

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
TENTH DAY
JUNE 22, 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, COURT STENOGRAPHER

[THE MEETING WAS CALLED TO ORDER AT 9:38 A.M.]

MR. BARTON:

Good morning, Mr. Chairman

P.O. CARACAPPA:

Good morning.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

(Not Present)

LEG. COOPER:

(Not Present)

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

12 present. (Not Present at Roll Call: Legs. Schneiderman, Fisher, Foley, Alden, Tonna and Cooper)

P.O. CARACAPPA:

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

(Salutation)

Please, remain standing. I'd like to introduce Legislator O'Leary for the purposes of introducing today's Clergy.

LEG. O'LEARY:

Thank you, Mr. Chair. I'm very pleased to introduce to you the very Reverend John Walker, Director of the Christ Episcopal Church in the Village of Bellport. Father Walker was born and raised in Queens, New York, and received his B.A. from Hunter College. He was ordained to the Episcopal priesthood in 1974, and after serving in a variety of congregations, Father John was elected Rector of the Christ Episcopal Church in Bellport. Father John is very active in the Bellport community as the Chair of the Mayors Interfaith Council, and co-founder of the Children's Rainbow Ministry of Christ Church. The purpose of this ministry is to serve the community by maintaining a baby pantry for those families who are in need of baby products.

Father John has also served as a Secretary of the Bellport Rotary Club. Father Walker is very active in the Ministry of the Diocese of Long Island as well. He's the Dean of the Great South Bay Deanery, member of the Episcopal Health Services, and Chair of Programming Services of the Diocesan Council. He's been married for over 25 years to the former Judy Dervin, and are the proud parents of Meghan, their daughter, who is entering her junior year at Hofstra. Father John is also an avid golfer, and has a passion for ship models and HO model trains. It's my pleasure to introduce Father John, who will give today's invocation. Father John.

REVEREND WALKER:

Thank you. Good morning. This is indeed a pleasure and an honor for me, and I accept this honor on behalf of the people, the vestry, and the congregation at Christ Church, Bellport. The Lord be with you.

AUDIENCE MEMBERS:

And also with you.

REVEREND WALKER:

Let us pray. Almighty God, our Heavenly Father, ascend down upon those who hold office in this County of Suffolk the spirit of wisdom, clarity, and charity, and justice, and that with steadfast purpose, they may faithfully serve their offices and promote the dignity and well-being of the people they serve in this County, and this we ask in the name of God, our Heavenly Father. Amen.

P.O. CARACAPPA:

Thank you, Father. Please, remain standing as I recognize Legislator Caracciolo for the purpose of a moment of silence.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I'd like everyone to take a moment of reflection of prayer and keep in mind a member who oftentimes, a member of the Wading River community who oftentimes came before this Legislative body and other governmental tribunals as an advocate, a strong advocate for the elderly. His name was Henry Pfeiffer. He passed away last week at 89 years of age. He was a retired Colonel in the U.S. Army, and long after his military service, he stayed active in community affairs. So, if you would just join me in a moment of silence. Thank you.

(MOMENT OF SILENCE)**P.O. CARACAPPA:**

Thank you, Legislator Caracciolo. Legislator Crecca.

LEG. CRECCA:

Yeah. I'd ask everyone to join me in a moment of silent prayer for a six year old boy from my community in Hauppauge. He has been a long time suffering with cancer. He is currently home with his two brothers, his one sister, and his mom and dad in hospice. He's not expected to make it too much longer, probably several more days, and I'd just ask you to join me for a moment of silence for this boy and his family.

(MOMENT OF SILENCE)**P.O. CARACAPPA:**

Please, be seated. Good morning, everybody. We have no proclamations this morning. We'll go directly to the public portion. But before we do, today is usually viewed as the last meeting of the Legislature before we go to summer break, so we have a pretty busy agenda. I'd ask everyone to stay focused, so that we can get everything accomplished today.

We also historically do Capital Budget overrides on this day. We have not received those overrides as of yet, and I would hope that by day's end we would receive those overrides so that we can act on them.

Going directly to public portion. Keep in mind to the public, you have three minutes to speak, and I'd ask that you conclude your comments within those three minutes. We do have quite a few cards. First speaker is Bob Donnelly.

MR. DONNELLY:

Good morning. I'm Robert Donnelly, Director of Information Services. I'm here this morning very briefly to deliver a report that was requested in Resolution 1023, protection against employee I.D. theft.

After you've had an opportunity to the ••

P.O. CARACAPPA:

Mr. Donnelly, would you speak into that microphone?

MR. DONNELLY:

I'm sorry.

P.O. CARACAPPA:

There you go.

MR. DONNELLY:

After you've had an opportunity to review the material in the report, we would be glad to come back and answer any questions at your pleasure. And, incidentally, we will also be at Ways and Means at the next meeting to answer any questions at that point. Thank you very much.

P.O. CARACAPPA:

Thank you very much. Next speaker is Kevin McDonald.

MR. MC DONALD:

Thank you. If I could ask your indulgence, this is a report to you members of the Legislature on a resolution that you passed July of last year, creating a Suffolk County Agricultural Environmental Management Task Force, and we're here to present that report to you in lightening speed. So, if Joe Gergela or any other members of the Task Force are here, please join us. Within three minutes, we're going to tell you what the report says.

We had nine meetings in the last year. We've had, with my Co•Chair, Charles Scheer from the Long Island Farm Bureau, three principal recommendations. The first is that the funding, current funding to have meaningful environmental agricultural ••

LEG. VILORIA • FISHER:

Excuse me, Mr. Chair. Excuse me, Kevin. Might it not be better if they sat down at the table? They're all standing behind him.

P.O. CARACAPPA:

Sure.

LEG. VILORIA • FISHER:

Okay.

P.O. CARACAPPA:

It goes against what we do in public portion.

LEG. VILORIA • FISHER:

Oh, I'm sorry.

D.P.O. CARPENTER:

Also, too, when they step back to sit down •• they just stepped out for a moment. They'll be coming back to the table.

LEG. VILORIA • FISHER:

Okay. They're all in the same Task Force.

P.O. CARACAPPA:

Okay.

LEG. VILORIA • FISHER:

And just in case we had questions, I thought it might be easier for them to answer ••

P.O. CARACAPPA:

I've stopped the time. I would just ask that everyone •• that you have everyone's name put on the record.

MR. MCDONALD:

We have Charles Scheer from the Long Island Farm Bureau, Dale Moyer from Cornell Cooperative Extension, and Joe Gergela from the Long Island Farm Bureau, and myself, Kevin Donald, from Group for the South Fork. I apologize.

P.O. CARACAPPA:

Go right ahead.

MR. MCDONALD:

Okay. Thank you. Three principal recommendations. The first one is for an increase in funding for Agriculture Environmental Management, which we'll discuss in more detail in the report. It recommends three principal funding sources from Federal, State and County sources with a lead County commitment.

The second major recommendation is a reorganization of responsibility and authority regarding the existing agricultural services that the Legislature currently funds.

And the third major recommendation is the creation of a council that would advise the Legislature and help implement this planning report, known as the Suffolk County Watershed Agricultural Stewardship Advisory Council. This is an unpaid council. And I'll pass the podium to my colleagues to help finish up in just a minute.

MR. SCHEER:

Okay. The report is based on a program that has been established in Upstate, New York in the Catskills called the AEM Program, Agriculture, Environmental Management Program. It's a successful program that was used to protect the watersheds for New York City, and has been run by New York State Ag and Markets. It's good •• a good sound program, and the program should be very effective here. It will help farmers, not only stay economically viable, but also reduce the nitrogen and the pesticide inputs, which I think we all would like to see. Thank you.

MR. MCDONALD:

Okay. In the interest of time, we'll stop, and we promise we'll visit you during the month of July and see you sometime in August at various committee meetings. And we thank you for the opportunity to present the report, and we hope you read it, and if you have any questions, please contact us. Thank you.

D.P.O. CARPENTER:

Thank you very much.

LEG. VILORIA • FISHER:

Thank you very much for all the work you've done.

D.P.O. CARPENTER:

Next speaker, Linda Kabot.

LEG. VILORIA • FISHER:

Thank you.

COUNCILWOMAN KABOT:

Thank you. I'm Linda Kabot. I'm a Councilwoman in the Town of Southampton. I thank you for this opportunity to comment on the proposed resolution sponsored by Legislator Bishop, entitled "Streamline EMS Coordination and Improve Response Time".

Yesterday the East End Supervisors and Mayors Association unanimously adopted a resolution memorializing its opposition to the proposed resolution as currently worded. The primary concerns of the East End about the measure is that it will cause increasing pressures upon volunteers providing emergency services on the East End, which may lead to substantially higher property taxes, due to the advent of paid service personnel constructing and staffing substations in remote locations, and additional liability lawsuits citing this proposed county-wide response time mandate.

Further, the East End is concerned about the financial and operational impacts to the six E•911 public safety answering points, PSAPs, operating on the East End. There are 12 PSAPs in Suffolk County.

In addition, Suffolk County ought not mandate priority EMD dispatch, as many agencies on the East End prefer plain language dispatch, not alpha, bravo, Charlie, and any potential requirements that might impede service operations and do not address geographical differences, traffic considerations and scene conditions.

In summary, a County-wide cookie cutter approach does not address geographical differences, population density differences in rural areas that are more similar to Upstate, New York, than Western Suffolk or Nassau County. However, it bears repeating that East End officials are not opposed to efforts to improve response time. The protection of life and property are of utmost importance in terms of governmental responsibility.

Yesterday, I faxed a letter to Legislator Bishop to thank him for tabling the matter in the Public

Safety Committee and for working on amendments to the proposed resolution based upon the concerns that have been raised by the East End and other agencies across Suffolk County.

I also noted that together with the Southampton Town EMS Advisory Association, I stand ready to assist with revisions with the laudable goal of reducing response time for emergency medical service providers, and provided that there is a more surgical approach used to address any problems noted with some agencies in the present EMS system, rather than having a broad brush stroke county-wide. Likewise, Suffolk County should work with all municipal jurisdictions within its bounds in order to evaluate present circumstances of the agencies under contract to provide the ambulance services to the inhabitants and visitors of each respective zone. Each local community has an obligation and responsibility to decide what level of service they want, respect home rule powers of town governments, village governments and ambulance services that are run through fire districts.

At the Public Safety Committee meeting held last week, Legislator Bishop stated his primary goal is to bring forward a proposal to raise awareness.

D.P.O. CARPENTER:

Councilwoman, please sum up.

COUNCILWOMAN KABOT:

I believe he has. And we thank you for the time to listen.

D.P.O. CARPENTER:

Thank you. Thank you very much. Next speaker, Richard Amper.

MR. AMPER:

Good morning. Three bits of business. One of them is that there is by Certificate of Necessity before you today a proposal to preserve more than 300 acres of Pine Barrens. It's the largest Pine Barrens acquisition in more than a decade. It's extremely important. It's a connecting property that will help protect the Carmans' watershed, and we hope you will be supportive. It's particularly important to us, because we've obtained the participation of the Town of Brookhaven to the tune of four million dollars and the Suffolk County Water Authority, so we're seeing the kind of partnership this Legislature always supports when it comes to environmental

matters.

Also, before you today is I.R. 1086. It's a piece of legislation that is called an anti•corruption measure. I thought this Legislature had done a very, very good job only last week working with the County Executive's Office in determining how we want to proceed with land preservation. We think that this is not an Executive Branch function, but •• I mean, a Legislative Branch function. Yours is to decide what we buy and how much we pay for it, and that makes a lot of good sense, but to actually have the Director of Real Estate selected and the Legislature managing that department is something I thought we had rejected some time ago. It would certainly set aside all of the good work that this Legislature unanimously approved last week. I think that that just simply doesn't •• it doesn't belong here. I think we've moved on. I think you've reformed whatever it is that needs to be reformed. I think you've done it well. We need now to see if this program can't work.

And then, finally, there has been continuing discussions about the proposed Department of the Environment. While all of us are looking at the details of this and its wisdom and how it should be constructed, I think it would be a serious mistake if we simply dismissed the idea of a Department of the Environment. There is probably nothing that this Legislature does that competes with its function to protect the health and public welfare.

You've heard in recent weeks about the importance to the economy as well. So, I hope, as we go forward, we'll look at the specifics, the details. We're not signed on to any specific legislation or structure, but we are absolutely convinced that the environment is sufficiently important to deserve this kind of attention, and there ought to be some department to whom people who were concerned about environmental needs can go in a singular centralized way. So, let's all get together and use the model that we used only a week ago to deal with the real estate process and see if we can't fine tune what's going to work for the Legislature and the County Executive. Thanks very much for this.

D.P.O. CARPENTER:

Thank you. Next speaker, Karen Boorshtein.

MR. BOORSHTEIN:

Good morning. My name is Karen Boorshtein. I'm an Associate Executive Director at Family Service League, and I'm here today to ask your support to pass Sense Resolution 53,

introduced by Legislator Fisher.

Family Service League believes in both the value of work and maintaining a strong safety net in addressing the needs of low income individuals. Work can and should be a path out of poverty. TANF families need public policies that support work. Reducing the earned income disregard for TANF recipients would discourage work by taking away critical financial supports. Proposals to reduce a safety net grant punish individuals with serious barriers to employment, and begin to withdraw the state's commitment to provide to them.

And, finally, moving to full family sanctions for TANF recipients who are not meeting program work requirements denies critical resources for children and, indeed, punishes them because of the actions of their parents.

I urge you to pass Sense Resolution 53, opposing the Governor's budget cuts. Thank you.

LEG. VILORIA • FISHER:

Thank you for coming down. Mr. Chair, we don't have a quorum.

P.O. CARACAPPA:

All Legislators, please report to the auditorium. The rules allow us to continue.

LEG. VILORIA • FISHER:

Oh, I thought public ••

P.O. CARACAPPA:

This year, yeah.

LEG. VILORIA • FISHER:

•• hearing we could do without a quorum, but not public portion.

P.O. CARACAPPA:

This year, the rules say I may suspend proceedings.

LEG. VILORIA • FISHER:

Oh, okay.

P.O. CARACAPPA:

But we will •• we will get more.

LEG. VILORIA • FISHER:

Just out of courtesy, it would be nice.

P.O. CARACAPPA:

We'll wait a few minutes. Lou Giordano.

MR. GIORDANO:

I have a copy of the statement I could pass to the Legislators. Is that possible?

P.O. CARACAPPA:

Just hand it off to the Clerk here. Just if you could pull that microphone down a little bit.

Thank you.

MR. GIORDANO:

The issue I want to address •• the issue I want to address today is delay of the opening of the Suffolk County Trap and Skeet Range. The range has been closed for the last 18 months, while several noise and environmental studies by County departments and outside contractors were conducted. The results of these studies fall well inside all State and local guidelines, and represent no environmental and noise problems.

Funds have been allocated by the Legislature in 2004 range •• for the range. However, we've been told that the range will not be open until 2005. This is unacceptable to the people who want to use the facility. This facility has generated funds for the County, and is used by thousands of residents and nonresidents. There's no publicly operated range in Nassau or the five boroughs of New York City.

By delaying the opening of the range, people may unknowingly be shooting in areas they shouldn't be. This can cause environmental pollution and endanger wildlife in those areas. When shooting at the range, the shot and target debris land in specific areas and can be readily

cleaned up when needed. This cannot be accomplished if people are allowed to shoot in unsupervised areas. If the park is kept closed or allowed to deteriorate to the point where too expensive to open, the taxpayers will have to pay to have the park cleaned up at a cost of well over 4 million dollars. Also, I'd like to mention that it would be a lot safer if people are allowed to shoot under supervised conditions.

The opening of the range should be a top priority of the Parks Department. This is obvious by the number of people in favor of opening the range that keep attending meetings. This can be accomplished by this Legislature contacting Mr. Levy and Mr. Foley. The Legislature represents all the people in Suffolk County and not a certain few who wish to enhance their property value by keeping the park closed permanently. They knew the range was there when they purchased their homes.

The Parks Committee should be kept aware of all work being done at the range. At each committee meeting, the Parks Committee should be given a progress report from the Parks Commissioner, Mr. Foley, detailing the works being accomplished at the range.

The months of April through October are the most revenue producing months. The range can be opened with the use of County personnel on a limited basis until a permanent operator can be obtained with an extended lease. This facility should be treated like any other facility, and the operator should not be held responsible for improvements and repairs unless they are responsible for that damage due to abuse or neglect.

An RFP should be put out immediately, so an operator can start operating the range and start bringing in revenue for the County and himself. There are no safety issues because of the improvements required are behind the range building.

In conclusion, this range has been closed much too long. Many have been inconvenienced. The Legislature recognizes that this is a family sport. In fact, in Resolution Number 1301•2003, was unanimously passed by the Legislature, it specifically stated that the recreational use of firearms and the rapidly growing family orientated activity that draws thousands to Suffolk facilities.

The Legislature also finds and determines that the recreational use of firearms at County

facilities brings economic benefit to Suffolk County. Many families are denied the use of this facility. Groups such as the Boy Scouts and Girl Scouts have used this facility in the past to qualify for merit badges, and cannot do this now that the range is closed.

The residents and nonresidents of Suffolk County are annoyed and dismayed at the lack of progress regarding the opening of this range.

P.O. CARACAPPA:

Mr. Giordano, your time has expired 30 seconds ago, so if you could just finish.

MR. GIORDANO:

Thank you. Now, the warm weather is upon us and they wish to continue this sport. We will be contacting the County Executive regarding this issue. However, we request the Legislative body immediately use all its resources and influence to reopen this range.

P.O. CARACAPPA:

Thank you.

MR. GIORDANO:

Thank you. If there are any questions, please call.

P.O. CARACAPPA:

James Kelly.

MR. KELLY:

Good morning, Ladies and Gentlemen.

P.O. CARACAPPA:

Good morning.

MR. KELLY:

Listen, I'd like to make a •• just give a little quick background review.

In the past, we've gone over the noise problems, that's been settled. In the past, we've had

only 12 people total turn around and come down and speak out against the range at all the hearings, and we know that, because we keep records of it. And what's happening now is the will of the majority of people is being thwarted by this range not being open.

What is disturbing us is this is something that is very oligarchical in nature. In other words, the few are thwarting the well of the majority.

In this particular case, we have not had our range reopened. What would it take to do it? It's real simple. It needs a cleanup, and the trap and skeet machines need to be taken apart and lubricated. They're all a very long-lived item, so the chances of needing any parts or any expensive items is just about zilch.

We ask you to assert your authority here and turn around and ask the County Executive and the Director of the Parks Department to make this your first priority. There are many, many people who want to use the range. We know in the past that sometimes people will spend as much as \$10,000 in a year just on other activities when they come out to the range, so it would be a great economic benefit to the County, and it would certainly be a great benefit to the shooters of Suffolk County, and Nassau, and quite a few other areas of the state, too. So, we are asking you to do it at your earliest possible convenience to ask these people to make this a top priority and make •• and reopen the range as soon as possible. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Kelly. Irwin Rynston.

MR. RYNSTON:

Good morning, Ladies and Gentlemen.

P.O. CARACAPPA:

Good morning.

MR. RYNSTON:

I'm just one of the users of this range, and it seems that my latest hobby is going to these meetings trying to get you people to get that range open again, a range that I think we all agree should have never been closed in the first place. This is a valuable recreational asset for the County, and it's also a valuable income for the County. So, again is another meeting, and

I'd like to urge you people to see if we can get going on this. I know that there are people willing to run it, and people are waiting for this range to open. Thank you.

P.O. CARACAPPA:

Thank you. John W. Van Wagner.

MR. VAN WAGNER:

Good morning, Legislators. I'm just •• I would like to echo what has just been said by the previous two speakers. There's an air of mystery about this that I don't quite understand. The Legislature has done its Legislative job in approving the reopening of the range. Now it's a question perhaps of oversight. It's a money•maker.

We talk about a possibility of increased taxes, ways to generate monies to offset the deficit, if there is one. But, if we have a money•making operation that's sitting dormant, and has for a couple of years now, when it could be generating income for the County, it doesn't make sense to keep it closed. I think that makes sense. Thank you very much.

P.O. CARACAPPA:

Thank you, sir. William Mills.

MR. MILLS:

Good morning. My name is Bill Mills, I live in Nassau County, but I used the Trap and Skeet Range, and to make it a little easier, I have a Green Card.

There's been many important things said this morning. I have no •• you know, no need to try to duplicate it. But there's one thing. In my line of work, there's a very old saying that the steam that blows the whistle does nothing to turn the wheel. There's a lot of steam used blowing a lot of whistles and none of it has been used so far to turn the wheel. What we'd like to see now is get some steam up, let's turn the wheel and get that range open. I thank you.

P.O. CARACAPPA:

Thank you, sir. Paul Rabinovitch.

MR. RABINOVITCH:

Thank you. Good afternoon •• good morning. I'm Paul Rabinovitch. I'm the Executive Director

of the Nature Conservancy's Long Island Chapter, and I'm here to speak to you ••

LEG. VILORIA • FISHER:

I can't hear you.

LEG. LOSQUADRO:

Sir, could you speak a little closer to the microphone?

MR. RABINOVITCH:

Sorry.

LEG. VILORIA • FISHER:

Thank you.

MR. RABINOVITCH:

I'm here to speak in reference to the proposed acquisition of the Roselin parcels, which I believe has been brought to you by certificate of necessity from the Suffolk County ••

LEG. VILORIA • FISHER:

Still can't hear you.

MR. RABINOVITCH:

Suffolk County ••

LEG. VILORIA • FISHER:

That's it.

LEG. LOSQUADRO:

Thanks.

MR. RABINOVITCH:

•• Executive's Office. Thank you. I'd like to offer a number of reasons to move forward and acquire these parcels. First is the Central Pine Barrens represents a top conservation priority for Suffolk County. It has a •• the highest concentration of rare, threatened and endangered

plants and animals in New York State, and has been a conservation priority for Suffolk County for many years now, going on ten.

And, number two, the Roselin parcels represent a significant portion of the Carmans River headwaters, which is one of the County's most intact river systems, according to an assessment that's we've just done Island-wide.

Number three, not only are these parcels an important part of the watershed, but they also protect important habitat for a number of species, and I'll list them quickly. The endangered tiger salamander, the endangered persius dusky wing, which is a butterfly, the rare plants such as silver aster and white boneset, and these are all found on or adjacent to properties that will be acquired in this proposed acquisition.

The site has also been identified as very high potential due to its grassland habitat to aid in the recovery of the sandplain gerardia, which is the only federally listed endangered plant species on Long Island.

And fourth, the acquisition of the Roselin parcels will add a critical conservation corridor between Rocky Point and the Wertheim National Wildlife Refuge, so you'll have a north-south linkage where people can hike and enjoy that sort of linkage, which is also very important for various animals and their migratory patterns.

This acquisition represents over five-and-a-half years of work by the Nature Conservancy, Suffolk County, the Town of Brookhaven, and the Suffolk County Water Authority to preserve this important parcel. There are not very many other places in this country where you have these kind of acquisitions, where you have partnerships between so many different agencies. And there are not very many counties that have aggressive land acquisition such as our •• programs such as our own.

So, on behalf of the Nature Conservancy, we really encourage you to move forward with this acquisition. It points to a continuing need that we have for a robust land acquisition program.

Currently, we're facing a downturn in the overall amount of funding available for preservation in Suffolk County and Brookhaven Town. In other words, the money will run out soon, unless we

do something.

We strongly encourage both Suffolk County and Brookhaven Town to immediately seek renewed funding for their land acquisition programs. The health of our forests and the quality of our waters depend on quick actions.

Finally, in relation to recent acts of this Legislature to reform the reforms, the Nature Conservancy recommends that acquisitions such as this, this Roselin parcel, show promise, and that we resist the temptation to continue tinkering and allow the program to run. Thank you.

P.O. CARACAPPA:

Thank you. Dr. Richard Koubek, followed by Jack Kennedy.

DR. KOUBEK:

Good morning. My name is Richard Koubek and I'm Vice Chair of the Welfare to Work Commission of the Suffolk County Legislature. On June 8th, I presented the Commission's report to you, which is in opposition to the Governor's proposed cuts to the poor. I'm here today to speak on behalf of Sense Resolution 53, which was introduced by Legislator Vilorio•Fisher, which, again, is in opposition to changes in welfare and health care policies that are proposed in this budget.

It's ironic I'm speaking on the morning that the Legislature is adjourning without a budget. So, you will be sending a message today that, one, you're paying attention to them, and two, if you adopt this resolution, that you do not want this budget balanced on the backs of poor people.

As you saw in our report, and as you heard it from a previous speaker, these budget cuts will hurt children, they will hurt single people, they will come down very hard on vulnerable and fragile families. They appear to have short•term cost savings, but in the long run, they will cost the County money. They will cost the County money in homelessness, they will cost the County money in additional need for support services, chemical dependency, mental health. We are taking poor people, fragile people, and we're asking them to bear the burden of a balanced budget. So, I urge you to vote yes on Resolution 53.

And let me conclude with the fact that it was voted out of committee unanimously, the Health

and Human Services Committee, on the 17th of June. The following day, on the 18th, Newsday had a significant story on single adults, the subtitle of which is the number of homeless single adults is growing on Long Island, but opening new shelters is difficult. Single adults were singled out in these budget cuts. That headline tells the whole story. Thank you.

P.O. CARACAPPA:

Thank you, Doctor. Jack Kennedy.

MR. KENNEDY:

Good morning, Presiding Officer Caracappa, and members of the Legislature. I appear before you this morning to speak about support for the budget. I don't think there's any secret that the building trades right now is experiencing severe unemployment. The budget ••

P.O. CARACAPPA:

Speak into the mike a little bit, Jack.

MR. KENNEDY:

The budget, as it's proposed, would be just like plasma for our anemic construction industry right now. I've heard so many different stories about the budget, about the jail, and somebody made the comment to me that we want it all. And to be perfectly honest with you, I think that we do, we do want it all. We want the jail. We would love to see the County Center, as it's proposed, move forward. That would mean employment for us all through the year, all through the winter, when we drastically need it.

I want to also thank the Legislature for taking the initiative to do this. It's been mentioned to me, "Well, what about taxes? Taxes are going to go up because of the effects of this." And to be perfectly honest with you, some of the numbers that I've heard were as ridiculous as \$8.

I have to tell you this, that when you're unemployed and you're working in the construction industry, and you could be unemployed for as long as a year's time, that's a depression, and \$8 is really meaningless to a construction worker. And, again, I represent 60,000 of them that live in both Nassau and Suffolk County. So, without employment, it's a devastation. So, I want to •• I want to thank all of you personally on behalf of the building trades. We had a discussion at our last meeting, and we support the budget as it's proposed wholeheartedly.

And I want to thank you, and I want to thank you for the opportunity to speak before you this morning, and I'd be glad to answer any questions or comments that you may want to make.

P.O. CARACAPPA:

Thank you, Jack. The comment I want to make, I think that number is less than half of what you stated, and that \$8 number, it's less than half of that.

MR. KENNEDY:

Great, good. Thank you.

P.O. CARACAPPA:

Ed Seltenreich.

CHIEF SELTENREICH:

Thank you very much. My name is Ed Seltenreich. I was up before you last week up in Hauppauge; Chief of the East Quogue Fire Department, 22 year •• 22•plus year volunteer fireman, 15•year EMT. Again, we commend you for trying to increase and enhance response in patient care within the County of Suffolk.

The Seventh Division, which is Southampton Town, had met last night, all of the chiefs and officers of those different agencies and divisions, and we've come up with a number of goals. And, again, this is all because of, you know, your proposal and your proposed legislation.

A couple of areas we want to touch on that we're going to clean in•house is we're going to actively look to individually lower our response times per agency, we're going to lower our mutual aid times, we're going to step up communications interdepartmental between agencies, we're going to create an open•door policy. So, if I'm in the Southampton area, even though I'm Chief of the East Quogue Fire Department and Southampton is out on a call, I can assist Southampton legally with •• through intermunicipality and intermunicipal agreements with each other.

Public awareness and education, where abuse is tremendous in the EMS field, tremendous in the EMS field. If you want to cut down burnout with EMS providers, look to abuse with EMS, especially your medical facilities. And adding first responders in a lot of different jurisdictions.

And I'm telling you now, we're fighting for our lives out here, and we're going to fight you tooth and nail to stay volunteer in the Seventh Division. All right? We're not looking to go a paid provider.

Some more concerns quickly. Number one, we would like REMSCO, who I guess is the governing body to, or at least the advising body of Suffolk County, who, in fact, is an advising body to you, to represent out east. Start showing your face, start answering our phone calls when we ask for advice. Maybe we would even like representation on that board, having a member of the Seventh, Eighth or Ninth Divisions out on that board, instead of all up west providers on that board. It gives us a little bit fairer treatment out east.

Secondly, Chairman Brenner made a comment last meeting, last week, that it would be little to no tax increase to provide his proposed legislation or your proposed legislation. We would need to see a copy of that, because, quite frankly, we don't see that as at all possible.

A study was done quite sometime ago by the New York State Fire Chiefs Association, and there would be at least a 40% increase in taxes to provide paid EMS service, and at least a 40% increase in taxes to provide a paid fire service. I don't know how it is up west. Taxes out east are intolerable now and we couldn't do that.

And lastly, as the Chief of the East Quogue Fire Department, in 2003, we were dispatched by a Fire, Rescue and Emergency Services of Suffolk County. At this time, 95% of our alarms are dispatched by Southampton Town, and the reasons are tremendous dispatching lags. We were averaging from two to ten minute dispatching lags, means the time the call was received to the time Suffolk County dispatched the call. Now we're going almost simultaneously with the Police Departments up to two minute lag. That's a tremendous increase and decrease in the calls. You guys need to clean some house yourselves in Suffolk County Fire Rescue.

LEG. BISHOP:

Babylon has the same problem.

CHIEF SELTENREICH:

Okay. Thank you very much.

P.O. CARACAPPA:

Thank you, sir. Jacqueline M. King, followed by Richard Quinn.

MS. KING:

I yield my time.

P.O. CARACAPPA:

Okay, thank you. Richard Quinn, followed by Charles F. Scheer.

MR. QUINN:

Thank you, Mr. Caracappa and members.

LEG. LINDSAY:

You've got to speak up.

MR. QUINN:

My name is Richard Quinn, I live in the Seventh Legislative District, and I'm here again to just add my voice to those that have previously spoken for the reopening of the Suffolk County Trap and Skeet Range.

I have nothing substantive to add to what Mr. Giordano and others have added, it's only an appeal, that we've patiently waited for this reopening. I've spent too many hours trying to communicate to find out what is going on and what the status is. I was pleased when earlier this year Suffolk County added a •• had a line item to the website, supposedly as a trap and skeet update, but it simply kept repeating the same statement over and over again, that essentially nothing was happening. I'm going to yield any further time to those who may have further to add to this or other more important topics. Thank you very much.

P.O. CARACAPPA:

Thank you, sir. Charles Scheer.

AUDIENCE MEMBER:

Charlie's gone, Joe.

LEG. VILORIA • FISHER:

He left.

P.O. CARACAPPA:

Thank you. Captain Patrick Wilson.

CAPTAIN WILSON:

Good morning, Ladies and Gentlemen. My name is Patrick Wilson. I'm the Captain at the Hampton Bays Ambulance, and I come to speak on my own behalf in regards to the streamlining EMS coordination and improved response time, proposed legislation by Legislator Bishop. I'd like to quickly read from a previously published work of mine. I will leave a copy, of course.

P.O. CARACAPPA:

Captain, just speak a little bit more into the microphone.

CAPTAIN WILSON:

Okay.

P.O. CARACAPPA:

Thank you, sir.

CAPTAIN WILSON:

Sorry about that. To consider this legislation as any formal legitimate solution of the problems that we face as a foolish endeavor, probably by Legislators that probably have never even considered volunteering time at a local station. There are many complexities that go into the operation of an EMS and fire response system. This legislation goes head long into fixing a problem that has incomplete data to form a detailed analysis attempts to use a bludgeon to fix a problem that requires the skill of a surgeon's scalpel.

This legislation fails to take into account the fact that Suffolk County •• all police officers are trained to render aid, and once on scene, should stop the clock as a first responder. However, the Suffolk County REMSCO has decide not to count these responders, because REMSCO has no control over them.

One must further consider the geographic and traffic conditions on the Island. I've known instances where a police officer, sitting in his cruiser, engine running, could not make it to the scene of an emergency within twelve minutes. How can we expect an ambulance of four times the weight and nearly a quarter of the acceleration and handling ability to make it to 90% of the calls within nine minutes?

This is taking a very broad approach to a narrow problem. Consider that 90% of all calls are subjectively rated as non-life or death emergencies. A broken ankle, the flu, a midgrade fever, these are being lumped into the same equation as cardiac arrests, major trauma and drownings. Ambulances do not need to be on scene 90% of the times within nine minutes, rather, they need to be on scene within nine minutes 10% of the time.

This legislation calls for one thing and one thing clearly, speed. As many people have read, ambulance accidents are the number one causes of litigation and injuries among ambulance services, the public, patients and providers. The latest trends have been for a slowing of ambulance speeds, but this mandate sends a clear message. We will be endangering the lives of the crew and the public by speeding as fast as our vehicles will carry us to every call as mandated, whether it be cardiac arrest or someone with a broken ankle. We should be speeding for the cardiac arrest. We should be using due caution. We should be slow for the person with a broken ankle.

The truest answer will come when our service has to respond to the farthest reaches of our district and we cannot make it in ten minutes due to the distance. Without funding, such that this legislation lacks, we cannot afford a sub-station in that area, and the victims now look to the County, who had an answer to our problem, but could not spend the money to fix the problem. Litigation will only be the •• litigation will be the only tangible outcome from this poorly constructed legislation. Ambulance response times should be appropriate for the nature of the emergency and the relative geographic and traffic conditions of the area. No one can dispute that, but this legislation is not the answer.

In closing, thank you for your time. We are the proud, skilled and dedicated volunteers of Suffolk County, and render an unprecedented service that is often overshadowed by sensationalized news clippings and the agendas of those that feel that paid EMS is the only way

to go. We are there when the public calls, and we will continue to be so for years to come. I thank you for your time.

P.O. CARACAPPA:

Thank you, Captain Wilson. I'm going to do something out of order here. I'd like to make a motion to lay the table, waive the rules, lay on the table **Home Rule Message Number 4 (Home Rule Message requesting New York State Legislature to grant membership in the special retirement plan for sheriffs, under sheriffs and deputy sheriffs to Suffolk County employee (John Vitale)**, seconded by Legislator Losquadro. The reason I'm doing this now is •• and assign it to rules. The reason I'm doing this now is so rules can have a Special Meeting at lunch and we can be able to vote on this later, so that the State Legislature can deal with this actually this afternoon before they break. So, motion by myself and second by Legislator Losquadro. Waive the rules, lay on the table, and send to Rules Home Rule Message Number 4. All in favor? Opposed? Abstentions? That is ••

MR. BARTON:

18.

LEG. VILORIA • FISHER:

Say that three times fast.

P.O. CARACAPPA:

Yeah.

LEG. LOSQUADRO:

That's a mouthful.

P.O. CARACAPPA:

I'm glad I only have to say that once.

D.P.O. CARPENTER:

Are they distributed?

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

They're distributed, yes, they are. Legislator Binder.

LEG. BINDER:

If I can find another spot other than here, I'm going to hold the rest of a recessed Rules Committee meeting at 10:30, so we can consider Home Rule Message Number 4, so it could be voted on today.

P.O. CARACAPPA:

I'd ask that you just confer with the Clerk, so that something can be arranged outside of this auditorium.

LEG. BINDER:

Right.

P.O. CARACAPPA:

If not ••

LEG. BINDER:

No. I said I want to do it outside of here, so this way, before the lunch break, we can pass that and it can get to Albany. It needs to get to Albany by this afternoon.

P.O. CARACAPPA:

Very good. Next speaker Eugene Wishod. Gene Wishod. Joe Caputo. Good morning, Joe.

MR. CAPUTO:

Good morning, Mr. Presiding Officer. I'm here today because of a problem I've experienced since I retired from the County.

I'm over 65, therefore, I qualify for Medicare. On April 20th I visited my doctor and he took care of my needs, and subsequent to that, within a week, he called and said that Medicare refused to reimburse him because of the fact that I was reportedly working for the County. I

called up Medicare and they confirmed that information, saying that someone in the County had contacted Medicare and, in effect, had said I was working for the County, and I •• therefore, Medicare should be discontinued. Now, I don't know who •• if that's Human Resources within the Department of Civil Services or if it's Vytra. I know it's not the Treasurer or the County Comptroller's Office, because they reimburse me for my Medicare premium every three months, and I received that reimbursement last week for these past three months.

I visited three subsequent doctors since April 20th and none of them have been paid either. Medicare promised that they would get it resolved with Human Resources and the County within a couple of weeks. Well, now it's a couple of months and, unfortunately, the doctors haven't been paid. Worse than that, one doctor will not accept Medicare, so I have to pay him first ourselves, which is a significant amount of money for a 15•minute visit. We, in turn, get reimbursed by Medicare after the paperwork gets processed. But, if we're not on Medicare, as they've been informed by Human Resources or Vytra, or whomever in the County sent the information, somebody who doesn't like Joe Caputo maybe, I'm not being reimbursed. I'm worried more that I won't get the services in the future.

So, I asked Miss Carpenter, who created the Human Resources Division two years ago, that maybe she could look into the problem and see that •• see fit to correcting it. I thank you for your time and I appreciate you listening.

P.O. CARACAPPA:

Thank you very much, Joe. I'm going to again make a motion to waive the rules and lay on the table, for the same purposes I stated earlier, Sense •• **Home Rule Message Number 5 (Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red•Light Camera Program (Assembly Bill A.5387•B), Home Rule Message Number 6 (Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red•Light Camera Program (Assembly Bill A.11683)),** and send them to Rules, seconded by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

That will be before the Special Meeting of the Rules Committee. Next speaker is Robert Baumann.

MR. BAUMANN:

Good morning, Ladies and Gentlemen of the Legislature. My name is Robert Baumann, I live in Copiague. I'm the President of the Suffolk Alliance of Sportsmen, Incorporated, acronym is SASI, and I'm the Long Island Region Director for the New York State Rifle and Pistol Association. Between those two groups, I speak for a constituency of approximately 60,000 •plus members.

In three short months, it will be three years since the Suffolk County Trap and Skeet Range has been closed for reasons which had nothing to do with the sporting community, per se. We've listened, we've waited, we've spoken, we've been promised everything was working along. It restarted spasmodically once or twice. It's been several months ago. Additional funding was provided for it. We were told it would be open shortly. And, in short, it's been too long, we've had too many stories. We want the range reopened.

It seems to me that a revenue producing facility in these hard financial times would be a definite asset to the County Treasury, and peripherally to the local businesses, which would profit from supplying and entertaining and feeding the people who do use the range. It's long overdue. We want it opened. We want it opened ASAP, and we would sincerely appreciate your assistance in this respect.

And, finally, you would endear yourselves very greatly to the hearts of thousands of local sportsmen. Thank you.

P.O. CARACAPPA:

Thank you, sir. Joe Gergela, followed by Anthony LaFerrera.

MR. GERGELA:

Good morning, everybody. Joe Gergela, Executive Director of Long Island Bureau. I'll be very brief.

I am going to speak to resolution 1330, which would create a dedicated fund for 50 million

dollars for farmland preservation. You guys are on a tight schedule to get certain things done before you go for the summer. This one is important to us, and it's important on a time line here, because this resolution would allow a public referendum to create this fund, a dedicated fund for farmland preservation.

Just to let you know, there's several thousand acres of farmland available in play right now. All the available sources of funding for the Farmland Program are basically spoken. We are out of funds for the Farmland Program. This would refill that pot, and it's better to do it now than wait.

As time goes on, land is going to continue to escalate, as the market prices are doing, so we think that it's very important that the Legislature act on this as soon as possible. So, I thank you for your attention to this. And I'd like to thank Legislator Caracciolo and Legislator Carpenter for sponsoring this resolution. Thank you.

P.O. CARACAPPA:

Thank you, Joe.

MR. GERGELA:

Yes, sir.

P.O. CARACAPPA:

Anthony LaFerrera. I said thank you. Thank you. Followed by John Turner.

MR. LAFERRERA:

Good morning. Thank you for the time. I'd like to speak briefly on the legislation proposed by Legislators Bishop, Crecca and Tonna.

One of the sentences in one of the paragraphs, it talks about the first arriving emergency medical technician on the scene may extend or expedite the time to request aid, mutual aid or •
• and aid as medically appropriate or as conditions dictate.

In reference to using resources and managing the resources to help take care of our people in Suffolk County, and in a time of need, and I'm not saying this initially, but if things are getting worse for the patient, I don't see why we can't manage and use a resource called the Suffolk

County Police Department.

Suffolk County Police Department certifies all the new recruits as emergency medical technicians. Suffolk County Police Department recertifies present police officers as emergency medical technicians. You also have their helicopter that's certified by the State, and they're also certifying their Marine Unit to help treat and transport patients.

I just wanted to comment on that and see if that resource in the future could be used, since the New York State Emergency Medical Technician, as we are, in the volunteer fire and EMS service. Thank you.

P.O. CARACAPPA:

Thank you. John Turner, followed by Guy Cassara.

MR. TURNER:

Good morning, Presiding Officer Caracappa, members of the Suffolk County Legislature. My name is John Turner, and I have the privilege of serving as Assistant Town Planning Director for the Town of Brookhaven, and in this capacity, I have responsibility for administering the Town's Open Space Program. Besides being here in my official capacity, I am also here representing Supervisor John J. LaValle and Councilman James Tullo, the Fourth Councilmatic District, both of whom, unfortunately, are unable to appear but asked that I do so to express their strong support for the purchase, in conjunction and partnership with the County, of approximately 329 acres of open space in the communities of Yaphank and Middle Island.

I might add that the •• Mr. Amper and Mr. Rabinovitch had already spoken a couple of minutes ago about this very acquisition. These include the 205 acres Fox Lair property in Yaphank, and 22 acre property adjacent to Cathedral Pines County Park. And in the packet I'm handing out to you, I would ask you to take a look perhaps at the third page, and it may make that parcel a little bit more tangible to you. That shows the wooded pond that exists in the very head waters of the Carmans River. And, if this action moves through to a successful conclusion, that property will be preserved in perpetuity as a new addition to Cathedral Pines County Park. We also will help protect a 118 parcel embedded within the famous Warbler Woods County parkland complex. The former properties within the CGA of the Central Pine Barrens that is a compatible growth area, while the latter two parcels are within the core preservation area of the Pine

Barrens.

This project stands, I think as Mr. Amper mentioned, as one of the most significant land conservation achievements ever in Suffolk County, and is, I believe, the second largest Open Space Protection project since the passage of the 1993 Pine Barrens Protection Act. With the acquisition of these properties, we will have simultaneously helped preserve land that protects the water quality of the Carmans River, it helps protect drinking water quality in that about a half a million gallons daily recharge through those three properties. It will help to consolidate public parkland in the area, thereby enhancing management of the area's natural resources by the Suffolk County Parks Department and Town of Brookhaven, as well as providing enhanced recreational opportunities. And as Paul Rabinovitch mentioned, it will also provide critical woodland and field habitat for hundreds of plants and animal species, including some which are State endangered, like the Eastern Tiger Salamander.

I want to make that last attribute, if you will, or asset, that is the wildlife habitat values of the property, just a bit more tangible to you, and so I appended on Page 2 a pretty photograph. And, Legislator O'Leary, this is a bird that is in your Legislative District at Warbler Woods. This is a bird known as a Scarlet Tanager. It is one of the most spectacularly brilliant songbirds in all of North America. It belongs to the Tanager group, which is a group of birds that are typically found in South America, about 250 of them, but, in fact, four species actually do migrate north each year. They over winter in North and South America, and these Scarlet Tanagers will in March begin to think about reproduction, and will fly then north through Central America, some island-hop across the Caribbean archipelago to Florida and work their way up. Most of them, however, leap across the Yucatan in the Gulf of Mexico and land in coastal Texas and Louisiana, trip being done, they've got about 2,000 more miles. They've just expended about a million wing beats without resting for a second, and then they work their way up, some to Warbler Woods, where this is a common breeding bird.

So, if you do move forward successfully with this acquisition, this property, which the Town of Brookhaven strongly supports and which has committed at its June 15th Town Board meeting 4 million dollars for this purchase, you will help preserve habitat for this wonderful songbird, and we urge you to do that. Thank you.

P.O. CARACAPPA:

Thank you.

LEG. ALDEN:

And they're pretty tasty, too.

P.O. CARACAPPA:

Tastes like •• Cameron. Cameron says it tastes like chicken.

LEG. ALDEN:

Joe Giordano told me that. I don't know.

P.O. CARACAPPA:

Just to make an announcement, there will be a Rules Committee taking place in the conference room in the back, so those members can join to deal with those Home Rule Messages that we just approved to lay on the table. It will be a brief meeting. Moving on, Guy Cassara, followed by Christine Fasano.

MR. CASSANA:

Fellow Legislators, my name is Guy Cassara. Can you hear me? No. I happen to be Vice Chairman of the Suffolk County Regional EMS Council in Suffolk County.

I wish to •• the Regional EMS Council wishes to support Mr. Bishop in his endeavor to the recent resolution pertaining to EMS response and dispatch protocols he's introduced.

The Regional EMS Council, consisting of professionals and volunteers alike, has identified a problem with reasonable response times of an ambulance transporting a patient to the hospital. Though with Suffolk County Police, as EMT first responders, and many fire department volunteer ambulance corps first responders responding within a timely manner, the high amount of patients waiting for an ambulance for transport causes an increase in mortality as well as morbidity.

In this day of high technology and increased progress in the field of medicine and surgery, time is medicine. A delay of transport of any amount of time can increase the factors of mortality and morbidity when the patient and/or the first responder has no idea if an ambulance is on the road.

The protocol introduced by the Regional EMS Council and Mr. Bishop will attempt to ensure that proper patient care continues, but the patient will arrive at a health care facility in a timely manner. To make things a little clearer, the protocol and/or legislation does not open any fire department or volunteer ambulance corps to any further liability than does not already exist. The protocol deals with the triage of calls, crew confirmation, and the timely need for help when needed. In no way does it state that anything has to happen within nine minutes 90% of the time. That is the goal of the protocol.

With many options to achieve these protocols, there are no unfunded mandates, no increased risk for any fire department or volunteer ambulance corps for any liability, just a large amount of fear to those not willing to change a tradition and think outside the box. I have yet to hear anywhere in the Regional EMS Council meetings regarding this protocol that anybody wants anything paid. REMSCO has always said and is still willing to sit with any agency to achieve these goals while working within these protocols. Thank you.

P.O. CARACAPPA:

Thank you. Christine Fasano, followed by Carl Goodman.

MS. FASANO:

Good morning. I'm Christine Fasano. I'm here representing the New York League of Conservation Voters; wanted to express support for a number of bills. First off, the Roselin parcels, that acquisition, which I understand is going to be I.R. 1671, I won't go on about it, because you've heard so much today already. Typically for our environmental score card, which we've spoken to you about now on several occasions, we would not consider single parcel acquisitions or even, you know, a group of parcels, but due to the special attributes of the AVR properties, this is highly likely to wind up on our environmental score card.

Next, I.R. 1239, which would provide the Suffolk County Open Space Fund. In the absence of a funding measure that's more comprehensive, such as I.R. 1331, something like this will be critical, providing stopgap financing of 46 million dollars. Of course, we'd love to see I.R. 1331, but we've spoken about that already.

I.R. 1330, which is the Farmland Preservation Fund that Mr. Gergela of the Farm Bureau just spoke about, again, this is a prime candidate for our environmental score card. I won't go on

about it.

I.R. 1513, which would establish a storm drain pollution remediate program, we've taken a look at it. The environmental community has advised us that it's a very worthy bill. So, that, again, another candidate.

And lastly, I.R. 1574, which would reduce light pollution from county owned buildings. Always love to see things like that. So, we urge you to review and consider cosponsorship of all of these bills.

Lastly, I'd just like to make a couple of comments on I.R. 1623, which I understand is actually on the agenda today. That would promote the closure of residential underground fuel tanks. Clearly well intentioned, it's a good start. We'd love to see a lot more than \$100. I understand that it's, you know, intended to build on what's been done successfully in East Hampton. I don't know if it makes sense to table it today pending further review, or just get something started, but have a hard time believing that \$100 is actually going to incentivize many folks.

That's all. Please feel free to contact my or Josh _Klainberg_ if you have any questions. Thank you.

P.O. CARACAPPA:

Thank you. Carl Goodman, followed by Roland Levasseur.

MR. GOODMAN:

Good morning. I'm here to support Legislator Bishop's resolution to improve ambulance response time.

I just want to remind Committee members that I am an emergency physician. I'm the Chair of the Regional Emergency Medical Advisory Committee, one of the organizations promulgating the original response protocol. I'm also a volunteer. I have 20 years of experience. I've been a member of three different departments in this County. I ride ambulances as an active member of the North Shore Ambulance Corps to this day.

I want to tell you briefly about what the protocol is. Many of you have already heard it. Mr.

Cassara has already elaborated on some of the issues. What we want to do is clarify that there's some confusion about whether an ambulance needs to be on the road within two minutes or not. No, that's not the answer to the •• that's not the •• that's not what the protocol says. The protocol says for the highest community calls, we want to know whether an ambulance •• whether a crew has confirmed their intent to respond and bring an ambulance to the scene within two minutes. That's for the delta and echo calls. For the other calls, the alpha, bravo, and Charlie calls, if you haven't confirmed a crew within two minutes, we want you to call within your own agency a second request for help. If you haven't received that by four minutes, then, yes, indeed, we want you to call for assistance from a neighboring community.

Chief Seltenreich commented the last night the South Fork •• the Group of South Fork agencies met. That's exactly the response we want. Okay. When this was a guideline, there was not much movement that we heard. When •• before Legislator Bishop brought this to the table amongst the Legislators, we didn't hear much movement with regards to initiatives to form collaborative agreements amongst agencies. Yes, indeed, there are agencies out there that prior to protocols, prior to the introduction of legislation have come to the table, okay, and we haven't heard about the good things that they're doing, and they are, indeed, out there. And I do have some members behind me that have taken those initiatives, despite the fact that this was not a protocol, despite the fact this was not legislation that's been laid on the table.

Nationally, the cardiac arrest survival rate is somewhere between 5 and 6%. That means from the time you collapse until you actually walk out of the hospital neurologically intact. The data's estimate is roughly 2% in Suffolk County. This is a good benchmark for the health of our emergency health care system, because it's a very definable end point. Basically, if you have cardiac arrest, only 2% of the people walk out alive in the •• from the hospital, and nationally, it's 5, 6%. So, we're well below the national average in cardiac arrest survivability.

We did a recent analysis of the data. I'm not going to mention where it came from. It's not our intent to embarrass any particular agency or particular region, but there were response times in excess of 30 minutes. Not one agency met the goal of 90%, of getting an ambulance on scene 90% percent of the time and are not in 9 minutes. Okay. This is not about volunteers, this is not about career personnel, this is about the patient; okay? How long can you hold your breath? Okay.

First responders have been brought up as an issue of concern and that, yes, indeed, if you have a stable patient, there's no need to drive lights and sirens, and put your lives and others on the road in danger. Okay? But if you were having a heart attack, you still need to get to the hospital. If you were in a motor vehicle accident, you still need to get to hospital if you were injured. If your child was submerged in a pool or having an asthma attack, you still need to get to the hospital.

I'd like the Legislature to continue to support the efforts of Legislator Bishop, forming an authoritative body, empowering change to improve the system from call initiation, which has been delineated as a problem. We recognize that there are issues at the dispatch level. Okay? So the analysis •• this is only •• what REMSCO and REMAC are trying to do, they're addressing one issue. There has been dialogue with other agencies. We recognize that the problems go beyond just those that are empowered by REMSCO and REMAC, and I would certainly ask the Legislature to look at the dispatch issue. Empower Dr. Alicandro, the System Medical Director, have that necessary access and oversight to the emergency medical dispatch process of FRES. Thank you.

P.O. CARACAPPA:

Thank you. Roland Levasseur, followed by Bill Raab.

MR. LEVASSEUR:

Good morning.

P.O. CARACAPPA:

Good morning.

MR. LEVASSEUR:

Some of you may remember me as I spoke last Thursday to some of the Legislators. For those who don't know me, I'll give you a brief introduction to myself. My name is Roland Levasseur. I'm a 31 year old single father. I'm not longer in emergency housing, but I was homeless for a number of years with my son. I'm here today to speak about the unfair sanctioning created by Suffolk County's Department of Social Services, as well as the proposal for a 10% reduction in any family's public assistance.

In January of 2003, I was moved to a shelter in Southampton. The name of the shelter was Community Housing Innovations, or CHI. As part of my contract with DSS, I must either be enrolled in some type of training program, or be a participant of the Department of Labor's ill-fated garbage collection unit. I myself was a participant in this program.

By •• I'm sorry. The best way to help a homeless person's already damaged self esteem is by putting them in a group where they have to pick up beer bottles, dirty condoms, and carcasses of dead animals on public highways, right?

If full family sanctions are approved, many children like my seven year old son could be punished for their parents' efforts to further their education. By recommendation •• I'm sorry, I kind of skipped the paragraph here. Let me go back. By recommendation from the educational advocate out at CHI, I enrolled in the LINCT Program. This was a computer training program. And while enrolled, I was threatened yet again by DSS that I may be sanctioned for not complying with their requirements. I could not understand how I could be sanctioned for trying to better my life through education. Once again, you cannot possibly fathom how scary it is when DSS or DOL threatens you with an action that can permanently alter you or your family's life. If I didn't stand up and speak against this happening and challenge this to a fair hearing, I could only imagine where I would be sitting today. By the way, I did graduate from that computer training program, despite DSS' efforts to sanction me.

Next, I'd like to address this outrageous proposal concerning the 10% reduction of public assistance grants. Do you know that the maximum rent allowance for a family of two was \$358 a month? Where can you possibly find a place to live for \$358 a month? The lowest I have ever seen would be at least 400 to \$450, and that's only for a room. Believe me, it's not only the affluent who are feeling the wrath of today's economy.

The cash grant allotted totals \$218 a month. That's \$54.50 cents a week for your personal items; soap, toothpaste, napkins, toilet paper, clothing, and various other household items you or your family may need, so every dollar you have must be spent very carefully. Imagine taking another \$21.80 from that? Maybe in the larger picture of things, like the yearly total, it looks like a lot of money that will be saved, but what about the families? What about that \$20 that a father or mother needs to get their baby diapers, or that cough medicine that a child needs in the middle of the night, because he can't get to the doctors until the end of the weekend? If anything, we need to invest more money in resolving the problems of

homelessness.

How can you take something away from people that don't have anything to begin with? It gives new meaning to the phrase of kicking someone when they're down.

Please, do not address this as simply an economic issue. It is more of a health issue and a very serious one at that. I urge you to vote yes on Sense Resolution 53, and to let Governor Pataki know that this is an outrage to balance the State's budget at the expense of needy families.

Thank you.

P.O. CARACAPPA:

Thank you.

(Applause)

Bill Raab.

MR. RAAB:

Good morning. I'd like to thank you for giving me this opportunity. Thank you, Mr. Caracappa, and fellow Legislators.

In case you don't know, and most of you have seen me here many times, my name is Bill Raab. I am a member of SAFE, Sportsmen Association Firearms Education. I'm also an NRA instructor. I'm an Assistant Scoutmaster, and I work doing Boy Scout training. I'm here to talk about the Suffolk County Trap and Skeet Range.

This is a County facility that makes money. We have very few of them, so it would behoove us to get it open. It not only generates its own money, it helps the local economy. These people spend money, other places where they go. We've spoken about all of this. This serves the public. The users come from other counties, they come from other states, they come from other countries. I can be louder, but, you know, I try to keep it down.

P.O. CARACAPPA:

Thanks.

MR. RAAB:

There's no other County facility that does this. If I golfed, you know, there would be plenty of places for me to do that. I don't. I shoot. There's no other County facility that does this. This place has been closed for way too long.

There's a minimal expense to reopen this facility, but the cost of cleanup, if it's not used as a trap and skeet range, is in the millions. I don't think we have that kind of money, nor do I want to see us spend it for that.

The private sector has tried to accommodate the shooters. The one gun club has increased their membership twofold. This has taken their waiting list down from four years to two years, at the inconvenience of all the members, because now they have to wait longer, but they're trying to help us out. This is not enough. We need to get this facility opened.

We've talked about studies, we've been to all kinds of hearings. We've put in our own money to get some things done just to expedite it. We've heard a lot of talk, we haven't seen any action. I am a believer in action.

There are several vendors who have expressed interest in opening this facility. Most are concerned with strings that would be attached. There should be no strings. We've settled all this before at the thirteen other hearings that had to do with this facility, so I believe that all the issues have been resolved, so why isn't this place open? We have done our part. We have worked really hard to get this to this point, but I hear a lot of things, "Yes, yes, it's happening, it's happening." I don't see anything. When I see something, then maybe you won't see me standing in front of you asking these questions.

Please, get this resolved. Ms. Carpenter's door, the hinges are wearing out from me showing up at her office, probably at least once every two weeks, to ask her what's going on. She's tired of having to tell me nothing, "We're working on it," but I don't accept that as an answer. I realize that she is bound by the •• what the Legislature is doing. But when I find it unacceptable, she not happy. I'm one of her constituents and she wants to give me an answer that I will accept. So, please, let's get this going. I really want us to all go out and use this facility, get it reopened. We've done way too much diddling around, so let's move on it. Thank you.

P.O. CARACAPPA:

Thank you, sir. Cheryl Keshner.

MS. KESHNER:

Good morning. My name is Cheryl Keshner. I'm a member of the Suffolk County Welfare to Work Commission, and I'm also a social worker at Nassau•Suffolk Law Services. I've been a social worker for about over 20 years, and 10 of which have been at Nassau•Suffolk Law Services. During my time there, I've had the opportunity to work with many people in need, including hundreds, if not more, homeless families and individuals.

I am here today to urge you to vote in favor of Sense Resolution 53, which opposes many of Governor Pataki's proposed welfare and other health care budget cuts. The Governor is proposing to institute something called Full Family Sanctions. At present, if an individual does not comply with a requirement of the Department of Social Services, which can be as simple as just keeping one appointment at the Department of Labor, if they miss that one appointment, they can have their portion of their welfare grant reduced. They are eliminated from the grant. What the Governor is proposing is to sanction the entire family. This means that children will have their benefits taken away as well. What will this mean? Okay. I had seen families suffer as a result of that single pro rata sanction. I have seen families become homeless as a result of that single pro rata sanction. If full families are sanctioned, they will not be housed, they will not be given any money for anything.

Let me give you some examples of some of the families that I've dealt with who have been sanctioned. One is Debra. She was working at a King Kullen out in Southampton. Her family was homeless, she was housed out there. She was moved by the Department of Social Services to Bohemia. She tried to keep her job out in Southampton. She was taking buses, trains, whatever. It took her over three hours each way. She could not get to the job on time due to the transportation schedules, and her employer told her it just wasn't working out, so she was sanctioned. She agreed with the employer, it wasn't working out. She was sanctioned for voluntarily quitting her job for six months, and, as a result, she was put out of a shelter.

Let's take the example of Gloria. She has eight children, one of whom is severely disabled. She was sanctioned, because she couldn't make it to an appointment at the Department of Labor in the middle of a hurricane, and her family was put out of a shelter. And this was before

a lawsuit which was brought against Suffolk County to protect those families. But if full family sanctions are put into place, this will happen again.

Let's take the example of Judy. She has a four year old with autism. She was told that she had two weeks to find him child care in order to get into a work program run by the Department of Social Services and Department of Labor. She could not find appropriate child care for her child within those two weeks, so the Department of Social Services threatened to sanction her.

Let's take the example of David. He is severely disabled. He has herniated discs in his back and his neck. He does not have use of one of his arms. He suffers from severe depression. He was told that he had to report to a work crew to pick up garbage by the side of the road. He kept going down to Department of Labor and telling them, "I can't work, I'm sick, I'm sick." Nobody would listen to him. He was sanctioned. He's got a young daughter. When full family sanctions were instituted, she would not get any benefits at all.

I'd like to move on to some of the other proposals that the Governor has put forth. He ••

P.O. CARACAPPA:

Ma'am.

MS. KESHNER:

Yes.

P.O. CARACAPPA:

Your three minutes has expired, so if you could just sum up.

MS. KESHNER:

Okay. All right.

P.O. CARACAPPA:

Thank you.

MS. KESHNER:

Just quickly, the Governor is also proposing to reduce benefits by 10% for all families on assistance, and as well as individuals. He is proposing to count the SSI grant in the public assistance budget, which means that many people, like Laura, who has two severely disabled

children, will not get the extra help that she needs when she has to buy additional bandages, diapers, things like that, for her children. She will not get any public assistance. The Governor wants to get rid of audiology, dental, podiatry, psychology, nursing services for adults. He calls these optional.

So, I'm asking you, please, take a stand, send a message that these are not acceptable cuts. What happened to the 2 billion dollars in TANF surplus funds? Where have those gone? Let's come up with some real solutions for job creation, child care, transportation, which will help people get off the system, rather than punishing them simply for being poor. Thank you.

P.O. CARACAPPA:

Thank you. I have no other cards. Anyone wishing to be heard? Motion by myself to close the public portion, second by Legislator Losquadro. All in favor? Opposed? Abstentions? I'm going to take a 15•minute recess.

[THE MEETING WAS RECESSED AT 10:55 A.M. AND RESUMED AT 11:30 A.M.]

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. CRECCA:

I'm right over here, Henry.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

(Not Present).

LEG. BINDER:

Here.

LEG. TONNA:

(Not Present).

LEG. COOPER:

(Not Present).

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

LEG. MONTANO:

Here.

MR. BARTON:

15 present. (Not Present: Legs. Foley, Montano, and Mystal)

P.O. CARACAPPA:

Thank you.

LEG. FOLEY:

Henry.

P.O. CARACAPPA:

We're going to the agenda. Motion by myself, second by Legislator Carpenter to approve the Consent Calendar. All in favor? Opposed?

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion on the Consent Calendar.

LEG. VILORIA • FISHER:

On the motion.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Mr. Chairman, I had spoken with the sponsor of I believe it's 1643, Legislator Crecca, and it has to do with eminent domain of properties along Lake Ronkonkoma, and it's our •• and it's our consideration that that cannot •• that's not eligible to be on the Consent Calendar.

LEG. BINDER:

Mr. Chairman.

LEG. FOLEY:

And Legislator Crecca had mentioned that he had ••

LEG. CRECCA:

Yeah, it's eligible, but that ••

LEG. FOLEY:

Okay.

LEG. CRECCA:

•• you said that you didn't want it on the Consent Calendar and that's fine.

LEG. FOLEY:

Right, okay.

LEG. CRECCA:

I said that's ••

LEG. FOLEY:

All right. Fine.

LEG. VILORIA • FISHER:

Right.

LEG. CRECCA:

Yeah, that's fine.

LEG. FOLEY:

Yeah, okay.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator ••

LEG. FOLEY:

So, how would we •• I still have the floor, please.

LEG. BINDER:

I'm going to explain how you do it.

LEG. FOLEY:

How would we do it parliamentary•wise?

LEG. BINDER:

I'm going to ask. Mr. Chairman.

P.O. CARACAPPA:

It would be to Consent the •• approve the consent Calendar, excluding ••

LEG. BINDER:

Mr. Chairman, all one person has to do in the Legislature is, and now it's on the record, that they descent to that •• to its inclusion. That would then automatically take it off, and then, as you said, the motion would be on the Consent Calendar without that one resolution.

LEG. CRECCA:

Henry, I would request that that be removed from the Consent Calendar.

LEG. ALDEN:

Let's take the whole Consent Calendar individually.

LEG. CRECCA:

Cameron, stand up.

P.O. CARACAPPA:

There's a motion to **approve the Consent Calendar, excluding Resolution 1643**, and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Now, we're going to do 1643 now as a stand•alone before we get into the rest of the agenda. No, let's just do it now. **1643 (Authorizing the commencement of eminent domain proceedings for land adjacent to Lake Ronkonkoma Park)**. Motion by Legislator Crecca.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor?

LEG. SCHNEIDERMAN:

Abstain.

P.O. CARACAPPA:

Opposed? Abstentions? There's one opposition in Legislator Caracciolo, one abstention in Legislator Schneiderman, abstention in Legislator Foley, abstention in Legislator Lindsay and Montano.

LEG. VILORIA • FISHER:

Abstain.

P.O. CARACAPPA:

And Cooper.

LEG. MYSTAL:

Abstention, too.

P.O. CARACAPPA:

And Mystal.

LEG. SCHNEIDERMAN:

Change mine to a pass. Can we have a count?

LEG. FOLEY:

Roll call, please.

P.O. CARACAPPA:

Roll call on 1643.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. SCHNEIDERMAN:

I'm sorry. What was the vote on Bishop?

LEG. LOSQUADRO:

He said yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

Pass.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. CARACCIOLO:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. SCHNEIDERMAN:

Abstain.

MR. BARTON:

14.

P.O. CARACAPPA:

It's approved. Going on to resolutions tabled to today, Page 5.

RESOLUTIONS TABLED TO JUNE 22, 2004

1108 (Amending the 2004 Capital Program and Budget and appropriating funds the Offsite Access of Public Records), needs to be tabled. Motion by myself, second by Legislator ••

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

•• Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Same motion, same second, same vote for **1109 (Amending the 2004 Capital Program and Budget and appropriating funds the replacement of outdated PC's).** It needs to be tabled.

MR. BARTON:

18.

P.O. CARACAPPA:

1194 we'll skip over until later. There's a competing CN coming over and it would be proper that we have the public hearing on the other one first.

1197 (Adopting Local Law No. 2004, a Local Law to amend Local Law No. 34 • 1987 to permit seizure of vehicles of unlicensed home improvement contractors).

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator Alden.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1313 (Accepting and appropriating excess revenues received from Hotel/Motel Tax).

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

MR. BARTON:

18.

P.O. CARACAPPA:

1513 (Establishing a Storm Drain Pollution Remediation Program and amending the Operating Budget). Legislator Bishop?

LEG. BISHOP:

Oh, not now.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by myself. On the motion, Legislator Bishop.

LEG. BISHOP:

I'm sorry. I was reading my E •• this is the problem with the computers, you get distracted. There's slight modifications coming over on CN, so pass over it at this time, if you would, please.

P.O. CARACAPPA:

Okay, we'll pass over it. Withdraw the tabling motion. **1543 (Requesting Legislative approval of a contract award for Patient Review Instrument (PRI) Assessment Services for the Department of Health Services, John J. Foley Skilled Nursing Facility)**. There were some questions at the last meeting. Counsel does have information regarding it.

MS. KNAPP:

The question was asked at the last General Meeting as to whether or not this was the first time that the John J. Foley Skilled Nursing Facility had awarded a contract for Patient Review Instruments Assessment Services, the PRI Assessment Services. I spoke with Len Marchese in the Health Department and he advised me that there had been a State Department of Health audit, and the audit found some inaccuracies, so that they, the State Department of Health, demanded that the •• that the County hire an independent company to do this. They did it on the basis of providing the services under the bid amount, which they were able to get through the year last year, and now they have bid it and this is the single bidder.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

And so that this would be the first time that they're using an outside agency to do the PRI's. So, that was the other part of the question, did this bidder provide the service to the County

before?

MS. KNAPP:

This bidder was the same provider that was providing it in this brief interim period during the time that the State Department of Health requested that the County do this and the time that they actually issued the bid.

D.P.O. CARPENTER:

So, are they continuing to provide it on an ongoing basis awaiting the approval of this formal contract?

MS. KNAPP:

I believe the answer to that is yes.

D.P.O. CARPENTER:

And, yet, they were the only bidder. So, do we have any information on how widely this was advertised to make sure that there really was ample notification to others outside who were able to provide this service?

MS. KNAPP:

I'm sorry, I didn't •• I did not ask that level of detail. And to the extent that I'm giving you the information secondhand, perhaps I should •• I should ask Mr. Marchese or somebody from the Health Department.

D.P.O. CARPENTER:

Okay. Then I'd ask that we pass over this.

P.O. CARACAPPA:

Pass over 1543 for now.

LEG. CRECCA:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. I'd make a motion to approve ***Home Rule Message Number 4 (Home Rule Message requesting New York State Legislature to grant membership in the special retirement plan for sheriffs, under •sheriffs and deputy sheriffs to Suffolk County employee (John Vitale).*** I understand that this ••

LEG. BINDER:

Second.

P.O. CARACAPPA:

•• and several others are time sensitive, that they need to be shipped to Albany today.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Okay. There's been an insert to your agenda with the Rules Committee that took place earlier. It contains Home Rule Message 4, 5 and 6, so we'll go to that now and do the whole Rules Committee agenda.

Home Rule Number 4. There's a motion to approve.

LEG. LOSQUADRO:

Second.

LEG. TONNA:

Second.

P.O. CARACAPPA:

By Legislator Crecca, second by Legislator Losquadro and Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Home Rule Message Number 5 (Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program (Assembly Bill A.5387•B). Motion by Legislator Lindsay.

LEG. COOPER:

Second.

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Second by Legislator Cooper.

LEG. BINDER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Binder.

LEG. BINDER:

From the outset, I have opposed having what I think are very intrusive red lights at corners that people get home and maybe a week later ••

LEG. BISHOP:

Cameras.

LEG. BINDER:

Cameras, I'm sorry. Red lights cameras. Sorry. Red lights are not so intrusive, it's the cameras that would be watching the backs of people's cars. I think that's when government starts going too far. And when people a week later find themselves getting tickets in the mail, not being able to be sure exactly what happened in that moment, because all that there is is a

snapshot, I think that Legislators are going to hear about it. And the kind of •• this is the kind of intrusion I think that goes too far.

I would hope we would rethink this. I would hope that we wouldn't want to put cameras •• that Suffolk County wouldn't be doing this. And my understanding •• I don't know if Budget Review •• Budget Review, how much would this cost Suffolk County to do this?

MR. SPERO:

I can't tell you off the top of my head.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. BINDER:

Do we have a ballpark?

P.O. CARACAPPA:

Legislator Lindsay probably can give you some numbers.

LEG. LINDSAY:

A couple of years ago, when we originally passed the legislation, we had put \$500,000 in the Capital Budget for it. The legislation never passed, so we never spent the money and the money's gone. There's no money in the Capital Budget next year for this program. The \$500,000 would have set up ten test sites. And the estimates are that it really would have been revenue neutral, because it would •• it would recoup the installation money in the first year of application.

LEG. BINDER:

Right. So, what we're talking about is probably in the millions of dollars, and if we're going to recoup these costs, that means that because there's 500,000, ten sites, so we're probably talking about the cost in the millions. That means the cost to people at red lights, that they're going to get tickets in the mail and they're going to be from Suffolk County, from us, basically, they're going to be getting tickets from us, so that's going to be in the millions, because we're talking about recouping millions.

I would urge Legislators to think long and hard, if that's what we think Suffolk County government should be doing. Where are the cameras going to go next? That's the biggest question. You know, and we can keep saying that others are doing it, so we should do it. You know, in Great Britain, they have •• they have cameras on street corners all over the place and they're watching everybody. Well, we can do that, too, we can put cameras in our downtowns and we can profile people and we can figure out who's doing what and where they're doing it. And I don't know. I think we have to start thinking about how far government goes, and maybe there is •• maybe that is a bright line. I would hope that's a bright line between parties in the Legislature, that I would hope that maybe we can draw that bright line here, is that I would hope Republicans wouldn't want to put that intrusion into people's lives, and maybe the Democrats do, and maybe we can draw that distinction here today.

LEG. LINDSAY:

Mr. Chairman.

LEG. VILORIA • FISHER:

Whoa.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Both this bill and the next Home Rule Message is something that this Legislature has passed over the last three years. You've already passed it once this year. The reason it's being reintroduced is that the bill has been changed in Albany since we passed the Home Rule Message and they want the Home Rule Message to coincide with the bill that they're presently considering.

What this bill is all about is not about intruding on people's lives and taking pictures of people. The cameras take a picture of a license plate in a vehicle, not of a person. And what the issue here is about safety. Since we started this, really, campaign in 2001 to have this system implemented in Suffolk County, and it hasn't been, primarily, because we haven't had permission from the State, 12 residents have lost their lives on Suffolk County roads as a result of T•bone accidents, the most dangerous accident you could be in, and that is invariably ••

usually happens as a result of someone running a red light. And what this issue is all about is to make our roads safer. Thank you.

LEG. VILORIA • FISHER:

Mr. Chair.

LEG. BINDER:

Mr. Chairman, put me ••

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. BINDER:

Put me back on the list.

P.O. CARACAPPA:

Then Binder.

LEG. VILORIA • FISHER:

We're charged with public safety, that's one of the primary charges of County government, and this is certainly a public safety issue. It's not an intrusion on private lives. We voluntarily submit to that kind of intrusion to our private lives when we get EZ Pass that we use at toll booths, where we're recorded at what time we pass, where we're going, which car you're using, and we voluntarily submit to that. This is •• this reaches a much higher level of necessity when, as Legislator Lindsay has stated, the most serious accidents that occur on the road occur because of running of red lights. And the blatant running of red lights is really getting out of control in Suffolk County. When you're at an intersection, I have really waited at intersections longer recently than I used to, because I see so many people running red lights. It's a critical situation. We need to do something.

P.O. CARACAPPA:

Legislator Binder, then Nowick.

LEG. BINDER:

On the two points, one is EZ Pass, yes, it's voluntary, that's the point. You can choose not to,

you can choose to throw your money in the till and not use EZ Pass, if that's a concern of yours, but you can choose. Here, this is not for anyone to choose.

Second, I think the people who are causing high speed accidents, T•bone accidents at red lights are not racing to the intersection thinking, uh•oh, there's a camera and slamming on the breaks, and that won't happen. The people, and I would bet in a number of cases, don't have insurance, maybe are suspended, revoked licenses. I think that's a very big problem we can deal with and we should be dealing with, and, in fact, I tried to deal with it sometime ago where we would take people's licenses away, and, in fact, take their car •• not their license, I'm sorry, their cars away if they were driving without •• mandatorially, if they were driving with revoked or suspended licenses in certain instances.

I think we do have a responsibility for safety, and I think there are a lot of ways to do it, but the question is whether government should be choosing to do it in the most intrusive way possible into the people's lives. And I think, you know, there's a point at which we have to make these decisions and I would hope we'll choose against doing it this way.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Yeah. I know that years ago there were studies done on stop signs by insurance companies, and, of course, it was proven that stop signs do not stop accidents, people don't stop at stop signs. Has there been a study on this, Legislator Lindsay, where the facts are out that this would, in fact, stop the running of red lights and stop signs and ••

LEG. LINDSAY:

This system isn't a new system, it's been around for more than 30 years in all types of jurisdictions all over the country and all over the world. And in almost every jurisdiction that it's been implemented, the reduction in red light running has been a minimum of 20%.

LEG. BINDER:

Legislator Nowick.

P.O. CARACAPPA:

Hold on.

LEG. BINDER:

Would you ••

P.O. CARACAPPA:

Legislator Nowick has the floor still .

LEG. BINDER:

Would you refer to me for a moment?

LEG. NOWICK:

Sure.

LEG. BINDER:

Defer.

LEG. NOWICK:

Is that •• is there support information on the resolution?

LEG. LINDSAY:

I think it was on the original resolution that we passed, it isn't on the Home Rules.

LEG. NOWICK:

Okay.

LEG. LINDSAY:

You know, we'll be happy to get you the backup. There's a huge amount of backup on it.

LEG. NOWICK:

Legislator Binder, go ahead.

LEG. BINDER:

I think that's ••

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Just this, Legislator Nowick, I think it's very hard to tell how much is before and after, because then you'd have to have a whole study before •• they'd have to camp out at the lights, they'd have to count and count afterwards. I think you're not going to find it all that much different. And what really would be significant, it's not the questions even of the red light running as much as accidents and problems in intersections, and my understanding is that there is not any significant difference in jurisdictions as to accidents and the problems that are associated with that at these places where they've had it. And then •• and I think then you have to also weigh that versus government intrusion, and that's •• you know, there are different ways to attack the problem. Is this what we want to do?

P.O. CARACAPPA:

Legislator Foley, then Lindsay.

LEG. FOLEY:

Thank you, Mr. Chairman. You know, one can make an argument about the cost of different proposals, but, you know, one could say, you know, how much of a financial cost is there when we can save lives. And it's been proven that this particular approach that Legislator Lindsay has championed over a number of years does certainly save lives, and on that basis alone, I think it's very worthy.

I think secondarily, it would be important to support this, because this is one of those rare instances where in Albany, you actually have bipartisan support for a piece of legislation. And I think if we can encourage Albany to start living up to its responsibilities and have Albany start approaching resolutions on a bipartisan basis, I think that also would •• is an important feature of us approving this bill today, to say to them, you know, here's an example where it might have taken a number of years, but, yes, there is bipartisan support, and we're glad that there is, and, in fact, you should take this same approach on other equally important legislation that's been held up in Albany for months, if not for years.

So, number one, it's the right thing to do, it will save lives. And secondly, it will •• it's our way of telling Albany that, in this case, there's bipartisan support, and we endorse the bill and we endorse the fact that, at least in case, there appears to be support for it both Houses and in both parties.

P.O. CARACAPPA:

Legislator Lindsay, then Alden.

LEG. LINDSAY:

Yeah. And I don't mean to get into a debate with Legislator Binder, but I find it interesting that taking a picture of someone's license plate is intrusive, but, yet, confiscating their car isn't. There's something wrong with that analogy.

P.O. CARACAPPA:

Legislator Alden, then Cooper.

LEG. ALDEN:

I think that Legislator Foley brings up a lot of good points, but it still is our job to look at, you know, what the cost is, and we really do have to look at a couple of other things.

Some of the reports that are coming out of New York City, as far as their enforcement of this, show that it's very, very hard to collect any of the money, and they've actually had to expend a whole bunch of money to try to go and collect funds on this. And I understand in Suffolk County that we still have •• it's quite a few, and it might a number of millions of dollars in outstanding summonses that are still unpaid. I don't know if Budget Review can address that.

MR. SPERO:

No, I can't.

LEG. ALDEN:

Okay. Then we •• the other thing that I just have a concern of, I'll throw it out to the rest of the Legislative body, we might be putting the cart before the horse, because, if I understood it correctly, Legislator Lindsay said that there's no money in the budget to do this. Why wouldn't we put money in our Capital Budget and then go and do this, so that we're actually doing it in

the stages that it should be done?

LEG. LINDSAY:

If I could respond.

P.O. CARACAPPA:

Well, there's a list, Bill. Would you defer to Legislator Lindsay to answer the ••

LEG. COOPER:

Sure.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

I think, really, the first step, and the step that's been most elusive to us, is getting permission from the State to implement the system. You know, we didn't bother appropriating money this year, because we've done it twice previously. It never got spent, because we couldn't get permission. If we •• and this year's Capital Budget, as you all know, is a very tight budget, and, you know, we didn't want to appropriate money if we didn't think we were going to implement the system. I think it's still very much of a long shot to get Albany to approve their system. If, in fact, they did approve the system, yeah, then we would look for the money to start the program. If it's not in next year's Capital Budget with an offset, then it would be the following year.

And in terms of setting up the test sites, you know, this is not a revenue •• the purpose of this is not to generate revenue for the County, it's for safety, but it does generate revenue. It doesn't •• it doesn't cost the jurisdiction anything in the long run. What you said, Legislator Alden, about New York City, in the process of researching this whole thing, we took a trip to New York City to the Violations Bureau that runs this program and to see how it worked. It had a possible cash flow in there, even with the uncollected money.

LEG. ALDEN:

Would you suffer an interruption, Legislator Lindsay? Put me on the list again, then, please,

Joe. Thanks.

LEG. LINDSAY:

I said no, I don't mind suffering an interruption, I yielded to you.

LEG. ALDEN:

What?

P.O. CARACAPPA:

He yielded to you.

LEG. ALDEN:

That's fine.

P.O. CARACAPPA:

But, yeah, there's a list. Legislator Cooper.

LEG. COOPER:

In an effort to come up with an answer to Legislator Nowick's question, I checked the internet and there's a website put there by the National Campaign to Stop Red Light Running, and it has some interesting statistics.

In 2002, as many as 207,000 crashes, 178,000 injuries, and 921 fatalities in the U.S. were attributed to red light running. Between 1992 and 2000, fatal motor crashes at traffic signals increased 19%, outpacing the rise in all other fatal crashes. Public costs exceed 14 billion dollars per year, and more than half the deaths in red light running crashes are other motorists and pedestrians. And someone had raised a question about ••

P.O. CARACAPPA:

Yeah. Whose idea was to put these computers up here?

LEG. COOPER:

•• about whether red light cameras actually work, and they listed a number of cities. In Washington D.C., red light running fatalities were reduced from 16 to 2 in the first two years of red light cameras. Fairfax, Virginia saw a 44% reduction in red light running crashes, Oxnard,

California, a 22% reduction, and New York City, a 34% reduction, among others. So, I think the data suggests clearly that red light cameras do save lives and increase traffic safety.

P.O. CARACAPPA:

Legislator Alden, you're up again.

LEG. BISHOP:

Am I on there?

P.O. CARACAPPA:

You're next, then Elie.

LEG. ALDEN:

Just in response a little bit to what Legislator Lindsay said, I think that, number one, on the income side of it, and then •• I think it's a given that we're trying to save lives and we're trying to do something here that's a positive of thing. I think on the income side, we have to look at the structure, though. When a ticket's given out in Suffolk County, most of those tickets don't increase the revenue for Suffolk County, most of them go to New York State. There's a •• I think it's a Vehicle Traffic Violations Bureau that's conducted by New York State. So, I'm questioning whether the tickets that would be given out here would go through District Court, which we do get some revenue from, or if they'd go to New York State, which we don't get any revenue from, which we are the ones writing the tickets, but it's odd that we don't get any •• you know, any revenue from it. So, that's a concern of mine.

The other thing is that I was going to ask Legislator Lindsay if it would seem more serious on the part of this Legislature if we had it in the Capital Budget, when we asked Albany to approve it, that we are actually going to go and do something instead of just an exercise in futility, that maybe some time in the future we could go and do something and include it in our Capital Budget. I like the idea that in the past we've had it in the Capital Budget when we've asked Albany.

So, I think that that sends a serious message to them that we're ready, willing and able to do something, rather than here we're saying maybe sometime in the future we might do something. But I would like to clear up, and I'd work with you on it, if you want to, possibly the

income stream, and maybe even eliminating that New York State Violation Traffic Bureau, if we could. And I would yield to •• I'd yield to Legislator Lindsay.

LEG. LINDSAY:

With your permission, Mr. Chairman.

P.O. CARACAPPA:

Thank you.

LEG. LINDSAY:

The summons that's issued through the mail isn't a •• for a moving violation, it has the same effect as a parking ticket. And, to my knowledge, all that revenue can be captured by the County ••

LEG. ALDEN:

Okay.

LEG. LINDSAY:

•• as a parking ticket. And there's no points on a license, because it's issued to a license plate on a vehicle, not to a person. So, the only way you can issue a ticket to a person is if a police officer actually sees someone, and then it's a moving violation and then it goes on their license, so.

P.O. CARACAPPA:

Legislator Bishop, then Mystal.

LEG. BISHOP:

I'll yield.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

I just wanted to alert all Legislators, after listening to the research done by Jon Cooper on the computer. So, I want to thank BRO for giving us these tools so we can add more talk into our

deliberation.

P.O. CARACAPPA:

Okay? Thank you. I have a few questions to the sponsor, if you wouldn't mind, Legislator Lindsay. Back when we originally discussed this in committee, way back when, there was some technology side of it that goes along with the cameras nowadays that are directly hooked up to the light mechanism that changes the lights. What was discussed as it relates to that is, and you aren't aware of it, that the camera •• the light and the camera can actually pick up the velocity of an oncoming car, and if the velocity is such that the camera feels it's going to run the red light, it will change the light green and the red the other way, so that there isn't a T•bone accident. Would that be considered as part of this? When we move forward with installing the lights, would we •• would we search out that sort of software?

LEG. LINDSAY:

At the time when we considered this, the Police Department, which the original resolution entrusts the installation and the oversight of this system, too, did a lot of research on it, and you're absolutely right, Mr. Chairman, some of the latest technology that they came up with at that time not only took the cameras, but made an attempt to try and prevent the light from changing to stop the T•bone accident, you know. I don't have an update on where that technology is at the moment, but I would assume that we would seek, if we did get that far with it, the latest technology in the system.

P.O. CARACAPPA:

Okay.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

My second question is ••

LEG. BINDER:

Mr. Chairman, could I just •• could you suffer an interruption on that?

P.O. CARACAPPA:

On that.

LEG. BINDER:

It would seem to me that if that's what we were only asking for, if that's •• that is not an intrusive system, that is a system •• again, as I said, there are ways without intruding in people's lives that to lower the number of accidents. There are other ways to increase safety. And so, if that technology exists, that makes a lot of sense to me. And I would be very happy to go forward to try to get that particular system. That doesn't mean you have to be sending tickets to people's homes because you snapped a snapshot.

P.O. CARACAPPA:

My point is that it should be more than just a trap, it should be something that actually goes out there and prevents •• prevents drivers from crashing, but that's as an aside.

The site approval, Legislator Lindsay, each •• is it •• would we pass this resolution and it would automatically set up the ten test sites, or would we approve the sites per site and as a resolution?

LEG. LINDSAY:

We left the intricacies of selecting the test sites as far •• and the technology and the oversight on how the whole thing would be done up to the Police Department. They have a list of some of the most dangerous intersections in Suffolk County, and I would certainly assume that they would start with some of the most dangerous intersections, you know.

P.O. CARACAPPA:

And we'd give them the ability just to ••

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

•• move forward with that and not have it come back to the legislature.

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Okay. The funding, per se, per camera, per unit, that would be on a case by case basis, because ••

LEG. LINDSAY:

It depends on how many lanes the intersection. The cost varies. I believe the average was around \$50,000 an intersection.

P.O. CARACAPPA:

And lastly, usually the company that has the software and the cameras that installs them on behalf of the municipality that's adopting this policy, they're the ones that handle the paperwork associated with it, too, in some instances; would that be the case here? And what I mean by paperwork, they would send out the letters and the picture and ••

LEG. LINDSAY:

It can be done in two different ways. Either you can hire a company to do the installation and the maintenance of the equipment and the local jurisdiction would handle the issuance of the parking tickets through the mail and reviewing the photos, and whatever, that's what New York City does, or you could farm out the whole system. You could have a company come in and they'll install the equipment, they'll maintain the equipment, they'll issue the summonses and •
•

P.O. CARACAPPA:

Collect the revenue at a •• for a fee.

LEG. LINDSAY:

Right, correct.

P.O. CARACAPPA:

Which direction do you feel we're going?

LEG. LINDSAY:

Well, again the resolution was open-ended to the Police Department on the best way that they thought it should be handled.

P.O. CARACAPPA:

Okay. Legislator Bishop.

LEG. BISHOP:

I'll pass. I think Lindsay did a good job.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just a point of information on as far as letting the Police Department handle it. In response to my inquiries, we're not seizing vehicles, even though this Legislative body passed a law to make that mandatory. And it went up to Albany, it's been recorded, and it came back down, and the Police Department still is not seizing vehicles. So, as far as leaving things up to just the Police Department's discretion, I'm not so sure that that's a proper way to go.

P.O. CARACAPPA:

Any further discussion? Legislator Caracciolo.

LEG. CARACCILOLO:

A question for the sponsor. There are two Home Rule requests, one for an Assembly bill, one for a Senate bill. The Assembly bill is a B version, which means that it's amended. What is the status of that bill in the State Legislature?

LEG. LINDSAY:

From my understanding, talking to some of our State representatives, the original Home Rule Messages that we passed earlier this year were attached to certain bills that didn't look like they were going anywhere. The Suffolk County version now has been attached to the New York City legislation, and that was why the necessity of changing the Home Rules.

LEG. CARACCILOLO:

Okay. The Senate version conforms to the Assembly version, or are they two distinct, because I don't have a copy of the Senage bill, I have the Assembly bill.

MS. KNAPP:

I'm afraid that the title is inaccurate to the extent it says "S" instead of "A". If you look down to the resolved bill •• to the resolved clause of the bill ••

LEG. CARACCILOLO:

Which Home Rule Message?

MS. KNAPP:

Number 6.

LEG. CARACCCILOLO:

Okay.

MS. KNAPP:

It refers to Assembly Bill A11683. The title, I'm afraid, says S11683.

LEG. CARACCCILOLO:

Right.

MS. KNAPP:

But the resolved is correct.

LEG. CARACCILOLO:

I understand that. My question ••

MS. KNAPP:

So, it's an Assembly bill, not a Senate bill.

LEG. CARACCILOLO:

Oh, it's an Assembly bill.

MS. KNAPP:

Yes.

LEG. CARACCIOLO:

Oh, so there is no Senate House.

MS. KNAPP:

They're two Assembly bills.

LEG. CARACCIOLO:

No, Senate.

P.O. CARACAPPA:

That's •• no. Senate bill ••

LEG. CARACCIOLO:

Is there a Senate companion proposal?

MS. KNAPP:

Not to my knowledge, they're both Assembly bills.

LEG. CARACCIOLO:

Okay, because I can't find it on the web.

LEG. LINDSAY:

Okay. I believe earlier in the year we passed a Home Rule Message for the Senate bill.

LEG. CARACCIOLO:

That was my •• that was my recollection as well. Where does the Assembly version stand in the process, in the Legislative process?

LEG. LINDSAY:

I would assume that it's moving along, simply because, you know, we got an urgent call that we needed these Home Rule Messages adopted if the Assembly was to act on it before they adjourned.

LEG. CARACCIOLO:

And what date was that?

LEG. LINDSAY:

It was within the last two days.

LEG. CARACCIOLO:

No. I mean, when are they contemplating adjournment?

LEG. VILORIA • FISHER:

Today.

LEG. CARACCIOLO:

Today.

LEG. FOLEY:

They want to pass the bills today.

LEG. CARACCIOLO:

Well, okay, that was my understanding, because the bill is presently in the Transportation Committee in the Assembly, which means, under their rules, it can't get to the floor.

LEG. LINDSAY:

I'm not aware of that. I do know that if we pass these Home Rule Messages today, some Aides are supposed to get them up to Albany today.

LEG. CARACCIOLO:

I'm sure they'll get them to them up to Assemblywoman Eddington, but I don't know that she can do anything with that. You know, I have a Home Rule request coming later that's being laid on the table to extend our Quarter Percent Program from 2013 out to 2025, and I realized, in conversation with Counsel this morning, that there's no urgency in getting that to Albany, A, because we have plenty of time in terms of the time limit we're dealing with, years, but also that was my understanding, the State Legislature was going to adjourn or recess today.

P.O. CARACAPPA:

They are going to recess today, but, Legislator Lindsay, if you have further information.

LEG. LINDSAY:

Yeah. What we're being told and •• is that if we get the Home Rule Messages passed, that the bills will be released from the Transportation Committee. That's what we're being told.

LEG. CARACCIOLO:

Doesn't work that way in Albany.

LEG. LINDSAY:

Well, you might be right, but that's what we're being told.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

Legislator Cooper, finally, lastly.

LEG. COOPER:

I just wanted to bring up a couple of statistics from a case study in District of Columbia that implemented red light cameras at 39 intersections. Number one, it generated over a three •year period 24.5 million dollars in fines for the City, which is cash strapped, so that might be of interest to us. But, number two, and even more importantly, violations plummeted by 60%, and the number of deaths attributed to red light collisions fell from 17% of accidents to 4% of accidents.

P.O. CARACAPPA:

Would you know if they use that technology that changes the lights?

LEG. COOPER:

I haven't found any city yet that •• I've been searching. I haven't found it, yet.

P.O. CARACAPPA:

Okay. Oh, I know a lot of them do. Legislator Foley, finally.

LEG. FOLEY:

To further •• to lend some light into the question raised by Legislator Caracciolo, it's our understanding that if we approve this today, the Assembly bill will then match the Senate bill that's been •• that's either been approved or about to be approved. So, this amendment here today that we're voting on will then allow the Assembly to have, in essence, a unibill in all but name, so it matches the Senate bill.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I just want to point out, since Legislator Cooper keeps going to the internet, that not everything on the internet is positive concerning these red light cameras. There are some questions about the constitutionality of it, about the driver not being able to defend themselves in the courts, and also there's questions of whether this will be a tool to replace police officers by having separate corporations do the ticketing. So, I just wanted to point that out.

LEG. TONNA:

That might be a good idea.

P.O. CARACAPPA:

Thank you. There's been a request for a roll call. Roll call.

MR. BARTON:

On Home Rule 5.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Pass.

LEG. SCHNEIDERMAN:

Pass.

LEG. CARACCIOLO:

No.

D.P.O. CARPENTER:

Pass.

P.O. CARACAPPA:

Pass.

LEG. NOWICK:

I'm going to abstain.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Abstain.

LEG. SCHNEIDERMAN:

Sure, I'll give it a try, yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Abstain. I just got punished for abstaining, I smashed my knee.

MR. BARTON:

12.

P.O. CARACAPPA:

It's approved. On **Home Rule Number 6 (Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program (Assembly Bill A.11683)**, same motion, same second, same vote. Moving on back to the agenda.

LEG. BISHOP:

Any other noncontroversial sense resolutions?

P.O. CARACAPPA:

Page 6. That's been the norm lately, controversial sense resolutions.

LEG. TONNA:

Are we on Page 5?

AD HOC ON AFFORDABLE HOUSING

P.O. CARACAPPA:

Page 6. Yeah, Page 6. Ad Hoc on Affordable Housing. **1503 (A Local Law to jumpstart and accelerate the County's Affordable Housing Program)**. Motion by Legislator ••

LEG. TONNA:

Tonna.

LEG. VILORIA • FISHER:

Motion.

P.O. CARACAPPA?

•• Schneiderman, second by Legislator Tonna. All favor? Opposed? Abstentions?

MR. BARTON:

18.

BUDGET AND FINANCE

Budget and Finance. ***1505 (Amending the 2004 Operating Budget and transferring funds for Amityville Police Department)***. Motion by Legislator Bishop.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Actually, we have a ••

LEG. TONNA:

Well, are we giving them money, or are we taking money away?

P.O. CARACAPPA:

On the motion •• well, just let me get a second. There's a motion.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley.

LEG. CARACCIOLO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator •• Legislator Tonna.

LEG. TONNA:

Are we taking money away or giving it to them?

P.O. CARACAPPA:

Counsel just stepped out. This is yours, David.

LEG. TONNA:

This is your bill, Dave.

LEG. BISHOP:

Well, I'm sure it's brilliant, but I still ••

LEG. TONNA:

Amending.

LEG. BISHOP:

Okay.

LEG. MYSTAL:

1505.

LEG. TONNA:

What is this doing? Is this another one of those little, ooh, the Amityville Police?

LEG. MYSTAL:

This is the Bay Constable.

LEG. BISHOP:

This is the Bay Constable. This was in the Operating Budget and I managed to get three letters from three different government entities saying that we erred in 2003. So, the man performed the duties of the Bay Constable, but never got paid, and he's still waiting to get paid and this will allow him to get paid.

LEG. TONNA:

But this is no new Bay Constable bill?

LEG. BISHOP:

No, this is nothing new.

LEG. TONNA:

This is just for money that ••

LEG. BISHOP:

We've already budgeted for and it's approved.

LEG. TONNA:

Is this another way of when it doesn't go through •• did we vote on this to get it through the last time?

LEG. BISHOP:

Yes.

LEG. TONNA:

Because I remember voting against it the last time.

LEG. BISHOP:

You particularly said that you must have this.

LEG. TONNA:

No. I particularly said I think this is ridiculous.

LEG. BISHOP:

No, no, you didn't.

LEG. TONNA:

All right. All right. Thank you.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

That answered the question.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1505 is approved.

LEG. MYSTAL:

Cosponsor.

P.O. CARACAPPA:

Oh, cosponsor, Legislator Mystal. ***1599 (Amending the 2004 Operating Budget and reappropriating unexpended, uncommitted 2003 funds in Fund 176 to the 2004 Operating Budget).***

D.P.O. CARPENTER:

Explanation.

P.O. CARACAPPA:

Is there a motion?

LEG. BINDER:

Motion.

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Binder, second by Legislator Foley. Explanation requested by Legislator Carpenter.

MR. SPERO:

This is appropriating \$4,451 in unused funds from the Environmental Trust Fund, which was established pursuant to the original quarter cent sales tax program back in 1989. So, this is just like a housekeeping resolution.

LEG. CRECCA:

Yeah, it's a nonlapsing fund, too, so that's why you can do it.

LEG. BINDER:

We've got to do something with the money.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1599 is approved. **1614 (Apportioning mortgage tax by: County Treasurer).** Motion by myself.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1614 is approved.

LEG. TONNA:

Let's keep going.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

Economic Development. ***1534, 34A (Appropriating funds in connection for the replacement of the maintenance facility at Francis S. Gabreski Airport (CP5733)).***

LEG. TONNA:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

I'm sorry, I didn't get that. Who made the motion?

P.O. CARACAPPA:

Legislator Tonna and Schneiderman.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

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. Just going back, there's been an addition to your agenda for Budget and Finance that I guess we'll take care of now. It's 1463, 1551 and 1554, which was done in a Special Meeting of Budget and Finance this morning, if everyone can just find those in front of you.

LEG. FOLEY:

Hold on.

P.O. CARACAPPA:

These were the bills approved in this morning's Budget and Finance meeting. **1463.**

LEG. CRECCA:

Motion.

P.O. CARACAPPA:

This is amending the 2004 Operating Budget, creating a position in the County Legislature Budget Review Office.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

Motion by Legislator Crecca, second by Legislator Binder. On the motion, Legislator Tonna.

LEG. TONNA:

First of all, where is the money coming from, and why do we need it?

LEG. CRECCA:

Jim, would you address that?

MR. SPERO:

We have enough permanent salary funding to fill this position for the remainder of this year.

LEG. TONNA:

Okay. Why do we need it, Jim?

MR. SPERO:

This is to augment the Office Systems Analyst staff in the Budget Review Office and provide additional help for Allen Fung and Cary Flack.

LEG. TONNA:

Was this a •• was this something that you advocated for, it came from you to the Presiding Officer, or was it from •• how did this •• how did this take place, did this •• was this something where you said, "There's a need in the department, I really need an extra person, could you guys put in an amendment so that we can get it"?

MR. SPERO:

It came from the sponsor.

LEG. TONNA:

Oh, it was the sponsor's idea.

MR. SPERO:

Yeah, and •• but I think the Legislature could certainly use the position.

LEG. CRECCA:

Legislator Tonna, I could address that.

P.O. CARACAPPA:

Legislator Tonna, the Systems Director did come •• came to me and explained to me in detail the need, and it was Legislator Crecca that picked up the ball and ran with it by way of an appropriation bill.

LEG. TONNA:

But it came from Budget Review to you?

P.O. CARACAPPA:

It came from the System Analyst.

LEG. TONNA:

Who is the System Analyst?

P.O. CARACAPPA:

Allen Fung.

D.P.O. CARPENTER:

Allen Fung.

LEG. TONNA:

Yeah. He works for Budget Review, right?

P.O. CARACAPPA:

Yes.

LEG. CRECCA:

If I can just respond to that.

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. This wasn't •• you know, I didn't come up with this idea on my own. Allen had spoken to •• it was spoken to last year when Fred Pollert was the BRO Director, it was discussed that we would do it next year. I didn't do it without speaking to Budget Review, the Director, who consented to it, and also went through the P.O.'s Office, so it was just to add that position.

There's another part of this bill, too, that transfers •• I don't •• because you should know that there's a second part to the bill that transfers 275,000 in the County Clerk's payroll. He's going to come up short this year, it looks like, when we were looking at the accounts, and we took it out of another payroll account that looks like it's going to be •• we're going to be over on, so ••

LEG. TONNA:

Okay. Does it have any ramifications for the 2005 budget? We're going to have to add in an extra position and additional funding?

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Okay.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1463 is approved. 1551.

LEG. BISHOP:

I'm an abstention on that last one.

P.O. CARACAPPA:

Abstention on that last one was Legislator Bishop.

LEG. VILORIA • FISHER:

Me, too.

P.O. CARACAPPA:

And Legislator Vilorina • Fisher.

MR. BARTON:

16, 2 abstentions.

P.O. CARACAPPA:

David, you're the one that asked me for help on the computers.

LEG. BINDER:

Well, we know who's not getting computer help in their office.

LEG. BISHOP:

No, it's the other aspect of the bill that I'm ••

P.O. CARACAPPA:

Gotcha. ***1551 (Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension in partnership with Suffolk County Department of Public Works for Suffolk County Stormwater Phase II Program implementation)***. This is transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension in partnership ••

LEG. CARACCILO:

Motion.

P.O. CARACAPPA:

Motion by Legislator Caracciolo.

D.P.O. CARPENTER:

Second.

LEG. TONNA:

Second by Legislator Schneiderman.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Is this program something that would normally be funded from the Operating Budget?

LEG. BISHOP:

What is it?

LEG. ALDEN:

I'm asking Budget Review.

LEG. TONNA:

1551.

MR. SPERO:

It looks like something that would be in addition to something we would do in the Operating Budget. We would just check to see if Cornell may be putting in existing staff into this program that might otherwise be funded out of its regular appropriation.

LEG. CRECCA:

Do you want me ••

LEG. BISHOP:

Yeah.

P.O. CARACAPPA:

Hold on, hold on. Legislator Crecca.

LEG. CRECCA:

Yeah. I don't have the bill up, but I think it's about a hundred and something thousand dollars. It's Phase II.

MR. SPERO:

Three seventy•nine.

LEG. CRECCA:

It's part of a multi•year program through Cornell. Bill, you want to take it, because you were there.

LEG. LINDSAY:

Just that there's some new federal regulations, as far as storm water runoff, that we have to meet, and part of the component is an educational program, and this is the educational program. And instead of us doing it in•house, they contracted with Cornell to do the educational piece of it.

LEG. ALDEN:

The thing I'm concerned with, though, is if this is normal Operating Budget type of funding that we would do in the past, if we're tapping into the 477 Account, that that account could be depleted very quickly if we're going to go and augment ••

P.O. CARACAPPA:

Go ahead. Hold on.

LEG. ALDEN:

If we're going to augment the Operating Budget or try to substitute funding from the 477 Account that normally should have been picked up in the Operating Budget.

And Legislator Crecca indicates that he could ••

LEG. CRECCA:

Answer that. Because we asked ••

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah, we asked that question in committee, in Budget and Finance Committee. This is part of a program that's specifically geared towards the water quality. It's not something we would normally do in our Operating Budget. As a matter of fact, if I understand it correctly, it's actually linked to the Water Quality Program, multi-year program, that has specifically to do with the grant and stormwater runoff, and so we didn't think it was something that would normally be funded in the Operating Budget.

LEG. ALDEN:

Okay. Thank you.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1554 (Amending the 2004 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (47) Reserve Fund to the Suffolk County Department of Public Works for stormwater remediation on Carlls River at Phelps Lane). It's an Operating Budget ••

LEG. CRECCA:

Motion.

P.O. CARACAPPA:

Motion by Legislator Crecca. Where's Carlls River at Phelps •• where's Carlls River?

LEG. CRECCA:

Babylon.

P.O. CARACAPPA:

Second by Legislator Bishop.

LEG. BISHOP:

It's actually Tonna's district.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

If somebody could just give me the same explanation, just to assure me that this is not something we'd normally do out of operating funds that we're tapping into 477.

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah. This is dealing with stormwater remediation that's going from County roads into, from what I understood, into the Carlls River. Specifically, this is one of the prime things under the 477 that we should be doing. This is probably one of the priorities under that Water Quality Protection.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions? Going back to Page 6, **1535, 35A (Appropriating funds for aviation utility infrastructure at Francis S. Gabreski Airport).**

MR. BARTON:

18.

P.O. CARACAPPA:

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

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. NOWICK:

18 on the bond.

P.O. CARACAPPA:

All in •• same motion, same second, same vote on 15 •• on the companion resolution. **1572**

(Repealing Resolution No. 159•2000, to permit Suffolk County Community College to seek a naming rights sponsor for the Multi•Purpose Health Technology Building at Western Campus of Suffolk County Community College). Motion by myself.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1644 (Re•Appointing David Ochoa to the Suffolk County Community College Board of Trustees). Motion by Legislator Foley, second ••

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

LEG. MYSTAL:

Co.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Cosponsor, Legislator Mystal.

ENVIRONMENT, PLANNING AND AGRICULTURE

Environment, Planning and Agriculture. **1597 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with updating and implementing the official map of Suffolk County)** needs to be tabled. 16 ••

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Motion by myself, second by Legislator Carpenter. All in favor? Opposed? 1597 is tabled.

1623 (Establishing an incentive program promoting the closure of residential underground fuel tanks). Motion by myself.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

LEG. FOLEY:

Cosponsor, please.

P.O. CARACAPPA:

Cosponsors by Legislator ••

[Cosponsor Said in Unison by Legislators]

P.O. CARACAPPA:

Cosponsor everybody.

LEG. BISHOP:

Except for me.

LEG. BINDER:

Except for Bishop.

P.O. CARACAPPA:

And except for me, it's not my bill.

LEG. CRECCA:

Bishop, Bishop. Did you work on this, Dave?

LEG. BISHOP:

Did not work on this.

LEG. TONNA:

Which one is this?

P.O. CARACAPPA:

1630 (Making a SEQRA determination in connection with the proposed opening of fire lanes in Veterans Parks Complex, including Knolls Park (the former Benjamin Property) Town of Huntington). Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1631 (Making a SEQRA determination in connection with the proposed improvement and expansion of Sewer District No. 18, Hauppauge Industrial, Town of Smithtown). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1632 (Making a SEQRA determination in connection with the proposed safety improvements on CR 50, Union Boulevard, from the vicinity of Gardiner Drive to the vicinity of Aberdeen Lane, CP #5497, Town of Islip). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

33 (1633 • Making a SEQRA determination in connection with the proposed improvements to Sewer District No. 12 • Birchwood/Holbrook, CP #8143, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

34 (1634 • Making a SEQRA determination in connection with the proposed grease/scavenger waste treatment facility feasibility study, Suffolk County). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

35 (1635 • Making a SEQRA determination in connection with the proposed upgrading of water utilities at Timber Point Country Club, Great River, Town of Islip). Same motion, same second, same vote.

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

Health and Human Services. ***1552 (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 "Open Marsh Water Management to improve wetlands, estuarine water quality and reduce mosquito breeding).*** Is there a motion?

LEG. BISHOP:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion by Legislator Bishop, second by Legislator ••

LEG. BISHOP:

No, I don't ••

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Vilorina•Fisher.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

This claims it's being transferred to the Department of Health Services for open marsh water management to improve wetlands. Is this something that was in the Operating Budget and now the funding is being replaced?

MR. SPERO:

This was not included in the Operating Budget.

LEG. ALDEN:

Is this something that normally •• this process normally would have been done by the Health Department or Vector Control out of an operating budget?

MR. SPERO:

Well, this is an additional type of a program. This is something new.

LEG. BISHOP:

On the motion.

MR. SPERO:

So, that would be, you know ••

LEG. ALDEN:

I need an explanation of what new program this is, then.

LEG. CRECCA:

Ask somebody from Public Works.

LEG. VILORIA • FISHER:

I just •• Mr. Chair, if I could just explain a little bit.

P.O. CARACAPPA:

Okay. Legislators Viloria • Fisher.

LEG. VILORIA • FISHER:

Last year, we voted on the program for the EIS study that would be •• that ran about three •and•a•half millions dollars. And this is supplemental to that, because this is the open marshland studies that have to be done, and the actual work, that field work that has to be done, so it's in addition to that. So, that was that part •• part of that whole scoping and study program that we voted on last year. I just wanted to give you that background, so that you'd

know the context of this.

LEG. ALDEN:

Could you give me a little more background, then? Did we anticipate doing that out of the Operating Budget, or did we anticipate at ••

LEG. VILORIA • FISHER:

Well, I'm going to go back to Budget Review for that question.

LEG. BISHOP:

On the motion.

MR. SPERO:

The EIS that ••

LEG. BISHOP:

Joe, am I on the list?

MR. SPERO:

It's being funded out of the Water Quality Protection Program. That's about three•and•a•half million dollars. So, as Legislator Vilorina•Fisher pointed out, this would be supplemental funding for that.

LEG. ALDEN:

But it's along the same ••

MR. SPERO:

The open marsh management.

LEG. ALDEN:

It's along the same line as far as what the works and what we're ••

MR. SPERO:

Yes.

LEG. ALDEN:

So, we're just basically amending that program and adding some more funding to it.

MR. SPERO:

Okay, thanks.

P.O. CARACAPPA:

Legislator Bishop, then Foley.

LEG. BISHOP:

Last year, we voted in favor of an EIS that was three•and•a•half million dollars, which was an enormous expense. No other local government and few state governments have agreed to take on that extent of a study, and we funded it out of this 477 account. It was the biggest hit to the account to date. And am I to understand now from supporters of this that that study was not enough, that we need to layer on an additional level of consideration?

LEG. FOLEY:

Mr. Chairman, to answer the question.

LEG. BISHOP:

Yeah, I'll yield to Legislator Fisher, because, I don't know, she's assumed the role as the advocate for it.

LEG. FOLEY:

Go ahead.

LEG. VILORIA • FISHER:

Well, I don't want to assume that role. However, I did ask the same question Legislator Bishop, which was that we agonized over that huge amount.

LEG. BISHOP:

Right.

LEG. VILORIA • FISHER:

Much of it, as you recall, was research on the literature and studying what had been done in other areas. And part of the research that came out of that and the recommendations by their technical committee, I believe, is what it's called, their technical advisory group, was that they do this OMWM work. And this now came out of some of that research that was done that required that we not only let the marshlands revert on their own to the natural state, because that won't happen. It wouldn't achieve the goals that we want to achieve by discontinuing the ditching. And so, we have to do active •• we have to do active restoration. We have to actively perform certain functions in order for those marshlands to be restored, we just can't discontinue ditching and have it go wild.

LEG. BISHOP:

Okay. Is this the study that the Long Island University, Southampton, is doing, conducting?

LEG. VILORIA • FISHER:

No.

LEG. BISHOP:

All right, that's additional. I would say this. I, personally, I support OMWM. I can't say it, but I support it. I support ••

LEG. VILORIA • FISHER:

You said it. That's how you ••

LEG. BISHOP:

•• the EIS. But what I'm concerned about is that if studies beget more studies, and more •• I mean, this •• we're already spending more on this than could reasonably be expected, and I think that what we need is a mechanism to make within the three•and•a•half million to make adjustments, rather than just add onto the three•and•a•half million every time we cross a bridge.

LEG. VILORIA • FISHER:

Well, you can't just make adjustments within the three•and•a•half million, because this is separate and distinct. This is actually doing the field work and getting out there. So, it's not the same thing as the scoping project that that three•and•a•half million was paying for, this is

the actual field work. And every time we attack a project, which is the restoration of marshland, we're not going to replicate this level of expenditure, because once this work is done, it will also make grants •• grant monies available to us, because we will have a demonstration project, which will show that Suffolk County is on the right track in restoring its marshlands.

LEG. BISHOP:

How much is this one, by the way?

D.P.O. CARPENTER:

Six hundred thousand.

LEG. VILORIA • FISHER:

Six hundred ••

P.O. CARACAPPA:

Six hundred thousand plus.

LEG. BISHOP:

Wow.

P.O. CARACAPPA:

All right?

LEG. LOSQUADRO:

Legislator ••

LEG. VILORIA • FISHER:

I'm yielding to Legislator Losquadro to complete that response.

LEG. BISHOP:

I'm done, so I'm ••

P.O. CARACAPPA:

There's a list. There's a list.

LEG. BISHOP:

I'm done.

LEG. VILORIA • FISHER:

Can I yield to him?

LEG. LOSQUADRO:

Was I next, or no?

P.O. CARACAPPA:

No.

LEG. LOSQUADRO:

Okay.

LEG. VILORIA • FISHER:

Okay.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Mr. Chairman. To answer •• Legislator Bishop, to answer some of the questions you raised, in the Health Committee, there was an excellent presentation made by the Bureau of Environmental Quality on this particular project. This is a subset, if you will, of the overall EIS that's being developed. This is a demonstration project for the •• for the committee that's overseeing EIS to see what are the pluses and minuses to open marsh water management. They need to have a demonstration project in order to make some recommendations that are due no later than December of '05. So, in order to have a, let's say, informed recommendation at the end of '05, they need to undertake a rather comprehensive demonstration project throughout the County in order to come up with some conclusions. The monies are not •• the monies that we had appropriated last year did not include this demonstration project, that's why these additional monies had been requested.

We had tabled this bill in committee, Mr. Chairman, over a month•and•a•half ago awaiting the Health Department's presentation. I wish they could have been here today, but it was an excellent presentation to the point where all eight members of the committee had approved the resolution from committee, given the fact that they made a very strong case for it.

Let the record reflect that the Open Marsh Water Management Plan is something that's done by a number of states already. It is long in coming here in this County. But in order for the EIS to make an informed recommendation to us at the end of '05, they need to undertake this demonstration project, which is labor intensive, and, therefore, does cost some money.

P.O. CARACAPPA:

Legislator Crecca, then Losquadro, then Alden.

LEG. CRECCA:

Yeah. The question I have is I was reading over the bill and it says in the bill itself, before I spilled my coffee, that the money requested will be used to administer the program. And I guess my question is, is this so County employees will be administering the program? Can anybody search that, because the way the bill is written, it looks as if we're giving the money to the Health Department to use current health •• their salaries, which I would be opposed to. I need that question answered.

LEG. TONNA:

Well, opposed or not ••

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

•• my understanding, that this is from committee, from testimony in the committee, is that this is •• this is something that will be under the aegis of the County and that particular department. And it's a pilot project that's very innovative in basically transforming, you know, a policy of ditching, which has been very deleterious to the environment. And so we have the money. We're looking to do something, reverse it.

And, yes, from what I understand, experts from the County, which I was surprised when

listening to the testimony at how really unbelievably qualified County employees in this area are.

LEG. CRECCA:

I'm not opposed to using County employees, Legislator Tonna, what I'm opposed to doing is using •• if these employees are already •• they're already in the Operating Budget, I'm opposed to transferring this money in to salary accounts to just take care of that. So, I guess my question is •• in other words ••

LEG. TONNA:

Maybe Budget •• you're asking a technical question ••

LEG. CRECCA:

I am, it's totally technical. It has nothing ••

LEG. TONNA:

•• and I'm talking on the merits of the bill. And maybe Budget Review could answer that.

LEG. CRECCA:

Jim, do you understand my question? Are we using this to pay for salaries that are already funded in the budget? That's my question.

MR. SPERO:

Yeah. The funding would be put into the fees for services, nonemployees account, which means that they're going to be hiring consultants to perform the work for the project, not County employees.

LEG. FOLEY:

The University is going to be involved in it.

P.O. CARACAPPA:

Okay. Legislator Crecca, are you finished?

LEG. CRECCA:

No.

P.O. CARACAPPA:

Okay. I guess my question would be, then •• well, when you went over it in the Health Department, you were comfortable with going to outside consultants for this, right?

LEG. LOSQUADRO:

Joe.

LEG. CRECCA:

Or Legislator Tonna I should, I guess, direct the question to.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Oh.

LEG. CRECCA:

I'm sorry, I didn't ••

LEG. TONNA:

No, I'm just listening to a message about this very subject. Yeah, right. Anyway, the •• I have absolutely no idea what you're talking about.

LEG. CRECCA:

Thank you. I'm done.

LEG. TONNA:

What was •• what was the question?

LEG. SCHNEIDERMAN:

Can I comment?

LEG. VILORIA • FISHER:

Okay.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LINDSAY:

Who called you, a mosquito?

LEG. MYSTAL:

The money is going for consultant work ••

LEG. MYSTAL:

•• not for ••

P.O. CARACAPPA:

Hold on.

LEG. MYSTAL:

•• to enhance employee •• employee salary. It is •• well, the consultant is going to provide some services that we don't have the ability to provide, number one ••

P.O. CARACAPPA:

Legislator Losquadro.

LEG. TONNA:

This isn't •• this isn't a consulting deal, this is a project, it's a pilot project.

LEG. CRECCA:

Well, it's ••

LEG. TONNA:

It's actually taking •• this is on hands •• this isn't a bunch of people sitting at a table and start talking about, you know, "What do you think about ditching, what do you think about this?" This is an actually on•hands project that is going to be run. This money is going to help us to

give us data and stuff, a pilot project to see this technology and stuff, that's what this is doing, I think.

LEG. LOSQUADRO:

That was •• that was ••

P.O. CARACAPPA:

Hold on, hold on, hold on. There is a •• there's a list. Legislator Losquadro has the floor.

LEG. SCHNEIDERMAN:

Put me on the list, Joe.

LEG. LOSQUADRO:

I was going to echo the sentiments shared by Legislator Fisher and just before by Legislator Tonna, that this is an actual project, it is not another study. This is going to see the work performed, and it will be a demonstration of how this technology can be implemented and should work in the County as a viable alternative to the haphazard abandonment of the current system, which would lead to far greater problems than we're currently experiencing, so I think it's wise to move forward with this.

LEG. TONNA:

And just ••

P.O. CARACAPPA:

Hold on, Legislator Tonna. There's a list.

LEG. TONNA:

Oh, yeah.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I'll yield to the Chairman, if he has an explanation, because I have ••

LEG. TONNA:

I don't know what the question is.

LEG. ALDEN:

No, no. I thought you just wanted to respond to what Legislator Losquadro said.

LEG. TONNA:

No. I'll wait until you're done, and then I just have one other thing to add about it.

LEG. ALDEN:

Okay. We've just heard, then, conflicting testimony as far as what this project is. The testimony I just heard from Jim Spero stated that this is for consultants, to hire consultants, yet, before I heard that the County •• the County has so many well qualified people that can carry this out, that they were very impressed at the Health Department or Health Committee meeting, that they were very impressed that this project was going to be done in•house. So, now we find out that we're still going out and hiring consultants to do something, and I'm not sure where that fits in, if there's a new project, or if it's something we should have been doing in•house.

LEG. TONNA:

No. I think •• can I ••

LEG. ALDEN:

Whoever can answer that.

LEG. TONNA:

Am I on ••

LEG. SCHNEIDERMAN:

I could help answer that.

LEG. VILORIA • FISHER:

I can answer that.

P.O. CARACAPPA:

Hold on, hold on, hold on. I don't know if that was a question, it was just an observation; correct?

LEG. TONNA:

I wish there was somebody from the Health Department who could be here and clear this up, because these are all reasonable questions.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, we certainly could, you know, take this resolution a little bit late in the day and have somebody from the Health Department at least try. But I was also there at the presentation and they actually handed out a breakdown, and there was •• you know, most of the money was going toward consultants who were going to be doing this field work. And it is actually a demonstration project and a study, because they will be compiling data based on this demonstration project. But there also is a County component, but those County employees are not being paid double, they're being paid their regular salaries to help participate in this. Oh, I see Legislator Mystal has that breakdown over there, so that may be helpful.

LEG. ALDEN:

Well, does that money come out of •• does the money go to salaries? Does that come out of this project that we're approving today?

LEG. SCHNEIDERMAN:

No. If anything, their salary money, that would be •• it's part of the project, but that's not additional funds. Those additional funds I believe all would go to the consultants.

LEG. TONNA:

There's no double•dipping here. There is •• there is nothing with double•dipping or anything. It's basically, and I can understand Legislator Alden's question, because I think it's a good one, which is, you know, are we double•paying for this, are we paying consultants, County employees just sitting, twiddling their thumbs, waiting for something, and then we're going to

give them extra monies, or whatever else? None of that is happening here. What this is, from the best that I can explain it, and not being in the day•to•day operations, where I wish there was somebody, a spokesman who was as clear and as articulate as could be from the Health Department.

P.O. CARACAPPA:

We're going to break. We're going to call, ask someone from the Health Department to come down ••

LEG. VILORIA • FISHER:

Walter Dawydiak.

LEG. SCHNEIDERMAN:

Walter Dawydiak.

P.O. CARACAPPA:

•• and explain it later. So, I'd ask that that ••

LEG. TONNA:

That's fine.

P.O. CARACAPPA:

•• happen, that we call Walter Dawydiak.

D.P.O. CARPENTER:

And also to address that other resolution that we passed over earlier this morning on the Foley Nursing Center.

P.O. CARACAPPA:

About the John J. Foley Health Center. Okay. We are going to recess until 2:30, where we'll return at that time for public hearings.

[THE MEETING WAS RECESSED AT 12:38 P.M. AND RESUMED AT 2:30 P.M.]

P.O. CARACAPPA:

We'll start the public hearing portion of the meeting. Mr. Clerk, the affidavits of publication are in proper order?

MR. BARTON:

Yes, they are.

P.O. CARACAPPA:

Thank you. *I.R. 1070 • A Charter Law creating Taxpayer Office of Inspector General.* I have no cards. Anyone wishing to be heard?

LEG. BISHOP:

Motion to close.

P.O. CARACAPPA:

I make a motion to recess.

LEG. BISHOP:

All right, recess.

P.O. CARACAPPA:

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

LEG. VILORIA • FISHER:

I'm back here, Henry.

P.O. CARACAPPA:

1070 is recessed. *1236 • Approving rates established for Davis Park Ferry Company.* I have no cards. Anyone wishing to be heard? I'll make a motion to close 1236.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

We have to recess. Okay. Motion to recess by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1236 is recessed.

Public Hearing, Suffolk County Community College recommended budget for '04 and '05. Our first speaker is Kevin Peterman.

MR. PETERMAN:

Hi, Joe. Good afternoon. I just want to thank you for allowing me to speak on the College budget today. Like some of you, I, too, am a proud graduate of Suffolk Community College, and like all of you, I'm also a taxpayer here in Suffolk. I emphasize that, because I want to underscore SCC's impact on the property tax levy. The County Exec's proposed 2004•2005 budget, released last week, states that the average property tax cost to the homeowner to fund Suffolk Community College for the year is \$6.58.

There's been a lot of discussion about school tax revote, and I'm here to •• I'm not here to debate the school tax budget votes or revotes, or their issues, and their cost to the average taxpayer, but I'm here to show the comparison between a school district, which has maybe a property tax, I know for myself in my district of \$4,500 to fund the school, to \$6.58. Some districts, some school districts have budgets of over 200 million dollars. Suffolk Community College, with its three campuses has a budget of under 150 million.

Let's face it, we're not comparing apples and oranges, and I'd like to keep the analogy local. It's more like comparing cantaloupes and grapes. We're not a school district, we're a Community College, and the funding that it costs the average property tax owner in Suffolk County is less than \$7, as I said.

I want to remind you that if we do not increase the contribution to Suffolk County Community College for the 2004•2005 year, it will be the third consecutive year in a row with no County increase. I also want to remind you that the State has not increased its FTEA to community colleges for three years. In fact, the Governor's proposed budget calls for a 5% reduction in aid to community colleges. For Suffolk Community College, that's a reduction of 1.8 million dollars.

In the County Exec's proposed budget, Chart 3 shows that in 2001•2002 budget year, the

County's share of the total College budget was 30.8%. The State was at 27.2%. In SCC's 2004•2005 recommended budget, the County's share drops to 25.6%, and the State's share, if it does not restore the funding cuts will be 25.7%.

I also want to address another urgent need at the College. I'm here to support and hope that you will not only support, but fund, the raises for the College's top administrators. Some of their counterparts at Nassau Community College and Westchester Community College earn 30 to \$40,000 more. They are woefully underpaid, and that's no way to treat employees. It is my understanding that some of the Administrators here at the College have not gotten raises in several years, and they should be compensated for the work that they do. The Faculty Association would be the first one to hold these Administrators accountable, and we certainly do, as you well know.

Keep in mind that Dr. Pippins will address this issue in her •• in this budget for a cost of less than \$200,000. So, if that funding is put there, the administrative issues with the raises can be addressed for less than \$200,000.

Finally, I want to emphasize something that the County Executive said in his budget narrative last week when he mentioned that SCC's new President and her, quote•unquote, energetic leadership, and he's very impressed with that. He goes on to say that Dr. Pippins has, "Brought new sense of purpose and dynamism to our three Community College campuses".

Please, help us help her. A 4% increase in the County's contribution is about 1.3 million dollars. I mention the 4%, because it seems to be a magic number here. And I'm thinking, well, four works for me, but why make it 4%, let's make it 4 million. Remember, we haven't had a raise from the State and from the County in several years. The students, faculty and administrators at Suffolk are excited about the direction we're heading. Please, help us. Please, energize us. Thank you.

P.O. CARACAPPA:

Thank you. There's a question •• well, there was a question. Legislator Tonna.

MR. PETERMAN:

You want to call me on the cell?

LEG. TONNA:

No.

MR. PETERMAN:

Okay.

LEG. TONNA:

Kevin, just a couple of quick questions. I understand the 4%. I just want to talk about the administrative raises.

MR. PETERMAN:

Sure. I mean, I'm not ••

LEG. TONNA:

The proposed administrative raises.

MR. PETERMAN:

You know, I'm here representing the faculty, but I wanted to get on the record.

LEG. TONNA:

Yeah, but you're on the record ••

MR. PETERMAN:

Yeah, I am on the record.

LEG. TONNA:

•• as saying that you're for ••

MR. PETERMAN:

Yes.

LEG. TONNA:

•• the administrative raises.

MR. PETERMAN:

I certainly am.

LEG. TONNA:

So, you opened up the door, and I just •• do you have ••

MR. PETERMAN:

Come on in.

LEG. TONNA:

•• do you have any facts and figures? In other words, you say that they're woefully underpaid.

MR. PETERMAN:

That's correct.

LEG. TONNA:

And that they need to be compensated. What is •• do you know, what salary ranges are you talking about; do you have any idea?

MR. PETERMAN:

Yeah.

LEG. TONNA:

Okay. So, tell me. You know, you don't need by name ••

MR. PETERMAN:

No, no.

LEG. TONNA:

•• but "Administrator X"?

MR. PETERMAN:

Yeah, there are several vice presidents.

LEG. TONNA:

Somebody who's in this as making \$80,000, they should be making 200? I mean, just ••

MR. PETERMAN:

No, no, no. I'll answer ••

LEG. TONNA:

No, I'm joking. I know. I'm being facetious, but I want to get an idea.

MR. PETERMAN:

I'll answer your question. I know of several vice presidents that are making less than \$120,000 a year, and they've been here for over 20 years, and I know •• and I did my research. Their counterparts at Nassau Community College, similar position ••

LEG. TONNA:

Right.

MR. PETERMAN:

•• again, with a one-campus operation, are making close to 150.

LEG. TONNA:

Okay. So, we're talking about the difference between 120,000 and 150,000.

MR. PETERMAN:

Uh•huh.

LEG. TONNA:

Okay. You know, I just want to get an idea. Those are the positions? Those are three positions, right?

MR. PETERMAN:

I believe there are four or five vice presidents, but I'm not sure ••

LEG. TONNA:

Okay.

MR. PETERMAN:

See, people come in at different levels, so.

LEG. TONNA:

All right.

MR. PETERMAN:

If I may ••

LEG. TONNA:

What other ••

MR. PETERMAN:

I'm sorry.

LEG. TONNA:

What other positions? Just, you know, what other ones hit you as being woefully unfair?

MR. PETERMAN:

Some of the Executive Dean positions. Again, if you look at that level of responsibility, and even if you want to compare again the cantaloupes with the grapes ••

LEG. TONNA:

Right.

MR. PETERMAN:

•• school district vice, you know, principals and assistant principals.

LEG. TONNA:

All right. Well, let's not compare them.

MR. PETERMAN:

Okay. Well ••

LEG. TONNA:

You know, because school districts we already know are overpaid, but ••

MR. PETERMAN:

Well, I'm not here to say whether they are or aren't, but I'm here to say that I believe ••

LEG. TONNA:

That's what I think.

MR. PETERMAN:

I believe that the admin •• the top level administrators at the College need a raise. And I think we had that issue several years ago when we were looking for a President.

LEG. TONNA:

But I thought we addressed it.

MR. PETERMAN:

We did that with the President.

LEG. TONNA:

Right.

MR. PETERMAN:

I think the Legislature and the Board of Trustees realized that we needed to raise the salary of the President, and we did that, and I think, as a result, we see what we have, and I think we need to continue that.

LEG. TONNA:

The problem I have is that I just, and •• you know, and again, I don't have a crib sheet in front of me, but it seems to me that in the 10 years, 10 1/2 years that I've been here, we've addressed it, we have addressed upper management issues with pay increases over a period of time. This is not the first time I've heard this. Might be the first time I've heard the Faculty

Association advocate for it, but this is not the first time I've heard. And I just •• I thought we were addressing these issues as time went on, and I just •• you know, again, I don't have facts and figures to prove that or not, but, basically, you're saying that for •• there are some people who have been here 20 years and have never been adjusted or never had •• okay.

MR. PETERMAN:

The College has been working on it for several years, but it's still •• like I said, I think that Dr. Pippins can address it. I mean, when you look at 138 million dollar budget and be able to solve the problem with \$200,000, to me that's •• that's something we should fix.

LEG. TONNA:

Okay.

MR. PETERMAN:

Okay.

LEG. TONNA:

All right. Thanks.

MR. PETERMAN:

Okay?

LEG. TONNA:

I just •• I'm trying to get a sense of perspective. We hear words, but I want dollars, you know, to reflect those. Okay. Thank you.

MR. PETERMAN:

Thank you.

D.P.O. CARPENTER:

Next speaker, Joseph Feuerman. You have five minutes.

MR. FEUERMAN:

Thank you. Good afternoon. My name is Joseph Feuerman. I am an Assistant Vice President in Human Resources of the Suffolk County National Bank, and I'm here to speak for Thomas S.

Kollman, the President and CEO of the Bank. Mr. Kollman, first off, wants to apologize that he couldn't attend the meeting this afternoon, but, unfortunately, he had a prior engagement. What I would like to do, though, is to read this letter to you that Mr. Kollman had composed to let you know about the great experience we had with our local college.

"Dear Legislative Members, it is with great pleasure that I share with you how the Suffolk County" •• excuse me •• "the Suffolk County Community College Training and Economic Development Centers Training Program has benefitted the Suffolk County National Bank. Founded in 1890, Suffolk County National Bank has always provided personal financial service to individuals and businesses within their local community. Today, with over 27 branches throughout Suffolk County, employing over 400 employees, we continue to offer our customers the same personal service, encouraging them to develop long-term relationships with both the bank and our staff."

"Unfortunately, over the past few years, we have experienced a significant increase in employee turnover, especially that of our entry level branch personnel. In identifying this trend, it was obvious that the bank needed to help our middle managers develop and grow as supervisors. We felt that this would be a positive step toward reducing turnover, and providing consistent, dependable personal service to our customers."

"In 2002, we turned to the College for their guidance and expertise in assisting us with our training objectives. Through the efforts of William Desimini, Assistant Director of the Corporate Training Center, the bank was fortunate to receive two workforce development training grants, totaling \$55,424. The grants have assisted us in training our employees in a variety of skills, with a total of over 700 participants to date. Today, the results are evident. Employee morale and enthusiasm have improved, and we've seen a meaningful reduction in turnover. Needless to say, we are extremely pleased with the association with our local Community College."

"In closing, I would like to commend Marilyn Merenda, Tim McHeffey, Anne Negri and Carol Suckow on the excellent job they've done in training our supervisory staff. The feedback we receive from our employees have been very positive regarding the programs and the instructors."

"I would also like to extend my personal thanks to Bill Desimini and Marilyn Green at the

Corporate Training Center for their efforts in the coordination of the training."

"Sincerely, Thomas S. Kollman, President and Chief Executive Officer."

I would like to submit this as permanent record to the Legislative members, please. And, again, I just want to thank all of you for giving me the opportunity to certainly speak about our local Community College. They've done a great job, certainly, in assisting the bank and helping us achieve our objectives within the last two years. Thank you.

P.O. CARACAPPA:

Thank you. Next speaker is William Desimini.

MR DESIMINI:

Thank you. My name is William Desimini. I am the Interim Director of the Corporate Training Center for Suffolk County Community College. Actually, I'm here speaking on behalf of Jeannette Matthews from Biodex Corporation, who wasn't able to be here today. I'd like to read into the record a letter that she did address to the Suffolk County Legislature.

"The training provided by Suffolk County Community College consisted of three areas where we felt employees needed to improve in order for the company as a whole to improve effectiveness of productivity and overall sales. The three areas where training occurred were basic communications, basic supervisory skills, and customer service effectiveness."

"Although the skills taught through the program are considered soft skills, we can measure the positive results of this training through continued retention in an extremely tight labor market. As a result of the training, we have observed that employees are better decision-makers due to their increased confidence."

"In addition, our sales and production output have increased. Therefore, we have trained staff to meet the new demands has" •• "to meet the new demands has become an asset as a result of the classes employees attended. For example, supervisory staff is now trained to organize, prioritize and lead their employees as a result of these classes."

"The employees who attended the training found the classes to be extremely useful in helping them meet the demands of their jobs better. It gave them the tools, techniques they need, and

it also boosted their morale by showing them that Biodex Medical Systems, Incorporated is committed to preparing them for the challenges we face to remain competitive."

"Overall, Biodex Medical Systems, Incorporated is appreciative of the opportunity Suffolk County Community College and the SUNY Workforce Development Grant afforded us, because without it, we would not have been able to provide the invaluable training to our employees. Thank you. J. Matthews, Jeannette Matthews, Director of Human Resources." I want to thank you all for your time.

P.O. CARACAPPA:

Thank you, sir. I have no other cards on this public hearing. Anyone else wishing to be heard? There are none. I make a motion to recess to the next Community College public hearing, which is Thursday, in Hauppauge.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

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

Moving on to 1362 • Public hearing to discuss the approval of the Cross Bay license for Bayard Marine Corporation. First speaker is Mark Stang.

MR. STANG:

Hi. Mark Stang from Bayard Marine Corp. I do not have the benefit of a law degree and neither does my wife. My wife, my son work side by side with me collecting garbage on Fire Island. This task keeps us busy every day of the week during the season. We have invested hundreds of thousands of dollars building this vessel, so that we can remain competitive. I need the Legislators to pass this license today. I need to start operating for hire, so I can pay for this investment.

As you know the season on Fire Island is short, and a delay until August will cause me to lose the opportunity to recoup some of this investment.

We have met each and every criteria for the license under the law, as it has been reported to

you by the Budget Review Office, and are, therefore, entitled to be issued the license. There is no valid reason not to issue the license. Competition is a good thing and furthers the free market.

The need for additional waterborne transportation has increased dramatically with the implementation of new driving regulations brought on by the Fire Island National Seashore. I have not yet engaged in the freight business. The captain's log entries contained by Miss Weltsek's papers are inaccurate. The only thing that they validate is me furthering the business, which I am allowed to do without a formal license. That was not for hire ferry service. I have not received any compensation to date, and haven't even begun looking for work or advertising this company.

My competitor has done her homework and still cannot come up with a legitimate argument that would justify denying this license. I am hoping that you will not allow the smokescreen tactics used by Tony's Barge Service to delay this process any further. Competition is what they fear, but competition will benefit the consumer and also Suffolk County.

P.O. CARACAPPA:

Any questions for Mr. Stang? Thank you. Next speaker is Barbara Weltsek.

MS. WELTSEK:

Good afternoon, Members of the Legislature. My name is Barbara Weltsek, and I do represent Tony's Barge Service.

Contrary to some of the things Mr. Stang has said, he is, in fact, and has been engaged in the freight business since March of this year. I've handed out further memorandum, and in the back of them, there are three or four pages of photographs of Bayard Marine Corporation aiding in the hauling of freight by •• for Stang Corporation. He did this as recently as yesterday morning.

Garbage and recyclables, when they are hauled from the municipality by Bayard Marine, are, in fact, hauling materials and goods. The garbage does not belong to Stang, it belongs to the municipality. Stang cannot determine where the garbage will be dumped, the municipality has determined that. They haven't sold him the garbage, it's municipal garbage that has to go where they're being paid to haul it to. It is absolutely quintessential freight haulage.

Additionally, as recently as I think it was Thursday, but the pictures have the exact date, he was hauling the propane truck all around the Great South Bay, aside from the fact that Mark Stang is continually professing he is not engaging in the very activity he is engaging in. We have additional problems with the petition now, which are not a smokescreen, but actually quite self-inflicted by Mr. Stang himself.

Mr. Stang deleted two of the consents, which were deemed inadequate. I'm not quite sure why he did that, because those are the two communities with which he has municipal contracts, and I'm on information and belief that he has propane hauling contract also within those communities. Upon information and belief, he's never even landed in Point O' Woods, and even if he has landed in Point O' Woods and Robins Rest, there's an inadequate population there to sustain the figures that he has given to Budget Review. There's no way Mr. Stang can make \$160,000, as he projected on Page 5 of the Budget Review Report, which is dated April 6th, and make this freight business work. He has to land in those two communities, which he has now deleted, which he has his businesses actively in. The question becomes why can't he get proper consents from those communities? Why simply delete where you have contracts and where you're obviously making your money? It makes no sense. It really should be put back to Budget Review and reviewed.

With all due something to Mr. Stang's investment, he should have done it properly. He should have gotten his licenses ahead of time. He shouldn't have invested all this money if he wasn't willing to go through this process properly like the competition has. The competition is not afraid of Mr. Stang going into business properly, lawfully, with all the delays and waits and attenuating expenses. We do, however, object to Mr. Stang being able to simply go into business, not have a license, come before you, admit he doesn't have a license, go out the next day, continue hauling freight.

The Ocean Beach contract is an interesting one, because when Mr. Stang had to prove to a monitor that he was licensed and qualified to even be permitted to bid on that municipal refuse contract, he tendered a contract between his hauling company and Fire Island Ferries, and the duration of that contract is until December 2004. Mark Stang has a lawful way to make good on that contract and he simply abandoned it, because it's cheaper for him not to pay the hauler that he held out to the community he was going to be using with a lawful license. He's chosen

to opt illegally on that contract.

At this point, I strongly urge the committee that this matter be remanded back to Budget Review. The numbers make no sense with the deletion of 50% of his communities. It makes no sense that those projections could possibly stand any longer. An April 6th report on an amended application from last week is outdated and erroneous material. And I respectfully request that this matter be put down to Budget Review for a proper review and analysis.

P.O. CARACAPPA:

There's a question. Legislator Bishop.

LEG. BISHOP:

Yeah. You know, one of the professional hazards of being a politician is that you're a mile wide and an inch deep. On this topic, I'm less than an •• you know, an eighth of an inch deep. I don't know what you're talking about, I don't know what the previous speaker was talking about. There's garbage in Fire Island and someone's got to take it away.

MS. WELTSEK:

Yes sir.

LEG. BISHOP:

Let's start with the very basics, all right?

MS. WELTSEK:

The very basics of it are there is garbage in Fire Island. People go there and they live there, and the municipality puts out for bid, most of them put out for bid municipal contracts, and the lowest responsible bidder who has met all the qualifications and holds all the proper licenses is by law supposed to get that contract. In the case of Ocean Beach, Mr. Stang was the lowest responsible bidder, but part of what made him, quote, responsible was the fact that he tendered a contract, which is in the materials I've given you at Page 10. It's a contract between himself and Fire Island Ferries indicating that he would lawfully be using waterborne conveyance, which already held a Fire Island •• I'm sorry, a Suffolk County freight license. He wouldn't have been able to even bid on that contract without a valid freight license. He now comes before you using a different vessel with no license, he's abandoned the legal contract, and he says, "Give me my" •• "Give me a license, I have to start operating legally now."

LEG. BISHOP:

Okay. So he qualified by using Fire Island Ferries' boat, but he's not actually going to use Fire Island Ferries' boats ••

MS. WELTSEK:

I believe ••

LEG. BISHOP:

•• in his operation.

MS. WELTSEK:

I believe he had for a short while, and it's my understanding that as of March, he commenced using his own vessel, which is the Pearl Graham, for which he's seeking this freight license right now.

LEG. BISHOP:

Well, we have Fire Island Ferries here, so we could find out if this is all true.

MS. WELTSEK:

Well, you can ask. I suppose it bears relevance. At the work •• at the work session last week, if I recall it properly, it seemed to me Mark Stang eluded to the fact that perhaps Fire Island Ferries was overly engaged and would be unable to honor their contract with him. I'm not so sure that that's true. And I can't speak for either party on that, but it seems to me that a valid contract should be in place. One party or the other is not using it. Maybe you could ask Mr. Hafele. I'm not sure. I don't •• I would never accuse Fire Island Ferries of breaching its contract.

LEG. BISHOP:

But wouldn't •• if what •• if he misrepresented it, didn't he misrepresent to the Village of Ocean Beach? Isn't your argument with them, not with us?

MS. WELTSEK:

No. My argument has to be with you at the moment, because you're considering a license on a

petition which has a completely erroneous matter in it. And in order for you to approve that petition, I think it should at the very least be truthful, which it at the moment is not.

LEG. BISHOP:

We're considering a license to haul garbage? What's our license that we're ••

MS. WELTSEK:

You're considering a freight license, and part of what has to be considered, if I may, is that you have to consider whether or not the party requesting the license has the consents of the communities it serves. As of last week, Mr. Stang held two erroneous consents. They were inadequate because they did not give ••

LEG. BISHOP:

Where are you getting that criteria for what, because, you know, for the ten years I've been on this body, I still don't know what our role is with regard to licensing on the bay. Where are you getting what our criteria is?

MS. WELTSEK:

Well, specifically, it's Suffolk County Code ••

LEG. BISHOP:

There's a code that outlines it?

MS. WELTSEK:

There is a code that gives you the jurisdiction to review applications for ••

LEG. BISHOP:

Right. But does it tell us what ••

MS. WELTSEK:

287•3.

LEG. BISHOP:

Does it tell us what our criteria is, because I'd like that, because that would solve a lot of problems around here.

MS. WELTSEK:

I do believe part of the criteria. Now, I might be confusing this with navigation law, but part of it is that you must see the consents for the communities to be served, and you also must see the rates. Now •• and, also, part of the Suffolk County Code, which also comes into question on this application, is, generally speaking, when it comes up in a renewal situation, an ongoing freight service has to have an entire accounting done and the accounting is then sent before Budget Review, and Budget Review determines if those rates are fair and then good with public interest. On a first time ferry business, this is usually not possible, so projections are made. The projections which were originally made, and are contained in the April 6th Budget Review hearing, were based on servicing four communities, two of which is where Stang actually operates. When those consents were deemed inadequate, he merely said, "Okay, I won't serve those communities," which is completely fallacious, because he served them as much as yesterday. The two communities he does have in there can in no way financially sustain a \$160,000 a year income projection.

LEG. BISHOP:

Legislator O'Leary, did this go through committee, and is this new information, or did the committee already ••

LEG. VILORIA • FISHER:

Yes, it did. No, we all heard this.

LEG. BISHOP:

And BRO had all that?

LEG. O'LEARY:

Yeah, this went through committee, and this is not new information, we heard this in committee.

LEG. BISHOP:

And BRO had all that information as well?

LEG. O'LEARY:

Well, I'm anxious to hear BRO's explanation to the statements made by the speaker.

LEG. BISHOP:

Okay. Thank you. Thank you. I understand it a lot better now.

MS. WELTSEK:

Are there any other questions?

P.O. CARACAPPA:

That's it for now. Thank you. Next speaker is Tom Esposito.

MR. ESPOSITO:

Hi.

P.O. CARACAPPA:

Good afternoon.

MR. ESPOSITO:

I'm Tommy Esposito, I'm the owner/operator of Tony's Barge Service. We've been operating on the Great South Bay and have held a freight license since 1983, so we've been down the road with this process. It took us two•and•a•half years to get a freight license, of which at the time we were the first nonferry company to get a freight license. We subsequently spent \$250,000 to improve our vessels to meet Coast Guard standards, and also to meet what we considered the criteria of the Suffolk County Legislature.

I am a little taken back with the deletion of the two communities. The deletion of the two communities, I stand to correct Ms. Weltsek, is 90% in terms of a population. Robins Rest has approximately, the landing point Robins Rest has approximately 40 •• 30 to 40 homes. Point O' Woods has approximately 125 homes. We are talking about a dramatic drop in projected income.

So, what's going on here? Is there competition on the Great South Bay? I know every contract I've bid on there's been other bidders. Sometimes there's been up to four bidders. I've seen contracts. I've lost contracts, I've won contracts. The important thing here is that everybody has the right to bid, whether they go to a ferry company and submit it, whether they go to an

independent operator. There is competition on the Great South Bay.

Anybody can come in here and say, "More competition," but that's a smokescreen. The smokescreen boils down to profits. What we're talking about here is not serving the public, we're talking about profits protecting profits, not doing your homework, going for work, misrepresenting your case, and pushing ahead and saying, "I have a freight license."

So, I'm going to sum this up with two things here. Number one is what's the point of getting a freight license if you don't have points to operate with? The point is you have a piece of paper, that's a freight license. What does that allow you to do? It allows you to go to any community on Fire Island and say, "I have a freight license, I can land in your community."

It's a reverse process that's happening here, and I think the Legislature, unless the points are clearly defined, and my second point is financially sustainable, it is your duty, and I use that word lightly, to reassess and look at the Budget Review plan again, because with a 90% drop in income, as well as projected income, as well as you giving a license, and this license will only serve to say, "Look, we have a freight license, we don't have to go where the freight license says, we can go anywhere on the bay," you're giving carte blanche, and it's not in the use of public service. Thank you.

P.O. CARACAPPA:

There's some questions. Legislator O'Leary.

LEG. O'LEARY:

Yeah. Mr. Esposito, you're making statements which I •• they're muddying the waters so to speak. Buy way of clarification, as the Chair of Public Works, I need to know this, and what I'm asking you is are you currently under contract as a result of your bids with the various municipalities on Fire Island?

MR. ESPOSITO:

Yes, I am, sir.

LEG. O'LEARY:

All right. And is it your statement that your competitor, this Bayard, is going to those

municipalities, picking up freight and transporting it across the bay, where you should be doing that?

MR. ESPOSITO:

No, that's not my statement, sir.

LEG. O'LEARY:

Okay. What •• can you clarify that, please?

LEG. TONNA:

My statement is, basically, that we went through a process to get a freight license back in 1983, and I think for a level playing field, I think Budget Review, since this company has operated at least for four months, should really open up what's going on there and to say, "How are these rates established?" What projections are they based on? The projections have totally changed right now with the deletion of the two communities.

LEG. O'LEARY:

All right just clarify this, if you will, for me. If Bayard does receive a license to cart freight across the bay, are you stating that he's going to ignore the municipal contracts that you have with the various entities on Fire Island and just go ••

MR. ESPOSITO:

So, sir, I'm not stating that at all.

LEG. O'LEARY:

So, I don't understand. He's in the process of making an application to be granted a license to haul freight. There is a problem, which has been brought to our attention, that he's apparently is doing this without benefit of a license. All right? Now, that's something I'm going to take up with BRO. But what's confusing me is that your counsel made a statement that you're under contract with the various entities over in Fire Island to haul that freight.

LEG. LOSQUADRO:

Some.

MR. ESPOSITO:

Some.

LEG. O'LEARY:

All right. So, what's going to occur if this individual is granted a license to haul freight? What's the concern on your part?

MR. ESPOSITO:

There's no change, sir.

LEG. O'LEARY:

What is he going to be doing that ••

MR. ESPOSITO:

There's no change than what previously existed. The only thing is that in the past, he's been on contracts and he's carried his freight through Fire Island Ferries. That's what •• that's what the difference is. There's really no change.

LEG. LOSQUADRO:

Peter, would you suffer an interruption?

LEG. O'LEARY:

Yes, please.

LEG. LOSQUADRO:

Legislator O'Leary, from what I'm getting, I was taking some notes here, you're saying, basically, that because he has chosen to ignore the guidelines that are set forth already, you're saying that the two consents that he needed, the deletion of those two communities, he currently has contracts with those two communities to haul ••

MR. ESPOSITO:

I'm not sure. I am not sure about that.

LEG. LOSQUADRO:

Does your counsel have that answer?

LEG. TONNA:

I think he currently would have contracts for those, and one of the contracts I know ••

LEG. LOSQUADRO:

So, what you're saying is if he deleted those two communities and he currently has contracts to serve those communities, he would either have to, A, revert back to his contract with Fire Island Ferries, which he's saying he can no longer use, or would have to operate from them illegally without those consents?

MR. ESPOSITO:

Yes.

LEG. LOSQUADRO:

I mean, that's the course of logic I was following with this. So, what you're saying is the deletion of these two communities, he cannot operate in •• he cannot complete his work and his contracts with the deletion of those two communities from his •• from his license is what you're saying.

MR. ESPOSITO:

Correct.

LEG. O'LEARY:

Okay. I've suffered an interruption long enough. But thank you for that clarification.

LEG. VILORIA • FISHER:

Such a martyr, he's suffered long enough.

LEG. O'LEARY:

So, right now, if I understand you correctly, Bayard is in the process of picking up freight from these two communities with benefit of having a license for them, but not being licensed by the time; is that •• is that what is ••

LEG. LOSQUADRO:

Contract by them.

LEG. VILORIA • FISHER:

Contract.

MR. ESPOSITO:

Contract.

LEG. O'LEARY:

Their contract •• he's contracted by those two communities, however, he's not currently licensed and authorized by the County to do so.

MR. ESPOSITO:

Correct.

LEG. O'LEARY:

All right. Kevin, can you just clarify that, that particular issue itself with respect to Bayard's situation and the application process?

MR. DUFFY:

In the application process, if the petitioner has deleted those two points from his license, he would not be able to use his license to land at those points. The only points •• and we have an example of it today. Fire Island Water Taxi is coming back to amend their license, because when they originally applied two or three months ago, they did not have a consent for Atlantique. They have now gotten that consent and they are now coming in to amend their license, adding that as a stop. If the application, or as it is now drafted, is approved, what would happen is that Bayard Marine would be able to use the Maple Avenue Marina in Bay Shore, and it would be able to go to I believe it's Point O' Woods and Robins Rest. Those would be the only locations for which its license was granted. He would not be able to go to other communities and seek their business, because he's not licensed by the County to land there.

LEG. O'LEARY:

What recourse do we have if, in fact, it's determined he is going to those two communities conducting business?

MR. DUFFY:

I would defer to Counsel, but there was some discussion in the committee meeting, and we had pointed out at the committee meeting that there was a time last year when Bay Shore Ferry was running without a license, and what happened at that point, Counsel to the Legislature sent them a letter ordering them to cease and desist.

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

If the ferry is licensed, then the code gives us the ability to impose a fine, I believe, of up to fifteen hundred dollars, if they're not fulfilling the conditions of their license.

LEG. O'LEARY:

And there's currently no provision in the Charter or County Law, or whatever other resource, for purposes of a punitive action by way of fines to individuals who do carry •• who do •• who are in violation of the Local Law?

MS. KNAPP:

You're saying people who don't have a license?

LEG. O'LEARY:

Yes.

MS. KNAPP:

At the request of the Public Works Committee, I sent a letter directing the Bayard to cease and desist if they were operating without a license, and informing them that there were penalties available under State law.

LEG. O'LEARY:

All right. There are penalties under State law, but not County law?

MS. KNAPP:

There's a misdemeanor penalty under State law.

LEG. O'LEARY:

Okay. Thank you.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Mr. Esposito, your testimony is you've had a license since 1983?

LEG. TONNA:

Yes, sir.

LEG. LINDSAY:

Okay. Have you ever modified your license in all those years?

LEG. TONNA:

No, sir.

LEG. LINDSAY:

Okay. So, the original points that you applied for, you're still servicing?

MR. ESPOSITO:

Yes, sir.

LEG. LINDSAY:

And you haven't added any?

MR. ESPOSITO:

No sir.

LEG. LINDSAY:

Subtracted any?

MR. ESPOSITO:

It encompasses all the communities on Fire Island.

LEG. LINDSAY:

Okay. Mr. Duffy, is the Fire Island Taxi Service that we have another resolution today, it's modifying a license as they pick up an additional point of landing. Is that a common practice?

MR. DUFFY:

Well, we've had it in the past. I ••

LEG. LINDSAY:

Where you get an initial license and then you expand it or delete it, depending on whether you get permission to land at certain communities?

MR. DUFFY:

Well, Bay Shore Ferry had done it last year, and that's the closest one that comes to mind. Most of the other ferry services, when they applied, they listed the communities that they wish to service and provide the consents for them. But it is possible to amend the license to either add or delete, and that is done for a variety of reasons.

LEG. LINDSAY:

Okay. One other question for you, Mr. Duffy, if you don't mind. Do we have anymore public speakers?

D.P.O. CARPENTER:

Yes.

LEG. LINDSAY:

We do? Maybe I'll wait until all the public speakers before •• because I need some other points clarified. Not on this one?

MS. BURKHARDT:

No, we don't have anymore.

D.P.O. CARPENTER:

They have the rates and they have the license. So they're going to be speaking again.

LEG. LINDSAY:

Okay, after. Well, right. Let me talk to Budget Review, then. Legislator Bishop, you know, raised an issue before that, you know, we really should be familiar with, but maybe we're not. What are the different points that Budget Review looks at to see whether the application •• the applicant •• you know, what are our concerns as a County?

MR. DUFFY:

Okay. The role of the Budget Review Office ••

LEG. LINDSAY:

Hold on for one minute. Could you close the door? Go ahead.

MR. DUFFY:

The role of the Budget Review Office is that we express an opinion to the Legislature as to the reasonableness of the rates. We ••

LEG. LINDSAY:

Do we require someone •• do they have to have the boat before we issue the license?

MR. DUFFY:

Well, as we said in our cover letter to Bayard Marine, there have been, starting with Bay Shore Ferry •• we usually •• the County got involved maybe 25 years ago in licensing ferries. Before then, it had been done by the courts. When the County became involved, that's when Chapter 287 was drafted. Many of the licenses we had were transferred over from the County Court, because these were licenses that existed for many years.

What happens when a new applicant comes in •• the first influx we had were in the, I guess, early '90's, when the Village of Ocean Beach wanted water taxis to be licensed. They then had previously run, they weren't licensed by the County, and what had happened, they came in and

they applied for licenses. Four of them were granted to South Bay Water Taxi, Aqualine, Maker Water Taxi, and there's one that I can't recall at the moment, but these were previously established businesses.

Back in maybe 2000, we had our first new organization coming, that was Beach Water Taxi, which never completed the process. After that, we had Bay Shore Ferry come in, which was applying from the beginning.

As we say in our cover letter on the report, the starting of a ferry business is a very risky undertaking, because you have to have all your licenses, you have to purchase your boat. Everything must be in place prior to the County Legislature granting a license. And the applicant is taking the risk that upon going through all of that, that at that point the Legislature may not grant the license.

LEG. LINDSAY:

Okay. So, to answer my question, you have to have ••

MR. DUFFY:

Everything in place.

LEG. LINDSAY:

You have to have the vessel before you apply for the license?

MR. DUFFY:

Yes, yes.

LEG. LINDSAY:

And you have to have sites where you can take off from and land to?

MR. DUFFY:

Yes.

LEG. LINDSAY:

Right?

MR. DUFFY:

With consents from the owner.

LEG. LINDSAY:

Consents. And you have to have a Coast Guard license ••

MR. DUFFY:

Well, the Coast Guard.

LEG. LINDSAY:

•• or someone with a license?

MR. DUFFY:

The Coast Guard certification ••

LEG. LINDSAY:

Certification of the vessel.

MR. DUFFY:

•• is required on the vessel.

LEG. LINDSAY:

How about do we look at crew? I mean, does ••

MR. DUFFY:

Well, that's part of the Coast Guard. We don't get involved ••

LEG. LINDSAY:

Okay. So, you have to be •• okay.

MR. DUFFY:

What we look at is that we look at consents. What had happened, there is some language under the Highway Law that the granting of a ferry license has a writ of condemnation to it.

Paul Sabatino, who was Counsel previously, had indicated that he didn't want to get involved in the County perhaps granting a ferry license, and, therefore, doing a condemnation, so he wanted as a requirement the consents of the sites on which the ferry would land. Okay? That then became part of our procedure, that we wanted to see the consents. We •• when we looked at the vessel, the Coast Guard is handling that, we're not •• have the expertise to look at boats and determine whether or not they're ••

LEG. LINDSAY:

But we required that Coast Guard certification?

MR. DUFFY:

We want to see their Coast Guard certification.

LEG. LINDSAY:

Okay.

MR. DUFFY:

What we then do is we look at their financial statements. If a business has not operated, it had been •• it's not detailed in the statute, but we had devised it as a policy, that we would waive that requirement, but if circumstances change, we would then have the right to impose it. But what has happened is that on Bayard Marine, in our report, we say we don't have a reasonable basis to express an opinion as to the rates they're requesting to charge, because we have no comparable ferries operating. Tony's Barge is operating, but their rate, which they've operated with since 1983, simply states not to exceed \$150 per hour. That gives us no basis. And what we did is we •• that was one of the reasons why we said they should only be granted a license for a year, because then in a year, they would come back, they should have audited certified financial statements, and we would have a basis, then, of evaluating them and seeing whether or not their fares are justified.

LEG. LINDSAY:

So, Budget Review's recommendation was to give Bayard a conditional license for a year?

MR. DUFFY:

Not really conditional, to give them a license for a year.

LEG. LINDSAY:

And there was ••

MR. DUFFY:

And the problem, we had three problems in our report. Our first problem was with the consents. They had listed five locations for which they were •• wished to land. There were problems with two of them. It's their choice. What we said is the choice is you either have to provide a proper consent, if you wish that site to be a landing site, or else you have to amend your petition and your resolutions to delete that area that you •• and you theoretically should not operate to that area.

LEG. LINDSAY:

Another issue that came up on •• at committee, and maybe for the benefit of the other Legislators who weren't there, the whole issue of Stang being in the garbage business, Bayard, a connected company hauling the garbage, whether •• there was a question of whether they needed a license to haul the garbage?

MR. DUFFY:

That had come up. I would again defer to Counsel on that. But the question I had asked Counsel, and, you know, the circumstances may change based upon additional information, but if a ferry company is transporting items used exclusively in its own business, a license would not be required. What the facts are with Bayard Marine at the current point, I would defer to Counsel as to whether or not she felt they would require a license to haul the garbage.

MS. KNAPP:

It's as Kevin says, it's •• the law's clear, that if you're hauling for your own business, then you do not have to have a ferry license. Miss Weltsek makes a point that I don't think that the law has addressed yet, where garbage is not the property of the hauler. I'm not quite sure whose property it is, the individual homeowners', I suppose, up to that point. She raises an interesting point, an interesting point of law, but I don't think that there's been a judicial determination yet.

LEG. LINDSAY:

But isn't that the case with anything that you're hauling, you don't really own the freight that

you're hauling for somebody, do you?

MS. KNAPP:

Well, if you're hauling freight for somebody, then you must have a ferry license.

LEG. LINDSAY:

I see.

MS. KNAPP:

If you are ••

LEG. LINDSAY:

I see, okay. Now I understand.

MS. KNAPP:

See, because he's in the garbage business ••

LEG. LINDSAY:

Okay.

MS. KNAPP:

•• it raises ••

LEG. LINDSAY:

Who owns the garbage, okay.

MS. KNAPP:

I mean, if he were in the landscaping business ••

LEG. LINDSAY:

I never thought of that, right. All right. And just a last point for clarification from Budget Review. The application, the way you're looking at it now, it meets the requirements, is deficient; where are you with it?

MR. DUFFY:

With the application now, we had raised questions, we had some problems with some of the language and some of the rates that he was suggesting, because it wasn't clear enough. Those points have now been addressed. If the Legislature wishes to consider this, our review ••

LEG. LINDSAY:

So, Budget Review is complete with their audit of the application?

MR. DUFFY:

Yes.

LEG. LINDSAY:

Okay.

P.O. CARACAPPA:

Legislator Viloría•Fisher, then Losquadro.

LEG. VILORIA • FISHER:

My question is either to Budget Review or to Counsel, and it speaks to criteria. If we have an applicant who has been operating without a license, who has been operating illegally, do we withhold a license as a punitive measure, because that seems to be what the speaker before has been suggesting, that we not grant a license to someone who has been misrepresenting his credentials. Do we withhold license as a punitive measure?

LEG. ALDEN:

Can I answer that, too? Just a historical perspective, that very situation came before us when Bay Shore Ferry came here. They admitted on the record, the owner admitted to operating without a license while he was going through the review process and we granted the license.

LEG. VILORIA • FISHER:

Okay. I think Counsel wants to expand on that.

MS. KNAPP:

Just to add to that, you have •• you have no obligation to either refuse or to grant on that one •• using that one ground as a basis. It is common in the licensing boards within the County to

license those who have been operating without a license in an effort to regulate them, so that you have the ability and the discretion as a body to decide that you want to regulate activity and issue the license on that basis. However, you further have the discretion, if you feel that the petitioner before you has committed acts that you believe make him irresponsible, to deny the license, if that's what you find.

LEG. VILORIA • FISHER:

Thank you.

P.O. CARACAPPA:

Legislator Losquadro, then Alden.

LEG. ALDEN:

You can take me off now.

LEG. LOSQUADRO:

Question to Budget Review. You said that your review of this matter is complete. Did you rerun the numbers, as has been suggested, with the deletion of those two communities? Is it economically viable or economically feasible with the deletion of those two communities from the license application? Have you rerun those numbers?

MR. DUFFY:

Well, what we said in our report is we didn't express an opinion on the rates. You see, our •• as I understand our function, and Jim can correct me if I'm wrong, under Chapter 287, we're supposed to express an opinion whether or not we feel the rates are reasonable. The decision as to whether or not Bay Shore Ferry when they came in, they were going to be running at a loss. That's their business decision. If they wish to take a risk and go out and operate, even though projections are saying that you're going to have a tremendous loss, that's their decision. It's not up to us to say ••

LEG. LOSQUADRO:

Well, it's their discretion, I understand. To Counsel, I guess, it had been mentioned, and Legislator Alden had mentioned, going back to the character of the individuals, that someone had admitted to operating without a license, and I think Counsel had mentioned that we had requested of them to cease and desist that activity; to Bay Shore, was it? Did ••

P.O. CARACAPPA:

In years past, yeah.

LEG. LOSQUADRO:

Did they abide by that?

LEG. ALDEN:

No.

LEG. LOSQUADRO:

Did they cease and desist the activity also?

LEG. ALDEN:

No.

LEG. LOSQUADRO:

No. So, I guess it was a good thing I wasn't here back then. Thank you. No further comments.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Just to that point, Legislator Losquadro, as an outgrowth of the committee meeting the other day and in discussions with Counsel, I'm working on legislation to really establish some criteria and some tool for us to penalize those that do operate unlawfully on the bay.

LEG. LOSQUADRO:

Thank you.

P.O. CARACAPPA:

Any other questions for the speaker? Thank you.

LEG. LINDSAY:

I make a motion to close.

P.O. CARACAPPA:

Do we have ••

LEG. CARACCILOLO:

Second.

P.O. CARACAPPA:

Well, do we have any other •• do we have any other speakers?

LEG. MYSTAL:

There's speakers.

D.P.O. CARPENTER:

This is a different bill. There's two ••

P.O. CARACAPPA:

Yeah, this is on 1362. I have no other cards for 1362.

LEG. CARACCILOLO:

Second the motion.

P.O. CARACAPPA:

You spoke, Mr. Stang, on 1362. There's a motion to recess.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. The motion was made by Legislator Losquadro to recess.

LEG. CARACCILOLO:

Roll call.

P.O. CARACAPPA:

Roll call on the •• roll call on the recessing.

LEG. BISHOP:

Recess the meeting or the hearing?

LEG. CARACCIOLO:

No, the hearing.

P.O. CARACAPPA:

The hearing. Recessing •• recessing the meeting will come later.

LEG. FOLEY:

You're listening to too many rumors there, David.

MS. BURKHARDT:

To recess 1362.

P.O. CARACAPPA:

Recess public hearing 1362, Mr. Clerk.

MR. BARTON:

The motion was made by?

P.O. CARACAPPA:

Legislator Losquadro, second by Legislator Foley.

MR. BARTON:

Thank you.

(Roll Called by Mr. Barton, Clerk)

LEG. LOSQUADRO:

Yes to recess.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Pass.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

I'm going to wait to hear what the Chairman wants to do.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

No.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No to recess.

LEG. SCHNEIDERMAN:

No to recess.

LEG. CARACCIOLO:

I knew that, no.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

Yes to recess.

LEG. BINDER:

Yes.

LEG. BISHOP:

No.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

MR. BARTON:

Ten. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

The public hearing on 1362 has been recessed.

Moving on to ***Public Hearing 1364 • Authorization of rates for Bayard Marine Corporation for Cross Bay License within the County of Suffolk.*** First speaker ••

LEG. BISHOP:

Again?

LEG. ALDEN:

Now it's the rates.

P.O. CARACAPPA:

Barbara Weltsek.

LEG. BISHOP:

Shouldn't we recess this?

P.O. CARACAPPA:

Well, we have cards. You have the right speak.

MS. WELTSEK:

I would just defer to •• I just wanted to acknowledge that you said my name, but thank you.

P.O. CARACAPPA:

You're here.

LEG. BISHOP:

Smart.

P.O. CARACAPPA:

You're counsel.

LEG. MYSTAL:

Very, very smart.

P.O. CARACAPPA:

I have no other cards. Anyone wishing to be heard on 1364? No other cards, anyone else wishing to be heard? Is there a motion? There's a motion ••

LEG. CARACCIOLO:

Close.

P.O. CARACAPPA:

Motion to close. Oh, we have •• I would ••

LEG. LINDSAY:

What's the sense of closing.

P.O. CARACAPPA:

I would make a motion to recess, seeing that the ••

LEG. CARACCIOLO:

Since the other one's open.

P.O. CARACAPPA:

Since the other one's recessed as well. There's a motion to recess by myself, second by Legislator Foley. All in favor? Opposed? Abstentions? 1364 has been recessed.

Moving on to ***Public Hearing 1568 • A local law to ban the purchase, sale and use of mobile infrared transmitters in Suffolk County.*** I have one card, Chief Robert Moore.
Good afternoon, Chief Moore.

CHIEF MOORE:

Good afternoon, sir. Again, I'm Robert Moore. I'm Chief of the Department, Suffolk County

Police Department. And I brought with me our Commanding Officer of the Highway Patrol, Joseph Blaettler, and Sergeant Louis Dini, who's the Commanding Officer of our Motorcycle Section. They're going to help me answer any questions you may have. And if they're really hard questions, I think we agreed that the Sergeant will be answering those.

The Police Commissioner asked me to stop by to tell you that the Police Department supports this resolution, and he asked me to thank Legislators Cooper, Nowick, and Schneiderman for bringing it forward.

You know, technology moves so rapidly, especially in the United States, and many communities don't respond as quickly as they should, particularly when they see a public safety danger, but that doesn't happen here in Suffolk County. I think each and every one of you at one time or another has seen an advance or a change in technology and have responded so remarkably quickly, and for that, I want to thank each and every one of you.

Well, what is the mobile infrared transmitter, or MIRT? Well, in some areas, it's referred to as Emergency Vehicle Traffic Light Preemption System. So, when you hear that, it's the same thing. What is it? It's part of a traffic control system, traffic lights. And in Suffolk County today, there are about, oh, maybe about 100 traffic lights that have sensors placed on them. The MIRT is an emitter, a transmitter. Generally, it's the size of a T.V. remote control. Today you can purchase them on the internet, and the prices vary, anywhere from 100 to \$300, so it's affordable. And when you press the button, it changes the traffic light.

Now, the fire departments and the ambulance companies in Suffolk County were really the driving force behind developing this system, and it was to enable fire trucks, ambulances, other emergency equipment to get quickly to the scene of a fire, or, more importantly, to the hospital. And most of the routes are routes from ambulance stations to local hospitals, Route 25 or Jericho Turnpike, Route 347 or the Smithtown Bypass. So, that's what it is and that's what it does.

Well, what's the problem? Well, the problem is that •• oh, and by the way, when can you trigger this device? Well, again, it varies. It depends on how sophisticated the device is. It depends on weather conditions. It depends on how sophisticated the traffic light system is.

For example, if you have a small single traffic light without directionals and all these other

ancillary options, that's a fairly simple system and one of these transmitters can change that light fairly quickly at a substantial distance, let's say 500 feet. A more sophisticated traffic light system, for example, that at the intersection of Jericho Turnpike, Route 25, and Route 110, New York Avenue, in Huntington, is very sophisticated, the number of lights, directionals, each of them going off at different times. Can you imagine if a number of people had these affordable units and were able to tamper with those lights at will? The result would be chaos.

I would submit, I mean, on a Saturday at about 11, it's chaos anyway. So, these certainly don't help, they exacerbate the problems that we have with the flow of traffic. So, it will disrupt the system, and then the system has to recycle before we get back into an appropriate sequence. So, you can imagine a number of people driving westbound on Jericho Turnpike each with one of these systems constantly pressing the button. You're going to have a substantial wait on Route 110 before your light turns green, unless, of course, you have one of these systems, and who knows what will happen at that point.

So, at any rate, it is a danger to the public. It certainly disrupts the very delicate traffic system that we already have, and it's easily affordable. And for that reason, your Police Department thinks that there is a public safety danger in permitting use of these items. And thank you for bringing this forward.

P.O. CARACAPPA:

There are a lieutenant of speakers who'd like to ask questions. First, Legislator Alden, then Caracciolo, then Losquadro, then Lindsay.

LEG. ALDEN:

Me?

LEG. NOWICK:

Joe. Joe.

P.O. CARACAPPA:

And Nowick.

LEG. ALDEN:

Hi. Thanks for coming down. We have adequate protection right now for the devices that are installed?

CHIEF MOORE:

Well, right now ••

LEG. ALDEN:

You could change the frequency, can't you? Is that what ••

CHIEF MOORE:

Well, it depends, it depends. For example, in the Town of Brookhaven, the Town requires that there's an access code. So, in the case of the Town of Brookhaven, yes, not only do you have to have the access code, but it actually records who's using it. In the other areas, that's not the case.

Two, there are right now, at least in the western, the five western towns, two different systems and they're not compatible. So, if you've got a sensor from, for example, 3M system and the individual who's trying to trigger the light has, it's called _Tomars_ , the corporation, their system, it won't change the traffic light. So, again, it depends on whether or not the sensor is coded, it depends upon whether or not your system is compatible with the sensor.

LEG. ALDEN:

Are there any plans to make it a uniform system and put in the lockout type of device, or the recording of who's using it, similar to the one that you mentioned at first?

CHIEF MOORE:

I'm sorry. That would probably be •• the answer is I don't know. The Police Department has virtually no input into the regulation of these devices. That, for the most part, is being left to the town or the County, or, in some instances, the State. Whoever owns that traffic light is the controlling authority, so, in the case of the County, I would imagine you would have, you know, the regulatory authority when it comes to those systems.

LEG. ALDEN:

And I don't mean to put you on the spot, because you're not a lawyer, right?

CHIEF MOORE:

That's why I brought the Sergeant. No, I •• no, I'm not.

LEG. ALDEN:

The controlling •• the controlling law, then, is •• it would be New York State law?

CHIEF MOORE:

Well, in this instance, in the case of State roads, I would say most probably, but not in the case of County laws in •• County roads and town roads, not at this juncture. And I'm not aware that the State or the towns have any plans to develop any sort of strong regulation for these type devices.

LEG. ALDEN:

It sounds like, I mean, there's a need.

CHIEF MOORE:

Oh, yes.

LEG. ALDEN:

And it sounds like an emergency need for the police, or ambulance, or fire to be able to be able to change those traffic lights to get through busy intersections. So, it would seem to me that there would be a need for some kind of unified jurisdiction over it, and some kind of unified control over it, too, but ••

CHIEF MOORE:

I wouldn't disagree. One of the great benefits of this resolution is it not only regulates someone using it, but, also, it regulates people purchasing it or selling it, and that's powerful. That's a powerful disincentive, at least here in Suffolk County.

LEG. ALDEN:

That takes care of part of the abuse problem, but what I'm talking about is, if we want an overall integrated system, we're going to get some •• somebody's going to have to take responsibility for ••

CHIEF MOORE:

I would imagine so, yes.

LEG. ALDEN:

Okay. And I'll look into it, or I'll have Legislative Counsel look into it. Thank you.

CHIEF MOORE:

Thank you, Mr. Alden.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. Chief, with respect to the abuse of the TSL's, what evidence do we have that this device is in the hands of a large number of users that are tripping these signal lights unauthorized •• in an unauthorized manner?

CHIEF MOORE:

We have no evidence at this juncture. We do know that it is being offered on the internet. We do know that nationwide and locally this traffic control system, because it's a two•part system, is growing in popularity. So, ease of access, affordability, and the fact that our community is relying more and more on these devices suggests that there is a problem looming, and I think the Suffolk County Legislature is renowned for anticipating and addressing wrongs before they get too much out of control. I hope that ••

LEG. CARACCCIOLO:

Yes, it answered the question. In terms of enforcement, how would we be able to detect someone who's an unauthorized user?

CHIEF MOORE:

That's going to be extraordinarily difficult. I think that most of the enforcement, most probably, will be in regulating purchase and sale of the items. As for use, we'll probably be encountering the same sort of problems that we do when we have someone who has the radar detector systems, so it will be similar in that. And I don't expect that there will be a large number of summonses issued for actually using, I think most of the enforcement power is going to be

through the purchase, sale avenue.

LEG. CARACCIOLO:

Since they are available over the internet, out-of-state manufacturers, do we have a known number of manufacturers of these devices? Are there just a few or are there ••

CHIEF MOORE:

You know, it's a fairly simple device, sir. And, as you know, I mean, we can make nuclear weapons, you know, by following internet instructions nowadays. So, no, I couldn't •• I couldn't tell you how many sellers of these items there are right now.

LEG. CARACCIOLO:

Are there ••

CHIEF MOORE:

It's a fairly new technology.

LEG. CARACCIOLO:

Okay, are there laws currently on the books that outlaw radar detectors in New York State or in Suffolk County?

CHIEF MOORE:

Well, radar detectors, yes, but not this item, it's too new. And, again, the Suffolk County Legislature is I think the first, to my knowledge, that's even considering this as an issue.

LEG. CARACCIOLO:

The radar detector prohibition, that's a State law?

CHIEF MOORE:

Yes, it is, New York State Vehicle and Traffic Law.

AUDIENCE MEMBER:

Just for trucks.

CHIEF MOORE:

Okay.

LEG. CARACCIOLO:

Yeah, that was my understanding.

CHIEF MOORE:

Yeah, I'm sorry. Yeah.

LEG. CARACCIOLO:

Okay.

CHIEF MOORE:

Yeah.

LEG. CARACCIOLO:

All right. Because, obviously, we have a lot more motorists who violate the speed limit than we do have these particular devices so far and, you know ••

CHIEF MOORE:

Depends on what light you're standing near.

LEG. CARACCIOLO:

Well, would you support a ban on radar detectors for all motorists in Suffolk County?

CHIEF MOORE:

I •• I would have to defer to the Police Commissioner. I •• the Commissioner is policy•maker in the Suffolk County Police Department.

LEG. CARACCCIOLO:

Well, actually the Legislature is the policy•making body in County government.

CHIEF MOORE:

Oh, well, that's •• I stand corrected, you're right.

LEG. BINDER:

You know policy•makers.

LEG. CARACCIOLO:

So that's something ••

CHIEF MOORE:

That's right.

LEG. CARACCIOLO:

Yeah. And that's something ••

LEG. COOPER:

Mr. Chair.

LEG. CARACCIOLO:

•• perhaps that, you know, we could explore, but ••

CHIEF MOORE:

We'd certainly be able to •• we'd be very willing to discuss it with you, but I'd be uncomfortable making a statement.

LEG. CARACCIOLO:

I could appreciate that. Thank you, Chief.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Thank you, Chief. I think, when you were making your point earlier about emergency vehicles being able to respond in a timely manner, one of the points I think that has to be made is to allow them to respond safely as well.

CHIEF MOORE:

Yes, sir.

LEG. LOSQUADRO:

I happen to have a friend who was broad-sided while riding in the back of an ambulance as a paramedic, and everyone, including the patient, was additionally injured. So, I think Murphy's Law sort of suggests that as one of these emergency vehicles is tripping the light in one direction, you're going to have some individual with these in their hands tripping the light in the other direction, thinking that they can travel our roads and change traffic signals with impunity, and I think it's a recipe for disaster. So, I think a preemptive measure such as this is certainly warranted by us. And I think, much like •• much like fireworks, you can contact the vendors of these products, and, obviously, enforcement, like Legislator Caracciolo brought up, they will obviously not be allowed to be able to ship to another area such as this, where they have been deemed illegal.

So, I just wanted to put that on the record and thank you for coming down and speaking on this.

CHIEF MOORE:

I couldn't agree more, sir. And I'm sorry for your friend. It happens ••

LEG. LOSQUADRO:

He's all right, thanks.

CHIEF MOORE:

•• so frequently.

LEG. BISHOP:

Make him stop.

P.O. CARACAPPA:

I'd ask everyone to ask questions at this point in time. This is what •• this is what we're here to do at this point in time. Legislator Lindsay, Foley, and then O'Leary.

LEG. LINDSAY:

I've already had mine answered.

P.O. CARACAPPA:

All right. Legislator Foley and O'Leary.

LEG. CRECCA:

Brian, didn't you have your question answered already, too?

LEG. FOLEY:

In the finest •• in the finest tradition of the Legislature, I'm just going to state, not so much as a question, but since it's a rare opportunity that we have for ••

P.O. CARACAPPA:

Question.

LEG. FOLEY:

•• for the Highway Division. No. I want to thank the Highway Division for the wonderful work that you do in this County. And I used to be a neighbor of Jack Caputo, who passed away less than a year ago, and who was one of the outstanding officers in our Highway Division. I just want to thank you for the outstanding work that your Highway Division does, Highway Unit does, Chief. And keep up the great work, and we know that in the years ahead, you'll be saving lives, as you've had in the past, so thank you.

P.O. CARACAPPA:

I stand corrected, that was a valid statement. Legislator O'Leary.

CHIEF MOORE:

Thank you, sir.

LEG. O'LEARY:

Yes. I'll have just a very quick question. The thought process, obviously, is with respect to the intent of this resolution, to ban the purchase and sale of it. I'm curious as to how, if this becomes law, how you're going to enforce the use of it.

CHIEF MOORE:

Well, on the County level, again, it would depend. I'm sure that once •• again, first, let me say that, you know, just raising it as an issue I think is important, so that we can start, you know, considering how we're going to approach the problem and what we're going to do about it. It almost reminds me of back in the '70's, where we had the head shops, and the head shops were selling these, you know, drug paraphernalia that initially was not considered a violation of law, but led to other things.

I think that regulation of this sort of thing at our level, when it comes to internet sales, is going to be as problematic as it is for any other sort of internet sales. However, those local electronic stores that may decide to start selling these, then, with the County law, there's some action that we can take. Also, because the legislation very cleverly talks about purchasing it, if you possess it, it •• and, again, I'm not an attorney, it's likely that you purchased it, and that is part of the violation. Actually, catching someone using it is probably going to be problematic, we acknowledge that.

LEG. O'LEARY:

I would think so.

CHIEF MOORE:

Yeah.

LEG. O'LEARY:

Just by •• if you have 10 or 12 cars stopped at a light and one person ••

CHIEF MOORE:

Who did it?

LEG. O'LEARY:

Who did it out of those 10 or 12 cars?

CHIEF MOORE:

That's true, that's true. But, if they have it and it's there on the dashboard, that could be another matter.

LEG. O'LEARY:

That's an open •• that's an open view situation.

CHIEF MOORE:

Yes, it is.

LEG. O'LEARY:

Yeah, I remember that stuff.

CHIEF MOORE:

He's good.

P.O. CARACAPPA:

Any other questions? Thank you, Chief.

CHIEF MOORE:

Thank you, Ladies and Gentlemen.

P.O. CARACAPPA:

I have no other cards. Anyone else wishing to be heard on this matter? There's a motion to close by Legislator Cooper.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions? Public Hearing regarding 1568 is closed.

Public Hearing regarding ***I.R. 1580 (A Local Law to amend Financial Disclosure Law)***. I have no cards.

LEG. CARACCIOLO:

Motion to close.

P.O. CARACAPPA:

Anyone wishing to be heard? Motion to close by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions? Public Hearing on I.R. 1580 is closed.

Public Hearing on ***I.R. 1581 (A Local Law to strengthen screening requirements for day care providers)***. I have no cards. Is there a motion?

LEG. CARACCIOLO:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Caracciolo.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Sponsor's not in the room.

LEG. FOLEY:

Sponsor's not in the room. Is she in the hallway?

MS. BURKHARDT:

Legislator Viloría•Fisher, would you choose to close your public hearing ••

LEG. BISHOP:

Close.

MS. BURKHARDT:

•• on 1581?

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

There's a motion to close by Legislator Vilorio•Fisher, second by Legislator Caracciolo. All in favor? Opposed? Abstention? 1581 is closed.

Moving on to public hearing regarding ***I.R. 1629 • A local law to extend and further strengthen the reporting for the Anti•Nepotism Statute.*** I have no cards.

LEG. CARACCIOLO:

Motion to close.

P.O. CARACAPPA:

Anyone wishing to be heard on this matter? Motion to close by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions? Public hearing on 1629 has been closed.

Public hearing regarding I.R. 1637 • A local law to authorize the establishment of fees in the Department of Health Services, Division of Medical•Legal Investigations and Forensic Sciences for requests for cremation approvals and autopsy reports. I have no cards. Anyone wishing to be heard?

LEG. LINDSAY:

It's a dead issue.

P.O. CARACAPPA:

Hearing none •• yeah. Legislator Lindsay said it's a dead issue.

LEG. CARACCIOLO:

Motion to close.

P.O. CARACAPPA:

Motion to close. Close what?

LEG. CARACCIOLO:

The dead issue.

P.O. CARACAPPA:

The top? The lid? Motion to close by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions? 1637 has been closed. Thank God.

We have posted public hearings for CN's that are coming over. The next one would be a hearing that was posted this morning for ***I.R.1675 • A Local Law to extend the County Code of Ethics to all outside business activities.*** I have no cards. Anyone wishing to be heard on this matter? County Executive representative, Mr. Zwirn?

MR. ZWIRN:

Thank you, Mr. Presiding Officer.

P.O. CARACAPPA:

You're welcome.

MR. ZWIRN:

We have submitted this proposal today, which would expand on a bill that is before the Legislature today, 1194, and it would expand the bill to outside occupations that employees of the County could undertake, and it would also expand the bill from exempt employees to nonexempt employees, and to public officials as well. It expands upon the bill that is presently before you to include not only the practice of law, but also accounting, engineering, financial advice or investment banking.

And what the County Executive is trying to do with this is to really just broaden the ethics legislation, and the chances of abuse, not just for people who practice law, and not just for people who are exempt employees, but for public officials as well who are the policy•makers. As Legislator Caracciolo so, you know, well described, it's the elected officials that set the policy for the County, and for the taxpayers, and, therefore, we think that the rules should be expanded to cover them as well.

I know there was some concern about salaries, people who have an outside profession need the extra income, you know, that can be addressed separately, but we think this bill broadens the scope of ethics reforms in the County, and certainly broadens the scope of the bill that is before you today. Thank you.

LEG. CARACCIOLO:

Okay.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo, then Binder.

LEG. CARACCIOLO:

Okay. Thank you. Mr. Zwirn, I intend to support this resolution. However, as you know, there is a competing resolution, and I don't think they're mutually exclusive. So, my question very directly is I'll support both. While this is the broader of the two, my fear is that there is an attempt here by the Executive to one•up Legislator Binder with somehow •• with some knowledge, perhaps, that there may be members of the minority who won't support this bill, or we may go through a couple of votes when the CN comes up for a vote and find ourselves very close to 12, but not quite there. And then maybe the hope is that neither one of these resolutions will pass, because this requires 12, Mr. Binder's only requires 10, but then the County Executive will veto it with a veto message that states, "Well, it was good legislation, but it didn't go far enough, I want something more than that."

So, my question is, to what extent can you assure this Legislator that the minority members of the County Legislature are going to support this resolution? I mean, has this been discussed between the Executive and the Minority Leader? Maybe the Minority Leader would like to respond?

LEG. FOLEY:

I'm sorry, I was speaking to some of my colleagues.

MR. ZWIRN:

I have to •• with all due respect to this body, I would never presume how anybody would vote on any bill at any time.

LEG. CARACCILOLO:

There was no conversations?

MR. ZWIRN:

There •• with respect to this particular bill, I don't think there's been any in•depth, you know, conversations. We have discussed the bill with members of the Legislature, and some people have voiced, you know, opinions in favor of it and some have said they have reservations.

LEG. CARACCCIOLO:

In the event •• let me ask you •• put it to you this way. In the event this falls short, and, likewise, Mr. Binder's is approved, which I think has a reasonably good chance of being approved, is the Executive then going to veto it on the technicality that it didn't go far enough, Mr. Binder's bill.

MR. ZWIRN:

Well, that I •• that I can't tell you, but I know that we think this bill ••

LEG. CARACCILOLO:

Because then it becomes very transparent what's going on here.

MR. ZWIRN:

Well, that may be transparent to you, but I think this bill and every bill that we would recommend would ••

LEG. CARACCCIOLO:

I mean, if we want to toughen, if we want to toughen our ethics laws and requirements and disclosure, then sometimes, as I often hear around the horseshoe, you've got to accept a half a loaf, not the whole loaf.

MR. ZWIRN:

Well, let me answer it this way. The County Executive is concerned that when a sponsor of a bill puts forth legislation that affects everybody and puts restrictions on everybody except the sponsor, carves out an exception for the sponsor of the bill, it raises, you know, red flags.

LEG. CARACCILOLO:

I would agree with you.

MR. ZWIRN:

And that's why we said, "Let's expand this bill." The County Executive's staff already is abiding by the bill that Legislator Binder has put forth.

LEG. CARACCIOLO:

I agree with you.

MR. ZWIRN:

This bill really ••

LEG. CARACCIOLO:

Mr. Binder's got a good bill, but I •• and this one I think is better.

MR. ZWIRN:

I think this one's ••

LEG. CARACCIOLO:

But I don't want to see both fail because people are digging in their heels and saying, "It's either my way or the highway."

MR. ZWIRN:

Well, if we had •• if we didn't take this bill seriously, I wouldn't have gotten up here today. We could have just let the hearing close without any speaker at all.

LEG. CARACCIOLO:

Well, okay. All right.

MR. ZWIRN:

I'm just saying, but I ••

LEG. CARACCIOLO:

I don't want to be presumptuous, but we'll see what happens. And I have a feeling that, you know, maybe my prediction of one passing and the other one falling short and finding itself with a veto message may come to pass. And I hope that's not the case, but if it is, then I think we have an obligation to try to work through that in the future, Mr. Chairman.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Legislator Binder, then Alden.

LEG. SCHNEIDERMAN:

Put me on the list.

LEG. BINDER:

You hinted at doing something later on salaries. Obviously, it would be very hard to attract Legislators or candidates to be a Legislator when they'd be paid a part-time salary and then be denied the ability to try to make that extra money. As the County Executive makes, I don't know what his salary is now, 150,000, or something, wherein ••

LEG. CARACCIOLO:

One•sixty•six.

LEG. BINDER:

One•sixty•six. So ••

LEG. CRECCA:

Not that you're counting.

LEG. BINDER:

No, no. I mean, obviously, for the •• you talk about carving out an exception, in a sense, the County Executive carves out an exception for himself by having a salary commensurate with a full-time job and being able to have that.

MR. ZWIRN:

Well, I have •• I have a ••

LEG. BINDER:

So, am I to believe ••

MR. ZWIRN:

I have a full•time job and my salary isn't that high.

LEG. BINDER:

Well, it isn't that high, but it's still higher than Legislators. And so you didn't •• you shouldn't need •• you came here knowing that you didn't need a second, and you are a full•time employee and you knew that when you took ••

MR. ZWIRN:

But the Legislature, you could argue the same thing, anybody running for the Legislature, what the salary is in advance, whatever it is.

LEG. BINDER:

We could, if you'd let me finish. But, as I •• as I said, I think we would have a very hard time attracting quality candidates. I'm not going to be a candidate again for the Legislature, so it doesn't matter to me, but I think we'd have a very hard time attracting quality candidates at a part•time salary for what really has become a very robust job because of how much we do, and what, we're two billion dollars in budget, multiple budgets, policy issues that come up all the time.

So, you said that the salary question would be taken care of at another time. Am I then to believe that the County Executive understanding that I think basic clear fact, that we would have a hard time attracting candidates, would support, let's say we went forward with this, making sure that part•time Legislators had a salary commensurate with his, so that while he doesn't •• isn't under pressure to try to find outside income, neither would Legislators, and so we'd all have the same income and not really have this problem where we needed to be a lawyer, or insurance, or all this list of things? So, I'm curious, is that •• is that supported? You would •• the County Executive would support an increase in salary for Legislators here?

MR. ZWIRN:

I can't answer that question directly.

LEG. BINDER:

Oh, okay.

MR. ZWIRN:

But what I could say is this. A number of the people that were covered by 1194 are exempt employees who also don't earn huge salaries, so they're also affected by the bill as well and ••

LEG. BINDER:

Except that when they're hired, they're hired to do full-time employment with Suffolk County as full-time employees. I mean, that's different than an elected official, obviously, who's not •• it's their office, they're an independent elected official, files their financial disclosure and holds themselves up for election every two years in accountability, and so there's a whole different category between an elected official who is on their own accountability. If they don't show up at their office, they're liable in two years not to be elected, because that will be a campaign issue; they didn't show up at the office, they don't do their work, they don't •• they don't spend the time, they do it on their outside business, where someone who is •• who is appointed, they're not appointed to a part-time job, unless they are, and generally people are not, they're appointed to full time ••

LEG. BISHOP:

Don't debate. You need to do it through the dialogue ••

MR. ZWIRN:

All right. But let me just answer.

LEG. BINDER:

Right.

MR. ZWIRN:

There are some members of this Legislature who are full-time Legislators, who do not have outside income, who do not have a legal practice or a •• and there are people who do manage in a difficult way to survive, I'm just saying, to survive on their salary. So, what you're doing is you're carving out an exception for somebody who has a professional degree, but is also in a position to effect policy. So, I think from an ethics point of view and from fact that there are •• you know, there are members up here who've raised their hands who indicated that they are ••

and I know that I •• you know, when I was a Town Supervisor and our salaries were •• it was tough, tough to raise a family back then, and the salaries weren't too bad, but it's difficult to be full•time. But there are people on this board who have made that commitment, and I think that's part of running. I think •• when I talk about the salaries, I think that's another issue that can be debated at another time, and there may be support. I can't speak for the County Executive.

LEG. BINDER:

Well, yeah.

MR. ZWIRN:

I mean, it's tough to get •• it's tough to get, you know, change, you know, for a nickle up at the County Exec's Office, because they're so tight with money. But having said that, I think that •• I think this bill is well intentioned, because it goes •• and your bill, not to criticize your bill, this bill just takes it another leap forward, and also extends it to other professions that are similar to the legal profession.

LEG. BINDER:

What if •• what if we should have other professions? I mean, unfortunately, by inclusion, then there's •• an exclusion, I mean, you've gone •• now you've opened it to other things. I mean, there are people here who I don't know what else they do, there are companies that they run and others. And, by the way, that •• so, that's one of the questions.

The other question is, I mean, you could point to Legislators who don't need more than their salary. That's usually because they have, for whatever other reasons, the means, and those are the •• well, understand, then, those are the candidates that you're going to attract to the office. It limits the field. I'm not saying it's a good or bad thing, I'm just saying that you've in a sense carved out an exception for the County Executive, because of •• his salary is a •• as an elected official, is a very substantial full•time salary, where having a question of having an outside income isn't one. And then you say, "Well, at a later date, we'll talk about you guys, but he's going to be fine," where some people here need that second income just to take care of the family. So, that's just •• I'm just putting that out there.

MR. ZWIRN:

Well, the County Executive didn't set the salary when he came in, that was the salary that was being paid, and he ran, you know ••

P.O. CARACAPPA:

There's no need •• that really wasn't a question, it was a statement••

MR. ZWIRN:

Oh, okay.

P.O. CARACAPPA:

•• for the most part, which I'm asking everyone to try and avoid. Legislator Alden, then Carpenter, then Schneiderman, then Mystal.

LEG. TONNA:

Put my name on it, too.

LEG. MYSTAL:

Strike me off.

P.O. CARACAPPA:

And Tonna.

P.O. CARACAPPA:

Legislator Alden, go ahead. Questions, only please.

LEG. ALDEN:

Hi, Ben.

MR. ZWIRN:

Hi.

LEG. ALDEN:

Thanks for coming down. I just have like some questions regarding the timing of this. I find it a little bit peculiar that County Executive Sabatino would choose this point in time to put this legislation in. But why wait for this point in time to bring this as a CN? Shouldn't it go through

the committee process and be fully debated, as the other bills were?

MR. ZWIRN:

Well, I think the debate on the other bill is very similar. This just •• this is just a step a little bit •• not just a little bit, but a lot farther. It goes into occupations that also could be a conflict of interest with municipal •• municipal work. The timing is the timing. I mean, we don't have a meeting for awhile and this was a good time as any to put it on the floor at a public meeting where it could be debated and we could answer some questions on it.

LEG. ALDEN:

So, the idea for, not your bill, but the County Executive's bill actually flows from Allan Binder's resolution that was previously introduced?

MR. ZWIRN:

Well, in part, sure.

LEG. ALDEN:

Now, the categories that you listed as far as prohibited from having, you know, some kind of outside work or outside •• could you just go over those again for me?

MR. ZWIRN:

Sure. It's law, accounting, engineering.

LEG. ALDEN:

I'm deaf, so •• I'm sorry, Ben, hold on just one second ••

MR. ZWIRN:

Sure.

LEG. ALDEN:

•• because I can't hear that well, so ••

LEG. CRECCA:

It's my fault. I apologize, Legislator Alden.

LEG. ALDEN:

All right.

MR. ZWIRN:

Law, accounting, engineering, financial advice, and investment banking.

LEG. ALDEN:

Now, the relationship to those and ethics, or the relationship to those and the accounting performance is what?

MR. ZWIRN:

Well, those are professions that also involve municipal government. I mean, you were doing work with financial advisors, you were doing legal work, you were making legal decisions, I mean, these are professions that •• you know, that could have a conflict. We try to pick professions that would be ones that would be out there that would have some •• could have some conflict with municipal government.

LEG. ALDEN:

Well, I mean, some of the headlines recently, construction contracts, construction companies, health care providers, those type of things, why did you stop at these and not go into, you know, the other ones?

LEG. TONNA:

Whoa, whoa. I'm not a health care provider.

MR. ZWIRN:

No. These were ones that we thought would be red•flagged. These were areas that we thought would be •• we should highlight. If there are others, then they can be added on at some point, but we thought these were •• we thought these were the most important ones, in addition to the legal profession.

LEG. ALDEN:

So, some of the other ones, though, you do agree should be included in the bill, or at some

point in time ••

MR. ZWIRN:

Absolutely.

LEG. ALDEN:

•• considered also?

MR. ZWIRN:

Sure.

LEG. TONNA:

Like what?

LEG. MYSTAL:

Health care providers.

LEG. CRECCA:

Public relations.

LEG. MYSTAL:

Public relations.

LEG. ALDEN:

Ben just gave a couple of examples, I think.

LEG. BINDER:

Medical examinations of County employees.

LEG. ALDEN:

Now, you also mentioned something, that salaries could be dealt with at a •• at a, you know, separate time, or, you know what •• how would you deal with it, and when is the appropriate time to deal with it?

MR. ZWIRN:

Well, you •• the people on this board will decide when the appropriate time to deal with it is, but I'm just saying one of the reservations that was expressed to me and the County Executive's Office was that the salaries that the Legislators earn make this a very difficult, a real hardship for them to be able to serve as Legislators, and also to survive and support their families. So, I'm saying that if it's an issue of money, then that's an issue that should be dealt with separately and not on the merits of this bill itself.

LEG. ALDEN:

Well, there was a •• I thought of a fairly valid point that was •• I thought it was a fairly valid point that was brought up before that, and you actually made part of the point, that this extends to a lot of exempt •• or nonexempt employees, I'm sorry, and so those will be appointed positions. And the ability to retain the best and the brightest is definitely related to salary and also a benefits package. So, wouldn't that be something that, you know, if we're going to go and pass something like this, shouldn't we consider that at the same time that we're considering this resolution?

MR. ZWIRN:

Well, I think, when you get people who come to work in County government or any kind of government, there's a degree of public service. My guess is that when the individuals on this board decided to run for office, the salary was not the first thing they were looking at, it was to make a difference in the lives of the people who live in this County. And I think anybody who's • who's coughing back there? Anyway, somebody's clearing their throat. But the fact is is that most of you were in the public service for quite sometime, if not in elected office, somewhere along the lines, and I think it was driven, not •• not by the salaries, clearly it wasn't by the salaries, but it was by the fact that you wanted to make a difference.

I know Legislator Nowick was a Receiver of Taxes. I mean, nobody has ever gotten rich being the Receiver of Taxes, but it was a way for you to make a contribution to your community, as is everybody else here. I mean, and for some of the, for some of you up there, I know this has got to be a very difficult situation. You spend all day here at these meetings, you go to the committee meetings. I mean, I served on the Board of Supervisors in Nassau. We never, never put in the kind of time that this Legislature has put in to these workings.

P.O. CARACAPPA:

Thank you.

LEG. ALDEN:

That's a good answer, if this bill only •• and I really apologize, I can't hear, so ••

P.O. CARACAPPA:

I'd ask everyone, please, give the Legislators some respect to ask questions.

LEG. ALDEN:

So, if this bill only dealt with elected officials, then that would be an excellent answer, but it doesn't, it can affect our ability to bring in commissioners or other types of specialists that we need. For instance, if we need some accounting people, and that would be, I guess, over in •• almost every department has somebody that has to do something with the County. And if they were looking at the benefits package and the salary that we offer here in Suffolk County, they're also up until right now, they're also thinking that they could •• could I just ••

P.O. CARACAPPA:

I'm going to ask the last time, if people don't want to be quiet while someone's asking questions, just go in the back and have your conversations. Proceed, Legislator Alden. Just ask your question.

LEG. ALDEN:

So, if an accountant is going to make that decision, sometimes they're going to use as a criteria that they can have an outside practice. This bill would eliminate that.

MR. ZWIRN:

That's correct.

LEG. ALDEN:

Isn't it something that we should be looking at right now with this drain, potential people that we need in County government?

MR. ZWIRN:

I would hope that there are enough people out there who have •• are moved by the public spirit, and not •• and not by monetary rewards, that we would find those people. And we had this situation •• we had a situation in my town where we wanted the Buildings Department to be run by an individual who said he would not give up his architectural practice on the side, and I said he was a terrific choice, but we'd have to find somebody who could do it without having a side practice, because the potential •• here's a gentleman in the Building Department who'd also be doing architectural work for people, presumably, in the Town. I mean, that was absurd. But I think that in this situation, I think you should try to have it as clean as you possibly can. And we've expanded it, not that this is a closed list by any means, but we thought we highlighted the professions that could be the most troublesome.

LEG. ALDEN:

Thanks for your answer.

MR. ZWIRN:

Thank you.

P.O. CARACAPPA:

Thank you, Legislator Alden. Legislator Carpenter.

D.P.O. CARPENTER:

I would just ask that •• I was curious as to how the categories were arrived at. I know Legislator Alden asked that. But even in your explanations and discussions about the bill, you touched on architectural, and that's not covered in here, and to me, that seems to be an area that could be a conflict. And as was mentioned, consultants, public relations, construction, contractors, I mean, the list is certainly •• should not be limited to what you have here.

MR. ZWIRN:

And that was our point ••

D.P.O. CARPENTER:

And you made a statement about being moved by public spirit. I would hope over at the County Executive's Office they're working on getting someone to be moved by the public spirit to serve as a Commissioner of Economic Development, because I find it very distressful, at a time when there should be a tremendous amount of focus on our economy and trying to build

the economy and grow the economy here in Suffolk County, that here we sit a year half over and we still don't have a Commissioner of Economic Development. And I think some of the time that, obviously, was spent on drafting bills like this could be better spent on recruiting Commissioners where they're needed.

MR. ZWIRN:

Let me comment on the first part of your remarks, and I agree with you. And one of the reasons why we tried to expand Legislator Binder's bill is because lawyers was just too limited. You've suggested there are about four or five professions that we didn't even consider in here and perhaps we should, but that means we should also consider them with 1194, so we can get one bill that is all-inclusive and has even broader coverage than we ••

P.O. CARACAPPA:

Okay.

MR. ZWIRN:

•• suggested here.

D.P.O. CARPENTER:

Now you're sort of buying into the scenario that Legislator Caracciolo so •• I don't know, insightfully, that's it, insightfully conjectured when he said that perhaps this is nothing more than coming up with competing bills with the hope that neither passes, and I, you know, would be very upset to think that that was what was happening here.

P.O. CARACAPPA:

Legislator Schneiderman, please keep it to questions.

LEG. SCHNEIDERMAN:

I'll try.

P.O. CARACAPPA:

Thank you.

LEG. SCHNEIDERMAN:

I subscribe to the Caracciolo theory, too, here, the competing bills. First, Ben, I want to point out, you bring up the County Executive several times. We all understand, not only does he make more than twice what we make, but that is by definition a full-time job. We are told that these jobs are part-time jobs. Those who take these jobs expect ••

LEG. MYSTAL:

No, no.

LEG. SCHNEIDERMAN:

•• this is what it's down, civil service, as a part-time job. Now, we all know, particularly on days like today, this is far more than a part-time job. We put in an enormous amount of hours, and many of us choose to make this our only job. However, some of us going in here recognize that they will have to take additional work to meet their obligations. Some of us have come to the Legislature leaving higher paid jobs to serve our community in this fashion and have obligations.

Now, this particular bill targets probably about five Legislators who are in the legal professions who took this job believing that they could also practice law on the side; some may do that, some may not. But without an analysis of the salaries and without a review, and maybe you tell me if it's been reviewed or vetted through the Ethics Board, but you have a Board of Ethics. They should be making these types of recommendations, saying what makes sense. Maybe the Legislator shouldn't work any other jobs, but then there has to be the adequate salary compensation to make it a full-time job.

The other thing that bothers me, and then I'll allow you to answer these •• that last question, is the use of a CN. Mr. Binder's bill went through the process. I don't see the compelling necessity of this bill that it has to be brought forth today. If there's a particular individual who's affected by this bill who you believe is acting in an improper way because their additional work, you need to bring that forward. If not, this should not be •• you should not be using the CN process.

MR. ZWIRN:

Okay.

P.O. CARACAPPA:

Thank you, Legislator Schneiderman. Legislator Tonna.

LEG. TONNA:

Yeah.

MR. ZWIRN:

Can I ••

LEG. TONNA:

Hi. How are you, Ben?

MR. ZWIRN:

Hi.

P.O. CARACAPPA:

There wasn't a question there, Ben, that's why I'm moving on.

LEG. TONNA:

Have you ever played the game chicken?

LEG. SCHNEIDERMAN:

I didn't •• I'm sorry, I didn't get an answer to my questions.

LEG. TONNA:

You asked him questions?

LEG. SCHNEIDERMAN:

Yeah. I asked if it had •• if this had gone through the Board of Ethics.

MR. ZWIRN:

We think this is a better bill than what was on the table here today, and it speaks for itself. You know, the salary may be •• it maybe considered part•time employment, but it's a higher salary than many people make full•time. And when you run for office, I mean, you have to make certain judgements. I mean, certain people do not run for office because they cannot afford it.

They say, "I make more money in the private sector, I'm staying in the private sector," or they go into the public sector for a period of time and they say, "Now, I'm going back to the private sector," and it happens all the time in the federal government and the state level, and, you know, some of them do well and some of them had the best job they ever had was in public service. So, I don't think money is really the driving force for anybody here, certainly, I don't believe it is the driving force for anybody to go into public service. I don't think it was the driving force for the County Executive to run for County Executive. I don't think Mr. Levy was driven by the salary that he found so attractive. You know, he didn't set the salary in advance, but I'm just saying.

LEG. SCHNEIDERMAN:

Again, my question is, did this go through the Board of Ethics? Have you sought any opinion, or did you solicit their opinion in developing this legislation?

MR. ZWIRN:

No.

P.O. CARACAPPA:

Thank you. Legislator Tonna.

LEG. TONNA:

Thank you. Ben, you're familiar with the game chicken, right?

MR. ZWIRN:

I'm about to be, I guess.

LEG. TONNA:

No. When you were a little boy, you know, the little knife in between the, you know, and who •

MR. ZWIRN:

No.

LEG. TONNA:

•• flinches first? You never ••

MR. ZWIRN:

I never played any ••

LEG. TONNA:

You never heard of the game?

P.O. CARACAPPA:

I never played chicken with a knife.

LEG. TONNA:

Okay.

MR. ZWIRN:

We never played any of those animal games when I was a child.

P.O. CARACAPPA:

You lived in a dangerous neighborhood, Paul.

LEG. TONNA:

Never played chicken •• you never played chicken with a knife?

LEG. VILORIA • FISHER:

No. Where did you grow up?

LEG. COOPER:

You did more than I did.

LEG. TONNA:

Well, that's for sure. They weren't playing it in Lloyd Harbor, I'm sure. How about •• I just want to ask you the category. Would you say that this bill has a lot more to do with •• you know, like a little Jeopardy show, because I have to ask you these questions. Does this have to do with, A, politics, or B, government?

MR. ZWIRN:

B, government.

LEG. TONNA:

Okay. Now, I would ask you ••

LEG. CRECCA:

Sorry, got the wrong answer.

LEG. TONNA:

I understand you have a job to do, okay ••

MR. ZWIRN:

Okay.

LEG. TONNA:

•• and I understand you have to answer certain questions, but don't you find the timing I bit of a, you know •• I mean, let's say you were a detective, okay, let's just play a little Clue game now, and you were a detective.

MR. ZWIRN:

Mr. Presiding •• I have a question.

LEG. TONNA:

You have to answer these questions ••

MR. ZWIRN:

Mr. Presiding Officer.

LEG. TONNA:

•• and I'm going to tell you why.

MR. ZWIRN:

First of all ••

LEG. TONNA:

Don't make an appeal to the Presiding Officer, you're talking to me, Ben.

MR. ZWIRN:

First of all, I'm a chicken and now ••

LEG. TONNA:

Listen to me right now.

MR. ZWIRN:

•• and now I'm a detective.

LEG. TONNA:

No, no, you're not a chicken. You're not a chicken.

MR. ZWIRN:

I'm a chicken detective.

LEG. TONNA:

No, no, you're not a chicken.

LEG. NOWICK:

No outside interests.

LEG. TONNA:

What I want to find •• I want to find out ••

LEG. SCHNEIDERMAN:

That's fowl play.

LEG. TONNA:

•• you know, because not all detectives are chickens, don't worry about that, Mr. O'Leary.

LEG. SCHNEIDERMAN:

That's fowl play.

LEG. TONNA:

The question that I have for you is ••

LEG. BISHOP:

Did you ever play Russian Roulette with a spoon?

LEG. TONNA:

If you were trying to put the clues together and try to find out the timing of these bills, do you see any relationship between the timing of your good government measure and Legislator Binder's good government measure?

MR. ZWIRN:

I think ••

LEG. TONNA:

No.

MR. ZWIRN:

No.

LEG. TONNA:

Okay. I would submit, because, you know, we're going to talk about these bills later, right, so this is a time just to ask questions. Is the County Executive prepared, then, to •• because he's exempted a number of Legislators from making a living that they thought to •• if the Legislature move, which I would not be a part of, by the way, and I would never vote for it, but for a commensurate salary increase in the budget, so that •• so that people could reach the level, I guess, of full•time •• you know, we have some full•time Legislative people in government, I mean, a Congressman makes \$140,000, because they're precluded from making •• 150, whatever it is, they're precluded from making any other •• we have •• we've gone down that road; okay? In Albany, they're not •• they get paid a little less, but they get money on the side with their committees.

Anyway, my point to you is that •• is the County Executive prepared to also, I guess, advocate for a salary increase for •• you know, from a standpoint, and has he lost faith in the Ethics Commission, because I know he helped to provide a •• has he lost faith in the ability for the Ethic Commission to do their job in being able to discern in the privacy of Legislators, you know, putting their information in, and then being able to say whether that's ethical or not? So, you know, could you answer those two questions?

MR. ZWIRN:

I don't think he's lost faith in the Ethics Commission. And I can't remember the other part of the question.

LEG. TONNA:

The other question is he going to advocate for pay increases for Legislators?

MR. ZWIRN:

I didn't come here to do that today, I don't know.

LEG. TONNA:

Well, I think Legislator Alden said it, that they should probably think of it. I would submit, Mr. Zwirn, that •• and I would believe that you're in a difficult position, but I would say that probably if somebody's nose grew with the question of whether this is politics and government, I would say there's a Pinocchio factor involved in this one. We know that this is all about politics.

MR. ZWIRN:

I think ••

LEG. TONNA:

Will you, please, react?

MR. ZWIRN:

I'm just saying, if you look at the bill, judge the bill on its merits, and if you think the County Executive is bluffing, support the bill. And it ••

LEG. TONNA:

So, bluffing is about politics, it's not about government.

MR. ZWIRN:

And if the bill ••

LEG. TONNA:

In government, we do good government on the merits ••

MR. ZWIRN:

This is a good government ••

LEG. TONNA:

•• not about bluffing.

MR. ZWIRN:

This is •• but this is ••

LEG. TONNA:

Bluffing is a card game, that's a game.

MR. ZWIRN:

This is •• that's chicken. This is a good government bill, and if the Legislature sees fit to pass this bill, the County Executive will sign it.

LEG. TONNA:

Well, we'll have comments later about whether we think it's good government or not.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Really, I just have some questions to help with the understanding of the bill. I know we're dwelling on the Legislature, but this applies •• originally, it applied to any County employee.

I'm not an attorney. We have several attorneys at the horseshoe. I know we have attorneys in County government. If they were to do a closing on a neighbor's house, or something, and take a fee for that, and this bill passed, they would violate that law?

MR. ZWIRN:

That's correct.

LEG. LINDSAY:

Okay.

MR. ZWIRN:

Both, both bills.

LEG. LINDSAY:

Okay. If someone was an accountant and did their neighbor's income tax ••

MR. ZWIRN:

That's correct.

LEG. LINDSAY:

•• it would violate this law?

MR. ZWIRN:

That's correct.

LEG. LINDSAY:

Is ••

LEG. TONNA:

There mother•in•law's.

P.O. CARACAPPA:

Hold on.

LEG. TONNA:

All right?

MR. ZWIRN:

Nobody's doing their mother-in-law's income tax.

LEG. LINDSAY:

And the rationale ••

P.O. CARACAPPA:

Legislator Lindsay, continue questions.

LEG. LINDSAY:

The rationale is to try and remove any and all potential conflicts.

MR. ZWIRN:

Correct.

LEG. LINDSAY:

Okay. Looking around this horseshoe, I see Legislator Caracciolo and O'Leary are retired police officers, could they present a potential conflict? Have you thought about it?

MR. ZWIRN:

That's a loaded question. I don't know how to answer that question. I'm just saying, I mean, in what regard?

LEG. LINDSAY:

Well, I don't know, I'm just asking.

MR. ZWIRN:

If they were practicing ••

LEG. LINDSAY:

You tried to eliminate all conflicts.

MR. ZWIRN:

If they were practicing law or ••

LEG. LINDSAY:

No, no, no, I'm not talking about law. In their capacity as retired policemen. Or forget them, take me, I'm a retired construction worker. You know, my past affiliations, does that present a conflict, or could present a conflict?

MR. ZWIRN:

Your past affiliations, no. I mean, if you come in ••

LEG. LINDSAY:

Okay. How about a health care provider, like Mr. Tonna, could that provide a ••

MR. ZWIRN:

Well, I'm, sure, in Mr. Tonna's case, that would provide a conflict, yes.

LEG. LINDSAY:

Okay. Well, my point is here ••

MR. ZWIRN:

But only Mr. Tonna.

LEG. LINDSAY:

•• is looking around the Legislature here, we have a teacher to my right, we have police officers, we have attorneys, we have a health care provider, we have a businessman in Jonathan Cooper, and what we have is the people's representatives. It isn't a rich man's club, it's a cross•section of who Suffolk County is, and I think there's value to that. And I'm very fearful that this will discourage people that should be in government from going into government, and I think it's wrong on both bills.

P.O. CARACAPPA:

Legislator Lindsay, that was well said, and on behalf of your colleagues, I think we all thank you for those words.

LEG. TONNA:

Can we take this out of order, vote on these three things now, let's get it over with?

P.O. CARACAPPA:

Well, we still have public hearings to finish.

LEG. TONNA:

All right. But after that, can our Legislators entertain this, so we can get back to real business, not political business?

P.O. CARACAPPA:

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

MR. ZWIRN:

Thank you very much.

LEG. TONNA:

Sorry, Ben.

P.O. CARACAPPA:

Motion to close by myself.

LEG. MYSTAL:

Second.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? 1675 is closed. We also posted a public hearing for 1676, which has been withdrawn.

Moving on to 1682 •• I just want to double •• did Mr. Zwirn leave? Ben, I'm correct in saying that bill has been withdrawn?

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

Thank you, sir.

1682 • Approving amending ferry license for Fire Island Water Taxi. One card, George Hafele. Mr. Hafele.

MR. HAFELE:

Thank you, Mr. Chairman, members of the Suffolk County Ferry Commission. We are here today to amend our license, which •• to amend our license to include the community of Atlantique. The community of Atlantique is a small residential community of 30 homes, and also consists of a 400 boat •• I'm sorry, 140 boat marina. The Town of Islip withheld the consent on March 23rd. On June 8th they passed a resolution granting that consent, and I now request that we add it to the license for Fire Island Water Taxi, so that we may provide service to Atlantique.

LEG. TONNA:

Any Legislators have a home on Atlantique, because, you know, that might be some kind of conflict also.

LEG. LINDSAY:

I was going to add ••

P.O. CARACAPPA:

I swim in the Atlantic Ocean, is that a conflict?

LEG. TONNA:

There you go. There you go, you're out.

LEG. SCHNEIDERMAN:

I've got a home.

P.O. CARACAPPA:

I'm out. Okay. Any questions for the speaker? Thank you. I have no other cards. Anyone else wishing to be heard on this?

LEG. ALDEN:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Alden.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? Abstention? 1682 is closed.

I have no other public hearings, but I'm going to make a motion, and second by Legislator Tonna, to set the date of August 10th, 2004, at 2:30 p.m. at the General Meeting •• I'm sorry, Thursday, June 24, 2004, at 10 a.m., at the Rose Caracappa Auditorium in Hauppauge, the following public hearings: Suffolk County Community College recommended budget. Also, setting the date of Tuesday, August 10th, 2004, at the General Meeting, at the Rose Caracappa Auditorium, Hauppauge, 2:30 p.m., for the following public hearings: 1624, 1657. There's a motion ••

MR. BARTON:

Mr. Chairman.

P.O. CARACAPPA:

Legis ••

MR. BARTON:

1624 has been removed.

P.O. CARACAPPA:

Mr. Clerk.

MR. BARTON:

It's still in committee.

P.O. CARACAPPA:

Okay.

MR. BARTON:

We expected that resolution to come out and it didn't.

P.O. CARACAPPA:

Exclude 1624, so setting 1657 on the General Meeting day.

LEG. CRECCA:

Set the public hearing doesn't have to get ••

P.O. CARACAPPA:

Excuse me?

MR. BARTON:

It was a resolution to set the public hearing that was tabled in committee.

LEG. CRECCA:

Oh, I'm sorry, I apologize.

P.O. CARACAPPA:

There's a motion and second to set those public hearings. All in favor? Opposed? Abstentions? The public hearings are set.

LEG. TONNA:

Can I make a motion to take these out of order now?

P.O. CARACAPPA:

Which one?

LEG. FOLEY:

Mr. Chairman.

LEG. TONNA:

All three in succession.

P.O. CARACAPPA:

Actually ••

LEG. TONNA:

I think we'd save time. Legislator Binder's bill, 1194, if I'm not mistaken.

P.O. CARACAPPA:

Listen.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Just let me ••

LEG. FOLEY:

We past over some ••

LEG. TONNA:

And then two CN's, because I think most comments •• Mr. Presiding Officer.

D.P.O. CARPENTER:

Could I ••

LEG. TONNA:

Just I think most comments will be germane to all of them, that's what I'm saying, so it will save us a lot of debate time to debate, you know, three separate bills.

D.P.O. CARPENTER:

Before we •• if I could interrupt, I just ••

LEG. TONNA:

I just asked, I just asked.

D.P.O. CARPENTER:

Since we just closed the hearing on 1682 with the amended ferry license, I would just make a motion that we address that particular resolution.

P.O. CARACAPPA:

There's a •• what's the number again?

D.P.O. CARPENTER:

1682.

P.O. CARACAPPA:

It's 1682. It's a CN before you.

LEG. TONNA:

I'll second that.

P.O. CARACAPPA:

We just closed the hearing. There's a motion to approve, and second by Legislator Tonna. All in favor? Opposed?

LEG. ALDEN:

Don't you have to •• don't you have to discharge it from the ••

P.O. CARACAPPA:

No, it's a CN.

LEG. ALDEN:

Oh, I'm sorry.

LEG. CRECCA:

You got the CN?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions? It's approved.

D.P.O. CARPENTER:

Thank you.

MR. BARTON:

18.

P.O. CARACAPPA:

Mr. Zwirn, I just want to ask one question before we move forward.

MR. ZWIRN:

Sure.

P.O. CARACAPPA:

For the record, today, historically, we receive veto overrides on our Capital Budget amendments. Historically, we do. Are we receiving those veto overrides today?

MR. ZWIRN:

No.

P.O. CARACAPPA:

No, we are not.

D.P.O. CARPENTER:

Maybe there aren't any.

LEG. BINDER:

Motion to recess.

P.O. CARACAPPA:

Just there •• Friday, Friday is the deadline to receive veto •• veto overrides, so what I'm going to do is recess the rest of this meeting in its entirety ••

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

•• until Monday at 9:30, in Hauppauge, to deal with the rest of the agenda, the entirety of the CN's, and the budget overrides ••

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

•• at that point in time.

LEG. FOLEY:

Mr. Chairman, on the motion.

P.O. CARACAPPA:

So, by the rules of this Legislature and the powers given to me as Presiding Officer, I recess until 9:30 Monday morning.

[THE MEETING WAS RECESSED AT 4:23 P.M.]

_ _ Indicates Spelled Phonetically