

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
FIFTH DAY  
FEBRUARY 24, 2004**

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

**MINUTES TAKEN BY:  
LUCIA BRAATEN - COURT STENOGRAPHER**

**MINUTES TRANSCRIBED BY:  
LUCIA BRAATEN & ALISON MAHONEY - COURT STENOGRAPHERS**

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

**MR. BARTON:**

Good morning, Mr. Chairman.

**P.O. CARACAPPA:**

Good morning.

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

**LEG. CARACCILO:**

Here.

**LEG. SCHNEIDERMAN:**

(Not Present)

**LEG. O'LEARY:**

Here.

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

(Not Present)

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

(Not Present)

**LEG. ALDEN:**

Here.

**LEG. CRECCA:**

(Not Present)

**LEG. NOWICK:**

(Not Present)

**LEG. BISHOP:**

(Not Present)

**LEG. CRECCA:**

Here, Henry.

**LEG. BINDER:**

(Not Present)

**LEG. TONNA:**

(Not Present)

**LEG. COOPER:**

Here.

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

(Not Present)

**P.O. CARACAPPA:**

Here.

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

I'm right here.

**MR. BARTON:**

Ten present. (Not Present at Roll Call: Legs. Schneiderman, Losquadro, Montano, Nowick, Bishop, Binder - Absent: Leg. Tonna)

**P.O. CARACAPPA:**

Thank you, Mr. Clerk. I'd ask all Legislators, please report to the horseshoe. Would everyone please rise for a salute to the flag, led by Legislator Viloría-Fisher.

**LEG. NOWICK:**

Henry, I'm here.

**(Salutation)**

**P.O. CARACAPPA:**

Please remain standing. I'd like to recognize Legislator Lynne Nowick for the purpose of introduction today's clergy.

**LEG. NOWICK:**

Good morning, everybody. Today I'd like to introduce Deacon John E. Trodden. Deacon Trodden is a lifelong resident of Kings Park, and he's a graduate of St. Joseph's Elementary School and St. Anthony's High School when it was located in Kings Park, which is, unfortunately, giving away ages around here. He is the Deacon -- been a Deacon of the Roman Catholic Church for over ten years, and I would also like to say that he's a cousin to Ed Hogan, which it's very nice to have you, Deacon Hogan. Would you like to come on up?

**MR. TRODDEN:**

I was a very young graduate of St. Anthony's, I was the youngest graduate of the graduate class.

So I ask you now to join us as we bow your heads and ask for God's blessing.

Treasure of blessings, giver of life, come and be us. Cleanse us of all that defiles us. Bless the members of this Legislative body. Give them the wisdom and the courage necessary to govern us. Keep them from being unduly influenced by special interest groups. Help them to govern this great County. Give them the courage to enact laws that protect all of the diverse groups that make up this County. Keep them from governing by referendum and opinion polls.

Lord, God Almighty, you are the giver of all good things. You know that this group is at times raucous, but you also know what is in their hearts that many good things have come from this group for all the people of Suffolk County.

We ask you, Lord, to bless at this time the brave men and women of our armed forces, who are in harm's way every day to protect our freedoms. Bless our nation, bless our President and our leaders, and bless this great County of Suffolk. Bless all our Legislators gathered here today, their families and their staff. We at this time also remember all our former Legislators who have served in this body, and we also like to remember those who have been called home to Almighty God, especially Maxine Postal and Rose Caracappa. And thank you, Lord, for the many blessings that you give us each and every day. Amen.

**P.O. CARACAPPA:**

Everyone, please remain standing for a moment of silence. First, for Jack Farnetti, who is the former Suffolk County Labor Relations Chief here in Suffolk County, father of Judge Farnetti, and Gerald Fitzgibbons, retired Suffolk County Police Lieutenant and the spouse of Suffolk County Supreme District Court Judge Madeline Fitzgibbons.

***(Moment of Silence Observed)*****P.O. CARACAPPA:**

Thank you. I'd like to recognize for the purposes of a proclamation, first, Legislator Jon Cooper. Okay, moving on. Legislator Cooper will do that one later. Moving on to Legislator Crecca, for the purpose of a proclamation, you're up.

**LEG. CRECCA:**

I think everybody's moving a little slow this morning. I apologize for taking time to get to the podium.

Good morning, everyone. It is -- and my fellow Legislators. It is my honor to deliver a proclamation this morning to Jillian Bosnus. She is Commack's EMT of the year. She was given the EMT award January 10th, 2004. She graduated from York College in Pennsylvania in 1998 with a BS in Long-Term Care Administration, and a minor in Geriatric Care. She graduated with a 4.0 in her major, became a member of the Commack Ambulance Corps in 1998, served as Assistant Chief. She's a member of the Medical Committee, Advisor for the Youth Squad, and in five years with the Corps, have ridden at least 1,000 times a year. In 2003, she rode over 1,380 hours as an ambulance driver, and I remind everybody, as a volunteer ambulance driver.

She's currently employed by the United Presbyterian Residents in Woodbury as a Clinical Social Worker and is in charge of the Hospice Program there. She loves working with the elderly and would like to own her own senior care facility some day. And she has been a great advocate for the elderly, but today we recognize her for her wonderful efforts with the Commack Volunteer Ambulance Corps. Please join me at the podium, Jillian, and receive your proclamation.

***(Applause)***

Again, thank you.

**P.O. CARACAPPA:**

Thank you, and congratulations.

***(Applause)***

I recognize Legislator Lynne Nowick as Chair of our Education Committee.

**LEG. NOWICK:**

Good morning again. I am going to be introducing today the Intel Science Contest winners, all of these wonderful young people who we're so proud of. What I'm going to do is call your name and ask you to come up, and your Legislator will meet you over here and give you your proclamation.

Just for the rest of us in the audience that don't know, we have a few semifinalists and a few finalists. The finalists actually are going to meet in Washington to vie for a \$530,000 scholarship, and each finalist has already been guaranteed \$5,000. We're very, very proud of these young people here on the Island. And I'm going to begin by calling up Sara Fink who's a semifinalist from Commack High School. And, Legislator Cooper, if you wanted to give her a proclamation.

***(Applause)***

And we're going to go outside to take a photo, if you'd like. Thank you, Sara.

Elizabeth Broomfield, who's a semifinalist for Commack High School. Legislator Binder is not -- okay. And also Jordan Axelrod. Jordan?

***(Applause)***

Bruce Halperin from Half Hollow Hills High School.

***(Applause)***

And Felicia Yen, another finalist from Half Hollow Hills High School. By the way, Bruce and

Felicia are finalists, going to Washington. Congratulations. Congratulations to all you of you.

***(Applause)***

**LEG. BINDER:**

Elizabeth, that's yours. Bruce Halperin, that's you. Jordan, that's you. Felicia is not here. I'll hold this for her. Great. Thanks.

**LEG. NOWICK:**

Take some photos?

**LEG. BINDER:**

Great. Why don't you go this way. Congratulations.

***(Applause)***

**LEG. NOWICK:**

And Michelle Louie, who's a semifinalist from Kings Park High School. That's my district. Michelle. All these wonderful young people.

**MISS LOUIE:**

Thank you.

**LEG. NOWICK:**

Congratulations. Maria Michta, a finalist from Sachem North -- Sachem North High School. Legislator Crecca.

***(Applause)***

Is she here? Maria?

**LEG. CRECCA:**

She's studying.

**LEG. NOWICK:**

Well, I don't see Maria. Maybe we'll call Maria a little later. Stay there anyway.

**LEG. CRECCA:**

I will, thanks.

**LEG. NOWICK:**

Okay. Alexander Fumelli, who's a semifinalist from Smithtown High School, Alexander from my district and Andrew's district.

**LEG. CRECCA:**

I can even read what his --

**LEG. NOWICK:**

I know.

**LEG. CRECCA:**

-- I couldn't pronounce what his project is.

**LEG. NOWICK:**

We don't have a clue. And your mom says that maybe you're making it up. We'll go outside and take photos later. Congratulations. We'll take one right here. Andrew, where are you?

**LEG. CRECCA:**

Right here.

**LEG. NOWICK:**

Okay. We'll go outside. Andrew, I'm sorry. Jennifer Braverman, semifinalist from -- the next group of young people are from Ward Melville High School, and Legislator Viloría-Fisher will be coming up to give proclamations. So I'm going to call you all up, because there's a wonderful group of you. Jennifer Braverman.

**LEG. VILORIA-FISHER:**

That's Braverman, Jennifer Braverman.

**LEG. NOWICK:**

Braverman, semifinalist. Yiyi Deng, semifinalist. Xiaodong Jiang, semifinalist. Eric Peterson, semifinalist. Oleg Polyakov, semifinalist. Nikhilesh Ray-Muzumder, semifinalist.

***(Applause After Each Name Was Read)***

**LEG. VILORIA-FISHER:**

Can I just say one thing?

**LEG. NOWICK:**

Sure.

**LEG. VILORIA-FISHER:**

And happy birthday to Nick.

**LEG. NOWICK:**

Happy Birthday.

**LEG. VILORIA-FISHER:**

He just celebrated a birthday.

***(Applause)***

**LEG. NOWICK:**

Eduard Reznick, a finalist. Eduard. Xiaojing Tang, a semifinalist. Christopher Tingué, semifinalist. Kevin Wang, another finalist. Nan Yin, semifinalist. I think it's Yin, semifinalist.

***(Applause After Each Name was Read).***

Oh, congratulations, all of you. We could take pictures outside. And did you want to give --

**LEG. VILORIA-FISHER:**

Can I give this to him?

**LEG. NOWICK:**

Yes.

**LEG. VILORIA-FISHER:**

Okay. There's someone whom we see here every year at this time, because he does such an outstanding job in preparing his students for the Intel Awards and competition and that's Dr. George Baldo. And I'd like him to come forward.

***(Applause)***

And I just have to tell you, this isn't a person who just stays in one room and works with his students. I was recently at Ward Melville High School when my son performed in one of the Chamber Orchestras, and George Baldo was up there moving music stands around. And when I was working with the School to Work Alliance, I was looking for the Advisor there who was setting up posters for the School to Work Alliance, and who was running around with her setting up those posters, it was George Baldo. So this is a man who's really dedicated to the education of the students, and gives a great deal to the community. So I'm really, really proud to present this to Dr. George Baldo, who's a great teacher, a great friend, and a great member of our community. Thank you, George.

***(Applause)***

**LEG. NOWICK:**

There should be two other semifinalists that are not present today, Andrew Clare of Harborfields High School, and that's Legislator Tonna's district, and Steven Lubin is a semifinalist from West Islip High School, and that's Legislator Carpenter's District, but they are not present today. Congratulations to all of you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Legislator Nowick, and congratulations to all those recipients. They are truly the best and the brightest the County has to offer.

We are now going to move on to the public portion. Before I do that, could I just ask Mr. Joel Litman to stand for a moment? Mr. Litman. Okay, Legislator Caracciolo would just like to grab a hold of you, so he wanted to find out where you were. Thank you.

Before we start the public portion, let all the speakers know, you do have three minutes. I ask that you try and contain your comments within the three minutes. We certainly appreciate it. We do have a lot of cards today. So, with that being said, the first speaker is Donald J. Fiori.

**MR. FIORE:**

Good morning, distinguished members of the Suffolk County Legislature. My name is Donald J. Fiori, and I currently hold the title of Business Manager for Local Union 25 of the International Brotherhood of Electrical Workers. I rise before you today in support of Suffolk County Executive Steve Levy's choice for Commissioner of Labor, Robert Dow.

I come before each one of you individually and all of you collectively to support the right of the County Executive to pick a person he feels will be the right choice as the Commissioner of Labor. Furthermore, the labor community, the Long Island Federation of Labor supports the choice, the Building Trades supports the choice, and, in essence, your constituents support the choice.

I ask you at this time to let the County Executive move forward with this administration and put his government on track. You can help him by giving him your confirmation of Robert Dow as the new Commissioner of Labor.

Thank you for letting me come before you today to speak on this very important matter that impacts the labor community, and thank you all for your effort you put forth in making Suffolk County the greatest County in the United States. Thank you.

**P.O. CARACAPPA:**

Thank you, Mr. Fiori. The next speaker is Susan Costanza, followed by Thomas Talbot.

**MS. COSTANZA:**

Good morning. My name is Susan Costanza. I've been a representative with Johnson Wax Professional for 20 years and I'm very familiar with Cleaning for Health and Safety. I'm here today concerning Resolution 1084 for Green Cleaning.

As we know, Suffolk County would like to adopt a Green Cleaning Program. I believe it's an important initiative that the County is undertaking. Johnson Wax Professional also believes strongly in this, and that is why we have a program called Responsible Solutions that addresses

cleaning products and procedures that reduce the impact on health, safety and the environment.

One of the problems the County could encounter is how to determine if a vendor and their products meet a standard for Green Cleaning. The reason I am here today is out of concern about the confusion on this subject and would like to provide some information.

When local organizations try to develop their own purchasing standard, while their intentions are admirable, it can sometimes lead to confusion on how such compare to similar programs within other local jurisdictions. There is a national movement underway to transform the cleaning industry based on new technologies and standards that are being adopted across the country.

I believe Suffolk County should adopt the nationally recognized standards of Green Seal, a Washington DC based nonprofit organization. They have developed several standards, including GS-37, for Cleaners. Green Seal has emerged as a national standard, providing independent third-party certification for environmentally preferred products. Numerous State and local governments and other such entities have migrated from their own standards and joined in what has become a nationally recognized program in the industry.

Green Seals has established environmental, health and safety standards that manufacturers must meet for certification. However, it is important to also understand that Green Seal standards include performance criteria, meaning that the products have to work. The criteria on which the GS-37 for Green Seals are based include performance tests, aquatic toxicity, aquatic biodegradability, human toxicity, carcinogens and reproductive toxins, skin and eye irritation, skin sensitivity, combustibility, smog, indoor air quality and VOC's, eutrophication, packaging, concentrates, fragrances, prohibited ingredients, training and animal testing. These standards are a result of a consensus among manufacturers, users, government, environmentalists and other stakeholders.

Green Seal has achieved wide recognition and acceptance throughout the industry and has been adopted by the Federal Government as the benchmark standard for environmentally preferred products. This is why the GS-37 standard has been adopted across the country by state and local governments such as the states of Massachusetts, Minnesota, Washington State, Oregon and Pennsylvania, and the cities of Santa Monica and Austin, Texas.

**P.O. CARACAPPA:**

Ms. Costanza, could you just sum up? Your time has expired.

**MS. COSTANZA:**

Okay.

**P.O. CARACAPPA:**

Thank you.

**MS. COSTANZA:**

Okay. I believe, from a technical standpoint, it would be more effective for Suffolk County to adopt the GS-37, and to provide a safe and healthy environment for their constituents.

I would like to submit for review some information on Green Seals. Thank you.

**P.O. CARACAPPA:**

Thank you. Sandy, could you just grab the presentation? She wants to -- thank you.

**MS. COSTANZA:**

Thank you.

**P.O. CARACAPPA:**

Next speaker is Thomas Talbot, followed by Jack Caffey.

**MR. TALBOT:**

Good morning. My name is Tom Talbot, and I'm a resident of Middle Island, and an officer in the ABCO umbrella civic association, and I thank the Suffolk County Legislature for giving me an opportunity to speak this morning. And my purpose of being here is to speak in favor of Resolution 1087, which is for the Overton Property Preserve, which is in the Coram/Medford area.

Long Island, as we all are very pleased to admit, is a capital of great recreational and cultural activities here on Long Island. We have chances to play golf, utilize boat launching ramps, attend concerts, bike trails, hiking trails, museums, and many other things that the County has to offer us. In addition to those material type of things, a lot of people don't care to partake in things like that, or for whatever reason, but I am sure that it's my belief that it increases their

sense of worth to be living in Suffolk County to have those available to them. And I look at this Overton Property as something that basically, aside from the technical reasons for watershed preservation and Pine Barrens, it will provide Suffolk County with a -- to fulfill -- to continue to fulfill its leadership role in providing for land preservation for future generations.

The Overton Property acquisition will be a major influence towards enhancing this positive impact that it will have on all our communities. And I urge the Suffolk County Legislator -- Legislature, and also to maybe looking at partnering with the Town of Brookhaven and any other municipalities to move this forward to be the -- could be the -- as I -- Mr. Caracciolo mentioned last week, the hackneyed phrase was "The Crown Jewel" of Suffolk County's Land Acquisition Program, and I certainly hope this would be a worthy candidate. And I thank you for your time.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Thank you.

***(Applause)***

Jack Caffey, followed by Ray Kohlberg.

**MR. CAFFEY:**

Good morning, Presiding Officer.

**P.O. CARACAPPA:**

Good morning.

**MR. CAFFEY:**

Congratulations on your new appointment as the Presiding Officer. I'm looking forward to working with you.

**P.O. CARACAPPA:**

Or condolences.

**MR. CAFFEY:**

Your condolences; I know the feeling. I want to thank you for allowing me to come before you this morning. I'm here to ask for your acceptance of the recommendation from the County Exec for the appointment of Robert Dow as the Labor Commissioner for the County of Suffolk.

Our labor movement was asked by the County Exec-Elect at that time to submit resumes of various people from the labor movement, and Robert Dow was one of those people, among with others. A vote was taken by our 28 Vice-Presidents, who represent the broad range of the labor movement, both private sector, public sector, and building trades. It was unanimously accepted to submit Robert Dow's name as our first person to be nominated, among a few others. To let you know that the broad range of the labor movement would like you to appoint him and stand with the rest of the labor movement in Suffolk County, because we believe that Bob understands the labor movement, he understands working people.

And, as we know, Bob for a number of years, he came through the ranks of the labor movement. He was a member. He understands, and he was a leader for a period of time. So we believe that he will represent the working men and women of Suffolk County and the labor movement as a whole. So we would ask that your appointment and confirmation for Robert Dow, and I appreciate your time. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Jack, we appreciate it. Ray Kohlberg, followed by Richard O'Kane. Mr. Kohlberg.

**MR. KOHLBERG:**

Good morning. My name is Ray Kohlberg. I'm a Business Agent with the Communication Workers of America, Local 1104. And I'm just here this morning to urge you to vote on a resolution to appoint Robert Dow as Suffolk County Labor Commissioner. I am here in support on behalf of my membership for that appointment. And thank you for your time.

***(Applause)***

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

Next speaker, Richard O'Kane.

**MR. O'KANE:**

Good morning, Presiding Officer and Members of the Legislature. My name is Richard O'Kane. I'm the Business Manager and Financial Secretary Treasurer of Iron Workers Local 361. I represent over eleven hundred members, 300 of whom which live in Suffolk County. I myself have been a lifelong resident of Suffolk County. I'm here today to request that the Legislature vote on Robert Dow for Commissioner of -- Suffolk County Commissioner of Labor.

Today I want to remind the Legislature that my members, you know, vote, support your campaigns, and they have requested me to throw their 300 names towards you for support of Mr. Dow. I know Mr. Dow is a man of integrity, principle, and character. In this day and age, those principles aren't that common. And I urge you to vote for Mr. Dow today. Don't let this man get away. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Michael Krauthamer. Krauthamer? Sorry if I'm mispronouncing it.

**MR. KRAUTHAMER:**

Good morning. Thank you for the opportunity to speak. My name is Mike Krauthamer. I am the Senior Faculty Administrator for Dowling College Center for Management Relations and Dispute Resolution, and I am here to speak on behalf of the appointment of Mr. Robert Dow to Commissioner of Labor.

Our center is extremely active in the labor management community. We conduct a great number of educational training committees, educational training workshops for employees, employers and unions in both the public and private sector. And the common theme to our programs is dispute resolution, is to promote harmonious relationships between employers, employees and unions. Mr. Robert Dow sits on our Advisory Board, has been a tremendous supporter of our programs. He's been instrumental in our program getting started, and he's been a great supporter to us. We feel he has all the traits and abilities to make a terrific Commissioner of Labor, and we urge to vote yes on it. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Don Garber, followed by the Honorable John J. Foley.

**MR. GARBER:**

Good morning. My name is Don Garber with the Setauket Civic Association.

I'd just like to make you aware that you're about to do something really great and historic in Suffolk County later with the acquisition of the Agricultural Development Rights for Detmer Farm. What you may not be aware, many of you may have been to Setauket and visited the Thompson House. This is a house from the 1700's -- hundred and where school children visit. The house had a farm attached, which is now, through change of ownership, is now called Detmer Farm.

In 1850, there was an International Exhibition in London, so-called the famous Crystal Palace. Suffolk County was there. There was produce from Thompson House, which is now Detmer Farm, that won two first prizes. So this is probably the most famous farm in Suffolk County, according to this and other things, and the County is -- has the opportunity to complete -- buy the acquisition of the agricultural development rights, so that it can stay as a gem for Suffolk County for many years. Thank you.

**P.O. CARACAPPA:**

Thank you, Don.

***(Applause)***

The next speaker is the Honorable John J. Foley, followed by Tony Speelman.

**HONORABLE JOHN FOLEY:**

Thank you and good morning.

**P.O. CARACAPPA:**

Good morning.

**HONORABLE JOHN FOLEY:**

Bill Rogers, after whom this building is named, and I on occasion shared a cup of coffee in his office, and one day Bill said to me that some people don't realize that it is only once every two years, from September to November, is the time to be political; the rest of the time they're supposed to run a government. Now, what does the public now see? They know that they once had an open transparent Legislature, interacting with its own public, its own constituents. Now the public is experiencing a lock-out and an attempt to create a Legislative dictatorship. How? Only five of 14 Legislative meetings is scheduled for the County Seat at Riverhead, and the East Hampton Star on the 29th of January of '04, under the heading of "Boonies", talks to this particular point, dictatorship by the creation of a Rules Committee, at least a bottleneck, a Legislative bottleneck, and potentially a Legislative graveyard, with only one, one purpose in mind, namely to stop Levy.

Reasons advanced for this creation are both specious and disingenuous. Supposedly, it will result in better legislation. What was wrong with all the legislation all those years that Paul Sabatino, with assistance of the Budget Review Office, crafted legislation for many members sitting around the table today? Some -- one guru indicated that this would eliminate notorious, quote, actions on behalf of the Legislature, and this particular guru had during his administration the most notorious Public Works scandal in the history of Suffolk County, namely the Southwest Sewer District. It also might eliminate, according to the similar person, the galactic. Who's to say that Jon Cooper over here, when he -- in the tradition of the Legislature, had legislation proposed and passed on the question of the use of Ephedra in this County?

And then we've been subjected to the rather childish notion that because somebody else has one, we should have one. For example, New York State has one, that paragon of political paralysis in the State of New York. And the one they didn't tell you about is the one that is the creation and the handiwork of the Speaker of the House -- not the speaker, but the Leader of the House, Thomas Delay, the "Exterminator", who throttles both parties through the Rules Committee. Not alone his opposition, but his own party have their methods determined by this particular person.

We've also seen here for the first time in my recollection a victory of the egocentric over the sense of civic duty when a Legislator refuses to serve on a committee appointed by the Presiding Officer. Hardly the outcome that one would expect from a quid pro quo of a rather personal nature.

Yes, we're seeing new government in this County, but without Charter revision. The public is seeing government not in keeping with the 1977 law, the open government law, which is familiar to some of you good people, and particularly Legislators from the East End, because in the same Legislative -- rather, in the same copies of the East Hampton Star, they point out that it can't be done by a caucus, it can't be done by a conference, it can't be done by a workshop. And Robert Freeman, who's head of the New York State Office of Open Government, would be only too happy to apprise you of the ramifications of that 1977 legislation. And I will be handing up also a copy of that particular article by the East Hampton Star.

**P.O. CARACAPPA:**

Thank you, Mr. Foley. Your time has expired about a minute ago, if you just want to sum up.

**HONORABLE JOHN FOLEY:**

I'm sorry. I would simply say that --

**P.O. CARACAPPA:**

Thank you.

**HONORABLE JOHN FOLEY:**

-- the words of Mr. Rogers are more relevant today than they ever were. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Tony Speelman, followed by Charles F. Ott.

**MR. SPEELMAN:**

Good morning. And I thank you for the opportunity to address the Legislature. My name is Tony Speelman, I'm Political Director of the United Food and Commercial Workers, and our 22,000 members are here this morning on behalf of Robert Dow also. You heard from our President, President Caffey. I think you see wide-ranging support from all the labor groups in the audience, from the trades through the private sector and the public sector, and we hope that you'll do the right thing and appoint Robert Dow the next Labor Commissioner. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Charles F. Ott, followed by Ernesto Mattace, Jr.

**MR. OTT:**

My name is Charles Ott, I represent the Country Road Block Association. We live within approximately one half mile of the Overton Preserve, and we all have wells, which constitute a substantial investment, and we are worried about the groundwater contamination, which concentrated development would bring to our area. Preserving land in this area would go a long way towards maintaining clear water, clean water.

We strongly urge the Legislature to buy as much land on the Overton Property to ensure future clean water and open space for all of Suffolk County. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Ernesto Mattace, followed by Kelly Platt.

**MR. MATTACE:**

Good morning and thank you. My name is Ernesto Mattace, Jr., Political Director of the Retail/Wholesale Department Store Union, Local 338.

We currently have 17,000 members in the metro area, and 5,000 who live in Suffolk County and work here as well. We are in full support of Robert Dow. My President, John R. Durso, as a Vice-President of the Long Island Fed, fully supports and thanks you for your times. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Kelly Platt followed by Willard, Willard Christy.

**MS. PLATT:**

Mr. Presiding Officer, Members of the Legislature, my name is Kelly Platt, I reside in Center

Moriches. On February 10th, I testified in front of the Ways and Means and Consumer Protection Board in reference to authorizing to have new home contractors licensed and insured within Suffolk County and registered with the Suffolk County Legislature.

Here I have proof that the builder who built my home is not a licensed home contractor; I'm submitting that into evidence. I also have a punch list of damages done to my home, which is -- measures four pages long, which I'm submitting into evidence as well. I have a letter here from Suffolk County Clerk Edward Romaine in reference to the properties and in reference to the builder who built the homes on my street. I also have a letter, which I'm submitting to -- into evidence, which is a letter from Suffolk County Executive Steve Levy. I'm also submitting into evidence pictures of damages done to the home from this contractor who built my home. He is not honoring my agreement with -- that we had at closing, and, therefore, as a new home buyer, I now had to retain an attorney and bring in charges of breach of contract against this contractor.

What I'm asking is, please, someone -- someone, you know, bring forth legislation to make these contractors held liable for these new construction homes. These homes are going up one after another called the urban sprawl. Some of them are built not too top quality. Houses are falling apart. My house, for one, I can submit into evidence, too, Mr. Presiding Officer. I have water damage to my home, cracks in my foundation. I had pipes break in my house due to insufficient heating elements in my house. None of the bathrooms have heating elements. I have insufficient heating. The oil burner is not to the size of the home. When the contractor built my home, we were supposed to get 1,800 square feet; he shorted us 200 square feet. If you look at my house, my house is tilting to the right, when you're look at it face-on. I have flooding in my basement.

All I'm asking is, please, someone propose legislation and someone sponsor it and cosponsor it to make sure that these new home contractors are held liable. Homeowners like myself that buy these new construction homes, nine out of ten, these people can't afford to retain an attorney and bring up a lawsuit against these contractors who are building these new homes. And I'm asking someone please help and protect the consumer, such as myself. Granted, I did have the money and I did retain an attorney, which we're now getting ready to go to court on, but there's other homeowners out there who are buying homes from this contractor and other homes from other contractors where they have these problems as well, and these consumers need to be protected. I mean, granted, home improvement contractors are licensed and insured, and I

think that new home contractors should be licensed and insured as well. Thank you.

**(Applause)**

**P.O. CARACAPPA:**

Thank you, Ms. Platt. Willard Christy, followed by Pete Zarcone. Mr. Christy.

**MR. CHRISTY:**

My name is Willard Christy, and I reside in East Islip, Long Island. I thank the Legislature for allowing me to speak.

I'm a member of Local 25 and I have been a member for over 34 years. In 1983, I was elected to the Executive Board, in which I worked with many different business managers of our local. As you know, we're a very active local in the political arena. Many of our members and many of our business managers have gone to even now holding a seat here in the Legislature, which we're very, very proud of. We're also very proud to have a member of the building, Suffolk -- Nassau and Suffolk Building Trades a member of local sitting on that as well. And we even had a past Commissioner of Labor from our local.

I've known Bobby Dow for over 20 years. I dealt with him on the executive board of representing my local. And I'm standing here before you to let you know that Bobby Dow is a great choice. You have great opportunity, an opportunity to put somebody from labor to support and do the agenda of labor, as well as support the people and the working class of Suffolk County. I ask you to do the right thing and support Bobby Dow. Thank you.

**(Applause)**

**P.O. CARACAPPA:**

Thank you very much. Pete Zarcone, followed by Chris O'Connor.

**MR. ZARCONE:**

Good morning, Presiding Officer and Members of the Legislature. My name is Pete Zarcone. I'm a lifelong resident of Suffolk County, and a member of Laborers Local 66 for 20 years. I'm currently a field representative for the local, and represent over 15,000 members within my

district council, 5,000 of which live on Long Island.

I'm here today to speak about a man, Bobby Dow, for the position of Suffolk County Labor Commissioner. My local, my council, as well as myself support the appointment of Bobby Dow for Suffolk County Commissioner of Labor, and I ask that you vote on this today and accept his appointment. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Chris O'Connor, followed by Diane Lysaght.

**MR. O'CONNOR:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MR. O'CONNOR:**

For the record, my name is Chris O'Connor . I'm the Program Director for The Neighborhood Network. I come before you today to speak about Resolution 1087, sponsored by Brian Foley, and cosponsored by Daniel Losquadro.

This resolution is a great way to jump start the Land Acquisition Program. This would allow us to begin the planning steps for the eventual purchase and preservation for over 400 acres of land in the Town of Brookhaven. We might never get a chance like this again to preserve this much land at one time. So, today, hopefully, and I'm counting on it, that the Legislature will move forward in passing this initial resolution, but the job is just beginning. The job will take coordinated efforts between the County, it would take coordinated between the Town.

What I'm happy to see is that so many Legislators and so many people within the Town of Brookhaven have put politics aside and have joined together in a bipartisan effort to make this happen for the people of Brookhaven, and ultimately the taxpayers and residents of this town. I thank you and hope you pass it.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Chris. Diane Lysaght followed by Marilyn England.

**MS. LYSAGHT:**

Good morning. Thank you for the opportunity of speaking before you today. My name is Diane Lysaght and I'm a member of the Central Islip Teachers Association, which represents current teachers, retired teachers, and substitute teachers. We are a member of NYSUT, the AFT, AFL/CIO, and one of the very few teacher organizations that are represented with -- on the Long Island Federation of Labor. I'm speaking to you today to urge this Legislative body to vote yes on the resolution appointing Bob Dow as the Suffolk County Commissioner of Labor.

Earlier this year, the Long Island Federation of Labor, a democratic organization, representing more than 40 unions across Long Island and in excess of 200,000 working men and women in both Nassau and Suffolk County, unanimously endorsed Bobby Dow as its choice for Commissioner of Labor.

The position of Labor Commissioner is a position that we hold very seriously in the labor movement on Long Island. I urge you to make the right choice today and to bring this to a vote today and give labor, organized labor, leadership it needs within the Department of Labor. Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Marilyn England, followed by Joel Litvin.

**MS. ENGLAND:**

Good morning. My name is Marilyn England. I'm here this morning representing the Open Space Council. The Open Space Council today joins other groups as part of the Overton Preserve Coalition in support of Resolution 1087, authorizing planning steps for the purchase of over 400 acres of land in the Coram/Medford area. The site is the largest remaining in a natural

state in the Town of Brookhaven lying within the compatible growth area of the Central Pine Barrens. This land is of inestimable value, possessing rare and endangered species of plants and animals, fresh water wetlands, rare Pine Barrens heath, and is rich in historical significance to the Town of Brookhaven's Colonial and Revolutionary past. We have a rare opportunity here to preserve something of unique value to both present and future generations.

The 500 acres would link up to land already owned by the Town of Brookhaven and Suffolk County to the north. Protection of this site would result in a preserve of regional significance. But we must move quickly, because there is currently undue pressure to develop this area.

We also note know that the Coram/Medford area has received more of its fair share of development, including high density projects. These communities need and deserve a respite from the traffic, taxes and erosion of quality of life overdevelopment brings. The Overton Preserve would bring a welcome green space to these beleaguered communities. We urge you to adopt Resolution 1087. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Joel Litvin followed by David Schanel.

**MR. LITVIN:**

I'd like to pass this around to the --

**P.O. CARACAPPA:**

Sure.

**MR. LITVIN:**

Hi. I'm Joel Litvin from Manorville, New York. I came here to tell my story of All-terrain vehicle -  
-

**P.O. CARACAPPA:**

Mr. Litvin, just if -- I'm sorry. Just pull the microphone just a little bit closer. Thank you very

much.

**MR. LITVIN:**

All-terrain vehicle versus pedestrian. On 12/23/01, I was in my backyard splitting firewood with a splitting -- when I heard some ATV's coming towards me. I put down the axe, so to not look aggressive towards these kids. The kids proceeded to harass me by doing circles around me. I chased after the largest kid and he drove off with another kid southbound on a dirt road. I ran over to the road to watch them leave my property. I then heard two more ATV's coming towards me heading eastbound on a fire road, which connects Suffolk County property to mine. I stood at the junction of the two roads, waived my arms, and yelling, "Slow down, stop, slow down, stop," until the first one hit me with the front of his ATV. I remember getting lifted off the ground by the ATV, and the next thing, I was 25 feet away from where I was standing, wedged up against the tree that I broke with the middle of my back. That's the tree that I passed around. I don't know how long I was unconscious, but the sound of ATV's was faint.

I have sustained many injuries from this accident, which I am still seeking medical treatment from the University Hospital at Stony Brook. I am not the only person run into by ATV's. I know of two New York State Police, Environmental Conservation Officers, who have been hit by ATV's, Officer Arthur {Crist}, and Officer Christopher {Ruckert}.

I would like to tell you that my homeowner's insurance doesn't cover me for medical bills, and I'm fighting with my auto insurance company for the medical bills on the uninsured personal injury protection as a pedestrian. To date, I have not received payments for anything from my insurance company, my carrier, the Traveler's Company, which is part of the Standard Fire Insurance Company.

As a taxpayer, I do not want to pay for everyone who gets hurt by these dangerous machines. They can't be around pedestrians, because the risk of pedestrians. They are not environmental friendly, and they make loud -- with their loud exhaust and aggressive tires, overpowered engines and loose nuts behind the wheels. I have seen ATV's chase deer across my property into oncoming traffic, and listen to the drivers laughing about it while stopping to drink a beer and to tell -- and then, when I tell them to get off my posted land, they tell me that it's County land, which the problem of ATV's is not just kids under 16, but adults as well.

How well do you think the County will be able to control people with alcohol and drugs in an ATV

park, which is what I am totally against, creating an ATV park in our County.

As the -- as of now, insurance on ATV's does not cover the riders or passengers for medical bills, just like motorcycles. And I'd like to point out that I do not want this in my backyard. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. David Schanel. Sorry if I'm mispronouncing it. Followed by Don Seubert.

**MR. SCHANEL:**

It's correct. My name is David Schanel and I am a business agent for the Bankers Union Local 3. I'm here representing the more than 1,000 employees at Entenmann's Bakery in Bay Shore, and 3,000 members at large in the Tri-State area. I'm requesting you to support the acceptance of Robert Dow as Commissioner of Labor. He's nominated by the Long Island Federation of Labor and County Executive Steve Levy. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Don?

**MR. SEUBERT:**

Yes.

**P.O. CARACAPPA:**

Followed by John Fanning.

**MR. SEUBERT:**

Top of the morning, Presiding Officer and County -- Members of the County Legislature. As a Coordinator for the Overton Preserve Coalition and Medford Taxpayers and Civic Association, the preservation of Overton is extremely important. We wish for you to approve the appraisal and planning steps necessary to ensure this preserve of regional significance becomes a reality for

Central Suffolk residents. The sooner we move ahead, the more likely this parcel will be preserved intact.

As you are probably aware, this parcel has many values, including the prehistorical Native American, the American Revolutionary story of the David Overton Family.

The Overton Preserve will boast hundreds of species of plants and animals, some of special concern, and some endangered, including, as John Turner said, the charismatic Eastern Tiger Salamander.

The heavily and densely populated parts of Suffolk County have paid the greatest portion of Pine Barren and open space dollars through bonds, bottle returns, sales tax, income tax, etcetera, seeming to reap little visible return and open space for their dollar.

About 2.6 million people live on Long Island. Probably 2.3 million live west of Route 112. This parcel is about the center of the glacial divide, and boasts the purest of drinking water for our sustainable Long Island aquifer. This deep recharge hydrological Zone 3 Pine Barren parcel could be the most important future reservoir for the 2.3 million Long Islanders to the west, as it offers the most cost effective, efficient, and purest source of drinking water.

It is with the proximity to Suffolk's population density in mind that Mr. Lee Koppelman strongly supports solely the protection of this parcel for its deep recharge water credentials, beyond its many other values. This Pine Barren parcel further ensures the integrity of the Pine Barren core area habitat, and officers offers security for East Enders, whose watershed suffers degradation and is extremely fragile.

This is the last chance to retain what was once all beautiful, a veritable wilderness to the good people of West Yaphank, Farmingville, Selden, Gordon Heights, Coram and Medford, the true bordering communities. It is simply miraculous how these 500 acres between Mill and Granny Roads have remained intact. Your action in preserving this land will ensure the goodness, joys and natural wonders of Overton, will continue to offer a sense of place, history, respect, wonder and true pride, not only for our local Medford residents, who call this area Locust Valley, but all Suffolk County.

And I thank you very much, and hope we can get a piece of the old sod for the area. Thank

you.

**P.O. CARACAPPA:**

Thank you very much.

**(Applause).**

Before we go on, I'd just like to indicate for the record, I have received a letter from Town of Brookhaven Councilman James Tullo. It's a lengthy letter, which I won't read into the record, but I'll have placed in as part of the record, in support of the Overton Preserve acquisition. So, if the Clerk could just grab this later and add that to the record. John Fanning.

**MR. FANNING:**

Good morning. My name is John Fanning. I represent the Steam Fitters Local 638, Jack {Taup}, being president, asked me to come here this morning and speak to you, and ask you -- urge you to vote for Bob Dow as the new Suffolk County Labor Commissioner.

Unless there's a compelling reason that you don't want to, please, let us know now, but otherwise, please, confirm him, he's a good man. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

**(Applause)**

Nick LaMorte, followed by Marian Sumner, Summer.

**MR. LAMORTE:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MR. LAMORTE:**

How is everybody this morning?

**LEG. COOPER:**

Good.

**MR. LAMORTE:**

My name is Nick LaMorte. I represent CSEA. I just have a few members that live in Suffolk County. And I'm also am a Vice President with the Long Island Federation of Labor, and also the new Legislative Director. I stand before you to urge the support and urge you to support Robert Dow for Suffolk County Labor Commissioner.

I know I was here about a week ago urging your support, and we did receive that, and we appreciate that as a labor movement. I think it's the right thing to do. Bob's a good guy. As I had said, he'll be an asset to you, and he will be an asset to the labor movement here in Suffolk County. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Marian Sumner, then followed by Lauren M. Corcoran. Marian?

**MS. SUMNER:**

Good morning. My name is Marian Sumner, and I'm from Peconic Land Trust. And I want to thank you for your support to protect the Detmer Farm in Setauket. As you know, this farm is an historical and very scenic farm in the Three Villages area, and it has been a target of extensive development over the last years. We've been working on the project for many years, and we're very pleased to have an accepted offer to purchase the property for protection.

The family has been farming it for many years and they would like to see it protected. However, they do have several offers of substantially more from developers, so it's you urgent that we move ahead to protect this property.

We've been working with the Suffolk County Real Estate Department on the purchase of the development rights of the property to protect it in perpetuity, and we thank the Real Estate Department for all their hard work. And I urge you to adopt Resolution 1069 in support of the project today. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

**LEG. VILORIA-FISHER:**

Thank you.

**P.O. CARACAPPA:**

Lauren Corcoran, followed by Karen Blumer? Blumer.

**MS. CORCORAN:**

Good morning, distinguished members of the Suffolk County Legislature. My name is Lauren Corcoran. I'm representing 1199 SEIU. It's the Health and Human Service Union. I'm representing here today Dennis Rivera, President.

I just wanted to actually share with you today that on January 12th, the Long Island Federation of Labor unanimously endorsed Bobby Dow as its pick for Commissioner of Labor. Long Island labor faces many issues, and for 40 unions to come together under Jack Caffey's leadership and pick one person is pretty tremendous. And I hope that you -- that's a reminder to you today, when you're faced with this decision, and we really do hope you vote yes. It's important to Long Island labor, it's important to all of us here today. We've now come twice, I want to remind you of that, and we will come again, but it's important that this happens today. So, on behalf of SEIU 1199 and all of its distinguished members who are your constituents, I ask you to vote yes today for Robert Dow.

**(Applause)**

**P.O. CARACAPPA:**

Thank you. Karen Blumer, followed by Jim, Jimmy Castellane.

**MS. BLUMER:**

Good morning, members of the Legislature. My name is Karen Blumer. I'm a Coordinator for the Overton Preserve Coalition, and I'm on the Board of Directors of two of the 16-member groups in that coalition.

I am speaking today to urge you to please vote for Resolution 1087, a bipartisan supported

resolution.

When we went before the Environment, Planning and Agriculture Committee two weeks ago, we - they had the enjoyment of watching the video that we put together, called "The Overton Preserve." I understand that each one of you should have -- I brought a copy today -- should have gotten a copy. I'm hoping that you've put aside HBO and at least watched it once, because in that viewing, they got to see me turn into a salamander, and also to listen to the perhaps sad song of Joanie Mitchell singing "Paving Over Paradise", "You don't know what you've lost until it's gone."

And we're hoping today that -- we'd like to thank you in advance, hopefully, for preventing the paving over of paradise on the Overton Preserve.

You'll be voting on only the planning stages for a little over 400 acres, but we're hoping that, ultimately, the preserve will be over 500 acres. Much of this may not be purchased. We'll be finding alternative ways of saving the land. It is, as you've heard in testimony today, rare ecological, archeological, geological, and an overlay of great historical value.

So, as we said, we get to pass this way but once, and often rarely opportunities come to pass along a legacy to future generations, and we're hope hoping that you will vote today to do that. Thank you very much.

***(Applause)***

Oh, and, by the way, if you didn't see it, there was an editorial today from Newsday, "Overton Site Worth Saving". Thank you very much.

***(Applause)***

**P.O. CARACAPPA:**

Thank you. Jim Castellane, followed by Bob Glaser.

**MR. CASTELLANE:**

Good morning. I'd like to thank you for this opportunity to speak to the Legislature. And I'd just like to go back to what some of the other people said.

I represent Local 12, the Insulators Union, and a member of the building trades on Long Island.

Many, many labor leaders have come both last week and this week. We -- myself have been in this business thirty-one years, the business of labor. We have a good idea and a good judge of character when someone is chosen for a position in labor, such as you must have when people come up through your ranks. We came out in support of Bobby Dow, because we know Bobby. We came out in support of Bobby Dow, because he runs a fantastic union on Long Island, Local 25. They have a fantastic apprenticeship program. They teach people how to perform labor. We cannot ask for a better person, from our point of view and our members' point of view, which is very important, our members sent us here to have Bobby Dow as the Commissioner of Labor in Suffolk County.

We hope that use are absorbing what's happening here with labor leaders coming before you, and we hope that you vote yes today on behalf of myself and my members for Bobby Dow. Thank you for your time.

**(Applause)**

**P.O. CARACAPPA:**

Thank you. Bob Glaser, followed by Pat Guidice.

**MR. GLASER:**

My name is Robert Glaser. I'm a Business Representative for Local 12, Insulators. And I want to thank you, members of the Legislature, for giving me the opportunity to appear before you today.

I represent Local 12. We do the insulation work. We have 500 members that perform work here in Suffolk County. And more important than that, I'm a resident and taxpayer of Suffolk County. And I want to remind the Legislature that Suffolk County has as part of its obligation the obligation to provide ample opportunity for its younger adults who finish school, and perhaps not going to move on in life to become doctors, lawyers, and whatever, that they have an opportunity to provide for themselves and their families work and wages that guarantees them the minimum of -- the basic necessities of life, which are pension and health benefits.

And the labor movement here on Long Island, and particularly with Bob Dow as your Labor Commissioner, makes the statement that the Legislature and the County is on board to provide those opportunities to those individuals that can move and live and pay -- make the wages here on Long Island, to pay the cost of living on Long Island, and provide for their families, their pension and the medical coverage. I thank you very much for this opportunity. And I, like my other -- the other speakers, urge you to vote to approve Bob Dow as Labor Commissioner. Thank you very much.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Next speaker is -- is it Pat Guidice? I'll try every combination until I get it right.

**MR. RANGELLI:**

Good morning, ladies and gentlemen, Presiding Officer. Many of you know me as Ralph Rangelli, not Pat Guidice. I'm the Business Manager of IBW Local 1049. Pat is a colleague of mine and he's yielded his time to me, if that's acceptable.

I'd like to let you know that as a member of Long Island Federation and a Vice President of that organization, we several months ago engaged in a process of due diligence to screen several potential candidates for the Commissioner of Labor's position here in Suffolk County. During that process, we looked at many resumes and reviewed the potential candidates from a variety of different perspectives. At the end of that process, we unanimously determined that the appropriate candidate that we would like to recommend to the Suffolk County Executive, and hopefully confirmed by this Legislature, was Mr. Robert Dow.

So I'm here today to rise in support of that recommendation and speak on behalf of Mr. Dow, along with the other colleagues that are members of the Long Island Federation. My local union, as well as an independent local union, the IBEW Local 1049, also supports Mr. Dow, so I speak for those members as well.

I urge you today to confirm the appointment of Mr. Dow, and I thank you for your consideration and your time.

**P.O. CARACAPPA:**

Thank you, Ralph.

**(Applause)**

Andre Sigmone. Andre? And followed by Tim Lynch.

**MR. SIGMONE:**

Good morning. My name is Andre Sigmone. I'm Secretary of.

Local 6, CSEA, the State employees. My union represents 25,000 members in Suffolk County. I'm speaking here today to ask the Legislative body to vote yes on the resolution appointing Bobby Dow as Suffolk County Commissioner of Labor.

I understand that certain members of the Legislature are not supportive of the resolution. Whether they're present here today or not, I ask that you bring this resolution to a vote and give organized labor the leadership it needs in the Department of Labor.

I would also like to point out that not only do I represent the needs and interests of my members, but I'm also representing your constituents. My members are people that work for your campaigns, vote in your elections, and pay their County property taxes. They're good hard-working people, and I would enjoy bringing back good news today. Please, do the right thing. Make the work force in Suffolk County proud of its County Legislature and approve Bobby Dow's appointment today. Thank you.

**(Applause)**

**P.O. CARACAPPA:**

Thank you. Timothy Lynch, followed by Jim Rogers.

**LEG. LINDSAY:**

Good morning, Brothers and Sisters. I am glad to be here today to speak on behalf of Robert Dow, as I spoke two weeks ago urging you to vote on Mr. Dow as your future Labor Commissioner. I am the President of Teamsters Local 1205, and an active participant in the Long Island Federation of Labor, and Teamsters Joint Council 16, which represents over 125,000

workers in the New York area, many thousands of which live and work in the County of Suffolk.

As a person that was born and raised in Suffolk County, I love it and I cannot think of a better person to represent the hopes, the needs, the desires of the working people of this County, whether they are members of labor organizations or not. There are hundreds of thousands of people who depend upon their government to enforce the laws and look out for their interests, so that they can live with dignity and respect and not have the worries that often accompany jobs where there are reckless employers. I believe from experience that Mr. Dow will bring integrity and ethics to this very important position, and I urge that this body unanimously endorse the recommendation of Mr. Levy. Thank you for your time.

***(Applause)***

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

Thank you. Jimmy Rogers, followed by John McKenna.

**MR. ROGERS:**

Good morning, members of the County Legislature. My name is Jim Rogers. I'm a representative with District Council Number 9, which is the painters and allied trades. We have roughly 13,000 members in D.C. 9, and I'm also speaking on behalf of myself as a tax-paying citizen and a lifelong resident of Suffolk County.

I spoke last week on -- in support of Robert Dow for Commissioner of Labor for Suffolk County. I also mentioned that I was on the transition team for Steve Levy for Labor and Transportation, which Robert Dow was also a member on the transition team. We did an in-depth analysis of the Department of Labor, and I was very surprised to see the -- how large it is, what different opportunities it has for people that are either unemployed or looking for new training. Robert had a lot of input on that committee. He came up with a lot of different ideas for cost savings for Suffolk County, and he pretty much was the shining star of the transition team, as far as coming up with different ideas. And I think he would make a great choice for Commissioner of Labor, and I recommend that you vote for him today. Thank you.

***(Applause)***

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

Thank you. John McKenna, followed by Gerard Devine.

**MR. MCKENNA:**

Good morning, Ladies and Gentlemen. Thank you for letting me speak. I'm speaking on behalf of an ATV park for Suffolk County. I'm a lifelong resident of Suffolk County and an ATV rider, and I respectfully ask you to vote in favor of Proposition 1838-03, to establish a Task Force for an ATV park in Suffolk County.

For more than two decades ATV riders have been forced to either trailer their ATV's off Long Island or ride them illegally. Despite this, ATV sales are growing, and the problems that it creates are growing with it. Suffolk County has 46,000 acres of parkland. By establishing legal riding areas, the County could chose nonsensitive areas, select areas near landfills or industrial zones that wouldn't affect residential areas. Open the riding for weekends when local businesses are closed. Greatly reduce future damage done by illegal riders to environmentally sensitive areas by having an outlet for these riders. Generate income by charging user fees to riders and fees to vendors selling food or ATV support items. Control the noise by maintaining -- mandating that the ATV's use their original factory quiet mufflers, and pass a sound test before riding.

In other parts of New York State, and other states as well, these programs work, and ATV riding is a respectable form of recreation for the whole family. Today's ATV's are not the leaky, smoky polluting machines of the past. They are produced by manufacturers like Honda that pride themselves on clean, efficient equipment. These are the same machines that County rangers use today to patrol our parks.

I would be willing to serve on this Task Force to find appropriate sites here in Suffolk. I thank you for your consideration.

**LEG. LOSQUADRO:**

Thank you.

**LEG. FOLEY:**

Thank you

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Mr. Gerard Devine.

**MR. DEVINE:**

Good morning. I'd like to thank you for the opportunity to address the Presiding Officer and the Legislature today. I'm a Business Agent with Local 30 of the operating engineers, and on behalf of the business manager, Jack Ahearn, and the 3,000 plus members, I would like to address the situation with Robert Dow.

I'd like to request the Legislature vote yes and approve Robert Dow as Commissioner of Labor. Local 30 is confident that he has the qualities and characters necessary to fulfill this obligation to the County and the labor movement as the Commissioner of Labor. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Gary Bono, followed by Ron Caputo. Gary Bono.

**MR. BONO:**

Good morning, Legislators. My name is Gary Bono. I'm a delegate to the Long Island Federation of Labor and a Political Action Representative for the members of Transport Workers Local 100, and our President, Roger Toussaint.

I'm speaking today about the pending appointment of Robert Dow, Bobby Dow, as Suffolk County Labor Commissioner. The endorsement of Bobby Dow was unanimous by the Long Island Federation of Labor, and I urge you County Legislators today to do the right thing and appoint Bobby Dow Suffolk County Labor Commissioner.

I want to be able to go back today and say that the Legislature did the right thing, to tell my members that they can be proud of their County representatives in Suffolk. Thank you very

much.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Ron Caputo, followed by Kevin Kelly.

**MR. CAPUTO:**

Good morning, County Legislature, Presiding Officer. Thank you for this opportunity. I was here, oh -- addressed you before you on the same issue and urged you to discharge this from committee, so you could vote on it, and you guys tabled it for today. I hope that you vote on it.

I just again want to reiterate that we support Bob Dow. He's a great guy. I think he's the right man for the job. He's qualified, he's got the education. My brother's been a member of his local for a little over ten years now, and he couldn't be here today, because he had to work, and he asked me also to put the good word in for Bob Dow. So, just on behalf of District Council 9, and my brother, one of the members of Local 25 IBEW, we support Bob Dow for Labor Commissioner. Thank you.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

Charles Clampet, followed by Kevin Kelly.

**MR. CLAMPET:**

I've been before this Legislative meeting many times before about Child Support Enforcement Bureau. On behalf of Social Services law, the Family Court Act states, and also Domestic Relations Law states that if I fall below the federal poverty guidelines that I should only pay \$25 in child support. The Family Court is asking me to pay \$315 out of my Social Security disability money that I only get.

I have a book before me and it says, "What a noncustodial parent needs to know about child support." That's put out by the Division of Child Support Enforcement Bureau. On Page 7 of this book, it states, after the court determines how much money you should pay for child support, then the child -- then the court sees how much child support you have to pay for -- will be deducted. If your remaining income would be less than or equal to poverty line, \$8,350 for the Year 2000, my thing is that I paid child support, but I only get less than 7,000, and that was for the Year 2000; that child support will be issued \$25, that's what should be coming out. Also, if your income is less than or equal to the poverty line, the un -- amount of unpaid child support arrears could be accrued, they can bill no more than \$500.

Now, a Support Magistrate position title was just opened up in Suffolk County, and it states here, "Distinguishing features of works, Support Magistrates are responsible for conducting initial formal hearings to determine support proceedings, proceedings to determine paternity and other matters within their authority." It does not say anything about them becoming personal. The Hearing Examiner, John {Romundi}, had it become personal when I told him I didn't have to fill out taxes, because my tax -- my money is below \$10,000, and the federal law also states that I don't have to fill out taxes. So now he seems to think that I have millions of dollars hidden somewhere, so that's where he's coming up with this.

And I'm asking, respectfully requesting that everyone in the County Legislature listen to this, not just Brian Foley. He's been dealing with this with me for a long time. John Cooper dealt with me. I just called Peter O'Leary's office, too. Now, I'm supposed -- Peter, who's the -- your Aide in your office that talks about child support, because I moved over to Yaphank and I'm in your district now.

**LEG. O'LEARY:**

I believe you're referring to Mr. Doyle.

**MR. CLAMPET:**

Yes.

**LEG. O'LEARY:**

Yes.

**MR. CLAMPET:**

I'm respectfully requesting that somebody look into this, because Social Services law states that if I fall below that federal poverty guideline, that's the federal poverty guideline, not the County poverty guideline, not John {Romundi}, not the Hearing Examiner, it's the federal poverty guideline.

Now, there was another guy that did a thing here before this Legislature, and it says right here that this guy here went into the Federal Court, I'm not going to mention names, he went into the Federal Court, and what the County Court could not do and what the State Court could not do, the Federal Court took it over. Is that where I'm supposed to go? I thought the County was supposed to work for us, the people that work as County Legislator. This is where the laws are laid down is from the County Legislator. Suffolk County Department of Child Support, that's who it is, it's Suffolk County, it's not the State of New York. It says CSEB County Child Support. I'm asking for help. I've done this before.

**LEG. FOLEY:**

Thank you.

**MR. CLAMPET:**

Thank you.

**P.O. CARACAPPA:**

Thank you, Mr. Clampet. Kevin Kelly.

**MR. KELLY:**

Mr. Chairman, the Body, tax paying citizens of Suffolk County, my name is Kevin Kelly. I'm a business rep of the Metallic Lathers Union, Reinforce and Ironworkers. My members not only live and work in Suffolk County, but we encompass the five boroughs and Westchester County. But for those that live in Suffolk County, that's why I'm here today.

I would like to speak for a brief moment about brother Bobby Dow. Robert Dow has continued his entire adult career to work for the betterment of the people that work and live in the Long Island area. I ask that the body have a vote today, so that the working people in Suffolk County can have a strong Commissioner of Labor. He has worked for the people that elected him at Local Union 25, he has worked hard for Steve Levy, and I assure you that he will continue to work hard each and every day for the people that live and work in Suffolk County.

I ask you to have this vote today, and please pass Bobby Dow. He will make you proud, he will work hard for each and every person that lives in Suffolk County. And thank you. This must be done today.

**P.O. CARACAPPA:**

Thank you very much.

***(Applause)***

We have no other cards. Anyone else wishing to address the Legislature? Step forward, sir, and state your name. I would ask all Legislators, in the meantime, please report to the horseshoe.

**MR. PELLEGRINO:**

Good morning. Thank you. My name is Frank Pellegrino. I'm the Business Manager of Plumbers Local Union Number 200, and I speak today to support Robert Dow as our new Commissioner of Labor. I know Bob for a long time, and we live in the same town. Our sons played in the orchestra together in high school. And he comes from an organization, as does Legislator Lindsay, that really is an example for the rest of the trade movement on Long Island.

Brother Dow, if I can call him that, and I'm proud to do so, knows the issues of labor in his work on apprenticeship and the needs of our youth, and the opportunities that the trade movement and unionism can do for them, would be a great asset, and is important to my membership that we move forward with this. It's important to all of organized labor that there is a Commissioner of Labor in place, and we ask that you move forward on this issue. Thank you.

***(Applause)***

**P.O. CARACAPPA:**

Thank you very much. Anyone else wishing to address the Legislature? Okay. I make a motion to close the public portion, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public portion is now closed.

Going on to the agenda. Tabled resolutions. I'd ask all Legislators report to the horseshoe once again. A motion to approve the Consent Calendar by myself, second by Deputy Presiding Officer

Carpenter. All in favor? Opposed? Abstentions? Resolutions tabled, Page 8.

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**RESOLUTIONS TABLED TO FEBRUARY 24, 2004**

-

**P.O. CARACAPPA:**

Thank you, Mr. Clerk. **1531 - Approving amended cross bay ferry license for Bay Shore Ferry.** I'll make a motion to approve.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

There's a second by Legislator O'Leary. On the motion, Legislator Carpenter and Legislator Alden. Legislator Alden.

**LEG. ALDEN:**

Is Budget Review present? Can we skip over this until they come in?

**P.O. CARACAPPA:**

Yes. I'd ask Budget Review, please come to the table, Kevin Duffy in particular.

**1838 - Establishing a Task Force to study need for ATV park in Suffolk County.**

**LEG. CRECCA:**

Motion to table by myself.

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

There's a motion to table by the sponsor, Legislator Crecca.

**LEG. CRECCA:**

If I can, just because --

**P.O. CARACAPPA:**

On the motion -- second by Legislator Caracciolo. On the motion, Legislator Crecca.

**LEG. CRECCA:**

Yes. I just wanted to let my colleagues know that I have incorporated in the bill the requests specifically made by Legislator Vilorio-Fisher and Legislator Lindsay. It's just that we filed it past the deadline, so we would have to waive the seven-day rule. Rather than do that, we'll wait until the next meeting.

**LEG. VILORIA-FISHER:**

Thank you.

**P.O. CARACAPPA:**

Okay. There's a motion by the sponsor to table and a second. All in favor? Opposed? Abstentions? I'm going to oppose the tabling.

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**2029 - Requesting Legislative approval of the contract awarded for Pharmacy Consultation Services for the Department of Health Services, Division of Mental Hygiene Services and the John J. Foley Skilled Nursing Facility.**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Viloría-Fisher. All in favor?

**LEG. BINDER:**

What was this?

**P.O. CARACAPPA:**

Opposed? On the motion, Legislator Binder.

**LEG. BINDER:**

Why was this tabled the last meeting.

**P.O. CARACAPPA:**

Counsel?

**LEG. BINDER:**

Do we have a --

**MS. KNAPP:**

I don't believe there was any discussion. I believe there was a motion to table without a discussion at the last meeting. I don't have any notes on a discussion.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Was this arrived at as far as a competitive bidding process? Or can we just put on the record how much the services are?

**MS. KNAPP:**

The resolution does not state the amount of services, and I didn't -- I couldn't find it in the backup either. It is on a resolution, because it's one of those that, despite the fact that they said that they sent it to, I believe it was six providers, there was only one bid.

**LEG. ALDEN:**

Is anybody here from -- because this is a County Executive resolution, that could explain?

**LEG. FOLEY:**

From last year.

**LEG. ALDEN:**

What?

**LEG. FOLEY:**

Last year.

**LEG. BINDER:**

That's fine.

**LEG. ALDEN:**

Then should we send it back for review to the County Executive? That's what I would suggest.

**LEG. FOLEY:**

You would like to have it tabled another round? And then it could be discussed -- even though the Chair of the Health Committee's not here, it can be discussed -- I wouldn't recommit it to committee. Let's leave it on the floor, and then at our next Health Committee meeting, we can have this as one of the featured discussions. Is that what you'd like to see happen?

**LEG. ALDEN:**

Yes.

**LEG. FOLEY:**

Okay. So I'll withdraw the motion to approve.

**LEG. VILORIA-FISHER:**

Could we table it to later on today? Perhaps somebody from the County Executive's --

**LEG. ALDEN:**

That's fine, too.

**LEG. VILORIA-FISHER:**

-- Office could be here to answer that question. Because, as I understood it, it was -- I'm sorry, Mr. Chair.

**P.O. CARACAPPA:**

Legislator Viloría-Fisher, thank you.

**LEG. VILORIA-FISHER:**

I'm sorry.

**P.O. CARACAPPA:**

It's okay.

**LEG. VILORIA-FISHER:**

My apologies. I jumped on that. It was my understanding that the reason we have this -- when I'm -- as I look at the resolution, it's because there was only one bid, and when you have that, it has to come before us. But maybe they could just tell us the amount this afternoon. Would that be appropriate, to table it for this afternoon?

**LEG. ALDEN:**

I'm willing to table it to any time when -- just to provide an opportunity to the County Executives's Office to come over and just explain to us. Otherwise, I mean, if we want to give them a month, we'll give them a month to come over.

**LEG. FOLEY:**

If I may, through the Chair. Perhaps we --

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Let's see what the County Exec's Office has to say early this afternoon. And then, if we're satisfied, then we can make a decision then. If not, we can then

make a motion to table until --

**P.O. CARACAPPA:**

Yeah. There's no need to table now, we'll just skip over it. Going back to **1531 - Approving amended cross bay ferry license for Bay Shore Ferry**. Legislator Alden -- there was a motion to approve by myself, second -- and a second on 1531. Legislator Alden had a question for Budget Review.

**LEG. ALDEN:**

There's been a number of open issues, and one of them was that the Town of Islip has actually issued some kind of summons, or taken away their whether it be landing rights or operating rights on the mainland side. Can you fill us in on any of that?

**MR. DUFFY:**

The knowledge I have of it is somewhat limited. I had received a telephone call from someone in Islip Town who indicated that they were taking -- it was from the Town Attorney's Office, that they were taking Bay Shore Ferry to court, and they needed copies of the license and certain other papers. I had directed them to the Clerk's Office, and my understanding is that they picked up those papers and they were in court. I do not know the outcome of that case, what has happened, but, as far as I know, they were taken to court, and I do not know the decision that's been reached.

I called back the Town of Islip Building Department and asked them if -- when they had something in written decision, or something like that, if they would send them to our Counsel at that time, who was Paul Sabatino.

**LEG. ALDEN:**

Just for the record, then, I have some misgivings about this, and if we table this one more time, it will give me the opportunity to contact the County Attorney's -- I mean, the Town Attorney's Office and see where they are. But we're not -- we're not telling them not to run, we're just telling them not to do their amended scheduled, which would mean bringing in the people from New Jersey, and that was a whole proposition for an expanded schedule. And, actually, their expanded schedule wouldn't -- really wouldn't kick in until a lot later on in the season, probably after Memorial Day, so we're not really putting them out of business or telling them that they can't run in the manner that we have approved in the past, we just tell them that the amended

schedule, which would be that expanded schedule, wouldn't be able to be kicked in until we clear up a couple of -- I think they're big questions, actually, so I would ask that we table this.

**P.O. CARACAPPA:**

Legislator Carpenter, there's a motion to table by Legislator Alden, which takes precedence. Is there a second?

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

Second.

**P.O. CARACAPPA:**

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

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

Thank you. My issue has been, and continues to be, the fact that what this resolution does is actually asked to assign the rights or the license that was given to the one ferry company to the ferry company from New York. And I certainly support the expansion of the service and -- but if it's going to be done, I think that New York Waterways, I believe is the name of the company, should be making the application and going through the same kinds of procedures that Bay Shore Ferry did when they requested and received their license to operate. So, to me, it's a matter of the question of the assignment of license. And I really think that given the fact that it is a new year, that this really, and there's been a change of leadership at the Public Works Committee, that this perhaps should be recommitted to the Public Works Committee. So I would like to make that motion.

**LEG. ALDEN:**

Second that motion.

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

Thank you.

**P.O. CARACAPPA:**

There's a motion to recommit now, which takes precedence over the tabling motion. I'd ask for a little order. Thank you. There's a motion to recommit and a second. All in favor? Opposed?

**LEG. LINDSAY:**

Opposed.

**P.O. CARACAPPA:**

I'm opposed. Opposed, Legislator Lindsay, Vioria-Fisher, and myself.

**MR. BARTON:**

12. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

It's been sent back to the Public Works Committee. Moving on to **2050 - Authorizing acquisition under the Greenways Program (in connection with acquisition of Farmland Development Rights at Center Moriches (Town of Brookhaven)).**

**LEG. CARACCIOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes. As you may recall, at last month's meeting, I had requested that this be tabled, so as to afford myself the opportunity to meet with officials from the Division of Real Estate and Planning.

**P.O. CARACAPPA:**

This is Strobel Farm.

**LEG. CARACCIOLO:**

This is the Strobel property.

**P.O. CARACAPPA:**

Thank you.

**LEG. CARACCIOLO:**

That meeting took place in Chief Deputy County Executive Paul Sabatino's Office, and I am now satisfied that the mean appraised value of 9.2% is justified. And, in accordance with that meeting, a new resolution has been prepared by Counsel, and I am requesting a CN to reflect the rationale, which is a requirement under our reform measures, be incorporated in the resolution. So, at this time, we need to table 2050. A CN request is pending with The County Executive's Office, Linda Burkhardt requested that a few moments ago, so we can take this up later on today.

**P.O. CARACAPPA:**

Skip over it in anticipation of a Certificate of Necessity.

**LEG. FOLEY:**

I have a question, Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you. Thank you. I'm happy to hear that Legislator Caracciolo's supportive of the measure. The meeting that took place sometime ago with -- at the County Executive's Office, and since that time, the indication now is that we will receive a CN today, or the request was just made a few moments ago?

**P.O. CARACAPPA:**

Yes, my office just made the request about 20 minutes ago.

**LEG. FOLEY:**

All right. Do expect --

**LEG. CARACCIOLO:**

If may I respond, just so you understand, Brian --

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

-- what's transpired.

**LEG. CARACCIOLO:**

What -- apparently, there was some confusion about a procedural motion in lieu of a new resolution.

**LEG. FOLEY:**

Right.

**LEG. CARACCIOLO:**

Legislative Counsel has advised that it requires a new resolution, and she's -- I'd like to have her comment further --

**LEG. FOLEY:**

Please.

**LEG. CARACCIOLO:**

-- as to why we need to substitute the original resolution with a new resolution.

**LEG. FOLEY:**

I think, certainly, we have ten -- well, I'll wait to hear from Counsel.

**MS. KNAPP:**

On December 15th of last year, the County Executive signed a resolution, I believe it was 959, sponsored by Legislator Bishop, that disallowed deleted procedural motion and, instead, required that as part of the acquisition resolution, this Legislature would approve the values in excess of the mean value, two-thirds vote, I believe it is, if you go up to 10%. If you go over 10%, I believe it's a three-quarter vote that's required. As a result of that legislation becoming law on December 15th, the procedural motion seems to be not the proper way to do it, although there was some very brief discussion be whether the fact that it was filed before the change in the law might have -- I think the law is clear that it's the law -- the time that the action is actually taken by the body, so that the cleanest, safest way to do it would be by this new resolution by CN.

**LEG. FOLEY:**

Just through the Chair, then what will happen with Procedural Motion Number 10 that's after the Dow resolution. If we approve this CN, hopefully, it will come over and we have the votes, what then happens to Procedural Motion Number 10?

**P.O. CARACAPPA:**

Counsel?

**MS. KNAPP:**

As with 2050, it would be no longer necessary, because you will have passed the new resolution by CN.

**P.O. CARACAPPA:**

Thank you very much, Counsel. So moving over that, moving on to **1083, confirming appointment of County Commissioner of Labor, Robert Dow.**

**LEG. VILORIA-FISHER:**

Motion to approve.

**LEG. FOLEY:**

Second.

**LEG. COOPER:**

Second.

**P.O. CARACAPPA:**

There is a motion by Legislator Foley, second by Legislator O'Leary. On the question, Legislator Lindsay.

**LEG. LINDSAY:**

Thank you, Mr. Chairman. The confirmation process is an important part of what we do as Legislators. It gives the citizens of Suffolk County the reassurance that our highest appointed officials are scrutinized, not only by the County Executive, but also by the 18 members of this Legislative body. The reason behind this system of checks and balances is to assure that people appointed to these important positions are qualified to do the job they're being nominated for,

and ask also to assure that they have the highest moral character.

The position before us today is the Commissioner of Labor, a position that requires the supervision of well over 200 workers, with a budget approaching 20 million dollars.

When Mr. Dow appeared before the Ways and Means committee on February 10th, he submitted the resume that is attached to this resolution. His resume was, obviously, missing a vital component. It lacked any dates of duration of the positions he has held.

Before becoming a Legislator, I spent 24 years in the field of labor relations. During that tenure, I reviewed hundreds of resumes. When a resume was submitted without dates or duration, it was obvious that the applicant was trying to hide something. In the case of Mr. Dow, the key position in his resume is his tenure as Business Manager of IBW Local 25, one of the oldest and most highly respected labor organizations on Long Island. I'm very familiar with the responsibilities of this job, because I held that position for ten years.

Many of the other positions listed on his resume, by virtue of being the Business Manager, for example, acting as a Trustee to various benefit funds, etcetera, is that it is my opinion that Mr. Dow deliberately omitted the dates and duration, because he only held those positions for 18 months. He was elected Business Manager for a three-year term in July of 2002, and he resigned in January of 2004.

When Mr. Dow testified before the Ways and Means Committee on February 10th, he stated that he was a member of IBW Local 25 for 31 years, which is true, however, 26 or 27 of those years were spent as a construction electrician, a very noble profession, but not one that qualifies him to run a 20 million dollar business.

During his appearance before Ways and Means, it was brought out that Mr. Dow, as indicated on his resume, was an organizer business representative for Local 25. Again, what was missing was his duration in the position. Mr. Dow was hired that position in the summer of 1998 and he resigned in December of 2000.

What does this all tell us? And, again, if the dates were on the resume, it would be crystal. Mr. Dow is an ambitious individual, where there is nothing wrong with. However, he has jumped from one job to another before he has had time to gain the valuable experience that he would

need in order to be effective in the position that he's now seeking.

After his appearance on February 10th, the Ways and Means Committee unanimously tabled his appointment. I know for a fact that later that day, people in the labor community were called to come to the Legislature on February 11th to lobby for the confirmation of his appointment. It was suggested that there was a partisan conspiracy to block this appointment. The fact of the matter is that I questioned Mr. Dow more than anyone on the committee, because I'm certainly more familiar with him than anyone else, and I am a lifelong Democrat.

Mr. Dow, during his interview, testified that he's a lifelong Republican, who has been nominated by a Democratic administration. I ask, where is the partisan conspiracy?

On February 11th, this body voted to bypass the Ways and Means Committee and bring the resolution to the floor and then to table it until today.

I have thought long and hard regarding Mr. Dow's appointment. It is quite apparent there is much history between us and that I truly want to leave in the past. However, I would be derelict in my duty as a Legislator if I didn't question about these lapses in his resume. I doubt that he is -- that he's qualified to oversee this very important 20 million dollar a year department, and I'm still ethically troubled by the incomplete resume. However, in light of the numerous speakers from the various Long Island labor unions, which I've worked with my entire life and that I have a great deal of respect for, I would bow to their wishes in spite of my doubts and vote for Mr. Dow.

***(Applause)***

**P.O. CARACAPPA:**

Thank you, Legislator Lindsay. There's a motion and a second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

Congratulations, Mr. Dow.

***(Applause)***

**INTRODUCTORY RESOLUTIONS FOR THE FEBRUARY 24, 2004  
MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**HEALTH AND HUMAN SERVICES**

Introductory resolutions for today's meetings, Health and Human Services. **1020 - A Local Law defining income for Disabled Persons real property tax exemption.**

**LEG. VILORIA-FISHER:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1089 - Designating "Welfare Reform Awareness Month" (in Suffolk County).** Motion by Legislator Viloría-Fisher, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**WAYS AND MEANS AND CONSUMER PROTECTION**

**P.O. CARACAPPA:**

Ways and Means and Consumer Protection. **1004 - To expand the scope of Suffolk County Electrical Licensing to include Electrical Inspection Agencies.** Motion by Legislator Lindsay.

**LEG. ALDEN:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1019 - A Local Law expanding first time homeowner County property tax exemption.**

Motion by Legislator Foley, second by myself.

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

Second.

**P.O. CARACAPPA:**

All in favor? Make the second Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

1019 is approved. **1035 - Renaming the County Legislative Auditorium at Riverhead County Center as the Maxine S. Postal Legislative Auditorium.** Motion by myself.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Foley.

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

I'd ask everyone to join me as a sponsor. Thank you. All in favor?

**LEG. SCHNEIDERMAN:**

On the motion.

**P.O. CARACAPPA:**

Opposed? On the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I know that our esteemed former colleague worked very closely with all of you and I have great respect for her as well, though I hadn't met her. This is renaming a -- the auditorium, the other auditorium, which happens to be in Riverhead in my district, and I just -- is there a -- I know we just named a park in her district after her, I think that was a wonderful thing to do. Is there more of this ahead, or has some discussion -- I'd like to hear some of the discussion that goes into this.

**P.O. CARACAPPA:**

This was my idea, and it was done almost on a dual track. And I didn't know that the park was being named in her district at the time when I came up with the idea of doing the auditorium. Personally, as the sponsor of the bill, I feel it's a no-brainer. This is well deserved. Maxine Postal deserves this honor. She deserves the support of her colleagues who worked with her over the years.

I can speak firsthand, as a family member of the woman that this auditorium is named after, what an honor it is for the family, and for so many other reasons aside from her public service, for the family, for the work she's done, for the things that she's taught us, for the person she made all of us who came in contact with her.

To make this happen for her and to put her name on a Legislative auditorium for which she worked in, did so many great things for the people of Suffolk County, it's, again, nothing -- this is the least, very least we can do. There should be more honors for Maxine Postal, to be honest with you, in my opinion. And it's a pleasure and an honor for me to be the sponsor of this resolution, and I ask everyone to not only support it, but cosponsor it.

***(Applause)***

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

Mr. Presiding Officer, if I might.

**P.O. CARACAPPA:**

Legislator Carpenter.

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

I absolutely concur with everything that the Presiding Officer has said, and think this is a unique opportunity for us to publicly, not just for those of us who had the privilege of serving with her, but for future generations to ask, well, who was Maxine Postal? You know, 10 or 20 years from now, people will come into that auditorium and ask about who it was named after, as they did and do with this auditorium for Legislator Caracappa. These both were two women who were extraordinarily devoted to the people that they represented, and for us to be able to do this is I think is, as the Presiding Officer said, the very least.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Also, it's highly warranted to have one of the County facilities in Riverhead, or a portion of the building named after Maxine Postal. The length and breadth of her concern and her contribution to the body politic of this County stretches from Montauk and Orient Point right to the Nassau, Babylon, Huntington/Babylon boundary lines. As a matter of fact, within the same building as the auditorium is the Riverhead Health Center. As many of us know, Maxine Postal, along with former Legislator John Foley and others, were among the forefront of those creating opportunities for health care and access to health care for residents throughout Suffolk, again, not just Western Suffolk, but for those who have to go great distances in Eastern Suffolk to access the Riverhead Health Center.

Maxine Postal is one of the ones over her many years, doing her best to make sure that that particular County run health center would have the resources and the staffing in order to bring services to Suffolk County residents who live in Eastern Suffolk. So it gives both geographical bounds to her name, and it also indicates just how far-reaching from both ends of the County

her service was to our residents.

**P.O. CARACAPPA:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Thank you. I'm glad I sparked some discussion on this issue. I'm very happy and delighted to hear your comments. In light of them, and also because it happens to be in my district, this building, I'd like to put my name down as a cosponsor for this.

**P.O. CARACAPPA:**

Thank you. Please, don't -- I apologize if you feel slighted that was in your district in what is the Town of Southampton, I believe, the auditorium, but it's the Legislative building, and that's what was the most important aspect, and the auditorium. So, seeing that this auditorium is spoken for naming-wise, I thought it was highly appropriate that Riverhead was the one for Maxine. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes, Mr. Chairman. I'd like to echo the comments and sentiments of Legislator Foley with respect to Maxine's dedication, commitment and service to all the residents of the County. And as Brian pointed out, and as John, his father, John Sr. Pointed out earlier today, that maybe in the future, that when we calendar meetings, that we do so on a more equitable basis to reflect that, A, the Riverhead County Center, and the soon-to-be-named Maxine Postal Legislative Auditorium is, in fact, the County Seat of this County, and that we get away from the bias that has been prevalent for years of hosting the majority of our meetings here in Hauppauge, which is not the County Center. So I'm glad to hear the good will towards naming this facility in Maxine's honor, it's well deserved. And I would hope that when we look at Legislative calendar meetings in the future, that we reflect that, that auditorium will be undergoing renovation.

And I would ask at this time, Mr. Chairman, that you consider me as a member of any work group that redesigns that facility, because as well as this auditorium came out in honor of your mom, I think we can take the best from this and make that one even a little bit better. Thank you.

**P.O. CARACAPPA:**

Thank you. And I will consider you -- consider it done, actually. Legislator Foley, did you have another comment?

**LEG. FOLEY:**

No.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

1035 is approved.

***(Applause)***

**1038 (Authorizing reduction of erroneous tax assessment for property located at 144 Wendy Drive, Holtsville, Town of Brookhaven).**

**LEG. FOLEY:**

Motion, Mr. Chairman.

**P.O. CARACAPPA:**

There's a motion by Legislator Foley. This has a letter from the Assessor's Office?

**LEG. FOLEY:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. FOLEY:**

There's a governmental error.

**P.O. CARACAPPA:**

Absolutely. Motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

And a second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1065 (A Local Law to repeal annual audit of County forfeiture funds).** Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1085 - A Local Law to repeal annual audit of County forfeiture funds.** I'll make a motion to table --

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

-- for one meeting. Second by Legislator Crecca. All in favor? Opposed? Abstentions? It's tabled.

**MR. BARTON:**

15. (Not Present: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1088 - Authorizing the County Clerk to file an application for additional State**

**mortgage tax reimbursement.** Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1092 - Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer.** Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

### **VETERANS AND SENIORS**

-

**P.O. CARACAPPA:**

Moving on to Veterans and Seniors. **1018 - Local Law defining income for Senior Citizens real property tax exemption.** Motion by Legislator Losquadro, second by Legislator Lindsay. It's the "L" thing, Lindsay, Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

### **BUDGET AND FINANCE**

**P.O. CARACAPPA:**

Budget and Finance. **1036 - Extending the deadline for the Unified Cash Management and Borrowing Procedure Committee.** Motion by myself, second by Legislator Crecca. All in favor? Opposed?

**LEG. CARACCILOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Abstentions? Legislator Caracciolo, on the motion.

**LEG. CARACCIOLO:**

How much of an extension?

**P.O. CARACAPPA:**

Just put it on the microphone.

**LEG. CARACCIOLO:**

What is the extension period?

**P.O. CARACAPPA:**

To the end of this fiscal year.

**LEG. CARACCIOLO:**

Okay. And the justification for that? Lance, do you want to answer that?

**MR. REINHEIMER:**

Yes.

**P.O. CARACAPPA:**

Lance, go ahead.

**MR. REINHEIMER:**

Budget Review sits on that committee also. It's a working committee developing procedures for tracking capital projects in the cash balance, and it's still being developed, so the committee wanted an extension to complete and continue with their work.

**LEG. CARACCIOLO:**

Which on the surface sounds reasonable, but this is an important project and undertaking, so let's hope we can get it done before December.

**MR. REINHEIMER:**

They meet on a periodic basis. They also have working committees that meet with I.S., and it is going forward and it is progressing as fast as it can.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

There's a motion and a second. All in favor? Opposed? 1036 is approved.

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1037, 1037A (Amending the 2004 Capital Program and Budget and appropriating funds for the construction of sidewalks in Downtown Sayville along County Road 85, Montauk Highway, Town of Islip (CP 5497)).**

**LEG. LINDSAY:**

Motion.

**P.O. CARACAPPA:**

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

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

**LEG. LINDSAY:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. FOLEY:**

Yes. Cosponsor.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

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

Yes.

**MR. BARTON:**

15 on the bond. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **1069 (Allocating additional funds for the acquisition of development rights to farmlands by the County of Suffolk, Detmer Farm, Town of Brookhaven).**

**LEG. CARACCIOLO:**

Motion, Mr. Chairman, to commit to the Environment, Planning and Farmland Committee.

**P.O. CARACAPPA:**

There's a motion to recommit this resolution, 1069, to EPA Committee. Is there a second?

**LEG. CRECCA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Crecca.

**LEG. VILORIA-FISHER:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Mr. Chair, we had discussed this resolution in the Budget Committee, where it was appropriately placed, because, in 2003, Resolution Number 255 authorized the acquisition. So it had already gone through the Environment Committee the year before. It came to the Budget Committee in order to do an interfund transfer, but all of the approvals had already occurred the year before.

So it seems that it had been appropriately assigned to budget -- to the Budget Committee by the Presiding Officer and Counsel. And so this would put an unnecessary delay on a very important acquisition, which, if you listened to the testimony this morning during the public

hearing, it was really -- there's a tremendous amount of development pressure on this. This is not an acquisition that's new to anyone who's sitting at this horseshoe. We've been working long and hard on this. Legislator Crecca was my cosponsor when I introduced the resolution to acquire this particular parcel, the development rights. We've all known the importance of Detmer Farm, its historical significance, and the developmental pressure. I ask my colleagues to vote to approve this budget issue today.

And, by the way, Mr. Isles is here. He had had the appraisals forwarded to Legislator Caracciolo's Office for him to review them. The appraisals are all in order. Mr. -- I think his name is Mr. Moore from Planning who reviews the appraisals, I believe he's present here today also to answer any questions.

I implore the -- my colleagues not to delay this another month. There are signatures that are ready to put pen to paper, ink to paper, and I really want to see this move forward. Thank you very much.

**P.O. CARACAPPA:**

Thank you. Legislator Crecca.

**LEG. CRECCA:**

Yeah.

**LEG. CARACCIOLO:**

Oh, I'm sorry.

**LEG. CRECCA:**

Oh, here. I'm sorry.

**LEG. CARACCIOLO:**

Did you want to speak?

**LEG. CRECCA:**

Yes. I just wanted to add that I was contacted by the Chairman of the Environment Committee regarding this acquisition. And while I understand why it was assigned to Budget and Finance, if I understand it correctly, we're going from 2 million dollars, which was originally authorized for

the acquisition, to 5.85 million, which is a tremendous difference, obviously, in the financing, and I understand that.

And I'm very supportive of this acquisition in general in the sense of that I'd like to see Detmer Farm preserved. But out of respect for that committee, since there is -- it's more than doubling in price from the original appropriation, I did tell Legislator Caracciolo, as the Chairman, that I would support at least giving the Environment Committee another opportunity to look at the acquisition and make sure that it wasn't drawing down on the acquisition funds too much for the amount of acreage and things like that.

So I just want to explain to you my reasons for supporting the motion to recommit, again, in deference to --

**LEG. BINDER:**

Not to recommit, to commit.

**LEG. CRECCA:**

To -- Well, to commit to the Environment Committee. Thank you.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

I'll yield right now, Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Yes. In the Budget Committee, we did query the Planning Department with regard to drawing down -- I'll just wait until -- in your Budget Committee, we did query the Planning Department with regards the drawing down. And can we ask Mr. Isles to come forward and answer these questions, because he did do it in Budget Committee; is it possible?

**P.O. CARACAPPA:**

Mr. Isles, are you present?

**LEG. BINDER:**

Mr. Chairman.

**P.O. CARACAPPA:**

He's not here.

**LEG. VILORIA-FISHER:**

Okay. I'll yield to Mr. Caracciolo, then.

**LEG. CARACCIOLO:**

Thank you. Mr. Chairman, I think it's important for the record to reflect that there was a Newsday article on the last day of the term of the former County Executive and, unfortunately, I have it in the office, I didn't bring it with me today, but it was very interesting that there was a press release by the County Executive with respect to this property, and that would be Mr. Gaffney, that the County was purchasing this property. It was the new year period, so I waited until, I guess it was the second or third, and I made inquiry of the Planning Department with respect to that announcement. And what I learned was very interesting, and that was that Mr. Isles, our Planning Director, had no knowledge that the County had reached any agreement with anyone to purchase this property.

I subsequently requested the appraisals on this property, because, as we all know, under the former Real Estate Director, and now he's once removed, because Christine Costigan has also been replaced, he had on several occasions, which became popular headlines in Newsday, taken upon himself to take actions that far exceeded, some believe, his authority to exercise his duties as Real Estate Director. I think it's absolutely important that we learn from those lessons, that before we go ahead and pay more than what was the original 2 million dollars for a piece of property, far in excess of that, in this case, 5.8 million dollars, that there be due diligence. That's what Mr. Foley, Sr. eluded to this morning when he talked about this Legislative body doing its work.

I hear all the time from members that we have a committee system, let the committee system do its work, and that's all I'm asking be done here. This is not an attempt to derail, detour or slow down this acquisition.

And to refresh everyone's memory, back in December, we had a property in my district, the Strobel Farm, which, hopefully, later today we will vote on and approve, which I -- at my request, was tabled, now it's going on three months, so that, once again, the committee system and the Chair of that Committee can do due diligence to make sure that the County pays what it should pay.

I really -- I'm not sympathetic to sellers who say, "You have to buy this now, or else we'll sell to development." That's always their option. But the County should never let someone hold a gun to its head and say, "You have to do this now, or else." I can't tell you how many times over the last 12 years I've heard that scenario and I've never once seen that happen.

We are talking about a significant sum. We're talking about a sum, in fact, that is three times greater per acre in the same township, Brookhaven, for farmland development rights. And that's all this is, let everyone understand. We're paying almost \$200,000 an acre for farmland developments rights, not full ownership, and it's at full County cost, unlike Strobel. And that may be well justified. All I'm saying is give the Chair and the Committee the opportunity to do its job.

**LEG. VILORIA-FISHER:**

Mr. Chair.

**P.O. CARACAPPA:**

There's a list. Legislator Viloría-Fisher. Legislator Binder, did you --

**LEG. BINDER:**

(Shook head no)

**P.O. CARACAPPA:**

Then you're next.

**LEG. VILORIA-FISHER:**

Well, I just wanted to say that in the absence of Mr. Isles not being here now, and, certainly, the point made by Legislator Caracciolo is certainly well taken, that the announcement during the

Christmas holiday was a premature announcement. I think there was an eagerness to have this completed during the administration, that had -- just honestly saying had worked on it for a number of years, and so that is understood. Would you be willing to -- Mr. Isles is, by the way, on his way over, and I didn't realize that. Just now, my Aide told me. Would you mind skipping over this until he gets here?

**LEG. CARACCIOLO:**

I don't have any reason not to. I'd be happy to hear what he has to say, but I won't be moved to move the resolution until at least I and those members of the committee who wish to do so look very closely at the appraisals to make sure that the County's best interests are being served. As I said, this is not a joint acquisition with any other entity, it's full County cost. It's more than double the original amount. The fact that the previous administration made a premature announcement doesn't make me suspicious, but that was unnecessary, because it certainly gave some the impression that the County was definitely buying this property, and that should never be done. You know, I have newspapers in my district call me all the time about acquisitions and trying to --

**LEG. VILORIA-FISHER:**

Actually, I was going to say that I'll -- I won't argue with your motion.

**LEG. CARACCIOLO:**

Thank you. Thank you. Can we move the motion, Mr. Chairman?

**P.O. CARACAPPA:**

There's a motion to commit to the EPA Committee by Legislator Caracciolo, second by Legislator Crecca. All in favor? Opposed?

**LEG. VILORIA-FISHER:**

I'm opposed.

**P.O. CARACAPPA:**

There's one opposition, Legislator -- two oppositions, Legislator Lindsay and Viloría-Fisher. Just let the record -- and Legislator Foley. Let the record reflect that I'm fully supportive of this acquisition. This isn't the first time, it's not the last time that we're going to see properties come back to us with an increase in the dollar amount, because the glacial pace that these

properties go through for acquisition, and the market that we're facing with relation to real estate. We're going to see prices jump with relation to what we originally had approved. I know that full -- firsthand, because I'm going to have to do that myself in another couple of months with a piece of property that we had approved earlier on. And based on that slow pace of the County Attorney's Office, we had to -- the price went up and the seller became less willing.

So I fully understand why we're in this position, and I fully intend to support this when it comes back, but it does deserve its due diligence and I'll support that, as well as later on supporting the resolution. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. I think the points made by yourself and Legislator Fisher are also right on mark -- on point, rather, and that's why at the next committee meeting, now that we have a replacement in the Real Estate Division, there's a new Director, the Committee will be making certain that they have sufficient staff, because anyone who's been here long enough, as Legislator Binder knows, I have repeatedly, whether it's a Republican administration, or a Democratic Administration, argued for that department, given the scale of acquisitions that are pending, increased staff, make sure that we, you know, move at a good pace, rather than the snails pace that you mentioned, so that we don't find ourselves in this situation.

So I'd hope the new administration will not be penny wise and pound foolish and hold up additions to a department that right now has in excess of a hundred planning steps resolutions to bring back to us, hopefully for us to purchase.

But the other point I want to make, and I will be introducing legislation shortly, but I want to get a consensus from each of you, as to increasing funding for environmental programs, because we are starting to run into some very low fund balances, given what is now in negotiation and contract. So I hope we can take that up as a body in a bipartisan fashion and maybe put before the voters this Fall a reasonable, but responsible, amount for new environmental funding.

Thank you, Mr. Chairman.

**P.O. CARACAPPA:**

Thank you. There's a motion and a second. All in favor? Opposed? Abstentions? That now goes to the EPA Committee. 1078.

**MR. BARTON:**

The vote is 12. (Absent: Legs. Bishop and Tonna)

**LEG. VILORIA-FISHER:**

We had already voted.

**P.O. CARACAPPA:**

Yes, yeah. The opposition was --

**MR. BARTON:**

I have the oppositions.

**P.O. CARACAPPA:**

Thank you.

**MR. BARTON:**

It's 12.

**P.O. CARACAPPA:**

**1078 (Amending the 2004 Operating Budget and appropriating funds in connection with the U.S. Open Pedestrian Bridge, Town of Southampton (Capital Program Number 5405)).**

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary.

**LEG. ALDEN:**

Cosponsor.

**P.O. CARACAPPA:**

Second by Legislator Alden.

**LEG. FOLEY:**

It's not going to help your game.

**LEG. ALDEN:**

I'll be the keeper of this bridge.

**P.O. CARACAPPA:**

Legislator Schneiderman, you're okay with this?

**LEG. CRECCA:**

The keeper of the bridge.

**LEG. VILORIA-FISHER:**

The keep of the bridge.

**LEG. SCHNEIDERMAN:**

Yeah, it's fine.

**LEG. VILORIA-FISHER:**

You mean the bridge troll?

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**LEG. CRECCA:**

Mr. Presiding Officer, I recommend that we make this a toll bridge and charge.

**LEG. VILORIA-FISHER:**

No, troll.

**LEG. CRECCA:**

Not Towle with a "W".

**P.O. CARACAPPA:**

That's T-O-L-L.

**LEG. CRECCA:**

Toll, L-L, yes. I'm sure if -- I'm sure if -- never mind, I'm not even going to comment on that one.

**P.O. CARACAPPA:**

Let's move on.

**LEG. CRECCA:**

Yes.

**P.O. CARACAPPA:**

**1079 (Amending the 2004 Adopted Operating Budget and the 2004 Capital Budget and Program and appropriating funds in connection with the purchase of sewer facility maintenance equipment).** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

**1080, 1080A (Amending the 2004 Operating Budget and appropriating funds in connection with Bonding Settlements for Medical Malpractice Cases).** Motion --

**LEG. VILORIA-FISHER:**

Motion.

**P.O. CARACAPPA:**

-- by Legislator Viloría-Fisher, second -- is there a second?

**LEG. BINDER:**

Second.

**P.O. CARACAPPA:**

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

**LEG. ALDEN:**

Budget Review, can you just put on the record how much these are. And I think we really just have to understand how much we have in the pipeline also that we're looking at.

**LEG. CRECCA:**

Pipeline?

**LEG. ALDEN:**

Yeah, there's more. There's more coming.

**MR. SPERO:**

This resolution would approve 8.3 million dollars to allow the County to bond for certain medical malpractice cases that were approved by the Ways and Means Committee last year. This would be in addition to the last time we checked, the three hundred plus million dollars in -- authorized in approved debt that's still in the pipeline that can be issued by the County Comptroller.

**LEG. ALDEN:**

Okay. More importantly, though, how much -- and maybe we don't have a dollar amount of this, but how many other lawsuits in dollar amount do we have pending against us on medical mal?

**MR. SPERO:**

I can't say off the top of my head. If you check the official statements the County issues when it issues serial bond debt, it rather gives a comprehensive list of all the lawsuits that are pending, but it doesn't give -- provide amounts as to what those settlements might end up being.

**LEG. ALDEN:**

We'll take it up in committee, then. Thanks.

**P.O. CARACAPPA:**

Motion and a second. Roll call.

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

**LEG. VILORIA-FISHER:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCILO:**

Yes.

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

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

15 on the bond.

**P.O. CARACAPPA:**

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

1096 - Adopting updated investment policy for Suffolk County. Motion by myself.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Losquadro. All in -- on the motion? On the motion, Legislator Alden.

**LEG. ALDEN:**

If the Chairman of that committee could just put on the record what the updates are.

**LEG. BINDER:**

It's the same, basically.

**LEG. ALDEN:**

Or Budget Review.

**MR. SPERO:**

Really, a continuation of the existing policy, existing investment policy.

**P.O. CARACAPPA:**

Just a pro forma resolution done every year. All in favor? Opposed? Abstention?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY**

**P.O. CARACAPPA:**

Economic Development, Higher Education and Energy. **1076 - Appropriating funds in connection with environmental health and safety - college wide (CP 2131).** Motion by Legislator Carpenter, second by Legislator Foley. Roll call.

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

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

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CRECCA:**

Pass.

**LEG. ALDEN:**

Pass.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. CARACCIOLO:**

Mr. Chairman.

**MR. BARTON:**

15 on the bond. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

I recognize Legislator Caracciolo.

**LEG. CARACCIOLO:**

Just as a quick aside, each of us recently received a report from the College -- the new College President with respect to exempt salaries, and pretty much a report as to why they felt recent actions or proposals by the College should be taken up in the future. Is the committee going to look at that issue?

**P.O. CARACAPPA:**

I defer to the Chair.

**LEG. NOWICK:**

I'm sorry, Legislator Caracciolo, I was looking at another --

**LEG. CARACCIOLO:**

Sure.

**LEG. NOWICK:**

-- legislative --

**LEG. CARACCIOLO:**

I made reference to a recent report that was distributed to the Legislature from the new College President with respect to management exempt employee salaries, and the justification for the recent request to increase those salaries. Have you had an opportunity to look at that? And if not, will you be -- will the committee be taking a look at that issue?

**LEG. NOWICK:**

We can certainly do that.

**LEG. CARACCIOLO:**

Okay. So that it can be addressed before we get to the College budget in a few months?

**LEG. NOWICK:**

Sure.

**P.O. CARACAPPA:**

Very good. You called the vote, right, Henry?

**MR. BARTON:**

Yes.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **1077, 1077A (Appropriating funds in connection with improvement/replacements to roofs at various buildings - college wide (CP 2137)).** Motion by Legislator Nowick, second by Legislator Viloría-Fisher. Roll call.

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

**LEG. NOWICK:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. CRECCA:**

Yep.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCIOLO:**

Yes.

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

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

15 on the bond. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. **1091 - To streamline and consolidate County government by eliminating separate County Department of Aviation.** Is there a motion?

**LEG. SCHNEIDERMAN:**

Motion to recommit.

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

Second.

**P.O. CARACAPPA:**

There's a motion to recommit by Legislator Schneiderman.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**LEG. LINDSAY:**

Opposed.

**P.O. CARACAPPA:**

Abstentions? There's one opposition, Legislator --

**LEG. MONTANO:**

Opposed.

**P.O. CARACAPPA:**

Two oppositions, three oppositions, Legislator Viloría-Fisher, Lindsay, Foley, Montano, Cooper.

**MR. BARTON:**

Ten. (Absent: Legs. Bishop and Tonna).

**P.O. CARACAPPA:**

That is returned to Economic Development, Higher Education and Energy.

**PARKS AND CULTURAL AFFAIRS**

Parks and Cultural Affairs. **1029 - Renaming Uniqua Park --**

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

Unqua.

**P.O. CARACAPPA:**

Unqua.

**LEG. VILORIA-FISHER:**

Unqua.

**P.O. CARACAPPA:**

**Unqua Place Park in Village of Amityville as the Maxine S. Postal Park.**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**ENVIRONMENT, PLANNING AND AGRICULTURE**

**P.O. CARACAPPA:**

Environment, Planning and Agriculture. **1068 - Authorizing planning steps for acquisition of land under Pay-As-You-Go 1/4% Taxpayer Protection Program, Land of**

**Springmeadow, Town of Brookhaven.**

**LEG. CARACCIOLO:**

Motion to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**LEG. LOSQUADRO:**

Mr. Clerk, cosponsor, please.

**P.O. CARACAPPA:**

Please ad Legislator's cosponsor. **1087 is Overton. (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Overton Preserve - Town of Brookhaven)).**

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator --

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

-- Foley, second by Legislator Losquadro. All in favor? Opposed abstentions? Please add me as

a cosponsor, Mr. Clerk.

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**LEG. FOLEY:**

Thank you.

**LEG. O'LEARY:**

Henry, cosponsor please.

**LEG. FOLEY:**

Thank you very much.

### **SENSE RESOLUTIONS**

**P.O. CARACAPPA:**

Moving on to Sense Resolutions. **Sense 2 - Memorializing resolution requesting State of New York to adopt tougher standards for employees of homes certified for operation through the New York State Office of Mental Retardation and Developmental Disabilities (NYS OMRDD).** Motion by Legislator Crecca, second by --

**LEG. VILORIA-FISHER:**

Second.

**LEG. ALDEN:**

Myself.

**P.O. CARACAPPA:**

Legislator Viloría-Fisher and Alden. All in favor?

**LEG. ALDEN:**

Cosponsor.

**P.O. CARACAPPA:**

Opposed?

**LEG. VILORIA-FISHER:**

Cosponsor, Henry.

**P.O. CARACAPPA:**

Abstentions.

**LEG. VILORIA-FISHER:**

Please.

**P.O. CARACAPPA:**

Cosponsors, Legislator Viloría-Fisher and Alden.

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

And Carpenter. **Sense 3 - Memorializing resolution requesting State of New York to adopt pay equity for all employees.** Motion by myself.

**LEG. FOLEY:**

Second.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter. All in favor? Opposed?

**(COSPONSOR SAID IN UNISON BY LEGISLATORS)**

**LEG. CRECCA:**

Put us all on.

**P.O. CARACAPPA:**

Thank you all. I appreciate that. That's very --

**LEG. VILORIA-FISHER:**

On the motion.

**P.O. CARACAPPA:**

That's very nice of you.

**LEG. VILORIA-FISHER:**

On the motion, Mr. Chair.

**P.O. CARACAPPA:**

Legislator Viloría-Fisher, yes.

**LEG. VILORIA-FISHER:**

Very timely, with --

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**LEG. VILORIA-FISHER:**

-- March being Women's History Month. Thank you.

**P.O. CARACAPPA:**

You're welcome. All in favor? Opposed? Abstentions? It's approved. Do we have any CN's at this point in time?

**MS. PASTORE:**

Not yet.

**P.O. CARACAPPA:**

Nothing yet?

**MS. PASTORE:**

No.

**P.O. CARACAPPA:**

Okay. Do we have to go back? Are there any we skipped?

**LEG. ALDEN:**

We skipped a couple on the tabled.

**P.O. CARACAPPA:**

Yeah.

**LEG. LINDSAY:**

Are we going to hear from Tom Isles? Wasn't he going to --

**LEG. FOLEY:**

We've already approved the resolution.

**LEG. O'LEARY:**

Is Tom Isles here?

**LEG. FOLEY:**

We've approved the resolution.

**LEG. VILORIA-FISHER:**

No. Mr. Chair, someone's asking if we're going to hear from Tom Isles. Mr. Isles arrived, but because we had recommitted --

**P.O. CARACAPPA:**

Right.

**LEG. VILORIA-FISHER:**

-- I didn't think it was necessary for us to spend the time.

**P.O. CARACAPPA:**

And thank you for taking care of that, we appreciate it.

**LEG. FOLEY:**

Mr. Chairman, the only outstanding business in the afternoon besides the public hearings is the Strobel Farm in Moriches.

**P.O. CARACAPPA:**

Yes.

**LEG. CRECCA:**

Let's do it now.

**P.O. CARACAPPA:**

We're waiting on the CN for that.

**LEG. CRECCA:**

Oh, okay.

**P.O. CARACAPPA:**

And we did skip --

**LEG. ALDEN:**

2029.

**P.O. CARACAPPA:**

-- 2029.

**LEG. CRECCA:**

What page?

**P.O. CARACAPPA:**

That is on tabled resolutions.

**LEG. FOLEY:**

That is also on Page 8, that's true.

**P.O. CARACAPPA:**

So why don't we try and deal with that?

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

It needs a two-thirds vote, just so everyone knows.

**LEG. ALDEN:**

I had asked for --

**LEG. VILORIA-FISHER:**

Maybe Budget Review has that information.

**LEG. ALDEN:**

They don't have it. We need somebody from the County Executive's Office.

**P.O. CARACAPPA:**

There's Todd. Mr. Johnson, come on forward.

**LEG. CRECCA:**

Will the real Mr. Johnson please step up.

**P.O. CARACAPPA:**

Five to -- ten to twelve and you're doing your presentations already. How about that?

**MR. JOHNSON:**

Well, actually, we still have a couple of CN's that we're considering, so I'd like to put that, hopefully, until a little bit later, maybe after the public hearings. But there was a question regarding 2029, I believe --

**LEG. ALDEN:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. JOHNSON:**

-- Legislator Alden, and this has to do with an RFP that was led up by the Health Department, where they only had one respondent. And because of that, they needed Legislative approval for the contract. Now, Len Marchese is on his way over from the Health Department. He'll be available here to speak to the details of that.

**LEG. FOLEY:**

There he is.

**MR. JOHNSON:**

Oh, okay.

**LEG. FOLEY:**

Way to go.

**MR. JOHNSON:**

And true to my word.

**MR. MARCHESE:**

Yeah, hi. My name is Len Marchese, I'm from the Health Department. Basically, this resolution awards a contract to Pharmacy Associates, which was the only bidder for an RFP that we put out on the street to provide consultation services at both the Skilled Nursing Facility and our Mental Health Clinics. Since they were the one -- the only responder, and since the contract price was more than \$20,000, County regulations require us to put a resolution forth.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

In your analysis, was it a reasonable amount that they bid?

**MR. MARCHESE:**

Yeah. And this consultant has been working for us for four, five years and has been doing an excellent job.

**LEG. ALDEN:**

So when you develop your RFP, you put in a -- pretty much a range that you expect the bids to come back in that you would consider?

**MR. MARCHESE:**

Yes, yeah. It's like on a per chart basis.

**LEG. ALDEN:**

And this is well in there?

**MR. MARCHESE:**

Yes.

**LEG. ALDEN:**

Why did no one else bid on this?

**MR. MARCHESE:**

You know, I can't answer that. We submitted the proposals, and, you know, we sent it out to eight respondents and nobody came back with, you know, an RFP. I mean, we have some pretty detailed contract requirement procedures that vendors have to comply with, so a lot of times vendors don't want to get involved with all of that. I mean, it's --

**LEG. ALDEN:**

This vendor is providing a service for us now?

**MR. MARCHESE:**

Correct.

**LEG. ALDEN:**

And are there any complaints, problems suspensions?

**MR. MARCHESE:**

No, no. We're very happy with them. They supervise the admissions of pharmaceuticals to our patients, so, you know, although we have a regular pharmacy provider, they kind of double check that we're administering medications appropriately to our patients.

**LEG. ALDEN:**

Okay. Thanks.

**LEG. FOLEY:**

Motion to approve.

**P.O. CARACAPPA:**

Okay. There's a motion to approve by Legislator Foley, second by Legislator --

**LEG. VILORIA-FISHER:**

I'll second it.

**P.O. CARACAPPA:**

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

**LEG. LINDSAY:**

Mr. Chairman, before we adjourn for lunch, do you have any other business?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

As of right now, I'm actually scrambling to find some business --

**LEG. LINDSAY:**

Okay.

**P.O. CARACAPPA:**

-- but there isn't any.

**LEG. LINDSAY:**

All right.

**P.O. CARACAPPA:**

There will be CN's later, though --

**LEG. LINDSAY:**

Okay. But --

**P.O. CARACAPPA:**

-- and some late-starters.

**LEG. LINDSAY:**

I'd like to be recognized for a point of personal privilege, if you don't mind.

**P.O. CARACAPPA:**

I recognize you.

**LEG. LINDSAY:**

Thank you. I was reviewing the minutes from the February 11th meeting that I was absent from, and it -- although I told the County Executive, both the Majority Leader and the Minority Leader why I couldn't be here, I was out of state, I had a plane flight that afternoon that I couldn't change, the minutes didn't reflect that, it just said that I was absent. And I felt really bad about that, because it's the first meeting that I've missed.

While I'm on the subject, today's meeting was a difficult meeting for a number of us. There was at least three Legislators that initially said they couldn't be here today. I changed my travel arrangements to be here today, and lo and behold, the County Executive called a Special Meeting to when I changed the plans to travel, and that's why I couldn't be here. But I would ask that both this Legislative body, as well as the County Executive, be a little bit more cognizant of individual schedules of Legislators. I think anything can be done, anything can be scheduled just with a little time. To call a Special Meeting within seven days is very difficult. It was very difficult for my schedule, especially since I rearranged it to be here today. And I echo that to my colleagues, as well as the County Executive.

**P.O. CARACAPPA:**

I certainly appreciate those comments, and we know you made extraordinary efforts to be here today, and it's a credit to your service and to your constituents. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Mr. Chairman, as you know, last week, when we met with the County Executive to talk about Medicaid and mandate relief issues, this topic came up, Legislator Lindsay, and I specifically -- I did not know why you were absent from his State of the County Address -- not that one, the meeting right at -- two days later, but I made reference to the fact that as a result of those two special meetings, he was not really -- he did not respect this Legislative body as a whole by scheduling them in the fashion he did. And there were -- there was sufficient notice, but the fact remains, as you just pointed out, there are invariably scheduling conflicts when people -- even though they received what he may have deemed a sufficient notice, plans were already in the process, and that's truly unfortunate.

The point I wanted to make, though, is we did have that conversation and he did indicate that, in the future, he would make every effort to coordinate any Special Meeting, and he did not foresee the need to call very many more special meetings. So I think he is beginning to get that message.

**P.O. CARACAPPA:**

Legislator Alden, then Viloría-Fisher.

**LEG. ALDEN:**

I'm glad to hear that you had that kind of a cooperative attitude expressed, because I've been looking at the Charter, and possibly something was missing when the Charter was written, and that's a reason for Special Meetings being called by the County Executive. And I'm going to think -- well, I'm going to propose that we take that up in a debate forum whether the County Charter should be changed and allow for the State of the County Address, which is -- that's something that the County Executive does have to present to us every year, and maybe formalize it a little bit more, and maybe even put it in a time frame when it should be delivered to us. But, also, the reason to call a special meeting by the County Executive, there is no reason in the County Charter. So, a state of emergency doesn't have to exist, it doesn't have to be some dire type of problem that we're having, it can just be for basically on a whim. And I

think that, possibly, we might want to explore changing the County Charter and make it, so that if there's a state of emergency, fine, I don't mind coming in every day, but if it's more or less on a whim, I would mind that.

And for future County Executive's, maybe we can set the tone now for the future that we could define a little bit more why a special meeting would have to be called. And, also, as Legislator Lindsay said, a little bit more notice might be very, very helpful to us, because once we set our meeting schedule, I know a lot of us set, you know, plans for vacations, and some of those can get expensive when you go and have to cancel them, travel plans to go see ailing relatives, and things of that nature. So I'm going to be bringing that up, and I hope that we participate in a debate on that.

**P.O. CARACAPPA:**

Thank you. Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I'm going to change the subject only slightly. We voted today, I. R. 1089, designating Welfare Reform Awareness Month. There's a critical piece to that that you may miss when you look at the resolution and it has to do with two dates that I'm hoping you can make yourselves available. This commission, which has been working hard, has invited every Legislator to attend the March 12th and March 19th public hearings. And when we look at Medicaid and TANF grants, we will be hearing from many officials, State and, hopefully, Federal officials, and from the clients who receive these TANF grants, and I'm hoping that on December 12th, when the meeting is here in Hauppauge, you might make yourselves available at 9 a.m. and on -- I said December?

**LEG. CARACCILO:**

Yes.

**LEG. VILORIA-FISHER:**

March. Thank you. March 12th. And, yeah, very advanced notice. Plan your schedules accordingly. And on March 19th for our residents on the East End, we will be having a meeting in Riverhead at 10 a.m. So just mark your calendars, please. Thank you.

**P.O. CARACAPPA:**

Thank you very much. Just quickly going back to the subject that was talked about with relation to the County Executive's special meetings and cooperation, as was noted by Legislator Caracciolo, he and I did meet with him when we had a discussion on mandate relief last week. And it was made clear, and we had a very frank discussion between he and I, about cooperation and communication, and it was all done in hopes to douse any enflamed rhetoric that had been lingering based on the State of the County Address, the location, the Special Meeting, and everything surrounding it. So, we're hoping to have a really good working relationship from this point forward. We hope to be on the same page with relation to any special meetings, CN's, timetables with relation to the process of this Legislature, and everything else that we operate under. He is willing to do that. It was just, I guess, in some instances a miscommunication, and I just want the record to reflect that we're working those through those differences, and, hopefully, we won't have to deal with them again in the way that we have in the most recent past.

So, with that being said, we have no other business to come before us right now. We do -- we will return at 2:30 for public hearings and to set public hearings. We will have CN's, too, very important CN's before us, and laying some very important bills on the table. So, also, I urge all my colleagues to return. So, with that being said, we are recessed until 2:30.

**[THE MEETING WAS RECESSED AT 12:00 NOON AND RESUMED AT 2:35 P.M.]**

### **PUBLIC HEARINGS**

**P.O. CARACAPPA:**

Good afternoon. We'll start the public hearing part of the meeting. First public hearing is regarding **Introductory Resolution 1007 - Approving ferry license for Fire Island Water Taxi**. We have -- we have a few cards. First speaker is David Spirtes.

**MR. SPIRTE:**

Good afternoon. My name is David Spirtes.

**P.O. CARACAPPA:**

Just turn the microphone on.

**MR. SPIRTE:**

Good afternoon. My name is David Spirtes, and I'm Superintendent of Fire Island National Seashore. We have three ferry companies presently operating within Fire Island National Seashore, and Fire Island Ferries has done an excellent job in providing service to the public on the -- to the eastern communities within our boundary.

In our park planning, we find good lateral service between communities on the Island and between the park service areas is critical to providing a quality visitor experience, so that people can get between communities, go see Otis Pike Wilderness, get to Sunken Forest. And we feel that improved lateral transportation is really critical to our long-term planning needs, and also to reducing the need for vehicle driving on the Island. For that reason, we support any proposal that will provide better and more reliable lateral transportation. I thank you.

**P.O. CARACAPPA:**

Thank you very much. Next card is Ned Hurley.

**MR. HURLEY:**

I'm Ned Hurley from the Bay Shore Ferry Company. There is this hearing, and earlier today, I had a license that's been before you -- a resolution before you for nine months that was thrown back into committee, because -- well, first of all, it was to increase service -- I'm already a licensed ferry company and it was to increase service, and I want to provide more and better service. But I was thrown back into committee because of a question on the charter that I have, which leads me to this fact that I have the Fire Island Water Taxi Company here, which on there exhibit A has three 149-passenger vessels, which I believe are owned by Fire Island Ferries. But they're going to speak after me, so they can answer these questions.

And it's important to understand, are these leased vessels? Are these time chartered vessels? What exactly is the relationship? Or are they owned by Fire Island Water Taxi. And if they're owned by Fire Island Water Taxi, will Fire Island Water Taxi then lease them back to Fire Island Ferries when they're busy? So this idea of chartering on the Great South Bay has been around forever.

And it's quite unbelievable that boats can be chartered from New York Waterway or to New York Waterway by Fire Island Ferries, that boats can -- that another company can come before you and can say that they're going to be chartering boats amongst themselves, yet, when I come before you and it's ready for a vote, I get thrown back to committee because I'm chartering.

So it's very disturbing to me that I have these problems and I can't get forward position when exactly my competition, who I might add is landing at my docks on -- you know, in -- or places where I land, so that they now land everywhere where -- you know, there's only one company besides myself. They run to every place. I just run to, you know, two on Fire Island and one on the mainland. And now, with this license, you're going to be giving them direct competition with cross bay service with me on two of my locations coming back to Maple Avenue, where I go. You are in a -- I can't increase my service, I get thrown back into the -- into the circle, but they can come forward and they can put this application in front of you and can directly compete with me by getting new stops where I go and everybody turns a blind eye to it. It's unbelievable. Thank you very much.

**P.O. CARACAPPA:**

Thank you, Ned. George Hafele.

**MR. HAFELE:**

Good afternoon, Mr. Chairman, members of the Legislature. I thank you for the opportunity to speak to you.

Fire Island Ferries is in the process of attempting to acquire the assets of South Bay Water Taxi. In April of 1994, when I was the Operations Manager at Fire Island Ferries, at a management meeting, I drew short straw and was charged with negotiating with South Bay Water Taxi to acquire their assets. Since 1994, this process has been on again, off again, acrimonious and genteel, willing buyer, willing seller, unwilling buyer, unwilling seller, and with all the other permutations that go along with that.

South Bay Water Taxi first got their license in 1994. They have been operating on the Great South Bay well in advance of that. They renewed their license in 1999, and they're set to expire in August of 2004.

During the ten-year period that South Bay Water Taxi has been operating on the Great South Bay, they've been operating outside the purview of the Suffolk County Legislature, even though they are licensed, and with that license came a fare structure. The fare structure that was adopted in 1994 has not changed at all, although South Bay Water Taxi continues to charge basically at will on a day-to-day basis.

Not only does Fire Island Water Taxi intend to operate under the parameters set by the Legislature, but, for the first time, Fire Island will have an integrated water transportation system for cross bay, lateral, and on-demand service. And the part that makes this a little bit easier than some of the other licenses that have come before you in the past is that Fire Island Water Taxi is asking for a one-year operating license.

Because the Budget Review Office felt that the financials from South Bay Water Taxi weren't sufficient, we have decided that a one-year operating license, coming back at the end of the year with full financial statements, showing the Legislature what we do, how we do it, and having passenger counts, would be something that the Legislature would be interested in, as are we. So, therefore, should you decide to pass this legislation, we will be back here in less than a year, and at that time, we'll be looking for a five-year operating license.

I thank you. And if anybody has any questions, I'd be happy to answer them.

**P.O. CARACAPPA:**

Mr. Hafele, do you charter any of your boats to other ferry companies; have you?

**MR. HAFELE:**

Have we -- have we in the past? Yes, we have.

**P.O. CARACAPPA:**

As recent as how long ago, if not currently?

**MR. HAFELE:**

In 1999, 2001 and 2002, for short periods of time we leased vessels to New York Waterway.

**P.O. CARACAPPA:**

That's in New York City; correct?

**MR. HAFELE:**

That's correct.

**P.O. CARACAPPA:**

That was to bring passengers over the East River or the Hudson?

**MR. HAFELE:**

Actually, it was the Hudson River. The three episodes where we sent boats in there were due -- two of them were due to a proposed transit strike, and the third one was to help after 9/11.

**P.O. CARACAPPA:**

Were those boats part of your license agreement in Suffolk County under --

**MR. HAFELE:**

Yes, indeed.

**P.O. CARACAPPA:**

They were.

**MR. HAFELE:**

Yes.

**P.O. CARACAPPA:**

Okay. Now, just again, quickly, I don't know if have it straight, but you're purchasing -- you're purchasing this ferry company, which is South Bay?

**MR. HAFELE:**

That's correct, South Bay Water Taxi.

**P.O. CARACAPPA:**

And you've acquired those assets already, or you're about to?

**MR. HAFELE:**

We have a signed agreement. Hopefully, we'll have it finished.

**P.O. CARACAPPA:**

So the one year, the one year that you're asking for the Legislature in this resolution would be under your name; correct, the company?

**MR. HAFELE:**

Would be under Fire Island Water Taxi.

**P.O. CARACAPPA:**

Okay.

**MR. HAFELE:**

Yes, sir.

**P.O. CARACAPPA:**

Just getting it straight. Thank you very much. Any other questions?

**LEG. O'LEARY:**

Yes, I have a question.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Yes. Mr. Hafele, when you leased some of your vessels to New York Waterways, what was the circumstances, was it 9-11 for the purpose of transporting people from Staten Island --

**MR. HAFELE:**

From New Jersey to the financial center at Wall Street.

**LEG. O'LEARY:**

So, in effect, you were assisting the people of New York for purposes of providing transportation to -- from Staten Island or New Jersey to the City?

**MR. HAFELE:**

Actually, that's correct. We received a national award for that for from Senator Trent Lott.

**LEG. O'LEARY:**

Okay. And the other question I have is, has it ever been reversed where you, in fact, leased

vessels from a New York or New Jersey outfit for the purpose of running your business?

**MR. HAFELE:**

No, sir. The equipment that we have is sufficient to handle our operation.

**LEG. O'LEARY:**

All right. Thank you.

**P.O. CARACAPPA:**

Thank you. Next speaker, Tim Mooney.

**LEG. FOLEY:**

Mr. Chairman, let me just say on the record that for any New Yorker to be cited by Senator Trent Lott is the most unusual achievement, so you must have gone beyond the call of duty for that one.

**MR. HAFELE:**

It was a very interesting experience, Legislator Foley.

**LEG. FOLEY:**

I guess so.

**MR. HAFELE:**

Thank you.

**MR. MOONEY:**

I'm not going to speak at this time.

**P.O. CARACAPPA:**

Mr. Mooney, you're not going to speak?

**MR. MOONEY:**

No.

**P.O. CARACAPPA:**

Okay, thanks. No other cards on this matter. Anyone wishing to speak? Is there a motion?

**LEG. O'LEARY:**

Motion to close.

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

Second.

**P.O. CARACAPPA:**

Motion to close by Legislator O'Leary.

**MR. DUFFY:**

It has to be recessed.

**P.O. CARACAPPA:**

Oh, it has to be recessed. Thank you, Kevin. Motion to recess by Legislator O'Leary, seconded by Legislator Carpenter. All in favor? Opposed? It's recessed.

Public hearing regarding **Introductory Resolution 1009, approving rates established for Fire Island Water Taxi**. I have no cards. Recess as well. A motion to recess my myself, second by Legislator Carpenter. All in favor? Opposed? It's recessed.

Public hearing regarding **Introductory Resolution 1010 a Charter Law to reduce number of County Legislative Districts to eleven**. I have one card, Kelly Platt. You're up.

**MS. PLATT:**

I'm up?

**P.O. CARACAPPA:**

Yes.

**MS. PLATT:**

Oh, good. Mr. Presiding Officer, my name is Kelly Platt; I reside in Center Moriches. I'm here on behalf of Resolution 1010, to change legislation districts to -- from 18 to 11. I'm asking for

Legislators to please oppose this resolution. I feel this is not right for Suffolk County and the residents within Suffolk County. Suffolk County is way too large. We are already feeling the effects of losing one Legislator as it is. My district is part of that stepchild district. We were originally in the Second Legislative District and we're now being forced into the First Legislative District.

**LEG. CRECCA:**

Forced?

**MS. PLATT:**

Exactly. I'm only three blocks away from the Third L.D. and I am four blocks away from the Second L.D., but, yet, I'm placed in the First L.D. I'm asking, please, oppose this type of resolution to change Legislative Districts from 18 down to 11. Thank you.

**P.O. CARACAPPA:**

Thank you. Any questions? I have no other cards. Anyone else wishing to be heard? Motion to close by Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed? Public hearing regarding 1010 is closed.

Public hearing regarding **Introductory Resolution 1023 - Authorization -- authorizing alterations of rates, South Ferry, Inc.** I have two cards. Cliff Clark.

**MR. CLARK:**

Presiding Officer Caracappa and esteemed Legislators, good afternoon, and thank you for the privilege of speaking on behalf of my corporation, South Ferry Company.

I am treating this hearing, although we will, I think, have to be adjourned to another hearing in March, I'm treating this hearing as my formal presentation to this body for the rate application for a change in rates for South Ferry Company.

I have a talking paper that I think has been placed at your desk area that I will be speaking from, and, obviously, leave with you to consider between now and the time you will vote, hopefully in March.

On Shelter Island, there are two ferry companies that provide service to and from the mainland. One ferry company operates from Greenport off of the North Fork to Shelter Island, that is called the North Ferry Company, and that is owned by The Heights Property Owner's Association, and operates a similar, but completely different, service than what we operate. We are the South Ferry Company. We operate from Shelter Island to the South Fork of Long Island into North Haven, which is

Mr. Schneiderman's district, from Mr. Caracciolo's district.

The South Ferry Company has been in the Clark Family for over 200 years. Somewhere around 1800, our Great Great Great Grandfather began the business, and it has continued into the family. We're the oldest continuous family run ferry boat in America. We take a great deal of pride in that.

With me today is my brother, Bill Clark, right here, and my wife, Tish Clark. My brother Bill spent nearly 30 years in the Coast Guard, retired as a captain, has extensive sea duty, has his MBA, and came back about seven years ago to work with me as a partner in the business, and brings an incredible amount of experience with him. My wife has a degree in business, and runs the business end of the company, takes care of insurances, payroll, and accounts receivable and payable and runs that part of the operation. I also have a degree in business and have been in the company since 1976, when I left the Air Force after 8 1/2 years of service.

We do what we do and we take it very personally. We're a company of -- we take a great deal of pride in our legacy. Our integrity, our coming before this body, our service to the customers is our driving force and it's our primary purpose for being at South Ferry. Our crews embrace the legacy, and we enjoy a tremendous reputation within the community, among our users, with the Budget Review Office, with the Coast Guard, with the Internal Revenue Service. We have credibility and we're proud of it.

Most of the ferry companies in Suffolk County operate a nine to ten month a year business. We are part of the State Highway 114 and we operate 12 months out of the year. From November until April, we lose money every day in our operation, because we don't enjoy the option of

shutting down during the less profitable months. It's part of what we do.

And it's been seven years, coming up on seven years in June since we last came before this body asking for rate relief. Every other ferry company in Suffolk County has come at least once to this body for rate relief in that time. We have been able to keep it going this long, in part, because inflation has been good, but we've seen about 17% inflation, according to Mr. Lipp, in that time. Our revenues have increased about in the 30% range, but our expenses have gone up more than 40%, so the ability to continue operating at that trend has caught up with us, and we have to -- we have to seek some relief.

With our last rate package that we put together in 1997, I would like to share with you that we have spent 2.1 million dollars on capital improvements or crew benefits. We've built two new vessels. We came before you last time and we requested the rates in 1997 with the commitment to build a new ferry boat to service the community. We built that ferry boat, and we have built a second ferry boat on that same rate package. We're paying that one off. One of them has been paid off. We took advantage of a tremendous spike in traffic from '91 to -- '90 to '91, and we were able, over a period of about five years, to pay off the first boat. Traffic since then has leveled off. We have had even traffic for the last three years, and that's why our expenses have caught up with our revenues.

We are part of Route 114. 114 at North Haven comes to our ferry dock. They have a right-of-way, the State has a right-of-way through our family property, and the channel's about a quarter of a mile long crossing, and it picks up on Shelter Island at Route 114 on the Shelter Island side, which also goes through our family property on a right-of-way permission. And we actually link up two parts of Route 114, yet, we get no County, State, local or federal tax breaks, or any assistance from any government agency. We paid over \$200,000 in sales taxes for our new boats. We do our own dredging, costs us about 15 or \$20,000 every few years. We pay \$17,000 every year to the State as a franchise tax for the privilege of maintaining a quarter of a mile of the State roads.

**P.O. CARACAPPA:**

Mr. Clark.

**MR. CLARK:**

That comes out to about \$119,000 in seven years.

**P.O. CARACAPPA:**

Mr. Clark, if I could, your five minutes had expired. If you just want to sum up your comments, unless there's questions.

**MR. CLARK:**

Okay. I didn't realize I had five minutes. I apologize, Mr. Presiding Officer.

The point is this. We have seen 17% inflation. We're asking for about a 12% revenue increase. The Budget Review Office's report has been completed, but has not been published, and I'm told that it will support the fact that we do need that rate increase, and they might even think we need a little bit more, but we're asking for the 12%. And with that, I will terminate my conversation and take questions.

**P.O. CARACAPPA:**

Any questions? Thank you.

**MR. CLARK:**

Thank you.

**P.O. CARACAPPA:**

Next speaker is Bill Clark.

**MR. BILL CLARK:**

No comment at this time.

**P.O. CARACAPPA:**

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

**MR. DUFFY:**

Recess it.

**P.O. CARACAPPA:**

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

Public hearing regarding **Introductory Resolution 1024 - Approving water tax license for At the Port, Inc.** A couple of cards. First speaker is Richard Blakeslee.

**MR. BLAKESLEE:**

Good afternoon Presiding Officer Caracappa, members of the Legislature. My name is Richard Blakeslee and I was in at the last meeting. We respectfully would like to request a recess at this time, as a result, I understand that Mr. Duffy has not completed his budget work. And we are amending our application slightly, so we would like to come back at the next meeting and have everything complete, and all of our paperwork will be in order and complete for you to review.

**P.O. CARACAPPA:**

Okay. Any questions?

**LEG. FOLEY:**

No.

**P.O. CARACAPPA:**

Okay.

**MR. BLAKESLEE:**

Thank you.

**P.O. CARACAPPA:**

Thank you very much.

**MR. BLAKESLEE:**

Thank you.

**P.O. CARACAPPA:**

Motion to recess by -- oh, I have one other card. Walter Beck, Esq.

**MR. BECK:**

Yes. Mr. Presiding Officer, in light of Mr. Blakeslee's request, I will not speak today.

**P.O. CARACAPPA:**

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

**LEG. FOLEY:**

Motion to recess.

**P.O. CARACAPPA:**

Motion to recess by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Abstentions? 1024 is recessed.

Public hearing regarding **Introductory Resolution 1025 - Authorization of rates for At the Port, Inc., (for cross bay and lateral license, Patchogue River and Bay license)**. I'll make a motion to -- I have no cards. I'm making a motion to recess that one as well.

**LEG. FOLEY:**

Second.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. Public hearing -- that's recessed. Public hearing regarding **Introductory 1079 - A Charter Law creating Taxpayer Office of Inspector General**. I have no cards. Anyone wishing to be heard?

**LEG. CARACCIOLO:**

Motion to table -- recess.

**P.O. CARACAPPA:**

Motion to recess by Legislator Caracciolo, seconded by myself. All in favor? Opposed? Abstentions? 1070 is recessed.

And **Public Hearing 1084 - A local law implementing "Green Clean" Program in Suffolk County**. I have no cards. Anyone wishing to be heard? Is there a motion?

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

Motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator Carpenter, seconded by myself. All in favor? Opposed? Abstentions?

**LEG. VILORIA-FISHER:**

And I'd like to be considered a cosponsor on this.

**P.O. CARACAPPA:**

Mr. Clerk, on 1084, Legislator Viloría-Fisher has asked to be added as a cosponsor.

**LEG. CRECCA:**

If she's going to be a cosponsor, I want to be a cosponsor, too.

**P.O. CARACAPPA:**

Legislator Crecca, too.

**LEG. VILORIA-FISHER:**

It isn't easy being green.

**P.O. CARACAPPA:**

Setting the date of March 16th, 2004, at 9:30 a.m., in the -- at the Ways and Means and Consumer Protection Committee meeting at William H. Rogers Building in Hauppauge for the following public hearings:

Public hearing regarding Introductory 1026, 1137, 1194, 1197, and that's all. All in favor? Opposed? Abstentions?

Setting the date of March 17th, at the Parks, Cultural Affairs Committee, at the William H. Rogers Legislature Building in Hauppauge for the following public hearing: Public hearing regarding Introductory Resolution 1203. Motion by myself, second by Legislator Nowick. All in favor? Opposed? Abstentions? That public hearing is set.

And setting the date of March 23rd, 2004, at 5:30 p.m., in Riverhead for the following public

hearings: Public Hearing Number 1033, 1195, 1196, 1222 and 1223.

**LEG. CRECCA:**

On the motion.

**P.O. CARACAPPA:**

On the motion. Just set that -- oh, there's a motion by myself, second by Deputy Presiding Officer Carpenter.

**LEG. CRECCA:**

Can you just reiterate I.R. numbers again?

**P.O. CARACAPPA:**

Yes. They are 1033 --

**LEG. CRECCA:**

Okay, thank you.

**P.O. CARACAPPA:**

-- 1195, 1196, 1222, 1223.

**LEG. O'LEARY:**

Through the Chair.

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Mr. Chair, according to the printout that I have, the 1033 is scheduled for a hearing on the 17th.

**P.O. CARACAPPA:**

That was changed, asked that it be changed by the sponsor. He'd rather have it at the March 23rd meeting.

**LEG. O'LEARY:**

All right. Thank you.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions? Setting that public -- those public hearings, they are set. Setting the date of March 9th, 2004, at 10 a.m., for the following public hearing: In Budget and Finance Committee, Introductory Resolution 1139. There's a motion by Legislator --

**LEG. CRECCA:**

Also -- on the same date --

**P.O. CARACAPPA:**

-- Crecca.

**LEG. CRECCA:**

-- same committee --

**P.O. CARACAPPA:**

Yeah.

**LEG. CRECCA:**

-- I would ask that you set the date of the public hearing regarding Introductory Resolution -- hold on, I got to check the number.

**P.O. CARACAPPA:**

This is for March 9th at 10 a.m., Budget and Finance Committee.

**LEG. CRECCA:**

Yeah. You know what --

**P.O. CARACAPPA:**

1039.

**LEG. CRECCA:**

-- this hasn't been laid on the table, so --

**P.O. CARACAPPA:**

All right. So we'll just leave --

**LEG. CRECCA:**

I'll second the motion.

**P.O. CARACAPPA:**

-- 1039 for now. There's a motion and a second All in favor? Opposed? Abstentions?

**LEG. VILORIA-FISHER:**

I'm sorry. Mr. Chair, I couldn't hear. 1039, you moved it to March 9th or 11 --

**P.O. CARACAPPA:**

1139 at 10 a.m.

**LEG. VILORIA-FISHER:**

Okay. That's a lot of numbers.

**LEG. FOLEY:**

For which resolution, Mr. Chairman?

**LEG. CRECCA:**

It's Introductory Resolution 1139-04.

**LEG. FOLEY:**

Okay. And it's being moved from the 23rd to which date, to a committee meeting?

**LEG. CRECCA:**

To March 9th.

**LEG. FOLEY:**

Okay. List me as opposed to that, please.

**LEG. CRECCA:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Crecca.

**LEG. CRECCA:**

Yeah. Legislator Foley, just so you're aware, I requested that, because we are changing the Budget and Finance meeting to March 9th, because of the fact that we need -- there are tremendous amount of resolutions regarding the budget and --

**LEG. FOLEY:**

I'm speaking on the public hearing. You're just speaking about changing --

**LEG. CRECCA:**

We're changing the committee meeting and the public hearing dates. The County Executive did ask me to address through the Budget and Finance Committee as early as possible a number of bills and legislation.

**LEG. FOLEY:**

Sure, sure.

**LEG. CRECCA:**

This will actually expedite the process and allow it to be possibly eligible for a vote at the March 23rd meeting or sooner. So, really doing both, changing the date here and changing the date of the Finance meeting, in cooperation with the County Executive and, of course, our own initiative, too.

**LEG. FOLEY:**

Well, up to this year, we always had the public hearings at the General Meeting. We can close it at the General Meeting and then still vote on it that night, as long as we had what, 12 votes, was that correct, when we would close a public hearing? What was the rules last year? If we close the public hearing at the same General Meeting and wanted to vote that same night, was it a simple ten vote or was it a 12 vote?

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

Twelve.

**LEG. CRECCA:**

Twelve, I think

**LEG. FOLEY:**

It was 12 votes.

**LEG. CRECCA:**

But I'm not sure about --

**P.O. CARACAPPA:**

It was to discharge from committee, because that's what it would have been.

**LEG. FOLEY:**

Right.

**P.O. CARACAPPA:**

So last year it was 12.

**LEG. CRECCA:**

It's 10 this year.

**P.O. CARACAPPA:**

Now it's 10.

**LEG. FOLEY:**

So, now -- all right. So, now you want to have the public hearing in committee; correct? And then you would close it, whatever the decision is in committee, and then it would be eligible to be voted on the 23rd, if it's voted out of committee?

**LEG. BINDER:**

Yeah.

**LEG. FOLEY:**

What would happen then?

**LEG. CRECCA:**

I would assume so, yeah.

**P.O. CARACAPPA:**

Yeah.

**LEG. FOLEY:**

Is it a simple majority out of committee?

**LEG. CRECCA:**

I believe so, yes. There's no ulterior motive here, just that we want --

**LEG. FOLEY:**

No, I know there's no ulterior motive.

**LEG. CRECCA:**

We want to address all the budget bills --

**LEG. FOLEY:**

I understand that.

**LEG. CRECCA:**

-- at the same time.

**LEG. FOLEY:**

I understand that. I'm just still going to be listed as opposed to a public hearing in committee, just a standard practice.

**P.O. CARACAPPA:**

Okay. All in favor? Opposed? Abstentions?

**LEG. FOLEY:**

Opposed.

**P.O. CARACAPPA:**

Just one opposition, Legislator Foley. All the public hearings are set. We're now going to go to presentation by --

**LEG. FOLEY:**

Mr. Chairman, just a question.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Yeah. At some point, I want to make a motion to reconsider a particular bill. Should I do it at this time, or should I wait until after presentations by the County Executive's Office?

**P.O. CARACAPPA:**

It's to reconsider, not to discharge, correct?

**LEG. FOLEY:**

Reconsider.

**P.O. CARACAPPA:**

So you can do that after we're done.

**LEG. FOLEY:**

Okay.

**P.O. CARACAPPA:**

This way there's no aging.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

We have some public officials who would like to speak. First, County Clerk Ed Romaine would like to address us, relating the annual report from the County Clerk's Office. Good afternoon.

**MR. ROMAINE:**

Thank you. I'll take very little time. Under Section 406 of County Law, I'm required to present to the County Legislature and the County Executive an annual report. I dropped one off at each of your desks. If you need additional copies, my office would be happy to provide it to you.

Simply to say that contrary to some of the news that has been very poor financially about the County, that is not the case with the County Clerk's Office. Again, we had a banner a year.

In 2003, we did 300 -- a little bit more than 312 million dollars, which at the time was an absolute record. Well, in 2000 -- that's in 2002. In 2003, we did 406 million dollars in collection of revenues, which sets a record in the State of New York for any county in the State of New York, and marks Suffolk County Clerk once again as the busiest County Clerk's Office of the 62 counties in the State of New York. We collected that 406 million dollars by doing a number of things, not only in court actions and in liens and judgements, but even in our real estate transactions in 2003, we recorded over 380,000 deed and mortgage documents and papers. I'll give you an example.

Unfortunately, we'd love to say all of that money went to the County. It does not. The County gets a very small portion of that. Last year, in 2002, you got a little bit more than 25 million dollars that we turned over to the County. This year, it's 32 million dollars. Most of that money goes to the towns and to the State. For example, the State received in real estate transfer tax 65 million dollars this year. The State Comptroller, just in court fees, received almost 7 million dollars. And the towns, and I want to point this out what the County does, we split our mortgage tax between the State and the towns. The towns got over 126 million dollars in revenue. Brookhaven alone saw a 40% increase in their mortgage tax contribution, Islip, a 41%, Smithtown, a 40%, Southold, a 48% increase in mortgage tax in one year. From the East End transfer tax to save properties, we collected over 46 million dollars that, hopefully, the towns are working with our County to contribute on purchasing land in the five eastern towns.

And one of the things that we talk about as a County is what are we getting from the MTA? I hope we're getting something good, because this past year, we turned over 59 million dollars to

the MTA directly. And that we should be asking, hopefully, is being reapplied to electrifying our rails on the south line, say from Babylon to Patchogue, or our station maintenance, or our bus subsidies, because we are giving them far more than we receive back. We gave to the State in a special assistance fund over 52 million dollars, and over 3 million dollars to SONYMAE, which, hopefully, is being used to create mortgages for people in need in Suffolk County.

The State Commissioner of Tax and Finance got over 2 million dollars of us. Equalization and Assessment, which helps our Assessors out, got over 1.6 million dollars. The New York State Department of State got over 191,000, and just in short-term interest, because we're not allowed to invest the money under County Charter, only the Treasurer could do it. So, in the short time that we keep the money, a week, or sometimes ten days before we transfer it, we made \$181,000 in revenue.

We also gave 6 million dollars to the New York State Cultural Fund, which I hope they are reinvesting in this County.

There's a lot here, I don't want to bore you with it, but if you'd like any explanation of this, it's important, because we send a lot of our money to the townships, and we send a heck of a lot more money to the State of New York, much more than we receive back. I just want to point that out to you.

I also want to point out that our volume has increased in one year by over 30%, our staffing hasn't increased at all. And one of the reasons for that, and occasionally we have backlogs, because we don't control volume, but one of the reasons we are far more consistent and up to date than any Downstate county in the State of New York is because the 18 members of this Legislature have invested in technology, and technology is the one thing that's allowing us to do so much more with so little staff. We have had no increase in staff and a 30% increase in volume, and that's something I just want to point out to you. We collect 406 million dollars. Our budget is about 6 million dollars. That's a one-and-a-half percent administrative fee. You'll never find that anywhere else with any other governmental unit.

So with that, I presented an annual report. I'd be happy to answer any questions now or at any time throughout the year. If I can help you or any of your constituents with any problems with our office or inquiries, we stand ready to do that. And I thank you for your patience.

**LEG. VILORIA-FISHER:**

Thank you, Ed.

**P.O. CARACAPPA:**

Legislator Carpenter, then Foley.

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

Thank you very much, Mr. Clerk. These are really very impressive figures.

The allocation of these various components, the mortgage tax, for example, are all of those formulas set by the State?

**MR. ROMAINE:**

Those are set by the State. There are some counties that don't have townships that get what is - right now, the State gets 50%, the townships get about 48, 49%, and the County, and you have a resolution in front of you, which you'll vote on next month, gets reimbursed for its legitimate expenses. Right now, and that's the discretion of the Clerk, I put in for 1.7 million dollars, which is the highest in the State, because we collect more than any other County in the State. And you'll vote on that next week -- next month to do that. But the State sets that. If the State wanted to change that, we certainly wouldn't have a budget deficit.

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

When was the last time, and maybe you don't know this, and perhaps you could check and let me know, that that those funding formulas were changed?

**MR. ROMAINE:**

Oh, you know, I've been Clerk for 15 years, and I can tell you that it was long in effect before I got this, so you're looking 25, 30 years minimum. And the mortgage tax has certainly increased with the number of taxable items. We had well over 300,000 mortgage and mortgage papers recorded this year alone, which is why the mortgage tax is so great. The mortgage tax was about 244 million dollars this year alone, and if we had only half of that, imagine what that would be.

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

Yeah. It seems that this might be an area, and I would ask our Delegate, Legislator Caracciolo,

to perhaps think about this, or discuss it in the Mandate Relief Committee, it seems that with everything that's going on, and especially in light of what you've said, that it's been 25 or 30 years that you know of --

**MR. ROMAINE:**

Oh, minimum.

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

-- at a minimum, that these formulas have been looked at. You know, just because this is the way it's always been doesn't mean that we need to continue in this vein, especially when you factor in the enormous investment that this particular county has made in infrastructure, in technology, to enable you to collect 406 million dollars worth of fees in 2003. And for us to be only getting back 32 million out of the --

**MR. ROMAINE:**

Four hundred and six.

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

-- 406 million collected, that certainly doesn't seem like an appropriate rate of return for what we've invested and expended in the department.

**MR. ROMAINE:**

Even if the County shared the mortgage tax with the towns, the town's share of the mortgage tax alone, and they only get about 48% of it, was 126 --

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

A hundred and twenty-six million, right.

**MR. ROMAINE:**

-- million dollars. I mean, I can't say this loud enough. I know other people are always focused in on, you know, what the deficit is, how bad the County is doing, all we deal with is how much revenue. We're taking in millions, hundreds of millions of dollars annually, and we have a --

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

You're taking in 2003 twice what the deficit is reported to possibly be.

**MR. ROMAINE:**

Four times, if you believe Legislator Crecca.

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

Right, exactly. All right. Again, I think this is something we should be looking at and looking at very carefully and aggressively, and seeing if we could make a change here.

**MR. ROMAINE:**

It's something worthwhile. And we always are working on schemes to increase revenue. In fact, at the March meeting, it will be laid on the table --

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

Strategy -- strategy sounds much more appropriate for what you're doing than schemes.

**MR. ROMAINE:**

Okay, schemes, schemes. Well, it's a strategy.

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

Yes.

**MR. ROMAINE:**

And one of the strategies is to use some of that technology you've given us by creating a subscription service. And because we're the busiest County Clerk's Office in the State of New York, and New York is the third largest state in this nation at this point, we believe that a subscription service -- we have people tapping into our system trying to undermine our system and mine our data constantly, because it's so valuable. And we're in the information age. This is all about data and data mining.

We believe a subscription service will produce anywhere from a half a million to a million dollars that will go directly to the County of Suffolk, and that's why we're bringing that resolution forward at your next meeting in March to be laid on the table and voted on in April. We've given it careful consideration, because we are very interested in doing our part to provide the fiscal stability that this County needs. And we appreciate the support that every one of the Legislators have given us for the technology, and we want to use it now to keep on making more money for

this County. Thank you.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. And I'd like to thank the County Clerk for his excellent annual presentation on revenues that flow through his particular department. You know, one could make the argument that when you have municipality that has land use powers, also receiving mortgage receipt taxes, that to a certain extent there's a -- there is a -- almost a conflict of interest, that if a municipality allows, let's say, an intense development to occur, they realize that the mortgage receipts from that, once it's developed, they will receive the lion's share of the mortgage receipts from that particular down-zoning.

So, one can make the argument that on the State -- that on the State law, that it should be revisited, so that the municipality that, whether it's on a village or town level, making these decisions, shouldn't receive as high an amount, simply because of the fact that they are then, one can say, almost influenced by the fact that they receive an incentive, that they would receive mortgage receipt taxes with particular land use decisions. So, it's something that is interesting that should be looked into.

I just wanted to ask another question through the Chair, if I may, and just under the heading of open disclosure. I mentioned earlier that I'm going to make a motion to reconsider a bill, and the bill, in fact, we had to approve it today, not next month, which is 1088, which deals with the County Clerk's Office receiving the additional State mortgage reimbursement dollars. And I want you here, so that when I do make the motion later, you can make your pitch on it. But it's my understanding, up until this year, whenever a county received these additional dollars through the application made by the County Clerk's Office first, it first goes to the General Fund and then it's transferred to the County Clerk's Office, and I'm ready to be corrected. Under this -- under the amended copy of what we just approved today, it's my understanding that those monies would go from the State directly to the Clerk's Office.

**MR. ROMAINE:**

Oh, absolutely not.

**LEG. FOLEY:**

So, I just -- I want to ask you that, because, let's say, that's been brought to my attention and I want to give you the chance to respond to it.

**MR. ROMAINE:**

Absolutely not. It's my -- and I want to put this on the record --

**LEG. FOLEY:**

Please.

**MR. ROMAINE:**

-- so I can clarify that.

**LEG. FOLEY:**

Yes.

**MR. ROMAINE:**

It is no different than any other year. We apply for mortgage tax reimbursement. That is left to the discretion of the County Clerk. For some years, for example, our neighboring county applied for less than \$50,000, the reason being is it comes out of the town's share, not out of the State's share.

**LEG. FOLEY:**

Right, right.

**MR. ROMAINE:**

So, I felt that we should actually apply for our real expenses, which is this year we're asking for 1.7 million dollars --

**LEG. FOLEY:**

Correct.

**MR. ROMAINE:**

-- which will go right into the General Fund to be applied to the County Clerk's budget to reimburse us for those expenses. And at the end of the year, after those expenses, we've

expended those expenses, what's ever left over is pure surplus. So, there should be a surplus of 1.7 million dollars at the end of this year, while at the end of -- the State has a different fiscal year. Their year begins April 1st to March 31st. The end of March 31st of 2005, the County, when they add up all the months, they'll find that they are 1.7 million dollars ahead.

**LEG. FOLEY:**

Well, when we look at the Resolved Clause, Mr. Romaine, it's 1.375, it's not 1.7 mill.

**MR. ROMAINE:**

No, that's salaries.

**LEG. FOLEY:**

Okay.

**MR. ROMAINE:**

That's salaries.

**LEG. FOLEY:**

When we look at the Resolved -- Mr. Chairman.

**MR. ROMAINE:**

We also -- it's 1.7.

**LEG. FOLEY:**

Mr. Chairman, should I wait until we make the motion to reconsider before we get into it?

Okay.

**MR. ROMAINE:**

No, it's 1. --

**LEG. FOLEY:**

Why don't you just wait for the debate on this, because I would like to hear from you at that time.

**MR. ROMAINE:**

Well, I'll just tell you what it is. 1.7 million dollars includes everything --

**LEG. FOLEY:**

Gotcha, I see it.

**MR. ROMAINE:**

-- because we charge the State back for light, heat, rent, utilities.

**LEG. FOLEY:**

I understand.

**MR. ROMAINE:**

So that's where it --

**LEG. FOLEY:**

I see it.

**MR. ROMAINE:**

It's 1.3 in salaries --

**LEG. FOLEY:**

I see it.

**MR. ROMAINE:**

-- and approximately 400,000 in expenses.

**LEG. FOLEY:**

But please stay when we do make the motion later; okay?

**MR. ROMAINE:**

Okay.

**LEG. FOLEY:**

Thank you, Mr. Clerk.

**P.O. CARACAPPA:**

Actually, it will be in just a few minutes. Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Thank you for your presentation, Mr. Romaine. I had a question regarding public transportation, because we saw MTA and we automatically think of the railroad, but you mentioned buses as well. Do we -- are any of our bus subsidies part of the -- that amount of money that --

**MR. ROMAINE:**

I believe that they're supposed to be. What it is is the State of New York has designated 16 counties as MTA counties where we charge extra in the mortgage tax, and it's kicked back to subsidize MTA to Regional Transportation Department. We just happen to call ours MTA, Metropolitan Transportation.

**LEG. VILORIA-FISHER:**

Transportation Authority.

**MR. ROMAINE:**

But they have one in Buffalo, I believe, and they have one in Onondaga County, and possibly in Albany. I'm not sure of that. But we're one of 16 Down-state counties in which this is leveled against. We contributed over 52 million dollars this year to the MTA. I hope that we are getting back some of that services for our trains, our train stations, and our bus subsidies, which is under MTA, I believe, there is some degree of subsidy. And the Transportation Director for the County could speak more to that, I'm not absolutely familiar with that, but we should be getting that back. If we're sending money up to contribute to the district, hopefully, that is not subsidizing other areas in our district, such as the five boroughs of New York City, when we do have transportation needs here.

**LEG. VILORIA-FISHER:**

Thank you very much. That's a critical piece of information, Mr. Chair, because, as Legislator Carpenter said, because these ratios were set, it doesn't mean that they're set in stone. And we had a needs assessment that we paid for, this Legislature paid for, that was done by the School of Social Welfare at Stony Brook, which stated that public transportation was one of the most severe needs that we have here, and, again, we need that

message to go back to Albany. We need more of a share of that subsidy here for public transportation, and we have a dire need for that. Thank you very much, Ed.

**MR. ROMAINE:**

Okay.

**P.O. CARACAPPA:**

Thank you. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Mr. Chairman, and Mr. Clerk, Ed Romaine, another excellent presentation. I can't believe it's 15 years. I can remember when you first ran, and then you were in that election a year later when I ran in '89 --

**MR. ROMAINE:**

That's right.

**LEG. CARACCIOLO:**

-- so it's been like that. In any event, the State formulas -- this mortgage tax is embodied in State law, not County law.

**MR. ROMAINE:**

That's correct.

**LEG. CARACCIOLO:**

Okay. So, obviously, we'd have to go to State lawmakers to have them consider any alteration. But I would caution my colleagues that when we look at Medicaid, unfunded mandates, let's not take it out of one -- the right pocket of local taxpayers, vis-a-vis a mortgage tax, to pay for something that the State should be paying for in its entirety. So, I know that's not what you were thinking of, Legislator Carpenter.

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

Definitely not.

**LEG. CARACCIOLO:**

But it's just something that, as you were making the presentation, I was saying, "Aha," you know. If we could redistribute the formula town-county share, as you eluded to, you know, that would certainly help us somewhat with the budget deficit.

And, by the way, Ed, in case you're not aware of it, the numbers now for next year's budget deficit, and I'm going to keep saying this, just like I did last year --

**MR. ROMAINE:**

Right.

**LEG. CARACCIOLO:**

-- because I don't play partisan politics when it comes to numbers, is now in excess of 235 million dollars. Now, there's some people who want to dispute that, but we had testimony yesterday from our own Budget Office that the numbers could be anywhere from about the 130 range all the way up to the 270 million dollar range. So, let's not sit around this horseshoe and procrastinate on measures. And I know later today that in addition to the County Executive's proposal for a budget reduction plan, there'll be one coming from the Majority Conference, and we'll be talking more about that, I'm sure, in the days ahead. But --

**MR. ROMAINE:**

Well, that's an enormous amount of money that --

**LEG. CARACCIOLO:**

Aren't you glad you're not the County Executive?

**MR. ROMAINE:**

I don't know if I'd approach it the same way. But that having been said, I just will tell you that the State is very anxious always to get their money, and several times a month, we wire transfer money. We don't send checks, we wire transfer all of our money to State agencies, and it's done several times a month. They don't even let it sit in any account to build up any amount of interest that we might accumulate, all of which, by the way, would go to the State in any event. So they are very anxious to get their money, so I don't know if they would be interested in sharing it too often with the County.

**LEG. CARACCIOLO:**

Exactly. But the issue of the MTA, Mr. Chairman, raises another whole spectrum of questions in my mind, and that is could we have --

Mr. Chairman, could we have our Budget Review Office try to identify either internally or through external sources, maybe using the University at Stony Brook, or other think tanks around the state? I know the number's out there. And the last time I remember the local contribution made by an average taxpayer in the Bi-County region to Albany, it was somewhere in the area of the 25 to 30% range -- I'm sorry. For every dollar we sent to Albany, we got back somewhere in the area of 25 to 30 cents on the dollar. I'd like to have that figure updated, so that it would help us in our efforts in talking with lawmakers to demonstrate once again that we are paying more than our fair share to State government, and we're only getting 25 to 30 cents on the dollar back. Is that something you can do, Jim, or are there --

**P.O. CARACAPPA:**

Well, we'll --

**LEG. CARACCIOLO:**

-- resources that --

**P.O. CARACAPPA:**

Jim will bring it to Budget Review Steering Committee and then we'll direct him from there.

**LEG. CARACCIOLO:**

Well, we don't have a lot of time to get the information, that's why I'm requesting it now, because it's --

**MR. SPERO:**

We'll attempt --

**LEG. CARACCIOLO:**

Okay. Thank you.

**MR. ROMAINE:**

Thank you.

**P.O. CARACAPPA:**

Any other questions? Thank you. We appreciate everything the Clerk's Office does in such a professional manner.

**LEG. ALDEN:**

Don't blame me, I voted for Romaine.

**P.O. CARACAPPA:**

Okay. Mr. Johnson, your turn.

**MR. JOHNSON:**

I assume you mean me.

**P.O. CARACAPPA:**

Mr. Johnson.

**MR. JOHNSON:**

Okay, very good. First off, I do have a couple of CN's here, but I do want to just go back to an item, which just caught me a little off guard. I'm not sure if the County Executive was approached about this, and this is concerning the public hearing being scheduled for the committee, as opposed to the General Meeting.

I believe at one of the earlier meetings, possibly at the January 27th meeting, when you were discussing, this body was discussing the option of holding public hearings either at the General Meeting or the committee, there was a policy which was established where the Legislature would defer to the sponsor as to where they would prefer to hold the public hearing on their measure. And I believe the County Executive communicated pretty rapidly after that was established that he would like all of his measures to be discussed at the General Meeting as a preference. And I would ask that if you're still deferring to the sponsor, to, please, consider that when deciding where to schedule County Executive resolutions.

**LEG. FOLEY:**

Mr. Chairman, just on that point. Could you just --

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. The three -- the resolutions that the County Executive has submitted, Legislator Crecca had given us the indication that the County Exec was in agreement to try to do this sooner than later, as far as the resolutions were concerned and the hearings of -- could we just kind of get this clarified?

**LEG. CRECCA:**

Sure.

**LEG. FOLEY:**

If the sponsor wants to have it at the General Meeting as opposed to the committee meeting, are we going to honor that request?

**LEG. CRECCA:**

I had a conversation with Mr. Levy last Wednesday afternoon. He had asked me -- I had told him that I intended to try to have an earlier -- an additional committee meeting of the Budget and Finance Committee. He indicated to me he would asked me if we could do it earlier, sooner rather than later. I said that I thought that we could do that, and that we would cooperate; that we needed extra time anyway to do everything now.

We never specifically discussed where the public hearing should be held for 1139, but we did discuss that the bills that he sent over would be discussed at committee and get the full airing, and we, you know, do that. So, I didn't discuss specific dates with him or specifics to the public hearing, but I certainly don't want to do things twice. So, since we're doing everything else that day, I thought it would be prudent to do that that day. I would be happy to step in the back and call the County Executive directly at this time.

**LEG. FOLEY:**

Well, I think, if I might --

**P.O. CARACAPPA:**

Mr. Johnson.

**MR. JOHNSON:**

It's a question -- you know, if that's the case, then I would defer to that conversation, if it was settled. But I know that the standing preference of the County Executive would be that all of his resolutions be considered at the General Meeting, although Mr. Crecca's rationale, it sounds very sound with regard to making the process as fast as possible.

**LEG. BINDER:**

Mr. Chairman.

**LEG. FOLEY:**

Just put me on the list.

**P.O. CARACAPPA:**

Legislator Binder, then Foley.

**LEG. FOLEY:**

Thanks.

**LEG. BINDER:**

It would seem to me that we could have general policies, but if they would interfere with the way we would do the business, we would defer to how it's best for us to do our business. In this case --

**MR. JOHNSON:**

This is your process.

**LEG. BINDER:**

Right. And though we may general really want to defer to sponsors, in this case, to have a two-track policy of doing hearings at the Legislature and then doing hearings at the committee meeting, and on the same subject, it would seem to me counterproductive for everybody involved and for this subject matter involved. So, it would seem to me we should probably keep them together in the committee.

**MR. JOHNSON:**

Well, as I said before, I think that this is certainly -- scheduling a public hearing is something that is within the full control of the Legislature. I was just reflecting on the policy that I thought

was established with regard to the handling of this matter.

**P.O. CARACAPPA:**

Yes, the County Executive did send me a memo right away, saying that all his bills would -- he'd prefer them in the public hearings at the full Legislature. But I think this is a very unique situation with relation to the budget bills that the County Executive is asking us to consider, and not only with Legislator Crecca, with regard to the conversation he had, but with myself and probably all other members of the Legislature he's discussed this with. He'd, I probably would assume, I don't want to put words in his mouth, but just assume that he'd want this done sooner than later, and by having it at the meeting, the full General Meeting next month, it could delay the vote for another month.

**MR. JOHNSON:**

Well, I haven't asked you to reconsider it --

**P.O. CARACAPPA:**

Right.

**MR. JOHNSON:**

-- because, you're right, it is a special circumstance. I'm just trying to get some confirmation --

**P.O. CARACAPPA:**

Okay.

**MR. JOHNSON:**

-- because it did just catch me off guard there.

**P.O. CARACAPPA:**

Legislator Foley, go ahead.

**LEG. FOLEY:**

Yeah, thanks. Given the importance and gravity of this budget issue, I mean, another way to have this work out, I mean, if, in fact, the County Executive, we'll find out soon enough as we speak, whether or not he wants it at the General Meeting, but, as we've done in the past on some very important issues, they've had a full airing in committee, sometimes many hours in

committee meetings about a particular subject matter, then, at the next General Meeting, there's a regular public hearing, where all of us would then hear what the issues were, and if it's of a grave enough nature, we can close it that night and vote on it that night. I think the underlying idea here why the County Executive, and those of us agree that, particularly on issues of such County-wide implications, that the right venue for a public hearing is not in a select committee where there's a more limited audience, but, in fact, to have it as wide an audience as possible, both with Legislators, as well as the public. And that's why I would, unless I hear otherwise, I would still like to see this resolution before the general committee, as opposed to the specific committee. But I wasn't on the prevailing side, I cannot make a reconsideration motion. Probably, Mr. Chairman, before we finish the day's, before the day is finished, we can find out through the Chair, Todd, whether or not the County Executive wants to have this one amended change.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Just to pick up on some of the comments that are being made here, I think if we extend it out, then we might want to do away with our committee system, because the logic that's being presented is that only on certain Legislative proposals or certain proposed legislation should it be in a process where all of us would get to hear the input. And, really, if you extend that out and you accept that proposal, there's nothing that comes before us that shouldn't be very important that all of us shouldn't sit on. So, we should maybe consider sitting as a committee in the whole and do away with the committee -- if we want to really follow that logic out, do away with the committee cycles and have it all -- with public hearings or with legislation, have it all right out here, right in front of us, and do just away with that extra week of meetings through the committee process. So, it's something all of us should consider.

**MR. JOHNSON:**

Mr. Presiding Officer, I just wanted to say that I don't think there's anything that prevents the committee from discussing the merits of either resolution during the committee process, or inviting the public to comment on it. We're just talking about when the official public hearing is scheduled. You can still discuss that in the committees. There's nothing that prevents this debate or discussion or the merits of either bill being discussed in committee during the next cycle.

**P.O. CARACAPPA:**

Anybody else? Okay. Do you want to move on?

**MR. JOHNSON:**

Sure, please.

**P.O. CARACAPPA:**

Thank you.

**MR. JOHNSON:**

I have a couple of CN's here. The first is for **1132 (Authorizing reduction of erroneous tax assessment for property located at 3008 Beechnut Avenue, Medford, Town of Brookhaven)**, I believe. Do you have that in front of you?

**LEG. FOLEY:**

Yes.

**MR. JOHNSON:**

Okay. This is a resolution authorizing reduction of erroneous tax assessments in Brookhaven. I believe that Legislator Foley had asked our office to submit this resolution to expedite a matter for one of his constituents who is trying to close on a piece of property by the middle of March. They will not be --

**LEG. BINDER:**

Has Brookhaven really ever done an erroneous tax assessment? Oh, maybe.

**LEG. FOLEY:**

It's a governmental error from the Assessor's Office in the Town of Brookhaven.

**LEG. ALDEN:**

No way.

**LEG. BINDER:**

It couldn't have, not unless it's a power plant.

**LEG. FOLEY:**

Mea culpa.

**LEG. CARACCIOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

I'd just like Counsel to comment that this meets our qualifications.

**MS. KNAPP:**

It does, and it was laid on the table. This would just expedite.

**LEG. CARACCIOLO:**

Okay.

**LEG. FOLEY:**

Motion, Mr. Chairman.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

There's a motion to approve. What number is that again?

**LEG. FOLEY:**

1132.

**MR. JOHNSON:**

1132.

**P.O. CARACAPPA:**

1132, by Legislator Foley, second by Legislator Vilorio-Fisher. All in favor? Opposed?  
Abstentions?

**LEG. FOLEY:**

Thank you.

**MR. BARTON:**

14. (Amended Vote: 15, 2 absent - Legs. Bishop and Tonna)

**MR. JOHNSON:**

The next CN, I believe, is **1214 (Designating Suffolk County Communications Center as Public Safety answering point to receive all wireless 911 calls in the County of Suffolk pursuant to Section 330 of the County Law, and authorizing the filing of an application for expedited deployment grant funding with the State of New York)**. This is regarding designating Suffolk County Communication Center for the public safety answering points to receive all wireless 911 calls. This is going to allow the Police Department to apply for grant monies. I believe the State has approximately 100 million dollars available, and Suffolk County would be eligible for upwards of, I believe it's 6 to 8 million dollars that they could use to enhance their E-911 service.

**LEG. CARPENTER:**

Motion.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

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

**MR. JOHNSON:**

Thank you.

**MR. BARTON:**

14. (Vote Amended to 15, 2 absent - Legs. Bishop and Tonna)

**MR. JOHNSON:**

The next CN I have is for **Resolution 1233. This is a resolution waiving residency requirements for County Deputy Commissioner of Parks Conservation and Recreation.**

This is a resolution that seeks to allow Ron Foley, who I believe did go through the --

**LEG. VILORIA-FISHER:**

Motion.

**LEG. BINDER:**

Second.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

There's a motion by Legislator Viloría-Fisher, second by Legislator Binder. On the motion, Legislator Alden.

**LEG. ALDEN:**

Todd, is this taking an existing position and filling it, or are you creating another position?

**MR. JOHNSON:**

This is an existing position, which is now vacant.

**LEG. ALDEN:**

Okay. Then correct me if I'm wrong, but didn't we appoint a Deputy Commissioner at our last meeting?

**MR. JOHNSON:**

Not a Chief Deputy Commissioner.

**LEG. ALDEN:**

Not a Chief -- she's --

**MR. JOHNSON:**

No.

**LEG. ALDEN:**

She's a Deputy Commissioner.

**MR. JOHNSON:**

Yes, sir.

**LEG. ALDEN:**

Okay.

**P.O. CARACAPPA:**

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

**LEG. BINDER:**

Mr. Chairman. Mr. Chairman.

**P.O. CARACAPPA:**

Oh, I'm sorry.

**P.O. CARACAPPA:**

I just want to point out how the Legislature's cooperating. I wanted to put that on the record.

**P.O. CARACAPPA:**

Thank you, Legislator Binder.

**LEG. ALDEN:**

On the record, too.

**P.O. CARACAPPA:**

Legislator Alden.

**MR. JOHNSON:**

A big check mark.

**P.O. CARACAPPA:**

A smiley face.

**LEG. ALDEN:**

I want to point out something else, too, that we do owe a little debt of gratitude to Mr. Foley, because he actually -- he's voluntarily filling the position, and all the work that he's done for the past --

**LEG. CRECCA:**

Did we vote on this one?

**LEG. ALDEN:**

No, we're just in the process of voting on it. So, I want to personally thank you for stepping up to the plate and being very patient.

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

And persistent.

**LEG. CRECCA:**

Where is he?

**LEG. ALDEN:**

He's in the back there.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**MR. JOHNSON:**

The County Executive thanks you.

**LEG. FOLEY:**

Very good, Ron.

**P.O. CARACAPPA:**

Congratulations, Mr. Foley. Next, Todd?

**MR. JOHNSON:**

Yes. 1233. This is a resolution authorizing acquisition for --

**LEG. CARACCIOLO:**

Four, four.

**MR. JOHNSON:**

**1234**, I apologize, **authorizing the acquisition under the Greenways Program in connection with the acquisition of farmland development rights at Center Moriches (Town of Brookhaven)** for the Strobel Property.

**LEG. CARACCIOLO:**

Mr. Chairman, motion to approve and --

**LEG. VILORIA-FISHER:**

Second.

**LEG. CARACCCILOLO:**

-- after the motion and second, I have a comment.

**P.O. CARACAPPA:**

There's a motion by Legislator Caracciolo to approve the CN, second by Legislator Viloría-Fisher. On the motion.

**LEG. CARACCIOLO:**

Yes. Mr. Chairman, again, this is an example of working in partnership between both branches of County government. This started out as a County Executive resolution under the previous administration. It was -- there was then a procedural motion under the former Legislator from the Second District, which Mr. Schneiderman carried over this year, and at our last, or between

meetings, we found out that a whole new resolution would be necessary to include the rationale, which is now included in this resolution. That's one of the substantive differences between the first resolution and what the procedural motion and the first resolution would have accomplished. I just want to point that out, because early today, it was said to me that even though this is a Legislative Counsel resolution prepared at my request, the County Executive wanted to be the prime sponsor, which I have no problem, because accomplishing --

**MR. JOHNSON:**

A cosponsor.

**LEG. CARACCIOLO:**

Accomplishing the good of the people of Suffolk County, there should be no issue as to pride of authorship. I think it's going to be overwhelmingly approved today. And I just want to thank everyone in advance for their support and patience, especially the Strobels. Thank you.

**P.O. CARACAPPA:**

Okay.

**MR. JOHNSON:**

And I want to thank Legislator Caracciolo for his graciousness in allowing us to join that resolution.

I have nothing else, except I do want to confirm that I did check with the County Executive's Office, I know you didn't see me leave the podium, he does prefer that this -- that the public hearings for his resolutions be held in the -- during the General Meeting. That would be his preference.

**P.O. CARACAPPA:**

Including the --

**LEG. CRECCA:**

Actually, I just got off the phone with him and he told me that he was fine with March 9th, so we're getting two different messages. What my understanding was, and, Ivan --

**LEG. FOLEY:**

Let's vote on this first.

**LEG. CRECCA:**

Ivan was speaking to --

**LEG. FOLEY:**

Can we vote on the resolution first? Let's vote on --

**P.O. CARACAPPA:**

Yeah.

**LEG. FOLEY:**

Let's first vote on the resolution before we get there.

**P.O. CARACAPPA:**

There's a motion and a second on the Strobel CN.

**LEG. FOLEY:**

Yeah.

**P.O. CARACAPPA:**

All in favor?

**MR. JOHNSON:**

Oh, I'm sorry.

**P.O. CARACAPPA:**

Opposed? Abstentions?

**LEG. FOLEY:**

Okay, very good.

**P.O. CARACAPPA:**

That's approved.

**LEG. FOLEY:**

Okay. Now --

**LEG. ALDEN:**

Mr. Presiding Officer, would you recognize me --

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**LEG. ALDEN:**

-- to make a motion? I need to make a motion to reconsider CN Number 1132 and CN Number 1214. One of our colleagues was on the phone with the County Executive and was not included in those votes, so that's the purpose of reconsidering these.

**P.O. CARACAPPA:**

Motion --

**LEG. FOLEY:**

Which ones?

**LEG. ALDEN:**

The first two that we did, 1214 and 11 -- 1132.

**P.O. CARACAPPA:**

There's a motion to reconsider -- what were those numbers again?

**LEG. BINDER:**

One at a time.

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

1132.

**P.O. CARACAPPA:**

1132 and 1214. All in favor? Opposed? Abstentions? They're now before us. Motion to approve which --

**LEG. BINDER:**

One at a time.

**P.O. CARACAPPA:**

Yeah, which one, which one first? Which one first, Cameron.

**LEG. ALDEN:**

Well, the first one was 1132. That was --

**P.O. CARACAPPA:**

Motion to approve **1132**.

**LEG. ALDEN:**

-- Legislator Foley.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

Same motion, same second, same vote --

**LEG. CRECCA:**

Thank you to my colleagues.

**P.O. CARACAPPA:**

-- on the second.

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna).

**MR. JOHNSON:**

Thank you.

**LEG. FOLEY:**

Mr. Chairman, if I may.

**LEG. CRECCA:**

I spoke with Steve, they spoke with Paul.

**LEG. FOLEY:**

Okay.

**P.O. CARACAPPA:**

Hold, hold on, hold on.

**LEG. FOLEY:**

Boy, how quickly we -- how quickly we change. How quick -- not you, not you, of opinions of certain people.

**LEG. CRECCA:**

I talked to Steve, he talked to Paul. I called "the" County Executive.

**MR. BARTON:**

The vote on 1234 is 14, with one abstention. (Absent: Legs. Bishop and Tonna)

**LEG. FOLEY:**

Mr. Chairman, if I may.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. Mr. Chairman, I'd like to make a motion to reconsider **1088**.

**P.O. CARACAPPA:**

Which is?

**LEG. FOLEY:**

I need a second, though, first.

**LEG. LINDSAY:**

I'll second.

**LEG. MONTANO:**

I'll second it.

**LEG. FOLEY:**

**Authorizing the County Clerk to file an application for additional State mortgage tax reimbursement.**

**P.O. CARACAPPA:**

There's a motion and a second to --

**LEG. FOLEY:**

On the motion, Mr. Chairman.

**P.O. CARACAPPA:**

Let me finish. There's a motion and a second to reconsider what, 1033?

**LEG. FOLEY:**

1088?

**P.O. CARACAPPA:**

1088. All in favor? Opposed? Abstentions?

**LEG. BINDER:**

Abstention. I have no idea why I would want to do this.

**P.O. CARACAPPA:**

An abstention, Legislator Binder.

**LEG. ALDEN:**

I'm opposed to reconsidering it.

**P.O. CARACAPPA:**

One opposition.

**LEG. FOLEY:**

It's now before us, sure.

**P.O. CARACAPPA:**

Not yet.

**MR. BARTON:**

Thirteen. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

It's now before us.

**LEG. FOLEY:**

Thank you, Mr. Chairman. And why I had to ask the County Clerk to also stay after his excellent presentation on this, again, it's been brought to my attention, and I think we should in a transparent way discuss this, it's my understanding, and I'm ready to be corrected, it's my understanding that in all prior years, when there was an authorization resolution for the County Clerk to file an application for additional State mortgage tax reimbursement, I have a copy of last year's and -- last year's and the year before -- well, last year's resolution, and the monies that we would receive, unlike the amended version this year, would go to the General Fund and then would be transferred to the Clerk, whereas, when I read the amended version this year, now maybe -- we may be able to do this under the law, but I just want this discussed that under the amended copy, as of 1/30 of '04 for 1088, it mentions that the County Clerk, that the 1.6 million dollars would be designated to the appropriate County Clerk, as opposed to going first to the General Fund.

So with that -- it's a fine distinction, but I wanted to have that open and have a discussion on that as to whether or not you can go directly to the Clerk, or, if so, then why in all prior years

did it appear to go first to the General Fund before it was transferred to the County Clerk's Office?

**LEG. BINDER:**

Mr. Chairman.

**LEG. FOLEY:**

Now, it might be a fine point, but I'd be more than happy to hear from the Clerk's Office, as well as anyone around the horseshoe on that particular matter.

**LEG. BINDER:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

It would seem, and I'm sure Budget Review can discuss this, it would seem to me that money can't go straight to the County Clerk, he doesn't have an IOLA account or something, you know, an escrow account, he doesn't have an account it can go to, it goes to the General Fund. The only question here is that it was designated, so that when it goes to the General Fund, that that much has been designated to go back to the County Clerk. Now, maybe in the past we hadn't, and it was just an agreement and he knew it would go back. And it's probably best to make sure that money, particularly in the year we're concerned about funding the budget, that it's designated as to goes into the General Fund. But there's no -- I don't think there's even a mechanism for New York State to give the County Clerk the money directly.

**LEG. FOLEY:**

Now, in the prior years, and if we could hear from the County Clerk, the last 15 years, whenever this application has been submitted in the past, the monies that we received, did they always -- the amount that we had received, was it the same amount that -- yes, please, you could step -- through the Chair, Mr. Chairman, if we could hear from the County Clerk. The amount that was authorized through the application, was that transferred from the General Fund to the Clerk's, or was there ever --

**MR. ROMAINE:**

We don't get the money from the State. We collect the money.

**LEG. FOLEY:**

Right.

**MR. ROMAINE:**

This is first instance money, and whether this -- under this resolution, as in all previous years, that money is transferred directly to the Treasurer of Suffolk County. It is first instance money. We give this money every single month.

**LEG. FOLEY:**

No, I understand that. I think the difference here, though --

**MR. ROMAINE:**

Right.

**LEG. FOLEY:**

-- is this would be -- once we receive it --

**MR. ROMAINE:**

The reason that --

**LEG. FOLEY:**

-- it would be automatically designated to you. My question is, in years past --

**MR. ROMAINE:**

Yes.

**LEG. FOLEY:**

-- when we received the money, whatever we received, was that then eventually transferred to the Clerk's Office?

**MR. ROMAINE:**

Eventually, it should have been used for the Clerk's Office, yes.

**LEG. FOLEY:**

Right. I mean, there was never any less or any more, it was usually the amount?

**MR. ROMAINE:**

No. The reason the paragraph was in there was my concern, and I didn't want to get into a dispute with the County Executive, that this money, by State law, must be used to reimburse the legitimate expenses of the County Clerk. I don't care if they keep the rent, light, heat and utility money, which is about 400,000, but the 1.3 for salaries could be. I mean, several years ago, under County Executive Halpin, we had an argument with the County Executive that he wasn't filling positions, and I wasn't going to collect that money for vacant positions that were left vacant, because those positions were funded in part or in whole by State mortgage tax money. And I would -- every month I have to sign a report to the State that how we've used that money, and I was not going to take money for things, for services or positions that we were not filling. And that's why I specifically put that paragraph in, because we have another County Executive, to emphasize the fact that that's reimbursement money and can only be used as reimbursement money for the County Clerk's Office.

**LEG. FOLEY:**

Now, just, if I may, as a quick follow-up. When an application is submitted by the Clerk --

**MR. ROMAINE:**

Right.

**LEG. FOLEY:**

-- and part of the application is the amount of personnel costs associated with carrying out your responsibilities; correct?

**MR. ROMAINE:**

That's correct.

**LEG. FOLEY:**

So, when the State reimburses us, it's implied in that reimbursement that it's to be used to offset the personnel costs?

**MR. ROMAINE:**

That's correct. That's correct. And what happened with Mr. Halpin, eventually, when the State informed him that they -- you know, I was within my rights to -- even though we had a set amount, that I wasn't going to apply for that amount each and every month, because those positions remained unfilled. That's how we got part-timers, because some positions are filled only to 50%. He said, "Well, I'll let you fill them to the amount that they're funded and not one penny more. So that's why I wanted to emphasize in this resolution, this money is simply to reimburse the County Clerk's Office, it's not for General Fund purposes. But all money that we collect is first instance. We don't send it to the State, we send it directly to the Suffolk County Treasurer every single month.

**LEG. FOLEY:**

Okay. Mr. Chairman, I see that the County Attorney is here as well. Would the County Attorney want to comment on this, unless --

I'm sorry, Mr. Chairman, if you want others to ask the Clerk any questions before the County Attorney's Office speaks?

**P.O. CARACAPPA:**

Anybody else? Oh, Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I would just like to clarify this in my own mind, Ed.

**MR. ROMAINE:**

Sure.

**LEG. VILORIA-FISHER:**

The \$1,684,000 is to cover positions in the Clerk's Office, personnel costs in the Clerk's Office.

**MR. ROMAINE:**

That's correct.

**LEG. VILORIA-FISHER:**

These are existing costs.

**MR. ROMAINE:**

Absolutely.

**LEG. VILORIA-FISHER:**

So, without the event of layoffs or people being let go, these costs must be met by the Treasurer's Office.

**MR. ROMAINE:**

Well, they go to the General Fund, and then they would be --

**LEG. VILORIA-FISHER:**

Right.

**MR. ROMAINE:**

-- sent back to my budget accounts. Now, I could not legitimately accept that money, unless these positions were filled, which I had -- I never had a problem with the County Executive Gaffney, I had a problem with County Executive Halpin over that issue.

**LEG. VILORIA-FISHER:**

But those were vacant positions, you're saying.

**MR. ROMAINE:**

Which he --

**LEG. VILORIA-FISHER:**

These are not vacant positions.

**MR. ROMAINE:**

Right.

**LEG. VILORIA-FISHER:**

So, there is a difference.

**MR. ROMAINE:**

That's right. All of these positions that we apply for as of today are filled.

**LEG. VILORIA-FISHER:**

Okay. But -- so, you're not in danger of not -- you're not in danger of losing any of this money, because these are all filled positions.

**MR. ROMAINE:**

Unless, unless during the term of the year they become vacant and the County Executive doesn't fill them, then I could not in good faith collect that money and give it to the Treasurer, because I would be filing a false instrument with the State, saying that, in fact, these positions were filled. I mean, obviously --

**LEG. VILORIA-FISHER:**

Well, even if they were filled and you didn't fill them immediately, because it does take --

**MR. ROMAINE:**

Right.

**LEG. VILORIA-FISHER:**

-- a little turnaround time.

**MR. ROMAINE:**

That's understandable, that's procedural, but I was concerned, because there was a concerted effort under a former County Executive not to fill them at all.

**LEG. VILORIA-FISHER:**

The people who are staffing these positions at this time, are you concerned that you'll have an exodus of people here in these positions?

**MR. ROMAINE:**

You never can tell. People retire, people get recruited by other County departments. Vacancies occur during the year all the time.

**LEG. VILORIA-FISHER:**

Thank you.

**P.O. CARACAPPA:**

Anybody else? Miss Bizzarro, step up.

**MS. BIZZARRO:**

Oh, thank you. Good afternoon. It does not appear that the County Attorney's Office and the County Clerk's Office dispute what can be done or where these funds can go, because I had the opportunity, when we were breaking today, just to take a look at the statutes on this, and the County Charter provisions make it clear that all sums received or collected by a department or agency are to be paid to the County Treasurer for the General Fund. I believe that's what Mr. Romaine had just stated.

The problem, and in trying to reconcile that with Section 262, which is referenced in the resolution, the problem that I'm seeing is that it's very vague. This additional resolved clause that was put into the amended copy of this resolution doesn't seem to correspond to that. It seems to indicate that there's going to be a 1.3 million dollars to be designated to some appropriate County Clerk operating budget to offset costs. It just doesn't indicate who is to do the appropriating or where the monies will actually go, so I think it's vague at best.

So, you know, I'm just respectfully requesting a two-week review of this to look at the statutes, make some type of reconciliation, and see if perhaps, you know, either the language could be clarified. I just would suggest that to the Legislature.

**P.O. CARACAPPA:**

Legislator Alden.

**MS. BIZZARRO:**

Thanks.

**LEG. ALDEN:**

I just have a question. Under State law, it's mandatory. If you're going to apply for these funds, it's mandatory that it goes for the people that are supplying the manpower to collect the funds for the State; correct?

**MS. BIZZARRO:**

Under -- are you speaking of under New York Tax Law 262?

**LEG. ALDEN:**

Right.

**MS. BIZZARRO:**

Well, like I say, I mean, I'm looking -- I just looked at it briefly, and I apologize that hadn't seen this earlier, I'm looking specifically at our Charter Code provisions, which need to be reconciled with that. And I don't know the answer up front, but I --

**LEG. ALDEN:**

Our Charter Law leaves the question open that we can apply for specific reimbursement from a State -- from the State and use that money in some other way that's illegal, as far as the State law?

**MS. BIZZARRO:**

No, no, no. As I said section 230 -- 23-5 and Section 15-2 indicate that the monies is to come in and be sent directly to the County Treasurer, which would be deposited into the General Fund. And, as I said, I don't think the County Attorney's Office and the County Clerk's Office differ on that.

**LEG. ALDEN:**

Right. So under the authority that we're making this application to New York State, it's 100% crystal clear, even to you, right, that we're entitled to the money, but only -- we're only entitled to the money, because we've performed a service, laid out money, and now the State has benefitted from that; isn't that correct?

**MS. BIZZARRO:**

That -- and that may be accurate, but, unfortunately, without further doing my research, I can't say definitively, but I'm going to make an assumption that's correct. All I'm saying is that the resolution doesn't seem to correspond with that. The way the resolution reads, it's very vague. It seems to indicate that the money is going to be deposited directly to the County Clerk, and I don't think that was the intention of the County Clerk.

**LEG. ALDEN:**

The money can't be deposited to the County Clerk. It's absolutely -- you can't.

**MS. BIZZARRO:**

Well, have you -- if you read the resolved clause, that's what seems to be going on.

**LEG. ALDEN:**

No, it doesn't. I mean, it doesn't say it. I read the resolved clause. It doesn't say it gets deposited to the County Clerk.

**MS. BIZZARRO:**

I think it can be made clearer. You know, I would --

**LEG. ALDEN:**

Are there any other monies that come into the County that get deposited directly form New York State, get directly deposited into the County Clerk?

**MS. BIZZARRO:**

I can't -- I cannot make a statement on that, but I'm going to assume that --

**LEG. ALDEN:**

That's New York State law. All right. Fairly basic.

**P.O. CARACAPPA:**

Okay. We have this -- we have this bill before us. Is there a motion?

**LEG. VILORIA-FISHER:**

I make a motion to table.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Viloría-Fisher. Is there a second?

**LEG. FOLEY:**

It's reconsidered.

**LEG. LOSQUADRO:**

No. It was a motion and a second.

**P.O. CARACAPPA:**

It's before us.

**LEG. FOLEY:**

It's before us. Motion to reconsider was approved earlier.

**LEG. BINDER:**

Motion to approve.

**LEG. ALDEN:**

Second.

**P.O. CARACAPPA:**

Motion to table, which takes precedence. Is there a second?

**LEG. FOLEY:**

I'll second the motion for the purpose discussion.

**P.O. CARACAPPA:**

Second.

**LEG. FOLEY:**

I'd like to ask the Clerk, if the Clerk will come back to the podium, to ask if this -- if this is tabled, there may not be the votes, but, if this was tabled for one round would it put in jeopardy -- we would all like to see the money, Mr. Romaine, none of us is saying we don't. And, as in all times past, as long as I've been a Legislator, the monies have been transferred either at the end of the year housekeeping, or whatever time, has been transferred to the County Clerk's Office, and I stand ready to do that again. But I think the issue is whether or not, within the same resolution, you can also automatically designate it to the County Clerk's Office, or whether or not there needs to be a follow-up resolution. But my question to you is that if this was tabled today, however unlikely that probably would be, but if it was tabled today, would that put in jeopardy the application to the State?

**MR. ROMAINE:**

It might.

**P.O. CARACAPPA:**

Legislator Foley, before --

**LEG. FOLEY:**

Yes.

**P.O. CARACAPPA:**

Did you make a request through the Chair for the County Clerk to come up?

**LEG. FOLEY:**

I did, Mr. Chairman.

**P.O. CARACAPPA:**

I didn't. I didn't -- I wasn't sure if you did or not.

**LEG. FOLEY:**

Duly noted, duly noted. Mr. Chairman, if we could hear --

**P.O. CARACAPPA:**

Mr. Clerk, why don't you come on up.

**LEG. FOLEY:**

If we could hear from the County Clerk.

**P.O. CARACAPPA:**

Oh, there you are.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

How are you?

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

You have a question, Legislator Foley?

**LEG. FOLEY:**

Thank you, Mr. Chairman. Is there a deadline for the application to the State for reimbursement?

**MR. ROMAINE:**

Yes.

**LEG. FOLEY:**

And when -- the deadline is?

**MR. ROMAINE:**

Their fiscal year begins at April 1, but they want to get this application at least two or three weeks prior to that, so that they can process it, and review it, and accept it, and that's why we'd like to have it in certainly no later than mid March. Maybe a scrivener's error could be defined where it would say the Budget Office will appropriate, where we could institute the word "Budget Office", so it's clear who's doing the appropriation. We want to -- believe me, I don't have any separate accounts.

**LEG. FOLEY:**

I understand that.

**MR. ROMAINE:**

We handle a lot of money. We never do anything, try to do anything wrong. All of this money is first instance money. When we collect it, we send it directly to the Treasurer.

**LEG. FOLEY:**

Thank you.

**MR. ROMAINE:**

It will go to the General Fund. And if you want to add the words maybe as a -- it was left out as a scrivener's error, "Budget Office appropriates", we have absolutely no problem. We just don't want these reimbursements not to come our way, which was my experience --

**LEG. FOLEY:**

I understand that.

**MR. ROMAINE:**

-- in the past.

**LEG. FOLEY:**

I understand that, not in the last number of years. If I may, Mr. Chairman.

**MR. ROMAINE:**

Not in the last 12 years.

**LEG. FOLEY:**

If I may just reclaim the time. Last year's resolution was approved on -- it was laid on the table 1/20 of one '03, and it was approved on 2/21 or '03. So, there appears to be a timeliness issue with the resolution, so we do need to approve something today. My only concern is, if it's approved today and if the County Executive still has a difference of opinion, obviously, if there was a veto, then, by the time we get this back, it will be at the end of March, and it will be very close to the April 1st deadline. So, how could -- if this was approved today, how could we have some agreement between the Clerk and the Executive's Office about the resolution? Is there some way of --

**LEG. ALDEN:**

Let the County Executive veto it, if he doesn't want the money.

**LEG. FOLEY:**

All right. Well --

**MR. ROMAINE:**

That's -- you know, that's up to the County Executive.

**LEG. FOLEY:**

I understand.

**MR. ROMAINE:**

This is 1.7 million dollars in found money. That's a determination he has to make. All we're asking is that our budget accounts be reimbursed. If you want to put in that the Budget Office does the appropriating to do that, that's fine. Whatever's legitimate, we are happy to abide by. We just have some concern that that money would not be used to reimburse the Clerk's Office, and I don't want to be put in the position of signing documents, saying we're getting money to fill positions and we're not filling them. Thank you.

**P.O. CARACAPPA:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Mr. Chair, could you ask the County Attorney to come back up? I have a question for her.

**P.O. CARACAPPA:**

Ms. Bizzarro, thank you.

**MS. BIZZARRO:**

Thank you.

**LEG. VILORIA-FISHER:**

Hi. If we were to say, be designated, because your problem is with that last resolved, which is be designated to the appropriate County Clerk operating budget accounts?

**MS. BIZZARRO:**

Correct.

**LEG. VILORIA-FISHER:**

If it were to be designated by the Treasurer's Office or by the Budget Office, would that be more

appropriate? Has the Clerk indicated?

**MS. BIZZARRO:**

If that is the proper office that is going to be making that designation, I think that that might solve the vagueness.

**LEG. VILORIA-FISHER:**

That's what the Clerk seemed to -- that's what Mr. Romaine seemed to indicate. You had said the Charter provision.

**MS. BIZZARRO:**

Okay. I'm going to defer to Ken Knappe on this.

**MR. KNAPPE:**

Good afternoon, everyone. The clarification that we're looking for in the resolution, and speaking on behalf of the Budget Office, is that we do not want to -- or there is an appearance within the resolution that we are increasing the County Clerk's appropriations by 1.7 million based on the revenue that may come back. The resolution does not clarify that point. It does not put where the appropriations would be going, it doesn't put any type of accounting structure in the resolution. This might be a question that's better answered by Budget Review to see if they agree with the Budget Office on this. But is the resolution appropriating additional monies, or is the resolution just allowing the County Clerk and the County Treasurer the vehicle, the means to accept the reimbursement to offset costs that have already been incurred, therefore, just increasing the revenue for the General Fund by the 1.7 million? That's the question that, looking at the resolution from a budget perspective, I would feel more comfortable with an answer from.

**LEG. VILORIA-FISHER:**

Oh. So, no -- I'm looking at the resolution.

**MR. KNAPPE:**

In the resolution, if you look --

**LEG. VILORIA-FISHER:**

It doesn't say "reimbursement", even in that chart that follows, Ken, that --

**MR. KNAPPE:**

It talks about some dollar amounts and the like. However, it does not show if it is increasing the current appropriations, or just being received to offset current expenditures that have already taken place or will take place. If this is to increase the County Clerk's appropriations, then there should be appropriation codes, object codes, stating that, you know, the 110 permanent salary account, which shall increase by "X" amount, supplies and equipment should be increase by "X" amount. The resolution is mute on that, and that's where the clarification from the budget perspective I would like. And maybe Budget Review could -- you know, either they agree with that in their reading of the resolutions, or if the resolution is okay from their point of view.

**LEG. VILORIA-FISHER:**

And the only problematic part of this resolution is that last resolved?

**MR. KNAPPE:**

Well, it's a big -- it's a big question, because --

**LEG. VILORIA-FISHER:**

Yes, I know, but that's the only place --

**MR. KNAPPE:**

It's 1.7 million. That's correct.

**LEG. VILORIA-FISHER:**

Actually, it's 1.375 million in that last resolved.

**MR. KNAPPE:**

My apologies, yes.

**LEG. VILORIA-FISHER:**

Because that's the personnel costs. The other costs -- the other \$300,000 are in other operating costs, in equipment and supplies, I think

**MR. KNAPPE:**

Correct.

**LEG. VILORIA-FISHER:**

Is Budget Review going to be able to answer that question?

**MR. SPERO:**

I haven't reviewed the revised resolutions. I'm just going to call it up on the screen right now.

**LEG. VILORIA-FISHER:**

Okay.

**MR. SPERO:**

Take a quick look at it.

**MR. KNAPPE:**

If I could just mention on the record while Jim's researching that, if the intention of this resolution is just the vehicle for the County Clerk and the County Treasurer to seek the reimbursement and have it deposited into the General Fund and increase the revenue, then I believe the resolution does it. However, the resolved clause makes it unclear when it starts talking about reimbursements.

**LEG. CRECCA:**

Take a vote. Roll call.

**LEG. VILORIA-FISHER:**

Budget Review is about to answer a question that I had. I still have the floor, Mr. Chair.

**LEG. CRECCA:**

I'm sorry, I was not aware of that.

**LEG. VILORIA-FISHER:**

Thank you.

**MR. SPERO:**

I'm confused, just listening to the discussion. We appropriate a budget for the County Clerk to

carry him through a fiscal year and run his operation and his staff, and now he's seeking reimbursement for that. So I don't understand why there's a need to appropriate additional funds for the County Clerk for his operation.

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

We're not.

**MR. SPERO:**

That's what the resolution is talking about.

**P.O. CARACAPPA:**

It doesn't, though.

**LEG. VILORIA-FISHER:**

Then you concur with what Mr. Knappe --

**MR. SPERO:**

The language, someone talked about --

**LEG. VILORIA-FISHER:**

-- has just said, that it seems --

**MR. SPERO:**

This is just to reimburse the County Clerk.

**LEG. VILORIA-FISHER:**

Because we already have an operating budget in place, that this would seem to be additional money.

**MR. SPERO:**

This was just to reimburse him for his operating expenses in carrying out the requirements of State law.

**LEG. VILORIA-FISHER:**

Which is already in our budget.

**MR. SPERO:**

Correct.

**P.O. CARACAPPA:**

Okay. Any other questions? There's motion to table and a second.

**LEG. VILORIA-FISHER:**

Okay. I'm sorry, Mr. Chair, I have still have the floor. I wasn't finished, I'm sorry.

**P.O. CARACAPPA:**

I asked and I didn't hear anything.

**LEG. VILORIA-FISHER:**

I'm sorry, I wasn't quick enough. Sorry. It seems to me that there is a problem here with that last resolved. The Clerk's Office already has their personnel expenses covered in our Operating Budget. This resolution calls for 1.375 million dollars to be designated to the County Clerk's Operating Budget. So, without clarification, it would seem that we're adding another 1.375 million dollars to their Operating Budget. And it is problematic, and Budget Review has concurred with Mr. Knappe that there is a problem with that.

Nobody wants to jeopardize getting 1.7 million dollars from the State, but we really have to be fiscally prudent with this, and be certain that we understand the details of where -- of how this is going to work into our budget, rather than have a resolution that is incorrect before us. Thank you, Mr. Chair.

**P.O. CARACAPPA:**

Is that all? Thank you. Any other questions, comments? There's a motion to table and a second. All in favor? Opposed?

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

**LEG. CRECCA:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

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

**LEG. VILORIA-FISHER:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. BINDER:**

No.

**LEG. NOWICK:**

No.

**LEG. CRECCA:**

No.

**LEG. ALDEN:**

No.

**LEG. MONTANO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. O'LEARY:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. CARACCIOLO:**

No.

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

No.

**P.O. CARACAPPA:**

No.

**LEG. CRECCA:**

Motion -- oh, he's got to call the vote.

**MR. BARTON:**

Five. (Absent: Legs. Bishop and Tonna)

**LEG. CRECCA:**

Motion to approve.

**LEG. ALDEN:**

Second.

**P.O. CARACAPPA:**

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

**LEG. CRECCA:**

Roll call.

**P.O. CARACAPPA:**

Roll call.

**MR. BARTON:**

**Legislator Caracappa.**

**P.O. CARACAPPA:**

I didn't make the motion.

**LEG. CRECCA:**

I made the motion.

**MR. BARTON:**

Oh, I'm sorry. And the second was? Got it.

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

**LEG. CRECCA:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. COOPER:**

Pass.

**LEG. BINDER:**

Yes.

**LEG. BISHOP:**

(Not Present)

**LEG. NOWICK:**

Yes.

**LEG. MONTANO:**

No.

**LEG. LINDSAY:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. VILORIA-FISHER:**

No.

**LEG. O'LEARY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCIOLO:**

I'm sorry. This is to approve?

**MR. BARTON:**

To approve.

**LEG. CARACCIOLO:**

Yes.

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

Yes.

**P.O. CARACAPPA:**

Yep.

**LEG. COOPER:**

Yes.

**MR. BARTON:**

Thirteen. (Absent: Legs. Bishop and Tonna)

**LEG. ALDEN:**

If we see you driving around in a Rolls Royce, we know you did the wrong thing.

**P.O. CARACAPPA:**

Moving to late-starters. I make a motion to waive the rules and lay on the table, seconded by Legislator Carpenter, Introductory Resolutions 1225 to Budget and Finance, 1226 to Public Safety, 1227 to EPA, 1228 to Budget and Finance, 1229 to Budget and Finance, 1230, Budget and Finance, 1231, Parks, right? 1232, Parks, 1235, Public Works, 1236, Public Works, Sense 14 to Budget and Finance, Sense 15 to Budget and Finance.

Also, setting the public hearing for March 9th at 10 a.m. for Resolutions 1230 and 1229. All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**LEG. CRECCA:**

I have a -- Mr. Presiding Officer.

**P.O. CARACAPPA:**

Legislator Crecca.

**LEG. CRECCA:**

There's been a request from the County Executive to now move the Public Hearing on 1139, Introductory Resolution 1139, back to the General Meeting on March 23rd. And to accommodate and further cooperate with the County Executive, I want to make a motion to reconsider setting the Public Hearing on I.R. 1139.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

There's a motion to reconsider Public Hearing -- what was the number?

**LEG. CRECCA:**

1139.

**P.O. CARACAPPA:**

**1139.** All in favor? Opposed? Abstentions? It's before us again.

**LEG. CRECCA:**

Make a motion to set the date on I.R. 1139, the Public Hearing for I.R. 1139, to the next General Meeting, March 23rd, at 2:30 P.M.

**LEG. VILORIA-FISHER:**

Second.

**P.O. CARACAPPA:**

There's a motion and a second. You got the -- you have the motion, Mr. Clerk.

**LEG. BINDER:**

Night meeting.

**MR. BARTON:**

A night meeting, 5:30.

**LEG. CRECCA:**

It's a night meeting.

**P.O. CARACAPPA:**

5:30.

**LEG. CRECCA:**

5.30.

**MR. BARTON:**

Yes.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

15. (Absent: Legs. Bishop and Tonna)

**P.O. CARACAPPA:**

Any other business to come before the Legislature today? We're adjourned.

**[THE MEETING WAS ADJOURNED AT 4:07 P.M.]**

**{ } Indicates Spelled Phonetically**