Brookhaven and the five East End towns, but the acquisitions that Dr. Koppelman will talk about are in every town. And this is ultimately the agricultural region and the recreational center of Long Island. We have a limited amount of time to preserve it.

The soul of Long Island is at stake, along with our economy and our environment. Long Island's prized quality of life is at stake.

What about the developers? What happens to the developers if we resume and accelerate this preservation program? There's still plenty of work to be done. Developers haven't built affordable housing, because they make more money building unaffordable housing. From 1989 to 2003, 75,000 units of housing were build on Long Island, but only thirteen hundred of them were affordable. The Long Island Association is committed to preserving open space, but it's also committed to affordable housing, and so are we.

There has been no affordable project that has ever preempted •• was ever preempted by

preservation. As the price of land rises, the supply diminishes. That's the natural order of things. State legislation currently pending would require the developers to build affordable housing in return for being allowed to build some of the more expensive houses. Towns should demand even more. Developers should spend more time redeveloping brown field sites, and less time building playgrounds for millionaires in sensitive areas or on farmland. That just makes good common sense. Let's build what Long Island needs. And legislation enacted by the State Legislature encourages that, so it's not like we're going to have to give up development in return for preservation.

So, let's look at the preservation goal before I introduce

Dr. Koppelman, and that is that is a demand, a request, a recommendation, and insistence on the part of the Regional Board that we save 45,000 of the remaining 90,000 acres. Remember, we only had 100,000 acres of Pine Barrens, we preserved half of them. There are 90,000 acres left and only about nine years to save them before final build-out. We need to repeat that Pine Barrens phenomenon one more time. We need to save half again.

We need to increase acquisitions and purchase of development rights of farmland. We need to buy now and pay later, buy it now, as Legislator Crecca keeps describing, while it's still available, before it's developed and while it's less expensive than it's certainly going to be. We have already identified the priorities. The Regional Planning Board, Dr. Koppelman, the Pine Barrens Society, the Nature Conservancy, the Planning Department of this County know what we need to preserve, have identified it, and we're moving ahead to do that. There have been improvements in the Real Estate Divisions, new procedures, new personnel. They're ready to gear up not to preserve hundreds of acres, but thousands. That's what it's going to take to get this job done. And we need to ensure Legislative oversight. You have always and always will be the last stop, the body that needs to identify and confirm that we're buying the right land and to ultimately say how much money we can pay for it. That has to be ensured in any effort to expedite this program.

It was the late Daniel Patrick Moynihan who said, "On Long Island, our economy is our environment, and our environment's our economy. We all know we can't have one without the other. We're calling on you for a nonpartisan approach. We want you to match the Levy Administration's Executive Branch real estate reforms with Legislative action that will take away the road blocks, but still ensure your oversight role, and oversight role that continues to be

important, if public confidence is to be maintained. What must happen, there's needs to be increased recognition of the linkage between the environment and the economy, and a commitment to action.

So, today we're here to call on you to accelerate preservation, to implement reforms, to support our environment and our economy, because we're coming literally to the end of the road. The ocean is coming up in front of us and we can see it now. It was understandable how we might not have understood this imperative when we were simply developing in Huntington and Babylon, but the end of the line is at hand. If we fail to act immediately, how will we ever explain it to our children and grandchildren? Thank you for your attention, I very much appreciate it.

**(\* Applause \*)**

It's my pleasure to introduce the Chairman of the Long Island Regional Planning Board, the Dean of Long Island's Planners, Dr. Lee Koppelman.

**DR. KOPPELMAN:**

Good morning, distinguished Members of the Legislature. It's a special privilege for me to be here today to talk about my favorite subject, the preservation of Suffolk County's priceless open space.

We are prepared with this current third comprehensive regional plan, the sixth planning document since 1960 for the preservation of open space. The hallmark of this program is a real testimony to the original Suffolk County Board of Supervisors and the current Suffolk County Legislature.

There's been an unbroken record for a period of four•and•a•half decades of treating this important public program, not just in a bipartisan sense, but in a nonpartisan sense. It has never been treated as other than on the merits. And, at the present time, the open space inventory in Suffolk County is approximately 146,000 acres, or about 26% of the land mass of Suffolk County. Let me observe, this does not include other characteristics that normally are considered open space, such as cemeteries. Perhaps, at my age, I try to avoid that issue, but if we added the cemeteries, the record would even be more strengthened.

The issue at hand, as a matter of policy for the Suffolk County Legislature, is to have a clear

planned understanding of which parcels are essential for acquisition by the County. And since 1960, well over 97% of all the money spent on open space were in accord with planning recommendations by every County Executive since H. Lee Dennison, and that includes the Farmland Study that we prepared in 1972, which was seminal in terms of the entire United States, where now more than half the states of the nation have copied what Suffolk County has initiated.

In terms of the future, this third regional plan identifies approximately 44,000 acres that still must be preserved. Fortunately, not all of this is up for immediate development. So, in some regards, time is on our side. However, there are areas of priority that must be addressed in the immediate future.

In terms of farmland, I'm very happy to note that some of the towns who resisted intelligent planning are now moving in that direction, and the latest, of course, is the Town of Riverhead, where there Town Board is considering a comprehensive plan to change the zoning to two acre, and when coupled to cluster zoning, even if all the funds are not available, a significant amount, at least 60 to 75% of those farms that we can't acquire through the purchase of development rights can be preserved through the site design process. So, the Town of Riverhead certainly deserved support and compliments.

Several of the other eastern towns have already followed this pattern, such as Southold, and especially on the South Fork, the Town of East Hampton, with their creation of an agricultural districting, where the lots are anywhere from three to five acres in zoning character, where at least 60 to 80% of the existing farms could be saved without the exercise of purchase of development rights. This is significant because of the cost of the purchase of development rights, and the South Fork, they could run anywhere from 70, 80 or 100,000 an acre to parcels in East Hampton that are running a quarter of a million dollars an acre just for the purchase of development rights.

Fortunately, most of the current commercial agriculture lies within the Towns of Riverhead and Southold, with some still remaining in Brookhaven, and one of our recommendations is that the emphasis on preserving farms should be concentrated in those areas where we could acquire, in a sense, a bigger bang for the buck. And let me observe, of the 34,000 acres, approximately 16,000 acres are well on the way to permanent preservation, which includes what we've

acquired through the County's programs, the various town programs, such as Southold, Southampton and East Hampton, which provided their own referendum money for the program, as well as the application of these agricultural overlay districts, such as in Southampton and in East Hampton.

The target announced several years ago in Suffolk County was for a total of 20,000 acres. The original goal that was set was 30,000 acres. The Regional Board has recommended that that goal, once again, be 30,000 acres, because of the economy of scale, and because of the issue that if we fall below that, the question of whether or not agriculture is an industry, as well as a way of life, it's part of Long Island's cultural history, can survive. And from a planning judgment point of view, 30,000 acres should be the goal, and that means we have to set aside at least 14,000 more acres, and that should be a priority, and our recommendation is the heavy concentration should be in the Towns of Riverhead and in Southold on this area program.

In terms of large estates, camps, etcetera and so forth, there are a number of valuable properties. Some of them are not in danger of imminent loss, such as the thirty-four hundred acres of Gardiners Island. From Maine to Florida, there's no more significant, no more historic, no more important off-shore island from every sense, including and especially its environmental purpose, than Gardiners Island, and steps have to be taken one way or another to ensure that this property is preserved for all time.

In western Suffolk County, there are a number of properties in Huntington that have to be preserved, including the Morgan Estate near Asharoken, and several other properties. But the larger emphasis, in terms of these private estates, lie within the Towns of Southampton and in Brookhaven. And we've outlined approximately 44,000 acres that are worthy of preservation. The importance of this list is that the Legislature itself, which had always been guided by these planning recommendations, does not have the difficulty of determining whether or not a parcel of is worthy of preservation. The comprehensive list is before you. Each of you have a boiled down summary of what will be in the published regional plan. The guide is there. The question now is whatever reforms are necessary to satisfy the ethical concerns of the Legislature be brought forth, but the point is the time is now. The list is available, and, certainly, from a planning point of view, the Regional Planning Board is ready at any time to work with the Legislature on any issues that relate to the Open Space Program.

I do thank you for the opportunity to present it, and I certainly congratulate this Legislature.

When I refer to you as the distinguished Members of the Legislature, I mean it with all sincerity. There's no other Legislative body, State, County or municipal, that has the reputation and the record of the Suffolk County Legislature, and it has been a record that has stood for four•and•a•half decades. So my congratulations to each and every one of you.

**(\* Applause \*)**

**P.O. CARACAPPA:**

Thank you, Dr. Koppelman. We appreciate your kind words.

**MR. AMPER:**

Thank you, Dr. Koppelman, and thank you, Members of the Legislature. We wanted to talk to Mitchell Pally, the Vice President for Government Affairs for the Long Island Association, to emphasize again the importance to our economy, and what it is that we are asking from the Executive and Legislative Branches, and then we do want to hear •• I very much appreciated your mentioning Riverhead and Southold, the Supervisors from those Towns, and the Head of the Farm Bureau. We want to give them each a minute, and we want to stay on the timetable. Thank you very much for giving us this time. Would you, please, welcome our friend, Mitch Pally.

**(\* Applause \*)**

**MR. PALLY:**

Thank you, Dick, very much, and thank you, Presiding Officer, members of the Legislature. Appreciate the opportunity to join my friends on this issue, Mr. Koppelman and Mr. Amper.

The Long Island Association, as you know, has been a strong supporter of the combined efforts to save the environment and to promote the economy of Long Island, and we look at had issue as one issue, not two issues. For those who try to fight the environment with economic needs, or those who try to fight economic needs with the environment, we do not support that. We know what it means to be residents of Long Island, to be businesses on Long Island, and that's why the Open Space Acquisition Program is so important to us as it is to my friends and as it is to my other friend, Joe Gergela, from the Farm Bureau because of the importance of the

agricultural industry in ad our community.

We're here to express our support for the effort, to move the process forward, to move the acquisitions forward as quickly as possible.

As a resident of the Three Village area, I want to thank the Legislature again for saving Detmer Farm, and my friend, Legislator Fisher, on that. That's a very important acquisition in our local community on that issue. But those type of •• those type of processes and those type of efforts can move forward with an improved list from the Regional Planning Board and with an acceleration of the process.

We have •• obviously, many of us served on County Executive Levy's transition team for the environment, and worked with him on a variety of issues to expedite the process within the Executive Branch. He is trying to move those forward at the moment. And we're asking the Legislative Branch to also look at the activities of the Legislature and how it operates in regard to acquisitions, to make sure that the reforms that were enacted a couple of years ago for a very important purpose do not slow down the process, such issues as an approved acquisition list, so that both sides understand what parcels are out there and can be approved, the authorization to value the property at the highest and best use. That is, of course, very important to the landowners, and very important also to the farming community because of their need for collateral uses on their loans. The elimination of arbitrary caps. Unfortunately, whatever cap is enacted at the moment, because of the increase in values that continue to occur on Long Island, many times those caps get in the way of negotiations, of arms length negotiations between the County and the landowner, and we would hope that those could be eliminated. The creation of a joint Legislative Economic Committee to approve offers when they're made to landowners, so landowners understand that the offers being made by the County government, not by one branch or the other of the County government. And then, of course, full Legislative approval at the end of the process to ensure that taxpayer funds are being used in the best interest. Those are issues that we think the Legislature can do without in any way hindering the Legislature's approval process for the acquisition of open space. But, again, we're here for that purpose, and also to ensure that the Legislature understands that the acquisition of open space in Suffolk County is not an environmental issue, it's not an economic issue, it is a Suffolk County issue. It is important to all the 1.4 million residents of Suffolk County. And we are hopeful that this Legislature, working in concert with the Executive, will do what it can to accelerate the process, because we don't want to see anymore open space lost in that regard.

And one thing I will add, and I was appreciative of Richard's position on the matter, obviously, as you know, workforce housing is the number one issue of the business community of Long Island. It is essential that we provide workforce housing for our young people, or we will not have any young people around on Long Island. Long Island has lost five times as many people in the 18 to 34 year age group as any other region in the country, and that is accelerating in the four years since the 2000 census. We do not see any reason why the need for the development of additional workforce housing and the need for the preservation of open space is in conflict. In fact, in our regard, they are together, because what we provide, when we provide the workforce housing, we also have to provide the community for our young people to live in. All of us have children, all of us want our children to live here. We like to be near them. We want our families to be close. The development of workforce housing and the acquisition of open space are together to make this community whole, and we're hopeful this Legislature will do everything it can to make sure both of those activities can be achieved. Thank you.

**MR. AMPER:**

Absolutely, Mitch, absolutely.

**P.O. CARACAPPA:**

Thank you.

**MR. PALLY:**

Thank you very much.

**MR. AMPER:**

We've brought it in at 25 minutes, as we promised, because we very much want you to hear from •• just very, very briefly from some people who are reacting to what we've done, and who represent constituencies that are important to this Legislature. And I want to say before they come up, I cannot tell you, Mr. Presiding Officer, and Members of this Legislature, how important it was to us for you to listen to your constituents in terms of both the economy and the environment in terms of taking us in a new direction. It's a direction we all want to go. Thank you so much.

**P.O. CARACAPPA:**

Thank you. Who did you have coming up next, Mr. Amper? Do you want Supervisor Horton?

**MR. AMPER:**

The Supervisor of the Town of Riverhead is Phil Cardinale. And, I guess, just in the interest of time, maybe we'll ask Supervisor Horton from Southold and Joe Gergela of the Farm Bureau to simply replace the three of us and we'll get this thing done. Thank you very much.

**P.O. CARACAPPA:**

Welcome, Gentlemen. Thank you.

**SUPERVISOR HORTON:**

How do you replace Dick Amper?

**MR. AMPER:**

A lot of people would like to do it.

**P.O. CARACAPPA:**

Good morning.

**SUPERVISOR HORTON:**

Good morning.

**SUPERVISOR CARDINALE:**

Good morning.

**SUPERVISOR HORTON:**

Why don't you start, Phil.

**SUPERVISOR CARDINALE:**

I'll start at the suggestion of Josh Horton and I'll be brief. I'm here on behalf of the Town of Riverhead to ask the Legislature's help, which help will in turn help all of the constituents of Suffolk County who you serve.

For the first time in over 30 years, Riverhead has a new master plan, and we're in the process

of implementing that master plan. Together, with a town-wide upzone, mandatory clustering of up to 70%, an active and accelerated Town Purchase of Development Rights Program, which will be supplemented by new bonding, and an innovative and creative TDR program, which we've worked for years with the community to design, we are ready to help preserve the farmland that is in Riverhead and the open space. What we need from the County is we need the County's PDR Program to be revitalized and to be revised, so that the County can again partner with us in this mutual objective. In a word, or three words, we need the PDR Program of the County to •• it seeds needs to be fixed, it needs to be fair, and it needs to be now, and that's the simple message that I bring to you today.

Finally, I'm confident that you will respond to Riverhead's plea for help promptly and effectively, so that together we can again partner to preserve the farmland which exists in Riverhead and the open space for the benefit of all of Suffolk County. Thank you.

**(\*Applause\*)**

**SUPERVISOR HORTON:**

Good morning, Mr. Presiding Officer, and Members of the Legislature. Thank you for the opportunity for me to speak, and I'll be brief as well.

First, I want to say I think you're very fortunate to have a past Supervisor serving with you on the Legislature, particularly in terms of farmland preservation, open space preservation, because the Supervisors of each town that are involved in these programs are the front line and, like you, are custodians of tremendous amounts of money that are reserved for farmland preservation and open space acquisitions, and, quite frankly, have a tremendous amount of knowledge and tremendous amount of input as how to properly streamline the program. And this is about properly streamlining the program, this isn't about blindly fast-tracking, this isn't about moving things along in a haphazard fashion, as the Legislature has been very responsible custodians of the program, and want to congratulate you on that and thank you for that. And, Jay, it's good to see you here, and I'm sure you'll give tremendous input to this process moving forward.

The great thing about farmland preservation is that it's not a partisan issue. Farming as an industry is not a partisan industry, it's an industry that exists on the East End of Long Island and lends Suffolk County the title, if there is a title to be had, of being the leading agricultural

industry •• the leading agricultural county in the State of New York.

The reforms, and let's back away from the term reforms, the term reforms, the suggestions are not of a partisan nature, they are of a practical nature. And I've spoken or worked with most of you in this body and I've found you all to be practical people. So, I'm here to support those specific changes to the program that will expedite the program, continue the integrity the Legislature has demanded of the program, and above and beyond all else, it will ensure the program's viability, because the retention of the agricultural industry is what we're shooting for when we talk about farmland preservation.

Development •• I mean, excuse me. Back away from that word. Real estate values have been to the detriment of farming in Western Suffolk and Nassau County. That same force, that same real estate and market driven force is also what enables the agricultural industry in Southold Town and the five East End towns to remain the strongest, most competitive. It's an interesting dynamic. Farms Upstate can't borrow as much against their property to evolve and grow their businesses. It's that same force that drove •• that ended up having a lot of farmers sell in Western Suffolk and Nassau County. So, it's a very interesting fiscal and market dynamic, but it's that force that keeps us the most innovative. It's that market that enables us, our East End farmers, to stay in the not only regional market, but the national and global markets. And moving forward, I think that's why it's imperative that we preserve as much of that farmland now as possible.

Southold Town as well is implementing new progressive changes to our Farmland Preservation Program, so we're going through the same growing pains, if you will, as the County, and we intend to do so with every bit of togetherness with the County Legislature.

And I just want to touch on one last point that Mr. Amper made, which is, and it touches on a point I made earlier, is that this is a coming together if I ever saw one, and this all right here right now. I think, Mr. Amper, didn't you even form an organization to simply have me unelected? And, you know what, and I •• the bottom line is we're here together today because we have the same goal with the same ideas in mind, and we support them a hundred percent. I stood between

Mr. Amper and Joe Gergela. It's like standing between Ali and Frasier. But we're here together today to say we're with you, we support you, we support the County Executive, and we support the •• your legal experts that are going to give you the justification to move forward with these

changes. And if there's anything that Southold Town can do, please, feel free to call me. We're there 100% to lend assistance to the County in this program.

**(\*Applause\*)**

**P.O. CARACAPPA:**

Thank you, Supervisor Horton. Good morning, Joe.

**MR. GERGELA:**

Good morning. Good morning, everybody. Thank you for allowing me to say a few words this morning. I'll try not to be redundant. I think that Dick Amper, and Mitch, and Lee, and the Supervisors have spoken very well and very eloquently and made the case for why we're all here today.

I just want to tell you a little bit about the industry that we're talking about. And many of you know me for a long time that I've represented the farmers out here for 16 years, but I don't know how many of you know that I actually was a potato and vegetable farmer. My dad and I farmed in the Town of Riverhead in Jamesport. My land, the development rights were bought by Suffolk County in 1978. My land is now a vineyard. My father's farm, which is a 90-acre parcel, is greenhouses and a vegetable farm.

Most recently, I know many of you heard about the KeySpan property and the fact that there was a lottery held for preserved farmland. The thing that surprised many of us is that 65 farmers came forward and wanted to participate in that lottery. Twenty-two participated in the lottery and acquired over 300 acres of preserved farmland. Now, what's the point? The point is that we still have 650 farmers in Suffolk County, and they're all doing very well in their business. The more land that we can secure and preserve, we're preserving the industry of farming, which in my mind is as important as preserving the land base for all of the other reasons that were presented this morning.

The things that we are talking about here today, and you guys have done a terrific job over the years and continue to do so, we're not talking about major revisions of the programs, just tweaking them to make them more efficient. I have found it frustrating over my tenure where we had situations where it would take two to three years to get a piece of farmland through the

process, and at the end of the day, the landowners said, "Well, I'm sorry, you jerked me around, you didn't offer me a fair deal to preserve my land," and they walk away from it. We have an opportunity right now to get the rest of this done and time is •• the clock is ticking. Dick said it earlier, we've got about ten years probably before we'll see the •• you know, what's going to be built and what's going to be saved.

So, basically, I implore all of you to continue to work with us. This is an unusual coalition, we've done it before. I know that Dick, and going back to the Pine Barrens days with Buzz Schwenk, the odd couple in Albany, well, sometimes we may be the odd couple, but we all agree very strongly that we need to do this job together, and there's no reason why we can't all pull together, and let's get it done. And I thank you for your time.

***(\*Applause\*)***

**P.O. CARACAPPA:**

Thank you very much.

**SUPERVISOR HORTON:**

May we be excused?

**P.O. CARACAPPA:**

You're excused.

**SUPERVISOR HORTON:**

Thank you.

**P.O. CARACAPPA:**

Absolutely. I'd like to thank Mr. Amper, of course, Dr. Koppelman, and Mitch Pally, and Supervisors Cardinale, Horton, and, of course, Joe, who just spoke, for an excellent presentation to this body. And, also, I'd like to thank the public's patience while we did that presentation. I know it took a little of the public's time, but for very, very important reasons, so •• and not only are we getting educated as Legislators, but the public continues to get educated on how important land preservation is. Moving on to the public portion. First speaker is Marty Haley. He's back.

**LEG. O'LEARY:**

Motion to recess.

**LEG. BISHOP:**

Speaks now more to us than when he was elected.

**D.P.O. CARPENTER:**

Absolutely.

**LEG. BISHOP:**

He didn't say a word.

**P.O. CARACAPPA:**

Marty, just so you know, there's a motion to recess.

**LEG. ALDEN:**

As they say in arraignment, "Stepping up, Your Honor."

**P.O. CARACAPPA:**

Marty, you have three minutes.

**MR. HALEY:**

You know, I hate •• is this on? I hate following Dick Amper. That's a tough one, you know? Just remember, when you talk about preservation, think about fields for kids.

I want to speak about a couple of things real •• and I'll go as quickly as I possibly can, because I know I'm limited to three minutes. But I just want to share a bit of good news. Those of you who have met my son, he's back from Iraq, so ••

**(\*Applause\*)**

**MR. HALEY:**

Yeah, doing good. Thank you. I have copies for every Legislator. Thank you, Mr. Presiding Officer. I'm going to read this, because I want to get it all in in three minutes.

I appreciate the opportunity to say a few words concerning the proposed renovation of this County Center that was built in 1958. Although Riverhead Town was not formed until 1792, the Colonial Assembly recognized Riverhead as the County Seat in 1727. In spite of the many buildings we now have throughout the County, this is still the County Seat. This statement alone warrants that we should accept the responsibility to protect the \"\_solen\"\_ asset, which we call the County Center.

Specifically, let me make a few points. HVAC equipment is not only antiquated, but probably costs us a whole lot more to operate than what a new state-of-the-art system would cost. If not for the constant attention maintenance personnel have given it, it would have failed by now. And I want to tell you something, these guys work very hard to keep this building maintained.

General working conditions affecting all of our employees affect our production. While some of it is ergonomic, most of it is an inability to balance an HVAC system that was originally designed for open floor areas. From a safety and perceptual perspective, again at the failed escalator that has not worked for 15 plus years. Now being used as a stairway, it does not meet the dimensional requirements for safety purposes, and it is on a •• it is a daily occurrence for an employee to hear from a visitor a disparaging remark about the escalator.

ADA compliance may be in question. We may or may not be technically in compliance, but we are not within the intent of the law. The handicapped individuals, and I'm going to just depart, right now, if a handicapped individual wants to come to the Treasurer's Office, he or she has to be escorted through two security doors, get the elevator at this end of the building, then come all the way back up. And, usually, what happens is they don't do that, we have to send cashiers out of our office, too, if they bring cash, to pay their taxes, to come down in order to service individuals.

Security considerations make it difficult for the public to make effective use of all parking. As you know, parking's at a premium. Additional glass closures at strategic locations affect ergonomics, as well as HVAC balancing. Renovation will improve security. We have already invested considerable amounts of money already for the planning process, so I would hope that wouldn't go to waste.

Operation costs can be substantially reduced, some of which can offset the cost of debt service. A new and balanced HVAC reduces uses and costs. Many employees here use heaters and fans during the year because of the imbalances by adding walls here and there over the years. Putting light switches in each room, yes, we don't have light switches, and each room allows employees to shut off lights when not in use. Now lights stay on all the time until maintenance personnel shut them off with a circuit breaker sometime after 5 p.m. Installing more efficient electrical fixtures and insulation will save more money. All of this in consideration and energy conservation is a policy of all governments.

This building was built with old technology, and it's usefulness has depreciated beyond what most governments or corporations would allow. We in the Treasurer's Office ask the Legislature and the County Executive to cease treating the County Seat as a stepchild when it comes to capital planning. I think this is the opportunity to continue to put our best foot forward, and I would ask that this Legislature continue to maintain the Capital Program as previously written for the benefit of our County Seat.

Thank you. And, Mr. Chairman, while I've got a couple of seconds here, I'd just like to read a note from Mr. Cochrane, and it concerns •• it concerns I.R. 1383, and is as follows:

Members of the Legislature, to date it appears that the Suffolk County Campaign Finance Fund has not worked as intended. This voluntary contribution has developed into one where no candidate has availed his or herself of the de minimus amount of monies received since the Year 2000. To date, voluntary contributions have averaged less than \$10,000 per year, where our ten towns have incurred additional costs exceeding \$36,000. We must spend additional dollars in the Suffolk County budget just to operate fund.

With unattained goals, unfounded mandate expenses placed upon our town taxpayers and added cost to the Suffolk County budget, I wholeheartedly support the passage of Resolution 1383 of 2004. Mr. Chairman, thank you.

**P.O. CARACAPPA:**

Thank you very much. And give your son, Marty, Jr., our best and our thanks for serving his country.

**LEG. HALEY:**

Thank you.

**P.O. CARACAPPA:**

Ester Bivona.

**MS. BIVONA:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MS. BIVONA:**

My name is Ester Bivona, I'm the Tax Receiver for the Town of Huntington, and I'm here today representing the Suffolk County Tax Receivers Association, and I have some of my members here who are not back in their towns collecting taxes for us.

I am also here to speak in support of Resolution 1383, repealing the County mandate to solicit Campaign Finance Fund contributions through the use of a mailing of an envelope with the tax bills. I think, over the years, we have come to see that this has not been a successful endeavor. From an administrative point of view, the program has proven to be expensive and time consuming, and has not met the objectives set by the Legislature. In addition to the time and money the program costs, the failure of the program to generate significant money also speaks to the tax bill as the wrong delivery system. Asking for a donation at the time you present the most significant bill of the year to an individual has not brought out the generosity of the public. The figures speak for themselves. Spending \$36,000 annually to generate \$39,000 over the past four years is just not good government. Thank you.

**P.O. CARACAPPA:**

Thank you very much. Next speaker, Dan Sicilian. He left? Joe, you're up, Joe. Joe Stasys.

**MR. STASYS:**

Dan, didn't make it here, yet, but I am next. My name is Joe Stasys, I'm the Unit President out here in the Riverhead County Center, and I'm here to talk about what Martin was just talking about. I don't mean to offend any of you. If I to, I apologize now.

As he was saying, the building does need renovation. The 18 of you, this is your house, your responsibility for this. Maintenance. The Commissioner all has brought this building into the 21st Century. The problem is the building was not designed for the 21st Century. It's like taking a wagon train and turning it into a Ferrari, you can't do it. Actually, I'd like to more or less through a gauntlet down to you during the busy time, which is coming up, to see how embarrassing it is for the workers here when the public does come into the building. I don't want you dressed up as you're campaigning. I'd like to see you in your gardening clothes come through here during busy times and hear the complaints that the public has about this building. And, basically, that's all I'm asking for.

**LEG. CARPENTER:**

Thank you.

**LEG. VILORIA • FISHER:**

Thank you.

**P.O. CARACAPPA:**

Thanks, Joe, we appreciate it. I'd like to welcome come to the Suffolk Legislature our counterpart from Nassau County, the Deputy Presiding Officer of the Nassau County Legislature, Roger Corbin.

**D.P.O. CORBIN:**

Thank you, Mr. Chairman. It's interesting to listen how you guys do business out here. We're younger than you and we're trying our best to do the best for our citizens in Nassau. And before I talk about Dr. Harper, I just want to talk be your open space.

I commend this body for saving your open space, because in Nassau County, we lost a lot of our open space. I try to encourage our residents to buy Long Island, that means to support your farmers out here in terms of the potatoes and various other things, the wines, and other things that we have.

One thing that we learned a lesson, be careful about setting up malls, because what malls do is kill your downtown areas, and you have the high density of traffic. Try to get into Fortunoff's in Nassau County on Saturday and Sunday. Just a little story. I was at Fortunoff about a year ago, I was just recently there, but about a year ago, and I couldn't find a parking spot, so I told my wife to get out and go and I'll meet her in the store. Forty•five minutes later I finally found the spot. So, I told the lady down in Fortunoff, "Do you know what it is to leave your wife in Fortunoff for forty•five minutes without" •• it cost me a lot of money.

But the point is it is critically important to save your open space, and I commend this body for dealing with that issue. We don't have any •• we have very few farms to enjoy in Nassau County. We lost a treasure. So, I tell you out here in Suffolk County to maintain your open space, it is critically important. And you'll have to balance the population growth with your open space.

Moving on to Dr. Harper. It's a shame that we lost him. I told County Executive Suozzi to appoint him in the Health Department here in Nassau •• in Nassau County, but we have an existing Health Commissioner and his time is almost up. So, I said losing Brian to Suffolk County is a loss for us, but is a gain for you. You have someone that is extremely intelligent, you have someone that knows the business of the people, and is about the people. It's about the people who Dr. Harper is in terms of saving lives and pushing young people into that field. You will be very happy with his appointment to the Commission of the Health Department.

And then also, and as the Health Commissioner, Chairman Tonna, said last week, what does it mean, and it's obvious, what does it mean that he's an African•American? Well, let me tell all of you, it means very much to those African•Americans in Riverhead, and Bridgehampton, and Wyandanch, and Huntington, and Amityville. It means something to these youngsters to see someone achieve the kinds of things that Dr. Harper has achieved, and this appointment is very important to those communities.

So, I thank you so much for considering Dr. Harper, and I hope he unanimously gets appointed, and you will not be disappointed in terms of his talent. I thank this Legislative body so much.

**P.O. CARACAPPA:**

Thank you, Deputy Presiding Officer Corbin. We really appreciate you coming out to Riverhead to speak on behalf of the Doctor.

**D.P.O. CORBIN:**

Yeah, it was a nice little ride on your Expressway.

**P.O. CARACAPPA:**

It is.

**D.P.O. CORBIN:**

And I invite you to come to Nassau County some day.

**P.O. CARACAPPA:**

Thank you very much.

**D.P.O. CORBIN:**

Thank you.

**P.O. CARACAPPA:**

Next speaker is Sharon Lehrer.

**MS. LEHRER:**

Good morning. My name is Sharon Lehrer. I reside at 38 Pinewood Drive in Commack. Once again, I find myself pleading my case, referring to the exacerbating noise situation in my Commack community.

To refresh your memory, we are the community that cannot use our backyards or open our windows due to the cars, tractor trailers and motorcycles that are racing down Motor Parkway. It hurts mine and my family's ears to be outside of my house, not to mention the fumes and the safety issue at hand.

Last year, the County accepted and passed a bill for a sound study, and eventually some sort of sound barrier on Motor Parkway. I thank you so much for your support. Unfortunately, last month, Mr. Levy put a stop to this project, and I just don't understand what had happened. I understand that the County's budget is very tight. We definitely •• we understand that, but

please understand that this is an intolerable situation in our community, and it's ruining the quality of life in our community.

Mr. Crecca has been very helpful and very supportive with our situation, and I hope that you can find it in your hearts and budget to reinstate the proposal for a study and/or eventually a barrier. Thank you very much.

**P.O. CARACAPPA:**

Thank you. Carolyn Miller.

**MS. MILLER:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MS. MILLER:**

My name is Carol Miller, I also live in Commack, and I, with Sharon, want to thank you for helping us last year pass the noise abatement study, which was taken away. I am back here today to ask you for your help in my community's quality of life. I would like to see your names supporting this. Again, my community, like all communities do, all we want and all we ask is for our children to play outside, and for neighbors to get to know each other, instead of "For Sale" signs being put out on lawns. When we heard that the noise study was going through, a lot of "For Sale" signs came down. People started to get excited about this. They started planning on putting things into their homes. When the noise abatement study was taken away, people are very upset. They can't open their windows. They don't even live on the road, they live into the community, and people are very despondent.

It was very hard for us to see that this was taken away. I thought that having the Legislature vote and pass that the study would stay. We did not dream that it would be taken away. So, I'm asking you to treat my neighbors like you would treat your neighbors and your family. I want to be able to have a long-lasting relationship with my neighbors. I'm here over ten years and I've seen so many families come and go. People from the City who have moved into my community, and not because of drugs or bad schools, or anything else, but because of noise

have put for sale signs up after knowing that there was some noise in the neighborhood, not dreaming that the noise level was this intolerable.

So, I'm begging you to, please, reinstate the funds. Help me have a community where the children can play outside and get to know each other. After four or five years, people still do not know each other, they do not open windows, they do not have barbecues. They do not play in the front yard, because you cannot yell across the street to your neighbor.

**(\*Applause\*)**

We wish you to understand this. I welcome any of you to come to my home to try to sit outside in the front, to sit at my neighbor's house a block in.

I have a petition here. This petition is signed from people on Deepdale Drive, Shinbone Lane, Pinewood Drive, Mellwood Drive, Horseshoe Lane, and Acorn Lane. We have a large community. We have people who want to see this done. I am asking you to, please, help us see this and help me to stop seeing "For Sale" signs in my neighbors' front yards. I thank you.

**P.O. CARACAPPA:**

Thank you.

**MS. MILLER:**

If you would like a copy.

**P.O. CARACAPPA:**

Next speaker, looks like Patrick McCain, McGlain. Pat? Patrick McQuinn? Okay. David Ochoa.

**(\*Applause\*)**

**MS. MILLER:**

Thank you.

**MR. OCHOA:**

Mr. Speaker, I rise this morning to commend the Economic Development and Higher Education and Energy Committee. Last week, I had a most unique experience as a resident and a citizen of this community to be before that committee regarding the nomination of my name to serve on the Suffolk Community College Board of Trustees. The Committee was chaired by one of your colleagues, Lynne Nowick. And the purpose for my rising is simply to say for the record what a remarkable experience to have a frank and open discussion regarding matters related to that nomination. I felt I was treated fairly, I felt the communication was good.

And one of things that was my biggest surprise, Mr. Chairman, was, for sure, you need •• I think the public needs to understand that this experience of going before committees certainly is not anything that is a rubber stamp or a done deal. I use the term of the vernacular, because the dialogue was open, candid and fair.

The appointment, I believe, will be on the agenda later on this morning, and I just wanted to reaffirm my own commitment to support the mission of Suffolk Community College as an economic engine and an economic driver for this region. It's a critical part of our society to continue to have lifelong learning. It's a critical part of our community to provide the broadest access possible for all of our citizens to have education, whether it's going to a college degree, continuing education, or just learning how to write poetry. I will be available throughout the day, Mr. Chairman, in the event there are any questions regarding my nomination. Thank you very much.

**LEG. VILORIA • FISHER:**

Thank you.

**(\*Applause\*)**

**P.O. CARACAPPA:**

Thank you, Mr. Ochoa. Yvonne Quirk.

**MS. QUIRK:**

Good morning my name is Yvonne Quirk. I am the President of the Islip Town Branch of the NAACP, and it's a pleasure to stand before you once again.

Today you have the opportunity to make history. I want to first speak about true affirmative

action and what it means. Affirmative action came about as a result of this country recognizing that there is not a level playing field in employment or education with respect in particular to African•American males. Affirmative action, what does it mean? Does it mean hire me just because I'm black? Absolutely not. It means, for so long, you have not had anyone who looks like me working here before. I have the qualifications, I have the experience that you're looking for, and so I'm asking you to strongly consider hiring me to add diversity to your workplace. That is true affirmative action.

In considering Dr. Harper as Commissioner of Health for Suffolk County, please note that he is not only tall, dark and handsome, but his CV is impeccable, and he comes to you highly recommended by the best in health care, as well as others who are equally qualified.

The NAACP looks forward to hearing this august body unanimously confirm Dr. Brian Harper, M.D., MPH, as the new Commissioner of Health for Suffolk County. Thank you for your time.

**LEG. VILORIA • FISHER:**

Thank you, Yvonne.

**(\* Applause \*)**

**P.O. CARACAPPA:**

John Hernandez.

**MR. HERNANDEZ:**

Thank you. I rise before you to support a dear friend and someone that's very special, not only to the Nassau County residents, but I know to the Suffolk County community. I rise to support David Ochoa to his appointment to the Board of Trustees to •• of •• as a Trustee to the Suffolk County Community College. You're getting a gem. You're getting someone who will not only make the College go forward, but will also be an example for so many of the Latino community to see someone that looks like us, someone that will be caring and listening to the concerns of the Latino community. Thank you.

**(\* Applause \*)**

**P.O. CARACAPPA:**

Thank you. Next speaker is Fred Grob.

**MR. GOLDBERG:**

Mr. Speaker, we are together.

**P.O. CARACAPPA:**

Are you Mr. Goldberg?

**MR. GOLDBERG:**

Yes.

**P.O. CARACAPPA:**

You're next.

**MR. GOLDBERG:**

May we reverse the order? May we reverse the order?

**P.O. CARACAPPA:**

You're up first, Mr. Grob.

**MR. GROB:**

That's fine with me.

**LEG. LINDSAY:**

Just come up.

**P.O. CARACAPPA:**

Both of you come up.

**LEG. BISHOP:**

And you can reverse it.

**P.O. CARACAPPA:**

Thanks for superseding that.

**LEG. LINDSAY:**

That's fine.

**MR. GOLDBERG:**

Thank you. Thank you, appreciate it. My name is Homer Goldberg, I'm a resident of Setauket, and I have served on the Suffolk County Campaign Finance Board since its inception in 1999.

Since the Receivers of Taxes were here earlier expressing their dissatisfaction with the so-called Green Envelope Program, I would just like to point out that the Board is •• concurs with them. As early as July 1999, we issued a report saying that it wouldn't work, and that some other method of acquiring funding had to be found, and this turned out that our prediction was correct. Instead, I'm here to speak about Resolution 1278, and I wish to urge you to uphold the County Executive's veto of this resolution.

The resolution in its own language is designed, quote, to provide accurate and truthful public disclosure of County election campaign finances. It makes this program as if there were no existing system to obtain such disclosure. In fact, the Campaign Finance Board has recently completed an electronic filing system that we believe is the first for any county in the country, and we're fully geared up to handle all the disclosures electronically.

So, I want to begin by saying there's no good reason for the creation of another such body, and it is either redundant, or it will in some way replace the Campaign Finance Board's program. This, I think, is not in the public interest. It will be a big step backward for campaign reform in Suffolk County, a return to political business as usual. To understand why this is so and how, we must recognize the fundamental difference in orientation between the Board of Elections and the Campaign Finance Board.

The Board of Elections is bipartisan. The Campaign Finance Board is nonpartisan. As a bipartisan group, the Board of Education •• sorry, the Board of ••

**MS. JULIUS:**

Elections.

**MR. GOLDBERG:**

Forgive me, I'm 80 ears old. Sometimes •• Board of Elections, thank you. The Board of Elections serves the common interests of the two major parties. The Commissioners are designated by and represent the respective parties. The Campaign Finance Board is nonpartisan, and while that may seem the same, the dictionary I have defines nonpartisan as the antithesis of bipartisan. This is the language. Quote, "Nonpartisan: Not based on, influenced by, affiliated with, or supporting the interests of, or policies of a political party." We do not do any of those things, and so our only allegiance is not to any party or other bodies, but to the public. And it is to serve the public that we created the electronic filing system, which we were mandated to do by the original law creating the board.

There are considerable reasons to believe that the Board of Elections track record does not support them as a reliable source of disclosure •• excuse me, access. In October 2000, we requested the Board, that is financial disclosure reports, which still were not provided by •• despite repeated requests, still were not provided six months later.

**P.O. CARACAPPA:**

Mr. Goldberg.

**MR. GOLDBERG:**

Secondly •• yeah. Am I over my time?

**P.O. CARACAPPA:**

Yes.

**MR. GOLDBERG:**

Okay.

**P.O. CARACAPPA:**

Could you just sum up? Your time expired.

**MR. GOLDBERG:**

Okay, great. All right. The electronic filing system is the Campaign Finance Board's most substantial achievement. Please, leave it where it will best serve the public interest, and let us

get on with our work. Thank you.

**P.O. CARACAPPA:**

Thank you. Mr. Grob.

**MR. GROB:**

Good morning, Ladies and Gentlemen. My name is Fred Grob. I'm a Smithtown resident and retired businessman, and I serve our County as one member of your Campaign Finance Board. I'm here this morning to urge you not to override the County Executive Levy's veto of your recent legislation, which was apparently designed to end significant campaign finance reform in our County, that is your legislation to transfer Campaign Finance Electronic Disclosure Program from the Campaign Finance Board to the Board of Elections. There are no fools here. As Legislators, you are obviously fully aware ••

**P.O. CARACAPPA:**

Mr. Grob, just speak into the microphone a little more. Please, lift up the microphone. There you go.

**LEG. VILORIA • FISHER:**

Thank you.

**MR. GROB:**

You're welcome. There are no fools here. As Legislators, you are obviously fully aware that in New York State, typically 98% of incumbents running for re•election are, in fact, reelected, and you know why that is so. The incumbent, of course, has several advantages, and most often, he or she has a substantial financial advantage. Campaign finance legislation normally is designed to partially offset that advantage and to place limits on contributions in an effort to limit the effect of money in elections. Unfortunately, in our democracy, as we organize it, it's too often really the dollars that determine the outcome of the election.

Suffolk residents overwhelmingly favored campaign finance reform in their referendum, and they were pleased to see that our County Legislators were among the leaders in the fields. Of course, they were unaware that the funding method dictated by the Legislation was inadequate

to properly fund the program. Nevertheless, much progress has been made. Recently, a very effective system to track campaign contributions and make that information immediately available was established.

County administrative problems have typically delayed payment of budgeted campaign finance expenses, and salaries and fees for months. We have campaign •• the Executive Director is typically behind in his salary payments for months. Coupling your inadequate funding and the habitual delay in payments, with your current efforts to remove campaign finance reporting from the Campaign Finance Board, coupling those things, any objective observer must conclude that you're deliberately dismembering the campaign finance effort in Suffolk County.

Today you vote, or may soon vote, to override your County Executive's veto. If you do so, you're voting to destroy campaign finance reform in this county. You're voting to undue constructive legislation, which this same body initiated some years ago. You're voting against the reforms the public favored in electing Steve Levy, and you're telling that voting public you don't give a damn about their referendum. Those are the kind of things that voters just won't forget. Thank you for your attention.

**P.O. CARACAPPA:**

Thank you very much. Next speaker is Helen Kalbach.

**MS. KALBACH:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MS. KALBACH:**

My name is Helen Kalbach, I'm President of the Yaphank Historical Society, and I'm here to support Resolution 1232, to provide interpretive programs in County historical sites. The Society, in partnership with Suffolk County Historic Service, maintains and preserves the Robert Hewlett Hawkins House on Yaphank Avenue within the Yaphank Historic District. The Society is celebrating its 30th Anniversary this year. We're planning a fund•raiser in early August, which will not only celebrate 30 years of preserving local history, but also the continuing restoration of the Mary Louise Booth House.

The architect for this project has been supported by funding provided by the Suffolk County Hotel/Motel Tax through Historic Services. The graphics designer for the Booth House Exhibit, which will be available for future educational tours at this site and elsewhere as necessary is supported through this funding as well. The approval of this resolution is critical to these efforts.

The Society's partnership with the County has provided a unique opportunity for community based efforts to preserve County history. We envision an historic area where residents can stroll through time to understand how far we have come as a community and as a society. Thank you.

**P.O. CARACAPPA:**

Thank you. Ed Diaz.

**LEG. VILORIA • FISHER:**

Mr. Chair, I don't believe we have a quorum.

**P.O. CARACAPPA:**

We actually don't need one. Under the new rules I may suspend the meeting if there is not a quorum. I'd ask all Legislators, please report to the horseshoe. Go ahead, Mr. Diaz.

**MR. DIAZ:**

Good morning. My name is Ed Diaz. I'm publisher and Editor in Chief of Latin Long Island Magazine, and I'm here today to support the candidacy of David Ochoa to appointment on the Board of Directors •• excuse me, Board of Trustees of Suffolk Community College. And I support David not just because David is a dear friend, or because he is an inspiration to our youth, or because the Hispanic community is devoid of representation on a body that represents the educational interests of students inclusive of a significant Hispanic student population, but I support David because, as is evidenced by your unanimous vote, by your selection committee's unanimous vote, David is eminently qualified, and I urge your support of David and Resolution 1204. Thank you.

**P.O. CARACAPPA:**

Thank you.

**(\*Applause\*)**

Alpa Pandya.

**MS. PANDYA:**

Good morning. My name is Alpa Pandya. I'm with the Nature Conservancy on Long Island, and we're here to ask for passage of Sense Resolution 33 in support of the Fire Island to Montauk Point reformulation study, ensuring the future of Fire Island and the barrier beaches. Sense Resolution 33 works hand in hand with Sense Resolution 11, introduced by Legislator Angie Carpenter, which you passed last month, and would support a continuation of funding this study.

The study is a long-term, large scale erosion control and restoration plan for 83 miles of the South Shore of Long Island from Fire Island to Montauk Point. The Army Corps is working with federal, state and local levels of government and the public. Cosigners of the vision statement include the New York State Department of Environmental Conservation, Department of State, U.S. Fish and Wildlife Services, Department of Interior, and the National Marine Fishery Service.

The vision statement for this project develops a regional management plan designed to restore critical coastal processes and ecosystem integrity and biodiversity while simultaneously restoring natural protective features to protect lives and property in the face of rising seas and storm activity. The vision statement provides an opportunity to use the Army Corps' authority for erosion control and restoration of Long Island's South Shore coastal ecosystem. And we ask you to pass Sense Resolution 33. Thank you.

**P.O. CARACAPPA:**

Thank you. Nancy Donohue.

**MS. DONOHUE:**

Good morning.

**P.O. CARACAPPA:**

Good morning. I'm representing Sagtikos Manor Historical Society, as many of you know, because I've been here before representing Sagtikos. And, again, I'd like to thank you so much for helping preserve Sagtikos, but it is necessary to pass Resolution 1232, so that we can continue to explore all the aspects of history, so we can present them to the general public.

The Historical Society has been in existence since the late 1960's, and we give a very detailed tour. But last year we discovered, through the efforts of someone who was doing research, and she was funded by the Friends of Long Island Heritage, we discovered so many new things. We loved going there to find out these new facts, more about the Gardiner and Thompson Family and the history that Sagtikos presents to the general public. I mean, we do know George Washington did sleep there, we have it documented, but there is so much more history. And we'd like to continue to preserve it, so I ask that you pass Resolution 1232. Thank you.

**P.O. CARACAPPA:**

Thank you very much. Next speaker is a treat for me, Emily Botti. And I'll tell everyone why, I know you don't want me to say this, but Miss Botti was my 5th grade teacher.

**MS. BOTTI:**

I wasn't going to say that.

**LEG. FOLEY:**

She was fresh out of college.

**P.O. CARACAPPA:**

My favorite teacher, I might add, and that's not a lie.

**MS. BOTTI:**

And I promise, Joseph, I will be brief.

**D.P.O. CARPENTER:**

So, tell us about Joseph.

**MS. BOTTI:**

My name is Emily •• what did you say?

**P.O. CARACAPPA:**

You're going to need extra time if you're going to talk about me in 5th grade.

**MS. BOTTI:**

No, no, no, no stories here. My name is Emily Botti, and I'm a retired teacher in Middle Country School District, and I speak here in support of Resolution 1232, to provide interpretive programs in County historic sites. I'm here to speak specifically for Deepwells Farm. Deepwells is a •• it's a unique place for children, but it's a unique place for the public of Long Island. They have two sites •• two programs I'd like to speak to in particular.

The Deepwells Fall Festival is an old fashioned country fair, which entertains over 5,000 people annually. The events include a craft fair, demonstrations that range from wood carving to pottery yards, and continuous family entertainment all day, hay piles for children, and hay rides. My favorite program there is the student program and the children's summer program. These programs were set up in conjunction with the Cornell Cooperative Extension Services, and elementary public school teachers continuously look for ways to bring history alive to the children. It's a tough sell, right, Joseph?

**P.O. CARACAPPA:**

Yes.

**MS. BOTTI:**

Did you come into 5th grade saying, "You're never going to get me to like social studies"? And we look for ways, continually look for ways to get children interested in history. Hopefully, more of my kids will sit here some day.

Deepwells provides a unique opportunity to bring history to life for the students. And when the kids come in, the classes come in, they're met by Cornell Cooperative, that by •• by the way, they themselves have a very enthusiastic group that work with these kids. And they're introduced to demonstrations from colonial laundry to milking the cow. The children are also treated to a tour of the Deepwells Farm, to the home, and then we March on to the Saint James General Store, where they get to eat penny candy, and they're introduced to other 18th Century goods.

A famous historic truism states that we will know where we are going when we know where we have been. Deepwells provides a unique way for children to learn where we have been. And thank you, Joseph. This was a special pleasure for me.

**P.O. CARACAPPA:**

And for me also.

**LEG. ALDEN:**

Do we have to extend the public portion?

**P.O. CARACAPPA:**

Yeah. Motion to extend the public portion by Legislator Alden, second by Legislator Foley. All in favor? Opposed? Abstentions? Next speaker is Chris O'Connor. Chris, you're up. Perfect timing.

**MR. O'CONNOR:**

I didn't realize. Hi. For the record, my name is Christopher O'Connor. I'm the Program Director for the Neighborhood Network. And it's always nice to speak before the Legislature.

There's a couple of things I wanted to discuss. I mean, I know today's a full agenda. There's a number of public hearings, one that you'll be hearing about that I have great interest in, and that is dealing with dry cleaners. It's an interesting story. You know, I came to my dry cleaner and looked and wondered why I don't see any prices on the store, and I went to a number of dry cleaners and there was no prices. So, I went over to Legislator Cooper and I said, "Jon, you know, we should have prices in the dry cleaners. It only makes sense that people should see what the prices should be." And he said, "Sounds good to me." You know, let's •• you know, people should have the right to see what they're being charged. So, then we went and began to look at how we could draft a law for that. Well, what was shocking to me was that there was already a law on the books, and that mandated that prices be posted in every dry cleaner in Suffolk County, and, oddly enough, no dry cleaner that I talked to knew about it.

Now, it makes sense that people have a right to know what they're being charged before they go into any store. I mean, how many of us would fill up at a gas station today without knowing the price of gas? Well, that happens every day in a number of dry cleaners.

So, there's going to be a public hearing and legislation before you that my organization strongly supports that was introduced Legislator Cooper that mandates a new way of getting this information to the dry cleaners, having them have a sign-off on their license that tells them that they've read the law, and gives increased fines, so the consumers of this County can be protected from, you know, mispricing, because many times •• you know, I know a number of all of us use dry cleaners, and men and women alike. But, you know, one of the more interesting things that you ever figure out is why is a women's blouse always more than a man's shirt, you know, and why is there different, you know, pricing things that go on?

We need this legislation. It's simple legislation, it's good legislation. I hope the Legislature will consider it, vote on it. Thank you very much.

**LEG. FOLEY:**

Thank you, Chris.

**P.O. CARACAPPA:**

Thanks, Chris.

**LEG. FOLEY:**

Thanks, Chris.

**P.O. CARACAPPA:**

Anne Riordan.

**MS. RIORDAN:**

Good morning, members of the Legislature. I'm Anne Riordan, Chair of the Campaign Finance Board of Suffolk County, and I'm here to talk about I.R. 1435, the funding of the Campaign Finance Board.

There's a three-pronged effort to get rid of the Campaign Finance Board afoot in this Legislature, one is this effort to defund us, saying that money put into BRO Account 477 is not for our use. It has been our account for three years and our bills have been paid out of that account. If it wasn't our money, the Legislature has been derelict in its duty in expending it to pay our bills. If it wasn't our money, then what was that account with as much as \$180,000 in

it, a slush fund?

Two, I.R. 1383 will take away the one source of money for partial public funding that citizens voted for in 1988 by removing the requirement on Tax Receivers to mail out a contribution envelope with the tax bills.

Three, removing the function of the Board to maintain a system for mandatory electronic campaign disclosure already in place will leave the Board with little reason for existence.

Suffolk County is the only County in the country that has a mandatory instant electronic disclosure system, state-of-the-art, better than New York State's. We are where good government advocates want every jurisdiction in the country to be. Disclosure is what you in the Legislature who oppose the referendum that created our board said was all that was necessary to keep elections fair and honest. Now you don't want that. We are not fooled into thinking the Board of Elections will actually make this information available. They've been burying it for years in a bipartisan fashion. We asked them to partner with us on this and they were not interested. They may now say they're willing to undertake it, but wait until this bill becomes law and the Campaign Finance Board is gone, the intent of this legislation. Suddenly, the Board of Elections will discover that the Legislature, which doesn't want it to, can't make Board of Elections publicize campaign financial disclosure. Then the taxpayer money that went into creating the Campaign Finance Board's excellent system will have been wasted, and Suffolk County will be back with the Neanderthals on campaign disclosure. Please, sustain the veto of 1278.

May I remind you that the Board was created by a two-thirds majority of the voters on a referendum, not by Legislative fiat. Only the voters can reverse that. Please, give us the support and resources to do the job we've been asked to do by the voters. Thank you.

**(\* Applause \*)**

**P.O. CARACAPPA:**

Jiminy Cricket, a.k.a. Phil Goldstein.

**MR. GOLDSTEIN:**

For those who had an underprivileged childhood, just in case you don't know, Jiminy Cricket was the conscience of Pinocchio, and I owe it to Mr. Tonna, who, unfortunately, is leaving.

**LEG. TONNA:**

No, no, I just ••

**MR. GOLDSTEIN:**

Oh, okay.

**LEG. TONNA:**

I want to get a good view of the entertainment.

**MR. GOLDSTEIN:**

All right. Thank you, Paul. Mr. Tonna was kind enough to give me that nickname, I bear it with honor.

I'm a retired history teacher, and so I also would like to call to your attention the history of the Campaign Finance Board. The Chairperson of the Board just spoke in that regard. I want to reiterate, it was not you, but it was the people, your sovereigns, who declared that they wanted a Campaign Finance Board that would provide timely, reliable information with regard to campaign finances and campaign expenditures. It was due •• and pardon me, but I wonder where Mr. Caracciolo is, but I would appreciate it if he would return to the horseshoe.

Mr. Caracciolo was the cosponsor, along with the current County Executive, Mr. Steve Levy, who created the bill that led to the referendum, which resulted in the two•thirds majority, whereby the people expressed their desire to do something to restore their faith in the electoral information. "Where's the money?" That's a common exclamation we hear, all right, or "Follow the money." All right? This was the attempt by the public to ensure that they would have a reliable source of information, as pointed out by the Chairperson.

The County Board of Elections is not a reliable source. They have not been diligent in timely gathering of that information, when elected officials failed in their obligation under the law to provide timely reports. The County Board of Elections just didn't give a damn, and when the reports came in, they just shoved them in a filing cabinet without any regard to the accuracy and the fullness of the reporting. It wasn't until the people demanded and got the Campaign Finance Board that we got an exemplary system for this reporting. And, unfortunately, Mr. Lee

Lutz, who is the Executive Director, became a scapegoat and was used to try to undermine confidence in the Board. And, as was pointed out, it was the Republicans who said, "Hey, all we need is full disclosure." Well, you got your full disclosure. One man, Lee Lutz, worked very diligently to establish this system, which is outstanding, and, yet, he hasn't been paid. Why? Because you did not fulfill your obligation.

There was a memo of understanding whereby the Campaign Finance Board would be autonomous, and that it would have a separate line of apportioned funds available to it.

**P.O. CARACAPPA:**

Phil.

**MR. GOLDSTEIN:**

Instead, you built bureaucratic obstacles.

**P.O. CARACAPPA:**

Phil, please sum up.

**MR. GOLDSTEIN:**

You prevented this Board from fulfilling its mandate from the public, and now you want to disempower this board and take away that opportunity to gather that information. It makes it readily available to the media and to the public. A member of the third party club, the President of •• the Chairman of the Green Party ••

**P.O. CARACAPPA:**

Phil.

**MR. GOLDSTEIN:**

•• said to me the other night, "Oh, I can get the information, all I have to do is file a Freedom of Information form with the County ••

**P.O. CARACAPPA:**

Phil, sum up, please.

**MR. GOLDSTEIN:**

•• Board of Elections.

**P.O. CARACAPPA:**

Please.

**MR. GOLDSTEIN:**

I tell you that if you fail to uphold Mr. Levy's veto of the Binder Bill, then you are betraying reform, you are betraying the voters of Suffolk County, you are betraying your own party's principles in some cases. And I call that to the attention of the three Democrats who voted in favor of the Binder Bill. It is incomprehensible to me ••

**P.O. CARACAPPA:**

Thank you, Phil.

**MR. GOLDSTEIN:**

•• that you three could have done what you have done. And Mr. Mystal, I want on commend you, because he said he would uphold Mr. Levy's veto. And I call upon you, Mr. Bishop, and you, Mr. Lindsay, to do your duty to the people.

**P.O. CARACAPPA:**

Thank you, Phil.

**MR. GOLDSTEIN:**

And also to the ••

**P.O. CARACAPPA:**

Phil.

**MR. GOLDSTEIN:**

•• Independence Party, which supported many of you ••

**P.O. CARACAPPA:**

Phil.

**MR. GOLDSTEIN:**

•• at this horseshoe. That is a primary goal of the Independence Party, and you are betraying that ••

**P.O. CARACAPPA:**

Phil.

**MR. GOLDSTEIN:**

•• Independence Party as well, and I will remember in November, as the saying goes.

**P.O. CARACAPPA:**

Thank you.

**( \*Applause\* )**

Lynda Perdomo•Ayala. I apologize.

**MR. GOLDSTEIN:**

Thank you.

**MS. PERDOMO•AYALA:**

That's a hard act to follow. My name is Linda Perdomo•Ayala. I'm a resident of Port Jefferson Station for 25 years, and a Department Head in the School of Medicine at Stony Brook University. And I'm •• actually, when I drove here, I was coming to really support David Ochoa in his nomination, but I'm also happy to support Dr. Harper's appointment as well.

As an educator, and certainly as a health care provider, I can't tell you how important it is to have Dr. Harper be a representative of this community, and certainly of the people of color of Suffolk County. But more importantly, David Ochoa's appointment to the Suffolk County Community College is also a very important and instrumental piece. We don't have enough people of David's caliber in the sort of arena of education of a Hispanic background. I think he will be a fine person and individual to represent the institution. He comes with a long history of educational background, having been a V.P. at Dowling College. And he's been a great friend

and a great advocate for me in doing my work in the community. So, I thank you very much for hearing me out.

**P.O. CARACAPPA:**

Thank you very much.

**(\*Applause\*)**

Next speaker, Joshua Klainberg.

**MR. KLAINBERG:**

Hi. Good afternoon, perhaps still morning. At the April 20th meeting, I appeared before you during public comment period to announce •• by the way, I'm sorry, I'm Josh Klainberg for the New York League of Conservation Voters. I've appeared before you on April 20th to announce our intention in January, 2005 to issue an environmental score card. The purpose of the score card, to reiterate, is to, obviously, encourage positive change and to better inform the public of the environmental decisions elected officials are making. We've convened as an Advisory Committee, as I stated before. These local groups, many of whom that you know that you work with on a regular basis are advising us on the environmental merits of the bills, but the decisions to put the business on the score card are solely that that of the New York League of Conservation Voters.

So, since the April 20th meeting, we've been tracking environmental legislation still under consideration, and I'm here to announce today the first three bills that we're putting on for consideration for our 2005 score card. And I'll •• and I have copies for all of you, so you are put on notice of the bills we're strongly supporting.

I.R. 1331, the extension of the quarter penny sales tax should come as no surprise. A very successful bill in terms of raising money needed for land preservation. The environmental community, not surprisingly, strongly advocates for improving the allocation system to provide even more money for open space funds.

I.R. 1338, developing a master list of land acquisitions. The environmental community sees this as being a very important and critical legislation to set up criteria to help us set future land acquisitions.

And, also, I.R. 1345, legislation creating a County Department of Environment and Energy. The environmental community sees this as being very helpful by having a Department Commissioner to foster better accountability and advocacy.

When •• for these three bills, we certainly encourage you to review them and to cosponsor all of these bills. Over the course of the next seven months, we'll be back when we had additional bills. There was a press conference today, Legislator Crecca introducing very important environmental legislation. We anticipate being back at your next meeting to announce that that will be another bill after further review. And, clearly, if you have any questions about our process and procedure, we encourage you to be in touch with us. Thank you very much.

**P.O. CARACAPPA:**

Thank you. I have no other cards. Anyone wishing to be heard. Go ahead, sir, just state your name for the record.

**\\_MR. DIPALI\\_:**

My name is Mike \\_DiPali\\_ and I'm a resident of Suffolk County. I come to the Legislature this morning to state an opinion on the recent publications associated with Newsday in the "Get Out of Jail" cards associated with the PBA.

It's my suggestion, as a AAA licensed instructor, also as a State Education Department licensed instructor, also as a resident of Suffolk County, to ask the County Legislature to request or to impose a policy change. Perhaps anybody seen giving, associated with a traffic infraction, an attachment to their driver's license, that PBA card, that "Get Out of Jail" card, that they now become confiscated, and they then be turned over to the Suffolk County Police Department. That's a big irate situation. It's above the law, it's not equal.

As a Vietnam veteran, I'm opposed to anything that's going to be unfair, unequal and unassociated with justice. And I ask the Suffolk County Legislature to consider •• associate a change policy via the commissioner of police that any individuals that attach this PBA "Get Out of Jail" card be associated and confiscated. Thank you.

**LEG. FOLEY:**

Thank you, Mike.

**P.O. CARACAPPA:**

Thank you very much. Any other speakers? Motion to close public portion by myself, second by Legislator Caracciolo. All in favor? Opposed? Abstain? I'd ask all Legislators, please report to the horseshoe.

**LEG. ALDEN:**

Question of the Chair.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Maybe you have the information, maybe you don't, but Dr. Harper is going to be voted on his appointment later on.

**P.O. CARACAPPA:**

Yes.

**LEG. ALDEN:**

Do you know if he's going to be making himself available?

**LEG. FOLEY:**

He's here now.

**P.O. CARACAPPA:**

He's here.

**LEG. ALDEN:**

Well, when would that be appropriate to ••

**LEG. FOLEY:**

We can take it out of order and do that, Mr. Chairman.

**P.O. CARACAPPA:**

Well, is there •• motion to approve the Consent Calendar by myself, second by Legislator Foley. All in favor? Opposed? Abstentions? Is there a motion to pull ••

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

What's the number?

**LEG. FOLEY:**

The Harper resolution.

**P.O. CARACAPPA:**

What's the number of the Harper resolution?

**MS. BURKHARDT:**

Page 10, at the bottom.

**P.O. CARACAPPA:**

Is there a motion?

**MS. BURKHARDT:**

1432.

**LEG. FOLEY:**

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

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

There's a motion by Legislator Foley.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

To take out of order ***Resolution 1432***, second by Legislator Viloría•Fisher, ***confirming appointment of Commissioner of Health Services, Brian Lloyd Harper***. All in favor? This is to take it out of order. All in favor?

**LEG. TONNA:**

On the motion.

**P.O. CARACAPPA:**

On the motion to take it out of order, Legislator ••

**LEG. FOLEY:**

Take out of order.

**LEG. TONNA:**

Take it out of order?

**P.O. CARACAPPA:**

Yes.

**LEG. FOLEY:**

Take it out of order.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstention? 1432 is now before us.

**LEG. TONNA:**

I'll make a motion to approve.

**P.O. CARACAPPA:**

There's a motion to approve ••

**LEG. FOLEY:**

Second, Mr. Chairman.

**P.O. CARACAPPA:**

•• by Legislator Tonna.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

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

**LEG. TONNA:**

Thank you.

**LEG. ALDEN:**

Put me on.

**LEG. TONNA:**

Dr. Harper was kind enough to join us at the Health and Human Services Committee, and after about an hour's worth of questioning, I think I could speak for the rest of the committee when I say that your qualifications, Doctor, are impeccable. And it's just wonderful to have an opportunity of somebody of, really, of such class and such capability to come to Suffolk County and to offer us the services as a public servant in the Health Department.

I want to commend the County Executive, Steve Levy, for his appointment, and I would strongly recommend, for those who were not in the Health Committee, who had an opportunity to hear, you know, really, an excellent testimony, to support this candidate. Really, I think the people of Suffolk County, and especially those who are indigent and poor, are going to be the major beneficiaries.

So, Dr. Harper, thank you very much. And, Mr. Presiding Officer, I just encourage my colleagues to support this candidate.

**P.O. CARACAPPA:**

Thank you, Legislator Tonna. Legislator Alden.

**LEG. ALDEN:**

Hi. Is it appropriate to call Dr. Harper up? I have some questions of him.

**LEG. LINDSAY:**

Yeah, sure.

**P.O. CARACAPPA:**

Dr. Harper.

**LEG. ALDEN:**

Good morning.

**DR. HARPER:**

Good morning.

**LEG. ALDEN:**

And I don't sit on the Health Committee, so I apologize.

**DR. HARPER:**

That's all right.

**LEG. ALDEN:**

Probably some of these questions have been asked and already answered by you, but, you know, I feel it's my duty to actually ask you a couple of things. Just first, where is your residence?

**DR. HARPER:**

I'm currently living in Westbury, New York.

**LEG. ALDEN:**

Are you going to move to Suffolk County?

**DR. HARPER:**

Yes, that is the plan, for me to move to Suffolk County.

**LEG. ALDEN:**

Okay. After I'm done with the questioning, then I have a question for Counsel, whether we can appoint a Commissioner that doesn't live in the County of Suffolk. And I know in the past we had to •• I believe it was Commissioner Bradley had to be appointed as Acting Commissioner of Health, because she didn't have a Suffolk County residence.

But, Dr. Harper, are you aware of the Bay Shore Health Clinic situation?

**DR. HARPER:**

Yes, I am. I've been made somewhat aware of that, absolutely.

**LEG. ALDEN:**

Okay. In the Town of Islip, we had three health clinics, we had one in Bay Shore, one in Brentwood, and one in Central Islip. The one in Bay Shore has been closed for a number of years now.

**DR. HARPER:**

Right.

**LEG. ALDEN:**

Unfortunately, when we got the Capital Budget from the County Executive, he had actually taken that project out of the Capital Budget, so ••

**DR. HARPER:**

Okay. I wasn't aware of that.

**LEG. ALDEN:**

According to that, Capital Projects, we're not going to have a Bay Shore Health Clinic forever. But I would ask if you have reviewed that situation, and if you are committed to reopening the Bay Shore Health Clinic?

**DR. HARPER:**

Okay. Well, I haven't reviewed that specific situation, but I have been made aware of the fact that the Health Center was closed. And, in fact, I dealt with a similar situation in Nassau County in which the Hempstead Health Center was closed for a period of time, and I understand the impact that that has on patients. So, from my perspective, I'm always more interested in broadening and increasing the amount of access that we have to health care. So, certainly, Bay Shore is something I would be interested in reopening, if possible.

**LEG. ALDEN:**

With your background, you probably know the answer to this better than I do, but it's my understanding that once that Bay Shore Health Clinic was closed, the people that would have normally gone to the health clinic now go to the emergency room, which indirectly costs us •• well, actually directly costs us more to pay that bill than it does to supply health services out of the clinic.

**DR. HARPER:**

Absolutely. I guess prevention is really the best mode of operating when it comes to health care, and that's why I mentioned increasing access. Then you have more people getting primary care, such that they don't need the emergency department care and tertiary care and follow•up.

**LEG. ALDEN:**

What do you view as just •• and, you know, I guess briefly, just on spraying, I have a concern. Recently, and it's only a couple of months ago, a resident, a 72 year old gentleman that lives in or lived in my Legislative District died of West Nile. I believe that we have a duty to protect the people against those type of diseases that are carried by mosquitoes. What is your philosophy and what's your feeling on the spraying to protect the residents of the County of Suffolk?

**DR. HARPER:**

I guess, to a large extent, I'm somewhat conservative and I have a public health approach when it comes to spraying. And, as I mentioned at the Health Committee meeting, that's an important component of making sure that we have a •• we don't have a large mosquito population. However, it's only one component, it's sort of the extreme. If we can do the •• engage in the proper activities prior to getting to the point where we have this explosion of

mosquitoes, then we can avoid doing some of the massive spraying. So, again, prevention is really the ideal situation. And our Vector Control Unit has some of these tools at hand that we can do to avoid that.

But bear in mind that many people look at West Nile as the major reason for spraying, and that's sort of one of the newer diseases, but, certainly, malaria and encephalitis, some of the other diseases are more lethal, really, than West Nile, and that's really the impetus for using spraying. But, in fact, you try to avoid it when you can, but, in essence, it's a collaborative decision that's made between the local Health Department, the State Health Department, as well as the Centers for Disease Control. And we include •• we certainly want participation from the Legislature and the County Executive's Office before we go forth with something of that nature.

**LEG. ALDEN:**

Under the current situation, because there's a lawsuit pending and there was an injunction, basically, against any activities that we might take to reduce the mosquito population, so there's a legal question whether we can or can't actually partake in those •• the only way we might be able control this is an order from you, and you if you declare a health risk ••

**DR. HARPER:**

Right. It's ••

**LEG. ALDEN:**

•• to the public, then we can go out and do something.

**DR. HARPER:**

Okay. Now, it's my understanding that, in fact, we have the right to spray if necessary, so that the ••

**LEG. ALDEN:**

The Bay Constable, though, has taken the other approach and said that the injunction can't be lifted under the current situation, so ••

**DR. HARPER:**

Under the current situation. Okay. Well, certainly, if it's a health risk, and, as I mentioned, there's a list of criteria that you use to determine whether or not it's a risk, then, certainly, we'll do what's necessary to protect the public's health.

**LEG. ALDEN:**

I'm very impressed with your resume, and I would encourage you to look in the Tenth Legislative District for residence.

**DR. HARPER:**

Okay. Thank you.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

This is not a question, it's just an observation. I am very, very happy that the Members of the Legislature are very impressed with your resume and your background, but I also want to give credit to some people who brought you to the County Executive, and I want to put that on the record.

I want to thank the people from the NAACP, Miss Yvonne Quirk, Mr. Guy Williams. I want to thank Mr. Corbin for bringing you to our attention. As Mr. Corbin said before, it's their loss, our gain. But I also want to make sure that I recognize the people who found you.

**DR. HARPER:**

Absolutely.

**LEG. MYSTAL:**

Thank you.

**DR. HARPER:**

And let me publicly also thank both Mr. Corbin and Yvonne Quirk for their support in the past. I think one of the benefits to being tall, dark, and handsome is if and when you're described in that fashion, no one can see you blush. I certainly thank you, Miss Quirk, for your support.

**P.O. CARACAPPA:**

Are you done, Elie? Legislator Montano.

**LEG. MONTANO:**

Good morning, Doctor.

**DR. HARPER:**

Good morning. Good morning.

**LEG. MONTANO:**

I'm going to be very brief. I just want to echo the comments that were made by Legislator Tonna with respect to your appearance before the Health Committee. I'd like to welcome you to Suffolk. I understand there is no legal impediment to you being named Commissioner, but just •• I think it's obvious that with your pending appointment to the Department of Health, and with another pending appointment, that of David Ochoa to the Suffolk Community College Board, as one of my colleagues mentioned to me a little while ago, he says we seem to be making •• it's an historic moment for people of color to come into Suffolk County, take part in the governmental process. And I commented back that both your qualifications and the qualifications of Mr. Ochoa are outstanding. And it's a compliment that you were selected. I'm looking forward to working with you as a member of the Health Committee, and I'm sure that my colleagues will join in voting for you. We look forward to a long, prosperous relationship here in the Legislature. And I'm very happy that you saw fit to leave Nassau and come to Suffolk. Thank you very much.

**DR. HARPER:**

Thank you.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. I'd like to join this collective applause for the impending appointment of Dr. Harper. As we had noted in committee, his professional background,

particularly in community health and patient care services, and as formerly in charge of the health centers, as opposed to the clinics, in Nassau County, have prepared him well for our system of health care in Suffolk County. And his credentials, as we say, speak for themselves. It was an hour of rigorous questioning the other day. He came through in flying colors. And I know that we will be well served, both as the Legislature and as a larger community of Suffolk County, we will be well served with Dr. Harper's tenure as our Health Commission. And I and others look forward to working with you in a corroborative fashion in order to ensure and to improve what is already considered one of the finest health departments in the whole country.

**DR. HARPER:**

Thank you.

**LEG. FOLEY:**

Thank you.

**DR. HARPER:**

Thank you, Mr. Foley.

**P.O. CARACAPPA:**

Thank you. I'd ask my colleagues to try and keep it strictly to questions at this point in time. Legislator Binder.

**LEG. BINDER:**

Dr. Harper, good afternoon.

**DR. HARPER:**

Good morning •• good afternoon.

**LEG. BINDER:**

The first question, the first question I wanted to ask you about is if you understand in the health centers the different models that we have, that we are kind of a conglomeration of models. We have our own health centers that are County run, County finances. We do the Capital Program. We have hospitals, it's another level, where we contract with them, and you kind of have to understand how we contract with the hospital and the relationship we have. And then there's the third model, there's only one, which is, in our district, down at this end of

the horseshoe in Huntington, which is the Huntington •• or the Dolan Center, which is they built their own, they fund their own, they staff their own, but we subsidize it, and we give them money, and we get reimbursed on that, and we have a wholly different relationship. And it's something probably for you to look at over time as to how the models work, which model works, why, and how it works between us. I'm kind of an advocate over here for the Dolan Health Center model, not only it's in my district or that it's something I'm concerned about, it's also the model that separates us from •• it's the only model where we don't have the doctors •• there's no liability for us for malpractice, and also for capital programs. Have you looked at different models and •• because I don't know •• I know you've been in Nassau County.

**DR. HARPER:**

Right.

**LEG. BINDER:**

They have theirs and you've been in other places.

**DR. HARPER:**

Right.

**LEG. BINDER:**

Have you seen different models of funding?

**DR. HARPER:**

Yes, I have. And, in fact, I'm very much interested in a model in which we can receive more federal funding to sort of support what is going on in the community health centers. And there are a number of resources that are available to, and that's one of the things that I would certainly like to look at, because I think that can relieve a lot of the financial problems, because that's really always the major issue from a political perspective is the cost. So I think whatever we can do to supplement the services that we currently have with outside funding, I think it would certainly be worthwhile. But I am familiar with the current models that are in place in Suffolk County, yes.

**LEG. BINDER:**

Okay. I'd just ask you to maybe take a good look at Dolan and see if it could be expanded.

**DR. HARPER:**

I will certainly look more closely at that, yes.

**LEG. BINDER:**

Another question is, a number of •• I've been here 14 1/2 years and I've seen a number of Health Commissioner, and, obviously, all have to be MPH's, and so they're doctors. And one of the things I've generally found, I'll be real honest, and as an attorney, and I've worked with doctors as an attorney, a corporate attorney doing that, is that doctors are not particularly great business people. In fact, that's somewhat a general rule, and I find doctors admit it, they're kind of the first to admit it. I don't know how •• where you are in terms of your ability to manage and stuff, because I don't know that you've done anything this size. This is a huge program.

**DR. HARPER:**

Right, right.

**LEG. BINDER:**

Have you talked to the County Executive about picking your team or having a team around you inside the department, your deputies, your people, particularly on the administrative and financial side ••

**DR. HARPER:**

Right.

**LEG. BINDER:**

•• that could support you, or are you being told, "We're going to pick them, you're going to kind of have to live with them"?

**DR. HARPER:**

Right. I think, to a large extent, the staffing is already in place at the Suffolk County Health Department. It's my understanding it's a fairly strong staff, as far as finance and administration is concerned. But, as you sort of suggested, public health physicians are somewhat unique in that they do have that Masters of Public Health, which gives you a little bit more background in terms of finance and administration. And I guess I've trained in the same

programs as

Dr. Clare Bradley and Dr. Mary Hibberd, and we've all trained under

Dr. David Harris as part of the SUNY Stony Brook program. So I'm somewhat familiar with the financial aspects ••

**LEG. BINDER:**

Right.

**DR. HARPER:**

•• of the position.

**LEG. BINDER:**

What I would say, that their success, or their ability to have success in their positions, I saw was very much dependent upon the people that were around them.

**DR. HARPER:**

Around them.

**LEG. BINDER:**

Not as doctors. I mean ••

**DR. HARPER:**

Right, I understand, yeah the administrative people.

**LEG. BINDER:**

You know, as a doctor, its your wisdom that's going to impact on how we provide the health services.

**DR. HARPER:**

Right.

**LEG. BINDER:**

But how we manage them and pay for them and provide them in terms of a management program, a fiscal program, there are other people usually that are around you that take care of

that. That was for Harris, Hibberd and Bradley.

**DR. HARPER:**

Right.

**LEG. BINDER:**

And their strength really determined how well they did in that area, which is pretty important to, I think, this body.

**DR. HARPER:**

Absolutely. I think you're only as strong as the team around you. It has been made clear to me by Mr. Levy that, in fact, I will be in charge of the department, if I see that there's a need for change, that he will support that.

**LEG. BINDER:**

Okay. I hope you'll do that. If you do see that ••

**DR. HARPER:**

Absolutely.

**LEG. BINDER:**

•• that you'll push for change, if you ••

**DR. HARPER:**

I would certainly pursue that, again, and this is all in terms of really protecting the public's health.

**LEG. BINDER:**

And the reason I ask that, I'm somewhat disappointed that so much staff was put in place and didn't wait for you to try to come in and try to put back your imprimatur and kind of vet out the kind of people you wanted to support you. So, I would say you're going to need to be strong if you think you need to make changes.

**DR. HARPER:**

Certainly, I will do that.

**LEG. BINDER:**

The last question, and just a bit of a concern, going through the •• your resume, the last thing, you said you're in private practice now.

I guess you're ••

**DR. HARPER:**

Well, actually, I was working closely with my brother, who's a physician as well, but we've disbanded that at this point, because both of us have taken •• are in the process of taking new positions.

**LEG. BINDER:**

Okay, because •• right. It says Harper Health Care Network.

**DR. HARPER:**

Right.

**LEG. BINDER:**

The problem is we went to look for Harper Health Care Network, and I'll be honest ••

**DR. HARPER:**

Right, right.

**LEG. BINDER:**

•• we can't find it, it doesn't exist.

**DR. HARPER:**

That's right, it's been disbanded, absolutely.

**LEG. BINDER:**

When was that disbanded?

**DR. HARPER:**

That was actually disbanded in early December. We were looking at actually moving the site from where it was currently at on Linden Boulevard in Brooklyn to a new site on New York Avenue. And we were in the process of updating financing. I took an entrepreneurial course in terms of managing a private practice and things of that nature, but it never really •• never really developed.

**LEG. BINDER:**

Right. That's why we get these practice management groups to come in and help you guys out.

**DR. HARPER:**

That's right.

**LEG. BINDER:**

Just a small concern, and it's not a big concern, since it •• since you didn't close it. It says October 2003 to present. That's somewhat of a problem. It probably should have said until December 2003.

**DR. HARPER:**

Oh, okay. That may be a ••

**LEG. BINDER:**

You know, that was a short-term thing, it opened, it closed and ••

**DR. HARPER:**

Yeah. That may have been an old •• yeah, and old resume.

**LEG. BINDER:**

Right. That was the one we have. So it says until present, so as if ••

**DR. HARPER:**

Okay, up until ••

**LEG. BINDER:**

•• that's what you're doing now.

**DR. HARPER:**

Right, right, I understand.

**LEG. BINDER:**

Thank you.

**P.O. CARACAPPA:**

Any other questions? Legislator Carpenter?

**D.P.O. CARPENTER:**

I had an opportunity to meet with Dr. Harper, and I do appreciate the time that you gave me to ask you some of the very questions and issues that have been raised today. And I really feel compelled to put on the record the fact that I was concerned and got from you the impression that you would be committed to making sure that the Bay Shore Health Center would be something that would be a priority. The community has been struggling over the past couple of years with the fact that it has been relocated, temporarily was the understanding, to the Brentwood Health Center. It's taxing the •• those that were using that health center, the staff there. It just is not a good situation. And, in the meantime, those of the residents who were not able to get to the Brentwood Health Center, or any of the other health centers, now are using the emergency room at the hospital as their primary care physician, and that really is not a good scenario.

I heard Legislator Binder ask you about the health •• the Harper Health Care Network.

**DR. HARPER:**

That's correct.

**D.P.O. CARPENTER:**

And we spoke at length about the fact that you had left to Nassau County Medical Center, because you felt •• in fact, I will ask you, what was the reason that you left?

**DR. HARPER:**

Okay. I guess the primary reason was because of concerns about the lack of resources, really,

for the community health centers.

**D.P.O. CARPENTER:**

Mr. Chairman, I'm having a hard time hearing. Maybe you could speak more into the microphone.

**DR. HARPER:**

Okay. Yeah. I guess, yeah, the major concern was the lack of resources that was •• that were designated for community health. As you may be aware, I formerly worked for the Nassau Health Care Corporation, which entailed three major divisions, the hospital, the nursing home, and the community health centers. In my sense, and this is just from my personal perspective, because I was responsible for the community health centers, I felt that the orientation of the Executive Committee was really geared more toward the survival of the hospital as opposed to the community health centers. And it became a situation that being that I was a Medical Director, as well as a Senior Vice President, that I didn't feel comfortable that we could provide the level or the quality of care that I was •• that I was known for in that particular setting. And there were major changes that were taking place, so I thought that, at this point, it may have been a good time for me to move on and do my own venture. At that point, I was really interested in doing my own •• starting my own health center and starting one in the Long Island area.

**D.P.O. CARPENTER:**

That to me demonstrates a kind of commitment to the mission of what our health care centers are all about. And what I said to Dr. Harper privately, and what I would like to reiterate for the record today, is that very often you may find yourself at odds with the County Executive, because you are really going to have to be the one to advocate for the resources that are necessary to make sure that the health care delivery system that we have in place here in Suffolk County is all that it should be.

**DR. HARPER:**

That's right. I understand.

**D.P.O. CARPENTER:**

And the one thing I would just want to say to you, especially in this environment of disclosure and really trying to make sure that we cross every T and dot every I, that when you submit a

resume that says that the Harper Health Care Network was there from October 2003 to the present, and you and I met last Friday and we discussed it ••

**DR. HARPER:**

Right.

**D.P.O. CARPENTER:**

•• I think you neglected to mentioned that it had been closed six months ago.

**DR. HARPER:**

Okay. Well, yeah. The question never arose, but it was never really a secret from my •• from my perspective.

**D.P.O. CARPENTER:**

Yeah. Well, the only thing is is that one would assume, when you see 2003 to the present, that the present means that it's still in operation.

**DR. HARPER:**

I see. No, I understand. I can understand the ••

**D.P.O. CARPENTER:**

So, I think, for the record we want to see a corrected resume as backup, because I think that might be problematic in the future.

**DR. HARPER:**

That's fine.

**D.P.O. CARPENTER:**

Thank you.

**P.O. CARACAPPA:**

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

**LEG. FOLEY:**

Cosponsor, please.

**[COSPONSOR SAID IN UNISON BY LEGISLATORS]**

**P.O. CARACAPPA:**

Congratulations, Dr. Harper.

**MR. BARTON:**

18.

**(\* Applause \*)**

**RESOLUTIONS TABLED TO MAY 11, 2004**

**P.O. CARACAPPA:**

Resolutions tabled to May 11th. **1085 (A Local Law to repeal annual audit of County forfeiture funds). (Caracappa).** Are you ready, Mr. Clerk? Mr. Clerk, are you ready? 1085, motion to table by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

**LEG. LINDSAY:**

What page?

**MR. BARTON:**

18.

**LEG. FOLEY:**

Page 8.

**P.O. CARACAPPA:**

Page 8, Resolutions Tabled to May 11th.

**LEG. TONNA:**

Let's move.

**P.O. CARACAPPA:**

I'm moving.

**LEG. TONNA:**

Let's move.

**P.O. CARACAPPA:**

***1108 (Amending the 2004 Capital Program and Budget and appropriating funds the Offsite Access of Public Records (CP 1747.110 and CP 1747.510). (Presiding Officer).***

Same motion, same second. There's some technical problems.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Same with ***1109 (Amending the 2004 Capital Program and Budget and appropriating funds the replacement of outdated PC's CP 785.510). (Presiding Officer).*** Same motion, same second. That's to table.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1167 (To approve the lease of vehicles in the Suffolk County Department of Labor, in compliance with Local Law 20•2003). (Presiding Officer on request of the County Executive).*** Motion by Legislator Losquadro, second by myself. All in favor? Opposed?

**LEG. BINDER:**

Mr. Chairman. Mr. Chairman.

**P.O. CARACAPPA:**

Oh, on the motion, Legislator Binder. Just yell out, anybody.

**LEG. BINDER:**

Sorry.

**P.O. CARACAPPA:**

Okay.

**LEG. BINDER:**

One of the questions I would have, I don't know if they want to come up, but I want to know from the County Executive, when we're talking about leasing the vehicles, I would like to know if they have complied with the law that would create a list of or a type of vehicle that was the least cost to Suffolk County. We passed a law last year Legislator Bishop had cosponsored with myself, and I don't know if this •• is this in compliance with that? Is this •• you know, I'd like to know if the County Executive is in compliance with the provisions of current law in Suffolk County. Are these the least expensive, do they comport with that? Do we have a list? Do we know what car that is?

**LEG. BISHOP:**

Why don't we table it until next time?

**P.O. CARACAPPA:**

But we •• actually, we can't. If we table it, the cars will be repossessed. I met with the Commissioner of Labor last week.

**LEG. BINDER:**

Repossessed?

**P.O. CARACAPPA:**

Yeah.

**LEG. BINDER:**

We have the cars here.

**P.O. CARACAPPA:**

We have the •• the cars are out, they're here, we're paying for them, believe it or not.

**LEG. BISHOP:**

Okay.

**LEG. LOSQUADRO:**

Mr. Chairman.

**LEG. BISHOP:**

I think, under these ••

**P.O. CARACAPPA:**

It was done under the prior administration, and they weren't the cheapest cars. I was given the assurances by the Department of Labor Commissioner that, in the future, they would do it as prescribed in the resolution passed last year. The bottom line is that the cars are in place. If we don't approve today the resolution, they'll come and get them.

**LEG. BINDER:**

Well, I mean ••

**LEG. LOSQUADRO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Which will affect programs that are being done now.

**LEG. BINDER:**

Well, except that maybe ••

**P.O. CARACAPPA:**

I'm not advocating either way.

**LEG. BINDER:**

Maybe we should ••

**P.O. CARACAPPA:**

I'm just letting out the information for you.

**LEG. BINDER:**

Maybe they need to repossess the cars, and maybe we need to go get cars that comply with Suffolk County law. We shouldn't allow a County Executive, even if it was a former County Executive, to violate a law that was passed in this body, and so I'm not going to vote for this. And my understanding is these are •• as you said, these cars are out there not •• they're not cars that comply with the law. We shouldn't be voting for it. And if they repossess them, then that's the way it is.

**P.O. CARACAPPA:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Yes, if I may comment on this. As you know, I was the one who brought the technical flaws of this bill, you know, to the public attention. And the technical flaws, which I first noticed, the incorrect manufacturer of the vehicle listed, those have all been corrected. What was brought to light later was the fact that these vehicles were already leased. It was done through the previous administration.

I also have received a letter of assurance from the current Commissioner, which has been put into, you know, the files of the department, that, obviously, in the future all such laws and •• of the County will be adhered to. There will be a substantial cost associated with breaking the lease of these vehicles, and I do not think it would be in the public's best interest to allow the County to take the hit. Unfortunately, I think it's most prudent to move forward with where we are now and make sure that things like this do not occur in the future.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Mr. Chairman, where are these vehicles assigned?

**P.O. CARACAPPA:**

Department of Labor, various programs, roadside cleanups, I believe. I think it's •• is it in the

resolution? It's not before me.

**LEG. VILORIA • FISHER:**

It's in the resolution.

**LEG. CARACCIOLO:**

These are not the vehicles that were previously at the Labor Department that were transferred to the Legislature?

**P.O. CARACAPPA:**

No.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

Some of them are vans, I believe, that will be used for the summer programs. Legislator Lindsay.

**LEG. LINDSAY:**

I see a representative from the Department here, and what's confusing to me is we have a resolution to approve a lease and then we're told we already have the vehicles. Something seems very backwards here.

**D.P.O. CARPENTER:**

Very backwards.

**LEG. BINDER:**

And they're not the proper vehicles by law.

**LEG. BISHOP:**

Right. It was done by the previous administration.

**P.O. CARACAPPA:**

State your name for the record.

**LEG. BISHOP:**

What are we going to do now?

**LEG. LINDSAY:**

Okay. Could I get the explanation from the Department?

**P.O. CARACAPPA:**

Yes, quickly.

**MS. BERMEL:**

Yes, sorry. Margaret Bermel. Margaret Bermel, Department of Labor. The vehicles were in place prior to the passage of Local Law 20•2003, the SUV law. The vehicles were previously in place for many years, and as the leases expire, new leases are put into place. The leases are approved by the Suffolk County Executive Budget Office, they're approved by the Division of Purchasing. Purchasing goes out to bid. The vehicles were in the Suffolk County budget, detailed on a line item basis. Each vehicle that's in the department was listed in the County Operating Budget that was adopted by the Legislature in 2003. So, these vehicles weren't concealed from the Legislative body. The vehicles •• the process to approve the vehicles was put into place prior to the passage of the local law. We are now at this point attempting to come into compliance with the local law, and thus the laying of the resolution on the table for consideration by the Legislature.

**LEG. LINDSAY:**

But my question is, is why didn't we see this resolution at a more timely juncture, instead of after you've already possessed the vehicles? I mean, wouldn't it make sense that if we have to approve the leases, that we approve the leases before you get the vehicles?

**MS. BERMEL:**

The vehicles •• many of vehicles were in possession of the department prior to the adoption of the Local Law, and the department and the previous County Executive believed that the department was in compliance with the SUV law, because the vehicles were adopted by the Legislature, which is in fact •• in effect is a resolution. The budget, the Operating Budget is in

effect a resolution adopted.

**LEG. LINDSAY:**

Then why do we have to approve this today, then?

**MS. BURMEL:**

The reason that it was submitted was because, at the beginning of every fiscal year, the department must submit purchase requisitions to the County to be approved to pay, authorize payment for that year's payment. The purchase requisitions were put into the IFMS System in January. At that point, they were put on hold, because the County Executive had indicated that we may not be in compliance with the SUV law. Thus, the County Executive indicated that we should submit a resolution, which we, in fact, did in January. We have been using the vehicles all year. We have not paid the vendors. The vendors have been very patient. Many of these vehicles are used for program monitoring, they're used for •• sorry.

**P.O. CARACAPPA:**

I think we get the picture. This is authorization of payment, not so much •• the title of the resolution is a little misleading.

**MS. BERMEL:**

Correct.

**LEG. LOSQUADRO:**

If I could make ••

**P.O. CARACAPPA:**

Legislator Binder, then Losquadro.

**LEG. BINDER:**

My first question is, is there clause in the contract, as there is in other County contracts, a nonappropriation clause?

**MS. BERMEL:**

Yes, there is.

**LEG. BINDER:**

So, that would make this null and void, because that's how we do it. Nonappropriation, it makes the contract null and void. We would just have to pay for that time, term on the lease that we used. That's what the nonappropriation clause is.

**MS. BERMEL:**

That is correct. But, also, just please keep in mind that if we do return these vehicles due to nonappropriation, we would lose money, hundreds of thousands of dollars in grant funds for which we use these vehicles. We have transportation components of many of our grant programs, and we are required to have vehicles to operate the program, so we would jeopardizing some of our grant funding.

**LEG. BINDER:**

So, you've been driving these cars for how long now before coming to us for the money?

**MS. BERMEL:**

The vehicles have been in place for many years. It's only ••

**LEG. BINDER:**

No, no these current •• under this current lease with these current cars that we need to approve payment for.

**MS. BERMEL:**

Some of the vehicles, the new lease started in December for some of the vehicles.

**LEG. BINDER:**

December.

**MS. BERMEL:**

Other vehicles are in the third year of the lease terms. The leases are staggered.

**LEG. BINDER:**

So, I would •• see, then I would pay for those vehicles that were before December that we've

had for sometime now, finish out their lease. They're in a multi-year lease. We made a commitment some years ago to pay for them. I don't mind paying for those, but to pay for cars that we just got brand new after the SUV bill, and that is a crock to say that the •• because it was in the budget, that is an approval. No, it's not an approval. And, by the way, there is no provision in the law that says, "Well, if it's approved in the budget, that's an approval," so a real stretch that you're making there. To pay for those is ridiculous. It seems to me that we should have a bill before us that says we pay for those on the multi-year lease, those new cars we should not be paying for, it won't cost us anything, and you should be working right now to lease under law, under the proper procedure, the correct type of cars for the new •• for the new lease, you should •• to make sure that we don't lose any of that money. To come to us now six months into the year without having funding for a year, is absolutely amazing to me, that we don't have •• we have this long that you don't have funding. You're driving around in cars without funding. You finally come to us, as Legislator Lindsay points out. I mean, we're in June of the year ••

**LEG. ALDEN:**

Point of order. Would you suffer just a slight interruption just for one second?

**LEG. BINDER:**

Sure, I'll do that.

**LEG. ALDEN:**

This is not the Commissioner of the Department of Labor.

**LEG. BINDER:**

Well •• but the Commissioner had to send somebody and ••

**LEG. ALDEN:**

Right.

**LEG. BINDER:**

So someone's got to ••

**LEG. ALDEN:**

Okay.

**LEG. BINDER:**

You know, I'm sorry that •• you know, I'm sorry that ••

**P.O. CARACAPPA:**

Allan, you have the floor.

**LEG. BISHOP:**

She's driving around in these cars.

**LEG. BINDER:**

So •• and then for us, it would seem to me, if we were to approve the lease on the new cars, what we would be doing would be giving tacit approval to a violation of law that this Legislature passed last year. So, I don't know where members are going to be, maybe they don't have a problem with •• to giving a pass, and I think that's crazy. I think what we should do is put in a new bill, separate the cars that were multi•year leases, where we made multi•year commitments on, and we're in the second, third, or whatever, last year of a lease, that's fine. But the cars, specifically how many cars were leased in December?

**MS. BERMEL:**

In December, 20.

**LEG. BINDER:**

So, 20 cars in December. I would say that what we should do is go out and re•lease or buy, or whatever we have to do, 20 cars to make up, or what you'll have do is pool some cars for a little while to keep your grants, make sure you pool some cars, do some things to make sure you can provide the programs on the current cars, 20 cars less, go out and get new cars, but do it according to law. And since there is a nonappropriation clause, the County is not going to get hit on a cost. Why? Because that's the chance you take when, you know, you know that clause is in the contract. And without an appropriation, particularly after now six, seven months we're talking, or six months, that's •• I think we should do that.

**MS. BERMEL:**

With all due respect, Legislator Binder, we had •• we had written the resolution in January. As

soon as it came to our attention that we may not have been in compliance with the SUV law, we wrote the resolution in January and it's been tabled three times. This is the third time. And we are not just simply disregarding the SUV law, we are trying to come into compliance with the SUV law. We acknowledge that it may have been an oversight, that we did not come specifically to the Legislature with these vehicles. And the lease of the vehicles the leases were approved by the Budget Office, they were approved by Purchasing. Purchasing went out on bid in compliance with New York State General Municipal Law, so we had truly believed that we were in compliance. So, we're coming today with our hat in our hand and requesting that you approve the resolution to allow us to come into compliance with the local law.

**LEG. BINDER:**

Well, I would say that we should probably split it into two resolutions. And I can't support it as one resolution. I would support all the multi•years, but not the 20 that were attempted in December, just as the County Executive was leaving the •• you know, leaving the office. It seems to me a lot of this was done on purpose.

**P.O. CARACAPPA:**

There's a motion and a second. Oh, Legislator Losquadro?

**LEG. LOSQUADRO:**

(Shook head no).

**P.O. CARACAPPA:**

Okay. Motion and a second. All in favor? Opposed?

**LEG. CARACCILO:**

Opposed.

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Opposition, Legislator Caracciolo and Binder.

**MR. BARTON:**

16.

**P.O. CARACAPPA:**

***1184 (Amending the 2004 Operating Budget and transferring funds for Family Service League). (Cooper).***

**LEG. COOPER:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to approve by Legislator Cooper.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley.

**LEG. BINDER:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table, Legislator Binder.

**LEG. ALDEN:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Alden. All in favor?

**LEG. CRECCA:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Crecca.

**LEG. CRECCA:**

What's the offset now, Budget Review?

**MR. SPERO:**

1184? Hold on. It's \$49,022 in pay•as•you•go funding, \$2,000 from the Huntington YMCA, \$1,000 from Healthy Tomorrow's Partnership, and \$466 from the Huntington Y •• another Huntington YMCA contract. So, that was •• those were the offsets used.

**LEG. CRECCA:**

Yeah. I just want to state for the record that even if I table it today, I do support the funding for the Family Service League, and I'm sure we'll get this done, if not today, we will get it done soon enough.

**P.O. CARACAPPA:**

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

**LEG. MYSTAL:**

Opposed.

**LEG. BISHOP:**

Opposed.

**LEG. FOLEY:**

Opposed.

**LEG. TONNA:**

Opposed.

**LEG. CARACCIOLO:**

Opposed.

**LEG. MONTANO:**

Opposed.

**P.O. CARACAPPA:**

Opposition, Legislator Mystal, Tonna, Bishop, Caracciolo, Montano, Foley.

**MR. BARTON:**

12.

**P.O. CARACAPPA:**

It's tabled. ***1194 (A Local Law to further strengthen the County Code of Ethics). (Binder).***

**LEG. BINDER:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table, Legislator Binder.

**LEG. BISHOP:**

Second.

**P.O. CARACAPPA:**

Second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1197 (A Local Law to amend Local Law No. 34•1987 to permit seizure of vehicles of unlicensed home improvement contractors). (Alden).***

**LEG. ALDEN:**

Motion to table.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1313 (Accepting and appropriating excess revenues received from Hotel/Motel Tax).  
(Presiding Officer on request of the County Executive).***

**LEG. ALDEN:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Alden.

**LEG. CARPENTER:**

On the motion.

**P.O. CARACAPPA:**

On the •• well, is there a second?

**LEG. CARACCCIOLO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. On the motion, Legislator Carpenter.

**D.P.O. CARPENTER:**

I just want to check, is this the resolution that the Parks Department and the various groups had come forward? I know Richard Martin was here from the Parks Department. This is the funding that will allow those programs to go forward at Deepwells and ••

**P.O. CARACAPPA:**

Now.

**D.P.O. CARPENTER:**

Is this the one?

**P.O. CARACAPPA:**

No.

**D.P.O. CARPENTER:**

Okay. All right, fine.

**P.O. CARACAPPA:**

There's a motion to table and a second. All •• Mr. Knappe.

**MR. KNAPPE:**

Can I just make one comment on the record? Good morning, Legislature. Legislator Alden asked me a question regarding this bill at the previous meeting about LICVB and overpayments that were made in years past, I believe in the 2000•2001 fiscal years. I told him I will research it. I contacted the Parks Department and the Department of Audit and Control. They have been made whole to the County. There is no longer any outstanding payments that they owe to us. And as we enter 2004 and 2003 comes to a close, as far as what they •• what we owe them and •• everything is balanced and there's no more overpayments.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

With all due respect, that's a maybe, because, number one, they're required by law, which this Legislative body passed, to a submit a report on what they're doing, how much it's costing, how they're promoting Suffolk County, which they haven't done for three years.

Number two, there is •• currently, there's an audit that's being conducted by the Comptroller of LICVB. And I would suggest that we should hold off on any action on this until that complete audit is done, which it should be done with a very •• within a very short period of time.

Thanks.

**MR. KNAPPE:**

I certainly understand where you're coming from. I just want ••

**LEG. ALDEN:**

Okay.

**MR. KNAPPE:**

I knew you had two •• you had the question about the overpayments at the last meeting and I wanted to answer that for you.

**LEG. ALDEN:**

Well, they've never submitted the documentation that's required by law to this body to show what they've been doing, how the payments were actually, in fact, conveyed to us, so this is just an overage. They got their money for last year. This is the collection of excess revenue that we didn't anticipate.

**MR. KNAPPE:**

Correct.

**LEG. ALDEN:**

So, it's not hurting any operations. There's nothing here that's critical.

**MR. KNAPPE:**

I certainly understand that. I just wanted to let you know that we researched your previous question.

**P.O. CARACAPPA:**

Thank you. Legislator Lindsay.

**MR. KNAPPE:**

Thank you.

**LEG. LINDSAY:**

Mr. Knappe.

**MR. KNAPPE:**

Yes.

**LEG. LINDSAY:**

Yeah. Being that this is a County Executive bill, are you guys ready to accept and appropriate this money, or do you need more time to do this audit that Legislator Alden talked about?

**P.O. CARACAPPA:**

Well, the Comptroller's doing the audit.

**MR. KNAPPE:**

Yeah. The issue that Legislator Alden is bringing up is certainly his opinion. The County Executive's Office would not have submitted the resolution in its form, if we were hesitant on going forward. We are ready to proceed with this resolution.

**LEG. LINDSAY:**

So, you're comfortable with the resolution the way it's ••

**MR. KNAPPE:**

Yes, we are.

**LEG. LINDSAY:**

All right. Thank you.

**P.O. CARACAPPA:**

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

**LEG. VILORIA • FISHER:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator ••

**LEG. FOLEY:**

Opposed.

**P.O. CARACAPPA:**

•• Vilorio•Fisher, Foley, Lindsay, Montano, Bishop, Mystal.

**LEG. MYSTAL:**

Cooper, pay attention.

**P.O. CARACAPPA:**

Okay, it's tabled.

**MR. BARTON:**

12.

**P.O. CARACAPPA:**

***1346 (Appointing member of the Suffolk County Water Authority (Bernard Brady). (Crecca).*** Motion by Legislator Crecca, second by myself. All in favor? Opposed?

**LEG. BINDER:**

1346?

**P.O. CARACAPPA:**

1346.

**P.O. CARACAPPA:**

Opposition, Legislator Binder, Legislator Tonna.

**LEG. TONNA:**

Abstain.

**P.O. CARACAPPA:**

Abstain, Legislator Tonna.

**LEG. BINDER:**

Mine's abstention, also.

**P.O. CARACAPPA:**

Two abstentions.

**LEG. CARACCIOLO:**

Oh, wait a minute. Whoa, whoa. 46?

**P.O. CARACAPPA:**

Yes.

**LEG. FOLEY:**

46.

**LEG. CARACCIOLO:**

Almost got by me there. No.

**P.O. CARACAPPA:**

I'm just doing my job here, Mike.

**LEG. VILORIA • FISHER:**

Got to pay attention.

**P.O. CARACAPPA:**

Opposition, Legislator Caracciolo?

**LEG. CARACCIOLO:**

Yes.

**MR. BARTON:**

15.

**LEG. VILORIA • FISHER:**

Mr. Chair, since its 12 o'clock, could we take 1204 out of order, please?

**P.O. CARACAPPA:**

I'm just going to finish ••

**LEG. VILORIA • FISHER:**

Mr. Ochoa?

**LEG. TONNA:**

Just called the vote on the Brady?

**P.O. CARACAPPA:**

Yeah.

**LEG. FOLEY:**

Cosponsor for that.

**P.O. CARACAPPA:**

1346 is approved. 1347 has been withdrawn by myself.

**LEG. FOLEY:**

Thank you, Mr. Chairman. I'd like to make a motion to take 1204 out of order.

**P.O. CARACAPPA:**

It's in two more, two more on the agenda.

**LEG. VILORIA • FISHER:**

Oh, okay.

**LEG. FOLEY:**

Very good.

**INTRODUCTORY RESOLUTIONS FOR THE MAY 11, 2004.**

**MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**BUDGET AND FINANCE**

**P.O. CARACAPPA:**

1383 in Budget and Finance, Introductory Resolution. ***(1383 • Repealing County mandate on towns to solicit campaign finance fund contributions). (Nowick).*** Motion by Legislator Nowick, second by myself. All in favor? Opposed? Abstentions?

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

**LEG. MYSTAL:**

No.

**LEG. BISHOP:**

I'm in opposition.

**P.O. CARACAPPA:**

Opposition, Mystal, Bishop, Montano, Foley, Fisher.

**LEG. COOPER:**

Joe.

**P.O. CARACAPPA:**

And Cooper.

**LEG. VILORIA • FISHER:**

Campaign finance.

**LEG. BISHOP:**

1383.

**P.O. CARACAPPA:**

1383 is ••

**MR. BARTON:**

12.

**P.O. CARACAPPA:**

•• approved. 1448 ••

**LEG. TONNA:**

No. Wait, wait, wait, wait. Put me as a no.

**P.O. CARACAPPA:**

Okay. It's 11.

**MR. BARTON:**

11•7.

**P.O. CARACAPPA:**

1383, the vote was 11.

**LEG. BISHOP:**

Stop playing with the computer and pay attention.

**LEG. TONNA:**

Just leave it as a yes, whatever it was.

**P.O. CARACAPPA:**

Okay, it's 11, correct, or 12?

**LEG. CRECCA:**

12.

**P.O. CARACAPPA:**

12.

**MR. BARTON:**

We're back to 12.

**P.O. CARACAPPA:**

**1448 (Appropriating funds for feasibility study for expansion of the Cohalan Court Complex (Capital Program Number 1125). (Crecca).** Motion by Legislator Crecca, second by myself. Roll call.

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

**LEG. CRECCA:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

No.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**MR. BARTON:**

16•2 on the bond.

**P.O. CARACAPPA:**

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

**ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY**

Economic Development. ***1204 (Appointing David Ochoa to the Suffolk County***

**Community College Board of Trustees. (Foley).** Motion by Legislator Foley.

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Second by Legislator Vilorio•Fisher. All in favor? Opposed? Everyone paying attention? 1204.

**LEG. TONNA:**

Is this 1204?

**P.O. CARACAPPA:**

This is the Community College. On the motion, Legislator Tonna.

**LEG. TONNA:**

Yeah, since I missed the opportunity with the tie in with the Brady vote and the Ochoa vote. I'm going to support David Ochoa. From everything I understand, his qualifications, he's an exceptional opportunity, an exceptional candidate, and somebody who will serve the board very well over at Suffolk Community College. What I don't •• what I don't like, though, because I missed the opportunity to talk about the Brady deal, was that somehow Legislators felt a compunction, a compulsion, or whatever else, because they wanted a good candidate here to get in in the Suffolk Community College, to be able to give basically our current Water Authority Chairman, Mike LoGrande, a rubber stamp on a Board member. And all I can say is I think that's disgusting, especially in light of the fact that Mr. LoGrande and the Water Authority, unbeknownst to the vast majority of Legislators here, was paying a •• Wayne Prospect over \$500,000 in the past decade, something, by the way, that when we investigated, the Legislature investigated, we couldn't find one, not one contract to Wayne Prospect. We FOILED every single thing. Budget Review looked over and over and over again. We heard rumors that he was making money from the Water Authority. We couldn't find it. We FOILED documents, we FOILED documents. Then after we did that, we looked at not only the documents, we asked the questions, except for Wayne Prospect •• I guess he was being paid by the Water Authority to come over and to come here to lobby Legislators to make sure that he got his fees.

But I just feel like we have a great candidate in Mr. Ochoa, and the only way we're able to get him in, some Legislators fault, was to make a terrible decision in a Water Authority appointment

for a rubber stamp for Mike LoGrande. And I think, especially based on the facts we just heard and outlined by Newsday today, I think it was a terrible, terrible deal.

**P.O. CARACAPPA:**

Thank you, Legislator Tonna. Legislator Montano.

**LEG. MONTANO:**

Yeah. Just let me say, with respect to comments made by Legislator Tonna, those comments would have been •• should have been made with respect to the Brady issue. I don't think that you could put Mr. Ochoa in the category. David Ochoa is an eminently qualified individual, and I don't want to link that with anything other than that he comes before this •• he's here today, he comes before the Legislature.

**P.O. CARACAPPA:**

Okay, go ahead. Legislator Montano, you had the floor.

**LEG. MONTANO:**

David Ochoa's candidacy for the Board of Suffolk Community College I think is long overdue. You don't find a better candidate. And we've proposed someone, as I said earlier. We've had two appointments today, one appointment and one that, I believe, will be appointed now, people of color. I think it's an historic moment for Suffolk County. Let's get off the issue of the Brady thing, deal with Mr. Ochoa as he stands before you now, and let's move it forward.

**P.O. CARACAPPA:**

Thank you. Legislator Viloría•Fisher, then Mystal.

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair. I would just reiterate what has •• echo what has already been said by Legislator Montano. But I'd like to just share with the Legislature that the first time I met Dr. Ochoa, we were co•honorees of the Adelante of Suffolk County parade dinner, and I was very impressed then by Dr. Ochoa. I remain impressed by the work that he does in the community. There is no one that I know in the Latino community who is engaged at all who doesn't know of the work that

Dr. Ochoa does, and what he means to us in Suffolk County in economic development, in

education, in leadership.

And the irony here is that "Adelante" in Spanish means move ahead, move forward. And with today's nomination of Dr. Ochoa, it certainly is a moment of adelante, looking forward, for all of us here in Suffolk County. And I congratulate Dr. Ochoa for what he has achieved and what I know that he will continue to achieve, so thank you. And thank you to my colleagues for supporting him.

**(\*Applause\*)**

**P.O. CARACAPPA:**

Legislator Foley, then Crecca, then Carpenter, and Alden.

**LEG. FOLEY:**

Oh, boy. Boy, oh, boy. Well, I think this certainly gives ample testimony to the great qualifications that Dr. Ochoa possesses. It should also be noted for the record that Legislator Alden is one of the cosponsors of this resolution. There is broad bipartisan support. When you read his background, similar to Dr. Harper, they bring exceptional qualifications to the job. And given the increase in diversity that we see in the student population at the Community College, it's long past time that we have someone of Dr. Ochoa's, first of all, qualifications, but also background; first generation American, a great American success story, and it really is a model as to what our students can achieve in our particular County. So that's why I was very proud to sponsor this resolution. He's also a constituent of mine. He's done great work in my area, in our area of the County, exceptional work at Dowling Community College. He has higher education administrative background that will •• that will serve him well in his tenure as the Trustee at the College.

And I finally would say, and I'd like to thank Legislator Caracciolo for his help, because it was in part due to his efforts that we're able to put forward an exceptional candidate for the Community College.

**P.O. CARACAPPA:**

Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Legislator Crecca.

**(\*Applause\*)**

**LEG. CRECCA:**

Yeah. Actually, I •• Brian said what I was going to say, but I would ask that my name be added as a cosponsor. Your resume is excellent, sir, and I think you're going to be a great asset to the College. And I think it's nice to have more Latino representation, especially with our growing Hispanic population. Thank you.

**P.O. CARACAPPA:**

Legislator Carpenter.

**D.P.O. CARPENTER:**

Thank you. Certainly, I echo a lot of the positive comments that have been made about Dr. Ochoa, having represented a portion of Brentwood for 11 years. I know that even though he does not live within that district, he's always been a very strong advocate for the Latino community. I've gotten to know Dr. Ochoa. I have always been impressed by his qualifications.

I asked some questions during the committee process, because I had some concerns about his time commitments, and was very impressed and satisfied with the fact that he sort of, I guess, straightened out some of the things that were not up to date on the resume, as far as some commitments that he no longer has on some boards. But we've had a conversation, he's contacted me, and I feel very confident that he is going to give the time that an appointment like this so rightfully deserves, and am happy to add my support to this nomination.

**P.O. CARACAPPA:**

Thank you. Legislator Alden.

**LEG. ALDEN:**

I've had the honor to work with Dr. Ochoa for many years, and he's an outstanding individual. His accomplishments are too many to actually enumerate right at this point, and I feel it's an honor on my part to be able to cosponsor his candidacy here.

**P.O. CARACAPPA:**

Okay. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Congratulations, Dr. Ochoa.

**LEG. TONNA:**

Mr. Presiding Officer, point of personal privilege.

**(\* Applause \*)**

A point of personal privilege.

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

I would ask the Presiding Officer, maybe through the Budget Review Steering Committee, I'd call for an investigation of the documents that the Water Authority gave us two years ago. And why, when FOILED a number of times, that we were not able to ascertain that Wayne Prospect had any contracts? And that we were under the impression •• and I know we have documents, but I would ask that through the Budget Review Steering Committee that there be some type of an investigation of the documents that we had, and why we're finding out today or yesterday? Yes, they did. They did all of the research for us.

**P.O. CARACAPPA:**

Hold on.

**LEG. MYSTAL:**

Put it in.

**LEG. TONNA:**

All right.

**P.O. CARACAPPA:**

Legislator Lindsay.

**P.O. CARACAPPA:**

I'll respond to you in a second, Legislator Tonna.

**LEG. LINDSAY:**

I echo your request, but I'd like it expanded to the Regional Planning Board as well.

**LEG. TONNA:**

So, I would ask that we find out, because I think we need full disclosure, when we're voting on or funding money for, you know, contracts, like a Wayne Prospect, who was getting paid an awful lot of money from the Water Authority, especially when we made a FOIL request and asked them specifically for the contracts and who they were, signed documents, and everything else. And I'm sure Budget Review has a copy of all of those, right, in their reports?

**MR. SPERO:**

(Nodded yes).

**LEG. TONNA:**

I want to find out why the Water Authority didn't give us the information, or what was going on, and I want to hold those people accountable, the Board of Directors and the Executive Director. Thank you.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

I happen to agree with Legislator Tonna and Legislator Lindsay, but I would ask for one other further expansion of that, and I read it in an article today in Newsday, I'd like to expand it to an investigation why this Legislative body was paying him money.

**LEG. TONNA:**

Yeah, absolutely.

**P.O. CARACAPPA:**

Okay. I don't want to take up too much time on a nonagenda item. I will, I will take that up at the next Budget Steering Committee with Legislator Lindsay and Legislator Crecca. And seeing that Legislator Lindsay's already echoed his support for that, it looks like we'll be moving in that direction. After the next meeting, we'll contact you and let you know what's going on.

Okay. Back to the agenda. **1360 (Extending deadline for expiration of Comprehensive Downtown Revitalization Plan Citizens Advisory Panel). (Foley).** Motion by Legislator Foley.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1427 (Approving the change of project for Downtown Revitalization Round II Funding for the Bayport • Blue Point Chamber of Commerce. (Presiding Officer on request of the County Executive)).** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1443 (Authorizing a cooperative agreement between the County of Suffolk and the National Guard Bureau for the construction of a new base entry at Francis S. Gabreski Airport in Westhampton. (Presiding Officer on request of the County Executive).***

Motion by Legislator Schneiderman.

**D.P.O. CARPENTER:**

Second.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**ENVIRONMENT, PLANNING AND AGRICULTURE**

**P.O. CARACAPPA:**

Environment, Planning and Agriculture. ***1352 (Authorizing planning steps for the acquisition of development rights to farmlands by the County of Suffolk, Froehlich property in the Town of Riverhead under the New Drinking Water Protection Program 12•2(C). (Caracciolo).*** Motion by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**LEG. CARACCIOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yeah. I'd just like to mention for the record that, as the members will notice, each of these resolutions the Chair was marked absent, and that's because I was on jury duty that day. So, when you get to EPA and Parks agenda, where you see my name as being listed absent, it was because I was at jury duty.

**P.O. CARACAPPA:**

Duly noted. Thank you.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1381 (Appointing Andrew A. Crecca as a member of the Suffolk County Soil and Water Conservation District. (Presiding Officer).*** Motion by myself, second by Legislator Crecca.

All in favor? Opposed?

**LEG. ALDEN:**

Opposed. No, I'm only kidding.

**P.O. CARACAPPA:**

Abstentions? Unanimous.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1386 (Amending criteria for implementation of Suffolk County Community Greenways Infrastructure Improvement Fund). (Bishop).***

**LEG. CRECCA:**

I'm opposed. No, I'm kidding.

**LEG. BISHOP:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Bishop.

**LEG. ALDEN:**

On the motion.

**D.P.O. CARPENTER:**

Explanation.

**P.O. CARACAPPA:**

Is there a second?

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro. This is •• Legislator Bishop, would you care? This is the matching grant money, yeah.

**LEG. BISHOP:**

Yeah, this is the matching grant. Under Greenways, subsequent to the establishment of Greenways, the Legislature established a grant program to help our partners, whether it's a municipal partner or a not•for•profit league, develop the field, and we have a program where we would match up to \$100,000. This raises that ceiling to \$250,000. It's contemplated in the County Executive's Capital Budget that the program would be funded. The program has been funded previously, but has never been drawn down, partly because the \$100,000 was not adequate to induce the development that we sought.

**P.O. CARACAPPA:**

I believe there's only been one organization that has tapped into that, and that was The Wedge properties.

**LEG. BISHOP:**

The Wedge I think is the only ••

**P.O. CARACAPPA:**

Yes.

**LEG. BISHOP:**

And they did it with multiple partners ••

**P.O. CARACAPPA:**

Yes, they did.

**LEG. BISHOP:**

•• which proves the point, because they got \$200,000.

**P.O. CARACAPPA:**

Yes. Legislator Alden.

**LEG. ALDEN:**

On the motion. There's another piece of legislation that was proposed. Is this project•specific.

**LEG. BISHOP:**

This •• there are three bills out there. One will be withdrawn, that •• the title of which was establishing a turf policy for Suffolk County. That's going to be withdrawn. This is not project •specific, this is for anybody who has a Greenways project in their •• it's Greenways specific, that's the only ••

**LEG. ALDEN:**

Okay. So, the project that had put forward for Babylon ••

**LEG. BISHOP:**

Then that is on another bill that is project•specific.

**LEG. ALDEN:**

And that's going through the ••

**LEG. BISHOP:**

Process now.

**LEG. ALDEN:**

•• the process right now, good.

**P.O. CARACAPPA:**

Legislator Viloría•Fisher.

**LEG. VILORIA • FISHER:**

Mr. Chair, it's critical that we support this legislation, because as long as we've had the active parkland component of the Greenways Program, it's been very difficult for us to really effect the type of results and outcomes that we had hoped to have under Greenways. When we supported The Wedge in Mount Sinai, it was difficult for all of the stars align themselves in order to make that move forward.

**P.O. CARACAPPA:**

We remember.

**LEG. VILORIA • FISHER:**

We remember it well, yes.

**P.O. CARACAPPA:**

Yes, we do.

**LEG. VILORIA • FISHER:**

And this is a big program. It's important to support the Active Parkland Program. I encourage everyone to support this. And remember, it doesn't mean we have to spend 250,000, it just ••

**P.O. CARACAPPA:**

Sets the policy.

**LEG. VILORIA • FISHER:**

•• sets the policy and sets the ceiling a little bit higher for us.

**P.O. CARACAPPA:**

Thank you. Legislator Alden.

**LEG. ALDEN:**

I actually support this, but I'm going to say one cautionary measure, that we've been •• and it's been indicated to us by the County Executive that things like health clinics are not real important and have been scratched out of the Capital Budget. I do support this, but I also support our health system in Suffolk County, so I would hope that other people that are going, or other Legislators that are going to support this would, in fact, support our health system, too.

**P.O. CARACAPPA:**

One final question by myself. Legislator Bishop, is it specific to capital funding? Could •• does this policy allow the Legislature to do it with operating dollars as well?

**LEG. BISHOP:**

I do not know. I'm sure we could. I don't think there's any prohibition ever against using operating budgets for a capital project.

**P.O. CARACAPPA:**

That's my point. I'd hate to prohibit using available dollars, as opposed to bonding.

**LEG. BISHOP:**

Right. I'm sure it does not •• there's no prohibition contained in there, and I think that you can go ••

**P.O. CARACAPPA:**

Okay. That's all I need to know. There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

It's approved. Okay. We're going to go through the SEQRA's very quickly, so, Mr. Clerk, you prepared?

Motion by Legislator O'Leary, second by myself on ***1390 (Making a SEQRA determination in connection with the proposed donation of land for open space preservation purposes in the Mastic/Shirley Conservation Area (0.04 Acres), Town of Brookhaven). (Presiding Officer).*** All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1393 (Making a SEQRA determination in connection with the proposed historic restoration, preservation and stabilization of historic buildings and structures, Project No. 7510, within Suffolk County Parks). (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1394 (Making a SEQRA determination in connection with the proposed planning for aviation utility infrastructure at Gabreski Airport, (CP #5734), Town of Southampton). (Presiding Officer).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1395 (Making a SEQRA determination in connection with the proposed planning of the maintenance facility at Gabreski Airport, (CP #5733), Town of Southampton). (Presiding Officer).** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1396 (Making a SEQRA determination in connection with the proposed Forensic Sciences Medical and Legal Consolidated Laboratory Equipment and Cleanup, (CP #1109), Suffolk County. (Presiding Officer).** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1397 (Making a SEQRA determination in connection with the proposed restoration of historic structures of the Long Island Maritime Museum at Charles R. Dominy County Park, West Sayville, Town of Islip). (Presiding Officer).** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1398 (Making a SEQRA determination in connection with the proposed modifications/installations of fire alarm and intrusion alarm systems, (CP #4064), Suffolk County). (Presiding Officer).** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1399 (Making a SEQRA determination in connection with the proposed installation of a fueling facility at Indian Island Golf Course, Town of Riverhead). (Presiding**

**Officer).** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

And **1400 (Making a SEQRA determination in connection with the proposed planning for Fire, Rescue and Emergency Services, (CP #3230), County Building C0110, Yaphank County Complex, Yaphank Avenue, Yaphank, NY, Town of Brookhaven).** **(Presiding Officer).** Same motion, same second, same vote.

**MR. BARTON:**

18.

**HEALTH AND HUMAN SERVICES**

-

**P.O. CARACAPPA:**

Health and Human Services. **1389 (Authorizing Estee Lauder Breast Cancer Awareness Program at H. Lee Dennison Executive Office Building and Cohalan Court Complex).** **(Alden).** Motion by Legislator Alden, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**LEG. CRECCA:**

Cosponsor.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Cosponsor. Cosponsors, the whole Legislature. **1411 (Amending the 2004 Operating Budget to create three new positions within the Department of Health Services, Division of Public Health for Public Health Preparedness and response to bioterrorism).** **(Presiding Officer on request of the County Executive).**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1414, 1414A (Appropriating funds in connection with the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109). (Presiding Officer on request of the County Executive).***

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator ••

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

•• Tonna. Second ••

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

•• by Legislator Vilorio•Fisher. Roll call.

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

**LEG. TONNA:**

Yep.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. CARACCILO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **1420,1420A**  
***(Appropriating funds in connection with the modification and installation of fire alarm intrusion alarm systems (CP 4064). (Presiding Officer on request of the County Executive).***

**LEG. VILORIA • FISHER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Vioria•Fisher, second by Legislator Carpenter. Roll call.

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

**LEG. VILORIA • FISHER:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion. ***1436 (Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Health Services Division of***

***Environmental Quality for "Remote Sensing to Support Vector Control Wetlands Management". (Presiding Officer on request of the County Executive).***

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1437 (Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Health Services Division of Environmental Quality for "Caged Fish Study for the Effects of Mosquito Spraying on Local Organisms". (Presiding Officer on request of the County Executive).***

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**PARKS AND CULTURAL AFFAIRS**

**P.O. CARACAPPA:**

***Parks and Cultural Affairs. 1097 (Confirming Commissioner of County Department of parks, Recreation, and Conservation (Ronald F. Foley). (Presiding Officer on request***

*of the County Executive).*

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Tonna.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**LEG. ALDEN:**

Congratulations.

*(\* Applause \*)*

**P.O. CARACAPPA:**

*1232 (Authorizing contract with the Friends for Long Island's Heritage to provide interpretive programs in County historic sites). (Presiding Officer on request of the County Executive).*

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1319 (Authorizing use of Gardiner County Park by Long Island Alzheimer's Foundation Inc. for its Annual Paws to Remember Dog Walk Fundraiser). (Presiding Officer on request of the County Executive).***

**D.P.O. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Carpenter, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1351 (Authorizing use of Sagtikos Manor by the Sagtikos Manor Historical Society for an antiques and collectibles show). (Carpenter).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1359, 1359A (Appropriating funds for improvements to HYO Suffolk County Complex Field, Town of Islip) (CP 6503.311). (Crecca).*** Motion by Legislator Crecca, second by myself. Roll call.

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

**LEG. CRECCA:**

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

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

***1426 (Authorizing use of Indian Island County park by Birthright of Peconic Inc. For their Annual Walkathon Fundraiser). (Presiding Officer on request of the County Executive).***

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

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

**LEG. VILORIA • FISHER:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Vilorina•Fisher.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

***1431 (Accepting the donation of two (2) "Land Rover" sport•utility vehicles for use in the Suffolk County Parks Department's Piping Plover Monitoring Program). (Presiding Officer on request of the County Executive).*** Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**PUBLIC SAFETY AND PUBLIC INFORMATION**

**P.O. CARACAPPA:**

Public Safety, Public Information. ***(1238 • A Local Law to amend Local Law No. 11 • 2003, Extending full benefits of real property tax law exemption for volunteer firefighters and ambulance workers). (Caracappa).*** Motion by myself, second by Legislator Cooper. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1273 (A Local Law amending Chapter 270 of the Suffolk County Code in connection with abatement of crack houses and public nuisances). (Presiding Officer on request of the County Executive).*** Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**LEG. VILORIA • FISHER:**

I'm sorry, Mr. Chair, I had a question and it went too quickly.

**P.O. CARACAPPA:**

Sure.

**LEG. VILORIA • FISHER:**

I'm sorry. I have a question for Counsel. On 1238, which, of course, I'm in full support, but, Mea, doesn't the State have an exemption for the firefighters? I'm confused.

**P.O. CARACAPPA:**

We have to opt in locally.

**LEG. VILORIA • FISHER:**

Okay. So, they give us the ability ••

**P.O. CARACAPPA:**

Jon's bill originally did that, but there was some missing language. This just is like the belt and suspenders approach to make sure that we got it all covered.

**LEG. CARACCIOLO:**

It lifts the cap.

**P.O. CARACAPPA:**

Excuse me?

**LEG. CARACCIOLO:**

I said the new legislation lifts the cap.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

The \$2,000 a year cap.

**P.O. CARACAPPA:**

Exactly right.

**LEG. VILORIA • FISHER:**

So, you're saying Jon's bill last year was the belt and this is the suspenders?

**P.O. CARACAPPA:**

Either one.

**LEG. VILORIA • FISHER:**

Interesting metaphor. Okay.

**P.O. CARACAPPA:**

Yeah.

**LEG. VILORIA • FISHER:**

Thank you.

**P.O. CARACAPPA:**

Actually, I give the credit to Legislator Cooper. This was just to make sure that we have everything covered.

**LEG. VILORIA • FISHER:**

Okay.

**LEG. COOPER:**

Thank you.

**P.O. CARACAPPA:**

***1380 (Reappointing Edward A. Carpenter, Jr. As a member of the Suffolk County Vocational, Education, and Extension Board). (Lindsay).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1410 (Accepting and appropriating a grant in the amount of \$289,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department First Precinct Gang Task Force with 75% support). (Presiding Officer on request of the County Executive).***

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1419, 1419A (Appropriating funds in connection with a transportable radio tower site (CP 3217). (Presiding Officer on request of the County Executive).*** Motion by Legislator

O'Leary.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro. Roll call.

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

**LEG. O'LEARY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

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

**1438, 1438A (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the replacement and upgrading of the security gate control panel system at the First District Court Prisoners' Detention area). (Presiding Officer on request of the County Executive).** Motion by Legislator Nowick, second by Legislator Carpenter.

**LEG. FOLEY:**

Just on the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

I'll be supporting this, but this Precinct was rebuilt, was rebuilt several years ago. Why do they already need to make improvements to it; do we know? I mean, I'll support it, but ••

**P.O. CARACAPPA:**

Chief Otto.

**D.P.O. CARPENTER:**

This is not the Precinct.

**LEG. FOLEY:**

Oh, I stand corrected. The First District Court. I stand corrected.

**P.O. CARACAPPA:**

Thank you. Yea. Roll Call.

**[Yea Said in Unison by Legislators]**

**LEG. FOLEY:**

Never mind.

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

**LEG. NOWICK:**

Yes.

**D.P.O. CARPENTER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yep.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yeah.

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

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

**PUBLIC WORKS AND PUBLIC TRANSPORTATION**

-

Public Works and Public Transportation. ***1281 (Establish a land development policy to promote affordable housing in Suffolk County). (Caracappa).*** Motion by myself.

**LEG. O'LEARY:**

Second.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary.

**LEG. LINDSAY:**

On the resolution.

**LEG. VILORIA • FISHER:**

On the motion.

**P.O. CARACAPPA:**

On the motion, I heard Legislator Lindsay first, then Vilorina•Fisher.

**LEG. LINDSAY:**

Just a question. And anything to advance affordable housing in our County is probably our number one issue, but there was a question about the legality of this. Can we do what we're trying to do in this bill?

**LEG. TONNA:**

We can't. We can't do it.

**LEG. LINDSAY:**

We can't do it.

**P.O. CARACAPPA:**

Sure, we can.

**LEG. TONNA:**

The County Attorney says no.

**LEG. BISHOP:**

The County Attorney says no, I say ••

**LEG. LINDSAY:**

Well, I've got a lot of opinions from noncounsel. Could I get an opinion from Counsel?

**LEG. VILORIA • FISHER:**

Good plan. Wow, what a concept.

**LEG. LINDSAY:**

Our Counsel.

**P.O. CARACAPPA:**

What a concept.

**MS. KNAPP:**

I was just handed a memo from Christine Malafi, so I have not had an opportunity to check those cases. In general, I make basically two comments. As I always say, that to the extent the majority of the Legislature and the County Executive agree, you enjoy a presumption of validity. And I just further point out that the State law has recently proposed an amendment to State law that would require every subdivision to have at least 10% affordable.

**P.O. CARACAPPA:**

The Napoli Bill, I might add. Sorry.

**MS. KNAPP:**

Yes. Legislator Bishop, another lawyer, correctly points out that someone would have to come forward and find this to be illegal.

**P.O. CARACAPPA:**

Legislator Vilorina•Fisher. Counsel, I have a question regarding the assignment. Legislator Schneiderman and I both serve on the Affordable •• Ad Hoc Affordable Housing Committee, and we've been looking for legislation to be assigned to our committee. And it would have been a perfect place for this to have been assigned, just so we could look at the big picture and address all the affordable housing issues in one committees.

If this isn't pressing, could it be reassigned to the Affordable Housing Committee, because I would really like to have people begin to come to that committee to look at the various solutions to the affordable housing problem that we have. That's a good place for these •• all of these issues to be discussed. And I was hoping we could recommit it, so that our committee could really get started and look at the different pieces of legislation that will help us move affordable housing forward.

**P.O. CARACAPPA:**

Just to respond, and as the sponsor, to put a piece of legislation that's on the floor and looks like it has the support back in committee, just for the sake of having legislation in committee, I don't know if that makes sense to me. I appreciate where you're going with it, that you'd like the committee to start and move forward, but this is •• affordable housing, the approach to affordable housing, true affordable housing measures, is so •• it's multi•pronged. And throughout the rest of the year and for years to come, there'll be plenty to go through the Affordable Housing Ad Hoc Committee. Again, to send this back now I think would be counterproductive, sends the wrong message to the public as well, but I don't •• I don't want to try and make it sound like you're doing this politically, because I know you're not.

**LEG. VILORIA • FISHER:**

When you sit on the •• what's it called, Jay, the commission that we sit on?

**LEG. SCHNEIDERMAN:**

The Workforce Housing Commission?

**LEG. VILORIA • FISHER:**

The Workforce Housing Commission, you do see that it is a multi•faceted program. We bring in environmental people, we bring economic development, we bring in the Health Department. And I thought that the Ad Hoc Legislative Committee would reflect that same kind of multi•faceted approach, so that •• and there are members of the public who are really, really interested in seeing what happens with regard to affordable housing. And they may not have attend the Public Works Committee, because that's where •• that's not where they would be looking for affordable housing initiatives. And, as I said, I'm not suggesting this to hold up this legislation, I'm suggesting it so that those people who are looking forward to •• and not just so that we have something on our agenda, but so that those stakeholders who want to see what

we're doing can attend an Ad Hoc Committee meeting and begin to see that the Legislature in a multifaceted manner, you know, because Jay and I have cosponsored a Sense Resolution.

***[SUBSTITUTION OF COURT STENOGRAPHER • DONNA CATALANO]***

There are other resolutions that we'll be coming down the pike. We're going to be looking the other Health Department pieces of legislation. I would like to see it become a real entity where people •• where we can bring in multifaceted views of how we're dealing with this problem. And so I would just beg your indulgence to allow it to go just for one cycle to the Ad Hoc Committee to bring in other issues that were brought up by the Commission and so that we can look at a whole picture and a holistic approach to solving this very, very serious problem in Suffolk County.

**P.O. CARACAPPA:**

Thanks. I appreciate that, but remember this is setting a policy as it relates to a sewer agency, which is strictly a Public Works •• the new policy in the sewer agency will hopefully promote affordable housing. And because it's changing policy in sewer agency, that's why it's strictly in Public Works.

**LEG. VILORIA • FISHER:**

Because the sewer agency is a important part of our affordable housing program. It's a really important part.

**P.O. CARACAPPA:**

That's why this bill is before us. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

First, I just want to echo the sentiments of Legislator Fisher in that at least in the future things related to affordable housing do get assigned •• we recently had the support of DiNapoli •Balboni Resolution, and that get assigned to •• I forget which committee •• I'd like to see those assigned to the Housing Committee. But to the sponsor, Chair, I have a couple of questions about the resolution in front. One is the choice of 15% for affordable housing, and I appreciate what you're trying to do here, and it is an extremely pressing issue. I've heard lots of numbers thrown around, and the DiNapoli bill, I believe, is 10%, where this is 15. Maybe for consistency's sake, it should be 10%.

My other concern here though is sewage treatment is an environmental benefit in general to reduce nitrogen loading. And there may be times when this requirement doesn't make sense for the particular project. And there may be other times when it may be interfering with the general production of town houses or apartment types of complexes, which by their very nature end up as in the more affordable sector of the housing that's available. Even though they might not fit into affordable as per the federal definitions of affordability at 80% of median income, those apartments do provide housing for the middle income families, you know, our school teachers, our nurses and people who might not be able to afford necessarily a home right away, but don't qualify for that federal subsidy. So I'm concerned that it actually might slow down some of those projects that we need as well. I'm prepared to support it, but, you know, I think these are important considerations to try to answer.

**P.O. CARACAPPA:**

Thank you. Legislator Montano.

**LEG. MONTANO:**

Yes. I don't think there's anyone here that's against affordable housing, but I was one of the votes that abstained at the committee when this issue came up. And the I abstained was that there was some question as to legality of enforcing this particular bill. We have a County Attorney or an Assistant County Attorney at the podium, I would like to ask briefly what •• you know, could you just explain what your legal position is with respect to this bill? I know that we enjoy presumption of validity, but I'm not prone to pass the bill simply because we have that presumption. Can you give me, very briefly, your legal opinion with respect to the issues raised in this bill?

**P.O. CARACAPPA:**

Legislator Montano, are you asking ••

**LEG. MONTANO:**

Asking the County Attorney.

**P.O. CARACAPPA:**

Are you asking through the Chair to bring the County Attorney up?

**LEG. MONTANO:**

I would like to do that, yes, sir.

**P.O. CARACAPPA:**

You are there already. How about that.

**LEG. MONTANO:**

She's been there for five minutes.

**P.O. CARACAPPA:**

Go right ahead.

**MS. HARRINGTON:**

Thank you, Presiding Officer. If I can just take a moment to put on the record the official position of the County Attorney's Office relative to this bill. I spoke in committee, I believe, April 6th, and I believe a memo went to the Presiding Officer April 4th from Christine Malafi. In an effort to just promote more communication between the two offices, I did send over by fax and e-mail, I believe yesterday, a copy of Christine Malafi's opinion to all the Legislators. So I won't belabor the point here, I just wanted to put a statement on the record; and I gave a copy of Christine Malafi's opinion to the Clerk. Just to reiterate that it is the position of the County Attorney that the local legislation that you are now considering is defective, because basically our power to pass these resolutions is derived from state authorization.

And the New York Public Health Law Section 1116 and New York Environmental Conservation Law Section 17-1505 only allows us to grant or deny permit applications regarding water and sewage on its basis of those criteria. There is •• there is no authority for us to impose any additional criteria on that whether it be something as wonderful as affordable housing or any other criteria that falls outside of the statute. So I just wanted to put that statement on the record. I thank you for your time in allowing me to do that.

**P.O. CARACAPPA:**

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

**LEG. CARACCIOLO:**

Abstain.

**P.O. CARACAPPA:**

Abstentions, Legislator Caracciolo, Legislator Montano, Legislator Crecca, Legislator Cooper and Binder and Vloria•Fisher.

**MR. BARTON:**

12.

**P.O. CARACAPPA:**

Twelve. Thank you. It's past 12:30. I figured we'll finish up Public Works at least, all right? We have two pages of Sense Resolutions. Okay. Public Works, **1303, (appropriating funds in connection with the construction of improvements at County marinas)**. Motion by Legislator Foley, seconded by Legislator O'Leary. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)**

**LEG. FOLEY:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

(Not present).

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

17, one not present on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. 1312, **(amending Resolution No.179•2003, a resolution making certain findings and determinations upon a proposal to form Suffolk County Sewer District No. 4 Smithtown Galleria in the Town of Smithtown)**. Motion by Legislator Crecca, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Abstain.

**P.O. CARACAPPA:**

Abstention, Legislator Alden.

**MR. BARTON:**

16, one abstention, one not present. **1317, (approving the purchase of vehicles for the Department of Economic Development, Division of Aviation)**. Motion by Legislator Schneiderman, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

1339, **(a local law amending Chapter 424 of the Suffolk County Code in connection to revisions to sewer use rules and regulation)**. Motion to approve by Legislator Bishop, seconded by Legislator Foley. On the motion, what is this?

**LEG. BISHOP:**

It complies with the Federal Clean Water Act.

**P.O. CARACAPPA:**

Okay. All in favor? Opposed? Abstentions?

**MR. BARTON:**

17, one not present.

**P.O. CARACAPPA:**

**1361, (authorizing public hearing for approval of an on•demand cross bay freight ferry license for Bayard Marine Corporation).** There is a motion by Legislator Carpenter, seconded by myself. All in favor? Opposed? Abstentions?

**LEG. CARACCIOLO:**

Abstain.

**MR. BARTON:**

16, one abstention, not present.

**P.O. CARACAPPA:**

It's to set the public hearing, Legislator Caracciolo.

**LEG. CARACCIOLO:**

I'm sorry?

**P.O. CARACAPPA:**

It's setting the public hearing.

**LEG. CARACCIOLO:**

Oh, I'm sorry, okay.

**(AMENDED VOTE on 1361 • 17, one not present)**

**P.O. CARACAPPA:**

**1363, (authorizing public hearing for approval of rates for Bayard Marine Corporation).** Same motion, same second, same vote.

**MR. BARTON**

17.

**P.O. CARACAPPA:**

**1378, 78A, (appropriating funds in connection with a feasibility study for noise abatement structures on cr 67, Motor Parkway).** Motion by Legislator Crecca, seconded by Legislator Alden. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)**

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

(Not present).

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

17, one not present on the bond.

**P.O. CARACAPPA:**

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

**1382, 1382A, (transferring funds appropriated in connection with the dredging of Moriches Inlet for Smith Point Beach Park replenishment to dredging of County waters).** Motion by Legislator Carpenter, seconded by Legislator O'Leary. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)**

**LEG. CARPENTER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

(Not present).

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

17, one not present on the bond.

**P.O. CARACAPPA:**

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

**LEG. FOLEY:**

Mr. Chairman.

**MR. KNAPPE:**

I have to apologize.

**LEG. FOLEY:**

Mr. Chairman, Mr. Knappe ••

**MR. KNAPPE:**

I have to speak on the record on 1382 on behalf of the Budget Office. I'm sorry.

**P.O. CARACAPPA:**

You have to be invited to speak on a resolution.

**MR. KNAPPE:**

My apologies.

**LEG. CARPENTER:**

If I could, Presiding Officer.

**P.O. CARACAPPA:**

Yes, go ahead, Deputy Presiding Officer.

**LEG. CARPENTER:**

It might not be bad idea to go over the protocol for the Legislature since there have been some new members of the County Executive's staff and the Legislative staff who might not be familiar with what is appropriate and not.

**MR. KNAPPE:**

I certainly apologize. I know I was out of line there. My apologies.

**LEG. FOLEY:**

There's no need to apologize, Mr. Knappe. Mr. Chairman, if I may.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you. In the past, it should be reflected, that if and when, under the prior administration, when either Counsel or the Budget Office had an issue with a resolution, they would either step forward to the podium or before the meeting mention to the Presiding Officer's staff that they had issues with concern resolutions that they wanted to speak on prior to our vote. So with that said, perhaps they needed to be invited. But I know that in the past, we've extended that professional courtesy to •• to the administration for them to say their piece to us on resolutions that are of concern to them. So with that said, I would ask through the Chair, notwithstanding the fact that we just voted on 1328, but given the fact that Counsel of the Administration as well as the Budget Office evidentially have some questions about this or points they want to raise, I would kindly ask or request through the Chair that we give them the courtesy of expressing their views on that particular resolution. But it's concerning the resolution that we just approved.

**P.O. CARACAPPA:**

All right. All right. It's done. I ask the County Executive's people that prior to a Legislative meeting, you know, the resolutions you are going to speak on two weeks in advance, because you've done it in committee, just send a list to my staff so I know in case we get to the agenda before we have you up officially, as we have an agenda after public hearings. This way you are asking well beforehand, you know what resolutions you're going to be here for, then there's no slight, there's no misunderstanding. So in the future, just have a list of resolutions you plan on speaking on the day at my office prior to the meeting and then everything will be copacetic. We all clear? Easy, one, two, three, let's move on.

**1413, (authorizing execution of agreement by the Administrative Head of the Suffolk county Sewer District No. 7 • Medford with the owner of Interpharm Inc).** Motion by myself, seconded by Legislator O'Leary. All in favor? Opposed?

**LEG. ALDEN:**

Abstain.

**LEG. O'LEARY:**

Abstention, Legislator O'Leary (sic).

**MR. BARTON:**

16.

**P.O. CARACAPPA:**

**1415, 1415A, (appropriating funds in connection with the replacement clean up of fossil fuel, toxic and hazardous material storage tanks).** Motion by myself, seconded by Legislator Foley. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)**

**P.O. CARACAPPA:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

(Not present).

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Yes.

**MR. BARTON:**

17, one not present.

**P.O. CARACAPPA:**

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

**1416, 16A, (appropriating funds in connection with the installation of emergency systems for major County owner buildings/NYS Fire Standards).** Motion by myself, seconded by Legislator Carpenter. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)**

**P.O. CARACAPPA:**

Yes.

**LEG. CARPENTER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

(Not present).

**LEG. COOPER:**

Yes.

**MR. BARTON:**

17.

**P.O. CARACAPPA:**

Same motion same second on the companion resolution. .

**1417, 17A, (appropriating funds in connection with the improvements to water supply systems).** Motion by Legislator Montano, seconded by Legislator Lindsay.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)**

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

(Not present).

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

17, one not present on the bond.

**P.O. CARACAPPA:**

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

**1421, (a resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 1 • Port Jefferson).** Motion by Legislator Vilorio •• Fisher, seconded by O'Leary. All those in favor? Opposed? Abstentions.

**MR. BARTON:**

17, one not present.

**P.O. CARACAPPA:**

It is now a quarter to one, we will break for lunch returning at 2:30 for public hearings.

***[THE MEETING WAS RECESSED AT 12:43 P.M. AND RESUMED AT 2:33 P.M.]***

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

**P.O. CARACAPPA:**

Good afternoon. We'll start the public hearing. Mr. Clerk, the affidavits of publication, they're in proper order?

**MR. BARTON:**

Yes, they are.

**P.O. CARACAPPA:**

Thank you. Going directly to the first public hearing, **Public Hearing on Capital Budget and Program 2005 to 2007**. I have one card, The Honorable Ed Romaine. Mr. Clerk, good afternoon.

**MR. ROMAINE:**

Good afternoon. Thank you. I'm here to talk about the County's Capital Budget for Year 2005 •2007, and specifically some of the things that we submitted to the County Executive that were either omitted or pushed off to either subsequent years or later years that we think the Legislature should be aware of, and that are critical to the operation of the County Clerk's Office. Let me start with a number of things. And I will forward to every member of the County Legislature a copy of the report that will outline the things that I will talk about today very briefly.

Our request for a data center was my number one priority last year, it remains my number one priority this year. It's an expense of \$350,000, and it would allow the County Clerk's Office to consolidate some 15 servers, its optical storage library, and some 60,000 microfilm tapes, each containing in excess of 3,000 images apiece to be stored at a data center that is critical to our operation. This was the Clerk's number one priority last year, it is our number one priority this

year, and the County Executive excluded it when we submitted it to the Capital Budget. He did not even submit that budget to the Legislature. We're asking the Legislature's consideration that that be restored. It is absolutely necessary, if we're going to run a sophisticated computer operation, that we have a data center that protects our service, protects our optical image library, and protects our 60,000 separate microfilm tapes. It's 350,000, it's absolutely necessary.

The second thing that the County Executive excluded from the Capital Budget that we submitted to him was a request for \$97,000 for a \\_UNIX\\_ server. We have an existing server in which our court minutes are stored, our judgements are stored, and our liens are stored, and they're all located on one server, but this server has been underperforming, and with increased usage and the additional •• addition of additional data bases, we need another server, or we're not going to be able to keep up with the technology or the demand on these data bases. That's \$97,000 for that server. The County Executive simply excluded it completely from his request.

We asked for \$40,000 to digitize some of our ancient historic records, all of our naturalization records dating back to 1843, all of our coroner's records, all of our ancient deeds and mortgages, and all of our ship wreck records. This is a \$40,000 request. And the reason we want to digitize them is that these records are deteriorating faster than we have funding to repair them, or maintain them, or preserve them. The County Executive pushed this request off to 2007. We think that this is a request that needs to be addressed in 2005.

We finished optical imaging, except for one small piece component that's left, a \$150,000 component to 17 •• Capital Budget 1751, and this is the work flow component, the final component in which all of the work that this Legislature has invested in is finished. It's \$150,000, and with that finishes optical imaging and all of the expenses that are required. The County Executive pushed that off to 2006, which means we couldn't finish the project until that time, if not later.

Finally, there were two other requests that we made, both of which have only a little bit of what to do with our department, which the County Executive pushed off to subsequent years of 2006 or 2007. One was an Enterprise model, Enterprise process data model. Right now, we have three separate huge data bases for land records, we have Real Property, we have the County Clerk, and we have the Treasurer. And what we're saying is that for \$225,000, this County should undertake a study to consolidate these data bases, which have redundant data on them,

and are stored in multiple locations, and undertake a study of how we could consolidate all of these data bases, which, by the way, are the building block for a successful GIS system. So, even though this isn't a solely County Clerk's project, it is a project that would benefit this County, would save us money in the long run. And the second part of that would be to unify, once the study was completed, to unify all these records with millions of redundant data from three systems into one unified system with increased accuracy, with a reduction of hardware and maintenance costs, and streamlining data.

**P.O. CARACAPPA:**

Mr. Clerk.

**MR. ROMAINE:**

Yes. That's it.

**P.O. CARACAPPA:**

Oh, I was going to say your time has expired, but my question is did you have anymore?

**MR. ROMAINE:**

That's it. But those are things that we will send this Legislature in a report. We think the County Executive is wrong to postpone this or to eliminate in some cases these projects. These projects are going to, one, make this County more efficient; two, make it more user friendly; and three, save money in the long run. I would appreciate, when you receive this in your office, if you have any questions, I'd be happy to entertain them now, or at any time in the future, concerning each of these proposals, which I think have merit.

**P.O. CARACAPPA:**

Thank you. Any questions? I have no other cards for the Capital Budget. Anyone else wishing to be heard on the Capital Budget? Hearing none, I make a motion to close.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

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

Moving on to **1070**. I have no cards. **This is a public hearing, a Charter Law creating Taxpayer Office of Inspector General. (Caracciolo)**. Anyone wishing to be heard on this matter?

**LEG. CARACCIOLO:**

Motion to recess.

**P.O. CARACAPPA:**

Motion to recess by Legislator Caracciolo, second by myself. All in favor? Opposed?

Abstentions? 1070 is recessed. **1211 • Authorization of alteration of rates for North Ferry. (Presiding Officer)**. I have three cards so far. First speaker is John Needham.

**MR. NEEDHAM:**

I'm going to pass. Thank you.

**P.O. CARACAPPA:**

Pass?

**MR. NEEDHAM:**

I changed my mind.

**P.O. CARACAPPA:**

Okay, you're done. Okay. Thank you. Julie Ben•Susan.

**MS. BEN•SUSAN:**

Good afternoon. I promise to keep this to a minute. We've spoken to you a great time •• a great many times now, but recent events led me to believe that we might want to visit one more issue one more time.

We said in 2001 that the vehicles were growing in weight and size, and that our tired old boats couldn't take too much more abuse without refurbishment. We also said that we could not achieve consistent good service where they're not •• when there was a huge backup of trucks and cars every morning. Along came the Mashomak and those very issues were resolved. So, now things are running beautifully and some ask, "Why another boat?" The answer is that the

vehicles are continuing to get larger and larger, the small boats are getting older and older, and that it takes a year to build a new boat. We can foresee a time within a year when our service would be severely impaired once again. We don't want that to happen. So, that is why we need this rate increase and that is why we need the new boat. Thank you very much.

**P.O. CARACAPPA:**

Thank you. Oh, there's a question, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Yeah. Thank you. I'm not quite sure •• I'm not quite where to begin. I have a bunch of questions about your rate petition.

Let me start with a simple one. There's a surcharge, a brand new surcharge, which I •• you haven't had the in the past, nor has South Ferry, on SUV's. It's only projected to raise, I think, 13 or 14,000 in the papers I have. What percentage of your vehicles are SUV's? I would imagine quite a large percent based upon the vehicles that I see out in The Hamptons running around.

**MS. BEN • SUSAN:**

We don't know for sure. We know that it doesn't include the pickup trucks, and there's a ton of those. There are probably more in the summer than there are the rest of the year. Our issue is that they are not only bigger, but heavier, and they're square, and all of that impacts where we can place them on the boat. So, they really are more like a truck than they are like a car. We don't want to take them all the way to the truck rate, so we thought this was a compromise.

**LEG. SCHNEIDERMAN:**

Don't you typically, and I have some familiarity ••

**MS. BEN • SUSAN:**

I know.

**LEG. SCHNEIDERMAN:**

•• because I've ridden it many times, but don't you typically stack them in various lanes?

**MS. BEN • SUSAN:**

Well, that's the point, they can only go down the middle lanes. We can't put them underneath in the covered boats, and we can't tuck them in that outside lane on the open boats, because they don't fit. So, like a truck, we can only •• we can only put them down the middle. So, if we get them a bunch of them all at once, it means the difference between taking 12 or 11 or 13 cars on the small boats.

**LEG. SCHNEIDERMAN:**

Yeah. I can't say I agree with penalizing the SUV drivers, even though I don't like their fuel inefficiency, it's just there's just so many people out there with SUV's.

Let me move on to another thing. The BRO recommended •• one of the fundamental changes in their report is the round•trip ticket from thirteen •• you've raised it from 9.75 to 13. They're recommending it goes up, but to 12? Could you comment on that issue?

**MS. BEN • SUSAN:**

Well, our rationale there was that we think it's grounded in history, but we can't quite explain to anybody, ourselves included, why there is such a narrow difference between the trip over and the trip back. It costs us exactly the same to go from Greenport to Shelter Island as Shelter to go to Greenport, and so, as part of our overall rationale for this entire rate increase, we're trying to separate the difference •• we're trying to widen the difference between a one•way and a round trip.

**LEG. SCHNEIDERMAN:**

Okay. On that same issue on South Ferry, their rate increased as well, I believe, to \$12 for a round trip, but they include passengers for free. You still have an additional a dollar per passenger charge on top of that \$13, which would seem to be significantly higher than the rates that South Ferry is charging for a similar service, though yours •• granted, your trip is a little bit longer.

Let me move on to another point. I would say the bulk of my constituents, those who live on the South Fork, and particularly on the east end of the South Fork, because the western portion of my district has more of a choice, if they're going, let's say, to Greenport, they can choose driving around or going through. It's roughly about the same amount of time. But from probably Water Mill out to Montauk, it's so much further to drive around, so they're pretty much

stuck going through Shelter Island. And those who do it on any kind of frequent basis, and I'm not talking about the commuters who actually are working on Shelter Island, but maybe they'll go 10 times a summer, 15 times a summer, maybe four or five times a summer, but different than the very casual user, let's say, coming from Connecticut for a weekend in The Hamptons. You've gone up I think 60% on that rate category for that round-trip ticket. That's an enormous jump. This is something where South Ferry had made quite a few concessions to bring that •• to bring that number down. And you've gone up to \$88, which is significantly higher than South Ferry. And I see that not only hurting my constituents, but particularly the constituents on the North Fork as well who might want to have lunch in Sag Harbor. I see them buying the ten-ticket book, and you haven't •• you're placing so much burden in this new rate schedule on those individuals. I don't think that's fair. Can you respond?

**MS. BEN • SUSAN:**

I guess I come back to our overall philosophy here. We were trying to share the •• we were trying to spread the •• spread the increase across as many categories as we could, and not to be frivolous about anybody else's money. But, if you're doing it relatively few times and it goes up a couple of dollars, as opposed to the totality of what that needs to get us to the number that we needed to buy the boat, it just •• we tried to get everybody to pay something as evenly as possible.

**LEG. SCHNEIDERMAN:**

Well, the bulk of your user is the casual user, the person just taking it once or twice a summer. And I can understand going •• I can understand going up there. If they're paying \$4 more than they paid last year, at least they're only doing it once or twice. But the people who live in that area and depend upon it as part of their road system, I think you have too much burden placed on that category. That's my •• that's my opinion.

**MS. BEN • SUSAN:**

Yeah, sure. Well, that's why we have the discount tickets, though, that's why we have those books of ten tickets. And I know that's the category you're already talking about, but that's intended for the in between user, the one that's, you know, more than a once and less than a frequent.

**LEG. SCHNEIDERMAN:**

Right. But when I look at, you know, those who live on Shelter Island versus those who don't, the discount is significantly larger for Shelter Island residents who use the ferry occasionally than for other residents of the North and South Fork who use it occasionally, and there seems to be an equity issue there. So, let me see what other questions I have here. You only sell the discount books on •• in the office.

**MS. BEN • SUSAN:**

Correct.

**LEG. SCHNEIDERMAN:**

South Ferry sells them on the boat. It's a lot more convenient. It's something I'd like you to consider.

Another thing is South Ferry has no expiration, and you have in the past have had no expiration dates on your ten•ticket book. Now, you're putting in for the first time an expiration date, which could lead to a lot of tickets that are purchased that are never used, which you benefit from, but it seems to me it goes against the purpose of having those discount books, is •• you know, having them run out is a problem, then, suddenly, it's no longer a discount.

**MS. BEN • SUSAN:**

There's a couple of issues there. One is that there is an amnesty, so that for a six•month period after any rate increase, you could turn them in for the same category at the new rate. So, anyone that's using them with any frequency could do that. The second point is that it's an accounting issue. We have to account for those presold tickets as deferred revenue, which is then added back in when we come before for a rate increase. And so having those old tickets laying around balloons our balance sheet, gives the BRO fits, and we have to •• we have to account for it. We have a pretty elaborate cash system and we have to be able to differentiate between not only the categories that we have, but the old tickets that we have, and they're becoming less, but this is just an incentive to just clear the decks and get them up to •• get them up to current. It's not meant to be a penalty.

**LEG. SCHNEIDERMAN:**

Okay.

**LEG. BISHOP:**

All right?

**LEG. SCHNEIDERMAN:**

I had one other, if I can remember what it was. Maybe I'll come back to it. Oh, yeah it was a •  
• it was a defect •• oh, in the rate petition itself, it doesn't say on the discount books how many  
tickets you get, so you're saying what the rate is, but it doesn't say how many tickets, so that if  
we were to approve it, you would theoretically have the ability to put eight tickets in there, or  
whatever, and that could change the ultimate rate. Not that you would •• not that you would  
do that, but I would prefer to see it in the petition itself clearly stated that a discount book is for  
ten tickets.

**MS. BEN • SUSAN:**

Good point. It was an oversight. They're all ••

**LEG. SCHNEIDERMAN:**

Okay.

**MS. BEN • SUSAN:**

They're all ten, they've been ten, they'll be ten.

**LEG. SCHNEIDERMAN:**

Okay.

**LEG. SCHNEIDERMAN:**

And you would come and take me away in handcuffs if we did it any other way.

**LEG. SCHNEIDERMAN:**

Yeah, it's just not •• it's just not specified anywhere.

**MS. BEN • SUSAN:**

Okay. Anyone else?

**P.O. CARACAPPA:**

Okay. Any other questions? Thank you.

**MS. BEN • SUSAN:**

Thank you.

**P.O. CARACAPPA:**

Next speaker is Bridgford Hunt.

**MR. HUNT:**

Members of the Legislature, I'd just like to talk briefly about something that occurred yesterday, and I can answer some more questions.

**LEG. BISHOP:**

Who are you?

**MR. HUNT:**

Excuse me?

**LEG. BISHOP:**

Who are you?

**P.O. CARACAPPA:**

Bridgford Hunt.

**MR. HUNT:**

Oh, my name is Bridg Hunt. I'm the General Manager at North Ferry Company, and I'm pretty nervous.

Yesterday morning, I relieved a deck hand that was taken ill suddenly, and I went over to Greenport with the boat and found out people were passing out hand bills in the ferry line that had a •• it was kind of like to create a fire storm of complaints. And I wanted to mention that this had happened, because maybe you got a bunch of E•mails or faxed folders, or whatever. We really didn't have a long time to respond to all of those people, but later in the afternoon, I was able to spend a half an hour or forty•five minutes with a woman who was kind enough to take the time and talk about her issues on those points with me. And I granted her point, that it was going to cost her more going forward with the rate relief, and, at the same time,

reminded her that in the past, she had to wait an hour in the morning and an hour in the evening to make her daily commute. And she was thankful that she doesn't wait that long anymore. I said the rate relief that we're looking for is a dollar more in the morning and a dollar more in the evening. It's basically saving her an hour each time, so she would be working for a dollar an hour if she didn't have this service of the new boat.

The new boat and the next boat that we're hoping to build, are really pointed right at that commuter market, and we think, and ultimately she agreed, that the service is worth it. She said, "But it's working fine now, you know, why do we need another one?" That's why I put on the Manager's hat and I said, "Well, it's working fine right now, but the lid on the pot is starting to simmer a little bit. By next summer •• this summer we have a fifth boat and we can, maybe like putting oil on the water, we can keep the lid from going over the top, but by next summer, my projections show that we're going to be starting to play catch•up again.

I really want to look through the windshield of this company and not the rearview mirror. So, for us to have that facility for next summer, we have to order it now. It takes •• you know, all in all, it's going to take us the year to get the boat. So that's what I'm here for, is to appeal to grant us the relief now, so that we're not playing catch•up next year.

And there's one other thing that I'd like to add as maybe a follow•up to Legislator Schneiderman's question about the ten•trip books, and that is the third point. We do want an expiration date on them, so there isn't just a huge cloud of tickets out there. But, if you bring us last year's tickets, we revalidate them with the issue of this year's tickets. So, it wouldn't be like you could buy a book of ten and end up using only seven, and then, you know, having a loss there, you just bring the other three back. We reissue another new •• set of new tickets.

**LEG. SCHNEIDERMAN:**

If it's within a ••

**MR. HUNT:**

If you see in the application, there's like ••

**LEG. SCHNEIDERMAN:**

If it's within a certain time frame.

**MR. HUNT:**

Yes, there's a ••

**LEG. SCHNEIDERMAN:**

You have like a three•month time frame for that?

**MR. HUNT:**

No. There's a year window, it's a sliding year window.

**LEG. SCHNEIDERMAN:**

Form when you buy it, you have until December of the following year, right?

**MR. HUNT:**

Yes, yeah.

**LEG. SCHNEIDERMAN:**

That you the tickets are valid.

**MR. HUNT:**

And you can bring them at the tail end of that period to revalidate them.

**LEG. SCHNEIDERMAN:**

Right. I'd prefer a longer period, that's my preference. I would ask, since I have multiple questions about the rates, and particularly a very strong objection to the round•trip ticket, that you and I and Julie, if we could have a chance to sit down, so I can, you know, discuss it in more detail what my concerns are, and maybe we could come to some agreement on it.

**MR. HUNT:**

I'd be glad to talk with you. I have to tell you, though, I'm just •• I guess, scared is the right word. We really need to get the relief now, so that we can get the proceeds from this summer season, so that we can order the boat. If we don't, the interest rates are going up, we're going to lose our window at the shipyard, and we're not going to be able to meet our service commitment for next summer. So, I don't know how to respond to you, other than to tell you that.

**LEG. SCHNEIDERMAN:**

I hear you're in a hurry ••

**MR. HUNT:**

Yes.

**LEG. SCHNEIDERMAN:**

•• but, you know, one cycle, it would put it back a few weeks, but ••

**MR. HUNT:**

Well ••

**LEG. SCHNEIDERMAN:**

You know, I see these rates as potentially really hurting my constituents, so, you know, I can't •• I can't support some of the rates I see here, and I would like to support your petition. So to me, if it costs an extra month, you'd still be in fine shape to get the boat you need for next summer.

**MR. HUNT:**

Actually, if it costs us the extra month, it really puts the project at risk. That's really the bottom line with that.

**P.O. CARACAPPA:**

Legislator Caracciolo has a question.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. Bridge, could you explain to the Legislature last year, what your operating adjusted income was and how that compared with the year before? And, part two, when was the last time North Ferry came before the Legislature for a rate increase in the categories that were just being discussed?

**MR. HUNT:**

Yes. Last year, our company, we worked really hard, and the combined effort of all of the crew,

the Mashomak, everybody in the management, the volunteer board, we made slightly over \$10,000. This year, we're projected to have quite a loss. So, financially, we're in a lot of trouble. And the second part of the question was?

**LEG. CARACCIOLO:**

Was the increase in the fare categories that were just discussed ••

**MR. HUNT:**

Oh, how long, yes.

**LEG. CARACCIOLO:**

Yes.

**MR. HUNT:**

We came to the Legislature three years ago, and prior that, it was eight years ago. And over that period of time, I think, when you figure out all the compounding and everything, we're looking for a little over 1% a year in this application.

**LEG. CARACCIOLO:**

Okay. I'd like Kevin Duffy to verify the representations that were just made with respect to operating profits.

**MR. DUFFY:**

Okay. We had made an adjustment for the depreciation, but we would add \$33,000 to the \$10,000 Mr. Hunt spoke of. And as far as the last rate increase, the rates that are currently in effect were approved in September of 2001 by Resolution 817•2001.

**LEG. CARACCIOLO:**

And they include all rate category ••

**MR. DUFFY:**

No, no.

**LEG. CARACCIOLO:**

No. That was my question.

**MR. DUFFY:**

During the •• during the 2001 rate increase, only the cash one•way fare, which was increased from 7 to \$8, was affected, and the cash round•trip, which was increased from \$8 to 9.75. The other fares remained at the 1997 levels.

**LEG. CARACCILO:**

Okay. I wanted to make that point clear, because we're talking about a ferry company that has not sought rate relief for its ridership in most fare categories, with the exception of Shelter Island residents and the other category that you mentioned, in seven years. Taking that into account, what was the cost of living, the CPI, over that seven, eight year period?

**MR. DUFFY:**

I don't have the CPI for the seven years. I would have to get back to you on that.

**LEG. CARACCILO:**

Okay. Kevin, you had, at my request, prepared a memorandum where I wanted to make certain, before we pass judgement on this rate request, that certain conditions with respect to the ferry company moving ahead with a new vessel, and, as Mr. Hunt has pointed out, there are time commitments here that are very time sensitive, both as it relates to financing of a new ferry, as well as shipyard commitments. You had acknowledged in your memorandum to me that one of the pre•conditions we should add to this resolution, or at least a side letter of agreement, would be one that stipulates that, unequivocally, the North Ferry Company will go ahead and commission a new boat and, in fact, have all the financial obligations in place to do so; is that correct?

**MR. DUFFY:**

Correct. What we had ••

**LEG. CARACCILO:**

And part two is my office followed up, we sent them a letter last week, and I believe as of yesterday, or was it Friday, that we received assurances in writing that those commitments will be made; is that correct?

**MR. DUFFY:**

What we had received is we received a •• the contract of sale that North Ferry's about to enter into with the shipyard to build a new boat. In addition, we had received a letter from Bridgehampton National Bank, which indicated that there was a •• not a binding commitment, but an interest that •• we had raised a question in our report about the balloon payment that would be due in 2017. What Bridgehampton National Bank said is that, at this point in time, that they have an excellent working relationship with North Ferry, and they would continue to stand ready, that at that time that note was due, that if circumstances permitted, they would extend it for an additional ten years. What we had indicated in our report is that we felt that the balloon payment had to be addressed. It would be the policy decision of the Legislature whether or not they felt that this was an adequate response. What we had said in our report is that we had discussed the idea of some type of sinking fund to meet the balloon payment, but that would be a Legislative decision as to which route you would like to ••

**LEG. CARACCILO:**

That presently is not included in the resolution.

**MR. DUFFY:**

That is correct.

**LEG. CARACCILO:**

Okay. Given the litigation that transpired between the ferry company and the Legislature, is that a pre•condition that we could safely assume, if it were included, would not face legal challenge?

**MR. DUFFY:**

I would defer to Counsel, but my understanding is that what we have indicated in our report is that the court gave us no guidelines as to what would be a reasonable condition, and North Ferry had sued us ••

**LEG. CARACCILO:**

Successfully.

**MR. DUFFY:**

•• successfully in 1998, and that case was appealed and the conditions were disallowed. The

only safe way this could be approached is you would need a North Ferry agreement that they would be willing to do that.

**LEG. CARACCIOLO:**

Would you like to comment on that Mr. Hunt?

**MR. HUNT:**

Yes. It's our understanding that the bank's normal terms of these notes are done in 15 year increments. We have a really good working relationship with Bridgehampton National Bank, and, as you can see from the letter there, they are agreeable to refinancing this note at the end of that period, bringing it out to the 25-year period. We are hoping that that's satisfactory to the Legislature, and that's ••

**LEG. CARACCIOLO:**

I want to speak to the service issue, because, for those who are not familiar with East End tourism traffic between Memorial Day and Labor Day, it, to say the least, gets very, very crowded on both ferry boats, and both ferry operations are entirely different. So, what also needs to be understood is that it would be nice to tie a nice ribbon around both these companies and say they're comparable, but they're far from comparable. The distance between the two spans that transverse the Peconic Bay are totally different, the cost of operation is totally different. Both companies have some very old vessels. Could you just refresh everyone's memory, last month you spoke to this, how many vessels do you have and what are their ages?

**MR. HUNT:**

We have a total of five vessels, one the •• now the queen of our fleet, we put in service last March, that's the Mashomak. That's the boat that we're hoping to duplicate here. Our other boats range from one who •• which was commissioned in 1961, our oldest, to our newest old boat, which was commissioned in 1977. These are some really old boats in steel water •• in salt water. And what we're hoping to do is get a second large boat, then retire the two newer of our old boats. We are hoping to get some proceeds from that to pay down the note that we just talked about, and then maintain service with our two new boats and our two oldest boats, which are also cabin boats and suit our winter operation very well.

**LEG. CARACCIOLO:**

Okay. But, again, I think we need to point out that there is a significant difference between the queen of your fleet ••

**MR. HUNT:**

Oh, please.

**LEG. CARACCIOLO:**

•• in terms of its capacity and, more importantly, what types of vehicles, and how the makeup of people using the ferry services change.

**MR. HUNT:**

The Mashomak isn't just double, it's not just the same as two small boats. It does carry twice as many cars, 25 instead of 12 in rough numbers, but it carries four times as many trucks. And during our rush hour in the morning and the evening, it's where she really shines. Those trucks end up being a major part of our rush hour situation, or traffic as it were, and without her •• she makes two trips in an hour. She carries the equivalent of the rest of the fleet twice over, so all the other boats collectively. So, we found this out, I guess, anecdotally. Two weeks ago, we had one slip down, and Tuesday was a very disappointing day. We started having an old fashioned type queue. I'm thinking, oh, boy, and the timing couldn't be worse, considering this process and what to do. The next day, I gave the captain's instructions for the big boat to pass the little boat at every landing on Shelter Island, so the big boat was moving much more frequently. As a result, the big boat cleaned up our traffic and we were able to produce. It was very dramatic, the effect that she has.

**LEG. CARACCIOLO:**

I want to now speak to the issue of the nonresident commuter category. Do you have, maintain any statistics of how many individuals live off the Island, but work on the Island, that use North Ferry service?

**MR. HUNT:**

We've tried to break that down based on the checks and the addresses that we receive on Monday mornings, and it's maybe a 50•50 blend between the off•Island and on•Island commuter rush. But I will say that the time distribution is quite a bit different, and that our

biggest service obligation comes from the off-Island class, that that's where the cue develops, is going on the Island in the morning and off the Island in the evening. It's how we have to shift the boats. It's our biggest loss sector. It cost us \$5.08 per vehicle to take a car one way, and even with the proposed •• at our current rate, the commuter tickets, a commuter pays \$1.80 to go one way. With the off-Island increase that we're talking about, a commuter and their car would pay \$2.80 to go one way, it costs us \$5.08 to transport that car, so it's still a substantial subsidy for the commuter.

**LEG. CARACCIOLO:**

So, in other words, a North Fork resident that has employment on Shelter Island, could you just go over those rates? Give me the cost factor and what they're actually charged.

**MR. HUNT:**

Their cost now or after ••

**LEG. CARACCIOLO:**

The proposed, with the ••

**MR. HUNT:**

The proposed cost in one-way fare would be 2.80, round trip would be 5.60, and that ••

**LEG. CARACCCIOLO:**

And that round-trip cost to ••

**MR. HUNT:**

And our round-trip cost would \$10.16.

**LEG. CARACCIOLO:**

Okay. Thank you.

**P.O. CARACAPPA:**

Anyone else? Thank you. I have no other cards. Is there a motion?

**MR. HUNT:**

Thank you.

**LEG. SCHNEIDERMAN:**

Can I make a motion to recess it?

**P.O. CARACAPPA:**

Motion to recess by Legislator Schneiderman.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

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

**LEG. CARACCIOLO:**

Opposed. I'm opposed.

**LEG. FOLEY:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yeah, I'd like a roll call vote, yeah.

**P.O. CARACAPPA:**

Legislator Viloría•Fisher, Legislator Foley, Legislator Bishop. Moving on. 1211 is closed •• recessed.

**1222 • A Charter Law to mitigate County liability by expanding prior written notice of defective condition requirements. (Co. Exec.)** I have one card, Lynne Bizzarro.

**LEG. BISHOP:**

Motion to close. I think that will solve it.

**MS. BIZZARRO:**

Yes.

**P.O. CARACAPPA:**

Second.

**MS. BIZZARRO:**

Thank you.

**P.O. CARACAPPA:**

1222, there's a motion to close and a second. All in favor? Opposed? Abstentions?

**LEG. CRECCA:**

Opposed.

**P.O. CARACAPPA:**

There's one opposition.

**LEG. MONTANO:**

No, I'm opposed.

**P.O. CARACAPPA:**

Two oppositions.

**LEG. BISHOP:**

They got what they wanted. They wanted it closed.

**P.O. CARACAPPA:**

Yeah.

**LEG. MONTANO:**

All right.

**P.O. CARACAPPA:**

They wanted it closed. Okay. One opposition, Legislator Crecca. Okay. 1222 is closed.

***1223 (A Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner). (Montano).*** I have no cards.

**LEG. MONTANO:**

Motion to recess.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Motion to recess by the sponsor, Legislator Montano, second by Legislator Foley. All in favor? Opposed? Abstentions? 1223 is recessed.

***1236 (Approving rates established for Davis Park Ferry Co.) (Presiding Officer).***

**LEG. FOLEY:**

Motion to recess.

**P.O. CARACAPPA:**

Motion to recess by Legislator Foley. I have no cards. Second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1220 •• 1236, rather, is recessed.

***1348 • A local law to amend Local Law Number 5 • 1993, to prohibit the County of Suffolk from contracting with corporations that reincorporate overseas. (Viloria • Fisher).***

I have a few cards. First speaker is Jimmy Rogers.

**MR. ROGERS:**

Good afternoon. I'm here to support this legislation, being a member of D.C. 9, Painters and Allied Trades Union.

I think what this law, or this amendment of this law, would do for working people locally in Suffolk County, there's only so much we can do at the national level with all you hear is companies reincorporating overseas to get tax breaks and not have to pay taxes. Also, outsourcing of jobs.

I come out of the construction industry, and we only have a few companies that do manufacturing. And a lot of our members, you know, there's a couple of topics that we had brought up to our members before, and they said, "You know, we're a construction industry. How are we going to get outsourced? What's going to happen to us. This doesn't really affect us," but it does.

I have an article that I read in the Wall Street Journal here about a library that was built in Utah, and they •• of all the trades to outsource the labor for was the concrete. So, you figure how can •• normally, you go on a construction site, they put the forms in, they pour the concrete, how can you outsource that? Well, what they did was they panelized each •• this is a six-story building, too. They panelized all the concrete and had it shipped up from Mexico to Utah. And you would figure, with the construction •• well, making the panels down in Mexico, flat-bedding it up to Utah, and then erecting the concrete, it would be a lot more expensive, but they had that cheap labor that they use down in Mexico, and it was another way that you're going to put American workers out of work.

And so, if anybody in this room thinks that their job is safe and this is something that's not going to hit them, we thought the same thing, and right now, it's happening to us. So, as far as in behalf of labor, we think this is a great amendment to the law and it's something that we need on a local level. Thanks.

**(\*Applause\*)**

**P.O. CARACAPPA:**

Thank you, Mr. Rogers. Next speaker is Nick LaMorte.

**MR. LAMORTE:**

Well, good afternoon, everyone. It's a nice day out. I stand before you as the Legislative Director of the Long Island Federation of Labor, representing Jack Caffey, President. I, too,

stand in favor of this amendment, and actually commend sister Fisher and brother Lindsay for their insight in trying to close corporate tax loopholes. Brother Rogers basically laid out the reasons for labor's support of this amendment, and I stand before you asking for your support. Thank you very much.

**P.O. CARACAPPA:**

Thank you, Nick.

**(\*Applause\*)**

I have no other cards on 1348. Anyone else wishing to be heard? Step forward, sir. State your name.

**MR. PARRINGTON:**

Yes. Hi, good afternoon. My name is Gene Parrington. I'm a Business Rep for Local 25, which represents approximately twenty•five hundred members. At the present time, the peak of our work season, about 10% of our work force is unemployed. Any bill that helps keep work in our area we are for, as is 1348. Any bill that does not we're against. It's as simple as that.

I commend Legislator Fisher and Legislator Lindsay for introducing an amendment to this bill. Thank you.

**P.O. CARACAPPA:**

Thank you very much. I have no other cards. Anyone else wishing to be heard? Is there a motion?

**LEG. VILORIA • FISHER:**

Motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator Vilorina•Fisher, second by Legislator Lindsay. All in favor? Opposed? Abstentions? 1348 is closed. Moving on.

***1358, Local Law to amend Local Law Number 22 • 1999, to license and regulate dry cleaning establishments. (Cooper).*** I have no cards. Anyone wishing to be heard?

Hearing none, seeing none, I'll make a motion to close by Legislator Bishop, second by myself. All in favor? Closed •• opposed? Abstentions? It's the Cooper bill.

**LEG. BISHOP:**

He wants it passed, right?

**P.O. CARACAPPA:**

Yeah. 1358 is closed. **1385 • A Local Law to authorize the implementation of subscription service fee schedule for the Suffolk County Clerk's on-line records system. (Presiding Officer).** I have two cards. First speaker is the Honorable Ed Romaine.

**MR. ROMAINE:**

Hi. I'm just back to speak in favor of 1385. It's a culmination of a lot of investments that this Legislature has made in our records. We're prepared to •• we already have an online service that's free to the public. This would be an enhanced service where we would provide deeds, covenants, restrictions, easements, mortgages, mortgage satisfactions, mortgage assignments, mortgage consolidations, liens, judgments, court records, lis pendens, subdivision maps, uniform commercial code filings. All would be imaged and the full absolute documents would be provided online for a fee. Anyone going online would have to log on, so we would know who they were. The fees vary, and it's attached in the resolution, but you've got everything from soup to nuts, it would be about \$6,000 a year for the prescription service. Anticipate annual revenues in the first year of somewhere between four and \$500,000. I'd be happy to answer any questions you might have about the subscription service.

**P.O. CARACAPPA:**

Any questions for the Clerk?

**LEG. BISHOP:**

Yes.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

Sorry. I know. Give me back my own medicine, I understand. Just one question.

**MR. ROMAINE:**

Sure.

**LEG. BISHOP:**

Subscription is open •• what's the price of the subscription annually?

**MR. ROMAINE:**

Depends on what you want. It's in the resolution.

**LEG. BISHOP:**

I guess ••

**MR. ROMAINE:**

But if you wanted everything, if you wanted to get every data base available to the County Clerk ••

**LEG. BISHOP:**

No. What I'm •• what I'm interested in is the person who just wants to get a deed or a single document.

**MR. ROMAINE:**

There's a daily subscription service of \$30.

**LEG. BISHOP:**

Okay. So, if you just want one document, it's going to end up costing you \$30, plus ••

**MR. ROMAINE:**

Well, people won't do it that way. They'd probably just send in a check for \$4 for a certified copy through the mail, or they'd send someone out here to pick it up.

**LEG. BISHOP:**

I think that's my point.

**MR. ROMAINE:**

Yes.

**LEG. BISHOP:**

So, that it really is an initiative that benefits the volume user.

**MR. ROMAINE:**

Yes.

**LEG. BISHOP:**

Right.

**MR. ROMAINE:**

That's correct.

**LEG. BISHOP:**

And there is no way to create a system that's more accessible?

**MR. ROMAINE:**

There is, but we don't have the data base, which is why I was up here before talking about the lack of support for our capital projects. We could not bear the type of volume that we would have to bear if we opened this up to the public, and that's why we've gone •• because one of the things that this administration is keen, or any administration would be keen on, is generating revenues. And they've asked us how could we generate the most revenues with the equipment that we have now, but I have to tell you, if this subscription service takes off, we are obviously going to need additional hardware and software upgrades.

**LEG. BISHOP:**

So, you tied it into a particular Capital Project, if the •• which ••

**MR. ROMAINE:**

Several, several projects.

**LEG. BISHOP:**

Okay.

**MR. ROMAINE:**

One of them was for a server, one of them was for a data center, and one of them was for an enterprise model, all of which, hopefully, the administration has forwarded our request to you.

**LEG. BISHOP:**

So, there's a limited amount of volume that this system, as you're contemplating it, can handle; correct?

**MR. ROMAINE:**

Well ••

**LEG. BISHOP:**

That's why you're cutting out the small user, essentially.

**MR. ROMAINE:**

No. It is •• it is the preferred model. We believe it's a preferred model, because the person that's looking for a deed can certainly do that through the mail, can certainly do that in person. A subscription service will benefit, is far greater than that, because, if we open it up, most of the people that are going to be using it, 90, 95% of the people that are going to be using it are going to be the volume users. They're going to be the attorneys, they're going to be the real estate agents, they're going to be the banks, they're going to be the title companies ••

**LEG. BISHOP:**

Title. It's going to be the title companies, really.

**MR. ROMAINE:**

•• they're going to be the abstract companies.

**LEG. BISHOP:**

Title and abstract.

**MR. ROMAINE:**

Ninety•five percent of all of our volume comes that way now, and that's why we crafted it for a

subscription service.

**LEG. BISHOP:**

Okay.

**MR. ROMAINE:**

It's very rare that you find someone •• most people that want a copy of a deed don't want a copy of a deed, they want a certified copy, so it's as good as an original. We can't do that online.

**LEG. BISHOP:**

Okay. Thank you.

**P.O. CARACAPPA:**

Thank you, Ed.

**LEG. BISHOP:**

I don't know if I agree with it, but I understand it.

**P.O. CARACAPPA:**

Next speaker is Lynne Bizzarro.

**MS. BIZZARRO:**

Thank you, everyone. At the May 2004 Ways and Means Committee meeting, I advised the committee that there were two legal issues with this bill that makes it problematic. The section of the resolution that requires the deposit of the 25% of the revenues generated into the County Clerk capital reserve fund is impermissible, since maintenance, enhancement, technical support and upgrades of the internet application is not a capital improvement. General Municipal Law specifically governs and defines the term "capital improvement".

In addition, the fees are acquired by the Suffolk County Charter to be paid into the County's General Fund, not into the County Clerk capital fund. Section C23•5 specifically spells out that all sums received by any department are to be paid to the County Treasurer without deduction. In addition, Section C15•2 of the Charter states that the County Treasurer shall receive and

collect all license fees.

Yesterday, at approximately 5 p.m., I received an opinion from John Kennedy, which sets forth that the maintenance and enhancement is a capital improvement under the General Municipal Law. In addition, the opinion sets forth that the County Charter provision, which directs that all monies be paid without deduction to the County Treasurer, is rendered nonoperable by the General Municipal Law. John and I spoke yesterday and we decided that we would disagree on this issue. I had mentioned to him that even arguably, that if the maintenance and enhancement were deemed capital improvements under the General Municipal Law for which a capital reserve fund could be established, the amounts paid into such a fund must be provided by budgetary appropriation, and they must not be required by law to be paid into any fund. Under the County Charter, as I've just said previously, the funds must be paid to the County Treasurer to be deposited into the County's General Fund. Therefore, by law, this fund cannot be established. And keep in mind, with respect to this resolution, there's only that portion of the resolution regarding the 25% of the revenues is there a problem with.

I am respectfully requesting that you recess this public hearing to afford me an opportunity to formally respond to Mr. Kennedy's opinion and to research the issue further. Thank you.

**P.O. CARACAPPA:**

Thank you. I have no other cards. Anyone else wishing to be heard on this matter?

**LEG. BISHOP:**

Motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator Bishop.

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

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

***[OPPOSED SAID IN UNISON BY LEGISLATORS]***

Opposed, Legislator Foley, Legislator Lindsay.

**LEG. MONTANO:**

Opposed.

**LEG. VILORIA • FISHER:**

Me, too.

**MS. BURKHARDT:**

Legislator Vilorina • Fisher.

**P.O. CARACAPPA:**

And Vilorina • Fisher.

**LEG. BISHOP:**

You want to hear more about it?

**LEG. FOLEY:**

Motion to recess.

**P.O. CARACAPPA:**

Motion to recess.

**LEG. CRECCA:**

Oh, it's a Democrat thing? I'm sorry, I just walked in on this one.

**LEG. ALDEN:**

Let's have a roll call on the vote.

**P.O. CARACAPPA:**

Hold on. Counsel, what takes precedent, a recess or a closing motion?

**MS. KNAPP:**

Motion to recess.

**P.O. CARACAPPA:**

Recess. Motion to recess takes precedence. There's a motion by Legislator Foley, second by Legislator Lindsay to recess. All in favor? Opposed?

***[OPPOSED SAID IN UNISON BY LEGISLATORS]***

**P.O. CARACAPPA:**

I'm opposed.

**LEG. ALDEN:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

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

**LEG. FOLEY:**

Yes, to recess.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Nope.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. O'LEARY:**

No.

**LEG. VILORIA • FISHER:**

Yes, out of courtesy.

**LEG. LOSQUADRO:**

No, to recess.

**LEG. MONTANO:**

Yes, to recess.

**LEG. ALDEN:**

No.

**LEG. CRECCA:**

No.

**LEG. NOWICK:**

No.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yeah.

**LEG. BINDER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

Yes.

**D.P.O. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**LEG. SCHNEIDERMAN:**

No.

**MR. BARTON:**

Seven. (Not Present: Legislators Binder and Tonna)

**P.O. CARACAPPA:**

Recessing fails. There's a motion to close and a second. All in favor? Opposed? Abstentions?

***[OPPOSED SAID IN UNISON BY LEGISLATORS]***

**P.O. CARACAPPA:**

Opposed, Legislator Vilorio•Fisher, Legislator Foley, Legislator Lindsay, Legislator Montano, Legislator Mystal, Legislator Cooper.

**LEG. BISHOP:**

Not me, I'm closing it.

**P.O. CARACAPPA:**

Good government, David. 1385 is closed. Moving on to ***1401 • A Local Law to amend certain occupational license laws to increase maximum allowable fines. (Cooper)***. I have no cards.

**MR. BARTON:**

10.

**P.O. CARACAPPA:**

Anyone wishing to be heard? Motion to close by Legislator Cooper, second by Legislator Bishop. All in favor? Opposed? Abstentions? 1401, closed.

**LEG. ALDEN:**

On the motion, no.

**P.O. CARACAPPA:**

Moving on to **1440 • A Local Law to require defibrillators in health clubs in Suffolk County. (Alden)**. I have numerous cards. First speaker is Dr. Joseph Sciammarella. I did my best.

**DR. SCIAMMARELLA:**

Good afternoon, Mr. Chairman, Members of the Legislature. I'm Dr. Joseph Sciammarella. I'm a Medical Director of the American Heart Association Training Center at Mercy Medical Center, and the former Medical Director of the Suffolk County EMS System. It is my pleasure to be able to speak to you today on behalf of the American Heart Association in support of I.R. 1440.

Every single day in the United States, more than 2,600 people experience sudden cardiac arrest. This comes out to be one person dying un expectedly every 33 seconds day in and day out throughout the United States. The National Center for the Emergency Defibrillation has likened this to the number of patients dying each year •• equal to the number of people that would die if a jumbo jet were to crash each and every single day of the year.

When sudden cardiac arrest occurs, the heart stops beating. There is no pulse, there's no blood pressure. The patient is clinically dead. Most often, sudden cardiac arrest occurs because of a disruption in the electrical activity of the heart. This short•circuiting results in an electrical disturbance called ventricular fibrillation. Ventricular fibrillation can be treated, but the only effective treatment for it is to provide early electrical defibrillation.

In years gone by, the only place to get defibrillation would be in a hospital. In the early 1970's, some defibrillation was performed by advanced life support EMS providers. In the 1980's, the blending of computer technology with medical technology resulted in a very small, easy to use computerized device known as an automated external defibrillator. AED's are capable of reading the EKG of the patient, identifying if a shock is indeed required, and it speaks to the operator in a synthesized voice to be able to talk them through the operation of the machine. These devices are extremely simple, effective, and safe.

In those locations in the country where AED's have been provided in public places, the survival rate for cardiac arrest has gone from the national average of less than 5% to in excess of 70%. Having AED's in public place where defibrillation can be provided in the critical first few minutes can mean the difference between life and death. By strategically placing AED's throughout the community, the American Heart Association believes that more than 50,000 lives could be saved annually each year.

On behalf of the American Heart Association, I commend you for considering this important piece of legislation, and urge you to support its passage. By adopting this legislation, you can ensure that victims of sudden cardiac arrest in Suffolk County have the greatest chance for survival by having access to these life-saving AED's. Thank you very much for your attention.

**P.O. CARACAPPA:**

Thank you, Doctor. Next speaker is Wendy Pickering-Martin.

**MS. MARTIN:**

Good afternoon. My name is Wendy Martin, and I am the Vice President of G.E. Pickering, Incorporated. Forgive me, I'm getting over laryngitis. G.E. Pickering has made its home in Sea Cliff, New York for the past 40-plus years. We distribute life-saving emergency medical equipment, including the Heart Start Automated External Defibrillator, or AED. We've placed hundreds of these devices throughout Suffolk and Nassau Counties, New York City, the Bronx, and Westchester County. These devices have been deployed in schools, health clubs, health care facilities, corporate offices, banks, libraries, beaches, pool clubs, etcetera.

G.E. Pickering has assisted these agencies as they implemented their public access to defibrillation, or PAD programs. Our services include assistance in training, device placement throughout buildings and athletic fields, product inservice and follow-up support.

I am here today to show my support for Bill 1440. I would like to thank each of the Legislators who have proposed this and supported other legislation with the goal of saving more lives in Suffolk County.

Research shows that AED's increase survival of sudden cardiac arrest, or SCA. In a recent study funded by the National Heart, Lung and Blood Institute, in collaboration with the

American Heart Association, the evidence showed the number of survivors of SCA markedly increased when the victims were helped by community volunteers trained to perform not only CPR, but also to use an AED.

In 1998, liability was minimized by passage of Section 3000•B of the Public Health Law in New York State. This law protects the organization that purchases the AED, the trained responders, and the Medical Director, who assumes quality assurance control for the PAD Program.

Approximately 90 days after the majority of the schools on Long Island were mandated and placed their AED's throughout their district, our office was informed of four AED uses on Long Island. Although the details presented to us were vague, we were told that at least two of these uses resulted in the victim regaining consciousness at the scene. For instance, at the Glen Cove YMCA, a male in his early sixties was stricken with sudden cardiac arrest while working out in the gym. Fortunately, this YMCA had recently purchased AED's. The man was defibrillated and reportedly made a full recovery. Further, an AED on loan from •• for the winter from a Town summer program in Southampton saved the life of a man jogging at a health club facility when he was stricken with SCA. This facility is now actively and enthusiastically pursuing implementing a full PAD program. The bottom line here is that lives are being saved.

The cost of purchasing AED equipment has reduced significantly over the past few years. Most AED's can be purchased for under \$2,000. Since January of 2001, New York State Law allows for a \$500 tax credit for each AED purchased. Technology has eliminated hurdles as well. Increasing the usability of the device laypersons is a priority for AED manufacturers. For example, the Heart Start on site defibrillator has defibrillation pads that are sensitive to the user's actions. The voice prompts of the AED will actually change and become more specific based upon what responder is doing.

One of the most interesting advancements is pediatric defibrillation. With specially designed pediatric defibrillation pads, some AED's may be used on children under eight years of age.

Training has also been streamlined. The American Heart Association just released new materials for its Heart Saver AED Program. The course can be completed in less than one day. The teaching tools used use proven methodologies. The student manual is an excellent resource for the trained responder. Regular recertification courses maintain skills competency.

For these reasons, I believe Bill 1440 should be passed. Implementation of AED's offers protection to health club members and its staff. Implementation does take careful planning. Any facility that is mandated or voluntarily decides to move forward with public access defibrillation program should devote ample time and research to develop their emergency response plan.

There are many important criteria to implementing a successful AED program beyond purchase of the device. Criteria such as performing a site survey to determine proper AED placement, offering training courses held by a qualified instructor, providing hands•on practice with a CPR mannequin and an AED trainer device, fulfilling the New York State Public Health Law requirements, which include medical oversight, notification forms, and post incident reports. Reviewing emergency procedures, recommending AED signage, etcetera, all help create a truly effective PAD program. Only with all of these aspects can we achieve the goal of increasing the survival rate of SCA victims in Suffolk County.

I'm a great proponent of this bill, and I truly hope it will pass. I do recommend the following: Please give the businesses subject to this law ample time for implementation, and with this law publish guidelines naming organizations that can aid in implementating turnkey AED program. Organizations such as the American Heart Association and their training centers, or AED distributors with a proven track record of implementing a total program can help ensure that not only AED's be placed, but be placed properly. Thank you.

**P.O. CARACAPPA:**

Thank you. Next speaker is Wendy Drillings.

**MS. DRILLINGS:**

Good afternoon. My name is Wendy Drillings, and I felt it was critical for me to share my personal experience with you in the hopes of giving you a better understanding of the urgent need to place AED's in all health clubs.

On may 25th, 2001, my husband, Joel Drillings, died from cardiac arrest. Joel had gone to work that morning, and after work, planned on working out at his health club, as he did several days a week. While exercising at the gym, his heart went into ventricular fibrillation. Although EMS was called and an AED was used when they arrived, it was not soon enough. As I came to learn, unless cardiac arrest is treated within minutes, the person will die.

Time is of the essence during cardiac arrest. Survival rate is as high as 90% if a person is defibrillated within the first minute. The only way that this can happen is if a defibrillator is immediately available.

The sudden loss of my husband created an enormous void in my life. I expected to see my husband walk through the door of our home that evening. I expected to live a long life with him. I didn't expect to have to rush to the hospital and see my husband on a gurney with a tube down his throat. In an instant my whole life changed. In a moment, I went from being happy married to a wonderful man to being widowed and trying to accept the reality of his death, a reality that takes years to embrace.

Behind each statistic is a real person, someone who loved and was loved, who touched other people's lives, and had dreams still to live out. My husband was no exception. His death meant that the plans and hopes he had not yet fulfilled never would happen. No more birthdays or anniversaries, no more vacations or holiday dinners, and never getting to grow old together. All these milestones and more will be missed, because his life was cut short.

Joel's chances of survival would have been much greater had his gym had an AED and people trained in the use of it. All the medical information today supports this. Cardiac arrest took Joel's life, and that is the saddest part of my experience. However, I am not the only one impacted by his death. Joel was a dedicated math teacher for more than thirty•one years, continuing to work after he was eligible to retire. Several of Joel's students sent me personal letters expressing their feelings about him. One student wrote, "Mr. Drillings would go out of his way to help any student, not only as a math teacher, but as a friend. He was the teacher who loved to laugh and could put a smile on anyone's face."

Joel was also an active member of the volunteer fire department in our town in Suffolk County, and, in fact, had been certified in both CPR and AED training. Joel recognized the importance of proper AED usage and training. How ironic that at the time he needed this type of help, this system failed him.

The passage of Resolution Number 1440 will ensure that emergencies can be dealt with while waiting for EMS to arrive. What I want to impress upon you today is that the timely use of an

AED can save lives. Joel's death could have been prevented. I am here to ask you to support Resolution Number 1440. The technology is already available. The equipment costs are minimal in comparison to the cost of losing a husband, father, friend and dedicated teacher. How gyms and other public spaces are not required to have this type of life•saving equipment and people trained in their use is difficult to understand. Sudden cardiac arrest is a top killer of Americans. In my opinion, it is essential that everything be put in place to assure the best chance of survival from anyone who suffers from cardiac arrest. Had his health club had an AED and a trained operator Joel could have survived, and he would be here testifying in support of this life•saving law.

As Legislators who have pledged to protect your constituency, please do not fail us. Pass Resolution Number 1440, make it a law. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

*(\* Applause \*)*

**P.O. CARACAPPA:**

Next speaker, Peter Murphy.

**MR. MURPHY:**

Good afternoon. My name is Peter Murphy. Last evening I received a phone call and asked if I could come down here and give my personal experience.

Like this nice lady that spoke before us, that could have been me. On November 13th of the past year, I was playing platform tennis in Bay Shore and I had cardiac arrest. And if it wasn't for those that were around me, I had a doctor on the opposing team, ironically, but he was there, and the EMS was called and didn't arrive in time, of course, but it was within seven minutes. I was still on the court. They had the equipment and, according to what my wife told me later on, they counted me out, but, for some reason, it wasn't my time.

I'm just a great believer in that we have to do something. I don't know much, I'm not that technical about these things, but I really, truly believe that at the cost •• due to what happened to me, my club just ordered two more. They had three, and, again, strangely enough, one was

locked up, the one that I was supposed to use, but they've passed their rules and regulations within the club. I believe it's about two or \$3,000 for this equipment. So, I urge everyone to pass this bill, 1440, and thank you for listening to me.

**P.O. CARACAPPA:**

Thank you, Mr. Murphy. Next speaker is Garrett Jones.

**MR. JONES:**

Good afternoon. Unfortunately, I am opposing.

**MS. JULIUS:**

Raise that.

**MR. JONES:**

Okay. I'm here to oppose the passing of the bill as it is. There are issues that I think should be worked on. One is, obviously, a liability issue that should be worked out before something like this comes through.

Also, I just find, you know, singling out health clubs, generally speaking, people who are work out in health clubs are in better shape than people who don't. And it seems unfair to say, because it's a health club, you should have this, where I don't hear anything about restaurants or other, you know, businesses such as that. So, that's my point.

**P.O. CARACAPPA:**

Okay. Thank you very much.

**MR. JONES:**

Thank you.

**P.O. CARACAPPA:**

Thanks for your time. I have no other cards. Anyone else wishing to be heard? There's a motion to close 1440 by Legislator Alden, second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1440 is closed.

I'd like to make a motion, second by Legislator Carpenter, setting, Tuesday, June 1st, 2004, at 9:30 a.m., in the Ways and Means and Consumer Protection Committee, in the Rose Caracappa Auditorium in Hauppauge, a **Public Hearing (I.R. 1500) to discuss a local law to reform the awarding of Suffolk County Government Contracts to restore public confidence.** Motion and second. All in favor? Opposed?

**LEG. FOLEY:**

Opposed.

**P.O. CARACAPPA:**

Legislator Foley is opposed to setting that public hearing. Public hearing is set.

Motion by myself, second by Legislator Carpenter, setting the date of Wednesday, June 2nd, 2004, at 9:30 a.m. in the Economic Development, Higher Education and Energy Committee, at the Rose Caracappa Auditorium in Hauppauge, to discuss **Public Hearing 1520, a local law to amend the voting policy of the Airport Lease Screening Committee.** Motion and a second. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Opposed.

**P.O. CARACAPPA:**

Legislator Foley is opposed. That public hearing is set. Motion •• same motion, same second, to set the date of Thursday, June 3rd, 2004, at 1 p.m., at the Budget and Finance Committee Meeting, in the Rose Caracappa Auditorium in Hauppauge, to discuss **Public Hearing 1476, a Charter Law amending C4•13 to allow amendments of the Capital Budget for mandated projects.** There's a motion and a second. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Mr. Chairman, I'll had been voting on this as well. I want the record to reflect, as I've stated in other meetings, that I'm not opposed to the public hearings, I'm opposed to the public hearings being held in committee, as opposed to the General Meetings.

**P.O. CARACAPPA:**

Duly noted. There's a motion and a second. All in favor? Opposed? Abstentions? That public hearing is set.

Motion by myself, seconded by Legislator Foley, to set the following date of Tuesday, June 8th, 2004, 2:30 p.m., at the General Meeting, in the Rose Caracappa Auditorium in Hauppauge for the following public hearings: ***I.R. Number 1362, 1364, 1421, 1454, 1503, 1508, 1519.***

There's a motion and a second. All in favor? Opposed? Abstentions? Those public hearings are set.

Before we go back to the agenda, I'd like to take this time to recognize the Director of the Ethics Committee •• Commission, Rich Johannesen, to address the Legislature.

**MR. JOHANNESSEN:**

My name is Richard Johannesen; I'm Chairman of the Suffolk County Ethics Commission. Recently, I had the misfortune of receiving a call from a friend, a longtime family friend, who had been arrested. In tears, he told me he needed his help. Of course, I agreed to provide the help in his moment of need. To make matters worse, the news media covered the arrest of this friend and subtly suggested that my decision to appear at his arraignment was a conflict of interest with my position as Chairman of the Suffolk County Ethics Commission.

The news coverage that this issue received prompted several elected officials to call me to discuss this matter. Presiding Officer Caracappa graciously offered me a personal invitation to appear before the Legislature to discuss these issues. Quite frankly, I was not inclined to accept his invitation. I wasn't inclined to accept his invitation, most importantly, because, in my view, there was clearly no conflict. Mr. Prospect and Mr. Baranello were charged with crimes and not with violations of the Ethics Code. Obviously, allegations of criminal conduct are outside of the purview of an appointed Ethics Commission. Additionally, even if Mr. Prospect and Mr. Baranello were charged with ethics violations, they do not fall within the jurisdiction of

the Suffolk County Ethics Commission. Mr. Baranello was an employee of a public benefit corporation, and Mr. Prospect had been out of office for more than two years.

After having a second opportunity to speak with the Presiding Officer, I agreed •• he had raised a number of different and important issues, legitimate issues, and I agreed to come and talk before you today.

I have told you in the past that the Suffolk County Ethics Commission was broken, and I've promised you that we will work to fix the problems. In the next year, we'll begin to function in the way that the statute envisions the operation of the Ethics Commission. At some point, we may even be able to help you to resolve some of the structural problems that are causing the perpetuation of institutional corruption in Suffolk County, and in many of Suffolk County's towns, but at no point are we going to have the authority to conduct criminal investigations or make referrals to the District Attorney's Office. That is not our job. Our job is to act as a resource to the employees of Suffolk County. We are supposed to be a resource to confidentially evaluate conduct to determine if the conduct violates the ethical standards that the New York State Legislature and the Suffolk County Legislature have established for municipal employees.

I'll be happy to discuss what steps the Ethics Commission has taken to fulfill our charge during the past four months, what plans we have to fulfill our charge in the future, or how we could be helpful in assisting you in dealing with the institutional corruption that this County faces, or any other questions you may have.

In closing, I ask each of you to note that the Suffolk County Ethics Commission has a constituency, the employees and recent retirees of Suffolk County. It is our job to train you, to provide you with literature, to provide you with postings and to render opinions. It is our job to make recommendations about standards this Legislature should establish for the ethical operation of government in Suffolk County. But, most importantly, we must do our work in a confidential environment.

I thank you, Mr. Presiding Officer, in inviting me to this meeting, and I'll be happy to answer any questions that any Legislators have.

**LEG. TONNA:**

I have ••

**P.O. CARACAPPA:**

Legislator Montano and Tonna.

**LEG. MONTANO:**

Sir, I have a couple of questions.

**P.O. CARACAPPA:**

And Alden.

**LEG. MONTANO:**

I was one of the Legislators that read about your representation of Mr. Prospect, I was not one of those that called you. But, although there is no conflict, wouldn't •• at first blush, would it not appear that there was a potential or the appearance of a conflict at some point down the road when you were called by Mr. Prospect?

**MR. JOHANNESSEN:**

I think it's important for me to discuss with you what events transpired and ultimately led me to the arraignment.

When I had gotten the call from Mr. Prospect, he was crying, he was upset, he told me he was in trouble, and he said he needed help. At no point did he tell me what he was charged with. I asked him to speak with the police officer, who was •• who was seated with him, and the police officer told me that he couldn't tell me what he was charged with either. Quite frankly, my instincts were calling out to me to ask the police officer whether or not this had something to do with Brookhaven, and that was the question I asked him. The police officer said, "It had nothing to do with Brookhaven, but I can't tell you anything more." At that point, I asked to speak with Mr. Prospect again. I told him I would appear at his arraignment. During the course of the several hours between the time that I had made the commitment to Mr. Prospect and the time that I ultimately did go to the arraignment, I did receive some information that led me to believe that he was in a desperate situation, and, quite frankly, I was not going to abandon him.

Before the arraignment, just before the arraignment, I did find out what he was charged with, and when I did find out what he was charged with, I told him that I couldn't represent him after the arraignment, but I wasn't going to abandon him there at the arraignment, and that's why I did the arraignment. So, did I believe that there could be a perception of a problem? Yes, I did. And did I tell Mr. Prospect that I could not represent him after the arraignment? I did that, too. But, quite frankly, I didn't think it would be right for me, I certainly didn't think it would be Christian for me to leave

Mr. Prospect sitting there in the condition that he was in without the benefit of an attorney to represent him at the arraignment.

**LEG. MONTANO:**

Let me just ask you this, because you indicate that there's no conflict, because Mr. Prospect and Mr. Baranello are not public officials. But what happens in a situation where, as a result of this investigation, it leads to other accusations, possibly involving public officials under which the Ethics Committee would have jurisdiction, and under which you would then commence an investigation for any possible violation? What do you do in that situation, as Chairman of the Committee?

**MR. JOHANNESSEN:**

We •• well, I think I'd answer that question in two ways. The first way I'd answer the question is that is the policy of the Suffolk County Ethics Commission not to conduct an investigation when there is a parallel investigation being conducted by the District Attorney's Office, and that is a policy that will be •• that will be made a formal policy at our next meeting. It would be inappropriate for us to interfere with the operations of the District Attorney's operation, and we wouldn't do that. And, quite frankly, if the District Attorney had called us and told us to stop an investigation, we would do that, too.

One of the problems with the current Ethics Commission and its lack of policies is that although the statute that was enacted by the Suffolk County Legislature requires us to establish policies, for 16 years, they've never been formally established. I actually have a proposal that will be before the Ethics Commission at the next meeting, and I am comfortable that it will pass, and we will have a formal policy that will •• that will preclude us from conducting any investigations where the District Attorney is conducting an investigation.

**LEG. MONTANO:**

You know, I don't mean to be critical, but, as an attorney and in the position that you're in, it just seems somewhat in hindsight imprudent to have gotten involved in a situation so profile involving a former member of the Legislature. There are •• there were other avenues such as referring the case to another attorney. It just seems to have shined a light on something that probably should have, you know, better have been left in the shadow in terms of your position as the Director or the Chairman of the Ethics Commission and what's going on in terms of the investigation. But I think we've all been in that situation. I can't fault you for coming to the aid of a friend as an attorney. But your involvement with respect to this issue has ceased.

**MR. JOHANNESSEN:**

That's correct. He's represented by an attorney named Christopher Cassar out of Huntington.

**LEG. MONTANO:**

Thanks a lot, I appreciate it.

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Yes. How are you?

**MR. JOHANNESSEN:**

All right. How are you?

**LEG. TONNA:**

And I commend you for coming here to answer questioning.

**MR. JOHANNESSEN:**

Thank you.

**LEG. TONNA:**

In March of •• 18th in 2002, this Legislature passed an addition to our Ethics Code, which talked about the perception of a conflict, and so, if Legislators now are held to a higher standard, where there might not be, in fact, any conflict whatsoever on the substance of

something, and now with the idea of a perception of a conflict, how could we then have the Ethics Commissioner, the head of the •• I mean, if this is not I perception of a conflict •• and I can tell you quite honestly, I've had things in front of the Ethics Committee a number of times, I am a vocal opponent to a lot of what Wayne Prospect has done in the years past. And, you know, although I never knew him to be a crook and he's entitled to a fair trial, and the presumption of innocence, and good legal counsel, and everything else like that, and I believe in our system, the fact is I'm a little reticent right now to put anything in front of the Ethics Commission. I don't agree that it was broken in the past. That's a •• you know, that's a characterization that you have said.

And now I have somebody who's a close friend of Wayne Prospect's who is going to rule on the perception of a conflict for us. And why then shouldn't you be held to the same standard? I just don't understand. Why should elected officials in Suffolk County be held to a higher standard than you yourself say when •• you know, I mean, to me, I perceive a conflict. Whether there's an actual conflict •• and, believe me, you know, a good friend of mine has called me, said that you were one of the most standup guys, you know, that he's ever met in his life. He's known you since the days that he went to law school with you, and everything else, and I believe that gentleman, and so I believe that about you. But I'm concerned about the whole idea, the minute that this Ethics Commission has taken the responsibility of ruling on the issue in Suffolk County elected officials and other officials in Suffolk County on the perception of a conflict, how then could we ask you to not be subject to the same •• the same issues?

**MR. JOHANNESSEN:**

I think the best way to answer your question, Legislator Tonna, is to •• is to suggest that part of your question implies that you're looking at the crystal ball, you're looking back at all of the events that occurred, and, of course, you have the ability to stop the event and say, "I would have stopped at this point." Quite frankly •• let me finish the •• let me finish my response. Quite frankly, that's not the way it developed. The way it developed was I received a call from a desperate person. I was told he was on a suicide watch. This is somebody who I quite candidly admit is a very, very close family friend, somebody who had spent Christmas with my family, somebody whose mother and grandmother and father spent Christmas with us. We have intergenerational relationships. This man was in a desperate situation. I had no idea what he was charged with until just before the arraignment. Now, I was then put in a position, once I found out that information, to abandon this man, who I had some very serious concerns

about his health and safety, or answer questions like the one that you're just answer •• asking.

**LEG. TONNA:**

Or •• and I understand that and I respect that. Or resign from the Ethics Commission and say, "Hey, you know what, here's a situation where my conscience has dictated that I'm going to support my friend and I'm going to, you know, support these different things, and, you know, I really can't function in both, and I'm caught in a dilemma and I can't function in both, because I have to rule on Legislators who also have to deal with the idea of the a perception of a conflict," which, you know, there might not be any real conflict, there might •• you know, who knows in the hearts, you know, and minds of what people are dealing with.

But we're in an environment, talking about perceptions of conflicts and why it's so important, and, again, it's not to pick on you, but the fact is, is that we have a District Attorney who has conducted a number of investigations. We have people, one Legislator of this body, okay, who pleaded guilty at arraignment; all right? We have another official in Brookhaven that did the same thing. We have now, you know, a situation where we have people who were ombudsmen for an administration, who were, you know •• I mean, again, I don't want to rule on whether Wayne Prospect is guilty or innocent. Again, I've never known him to be a crook. You know, that was •• never been in my •• in my world view. But we're in the perception of conflicts now. And the guy who's supposed to be the ethics •• the guy who is supposed to be dealing with the issue of ethics goes to a guy who was on the Ethics Transition Team; all right?

I'd have to ask you, did Wayne Prospect have anything to do with interviewing you and helping the Levy Administration make a decision, because he was on the Ethics Transition Team, to make a suggestion that you should be part of that Ethics •• I mean, we can go down this road, and, all of a sudden, we go from spot to spot to spot. And so I would say, yeah, you've got to stick up for a friend, and I'm sure there is •• so you have to say, "All right, I've got to make a decision here. I stick up for a friend, you know what, I might have to recuse myself," and say, "I can't function in a position of the head of the Ethics Commission." That's •• that is a decision that you make. Or, and that •• because I'm telling you, we're dealing with a perception of conflict.

**LEG. BISHOP:**

Question.

**LEG. TONNA:**

I just •• I want a reaction, you know. Okay, here's the question. Did Wayne Prospect, his advice as one of the people on the Ethics Transition Team, have anything to do with suggesting you as possibly the Head of the Ethics Commission?

**MR. JOHANNESSEN:**

I don't know the answer to that question.

**LEG. TONNA:**

Right.

**MR. JOHANNESSEN:**

But can I now finish the question?

**LEG. TONNA:**

Sure.

**MR. JOHANNESSEN:**

I was one of the Co•Chairmen of that committee. When I made my report to the County Executive, after making the report and making the recommendations of the Commission, he invited me to speak to him about chairing the Ethics Commission. That's how it happened. Who played a role in speaking with the County Executive, I have no idea.

But let me get to the heart of another issue that you raised, and there were so many, I don't know that I could answer them all. But you're really mixing up the duties of the District Attorney and the duties of the Ethics Commission. We do not investigate crimes, we do not prosecute crimes, we have an elected official who does that. It is our job to do a lot of the things that we're not doing. And I know you took exception to my characterization that it was broken. I'll say it again. It was broken, because you look at the statute and you look at the charge of the Ethics Commission, we weren't fulfilling our charge. There were seven charges. We weren't fulfilling any of them, we were partially fulfilling only one. One of the mistakes that you're making is you're suggesting that we have this super investigatory ••

**LEG. TONNA:**

No, I said nothing about investigations.

**MR. JOHANNESSEN:**

You implied it. And, at the end of the day, what you're ••

**LEG. TONNA:**

No, I didn't imply it, I never meant it.

**MR. JOHANNESSEN:**

What you're missing is it's our job to confidentially work with the employees of this County and give them information to help them determine how they can be ••

**LEG. TONNA:**

And it's your job to rule on an elected official who might bring confidentially in front of the Ethics Commission, to rule on an issue whether something is a perception, a perception of a conflict, because that's part of the statute now. If that wasn't part of the statute, okay •• you know, prior to March 18th, 2002, that wasn't part of the statute. You can look at something and be able to say very clear•cut, you know, based on these rules, based on these principles, based on whatever else, you know, that an Ethics Commissioner does, is this a conflict or isn't it? All right?

A perfect example for me, in the business that I'm involved in, for years, I was able to vote on certain issues that had to do with health insurance, as long as there was no clear conflict. I had very, very clear, direct guidelines from the Ethics Commission, all right, which I thought was fair and honorable, and they took a lot of time and energy. I don't know about broken, they did a lot of work. After March 18th, 2002, I had to change my whole voting pattern, not because there was any conflict, nothing changed, but because there might be a public perception of a conflict. And, at that point, all of a sudden, I had to change my voting patterns, okay, in accordance with what the law was passed. I just think we're in that realm. And you're going to be ruling on elected officials and other officials of Suffolk County, not investigating them, ruling on that when you yourself, I feel, are caught in a conflict, a perceived conflict. Thank you, sir.

And I want to give you all the credit to come here and to take my B.S. and •• you know, and everything else, and to listen to what I have to say. It takes a lot for a gentleman like yourself

to do that. But, still, that doesn't change my idea of a perception of a conflict.

The last part I would suggest to my colleagues is just that, you know, this is voluntary submission, we submit things voluntarily; all right? I don't know. I really would have to think about it, whether I'd feel as comfortable in submitting confidential stuff to •• you know, in a situation like this. I really feel sometimes I don't know if I feel like the Ethics Commission would be more of a help or a hindrance. And it's something that I'd have to work out in my own mind, but, right now, I'm a bit reticent, I'm a little reticent to do that because of the close association with this whole deal. I don't want to be involved in Wayne Prospect anything, period.

**P.O. CARACAPPA:**

Thank you. Legislator Binder, then Alden.

**LEG. BINDER:**

Mr. Chairman, thank you. Not being a criminal attorney, I, thank God, don't know anything about arraignments. Can you explain what your role was at the arraignment, so we understand exactly your role in the case? And it really is limited to this moment in time, because you're not doing anything afterwards.

**MR. JOHANNESSEN:**

My job at the time was to •• an arraignment is when somebody is formally advised of the nature of the charges that are brought against them, and then the court has to determine whether or not this person is a risk to flee. It was my job to just point out to the court the different factors in Mr. Prospect's character, and the different factors in his background that would suggest that he was not at risk to flee. That was simply all I was required to do, and that is all I did. And, quite honestly, I didn't get any information even about the nature of the charges, because the District Attorney at the arraignment didn't provide any information about the charges, refused to provide statement notice, so I have no idea what statements he made or didn't make. Didn't provide any information about the nature of the charges. The only thing the District Attorney said about the charges is, "We have a strong case," without expounding at all on it. That was entirety of my contact with the arraignment.

**LEG. BINDER:**

Okay. So, I'll recap. So, you went, not knowing the charges. A friend called you, you're an

attorney, you know how to deal with an arraignment. You aren't given the charges in front of the court. You're really not •• all the question is to you is will this man flee, and you need to tell the court or convince the court of the unlikeliness of his fleeing the jurisdiction, and so they can •• they can decide whether or not to set bail and how to set that.

**MR. JOHANNESSEN:**

That's correct. I mean, I think there is one error in the •• in your recap, and that is that I was given a copy of the complaint.

**LEG. BINDER:**

Right.

**MR. JOHANNESSEN:**

And on the complaint there was the charge, but nothing else.

**LEG. BINDER:**

Right, nothing expounded upon, just the charge itself.

**MR. JOHANNESSEN:**

Correct.

**LEG. BINDER:**

And from the charge, you decided you couldn't go forward.

**MR. JOHANNESSEN:**

Well, before •• before Mr. Prospect was brought out, I went back to talk to him.

**LEG. BINDER:**

Okay.

**MR. JOHANNESSEN:**

And I was told by a member of the news media what the charges were.

**LEG. BINDER:**

So, you had a general idea.

**MR. JOHANNESSEN:**

I did.

**LEG. BINDER:**

So, now you had the complaints, general charges. You presented to the court only not his innocence, not a question of other than he's not going to run. That's all that you need to •• that you were going to do at this point. So, that's the only thing you did. Did you take any remuneration? Were you paid as his attorney? You did this completely free?

**MR. JOHANNESSEN:**

I was not paid.

**LEG. BINDER:**

You were not paid anything.

**MR. JOHANNESSEN:**

No.

**LEG. BINDER:**

Ninety•nine •• no, more than ninety•nine, almost probably 100% of what you see that comes before you in the Ethics Commission, I would think, involves acts that enrich one side or another, someone, someone gets enriched, someone gains, there is some gain, or a perception of gain. I mean, that's what the nature, I would think, of an impropriety is, that somebody's doing something for gain or to help someone gain, even if it's not themselves, but that they're misusing their position in some manner for some gain, but there's gain somewhere, I would assume, unless you can think of things where people •• there's no perception of gain, they just, you know •• I mean, is that generally correct, I mean?

**MR. JOHANNESSEN:**

I don't know that I would agree with that. I mean, the only way that I could answer that is, of course, the confidentiality provisions of the statute preclude me from speaking specifically about any of the information that I received on the Commission.

**LEG. BINDER:**

I don't want any specific.

**MR. JOHANNESSEN:**

And what I have done during the course of my four months on the Commission is I've read every one of the opinions that was rendered during the course of the last ten years. And I don't know that I would agree with you, that the majority or maybe even a fair amount of the opinions were rendered on the issues that you were just outlining.

**LEG. BINDER:**

Well, the reason I'm asking the question is the question that has just come up is the question that •• put to us, a new standard of •• an impropriety a standard, a perception of impropriety. It would seem to me, to have a perception of your impropriety, there would have to be something more than what you've done, meaning there would have to be a gain, possibly, something that you were going to get, or someone was going to get, or that you went further than what I hear that you did. Now, I mean, if you entered a plea for him, if you were in a sense in some level defending him, that sounds different than saying, you know, I'm not •• he's not a •• he's not going to run.

**MR. JOHANNESSEN:**

Well, it wouldn't be fair. Part of the arraignment process is the formal entry of a not guilty plea, so I did have to do that.

**LEG. BINDER:**

But that was •• you were instructed by him to ••

**MR. JOHANNESSEN:**

Well, I didn't even discuss his innocence or guilt with him. It's part of the process. I mean, at the arraignment ••

**LEG. BINDER:**

But you were instructed by the defendant, I would assume, to enter a plea that he's interested in ••

**MR. JOHANNESSEN:**

Well, no. It's not that formal a process. It's a less formal process, and the statute requires you to enter a plea. But it's really •• it's really pro forma. I mean, the determination about whether or no somebody is innocent or guilty is going to •• is going to occur at the trial.

**LEG. BINDER:**

No. But he's going to enter a plea, he has to decide. I would assume it's ••

**MR. JOHANNESSEN:**

Correct.

**LEG. BINDER:**

It's he who would decide, it's not you. You didn't ••

**LEG. BINDER:**

I did not.

**LEG. BINDER:**

•• tell him what he should enter or give him advice ••

**MR. JOHANNESSEN:**

We didn't have any discussions.

**LEG. BINDER:**

•• as to whether he's guilty or not guilty.

**MR. JOHANNESSEN:**

Did not.

**LEG. BINDER:**

So, still, in a sense, I'm trying to look for where I guess I perceive an impropriety, at what level you did something that you gained someone gained, that you went further, and it sounds like you didn't do all that much, other than show up and say he's not going to run and enter a plea for him, which he could have done himself. If he represented himself, he could have signed "not guilty", or whatever, he could have done it himself.

**MR. JOHANNESSEN:**

He could have. I don't think emotionally he could have.

**LEG. BINDER:**

Well, that •• right.

**MR. JOHANNESSEN:**

But legally, he could have, sure.

**LEG. BINDER:**

Right.

**P.O. CARACAPPA:**

Okay?

**LEG. BINDER:**

Okay. Thank you.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. BISHOP:**

Anything that was not covered yet?

**LEG. ALDEN:**

Is that a criteria for me speak, Dave? But, you know, as I go along, if you need to edit me, just, you know, jump in.

I commend you on your courage to come down and answer our questions. The part that I want to focus on a little bit is just this corruption could actually taint the current administration, and it might end up where it's not a criminal charge against somebody in the administration, but something that might come before the Ethics and before your committee, basically, to make a decision on something.

During the process of arraignment, a lot of times the attorneys' duties are to •• really to inform the client of his constitutional rights, also sometimes to develop strategy. And, as you mentioned before, it's •• I guess it's 50•50 whether the attorney enters the plea. And I'm surprised that you entered the plea for him, because, most of the time, your defendant can enter the plea for himself as the Judge will ask him, "How do you plea?"

But just so that I'm comfortable in my mind, during •• and I don't want you to betray a client/attorney confidentiality here, but no time during that process did your client indicate to you any other type of behavior on anyone else in the •• in County government or outside of County government in regards to that corruption?

**LEG. TONNA:**

He can't answer that.

**LEG. ALDEN:**

Yeah, he absolutely can. He absolutely can. It's a yes or no. Because I'll tell you how •• I'll tell you how important this is.

**MR. JOHANNESSEN:**

I can't answer your •• let me answer. I'll answer your question.

**LEG. ALDEN:**

But I'll tell you how important it is. And I got a little bit of indication over here that you can't, but you can answer it and here's why, because if you have received information about other wrongdoing, I would absolutely demand that you step down, absolutely. I would have no confidence in you at all. If you have not •• if you have not received any indication or any inside information, privileged information and you can relate that to me, I'm leaning towards standing behind you and supporting you in continuing your position.

**MR. JOHANNESSEN:**

I think I •• I think I can relate ••

**P.O. CARACAPPA:**

Before you answer, just a point of order by Legislator Montano.

**LEG. MONTANO:**

Yeah, if you would. Legislator Alden, I absolutely think it would be inappropriate for this person to answer that question, because I do believe that that falls within the attorney/client •• even asking him if anything was said of that nature I think is inappropriate, and I don't think we should put this question before this witness.

**LEG. ALDEN:**

It absolutely does not fall within client/attorney privilege and he can answer it. It's a yes or not answer, so ••

**MR. JOHANNESSEN:**

Well, I can't answer yes or no, but this is what I will say.

**LEG. MONTANO:**

I wouldn't say anything if I were you, but that's up to you.

**MR. JOHANNESSEN:**

But that's okay. What I can tell you is that when I understood what the nature of the charges were and I told Mr. Prospect that I couldn't represent him after the arraignment, I intentionally limited the conversations with him to the information I needed to make the bail application. I needed pedigree information.

Going back to the earlier question that you had asked, you had asked me why did I enter a plea. Quite frankly, the way I was trained was that part of the colloquy when you're at an arraignment is to say, "Your Honor, I received a copy of the complaint. I waive its public reading. I enter a plea of not guilty." It's just part of the colloquy we were trained to give at an arraignment, and that's all it was. I wasn't •• I honestly had no discussions about that. I asked him questions honestly about his background and what factors the court would need to consider to determine whether or not he would flee and that's it.

**LEG. ALDEN:**

So, you're answering to my question, the answer is basically no, you did not receive information about any other person that could be connected with County government?

**MR. JOHANNESSEN:**

I can't answer the question any better than I did, because it really would imply that I'm •• that I'm breaching a confidence. I'm just telling you that I limited my inquiry. That's the best I can answer the question without putting myself in jeopardy.

**LEG. ALDEN:**

Well, then ••

**P.O. CARACAPPA:**

That's a fair enough answer.

**LEG. ALDEN:**

Okay.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes. Mr. Johannesen, I want to thank you for coming down today just do clarify some of the questions that I myself had in my mind with respect to your representing Mr. Prospect. But I do want to clarify a couple of statements you said, and perhaps you can clear that up in my mind.

You indicated, when you first got contacted by Mr. Prospect, he was visibly upset, emotional and crying, and didn't make mention to you of what he was being charged with, and a member of law enforcement didn't respond to your question as well, or just respond that it had nothing to do with Brookhaven.

**MR. JOHANNESSEN:**

Correct.

**LEG. O'LEARY:**

All right. And this is •• at what time of day did this Q and A occur, because I'm •• I get the sense that you got a phone call and rushed right down to arraignment, and I don't think that

was the case. When did you first get contacted with respect to Mr. Prospect's situation?

**MR. JOHANNESSEN:**

It was sometime in the late morning, early afternoon.

**LEG. O'LEARY:**

Of the day before or the day of?

**MR. JOHANNESSEN:**

No, the day of.

**LEG. O'LEARY:**

The day of.

**MR. JOHANNESSEN:**

The day of the arraignment. The arraignment occurred within a couple of hours of when I received the call.

**LEG. O'LEARY:**

Well, I think that's important to note, that there was only an hour or so before arraignment when you got contacted. Personally, I think

Mr. Prospect did you a disservice by contacting you. Certainly, he was aware of the charges that were being levied against him, and he certainly should have known, with his background, that there would have been a perceived conflict with you coming down there representing him. But be that as it may, I think the time frame is important. If it had been the day before or the night before, or whatever, I think you would have given it some thought and perhaps contacted another attorney to represent him for arraignment purposes after thinking it out. But it was only, by your own statement here, it was only an hour or two before he was being arraigned. It was the morning of?

**MR. JOHANNESSEN:**

It was in the late morning, early afternoon. My guess is, I don't know the exact time, around 12 o'clock. The arraignment took place around 3 o'clock.

**LEG. O'LEARY:**

All right. I just wanted to clarify it in my mind. And I think it's important, and it's important you make mention of that and just clarify that time frame. Thank you.

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Yeah. I just •• just couple of just quick other things. I'm sure you're familiar with some of the executive orders. Legislator Levy has a plethora of executive orders, you know that. You can't keep up with all of them. But I do want to ••

**MR. JOHANNESSEN:**

I'm not familiar with any of them.

**LEG. TONNA:**

Right. Well, one you should be, the Whistle•Blower Law and implementation, it designates you, Richard Johannesen, Chairman of Suffolk's Ethics Commission, as the officer to receive, evaluate and investigate such employee reports, and to present findings and recommendations for action directly to the County Executive. Okay. That's Executive Order 54. The concern that I have is that there might be, maybe in the Department of Public Works, maybe somebody who, you know, worked on RFP's, they are right now by Executive Order directed to come to you; okay? If that's not a perception of conflict •• and, again, it has nothing to do with your integrity as a person or anything else. I just see it's not just •• you don't just function as the Ethics Commissioner, but you're designated as •• because you're Chairman of the Ethics Commission, to also do some other things by Executive Order.

**MR. JOHANNESSEN:**

Well, actually, I think we need to speak about that Executive Order. I am aware •• I apologize for saying I was aware of none of the Executive Orders, I was aware of that.

**LEG. TONNA:**

No, that's okay, I know. Who could be aware of all of his things, I mean, really, you know.

**MR. JOHANNESSEN:**

But I am aware •• I am aware of this one.

**LEG. TONNA:**

I know the PBA card, but I'm sure you don't have a PBA card. I do, by the way, but I just, you know •• anyway.

**MR. JOHANNESSEN:**

I'm not going to answer that question, Legislator Alden.

**LEG. ALDEN:**

All right.

**MR. JOHANNESSEN:**

Let me •• let me speak to that issue. One of the things that have happened when we discovered that Executive Order was signed was that Counsel to the Ethics Commission was charged with investigating whether or not there would be a conflict between my serving as the Chairman of the Ethics Commission and my serving as the Chief Whistle•Blower or the Chief Investigator of the Whistle•Blowers.

**LEG. TONNA:**

Right.

**MR. JOHANNESSEN:**

And what we decided I would do during the course •• I'm sorry if I was not as articulate at that as I can.

**LEG. TONNA:**

Right. No, we understand. I understand, don't worry.

**MR. JOHANNESSEN:**

Okay. What we decided I would do is I would refuse to conduct any investigations, any whistle •blower investigations until our counsel determined whether or not there was a conflict. I personally believe that I couldn't serve in both offices. This has nothing to do with Prospect,

this has to do when the •• when the ••

**LEG. TONNA:**

Right.

**MR. JOHANNESSEN:**

•• Executive Order was first faxed over to the Ethics Commission and our counsel faxed it to me. So, he is in the process of evaluating that and making a determination about whether or not I could serve in both capacities.

**LEG. TONNA:**

Yeah. But what I'm saying is, right now, by Executive Order, you are de facto the person •• I mean, I just want to give you a hypothetical, because that's what you're supposed to. And, by the way, that's Executive Order Number 45.

**LEG. BINDER:**

Order Number 200.

**LEG. TONNA:**

No. To give examples of hypothetical ethical situations and their solutions, how to avoid conflicts of interest in the course of County employment. And I commend County Executive Levy to create a culture of ethics in Suffolk County, in Suffolk government.

Somebody from the Public Works Department, I'm being hypothetical, says, "You know what, there was a whole deal going on. Obviously, there are some people who have been indicted over it, one who plead guilty, and I'm going to •• I have some whistle•blowing to do. You know, there was somebody in the Department of Public Works that put me up to this from somebody else, or whatever else, and now we're going to" •• no? It says here.

**LEG. BINDER:**

I know, but they're going ••

**LEG. TONNA:**

Okay. I hope so. But it also says that, you know, that they should go to the Chairman of the

Suffolk County Ethics Commission.

**LEG. BINDER:**

Maybe he's wrong again.

**LEG. TONNA:**

All I'm •• well, wrong or right, he has the right to make an Executive Order. My point ••

**LEG. BINDER:**

Not that one.

**LEG. TONNA:**

My point is, is in the world of perception, this is a serious issue, and in a climate where most people, the public is looking at all elected officials, all those who are appointed, you know, and saying, "Oh, give me a break, this is systemic a problem," that's what the issue, once we get into the idea of perception of a conflict, and I just think that that's something that should be paid attention to. Thank you.

**MR. JOHANNESSEN:**

Do you want me to respond to that?

**LEG. TONNA:**

Sure, I'd would love to •• no, seriously.

**MR. JOHANNESSEN:**

My response to that is that I would not accept any whistle•blower investigations until counsel completed the analysis. When he completed the analysis, my belief is that the conclusion will be that I can't serve in both capacities. It has nothing to do with what you're outlining ••

**LEG. TONNA:**

Right.

**MR. JOHANNESSEN:**

•• it has to do with the confidentiality provisions of the •• of the Ethics Laws. Under the Ethics

Code, I cannot release any of the information that I receive. Under the terms of the Executive Order, I'm required to do it.

**LEG. TONNA:**

That's right.

**MR. JOHANNESSEN:**

So, there's a clear conflict that I think •• I think the County Executive will come to understand when counsel completes his investigation. So, between ••

**LEG. TONNA:**

Then and now, you ••

**MR. JOHANNESSEN:**

•• the day of the appointment, and now I've not accepted, and, quite frankly, I don't even know if any were sent, because I think it's understood that I wouldn't accept any investigations ••

**LEG. TONNA:**

Right.

**MR. JOHANNESSEN:**

•• when he completes his evaluation, I'm sure the County Executive is going to understand that I can't serve in both capacities, and then he'll issue another Executive Order appointing someone else.

**LEG. TONNA:**

Right.

**MR. JOHANNESSEN:**

Perhaps you.

**LEG. TONNA:**

Well, what •• no, not me, for sure. I would ask the Presiding Officer to write a letter to the County Executive requesting him to rescind Order Number 54, Executive Order Number 54 until there's •• that this conflict is worked out.

**LEG. ALDEN:**

Is that a Sense of the Legislature?

**LEG. TONNA:**

No. Just I'm sure •• I'm sure, Joe, a letter from you would carry enough weight. Thank you.

**P.O. CARACAPPA:**

Okay.

**MR. JOHANNESSEN:**

I would just ask that you speak with John Holownia, who is conducting the legal analysis, and just get some input from him before the letter is sent.

**P.O. CARACAPPA:**

Just state that name for the record again.

**MR. JOHANNESSEN:**

Yes.

**P.O. CARACAPPA:**

State that name for the record again.

**MR. JOHANNESSEN:**

John Holownia.

**P.O. CARACAPPA:**

Right, right.

**MR. JOHANNESSEN:**

He's counsel to the Ethics Commission.

**P.O. CARACAPPA:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Thank you for coming before us. I realize this is a difficult situation.

**MR. JOHANNESSEN:**

Every time one of you thank me, I know I'm getting my head caved in.

**LEG. SCHNEIDERMAN:**

My question is this. You're in a position where you potentially will stand or may stand in judgment of any of the individuals in this room or other people, public officials in the County, and certainly that •• we hope that people in your capacity will act in a, you know, nonpartisan fashion, reaching identical conclusions, regardless of who comes before you. I understand you're the appointment of the County Executive and there's a certain partisanship by nature in that, and you aren't a Legislative appointment. There wasn't a balance of powers in that. You have mentioned that your long•term friendship with Mr. Prospect had affected your judgment in the matter you spoke of earlier. And, you know, what I need to feel comfortable with is, as you chair an Ethics Committee, that when people come before you, whether they're long•term friends of yours, or, you know, you have adverse relationships, that that will not affect your decisions in terms of the merits, you know, of the matter before you.

**MR. JOHANNESSEN:**

There are recusal provisions in the statute, and, quite frankly, again, I can't •• I can't give you specific details, but on many of the opinions, one of the Commissioners has recused himself because of a relationship, whether it be a positive relationship or a negative relationship. And what I can commit to you is that if I believed that I couldn't be fair to someone, I wouldn't rule on it, I would recuse myself, and that would •• that would be appropriate. If I thought I could be fair with someone •• to someone, then I would rule on it. So, if I had a positive relationship with someone, if a friend put an issue before the Ethics Commission, I would recuse myself. If somebody who was not a friend put an issue before the Ethics Commission, I would likewise recuse myself. I haven't had to do that yet, but I'm sure it will happen. Both of the other Commissioners have on a number of occasions, and I respect them for having done that.

**LEG. SCHNEIDERMAN:**

Thank you.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Rich, I want to pick up where Legislator Tonna left off, and that's Executive Order 54. Is that the correct number, Paul?

**LEG. TONNA:**

Yes, it is.

**LEG. CARACCIOLO:**

Okay. Did anyone come to you in the instant case, the Prospect case, and call upon you to exercise your role as Investigator of Whistle•Blower cases?

**MR. JOHANNESSEN:**

No. No one has approached me about any whistle•blowing at all, and I don't know if that's because our counsel has communicated to the other members of the County Attorney's Office, who might have communicated to the County Executive that I •• we have made a decision that I wouldn't, I wouldn't accept any whistle•blower complaints until the legal analysis was completed, or that there were just no •• there were no whistle•blowing cases. I don't know the answer to that, but no one has come to me has the whistle•blower appointee with anything.

**LEG. CARACCIOLO:**

Based on newspaper accounts, this was a sting operation that took in Mr. Baranello and Mr. Prospect; is that correct?

**MR. JOHANNESSEN:**

I don't know anything more than you do, because all the information that I've gotten related to that comes from newspaper reports. Even at the arraignment, the prosecutor did not share any of that information with the court.

**LEG. CARACCIOLO:**

Okay.

**LEG. O'LEARY:**

Nor does he have to.

**LEG. CARACCIOLO:**

Right.

**MR. JOHANNESSEN:**

Nor does he have to.

**LEG. CARACCIOLO:**

Right.

**MR. JOHANNESSEN:**

But he didn't.

**LEG. O'LEARY:**

Nor should he.

**MR. JOHANNESSEN:**

Well ••

**LEG. CARACCIOLO:**

Your name has been published in various newspapers, including Newsday, as being either retained or available on retainer for Brookhaven Town officials, specifically in the Strebel case; is that true?

**MR. JOHANNESSEN:**

No. I represented John LaValle, just John LaValle, in some of the potential proceedings. He was never called as a witness, but I just represented him. I was not retained by the Town. I had nothing to do with the Town. It was a private relationship between Mr. LaValle and me.

**LEG. CARACCIOLO:**

Okay. And how recently was that?

**MR. JOHANNESSEN:**

It ended when the Strebel trial ended.

**LEG. CARACCIOLO:**

So, it was this year.

**MR. JOHANNESSEN:**

Yes.

**LEG. CARACCIOLO:**

Since you took on the responsibility of being Chair of the Ethics Commission.

**MR. JOHANNESSEN:**

That's correct.

**LEG. CARACCIOLO:**

Okay. Was that exercising good judgement?

**MR. JOHANNESSEN:**

I don't think it was exercising poor judgment. Mr. LaValle is a personal friend. He is a member of the Town government. We don't have any jurisdiction over the Town government. I don't think it was a poor exercise in judgment.

**LEG. CARACCIOLO:**

Okay. I bring that up, because we heard a moment ago about balance of power and that you're an Executive appointee. I just want to make sure that colleagues that want to apply one standard for individuals of a certain political stripe understand that you're an equal party representative, if you will.

**MR. JOHANNESSEN:**

I think it's important to point out to Legislator Schneiderman is, you know, from the partisan stripe analysis, is that, obviously, the County Executive didn't really care about partisan stripe, because he appointed a Conservative not a Democrat. So, if you were concerned about a

Democrat ruling on issues that were before a Republican and that were a factor that the County Executive was considering, he wasn't considering that.

**LEG. SCHNEIDERMAN:**

Can I just respond very briefly. I think in ••

**P.O. CARACAPPA:**

Wait. Hold on, Jay. Jay. Jay, Legislator Caracciolo has the floor.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. I did not yield.

**LEG. SCHNEIDERMAN:**

I just wanted just point of clarification when I get a chance.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

With respect to your relationship, which, in your own words, and this was also in newspaper accounts, is a long-standing relationship with Mr. Prospect. In all the time that you have known him, did you ever have any inkling that he would be engaged in any type of activity that he's been accused of?

**MR. JOHANNESSEN:**

Absolutely not.

**LEG. CARACCIOLO:**

How often, how frequently did you see or have conversation with Mr. Prospect this year, since January?

**MR. JOHANNESSEN:**

Certainly monthly, and some cases, maybe weekly.

**LEG. CARACCIOLO:**

Well, I'm not going to go there. I'm not going to be going to allegations of •• and hearsay, but okay. One more question here. Who were the other members of the Ethics Committee Transition Team, I mean?

**MR. JOHANNESSEN:**

I don't know the names of everyone.

**LEG. CARACCIOLO:**

You mentioned yourself, Mr. Prospect.

**MR. JOHANNESSEN:**

Yeah. Mr. Prospect was just a member. Quite frankly, he wasn't a very active member. I think the media is overplaying his role in the ••

**P.O. CARACAPPA:**

That's probably a truthful, very truthful statement.

**MR. JOHANNESSEN:**

Come on. Come on, it's not •• the Tri•Chairs were •• I was one of the Co•Chairs. Mike LoGrande was one of the Co•Chairs, and Jim LaRocca was one of the Co•Chairs. And some of the names I •• and, again, I could provide you with a list of all the names at another time ••

**LEG. CARACCIOLO:**

I'd appreciate that.

**MR. JOHANNESSEN:**

•• •• but I could give you the names of some of the people. \\_Felicia Pastulli\\_ , who was one of the members, Mike Dawidziak was a member.

**LEG. CARACCIOLO:**

I mean, if you could provide with the names, I appreciate it.

**MR. JOHANNESSEN:**

I just •• I could provide you with a copy of the list. I could also provide you with a copy of the report that we had prepared, and I think the names of all the members are on the report. I really can't think of •• Todd Stebbins was a member from NYPIRG. Chris O'Connor from the Neighborhood Network was a member. I really can't think of anyone else.

**LEG. CARACCIOLO:**

Okay. Earlier, in reference to a conversation you had with Mr. Prospect, when he called for your legal assistance. I didn't hear Mr. Bishop. What did he say?

**P.O. CARACAPPA:**

I don't know.

**LEG. CRECCA:**

He didn't say anything, I said something to him.

**P.O. CARACAPPA:**

That's why I tried •• I banged the gavel, to get some order, so we can get through this a little quicker. Ladies and Gentlemen, please.

**LEG. CARACCIOLO:**

Earlier, you made reference to the conversation you had with Mr. Prospect, when he called for your legal assistance. In that conversation, your words, you made an inquiry as to whether or not this had anything to do with Brookhaven.

**MR. JOHANNESSEN:**

I asked the police officer that.

**LEG. CARACCIOLO:**

Police officer, okay. What was that reference? Why did you ••

**(SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO)**

**MR. JOHANNESSEN:**

I can't tell you why my instincts were just screaming out to me. Wayne really couldn't talk, he

was just crying, and he was just very, very upset. He really couldn't say anything at all, which is why I asked him to put the police officer on the phone. And I can't tell you why, it was just instinct. I said does it have anything to do with Brookhaven, he said no. Quite frankly, that satisfied my concern that there wouldn't be any ethical issues, because quite frankly, I thought everything had to do with Brookhaven. I didn't realize that it would go outside of Brookhaven. That's why I asked. My instincts were just screaming out at me.

**LEG. CARACCILO:**

Thank you.

**P.O. CARACAPPA:**

Jay, point of personal privilege.

**LEG. SCHNEIDERMAN:**

Just to clarify my remark. I might have used the word partisanship, but what I was •• I was talking about more in terms of team, in that, you know, regardless of party, if people who are close to you or friends with you or help put you into that position, if you somehow show them more favoritism than somebody who wasn't •• yes, you are a registered Conservative, I understand that, but I meant it in a different context.

**MR. JOHANNESSEN:**

And I guess the best way to answer that is if there were an issue that the County Executive put before the Ethics Commission, I would recuse myself, I wouldn't rule on that, it wouldn't be appropriate.

**P.O. CARACAPPA:**

Legislator Montano. You have one final question.

**LEG. MONTANO:**

Mr. Johannesen, I'm going to try to phrase this in a question, but it borders on a comment. You indicated earlier •• you made some statements with respect to whistle blower, the complaints received, not received. You know, I have to applaud you for coming here, but I'm just wondering whether or not that information is information that should be privy simply to the members of the commission as opposed to being discussed in a public setting. And I'm

somewhat uncomfortable with the fact that you •• you know, you've represented a client in an criminal proceeding, you have •• whether you used it or not •• in your representation, you have access to privileged information, you have the ability to get facts that are germane to that case which could impact other employees •• not other employees, but employees within the County. And the question, am I right in perceiving that some of these are really issues that either should be dealt with in Executive Session or dealt with within the purview of the Commission and not discussed in a public forum where you've got reporters writing down statements, you have got Legislators asking you questions about your contacts with a client? I mean, doesn't that in itself •• I've got to be honest with you, it seems to me that that itself borders on bad judgment compounding the fact that the representation of Mr. Prospect may have been bad judgement also. I have some real problems with that as an attorney.

**MR. JOHANNESSEN:**

I understand your question, and I think I have to respond to it. I was very careful to answer any question that any Legislator asked me so that I wouldn't breach any confidences that I might have had with Mr. Prospect or any confidential information that I acquired during the course of my work with the Ethics Commission. But I do think there were some fair questions that were asked. I do think had to allay some concerns that different Legislators had. And I did the best I could without breaching any confidence. I didn't breach any confidence, I didn't breach any •• I didn't breach any protocol, I didn't release any information that wasn't public information here today. So if your implication is that I somehow behaved inappropriately by allaying the concerns of some of the Legislators, I have to take issue with that. I was very cautious just to speak about my thoughts and my approach rather than any of the information that I have received. I don't think •• I don't think your observation is a fair one, quite frankly, and I'll have to take issue with it.

**LEG. MONTANO:**

You are entitled to your opinion. With respect to the appearance of a conflict, isn't the fact that you are here explaining your circumstances and explaining your actions, doesn't that in and of itself give rise to the fact that others in the public may perceive that there was a •• you know, may understand or may conclude that there's a perception? And isn't that the problem, because we're going in a circle with this?

**MR. JOHANNESSEN:**

It isn't the problem. I didn't want to come here because, as I said to you in my early

statement, I didn't think there was a conflict. I didn't think there was anything for me to explain. I didn't want to •• I didn't want to come here and allow that perception to be created. The reason I ultimately I came is because there are a number of different issues that the •• that the Ethics Commission is going to be putting before you to vote on. We have a Legislative agenda, we're going to put a number of different issues before you. I don't want any concerns that any of you as individuals may have to get in the way of the work that we want you to do on behalf of the Ethics Commission. So I tried to do the best I could to satisfy the concerns that you have by coming and answering any questions you have, but at the same time, I understood the rest. But you can talk to the Presiding Officer, I told him several times, I don't want to come, I have nothing to explain, I did nothing wrong. But he suggested to me that it would be appropriate for me to answer the questions of this body. I mean, and that's what I tried to do. So, you know, I wish you had prefaced some of your questions by saying thank you for coming, because I would have realized the rest of what had come had come.

**LEG. MONTANO:**

Thank you for coming. But I just don't want to leave the impression you came here voluntarily, you weren't summoned by the Presiding Officer or any other members of the Legislature, right?

**MR. JOHANNESSEN:**

I wasn't summoned by anyone, I was urged to come. But I didn't call and ask to come, I didn't want to come. And quite frankly, I am really sorry I did come.

**LEG. MONTANO:**

Thank you for coming.

**P.O. CARACAPPA:**

Mr. Johannesen, I just want to wrap this up. What Mr. Johannesen said is absolutely correct. I did ask him to come just for the sake of a process as it related to a couple of weeks ago. He's absolutely correct in saying he didn't want to come, but he had time to think about it and weigh some of the questions I had posed to him. And he decided in his own way to come down and just have a process, which I think goes a very long way and is very important. And let me say this, thank you for coming. And this isn't going to be kicking your head in. Thanks for coming and explaining to us what you did and why you did it. I truly appreciate your willingness to do

so. And at this point in time, I'm fairly comfortable with the explanation. At first, I wasn't. But after, of course, hearing you and knowing of you and your stellar reputation, now speaking for myself that is, I do feel much better than I did a few weeks ago. Personally speaking, you know, and you know this, I was •• I was judged for standing by a friend a few years ago. I was looked upon unfavorably in my position as a Suffolk County Legislator for doing that. You know, it never affected me as a public servant. In fact, I can tell you right now, it, made me a better person. And I'm sure you are going to feel the same way and you do feel that same way for sticking by your friend when you did and for the reasons you did. Coming here today, as I said, goes such a long way for myself and many of my colleagues in putting this behind us at least as it relates to you and what happened a couple of weeks ago. I appreciate your willingness to do so, for having a process. And you are excused.

**MR. JOHANNESSEN:**

Thank you.

**P.O. CARACAPPA:**

Thank you. Moving on, we had an Executive Session scheduled for four o'clock, it is now 4:25. Before we do that, we're going to go one veto override. Legislator Carpenter.

**LEG. CARPENTER:**

Yes. I'd like to make a motion to override the veto on **Resolution 413, creating a task force on public safety staffing levels.** I've read the veto message very carefully. One of the things I can agree with that the County Executive did say was that it is a tough vote to say no to a study. However, I would have to disagree with his vote, with his remark or to characterize the fact that the study would be saying no to management reform, because that certainly couldn't be further from the truth.

Also, in the veto message it says that the Police Department cannot be managed by a committee of ten members no matter how well the members intentions are, because a ten member committee is too cumbersome and cannot speak with one voice on a day•to•day basis. Well, that phrase alone I would have to agree with, but this task force is not meant to be a committee to manage the Police Department on a day•to•day basis. The task force is nothing more than what other task forces have been in the past, and that is to have an issue confronted, to look at it with new perspective perhaps, and to make some suggestions or recommendations. Nothing more, nothing less. Certainly it does not seek to roll back the

dramatic reforms that Richard Dormer has made. I don't know if I agree that dramatic reforms have been made. There have been reforms made in the department over the last number of years. And certainly this bill will not drive up the cost of the Suffolk County Police Department.

The task force is again, just that; an opportunity to gather some people, some stakeholders around a table, certainly with the participation of the department and look at the Suffolk County Police department. It is something that has not been done in a number of years. We have added a precinct that to this date is still not fully staffed. There are number of issues that we need to look at. So I would like to make a motion to override.

**P.O. CARACAPPA:**

There's a motion to override by Legislator Carpenter, seconded by Legislator O'Leary. Roll call on the override.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE LEGISLATURE)**

**LEG. CARPENTER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

No to override.

**LEG. LOSQUADRO:**

Yes to override.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes to override.

**LEG. COOPER:**

No.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

12.

**LEG. CARPENTER:**

Thank you very much.

**P.O. CARACAPPA:**

The bill is overridden •• the veto is overridden, rather. Okay. We're going to go into Executive Session for a brief period of time. I make a motion to go into Executive Session, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions?

And the following people can stay, Mr. Irving Like, members of the County Executive's Office, the County Attorney's Office, members of the Legislature. It's about litigation discussing LIPA.

**(AN EXECUTIVE SESSION WAS HELD FROM 4:40 P.M. UNTIL 5:08 P.M.)**

**P.O. CARACAPPA:**

I make a motion to go back into the full session of the Legislature, seconded by Legislator Montano. All in favor? Opposed? Abstentions? We're going to go back to the agenda, Page 13, Rules. I'd ask all Legislators to report to the horseshoe.

**1354, (to amend Resolution No. 13•2004).** Motion by Legislator Caracciolo, seconded by Legislator Binder. All in favor? Opposed? Abstentions? Just so you know Legislator Carpenter, is right out here. 1379.

**MR. BARTON:**

15.

**P.O. CARACAPPA:**

**1379, (to amend Resolution No. 13•2004).**

**LEG. ALDEN:**

This is the beat up Cameron Alden bill.

**LEG. CRECCA:**

I'll explain if you want.

**LEG. ALDEN:**

Go ahead, explain it, Andrew. It's Jon's bill. Go ahead, Jon.

**LEG. COOPER:**

It basically says if a public hearing has been scheduled for a resolution, until the public hearing is closed, the committee can neither approve nor defeat the resolution.

**LEG. CRECCA:**

When Cooper and I get together to sponsor a bill, you know it's good.

**LEG. ALDEN:**

Through the Chair.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Our rules would be changed to the point of where if it's scheduled for the public hearing, you don't table it for a public hearing, you don't do anything on it then.

**LEG. COOPER:**

No. It basically would require that it be tabled until the conclusion of the public hearing.

**LEG. ALDEN:**

Why require something to be tabled. You say you can't take certain actions, but you have to take another action. And how did this come about? I make a suggestion then that this be amended then to say you can't take any action at all.

**P.O. CARACAPPA:**

Hold on, everyone. Legislator Binder, as Chairman of the Rules Committee.

**LEG. BINDER:**

I think if we were to ask Counsel the way this is this is formed, is exactly that way, that no ••

no, I can hear you, Legislator Crecca. I don't think •• I think this is written that way where there's no action be taken including the tabling motion or anything. So basically you wouldn't even be putting this on the agenda of the committee until there is a closed hearing. So there can't be any, literally any motion to be made including tabling anything. It basically wouldn't be dealt with until a closed hearing.

**LEG. ALDEN:**

That's how it's going to operate. Henry, is that how you interpret it?

**P.O. CARACAPPA:**

Counsel. Stay focused, everyone.

**MS. KNAPP:**

The old language of the rule was that it shall not be discharged from the primary committee. And we've changed that to no action shall be taken by the primary committee.

**LEG. ALDEN:**

And just for the record, I restored all those things to the agenda. So anybody that took exception to those actions.

**P.O. CARACAPPA:**

I'm sure it's appreciated by all those sponsors. There's a motion and a second. All in favor? Opposed? Abstentions? 1379 is approved.

Ways and Means, **1137, (Adopting Local Law No •• 2004, a Local Law to amend County Consumer Protection Policy for recipients of gift certificates and/or gift cards).** Motion by Legislator Lindsay second by myself All in favor? Opposed? Abstentions?

**MR. BARTON:**

16.

**LEG. O'LEARY:**

**1328, Adopting Local law No •• 2004, a Local Law establishing policy and procedure for undercover/covert law enforcement leases).** Motion by Legislator Foley, seconded by

myself. Oh, Lynne, go ahead.

**MS. BIZZARRO:**

Permission to address the Legislature real briefly on this one, 1328.

**P.O. CARACAPPA:**

Yeah, this is pretty cut and dry.

**MS. BIZZARRO:**

About a week or so ago I discovered that there was no permissive referendum in the bill. There should have been. I amended the copy, and I'd like to it be tabled.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

16.

**P.O. CARACAPPA:**

**1387, (adopting Local law No •• 2004, a Charter Law to amend section c2•14 of the Suffolk County Charter).** Motion by Legislator Crecca.

**LEG. ALDEN:**

Explanation.

**P.O. CARACAPPA:**

Seconded by myself. Explanation.

**LEG. CRECCA:**

Mea, you want to take this one? We file bills •• after we approve bills here, they go from the Clerk to the County Executive, if it's a regular resolution, on the second day following the meeting by twelve noon. But if it's a Local Law or Charter Law, it has to go by twelve noon the day after the scheduled meeting.

**LEG. FOLEY:**

And what was the reason for that? And what has changed to change the reason?

**LEG. CRECCA:**

This would now change it.

**LEG. FOLEY:**

I know, but ••

**LEG. CRECCA:**

Well, let me finish, and I'll explain.

**LEG. FOLEY:**

Okay.

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

**LEG. CRECCA:**

This would change it, so that all laws, regardless of what they are, get filed on the second day by noon.

**LEG. FOLEY:**

Right.

**LEG. CRECCA:**

It is more •• nothing more than a housekeeping change, to make it easier for the Clerk, so we can send everything over at once. And sometimes on meetings, like a night meeting, can go until well into the night, and it allows the Clerk a little more time to get the proper documents together.

**LEG. FOLEY:**

Right.

**P.O. CARACAPPA:**

It's just the second day, not the second day by noon.

**LEG. FOLEY:**

I understand that, but why was there originally this short a time frame for Local Laws; was there some reason for that?

**LEG. CRECCA:**

I don't know the historical relevance of it, but I would defer to our Clerk.

**MR. BARTON:**

It's my understanding that there was a desire for the County Executive to know that the Local Law had been adopted, because of the significance of a Local Law as compared to a regular resolution. In consideration of that significance, the County Executive has to hold a public hearing and he has 30 days to consider it. I don't know what would happen if, because we ran late into the evening, if I didn't get it across the street to them by noon. Typically, in the nine years that I've been Clerk, we haven't, but they've never objected.

**LEG. CRECCA:**

The County Executive ••

**MR. BARTON:**

Just cleaning it up.

**LEG. CRECCA:**

And the County Executive has indicated that they have no problem with this change, they're on board with it.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**SENSE RESOLUTIONS AND HOME RULE MESSAGES**

**P.O. CARACAPPA:**

Sense Resolutions, Home Rule Messages. ***Sense 16 (Memorializing resolution requesting United States Congress to restore funding to the Environmental Protection Agency projects for the Long Island Sound). (Cooper).*** Motion by Legislator Cooper, second by Legislator Tonna. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Put me on as a cosponsor.

**P.O. CARACAPPA:**

It's approved. ***Sense 26 (Memorializing resolution requesting the New York State Legislature to pass the Mental Health Parity Bill known as "Timothy's Law". (Cooper).*** Same motion ••

**MR. BARTON:**

18 (Sense 16).

**P.O. CARACAPPA:**

•• same second, same vote.

**MR. BARTON:**

18.

**LEG. MYSTAL:**

Cosponsor.

**P.O. CARACAPPA:**

***Sense 27 (Memorializing resolution requesting assistance to establish adequate housing for displaced residents of adult homes in Suffolk County). (Cooper).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 28 (Memorializing resolution requesting State of New York to provide equitable distribution of tourism promotion funds). (Cooper).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**LEG. MYSTAL:**

Cosponsor.

**P.O. CARACAPPA:**

***Sense 29 (Memorializing resolution requesting New York State Legislature to amend the Vehicle and Traffic Law to require posting of insurance sticker on automobile windshields). (Alden).*** Motion by Legislator Alden, second by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 30 (Memorializing resolution in support of the Governor's plan to provide critical pension reform) (Carpenter).*** Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 31 (Memorializing resolution requesting the State of New York to amend certain Racing and Wagering Laws impacting the ability of Regional Off-Track •Betting Corporations to provide necessary funds to County and local governments for real property tax relief). (Lindsay).*** Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense Number 32 (Memorializing resolution requesting State of New York mandate the operation of Video Lottery franchises by Regional Off•Track•Bet***

***ting Corporations)***. Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Binder.

**MR. BARTON:**

17.

**LEG. BISHOP:**

I'm opposed.

**MR. BARTON:**

16.

**LEG. BISHOP:**

If they do it, we should have the money but they shouldn't.

**LEG. CARACCIOLO:**

Are we on 31, Joe?

**P.O. CARACAPPA:**

Yeah, I'm opposing the VLT's as well.

**MR. BARTON:**

Hold on.

**P.O. CARACAPPA:**

Video lottery machines.

**LEG. VILORIA • FISHER:**

Excuse me, Mr. Chair.

**P.O. CARACAPPA:**

Legislator Vilorina • Fisher.

**LEG. VILORIA • FISHER:**

On that Sense, I just heard Legislator Bishop say something, is that this isn't mandating that the •• that we have them, but if we have them, it should be run by OTB and not by profit agencies.

**LEG. CRECCA:**

There you go.

**LEG. VILORIA • FISHER:**

Okay? So that, you know, we don't want Trump to run it, we want OTB to run it. That's the mandate.

**P.O. CARACAPPA:**

Okay. Understood?

**LEG. CARACCILO:**

On 32, I'm opposed.

**MR. BARTON:**

Okay.

**P.O. CARACAPPA:**

On 32, there's opposition by Legislator Caracciolo, myself, and Legislator Binder.

**MR. BARTON:**

And Legislator Bishop?

**P.O. CARACAPPA:**

Opposition on 32?

**P.O. CARACAPPA:**

Okay, you got it, three opposed.

**MR. BARTON:**

I have four.

**P.O. CARACAPPA:**

Who was the ••

**MR. BARTON:**

Legislator Bishop.

**P.O. CARACAPPA:**

He was opposed, too, okay. 33.

**MR. BARTON:**

14.

**P.O. CARACAPPA:**

***(Sense 33 • Sense of the Legislature resolution in support of the Fire Island to Montauk Point Reformulation Study ensuring the future of Fire Island and the Barrier Beaches). (Bishop).*** Motion by Legislator Bishop, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**D.P.O. CARPENTER:**

Cosponsor.

**P.O. CARACAPPA:**

Cosponsor, Legislator Carpenter:

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 34 (Memorializing resolution requesting the United States Department of Defense not to recommend closing the Air National Guard 106th Rescue Wing at Francis S. Gabreski Airport). (Schneiderman).*** Motion by Legislator Schneiderman, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

36.

**LEG. CARPENTER:**

Cosponsor, Henry.

**P.O. CARACAPPA:**

***(Sense 36 • Memorializing resolution requesting State of New York to cap Medicaid at the 2001 levels). (Caracciolo).*** Motion by Legislator Caracciolo, second by Legislator Montano. All in favor? Opposed? Abstentions?

**LEG. MYSTAL:**

Cosponsor.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 37 (Memorializing resolution requesting State of New York to reject the Medicaid Overburden Aid cap). (Caracciolo).*** Motion by Legislator Caracciolo, second by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 38 (Memorializing resolution requesting State of New York to develop an actuarially sound means of mitigating large year-to-year pension increases). (Caracciolo).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 39 (Sense of the Legislature resolution in support of increasing pay and providing improved benefits for members of the Armed Forces). (Cooper).*** Motion by Legislator Cooper, second by ••

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

•• Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 40 (Memorializing resolution in support of H.R. 3409 which will prohibit the dumping of dredged materials in Long Island Sound, Block Island, or Peconic Bay). (Caracciolo).*** Motion by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Home Rule 1 • (Home Rule Message) requesting New York State Legislature to allow Suffolk County to install and operate Red•Light Camera Program (Senate Bill S.1371 •A) (Lindsay).*** Motion by Legislator Lindsay, second by myself. All in favor?

**LEG. CARACCILOLO:**

Opposed.

**LEG. BINDER:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Caracciolo and Binder.

**MR. BARTON:**

16.

**P.O. CARACAPPA:**

***Home Rule 2 • Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red•Light Camera Program (Assembly Bill A5387). (Lindsay).*** Same motion, same second, same vote.

**MR. BARTON:**

16.

**P.O. CARACAPPA:**

Late•starters •• oh, I'm sorry, CN's. CN's, we have four today, I believe. ***CN 1504 • To exempt families of deployed or mobilized (for other than required two week duty) active duty military personnel from paying County Parks Daily Fees.*** Motion by Legislator Nowick.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro. All in favor? Opposed?

**D.P.O. CARPENTER:**

Henry, cosponsor.

**P.O. CARACAPPA:**

Abstentions?

***[COSPONSOR SAID IN UNISON BY LEGISLATORS]***

**P.O. CARACAPPA:**

Cosponsor, the Legislature. ***CN 1506 • Amending the 2004 Operating Budget to transfer funding ••***

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***•• to the Suffolk County Youth Bureau.*** Motion by Legislator Vilorio•Fisher, second by Legislator Bishop, or vice versa. Switch that. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1541 (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 reconstruction of CR 80, Montauk Highway from CR46 William Floyd Parkway to Barnes Road, Town of Brookhaven, Suffolk County, New York).*** This is a public hearing for eminent domain, right of ways for acquisition of properties on County Road 80, Montauk Highway, William Floyd Parkway.

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

*1564 is to provide our annual funding for Memorial Day Observances for Calverton National Cemetery and Long Island National Cemetery.*

**D.P.O. CARPENTER:**

Motion to approve and correct a spelling error.

**P.O. CARACAPPA:**

Motion •• correct the spelling error?

**D.P.O. CARPENTER:**

Yes. Cemetery doesn't have an "A" in it.

**P.O. CARACAPPA:**

Okay. Motion by Legislator Losquadro, second by Legislator Carpenter. All in favor? Opposed? Abstentions? CN's are completed. Late•Starters.

**MR. BARTON:**

18.

**LEG. BINDER:**

I'd just like to make a motion to override the veto.

**P.O. CARACAPPA:**

You want to do that now? Let's do the late•starters, lay them on the table, and then we can ••

**LEG. CRECCA:**

And you'll read the titles out loud?

**P.O. CARACAPPA:**

Yes. Late•starters. 15 •• I'm sorry. **1559, it's amending the 2004 Operating Budget, and transferring funds for landscaping at Green's Creek County Park.** That is assigned to Budget and Finance. Well, there's a motion to lay on the table by myself, and second by Legislator Carpenter, these following bills: **1560 • Set fees at Francis S. Gabreski Airport.** That will go to Economic Development. **1561 • Amending the 2004 Capital Budget and Program and budget •• appropriating planning funds for the construction of a new County Jail in Yaphank.** That goes to Public Safety. **1562 • Authorizing establishment of an ambulance service for Fire Island under the New York State Public Health Law.** That will go to Public Safety. **1563 • Authorizing use of Blydenburgh County Park by Suffolk County Coalition Against Domestic Violence for a walk•a•thon.** That will go to Parks. **1565 • To further streamline, consolidate, and reform County Management in the Division of Aviation.** That will go to Budget and Finance. All in favor? Opposed? Abstentions? Those bills are laid on the table.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Legislator •• Legislator Binder, I recognize you for a motion.

**LEG. BINDER:**

Motion to override the veto, Resolution No. 425•2004.

**P.O. CARACAPPA:**

425. There's a motion to **override the veto message on 425•04** by Legislator Binder, second by myself. On the motion, Legislator Binder.

**LEG. BINDER:**

Thank you, Mr. Chairman. I'm very well aware, as I make this motion, that the County Executive has turned enough and twisted enough arms to change the votes of some of the people that voted for this in the understanding how important this was, but that happens, that's

politics.

I find it very interesting, in 15, almost 15 years here, seeing a lot of vetoes from County Executives, the first two that I've ever seen with a lobbying message were the ones that we got today. For this one, is "I urge each member of the County Legislature to sustain my veto." That just never happens. Usually it's, "This is how I state my case," and they assume they state their case well enough in the veto message. But in the last two, we've talked about the Task Force, and now we're talking about this, they actually put in there, I think there is an exclamation point in the last one, he was so emphatic about needing an override, to not to be overridden.

Also, in the time that I've been here in 14 1/2 years, I've read a lot of veto messages. Usually they're chock full of reasons, sometimes stretching it, but chock full of reasons why it's important that the veto be sustained. So, what's the strength of •• the strength of this veto message? This wonderfully put together paragraph by Mr. Sabatino. And, of course, we know, because he puts his initials. Right after Steve Levy, he puts his initials, so we know who writes it here. And his strong reason is that the other legislation, putting it in the Campaign Finance Board, is able to legally bind the County Campaign Finance Board, because we can, as a County, bind them to place such information in a website, accessible to the public at large. Well, the fact is, clear fact is that it's been handed out to everyone. Both of the Commissioners have agreed by resolution to bind themselves by law. It would take both of them to reverse it.

And could you imagine a Board of Elections, after they've started posting our financial disclosures on a website, could you imagine they decide as two, that would mean Republican and Democrat, we're no longer going to do that, we're not going to go public with this anymore. The outcry would be swift, strong, and overwhelming, and they would never do it. So, it's pretty clear to me that that first reason is a completely bogus reason, is that we're worried about binding them.

Second, he says that they need to fulfill their obligation imposed by Local Law 25•1998, to develop a computer data base. I find it very interesting, from the time of 1998 until the time that we passed public internet or online filing, that they were able to fulfill the law. No one questioned. There was no one in this body or any body that said they're not fulfilling the law that we imposed upon them to complete and develop their data base. Why? Because they developed a data base by getting the information from the Board of Elections.

The Commissioners have also agreed to immediately, as we electronically file, to send the filing information right to the Campaign Finance Board. They will not be without their data base, they will not be without their information, so they will be able to fulfill the dictates of Local Law 25 •1998, and that is clear. Another bogus argument by the County Executive, or I should say by the Sabatino Administration, knocked down in this paragraph.

"No comparable obligation can be imposed by the County of Suffolk on the Board of Elections." Basically, it's a completely bogus argument. It has no merit. There's nothing in here to change anyone's vote. There's no wait, there's nothing real. And, by the way, these arguments were made, shot down and clear to everyone when we had the vote. During the original approval vote, every Legislator sat, heard the arguments, the same arguments, I would dare say more arguments were made than this, by Legislator Cooper. I think you'd find there were many more arguments made. And after hearing the debate, Legislators understood the need for one place to file.

Everyone saw the Long Island Press and saw people's faces splashed on the front of it for not filing in two places, places where they're not used to filing, places where they wouldn't be expected to file, like Campaign Finance Board, including Mr. Levy's face. We also understand the inherent and internal problems that are going on over at the Campaign Finance Board, specifically under the leadership of Mr. Lutz.

I don't think anyone here would be very happy if they went home one day and saw that the Campaign Finance Board wrote a report about them, that it got into the papers, that they were under investigation by the District Attorney, and their children started talking about it in school, or it became a topic in conversation that mommy or daddy are under investigation by the District Attorney, because they didn't do the right thing under the Finance Law. The answer is, "Well, it's really not his fault." Well, of course it's his fault. You don't approve anything, you don't do what he did, you don't point to an elected official, as our Presiding Officer, and accuse him without making darn sure that you've gone through a process of vetting to make sure that you're account is credible.

To accuse anyone here, and we've had, by the way, people in this Legislature, accused, we've had the District Attorney down here, and every one of us was upset when there were

accusations made. I don't know if everyone remembers, those who were here longer would remember what happened. We all •• we all knew. There was a time when there were accusations made, and the District Attorney came down, he just •• false accusations. Well, here we have an agency we created making false accusations, and we want them to be the main repository of our filings, and we think it's okay to send it to two.

Now, the reform County Executive, campaigns on reform, cutting down government, streamlining, "Let's make it work better," what does he say? Yeah, file in two places, when we can file in one, because, electronically, we already have it figured out how the Campaign Finance Board will have every, every bit of data and information from the Board of Elections. As it is being transmitted, it will be sent over to the Campaign Finance Board. What it does is it makes sense to streamline the process, but, that's right, we have a reform County Executive who doesn't reform •• who doesn't want to reform again. And I think, as we go through this year, we're going to see many instances where the County Executive, the "Great Reformer", doesn't want to reform, he wants to do it his way, he wants control, he wants his people, he wants connections, he wants ties, and I think that is unfortunate.

And I think it's unfortunate that he twisted arms of people here, and I think it starts to smack of some serious partisanship, which we're often, as a majority in the Legislature as Republicans, and this year particularly being accused of how the Republicans, a majority, how partisan.

I was shocked to see that we actually overrode a veto this afternoon. We got 12 votes. That's because, I guess, Mr. Bishop couldn't be moved off his position, but everyone else voted the way they had originally voted, no one changed their vote. So, for the first time, we finally had an override. And I think you're going to see that's not going to be very common. Now, what you will notice is that, through the years, with a Republican majority, it was very common to see Gaffney overrides, including my vote on those overrides, and vote of many, many Republicans on many overrides, because they voted their conscience on the overrides, but you're not going to see many this year. I guess, when the PBA pushes, some people will respond. And so, that was •• there were two, I guess, great forces pushing on this one.

I think it's unfortunate, but I think, if the press wants to continue to write about partisanship, I hope they notice the clear lines that are going to be going on this year, especially when it comes to veto overrides. And I think this is going to be the clearest example, because there is literally no argument made here that makes sense to switch votes, but that's what's going to

happen here, we will watch vote switching on this one, and that's unfortunate, and it's unfortunate for the people of Suffolk, where we're going to lose an opportunity at reform that we all know is necessary.

**P.O. CARACAPPA:**

Thank you, Legislator Binder. Legislator Nowick.

**LEG. NOWICK:**

I just want to follow up on one issue. We, as a Legislative body, passed I.R. 1278, 12 to 6. Over the past few months, I've heard Legislators say, "I hope you can vote your conscience, I hope you know what you're doing, I hope you're not being too partisan," so we passed a resolution 12 to 6. This would be the time for those Legislators to stand up and be counted. If you voted for this, what is it, a month ago, nothing has changed. If you believe in what you say, you'll override the veto.

**P.O. CARACAPPA:**

Thank you. I'll just sum up the comments by reminding everyone what the Campaign Finance Board has done recently. And believe me when I tell you, it was me this time, it's going to be you next time. One of you will be the subject or the target of the zealot-like approach from that Campaign Finance Board. I will guarantee you here today, unless you •• you could do something about it.

I appreciate the partisan aspect of what we do, its part of the •• it's part of politics, it is politics, and I appreciate it and respect it at a certain time. But, in this instance, you're not sticking up for a party, you're not sticking up for a County Executive, you're not sticking up for anyone but yourself by staying true with the original vote.

Ann Riordan stood at that podium and said we were derelict in our duties today. I almost fell off my chair. I think it's time for this Legislature to stick together, no partisanship, protect each other, because we do what's right. We follow the law to the "T", and it's time that we continue to do it and send the message to those who want to target us unfairly that they can't do it, that we're honorable public servants, and they have no right sending reports to the District Attorney, asking for investigations, because they want to make an example to prove their own existence. The time is now. Forget about partisanship, this is the right thing to do. Roll call.

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

**LEG. BINDER:**

Yes, to override.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

(Not Present).

**LEG. SCHNEIDERMAN:**

Yes, to override.

**LEG. O'LEARY:**

Yes, to override.

**LEG. VILORIA • FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. TONNA:**

No.

**LEG. COOPER:**

No.

**D.P.O. CARPENTER:**

Yes.

**MR. BARTON:**

Legislator Caracciolo. Ten (Not Present: Legislator Caracciolo).

**LEG. TONNA:**

Who's going to be next?

**LEG. BINDER:**

Did we •• did you refile that?

**LEG. CRECCA:**

Same people, by the way ••

**LEG. ALDEN:**

Joe, they're all in there.

**LEG. CRECCA:**

•• who all criticized ••

**LEG. ALDEN:**

You should read what's in there.

**P.O. CARACAPPA:**

Oh, I have.

**LEG. ALDEN:**

Read the commentary.

**LEG. BINDER:**

Mr. Chairman. Mr. Chairman.

**P.O. CARACAPPA:**

There's a •• I'll make a motion to lay on the table •• waive the rules and lay on the table, second by Legislator Binder, **Resolution 1566**.

**MS. BURKHARDT:**

Set the public hearing.

**P.O. CARACAPPA:**

Set the public hearing for Ways and Means on June 1st at 9:30. All in favor?

**MS. BURKHARDT:**

Assigned to Ways and Means.

**P.O. CARACAPPA:**

Assigned to Ways and Means. All in favor? Opposed? Abstentions? Any other •• anything else to come before the Legislature today? We're adjourned.

**[THE MEETING WAS ADJOURNED AT 5:35 P.M.]**