

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
TENTH DAY
JUNE 28, 2004**

[CONTINUATION OF THE GENERAL MEETING OF JUNE 22, 2004]

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

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 10:08 A.M.]

P.O. CARACAPPA:

Good morning. I'd like a roll call.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. CARACAPPA:

Good morning.

(* 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:

Here.

LEG. ALDEN:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

(Absent).

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

I'm here.

LEG. FOLEY:

Present.

MR. BARTON:

17 present (Absent: Legislator Tonna).

P.O. CARACAPPA:

Thank you, Mr. Barton. Everyone please rise for a Salute to the Flag led by Legislator Montano.

Salutation

P.O. CARACAPPA:

Good morning, everybody. Can you see me?

LEG. MYSTAL:

No.

P.O. CARACAPPA:

This is a continuation of the June 22nd meeting. We are passed the public portion, we are passed our public hearings, we are into the heart of the agenda and we were waiting at that time for the veto overrides which historically come by that last meeting. They did arrive, as you see; better late than never I suppose. We're going to go directly into the vetoes.

The first veto I will make a motion to override is Resolution 603, formerly known as Introductory Resolution 1561. Keep in mind that this will be a 14 vote resolution. So my motion includes not only the override of 603, but also includes 1561A, B, C, D, E, F, G, H, I, J, K and L; that's included within the motion to override. There's a second to override 603, 1561 by Brian Foley, Legislator Brian Foley.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. LINDSAY:

Can we have an explanation?

LEG. BISHOP:

I'll yield.

P.O. CARACAPPA:

Absolutely. Counsel?

LEG. CRECCA:

I think we should get Spero. He's right there.

MS. KNAPP:

Mr. Spero? If you remember, in 1561 there were a total of 12 Bond Resolutions and we denominated them by the number followed by the letters A through •• I believe it was J; Jim will correct me if I'm wrong about that •• so that each of those resolutions represented a separate Bond Resolution related to the individual project. And we did consult with Bond Counsel before we did that and we had written confirmation that it was an appropriate method of doing it.

P.O. CARACAPPA:

Okay. Is that understood?

LEG. LINDSAY:

Yep.

P.O. CARACAPPA:

Is that explanation satisfactory? Legislator Bishop ••

LEG. BISHOP:

Yes.

P.O. CARACAPPA:

•• go right ahead.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

Go right ahead.

LEG. BISHOP:

Thank you, Mr. Presiding Officer. The Capital Budget •• is this thing on? It doesn't sound like it, it sounds like I'm amplified. The Capital Budget is too harsh and this Legislature is going down the path of making a proposed Capital Budget which was already too harsh even larger.

This veto is a small step backward in the sense of reducing the amount of borrowing, which is ironically a step forward. And I think that we ought to support the County Executive in this veto, because when you look at the State of County finances right now, and as we move forward, the amount of our tax levy in future years that is going to be dedicated to paying off debt is going to start to accelerate greatly in the years ahead, and we have charts in the BRO analysis that we've seen that demonstrate that. We have, of course, \$400 million in authorized unissued debt already going into this Capital Budget. Now, think about that amount of money, that is an enormous amount of money considering that the government generally can spend about 90 to \$100 million in a year on Capital Programs and yet we have over \$400 million that's authorized ready to go.

The debt is becoming an increasing percentage of our tax levy, we have done a restructuring recently of our Operating Budget that essentially borrows short-term and you have to pay it off with dissavings in certain years so that's going to compound the problem. And then of course we compound the problem further by suspending the 5•25•5 Law which will, of course, create debt payments in the years ahead. So the amount of outstanding debt and our maneuvers in the Operating Budget have created a problem and now we're going to really rub salt in the wound with this Capital Budget, which is why I have been waving the flag saying that really we should slow down.

In fact, when the County Executive asked me my opinion on the Capital Budget as he was forming it, my opinion was that you should come in with a number close to zero because you already have \$400 million in projects that are outstanding. Of course, the biggest culprit in all of this is the jail proposal which, as you know, I've spoken to you about ad nauseam. The proposal is the largest building construction project in Suffolk County history without the proper planning to demonstrate the need, it's 33% over the current capacity at a time when crime is declining and it's being done in a manner that will also exacerbate the problem because you're going to go with the Dormitory Authority. And what the Dormitory Authority allows you to do is to open two spickets of borrowing simultaneously. You can have your Department of Public Works working on other projects, all these other needs that have been identified and that this Legislature supports borrowing and spending for those projects while the Dormitory Authority opens the other spicket up for the jail. So you've got two tracks of borrowing going on simultaneously.

All of this, I've pointed out to you time and again, is a formula for disaster in the years ahead, and the only saving grace is that I'm term limited and won't have to vote for the tax increases to pay for it. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Bishop. Before I recognize the last •• next speaker which is a lengthy list, I don't particularly agree with your statements but I'll tell you, I do appreciate your consistency. Legislator Caracciolo •• Crecca then Caracciolo.

LEG. CRECCA:

Yeah. Regarding 1561 and the override, it's my understanding that a number of Legislators will be switching their vote and I would ask those •• before I get to my comments, I would ask those Legislators to at least have some sort of explanation or reasoning why you're flipping your vote other than pressures from the Executive's Office.

I will say generally that we worked very hard on this and this was not a Republican/Democrat thing. We worked with a number of Democrats, a number of Republicans to work on the omnibus, we addressed the individual concerns of many Legislators on both sides of the aisle in putting this together. And it was quite a shock and surprise when I walked in here this morning and there was talk that a number of Legislators would be turning their •• changing their votes. And I would just •• and it's directed towards Legislator Bishop or several other Legislators who I know have been consistent throughout, but I would ask Legislators to think about your own independence, to think about the fact that this Legislature, whether it was under the Gaffney Administration or before, always exercised its independence as a Legislature, especially when it came to both the Capital and Operating Budgets. And I would ask you to think about the institution and to think about why we're all here.

With that said, I have major concerns with •• if we fail to override 1561. First and foremost, I believe, is the Riverhead County Center which we have appropriated that money to go forward with it, and we have committed to that project. Failure to override the veto will obviously put a •• it will kill that project and I think that's a huge mistake; and I won't even go into it, we all know the reasons.

I would like to •• I am very concerned •• I think the second most important thing is that we have represented to the Commission of Corrections, and that's members on both sides of the

aisle, Allan Croce, that we would appropriate the money for the jail, planning money for the jail this year. By failing to override 1561, we will be taking that money out and with the exception of Legislator Bishop, everyone here committed to that project and I just want everybody to be aware of the fiscal impact of that if the variances are pulled.

And to that end, I am requesting that representatives from the Sheriff's Office who I know have spoken to Mr. Croce recently, be asked to come up so I can ask some questions; I guess Mr. Sullivan?

P.O. CARACAPPA:

I would just ask Mr. Sullivan to keep your comments or your answers as brief as possible; just the facts, sir.

LEG. MYSTAL:

Just the facts, ma'am.

LEG. CRECCA:

What is the affect on the variances that we now have on the jail, if you know, to the extent that you know.

UNDERSHERIFF SULLIVAN:

The State Commission has made it crystal clear, most recently in a letter to the County Executive dated June 16th, cc'd to the Legislature, that if a planning contract is not in place by July 20th, that if planning is not going forward by that date, they will remove all or substantially all of our remaining 328 variances. What that means, and it's not hyperbole and no one should mistake what it really means, it means that we will start to incur approximately two to two•and •a•half million dollars a month in expenses for housing prisoners out of the Suffolk County and transporting them.

The history of the State Commission Statewide, they have never restored a variance once they have removed it from a County to push a County into a jail building project. And we must tell you that there is no reason to believe that if this decision was reversed in August or September or this fall, we will still not get those variances back and this County well endure that expense every month until we eventually cut a ribbon somewhere down the road four or five years, two

million dollars a month; that's what it really means if this is not overridden.

LEG. CRECCA:

I'll leave it at that, Mr. Presiding Officer.

P.O. CARACAPPA:

Thank you. Thank you, Mr. Sullivan.

Any other questions, Legislator Crecca? Legislator Caracciolo then Vilorio•Fisher.

LEG. CARACCIOLO:

Thank you.

LEG. SCHNEIDERMAN:

Put me on the list.

LEG. CARACCIOLO:

We read over the weekend, I don't know if it was a press release or a press conference that was held by the County Executive, wherein he alleges that his vetoes will save taxpayers an immediate property tax increase. So my first question to Mr. Spero is could you comment?

MR. SPERO:

The affect as we pointed out when we handed out our review of the Capital Program and projected debt out to the year 2014, taxes are only affected when the debt for a project is issued. So, merely authorizing debt does not impact taxes at all, it's as the projects progress the money is borrowed by the County Comptroller and then usually impacts taxes in a subsequent year, after the debt is issued.

LEG. CARACCIOLO:

As was quoted in the same article by Gail Vizzini, the Deputy Director of Budget Review, what we are proving today is nothing more than a planning document; every Legislator here knows that.

P.O. CARACAPPA:

Legislator Caracciolo, would you suffer an interruption?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

This is on 1561.

LEG. CARACCIOLO:

No, I understand, but I know we're going to thin segway into the Capital Program and Budget, and it even has an affect on 1561 in terms of the financial issues. Because as the Undersheriff just pointed out, you pay now or you pay later. You want to defer taking action today, then you're going to wind up incurring rather \$2 million a month expense to the taxpayer which then gets rolled into the Operating Budget which definitely will mean a property tax impact next year and the subsequent years until action is taken on the new correctional facility.

Since we're on 1561, I'll save the balance of my remarks for later but, you know, the bottom line is you're talking about with respect to the Capital Budget a little more than a \$4 per taxpayer impact and that's it. I hope that's what gets reported in the newspaper instead of the sound bites from the County Executive; and he's not the first County Executive that made statements along the lines that he made last Friday and he won't be the last.

This Legislature has always done what is right. The Riverhead County Center has been a Capital Program priority since I arrived here in 1990. And I dare say, and I had Budget Review research for me what the cost was 14 years ago for that project, and guess what? The cost has quadrupled by virtue of County government inaction. But equally important is we have a facility that possibly, possibly endangers the health and welfare of those who visit that building and many of the public do, the Clerk's Office is very busy, the Treasurer's Office. That is a public building in the truest sense, not to mention the health clinic that's located there and not to the mention our own Legislative staff which is a very small segment of that entire building, and the other County employees.

So you pay now, you pay later. Let's stop this ruse of trying to, you know, go out with sound bites, it's going to cost •• the Legislature is raising taxes. I will submit today, the County Executive will be submitting a budget, an Operating Budget in a little over two months that is

going to increase property taxes next year. Is it his fault? I'm not in a position to say it will be entirely his fault until I see his Operating Budget, but it •• some of it may be and it will be up to us to then sort out the priorities because we'll be inundated here in September and October with all the contract agencies and all the others that he probably will slash and burn in that budget to try to restore. And then we'll see where Democrats and Republicans of this Legislature will, as they've done in the past, sit shoulder to shoulder and do the right things for the right reasons at the right cost for taxpayers of Suffolk County. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Legislator Vioria•Fisher then Lindsay.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. When we discussed the two Budget Omnibus Resolutions, I had cited concern regarding a couple of projects that were included in 1561, one being the Juvenile Detention Center and the representation by The County Executive's Office that the State has indicated that it would not be supporting this financial •• it would not be lending financial support to the Juvenile Detention Center. This was a real turnaround on the part of the State and it's left us holding the bag. That is part of 1561, and that is the financial fiscal reason why I'm taking another look at this. This was something I had put on the record when we looked at this omnibus the first time we looked at it.

With regards to the homeless shelter, I'm very committed to solving the homeless situation that we have in this County; I've made that very public, I've made that very clear. But when Janet DeMarzo has stated that she is not hopeful that a site will be secured this year, then why would we be putting funds for a shelter in 1561 when we can't expend those funds?

With regards, the jail •• Mr. Sullivan, can you come back up, I just need to clarify, perhaps I didn't understand the letter from Mr. Croce correctly. But while Mr. Sullivan is coming up, Legislator Crecca, I agree •• Well, I assume he can hear me, wherever he is. I agree that we should not politicize the budget process. I agree that we need to be independent as a Legislature, I have stated that to the County Executive. And I will be overriding the veto on the other Omnibus that we're facing today because I believe that it's strong and it stands on its merits. But there are too many particulars of 1561 which don't make sense to sustain •• to maintain, so I need to sustain the veto on 1561.

Mr. Sullivan, in the letter that I read from Mr. Croce, it seemed to me that the gist of that letter was that he did not endorse one project or the other •• one proposal or the other over •• as being better; wasn't that the gist of that letter?

UNDERSHERIFF SULLIVAN:

Certainly.

LEG. VILORIA • FISHER:

Okay. So you just said that if we were to sustain 1561, that there would be punitive measures, and yet that's not the gist that I had gotten from that letter.

UNDERSHERIFF SULLIVAN:

Well, I disagree with the second part of ••

LEG. VILORIA • FISHER:

Okay.

UNDERSHERIFF SULLIVAN:

•• your recollection. The Chairman's letter made it very clear that either the original Capital Project put forward by the County Executive or the Capital Project put forward by the Legislature, he was responding to a letter two days before to him from Kevin Law, that essentially said, "Are you going to accept the Legislature's program? Is it in violation of what you've required us to do?" The Chairman wrote back and said, "No, either one of these programs seems that they would fit what we demand the County do," and then he laid out a time line saying, "They're not going to get between the two different parts of County government."

LEG. VILORIA • FISHER:

Right.

UNDERSHERIFF SULLIVAN:

But they laid out a time line that said these •• these deadlines are immovable, and the first one is July 20th; planning must have commenced and a contract must be in place. And he made it very clear whether we followed the County Executive's plan, the Legislature's plan or this is two

weeks ago, some compromise of the two of them.

LEG. VILORIA • FISHER:

Right.

UNDERSHERIFF SULLIVAN:

That if that date wasn't met, those variances will be pulled and they will not be restored.

LEG. VILORIA • FISHER:

Okay. So how does this veto create the situation?

UNDERSHERIFF SULLIVAN:

It has \$7.1 million, \$7.2 million for the funding of the planning for the jail.

LEG. VILORIA • FISHER:

But didn't the County Executive's Capital plan forward money for the planning of the jail as well? And so wouldn't we just be reverting to the County Executive ••

UNDERSHERIFF SULLIVAN:

No, I don't believe so. I believe it's the same amount of money for both and it has now been vetoed; I believe it's gone.

LEG. VILORIA • FISHER:

Is there somebody from the County Executive's Office who could respond to that?

P.O. CARACAPPA:

Keep this mind, when you add •• if you sustain the veto for 1561 and you veto •• and you sustain •• and you override the veto on the Capital Budget, you eliminate all funding for planning because we didn't put it in the Capital Budget because we're appropriating it all in 1561 in the attempts to save the variances. So what ultimately you're doing is eliminating funding altogether for planning and design from the jail because we took it from one and forwarded it into the other and you're going to •• you're on the record saying you're going to override the Capital Budget veto which will eliminate it all. Did I answer the question?

LEG. VILORIA • FISHER:

Mr. Zwirn, the funding isn't anywhere else if we override.

MR. ZWIRN:

The County Executive put it forth and his resolution was 1418, the •• I think it was sent back to committee. But that's •• I would be delighted to bring down a CN that would cover the planning money on this one today so that would not be an issue.

LEG. VILORIA • FISHER:

But without that it would be an issue.

MR. ZWIRN:

Well, that's because ••

LEG. LOSQUADRO:

Yes or no?

MR. ZWIRN:

•• the Legislature has taken 1418 off the table for the time being, which was the County Executive's plan.

LEG. VILORIA • FISHER:

Thank you, Ben.

P.O. CARACAPPA:

Okay.

LEG. VILORIA • FISHER:

The other point with regards to the helicopter hangar •• thank you, Mr. Sullivan. Oh, Ben, if you could just come back, the helicopter hangar. It's my understanding that the lease holders, there are several lease holders who are losing their lease who will be •• who will be vacating the hangar, leaving that space, which would preclude our having to spend the two•and•a•half million dollars for new hangars.

MR. ZWIRN:

That's correct, and I made that representation before the Legislature and also before the committee when that was up.

LEG. VILORIA • FISHER:

How close is that to being accomplished, has it been accomplished, when will it be accomplished?

MR. ZWIRN:

We are in court now with eviction proceedings, it's not something we're talking about doing down the road. They have been filed, papers have been filed for non payment of rent for the most part, so it shouldn't take years.

And in the meanwhile, the Medevac helicopter out there is in no danger, as the County Executive has repeated over and over again, of being removed. It has a facility right now, it's a rental facility where they pay \$60,000 a year as opposed to spending 1.5 or more million dollars for a new facility which would not be ready right away. The Medevac helicopter is safe.

The Juvenile Detention Center was another project that you mentioned that couldn't be done this year. The other one is •• besides the Juvenile Detention Center, there was also the Tier II Housing Project which you also ••

LEG. VILORIA • FISHER:

Well, I have already mentioned that.

MR. ZWIRN:

I'm just saying, there's several in this bill that couldn't be accomplished irregardless of the best intentions.

LEG. VILORIA • FISHER:

Okay. Thank you, Ben. Thank you, Mr. Chair.

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

I think many of you know that I served on the Working Committee that put together 1561 and the Capital Budget so, you know, maybe I'm a little bit more familiar with some of the projects than maybe some others. But what it's involved •• 1561 is 12 projects and if you permit me,

I'd like to go down the list and discuss each project briefly because I think it's important.

Project 1643 is the improvements to the County Center in Riverhead, and we've talked about this a lot. We have 850 employees that work in this building, we have •• the Legislature is there, the Clerk's there, the Treasurer's there, the health center is there, there's some courtrooms that's attached to it but is not involved in the renovation but, you know, it's quite a complex; thousands of our citizens use it every week. The building was built in 1958 and it's never been renovated.

Right now, for all practical purposes, the heating and air•conditioning system is hardly dependable, it's really horrible, it doesn't work in most of the building. You could ask almost any employee out there that in the winter months they all have space heaters just to stay warm. We want to •• in the original plans that have been in the works for I guess four or five years, we want to spend, the price tag now is \$28.5 million. The County Executive wants to spend \$11 million to heat •• to fix the heating and air•conditioning system, to fix the escalator that hasn't worked in 11 years, to do some electrical upgrades. I don't know •• when we met there last week, I don't know whether you looked over the desk in the Legislative auditorium, it looked like a spider web; the electrical system is so inadequate, there's two outlets in that auditorium. It •• again, it was built in 1958 before we used computers, before we used a lot of things. You know, I guess to argue the need for it, you shouldn't have to argue the need for it, you just have to go in the building once and you know that there's a need there.

I submit that in •• you know, that we're going to have to do a major renovation in that building even if we go ahead with the County Executive's \$11 million proposal. And the longer we put it off, I agree with Legislator Caracciolo, the more money it's going to cost us. To put in a new heating system and not to replace the windows is a foolish waste of energy, the heat just goes right through the windows. You know, and that's enough about that project.

The demolition of the old Cooperative Extension Building. Again, from my understanding of being on the committee, there is a movement afoot to designate that building as a historic building and we want to appropriate the money to knock it down before that happens, and maybe I'm being too frank. But the reason why that's important, we have bid and awarded contracts to renovate the court complexes out there; I think it's close to \$30 million if I'm not mistaken.

LEG. CARACCIOLO:

Forty•two.

LEG. LINDSAY:

Forty•two. This building sits where we need the parking to accommodate those court complexes. If we don't take down that building we have a serious operational problem with the court complex project.

The residential detention center, you know, the Juvenile Detention Center is something that the State was all for for about three years, to the point that they committed to subsidize the project to the tune of \$7 million. I think we have about 12 or 13 million appropriated, we bid the job twice; both times it's come in over budget. The last time we're holding the bid so we won't have to bid it again, we need another million and a half dollars to award the contract. That's what we put in 1561 as the additional million and a half. The State now has taken a position that they are •• you know, they don't want us to build a project which I don't know and the Commission of Probation was in before safety and he, "I don't know how they can back off of it at this point."

The point of the matter is if we get this facility built, if we get it open, it will save us \$12 million a year because right now that is what it's costing us to ship juveniles out of County, house them. If the State doesn't give us permission to go forward, we obviously can't spend the million and a half dollars, even if it's appropriate we can't spend it; what are we going to spend it on? We can't spend it on a project that doesn't have State authorization. And additionally, you're going to have another 12 or \$13 that we can't spend that's already been appropriated. But to approve it and not have State approval, we're not going to spend the money until it's approved.

The Jail Utilization Study, replacement facility in Yaphank is the planning money that the Sheriff talked about, it's the key to the whole thing. If we do not go forward with the planning documents this year, we're •• it's going to cost us about \$20 million in housing prisoners out•of •County.

Improvements to the County Correctional Facility. We put a million in Riverhead, we put a million dollars in there to prevent what happened to Yaphank. We have leaks throughout the jail in Riverhead, I mean, we have things that need to be repaired or soon we're going to start

losing our waivers in Riverhead and compound the problem.

The helicopter hangar is something that's been kicked around a lot. We spent I think more than \$2 million on a helicopter a couple of years ago for the east end which a lot of us thought long and hard about because it's a major expense. The hangar that we have it in now is grossly inadequate, although we're only spending \$60,000 a year but it's inadequate. We appropriated a million and a half dollars, it's much less than Public Works said they can build a hangar and, you know, the idea is maybe we can buy a hangar. If the County Executive can come up with a hangar by throwing somebody out of a hangar that we already own, I think we can modify that. You know, I don't think we're going to go forward with a project if we can acquire another suitable hangar.

Public Works Highway Maintenance Equipment I don't think anybody disagrees with, we need that to continue to plow our roads and sand our streets and sweep our streets and do things that as a County we're supposed to do.

Improvements to County Road 36, South Country Road; this is the first of about, over the next four years, 16 road projects that we put in the Capital Program. And the reason we did that, as a County we spend less money than any County in New York State on our road maintenance, and truthfully, some of our roads show it; we have bridges that are rusting, we have roads that have major potholes in it. This is not, this is not •• and I repeat this •• pork. What this is about is maintaining the infrastructure that the County is supposed to maintain.

Construction of the Port Jefferson/Wading River Rails•to•Trails will be vetoed in this package; it's a hundred percent federal funded I think, maybe 90%; is it 90 or 100?

LEG. LOSQUADRO:

No, it's 100%.

LEG. LINDSAY:

It's 100%; it costs us nothing.

The Tier II Homeless Shelter. Maybe we made a mistake, we put a million and a half dollars in to identify and buy the property this year to match two•and•a•half million dollars that we're

going to get from the State to accomplish this. The Commissioner of Social Services said she's not going to complete the siting locations by the end of the year. But what's the harm? Because we appropriated the money, we don't bond the money until we actually need the money, until we purchase the property; if we don't spend it this year it rolls into next year's budget where the County Executive has it. It's really meaningless.

The construction of the maintenance •• I'm not sure what that one is. Is that the one on the golf course, the maintenance facility on the golf course?

LEG. ALDEN:

Timber Point?

LEG. LINDSAY:

It just says construction of maintenance operations facility; Jim, is that the Timber Point project?

MR. SPERO:

Yes, it is.

LEG. LINDSAY:

Okay. You know, that might sound like a local project, too, but it really isn't. What this facility would do is •• would purify the water from the excess use of chemicals and fertilizers that we use to keep our golf courses green, but it will purify the water. It's a long •• it's a first step in making all of our golf courses environmentally friendly.

And the last project is Historic Restoration and Preservation Fund, it's to restore a project in Montauk, the •• what is it called?

LEG. SCHNEIDERMAN:

Third House.

LEG. LINDSAY:

Third House which is falling •• it's a National Historic Monument, it's falling down, it's been recommended by the Parks Commissioner that we spend some money on this facility or we're

going to lose it.

D.P.O. CARPENTER:

Thank you.

LEG. LINDSAY:

That's all I've got to say.

P.O. CARACAPPA:

Thank you, Legislator Lindsay, it's appreciated. Legislator Foley.

MR. POLLERT:

Thank you, Mr. Chairman. And I would like to commend Legislator Lindsay who had done an excellent job during the Capital Program process, both with this particular resolution, as well as the 05•07 Budget which was really crafted in the best traditions of the Legislature in a bipartisan fashion.

And it's my firm belief that while there was some very harsh, partisan action taken earlier in the year, it's my belief that through this Capital Program process we've been able to reestablish •• to a good extent, we've been able to reestablish some of those bipartisan ties that were severed at the beginning of the year, and that's why I think it's important for the rest of the year that we move forward and to override these particular vetoes.

Notwithstanding some of the great concerns that the County Executive has, he has a long track record of articulating those concerns, but the fact of the matter, as we've said here at the last meeting and at other venues, these are projects that are going to do a number of things, most important of which, for instance with the Evans K. Griffing Building, give dignity to those who work in that building and give dignity to those who access the services of that building. It's a building that for decades has received little to no maintenance or rather reconstruction, plenty of maintenance but not enough reconstruction; that's why it's important we should move forward with that this year.

Legislator Lindsay outlined the other •• the worthiness of the other projects, but I would just simply add this other fact. That while this is going to improve our infrastructure which in and of

itself is important and to give the dignity to those who utilize these buildings, it will also do something in the best tradition of government and that is government can be part of the answer of creating jobs. It is through the Public Works area, whether they're on the Federal level, State level, County, city level, that throughout public investment and that's what I call it, through our public investment we're also going to put people to work. So we can be an engine of growth in this County for our job market and we've done that in the past and we're going to do it through this resolution as well as through the 05•07 Capital Program. And for that, I want to thank all who worked on this program and I hope that we can in this instance override the veto. Thank you, Mr. Chair.

P.O. CARACAPPA:

Thank you, Legislator Foley; that was well said and appreciated. There's a motion and a second which includes all of the respective bond numbers. Roll call. No, all in favor? Opposed?

LEG. BISHOP:

Roll call.

P.O. CARACAPPA:

Oh, you're calling for a roll call.

LEG. CRECCA:

The Procedural Motion?

P.O. CARACAPPA:

No, we can take this all at once, it's an appropriating resolution.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes to override.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes to override.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes on the override.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

16•1, one not (Absent: Legislator Tonna).

P.O. CARACAPPA:

Thank you. 1561, the veto on 1561, Resolution 603 is overridden.

Moving on to the Capital Budget 05•07, Budget Amendment No. 1, the first motion I will make is a procedural motion to take IR 1603•04 in its entirety, which is Budget Amendment 1 Omnibus, which includes the following project numbers, plus the second RESOLVED clause, so bear with me; Project No. 3231, 3505, 4055, 4057, 5039, 5060, 5095, 5097, 5121, 5168, 5523, 5527, 5529, 5538, 1459, 5539, 5541, 5561, 5563, 5806, 5815, 5838, 5843, 5850, 6011, 1461, 6503, 7007, 7009, 7080, 7164, 7427, 7430, 7510, 1715, 1755, 1762, 1765, 1775, 1795, 2111, 2112, 2118, 2159, 2189, 3008, 3009, 3013, 3014, 3122, 3161, 3184, 3198, 3501; and that's the entirety of all the project numbers. There's a motion •• that's my motion. Is there a second?

LEG. FOLEY:

Second.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

There's a second. All in favor to override? Opposed?

LEG. BISHOP:

Opposed.

P.O. CARACAPPA:

One opposed, Legislator Bishop. Abstentions?

MR. BARTON:

16•1, one not present (Absent: Legislator Tonna).

P.O. CARACAPPA:

Right, that was the Procedural Motion. We'll take it all as one now. The motion to override ••
motion to override ••

LEG. CRECCA:

Wait a second, just so the Clerk is clear.

P.O. CARACAPPA:

For the Clerk, the Procedural Motion, it was Legislator Bishop opposed and Legislator Mon ••

LEG. MONTANO:

And Montano.

P.O. CARACAPPA:

I'm sorry, Legislator Montano is opposed to the Procedural Motion.

Now the motion before me or before everyone, I'll make to override the veto on Budget
Amendment 1 ••

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

•• with the prior outlined projects numbers. Second by Legislator Caracciolo. All in favor?
Opposed? Abstain?

LEG. BISHOP:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Bishop. The veto on Budget Amendment 1, Omnibus, has been overridden.

MR. BARTON:

16•1, one not present (Absent: Legislator Tonna).

P.O. CARACAPPA:

Moving on •• as well as the second RESOLVED clause was in that.

MR. BARTON:

Correct, and all of the 54 projects.

P.O. CARACAPPA:

Correct. Veto •• Resolution 1599 which is Budget Amendment 2.

LEG. VILORIA • FISHER:

Explanation.

P.O. CARACAPPA:

599 •• not 1599, 599.

LEG. CARPENTER:

Motion to override.

P.O. CARACAPPA:

Motion to override by Legislator Carpenter.

LEG. CRECCA:

Explanation.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. ALDEN:

Yeah.

MS. KNAPP:

I'll defer to Budget Review to the extent that I misspeak. Resolution 599 was to put the money in the Capital Program for the possibility of the Southside Hospital Program.

P.O. CARACAPPA:

This was the •• using the County borrowing power for the \$41 million to be •• the debt service and the principal to be reimbursed to the County along with an administrative fee.

LEG. CRECCA:

In its future years, correct?

P.O. CARACAPPA:

Future years, right. Any other questions?

LEG. CARPENTER:

So really we're just including it so that they can consider it.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Briefly, this will place it into the Capital Program as a planning document. It will give the Health Facilities Commission the opportunity over the summer into early fall to review this particular application, as well as some others. And then come early fall, I'm sure at that point we will

receive from the commission their recommendation on this application as well as several others. So this simply gives the commission the additional time it needs to make a determination on whether to recommend this projects to us. If we didn't include •• we didn't include these monies in the Capital Program it would essentially then delay the commission's findings until next year when we undertake this exercise again in creating the Capital Program. So this does not obligate us to expend •• we wouldn't expend to begin with. This would not obligate us to this project but rather give the commission the time it needs over the next three to four months to make a final recommendation on whether to move forward with the project. And even if they make that recommendation, it still will then come before us for a final decision.

P.O. CARACAPPA:

Legislator Bishop then Alden then Vilorina•Fisher.

LEG. BISHOP:

If some of the proponents can speak to this. What I don't understand, this is essentially a local government extending a loan guarantee to a private for•profit making enterprise, is that what we're doing?

LEG. CRECCA:

Do you want me to address that?

LEG. BISHOP:

And if •• I mean, I understand we have a goal which is to improve medical care, but I want to understand, isn't this really precedent setting? I don't •• this is like what the United States Government did for like Chrysler 20 years ago.

P.O. CARACAPPA:

Legislator Foley, but keep in mind we contract our health center there and that's part of the plan.

LEG. FOLEY:

Right.

P.O. CARACAPPA:

So Legislator Foley, go ahead.

LEG. FOLEY:

Yeah, thank you. Last year when I was Chair of the Health and Education Committee we had extensive discussion about, to use a medical term, to resuscitate this particular commission. It was utilized in the late 70's to mid 80's to offer, let's say, a lower bond rating for hospitals who have had a long-standing relationship with particularly our County Health Department and for years, it laid fallow, it was never utilized again. And because of a growing need for health services that are provided through our hospitals as well as we in the County Health Department provide through our offices, that growing need, the hospitals have to meet that challenge.

So the idea last year which, Legislator Bishop, you had also agreed to placing the new members on that commission, was to bring that commission back to life, or take it out of its former state, so that it can review these proposals, and those that do have merit to present them to us. What it really amounts to is a continuation, if you will, of a longstanding, in some cases 40 plus year, relationship between our County Health Department and particularly those community hospitals that we have worked with over these last 40 years to deliver quality primary community health care. And in that regard, particularly Southside's case, they've come up with a unique model of providing improved community health care and at the same time enabling us to utilize their grounds, their campus grounds if you want to call it that, for the placement of a health center.

So that's really the size of this thing, it doesn't •• as I said, it doesn't commit us at this point. But the reason, Legislator Bishop, that this is moving forward now is that the community hospitals with which we've had longstanding relationships are moving forward with either expanding their services or providing us to allow us to use their grounds to provide our services, because of the growing population in our County of the uninsured and underinsured which I know that you in the past have also spoken about.

This project is going to enable those who are under insured and uninsured to receive quality health care that at this point they may not have been able to receive. So that's some of the background to it.

LEG. BISHOP:

If I can reclaim my time.

LEG. ALDEN:

You still have it.

LEG. BISHOP:

I still have it? I appreciate the answer. Just forgive my ignorance, I'm not on the Health Committee and I don't have a great background in the area. But is North Shore University system, is that a for-profit enterprise, are they not-for-profit; how does it work? And moreover, who does the due diligence, if we make a commitment like this, on whether we, you know, get on their fiscal health; has that been, you know, discussed yet? And why do they want this, what's in it for them? So if you can explain all those things to me I ••

UNKNOWN LEGISLATOR:

You're still going to vote on it.

LEG. ALDEN:

I'll take on one part of it. Just to give you a little history.

LEG. BISHOP:

I think they're all important issues.

LEG. ALDEN:

The Bay Shore Health Center has operated for a number of years. Unfortunately there was a problem with the building and there's an air impurity problem there that caused some of our employees and some at Southside's to get sick. Southside Hospital is a not-for-profit hospital.

LEG. BISHOP:

That was the thing in the Touro building?

LEG. ALDEN:

The Touro building, exactly. So now that building, the portion that housed our health clinic has been closed down. That has put an inordinate strain on the resources of the emergency room for Southside Hospital.

LEG. BISHOP:

Right.

LEG. ALDEN:

The reason why I'm familiar with this is because ••

LEG. BISHOP:

It's your district.

LEG. ALDEN:

•• before I was redistricted, a good portion of the people came from the North Bay Shore/Brentwood area and went to the Bay Shore Health Center. So Legislator Montano is in a unique position where he's going to have pressures from both sides because I understand that there's a possibility of closing the CI health clinic and that would bring us down to a position where we had three that we're covering a huge population and we would only have one. So this provides us with another option to deliver the health services to the people.

I've also asked over the past six years to have an alternative site. They have not been able to •• the site selection committee has not been able to come up with an alternative site, even knowing that our lease at best would have run out in December of this year, so the health center had to move by December of this year. So this provides us with an alternative. It does come back to us, Dave, Legislator Bishop, it comes back to us for our review. Could there be problems with this? Absolutely, because we are given guarantees and there could be problems with Southside's financials, but it does come back to us for our review.

This puts it in the program so that it allows things to go forward and take a good look at our options, and it does not end up foreclosing an option to us to provide health services to the people in that area, which does include three or four Legislative Districts.

LEG. BISHOP:

So, obviously then it's just a preliminary planning steps type of initiative.

P.O. CARACAPPA:

Yeah.

LEG. BISHOP:

But even in this stage, could you just describe what is the end result; they're going to expand their hospital and we're going to lease the space from them?

P.O. CARACAPPA:

Yes.

LEG. ALDEN:

They expand the emergency room, they put in a parking garage and they build a health clinic ••

P.O. CARACAPPA:

Health center for Suffolk.

LEG. ALDEN:

A health center.

P.O. CARACAPPA:

Which we lease.

LEG. ALDEN:

Exactly right.

P.O. CARACAPPA:

Which we get reimbursed by the State because we're leasing for the health facilities.

LEG. BISHOP:

Right. And so they're •• so the borrowing to fund the expansion is backed by the County for the entire thing, that includes the parking lot and the emergency room ••

LEG. ALDEN:

No.

LEG. BISHOP:

•• or just for the portion which is the health center portion.

LEG. ALDEN:

I'm sorry, the guarantee would be for the entire loan, yes.

P.O. CARACAPPA:

I met •• just so you know, I met with the administrators of the hospitals as well as other Legislators who represent the area and I told them there would be nothing of the sort until they •• going forward, not a planning document until they came forward with a lock solid type of guarantee for the County that we wouldn't be left if they became insolvent.

LEG. BISHOP:

Right. What do we ••

P.O. CARACAPPA:

They're working on that.

LEG. BISHOP:

What do we get if they become insolvent?

P.O. CARACAPPA:

If they become insolvent; well, I won't move forward with this, down the road when we make it real, until they guarantee their fiscal stability.

LEG. BISHOP:

We're going to guarantee their guarantee?

P.O. CARACAPPA:

Well, I will •• as of right now, I'm only comfortable with the planning of this. I will not sign on to a \$41 million loan for anything until we have guarantees by them that are really solid, so that's coming; and if it doesn't come, this doesn't happen.

LEG. BISHOP:

I'm actually heartened by your concern, because I would hate to make a commitment now on

something that's so complicated with so little information in our hand. But I will personally, my own vote, you know, move this forward because it's an interesting concept, but there is certainly a lot of issues that need to be addressed before we truly commit to this.

P.O. CARACAPPA:

That's a given. Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. And I want to thank you, Legislator Bishop, for saying that, doing your due diligence but realizing that this is a concept that perhaps should be supported.

You know, for all of the years that we've been here, very often when health centers and social service centers have to be sited it's always been problematic, and in this instance, the community is totally supportive and behind this whole concept. And as Legislator Alden said, there were a number of years that we've been engaged in this exercise of trying to find a suitable site for the health center in Bay Shore and for the immediate communities that it serves. And as Legislator Caracappa said, when this becomes real, this really is a concept, we're including it in subsequent years so that we can allow the Health Facilities Commission to entertain the project and then come back to us for the necessary approvals.

LEG. BISHOP:

One other question.

P.O. CARACAPPA:

Legislator Bishop, go right ahead.

LEG. BISHOP:

Just one other question. If we do down the line authorize this, does it actually involve the County bonding money, or are we simply guaranteeing, standing there ready in case they ••

LEG. CRECCA:

We're actually bonding.

LEG. BISHOP:

We actually bond it; and then we get paid back?

LEG. CARPENTER:

Exactly, plus the interest rate.

P.O. CARACAPPA:

You know, interest, principal and an administrative fee.

LEG. BISHOP:

Okay. So •• okay.

P.O. CARACAPPA:

There's a motion and a second to override. Roll call. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Five ninety•nine, Resolution 599, Budget Amendment 2 is overridden.

Number four on the agenda here, motion by myself for a Procedural Motion to override Resolution 600 in its entirety, Budget Amendment 3, which includes Capital Project 8121, 8132, 8179 and 8181; these are the sewer components of the Capital Budget.

LEG. VILORIA • FISHER:

Motion.

LEG. BISHOP:

Explanation.

P.O. CARACAPPA:

That's the motion for the Procedural Motion, to take all those four in one. Motion by myself, second by Legislator Foley.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator •• this is the procedural.

LEG. BISHOP:

Yeah.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Even on the procedural, can I get a further description of what we're lumping together and why we're lumping them together?

P.O. CARACAPPA:

Counsel or Budget Review?

LEG. BISHOP:

This is the college stuff; what is this? Sewer stuff, okay.

P.O. CARACAPPA:

These are the sewer things.

LEG. BISHOP:

Okay. So they're all sewer ••

P.O. CARACAPPA:

Yes. The reason why we separated them out is because the funding mechanism, Sewer Stabilization Reserve Fund, things of that nature. Jim?

LEG. BISHOP:

I'll take the explanation.

P.O. CARACAPPA:

Yeah. Go right ahead.

MR. SPERO:

The resolution includes funding or reschedules funding for four sewer projects. The first is SD21, SUNY Stony Brook, it includes \$14.9 million in subsequent years, over 12 million of which will be State aid for expansion of that plant at SUNY Stony Brook.

The second project is at the Southwest Sewer District, this would include a total of six and a half million dollars for an ultra violet disinfection system for the effluent that leaves the plant which is now chlorinated, the ultra violent system eliminates the need for chlorination and dechlorination of the water as it goes out of the plant into the ocean and will actually save money because you don't have to use a lot of chemicals in that process.

The third is to include a million dollars for planning for a new scavenger waste facility which has been slated for •• to be done for many, many years now and hasn't got off the ground, so the million dollars is in 2006 to try to advance that project because the scavenger waste plant at Southwest has been over utilized for a number of years now. The third project is also in the Southwest Sewer District for the sludge treatment and disposal improvements at the Bergen Point Plant and basically what the resolution is doing is advancing \$20.6 million from subsequent years to 2006 to build a second incinerator for the plant. As you know, the plant has two incinerators both of which are down, we're trucking out ash and waste out of the County at a significant cost and by advancing the funds so that the two incinerators can be constructed simultaneously will reduce the cost of that project in the long run.

LEG. BISHOP:

When we defease pay back these bonds for sewer projects, do we do it from within the sewer districts or they're •• how does that work?

MR. SPERO:

That's correct. And to the extent that sewer district rates exceed a 3% annual increase, the district is subsidized from the Assessment Stabilization Reserve Fund.

LEG. BISHOP:

Okay. So these projects all out •• are outside of the Capital Budget that we just were •• all of them, all four of them.

MR. SPERO:

That's right, they won't impact the General Fund at all.

LEG. BISHOP:

Thank you.

P.O. CARACAPPA:

Thank you, Legislator Bishop. Budget Review, thanks. There's a Procedural Motion before us. All in favor? Opposed? Abstentions? One opposition, Legislator Montano.

MR. BARTON:

16 (Opposed: Legislator Montano • Absent: Legislator Tonna).

P.O. CARACAPPA:

Motion to override by myself ••

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

•• as prescribed in the last motion. Second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Resolution 600 Budget Amendment 3 is overridden.

Okay. Motion •• moving on. Motion by myself. These •• now, off the Capital Budget. These are vetoes that are in your packet •• Well, there are actually two more, two more Budget Amendments, my apologies, and then we get into policy.

Budget Amendment 5. Motion by myself to override. Is there a second?

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Legislative Counsel or Jim Spero.

MS. KNAPP:

I'll begin and I'm sure that Mr. Spero will add to or correct me. This is the \$350,000 for the Data Center/Media Storage Facility, and it's being added in 2005; this is in the County Center for the County Clerk's Office.

LEG. MYSTAL:

Joe?

P.O. CARACAPPA:

Legislator Mystal.

LEG. LINDSAY:

Yeah, I wanted too ••

LEG. MYSTAL:

Originally, I voted for this data center but since then I have talked with BRO and the people responsible for the data center and it seems to be that what we are doing is setting up different sites for a data center all over the County and the BRO •• specifically Mr. Allen Fung •• told me that this is not needed because there would be insufficient space within the servers once they're

set up, so we don't have to spend that money and that's why I'm going to change my vote on that.

P.O. CARACAPPA:

Thank you, Legislator Mystal. Legislator Lindsay.

LEG. LINDSAY:

Yeah. I wasn't sure what you wanted me to second there, I see the resolution. I voted against this resolution the first time and I will vote to sustain the County Executive's veto of this, and the simple reason was when we talked about this in committee I agreed it, and when we got into the analysis with Budget Review, this is located in Riverhead with the renovation •• if we go forward with the renovation of Riverhead, it will incorporate a renovation of the data center. So, you know, there seems to be some duplication here and that's why I voted against it the first time and I will sustain the County Executive's veto.

P.O. CARACAPPA:

Thank you, Legislator Lindsay. There's a motion ••

LEG. VILORIA • FISHER:

Mr. Chairman?

P.O. CARACAPPA:

Oh, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

I agree with Legislator Lindsay. This is the time for those people who did vote for this to look at the facts, to look at the issue regarding the reconstruction of the center and how these •• this space will be provided through that project, and certainly changing your vote would be consistent because you would still be providing the space. So I encourage people who voted yes on this resolution to sustain the veto, because this would be duplicative, we wouldn't need this project.

P.O. CARACAPPA:

Anyone else? Legislator Alden.

LEG. ALDEN:

It's just a shame that, you know, information can get twisted between the time it's given out and then the time that people are provided their second or third bite at the apple, so to speak. But just to point out that in committee the County Clerk did come down, he made some very, very persuasive arguments as far as the amount of data that is stored on this which is probably in the Media Center that we're going to build, somewhere between 90 and 95% of that storage is devoted to the County Clerk. The County Clerk is also going to institute some for-fee type of programs and this would back up those programs that would actually bring revenue into the County.

So this seems to be an extension or a continuation of whatever happened with Mr. Sabatino and Mr. Levy and the County Clerk. So this just seems like political maneuvering.

P.O. CARACAPPA:

Thank you, Legislator Alden. There's a motion •• and I'll change the second to Legislator Losquadro based on the opposition from Legislator Lindsay •• to override. We'll roll call this one.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes to override.

LEG. COOPER:

No to override.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes to override.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

The motion to override Resolution 601, Budget Amendment 5, has failed. The veto is sustained.

LEG. ALDEN:

All on a political basis.

P.O. CARACAPPA:

On the motion •• on Resolution Number 602, Budget Amendment 6, I'll make a motion to override.

LEG. SCHNEIDERMAN:

Second.

P.O. CARACAPPA:

Second by Legislator Schneiderman.

LEG. BISHOP:

Explanation.

LEG. BINDER:

Explanation.

P.O. CARACAPPA:

This is Capital Project 2120, Recreation Center in the Eastern Campus, Suffolk County Community College. This would be put in •• this would be put in subsequent years, and just, again, a planning. Legislator Schneiderman, it's your district.

LEG. SCHNEIDERMAN:

Charles, if you'd step up to the microphone, so you could explain.

P.O. CARACAPPA:

Legislator Schneiderman, are you requesting ••

LEG. SCHNEIDERMAN:

Yes, I'm requesting that •• from the College, Charles Stein, through the Chair.

P.O. CARACAPPA:

Mr. Stein, why don't you step up? Oh, look at that, he's so quick.

LEG. SCHNEIDERMAN:

Sorry about that.

P.O. CARACAPPA:

Go ahead.

MR. STEIN:

Yes. As described to the Committee, this is a project that was requested to provide athletic space at the Eastern Campus. At the moment, we don't •• we have very limited space. There are no lockers or anything of that nature, no showers, etcetera. The building would be used for physical education classes, athletics and recreation, it would be available to community residence for recreational use, and allow the Eastern Campus to become a complete academic center. Middle States accreditation is coming up in 2007. This is something they'll probably be examining as well.

LEG. SCHNEIDERMAN:

I would like to point out two things. One is that the campus currently has no athletic facilities, no gym, no places to recreate, and, also, that this money is in subsequent years, so it will be shown in the budget, but not with a particular year attached to it.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. I'd like to hear from the College President with respect to something that was in the press over the weekend concerning Southampton College.

P.O. CARACAPPA:

Dr. Pippins, would you like to step forward?

DR. PIPPINS:

Yes, sir.

LEG. CARACCIOLO:

Hi. I'd like to have maybe just some sense from yourself, and I know it's very premature, that the County Executive has indicated, at least preliminarily, that he'd like to explore the feasibility of incorporating Southampton •• Southampton College Eastern Campus to a campus out at Southampton LIU, perhaps into the County system. Your thoughts? When we're talking about a capital project like this, I would have some consternation if we're going to approve these kinds of improvements, only subsequently to be trumped with some idea that we're going to spend 30, 40 million dollars to buy another campus on the East End. It's something that I don't think we can afford or we need. But do you see a synergy there? Do you see a need for us to have another presence in Southampton, when we have one literally in Southampton at the Eastern Campus?

DR. PIPPINS:

I think it's important that we explore all options, but I would endorse strongly moving forward with the Capital Program that we put before this group. I just finished sitting on a group for SUNY looking at capital projects, and they are recommending to the Chancellor that they start to reallocate funds from counties that do not have local support for those projects, and I would not like to see Suffolk County Community College or the County in that situation.

When I was in Virginia about ten years ago, we found ourselves in a similar situation. We got involved in a study, and I think these are great ideas, but nine years later we ended up paying

more for the original concept. So, I think it's important to entertain these proposals and to explore all options, because there may be some wonderful alternative, but, at a minimum, these projects should proceed on parallel tracks.

LEG. CARACCIOLO:

Spoken like a true College President, didn't give me an answer, but •• and I could appreciate that, given your position. But the fact of the matter is I think this is where we begin to see creeping into today's conversation, Mr. Chairman, some double•speak. We have the County Executive in the press over the weekend saying we should consider a multi•million dollar addition to our College Campus, Campus System, when we, in fact, have the Eastern Campus presence in Westhampton, probably, as the crow flies, seven or eight miles from the Southampton College Campus. And secondly, we're making improvements long overdue, like this one. I, right now, can't see any reason why we would even consider that purchase, but, one hand, we can talk about spending maybe 30, 40, 50 million dollars of taxpayer's money for something we really don't need, and on the other hand, well, we have capital projects, which we earlier approved, that there is clearly a dire need, justification, he balks. It doesn't make any sense to me.

P.O. CARACAPPA:

Thank you.

DR. PIPPINS:

Well, since I have the floor, I'd like to support the recreational building. All the research shows that to the extent that students are engaged and connected to an institution, they succeed. We've had very successful enterprises in this area. They connect our students. They make a national reputation for our organization, and those students do well in athletics and in their academics. And we would appreciate your support on this initiative and addition. Thank you.

P.O. CARACAPPA:

There's your answer. Hold on, Legislator •• Legislator Bishop.

LEG. BISHOP:

Before I ask my question, let me proclaim my commitment to the Community College in general, because I don't recall in ten years ever voting against an initiative at the College. But I don't also recall to ever signing on to the notion that there should be three equivalent

campuses. Is that your and the Board of Trustees that you work for, is that the concept that you understand that we're heading towards?

DR. PIPPINS:

One of the core principles of the Community College's system is access, and access is an issue. I've only lived here about nine months, but transportation is a huge issue on these •• on this Island, and we need our campuses to be located, so that our citizens can get to them, so that the business community can have access, and, therefore, we need the campuses distributed over the Island in the way that they are. That's my assessment.

LEG. BISHOP:

So, is it three equivalent campuses? In other words, everything for Selden ultimately will be in Brentwood and Riverhead as well?

DR. PIPPINS:

No. The campuses have different specialties. The core offerings are available to students wherever they are. But, for example, we have the Culinary Arts Institute at the Eastern Campuses. That's not available at all three campuses.

LEG. BISHOP:

Right, that makes sense. But a gymnasium, is that •• that's something that's mandatory for all three campuses?

DR. PIPPINS:

It's part of a comprehensive Community College concept. And, again, as Vice President Stein mentioned, in 2007, Middle States will be back visiting the campus. They will look to see that comprehensive services are offered to the students and the citizens that access each campus.

LEG. BISHOP:

All right. Is there a document, a planning document? I think we have an infamous Plan C. Does that •• does that lay out what the ultimate goal of the Eastern Campus is? So, just so I understand. As we move through, you know, projects over the years, it just seems to me that I •• as I understood it ••

DR. PIPPINS:

There is a master plan.

LEG. BISHOP:

•• transportation's an issue and we wanted to make available classroom space for students on the East End. I didn't believe that there was a whole need for a third large campus. First of all, Selden and Riverhead aren't even that far apart are they?

DR. PIPPINS:

Depends on where you live and how you try to get around Long Island, it really does. There are two issues here. One is the management issue, that •• the autonomy issues that are represented in Plan C, and then there's also the issue of accreditation in terms of how we're reviewed by the organization that determines whether or not our students can transfer credits from Suffolk County Community College to other institutions around the country. And in both instances, you will look autonomy and comprehensiveness of the offerings that are available to students.

LEG. BISHOP:

Yeah, but they're not looking at autonomy of campuses are they, they're looking at the autonomy of college.

DR. PIPPINS:

I mean, we're talking about ••

LEG. BISHOP:

Of system, right, they look at the system?

DR. PIPPINS:

You asked me about Plan C, that's why I was responding, so ••

LEG. BISHOP:

Oh, okay, I'm sorry. It was probably a poor question, because it doesn't respond •• it doesn't inquire as to what I'm really after. What I'm after is, ultimately, what is the plan for Riverhead, is it to have a full equivalent campus?

DR. PIPPINS:

It should be a comprehensive campus that offers the full range of services to students, not

exactly the same •• but a physical health education component should be available at each campus.

LEG. BISHOP:

Okay. That's the College's position. I don't know if that's the Legislature's position, and it's an interesting question.

DR. PIPPINS:

Well, just to close that, I mean, if you're a citizen and you live on Long Island, and you live far enough out on Long Island, getting access from the very end to Selden really becomes a huge issue if you ••

LEG. BISHOP:

Well, then why not have an East Hampton campus? I don't understand Riverhead to begin with. It never ••

P.O. CARACAPPA:

Hold on.

LEG. BISHOP:

It never truly made geographic sense.

DR. PIPPINS:

I understand your position. I see it differently, and perhaps that that's the best way to leave it. You have a long agenda.

LEG. BISHOP:

Maybe Southampton makes a lot more sense, push it further out east.

P.O. CARACAPPA:

Okay. We have Legislator Vioria•Fisher, then Lindsay.

LEG. VILORIA • FISHER:

Dr. Pippins.

DR. PIPPINS:

Yes.

LEG. VILORIA • FISHER:

Thank you very much for being here. And I do have to thank you for your responses to that. As someone who took •• did take the bus to work one day and saw what it was like for people traveling from Riverhead to Hauppauge, they had to take three buses and it was four hours. So, I would hate to have to see a student trying to travel from

The Eastern Campus to the Selden Campus to take a gym class, it would certainly be burdensome.

But, Dr. Pippins, we have before us the possibility of exploring the Southampton University Campus. Would there be any harm in looking at that as another possibility, perhaps.

DR. PIPPINS:

I seen no ••

LEG. VILORIA • FISHER:

Maybe instead of doing some of the projects at the Riverhead Campus.

DR. PIPPINS:

I see no problem with exploring. What I don't want to see is to have our capital project, our Capital Program delayed while we explore, because sometimes we get really surprised about how long it takes to explore. My experiences in this area have not been positive. It could be different here, but we protect everybody by moving forward ••

LEG. VILORIA • FISHER:

No, exploring takes a long time.

DR. PIPPINS:

Right. And so we protect the system and the taxpayer by moving forward with the Capital Program as it currently exists ••

LEG. VILORIA • FISHER:

However ••

DR. PIPPINS:

•• while we explore, while we explore.

LEG. VILORIA • FISHER:

And they could move on parallel tracks, by the way, because we do have the recreation program, I believe is in the outer years •• in subsequent years.

DR. PIPPINS:

I would support that.

LEG. VILORIA • FISHER:

So, we could explore while that stays there. Now, I know that the •• we needed to put the library in the capital project in order to have it in the State's next five•year plan ••

DR. PIPPINS:

Right.

LEG. VILORIA • FISHER:

•• and access that funding. Is the same true with the recreational facility?

DR. PIPPINS:

You want to answer that, Chuck?

MR. STEIN:

As we've discussed with other projects, the importance of having the County act in this area and putting it in the Capital Program then permits us to go to the State and explore, you know, getting things into the State's Capital Program.

LEG. VILORIA • FISHER:

Okay. So, Chuck, your answer is yes.

MR. STEIN:

So, that's what this is •• that's what this is all about, yes.

LEG. VILORIA • FISHER:

Okay. And so, if I might, Legislator Caracciolo, I think you asked very good questions. Do we want to spend the money on another campus, or even exploring that? However, while we're looking at what the possibilities might be of an existing structure, we maintain this in place, so we don't lose our place in line with the State.

DR. PIPPINS:

Right.

LEG. VILORIA • FISHER:

And so, having to parallel tracks certainly makes sense. As far as Legislator Bishop's comments, the population in Suffolk County is growing on the East End, and this is a community •• Suffolk County College •• Suffolk County Community College, not West End County Community College, and we need to address the needs of that population on the East End who is not only growing in numbers, but is growing in diversity. And we need to provide the opportunity for the people who live on the East End, who would be •• people who would qualify or would be interested in an Eastern Campus Suffolk County Community College opportunity or experience.

We might also look at some of the programs that are being provided now by Southampton University, which would be marine sciences programs. Perhaps that might be a specialty that would be looked at at the East End, you know, marine sciences or aquaculture programs, which Cornell Cooperative now has on the East End. And I believe we have a •• Cornell is housed at the Eastern Campus right now, isn't •• don't they have some programs on the East End?

MR. STEIN:

We work with them, yeah.

LEG. VILORIA • FISHER:

And so, we do already have a specialized curriculum out there, don't we, Dr. Pippins? I thought we do have ••

DR. PIPPINS:

They work cooperatively with us.

LEG. VILORIA • FISHER:

Okay. Thank you.

DR. PIPPINS:

Thank you.

P.O. CARACAPPA:

Okay. Keep in mind •• there's still a long list •• this is a project for subsequent years, and planning •• and a planning document, so with that in mind, Legislator Lindsay, Schneiderman, Foley, Losquadro.

LEG. LINDSAY:

My questions have been answered.

P.O. CARACAPPA:

Thank you, Legislator Lindsay. His answers •• he got his answers. Legislator Schneiderman.

LEG. MYSTAL:

Dr. Pippins, welcome to the zoo.

LEG. SCHNEIDERMAN:

I'll try to keep my comments brief. First, let me say that I'm with Dr. Pippins on this, that we should have these two parallel tracks. We should have this money shown in the Capital Budget, because they're important projects. They won't happen for quite sometime. Something is going to happen, though, rather quickly at Southampton College. And this is a great facility and an unusual opportunity. It's over a hundred acre campus, already has a new library in process. It's one of the things we're talking about, a new library. It has a gymnasium, recreational facility. It has dormitories. It's right on the railroad track, so easily accessible for a lot of people. It's worth looking at, though I don't think we're the perfect match. I think SUNY is a better match, because it's a four•year program and we're a two•year program.

There are great programs there, like the Marine Science Program, which I think Legislator Fisher just spoke about. But I think we should look at it.

I talked to David Steinberg, who is the President of LIU, just the other day, last week, and a lot of people are talking to the Board about possible uses here. Now, many of the people who are talking to LIU are not educational institutions, they're other potential uses, and that I think would be a real loss for the East End if this didn't remain a university.

So, I think we should be at the table. We should be watching these negotiations, we should follow it. We should show some interest here on the County, because it could solve some of our problems. So, I encourage the two-track philosophy that Dr. Pippins just espoused.

DR. PIPPINS:

Thank you.

P.O. CARACAPPA:

Legislator Losquadro, then Foley.

LEG. LOSQUADRO:

Very briefly, most of the comments have already been addressed, but just as to the point of the location in Riverhead. There was a reason that Riverhead was selected as the County Seat. It is accessible to not only the South Fork, but also the North Fork. And, as Legislator Vioria Fisher so rightfully pointed out, that that is where the expansion is taking place, primarily, as we have seen, as we're trying to preserve open space there along the North Fork, throughout Northeast Brookhaven, and in the Town of Riverhead. So, having this campus properly set up to accept those students I think is very important. I think the Eastern Campus should go forward with these projects, even though it is in subsequent years. It's very important for them to be in the planning stages. Thank you.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

My questions have been answered.

P.O. CARACAPPA:

Thank you. Any other comments, questions? There's a motion and a second to override **Budget Amendment 6, Resolution 602**. All in favor? Opposed?

LEG. CRECCA:

I'm here, Henry.

P.O. CARACAPPA:

One opposition, Legislator Bishop. Abstentions?

MR. BARTON:

16.

P.O. CARACAPPA:

Budget Amendment •• veto on Budget Amendment 6 is overridden. Moving on to •• well, that does it for budget. Moving on to •• we have more vetoes, so we'll stay on that track. These are policy that we passed last month. Is there a motion?

LEG. BINDER:

Motion to override.

P.O. CARACAPPA:

Motion to override by Legislator Binder.

LEG. CRECCA:

What is it?

P.O. CARACAPPA:

This is Resolution Number 589, Touro Law School.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Is there a second? Legislator Caracciolo. All in favor? Opposed?

LEG. FOLEY:

This is on the motion to override?

P.O. CARACAPPA:

Override, right.

[Opposed Said in Unison by Legislators]

P.O. CARACAPPA:

Opposition, Legislator Viloría•Fisher, Legislator Foley, Legislator Lindsay, Legislator Montano.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

Thirteen. The override on the Touro Law School, Resolution 589, the veto is overridden.

D.P.O. CARPENTER:

Motion to override 593, the positions in the Sheriff's Office.

P.O. CARACAPPA:

Motion by Legislator Carpenter to override the veto on Resolution 593, second by Legislator Caracciolo. All in favor?

LEG. MYSTAL:

On the motion.

P.O. CARACAPPA:

On the motion Legislator Foley, then Legislator Mystal, then Legislator Viloría•Fisher. Okay.

LEG. FOLEY:

Thank you, Mr. Chairman. Many of us are very supportive to have a full complement of the

correction officers that are needed at different County facilities. The one question I have, through the Chair, whether through Counsel or to the BRO, there was an issue of whether or not there was an appropriate offset for the creation of these positions. It's my understanding •

- it's my understanding that County Law dictates that if there's a mid•year, let's say, mid•year resolution to create new positions, there has to be a corresponding offset within the Operating Budget. So, Mr. Chairman, could we hear either from Counsel or the BRO on what offset is being used, and whether, in fact, again, County Law requires there be an offset to create these positions mid•year in the Operating Budget?

MR. SPERO:

The funding for the positions was offset by a transfer of \$56,415 from the bond anticipation note account in the mandated Operating Budget, because the correctional facility is also in the mandated Operating Budget. It should be a sufficient amount of funding to fill the positions for the last quarter of this year. That was what was intended.

LEG. FOLEY:

Through the Chair, if I may. Through the savings through the bond anticipation notes, is that a •• I mean ••

MR. SPERO:

The savings are there, because a ••

LEG. FOLEY:

Have we used this before for offsets?

MR. SPERO:

There's no reason why you can't •• the funding, we anticipated paying down principal on certain bond anticipation notes, but that wasn't done. The principal was rolled into the Spring 2004 serial bond borrowing, so that there'll be a surplus in that account.

LEG. FOLEY:

Is this part of the savings program of the hundred million, savings program that we had approved earlier in the year?

MR. SPERO:

No, it wasn't.

LEG. FOLEY:

Separate? All right. With that answer, I have a question for Counsel. With that answer, Counsel, if you go to the first page of the override •• the veto message, rather, excuse me, the second paragraph states that, "Unless such budgetary offset is provided," it's the last sentence, "this resolution is illegal and unenforceable." Given what we heard from the Budget Review Office, that the bond anticipation notes is, I'll call it, a proper offset, could we have your counsel on, or your opinion, rather, on the veto message? Particularly, the second •• particularly, the second paragraph.

MS. KNAPP:

In looking at this resolution, and as most of the budget resolutions are primarily drafted by BRO, I wondered about the number, but I listened to Mr. Spero's explanation right now, and, apparently, he has made the required offset to fund the positions.

LEG. FOLEY:

If you go on to the second page, then, it says the offset of fifty•six four•fifteen does not match the actual cost of two•ninety•seven•seven•fifty•one, thus, it violates the Davis Budget Amendment Law and cannot be implemented. Your comments on that, please.

MS. KNAPP:

I don't ••

LEG. FOLEY:

Is it, 56,000, or is it two•ninety•seven as an annualized cost for this year?

MR. SPERO:

The annualized cost, this is, obviously, higher. It could be two•ninety•seven, but let's just accept that as the ••

LEG. FOLEY:

Fifty•six thousand is for this year's cost; is that correct?

MR. SPERO:

That's for the last quarter of this year. The intent was to fill the positions for the last quarter. So, you only need to transfer funding for the last quarter. The rest of it you could call turnover savings. As you know, we don't budget 100% of the cost of all positions, we ••

LEG. FOLEY:

Right.

MR. SPERO:

•• put a turnover savings factor, usually in the neighborhood of 4 or 5% in the budget.

LEG. FOLEY:

Counsel.

MS. KNAPP:

Again, on the numbers, I would defer to Mr. Spero. But if, indeed, the offset is correct, then there should be no legal objection.

LEG. FOLEY:

So, the fifty•six•four •• through the Chair. The fifty•six•four•fifteen is anticipating that these positions would not be filled to the last quarter of the year; correct?

MR. SPERO:

That's correct.

LEG. FOLEY:

All right. Since it's the last quarter of the year, Counsel, it's your opinion that the Davis Budget Amendment would not be violated?

MS. KNAPP:

That the requirements would be satisfied, that there is an offset for the dollar appropriation ••

for the dollar expenditure.

LEG. FOLEY:

So, why would one then in the veto message mention the actual cost being two•ninety•seven. What are they assuming with the two•ninety•seven cost, Counsel •• Jim?

MR. SPERO:

They're assuming that you have to fund 100% of the cost of the position, but that's ridiculous, because even if the ••

LEG. FOLEY:

Well, let's not editorialize to that extent.

MR. SPERO:

Okay.

LEG. FOLEY:

Let's just give it to my question.

MR. SPERO:

You're not going to be able to fill the positions ••

D.P.O. CARPENTER:

Speak ••

MR. SPERO:

•• for a full year this year. We're in •• here it is, we're at the end of June and ••

LEG. FOLEY:

The 297's for the whole year; correct?

MR. SPERO:

Correct.

LEG. FOLEY:

All right. Thank you, Mr. Chairman.

LEG. VILORIA • FISHER:

Joe.

P.O. CARACAPPA:

Legislator •• well, I have a •• Legislator ••

LEG. MYSTAL:

Yeah, that's me.

P.O. CARACAPPA:

•• Mystal is next, right.

LEG. MYSTAL:

Jim, you're back in the hot seat. Hi. Could you, please, walk me through it like a four year old? When the bond anticipation surplus, da•da, da•da, da•da, da•da, you know, walk me through it.

MR. SPERO:

Yeah. We were going to make a principal payment. We've been issuing bond anticipation notes for certain land purchases in the hope of getting EFC funding from the State. That EFC funding never materialized. The bonds were rolled into a serial bond this Spring. There was going to be a principal payment. We anticipated a principal payment being made on the bond anticipation notes when we did the budget back in the Fall. That was not done, so there would be a surplus in that account at the end of this year. So, it's a •• the offset has to be on the mandated side of the budget, because the Correctional Facility is on the mandated side of the budget, so that's why I use that offset.

LEG. MYSTAL:

Oh, okay. Now, I still don't get it, but it's okay.

MR. SPERO:

Trust me, the money is there to use.

LEG. MYSTAL:

I'm going to take it ••

LEG. BISHOP:

Let me ••

LEG. MYSTAL:

I'm going to take it •• I'm going to take it on your word that, you know, we have the money, but this year, for the last quarter of this year, but ••

P.O. CARACAPPA:

Keep that in mind.

LEG. MYSTAL:

But those positions are going to have to be funded through the Operating Budget next year, right?

MR. SPERO:

In '05, that's correct.

LEG. MYSTAL:

In '05, '05.

MR. SPERO:

For a full year, yes, if they're filled for a full year.

LEG. MYSTAL:

Okay. And how much money would that cost the County to fill this position; you don't know?

MR. SPERO:

I didn't price it out for a full year, but the County Executive is saying approximately 300,000.

LEG. MYSTAL:

That's only \$200,000, but you have the money for this year?

MR. SPERO:

All you need for this year is the, 56,000.

LEG. MYSTAL:

\$56,000.

MR. SPERO:

Because, if the resolution passes ••

LEG. MYSTAL:

And through the three ••

MR. SPERO:

And it would take about two to three months to fill this •• the positions in any case, so you'll be into the last quarter of this year before they're able to be filled.

LEG. MYSTAL:

And the very convoluted answer you gave me, not because you're not smart enough, because I'm dumb enough, you know, there is \$56,000 in there to ••

MR. SPERO:

Yes, there will be.

LEG. MYSTAL:

There will be.

MR. SPERO:

There is.

LEG. MYSTAL:

My •• okay. All right.

P.O. CARACAPPA:

Okay. Legislator Viloría•Fisher, then Carpenter, then Montano, then Bishop.

LEG. VILORIA • FISHER:

While we're back in the fourth grade, Jim ••

P.O. CARACAPPA:

And Bill?

LEG. VILORIA • FISHER:

Maybe I can see you around the papers. Okay. How's that? Jim, when I ••

MR. SPERO:

We're going to get rid of this veto message here.

LEG. VILORIA • FISHER:

When I divide 297 by four, I come up with over \$74,000, so where does the 56,000 come from?

MR. SPERO:

We were given that number ••

LEG. VILORIA • FISHER:

I'm confused by what the list ••

MR. SPERO:

That was the amount the Sheriff's Office requested for the filling of the positions this year.

LEG. VILORIA • FISHER:

But weren't you curious about these two numbers and how they •• what relationship they have to one another?

MR. SPERO:

He can only fill the positions to the extent he has appropriations. So, if he has •• he can't fill the positions if he doesn't have the appropriations, so he must time the filling of those positions

to coincide with the availability of funding.

LEG. VILORIA • FISHER:

Okay. So, then he can't fully staff the positions ••

MR. SPERO:

He has to live within ••

LEG. VILORIA • FISHER:

•• to the level that would have realized the 297 amount.

MR. SPERO:

Right. He'll have to live with whatever money •• the amount of money he's given ••

LEG. VILORIA • FISHER:

Okay.

MR. SPERO:

•• and fill the positions, time the filling of the positions accordingly.

LEG. VILORIA • FISHER:

Okay. So, he has to start with an end number and work his way to that number; that's what you're saying?

MR. SPERO:

Right. Every department is given a budget within they must live, so they can't fill positions if they're projecting to have a deficit in their permanent salary account.

LEG. VILORIA • FISHER:

But didn't the resolution call for a specific number of positions, right?

MR. SPERO:

There's a total of ••

LEG. VILORIA • FISHER:

We have 17 positions.

MR. SPERO:

That's correct.

LEG. VILORIA • FISHER:

If the resolution is calling for those positions to be hired at a certain time, then you're saying that the Sheriff will have the discretion not to hire in accordance to that resolution?

MR. SPERO:

He has to live within his budget, so he has to, again, time the filling of the positions. For the •• these are senior officer positions, Correction Officers II's, III's and IV's, the hiring for which is based on seniority from the level below. So, if you fill a four, you have a vacant, III, if the fill the III, you have a vacant II, and it goes down the line. So, what happens, in the filling of the positions, you can't fill them all at one time, so after you've •• what you'll have is you'll have turnover savings between the time the positions are ultimately filled, and what you'll end up with is vacancies in the Correction Officer I class, because everyone will be moving up.

LEG. VILORIA • FISHER:

So that quarter year impact is not a mathematical quarter •• you know, 25% of a full year, because it's not being filled at the same time.

MR. SPERO:

They'll all •• that's right. He's going to start filling these positions ••

LEG. VILORIA • FISHER:

It's trickled.

MR. SPERO:

•• sometime in the third quarter.

LEG. VILORIA • FISHER:

I see. Thank you.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

Jim, if I may, just a question. With respect to the 56,000, you've reached the assumption that these positions are not going to be filled until the third quarter •• the fourth quarter, and that's how you determine what the monetary amount was?

MR. SPERO:

Yeah. The Sheriff's Office requested that amount of funding.

LEG. MONTANO:

There's nothing in the resolution that indicates when, in fact, the positions are going to be filled.

MR. SPERO:

No, they ••

LEG. MONTANO:

And, theoretically, they could be filled once the resolution is passed.

MR. SPERO:

Once the •• theoretically, but the department must live within the appropriations that's given by the Legislature. So, to the extent they don't have appropriations, they can't fill the positions. They have to time the filling of the positions. This is true of any department at any time during the year. You shouldn't be filling positions unless the appropriations are available to fund that position.

LEG. MONTANO:

Right, I agree, but that's where I'm confused, because if the \$56,000 is available to fill the positions, theoretically, you could fill them now, and then, and correct me if I'm wrong, and then at the end •• at some point in the year you run out of money for those positions; is that something that could be done or could happen?

MR. SPERO:

It does happen on occasion.

LEG. MONTANO:

And then you would have to ••

MR. SPERO:

The department •• the Legislature would have to correct that situation by transferring funds ••

LEG. MONTANO:

Right, we'd have to ••

MR. SPERO:

•• to make it whole.

LEG. MONTANO:

•• reallocate additional monies ••

MR. SPERO:

You'd might have to ••

LEG. MONTANO:

•• to cover the position from the time that we run out of the 56,000 until the end of the year.

MR. SPERO:

That's right.

LEG. MONTANO:

Is that what could happen?

MR. SPERO:

That may be required at the end of the year ••

LEG. MONTANO:

So, if it ••

MR. SPERO:

- if the department didn't do what it should have done.

LEG. MONTANO:

Right. So, my point is, Jim, that if, in fact, this amount of appropriation doesn't cover the filling

- the complete payroll for these positions between now or at some point that they're filled prior to the final quarter, we're going to run out of money, and then the department's going to have to come back to the Legislature for an additional appropriation; is that accurate?

MR. SPERO:

If they filled the positions prematurely, yes.

LEG. MONTANO:

What's to prevent them from filling the position prematurely, other than the County Executive saying, "I'm not going to fill the position"?

MR. SPERO:

It's the budget that's supposed to restrain the department, it's the budget itself. The available appropriations is the restraint. So, let's say if we adopt a budget for the Community College, for example, and we put in a million dollars in turnover savings, they're obliged a to achieve that, those savings during the year by timing the filling of positions to coincide with the availability of the funding. So, this is really not a really different situation. You're going to create the positions, if this override take place. The department will have to time the filling of the positions to coincide with its available appropriations.

LEG. MONTANO:

Well, maybe that's where I'm missing something. Don't we •• don't we allocate for the position and then allocate funds to •• for that position? I mean, would we, in fact, put a position in the budget without sufficient funds to have that position and have that person in that job for the full year?

MR. SPERO:

We do it all the time. It's called turnover savings. We do not budget 100% of the cost of all

positions, we put a factor in for the turnover in positions, people leaving County service for a specific amount of •• a certain amount of time, and, in many cases, positions have to remain vacant for an entire year. The department is not able to fill them, because they don't have sufficient appropriations, depending on the level of turnover savings the Legislature ••

LEG. MONTANO:

Okay.

MR. SPERO:

•• puts in the budget when it's adopted.

LEG. MONTANO:

Thank you.

LEG. MYSTAL:

Can you suffer an interruption? I just want to ask ••

LEG. MONTANO:

Go ahead.

LEG. MYSTAL:

Does the County Executive have the power to withhold the SCIN forms if he doesn't want something filled?

MR. SPERO:

That's correct. So, these positions ••

LEG. MYSTAL:

And even if we override this veto, we give them the 17 ••

P.O. CARACAPPA:

He doesn't have to sign them ever.

LEG. MYSTAL:

He doesn't have to sign them ever.

P.O. CARACAPPA:

Right.

LEG. MYSTAL:

And we can't force him to sign them?

P.O. CARACAPPA:

No.

MR. SPERO:

The Legislature •• if we go back to a court case, Henry versus Noto, some years back, the Legislature has no authority over the County Executive in that regard. The County Executive has complete latitude on the filling of positions with the SCIN form process.

LEG. MYSTAL:

I revert back to Mr. Montano.

LEG. MONTANO:

Question. Maybe I'll ask this of Counsel. Have we not had bills, or at least one bill that I'm aware of before the Legislature, that directed the County Executive to fill positions within the department?

MS. KNAPP:

Yes.

LEG. MONTANO:

So, if I'm hearing this correctly, what would be the consequences, the legal consequences, if we passed a resolution directing the County Executive to fill these positions once the appropriation is there? What effect would that have on the County Executive, and what if he chose not, or to ignore the resolution?

MS. KNAPP:

I think that it would certainly become a lawsuit, and I think it would be legally problematic to prevail in that lawsuit. However, I think the force of the legislative determination is something

that usually weighs heavily on the County Executive.

LEG. MONTANO:

And we're talking about the political force, not the legal force.

MS. KNAPP:

Yes.

LEG. MONTANO:

But, in essence, then, that resolution, if I'm hearing this correctly, would have no legal significance with respect to whether or not the County Executive would be mandated to fill any positions.

LEG. MYSTAL:

That's right.

MS. KNAPP:

There have been a line of cases to that effect. Now, whether or not these specific facts of whatever present •• would be presented in a new case would change that. I can't be certain, but there is a line of cases.

LEG. MONTANO:

Just so I'm clear, so that if we, in fact, pass the resolution, I'm not saying that it's going to happen, but if someone were to introduce a resolution saying that this Legislature mandates that the County Executive fill certain positions, we, in essence, based on your understanding of the law, we, in essence, would be passing the resolution that really would be illegal, because we don't have that power; is that is accurate? Go ahead, I'm waiting.

P.O. CARACAPPA:

We set the policy.

MS. KNAPP:

I would strongly hesitate, if not decline, to say that that would be illegal. I believe that it would be problematic to enforce it.

LEG. MONTANO:

I don't want to make this a legal debate, but if we direct action, if we pass a resolution, I've seen this worded, directing the County Executive to fill a position and he doesn't fill it, then he, in essence, has disregarded the mandate of the Legislature, and we have no authority beyond that. I mean, we can't hold him in contempt, we can't take •• we may be able to take legal action to mandate that, but based on the case law, you're saying that it doesn't seem likely that we would prevail in that case. So, unless we used words in a resolution that dealt with "it is our desire," or, "we would like the County Executive," or, we think it's important for the County of Suffolk that he take this action to fill those positions, but directing or mandated him I think sounds like it's illegal based on the case law that we have right now. Am I accurate in that?

MS. KNAPP:

And, again, you've qualified it was based on the case law that we have right now. It would be difficult to envision circumstances. However, that doesn't mean that there are no circumstances in which perhaps the safety of residents, or something, might be able •• might be endangered, and we could create new case law. But based on the case law that's out there now, enforcement would be difficult, if not impossible.

LEG. MYSTAL:

Rick, can I cut in?

LEG. MONTANO:

Sure, please do.

LEG. MYSTAL:

I think one of the difficulties I think we're wrestling with, we are talking basically two different side of the issue. One, we set up the policy for the County as the Legislators. Number two •• number two is that the County Executive determine and implement the policy. And part of the duty of the County Executive is to fill jobs, which is not our duty. Now, where we were in, where we were in, where we make a difference is mostly on the political side of the deal, that we do something, we can put pressure on him to do it. But, legally, it's tenuous whether or not we can really, really push him into it. But, politically, there's a lot of thing that we probably could do. That's basically the two side of that issue.

LEG. MONTANO:

Right. Just to end this, I hear what you're saying with respect to the policy. I'm more concerned about the wording of the resolution and what the resolution says.

LEG. MYSTAL:

Difficult.

LEG. MONTANO:

And we don't have that in front of us, so we don't really need to deal with that right now. I'm just looking to see where we're going with this. Thank you.

P.O. CARACAPPA:

Legislator Carpenter, then Bishop.

D.P.O. CARPENTER:

Well, I hope we're going with overriding the veto on this, because I think all of the legal questions have been answered, as far as the appropriate offset, that we did, in fact, have that in place. I'm sure that Legislator Foley was sort of half joking when he chided Jim Spero for editorializing by his little comment, because I think we have seen editorializing to new height in some of the veto messages that have been sent over. And this one in particular characterizes what we chose to do here by a vote of 18•0, by the way, in creating these supervisory positions in the Sheriff's Department, this fifty•sixty, \$56,000 expenditure as •• and the reason he's vetoing this bill is to stop the run•away spending of tax dollars without offsets.

Now, \$56,000 in the magnitude of what our budget is, I think anybody would be hard•pressed to characterize that as run•away spending. And we've addressed the issue of the offset. And to further say that this would put us on a course of deficit spending, the kind of spending that brought Nassau County on near bankruptcy, I mean, that is really pushing it.

And further, the comment was made that as we struggle to close the 238 million dollar budget shortfall we have this year, let us remember that we had a joint savings resolution that saved 90 million dollars, that we received a budget memo •• a memo this morning from BRO that said the refunding came in at over 26 million dollars.

LEG. CARACCIOLO:

Savings.

D.P.O. CARPENTER:

And that ••

LEG. CARACCIOLO:

Savings came in.

D.P.O. CARPENTER:

Savings came in at over 26 million. And that there was a press release I think issued by the Treasurer's Office that the unexpected fund balance for 2003 was 60 millions dollars above what we estimated.

So, I think our analysts in the Budget Review Office agree that we're not facing this crisis of a budget deficit, and, certainly, we're not suggesting that we go on a path of reckless spending, but we are suggesting that we invest in this County. And I think for the Sheriff's Department and the Correction Officers that work there, it is important that we override this veto. Next, we have Legislator Bishop.

LEG. BISHOP:

Thank you, Deputy Presiding Officer. Let me reassume my role as a nay sayer. I know many of you think that I've become this nay sayer because I no longer have a leadership role, but I have to tell you that increasingly I'm troubled by the way that this Legislature just spends with such alacrity, and seems to have a dereliction of its duty to review its spending and to take responsibility for its actions.

Consider the rhetoric in all the debates that we've had today. Have we not heard all of these phrases, "It's in the out years," "It's not really significant," "It's New York State's fault," "It's not a real commitment until later on," and "It's a small amount in the large scheme of things"? Every time we've had a debate today, those type of phrases have come up. We need to take responsibility for what we're doing here, and what the effects will be in the later years.

Now, let's consider this small measure specifically and what the County Executive is saying.

He's saying this is not a proper offset. He's not attacking the goal of the bill, which is to move positions in the Sheriff's Department, he's attacking how you're going about it, because the offset that you're using is paying off debt. It's bond anticipation note fund. It's a fund that's set up to pay off bonds. The timing on the pay-offs is such that we will not use the fund in its entirety, there'll be saving. So, they're saying •• you're saying as a Legislature, "Let's take the savings from what we set aside to pay off debt and use it to spend," so next year you'll have to pay it, you know, you'll still have to pay off the debt, and you're going to have more expenses. That is not the essence of an offset. An offset was created, and I was here when it was created, was if you're not going to spend on "X", and you're no longer going to need the type of spending in "X", you can do "Y", not to take money that you set aside to pay off debt and to incur new operating expenses, which is what you're doing here. So, I will leave you with that, but also add one final thing, which is that this doesn't take into account the •• that there's no backfill. So, there's going to be pressure on overtime, depending on the timing. Now, I know it's been said that the County Executive controls that ultimately. Perhaps he does or he doesn't, but it's another example of what has not been considered as we consider these resolutions today.

LEG. FOLEY:

Angie.

D.P.O. CARPENTER:

Thank you. Legislator Lindsay.

LEG. LINDSAY:

I wonder if, through the Chair, we could have the Sheriff's Office up again, since this concerns him?

D.P.O. CARPENTER:

Certainly. Undersheriff Sullivan. Proceed.

UNDERSHERIFF SULLIVAN:

Yes, sir, Mr. Lindsay.

LEG. LINDSAY:

Yeah. My recollection of these positions, and correct me if I'm wrong, in last year's Operating

Budget when we put it together, we put in to start a new class of Correction Officers; am I correct?

UNDERSHERIFF SULLIVAN:

That's correct, and they start in September, and I believe it's 50 or 52, one or the other, I just don't recall.

LEG. LINDSAY:

And these positions would be to supervise those new Correction Officers?

UNDERSHERIFF SULLIVAN:

Essentially, at the end of the day, when the entire process is over, the answer to that is yes.

LEG. LINDSAY:

Why did we do that last year? Why did we start a new class of Correction Officers, and why are we addressing putting on these new positions?

UNDERSHERIFF SULLIVAN:

The short answer is overtime.

LEG. LINDSAY:

Right. To save money on overtime.

UNDERSHERIFF SULLIVAN:

Yes, sir. As a matter of fact, the State Comptroller's Office just issued a report within the last two months, having done an audit of Sheriff's Office, Correction Officer overtime, and after a very elaborate review that went on for, I believe, eight months. They were in •• they were in our shop for that long. They came out to the conclusion that we've been talking about for the last two•and•a•half years, that we didn't have enough Correction Officers to cut down the overtime, which we thought was a no•brainer.

LEG. LINDSAY:

Okay. But, right now, we're starting a new class of Correction Officers.

UNDERSHERIFF SULLIVAN:

In September, correct.

LEG. LINDSAY:

If we don't approve these officers, what will happen?

UNDERSHERIFF SULLIVAN:

We won't have proper supervision, except we will have proper supervision and we'll make the existing officer corps, superior officer corps work more overtime.

LEG. LINDSAY:

More overtime. Does it cost us more money to work a Correction Officer overtime, or to have new personnel?

UNDERSHERIFF SULLIVAN:

We believe, if you have no overtime ••

LEG. LINDSAY:

Right.

UNDERSHERIFF SULLIVAN:

•• you've got too many people on board. There's a basic management statement. If you are never operating with any overtime, you've got too many folks on board and you're wasting money. We believe the pendulum swung way far in the opposite direction in both divisions of the Sheriff's Office, and we were significantly understaffed. We addressed that problem last year with regard •• and the year before with Deputy Sheriffs. We saw the total number of overtime hours, not dollars, hour, come down significantly, and we •• when we proposed this and when the Legislature adopted it, we said we believe the same thing is true with regard to the C.O. I's that will come in. This is now address the fact that you have new Correction Officer I's, you need more superior officers.

LEG. LINDSAY:

If we overrode this veto, and, you know, it was pointed out we have to fund roughly \$300,000 in next year's budget, could you make the case that we'd \$300,000 in overtime?

UNDERSHERIFF SULLIVAN:

I wouldn't adopt the numbers, Mr. Lindsay, because it would be going too far out on a limb. But, certainly, if you don't do this, we will incur significant and continual superior officer overtime costs over the next budget cycle, and the one after that, and the one after that.

LEG. LINDSAY:

Let me simplify it a little bit more. If we have more Correction Officers in an officer's position, will we save the amount of overtime that we need to authorize?

UNDERSHERIFF SULLIVAN:

I believe so.

LEG. LINDSAY:

Okay.

P.O. CARACAPPA:

Legislator Caracciolo, Vilorio•Fisher, then Foley.

LEG. CARACCIOLO:

Thank you.

LEG. CRECCA:

Limit debate. I'm kidding.

LEG. CARACCIOLO:

Question. As we meet today, what is the table of organization for Deputy Sheriffs? What's in the budget? What do you have, and likewise, for Correction Officers?

UNDERSHERIFF SULLIVAN:

You're talking about total number of people on board? I may need the Chief •• Chief, just throw something at me if I'm wrong. No, stay there. I believe, because we've just had some retirements, I believe we have 235 Deputy Sheriffs of all ranks.

CHIEF OTTO:

Deputy Sheriffs total 262.

UNDERSHERIFF SULLIVAN:

Two•sixty•one. I'm sorry, I'm off. And how many do we have with C.O.'s? It's under a thousand both sides, but I'm ••

LEG. CARACCIOLO:

Okay. Those numbers, then, would be a little above what they were back four or five years ago, three, four, five years ago.

UNDERSHERIFF SULLIVAN:

I don't want to go back four, five years ago, because it predates the Tisch Administration. They are certainly above what they were when we walked in the door in January of '02.

LEG. CARACCIOLO:

Right, that's my recollection.

UNDERSHERIFF SULLIVAN:

That's correct.

LEG. CARACCIOLO:

Now, with respect to the overtime expenditures in the department, where do you stand •• what was forecasted for the year, what was budgeted, and what is year•to•date, and what's the forecast for the remainder of the year? Budget Review may know that.

UNDERSHERIFF SULLIVAN:

I can't •• Mike, I couldn't give you those numbers off the top of my head. I could certainly come back with them, but I don't carry them around in my head.

LEG. CARACCIOLO:

Lance, do you have that information? What did we budget for overtime expenditures this year, and do we have a year•to•date? If not, you know, if you could provide it to me after today's meeting, that would be fine. And just finally, you made reference to a State Comptroller's audit.

UNDERSHERIFF SULLIVAN:

Correct.

LEG. CARACCIOLO:

Is that now in report form?

UNDERSHERIFF SULLIVAN:

Yes, it is. I believe it's been in report form for approximately a month.

LEG. CARACCIOLO:

Okay. Could you see to it that I and the Legislature get copies of it?

UNDERSHERIFF SULLIVAN:

I believe we did, but I'll certainly make sure we did, if we did not. I don't know if it's been distributed throughout the Legislature, but I know it was directed.

LEG. CARACCIOLO:

I haven't received it, but I'd like to see it.

UNDERSHERIFF SULLIVAN:

We'll certainly make sure of that, Mike.

LEG. CARACCIOLO:

Thank you.

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

Don't go away. Don't go away. Thank you. Here I am. Okay. I would just like to look at the bottom line again, okay, because Legislator Lindsay asked a couple of questions, and it seemed •• and I'm not certain if I understood your response and I wanted to clarify it. What was the overtime cost in 2003?

UNDERSHERIFF SULLIVAN:

I couldn't give you an answer today off the top of my head. I don't even know if the Chief knows these numbers off the top of my head •• off the top of his.

CHIEF OTTO:

Approximately 18 million.

UNDERSHERIFF SULLIVAN:

Pardon?

CHIEF OTTO:

Approximately 18 million.

UNDERSHERIFF SULLIVAN:

Is that for the entire office?

CHIEF OTTO:

Yes.

UNDERSHERIFF SULLIVAN:

Approximately 18 million.

LEG. VILORIA • FISHER:

Okay. But you don't have it broken down into Corrections and ••

CHIEF OTTO:

Not with me.

UNDERSHERIFF SULLIVAN:

Not here.

LEG. VILORIA • FISHER:

Okay.

UNDERSHERIFF SULLIVAN:

Not here for today's meeting.

LEG. VILORIA • FISHER:

Okay. I just thought it might have been part of that report to which you were eluding.

UNDERSHERIFF SULLIVAN:

No. The Hevesi Report looked at, I believe, four or five years earlier data, and only with regard to Correction Officers, and came to many conclusions. But the most prominent conclusion was that there were an insufficient number of Correction Officer I's to adequately address the amount of overtime that the Sheriff's Office was budgeting year after year after year.

LEG. VILORIA • FISHER:

Okay. Now, I recall that in the Sheriff's Department, there's a great deal of overtime as well. When you referred to the 18 million, what is the breakdown, not numbers, but to whom does that 18 million dollars go in overtime, to Deputy Sheriffs and Corrections Officers?

UNDERSHERIFF SULLIVAN:

Yes, both.

CHIEF OTTO:

And civilians.

UNDERSHERIFF SULLIVAN:

And civilians, too ••

LEG. VILORIA • FISHER:

And civilians. Any idea of what the ratio would be, would it be 75% going to Corrections •• to Sheriffs and 25 to ••

UNDERSHERIFF SULLIVAN:

I'm really •• don't want to ••

LEG. VILORIA • FISHER:

Is it half and half, do you think?

UNDERSHERIFF SULLIVAN:

No, I don't think it's half and half. I think Correction Officers probably more than Deputy Sheriffs, but I don't know the ratio, and we did not expect ••

LEG. VILORIA • FISHER:

Okay.

UNDERSHERIFF SULLIVAN:

•• to have this conversation here today.

LEG. VILORIA • FISHER:

So, you think that it's much •• it's more to Corrections Officers than Deputy Sheriffs?

UNDERSHERIFF SULLIVAN:

Well, we have roughly three times as many Correction Officers as we have Deputy Sheriffs.

LEG. VILORIA • FISHER:

Okay.

UNDERSHERIFF SULLIVAN:

So, as I sit here now, I would say the total year, that it's significantly higher overall as a bill versus bill.

LEG. VILORIA • FISHER:

Right.

UNDERSHERIFF SULLIVAN:

I think the bill for C.O. overtime is significantly higher than the bill for Deputy Sheriff, not on a per capita basis, on an officer by officer basis, but an overall yearly bill.

LEG. VILORIA • FISHER:

But •• well, that's very much to the point, and I think it's a significant response to say that you're spending 18 million dollars in one year, you said?

UNDERSHERIFF SULLIVAN:

Yes.

LEG. VILORIA • FISHER:

And that the lion's share of that is going to Corrections Officers.

UNDERSHERIFF SULLIVAN:

I would rank the three categories, Correction Officers would be the highest number, then Deputies, then civilians much •• a distant third.

[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]

LEG. VILORIA • FISHER:

So then it would be safe to say that you would be spending more than \$300,000 in a year on overtime.

UNDERSHERIFF SULLIVAN:

In Correction Officer overtime?

LEG. VILORIA • FISHER:

Corrections Officers.

UNDERSHERIFF SULLIVAN:

Oh, yes.

LEG. VILORIA • FISHER:

Because Legislator Lindsay asked you that question, I think you said you didn't want to go out on a limb; I thought that's ••

UNDERSHERIFF SULLIVAN:

No, I didn't understand ••

LEG. VILORIA • FISHER:

Maybe I misunderstood the question, but I thought ••

UNDERSHERIFF SULLIVAN:

I thought he asked me if we were going to save as much as \$300,000 a year in overtime if we made these promotions.

LEG. VILORIA • FISHER:

Okay. And my question is if you're going to spend 300,000, at least \$300,000 a year, that that would be wiped out by having permanent workers who would be fresher, more productive than putting people on overtime for that equivalent amount of time.

UNDERSHERIFF SULLIVAN:

I agree.

LEG. VILORIA • FISHER:

Okay, that was my question, that was where I was going with that. Thank you very much.

UNDERSHERIFF SULLIVAN:

Thank you. I've left three times; can I leave now?

P.O. CARACAPPA:

Do you still want to talk, Brian?

LEG. ALDEN:

You can skip to ••

P.O. CARACAPPA:

Legislator Alden. Legislator Foley was next, I just didn't see him in his chair.

LEG. FOLEY:

Okay, thank you. Thank you, Mr. Chairman. Just a follow•up to Legislator Bishop's remarks and I'd like to hear again, there's this dueling opinion on whether this is a real offset or is not an offset. The question I raised earlier was whether or not this was used in the past as an offset, there wasn't a clear answer from the Budget Review Office or from Counsel on it. But I want it again stated on the record, can this particular source of the offset be actually used for

the purposes prescribed in the resolution; either Jim or Counsel?

MR. SPERO:

Yes.

LEG. FOLEY:

Can Bond Anticipation Notes, savings and Bond Anticipation Notes ••

MR. SPERO:

I don't know of any prohibition against using it as an offset for this resolution.

LEG. FOLEY:

Counsel?

MS. KNAPP:

Again, the Charter provision does not specify where the offset has to come from. Certainly there may be a policy question that you're raising here as to whether or not you want to use that particular offset and I would point to the number of times that offsets have been denominated unacceptable by the Legislature just because they did not want to use that particular offset? But there are no words in the Charter that speak to what an inappropriate offset would be.

LEG. FOLEY:

If •• just through the Chair, if we didn't utilize the Bond Anticipation Note savings, where else would those monies be allocated; where would they go, where would they flow to? The savings from the Bond Anticipation Notes.

MR. SPERO:

They'll go to fund balance.

LEG. FOLEY:

They'll go to fund balance. So they can be utilized during a given operating year, correct? The savings could be used for ••

MR. SPERO:

Yeah, the Legislature can transfer the purpose for which the funds were appropriated, transfer the appropriations and the purpose.

LEG. FOLEY:

Now, just one final remark. When we look at, again, page two of the veto message, the 17 •• and this is just more for reemphasis. Creating 17 positions, we don't need to fully manage those positions with a year's worth of salaries; is that correct?

MR. SPERO:

If I transferred the full year's worth of salaries, the excess salary money would go to fund balance.

LEG. FOLEY:

I understand that. The question is, and it's for Counsel, we're not •• when we create new positions as we're creating here, are we required to have a full year's appropriation of salaries for those positions or can we do it on the basis of which quarter of year we expect the County Executive or the County Executive would have the ability to fill that position? We don't need to fill the whole year is what I'm saying; do we need to fill a whole year's position if we're creating a new position?

MS. KNAPP:

The words in the Charter are not specific as to whether or not you need the full year's salary as an offset. I'm going to defer to Jim because my experience was over on the other side of the street and I honestly don't remember when we sought offsets whether we sought an annual salary for offsets, but I'm going to have to defer to Jim as to whether or not this is the first time that we're doing this.

MR. SPERO:

Typically when we would do an amendment like this, we would fund it •• transfer only the amount of money you would need to fund the position for the remainder of the year.

LEG. FOLEY:

For the remainder of the year.

MR. SPERO:

There would be no reason to do otherwise.

P.O. CARACAPPA:

Also, Legislator Foley, we have also done it in the Operating Budget prior to the beginning of the year where we've only budgeted the last half of a year or the first half of a year depending on the situation.

LEG. FOLEY:

Thank you.

MR. SPERO:

We have funded police classes, for example, for one month, December, to be hired in December of the year.

P.O. CARACAPPA:

That's it? Okay, there's a motion and a second. All •• the veto on 593; is there a roll call being asked for? Roll call.

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

LEG. CARPENTER:

Yes to override.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes to override.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

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. SCHNEIDERMAN:

Yes to override.

P.O. CARACAPPA:

Yes to override.

MR. BARTON:

16 (Opposed: Legislator Bishop • Absent: Legislator Tonna).

LEG. BINDER:

That was close.

P.O. CARACAPPA:

The veto on Resolution 593 is overridden.

The last veto on ***Resolution No. 620•2004, formerly IR 1557 which is establishing the Gabreski Airport Advisory Committee.*** There is a motion by Legislator Schneiderman to override, second by Legislator Caracciolo.

LEG. CARACCIOLO:

On the motion, Mr. Chairman?

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

If for any reason the motion fails, I would encourage the Presiding Officer to once again reestablish the Ad Hoc Committee on the Gabreski Airport to look to take on this responsibility.

LEG. SCHNEIDERMAN:

May I comment on this motion, too? You know, we talk about the fiscal situation the County is in and I think we all hopefully understand the importance of doing economic development to increase the County's revenues to pay for all these important programs that we want to fund.

Nothing has happened in the last 20 years at Gabreski Airport, though we've talked about economic development as a Legislature and as a County, there's reasons for that. And we have

an opportunity to move forward, but if we don't include the public in this process, nothing will happen there •• I'm sorry, I can't speak with somebody talking in my ear. If we don't include the public in this process nothing will move forward. And although the County Executive, in his veto message, which I don't believe he understands this committee which is a citizen committee on the airport, though he thinks somehow that this may stall movement at the airport, this committee, I believe, will move the process forward and without it you will end up becoming stalled and not able to move forward. You already have the Town of Southampton who is questioning our ability to move forward with the economic development process without submitting to their SEQRA process, to their planning process, the County is taking a different position here. And I see us getting completely stalled if we don't bring everybody to the table, our local government representatives, the neighbors of the airport, the user groups at the airport including pilots, including tenants; if you don't do it, nothing is going to happen at that airport.

So in an effort to move this forward, I think it's very important that you bring everyone to the table and you give this committee official status. So I'm going to implore you guys to support this in this vote.

P.O. CARACAPPA:

Legislator Mystal, you're up.

LEG. MYSTAL:

Jay, this is the first crock I've heard today. We voted for a whole bunch of money and now you say since we did that we have to have this so we can have the revenues for it. Right? No, no, don't answer.

LEG. SCHNEIDERMAN:

There's no cost to this; there's no cost to it.

LEG. MYSTAL:

I know, it's a bunch of people that you like and you want to put on the board; that's the bottom line of it. The County ••

LEG. SCHNEIDERMAN:

You'll put on the board.

LEG. MYSTAL:

It's okay, it's a bunch of people •• don't worry about it.

LEG. BISHOP:

They count you out.

LEG. MYSTAL:

Count me out, I don't care, but I think the County has an airport manager. Once you give the County a chance you can make it work. You know, it's like you remind me of a certain Legislator who wants to give a proclamation to everybody in this County, now you want to put your whole, you know, district on some kind of a committee. How many people do you have in there?

LEG. SCHNEIDERMAN:

In the district? Same as you.

LEG. MYSTAL:

No, no, no, how many people you have on that committee?

LEG. SCHNEIDERMAN:

It's about a 12 member committee, approximately; I have to check it. Fifteen.

LEG. CARPENTER:

He got to be Executive by doing that.

LEG. MYSTAL:

That's right. No, it happened and I'm not disagreeing with what he's doing, I'm just saying he's not going to do it on my time, that's all.

P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Opposed, Legislator Vilorina •Fisher, Legislator Foley, Legislator Lindsay, Legislator Montano, Legislator Bishop, Legislator Mystal.

MR. BARTON:

Eleven (Absent: Legislator Tonna).

P.O. CARACAPPA:

The veto on Resolution No. 620 is sustained.

Okay, that's it for the vetoes. Going back to the agenda.

In your packet you'll see an updated agenda. Where we left off •• while you're all going to find the agenda, just for the process of the Capital Budget, of course I'd like to thank Budget Review Office, as we did when we finalized it. And I'd also like to thank the Clerk's Office and my staff for working over the weekend to put together what was something of huge proportions by way of this return of these vetoes. In my •• this is, let's say, my tenth Capital Budget, add Operating Budgets and add College Budgets, I don't think I've ever seen that many pieces of paper for all of the veto messages combined over those years. And to be quite honest with you, 134,444 sheets of paper I think were not necessary. It's some sort of show that was, again, for no reason, it made things difficult, it expended County dollars and I'm glad the process is over. For the Legislature's side it went very well and I'm very proud and honored to work with all of you on it, but coming towards the end of the cycle it got a little hectic, a little crazy and it was unappreciated, at least by myself, and I'm only speaking for myself. So again, thanks for all those involved and to my staff and the Clerk's staff for doing a fantastic job over the weekend. Moving on to the agenda.

LEG. ALDEN:

Just for the record.

P.O. CARACAPPA:

For the record, Legislator Alden.

LEG. ALDEN:

I was kind of disappointed in this process, and I've only been here seven years. But I really want to thank Legislator Bishop for his comments because he has been a voice of reason and I do believe that ••

LEG. MYSTAL:

Oh, Lord.

LEG. ALDEN:

•• this Legislative body has to get a little bit of a control over some of the things that we put in the pipeline. We do have \$300 million worth of authorized, unissued debt, so that concerns me but it means that we have a lot of work to do.

I think what we did in this Capital Project •• I have the floor, I believe. I believe in this Capital Project what we did was show vision and we showed leadership of what we look at Suffolk County and what we want to see in the future and the services and the protections that we want to provide for the people of Suffolk County. And I really feel proud to be a member of this body with this type of work that we did and what we did today is the final continuation and really the topper of that.

I have a message for the County Executive, and I have a question for him, too; whoever the County Executive might be, and there's a couple of people's names that pop to mind right now of who's running the County and who thinks they're running the County. But number one, I'd like to see them spend a little bit more time being the County Executive and doing what they're supposed to do instead of this kind of nonsense, and some of these messages contain nonsense and I'm discouraged by that. I would like to see some vision and I would like to see a plan by the County Executive. I don't want to see doom and gloom and I don't believe that people in Suffolk County deserve that and I don't think that they elected somebody to that office to come up with that kind of crap. So they can take a step forward and be professional about this or they can continue to languish in the little bit of a puddle that they're in right now, and I find that very, very disheartening. And I'm very, very encouraged by what this Legislative body has shown as far as leadership.

The other thing is, too, I have to wonder, if this Capital Program •• and here's a political statement, take it for what it's worth; and if you want it to go back to the 12th floor, take it there, too. If the County Executive didn't have two of his top political advisors arrested for trying to corrupt the system ••

LEG. FOLEY:

Come on now.

LEG. ALDEN:

•• would this Capital Program have been pushed through? So if the DA hadn't found out what was going on, that there was going to be some kind of paybacks, kickoffs, money slaked out of the system, would this have just gone right back and right through? So I send that challenge over. Do what you're elected to by the people, and the people don't want to see a little version of Nassau County where everything crumbles into the dirt and our Correction Officers and our Sheriffs have to operate in an environment where it's unsafe, or at the County Center that we have employees that are forced to work under conditions that I don't think anybody in this room would want to work under. So that's a political statement, some of it, and I throw it out there.

P.O. CARACAPPA:

Thank you. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I first just want to address the point that as has been the tradition of this Legislature and the County Executive over a number of years, when it comes to the Capital Program there's been give and take over a period of years. A number of the County Executive's proposals, and it should be stated on the record, a number of his Capital Project proposals are included in the Capital Program that we have approved. Yes, there were some differences, and yes, there was a difference of opinion between the County Executive and this Legislature, as has been the case over the years. The fact of the matter is many of his projects have been included. There are those that we had moved up the time period in order to accelerate the process in order to move those projects ahead, but no one should come away with the conclusion that the Executive has somehow not moved forward with the public agenda; he has to an extent ••

LEG. VILORIA • FISHER:

With changes.

LEG. FOLEY:

Yes, with changes made by us in the County Legislature, as we do every year. I dare say if you go back to the first year that the Legislature was created and the Capital Program submitted by then County Executive, I am sure from that point to this point every submitted Capital Project

and budget submitted by the County Executive has been changed in one form or another by this Legislature, and usually on a bipartisan basis. So there's nothing unusual from that point of view with what we have done with the Capital Program as Legislators.

I would also state the fact that all is well, I believe, to try to have some bipartisan relationship in the future within the Legislature. However •• and that's where I was going to leave my remarks, but I'll just simply say this. The final remarks made by Legislator Alden I totally disagree with. What might be happening outside of this Legislative body, you used the term political, those things are taking their own course through other venues. What we have to focus on and what our remarks, Mr. Chairman, should focus on are those things that are before us as resolutions, and what's before us as resolutions was the Capital Program, I thought we worked well with that. But these other comments, these other harsh, harsh partisan comments can do nothing but tarnish our reputation and can also harm us working together in the future. So I would hope that from this point forward that all Legislators, being of whatever background •• yes, we can state on the record what we wish •• but let's focus our remarks, let's focus our talents, let's focus our energies on the resolutions on the people's business. Thank you.

P.O. CARACAPPA:

Thank you. Legislator Mystal, Montano, Caracciolo.

LEG. MYSTAL:

Very brief statement. Please, can we try to learn how to win with humility and how to win with grace? I think the budget process we just had was a win for the Legislature; I don't think we need to be acrimonious, I don't think we have to be nasty because we won.

P.O. CARACAPPA:

Thank you. Legislator Montano.

LEG. MONTANO:

Yes, I would like to •• I agree with the comments that were just made by Legislator Mystal. I'm probably, other than Legislator Mystal, the newest member of this Legislature. And I don't want to be presumptuous in telling other members how they should comport themselves, but I think it doesn't speak well of a body to make the kind of comments that were made with respect to the highest ranking elected official of the County of Suffolk. We are a Legislative

body, he's an Executive, we have differences, we work out those differences in a certain decorum.

And I must say, Legislator Alden, through the Chair •• since I believe we're not allowed to address each other directly, although we violate that rule on numerous occasions •• but in this case, I do believe, I'm going to direct this to the Chair, that the comments that were made with respect to the debate and what went on with respect to the vetoes is inappropriate. We are •• some of us are Democrats, some of us are Republicans, but we're all Legislators, we're all elected officials. And I think it's unfortunate that having spent the entire morning going through this process, having agreed and disagreed in a certain fashion, that we would end the debate by making comments which I think serve no purpose as to where we're going. We've got other budgets that we've got to deal with, we have other Legislative matters that we have to address. And as Legislator Mystal said, if we win some we win with grace; if we lose some we lose with dignity, and we should continue the process working as harmonious as we can without the kind of negative comments that I think were directed at the County Executive or members of his staff which he chose.

P.O. CARACAPPA:

Thank you. Legislator Caracciolo and then Crecca.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. I would just like to echo a word of congratulations to the entire Legislature that was previously stated by some of the previous speakers. It seemed to me that when we walked into the auditorium this morning there was no certainty that the veto overrides were going to be overridden at all; in fact, it looked like there was a plan to go ahead with a party line vote and let the chips fall where they may. But the Legislature, once again, rose to the occasion and I know they, particularly the minority members of this Legislature, were lobbied heavily, heavily, as recently as 8, 8:30 this morning by the County Executive or members of the County Executive staff, probably all weekend for all we know, maybe by political leaders for all I know. But whoever it was, they fell on deaf ears because as the members sat here •• and to your credit, Brian, and your caucus •• as you sat here, you listened to voices of reason, you know what the needs were and you met those needs with affirmative votes. I want to personally thank all of you.

P.O. CARACAPPA:

There's a list, Legislator Viloría•Fisher. Legislator Crecca?

LEG. CRECCA:

Yeah, I just want to add that •• you know, I'll echo Mike's remarks, but I just want to add, too, that I think Legislator Alden's remarks, if I can speak bluntly about them, were not directed at members of the Legislature and whether appropriate or not, were directed at the tone of the veto messages and some of the singling out of individual Legislators in the veto messages, as Legislator Alden was in I believe almost every veto message, what I thought was inappropriate substance of the veto message. We have seen it other times this year that the veto messages contained •• and I don't know a better way to describe it •• sarcastic remarks in them, that's happened in several of my bills that were vetoed.

My point is is that I don't think Legislator Alden, and I don't mean to speak for him, meant his comments to harm anybody of the Legislature, he was just trying to get •• and we should get the tone down between the County Executive's Office and the Legislature as far as the •• you know, let's have the veto messages or whatever messages we get, we would ask that those come over and deal with substance and not sarcasm. That's all.

P.O. CARACAPPA:

Legislator Viloría•Fisher?

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. I, too, would like to say that I feel that Legislator Alden's remarks were inappropriate, the last portion of his remarks were inappropriate; I believe that politics has no place behind the horseshoe, especially not being put on the record in such a nasty tone. We were asked this morning not to bring politics into it, to vote on the merits. And on voting on the merits, I must say that the County Executive's discussions with us did not fall on deaf ears, that he had some very legitimate points in his veto messages; I outlined some of those with regard to our first override vote and some of the items within that particular resolution. And so they were honest discussions and none of them included any party leaders; you had said they might and I'm on the record saying they did not.

Further, I believe that because the comments •• by the way, many of us sat here with Steve Levy and I recall many years Steve introducing more stand•alones than anybody else as a Legislator. So that's certainly not a characteristic that has grown out of his being the County

Executive, but just a characteristic of the person and how he does work very hard and focuses on detail and makes his opinion known. So perhaps we're looking at an unprecedented level of hard work on the part of the person who is on the 12th floor.

I do believe, though, Mr. Chair, through the Chair, if I could invite Mr. Zwirn to come forward because I believe that there might be a response to some of the comments made regarding the County Executive.

P.O. CARACAPPA:

No, I'm not going to get into the back and forth because of Legislator Alden's comments with the County Executive's representative; I just don't think it's appropriate. Number one, we'll be here forever; and I don't mean anything bad about Mr. Zwirn, he'll have his chance to make his comments. But each member I'm giving •• I didn't want to get into this, but my statements earlier •• not to interrupt you. My statements earlier, I didn't say anything bad about the County Executive, I just •• this is about process. My job as Presiding Officer is to try to make the process as easy as I can for all of you in working with the County Executive. It got very difficult towards the end to make things available for you that I feel I and my staff are supposed to, that was it.

I honor and respect the County Executive's position and his disagreeing with us on many of these items. Steve's always been that way, not in disagreement but he's always marched to the beat of his own drummer. Again, respected and honored, I have no problem with that, I just was disappointed in the process towards the end. Because to be quite honest with you, I went up there personally on Friday asking for the vetoes at one o'clock, I was walked graciously by Kevin Law to his office to see what he could do for me and as I was walking past the conference room I saw all the vetoes laid out and the veto stamp all ready to go for the press conference and ten minutes later, after meeting with the County Executive, I was told I couldn't have the vetoes. Meanwhile, when I walked out the press was coming in the other door for the conference.

I didn't really appreciate that as Presiding Officer going over there on a good faith gesture just asking personally for the overrides. I don't think any Presiding Officer has ever done that, I just tried to do that in an attempt to get you what you needed for the weekend because I knew there would be a lot to read; it didn't happen, that's why I was a little disappointed. That's all.

LEG. VILORIA • FISHER:

And lastly, I wanted to thank Linda Burkhardt for working so hard over the weekend.

P.O. CARACAPPA:

Thank you, Legislator Vilorina•Fisher.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Binder then Foley.

LEG. BINDER:

Mr. Chairman, I haven't spoken during the debates and the discussions.

LEG. MYSTAL:

And we thank you.

LEG. BINDER:

Right, I'm thanked, especially since everyone else took full advantage or most took full advantage of their time. I think we were at a crossroads at this moment in time in Suffolk County. We could have succumbed to what is the political notion that we are anti•taxpayer as a body, because that's what we're being accused of right now. That the other side of the street is saying to the institution, both Democrat and Republican here, that he is for the taxpayers, someone's got to stand up, we're not, we're against the taxpayers, and that's how it's being set up right now. So we're at a crossroads because there's intense political pressure when political spin is making it look that way, but when the reality of the situation •• and this is the difficulty, how do you explain the reality that's underneath? The reality underneath is that when you don't take care of a County, when you don't do the infrastructure, when you don't paint bridges, when you don't do roads, when you don't take care of your buildings, in the •• and especially in an environment where you have a low interest rate for bonding. In other words, a favorable time in economic history, we're sitting here at a time when we should do the things we need to do but it's hard to explain to the public, this is not an easy concept. It's much easier for the County Executive to say, much easier for him to come out and say, "I'm for the taxpayers, they can't afford this, I don't want to spend the money." It's much harder on our side to explain that

by spending the money we're saving, we're actually protecting the taxpayers by doing it.

We were at a crossroads and we had to make a decision, do we take the political hit, possibly, and take the hard decision and protect the taxpayers by spending in a low interest rate environment, in a low interest rate environment in a place where you take care of a problem before it festers, grows and becomes more expensive in all of our buildings, our roads and other things, or do you •• how do you do it, how do you deal with that? And the Legislature rose to protect the taxpayers today, right at that crossroads. We decided that the road that Nassau County took is not a road that Suffolk County will take. We could have decided today that we could be like Nassau County, we could let the infrastructure crumble, we can walk away from responsibilities because we're more concerned about being tagged as anti•taxpayer because it's harder to explain the truth, the essence of the truth of what was going on, we didn't do that.

I take my hat off to the Presiding Officer, to the Minority Leader and to others who took a leadership roll to make sure that the County's protected, particularly the taxpayers of this County are protected, even if there is and possibly is some political exposure for everyone, Republican and Democrat sitting here. So I appreciate what we did today and I'm actually proud, very proud of this institution for what occurred today.

P.O. CARACAPPA:

On that note, we will move on.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Oh, Legislator Foley.

LEG. FOLEY:

Yeah, thank you, Mr. Chairman.

P.O. CARACAPPA:

We'll move on to your comments.

LEG. FOLEY:

Well, first a question. When will the County Executive's people, representatives, have an opportunity to speak at today's meeting?

P.O. CARACAPPA:

I have Mr. Zwirn listed on a series of resolutions to speak, I figured we'd bring him up on each and every one as they came forward.

LEG. FOLEY:

If it's the decision of the Chair for him not to speak right now, I would hope that when he comes up to speak on the other resolutions that he can take a moment of time to answer, to use a Latin term that some in the legal field like to use, to respond to, quite frankly, ad hominum attack upon the County Exec which really does •• in all sense of fairness, how everyone feels about the issue or about that particular •• about that issue, the Executive's Office should have the opportunity on the record to respond to it; not get into a back and forth, but they should have •• and I would say this, that the same thing happened under the former County Executive. This is the verbatim minutes that will be part of the records of this County in perpetuity, the County Executive's Office should have the opportunity today ••

P.O. CARACAPPA:

Brian?

LEG. FOLEY:

•• for a quick response to that. Thank you.

P.O. CARACAPPA:

He's talking on the first resolution, so, and that's about ten seconds away if everyone just is ready to move on to the agenda.

LEG. CARPENTER:

I just had a brief comment.

P.O. CARACAPPA:

Legislator Carpenter, go ahead.

LEG. CARPENTER:

When the Presiding Officer began and there were a number of Legislators that spoke to the process, I, for one, would hope that the next budget that we're faced with we won't walk in in the morning and find three feet of paper in front of each Legislator's seat as we did this morning. And I would urge the County Executive and everyone involved who is concerned about the taxpayer that we also need to be concerned about the environment. And the fact of the matter is that those sheets of paper that we saw this morning were the equivalent of over 16 trees.

P.O. CARACAPPA:

Okay, going on to Tabled Resolutions. Everyone has their agenda hopefully by now?

1194, we're going to skip over that at the request of the sponsor.

Going to ***1543•04 • Requesting Legislative approval of a contract reward for Patient Review Instrument (PRI) Assessment Services for the Department of Health Services, John J. Foley Skilled Nursing Facility.***

Mr. Zwirn, you have some information for us?

MR. ZWIRN:

Yes, Mr. Presiding Officer. Might I take a moment just to respond?

LEG. ALDEN:

Point of personal privilege.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Ben, with all due respect, it's inappropriate for you to respond.

If Steve Levy has a problem with me or things that I said, let him come over here or let him call me up and he can come down to my office any time he wants. I have to listen to him whenever he wants to come in here, when he wants to hold the State•of•the•County Address. I also had to read my name in all these reams of documents in a sarcastic and a demeaning manner. So if he wants to come over and respond to me, with all due respect to you, let him come on over

and let him get in contact with me personally.

P.O. CARACAPPA:

Mr. Zwirn?

LEG. ALDEN:

I would ask through the Chair to honor that.

P.O. CARACAPPA:

I will honor that, but I will also ask Mr. Zwirn, if you have any feelings from your personal point of view, that's a fair enough way for you to say your comments as it relates to you.

MR. ZWIRN:

Yes, I do. Thank you, Mr. Presiding Officer. As Legislator Alden knows, I respect everybody who is up here and I think the County Executive does as well; he has served on this body, he has great respect for it and respect for the process.

I know there have been comments made today about the stack of papers that he filed; well, he went through everything that you people did, he reviewed line by line. I mean, he could have come in here with just a little piece of paper and said, "Well, we've done it, we're going to have a veto on the Omnibus, one single bill, that's it, we're done," like I understand has been done in the past; he did not do that.

Through the bill that you looked at, the Omnibus bill, he did sustain eleven items. With respect to Mr. Alden, I know personally that there was no sarcasm meant, no matter how it was taken, with respect to the veto messages. But on Mr. Alden's site, on your website you give a perfect example of why the County Executive has taken such care to go over the Capital Budget. And he quoted you, not to be sarcastic or to be obnoxious, but because you are right, you are right on and if you look at your website, you spell out the reasons why we did this the way it was done. I mean, if you just look •• and I'm not going to read it now but it's there and it's there for the public and it is warning your colleagues about the spending on the Capital Budget, that the enormous spending is going to have an impact and lead us to the same road that happened in Nassau County. Those are Legislator Alden's words, they are powerful words from a man who is the Chairman of the Ways & Means Committee and we respect that and I respect it, and you know that that comes from my heart, I do.

Anybody on this Legislature who has needed help from the County Executive's Office, whether for CN's or information from one of the departments, all they've had to do is ask. Legislator Carpenter needed something last week for a ferry service, it was done in a snap; Legislator Fisher needed something, done; Legislator O'Leary needed something, it was done; Legislator Schneiderman needed something, it was done, we got the fees for the airport.

LEG. BINDER:

I haven't asked for anything.

MR. ZWIRN:

You haven't asked for anything.

P.O. CARACAPPA:

Ben, I asked for the veto overrides, I was told, "Get lost".

MR. ZWIRN:

No, he didn't say get lost.

P.O. CARACAPPA:

No, he didn't say that. Go ahead.

MR. ZWIRN:

I understand the way it •• I'm just saying, I mean, there has been an effort on the part of the County Executive and he's directed me to do as much as he can to try to cooperate with the Legislature and I think that has been done and I think it's been done time and again on a bipartisan basis; we have not said no really to any request that we could possibly handle, and I think that's true.

So I think the comments may be out of the heat of the moment, but I think you misread the County Executive's message in that it was a personal attack. In fact, there was some question whether we should include what you said on your website as part of the general policy of the County because it was a good message and it still remains a good message today.

Now having said that, we have some speakers here today from the Health Department to talk to the issues that you suggested last week.

P.O. CARACAPPA:

Thank you.

MR. ZWIRN:

And I thank you very much, Mr. Presiding Officer, for the opportunity just to make those comments.

P.O. CARACAPPA:

Good afternoon, gentlemen. Thanks for coming back; I know you were around at the last meeting and it's appreciated. Go ahead.

MR. MARCHESE:

Thanks. My name is Len Marchese, I'm the Director of Management at the Health Department. I'm here to talk about 1543 which is awarding a contract for PRI Assessments at the John J. Foley Skilled Nursing Facility. I'm open for any questions that you may have.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

I had some questions on the process and if PRI's were something that we contracted out in the past. And if that is the case, is the one and only responder to the bid the one that did them previously? And if that is the case, what process was undertaken to solicit bids for more than just the one that was already providing the service?

MR. MARCHESE:

Okay. Yeah, initially the County did these PRI assessments on our own, with our own staff, but when the State came down and did a review of our operations out at the nursing home they found some inconsistencies in some of our chart reviews which the PRI instruments document,

okay. As a result of that, we agreed with the State as a corrective action plan to hire an outside agency to take care of the reviews; that outside agency was hired immediately which happens to be the same one that was awarded this contract with a waiver request from the County Executive, and then we put it out to bid. We sent out our Requests For Proposals to about six proposers and they were the only respondent.

LEG. CARPENTER:

Is this a local firm?

MR. MARCHESE:

I believe so, yes.

LEG. CARPENTER:

You believe so or are they?

MR. MARCHESE:

Practical Health Solutions is in Nassau County, Floral Park.

LEG. CARPENTER:

Thank you.

[RETURN OF REGULAR STENOGRAPHER • LUCIA BRAATEN]

P.O. CARACAPPA:

Any other questions on this matter? Thank you, Sir. Is there a motion?

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion to approve by Legislator Foley.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions? 1543 is approved.

Moving on to Health & Human Services. Just •• Legislator Montano was here and Legislator Alden is right out the door there.

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Health & Human Services:

1552•04 • 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"(Presiding Officer at the Request of the County Executive).

Mr. Zwirn? Oh, Mr. Dawydiak. There were questions at the last meeting, this was where we left off, Mr. Dawydiak is here to answer them. Legislator Viloría•Fisher.

LEG. CRECCA:

And then me.

P.O. CARACAPPA:

Then Legislator Crecca.

LEG. VILORIA • FISHER:

Thank you for being here, Walter.

MR. DAWYDIAK:

Thank you.

LEG. VILORIA • FISHER:

We tried to do the best we could to explain why this was an additional cost and my recollection from the Health & Human Services Committee was that this would not just be consultants, but actually be the field work, be the actual hands-on work. Can you, please, explain to the rest of the Legislators who aren't in the Health & Human Services Committee what this money is going to be used for?

MR. DAWYDIAK:

Yes, thank you, I'd be happy to. I have a one-page handout which summarizes the budget for the long-term plan and this particular investigation, if I could just send around.

Thank you, Mr. Presiding Officer and members of the Legislature.

Again, my name is Walter Dawydiak, I'm the Acting Chief Engineer for the Division of Environmental Quality within the Health Department. This handout summarizes the budget for the Vector Control and Wetlands Management Long-Term Plan and Environmental Impact Statement.

This Legislature appropriated \$3.2 million almost exactly one year ago, in June of 2003, to conduct a long-term plan which was a base-line series of investigations and early demonstration projects. Not included in that appropriation was approximately \$1 million of supplemental ecological investigations as well as field implementation projects; this Open Marsh Water Management Project is one of those projects.

This money is needed to implement Open Marsh Water Management at the Wertheim National Wildlife Refuge. I'm not overstating the issue when I say that we're really at a crossroads in environmental history; wetlands management and Vector Control is going to change very profoundly as a result of this study and this demonstration project. This involves reverse engineering the marsh to a more natural state, eliminating mosquito breeding; this is achieved either by filling in depressions or by creating fish reservoirs with access channels. There are a lot of other benefits including restoring hydrology and the natural state of the marsh; this results in improved biodiversity and control of nuisance invasive species like fragmities.

That in a nutshell is what Open Marsh Water Management is. This has been practiced for decades in nearby jurisdictions. Tens of thousands of acres have been restored in Delaware and New Jersey, Connecticut, up the eastern seaboard toward Maine. New York is way behind in the open marsh water management process. Again, we have 11,000 acres of title wetlands,

more than 90% of them have been ditched and drained going back to the 1930's; we're about to embark upon a program to restore those wetlands. Doing this project in the context of a long-term plan is important because we need to develop a template for how to address all of these in the next year and a half as we complete the plan. That's a nutshell of background. If there's any specific questions, I'd be happy answer them.

P.O. CARACAPPA:

There are; Legislator Crecca?

LEG. CRECCA:

First of all, wouldn't this normally or is this something we normally do out of the Operating Budget as part of our wetlands management; especially with the mosquito breeding, that was one of my concerns?

MR. DAWYDIAK:

It could be. The hope was to get Vector Control and Public Works and the program of implementing Open Marsh Water Management; that hasn't happened because the Department of Environmental Conservation stopped issuing permits several years ago. They're concerned about rising sea level, adverse impacts, a whole bunch of other issues, so what they've required essentially is a major study collecting multiple years of data, analyzing impacts, looking at post implementation issues. So these first couple of OMWM's are major scientific projects, once these are under our belt then the State is satisfied that we're doing this, as are other states successfully. Future programs should be folded in to operating much more easily when it's just a matter of implementation.

LEG. CRECCA:

But is this something that we've done in the past with operating funds?

MR. DAWYDIAK:

Small scale open marsh managements have been done, William Floyd, Seatuck, a few other marshes. Those have been very small, they're generally blocking ditches and digging and impoundment, it's not total restoration of hydrology within a marsh with multiple ponds and access channels. So yes, we've done small scale Open Marsh Water Managements; no, we've never done anything using the full range and techniques used up and down the east coast.

That's the answer in a nutshell again.

LEG. CRECCA:

Of the \$600,000 that this resolution represents, what •• could you give us just a very general breakdown of those dollars, where they're going?

MR. DAWYDIAK:

Yeah, I'd be happy to. The Wertheim Demonstration Project has already consumed almost \$100,000 in long-term planned resources. What we did is we put about \$150,000 aside into a line item to address early demonstration projects, this is one of them; there are others, alternative control measures, garlic oil, a whole bunch of other mosquito magnets. Other things need to be done in that task so we're essentially out of the Open Marsh Water Management monies.

LEG. CRECCA:

I'm sorry, I don't know if that answered my question. Where is the 600,000 getting spent?

MR. DAWYDIAK:

Okay. The first \$100,000 has been spent on the project, the total project cost at Wertheim is \$350,000.

LEG. CRECCA:

Okay. When you say the first 100,000 has been spent, we haven't even appropriated the money yet.

MR. DAWYDIAK:

No, that's been appropriated as part of the 3.2 million that was appropriated last year. So there was a line item in the Long-Term Plan budget dealing with early demonstration projects. Part of the problem is we never realized how much resource would be needed due to Department of Environmental Conservation monitoring. In other states they typically look simply at vegetation ••

LEG. CRECCA:

Okay, I just want to know how much is on staff, how much is on consultants, how much •• just

can you give me a general breakdown?

MR. DAWYDIAK:

Well, for the Wertheim project, \$250,000 will be used for a consultant out of this \$600,000. The total project cost is 350, we spent 100, we need 250 more for Wertheim; that will all be contractually obligated. Using in-kind resources, we're putting in the same order of magnitude, probably two to \$300,000 of staff time between Health and Public Works will be used for monitoring project design and implementation.

LEG. CRECCA:

Okay. So in other words, we're using the 477 Water Quality Fund to reimburse current salaries that we're paying through the Operating Budget?

MR. DAWYDIAK:

No, I should have stated this more simply. This entire pot of money will be contractual to a contractor. All \$600,000 will be passed through the contractors for the study and for assisting and implementation, our in-kind is above and beyond the \$600,000; does that make sense?

LEG. CRECCA:

Yeah, it does.

MR. DAWYDIAK:

Okay. The reason the 600 is so high, the Wertheim Project that we're undertaking that we need to get done is 250 out of a total of 350. During public scoping it was requested that we do another Open Marsh Water Management dealing most specifically with storm water impacts, so we're budgeting the next project as if it will cost as much as the Wertheim Project. We haven't selected a site, we're hoping it can be done more cost effectively after we've met the State hurdles on permitting for this first project, but for planning purposes we assume 350,000 for the second project. The urgent need is for 250,000 for Wertheim because if we don't do the monitoring this summer we can't get this project on for the long-term plan.

P.O. CARACAPPA:

Okay?

LEG. CRECCA:

Thank you, Mr. Presiding Officer.

P.O. CARACAPPA:

Anyone else?

LEG. FOLEY:

One question.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

I'd like to thank you, Walter, for your abbreviated review of the proposal. Just as I said at the last meeting to my colleagues who aren't a part of the Health Committee, this was one of the best presentations made in committee about this particular approach. As Walter just mentioned, there are many other municipalities, be it State or County, along the eastern seaboard that have multiple years of utilizing this strategy and we've been very late in coming to this alternative and all the more reason why they need this allocation of money to do several demonstration projects. And I would hope that if, in fact, you don't need a whole amount of money, these additional monies for the one other side you're looking at, given the unique geography of the County, if you have additional dollars you might be able to go to more than just one other site. So that's something also to consider, whether it's in the Peconic Bay systems or the Great South Bay area or be it in on the north shore.

So I would hope that we would not recommit this to committee. This is a serious approach that the Health Department wants to take. And plus it's in keeping, Mr. Chairman, with what we've been hearing from our constituents and from different advocacy groups which is utilize what I would call some non-chemical approaches to controlling mosquitoes and at the same time have the twin benefit of restoring some wetlands that we know negatively impacted over the decades by other approaches that other municipalities, quite honestly, have forsaken those other approaches such as ditching on an extensive basis. So let's give them the full amount of money that they need on this so that they can then come back to us at the end of '05 and tell us how and where this alternative approach can work for us. Thank you.

P.O. CARACAPPA:

Legislator Lindsay, then Viloría•Fisher.

LEG. LINDSAY:

Really for Budget Review, this 477 account seems to be a very popular account lately. Are we oversubscribing it; that's my one question?

MR. SPERO:

We projected by the end of the year we'll have about \$14.6 million available for these kinds of programs, so the Legislature can adopt the resolutions currently on the table for use of these funds.

LEG. LINDSAY:

Than how much is in the pipeline?

MR. SPERO:

I'd have to add up all the various resolutions.

LEG. LINDSAY:

I think that might be a good thing to do ••

MR. SPERO:

Okay.

LEG. LINDSAY:

•• to find out what we have in the pipeline.

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

Just a quick question, Walter, because the amount of money that's being spent on this is daunting, it's a large amount of money and we become concerned when that money is going out to consultants, perhaps because we don't have the kind of control that we would like to

have in that kind of expenditure. But you had indicated in the committee that this project, this demonstration project would put us in the position where we could reach out for grant money to come in to help us with our Vector Control Program and OMWM, etcetera; is that so? And what's the practical part of that, how much can we expect to realize as a part of the grant proposals?

MR. DAWYDIAK:

Yes, that's an excellent question; thank you, Legislator Viloría•Fisher. We have an outstanding Bond Act application to conduct this project for approximately 600,000, I'd have to check for the exact number. The state of Connecticut essentially does their Open Marsh Water Management Programs, several hundred acres a year in a self•sustaining manner through Federal and State grants as well as private contributions; they do it without even any internal operating expense. We had a question before from Legislator Crecca about operating; we envision that Public Works, rather than ditching these •• maintaining these ditches every winter, will reconstruct them and reverse engineer them until a more natural state. So the lion's share of this should be doable using in•kind resources over the long run, State and Federal grants should be available to supplement those. And I want to put these costs into perspective also. Three hundred and fifty thousand is an awful lot of money, but we're talking a hundred acres, that's about thirty•five hundred an acre. We learn from other jurisdictions that they should be done for less than a thousand an acre as an order of magnitude. So when you're talking about land costs and putting things into perspective; yes it's a lot of money, but for wetlands which are one of our greatest natural resources, on a per acre basis it's a pretty cost effective way to manage these things for mosquito control as well as habitat restoration.

LEG. VILORIA•FISHER:

I'd like to make a motion to approve, unless you have more people.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

There's a motion to approve by Legislator Viloría•Fisher, second by Legislator Losquadro. There is a motion to my left ••

LEG. CRECCA:

To commit to Budget and Finance.

P.O. CARACAPPA:

To recommit to committee and make that the Budget & Finance Committee.

LEG. CRECCA:

My motion is to commit to the Budget & Finance Committee.

P.O. CARACAPPA:

Commit to the Budget & Finance Committee.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

There's a second by Legislator Alden, that takes precedence. This is to recommit to the Budget & Finance Committee which is ••

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

•• 1552. Roll call.

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

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. BINDER:

Pass.

LEG. MYSTAL:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes to recommit.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

I want to see the project move forward, so I'll vote no on recommitting.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. BINDER:

Yes.

MR. BARTON:

Seven (Absent: Legislator Tonna).

P.O. CARACAPPA:

There's a motion to approve ••

LEG. FOLEY:

Second.

P.O. CARACAPPA:

•• and a second. Legislator Bishop on the motion.

LEG. BISHOP:

I supported the motion to commit to Finance Committee. If there are members of last year's Environment Committee here •• Legislator Fisher, Caracciolo •• you will recall that there was a very large budget number submitted, I'm desperately trying to get to the minutes of the discussions that we had last year, and we cut it back and I believe what we cut back is now reappeared this year; is that accurate?

MR. DAWYDIAK:

Legislator Bishop, that's a fairly accurate statement. At your direction at committee, we went

from 4.6 to 3.6 million, we cut out the supplemental/ecological investigations in the hopes that we could fund them with State and Federal grants; those grants have not materialized and this project is on a time line. Should we get State Bond Act funds for any of these supplemental funding projects, then the Quarter Percent monies could revert. The State Bond Act decision is still pending, I don't know why it's been held up, it's been held up for well over a half year. We made the requests but this request is consistent with what was presented to you last year.

LEG. BISHOP:

Right, but inconsistent with the action that the Legislature took.

I don't know whether at this point we should go forward with this or not, but I do think its merits more discussion, thorough discussion in committee to see what our options are and to see if we just want to give them, you know, everything that was denied them in the last year. So I would make a motion to commit to the Environment Committee.

LEG. VILORIA • FISHER:

If I may, Mr. Chair?

LEG. CARACCIOLO:

Roll call.

LEG. VILORIA • FISHER:

But I just ••

P.O. CARACAPPA:

Is there a second to recommit to Environment?

LEG. CRECCA:

Second.

LEG. BINDER:

Second.

P.O. CARACAPPA:

There's a second, it's a different motion.

LEG. FOLEY:

On the motion. On the motion, Mr. Chairman.

LEG. VILORIA • FISHER:

Well, Mr. Chair ••

P.O. CARACAPPA:

Hold on, Legislator Vilorina•Fisher called out first.

LEG. VILORIA • FISHER:

Sorry I called out, I was trying to get your attention. Legislator Bishop, that was •• you had just mentioned your concerns to me and I recall last year when we went through this and that was precisely why I asked Mr. Dawydiak to explain how this demonstration project would be used to capture grant funding for us and what kind of experience other states and municipalities have had vis•a•vis using demonstration projects to capture grant monies. He has said that there has been a very positive experience in Connecticut and New Jersey after they had had a demonstration project that was used to get Federal and State funds; is that correct?

MR. DAWYDIAK:

Yes.

LEG. VILORIA • FISHER:

And that was precisely why I asked that question and why I did not vote to recommit to committee. There was an exhaustive presentation, a very clear presentation in our Health and Human Services Committee, we invited Mr. Dawydiak to come today because we wanted the technical expertise that he could provide. But I don't see how recommitting this could further our understanding of it, other than saying the same thing again.

LEG. BISHOP:

Well, since it's directed to me, I'd like to respond, if I may.

P.O. CARACAPPA:

Quickly; thank you.

LEG. BISHOP:

Two points. One, of course if you're going to be just looking at this project, perhaps you in and of itself could not glean more information out of recommitment. But the purpose of the recommitment is to take a perspective that is broader and to look at all the pressures that are on this fund and to prioritize.

One of the reasons that we cut last year and we asked them to cut was that we felt that there were other priorities that this fund needed to address as well, and to allow it to just come back with everything that was cut last year, once again, would be the Legislature neglecting its responsibilities. That is not to say that we would necessarily not supplement what they have now, but I think we need a process with a gatekeeper of that account and not this kind of hell •mell process that we're doing because it's going to exhaust the fund and we're not going to have our highest priorities addressed.

P.O. CARACAPPA:

Thank you. There's a motion to recommit to the Environment Committee and a second. All in favor?

LEG. FOLEY:

Opposed.

LEG. VILORIA • FISHER:

Opposed.

(Opposed said in unison *)*

P.O. CARACAPPA:

Just opposed raise your hands high; Legislator Schneiderman, O'Leary, Vilorina•Fisher, Losquadro, Foley, Montano ••

LEG. CRECCA:

We're done.

P.O. CARACAPPA:

•• and Cooper.

LEG. SCHNEIDERMAN:

Caracciolo.

P.O. CARACAPPA:

And Caracciolo.

MR. BARTON:

Nine (Not Present:

P.O. CARACAPPA:

That fails. There's a motion to approve and a second.

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

Roll call.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop. Just before everyone ••

LEG. BISHOP:

Can we ••

P.O. CARACAPPA:

Can I just put something on the record?

LEG. BISHOP:

Yeah.

P.O. CARACAPPA:

Everyone we're not breaking for lunch, we're just going to keep going. And let's just hope I don't have to say we're not breaking for dinner because we're not going to do that either. So go ahead.

LEG. BISHOP:

First of all, my colleagues, you're like drunken sailors; I mean, is there anything that you pause for? Is there any moment where you say can we get an accounting?

LEG. MYSTAL.

No.

LEG. BISHOP:

My God. I mean, here's something you decided last year cut a million dollars from a program, it comes back with a million dollars, you know, seven months later and you're like, "Okay, let's do it." This is after you've just passed the largest building project in Suffolk •• it's just on and on all day, every vote.

Now, let me just go through this systematically. How much do we have in this account, the 477 account? How much has been requested, how much is committed? You know, all these questions that should be done in committee so that we have a process that is orderly and makes sense I guess we're going to have to do now on the floor. Thank you.

P.O. CARACAPPA:

Budget Review?

MR. SPERO:

As I said earlier, we have about 14 million that will be available this year and we're going to try to piece together how much has been approved and is currently pending before the Legislature.

LEG. BISHOP:

And I know there's a CN that I'm a participant of I believe for ••

MR. SPERO:

There's a \$6 million CN for the land acquisition.

LEG. BISHOP:

No, that's not •• you're on a different topic. I'm sorry, Jim. How much is in the Surface Water Account?

LEG. CRECCA:

We didn't get that answered.

LEG. BISHOP:

I thought we did, I thought we had a document now?

LEG. CRECCA:

I thought we were getting it.

MR. SPERO:

We prepared a memo but it didn't have what was in the pipeline, we have to compile that for you.

LEG. BISHOP:

Okay. In the pipeline being that it was previously approved by the Legislature?

MR. SPERO:

Previously approved and/or pending approval.

LEG. SCHNEIDERMAN:

How long will that take?

MR. SPERO:

A half hour or so.

LEG. LINDSAY:

Why don't we pass over it?

LEG. CARPENTER:

That's it, pass over it.

LEG. CRECCA:

Just take a vote.

P.O. CARACAPPA:

Legislator Losquadro?

LEG. FOLEY:

Put me on the list.

LEG. LOSQUADRO:

Well, if I may, through the Chair. After a long night out on shore leave Saturday night, I did wake up with a new 1561 tattoo, Mr. Bishop, so I understand your commentary.

LEG. LINDSAY:

It's just very subtle, very subtle, Dave, think about it.

LEG. BISHOP:

Talking about my bill?

LEG. LOSQUADRO:

I'm glad to see you're paying attention. We've had a lot of discussion on this •• Mr. Bishop? Thank you, I appreciate that. We've had a lot of discussion on this and I •• your motion to recommit to Environment, I think we've had discussion at length on this, I think we're all in agreement that this process is far better than the half•hazard reversion that had been discussed. So I really just wanted to make my comment more about my shore leave on Saturday night. Thank you.

P.O. CARACAPPA:

There's a motion and a second.

LEG. LINDSAY:

But ••

P.O. CARACAPPA:

Oh, Legislator Foley is first, I'm sorry, then Legislator Lindsay.

LEG. FOLEY:

I'll just simply state that this is among the most important uses of monies from that particular account. Because when we talk about Vector control, you're talking about such things as not only controlling nuisance mosquitoes but there's also the specter out there, particularly those of us along the south shore •• that's why I'm rather •• I find it rather interesting that there are some south shore Legislators who want to look at this further •• that this could also be approached to control those mosquitoes that could carry the West Nile Virus.

So there is, in essence, a public health imperative to approve this, but it also has, similar to the Capital Program that we had approved, it has a twin benefit. It will also have an ecological benefit, environmental benefit of putting together a protocol for restoring wetlands that have been impacted in a variety of ways. So from both a public health point of view as well from an ecological point of view, this is probably going to be one of the more important, if not the most important, but one of the more important demonstration projects that we're going to be giving to the Health Department.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, I just want to •• you know, it's not that I'm opposed to this project, you know, I think it's probably a really good project, but could we just pass over it for a half hour to find out how much money, that we're not overspending it? I mean, I think that's a reasonable request.

P.O. CARACAPPA:

I think it's a reasonable request but I think we're going to reach the same conclusion a half hour from now; another half hour worth of debate, the same questions and it looks like it's got the votes for approval now anyway. Just to be a realist here.

LEG. LINDSAY:

I want to see if we have enough money to ••

P.O. CARACAPPA:

I think Jim could probably come back and say we don't have a penny and people would probably vote for it anyway, but this is important to a lot of people and I think we're ready to roll. But if there's a motion to postpone, I'll accept that motion.

LEG. SCHNEIDERMAN:

I'll make the motion ••

P.O. CARACAPPA:

There's a motion to postpone by Legislator Schneiderman ••

LEG. SCHNEIDERMAN:

Postpone for half an hour.

P.O. CARACAPPA:

•• till later, second by Legislator Lindsay.

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Roll call on the postponement. That's what we're doing. We have a tremendous amount of work to do still, everyone, really.

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

LEG. SCHNEIDERMAN:

I made the motion so yes, I support it.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes on postpone.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes for a half hour.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Nope.

D.P.O. CARPENTER:

Yes for a half hour, but no more debate.

P.O. CARACAPPA:

Nope.

LEG. MYSTAL:

No.

D.P.O. CARPENTER:

Okay, without debate.

P.O. CARACAPPA:

Good luck. 1524, do we want to postpone this one?

MR. BARTON:

13, it's postponed.

Parks & Cultural Affairs:

1524•04 • Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation & Conservation (Presiding Officer at the Request of the County Executive). Is there a motion?

LEG. FOLEY:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. CRECCA:

Explanation.

P.O. CARACAPPA:

Second by Legislator Vilorio•Fisher.

LEG. CRECCA:

I looked at the bill, I didn't see the backup and I'd ask for just a brief explanation as to what we're doing here.

P.O. CARACAPPA:

Counsel?

LEG. SCHNEIDERMAN:

I'd like to make a motion to table this one just so I have more time to review these properties.

P.O. CARACAPPA:

There's a motion to table.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley. There is a CN on it, actually.

LEG. MONTANO:

All right, so why don't we skip it.

LEG. CRECCA:

Why don't we skip over it?

LEG. FOLEY:

Joe, we're waiting for a CN.

P.O. CARACAPPA:

I said it jokingly before, how about that?

1573•04 • Authorizing the Suffolk County Department of Parks, Recreation & Conservation to enter into a Stewardship agreement with the Town of Southold for the Laurel Lake Preservation area (Caracciolo). Motion by Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Second by Legislator Schneiderman. All in ••

LEG. VILORIA • FISHER:

Which one are we on?

LEG. CRECCA:

1573, we're doing.

LEG. SCHNEIDERMAN:

There's a CN on the other one.

P.O. CARACAPPA:

A CN on this one as well?

LEG. SCHNEIDERMAN:

No, no, I'm sorry.

P.O. CARACAPPA:

1573, there's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1575•04 • To modify grant of easement to the Suffolk County Water Authority (Schneiderman).

LEG. CARPENTER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Schneiderman, second by Legislator Carpenter. Explanation.

LEG. CRECCA:

It's to modify the grant of an easement to the Suffolk Water Authority.

LEG. SCHNEIDERMAN:

This was explained at the last meeting.

LEG. CRECCA:

It was a joke. It was a joke, I'm sorry; I couldn't resist.

LEG. SCHNEIDERMAN:

They're completely on board, the place where they're going to put their well, they're just moving some things around within the property.

The town has requested this, the neighbors want it, the Suffolk County Water Authority has no issue with it; it's a simple thing and I hope you'll support it.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1596•04, 1596A • Appropriating funds in connection with the restoration of the Long Island Maritime Museum (CP 7165) (Presiding Officer at the Request of the County Executive). Is there a motion?

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley. Is there a second?

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorina•Fisher. Roll call.

MR. BARTON:

On the bond.

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

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yeah.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. CRECCA:

Yes.

MR. BARTON:

17 on the bond (Absent: Legislators Tonna).

P.O. CARACAPPA:

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

1600•04, 1600A • Amending the 2004 Capital Budget and Program and appropriating funds in connection with improvements to historic sites and buildings at the Third House, Montauk (CP 7510) (Presiding Officer at the Request of the County Executive).

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

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

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

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:

The Great Roosevelt, bully as he would say; yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

17 on the bond (Absent: Legislator Tonna).

P.O. CARACAPPA:

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

1636•04 • Authorizing an application to acquire certain real property owned by the United States General services Administration located in the Town of Brookhaven (0200•561.00•01.00•014.000) (Presiding Officer at the Request of the County Executive). Is there a motion?

LEG. FOLEY:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1636 is approved.

Public Safety & Public Information:

1508•04 • Adopting Local Law No. 2004, a Local Law licensing businesses which service portable fire extinguishers and automatic fire extinguishing systems (Bishop).

Is there a motion? Motion by Legislator Bishop.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1616•04 • Creating a position and transferring funds within the Department of Probation to reduce jail overcrowding through enhancements to the Electronic Monitoring Program (Presiding Officer at the Request of the County Executive).

Motion by Legislator Bishop.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1639•04 • Authorizing the County Executive to enter into a Memorandum of Understanding with the Federal Bureau of Investigation regarding access and use of the Suffolk County Firearms Range and Ammunition Bunker located in Westhampton, New York (Presiding Officer at the Request of the County Executive). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Public Works & Public Transportation:

1523•04 • Establishing a County cost containment policy for replacement of jail facility at Yaphank (Management) (Presiding Officer at the Request of the County Executive). Is there a motion?

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. FOLEY:

Motion, Mr. Chairman, for purposes of discussion since it's on the agenda.

P.O. CARACAPPA:

There's a motion.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

There's a second by Legislator Montano. On the motion, Legislator Foley.

LEG. FOLEY:

Yes, if we can hear from the County Exec's Office on this.

P.O. CARACAPPA:

This is DASNY. County Exec's Office?

LEG. FOLEY:

Let the record reflect, through the Chair, Counsel, this is the DASNY resolution as it's colloquially known as?

P.O. CARACAPPA:

Yes.

MS. KNAPP:

Yes.

LEG. SCHNEIDERMAN:

That's the Dormitory Authority?

P.O. CARACAPPA:

Yes, it is. The Dormitory Authority, State of New York.

MS. KNAPP:

Yes, it's the resolution to authorize the County Executive to enter into the agreement with DASNY; actually, sorry, the Public Works Department.

LEG. SCHNEIDERMAN:

Can we skip over it for a minute?

P.O. CARACAPPA:

We're coming back, Brian wants to hear from the County Executive's Office.

LEG. FOLEY:

If Legislators are satisfied then I'm satisfied with it, it's just that when you look ••

LEG. CARPENTER:

Okay, I just ••

LEG. FOLEY:

When you look at the title of the resolution, it doesn't exactly say DASNY but that's •• when you look at the body of the resolution.

LEG. CARPENTER:

I guess they editorialized a little with it.

LEG. FOLEY:

Well, they gave a different definition to it.

P.O. CARACAPPA:

There's a motion and a second.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

Two points. One, I'm going to oppose this on the theory that you should be careful that you get what you wish for. If you have DASNY doing this project then the Department of Public Works is freed up to do other projects and you have two spigots of spending simultaneously turned on.

LEG. NOWICK:

Is that picking a pack of pickled peppers?

LEG. BISHOP:

A point I made earlier that that is troubling, especially if you want to control debt in future years.

The second point is that at committee, at the DASNY presentation, I asked who they answer to as an authority in the State of New York, and ultimately they answer to the State of New York, not to their local client. So if you have a situation where you want to direct them to proceed in one direction and that direction is counter to what New York State wants to do, then you have lost control and I don't know if it's worth it under those circumstances.

So it's not a reflection of DASNY itself, they did a good job with their other projects in this County, it's that this is a different type of project with special concerns and we should be

cognizant of those concerns as we proceed.

P.O. CARACAPPA:

Legislator Crecca then Foley.

LEG. CRECCA:

No.

P.O. CARACAPPA:

Oh, Legislator Foley.

LEG. FOLEY:

Legislator Bishop anticipated part of what I was going to say, but there is much similarity between this particular project and the field house that was constructed under DASNY's let's say oversight on the western campus, it was one of the more outstanding Capital Projects undertaken by the County.

This is also something where, let's say it for the record, that many of us are in agreement with the County Executive in moving forward with this particular approach to the jail. And absolutely, the reason given by the County executive is that this will, yes, it will free the Department of Public Works to do other projects and, in fact, that was part of the, part and parcel, the reasoning that many of us had for making the changes that we made. And we had the vote earlier where more than a majority of the Legislators were in agreement with the fact that there are other important projects that this County has to move forward with. Passage of this legislation will allow the Department of Public Works to move forward on those other resolutions that we believe are very important to the people and to the employees of this County.

So, in fact, I hope we can approve this, it's something that many of us have agreed to implicitly when we approve the Capital Program and this would just be a follow•up to what we had done earlier today. Thank you.

LEG. NOWICK:

Joe, I need to ask one question.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Just maybe Counsel can probably tell me this. If we do this with the Dormitory Authority, don't we enter into a contract and we certainly do not have to worry about the State of New York usurping the authority; is that the way it works or not? No?

MS. KNAPP:

This resolution has a number of conditions contained in it, that the Legislature would be then requiring that DASNY agree to. Once you get beyond those conditions, I believe then that DASNY basically controls the project; they do report to the County, but they do handle the project for the County.

LEG. MYSTAL:

Mr. Chair?

LEG. NOWICK:

Okay, thank you.

LEG. MYSTAL:

To answer your ••

P.O. CARACAPPA:

Legislator Carpenter then you.

LEG. CARPENTER:

I'll yield.

LEG. MYSTAL:

I'm voting for this, but the point that Legislator Bishop made earlier and also your question, Legislator Nowick, we tend to be contour freak around this horseshoe. The point that Bishop made is well taken. I have worked for Harlem Urban development Corporation in an earlier life. Once we give them control of this project, we absolutely lose control over anything else, even if we have condition in the contract, and I know it's hard for you to understand. Even if you have condition in the contract, once you go to DASNY, you basically tell them, "Okay, you do

whatever you want," and they will do whatever they want. And if something comes up in a conflict between what they want and what we want, they'll choose what they want any time and what the State wants, because •• I don't know if you guys understand the term authority, it is an authority, it usually does not even answer to the State. So know what we're doing, understand what we're going into. I'm voting for the project but understand what we're going into.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. We had a joint meeting, for those who might not have been on either of the committees, between Public Works and Public Safety inviting the representatives from DASNY to come down and they seemed most anxious to do the project and went on about how capable they are and so forth, and on the record put that they would work hand•in•hand with our designated representatives from the Department of Public Works who would very much be a part of the day•to•day ongoing project.

This was an initiative that the County Executive sent over. He seems to feel very strongly and wanted to go forward using DASNY •• again, as has been stated •• to make sure that the Department of Public Works is able to do all the other projects that are needed by the County. We did ask about the process that had taken place to date, because last September the Department of Public Works had entered into an RFP process and a design firm was selected after a very rigorous process; however, the contract had not been signed and to date has not been signed. And we had reached out to the County Executive, would they include the WHEREAS clause, or RESOLVED clause actually, that they did saying that DASNY shall contract with a successful proposer chosen pursuant to the procurement process conducted by the Department of Public Works. And it was interesting, when we asked DASNY about the process, they were very, very comfortable with the procurement process that was undertaken by DPW and didn't seem to have any concerns.

Also, too, we had queried them about project labor agreements, prevailing wage, and again indicated that they would follow along with that and that is also part of this resolution. So again, in this interest of trying to work with the County Executive, this is something that he seemed to feel very strongly about, so the committee did approve it unanimously to go forward

based on the conditions that were stated in the meeting with his selection of DASNY.

P.O. CARACAPPA:

Anyone else? There's a motion •• oh, Legislator Schneiderman and then Caracciolo.

LEG. SCHNEIDERMAN:

I don't know much about DASNY. I do know that this is the largest Public Works project in the County's history, I know what happened with the second largest one, the Southwest Sewer District. So I'm concerned that we •• you know, if we're turning this over to somebody else to manage this project, that we have the ability at least to audit, that we can keep an eye on what's going on here. I don't want to see the County lose control. Some of those things that Legislator Carpenter just mentioned are things that they have to do by law anyway like the project labor agreements and the prevailing wage.

LEG. CARPENTER:

No, they don't, they don't.

LEG. SCHNEIDERMAN:

They don't? I thought all County contractors ••

P.O. CARACAPPA:

Not if you go to an authority.

LEG. SCHNEIDERMAN:

Oh, once you go. But so they have agreed to abide by those things anyway, okay. Because that's what I'm really looking for, somebody to convince me that this is a good thing for the County. It is expensive, it's over a million dollars, right, that we'd be paying DASNY?

LEG. O'LEARY:

Two, 2.8.

LEG. SCHNEIDERMAN:

Two million dollars, so it's a significant amount of money. If people can •• you know, I understand the point somebody made before about it gets, you know, the DPW off, you know, they won't have to spend all that time working on it, but other than that, I'm not yet seeing the great benefit of DASNY so if somebody can enlighten me, I'd appreciate it.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Caracciolo then Foley.

LEG. SCHNEIDERMAN:

Can Counsel answer the question about whether we can audit DASNY?

LEG. MYSTAL:

If they let you.

MS. KNAPP:

Well, when you say audited, they certainly have to do periodic reports back to the County. The only other •• in the resolution, the only other probably assurance I can give you is that one of the conditions starts out with, "The County, with the assistance of DASNY, shall establish the overall program that is the scope of the work," so the County is retaining the right to establish the scope of the work.

LEG. SCHNEIDERMAN:

What is the incentive for DASNY to ensure that the work is of, you know, the highest quality and done at the cheapest price for the County?

LEG. CARPENTER:

Their reputation.

MS. KNAPP:

There's nothing in the resolution.

LEG. SCHNEIDERMAN:

Is there a compensation package at all based upon the cost of the project, a fixed composition; does anybody know the answers to that question, those questions?

LEG. LINDSAY:

Yeah. If I may, Madam Chair.

LEG. CARACCIOLO:

Angie?

D.P.O. CARPENTER:

I'm sorry.

LEG. LINDSAY:

Can I answer ••

D.P.O. CARPENTER:

I apologize.

LEG. LINDSAY:

Can I answer Legislator Schneiderman?

D.P.O. CARPENTER:

Certainly, Legislator Lindsay.

LEG. LINDSAY:

What you're doing here is you're hiring a construction manager, the construction manager is DASNY. It's not unusual at all on a project this size that you would go to a company to manage the day•by•day coordination of a project this size. And their cost, I believe, was set on a percentage of the overall cost of the project.

LEG. SCHNEIDERMAN:

So in addition to the contractor or contractors, there still will be an engineer on site as well, right?

LEG. LINDSAY:

Construction manager.

LEG. SCHNEIDERMAN:

Besides DASNY, there'll be the engineering firm that's picked, the design firm.

LEG. LINDSAY:

Well, there will be •• this resolution hires DASNY to oversee both the planning and construction, so they would have a direct relationship with our architectural team which includes the engineering and everything else throughout the planning period. They'll also coordinate with State Corrections and they've done this, you know •• they've had experience in building State prisons and dealing with State Corrections, so there's a relationship there already. Then when it actually goes into construction, yeah, they will have management people on the ground on the project on a daily basis to track progress, to track quality, to track, you know, all labor issues.

LEG. SCHNEIDERMAN:

Who takes it out to bid, does DASNY do the bid package or does the County?

LEG. VILORIA • FISHER:

DASNY does it, it's in the resolution.

D.P.O. CARPENTER:

DASNY.

LEG. SCHNEIDERMAN:

So do we have assurance that they'll give ample time to make it as competitive as possible to make sure as many people know about this bid as possible?

LEG. LINDSAY:

Well, I think ••

LEG. SCHNEIDERMAN:

That's my •• you know, my general concern is I'm not familiar with DASNY and turning over the biggest project that we've ever undertaken to a group I know little about gives me a little bit of discomfort.

LEG. LINDSAY:

Well, I think there's still •• you know, you're subject to bidding wars about how long it has to

be advertised for and when the bids are to be brought back and about whether you're a qualified bidder or not, you know, that kind of stuff. I don't think just because DASNY is hired as the construction manager it supercedes any of the State Municipal Laws that govern bidding of construction projects.

LEG. SCHNEIDERMAN:

I've just seen bids with very short turnaround times that exclude certain parties and the more people •• I think the more people bidding, you know, the more competition the better the County will be.

LEG. LINDSAY:

Well, I think you'll have plenty of bidders on this project.

LEG. SCHNEIDERMAN:

Okay.

D.P.O. CARPENTER:

I also think, too, that this is such a high profile project that there will be no lack of bidders. Legislator Caracciolo and then Legislator Foley.

LEG. CARACCIOLO:

Yes, question for BRO and Mr. Zwirn. Ben, obviously this is a County Executive resolution, I know he went to Albany at one point and met with Dormitory Authority officials. He obviously, or at least it appears that he's pushing •• putting forth this proposal because he believes, as the resolution states, it would be the most cost effective manner for us to construct this correctional facility.

Is there any downside, is there any history, past history, DASNY projects elsewhere in the state in recent times before •• because it succeeded a predecessor that maybe Mr. Mystal was alluding to, is there anything that we should be aware of that would throw caution to the wind here about dealing with them?

MR. ZWIRN:

I don't believe so. The County Executive felt very comfortable with DASNY and he had DASNY come down and make a presentation to the Legislature on their own to sell their •• sell the

merits of their own services. They have a long history, I believe, in New York State and they've built these kind of projects in the past. I think you've discussed some of the pros and cons up here in the Legislature today, and I think part of it, it frees up Public Works to be able to do other things; this project could dominate, you know, their agenda for the next couple of years where they could hardly do anything else. Now, as Legislator Bishop has said, maybe that's not a bad thing as far as the County Executive is concerned. But it also gets •• it removes the project a little bit, hopefully, from some of the politics that could go on. You have an independent agency, one State agency, DASNY dealing with the office, you know, the Commission of Corrections and another State agency, so they can work •• you know, some of the problems that they had, they can work them out directly, you know, on an issue by issue basis where the County doesn't have to get involved in some of the minutia. But pretty much I think it ••

D.P.O. CARPENTER:

Just on that point, if I could just interrupt.

MR. ZWIRN:

Sure.

D.P.O. CARPENTER:

In the presentation that took place between the two committees or in front of the two committees, it was my understanding that the County was going to be very much a part of the process, that there would be someone from the Sheriff's Department, every step of the way along with the Department of Public Works.

LEG. CARACCIOLO:

Okay. What about quality assurance guarantee, if you will, and cost effectiveness; what guarantees, warranties do we have along those lines?

MR. ZWIRN:

I think that, you know, DASNY has said because of the •• on•scale, they're so big, their purchasing power is so enormous that they can get everything at less cost than the County can negotiating on its own, and that would be an advantage. But Ken Knappe is here from the Budget Office who has visited one of their sites just recently and maybe he could report back to

you and ••

LEG. CARACCIOLO:

I'd also like Budget Review to comment on my last question, quality assurance and cost effectiveness and bringing it in on schedule, very important.

MR. KNAPPE:

Ken Knappe from the Budget Office. Chenango County which is of course, let me preface, it's a much smaller County than what we are of course, and the public safety facility that they're building likewise is much smaller. However, the coordination and the communication that DASNY has with their Board of Supervisors up in Chenango County with their Public Works Department, I went up to Chenango County early June and they're about 20% through the process of constructing their public safety facility. They have planned it all out, they've done all the site work and a lot of the preconstruction, foundations and likewise are ongoing at this time when I went and saw them in June. I met with a DASNY official, I was given a tour of the facility with a DASNY official as well as a Board of Supervisor, one of their County Legislators, you know, as a Board of Supervisor had the tour with me as well.

The communication between DASNY, the County, the end users, the Sheriff's Department all seemed in appearance from all •• having conversations with all the parties, everybody was on the same page.

If there was a change in theory as they were going through with this, everybody okayed it. So as far as the communication going back and forth between DASNY and the end users and the owners of the project, if you will, the communication was very high.

LEG. CARACCIOLO:

Any negative history?

MR. KNAPPE:

Not that I know of from my past. I know that we used DASNY for the Multi•Purpose Building over in Suffolk West and ••

LEG. CARACCIOLO:

And what was our experience?

MR. KNAPPE:

I can say that I believe our experience was pretty positive, the building is fantastic the way it looks now, they've made some changes that the County wanted going into the project. I'll let Budget Review elaborate if they have any differences, but I think over all we felt good going in that area with DASNY, likewise with the correctional facility here.

LEG. CARACCIOLO:

It came in on budget?

MR. KNAPPE:

I believe that it did come within budget, I think they had to scale back a couple of things just because costs escalated and that's something that we have to keep in concern here as well. With steel prices coming in a little bit higher as we go forward, the sooner we start the process and the sooner that they can award contracts and whatnot will control some of the expenses in that regard.

LEG. CARACCIOLO:

Jim?

MR. SPERO:

Well, we had two instances where we've used them. As Ken pointed out, the Multi•Purpose Building which came in on time and on budget, there were modifications to the project made prior to construction to keep the total project costs within budget, but once the project went out to bid actually the construction went rather smoothly. And from the times we went and visited the site, the construction supervisor certainly seemed to have the situation well in hand, it had daily meetings with the contractors on the status of what was happening and they seemed to be following up on where corrections needed to be made in the construction.

LEG. CARACCIOLO:

Has anyone on your staff researched their history elsewhere? There's no negative •• we're not going to pick up the paper one day and find out that DASNY was involved in some scandal, some problem elsewhere in the state that we simply aren't being told about?

MR. SPERO:

We have not researched that and you might find something like that if you did, in fact, research it. I just wanted to point out that the other project was the Cohalan Court Complex, they ran that job for the County as well and that job also came in on time and under budget.

LEG. CARACCIOLO:

Okay. Ken?

MR. SPERO:

It was a \$100 million job back in the late 80's, so.

LEG. CARACCIOLO:

Are you aware of any history?

MR. KNAPPE:

Not aware of anything and the avenues we would go if there was something out there that we should be concerned about, other counties wouldn't be using DASNY throughout the State currently for their projects. I'm sure if there were problems with DASNY, associations like NYSAC and other organizations that way would be red-flagging or we would be reading more about it.

LEG. CARACCIOLO:

What was ••

MR. KNAPPE:

Can I state on the record that there isn't anything in their history? No, I cannot. Do I feel comfortable endorsing them to go forward?

Yes.

LEG. CARACCIOLO:

What's the size and cost of the facility Upstate?

MR. KNAPPE:

I do not have those numbers on the top of my head. I think it's somewhere in •• about a 150

bed facility, as I was mentioning, much smaller, but there's other components to their facility, too, comparing apples to oranges; their communications is going in there and other stuff as well.

LEG. CARACCILO:

Okay. Thank you.

D.P.O. CARPENTER:

I think because of the scope of the project and some of the questions that have been raised, I think it would be important to have the representative from the Sheriff's Department come forward and give their input into this and then let's call a vote.

While the Undersheriff is coming forward, I would like to state that during the construction of that Multi-Purpose Building with DASNY, I had been involved in the beginning because that is in my Legislative District, and initially we almost lost the project because of some of the projected cost overruns, and DASNY was very instrumental in helping to modify to keep that project in place and worked very, very closely with the representatives from the college. Undersheriff Sullivan?

UNDERSHERIFF SULLIVAN:

We don't, as the Sheriff's Office, have a position one way or another with regard to DASNY. We've taken the position repeatedly to the Legislature and to the County Executive, it's outside our area of expertise. We're not construction managers, we don't know the history any better than we can learn listening, as you folks do. What we are most concerned about is that this move forward before this deadline which is now looming in front of us on July 20th. As said to a member of the County Executive's Office last week, we feel like the guys in the rowboat on the Niagra River above the falls and it's getting louder and louder.

What is very important to understand, even if the Legislature passes 1523 and enables the County to go forward with DASNY, that does not satisfy the State Commission of Corrections' demand that a planning contract be executed and in place •• they don't say with whom, I don't think they care, they've said they don't care with whom •• must be in place before July 20th. So if the Legislature acts on this bill and passes it today, even with paragraph nine in this bill as I've reviewed it, if for some reason DASNY or the County Executive do not execute the planning

contract by July 19th, we will still lose our 328 variances on the 20th of July.

D.P.O. CARPENTER:

That's a very good point, Undersheriff, and I'm certainly glad that you made it. I have seen a series of correspondence going back and forth between the Commission of Corrections and the County Executive's Office, and I think it probably would be good at this point before we vote to ask Mr. Zwirn to come back up. And if you could, I am very hopeful that this resolution will pass here today and once it does, will the County Executive be signing the necessary planning documents that it's my understanding that he has ready to go?

MR. ZWIRN:

Legislator Carpenter, I don't have that •• I haven't spoken to the County Executive this morning about this particular item, when he will sign or not sign the agreement, but I know he's aware of the constraints and the deadlines. I think part of the reason to pick DASNY was DASNY I think stated at the presentation that they like the procurement process and they can deal with the planning process as well, they have somebody they like. They had no objection to the company that we picked to do the planning, but they said they just didn't want to be •• their hands tied with respect to the actual cost, they thought they could negotiate I think a fairer price or a better price.

LEG. CARPENTER:

Okay. But I would just like to caution that before July 20th, that whether it's DASNY or the County Executive, that the contract for the architectural firm or the planning process, whatever you want to call it, that someone signs on the dotted line. Because the correspondence that I saw from the County Executive's Office, and it was from Kevin Law, basically said that the County Legislature failed to act on the DASNY resolution which was the CN that was brought over two meetings ago. However, that letter was sent after the Public Safety Committee or the Public Works Committee unanimously approved going forward with the DASNY resolution and, you know, had we continued with our meeting last Tuesday, it probably would have passed at that point.

So, I just say that, you know, it seems like it was going back and forth, it's the County Executive, it's the Legislature, blah, blah, blah; if this passes here today, clearly the ball is in the County Executive's court and needs to sign the agreement so that the Commission of Corrections can be satisfied that we finally, Suffolk County, are taking the appropriate steps to

finding a long-term solution to replace the facility in Yaphank that everyone agrees has long lived its useful life. Thank you.

MR. ZWIRN:

Thank you.

D.P.O. CARPENTER:

I would just ask •• I don't think anyone else has signed up to speak, I would just ask all Legislators please to report to the horseshoe so that we can vote on this resolution.

LEG. CARACCIOLO:

Let's start the roll call.

D.P.O. CARPENTER:

We have a motion to approve 1523 with a second by Legislator Caracciolo. Roll call.

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

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

(Not Present).

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

I'm sorry, pass. What are we doing? This is on DASNY? I'm a no.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Maybe •• oh, yes, yes.

LEG. ALDEN:

Abstain.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

I'm going to abstain, I don't know enough about it yet.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Abstain.

LEG. COOPER:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

12 (Opposed: Legislators Binder & Bishop • Abstentions: Legislators Caracappa, Alden & Schneiderman • Absent: Legislator Tonna).

P.O. CARACAPPA:

1523 is approved.

1584•04 • A resolution making certain findings and determinations upon a proposal to form Suffolk County Sewer District No. 2 • Tallmadge Woods in the Town of Brookhaven (Presiding Officer at the Request of the County Executive).

LEG. LOSQUADRO:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1585•04 • Amending the Suffolk County Classification and Salary Plan and the 2004 Operating Budget in connection with a new position title in the Department of Public Works (Industrial Waste Pretreatment Technician Trainee) (Presiding Officer at the Request of the County Executive).

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1589•04, 1589A • Amending the 2004 Capital Budget and Program and authorizing the purchase of up to thirty•one (31) transit buses and related equipment, accepting and appropriating County (10%), State (10%) and Federal funds (80%) for this acquisition (CP 5658) (Presiding Officer at the Request of the County Executive).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

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

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I'm not in Public Works; what type of buses and are these clean•burn engines and are we going to natural gas? Some of the things that I had addressed like for the past five or six years, were they addressed?

LEG. O'LEARY:

Yes, they were; in committee they were addressed, energy efficient type buses similar to what you described.

LEG. ALDEN:

Okay. And what's going to be the effect on our transit system? Because it was •• like on an ongoing basis we're looking to either add routes or look at stop counts, counts on some of the buses where it would be more appropriate to run smaller equipment rather than the large transit. Are these large transit buses?

LEG. O'LEARY:

No, these buses are replacement buses to the major line buses that currently exist.

LEG. ALDEN:

So we're going with diesel engines then.

LEG. O'LEARY:

Excuse me?

LEG. ALDEN:

We're going with diesel engines still?

LEG. O'LEARY:

We're going with what?

LEG. ALDEN:

Diesel?

LEG. O'LEARY:

Oh, yes.

LEG. ALDEN:

Because DPW was supposed to look at the possibility of going to a natural gas either as a test basis or a fleet. We had KeySpan express an interest in actually putting a plant in at either no cost or very little cost.

LEG. O'LEARY:

They are looking at them, Legislator Alden, with respect to the smaller vehicles that are being

considered for side streets and minor roads, not the major highways.

P.O. CARACAPPA:

Legislator Foley?

LEG. FOLEY:

Yes, Mr. Chairman. Even though they are diesel, the latest technology and from what was •• the testimony that was given in committee, these new buses would meet the more stringent 07 Air Quality regulations that require I think almost a 9% reduction in diesel particulates, and that these buses that we will be acquiring will meet those much tougher standards regarding diesel particulates. So while it may not be the alternative fuel that Legislator Alden has rightly advocated for a long period of time, these new buses will be in compliance with the far stricter standards for diesel particulates in 2007.

P.O. CARACAPPA:

Okay.

LEG. CRECCA:

Okay.

P.O. CARACAPPA:

There's a motion and a second. Roll call.

MR. BARTON:

On the bond.

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

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

16 on the bond (Abstain: Legislator Alden • Absent: Legislator Tonna).

P.O. CARACAPPA:

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

1591•04 • Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of KFC/LJS restaurant (HU •1433)(Presiding Officer at the Request of the County Executive). Is there a motion?

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. BISHOP:

Wait, which one is this?

P.O. CARACAPPA:

1591.

LEG. BISHOP:

On the motion. There's no companion resolution?

P.O. CARACAPPA:

1591?

LEG. BISHOP:

1589 has a companion.

P.O. CARACAPPA:

I know, I said same motion, same second, same vote on companion and I went right to the next one.

1591, there is a motion. Is there a second?

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro.

LEG. CRECCA:

On the motion.

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

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

LEG. BISHOP:

Second.

P.O. CARACAPPA:

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

LEG. BISHOP:

Yes. As much as I love a bucket of original recipe ••

LEG. CRECCA:

This is not KFC.

LEG. BISHOP:

Is this not Kentucky Fried Chicken?

LEG. CARPENTER:

It is.

LEG. BISHOP:

It's Kentucky Fried Chicken.

LEG. CARPENTER:

It is.

LEG. BISHOP:

And with our existing excess Southwest Sewer District capacity, at the very least we should be prioritizing what's an economic development priority. And so I think we should pause at this time and work that out with the administration and the sewer agency because I'm sure that while, you know, KFC fast food jobs are not going to be at the top of the list; perhaps there's more to the story but that's how I understand it at this time.

P.O. CARACAPPA:

Okay. Legislator Mystal?

LEG. CRECCA:

Do you have me down?

LEG. MYSTAL:

This is not exactly KFC, Mr. Correct, right?

LEG. CRECCA:

It's not.

LEG. MYSTAL:

It's some kind of a development.

LEG. CRECCA:

Yeah, it's a huge economic impact on the County.

LEG. MYSTAL:

I routinely vote against anybody hooking up to the sewer district because we are running out of capacity. But I just want to let Legislator Bishop know that this is not a bucket of chicken, it has to do with jobs that Mr. Crecca has said before; how many jobs is debatable, but it's not strictly chicken and biscuit.

P.O. CARACAPPA:

Legislator Crecca?

LEG. CRECCA:

Yeah, I apologize to members of the entire Legislature to the extent that I don't have the exact figures with me, I had them in committee. But this was a company that was moving its operations from Plainview, if I remember correctly, to the 110 corridor. They were •• it was going to create several hundred jobs •• and again, I apologize that I don't have the figures •• and the plan was to move their operations not just partially there but two years down the road to move completely out of Nassau County and here in Suffolk County.

P.O. CARACAPPA:

Would you suffer an interruption; is this the same one you talked about last meeting?

LEG. CRECCA:

I think it was, yeah.

P.O. CARACAPPA:

At length, I might add.

LEG. CRECCA:

Yeah.

P.O. CARACAPPA:

So I think we all remember.

LEG. BISHOP:

I thought that was a different one.

LEG. VILORIA • FISHER:

(Inaudible).

LEG. CRECCA:

It was •• for some reason it was •• and I apologize, I don't have it with me, but it was entitled a restaurant corporation that's buying it but it has to do with a larger company, if it's the one I think it is.

P.O. CARACAPPA:

Okay. Legislator Alden?

LEG. ALDEN:

I'd like to ask Legislative Counsel to just explain why the title of the one we're voting on says KFC/LJS Restaurant.

LEG. MYSTAL:

They're on the property.

MS. KNAPP:

My notes indicate that it's 1,800 gallon flow for a restaurant and drive•thru, that it's a 60 seat restaurant in Melville on Broadhollow Road near Bethpage•Spagnolli Road?

LEG. CRECCA:

That's not the •• is that •• I don't think this is the •• is this the one?

LEG. ALDEN:

This is 1591.

P.O. CARACAPPA:

1591.

LEG. BINDER:

Crecca, the other one passed.

LEG. CRECCA:

All right, then this isn't the one, I take everything I said back.

P.O. CARACAPPA:

Very good.

LEG. CRECCA:

But I do like Kentucky Fried Chicken, by the way, just for the record.

P.O. CARACAPPA:

Legislator Mystal?

LEG. MYSTAL:

Yeah, if it is the •• I think I got confused also, Mr. Crecca. I'm definitely opposed to, you know, anything hooking up right now.

P.O. CARACAPPA:

There's a motion to table and a second. All in favor? Opposed? Abstentions? 1591 is tabled.

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1592•04 • Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 sand Company (HU1040) (Presiding Officer at the Request of the County Executive). Same motion, same second, same vote.

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1594•04, 1594A • Amending the 2004 Capital Budget and Program and appropriating funds for the acquisition of land for intersection improvements to CR 58, Old Country Road, at Doctor's Path, Town of Riverhead (CP 5044.211) Presiding Officer at the Request of the County Executive). Motion by Legislator Caracciolo •• Schneiderman, second by Legislator O'Leary. Roll call.

MR. BARTON:

On the bond.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

What are we voting on?

P.O. CARACAPPA:

Doctors Path in Riverhead.

LEG. MYSTAL:

Oh, yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17 on the bond (Absent: Legislators Tonna).

P.O. CARACAPPA:

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

1595•04, 1595A • Appropriating funds in connection with the County share for participation in the reconstruction of CR 16, Portion Road/Horseblock Road, from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven (CP 5511) (Presiding Officer at the Request of the County Executive).

LEG. MYSTAL:

Mr. Chair?

P.O. CARACAPPA:

Legislators Mystal.

LEG. MYSTAL:

Just a question. One of the Aides is running around looking for people who want food; are we going to be here that long?

P.O. CARACAPPA:

It's up to you guys, it really is.

LEG. MYSTAL:

You know, she just told me that we might be here until dinner time; give me a break, you all, I've got a life.

P.O. CARACAPPA:

I'm hoping we're done within the hour; it's my great hope.

LEG. MYSTAL:

I'm a freshman, I still have a life, I'm not into the system all that ••

P.O. CARACAPPA:

We're starting to move along now.

LEG. MYSTAL:

Are we going to be here till dinner time?

P.O. CARACAPPA:

We're starting to move along now.

LEG. MYSTAL:

This is lunch, okay. Thank you.

P.O. CARACAPPA:

Okay, here we go.

1595, motion by myself, second by Legislator Foley. Roll call.

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

P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

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. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

17 on the bond (Absent: Legislator Tonna).

P.O. CARACAPPA:

Same, same second, same vote on companion resolution.

1613 needs to be tabled for technical reasons (***Amending the 2004 Capital Budget and Program and appropriating funds in connection with the installation of traffic signals on various County roads (CP 5054)***). Motion to table by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1619•04 • Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program and appropriating funds for a feasibility study of grease/scavenger waste treatment facility by the private sector (CP 8179(Presiding Officer at the Request of the County Executive)). Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1620•04 • Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 15•Nob Hill (CP 8138) (Presiding Officer at the Request of the County Executive).

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Ways & Means & Consumer Protection:

1039•04 • Establishing Commission to Study Alternative Form of County Government (Binder). Motion to table by Legislator Binder.

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

Is that an appropriate motion?

LEG. BINDER:

Uh•huh.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1086•04 • Adopting Local Law No. 2004, a Charter Law to create the Real Estate Acquisition Anti•Corruption Reform Act (Binder). What's your motion?

LEG. MYSTAL:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Mystal or Legislator Binder?

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Legislator Binder, second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1500•04 • Adopting Local Law No. 2004, a Local Law to reform the awarding of Suffolk County Government contracts to restore public confidence (Binder). What's your pleasure, Legislator Binder?

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1516•04 • Establish a policy to promote Campaign Finance Reform funding (Nowick).

Motion by Legislator Nowick.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1558•04 • To permit the construction of two (2) tap roads through property owned by "Starlight Properties" located in Yaphank, Town of Brookhaven (O'Leary). Mr. Zwirn?

LEG. FOLEY:

Second the motion.

UNKNOWN AUDIENCE MEMBER:

The County Attorney would like to be heard on that.

P.O. CARACAPPA:

The County Attorney? Just quickly, if you could, a synopsis.

MS. CAPUTI:

Good afternoon, Mr. Presiding Officer, Legislators and Counsel, if she's here. The County Attorney has discussed this bill in committee on several occasions and we still have some concerns about the legality of the bill. As you know, I'm sure that the bill attempts to authorize a grant ••

P.O. CARACAPPA:

If I could just stop you for one second; just put your name on the record?

MS. CAPUTI:

Oh sure, I'm sorry. It's Jacqueline Caputi from the County Attorney's Office.

P.O. CARACAPPA:

Thank you.

MS. CAPUTI:

And the bill seeks to authorize the granting of an easement to the Town of Brookhaven and the relinquishment of all the County's development rights on the subject parcel. And the County acquired these rights in 1986 by a Deed of Development Rights that was given to the County and the deed specifically recited that the grant was given to the County at that time pursuant to the General Municipal Law and the Suffolk County Environmental Bill of Rights. There is a provision in the General Municipal Law that allows for transfers between municipalities, except in the case where the land is made inalienable under the provisions of a Local Law or Charter. And it's the Department of Law's position that Suffolk County has such a Charter provision that would be violated by this transfer and that is C1•70 of the Charter which provides that any land that has been obtained by the County pursuant to the aforementioned General Municipal Law section which is recited in the deed and the Charter, that it's only alienable by way of a Local Law •• or a Charter Law, excuse me •• approved upon mandatory referendum.

So it's the departments position that this proposed resolution would violate the Charter and can't be done in a manner that is proposed to be done.

LEG. O'LEARY:

Mr. Chair?

P.O. CARACAPPA:

Legislator O'Leary, as the sponsor.

LEG. O'LEARY:

Yes, I'd like to ask an opinion of the County Attorney, as reluctant as I am to do so. But is it your opinion, then, that a Local Law is required rather than a resolution with respect to this initiative?

MS. CAPUTI:

Yes and a mandatory referendum pursuant to the Charter.

LEG. O'LEARY:

Okay. For the record, I'd just like to put our Legislative Counsel on record with respect to her opinion regarding that opinion of the County Attorney's Office.

MS. KNAPP:

This has become an ongoing dispute between the County Attorney's Office and myself. And as I told Legislator O'Leary, going back in the history I found a 1993 resolution from Legislator Davis that released all the restrictive covenants, not just granting an easement, and it was drafted by former Legislative Counsel, and in that one it was a simple resolution that mine was modeled after. So I went back into the records and looked at the 1993 committee minutes and there was really no discussion at all. But then I got lucky and I found 1998 minutes in which Chairman Levy chaired a Ways and Means committee meeting and there was extensive discussion of this same property, and Chairman Levy brought up the 1993 resolution and he asked the question of Mr. Sabatino about it and •• let me see;

"CHAIRMAN LEVY:

There was a resolution, Paul, in 1993 that was drafted by Legislator Davis and came before a committee; can you tell us what was the nature of that resolution?

MR. SABATINO:

That was a resolution that would have released, the covenants and restrictions which was the buffer zone. I think there was some kind of proposal to use the land for some industrial purpose.

CHAIRMAN LEVY:

Okay.

MR. SABATINO:

I don't recall the details, what the application was, but the legal effect of adopting a resolution would have been to release the buffer."

Now, I get to the more important. Chairman Levy asked him another question:

"CHAIRMAN LEVY:

So the document seems to have been an admission of sense that there was a need to get approval by the County for a change in the character of the buffer.

MR. SABATINO:

The resolution represented the correct legal methodology for releasing the covenants."

He asked him again; .

"MR. SABATINO:

What I said was it represented the correct legal methodology to use.

Now, two successive Legislative Counsels think that a resolution is adequate. So lawyers do tend to disagree, but you can go back into the minutes of 1998, and I have copies of it if anybody wants it.

LEG. MYSTAL:

Question.

P.O. CARACAPPA:

Are you done, Legislator O'Leary?

LEG. O'LEARY:

No, I'm not, Mr. Chair.

P.O. CARACAPPA:

Go right ahead.

LEG. O'LEARY:

In light of the position taken by Legislative Counsel and the fact that this just came to my attention today, I wouldn't have a problem with tabling this particular resolution until such time as all Legislators get an opportunity to review that particular issue. So I would favor •• as the sponsor of this resolution, I would favor tabling it for one cycle.

LEG. BISHOP:

Second.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Thank you. There's a motion to table by Legislator O'Leary, second by Legislator Caracciolo. All in favor? Opposed? Abstentions? 1558 is tabled.

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1593•04 • Approving the appointment of Gregory Byrne to Detective/Lieutenant in the Suffolk County Police Department (Presiding Officer at the Request of the County Executive). Motion by Legislator O'Leary, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1622•04 • Establishing new County policy on use of County Clerk's Office for title examination purposes (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Caracciolo. All in favor? Opposed?

LEG. CRECCA:

We're on 1622?

P.O. CARACAPPA:

Yeah.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion.

LEG. ALDEN:

Legislator Crecca.

LEG. CRECCA:

Can I get an explanation on this? I was in committee, I forgot.

LEG. O'LEARY:

You didn't.

LEG. CRECCA:

I did, I forgot.

LEG. ALDEN:

Getting down into the Bar Association.

LEG. CRECCA:

I forgot whether I did or not. No seriously, I think I had some problems with this bill in committee and I was just ••

LEG. ALDEN:

Well, as the Chairman ••

LEG. CRECCA:

Can someone explain what the bill does.

LEG. ALDEN:

As Chairman, there was a problem with constitutionality as far as establishing and taking away, but that was just one problem.

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

I did look at that question and Legislator Alden I believe raised it because there was a

requirement that the proposed •• the lottery entrants had to have at least two years, was that the question?

LEG. CRECCA:

Yeah, that's right, that's exactly it. Okay.

MS. KNAPP:

I think to that question, there were a number of cases. And quite honestly, there were a number of cases that dealt with that issue, they all seem to be •• the deciding factor is whether or not there's a strong governmental interest in imposing a condition of experience. I think in this one you could certainly make the argument that, you know, that this space is at a premium and that we need to make sure that we have people who can pay the rent on it. It is a question, but on the other hand I don't think it precludes the Legislature from considering it just on that basis.

P.O. CARACAPPA:

You know, I have some questions but I don't want to ask them now; in fact, there are other responsible parties in this matter. So I'm going to make ••

LEG. CRECCA:

Motion to recommit to committee.

P.O. CARACAPPA:

I just want to make a motion to table, but your's takes precedence. Is there a second to Legislator Crecca's recommitting motion.

LEG. ALDEN:

Either one would be good.

P.O. CARACAPPA:

All right, I'm going to make a motion to table.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Thank you.

1628•04 • Institute e•mail announcement of County bid offerings (Cooper).

LEG. COOPER:

Motion to approve.

P.O. CARACAPPA:

Motion by Legislator Cooper.

LEG. CARACCIOLO:

Second.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator •• I'm sorry, from this side? Caracciolo. All in favor?

LEG. CARPENTER:

Aren't we doing this? Excuse me, on the motion.

P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

I would just ask anyone who might know, aren't we already doing this, aren't the bids posted

on the website? And is this something different; who are we sending e-mails to?

P.O. CARACAPPA:

Legislator Cooper, if you wouldn't mind.

LEG. COOPER:

I would assume not because a copy of the resolution was sent in advance to the head of the Purchasing Department for their input and no concerns were expressed. So I believe ••

LEG. CARPENTER:

That didn't answer my question, though.

P.O. CARACAPPA:

Do we do this; Counsel, do you want to elaborate?

MS. KNAPP:

When I went on the Internet on the County's website, all there is is a name and address of who to contact in Purchasing. Legislator Cooper's bill goes much further than that, it would require them to actually •• it would actually require them to set up an e-mail bid announcement list. I think I know what Legislator Carpenter •• there are certain RFP's that are on the website, but this specifically goes the step further and if you register you'll get an e-mail announcement that a certain bid or RFP is being considered. So I guess it's ••

LEG. CARPENTER:

Does anyone •• and I'm just calling up the resolution now. How does a prospective bidder get themselves on this e-mail list; does the resolution address that? I'd ask the sponsor.

P.O. CARACAPPA:

You defer to Counsel?

LEG. COOPER:

No, we don't spell any specific procedure out.

MS. KNAPP:

I assume they could telephone or they could write or they could e-mail; we don't specify a way

that they would have to do it, no.

D.P.O. CARPENTER:

Okay, here it is, that, "The Commissioner of Public Works or Director of Purchasing will cooperate with the County Department of Human Resources and Public Information to establish such webpage to have the capability of permitting future potential bidders to register.

P.O. CARACAPPA:

Yeah, so there would be a web page and those who come across it can send in and say, "Put me on the list."

LEG. CARPENTER:

Great. Okay, thank you.

P.O. CARACAPPA:

Very good. Motion by Legislator Cooper and ••

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

•• there's a second. All in favor? Opposed? Abstentions?

1628 is approved.

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1638•04 • Authorizing the extension of a lease of premises located at 375 Commack Road, Deer Park, NY, for the 2nd District Court (Presiding Officer at the Request of the County Executive). Motion by ••

LEG. VILORIA • FISHER:

I'll make a motion.

P.O. CARACAPPA:

Legislator Binder, second by Legislator Crecca. Maybe not Crecca.

LEG. CRECCA:

No.

P.O. CARACAPPA:

Is that where you're going to be sitting?

LEG. CRECCA:

No, but I'm wondering about the price of the lease.

P.O. CARACAPPA:

Second by myself. All in favor?

LEG. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I would just ask, since I'm not a member of the committee, if the department was queried on who the lease is going to be taken with and, you know, who's involved.

P.O. CARACAPPA:

This is an extension.

LEG. CARPENTER:

Did we •• okay.

P.O. CARACAPPA:

It's the current.

LEG. CRECCA:

No, it's not a current •• it's not an extension.

P.O. CARACAPPA:

It says it right here, "authorizing the extension of a lease."

LEG. CARPENTER:

Well, let's find out what it is then.

LEG. CRECCA:

Oh, I'm sorry, you're right.

P.O. CARACAPPA:

Okay. It's just an extension. Just for the record, why don't you just put the lease holder on ••

LEG. CARPENTER:

Yeah, that was what I was getting at.

MS. KNAPP:

Manor Park Inc., is the name of the lease.

LEG. CRECCA:

Do we know who the principals are of that corporation?

LEG. CARPENTER:

Yeah, but they're •• unless you have the physical resolution, you don't have that back up, so was that asked in committee and if not can we find out who it is?

LEG. ALDEN:

No, it wasn't asked for in committee.

MR. BARTON:

We'll get it for you.

LEG. FOLEY:

Mr. Chairman, just a point of ••

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Yeah, the Clerk should tell us on the record whether or not that particular document was submitted along with the resolution.

MR. BARTON:

We're going to go look in the back.

P.O. CARACAPPA:

They usually always are.

LEG. FOLEY:

Yeah, they usually are.

P.O. CARACAPPA:

It's always usually required at Space Management as well prior to advancement to the Legislature. We'll skip over it.

MS. CAPUTI:

I can have them cover over if you'd like to ask them ••

P.O. CARACAPPA:

Ms. Caputi?

MS. CAPUTI:

Would you like me to have the County Attorney that reviewed that lease come over?

P.O. CARACAPPA:

No, that's actually not necessary, we should be able to pull the information ourselves before that. Thank you, though.

1640•04 • Authorizing the extension of a lease of premises located at 1330 Motor Parkway, Hauppauge, New York, for use by the Department of Health Services (Presiding Officer at the Request of the County Executive).

LEG. CARACCIOLO:

Joe, excuse me.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Was there a vote on that?

P.O. CARACAPPA:

No, we're passing over it, the Clerk's going to look for some information, we'll pass over 1640•• Henry, could you try and get the information for this one, too?

MR. BARTON:

Yes.

LEG. FOLEY:

It's a one year extension, Mr. Chairman, on 1640.

P.O. CARACAPPA:

No, I have no problem with it, but we'll wait, other Legislators have asked.

Sense Resolutions:

Sense 51•2004 • Memorializing Resolution requesting the State of New York continue the "Power for Jobs Program" (Viloria•Fisher).

LEG. VILORIA • FISHER:

Motion.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Sense 52•2004 • Sense of the Legislature Resolution requesting New York State allow tax free gasoline for the July 4th and Labor Day Weekends (Carpenter). Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

LEG. VILORIA • FISHER:

Put me down as opposed.

P.O. CARACAPPA:

One in opposition on 52 by Legislator Viloría•Fisher.

MR. BARTON:

16 (Opposed: Legislator Viloría•Fisher • Absent: Legislator Tonna).

P.O. CARACAPPA:

Sense 53•2004 • Sense of the Legislature Resolution in opposition to changes in welfare/health care policies in proposed 2004 New York State Budget (Viloría •Fisher). Motion by Legislator Viloría•Fisher, second by Legislator Foley. All in favor?

Opposed? Abstentions?

LEG. CRECCA:

List me as an abstention.

MR. BARTON:

16, 1 abstention (Abstention: Legislator Crecca • Absent: Legislator Tonna).

P.O. CARACAPPA:

Sense 55 • 2004 • Memorializing Resolution in support of State of New York legislation to exempt gasoline from sales tax for the summer season (Alden). Motion by Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

LEG. VILORIA • FISHER:

Abstain.

P.O. CARACAPPA:

One abstention.

LEG. MONTANO:

Abstain.

P.O. CARACAPPA:

Two abstentions, Montano, Vioria•Fisher, three, Legislator Bishop.

MR. BARTON:

14 (Abstentions: Legislators Vioria•Fisher, Montano & Bishop • Absent: Legislator Tonna).

P.O. CARACAPPA:

Sense 56 • 2004 • Sense of the Legislature Resolution requesting a cap on sales tax on gasoline (Binder). Motion by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

LEG. VILORIA • FISHER:

Abstain.

LEG. MONTANO:

Abstain.

P.O. CARACAPPA:

Abstain, Legislator Vilorina • Fisher, Montano.

Going back in the agenda ••

MR. BARTON:

14 (Abstentions: Legislators Vilorina • Fisher, Montano & Bishop •
Absent: Legislator Tonna).

P.O. CARACAPPA:

Thank you, Mr. Clerk.

1552, on the front page of your amended agenda.

LEG. LINDSAY:

What committee?

LEG. FOLEY:

1194.

P.O. CARACAPPA:

1194 is right.

LEG. BINDER:

I asked we postpone it.

P.O. CARACAPPA:

Yes, you did, Legislator Binder.

LEG. BINDER:

I had asked we postpone it ••

P.O. CARACAPPA:

It's under Tabled Resolutions, the first page.

LEG. BINDER:

At the last •• or before we continued the meeting, I had asked that we postpone it to the end of the meeting, 1194.

P.O. CARACAPPA:

Oh, you want it at the very end, okay.

LEG. BINDER:

(Shook head yes).

P.O. CARACAPPA:

1543, we approved 1552. Did we get the information, Mr. Spero, could you just give us the numbers, what's in the pipeline, what we'll have left?

MR. SPERO:

There's \$6 million in the pipeline, that includes the \$3 million CN for Legislator Bishop's initiative.

P.O. CARACAPPA:

Can you say that one more time, I don't think anyone was listening.

MR. SPERO:

Six million dollars, just over \$6 million in funding is approved •• is in the pipeline.

P.O. CARACAPPA:

Is in the pipeline.

MR. SPERO:

If all the resolutions are approved, there'll be about an \$8 million balance for water quality programs for the remainder of this year.

LEG. SCHNEIDERMAN:

Sounds good.

P.O. CARACAPPA:

Okay, we got it?

LEG. BISHOP:

Sounds too good to believe.

LEG. VILORIA • FISHER:

Oh, come on, let's not start debate now.

P.O. CARACAPPA:

I thought it was too good to believe we wouldn't have any debate.

LEG. SCHNEIDERMAN:

Come on, we got the answer, we said we wouldn't debate this later if we held this up.

LEG. VILORIA • FISHER:

Right.

LEG. BISHOP:

No, I don't want to debate it ••

P.O. CARACAPPA:

Go ahead, Legislator Bishop, go right ahead.

LEG. BISHOP:

I just want to make sure we're accurate.

P.O. CARACAPPA:

Ask your question.

LEG. BISHOP:

That's just under water quality surface water aspects, segregated account? How much is •• what's the account balance right now?

MR. SPERO:

As we speak it's almost \$14 million we're projecting for the remainder of this year.

LEG. BISHOP:

Okay. So if we do the ••

MR. SPERO:

And there's \$6 million in the pipeline ••

LEG. BISHOP:

Right, that brings us down to eight.

MR. SPERO:

•• which would leave about 7.8 million, about \$8 million left.

LEG. BISHOP:

And then we have the vector one which is •• it's just a million or it's \$4 million, how do we look at that?

P.O. CARACAPPA:

I believe it's less than a million. Six hundred and one thousand dollars ••

LEG. BISHOP:

This the 600,000, it's not the full ••

LEG. VILORIA • FISHER:

This includes that.

MR. SPERO:

This is inclusive of that.

LEG. BISHOP:

That's what I'm asking.

MR. SPERO:

That was for the EIS that was done ••

LEG. BISHOP:

Yeah, that's already in the pipeline.

MR. SPERO:

That's already in the pipeline.

LEG. BISHOP:

Good.

P.O. CARACAPPA:

Okay?

LEG. BISHOP:

That's good.

P.O. CARACAPPA:

Very good. There's a motion to approve by Legislator Vilorio•Fisher, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Thank you, Mr. Dawydiak and company, we appreciate it.

LEG. CRECCA:

There better be no mosquitoes in my backyard.

P.O. CARACAPPA:

Okay, what else did we skip over here?

LEG. FOLEY:

1524.

P.O. CARACAPPA:

Mr. Clerk, do we have the information on 16 •• did I miss something else?

LEG. FOLEY:

1524 or did we table that?

LEG. CRECCA:

There's a CN on that, Brian, that's why.

LEG. FOLEY:

A CN, okay.

LEG. MYSTAL:

A CN on 24 and 73 I think.

P.O. CARACAPPA:

Okay. There's backup on ••

LEG. CARPENTER:

On 1638, I did look at the backup on it, there is no disclosure on who the landlord is.

P.O. CARACAPPA:

Motion to table.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Motion to table what number?

LEG. FOLEY:

Just on the motion, Mr. Chairman?

P.O. CARACAPPA:

Yeah, go ahead.

LEG. FOLEY:

Can we hear from the Clerk, was the disclosure statement filed and you just simply didn't append it to what we received?

MR. BARTON:

Everything that was filed has been given to the Presiding Officer.

LEG. FOLEY:

And there's no disclosure statement ••

LEG. CARPENTER:

There is not.

LEG. FOLEY:

•• of the principals?

MR. BARTON:

Not for the extension apparently, no.

LEG. FOLEY:

I know the law that ••

P.O. CARACAPPA:

Russ Kassada, he's the attorney.

LEG. FOLEY:

•• controls •• Mr. Chairman, the law that controls this particular area which I had sponsored

years ago did also include extension of leases, so we have to table it. Unless before the end of the meeting there's a copy of that particular disclosure statement, otherwise it will have to be tabled.

P.O. CARACAPPA:

Yep. 1638, motion to table by myself, second by Legislator Carpenter. All in favor? Opposed? Same motion, same second, same vote for 1640.

MR. BARTON:

17 and 17, they're both tabled (**1638•04 & 1640•04 TABLED Absent: Legislator Tonna*).

P.O. CARACAPPA:

Okay. Page five are the CN's and ••

LEG. SCHNEIDERMAN:

Did we do the Procedural Motion; can we take the Procedural Motion?

P.O. CARACAPPA:

Has it been distributed?

LEG. SCHNEIDERMAN:

Yes, it has.

P.O. CARACAPPA:

I haven't seen it.

LEG. SCHNEIDERMAN:

It should be in front of you.

P.O. CARACAPPA:

There's a motion by Legislator Schneiderman.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

And seconded by Legislator Caracciolo ••

LEG. CARACCIOLO:

Cosponsor.

P.O. CARACAPPA:

•• to approve *Procedural Motion No. 3 which is authorizing legal action to prevent the license extension for Millstone 2 and 3.*

LEG. VILORIA • FISHER:

I'll second that.

LEG. FOLEY:

It's very good.

P.O. CARACAPPA:

Cosponsor by Legislator Vilorina•Fisher and Caracciolo.

LEG. CARPENTER:

Cosponsor.

LEG. ALDEN:

Cosponsor.

P.O. CARACAPPA:

Cosponsor by Legislators Carpenter ••

LEG. COOPER:

Cosponsor.

LEG. SCHNEIDERMAN:

I had requested a CN on this issue and I did not receive it, so we're going to go through the Procedural Motion.

LEG. CARPENTER:

If I could, through the Chair. I didn't hear you, Legislator Schneiderman; what did you say?

LEG. SCHNEIDERMAN:

I want to say a couple of things. First of all, I thank you all for your support on this. Millstone is in early, for some reason, to try to extend their license which would expire in 2015, to extend it for 20 years. It's an old power plant, as you know, and it's a great concern to many of us who live on the east end of Suffolk County. I had requested on Friday, through fax and e-mail and multiple conversations from the County Executive's Office, a CN for today, it did not come through. That would have compelled the County Attorney to take action, potentially filing an _Amecus_ brief to oppose the relicensing or the license extension, so instead we're moving through a Procedural Motion and that is why it's before you. Time is of the essence here, it's right now in the courts. The NRC could act, pending a favorable turnout from Millstone, very quickly and give this extension early, so this is our only chance before we meet again.

P.O. CARACAPPA:

Very good.

LEG. SCHNEIDERMAN:

It would probably be too late in August.

P.O. CARACAPPA:

Mr. Zwirn?

MR. ZWIRN:

Yes. Thank you, Mr. Presiding Officer. The reason that a CN has not been issued, Legislator Schneiderman did send us over information on Friday, the County Executive's Office and the County Attorney's Office, they had a couple of changes and then they realized that they can do this by Executive Order, that the CN wasn't necessary, so that's how they had planned to proceed. So it wasn't because they did not •• they did not think it was important.

P.O. CARACAPPA:

Was Legislator Schneiderman told that?

MR. ZWIRN:

I just found out today because I called over why we didn't get one forward and that's why.

P.O. CARACAPPA:

I think we should proceed with your Procedural Motion.

LEG. BINDER:

Absolutely.

P.O. CARACAPPA:

Legislator Mystal?

LEG. FOLEY:

We can do both.

LEG. MYSTAL:

Is there somebody actually right now suing to stop this?

LEG. SCHNEIDERMAN:

Yeah. The coalition, the Connecticut Coalition Against Millstone has this now in the courts. There's only a brief period and as soon as that gets released the NRC, the regulatory commission will probably, as they do in many cases, go ahead and issue this extension. So yes, the timing is critical.

LEG. MYSTAL:

Okay, so ••

LEG. FOLEY:

Timing is critical and ••

LEG. SCHNEIDERMAN:

We want to get in on that lawsuit and file our brief.

LEG. FOLEY:

It's fine to see that we want to challenge the Bush Administration's Nuclear Regulatory Commission.

P.O. CARACAPPA:

Thank you, Legislator Foley. Hey, no political statements; hey, come on, come on. There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. LINDSAY:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Lindsay; Lindsay, right?

LEG. LINDSAY:

Yeah.

MR. BARTON:

16 (Opposed: Legislator Lindsay • Absent: Legislator Tonna).

P.O. CARACAPPA:

CN's, ***1513•04 • Establishing a storm drain pollution remediation program and amending the Operating Budget.*** Legislator Bishop?

LEG. VILORIA • FISHER:

Oh, is there enough money in the 477 Account?

LEG. FOLEY:

Should we make any ••

P.O. CARACAPPA:

This is the tattoo that Legislator Losquadro got.

LEG. FOLEY:

Should we bring forward the metaphor with the sailors with this one or does it apply to this one or not?

P.O. CARACAPPA:

Rocks in the box, let's go. 1513, motion by Legislator Bishop.

LEG. BISHOP:

It's an RFP, but motion to approve.

P.O. CARACAPPA:

RFP, right.

LEG. FOLEY:

How is this different from all the other resolutions, Legislator Bishop?

P.O. CARACAPPA:

Motion by Legislator Bishop ••

LEG. FOLEY:

Does it come down to who the sponsor is?

LEG. CRECCA:

It has my support, that's why.

P.O. CARACAPPA:

Motion by Legislator Bishop, second by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1524•04 • Authorizing the transfer of certain properties to Suffolk County

Department of Parks, Recreation & Conservation.

LEG. CARACCIOLO:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion by Legislator Caracciolo.

LEG. CRECCA:

On the motion.

P.O. CARACAPPA:

There's a second by Legislator Vilorina•Fisher. On the motion, Legislator Crecca.

LEG. CRECCA:

Why is this •• and I •• why is this coming down as a CN and why does this have to be done ••

P.O. CARACAPPA:

Mr. Zwirn?

LEG. CRECCA:

Because normally these things go through the Parks Committee, doesn't it?

P.O. CARACAPPA:

Mr. Zwirn, go ahead. Thank you.

MR. ZWIRN:

Yes, it did go through the Parks Committee but we found one •• there was one parcel there that the Town of Southold asked us to hold out for a possible affordable housing site. So it was on their regular calendar so we amended it to reflect that in the CN.

LEG. CRECCA:

Did the Parks Committee Chairman, you approve the ••

P.O. CARACAPPA:

Jay's Parks.

LEG. VILORIA • FISHER:

No, I'm Parks. I'm trying to think, in the committee I think we did approve it. However, a couple of properties have come to my attention that are on this list that I would like to actually check to see if they are suited for parkland purposes.

LEG. CRECCA:

And I guess the question is is there an urgency to adopt this or •• I mean, I understand why the CN, I'm not arguing with you, I appreciate it.

MR. ZWIRN:

Well, it was on the calendar today in total, it had gone through the committee process, it had gone through, all we did was amend it to take that one parcel out.

LEG. SCHNEIDERMAN:

I can't see a rush to put things in parkland. I'm sure most of these things, I'll agree that they should be in parkland but if we make mistake and put pieces in, they're very hard, as you know, to get them out, so.

P.O. CARACAPPA:

Okay. This is on the agenda you said, right, Ben?

MR. ZWIRN:

That's correct.

P.O. CARACAPPA:

Okay. What I would recommend is that we •• for now you withdraw the CN •• just hear me out •• withdraw the CN.

LEG. CRECCA:

Make a motion to table.

P.O. CARACAPPA:

I'll make the motion to table the bill on the floor and then you would have the month of July to make the amendments after Legislator Schneiderman has been made comfortable with the few of those parcels; would you entertain that idea?

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

Very good. So, the CN on 1524 has been withdrawn.

We'll go to 1524 on the agenda now. Motion to table by myself, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Thank you, Mr. Zwirn, we appreciate that.

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Moving on to **1671•04 • Authorizing acquisition of land under the new Suffolk County Drinking Water Protection Program, this is the AVR Property.** Motion by Legislator O'Leary.

LEG. CARACCIOLO:

On the motion.

P.O. CARACAPPA:

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

LEG. CARACCIOLO:

I'd like Real Estate officials to come up. They've been here all day, might as well give them an opportunity to speak.

LEG. ALDEN:

This is on the ATV park?

LEG. SCHNEIDERMAN:

AVR, not ATV.

LEG. CARACCIOLO:

No, that's O'Leary's District, too, but that's another day.

DIRECTOR ISLES:

We have here today, Mr. Caracciolo and Members of the Legislature, the Director of Real Estate and the appraisal reviewer for this particular case available to you.

LEG. CARACCIOLO:

Okay. First I'd like to thank both you and Pat Zielenski for forwarding to the committee and to myself copies of the appraisals. I just have a couple of quick questions with regard to the appraisal amounts because they were reconciled by the review appraiser. So if you could just quickly explain to the Legislature what the reconciliation was about and what methodology you used to come up with the number, the mean that you came up with.

MS. LONGO:

Well, we used two appraisals, one by _Matussin_ , one by Given.

LEG. CARACCIOLO:

Could you speak up a little bit?

MS. LONGO:

Okay.

MS. BRAATEN:

Could you just state your name, please?

MS. LONGO:

Janet Longo. The appraisals are consultant appraisals, we ordered two of them, the numbers came in very close. I looked at all the comps, I reviewed all the numbers and, as mandated, we went to the mean. I found all the comps to be •• the sales comps to be very comparable; the numbers actually were very good and I think this is a bargain, to tell you the truth.

LEG. CARACCIOLO:

Could you tell us what those numbers were? And one of those two appraisals was ordered by the Town of Brookhaven, as I recall.

MS. LONGO:

It was ordered by the Town of Brookhaven and it was certified to Suffolk County.

LEG. CARACCIOLO:

Yes, I'm aware of that.

MS. LONGO:

The other appraisal was ordered by Suffolk County.

LEG. CARACCIOLO:

Could you just share the appraised values they come up with and what comparables did they use?

MS. LONGO:

The comparables •• well, first of all, there are three different parcels; _Foxlaire_ is in the compatible growth area, we're purchasing that fee, all of it. The comparables used for _Foxlaire_ were all in the immediate area, Yaphank, Middle Island, all in the compatible growth area, all in the surrounding towns, and in Yaphank. _Matussin's_ appraisal came in at \$47,500 per acre and Given's appraisal came in \$43,659 per acre; the mean value is \$45, 580. These appraisals were done back in November of '03, so we added •• we received time adjustment letters from both appraisers, we added a 3% time adjustment on to that.

LEG. CARACCIOLO:

Okay, my next question would be to Mr. Isles. This in effect •• if this acquisition is approved,

and I intend to support it •• would not be an acquisition under the new guidelines that were just recently approved by the Legislature in May, this is under the old process.

DIRECTOR ISLES:

Right, this is under the old process, yes.

LEG. CARACCIOLO:

I just want to make a point, a little commentary that the old process worked as good as I think the new one is going to work. As you pointed out, Mrs. Longo, these are good numbers. And just to give us a sense of comfort, what does the average acre go for in the comparable growth area of this part of Brookhaven Town? Because you said the 43, \$47,000 range is a good value.

MS. LONGO:

On a parcel this large, it's 195 acres.

LEG. CARACCIOLO:

Right, but I'm saying per acre, what's the going rate?

MS. LONGO:

Well, it's different and it depends on the size of the parcel and where it is. So this is a large parcel of vacant land, \$50,000 an acre for raw acreage with no approvals is reasonable.

LEG. CARACCIOLO:

Okay. Thank you.

DIRECTOR ISLES:

Obviously, if it was a single lot on a road it would fetch more money for that.

I would just like to add, too, that this is the •• this would be the largest acquisition by the County of Suffolk in approximately a decade, the amount of acreage. I'll also point out, too, that the Town of Brookhaven has passed a resolution supporting this to the tune of \$4 million, so our portion would be four million less. We have representatives today from the Town of Brookhaven here as well as from The Nature Conservancy which assisted the County in this case.

P.O. CARACAPPA:

Very good. Legislator Montano.

LEG. MONTANO:

Yes, I just had a question. Looking at the resolution, has this issue come before the committee before? Because it's here on a C of N and I'm just wondering what the necessity is to deal with it. I understand we're spending \$6 million, but I don't have a background in this; why a necessity to do it with a C of N?

DIRECTOR ISLES:

It's a good question. We did bring this before the Environment Committee a couple of weeks ago as a courtesy presentation, we appreciated the cooperation of Chairman Losquadro on that and we presented the case to them.

The reason we're requesting a CN at this time is that we have, number one, a big gap in terms of the next scheduling of the meetings, but we are hoping to do two things today with your positive consideration of this. One is to maintain a good faith track with the owner who has been negotiating with us very carefully and seriously on this, we feel we have a good transaction before you at this point and we'd like to move it. But more importantly is that we're hoping to finance this through the Environmental Facilities Corporation. The County of Suffolk did a Legislative action a couple of years ago authorizing an application and we have access ultimately to \$62 million; however, that's broken down to \$15 million lines of credit on an annual basis. We would like to finance this through EFC •• EFC gives us one year of no interest •• and then folding it into a long•term debt of about half the municipal borrowing rate. So we think it's very favorable to the County to use the window of opportunity that the EFC has provided to us and in order to do that we would request your consideration today of this. This is, we think, a home run acquisition in many respects and doing it through EFC would be a part of that.

LEG. MONTANO:

Just so I'm clear, the window, when does that window close?

DIRECTOR ISLES:

The annual window typically closes at the end of the September for the State fiscal year.

LEG. MONTANO:

All right, thank you.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yes, Mr. Isles, just for the record I'd like to have your response with respect to identifying the actual owner of the property. Now, AVR Realty is listed as the owner, that's the corporation, he's not the principal owner; AVR stands for what?

DIRECTOR ISLES:

My understanding is that that name, corporate name stands for Allan V. Rose, so I understand that he's the principal owner of the property. There may be other owners, I believe there are other owners of the property. The County does require a full disclosure statement prior to closing, so certainly the County Attorney's Office would have that. But AVR is, in essence, Allan V. Rose and Company.

LEG. O'LEARY:

Right. And so Mr. Allan V. Rose is the principal owner of AVR and I understand that Mr. Breslin is also a partial owner of same?

DIRECTOR ISLES:

That's my understanding as well, yes.

LEG. O'LEARY:

All right, thank you.

P.O. CARACAPPA:

Any other questions? Okay, I'd ask all Legislators to report to the horseshoe. Just poke your head out and see if there's anyone out there, Paul. Thank you.

All right, I'll do a roll call on it. There's a motion and a second. Roll call.

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

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Pass.

LEG. MYSTAL:

AVR, it's AVR, right? Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yeah.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. BINDER:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

17 on the CN (Absent: Legislator Tonna)

P.O. CARACAPPA:

It's approved.

1672•04 • Authorizing the County Executive to execute supplemental agreements #7 and #8 to lease with the Air National Guard. Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1675•04 • Adopting Local Law No. 2004, a Local Law to extend the County Code of Ethics to all outside business activities. Is there a motion.

LEG. ALDEN:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Alden.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

There is a second? Second by Legislator Caracciolo.

LEG. LINDSAY:

Explanation; which one is this?

P.O. CARACAPPA:

This is the Levy ••

LEG. MYSTAL:

That's the Levy bill. Roll call.

P.O. CARACAPPA:

•• outside business.

LEG. LINDSAY:

I still would like ••

LEG. FOLEY:

Explanation from Counsel.

LEG. CRECCA:

I thought they were withdrawing this.

P.O. CARACAPPA:

No, this one hasn't been withdrawn. The public hearing was closed.

LEG. MYSTAL:

Motion to table.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

There's a motion to table by Legislator Mystal, second by Legislator Montano.

LEG. ALDEN:

Roll call.

P.O. CARACAPPA:

We're waiting on an explanation, you still want that, Legislator ••

LEG. FOLEY:

No.

LEG. CARACCIOLO:

Roll call.

MS. KNAPP:

This would prohibit basically pretty much all County employees; it's fairly extensive. It extends to County wide electeds, it extends to all elected officials, it extends to all appointed exempt, management, management confidential or appointed exempt employees. So I •• anyone not fill •• any appointment not being filled pursuant to New York Civil Service Law; New York Civil Service Law Competitive Examination, I take that back, because there are some Civil Service Non•Competitive that would be covered. And it's not limited to acting as an attorney, you would be prohibited from acting as an attorney, an accountant, an engineer, an architect, a financial advisor or an investment banker.

P.O. CARACAPPA:

Okay? So there's a motion and a second. Roll call.

LEG. CRECCA:

This is on what?

LEG. MONTANO:

To table.

P.O. CARACAPPA:

Approve •• oh, table, right.

MR. BARTON:

On the motion to table.

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

LEG. MYSTAL:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Pass.

LEG. CRECCA:

No to table.

LEG. ALDEN:

Pass.

LEG. LINDSAY:

Pass.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Pass.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

Pass.

P.O. CARACAPPA:

No to table.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. ALDEN:

No.

LEG. LOSQUADRO:

No.

LEG. O'LEARY:

No to table.

LEG. CARPENTER:

No.

LEG. CARACCIOLO:

Motion to approve.

LEG. CRECCA:

Second.

MR. BARTON:

Seven (Absent: Legislator Tonna).

P.O. CARACAPPA:

Tabling fails.

There's a motion to approve to •• motion and a second to approve.

Roll call.

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

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. CARPENTER:

Pass.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Abstain.

LEG. NOWICK:

Yeah, yeah.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CARPENTER:

Yes.

LEG. SCHNEIDERMAN:

I'm going to change my vote, I'm going to approve.

MR. BARTON:

11 (Absent: Legislator Tonna).

P.O. CARACAPPA:

The CN fails but the bill is eligible for committee action, we will send that bill to Ways and Means.

LEG. ALDEN:

Oh, thank you.

LEG. MYSTAL:

Ways and Means? No.

P.O. CARACAPPA:

The Democrats are happy.

Okay, moving on, ***1677•04 • Confirming the appointment of Martin I. Efman as the District Court Judge for and of the 3rd District to fill a vacancy.*** Is there a motion?

LEG. MYSTAL:

Motion.

P.O. CARACAPPA:

Motion by Legislator Mystal, second by myself.

LEG. CARACCILO:

Roll call.

P.O. CARACAPPA:

Roll call.

LEG. BINDER:

How many does this take, Mr. Chairman?

P.O. CARACAPPA:

Ten •• 12, it's a CN; sorry, 12.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

Hold on. On the motion, Legislator Aden.

LEG. ALDEN:

Are the candidates here; is the candidate here?

LEG. BISHOP:

They were here the last time.

P.O. CARACAPPA:

They were here the last time, but are they present?

LEG. ALDEN:

Did they answer questions last time?

P.O. CARACAPPA:

No, they did not.

LEG. ALDEN:

Did we establish their credentials and qualifications? I don't see how we can vote on this without the people being here to answer questions. We're putting people in •• this person in a very, very highly esteemed position where they're going to make almost life and death decisions. So without •• yeah, they establish bail for murder and all that kind of stuff. Why, you're diminishing the role of a ••

LEG. CRECCA:

No.

LEG. MYSTAL:

It's District Court.

LEG. ALDEN:

All right, good, then they should be here as an appointee that's never been appointed and they've never been elected to a District Court position, they should be here to answer questions.

LEG. BISHOP:

Play by the rules; this is illegal, this is illegal.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

The two prospective appointees were here at the last meeting that we had, they were here from the morning until the afternoon. They had told us that they could not because they are still lawyers who are in court with there clients today, Monday, that's the only reason why they couldn't come here today, they had told us that, you know, it would be impossible for them to show up today. So, you know, both of them are respected lawyers, they've been approved by the Bar Association.

LEG. ALDEN:

How do I know that?

LEG. MYSTAL:

How do you know that? They wouldn't have been put in front of us if the Bar had disapproved them.

LEG. ALDEN:

Oh, don't say that; I've seen other staff out there.

P.O. CARACAPPA:

Okay? Legislator Montano then Foley.

LEG. MONTANO:

Yeah, I just want to say, I do know that Mr. Efman was before ••

Mr. Efman was before or came to the Legislature at the last meeting ready to answer questions, we adjourned the meeting, but it's not unprecedented that we would make an appointment without the person coming before the Legislature; we've done that in the past and if we want to do it we can do it now. If we're going to make a hard and fast rule that we don't appoint someone because they don't come here and answer questions then we should be consistent in that across the board.

LEG. ALDEN:

We are.

LEG. MONTANO,

No, we're not. We have made appointments without people coming before the Legislature and answering questions, we've done that in the time I've been here.

LEG. ALDEN:

(Inaudible).

P.O. CARACAPPA:

Okay.

LEG. MONTANO:

Well, that's your opinion but the record speaks for itself.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

These two choices, these two prospective Judges did make a good faith effort, they were in Riverhead at our last meeting last Tuesday. The fact remains why it needs to be done today lies in the fact that there's a backlog of cases that we're told if we wait until August would make it more difficult for those two particular districts to operate, those Judicial Districts, in that it's been asked by the Presiding Judge that we move on these this month so that these two fine appointments can get to these cases in the early part of the summer, adjudicate these cases in the early part of the summer as opposed to the end of the summer, so that's why there's a necessity to approve these today. If they hadn't appeared last week I would readily agree with Legislator Alden, we should table them, but they did make a good faith effort and they were in attendance for many hours last Tuesday.

P.O. CARACAPPA:

Next, Legislator Crecca.

LEG. CRECCA:

Yeah, and I will say •• and again, Legislator Alden is right in the sense that we usually do have them come before me. I had the opportunity to speak with both of the candidates in what I can only call a very informal interview last Friday when they were here when it was questionable as to whether we would get to the CN's. And while I don't know Ms. Bean who's the one that comes up latter, personally, I was comfortable with my interview with her. And I know Mr. Efman for many, many years and I could honestly say that Marty Efman is practicing District Court longer than I've been a practicing attorney and is very well respected there among the bar and certainly qualified; but that's not to minimize Legislator Alden's point, it is a legitimate point. But I am aware that the Administrative Judge has requested that the County Executive fill these vacancies, it's just 'til the end of the year and, you know, I'll be supporting Mr. Efman's nomination.

P.O. CARACAPPA:

Legislator Caracciolo, then Alden, then Mystal.

LEG. CARACCIOLO:

Does Counsel or anyone else know how many District Court Judgeships are there in Suffolk County?

LEG. BISHOP:

Not enough.

LEG. CRECCA:

I don't know the exact number, I'd have to look it up.

LEG. MYSTAL:

There are about two to each town.

LEG. CRECCA:

A couple of dozen.

MS. KNAPP:

A couple of dozen is probably •• I mean, if you'd like to I could get my Bar Directory.

LEG. CARACCIOLO:

Well, I mean, an approximate.

LEG. CRECCA:

About two dozen I think, two•and•a•half dozen.

LEG. CARACCIOLO:

Okay. The two particular individuals that are before us today, how did they become before us? I mean, the County Executive is sponsoring the resolution, maybe Mr. Zwirn or somebody else can tell us who put these names forth and what their political party persuasion is.

P.O. CARACAPPA:

Mr. Zwirn, if you wouldn't mind.

MR. ZWIRN:

I can't honestly tell you how these names came up out of the process, I wasn't privy ••

LEG. CARACCIOLO:

That's really the question, what is the process that identifies and puts forth names to fill important vacancies in the District Court?

MR. ZWIRN:

Well, I wasn't privy to it so I can't really •• I wish I could answer the question, I can't.

P.O. CARACAPPA:

Legislator Caracciolo, instead of sounding stupid •• and not that that did and we're going to pretend that we don't know how this process happened •• it happens through politics and party leaders and that's how it happened. So in case you didn't know that, that's how it is and I'm not afraid to say that's the process.

LEG. MYSTAL:

Thank you, Joe.

P.O. CARACAPPA:

It's not the greatest process but that's how it goes.

LEG. CARACCIOLO:

No, I understand. You know ••

P.O. CARACAPPA:

And it's not a good process, to be quite honest with you, but there are vacancies, they need to be established, the process is that this Legislature fills those vacancies and the process prior to this point in time is it's a political process.

LEG. CARACCIOLO:

So the party leaders, if I understand what you've said, have submitted these names, the party leaders, both political party leaders?

P.O. CARACAPPA:

I personally have not talked to party leaders about this ••

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

•• or got a sign•off or asked to do this.

LEG. CARACCIOLO:

Are these individuals Independents, Republicans, Conservatives?

P.O. CARACAPPA:

They're both Democrats.

LEG. CARACCIOLO:

They're both Democrats, okay.

LEG. CRECCA:

I'm not.

LEG. CARACCIOLO:

I know nothing about them, so I'm just asking some questions.

LEG. MYSTAL:

I'm trying to answer your question. I know both of these appointees, Mr. Efman has been talked about already by Mr. Crecca. Ms. Bean is an African•American who lives in North Amityville, came •• a school board member, came from a very prominent family in North Amityville, her uncle is a retired police officer, her father is a retired Postal worker, her mother was a school teacher, she's been practicing law since 1986; she's a very, very talented person. They were here to answer the question. And I might add, you know, at present we have no African•American on the •• sitting on the judiciary anyway in Suffolk County. So she was ••

you know, she went to the Bar for screening and was approved with flying colors and she was here Friday •• I mean last Tuesday, to answer questions, unfortunately she told me she could not be here because she's still trying to wind down her cases that she has with her clients, not to leave them in limbo before this appointment comes through, that's why she wasn't here.

LEG. CARACCIOLO:

Would you suffer an interruption?

LEG. MYSTAL:

Yes.

LEG. CARACCIOLO:

The letter in the backup shows that she was screened by the Bar Association in 2000; was she subsequently screened?

LEG. CRECCA:

She was screened this year.

LEG. MYSTAL:

Yes, she was screened again.

LEG. CARACCIOLO:

Okay. Do we have anything in writing from the Bar Association?

LEG. CRECCA:

I don't. I'm aware of the fact that she was found qualified at this time, but that's my own personal knowledge from my conversations with members of the screening committee.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

Thank you. Legislator Alden?

LEG. ALDEN:

Just to point out that these vacancies occurred in January of this year, so we're into the end of June, I believe. Traditionally, in July and August, that's one of the slower times in the courts because that's when court personnel, including Judges, decide to go on vacations, so I don't really see a need to rush into this. And I feel bad that the candidates when here at the last meeting and we didn't get to it, but that's happened plenty of times; I know David _Ochella_ had to show up a number of times before he was confirmed and he went through the process and then eventually got the appointment. Same thing happened with the Commissioners that we've discussed and I think that we owe it to the people of Suffolk County that, you know, we don't just pass on something that, you know, we haven't fully done our job.

So there's no reason to bypass the committee process and do this and there's no really need for any speed in this. I mean, there is representation that, who, the Presiding Judge has said that it would be nice to have people in here, I didn't see that document, nor did the Presiding Judge make that argument to me. So I really think that we're doing something that's totally out of character and totally out of our responsibility, or we're abdicating our responsibility in this manner to make sure that we're putting properly qualified people into very, very •• what I consider very, very high and prestigious positions.

P.O. CARACAPPA:

Thank you. Legislator Mystal.

LEG. MYSTAL:

Just to answer Legislator Alden, if I may. Yes, the summer months are slower months, but you also know as a lawyer that they have Judge training during the summer months. And in order for them to be able to sit on the bench in the early fall when they have their heavy calendar, they need to go to Judge training during the summer months, that's why it would be, you know, important for us to appoint them now.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Can you, please, tell me again why this has to be done now, is it something in July, is there a caseload in July that they have to sit on? Did I hear somebody say there was a reason there was a rush? Because, you know, the only thing I'm thinking is, and I know Mr. Efman and I

know he has a wonderful background, I not know the other candidate either way. When I go out and my constituents say to me, "Why did you vote for them? Did you meet them? Did you talk to them?", I can't honestly say yes. And these might be very fine candidates and I'm sure they are, but if time is not an issue, why wouldn't we send this to the committee and do the same type of diligence as we did in the past with the doctor from the •• the Commissioner of Health and the trustees from Suffolk Community?

P.O. CARACAPPA:

Thank you. Anyone else?

LEG. FOLEY:

To answer the question ••

P.O. CARACAPPA:

There's a motion and a second.

LEG. FOLEY:

To answer the question Legislator Crecca had earlier, the Administrative Judge himself wants to have these in place whether it's a heavy schedule this summer or a light schedule, the fact of the matter is it's been stated on the record that the Administrative Judge himself needs to have these positions filled at the beginning of the summer as opposed to the end of the summer.

P.O. CARACAPPA:

Legislator Caracciolo?

LEG. CARACCIOLO:

I appreciate that, Legislator Foley. Do we know if the Administrative Judge is in support of these two nominees?

LEG. CRECCA:

Judges aren't •• by Judicial Ethics, they are not allowed to endorse either the appointment or election of Judges.

LEG. CARACCIOLO:

Okay. So there's a need but we're not certain that these two individuals, as some have pointed

out, are the two individuals that should fill the need. Thank you.

P.O. CARACAPPA:

Okay. There's a motion and a second to approve. Is there another motion?

LEG. CARACCIOLO:

Roll call.

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

There's a motion to table. Is there a second? Roll call.

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

LEG. MYSTAL:

Yes.

P.O. CARACAPPA:

This is on the motion to approve, yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Pass.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Abstain.

LEG. CARPENTER:

Yes.

LEG. BINDER:

Abstain.

LEG. NOWICK:

Abstain.

LEG. O'LEARY:

Abstain.

MR. BARTON:

12 (Absent: Legislator Tonna).

P.O. CARACAPPA:

The CN is approved.

1678•04 • Accepting and appropriating 100% State grant funds from the New York State Office of Children and Family Services for the Amy Watkins Caseworker Education Program. Motion by myself, second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1697, motion by •• ***1679•04***, I'm reading too many numbers today, ***Confirming the appointment of Toni A. Bean as District Court Judge for and of the 2nd District to fill a vacancy.***

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Montano.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I reiterate all my comments that were made on the previous motion, 1677; I don't feel we should be voting on this today.

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

Roll call.

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

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Abstain.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Abstain.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Abstain.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

12 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1679 is approved.

1680•04 • Authorizing the sales of surplus property sold at the June 15, 2004 auction pursuant to Local Law 13•1976 as per Exhibit "A" (Omnibus Resolution). Is there a motion?

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Vilorina•Fisher. Second by?

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Legislator O'Leary. All in favor?

LEG. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Carpenter.

[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]

LEG. CARPENTER:

Just an explanation as to why we need a CN on this.

MR. ZWIRN:

Yes, this is a CN on the recent sale of surplus property for the County, it was over \$5 million at the auction. This was part of the budget package I think that the Legislature passed back in March. And with interest rates starting to creep up on mortgages, this is money that we would like to get into the •• get the process going so these can be authorized and approved and closed as quickly as possible.

LEG. FOLEY:

I just have a question.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

Legislator Carpenter still has the floor, then Legislator Alden.

LEG. CARPENTER:

On Exhibit A that is attached here, are those the only purchasers?

MR. ZWIRN:

I believe so, let me just take a look; yes.

LEG. CARPENTER:

Okay. So there are no other purchasers other than the ones that we see here listed.

MR. ZWIRN:

These are the ones you'd be authorizing.

LEG. CARPENTER:

Okay, thank you.

P.O. CARACAPPA:

Legislator Alden?

LEG. ALDEN:

Ben, a couple of years ago, and it was before you got here, we actually didn't approve a list of properties that were sold at auction because there was a problem with one of the purchasers or a number of the purchasers, we didn't feel that they were doing the right thing basically by some of the people in Suffolk County. Are any of those people on this list through ••

P.O. CARACAPPA:

That was the Toussie's.

LEG. ALDEN:

•• different names?

P.O. CARACAPPA:

Just for the sake of him answering the question.

DIRECTOR ZIELENSKI:

If you're referring to the Toussie litigation, that's not a part of this.

LEG. ALDEN:

Okay. Then nobody bought using a different name or anything like that that has a business associate?

DIRECTOR ZIELENSKI:

Certainly not to our knowledge, all the disclosure forms have not been completed until after it's been authorized.

LEG. ALDEN:

All right. If you found somebody that was, you know, an affiliate or a partner or something like that, would you at that time not sign the documents of transfer?

DIRECTOR ZIELENSKI:

I think we'd refer it to the County Attorney's Office because there is ongoing litigation.

LEG. ALDEN:

Okay, good. Thank you.

P.O. CARACAPPA:

Legislator Mystal then Crecca.

LEG. MYSTAL:

As a matter of pro forma, we like to see those houses because especially in my district where we have houses being taken over by the County on a regular basis, I like to see what the house is because most of those houses are sold as owner/occupied. I know this one, in this auction I didn't have too many of them, only about two of them, but usually one of the things that we try to avoid is the speculators buying those homes and then renting them out and creating more problems in our communities and we like to see who the agents •• because I have certain people that I know who regularly buy those homes and I have one in my district that I don't want to see him get because I know he's not going to live there. So it's very hard for me to approve it because I know he's not going to live there, he already told me he's not going to live there and I would like to stop it before we get to the closing part.

DIRECTOR ZIELENSKI:

The deeds ••

LEG. BISHOP:

Is that a violation of contract?

LEG. MYSTAL:

Yes, but it is routinely done in my district all the time, that people will do that, they do it in ••

P.O. CARACAPPA:

You can be in your family for five years.

LEG. MYSTAL:

Yeah, I know. But see, that's the stipulation that we have, that people buy these homes, they represent as they are going to live there and they rent them out or, you know •• that's why I like to see the list, at least in committee, like for it to go to committee so I could see it, so I could discuss it.

P.O. CARACAPPA:

You want this to go to committee?

DIRECTOR ZIELENSKI:

I think the list is ••

LEG. MYSTAL:

Yes.

P.O. CARACAPPA:

There's a motion by Legislator Mystal to recommit the CN •• to commit, rather, 1680 to ••

LEG. ALDEN:

I'll second it.

P.O. CARACAPPA:

•• the Ways & Means Committee.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

I'm waiting •• there's a second by Legislator Alden. On the motion, Legislator Binder •• Bishop.

LEG. BISHOP:

Wouldn't that delay all the closings, all these people, all the other families that we don't have problems with?

DIRECTOR ZIELENSKI:

Yes, it will.

LEG. CARPENTER:

On the motion.

LEG. BISHOP:

There must be a better way to address the issue than that.

LEG. CARPENTER:

Yeah. Can we ••

P.O. CARACAPPA:

Hold on, Legislator Crecca is next.

LEG. CRECCA:

Yeah. You know, at a time when we've asked the Real Estate Department to expedite matters, these were sold at auction, the list is here and available, it's a short list, it's only I think 19, you know, parcels that are being sold to about 17 different parties. You know, I would just say that we have asked Ms. Zielenski to expedite this, I know during the budget process I asked the County Executive to do an earlier auction and apparently they have responded, so I would rather get the \$5 million in our pockets by the end of the year than wait till next year.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, I agree with Legislator Crecca. And just an observation, by looking at that list, the highest bid as opposed to the upset price on almost every one of them, sometimes they're three times what the upset price was. I think the auction was very successful, more successful than I really thought it would be.

DIRECTOR ZIELENSKI:

Me, too.

LEG. LINDSAY:

And I would like to get the money in and close on them while the interest rates are low and move on.

P.O. CARACAPPA:

Legislator Viloría•Fisher?

LEG. VILORIA • FISHER:

Mr. Chair, these are listed as an Omnibus Resolution and I was wondering, is there any way for Legislator Mystal to ask the County Executive to amend the resolution and take out one of the •

LEG. CRECCA:

I don't think he has ••

LEG. VILORIA • FISHER:

He doesn't know which one? I'm just wondering if there is a way to look at part of this without dismantling or rejecting the entire resolution.

P.O. CARACAPPA:

Legislator Mystal?

LEG. MYSTAL:

Just to make things easy I will withdraw my tabling motion. But just in case, if you guys look down the line, halfway down, two houses were sold, both of them sold by •• both of them bought by the same person; I don't think he can live in both.

LEG. CRECCA:

They're not being sold •• these aren't necessarily being sold, most of the people that buy these are either developers or they're ••

LEG. MYSTAL:

I know. I'm going to withdraw my motion.

P.O. CARACAPPA:

They have to be improved parcels for them to live in, correct?

LEG. MYSTAL:

Yes.

P.O. CARACAPPA:

Are these unimproved parcels?

DIRECTOR ZIELENSKI:

No, these are all improved parcels.

LEG. MYSTAL:

They're all improved parcels.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

How can one person own two?

DIRECTOR ZIELENSKI:

And the deed restriction says family, immediate family, it includes children, parents, siblings.

P.O. CARACAPPA:

Right.

DIRECTOR ZIELENSKI:

And often times we've talked with people who were parents who were buying for either their own elderly parents or for their children.

P.O. CARACAPPA:

Children, yeah, which was the case in one instance I know at this auction.

LEG. VILORIA • FISHER:

Yeah, I saw that in the paper.

LEG. MYSTAL:

I'm going to withdraw my motion to make everybody feel at ease.

P.O. CARACAPPA:

Okay.

LEG. MYSTAL:

But I'm saying simply that •• and I'm not accusing anybody, I can almost assure you that those two parcels that were sold at \$180,000 for one, 170,000 for the other one, are not going to be occupied by the owners, by the person who bought it; I can almost assure you of that.

P.O. CARACAPPA:

Legislator Carpenter then Alden.

LEG. CARPENTER:

I don't think there was an answer to Legislator Vilorio•Fisher's question and that was precisely what I was going to ask; could we not, since this is a CN, amend the resolution to exclude the ones that Legislator Mystal has a concern about?

LEG. MYSTAL:

I don't have a concern with the process, just a particular piece of property right now.

LEG. CARPENTER:

Okay. All right, I'll defer.

P.O. CARACAPPA:

Legislator Alden. Just to remind everyone, we do have Executive Session today.

LEG. ALDEN:

Just a quick •• one more quick question, and I apologize for not asking it before; how many of these properties are occupied at present? Because I know that part of our requirements are that if they are tenanted, it's up to the purchaser to remove the people and we don't guarantee it's broom clean and vacant.

DIRECTOR ZIELENSKI:

That's true, they're sold as is. I'm not sure of the current count, some of the houses were emptied, some of the houses have tenants rather than prior owners.

LEG. ALDEN:

Okay. Because there was an article in Newsday that kind of might have been interpreted as being critical of the County, creating homelessness by selling these parcels; and if we're selling

parcels that are inhabited, that criticism could be true.

DIRECTOR ZIELENSKI:

Oh, in most cases there has been more than five years. The one parcel that I think Newsday highlighted, the prior owner had been living there without paying any fee or making any attempt to pay any of the back taxes since 1996.

LEG. ALDEN,

And that's something that would have, you know, been fleshed out in committee if it went through that process.

DIRECTOR ZIELENSKI:

Of course.

LEG. ALDEN:

But when it gets sold, that person is going to become homeless and that person is going to be paid for someplace to be housed by Suffolk County. If they haven't paid, you know, their taxes for ten or twelve years or whatever number it is, even five or six years, there's probably a reason why, maybe they lost their job or suffered a catastrophic illness or something along those lines. So now, you know, while we're selling the property off, we're creating a position or a situation where we're going to be responsible for housing that person, as per the New York State Constitution, but have we explored that; and your answer was some of them are inhabited, right?

DIRECTOR ZIELENSKI:

Some of them are inhabited, yes.

P.O. CARACAPPA:

Legislator Montano?

LEG. MONTANO:

Yes, I have a question that maybe goes to a different tone. I'm looking at the upset price and I'm looking at the highest bid, and in many of these cases the highest bid, the selling price is a lot higher than the upset price which indicates to me that the person or persons that own the property either unaware, didn't care, have some kind of problem because it's •• based on what

I understand about the market, these properties could have been sold prior to the auction by the owner to independent investors and probably •• because we're recouping the equity between the upset price and the purchase price; am I correct?

DIRECTOR ZIELENSKI:

That's correct.

LEG. MONTANO:

What I don't understand is who in their right mind would allow their property to go to auction if, in fact, they owed \$70,000 and they could get 140 for it? What kind of person is occupying this property that allows it to go to auction? That's the concern I have. And I don't have enough information in front of me on the C of N to make a determination as to whether or not there are some other factors in here that led to the person, the owner of the house losing that kind of equity; can you give me an explanation to that?

DIRECTOR ZIELENSKI:

I can only tell you that after years and years of them having the opportunity to do what needs to be done and/or to sell their property privately, they haven't. We can't speak to what their motivations are.

LEG. MONTANO:

Right, I understand that. But what concerns me •• and I don't disagree, I mean, business is business, but what concerns me is the fact that in some cases there's the perception that the people that are losing the house are the most vulnerable. And to me, it's augmented by the fact that you've got such a high discrepancy between the upset price and the purchase price. I mean, first house 70,000, purchase price 140; that's double, that's \$70,000 on the table that some person walked away from. We've got a house here, 165,000, upset price 170. It just doesn't make any sense to me that people would allow this to happen and I don't know what proceeds the sale other than notices, etcetera.

P.O. CARACAPPA:

I think in a lot of instances those houses are leveled.

LEG. MONTANO:

Excuse me?

P.O. CARACAPPA:

In a lot of instances those houses are eventually removed and rebuilt.

LEG. MONTANO:

Right, but if the property is worth 170 and the upset price •• and the upset price, you factor in the back taxes, the cost of the auction; what else do you factor in for the upset price, if I may ask?

DIRECTOR ZIELENSKI:

Actually, we try to keep the upset prices low so that we encourage people to come to the auction.

LEG. MONTANO:

But in no instances the upset price is less than what's owed on the back taxes.

DIRECTOR ZIELENSKI:

I think that's generally correct.

LEG. MONTANO:

Okay. And you would factor in the cost of the •• I mean, general cost, is it a percentage that the Real Estate Department would factor in for purposes of determining how much it cost the County to go through the process of putting this house on the auction?

DIRECTOR ZIELENSKI:

Yes.

LEG. MONTANO:

Okay. Any idea what percentage; what do you add, like a 10% add•on or something like that?

DIRECTOR ZIELENSKI:

Well, there are administrative fees included automatically ••

LEG. MONTANO:

Okay.

DIRECTOR ZIELENSKI:

•• in our redemption process.

LEG. MONTANO:

I'm not criticizing ••

DIRECTOR ZIELENSKI:

So it would already be factored in.

LEG. MONTANO:

I'm not criticizing the auction. What troubles me is the disparity between the upset price and the purchase price in many instances. And it concerns me that someone out there who had a home for a certain period of time, whether it was two years, 20 years, 30 years or 40 years, would allow something like this to go on, I just don't know enough about it. I'm not going to vote on this C of N at this point, I'd like to, you know, know a little more.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

If I may, sort of to respond in part to what Legislator Montana was just saying. Out of the half million or better homes, privately owned homes in Suffolk County, here we have 19 homes in which people have been delinquent and have been given the opportunity to rectify the situation, people must be responsible for their own actions. And I do not mean to seem callous to those who are losing their homes, but we're talking about a very, very small percentage of homeowners here who have not lived up to their responsibilities and we're moving forward with these actions.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

I'm not going to let this go into that kind of debate. I don't disagree with you that people should be responsible for their own actions, what I find troubling is the fact that the government would come in and auction these properties. The profit is there. If, in fact, there are some factors that may have influenced the persons, the people or people that are losing these homes, I would like to know that before. Now, unfortunately I didn't get the chance before the auction, and at this point I'm not going to vote on it for C of N. I'm not saying that in the majority of these cases these homes should not have gone to auction, I just don't know enough right now with respect to the process to make the kind of decision that I need to make with respect to having people put out of their homes.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

It looks like you're having sympathy pains. I have to leave in five minutes for a doctor's appointment, so I would appreciate if we could move the remaining two or three resolutions.

P.O. CARACAPPA:

I'm trying.

LEG. LINDSAY:

Brevity, Mike, you need brevity.

P.O. CARACAPPA:

There's a motion and a second.

LEG. ALDEN:

Just a clarification, the tabling or ••

LEG. MYSTAL:

No, no.

P.O. CARACAPPA:

The tabling has been withdrawn.

LEG. ALDEN:

That's been withdrawn, so we're voting to approve, right?

P.O. CARACAPPA:

Yeah, there's a motion and a second to approve. Roll call.

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

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

(Not Present).

LEG. COOPER:

Pass.

LEG. BINDER:

Pass.

LEG. MYSTAL:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. CARACCIOLO:

Abstain.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. NOWICK:

Yes.

LEG. SCHNEIDERMAN:

Abstain.

MR. BARTON:

11 (Absent: Legislator Tonna).

P.O. CARACAPPA:

It goes to Ways & Means.

LEG. MONTANO:

Did it pass?

P.O. CARACAPPA:

No, failed, it goes to committee. The CN approval failed, because it got more than ten it goes to committee.

1681•04 • Authorizing the Sheriff's Office to increase its fleet by one (1) vehicle for the prisoner transportation section and 1st District Court Section. Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

And the two toughest votes of the night, ***1684•04 • Approving the appointment of County employee (Daniel Fisher) at Suffolk County Department of Parks, Recreation & Conservation.*** Motion by myself, second by Legislator Foley.

LEG. CRECCA:

What is 1684?

P.O. CARACAPPA:

It' the ••

LEG. VILORIA • FISHER:

I need to abstain.

P.O. CARACAPPA:

Yes, it's a nepotism bill for Daniel Fisher who is the son of Legislator Vivian Vilorina•Fisher; and an Eagle Scout, I might add.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

To the Department of Parks, Recreation & Conservation, a summer job.

LEG. CRECCA:

Summer job?

LEG. ALDEN:

That's what I was going to ask.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

16, one abstention (Abstention: Legislator Vilorina•Fisher • Absent: Legislator Tonna).

1685•04 • Approving the appointment of County employee (Stefanie Fisher) at Suffolk County Department of Parks, Recreation & Conservation. It's the same thing for

one Stefanie Fisher who is the daughter of Suffolk County Legislator Vivian Vilorio•Fisher, Department of Parks, Recreation and Conservation. All in favor? Opposed? Abstentions? Legislator Vilorio•Fisher abstains.

MR. BARTON:

16, one abstention (Abstention: Legislator Vilorio•Fisher • Absent: Legislator Tonna).

P.O. CARACAPPA:

Late starters •• hold on to your agendas because we still have one more bill.

MR. BARTON:

One more CN.

P.O. CARACAPPA:

There's one more CN? It wasn't on my list.

LEG. MONTANO:

Which one is that?

P.O. CARACAPPA:

This is a late CN. Yeah, **1670** which is **amending the 2004 Capital Budget and Program, appropriating funds in connection with the strengthening and improving County roads**. This was already approved, it's just some technical wording. Motion by Legislator Caracciolo, second by myself. All in favor? Opposed? Abstentions?

MS. BURKHARDT:

The bond.

P.O. CARACAPPA:

Roll call on the bond.

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

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

(Not present).

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARPENTER:

Yes.

LEG. BISHOP:

Yes.

MR. BARTON:

17 on the bond (Absent: Legislators Tonna).

P.O. CARACAPPA:

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

Late Starters, I'll make a motion to waive the rules and lay on the table the following bills, second by Legislator Carpenter: 1673 will go to Economic Development; 1674 which will go Parks; 1683 which will go to EPA; 1686 which will go to Ways & Means and setting the public hearing for August 3rd at Ways & Means; 1687 going to Ways & Means and setting the public hearing for August 3rd at Ways & Means; 1688 is going to Public Safety and setting the public hearing for August 3rd at Public Safety.

LEG. CARPENTER:

No, no.

P.O. CARACAPPA:

At the General Meeting.

MS. BURKHARDT:

August 8th.

P.O. CARACAPPA:

August 8th at 2:30 ••

MS. BURKHARDT:

The 10th.

P.O. CARACAPPA:

The 10th at 2:30 here in Hauppauge; Home Rule Message No. 7 assigned to Budget & Finance; Procedural Motion No. 4 which will go to the Ad Hoc Committee for Affordable Housing; and Sense 60 which will go to Budget & Finance. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

LEG. BISHOP:

Going back ••

P.O. CARACAPPA:

Back to the agenda. The first page, ***1194•04 • Adopting Local Law No. 2004, a Local Law to further strengthen the County Code of Ethics (Binder)***. Legislator Binder, you got your wish.

LEG. BINDER:

Mr. Chairman, I would like to make a motion to approve.

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

There's a motion to approve 1194.

LEG. BINDER:

And I said to my colleagues ••

P.O. CARACAPPA:

Second by Legislator Caracciolo.

LEG. BINDER:

•• that I would like to speak, but I would like to speak slowly as Mr. Crecca is finishing his business in the room down the hall that only men are allowed to go into.

P.O. CARACAPPA:

Legislator Mystal wants to speak.

LEG. BINDER:

Oh, good, then I will yield.

P.O. CARACAPPA:

Legislator Mystal, the floor is yours.

LEG. MYSTAL:

Did we just pass a bill from the County Executive or didn't we •• we sent it to ••

P.O. CARACAPPA:

No, that went to committee.

LEG. MYSTAL:

Oh, we sent it to committee, so this is the other one that you want.

P.O. CARACAPPA:

This is the Binder bill.

LEG. MYSTAL:

This is the Binder version of Levy's version of Binder.

P.O. CARACAPPA:

Correct.

LEG. MYSTAL:

The competing, the dueling County Executive's.

P.O. CARACAPPA:

Correct.

LEG. ALDEN:

No, this will be a third because you already have the dueling County Executives and now you have Binder into the mix.

LEG. MYSTAL:

Yeah, it's the same thing, okay. Let me get my soup; can I get my soup? I'm speaking so all of you, I have to do one thing and I know how to delay things, this is how you delay it; I'm still speaking even though you cannot hear me.

P.O. CARACAPPA:

You're still speaking, you're pausing?

LEG. MYSTAL:

I'm pausing.

LEG. ALDEN:

He's not allowed to do that.

P.O. CARACAPPA:

Legislator Mystal, this shouldn't take too long.

LEG. BISHOP:

There is a timing (inaudible).

P.O. CARACAPPA:

I didn't know about that, I like that.

LEG. MYSTAL:

Except I can teach him a few things about this ordeal.

P.O. CARACAPPA:

That's true. There's a motion and a second. We'll roll call it.

LEG. CRECCA:

Which is it?

P.O. CARACAPPA:

This is the Binder ••

LEG. MYSTAL:

Binder ethics bill.

P.O. CARACAPPA:

Right, roll call.

LEG. MYSTAL:

Roll call.

LEG. FOLEY:

Motion to table.

P.O. CARACAPPA:

Hold on, there's a motion to table and a second; motion to table was by Legislator Foley, second by Legislator Montano. Roll call on the tabling.

(* Roll Called by Mr. Barton *)

LEG. FOLEY:

Yes.

LEG. MONTANO:

To table, yes.

LEG. COOPER:

Yes.

LEG. BINDER:

No.

LEG. MYSTAL:

Absolutely.

LEG. BISHOP:

To table, yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. ALDEN:

No.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

No to table.

MR. BARTON:

Seven (Absent: Legislator Tonna).

P.O. CARACAPPA:

Tabling fails.

LEG. FOLEY:

Explanation, Mr. Chairman, from the sponsor.

P.O. CARACAPPA:

Legislator Binder, if you wouldn't mind?

LEG. MYSTAL:

Come on, you know what the explanation is, we don't need to hear it again.

LEG. MONTANO:

No, let him say it.

P.O. CARACAPPA:

Go ahead.

LEG. BINDER:

Restriction on employment by certain full-time exempt employees in carrying on an outside legal practice, basically.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Foley.

LEG. BINDER:

If Counsel wants to expand on that, she can.

MS. KNAPP:

It doesn't apply to any elected officials and it doesn't apply to any part-time people, and it's only for attorneys, it's limited to attorneys. And it is also •• it doesn't apply to either competitive or non-competitive Civil Service titles.

LEG. FOLEY:

So then the question becomes who does it apply to? Along with that particular question, is it not the case that this has undergone at least one amendment? And is it not also true that there are additional exemptions that have been now granted under the amendments? And if so, then what's the purpose of the title of the bill if the body of the bill has changed substantially from when it was originally submitted?

MS. KNAPP:

Well, actually most of the amendments that were made were because the County Attorney raised questions about, you know, what did I mean, or actually what did Legislator Binder who, you know, basically directed this as to what was a full-time paid appointed exempt; those words were really added. The original bill just simply was intended to imply to exempt employees, we very ••

LEG. FOLEY:

So this is one of the exceptions where Legislator Binder actually took the counsel of the County Attorney's Office and placed it into his resolution?

MS. KNAPP:

Yes.

P.O. CARACAPPA:

That would be a yes. Okay, we're ready? Roll call, this is on the approval.

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

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

(Not present).

LEG. MYSTAL:

(Not present).

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Nope.

LEG. MYSTAL:

No.

LEG. NOWICK:

Yes.

MR. BARTON:

10 (Absent: Legislator Tonna).

P.O. CARACAPPA:

1194 is approved.

We're now •• that's it for the business of voting. We are going to make a motion to go into executive session to discuss a settlement pending litigation and I'll include ••

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

And a second by Legislator Carpenter, to include the following people; representatives from the County Attorney's Office, representatives from the County Executive's Office, Budget Review Office, all Legislators, and one member of my staff. All in favor? Opposed? Abstentions?

We're in executive session. Please turn off the microphones. Everyone please vacate the auditorium immediately so that we could start this executive session; please, immediately, everyone.

(* Executive Session: 3:06 P.M. • 3:15 P.M. *)

Okay, motion to go back into session by myself, second by Legislator Carpenter. All in favor? Opposed?

I'll make a motion, second by Legislator Carpenter, to approve the settlement as presented by the County Attorney in the matter of ••

MS. KNAPP:

Jackie, can you give us the caption?

MS. CAPUTI:

The County of Suffolk versus Aetna Capital Insurance Company.

P.O. CARACAPPA:

Okay, the County of Suffolk versus Aetna Casualty Insurance Company ••

LEG. CARACCIOLO:

And Surety.

MS. KNAPP:

And Surety.

P.O. CARACAPPA:

And Surety Company. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Absent: Legislator Tonna).

P.O. CARACAPPA:

Okay. That does it for the business today. Anyone else wishing to address the Legislature? I would just like to thank everyone for a very productive day and for sticking together and doing the right thing for the people of Suffolk County.

LEG. LINDSAY:

Before we adjourn.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yes. I would like to wish the Presiding Officer a very happy wedding.

Applause

LEG. BINDER:

Mazel Tov.

LEG. FOLEY:

We're going to ask the County Clerk to have Joe and Kellianne Caracappa Day in Suffolk County.

P.O. CARACAPPA:

I'll talk to Ed about that.

LEG. CARPENTER:

He's already done it, I'm sure.

P.O. CARACAPPA:

From the frying pan into the fire.

LEG. BINDER:

Hey, Joe, is she taking your name or are you taking her name?

P.O. CARACAPPA:

I should take hers; no, actually I'm shortening her name by a couple of letters.

Any other business? And I appreciate that, Legislator Lindsay and everyone else. We are adjourned.

[THE MEETING WAS ADJOURNED AT 3:16 P.M.]

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