

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
SIXTH DAY
APRIL 20, 2004**

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

**MINUTES TAKEN BY
ALISON MAHONEY & DONNA CATALANO - COURT STENOGRAPHERS**

[THE MEETING WAS CALLED TO ORDER AT 9:33 A.M.]

P.O. CARACAPPA:

Good morning, Mr. Clerk. Please call the roll.

MR. BARTON:

Good morning, Mr. Chairman.

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

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not present).

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. CRECCA:

(Not Present).

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not present).

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

15 (Not Present: Legislators Foley, Crecca & Bishop).

P.O. CARACAPPA:

Thank you very much. I would like everyone to please rise for a salute to the flag led by Legislator O'Leary.

Salutation

Please remain standing. I would like to recognize Legislator Viloría-Fisher for the purposes of introducing today's Clergy.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. I'm very pleased to introduce today the Reverend Noelle D'Amico who is a minister at the United Church of Christ and she's the Coordinator of the United Church of Christ Justice and Witness Ministries in New York State. She is my constituent, she is a tremendous leader in social justice issues. She is a catalyst of the University of the Poor School of Theology. She was also honored last year by a number of organizations, in particular the --

REVEREND d'amico:

Long Island Progressive Coalition.

LEG. VILORIA-FISHER:

Last year was the Long Island Progressive Coalition. She has been working with migrant workers throughout the United States to seek more just pay for these workers and she is just a tremendous model for all of us. So without further delay, Noelle -- Reverend D'Amico.

REVEREND D'AMICO:

Thank you. Friends, we come from many different religious traditions and traditions of conscience, and so today when I pray using the name of God, I ask that those of you would allow that name to be an open space for your own faith commitment. Let us pray together.

Good and Holy God, we pray this morning for our Legislature; they are stewards of our common good and of the people's trust. We ask that in their decision making about finance, about the environment, about the living wage, about services to those who are poor, that they might always and everywhere remember that this town belongs to all of us, rich and poor, young and old. We ask that you would guide them as they deliberate over decisions which affect us all and for which all of us have responsibility.

This week we celebrate Earth Day and so we especially remember our call to be stewards of your environment, a gift that has been entrusted to us. We know that the decisions that are made in this place are decisions that carry us into the future but that that future does not belong to us, it belongs to our children and our children's children. May they be proud of the work that we do here today.

God, we give you thanks for this space where the people of this County can let their opinions and their voices be heard, we give you thanks for democratic process, we give you thanks that this is a place where together we can work to make a better Suffolk County. Especially today we remember those who labor for a minimum wage and they work full-time and they cannot afford to feed or provide health care or house their families. We ask, God, that you would be with them and that you would create a greater political will to ensure that all people have what they need to survive.

God, you have given us enough for everyone. Show us how we may share what you have given

so that all of us may walk into your future together, healthy, whole and strong. We ask this now in the name of your spirit which moves us forward and inspires us. Amen.

P.O. CARACAPPA:

Thank you. Thank you, Reverend. I would like to recognize Legislator Alden.

LEG. ALDEN:

I would just ask for a moment of silence. Since the last time we met, two people that have been fixtures, basically, in Suffolk County government have lost their mothers, and the first one I'm going to mention is Warren Green and Paul Sabatino, both of these gentlemen lost their mothers in the past few days, weeks. And I would also ask to include in that a little bit of a remembrance for those that have recently been killed all across the world keeping our freedom.

Moment of silence observed

Thank you.

P.O. CARACAPPA:

Good morning, everyone. We have a long day ahead of us, but as we start our day we'd like to ask Rachel Davis from the Women's Advisory Board to come forward and unveil a beautiful plaque on behalf of the Women's Advisory Board here in Suffolk County in commemorating the career and the life and the work of our dear friend and colleague Maxine Postal. Ms. Davis?

MS. DAVIS:

Thank you, Presiding Officer, the Honorable Joseph T. Caracappa; the Deputy Presiding Officer, the Honorable Angie Carpenter, other Honorable Legislators, good morning. Good morning.

(* Good morning said in unison *)

Thank you. On behalf of the Suffolk County Women's Advisory Commission, it is my pleasure to speak just a few words to you this morning.

First, on their behalf, I would just like to thank you for your timely response to the communications that we have sent out to each of you; these communications certainly help us

to function better as a Suffolk County Women's Advisory Commission. Those individuals that you have appointed, that you have reappointed, certainly mirror the image, the principals, the true purpose for which I'm sure you embrace for all of the citizens of Suffolk County.

And so it is with this I would just like to give one reminder, as I have this privilege, to remind you of several dates that I would love for you to remember and that is May 14th which the Suffolk County Women's Advisory Board will have their Legislative Breakfast, and all of you are invited.

And now to the business at hand, the unveiling of a portrait of the late Maxine Postal. And who better to talk about this than Commissioner Rachel Lee Davis, for twice I ran against this trailblazer, twice I tried to unseat her. And with all of the board room status that she held, and I would say from writing and for proposing resolutions and the various kinds of legislation, for bringing thousands and thousands of dollars into the 15th Legislative District, I did not see that that was not the virtue of this young woman.

Someone could say I did not get it. Because this young woman had something that you rarely see in others, and that was a commitment of caring, of doing those little things in the 15th -- not only in the 15th Legislative District but all over Suffolk County working for the betterment of women, and that eventually we were able to see. And so I found her in the Baptist Churches, the Methodist Churches, the Presbyterian Churches, the Catholic Churches, I found her -- the Jewish Synagogue; I found her in all of the places we don't normally associate with greatness. I found her in the community halls, I found her in any small gathering whether it was 15, 10 or a thousand people gathered, there I found this woman. And I found that she cared for the simple people and I'd like to use the term uncommon, uncommon. Here was an uncommon woman working for common people in her community. No telephone call was not returned, no minor detail was overlooked, and that's what made her so great because she worked for all the people in Suffolk County, and especially the woman, especially the uncommon people.

And so it is within my power, I would like to call up my secretary, Chairman of the Membership Committee, and other Commissioners; the Honorable Joan Johnson, Diane Padullo, and Edna Nuden. At this time, I'd like to call up the Chairman of the Legislature, and I don't know if it's appropriate -- I think this is appropriate; if I'm not -- thank you. Yes, you can tell me whether the Deputy Presiding Officer should be here and anyone else that you feel should be at this particular point.

P.O. CARACAPPA:

Elie.

MS. DAVIS:

Elie, of course, and the 15th Legislative District, Elie Mystal who took the place of Maxine Postal. And at this time, on behalf of the Suffolk County Women's Advisory Commission, I present to Joe and Angie and a memory portrait of the late Maxine Postal.

Applause

And Joan Johnson will read what's on the plaque.

MS. JOHNSON:

"In memory of Maxine S. Postal, Suffolk County Legislator from January, 1988 to December, 2003; Presiding Officer of the Suffolk County Legislature, January, 2003 to December, 2003. A strong advocate for women, children and senior citizens." And it has listed all of the members of the Women's Advisory Commission with Rachel Davis as Chair and it's presented by the Suffolk County Women's Advisory Commission to the Suffolk County Legislature.

P.O. CARACAPPA:

Thank you.

Applause

On behalf of the entire Legislature, we thank you so much for recognizing Maxine in this way. Just another way of extending her memory, the work that she's done for all of us, what she was for all of us and for this County and the entire Legislature thanks you from the bottom of our heart. Thank you.

Applause

I recognize Deputy Presiding Officer Carpenter for the purposes of a proclamation.

LEG. CARPENTER:

Thank you. I would just ask, Police Commissioner Dormer, if you would join me along with the Inspector from the 3rd Precinct, Peter Quinn and Police Officer Jack Ward and Police Officer Robert Escalona. And we have two Chiefs of the Department, Matt Balone and {Verrone}. And there was a third Police Officer, Police Officer Darrell Randolph, who is also been recognized this morning.

These three gentlemen responded to a call, as officers often do, to aid and assist and it was a call for a young female who had delivered a baby and the baby was premature three months and the when they arrived on the scene the baby was not breathing. And due to their incredible presence and skill and professionalism, they were able to revive this baby, get the baby to Southside Hospital, the baby weighed two pounds, the baby is still in the hospital but the baby is doing fine every day. In fact, I guess it was Police Officer Ward who mentioned that he stopped by the other day and saw her and she's really doing well. Mom is home and the baby will probably be in the hospital for a couple of months until she's at the proper weight.

So without further ado, I would like to present these proclamations on behalf of all of us. And the nearly one and a half million people that we represent here in Suffolk County I think will all agree that these police officers are outstanding examples of the fine work that's done at our Suffolk County Police Department each and every day. Congratulations, gentlemen.

Applause**COMMISSIONER DORMER:**

Thank you very much, Angie. The officers in the Suffolk County Police Department really appreciate public displays of appreciation. They get knocked a lot as they do their duties and this is terrific that you did this in a public way. And I as I mentioned to one of the officers when we talked about this, this is a legacy from Commissioner Dan Guido who started the EMT Program many years ago and he said it's going to cost money because of the certification and recertification, but it's going to save lives so we're going to do it, and his legacy is carried on through these officers. And we wish them luck on patrol, stay safe out there. Thank you very much.

Applause**LEG. CARPENTER:**

Thank you, Commissioner. And I would just ask the Commanding Officer of the 3rd Precinct, Peter Quinn.

OFFICER QUINN:

Thank you. First, this proclamation is not mine, it belongs to Officer Darrell Randolph who couldn't attend today. I would just like to thank the Legislators, and especially Legislator Carpenter for recognizing these officers today. Sometimes a job well done is a reward in itself and I think in this situation that's exactly what it is; what better reward than to save the life of an infant. And I think the officers should be very proud, that's something they'll carry with them for the rest of their career and the rest of their life. Again, thank you.

Applause**LEG. BISHOP:**

Bill?

D.P.O. CARPENTER:

For the purposes of making a presentation, I would like to recognize Legislator Bill Lindsay.

LEG. LINDSAY:

Good morning, fellow Legislators and the public of Suffolk County. I'm here this morning to recognize a beautiful young lady from my Legislative District, Christina { Baumgarten }; if you would come forward, Christina, I would appreciate it.

Every year the Veterans of Foreign Wars conducts an essay contest called Voice of Democracy; I thought it was a national contest, but Christina tells me it's an international contest. Veterans of Foreign Wars have chapters in all parts of the world where their members are serving or served in the armed forces and over 80,000 high school students participate in this contest around the world and there is regional -- local, regional, national champions. The Suffolk County Champion was Christina, and I might add that first, second and third winners in Suffolk County all came from the 8th Legislative District;

I don't know what that means, but I guess I represent a lot of bright, young people.

Christina went on to win the National Championship -- New York State Championship and she placed 34th in the national contest as well. VFW gives out tens of thousands of dollars in scholarship money to these bright, young high school students and I would just like on behalf of the Legislature to recognize Christina's accomplishment here this morning. Thank you.

Applause

P.O. CARACAPPA:

I recognize Legislator Cooper for the purpose of a presentation.

LEG. COOPER:

It's a great honor for me to recognize not one, not two, but three championship teams from Huntington High School. First we'll start with the Blue Devils Girls Soccer Team, they're a group of talented, hard working athletes led by Coach John Walsh. They completed the regular season ranked third in their league and then reset their goals and entered the Suffolk County Post Season Play-Off Competitions with renewed determination. Their hard work and dedication stood them in good stead as the team defeated Islip in the County's Semi-Finals. They then went on to upset heavily favored Comsewogue in the finals to win the 2003 Suffolk County Girls Class A Soccer Championship.

Next we have the Blue Devils Football team. This past season they played Amityville to determine the Suffolk County Division III Championship. They emerged victorious that day defeating Amityville 13-7 in overtime play. The Blue Devils then went on to nearly upset heavily favored Bethpage for the Long Island title. They ended their highly successful season with an 8-3 record led by head coach Steve Mullard who was named Suffolk's Division III Coach of the Year. Eleven players went on to receive special honors in recognition of their outstanding play throughout the season.

And last but not least, we have the Blue Devils Wrestling Team led by Coach Lou Giani. They reached a new milestone this year when the team won its 80th consecutive dual meet, defeating the team from Central Islip High School before a record crowd of 200; this victory set a new Suffolk County Section 11 record. The blue Devils continued their successful season at the Section 11 Tournament winning the Suffolk County team title based on four first place performances and four All-County finishes of individual Blue Devil team members. The season

ended on a high note when the Blue Devils won the team title at the 2004 Division I Wrestling State Championship; this was the Blue Devils second State Team Title in three years.

So I wanted, on behalf of the Suffolk County Legislature and all the citizens of Suffolk County, to congratulate these fine athletes from Huntington High School.

Applause

Right now I'm going to present proclamations, first to the Blue Devils Girls Soccer Team, the team Captains, Emily Sammis, Heather Schondebare and Katie Boshko, was I right on that? Thank you. And Coach John Walsh.

Applause

Next, the Blue Devils Football Team; Captains Pierre Delva, Nadav Zamir, Donald Mitchell and Jovan Hairston, Coach Steve Muller.

Applause

And finally the Blue Devils Wrestling Team; Captains Sachem Bradshaw and Jack Sullivan and Coach Lou Giani. Lou, congratulations.

Applause

Thank you very much.

P.O. CARACAPPA:

Thank you, Legislator Cooper, and congratulations. I now recognize Legislator Nowick, you have a presentation?

LEG. NOWICK:

Yes. Are the members of the Suffolk County Community College Basketball team here or their coaches; is there anybody here from Suffolk Community College?

P.O. CARACAPPA:

We'll get back to that one.

LEG. NOWICK:

Okay, we'll get back to that.

P.O. CARACAPPA:

Moving on, every year it's now tradition here at the Legislature, thanks to Deputy Presiding Officer Carpenter, we yearly at this time recognize the Volunteers of the Year for Suffolk County. What are we without our volunteers in any field, whether it be government or private? And this year is no exception, we are going to honor each individual from each Legislative District.

In years past we used to present proclamations, it used to take an hour, but now we just read the names into the record and we do the proclamations in our respective districts. So with that being said, I would like to, number one, thank Legislator Carpenter, as I always do every year, for pushing forward this initiative and making it stronger every year. And without any further ado, I would like to turn the program over to you.

LEG. CARPENTER:

Thank you very much, Presiding Officer Caracappa. As we're recognizing each of these outstanding volunteers, I would just ask if any of them happen to be in the audience when you hear your name, you're certainly welcome to stand so that we can see you and recognize you and I'll try to get through this quickly. But I think everyone will agree, especially once you've heard all of these brief little bios, that we just couldn't do what we do for the residents of this County without our volunteers.

First from the 1st District, Legislator Caracciolo's district, is Gertrude Bourne who has been a leader in various Shelter Island organizations for more than 30 years, an advocate for seniors, President and Vice-President of the Shelter Island Senior Citizens Association. She was instrumental in organizing Shelter Island's Senior Nutrition Program, Sunday school teacher, Deacon at the Presbyterian Church, a volunteer for The Nature Conservancy's Mashomack Preserve Visitors Center and a volunteer driver for seniors medical trips, and also serves as a home health care aide for seniors.

From the 2nd Legislative District, Legislator Schneiderman's district, we have Melissa Anderson of East Hampton who's from the -- she's a 13 year old East Hampton Middle School student, Melissa is. And working over a five month period, Melissa single-handedly raised over \$14,000 to help Southampton Hospital purchase a pediatric respirator. She organized and ran yard and bake sales, gave speeches, held a raffle and wrote over a hundred letters of solicitation in order to raise the money necessary to purchase this important piece of equipment which was delivered to the hospital earlier this month; you must be very proud of her.

Joseph Lecci of Middle Island is Legislator O'Leary's nominee. Through his past positions as an educator and Assistant Principal for the Longwood Central School District and his current position as Executive Director of the Lifeline Mediation and Superintendent of Middle Island Caring for Kids Learning Center, Joe has tirelessly dedicated himself to the families in our communities, his efforts targeting troubled youth, violence and gang prevention through mediation and mentoring programs has had a tremendous impact on the members of the community. His efforts and accomplishments make him an outstanding volunteer and the residents of the district and I think all of Suffolk County are fortunate to have him as part of our special seniors.

From the 4th Legislative District, Presiding Officer Caracappa's nominee is Deborah Felber of Selden. She is being recognized for her outstanding efforts because of her exemplary commitment to the community. Over the past eight years she's been an active member of a number of organizations including the Selden Civic, Centereach Civic, Selden-Centereach Youth Association and Parents for Megan's Law. She's been a dedicated volunteer for the PTA for 18 years and the Middle Country Board of Education for eleven. She's currently the Assistant Director of Parents for Megan's Law, President of the Selden Civic, Middle Country Central School District Board of Education Trustee and the Suffolk Region PTA Assistant Director.

From the 5th District, Legislator Fisher's, Vilorio-Fisher's district is Herb Mones of Setauket, a tireless community advocate who has worked as the organizer of the Greening of 25A Committee, as Chair of the Setauket-Port Jefferson Station Greenway Task Force and as the 1st Vice-President of the Civic Association of the Setauket, as President of the West Meadow Beach Conservancy, as teacher at Newfield High School and a fencing coach at Centereach High School.

Legislator Losquadro from the 6th District, his nominee is Gordon Handshaw of Miller Place who for the past 30 years has volunteered his time and energy to the Suffolk County Fire Educators

Association. This father of two and devoted husband to Rose Marie for the past 23 years has also served this community as a member of the Miller Place Fire Department, and as a 30 year member of the fire department he has served as Commissioner for the past 15 years. For these reasons, among many others, Gordon Handshaw has been selected as their outstanding volunteer.

From the 7th, Legislator Foley's district, we have Hans Henke of Patchogue who is the Patchogue Village Historian. He donates his salary back to the village. He has written three books on Patchogue history and restored and maintains the Historic Lakeview Cemetery. Hans Henke is a valuable asset to the community and one of the respected historians in Suffolk County.

From the 8th Legislative District, Legislator Lindsay's district, we have Richard Trpicovski of Sayville. He is the proprietor of "All About Eyes" of Sayville who since 1980 has steadfastly served in the Greater Sayville Chamber of Commerce. A two-time Chamber President, Richard assisted in the organization of the renowned Sayville Summerfest since its inception and made downtown revitalization a priority, including spearheading the Sayville Sidewalk Replacement Project.

From the 9th, Legislator Montana's district, Len Fillyaw of Central Islip. Leonard is a lifetime community activist in Central Islip as well as the Vice-President of the CI Public Library Trustee Board. He has dedicated years of his life to effectuate a positive change within the lives of youngsters within the community of Central Islip.

From the 10th Legislative District, Cameron Alden's district, Laura Rigo of East Islip. Laura is the founder of the Country Village Beautification Society and the East Islip Main Street Restoration Project. She's devoted numerous hours of her time to improving the local community. She was instrumental in enhancing the street lighting along Main Street and County Village and decorating the main street area for the holiday season. Mrs. Rigo continues to work tirelessly in her community despite a heavy work schedule that includes teaching and raising five children.

You know, it's really remarkable when you hear these and realize that these people have built-in excuses for not volunteering because of their busy lives yet they manage to find the time.

From the 11th Legislative District, which is mine, Rosella Brink of West Islip. Rosella has been a volunteer at Good Samaritan Hospital for over 25 years, she's contributed more than 22 hours of

volunteer work. And I don't think she's here so I can share this with you; she's 86 years old and still finds the time to volunteer, she is very dedicated.

From the 12th Legislative District, Legislator Crecca's district, we have Ginny Salerno of Hauppauge. As an Adjunct Professor at Suffolk Community College and St. Joseph's College, she's being honored for her dedication as the Executive Director of the first Long Island Two-Day Walk to Fight Breast Cancer which will take place on June 5th and 6th, the proceeds of which will go to grassroots organizations and research right here on Long Island. She has worked tirelessly in all aspects of the planning and organization of this remarkable event.

From the 14th Legislative District, Legislator Bishop, Dennis Springer of North Lindenhurst. Dennis Springer has tirelessly devoted his time to the Lindenhurst American Little League for over 20 years. Although his three sons have long since outgrown the league, Dennis has continued to volunteer on the Executive Board and has been serving as President for close to ten years. Dennis has kept the Lindenhurst American Little League going by working hard to solicit funds from both public and private sources and his proud colleagues say that the league would be nothing without his efforts.

From Legislator Mystal's district, Barbara Friedman of Amityville, this outstanding volunteer has volunteered her time in the district office for several years. She has always been reliable, eager to help and a pleasure to work with and I'm sure she's made a difference to the constituents in that district.

From the 16th District, Legislator Binder, we have Joseph Caruso of East Northport. Joe is a man of his word and contributes one hundred percent enthusiasm to everything he's involved with. He displays dignity, diligence and a true sense of purpose in every endeavor. And for that, Legislator Binder is proud to honor him today as our outstanding volunteer for the district, number 16.

Legislator Tonna, the 17th District, we have Alex (Buddy) Gillespie of Deer Park. Alex has been an active volunteer for the Deer Park Youth Football League, St. Cyril's Food Outreach Program, from soliciting the food to the distribution of the food, a volunteer fireman for Deer Park; these are just a few of the many good deeds that Alex has carried out within the community. For this they would like to honor Alex (Buddy) Gillespie as their outstanding volunteer.

And in the 18th Legislative District, Legislator Cooper, we have Robert Kohn of East Northport who has been a dedicated volunteer at the Gurwin Jewish Geriatric Center in Commack since February of '99. He's accumulated over 2,000 hours to date, assisting everyone from the receptionist to escorting visitors throughout the facility and assisting family members during their visits. Bob also visits with the residents and helps to transport them to and from the programs.

And I think you'll all agree that we are truly blessed here in Suffolk County with these outstanding volunteers and many, many more that we don't even know about, and hopefully in the years to come we'll learn about. Thank you.

Applause

P.O. CARACAPPA:

Thank you again, Deputy Presiding Officer. You did that very quickly and we appreciate it.

CHAIRPERSON CARPENTER:

I would like to know what time I started.

P.O. CARACAPPA:

She wants to know when she started, it was about eight minutes ago. Well done.

LEG. CARPENTER:

Thank you for your patience.

P.O. CARACAPPA:

And those of you who know my honoree, Debbie Felber, don't tell her because it's a surprise at the next civic meeting. So thank you.

Moving on to the public portion. I'll just remind the public, you have three minutes each to speak, this is not a question and answer period. We have a tremendous amount of cards today so we'll try and move them along as quickly as possible. The first speaker is Rick Van Dyke.

MR. VAN DYKE:

Good morning, Ladies and Gentlemen of the Suffolk County Legislature. My name is Rick Van Dyke and I'm here in the capacity of being Executive Director of Family Service League of Suffolk County. This organization was founded by Suffolk residents in 1926, it's governed by Suffolk County Volunteer Trustees, it provides services to approximately 40,000 Suffolk County residents each year from its 20 offices from western Suffolk to the east end.

I am here to speak specifically in favor of amendments proposed in Introductory Resolution No. 1005 of 2004 which is intended to amend the Living Wage Law to provide conformity. FSL is in favor of changing the language from declaration to certification in Section 347-5 as well as in Section 347-7. FSL favors a change in the language as well in Section 347-7 that moves the word require to inform. And FSL also encourages amending Section 347-7 C to read certification rather than declaration. These three proposed language changes are both clarifying and helpful.

The most significant change, however, is Section 347-3, Living Wage and other benefits, Section 8H which currently states that part-time employees shall accrue compensated days off increments proportional to accrued by full-time employees. The current terms have had a negative impact on Family Service League's ability to serves. This provision has become a very complicated and costly issue for FSL as a not-for-profit organization. It has cost us a lot to give proportional leave time to part-time employees working under 20 hours per week.

In 2003, Family Service League expended an additional \$60,139, or the equivalent of 3,243 hours of productive staff time. In other words, it cost us an extra \$60,000 and your constituents lost 3,200 hours of important service; this is almost the equivalent of full-time -- two full-time professional staff. In 2004, during this first quarter -- I will finish in a second.

P.O. CARACAPPA:

Okay.

MR. VAN DYKE:

Under the terms of the Living Wage Law, FSL paid out almost \$16,000 just for the first quarter, so the last year and this year are probably going to be projected to be about the same.

Therefore, we applaud the proposed change of the section to read, "Part-time employees who work 20 or more hours per week shall accrue compensated time off in increments proportional to that accrued by full-time employees." And we would urge your amending the Living Wage Law to

these effects. Thank you very much --

P.O. CARACAPPA:

Thank you very much.

MR. VAN DYKE:

-- for your attention of this this morning.

P.O. CARACAPPA:

Before we go on I'd like to make an announcement that there will be a very short meeting of the Rules Committee at 10:30 in the Clerk's Conference Room which is across the hallway. Thank you. The next speaker is Richard Johannerson followed by Marie O'Donnell.

MR. JOHANNERSON:

Mr. Presiding Officer, Members of the Legislature, my name is Richard Johannerson, I am Chairman of the Suffolk County Ethics Commission. I come to speak to you primarily about Introductory Resolution 1212 which is for the appointment of the Executive Director for the Suffolk County Ethics Commission. I would like to point out to you that under Section C 30-3 of the Ethics Code, the Suffolk County Ethics Commission has seven mandates that we are required to fulfill. The first mandate is that we're supposed to appoint an Executive Director, and since the creation of the Suffolk County Ethics Commission in 1988 we've never had an Executive Director. We are to appoint appropriate staff to fulfill our obligations and we have not been able to do that either. We are supposed to adopt, amend and rescind rules and regulations governing the commission's activities, we have never adopted any rules or regulations to govern our activities. We are supposed to review the completed financial disclosure forms and the statute defines what we're supposed to do during the course of that review and I'm told by the other Commissioners and by our Counsel that other than reviewing the forms to determine whether they're complete, we have never been able to do a review to determine whether or not there are any conflicts of interest. We're supposed to receive complaints alleging any violation of pertinent laws, we don't have the ability to do that; although we do receive requests for opinions, we have not had the ability to investigate any complaints. We're supposed to assist and advise municipal subdivisions on their ethics laws, and although there have been requests from several municipal subdivisions, specifically towns, we have had to reject their requests because we haven't had the resources to assist them. We are supposed to prepare a written report to submit to the Suffolk County Executive and to the Suffolk County Legislature each year

and I've been advised that that was only done once.

So the Suffolk County Ethics Commission, quite frankly, has not been performing the very mandates that this body has required of it from 1988 until today; with an Executive Director, I believe we will be able to do that. And I strongly encourage each of you to vote in favor of that so that we can perform the very functions that you've mandated for us in the statute.

The second resolution I would like to speak to very quickly is Resolution No. 1194 which was introduced by Legislator Binder. And during the course of the hearings on this I spoke in favor of this statute and I spoke in favor of the proposed statute because I thought it was a good start. There obviously had been a number of different problems that this County has faced and several towns have faced that I think could be resolved if we had a piece of legislation similar to this. What I encouraged Legislator Binder and the committee to do was to expand this piece of legislation not just to focus on lawyers, because this specifically focuses only on lawyers, but to focus on all professions that could potentially cause an elected official or an appointed official to come in conflict. Unfortunately the revised version that I was able to review this morning is actually more restrictive; not only does it only -- not only doesn't it apply to anyone except for lawyers, it also does not apply to elected officials. And I think if we're going to be able to deal with some of the problems that we have been forced to deal with in the past, deal with some of the conflicts that we've had to deal with in the past and the scandal we've dealt with in the past, we have to expand this piece of legislation rather than reduce it.

P.O. CARACAPPA:

Thank you very much.

MR. JOHANNERSON:

Thank you.

P.O. CARACAPPA:

Next speaker is Marie O'Donnell followed by Pete Quinn.

MS. O'DONNELL:

Good morning. My name is Marie O'Donnell, Project Director of Suffolk Community Council and I am here today representing Judy Pannullo, our Executive Director who is out on medical leave.

As an umbrella agency of health and human service agencies, we are continuously contacted about the Living Wage Law. In fact, agencies had so many questions about the bill that we held a public forum on the issue when it first passed into law. We are well aware that this law was well intentioned and sympathetic to those workers who are not making a living wage. Let me be perfectly clear, we are not against the law at all, rather we applaud the efforts of this Legislative body to make positive changes for working families.

We are here today, however, to speak in favor of Legislator Bill Lindsay's proposed change to the law. There are several changes that he is suggesting, but we especially wish to focus on the change he is advocating that addresses the temporary and part-time workers. As the law stands now, those workers are mandated to receive sick time and they must be paid for them; many of our member agencies have contacted us and told us of the enormous burden this places on them. For example, there are some agencies that use temporary workers when they are stuck and may also use temporary workers for a few times a year yet are mandated to pay them sick time. There are also agencies that use part-time workers who work infrequently. What we have heard from these agencies is that they, like the Suffolk Community Council, are not opposed to the Living Wage Law and are certainly willing to pay those wages; they simply do not understand why they must also pay them sick time when they work so infrequently with the agency. Please understand that they are more than willing to pay sick and vacation time to their permanent and full-time workers.

Almost all of our member agencies are contract social service agencies with the Suffolk County government and experience regular budget cuts. After years of countless reductions and flat funding, these non-profit social service agencies are struggling for survival while working hard to care for Suffolk County's most vulnerable. The living wage law mandating paid sick time further adds to these over burdened agencies. Please pass Legislator Lindsay's legislation for changes to the Living Wage Law. Thank you.

D.P.O. CARPENTER:

Thank you.

Applause

Pete Quinn followed by Cheryl Felice.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn, I'm unrelated to the police officer who spoke earlier, although we bear the same name. I sent some letters to some of you Legislators and I'd ask through the Deputy Presiding Officer that if I may I will leave copies with the Clerk and have them distributed to all of the Legislators.

The first letter concerns a letter I sent to the Acting Commissioner of the Islip Town Planning Board dealing with the Jerry Wolkoff proposed development at the Pilgrim State Hospital. You should be aware -- and I'm hopeful that many of you speak out on this issue since you have access to the media, because it will adversely impact the Southwest Sewer District. Wolkoff proposes adding 1.5 million gallons of effluent to the Southwest Sewer District, it currently has 27 million gallons daily use and maximum capacity is 30 million. When you add what the Department of Public Works does to invite businesses such as Tanger West which will be developed in Deer Park and a host of other businesses when there are still not enough residential homes hooked up in Babylon Town and Islip Town, you can see that in time it's going to cost those people who pay the taxes for the Southwest Sewer District additional money when you add clarifiers or expand the plant.

Additionally, when the energy costs are going to increase substantially which will adversely impact our already high and excessive electric rates, the traffic to the Brentwood area will be extraordinarily excessive since there's a proposed truck hub to be sited there as well. And of most concern to all of us should be the impact on the central plains area or the western Pine Barrens which is the sole source aquifer for western Suffolk County and the developer has already taken two acres there for a right-of-way; those are concerns that all of you should be speaking out about before this project is approved and it's in the SEQRA process now.

The second letter deals with Industrial Development Agency arrangements which I have spoken to this Legislature before. I'm an equal opportunity political basher, I've criticized Robert Gaffney when he was the Executive providing these IDA perks to business, and similarly I am now attacking County Executive Levy. There are five businesses that are -- have been proposed, there are two public hearings today, two tomorrow, one on May 10th. We're giving away through the back door money to various companies --

D.P.O. CARPENTER:

Could you sum up, please, Peter.

MR. QUINN:

-- allegedly on the ground that they create jobs. One of the most egregious, if I may, is the arrangement to give money to Computer Associates which has been found guilty of fraud by the Federal Government and --

D.P.O. CARPENTER:

Peter, sum up, please.

MR. QUINN:

I will finish in one more sentence, if I may. And it was given an IDA perk of \$750,000 just two years ago and here it is back at the cash register of Suffolk County to be given another one and I'm hopeful that you'll speak out when you have a difficult budget gap --

D.P.O. CARPENTER:

Thank you, Peter.

MR. QUINN:

-- to say no to the IDA. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Cheryl Felice followed by Pamela Johnston. We do have very many cards and please bear with me, we really need to try keep to the three minutes. Sorry, Cheryl, go ahead.

MS. FELICE:

Thank you, Legislator and Deputy PO Carpenter. Good morning and good morning to all the members of the Legislature. My name is Cheryl Felice and I'm President of the over 7,000 Suffolk County workers of the Association of Municipal Employees and we have several issues that will be addressed in your public hearings that either positively or negatively impact our work force. And on behalf of the officers of AME, we respectfully request your consideration on the following.

First we'd like to speak about IR 1238. AME stands in support of extending full benefits of real property tax exemption for volunteer firefighters and ambulance workers, a bill which is sponsored by Presiding Officer Caracappa. Many AME members spend countless hours of volunteering for fire departments on ambulance crews and in ladies auxiliaries. A modest property tax exemption in exchange for the huge a tax savings they generate is a fitting tribute to our members and volunteers who contribute enormously to the safety and well-being of Suffolk County residents. It is because of their sacrifice that all of us in Suffolk have the benefit of not having the need for a paid fire department. Three Executive Board members themselves have a combined total of over 60 years volunteering service time along. Supporting IR 1238 will also have a positive effect on the Suffolk County Volunteer Recruitment Program sponsored by DPO Carpenter in seeking more volunteers. AME wholeheartedly supports 1238.

AME also stands in support of authorizing a registry for domestic partnership register sponsored by Legislator Cooper and Schneiderman. While domestic partners are not yet part of the AME collective bargaining agreement, your support of 1245 would certainly be a step in the right direction and would be consistent with neighboring townships and counties in securing the reporting mechanisms necessary for providing domestic benefits. AME members and residents alike would benefit in years to come from this registry.

IR 1278, AME stands opposed to the Early Retirement Incentive Program reform proposed by County Executive Levy. And I realize this stands tabled at the moment, however, there are serious flaws to the legislation that I'd like to point out for you. First we'd like to say restricting any action by this Legislature that has the authority to reject or approve annually is simply not necessary. The Legislature can accept or reject based on items such as avoiding paying retirees salary increases, fringe benefits, offset adjustments for normal retirement during years during the years in question and the annual additional employer contribution to the New York Retirement System;

The question is simply why tie your hands. AME is strongly opposed to abolishing all positions vacated during any early retirement incentive and restricting overtime payment to workers who cover the increased workloads of their coworkers who leave on the retirement.

In September, 2002, during the budget 2003 address, AME members were directed to do more with less; they did as 1,600 positions remain vacant in the County budget. As you know, and I will sum up, we have \$133 million surplus because those members did more with less. And we

also have to be cautious of the last restriction, the complies restriction in that clause. In this clause it talks about any authorized early retirement incentive could be deemed null and void as of the last day of the pertinent open period if the incentive monetary goals do not materialize. What this would do is, in effect, if a member retires during the open period and then the program is pulled at the end of it, it would leave their benefits in question.

Finally, we'd like to ask your consideration of a no layoff clause added to the debate of creating the Department of Environment and Energy. As you know, Civil Service Law protects members' working and retention rights and in the most undesirable. And certainly the last resort option, in the event the County would need to layoff, be cognizant of the bump and retreat rights for the workers for the new department. Workers are restricted under Civil Service from returning to their job in their former department in the event of a layoff; this restriction, AME is advised, cannot be waived. However, the Legislature can implement a no layoff clause for the members who will be transferring into the new unit originating back to their old department.

P.O. CARACAPPA:

Cheryl, if you could just sum up your comments.

MS. FELICE:

Yes.

P.O. CARACAPPA:

Thank you very much.

MS. FELICE:

This action on your part would protect the members who through no fault of their own would be losing a valuable right. We thank you very much for your time and I thank you for the consideration of the extension.

P.O. CARACAPPA:

Thank you very much. Pamela Johnston followed by Margaret Coffey.

MS. JOHNSTON:

Good morning. I'm Pamela Johnston, Executive Director of Victims Information Bureau of Suffolk, we provide services to victims of domestic violence and sexual assault. I'm here to

speaking in favor of the amendments to the Living Wage Law.

The Suffolk County Legislature's passage of the Living Wage Law was evidence of the County's commitment to improve the quality of life of all its citizens. The proposed amendments will make it easier for employers to comply with the law. The most important proposed amendment is the one that will require prorated compensated time off for part-time employees working 20 hours or more per week rather than for all part-time employees. At VIBS we employ part-time receptionists to work in the evening, VIBS is a second job for these employees who usually work only two nights a week or nine hours. If a paid holiday that closes the agency falls on the day they are scheduled to work we pay them for the time, otherwise it's not practical for the agency or necessary for the employee to have additional compensated time off. VIBS was audited in 2003 by the Living Wage Office which found VIBS to be out of compliance for not providing prorated time off to two temporary employees who in 2003 worked a total of a hundred hours between them filling in for holidays and vacations. It's not clear to me whether or not the amendment on part-time employees addresses temporary employees who might work 35 hours in one week but a few hours another week with the average hours per year well beneath the 20 hour threshold. The issue of temporary employees should be spelled out in the legislation.

Although not within the scope of this amendment, I would like to take this opportunity to say that the bureaucratic implementation of this law has been unnecessarily time consuming and confusing. I said a moment ago that the Living Wage Office audited VIBS and required us to pay time-off compensation amounting to \$119.97 to two temporary employees; while this was not a financial burden, we were under the impression that all our contracts were exempt because the contracting departments accepted our requests for exemption, our highest paid employee does not earn more than six times the lowest. The irony is that although we do pay the living wage required by the law, we applied for an exemption in the mistaken belief that we could avoid additional paper work.

I'd like to make one other suggestion. Either as an amendment or in the administration of the law, allow non-profit agencies to choose the option of certifying or requesting an exemption either for the agency as a whole or on a contract by contract basis. We have to submit a mountain of paperwork for every single contract and if we can either comply or be exempt agency side it would certainly simplify things, cost less for us and certainly for the County in going through all of those contracts.

It is unfortunate that such a well intention law which has helped raise wages for our lowest paid workers has been such a burden in its implementation. Thank you for the opportunity for allowing me to express -- to express my support of the original and amended legislation as well as express my frustration with its implementation. And just very quickly, to take off my VIBS hat and speak as a private citizen for a moment, I can't be here this afternoon, I just want to urge you to support the domestic partnership legislation introduced by Legislator Cooper.

LEG. COOPER:

Thank you.

P.O. CARACAPPA:

Thank you. Margaret Coffey followed by Richard Koubek.

MS. COFFEY:

Good morning. I'm here to comment also on Legislator Lindsay's proposed amendment regarding the Living Wage Law. My name is Marge Coffey and I'm Director of South Shore Home Health Services, a licensed home care agency that provides services to Suffolk County under the Personal Care Program and a DOH contract.

As of January, 2004, my agency and other agencies that are members of the Long Island Chapter of the New York State Health Care Providers have complied with the Living Wage Law requirements. It recently came to the chapter's attention that there was a proposed amendment to the law regarding the definition of what constitutes part-time. We are pleased to see that this and other recommendations that the Living Wage Advisory Committee worked on in 2002 were followed and acted upon. The 20 hour part-time requirement is a start towards working together to assuring that the living wage law is fair to employers doing business in Suffolk County. Please support this amendment, it is a step in the right direction. It is important that the Living Wage Advisory Committee remains active. Our Long Island Chapter has representation on this committee and wishes to remain involved. The Living Wage Law requires that the committee meets annually; to my knowledge, they have had no meetings in 2003. The exchange that results in actions from these meetings is proof of the importance. Please continue with this committee and provide notification to our representative regarding future meetings and proposed amendments to the law.

Myself and other home care providers have met with Legislator Bishop in 2/03 and have voiced

our concerns regarding reimbursement to cover the additional salary and benefits. We thank him for listening and offering assistance in making the Living Wage Law fair to both employees and employers in Suffolk County. We will continue to contact Legislators in matters pertinent to this law and our reimbursement methodology that is set by the State. I can be reached at my office in Oakdale for additional communication. Thank you.

LEG. FOLEY:

Thank you.

LEG. LINDSAY:

If I may? Mr. Chairman, if I might be recognized by the Chair?

P.O. CARACAPPA:

I do recognize you, Legislator Lindsay.

LEG. LINDSAY:

I really appreciate the broad-based support for the amendments to the living wage this morning; it's surprising to me how many people turned out to speak on behalf of this. Talking to my colleagues, I don't believe there's any opposition to the amendment and if it would be proper, to save some time and some people's time here, I wonder if a motion would be in order to take that out of order to accommodate the people that might not be here later on today.

P.O. CARACAPPA:

I certainly will accommodate that. The only problem right now is there's a special meeting of the Rules Committee going on, they should be done in five minutes. So as soon as those Legislators return --

LEG. LINDSAY:

I'm supposed to be at the Rules Committee.

P.O. CARACAPPA:

Oh, shame, shame. You want to go get the rest of them back in here then?

LEG. LINDSAY:

Well, why don't you let everything continue and when we come back --

P.O. CARACAPPA:

As soon as you come back we'll make a motion to take out of order and approve the bill.

LEG. LINDSAY:

Thank you.

P.O. CARACAPPA:

And hopefully we can move along. But in the meantime, the next speaker is Richard Koubek.

MR. KOUBEK:

At the risk of being redundant, I'm representing Catholic Charities on behalf of the resolution that Legislator Lindsay has introduced. I just want to say, Catholic Charities, in partnership with our parish outreach centers, serves many of Long Island's working poor and every day we see their struggle. This is why my agency supported the living wage bill and we continue to support this bill. But like so many who have spoken before me, we have some concerns about Section 347-3, Section H that requires not-for-profit contracted agencies to provide all part-time employees with accrued compensated time off.

Just in case you're not quite sure about how to vote, Catholic Charities would like to make this point. We have many part-time employees who are working scattered hours, as low as one hour per week once a month; many of these employees are retirees. It is administratively very burdensome for us to track part-time employees who work less than 20 hours a week in order to determine incremental compensated time. We, therefore, support IR 1005 that Legislator Lindsay has introduced and I would like to say this is a sensible and important change to a very, very important law.

And by the way, down the road while you're thinking of other changes to this law, you might consider a Consumer Price Index increase for contracted agencies concomitant with our requirement under the Living Wage Law that we provide a CPI for low wage workers. Thank you.

Applause

P.O. CARACAPPA:

Thank you very much. Next speaker, and forgive me if I say it incorrectly, Michael Stolz?

MR. STOLTZ:

Presiding Officer Caracappa, if it would be okay, the next three speakers are also from our mental health coalition. And if I could, I would like to introduce our coalition and them and have them speak and then use the balance of my time for some talking points. That would be Sonya Wagner, Barbara Kraus and Bridget Baio.

Presiding Officer Caracappa and Members of the Legislature, I'm Mike Stoltz, Executive Director of Clubhouse of Suffolk, a psychiatric rehabilitation and support agency in Ronkonkoma and Riverhead and co-chair of the Suffolk Coalition of Community Mental Health Service Providers. We are a coalition of 16 non-profit agencies that collectively provide a range of community mental health services to nearly 50,000 Suffolk County residents each year. We employ or engage in volunteer services nearly 4,000 people to assist County residents. Behind me are -- and if I could ask them to rise -- a number of people from our member agencies, people who are employed, who are volunteer and who use our services in community mental health; if you could all stand. And they are here because they share our concern and we want to tell you that we are united in being able to press a message about the crisis that is impacting your and our community mental health system. Thank you.

We're going to have three speakers beside myself and then following their comments I will quickly summarize a few talking points for our current and future discussions. Sonya?

MS. WAGNER:

Good morning. I'm Sonya Wagner, Executive Director of RESPONSE of Suffolk County. As you know, RESPONSE provides a 24 hour crisis intervention and suicide prevention hotline. Many of our calls begin with the question, "Is there someone I can talk to there"; an anonymous voice asking for the help of a sympathetic stranger. At RESPONSE we hear thousands of stories of loss and desperation each year. More and more often, though, our callers are speaking of trying to get help and finding closed doors. Now as a member of the Suffolk Coalition of Mental Health Providers, we're giving voice to those callers.

The coalition consists of 16 agencies contracting with Suffolk County to provide mental health services and is united by an urgent need to sound an alarm. Despite the abundance of services Suffolk County offers, I add with the Legislature's assistance, case management, day treatment, community residences, intensive psychiatric rehab and many others, residents in serious need of mental health services are usually told to wait. How long? Well, if a man, for instance, calls a

County funded mental health clinic and explains that he's very depressed following the loss of his spouse, he'd be scheduled for an intake appointment on average of 8 to 12 weeks later. If he becomes more depressed over the coming weeks and begins to feel suicidal, he might call the RESPONSE hotline and if there appears to be an immediate risk of his safety be taken to the emergency room.

Now, many people who are suicidal minimize these feelings when they're interviewed in the emergency room because they're afraid of being hospitalized and they often find the interview process very humiliating. They speak, for example, of feeling out of place because they don't perceive themselves as struggling with a life threatening illness. So if this caller reports to the hospital staff that he's changed his mind about taking an overdose of pain killers that night, he'll probably be sent home with a referral for an out-patient assessment. While this will allow him a more prompt appointment, the most likely outcome would be monthly visits with a psychiatrist lasting 15 to 30 minutes each; this is called medication management and it does not include therapy, social supports, referrals for transportation, food delivery or other concrete services. It will not help this man adjust to the huge hole in his life, the new responsibilities that are now his or the reality that he is no longer a husband to someone. Sadly, due to insufficient funding, this will be the most treatment he's likely to receive for months with a possible exception of monthly visits with a nurse who will discuss with him his medication. If he lacks close friends or family, RESPONSE may become his primary support and this is how such callers come to our attention.

The young woman overwhelmed by motherhood and post-partum depression, the father who's son has schizophrenia, the woman who's grandson has run away from home three times, they call the hotline in shock that services are so inaccessible, and for this we ask for the Legislature's support. When people knock on the door of Suffolk County's mental health system we all want them to be invited in, and when they ask if there's someone they can talk to, not in eight weeks or three months but perhaps today, don't we all want the answer to be yes? Thank you so much.

Applause

P.O. CARACAPPA:

Thank you.

MS. KRAUS:

Good morning. My name is Barbara Kraus and I am now the receptionist at Hands Across Long Island. And I've gone through programs such as IPRT at the Clubhouse of Suffolk and the IPRT which is intensive psychiatric rehabilitation training really helped me because I was in psych wards and I had a suicide attempt, I had brain damage, and without the IPRT Program which stabilized me, kept me out of the hospitals, trained me to deal with my emotions, deal with my depression in positive ways instead of acting out, looking for help, being able to talk to people, get me together with doctors and counselors that I trusted, I would probably be dead now. And through the Clubhouse of Suffolk I also got a job at Hands Across Long Island and now I'm the receptionist and I've been there for three years now full-time, off of all my benefits and everything else, still in recovery from depression, still taking my meds every day and going to my psychiatrist and my counselor. And the thing is with -- we need to do something for the working people to be able to go to the psychiatrist that the counselor said they went to to get in recovery.

My insurance, now that I'm off of benefits, doesn't cover where I used to go, so I had to change all my medication, I had to change all my doctors, and that is a hardship, that is a very big hardship. I'll be in recovery probably forever which I'm dealing with day to day. And I love my job and Clubhouse of Suffolk and the IPRT was a God-send; if it wasn't there I would be back in hospitals on a merry-go-round. And the Hands Across Long Island is the afternoon program that people with disabilities go to and they can be themselves and get help by seeing other people who are doing well and getting housing and support groups and everything else. So I'm very, very dedicated to keeping the Clubhouse of Suffolk going and Hands Across Long Island and all the other agencies that deal with people in recovery, and recovery is the big thing. We are not people who are trying to go on that ferris wheel and the roller coaster going back and forth to the hospital, we want to get better, we want to better ourselves and do something with our lives and all these programs are what keeps us going and it gives us the support. It keeps us out of the hospitals and it keeps us going to our psychiatrists and it keeps us on our meds and helps us to get -- gain self respect and, you know, live normal -- whatever that is, normal lives and be taxpayers, which I am now, and vote you guys in. So you know, whatever you can --

Applause

But these programs are like the basic, basic, basic important things because the people that run them, they care about us as people, okay. We're not just a patient, we're not just somebody who is on meds, we're actual people and it's just a wonderful, wonderful feeling and we need all

the support that we can get with this. And if you guys ever want me to talk about something, I would be glad to. Thank you.

P.O. CARACAPPA:

Thank you very much for your comments.

Applause

MS. BAIO:

Good morning. My name is Bridget Baio and I'm the Director of The Sayville Project and a member of the Suffolk Coalition of Mental Health Service Providers. The Sayville Project is sponsored by the School of Social Welfare at Stony Brook University and we provide case management, psychosocial club and drop-in services to over 350 persons in the greater Sayville, Patchogue and Bellport communities. As one of the seven providers providing case management services to persons with severe mental health disabilities in Suffolk County, I'm here today to discuss the crisis occurring in the Suffolk County adult homes.

At the April 8th meeting of the Health and Human Services Committee, our coalition co-chair Mike Stoltz and I presented testimony concerning the crisis occurring today in the adult homes in Suffolk County. As you may know, Suffolk County is home to over 60 adult homes which have served as the primary residence for over 3,500 people, the greater proportion of whom are persons who have been disabled by serious mental illnesses. These totals make Suffolk County the locality in New York State with the most adult homes and the most certified adult home beds of any locality in New York State including the counties within New York City according to the State Department of Health's Annual Census Report of 2002.

Since September of 2003, eleven adult homes housing 527 people have closed, submitted or commenced an approved closure plan with the State Department of Health or have indicated by formal communication their intent to pursue closure. This past week alone two additional homes are set to close; the Bay Shore Adult home will be closed by the Department of Health and the Bayport Adult Home has submitted their own closure plan this week. Over 85% of the residents of these homes have serious psychiatric disabilities, often in conjunction with other medical disabilities which leave them unable to participate in mainstream community life without the care and assistance of a congregate care setting. The number of lost beds will amount to a loss of nearly \$5.5 million in adult congregate care housing in Suffolk County, complicated further by

lost jobs, services at a time when affordable housing and housing for persons with disabilities and special needs have already been at a critical shortage.

With a less than 1% vacancy rate in adult homes accepting persons receiving Supplemental Security Insurance in Suffolk County at any given time, residents have been forced to accept placements outside this County as far away as Upstate, New York and the five boroughs of New York City where Suffolk County taxpayers have assumed responsibility for their medicaid costs or have been moved to nursing homes at a rate three times higher than the cost of adult care facilities in an effort to close these homes quickly; this speaks nothing of the psychological costs to the residents, the majority of whom have been Suffolk County residents for over ten years, who have been traumatized by the fear and anxiety associated with this process.

The psychological burden has increased the need for emergency and other support services, further amplifying the toll on our systems of care. In fiscal terms, the \$28 a day problem, the current amount provided to an operator to house and care for a person, an adult home with SSI, has turned into an approximate \$150 a day burden for taxpayers for individuals placed unnecessarily in nursing homes, and potentially a \$98 to \$125 a day problem for Suffolk County should these individuals end up in our shelter system.

P.O. CARACAPPA:

Ma'am, if I could just ask you to sum up as quickly as you can, the three minutes has expired.

MS. BAIO:

Thank you. Together we have worked collaboratively with the State's Department of Health, Office of Mental Health and the New York State Commission on Quality Care and our local Health Department to try to address this urgent need, but unfortunately the lack of resources in the State and the County and the lack of intergovernment coordination in planning necessary to have reverted this problem has effectively led to a situation where we have collectively abandoned the most fragile and vulnerable citizens. And we ask that you work together to try to solve this desperate and urgent problem. Thank you.

Applause

P.O. CARACAPPA:

Thank you.

MR. STOLTZ:

I can do this in two minutes. Members of the Legislature, it's our hope as a coalition that in the course of your service to this County you'll come to see your community mental health service system not as another budget item but as your best ally, previously all too silent, in your budget conscious and social conscience efforts. When you think of dollars being spent and the huge challenges of our County DSS, think of us as the people you count on to work along side with the excellent leadership of DSS and the County's Department of Labor to help Suffolk adults and children who are at risk of becoming dependent on the County by virtue of their becoming homeless, hungry, displaced or placed in foster or adult care facilities. When you think of County Medicaid dollars, think of us as the people you count on to work with people with serious psychiatric risk, to help them access proper mental health care so that police intervention with the risks on overtime documented in two recent Newsday reports or hospitalizations that can cost over a thousand dollars a day can be avoided or minimized and so that afflicted people can experience recovery.

When you think of our Criminal Court and our County prison issues, including the high percentage of inmates with mental illnesses documented three years ago by the County's own Interagency Forensic Task Force, think of us as the people you count on to intervene early with people who are at risk of making bad decisions in the midst of mental, emotional or substance abuse confusion. When you think of Family Court and other costly problems among our youth that threatens their development toward adult hood roles, if not their very lives with the growing problems of suicide and drug abuse, think of us as the providers you count on in your communities to work with the at-risk kids and their schools and their families to steer kids toward a healthy course. When you think of the unemployed or the aging, residents of our failing adult homes or the immigrants of those facing losses, serious illness or death, or of your constituents who are involved in virtually any kind of family stresses or conflicts, think of us as the people that you count on and who you've assumed to be there early and often.

Our 16 agency coalition members are the foundation of your Community Mental Health System. We're here today to alert you that we're facing incredible obstacles to getting the job done. Our foundation is sagging critically under the weight of spiking operating costs, including the unfunded mandates of the living wage legislation, huge and ungrrowing reimbursed service costs, intense and complicated service demand and a high turnover of paraprofessional and professional staff who cannot afford to live in Suffolk County on the salaries and the benefits packages that we offer. Our coalition recognizes that this has been an awful budget year for the

County and this year we've put virtually all our efforts into pushing New York State to ensure that our County receives its needed share of State mental health funds. But it's our request for this negotiation that the County Executive and this County Legislature be prepared to address the intense struggles that we're having in maintaining our efforts and the great costs that you and our citizens -- our County's citizens are absorbing when your Community Mental Health System is not adequately financed.

Because of direct cuts and effective cuts over the past few years in this County and because of a virtual end to the growth periods in Community Mental Health funding from New York State, our coalition will be here in the fall to ask that you work for toward a 20% increase by the end of the 2007-2008 fiscal year, meaning 6 to 8% for each of the next three budget years for all community mental health providers. These funds will specifically go to help agencies to receive reimbursement for our uninsured and underinsured County citizens who need our care and cannot pay for services. People who use mental health services like the people who provide them are generally quiet because of the privacy of our mutual work, but we've now recognized that we've been silent too long. Some of our service users, volunteers and staff you have met, were introduced here today, we'll continue to have coalition representatives, volunteer advocates and service consumers at every meeting of the Health Services Committee and other committees that dovetail with the work of our Community Mental Health System. In order to help you to assure that your constituents that that our County continues to offer them a ready, willing and able community mental health service system. The human and financial cost of our failure to do so is not a scenario any of us wants to face. Thank you.

Applause

P.O. CARACAPPA:

Thank you. Bill, you want to make a motion? I recognize Legislator Lindsay.

LEG. LINDSAY:

Yes, Mr. Chairman. We're back from the Rules Committee and I'd like to make the motion to take out of order bill 1005.

P.O. CARACAPPA:

That's on page eight, top of the page, 1005. There's a motion to take out of order by Legislator Lindsay, second by myself. All in favor? Opposed? Abstentions? 1005 is now before us.

1005-04 - Adopting Local Law No. 2004, Amending Living Wage law to provide conformity (Lindsay). There's a motion to approve by Legislator Lindsay, second by Legislator Bishop. All in favor? Opposed? Abstentions? 1005 is approved.

MR. BARTON:

Who's not here?

P.O. CARACAPPA:

Going back to the public portion. Roscoe Reynolds?

MR. BARTON:

18.

LEG. BINDER:

Henry, I'm an abstention.

MR. BARTON:

17. You're an abstention?

LEG. BINDER:

Yes.

MR. BARTON:

17, 1 abstention on 1005.

P.O. CARACAPPA:

Mary Ann Vassallo? Robert DeZafra?

MR. DE ZAFRA:

My name is Robert De Zafra, I'm a resident of Setauket. I'm here today to get away for a moment from the stresses of every day modern life in Suffolk County and turn your attention to farmland preservation. I'm here to speak, along with several others who will be scattered through this session I guess, in favor of acquisition of the Thompson Detmer Farm in Setauket under the Farmland Preservation Program of Suffolk County. The saving of the Thompson

Detmer Farm was one of the last announcements made by County Executive Gaffney in December of last year, but that apparently hasn't been entirely the end of the story and you will have another chance today to act to save this very important and historically wonderful farm.

It was -- it is one of the oldest of all of the farms in Suffolk County. It was in the heart of the original settlement of Setauket which at that time encompassed the entire Township of Brookhaven from north shore to south. It has been in continuous farm use for over -- well over 300 years. It is still active farmland. It is not tucked away someplace in an obscure corner but very much in public view passed by thousands of people every day. It would be a wonderful monument to this Legislature were you to act today to acquire this land. It has been over a decade to work out the current arrangement that embodies help from the Peconic Land Trust, so it's a partnership between the County and the Peconic Land Trust, a win/win situation for everyone.

The Thompson Farm, Thompson/Detmer Farm has on its edge the wonderful old Thompson House, family house built about 1700, 1690 something, seventeen hundred and one or two or three lost in the dimness of history. That was preserved by philanthropist Ward Melville over 50 years ago, it's open to the public today. Also on the edge of the farm is the headquarters for the Setauket/Three Village Historical Society. There's a great deal of community backing for the preservation of this wonderful old farm.

Is it expensive? No. The real expense to Suffolk County taxpayers would be failure to act at the eleventh hour of this issue. Time and again we have expressed our desire to have land, open land saved in Suffolk County and we hope that you will again heed that call and pass the special legislation today to make this possible. Thank you.

P.O. CARACAPPA:

Thank you. Ginny Salerno followed by Skip Armstrong.

MS. SALERNO:

Hi. I'm Ginny Salerno, I'm the Executive Director of the Long Island Two-Day Walk to Fight Breast Cancer. And I'm here today, first of all, to thank you all for sponsoring and passing the legislation that we needed to hold the event at Smith Point Park and Cathedral Pines. Today before you you have an amendment to that resolution to also allow us to use Southaven Park.

I also wanted to thank you for the reduction in fees for the parks. This money is directly slated for grassroots organizations on Long Island that are leading the fight against breast cancer, so the less it costs us the more money that they can realize from this event.

Also, most of the walkers, all Long Islanders mostly, have not heard of Smith Point Park, Cathedral Pines or Southaven Park, so this is a wonderful way to promote the beautiful Suffolk County parks that we have to people that normally would not use them. I've sent invitations to all of you Legislators to participate either in opening or closing ceremonies on June 5th and 6th and I hope that you all respond and will show the breast cancer survivors on Long Island your support.

Thank you very much.

Applause

P.O. CARACAPPA:

Thank you very much, we appreciate it and your advocacy. Skip Armstrong followed by John Broven.

MR. ARMSTRONG:

Mr. Presiding Officer, Madam Deputy Presiding Officer and Distinguished Legislators, good morning. My name is Skip Armstrong and I'm here today representing the Suffolk Committee for camping.

I come before you today to discuss Resolution 1242 to rename the campground the Cathedral Pines County Park as the Joseph J. Masem Campground at Cathedral Pines.

Back in the late 1960's, Charles Domini, the first Suffolk County Parks Commissioner, sought Joe's help in developing family camping areas in some of the Suffolk County Parks. Suffolk County agreed and they proceeded to clear sites at two parks. Joe and his group, with Joe as the driving force, rounded up volunteers and spent many hours of their own time clearing sites at Southaven park. Then in the early 1970's Joe was again instrumental in convincing Suffolk County to provide a camp site at Smith Point Park. In the 1970's Joe became very involved in the National Campers and Hiker's Association and formed a district here in Suffolk County and was appointed their District Director. Joe, along with his wife Carmella, spent many hours of their own time helping with camping rallies at Cathedral Pines. They hosted State rallies in 1976

and 1980 where they had over 700 campers at Cathedral Pines; this to date has been the largest camping rally ever held in Suffolk County.

Besides running many rallies for family camping, Joe donated many hours of his personal time by performing such things as installing the PA system throughout the entire campground at Cathedral Pines. He helped install the alarm system in the George Broom Activity Building and throughout the years Joe assisted in maintaining telephone service for the seasonal attendants through as many contacts at Verizon, Nynex and the New York Telephone Company.

In 1990, former Suffolk County Executive Patrick G. Halpin appointed Joe to the Suffolk County Family Camping Advisory Board which he eventually became Chairman. In 1992, former Suffolk County Executive Robert Gaffney appointed Joe to the {Legious} Services Council. In 1992, Joe became a Charter Member of the Suffolk Committee for Camping and was elected to its Board of Directors in 1994 and eventually became its Vice-President. In 1997, Joe was selected as the Suffolk County Family Camper of the Year for his unselfish dedication to the promotion and preservation of family camping in Suffolk County.

In November of 2002, Joseph J. Masem passed away after a 25 year battle with cancer. Through all of his operations and chemo treatments, Joe never once let go of his love for camping and the family values it promotes. Joe remained active in all the organizations and committees right up to the end. Joe has been sorely missed by the camping community and all his friends, but he will never be forgotten. By renaming the campground at Cathedral Pines the Joseph J. Masem Campground at Cathedral Pines, we will be assuring that Joe is never forgotten and that his love of camping and the family values it promotes will live on. November 13th, 2003, the Suffolk County Parks trustees unanimously passed this proposal. On April 7th, 2004, the Suffolk County Legislative Parks Committee also unanimously passed this resolution. Today we're asking you to please do the same. Thank you for your precious time and consideration.

Applause

P.O. CARACAPPA:

Thank you very much. We will break from procedure again and I'm going to make a motion -- Legislator Carpenter will make a motion to take out of order Resolution 1242, seconded by myself. All in favor? Opposed? Abstentions? Mr. Clerk, are you okay with that?

MR. BARTON:

18.

P.O. CARACAPPA:

1242 is now before us.

1242-04 - Renaming Campground at Cathedral Pines County Park as "The Joseph J. Masem Campground" (Carpenter).

LEG. CARPENTER:

Motion to approve.

P.O. CARACAPPA:

There's a motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions? 1242 is approved and the campground is now known as the Joseph J. Masem Campground.

Applause

Going back to the public portion, next speaker is John Broven.

MR. BROVEN:

Good morning, Mr. Presiding Officer and Members of the Legislature. John Broven of East Setauket, despite the accent. I wish to speak on behalf of the Detmer Farm acquisition. I applaud Suffolk County for its enlightened Land Acquisition Program. A superb example was the acquisition of the Sherwood Jayne land last year. If you have time, go past that property, you will see the old orchard, the 18th Century farmhouse and the sheep-filled; at last count there were 14 sheep and five lambs.

I attended the Environment, Planning and Agricultural Committee meeting on March the 17th; there was a thrusting debate. The Chairman and his committee voted unanimously to support the purchase, a day later it was caught up in a perfect political storm. I would ask you today to support your committee. Perhaps I can just make these brief points.

One, the farmland has been worked continuously since the British settled the land over 300 years ago. The land is in the heart of the Setauket community, it really is like a village green. And thirdly, it will still be a working farm, it won't be a poster acquisition, it will be a working facility. This property is quite unique. From historical and environmental aspects, the price may seem a little high --

LEG. TONNA:

Yes.

MR. BROVEN:

-- but it's cheap in terms of preserving it forever. Thank you.

LEG. VILORIA-FISHER:

Thank you, John.

P.O. CARACAPPA:

Thank you very much. Next speaker is Suffolk County Police Commissioner Richard Dormer. Good morning, Commissioner; welcome.

COMMISSIONER DORMER:

Good morning, Mr. Presiding Officer. Thank you. And I promise I won't go over the three minutes.

P.O. CARACAPPA:

You are one of few.

COMMISSIONER DORMER:

And before I start, I promised one of my officers who's away in Iraq that I would mention him and his comrades, over 50 of them from the Police Department are now in the military and any public forum that I would attend I would mention them. And I would ask everybody to keep them in their thoughts and their prayers, and that includes everybody, all our young people from Suffolk County that are serving in the armed forces today. So with thought for their safety and that they may come home safe and sound.

I'm here today and I'm supported by -- if you could stand up, please -- Deputy Commissioner

Roger Shannon, Chief of Patrol John McElhone and Assistant Chief of Patrol Dominick Varrone, and they are here today to show their support for me as I tell you that we very strongly want you to vote down Resolution 1333; it's not necessary for any committee to look at staffing levels in the Police Department. And I would like to remind everybody that this was generated about nine weeks ago when we deployed some of our officers from the midnight shift and these were overtime people and saved this money so we could put them on patrol during the busy times. As of now, we've saved approximately \$91,000; it's not a lot of money but it's a start. And that's what we have to do in the policing business today, make sure that we get the best bang for our buck.

I want to mention that staffing levels, staffing is one of the most critical jobs of a Police Commissioner and his staff; this really goes to the heart of what we do. We make the decisions on where our officers are going to be deployed and what units they're going to be in. It's inappropriate to have especially union members tell us where we should put these people and in what numbers. If I understand correctly, featherbedding went out a long time ago with the monopoly and the railroads. We don't want to see featherbedding come back in Suffolk County. And I want to ask everybody here to keep that in mind when they're voting on this resolution. Don't take away the initiatives and the prerogatives from the Police Commissioner and his staff. We know what we're doing.

As we speak right now we're doing an analysis of all our staff units and our needs in the Police Department. We started with the Detective Division, that's almost completed, and the Patrol Division is being done as we speak by the Precinct Commanders, the Planning Bureau and the Chief of Patrol and the Deputy Commissioner Roger Shannon is shepherding this thing. We are going to determine how many officers we need, where we need them, when we need them, how many cars we need at a certain time. And I should remind you that in the police business, minimum staffing cripples the ability of commanders to respond immediately to crisis situations.

All we have to do for an example of this is look to the west, to our neighbors in Nassau County. I spoke to Commissioner James Lawrence about this and he said minimum staffing, which is where we're going with this resolution, has crippled the police operation, has crippled his ability to manage his people day to day. Do we want to do this in Suffolk County? That's what I ask you today.

Please keep these points in mind as you vote on this resolution and I ask you to do the right

thing and support the Police Commissioner and his staff; a Police Commissioner, by the way, that you voted unanimously to take the post. I've only been in there just over two months, give me a chance to do the right thing. Thank you.

P.O. CARACAPPA:

Thank you, Commissioner, it's appreciated. Next speaker is Mark Serotoff.

LEG. VILORIA-FISHER:

Mr. Chair?

P.O. CARACAPPA:

Yes, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I was wondering if I could make a motion to take CN 1349 out of order.

LEG. FOLEY:

Second.

LEG. BISHOP:

Oh, Detmer.

P.O. CARACAPPA:

Would you suffer the interruption and let the speaker that I called up speak first?

LEG. VILORIA-FISHER:

Yes. I'm sorry, I wasn't quick enough.

P.O. CARACAPPA:

Make your comments, sir, and then we'll --

LEG. VILORIA-FISHER:

Okay. It was seconded by --

P.O. CARACAPPA:

I'll entertain your motion as soon as the speaker is finished.

LEG. VILORIA-FISHER:

Okay. Thank you, Mr. Chair.

P.O. CARACAPPA:

Sir, go right ahead.

MR. SEROTTOFF:

Good morning. My name is Mark Serotoff, I'm the Co-Coordinator of the Sustainable Energy Alliance of Long Island and also the Health and Environmental Chairman of the Townline Association, all of whose combined membership is over a hundred thousand Suffolk County and some Nassau County residents.

Seismic upheavals in the energy industry have caused concern over the reliability, cost and supply of our electricity. No other necessity except maybe air or water is as embedded in our way of life. Our physical and economic survival depend on a reliable, cost effective, minimally polluting energy source. Due to the complicated nature of deregulation, the unique quasi-public authority LIPA, the myriad energy proposals and their environmental effects, an umbrella office, a County Department of Energy and Environment is highly desirable. This is especially true with CAP, no longer able to provide objective analysis and guidance to the Legislature.

Take, for example, the issue of repowering where existing 50 year old generation technology is replaced by state-of-the-art generation. Reports by KeySpan, the Center of Management Analysis and CAP have shown that on-island generation can be more than doubled, taking care of our needs for decades at existing sites, eliminating NIMBY and other siting issues, and there are numerous other advantages. A County Energy and Environmental Department would have its hand on the pulse of current issues and be able to recommend a course of action in this regard for example. Consider Brookhaven Lab radio activity, mercury contamination, Pine Barrens protection, Long Island Sound dumping, aquifer quality and protection, Peconic alga blooms, power plant and incinerator emissions, out of compliance EPA air standards which we're all subject to right now. Brown fields, sprawl, light pollution, renewable energy, conservation, cancer and respiratory disease and more; a County Energy and Environment Department is ideally suited to address these and other issues. Think of all the other guidance it could give to

the government and pollution, land acquisition and other energy issues. Complex issues require a dedicated staff to efficiently and effectively deal with them in the best public interest.

George Bush initially did not want to be involved in nation building and look at today.

The Legislature is under pressure to cut costs, however, this is an example where some money spent now will save much more in the future and the future can come as soon as tomorrow.

Thank you.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Thank you very much. I recognize Legislator Fisher, Viloría-Fisher for the purposes of a motion.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair. I'd like to take CN 1349 out of order.

P.O. CARACAPPA:

There's a motion to take 1349 out of order, second by Legislator Foley. CN's have been distributed, they are before you, ***1349 is allocating additional funds for the acquisition of development rights for the farmlands of the County of Suffolk, Detmer Farm, Town of Brookhaven (Pay-as-you-go 1/4% taxpayer Protection Program, CP 8708.210).***

LEG. VILORIA-FISHER:

Mr. Chair, I would like to make a motion to approve.

LEG. CRECCA:

Motion.

P.O. CARACAPPA:

Just a second. The motion --

LEG. CARACCILOLO:

On the motion.

P.O. CARACAPPA:

The vote count was taken for the -- it's before us, correct?

MR. BARTON:

Yeah, it's 18.

P.O. CARACAPPA:

Okay, I didn't hear the count. It is now before us. There's a motion to approve by Legislator Vilorio-Fisher, second by Legislator Foley. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, do we have -- I see Mr. Isles in the audience; could he come forward to answer some questions? Good morning, Tom.

DIRECTOR ISLES:

Good morning.

LEG. CARACCIOLO:

Let me thank you and your staff for providing me the file on the Detmer Farm for the last 24 months.

DIRECTOR ISLES:

You're welcome.

LEG. CARACCIOLO:

The questions I have -- I have a number of questions that are raised by reviewing the file and I would like to share some of what I glean from reviewing the file with the members of the Legislature before any action is taken.

First I think, and hopefully you'll agree in a few moments, why this resolution need not be acted on in any expeditious way since, A, there are no development pressures on this property. There are -- I will repeat that; there are no development pressures on this property. I checked as

recently as last Thursday with the Town of Brookhaven Planning Department to ascertain whether or not there are any pending or approved applications to subdivide this property; there are not. If members want to listen to the facts before you make an important decision to spend almost \$6 million of taxpayer's money, I think you owe that to the people you represent.

The last time there was any hint of development pressure on this property was 1996-97, we're talking seven or more years ago. This process of coming to the Legislature with Certificates of Necessity to purchase a piece of property that is not under any imminent threat of being developed I, quite frankly, don't understand. The last time that was done, in fact, was when a former colleague, Mr. Guldi, sat to my left and the County Legislature voted on a resolution to join the Town of East Hampton, the State of New York, with a \$5.2 million contribution for property in Montauk known as the Shadmore Property. I and other elected officials around this horseshoe did not truly learn what that acquisition was about until after it was completed more than a year later. That's right, we were asked to vote on something in an urgent manner because if we didn't the property was going to be developed.

Let me add, at that time that property was before the Town of East Hampton and as I understand it, and we have the former Supervisor sitting to my left, the two owners from Southampton, the two developers, had the possibility of gaining approval to build four homes on a hundred acres. But at no time -- and Legislator Binder was very thorough with former Deputy County Executive -- right. I'm sorry? Janet DeMarzo -- in questioning what was the urgency and we were told, we were led to believe by both the former Legislator and by Mrs. DeMarzo, the urgency was that if we didn't act back in October of 1999 that this property was going to be developed. And the impression we all had was since there was five acre zoning in the town, that meant 20 homes; that wasn't the case at all. It took more than a year to consummate that acquisition.

So the first grounds by which I raise an objection to the movement of this resolution is on the basis that there is no urgency here. There is no application pending before the Legislature -- I mean, before the Town of Brookhaven or any place else to develop this property. Has there been developers interest? Absolutely. Have any of those developers gained a change of zone as was requested in '96, '97? No. Are any of them likely to get it in the future? I can't speak for the Town of Brookhaven, but my sense is probably not.

But there was a developer, and I shared this information at the last Legislative meeting when

the resolution was voted down, who did contact me that very day of our last meeting in March -- March 23rd in fact -- and who informed me that he was in negotiations with the Estate of Jenny Detmer, that's who owns this property, it's an estate, and that he was very close to purchasing this property seven or eight months ago, maybe eight or nine months ago now, for \$3.5 million. These are the facts; if elected representatives want to ignore the facts then that's between you and your constituents to justify at a later date.

But let me continue. By going through the file, I cannot tell you, and maybe Mr. Isles could put on the record where the contract for this acquisition is; is there a contract right now between the seller and the potential buyer?

DIRECTOR ISLES:

There is no contract involving the County of Suffolk at this point in time. We're here today to request authorization so that the County can go into contract.

LEG. CARACCIOLO:

Mr. Chairman, I would submit that's a very dangerous practice. If this Legislature, and this happened back in the late 80's and early 90's, is going to give any administration a blank check, even though it has a dollar amount in it, I mean, it seems to me that the parties, some parties have agreed to a purchase price; and if it's not the County than who is it; is the Peconic Land Trust involved in this?

DIRECTOR ISLES:

Yes. The transaction that is proposed is that the Peconic Land Trust would purchase the property completely, the County of Suffolk, if approved by this body and the County Executive, would then go into contract and ultimately purchase the development rights to the farm and then the Peconic Land Trust would either retain the residual fee or sell that to a farmer to farm the property.

LEG. CARACCIOLO:

So at this juncture, the Peconic Land Trust has entered into an agreement with the Estate of Jenny Detmer?

DIRECTOR ISLES:

I'm not sure if they've entered into an agreement with Jenny Detmer. However, I can tell you

that -- I know speaking for the County of, Suffolk, I can't speak for Peconic Land Trust, we can't go forward obviously without your authorization, that's what we're here for today.

LEG. CARACCIOLO:

Well, if the goal is to preserve the property then I would salute the Peconic Land Trust purchasing and preserving the property. But that's really not what this is about, this is really the taxpayer of Suffolk County paying an inflated price for this property, and I say inflated because if a developer was close to a contract with the seller seven or eight months ago -- and by the way, that developer did not want to come forward because he was afraid, he was afraid that other applications that he has pending in the Town of Brookhaven he might be -- there might be retaliatory actions against him by the Town of Brookhaven; that is despicable and I am going to ask the District Attorney to investigate that. That is despicable. But I don't want to see this Legislative body jump head first --

LEG. TONNA:

Get in line.

LEG. CARACCIOLO:

Jump head first into spending almost \$6 million of taxpayer's money without at least having the opportunity to review a contract and what the terms and conditions of that contract are.

As far as the appraisals, it's very interesting what took place with respect to the appraisals. Two years ago -- or actually three years ago now, 2001 -- the County actually had a contract to purchase this property, it was between the County and a contract vendee. The only problem was the contract vendee did not have standing and the family of Jenny Detmer challenged that, they fought and succeeded and therefore that contract became null and void; Mr. Grecco's signature was on that contract. You would have think -- or you would think, I should say, that we have learned something from what transpired here in the late 90's and early 2000 with respect to appraisals; I'm not sure that we have.

Just a couple of months ago the Legislature approved an acquisition in my district, the Strobel Farm, which, as you might recall, was before the Legislature for approval in December of last year and at my request was returned to committee and that's where I believe this resolution should go. And the reason why I say that is we learned by doing that how the appraisers came up with an appraised value on that PDR purchase of \$63,000 an acre; now, that is a significant

number to keep in mind. As I understand this acquisition, Mr. Isles, Peconic Land Trust is making a contribution of \$400,000, correct?

DIRECTOR ISLES:

The Peconic Land Trust is purchasing the property and then selling the development rights to the County of Suffolk. I cannot speak for Peconic Land Trust in terms of whether they're making a contribution, I believe they are taking a key roll here in putting up a pretty substantial contribution in terms of effort and exposure to them, but I believe it's their intent to transfer the property to a farmer to farm the property.

Let me just point out -- not to interrupt you, sir -- but the Peconic Land Trust is represented here today as well as the owner of the property.

LEG. CARACCIOLO:

Okay. Is Peconic Land Trust paying \$6.2 million for this property?

DIRECTOR ISLES:

Yes.

LEG. CARACCIOLO:

And how much would the County be purchasing for PDR's?

DIRECTOR ISLES:

The County would purchase the development rights for the property for a total amount of \$5,813,500.

LEG. CARACCIOLO:

And who is footing the bill for the remainder?

DIRECTOR ISLES:

The Peconic Land Trust would then retain ownership of the residual fee. Whether they choose to sell it to a farmer or keep it themselves I'm not certain of that, but I believe it's their intent to transfer it to a farmer. Here again, they are present today certainly if you'd like to speak to them on that one.

LEG. CARACCIOLO:

When one reviews the appraisals, you find out that the way this purchase is structured is that in essence Peconic Land Trust is paying the difference, or something a little bit less than \$400,000. Now, that number didn't just come out of thin air. When you look at the appraisals you'll see that both appraisers assigned a \$20,000 per acre value in Setauket for the ag rights on this property; that is just absolutely incredulous. We paid \$63,000 in the Town of Brookhaven just a month or two ago and on this property somehow magically -- it's such a prized piece of property and I've been there several times and I'd like to see it preserved, but I want to make sure that the taxpayer is not getting fleeced in the process; we have seen that happen too many times in the late 90's with Shadmore and OBI and Camelot and others.

DIRECTOR ISLES:

Just to make it clear that the --

LEG. CARACCIOLO:

Yes.

DIRECTOR ISLES:

Sorry.

LEG. CARACCIOLO:

Go ahead, Tom.

DIRECTOR ISLES:

The Strobel purchase for 63,000 was for the development rights. In this case, the County is not buying in any way, shape or form the ag rights, we have no -- we're not party to that transaction, so that's not part of what's presented to you today.

LEG. CARACCIOLO:

Okay. But I'm still concerned about the Legislature signing a blank check without having the opportunity to have our Legislative Counsel make sure that taxpayer's interests have been satisfied.

And it was interesting, I spoke to the County Executive and his Chief Deputy about this last night, and I can't believe Mr. Sabatino so I'll put it on the record. Paul Sabatino, as our Legislative Counsel, would have never endorsed any acquisition being made without a thorough

review, including the contracts for sale, by the Legislature, but last night he said to me, "Oh, well, you know, we've done this before"; when have we done this before, Tom?

DIRECTOR ISLES:

Well, in terms of the Legislature approving the transaction before we go to contract, yes, we have done that before, because we can't go into contract unless we have your authorization. There are times perhaps when we would go into contract subject to Legislative resolution, but in my time with the County primarily is we seek your authorization, if you grant that authorization we then move to contracts. I don't speak for the County Attorney and certainly, you know, I would not intend to do that.

LEG. CARACCIOLO:

When you're talking about \$6 million, I want to see the legal language, I want to know what the agreement is, I want to know what the County is buying. I also want to know what's going to happen with this property in the future because there was testimony in committee that a local farmer, Al Beck, would be purchasing or leasing the ag rights for ten acres and then subsequently the balance of the property; I'm losing my voice, I can't believe it.

P.O. CARACAPPA:

It's a sign.

LEG. CARACCIOLO:

Pardon? Good sign, Joe? Clap, laugh, that's what's wrong with our Land Acquisition Program. I urge the Legislature to send this resolution back because there is no development pressure. There is no reason, unless there is back room wheeling and dealing going on here, to make this happen today; and don't be surprised, it wouldn't be the first time it's happened in this Legislative auditorium. As I've said and been quoted before, that's despicable. It would be grossly unfortunate, it would be negligence without reviewing the contract of what this acquisition is all about. Thank you.

LEG. TONNA:

Mister -- can you just put me on the list?

P.O. CARACAPPA:

You're on the list, and what a list it is. Legislator Nowick and Binder.

LEG. NOWICK:

Let me just ask you a question. If we give you the right to go into contract by passing this bill, the contracts are then drawn up; does the County Attorney then look at the contracts and if there's a problem of course we don't go into contract, we don't sign the contracts; is that --

DIRECTOR ISLES:

Absolutely; the County Attorney is one of the signatories on the contract.

LEG. NOWICK:

But you can't go into contract unless we pass this today.

DIRECTOR ISLES:

Right.

LEG. NOWICK:

Okay. You know, just for the record, I've been past the property several times, I've ridden around. I've grown up in the area, my district does about that district and it is a beautiful piece of property, I have no doubt they're going to develop it if we don't grab it. And in my conversations with Legislator Losquadro, I realize that this is something that we might have to jump on. And I believe if the contracts are the problem, as long as we have the right to withdraw -- if there's a problem we just don't sign them.

DIRECTOR ISLES:

Right. It is subject to your terms in terms of the dollar amounts and so forth.

LEG. NOWICK:

Well, again, it's quite a piece of property on the north shore, it's -- I would have to support this and thank you, Dan, for talking with me about it.

P.O. CARACAPPA:

Thank you. Legislator Binder then Schneiderman.

LEG. BINDER:

The contract that we're going to sign will be with the Peconic Land Trust.

DIRECTOR ISLES:

That's correct.

LEG. BINDER:

Now, that's before they purchase, make the purchase. So what we're going to do, I assume the contract will say -- have a contingency that if you were to buy it for, and I would assume a price in it, \$2.2 million, whatever the number is, then this contract will then take effect?

DIRECTOR ISLES:

Right, I believe that's the way it's going to structured, too, as part of a three-way exchange here.

LEG. BINDER:

So basically Peconic Land Trust is not really exposed at all because the reason they're not exposed, if they have a contract, a valid and binding contract with us signed before they go to contract and close with the owners, so -- okay, so it's not much -- they're not really a risk, this is just a table transaction that's going to happen -- the closings are going to happen simultaneously.

DIRECTOR ISLES:

Right, that's true. What I'm not sure of in terms of the risk is the ag value rights which is that almost \$400,000.

LEG. BINDER:

Okay. So we'll get to --

DIRECTOR ISLES:

Okay.

LEG. BINDER:

That's good, I'll jump to the next point.

DIRECTOR ISLES:

Okay.

LEG. BINDER:

So I have to assume that their interest in leaving that differential, the 400,000, is to own the fee and to be able to do leasing and I have to also assume that they have at least done some surveying and looking to see if -- what's their payback rate, when can they expect to have that 400,000? And it's probably in some short time because they don't want to have their money tied up in this when they want to use their money for other things. So I have to assume they have done some due diligence here and they're comfortable with the payback right on that 400.

DIRECTOR ISLES:

I'm sure they have done due diligence there, they're obviously a reputable land trust. What I'm not sure is if they're going to lease the property or just sell the property for the underlying fee. Here again, they are here today if you would like to hear from them, but that's my understanding of that part of it.

LEG. BINDER:

So then my next question would be why aren't we purchasing the fee outright, the whole thing? That includes development rights and then we can put a covenant on it, we can actually put a restrictive covenant because that's actually what buying the development rights does. And then we could be the fee holder and maybe get back some of the money over time by either what they're talking about, selling the underlying fee and retain the development right. I don't understand why we have a middle person who is going to make money on this deal possibly, because I don't think they're going to lose and I don't know that they're looking to break even either because then why are they in, so I have to assume they're in only for one reason, that they're going to make some money on this. It would seem to me that we may be able to lower our cost of the transaction and I would assume we have enough buying power to take care of the last 400,000 if that's the question, so maybe you can explain what doesn't seem clear to me.

DIRECTOR ISLES:

Yeah, I'm not sure, here again, if PLT is going to be making money on this or not. What I can say is that the County's current program is geared towards purchase the development rights and not necessarily the underlying fee in the case of farm acquisitions; the fact is I don't know if I can think of one case where we've done that. That would be a change in policy, a change in direction, obviously if the Legislature decides that that's the direction we would go in. But I think

what makes this one a little bit different is that most of the times we buy farmland from farmers and we buy the development rights and the farmer himself or herself has the interest in continuing the actual farm operation.

LEG. BINDER:

That's the normal way and that's --

DIRECTOR ISLES:

That's the normal way. This one is a little bit different because in this case the Detmer Family is not farming the property presently, they are leasing it out, and so we're looking at a transition in rolls. And so here again, the County's program, Chapter 8 where we do buy development rights, is geared for this. Typically, at least historically we haven't wanted to own the land in terms of the management issues and the operational issues of running a farm and so forth, so this is completely consistent with past practice on that. Here again, going forward, if you're suggesting that we examine the idea for a full fee --

LEG. BINDER:

I can say in my district we have Kings Dairy; Kings Dairy is a -- we own it, we lease it out, I don't know that we lease it for what it should be at value but that's another question. But we own that land, we lease it out to a farm and so it's not the first time that we would --

DIRECTOR ISLES:

Okay. Well, I'm not aware of that one.

LEG. BINDER:

Oh, yeah. It's not --

DIRECTOR ISLES:

Okay.

LEG. BINDER:

It wouldn't be the first time that we would have an underlying lease.

DIRECTOR ISLES:

Okay.

LEG. BINDER:

In other cases I've always had the question about farmland development anyway because we're buying the rights and then the farmer stays on and what we're doing is a subsidy and maybe we should buy the whole thing outright, put a covenant in and do what I've been saying. But in this case it seems to me even a clearer case for us to be -- for a \$400,000 difference, this is kind of nuts at this point, we're going \$5.8 million already. It would seem to me that if we -- why do we need a middleman and why do they want to be the middleman? There's no reason for them -- other than -- why have the risk, why the exposure which is minimal because, like I said, it's going to be a simultaneous closing at the table.

DIRECTOR ISLES:

Right.

LEG. BINDER:

But why do it for them unless they have looked at it and they're comfortable? They must -- I don't know what the lease is now, maybe the lease on the land now gives them an understanding that this is a good deal for them, or they have marketed a little bit and they're looking out and seeing that there are people out there interested in buying the underlying fee without the development rights for more than the 400,000 so they can use then the money to offset some other purchases. Well, the truth is I don't know that we're in business to make Peconic Land Trust money.

DIRECTOR ISLES:

Here again, I'm not certain that Peconic Land Trust is making money.

LEG. BINDER:

I'm not either, but I don't know why then if they're not -- first off, I don't know that they're losing, it would be crazy for them to be in it to lose.

DIRECTOR ISLES:

I don't know if they are either.

LEG. BINDER:

And if they're breaking even, why all the aggravation to be in the middle of it because we can do

it otherwise.

DIRECTOR ISLES:

I'm not sure if this would have happened. The County has been trying to buy this for 16 years, since 1988, and this has been elusive time after time after time after time. We've never gotten -- to my knowledge, and I've only been here three years -- this close till Peconic Land Trust stepped into the picture. And here again, the County's program is primarily oriented towards the preservation of farmland, the preservation of the ag industry. Historically it has not been the intent of the County to become a landlord of farms; here again, if that's the direction the Legislature would like to go in, it's a little bit different. I understand your points that \$400,000 sounds tantalizing in the sense that we could get the whole ball of wax for that, but here again --

LEG. BINDER:

Well, more than that, we might be able to, I don't know -- and I think we should be doing an analysis to see if the underlying fee would net us an additional -- additional monies over the \$400,000 difference. So let's say we're able to get a million dollars for the underlying fee either in lease or however we do it or in purchase, if we went to 6.2, now our purchase price is 5.2 and now we've maybe saved over a half of million dollars for taxpayers.

DIRECTOR ISLES:

Can I just make one point, sir? And that is that you're putting us in a horrible position from the Planning department, Real estate Department in the sense that you've directed us through numerous resolutions, on this farm in particular, to go out and try to buy the development rights; we have done that. To come back now at the eleventh hour and say, "You know what? We don't want to do it this way," and I respect your point of view, it's a very interesting comment, New York State bought the KeySpan property in Jamesport, 500 acres and they are selling off the underlying residual fee, a very interesting idea, but I have real questions in this case in terms of the credibility of Suffolk County. If we're proceeding in good faith negotiations based on the programs that you've but into effect in terms of the ag protection programs, in terms of the acquisition policies we're supposed to follow, the procedures in Chapter 712 which tell us how we're supposed to establish value in terms of the prior comment of the discussion of the \$3.5 million negotiation nine months ago, those are all things that if I were sitting in your seat I would take seriously, too. But I just would appreciate it if you could see it from our perspective that we're putting the faith of Suffolk County out there and dealing with people in a responsible, diligent manner we think and when we make these altering courses of policies of

potentially 180 degree that we're going to become landlords, we need to know that. And I think in all due respect, to impose that upon this current transaction where I think Peconic Land Trust has brought something into this, make this thing actually work for the first time, I would just caution or express my deep concern for that.

LEG. BINDER:

Well, maybe you can explain to me what made it work. If you are the Detmer Family, \$6.2 million is \$6.2 million is \$6.2 million, whether Peconic Land Trust is involved or whether they're not. It seems to me there was a price that they wanted, whether it's reasonable and I think Legislator Caracciolo brings a large question mark and I don't know it could be true but I think we should know if someone offered close to three and a half --

DIRECTOR ISLES:

I'd love to know that, too.

LEG. BINDER:

Right, and I think that's important to know. So I don't understand, you know, what did they bring to the table that we couldn't have done -- we couldn't have made this offer ourselves?

DIRECTOR ISLES:

Well, I cannot speak for the Detmer Family, I cannot speak for Peconic Land Trust. What I can say is that seeing sometimes when government approaches a property owner sometimes is not as easy as when a third party and intermediary approaches. My experience has been that Peconic Land Trust and The Nature Conservancy sometimes, not all the time but sometimes they serve a good roll as being a party that a property owner can speak to candidly and so forth and perhaps have a little more trust in than dealing directly with government.

So I can't speak for them in terms of why this is advanced at this particular case, but I do see the role of these land trust organizations as being beneficial in that regard.

LEG. BINDER:

Last question.

DIRECTOR ISLES:

Sure.

LEG. BINDER:

The question was on urgency. If there are no pending applications, if we did this next month or the month after, what changes; why today, why does it need to be done now?

DIRECTOR ISLES:

Right. Well, I'm not going to stand here and represent to you that the sky is falling and that this will come to a demise.

LEG. BINDER:

But that's why we do CN's.

DIRECTOR ISLES:

But I can tell you that, here again, I think we speak on the faith of Suffolk County government standing here today in terms of for 16 years we've been trying to buy this property, there have been a number of -- there's been an approval of this acquisition as recently as two years ago, what we're back for today is to increase the appropriation based on updated appraisals and so forth. To once again at the eleventh hour come in and say that we put our faith out there, we've negotiated, we believe in good faith, we've done everything that Chapter 712 in terms of the acquisition procedures that you've mandated upon us, we've done all of that, we've done all the internal County reviews and so forth, we had the appraisers at the last meeting of Legislature. I think, here again, it speaks volumes every time we hesitate. You have to take your appropriate steps, but on the other hand if everything has been done, if the deal is here, I can't speak to you in the future whether it will be here next month or the month thereafter.

LEG. BINDER:

But Tom, you understand that CN's are an extraordinary measure.

DIRECTOR ISLES:

Yes, I do understand that.

LEG. BINDER:

So to say that by not doing it today that we would be breaking faith, that doesn't make sense. It doesn't have to be put before us, it can go through the normal course and then in the end, if

you feel if we didn't pass it and it went through the course, then that's the question. But obviously there's not -- I mean, from my perspective from what I'm hearing, there really isn't an urgency.

DIRECTOR ISLES:

The only comment to that, Mr. Binder, is that this is not the CN you're seeing for the first time, this was before you last month.

LEG. BINDER:

I understand but --

DIRECTOR ISLES:

And many other times before that.

LEG. BINDER:

But that can happen with a lot of things --

DIRECTOR ISLES:

Yes.

LEG. BINDER:

-- and we've seen things and that doesn't make it justified. We've been very clear as a body our concern about having CN's before us. And, you know, I think Legislator Caracciolo is still proper in bringing up the question of Shadmore and I'm still stinging from that particular evening of discussions on a piece of land that I'm to this day upset about, so.

DIRECTOR ISLES:

I respect your comments, sir.

P.O. CARACAPPA:

Legislator Schneiderman followed by Losquadro.

LEG. SCHNEIDERMAN:

Thank you. The purpose of our Farmland Development Program obviously is to preserve farmland as an industry in Suffolk County and certainly in certain portions of the County we see large industrial farming, particularly on the north fork. This is an area where we don't

particularly see it and we see the Detmer Farm as kind of one of the last visages of our agrarian history in that area. And so it kind of rises to a different level.

I see -- and I just want to piggy-back on what Allan Binder was saying -- I see a very important role for the Peconic Land Trust in this. The Ag & Markets Law, and I've brought this up before, allows really a wide range of uses for preserved properties. It could end up being a sod farm, it could end up being a Christmas tree farm; that would really undermine what we're trying to do here in East Setauket by preserving a section of land that reminds us of where we've come from. So the roll of the Peconic Land Trust here to me is to really ensure that this piece of farm remain traditionally farmed. Roll crop farming and, you know, I trust very much that the Peconic Land Trust will continue to use it in that way. In the future we may as a County want to purchase the fee and then transfer it to a farming collective to ensure that it be traditionally farmed, that's a possibility; these days it's not much more to the price, but I'm very happy to see the Peconic Land Trust stepping in.

I want to now go to correct the record on a couple of things. One, on Strobel where there were some numbers thrown out about the development rights, farmland rights. My recollection is that what we paid for the -- we didn't purchase the agricultural rights, only the development rights, I believe the appraisal on the agricultural rights were somewhere in the neighborhood of about \$15,000 an acre versus 20 to \$25,000 an acre on the Detmer property. It actually works to our favor that the agricultural rights were appraised higher in Detmer because it ultimately lowers the price that the County is paying for that piece of property. But it certainly wasn't \$60,000 on Strobel for the agricultural value, that was for the development right.

I want to move now to Shadmore because that was in my district. Shadmore is an extraordinary piece of property, a hundred acres on the ocean. When the owners who we purchased it from bought the property, originally they had the zoning rights to construct around 60 units on that property, the land was upzoned allowing 20 units. They voluntarily came in and were approved for a four-lot subdivision, four large estate lots on the ocean. If you've ever been to this property, it's one of the most extraordinary gems in Suffolk County, high cliffs over the ocean and these lots were approved and they were being marketed at the time in excess of \$5 million a lot, so in excess of \$20 million for this property which we purchased with -- the Town of East Hampton came in at five plus million, the State came in around \$6 million, The Nature Conservancy. So there was an urgency at the time. The owners of this property believed that the price was \$22 million or more than \$22 million, that we were getting a deal, I would put

forth that today that property would sell for in excess of \$50 million easily in today's market.

LEG. ALDEN:

Then sell it.

LEG. SCHNEIDERMAN:

And the County actually got a great deal. You've got to go there and walk it to understand the value of this property, there's nothing like it. Thank you.

DIRECTOR ISLES:

Just one comment on that, if I could, Madam Chairman. Just in terms of the point in terms of development pressure, that's something we face a lot. The only thing I'd like to point out with that, and I think we faced this with the Sherwood Jayne Property, is that if we wait till development is imminent, are we then dealing with a situation where the property might cost more money due to the investment expectations, the preparation time of engineering and process approval of SEQRA and so forth? So that's the other side of waiting too long I think.

D.P.O. CARPENTER:

Okay, thank you. Next speaker is Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Again, to build on some of the comments of the previous speaker, what Legislator Schneiderman pointed out at the very end of his comments there was about walking the land. I, like Legislator Nowick, live very close to this district, I've been past it many times, I've had the opportunity to walk this property. And as also was mentioned earlier, this property is contiguous to many important historic landmarks, namely the Thompson House as well as other portions of the Three Village Historic District. But in the larger picture, as I pointed out to some of the people who have worked very hard in preserving this property, this has to be viewed in the larger picture of the entire north shore historic district which runs from the western edge of Suffolk County in its more developed state all the way out into Legislator Caracciolo's district in Wading River, they have some houses of similar age in the historic district of Wading River. To see this as a contiguous historic area and the addition of this parcel to that historic district I feel is very important.

To speak to the Peconic Land Trust, I certainly don't want to put words in anyone's mouth but I

feel that there may be a question of faith on the part of the family, as Legislator Schneiderman put it, for the County to provide the proper management service to see the land traditionally farmed and maintained in its current state.

I would just finally like to say, I appreciate the dedication of all those who have persevered through several administrations, through several representatives and kept up their support and I applaud all of you for your efforts. Thank you.

D.P.O. CARPENTER:

Thank you, Legislator Losquadro. Next is Legislator Bishop.

LEG. BISHOP:

First I just want to congratulate Legislator Vilorio-Fisher for her dogged pursuit of this initiative, it's been years. I know her predecessors pursued it as well and I hope today is the day that it finally gets done.

When I was first elected eleven years ago, at the very first meeting the Legislator from the 1st District called for an investigation on a vote from the District Attorney, it was on the 800 Megahertz System. And I know numerous times since then you've called for investigations from the District Attorney at various times and I believe that every time you've done that you've done that in good faith, you have a law enforcement background, you believe that there is something that needs to be pursued. But I hope it doesn't have a chilling effect on this Legislature because the track record on those investigations, to my knowledge, I don't know if one ever led to an indictment or anything of -- or even a Grand Jury Report of anything of substance. I believe that this vote needs to be taken on the merits and not on the rumors, and I think that on the merits this is a worthy acquisition and we ought to pursue it. Of course it costs more because it's in the west end and that's just a fact of life, but because it's in the west end it's that much more valuable because we don't have any real farms left on the west end. So I urge my colleagues to support this.

D.P.O. CARPENTER:

Thank you. Legislator Caracciolo.

LEG. CARACCIOLO:

Let me add that with respect to the Shadmore acquisition, that one year before the County,

State and town chipped in and spent \$17 million of taxpayer's money, there was another entity, another governmental entity that looked at that property, it was called U.S. Fish and Wildlife Service, and their appraisal came in at \$5 million. I'm going to repeat what I said a couple of weeks ago, actually at the previous meeting of the Environment Committee; it wasn't the last meeting it was the one prior. There has been and I believe there continues to be, manipulation of land prices with respect to real estate appraisals in if this County and I am going to pursue that until a District Attorney does take it up. Because right now the District Attorney is busy with a lot of other things, primarily corruption in one of the ten towns in Suffolk County.

The fact remains that this property has been bid up to a price in excess of its value. How do you compare this property to a Newsday story two weeks ago wherein in Nassau County on their gold coast, Old Westbury, the Old Fields Estate, over a hundred years old, comes in at a value of \$220,000 an acre and here we're talking about purchasing a farm -- a farm, not an estate with buildings and other structures on it -- for a \$193,000 an acre; there's definitely something wrong. And I can tell you it was the previous administration, not the current, that pursued this and one individual in particular.

There's more political interference going on here than people want to acknowledge. I want to do the right thing for the people in Setauket, I want to preserve this property, but I want to make sure it's at a fair market value and not an inflated value. So don't misunderstand my intentions. Thank you.

D.P.O. CARPENTER:

Thank you. Legislator Vioria-Fisher.

LEG. VILORIA-FISHER:

Thank you, Madam Chair. Here I am yet again speaking to the issue of Detmer Farm. And this has been an issue on which I've been working since the day I took office -- in fact, before that -- because it has been a compelling issue to everyone in Setauket. And before I begin to address the variety of comments that have preceded this, I would like to read a paragraph of a letter that I received from one of my constituents, it has been distributed and some of you may know this constituent, his name is Peter Scully. In his last paragraph he states, "Since 1988, through three different administrations and as evidenced by three separate votes of the Legislature, the County has long identified the preservation of this historic farmland as a worthy objective and a high priority. Operating under the new more stringent requirements enacted by the Legislature,

the Division of Real Estate and the Peconic Land Trust have negotiated an agreement with a willing seller at a value significantly less than what the owners are being offered by developers. I applaud the Legislature for its foresight as you vote to make this hard-fought preservation victory a reality." And that's precisely where I hope we're moving.

I'm going to go through some of the comments that have been made, and the first one being a comment which I found remarkable. Saying that we're proceeding precipitously with this matter is ironic, to say the least. This piece of property has been -- come before this Legislature long before I sat in this chair; it was introduced by both Legislators Englebright and Bredes before me. It has been discussed, it has been voted out of committee as recently as last month unanimously. Therefore, the CN that's before you is not introducing new facts or a new proposition which hasn't been heretofore considered carefully dissected, studied and analyzed by the people sitting at this horseshoe. And so let's not characterize this as if we were jumping off a cliff because we are certainly not.

And were it to be introduced by a CN because there is an urgency and a critical need to move quickly, I would still defend the presentation of this CN here today. Because I have before me, unlike the phantom buyer who had a quote/unquote negotiated deal for three and a half million dollars, I will share with my colleagues three offers that were made to the Detmer Family, all three of which exceed the amount that the County is willing to pay. On March 9th, I will quote from part of a letter that was sent by Jack Campo to the Detmer Family wherein he states, "At this time we can offer you top dollar and pay all cash not subject to approvals"; I call that development pressure. On December 23rd, 2003, "Thank you for the opportunity to present my offer on the 26 acre parcel and this offer is for \$300,000 per lot"; I submit that's development pressure. On May 21st, 2002, "Please consider this a formal proposal to purchase the above referenced property according to the following terms; purchase price \$7 million;" I submit this is development pressure.

With regards to any applications appearing before the Town of Brookhaven, there is no need, there is as-of-right ability to develop this property for one acre parcels, to develop this for one family homes. So you can research from now till kingdom come and not find applications because there is no need.

With regards to the issue of a blank check. We have here a Planning Director who is saying to us that he cannot move forward with this contract, he cannot move forward with these negotiations

and complete the work that they have been working on so long without our approval. We have no precedent, nor would we want our Department of Real Estate, our Planning Department to enter into a contract without our approval. And to characterize this as a blank check when there are figures here, where we will further scrutiny by our Law Department certainly seems to me a specious argument.

Legislator Binder did present some interesting visions on how we can move forward with our Farmland Acquisition Program. However, this particular piece of legislation addresses a land acquisition deal which has been worked on for years under the framework under which we have been working. We cannot undermine the credibility of Suffolk County and Suffolk County's agricultural program by changing the rules midstream, you just simply can't do that. It hasn't been the policy of the County to purchase agricultural land, to purchase farms and then manage them. We have enough difficulty as stewards and managers of our Open Space Program. When we had decided to go to make active parkland part of our Land Acquisition Program, we did that under the auspices of working with a town or another municipality so that we would not be burdened with the management piece while protecting open space and protecting our recreational areas.

I'm almost done, I just wanted to reach all the points. Thank you, Mr. Chair. Legislator Losquadro did mention that this is part of the heritage trail that runs from Great Neck to the end of the north shore. I urge you to support this valuable piece of property, to support this important legislation. And I think most importantly, if we're looking at the big picture, is to support the credibility of our Suffolk County Farmland Acquisition Program. Because with this kind of development pressure, we can't ask any land owners to enter into a voluntary negotiation, into voluntary negotiations with us if we're going to pull the rug out from under them at the eleventh hour. Thank you very much.

P.O. CARACAPPA:

Thank you. I wanted to give the sponsor the last word, Legislator Caracciolo, but you have asked to be recognized.

LEG. CARACCIOLO:

Thank you. First let me just comment with respect to one of the three proposals; one of these individuals was the subject of a District Attorney investigation involving Mr. Grecco. And the fact that he has submitted something on his letterhead to say he would pay a certain price doesn't

carry a lot of weight with me because that individual on the same day back in September of 1999 closed on a piece of property in my district, flipped property and made a \$3 million profit at taxpayers expense by selling the property to the County. So I think we have to be careful here when we use examples without knowing some of the history behind some of the individuals.

Thanks to this individual and our former Division Director, the District Attorney and the U.S. Attorney conducted an extensive investigation and came to my office and wanted to know how I got involved in that transaction sponsoring that resolution. Well, I did so because fine people from the environmental community like Mr. Amper came to me and asked that it be preserved along with members of that community, and thank God we had photos, Dick, of the pictures we took around Cory pond to show the U.S. Attorney and the FBI that this wasn't something where an elected official was in collusion with a developer to have him make a \$3 million profit. So I just wanted to point that out for the record.

The bottom line here is there is no sense of urgency here. You could make that argument if you wish and I respect those that do so, I understand, this has been around actually longer than 16 years. In my conversations with Pat Zielenski, she informed me -- or Tom, was it you the other day where you said this actually predates I think 1986, right, '85, somewhere around there; it goes back a long time. I would also point out that in a conversation with the new Division Director I made a query as to whether or not she in her former capacity with the DEC acted on behalf of the State at any time to preserve this property, knowing full well that Steve Englebright, as a former colleague here and later on as a State representative, always had this among his highest priorities. And she said they had and I said what happened and she said, "Well, the State's offer was rejected"; it was rejected because it wasn't enough. And what I'm submitting here is that I believe -- and when I prove it, I hope I can prove it some day -- that there is a system in place where we find out what a seller wants and we go out and somehow hint, whisper, assign the appraisers to come up and justify a purchase price.

Now, when you look at the appraisals on this particular acquisition, the appraisals came in at two different values and what we have before us is the mean. I think the larger question really relates to the contracts; why can't we make this resolution subject to a contract that needs to be approved by the Legislature? I think that's a reasonable request and it's something that I would ask everyone to consider before casting your vote today. Thank you.

LEG. CRECCA:

Roll call.

DIRECTOR ISLES:

Mr. Chairman, just for the record, we do not make any whispers or hints to the appraisers.

P.O. CARACAPPA:

Thank you.

DIRECTOR ISLES:

It is illegally, it is unethical and I am personally taken affront by that statement.

Applause

P.O. CARACAPPA:

Thank you, Mr. Isles, we appreciate that. There's a motion and a second. Roll call.

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

LEG. VILORIA-FISHER:

Yes.

LEG. FOLEY:

Yes and cosponsor.

LEG. COOPER:

(Not Present).

LEG. VILORIA-FISHER:

Where's Jon Cooper?

P.O. CARACAPPA:

Jon, Detmer?

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes and cosponsor.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes and cosponsor.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

16, two opposed (Opposed: Legislators Binder & Caracciolo).

P.O. CARACAPPA:

It's approved.

Applause

LEG. CRECCA:

Mr. Chairman?

P.O. CARACAPPA:

I recognize Legislator Crecca.

LEG. CRECCA:

Motion to take out of order and approve CN -- it's Resolution No. 1349 of 2004.

P.O. CARACAPPA:

Okay.

LEG. CRECCA:

There are a number -- I'm sorry, wrong number, 1444-2004, there are a number of speakers here who I think we can --

P.O. CARACAPPA:

I will entertain that but I'd ask that the debate be limited because we still have cards, this is the public portion. I will entertain this if we can move it quickly.

LEG. CRECCA:

And I would just state, Mr. Chairman, that there was a concern with one of the bills that was vetoed by the County Executive. There was concern by the County Executive, I had an opportunity to meet with the County Executive, work out his concerns and that's why it's coming over in this form now and, again, I would be anxious to move it.

P.O. CARACAPPA:

There's a motion by Legislator Losquadro, second by Legislator Lindsay to take out of order ***1444 which is a CN, establishing ATV Park Task Force to reduce illegal ATV's in Suffolk County.*** All in favor? Opposed? Abstentions?

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

One opposition. 1444 is now before us.

LEG. TONNA:

Wait, wait.

P.O. CARACAPPA:

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

LEG. CARACCIOLO:

Opposed.

LEG. TONNA:

Abstention.

P.O. CARACAPPA:

Two oppositions, Legislator Caracciolo and Legislator Tonna.

LEG. TONNA:

No, abstention.

P.O. CARACAPPA:

Abstention by Legislator Tonna.

MR. BARTON:

16 (Opposed: Legislator Caracciolo - Abstention: Legislator Tonna).

P.O. CARACAPPA:

1444 is approved.

Going back to the public portion. Next speaker is Don Garber; Mr. Garber, I'm sure you're just going to say thank you, right?

MR. GARBER:

Yes. I just -- twelve years ago I was at a press conference with Gaffney announcing the acquisition, it was correct. I just want to thank all of you and I think you've done an excellent thing tonight.

P.O. CARACAPPA:

Thanks for all your years of hard work on this parcel, too.

LEG. VILORIA-FISHER:

Thank you, Don.

P.O. CARACAPPA:

Janice Schaefer.

MS. SCHAEFER:

Well, thanks to that good discussion, I have a one o'clock meeting so no lunch for me; thanks, it helps by my diet.

Members of the Suffolk County Legislature, I'm Janice Schaefer, President of the Mastic Beach Property Owners Association here representing its officers and directors and 1,014 member families.

I come before you today asking that you support Legislator O'Leary's resolution, 1241.

The Mastic Beach Property Owner's Association has worked hard over the last few years to improve the quality of life in Mastic Beach. Slowly but surely Mastic Beach is becoming a better place to live; in order to keep things going on that right track we need your help. Currently the police shift changes are at the Mastic Beach firehouse, the firehouse is located at the end of the business district on Neighborhood Road. We would like to see the police have a building in the center of our hamlet, in the business district right near the nutrition center. The Mastic Beach Property Owners feels that having the police in the center of the business district would greatly help Mastic Beach. The police would be more visible at this location; the perception would be that there are more police in the area. From time to time there are youth disturbances on Neighborhood Road; having the police in the center of this section may discourage the youths from hanging around.

The substation would also give residents a lot more confidence that the police are close at hand. Although the substation concept must cost some additional money in the police budget, the improvements in Mastic Beach would justify the increased spending. The Mastic Beach Property Owners ask that you support Legislator O'Leary's resolution 1241. You have in your hands the power to continue the upswing of Mastic Beach, please vote yes. Thank you.

P.O. CARACAPPA:

Thank you very much.

LEG. O'LEARY:

Thank you, Janice.

P.O. CARACAPPA:

Margaret Bermel.

MS. BERMEL:

Thank you. Good afternoon, Presiding Officer Caracappa, Deputy Presiding Officer Carpenter, Members of the Legislature and Counsel.

I would like to comment in reference to IR 1167 to approve the lease of existing vehicles in the Suffolk County Department of Labor in compliance with the SUV Local Law 20-2003. Although these are not SUV's, the department has submitted a resolution to comply with the section of the law requiring Legislative approval for vehicles.

The Labor Department currently leases vehicles to operate the Labor Department's Grant Programs; 36 vehicles are on a 36 month term and the maximum of 15 vehicles are on a short-term two month lease for the Suffolk Youth Program -- Summer Youth Program, I'm sorry. The 36 vehicles are used for job development, monitoring youth programs, education and training classroom monitoring and transportation for participants. The cost of the vehicles is allocated to all programs; 85% of the cost of the vehicles is incurred by grant funds. Federal regulations categorize leased cars as an allowable expense and grant funds are made available for leases for the transportation components of grant programs. As the terms expire, bids are placed for replacement vehicles if necessary. No new vehicles have been added. Since 2001, the fleet has been reduced by six vehicles. The vehicles were in place prior to the adoption of Local Law 20-2003. The purchase requisitions for the replacement of existing vehicles were entered on July 1st, 2003. The funding for the vehicles was included in the 2004 Adopted Budget and as no new vehicles were being added, the department believed that we were in compliance with the SUV Local Law which required approval for vehicles by the Legislature via resolution.

The initial lease in the year 2000 had included an option to buy at the request of the Budget Review Office. The option to buy 15 of the vehicles was exercised at the end of 2003 by the Legislature as authorized by the Omnibus Resolution, and I would like to note that these 15 vehicles are currently being utilized by the Legislature. Purchase requisitions are entered at the beginning of every calendar year to authorize payment for the cost during that year. The purchase requisition is required even though the lease is in progress. The vehicles are currently being used, however the two vendors have not been paid during 2004 because the purchase requisitions have been placed on hold pending the outcome of this resolution to bring the existing leases into compliance with the Local Law. The Department of Labor asks your support for IR 1167. I thank you for your time this afternoon.

P.O. CARACAPPA:

Thank you very much. Next speaker is Norma Watson. Norma Watson?
Blake Cooper. Blake Cooper. Walter Watson. Walter Watson. Lee Lutz.

MR. LUTZ:

Good morning. Lee Lutz, Executive Director of the Campaign Finance Board. Introductory Resolution 1278 is before this Legislature today; the County's Campaign Finance Board calls on this body to defeat this measure. There's no need for it; it will not improve campaign finance disclosure and it is more likely to impede public access to this essential information.

The bill's statement of intent implies that the County currently has no functioning electronic filing system in place. In fact, the 1998 law creating the Campaign Finance Board mandated that it develop a computer data base of campaign contributions and expenditures accessible to the public. Enabling legislation, Resolution 872-2002, facilitated posting of these data on the Campaign Finance Board's website and authorized creation of an electronic filing system, or EFS, to further facilitate disclosure, making it virtually instantaneous and less vulnerable to input error. After considerable sustained effort, the board recently completed installation of its EFS and anticipates that the public and press will access it even more than they have the frequently visited website.

The bill's sponsor has conceded before the Rules Committee that the system mandated by it would duplicate the existing system; clearly a waste of effort and resources. In practice, however, it is more likely to destroy the current system. Since the bill eliminates the current requirement that committee Treasurer's submit their data to the Campaign Finance Board, it is unlikely that they will take the often extensive time and effort to do so. This bill would yield the County's responsibility for insuring full disclosure of financing of campaigns for County offices to a State agency, the Board of Elections, by doing so, it limits or nullifies its capacity to enforce its disclosure mandates.

We understand that both elections commissioners have recently expressed interest in developing a new electronic system; this comes as a surprise to the Campaign Finance Board since they have ignored our repeated requests since late 2002 for their input or partnership in the lengthy and laborious process of creating the EFS. I believe they are acting in good faith, but should their new found interest for any interest wane, the public would be left with no better access to campaign finance data than before the implementation of the Campaign Finance Board's program; this would be a huge step backwards for the Legislature that prides itself on forward thinking. For the benefit of the public whom you are elected to represent, the campaign finance board calls on you to defeat IR 1278. Thank you.

P.O. CARACAPPA:

Thank you. Phil Goldstein. Phil Goldstein?

LEG. TONNA:

Going once, going twice.

P.O. CARACAPPA:

Jimminy Cricket; how's that? Richard Pelkowski. Richard Pelkowski.

MR. PELKOWSKI:

Good afternoon. I thank you for the opportunity to address this esteemed body of elected public representatives. My name is Rich Pelkowski, I'm a life long resident of Long Island and I've been residing in Suffolk County since 1969. I'm a marketing professional working in the consumer electronic industry, I currently reside in East Northport and I wanted to make a few comments regarding recent proposals in favor of an ATV park within our County.

It's been nearly a year and a half since County Law 27-2002 is passed and --

P.O. CARACAPPA:

Not to interrupt. You know we passed the bill about ten minutes ago.

MR. PELKOWSKI:

No, I know, I still wanted to make comment, if I could.

P.O. CARACAPPA:

Okay; just wanted to make it clear.

MR. PELKOWSKI:

But if it's inappropriate, I can --

P.O. CARACAPPA:

No, it's not. Your time --

LEG. TONNA:

You can speak.

P.O. CARACAPPA:

Absolutely, I just wanted to make it clear.

MR. PELKOWSKI:

And again, as I mentioned, since it's been almost a year and a half since passage of 27-2002 which significantly strengthens enforcement and penalties for unauthorized ATV use on public and private lands in Suffolk County. Since that time, however, registrations and overall sales in our County have continued to increase significantly, and actually we have some of the highest registration numbers now in the entire state, they're very strong.

The issue of illegal ATV operation and off-highway motorcycle operation on public and private lands continues to become a growing problem. I believe in enforcement actions alone and banishment of this activity alone cannot realistically and effectively address the issue.

Recreational operation of ATV's and off-highway motorcycles can be and is in neighboring states and locals a healthy, constructive and safe recreational pursuit. It is, in fact, one of the fastest growing youth and armature sports on a nationwide basis and it is very much a family oriented activity with entire families participating together. We would, in fact, realize family participation and the ensuing positive peer pressure were this activity given a legal venue.

We know Suffolk County residents are some of the hardest working citizens of this nation. We enjoy some of the highest standards of living, education and health care in this nation. We also feel that the Counties of this resident (sic) deserve legitimate outlets within reason by which they can engage in the recreational pursuits of their choice. This is by no means an easy issue to tackle and it will not be. Our own state continues to grapple with this difficult issue and it continues to draw substantial attention as evidenced by our Governor's proposal as contained in this year's pending State Budget. We can and we should look to neighboring states that have successfully established and maintained properties for off-highway vehicle use. The benefits we could realize are substantial and not limited to the following; reduction in law enforcement costs, reduction in damage to environmentally sensitive properties, improved public relations between the ATV community and law enforcement entities, generate much needed revenue for the County, keep ATV users and their disposable dollars within our County and maybe most important, provide a safe and controlled legal venue for the youth of our County to engage in this sport. On behalf of Long Island Off-Road Vehicle Association and myself, I ask for your continued support of the spirit and intent of Resolution 1838-2003 offered by Legislator Crecca

last fall. Thank you very much.

P.O. CARACAPPA:

Thank you, Mr. Pelkowski.

MR. PELKOWSKI:

And good afternoon.

P.O. CARACAPPA:

Thomas Riker. Thank you. Donna Bonacci. Donna Bonacci. Michael White?

LEG. BISHOP:

How many you got left?

P.O. CARACAPPA:

A handful.

MR. WHITE:

Mr. Presiding Officer, Madam Deputy, Members of the Legislature, my name is Michael White, I'm with the law firm of Jaspan, Schlesinger, Hoffman. I'm here today on behalf of the Village of Northport, here on behalf of the village to speak in favor and request adoption of the resolution designated 1284 on today's consent calendar. Its adoption would mean the sale of County land to the Village of Northport, land that is on Woodbine Avenue in the Village of Northport.

The Village of Northport needs to acquire this land to undertake an essential erosion control and slope stabilization project. This property lies between the harbor, the Northport Harbor and Woodbine Avenue. This Woodbine Avenue is a vital access road in and out of the village, it is now closed because of a concern of its collapse and imminent falling into the harbor. The purchase of this property will allow the village to continue to work toward a remedy of this problem which is now being coordinated with the cooperation of the State and Federal funding to rebuild this slope and establish an erosion control project so Woodbine Avenue does not fall into the village.

I would ask again, on behalf of the village, that this sale go through and the village can, once again, repair and reopen Woodbine Avenue. Thank you very much.

P.O. CARACAPPA:

Thank you, Mr. White, we appreciate it. RF Donnelly. RF Donnelly?

MR. DONNELLY:

Good morning.

P.O. CARACAPPA:

Good morning.

MR. DONNELLY:

Thank you very much for the opportunity to speak with you all this morning. I am Robert Donnelly, the Director of Information Services, Suffolk County. I have with me today Raymond Gontasz --

LEG. BISHOP:

Our e-mails never work.

MR. DONNELLY:

I'm sorry?

LEG. BISHOP:

Outlook never works.

MR. DONNELLY:

We don't supply your e-mail, actually.

LEG. BISHOP:

Well, somebody --

MR. DONNELLY:

We supply e-mail for most County departments but not the Legislative branch; we can discuss that some other time.

P.O. CARACAPPA:

Let's get to the topic.

MR. DONNELLY:

I hope you have all had the opportunity to review the information packet that we forwarded approximately a week or so ago; I would like to introduce that into the record. It is indeed for Introductory Resolution 1292, the upgrade of the County Integrated Financial Management System.

Very briefly, we're looking for your support to help us replace a system that is essentially beyond its useful life. It's a critical County system and the information packet provides much information in terms of some of the advantages to going to it. What I would like to leave with you, again very quickly, is an event that happened this weekend. A component of this system simply stopped working. Because it's no longer warranted by IBM, it's so old, they would only do it on a time and material basis which meant simply this; they wouldn't take my credit card, they wouldn't dispatch anybody, we had to come in at eight o'clock on Monday morning, look around for someone who could enter a purchase req into the system, go to the purchasing department, get a purchase order cut, run it through the various levels of approval, then and only then would IBM dispatch a technician to help us repair it. Fortunately it was a component that was involved in the backup of the system and didn't effect the day-to-day operations.

I'll submit to you that the next time it happens we won't be so lucky, we'll have a thousand County people sitting around trying to use a County system, similar to e-mail, and it won't work. We really need the system, we need your support. If you would like to move this up out of agenda, we would be glad to answer any questions or we will hang around and answer questions when it comes up on its normal agenda schedule. Thank you.

P.O. CARACAPPA:

Thank you. And Ray, did you want to speak?

MR. GONTASZ:

The problem with going second is you kind of repeat everything that everybody says before you, but it bears repeating. The hardware is old, we have to migrate to a new environment, this offers that solution. And I welcome the opportunity to answer any questions that may arise out of the literature that we tried to provide you with.

P.O. CARACAPPA:

Thank you.

LEG. ALDEN:

Mr. Presiding Officer, there were questions and I'm glad they're going to stay around for the debate.

P.O. CARACAPPA:

They will, yes. Richard Amper. I ask everyone to just stay focused and give the speakers their attention, we're almost done.

MR. AMPER:

Yes, Mr. Chairman, Members of the Legislature. My name is Richard Amper, I'm with the Long Island Pine Barrens Society. Just three bits of business; it's all been a very long morning.

The first order of business is the nomination for the Suffolk County Planning Commission put forth from the Town of Riverhead by Legislator Caracciolo, Edwin Touccio. He's an ardent conservationist, he brings a lot of knowledge to this position and we support his nomination. There were some questions about his holdings and his role as a real estate appraiser which he has taken up with the Ethics Committee and has assured all of us that he will do whatever it is that is recommended. He really means to be a public servant and if we can move that nomination along it would be very much appreciated.

The second item is that I understand being put on the table today is the County Executive's proposal for a new Department of the Environment, we had one speaker speak to that. We very, very much in the environmental community appreciate the Levy Administration having elevated the environment which is so important to you to this kind of cabinet level status. And if you've not had an opportunity to work with Michael Dearing, the new Director of the Environment, really make it a point, reach out to him because he's just a great public servant and he's going to do a good job.

Having said that, we've reviewed the legislation that has been put forward and we're hard put to determine how it advances the environment in Suffolk County in ways that is not currently the case. While I think the Legislature and we would want to spend more time reviewing it, at the

moment the notion of an Office of the Environment may actually work better in terms of the interaction between the Legislature and environmental programs and the Executive and its programs. Again, we are delighted that the environment is being given this kind of attention, it deserves it, Legislator Nowick said yesterday when it comes to the environment there is really no partisanship.

And then last, I want to commend you for the Detmer acquisition. As you may -- as you have seen, we're having difficulties, we're all struggling with how to make this program work and our economy and environment really depend on it. I wonder if I can ask the Chairman, on behalf of the Long Island Regional Planning Board, the Long Island Association and the Long Island Pine Barrens Society, if we could do a brief presentation to the Legislature about how important it is to make this program -- accelerate this program at a future meeting, we'd very much like the opportunity.

P.O. CARACAPPA:

Just contact my staff at your convenience and well set up some sort of appointment to do it either at the Environment Committee or the Legislature as a whole or maybe the full Legislature, but we'll set it up.

MR. AMPER:

Thanks for today.

P.O. CARACAPPA:

Thank you so much Dr. David Hegarty. Karen Doe. Chris O'Connor; I saw Chris. Chris O'Connor. We'll pass over for now, just check the lobby for Mr. O'Connor. John D'Amico.

UNKNOWN AUDIENCE MEMBER:

He was here to speak on 1292.

P.O. CARACAPPA:

He spoke; okay, thank you. Bob Ott. He's gone. Joshua Klainberg. Step up, you're the next contestant.

MR. KLAINBERG:

If Chris O'Connor doesn't show up, I guess I'm the gentleman who stands between you and

lunch. Thank you very much. I will be brief, I believe I'm the last speaker.

I'm just here to briefly announce two programs that the New York League of Conservation Voters is undertaking. My name is Josh Klainberg, I'm the Political Director with the New York League of Conservation Voters. This being two days before Earth Day, I thought this would be a good week and the organization thought it would be a good week for this to be launched. The first would be a Legislative Tracking Center. If you were to visit our website, www.nylcv.org, you will see that the actions taken by the Suffolk County Legislature are now on line and these will be easily tracked for those constituents who are interested in environmental issues and constituents can look at bills that have been introduced by doing look-ups based on name, by topic area and also by town. So this is one program which I thought would be of interest to you to perhaps pass on to your constituents as we are informing the environmental community about this service.

The second program we're announcing today is that we are intending in January, 2005, to release for the first time ever a Suffolk County Legislature Environmental Score Card. And let me just tell you briefly about it today, we will send everything to you in writing about what the methodology would be. But we'll be looking and monitoring through our Legislative Tracking System, going forward on legislation that is being introduced and entertained that has not been yet approved by the Suffolk County Legislature. If issues come up from time to time in consultation with the environmental community of key and critical votes and sponsorship we wish you to undertake, we will send a letter to you and let you know the full breadth of legislation we're considering for the Environmental Score Card. And during the course of the year you'll be hearing from us and we'd be happy to set up individual meetings with you on that. And it is our intention in January, 2005, to take the list of environmental bills that have been identified by the environmental community and develop a score card system and release that to you in the future. So thank you very much for your time. In advance, happy Earth Day.

P.O. CARACAPPA:

Thank you very much. Susan Steinman.

MS. STEINMANN:

Hi. I did not want to speak on any legislation that is pending now, I wanted to ask this body to, if you would, consider drafting legislation. I live in the Town of Brookhaven and I'm extremely upset. I'm upset by the ongoing constant corruption struggles that we have there, that as soon

as one head of the hydra is cut off another one pops up. And in hindsight, everybody goes tisk tisk and says, "We will not let this happen again. I am so shocked." And what I see as a taxpayer is money that I'm spending for my taxes flying away into somebody's pocket.

Now, one of the problems we have, I live in Mastic Beach and I only moved there five years ago, and I didn't quite understand how it was that everywhere else I went in Suffolk County there were certain rules of zoning that parcels had to be a certain size. And as I understood it, there was a certain size that was required in the Town of Brookhaven, and yet as I drove around I saw very tiny parcels. One of the reasons why we have problems with law enforcement in Mastic Beach is because the population density is so high. The parcels were chopped up, they have been divided, they've been subdivided, people have gotten variances. Surprise, we find that somebody is indicted on a board that has to do with giving variances.

So I feel that as a taxpayer and a homeowner in the Town of Brookhaven, my quality of life is being eroded. And you know how sometimes like in the south when people's civil rights were being violated? In-house you could not expect change to occur. I am begging the Suffolk County Legislature to draft some sort of legislation and I have a couple of suggestions. Number one, that all the past corruption scandals that have gone on in the Town of Brookhaven be examined to see if any of the money could be recovered to taxpayers. Money is going into people's pockets and they have gone to jail, but that money sits somewhere. Does a relative, does a business partner, does a member of the corporation still benefit from that money that came out of my pocket? I think there needs to be somewhere in Suffolk County a committee of recovery that will get this money back for the taxpayers. Every -- and this runs into the millions and millions of dollars.

I am nobody; I see people testifying here, all kinds of important people, I'm just a homeowner and a taxpayer. And I don't understand why the Suffolk County Legislature doesn't act on the crisis in the Town of Brookhaven. If there were one scandal, two scandals, three scandals, five scandals --

P.O. CARACAPPA:

Ms. Steinmann? Your three minutes are up, just sum up.

MS. STEINMANN:

Yes, I'm finished. But I would like you to do something to give us relief because I am

embarrassed, I am embarrassed that we are living in such a situation that people promise us that they're going to do something about it and nothing gets done about it.

P.O. CARACAPPA:

Thank you. Last but not least, Phil Goldstein. I called your card earlier, I tried all your aliases.

LEG. BINDER:

You never give anybody another shot.

P.O. CARACAPPA:

I tried Jeremiah bullfrog, I tried Jimminy Cricket.

LEG. BINDER:

You never give anybody another shot.

MR. GOLDSTEIN:

Thank you, Joe. Thank you, Ladies and Gentlemen of the Legislature.

P.O. CARACAPPA:

Welcome back, by the way.

MR. GOLDSTEIN:

Thank you. Three points, I'll struggle to try to get it in within the three minutes.

Number one. Tomorrow there is going to be a hearing conducted by the Suffolk Industrial Development agency, they're conducting various hearings in various places and so on but this one came to my attention and disturbed me. They're going to subsidize Computer Associates, not directly but they're managing to use taxpayer dollars, in a sense, to reward a corporation that is, as we saw in this morning's newspaper, already under investigation, under indictment. They cooked the books, three of the top financial officials have already plead guilty, they just decimated the ranks of the other members of the financial department within the corporation.

I'm not only a taxpayer but I happen to be a shareholder of that corporation. At the last annual meeting when they were electing new directors, I got up at the beginning of the question period and the first thing I did was to ask that each of the directors get up to the microphone and give

us some thoughts, we the shareholders, as to what their vision is of this corporation and the manner in which it conducts its affairs and I was immediately squelched; so much for corporate democracy. Mr. {Kuman} took over control of the microphone and I never got a response, none of the would-be candidates for directorship in the corporation ever responded.

In any event, I'm m embarrassed to discover that taxpayer dollars are going to be taken and used to subsidize this corporation when they cooked the books and kited the stock so that it would appear that they were more profitable than they were and then the big executives all got bonuses and were able to take their stock options and sell off the stock at exorbitant prices and then, as with many other corporations we're seeing in the newspapers, the corporation goes into the tank, the stock prices drop.

I understand that the people in the Industrial Development Agency are your agents, that you have selected them. We had an election here in Suffolk County, we voted for reform; when I say we, I say the voters of Suffolk County called for reform. It's time for a change and maybe that change ought out to begin with the Industrial Development Agency, maybe you better start getting rid of some of the political hacks that are doling out our dollars. I mean, we have financial problems here in Suffolk County, why should we be subsidizing a corporation that is corrupt in a criminal manner. Enough said about that.

Oh, just added. The money from the Industrial Development Agency is supposed to promote business, they're supposed to expand. Meanwhile, Computer Associates downsized and there are workers that they laid off, they may be engaging not only in downsizing but in outsourcing and so on, who knows what jobs are going off to other parts of the world, which leads me to my second point. When they downsize people who formerly had lucrative jobs now find themselves in an embarrassing position where they're no longer employed and they can no longer meet the payments on their homes and some of them wind up becoming homeless. It's said that many Americans, because we live on plastic, are one or two paychecks away from economic disaster. There are victims of this homelessness, innocent victims; the children. It's not their fault that their parents lost their jobs and lost their homes, but they are being victimized.

And to the extent that this County is now experiencing a lawsuit, the Suffolk County Social Services Agency is now being sued because of the victimization of these homeless children. You move the families out to motels and the east end and pay exorbitant monthly rentals, all right, to have them live in abominable circumstances. The local school districts are faced with the

problem of having to absorb the influx of these kids or you bus them back to their home district which means from a social point of view, I mean, you destroy their lives, they spend endless hours on the buses and so on and they have been uprooted --

P.O. CARACAPPA:

Phil?

MR. GOLDSTEIN:

I cannot understand why, although I should say that's naive to say I can't understand.

P.O. CARACAPPA:

Phil, I gave you about two extra minutes, I just wanted you to sum up. I know it's a very important issue and --

MR. GOLDSTEIN:

Okay, all right.

P.O. CARACAPPA:

-- you have some good ideas.

MR. GOLDSTEIN:

The point, very simply, is how can we spend --

MS. MAHONEY:

Please don't yell.

MR. GOLDSTEIN:

I'm sorry. -- \$1.7 million, which you're contemplating doing, to plan for an institution to house the homeless. I mean, they're already in such a state of indignity and now you want to house them in some institution and add to the costs of government. Hey, I thought this was a Republican majority, aren't you against increasing the size of government?

P.O. CARACAPPA:

Legislator Bishop.

MR. GOLDSTEIN:

Is this your idea of compassionate conservatism? It would seem to me, and I've made this recommendation --

LEG. BISHOP:

Phil, you're on double time.

P.O. CARACAPPA:

Triple time.

MR. GOLDSTEIN:

Okay. Money ought to be used to keep the families in their homes. The Federal government is downsizing Section 8, there ought to be a County Section 8 and you ought to keep the people in their homes and their communities so that the kids are not victimized in the way that they are with a County wide Section 8. For those who are already dispossessed, I made the recommendation, get trailers.

LEG. BISHOP:

Can I make a motion that we --

MR. GOLDSTEIN:

And put them in trailers instead of motels, you will save money for the taxpayers.

P.O. CARACAPPA:

Phil?

MR. GOLDSTEIN:

But it takes leadership, it takes initiative and I haven't seen it.

Final thing. Don't screw the voters of Suffolk County, we voted in a referendum to have campaign finance reform. I now understand that Mr. Binder is once again trying to shift the power from the Campaign Finance Board --

P.O. CARACAPPA:

Thank you, Phil.

MR. GOLDSTEIN:

-- back to the Board of Elections.

P.O. CARACAPPA:

Thank you, Phil.

MR. GOLDSTEIN:

That's not the way to go.

P.O. CARACAPPA:

Thank you.

LEG. BISHOP:

Okay, thank you.

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

Is there another card?

P.O. CARACAPPA:

That's it. Motion to close public portion by myself, second by Legislator Bishop. All in favor?
Opposed? Abstentions?

LEG. BISHOP:

I want to make a motion and a suggestion that we --

P.O. CARACAPPA:

Two o'clock return?

LEG. BISHOP:

-- have a two o'clock return because we could probably finish the agenda.

P.O. CARACAPPA:

Just by a show of hands, who wants to come back at two to do the agenda for a half an hour?

LEG. BISHOP:

We can finish the agenda by 2:30.

P.O. CARACAPPA:

One, two, three, four, five, six, seven, eight, nine, ten.

LEG. BISHOP:

Foley is yes, he'll come back at two.

LEG. FOLEY:

No, no.

P.O. CARACAPPA:

Ten is good enough for me.

MR. BARTON:

A rule of ten.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

We are going to come back at two o'clock today and go right to the agenda for a half an hour before we go to public hearings at 2:30.

LEG. CARPENTER:

Excuse me.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

Just note for the record that some Legislators have already left and I think it would be unfair, we would have to reflect that. If they're expecting that we start at 2:30, it really isn't fair to be voting.

MS. BURKHARDT:

It's only one.

P.O. CARACAPPA:

Thank you, Legislator Carpenter, we will reach out and get them. Two o'clock, we'll do the agenda until 2:30, then we'll go to public hearings which will be lengthy, there are 17 of them, Ladies and Gentlemen.

[THE MEETING WAS RECESSED AT 12:46 P.M.]

[THE MEETING WAS RECONVENED AT 2:05 P.M.]

D.P.O. CARPENTER:

Mr. Clerk, would you call the roll.

MR. BARTON:

Yes.

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

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

(Not present).

LEG. VILORIA-FISHER:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not present).

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

(Not present).

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

(Not present).

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

(Not present).

D.P.O. CARPENTER:

He's on his way.

LEG. BISHOP:

Madam Chair?

MR. BARTON:

13 present (Not Present: Legislators Foley, Vilorio-Fisher, O'Leary, Mystal & Cooper).

D.P.O. CARPENTER:

Thank you, Mr. Clerk.

LEG. BISHOP:

Madam Chair, may I be recognized?

D.P.O. CARPENTER:

Certainly.

LEG. BISHOP:

May I make a suggestion? The tabled resolutions usually take a lot longer than the daily agenda; why don't we skip to the daily agenda and we can get a lot done in a hurry.

D.P.O. CARPENTER:

Before we even do that, we're going to have the representative from the County Executive's Office address the Legislature. So if you would, Mr. Zwirn, come forward.

MR. ZWIRN:

Thank you very much. My name is Ben Zwirn and I'm representing the County Executive today and we have a -- some representatives from the County Attorney's Office and from the Budget Office who would like to address the Legislature for a very short -- on very few matters and for a very short period of time.

LEG. NOWICK:

Don't look at me, look at him.

LEG. ALDEN:

You have to satisfy Bishop.

LEG. CRECCA:

Pay no attention to him.

D.P.O. CARPENTER:

He means well.

MR. ZWIRN:

If that would be all right.

P.O. CARACAPPA:

Okay, Ben; shoot.

MR. ZWIRN:

We also have filed some CN's that I think you're aware of with the Clerk that we can address later.

P.O. CARACAPPA:

Shoot.

D.P.O. CARPENTER:

Go right ahead. Thank you.

MS. BIZZARRO:

Good afternoon. Lynne Bizzarro, Chief Deputy County Attorney. How are you? IR 1130 and IR 1196, I'm really just here if anybody has any questions on those resolutions.

LEG. BISHOP:

What are they?

MS. BIZZARRO:

1130 is dealing with charge backs to certain properties, refunds or charge backs; and 1196 is the Ethics Commission resolution that just came out of the Rules Committee.

LEG. BISHOP:

Thank you.

MS. BIZZARRO:

Okay. In addition, I have one more resolution, Resolution 1299, that's in relation to the auction rules. I know at the Ways & Means Committee meeting this month Legislator Alden inquired as to the constitutionality of the auction rules presented under this resolution, specifically referring to barring tax defaulters on other properties from purchasing at auction unless the taxes on the other property are paid in full. I wanted to let everyone know that I've researched the issue and I conclude that this provision is constitutional.

The courts have historically and traditionally given municipalities wide latitude in the area of auctioning surplus lands and the State Comptroller is in agreement. In a recent Court of Appeals decision the court upheld a resolution adopted by the Legislature which limited the ability of previous owners in default on taxes from bidding on County property. The court affirmed the lower court's reasoning that the resolution fulfilled several rational purposes.

With respect to the auction rules before you today, it is clear that this Legislature may require perspective purchasers to pay their delinquent property taxes before closing on any parcel purchased at auction. The proposed rules clearly fulfill several rational purposes; for example,

it aids in the collection of delinquent taxes --

P.O. CARACAPPA:

Lynne?

MS. BIZZARRO:

Oh, sorry.

P.O. CARACAPPA:

Let me --

MS. BIZZARRO:

You're good?

P.O. CARACAPPA:

Yeah, we're good.

MS. BIZZARRO:

Absolutely fine.

P.O. CARACAPPA:

We're good, just give your basic opinion and move on.

MS. BIZZARRO:

Okay. Well, that's basically -- there are a lot of rational reasons for the auction rules, so that's my conclusion.

P.O. CARACAPPA:

Thank you.

MS. BIZZARRO:

Thank you.

P.O. CARACAPPA:

Excellent. That's it? Wonderful. Ben, you're back up?

MR. ZWIRN:

That's it. We have people here to answer questions. Thank you very much.

P.O. CARACAPPA:

Thank you so much.

LEG. CRECCA:

That was good.

P.O. CARACAPPA:

Going to **RESOLUTIONS TABLED TO APRIL 20, 2004:**

Page eight, the second resolution on page eight, 10 --

LEG. NOWICK:

We didn't do the consent calendar, did we?

P.O. CARACAPPA:

Yes, we did it before lunch; everyone was here.

1085-04 - Adopting Local Law No. 2004, a Local Law to repeal annual audit of County Forfeiture Funds (Caracappa). Motion to table by myself for one more meeting.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

14 (Not Present: Legislators Vilorio-Fisher, Foley, Mystal & Cooper).

(**Amended Vote: 18 - Due to Legislators votes being included with the majority**).

P.O. CARACAPPA:

1106-04, 1106A - Appropriating funds in the 2004 Capital Budget and program in connection with the backfile conversion and web-enabled of all land records (1969-1986)(CP 1671.110 & .510) (Presiding Officer Caracappa). Motion by myself.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed? Abstentions? That's not a bond, 1106, 1106A.

MR. BARTON:

Yes, it's a bond.

P.O. CARACAPPA:

Motion to table 1108 by myself.

LEG. CRECCA:

Second.

MR. BARTON:

Mr. Chairman, 1106 was a bond.

P.O. CARACAPPA:

Oh, I don't have it mentioned as a bond.

MR. BARTON:

Yeah, it's --

P.O. CARACAPPA:

Oh, 1106A; my mistake, I apologize.

MR. BARTON:

You'll notice there have been some changes on the agenda.

P.O. CARACAPPA:

Yeah, it's almost as bad as the new Newsday.

1106, 1106A, there's a motion and a second. Roll call.

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

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Yeah.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Henry, just names please.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

(Not present).

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BINDER:

Yes.

LEG. COOPER:

(Not present).

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Henry, change my vote to a yes. I looked at the wrong resolution.

MR. BARTON:

14 (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

P.O. CARACAPPA:

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

1108-04, 1108A - Amending the 2004 Capital Program & Budget and appropriating funds for the off-site Access of Public Records (CP 1747.110 & CP 1747.510) (Presiding Officer Caracappa).

Motion by myself, second by Legislator Tonna.

MR. BARTON:

1108 is --

P.O. CARACAPPA:

I'm sorry. 1108 and 1109. Motion to table by myself, second by Legislator Tonna. All in favor? Opposed?

MR. BARTON:

14 (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

(**Amended Vote: 18 - Due to Legislators votes being included with the majority**).

P.O. CARACAPPA:

1109-04, 1109A - Amending the 2004 Capital Program & Budget and appropriating funds for the replacement of outdated PC's (CP 1785.510) (Presiding Officer Caracappa). Same motion, same second, same vote.

MR. BARTON:

14 (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

(**Amended Vote: 18 - Due to Legislators votes being included with the majority**).

P.O. CARACAPPA:

1149-04 - To appoint member of County Planning Commission (Linda G. Holmes) (Presiding Officer at the Request of the County Executive).

LEG. BISHOP:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

14 (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

(* * Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

1150-04, 1150A - Appropriating funds in connection for the off-site Access of Public Records(CP 1747.110 & CP 1747.510) (Presiding Officer Caracappa). Motion by myself, second by Legislator Lindsay. All in favor? Opposed?

MR. BARTON:

Bond.

P.O. CARACAPPA:

Roll call.

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

P.O. CARACAPPA:

Yes.

LEG. LINDSAY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

(Not present).

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

(Not present).

LEG. CARPENTER:

Yes.

MR. BARTON:

14 (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

P.O. CARACAPPA:

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

1151, 1151A - Appropriating funds in connection with the replacement of dredge support equipment (CP 5201) (Presiding Officer at the Request of the County Executive).

LEG. CARPENTER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator O'Leary.

Roll call.

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

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

(Not present).

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

14 on the bond (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

P.O. CARACAPPA:

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

1152, 1152A - Appropriating funds in connection with the reconstruction of CR 48, Middle Road, from Horton Avenue to Main Street, Town of Southold (CP 5526) (Presiding Officer at the Request of the County Executive). Motion by Legislator Schneiderman, second by Legislator Caracciolo. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

(Not present).

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. O'LEARY:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

14 on the bond (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

P.O. CARACAPPA:

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

1154, 1154A - Appropriating funds in connection with the rehabilitation of Smith Point Bridge (CP 5838) (Presiding Officer at the Request of the County Executive).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Losquadro.

Roll call.

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

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

(Not present).

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

(Not present).

LEG. VILORIA-FISHER:

(Not present).

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

14 on the bond (Not Present: Legislators Vilorio-Fisher, Foley, Mystal & Cooper).

P.O. CARACAPPA:

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

1167-04 - To approve the lease of vehicles in the Suffolk County Department of Labor in compliance with Local Law 20-2003 (Presiding Officer at the Request of the County Executive).

LEG. LOSQUADRO:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Losquadro, on the motion. Is there a motion?

LEG. LOSQUADRO:

I must make a motion to table again.

LEG. TONNA:

Second.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

There's a motion to table by Legislator Losquadro, second by Legislator Bishop. All in favor?
Opposed? Abstentions?

MR. BARTON:

14 (Not Present: Legislators Vilorio-Fisher, Foley, Mystal & Cooper).

(* * Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

LEG. LOSQUADRO:

Mr. Chairman?

P.O. CARACAPPA:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

If someone from the Department of Labor could please make the technical corrections to this bill; as I stated in the last meeting, it needs to reflect Ford Freestars. And I see in here, there are 19 Chevrolet Impalas being leased which is fine but there is one Chevrolet Monte Carlo, that is a two-door sports type vehicle and I do not know why the Department of Labor would be leasing the vehicle.

P.O. CARACAPPA:

I'd ask the County Executive's Office just to respond to what Legislator Losquadro is saying and make the technical corrections so that we can approve this at the next meeting. Thank you.

1169-04 - Authorizing the transfer of certain property to Suffolk County department of Public works (Presiding Officer at the Request of the County Executive). Motion by myself.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

14 (Not Present: Legislators Viloría-Fisher, Foley, Mystal & Cooper).

(**Amended Vote: 18 - Due to Legislators votes being included with the majority**).

P.O. CARACAPPA:

1185, 1185A - Amending the 2004 Capital Program and Budget and appropriating funds for the purchase of speed indicator signs for the Police Department (CP 3100.510)(Lindsay).

MR. BARTON:

Bond.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Lindsay; actually motion by Legislator Lindsay, second by Legislator Carpenter, my apologies. Roll call.

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

LEG. LINDSAY:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

(Not present).

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. FOLEY:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

14 on the bond (Not Present: Legislators Vilorio-Fisher, Foley, Mystal & Cooper).

P.O. CARACAPPA:

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

1208-04 - Oversight of Francis S. Gabreski Airport to the Suffolk County Legislature (Schneiderman).

LEG. LINDSAY:

No, that isn't a companion.

P.O. CARACAPPA:

No, I know; 1185 is a companion resolution. Now we're on 1208. There's a motion.

LEG. CARACCIOLO:

Second.

LEG. LINDSAY:

Could we get an explanation on 1208?

P.O. CARACAPPA:

Sure. 1208 is before us. The CN, has that -- this is different; okay, just double checking. Legislative Counsel?

LEG. SCHNEIDERMAN:

You want to explain it or you want me to? Go ahead.

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

And I'll certainly defer to the sponsor to the extent that he would like to add. 1208, in a previous Operating Budget resolution the Legislature allowed the Department of Economic Development to set all the fees at the airport. Legislator Schneiderman went back to the tradition of having the Legislature set the fees so that this basically is an amendment of a 2003 resolution and brings the power to set the fees back to the Legislature and has some language that says that those fees shall basically be cumulative to work toward offsetting our costs at the airport.

LEG. TONNA:

I'd like to be recognized.

P.O. CARACAPPA:

Anybody else? Legislator Tonna.

LEG. TONNA:

I would just like to ask the sponsor why; what has been the practice there that you see that needs to be changed?

LEG. SCHNEIDERMAN:

Well, traditionally the Legislature does set all the fees throughout the County. It's part of our budgeting; if you set a budget and you anticipate revenues and suddenly a department changes those fees, potentially lowers those fees, suddenly you don't come in on budget so you really need to keep that power here.

In the Omnibus Budget bill in November of last year, hidden or buried within it was this transferring of the fee-setting authority to Economic Development away from the Legislature. It shouldn't have been done, I believe it is in violation of the County Charter but it was there and this basically corrects that. Economic Development still makes the recommendations for the fees, they play an advisory roll, but ultimately the authority goes back to where it should be with the County Legislature.

LEG. TONNA:

Okay, great. Thank you.

P.O. CARACAPPA:

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

MR. BARTON:

14 (Not Present: Legislators Vioria-Fisher, Foley, Mystal & Cooper).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

Page 10, **INTRODUCTORY RESOLUTIONS FOR APRIL 20, 2004:**

-
BUDGET & FINANCE:

1130-04 - To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #714-2004 (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions.

MR. BARTON:

14 (Not Present: Legislators Vioria-Fisher, Foley, Mystal & Cooper).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

1212-04 - Amending the adopted 2004 Operating Budget creating the position of executive Director of the Suffolk County Ethics Commission (Presiding Officer at the Request of the County Executive). Motion by --

LEG. CARACCILO:

Motion.

P.O. CARACAPPA:

-- Legislator Caracciolo.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Second by Legislator Crecca. All in favor?

LEG. CARACCILO:

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

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCILO:

Question for Counsel. It's my understanding that the Executive has or will be submitting a resolution that would -- Well, I think it's in this month's packet.

P.O. CARACAPPA:

It might be a CN.

LEG. CARACCILO:

That would bar outside employment --

P.O. CARACAPPA:

Oh, no, that's separate.

LEG. CARACCILO:

-- for employees of County government that are also attorneys; is that correct.

P.O. CARACAPPA:

The County Executive?

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

The County Executive or a Legislator?

LEG. CARACCILO:

No; let me see if Counsel knows what I'm talking about.

P.O. CARACAPPA:

No, I know what you're talking about, but you're asking if the County Executive has filed it or a Legislator?

LEG. CARACCIOLO:

Maybe both, I don't know, I was under the impression it was --

LEG. BISHOP:

Binder has it, it's on the agenda, it's later in the meeting.

P.O. CARACAPPA:

There is a Binder bill that's on the table for today.

LEG. CARACCIOLO:

All right. That's on today's calendar?

P.O. CARACAPPA:

Yes, it is.

LEG. CARACCIOLO:

All right. That said, the individual who has been appointed to this position, Mr. Johannesen is an attorney, would he be then -- and this is a Civil Service position?

P.O. CARACAPPA:

No, that's full-time exempt employees that would be under the Binder bill, not this.

MS. KNAPP:

Well, perhaps -- the resolution before you is for the Executive Director which would be a paid, full-time person, and if that person were -- excuse me?

LEG. BINDER:

Not the Chairman of.

MS. KNAPP:

No, no, no.

LEG. CARACCIOLO:

Oh, okay.

MS. KNAPP:

If that person were an attorney and Legislator Binder's bill were to pass, then that person would clearly be barred. Legislator Binder's bill would not affect Mr. Johannessen.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

Mr. Caracciolo, if you would suffer an interruption. There's going to be a CN with some technical corrections as it relates to language, so we'll skip over this for now.

LEG. CARACCIOLO:

On this resolution.

P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

Okay, thank you.

1246 --

LEG. CRECCA:

I would ask that we pass over this, Mr. Presiding Officer.

Legislator Foley's bill was --

P.O. CARACAPPA:

Use the microphone. Please use the microphone, I didn't hear you.

LEG. BISHOP:

Skip over it he said.

LEG. CRECCA:

I'm asking to skip over it. We discharged without recommendation, Legislator Foley is not here to answer some -- oh, here he is.

P.O. CARACAPPA:

1246 will be deferred.

1270-04 - To readjust, compromise and grant refunds and charge-backs on correction of errors/County Treasurer by: County Legislature #187 (Presiding Officer at the Request of the County Executive). Motion by Legislator Bishop, second by Legislator Nowick. All in favor? Opposed?

MR. BARTON:

15 (Not Present: Legislators Viloría-Fisher, Mystal & Cooper).

(* *Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

1271-04 - To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #715-2004 (Presiding Officer at the Request of the County Executive). Same motion, same second, same vote.

MR. BARTON:

15 (Not Present: Legislators Viloría-Fisher, Mystal & Cooper).

(* *Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

1272-04 - To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #716-2004 (Presiding Officer at the Request of the County Executive). Same motion, same second, same vote.

MR. BARTON:

15 (Not Present: Legislators Vioria-Fisher, Mystal & Cooper).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

1313-04 - Accepting and appropriating excess revenues received from Hotel/Motel Tax (Presiding Officer at the Request of the County Executive). Motion by Legislator Carpenter, second by myself.

All in favor? Opposed.

LEG. ALDEN:

On the motion, sorry. I have a problem with this, I'd like you to table it just for one cycle. I'm not sure if they paid us back the \$400,000 overpayment from two years ago, the Long Island Convention and Visitor's Bureau.

P.O. CARACAPPA:

Okay.

LEG. ALDEN:

So if we can just table it.

LEG. CARACCILOLO:

Second.

P.O. CARACAPPA:

There's a motion to table by Legislator -- I withdraw my motion to approve.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

There's a motion to table by Legislator Alden, second by Legislator Bishop.

LEG. TONNA:

Just on the motion.

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

Yeah, just first of all, what amount, what are we at? I know there were different resolutions.

LEG. CARPENTER:

No, no.

LEG. TONNA:

No?

P.O. CARACAPPA:

No, this isn't to -- this is to accept the money from the Hotel/Motel Tax.

LEG. CARPENTER:

This is not to change the rate.

P.O. CARACAPPA:

Over anticipated --

LEG. TONNA:

Right.

P.O. CARACAPPA:

This is the over and above that we had in anticipated in the budget.

LEG. TONNA:

Okay.

LEG. CRECCA:

And we're bound -- we're duty bound, just so you understand, Legislator Tonna, to distribute the money the way it's set forth in this resolution.

LEG. TONNA:

So why are we holding the distribution up?

LEG. BISHOP:

Because there was an overpayment two years ago and we want to make sure it was reconciled.

LEG. TONNA:

One cycle.

P.O. CARACAPPA:

One cycle, I agree. Motion and a second to table. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Vilorio-Fisher & Mystal).

(* Amended Vote: 18 - Due to Legislators votes being included with the majority* *)*.

P.O. CARACAPPA:

Going back to 1270, 1270A -- no, 1246, my apologies.

1246, 1246A - Amending the 2004 Capital Budget and Program and appropriating funds in connection for site improvements to 6th District Court, Patchogue, Town of Brookhaven (CP 1106.410) (Foley).

LEG. FOLEY:

Motion to approve, Mr. Chairman.

P.O. CARACAPPA:

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

LEG. CRECCA:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

Legislator Foley, can you just very briefly in one sentence state what you told me?

LEG. FOLEY:

Sure.

LEG. CRECCA:

Because there was a question in committee and nobody could --

LEG. TONNA:

It's not possible.

LEG. FOLEY:

It will have to be a run-on sentence, but I'll mention it anyway. There is an expansion of the 6th District Court occurring right now, the Public Works Department did not include enough money to repave the parking lot which has not been paved in over 20 years. Also, with the expansion of the building, much of the landscaping was removed and for whatever reason the department did not include monies for new landscaping once they completed the building expansion. So these monies are to cover both relandscaping of the area --

P.O. CARACAPPA:

That's long enough, thank you.

LEG. FOLEY:

-- as well as repavement of the parking lot.

P.O. CARACAPPA:

Thank you. Motion and a second. Roll call.

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

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. CARACCILO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

16 (Not Present: Legislators Viloría-Fisher & Mystal).

P.O. CARACAPPA:

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

1334-04 - Authorizing action to obtain State reimbursement for Out-of-County tuition charge backs (Bishop). Motion by Legislator Bishop.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

16 (Not Present: Legislators Viloría-Fisher & Mystal).

(* * Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY:

1283-04 - Establishing Suffolk County @ Work Commission (Carpenter). Motion by

Legislator Carpenter, second by Legislator Nowick.

All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislators Vilorio-Fisher & Mystal).

(* * Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

1289, 1289A - Amending prior Capital authorized appropriations for the Sagtikos Theater renovation construction (CP 2115.313) (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Foley. Roll call.

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

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

I said yes.

MR. BARTON:

Oh, I'm sorry. 16, two not present (Not Present: Legislators Viloría-Fisher & Mystal).

P.O. CARACAPPA:

I'd be a yes on that.

MR. BARTON:

Thank you.

P.O. CARACAPPA:

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

1290, 1290A - Amending prior Capital authorized appropriations for cooling tower replacements-design (CP 2302.110) and cooling tower replacement construction (CP 2302.310) (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Foley. Roll call.

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

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not present).

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

16, two not present (Not Present: Legislators Vioria-Fisher & Mystal).

P.O. CARACAPPA:

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

1291, 1291A - Amending the 2004 Capital Budget and Program and appropriating funds in connection with West Campus site improvements site work (CP 2190.410) (Presiding Officer at the Request of the County Executive). Motion by Legislator Carpenter, second by Legislator Foley. Roll call.

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

LEG. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

(Not Present).

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. MYSTAL:

What am I voting on?

LEG. BISHOP:

Just say yes.

LEG. MYSTAL:

Yes.

MR. BARTON:

17, one not present (Not Present: Legislator Viloría-Fisher).

P.O. CARACAPPA:

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

1347-04 - Appointing Edna M. Gerrard to the Suffolk County community College board of trustees (Presiding Officer Caracappa). Motion to table by myself, second by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Viloría-Fisher).

(**Amended Vote: 18 - Due to Legislators votes being included with the majority**).

P.O. CARACAPPA:

ENVIRONMENT, PLANNING & AGRICULTURE:

1148-04 - To appoint member of County Planning Commission (Frank Cichanowicz) (Presiding Officer at the Request of the County Executive). Is there a motion? Motion by Legislator Caracciolo?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

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

MR. BARTON:

That's to table, Mr. Chairman?

P.O. CARACAPPA:

No, that's to approve. 1347 was tabled, 1148 is to approve.

MR. BARTON:

Okay. 1148 is approved 17 (Not Present: Legislator Viloría-Fisher).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

1244-04 - Authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program (Old Neck Creek)

(Town of Brookhaven) (O'Leary). Motion by Legislator O'Leary, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Viloría-Fisher).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

1346-04 - Appointing member of the Suffolk County Water Authority (Bernard Brady)

(Crecca). Motion to table by Legislator Crecca, second by Legislator myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Viloría-Fisher).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

LEG. CARPENTER:

Mr. Chairman, 1323.

P.O. CARACAPPA:

I'm sorry, I skipped 1323, it was tucked in there, as you can see. **1323-04 - Designating week of May 9, 2004 Pesticide-Free Week in Suffolk County (Presiding Officer at the Request of the County Executive).**

LEG. CARPENTER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Bishop.

All in favor? Opposed? Abstentions.

LEG. CRECCA:

Which one is that?

P.O. CARACAPPA:

That's 1323; the number is tucked in on the agenda, that's why I missed it.

LEG. CRECCA:

Oh, okay. Sorry.

P.O. CARACAPPA:

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

MR. BARTON:

17 (Not Present: Legislator Vilorina-Fisher).

(* * Amended Vote: 18 - Due to Legislators votes being included with the majority* *)

P.O. CARACAPPA:

Health & Human Services, 1296 --

LEG. TONNA:

Wait, 1346, what happened there?

P.O. CARACAPPA:

1346 was tabled.

HEALTH & HUMAN SERVICES:

1296, 1296A - Appropriating funds in connection with the purchase of equipment for the Arthropod Borne Disease Laboratory (CP 4052) (Presiding Officer at the Request of the County Executive). Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

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

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17, one not present (Not Present: Legislator Viloría-Fisher.

P.O. CARACAPPA:

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

1297, 1297A - Appropriating funds in connection with improvements at the New Skilled Facility (CP 4057) (Presiding Officer at the Request of the County Executive).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

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

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17, one not present on the bond (Not Present: Legislator Viloría-Fisher).

P.O. CARACAPPA:

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

1311-04 - Accepting and appropriating 39.9% Federal TANF grant funds and 60.1% State HCRA funds from the New York State Department of Health to the Department of Health Services, Division of Patient Care Services for the School Based Health Program (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present (Not Present: Legislator Viloría-Fisher).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

1316-04 - Accepting and appropriating 80% grant funding from the New York State Office of Children and Family Services for the Education and Training Voucher Program (Presiding Officer at the Request of the County Executive). Same motion, same second, same vote.

MR. BARTON:

17, one not present (Not Present: Legislator Viloría-Fisher).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

1324-04 - Designating the third week of March as "Poison Prevention Week" (Presiding Officer at the Request of the County Executive). Motion by --

LEG. TONNA:

Myself.

P.O. CARACAPPA:

-- Legislator Tonna, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present (Not Present: Legislator Viloría-Fisher).

(Amended Vote: 18 - Due to Legislators votes being included with the majority**).**

P.O. CARACAPPA:

PARKS & CULTURAL AFFAIRS:

1203-04 - Adopting Local Law No. 2004, a Charter Law to eliminate one year residency requirement for Parks Commissioner appointment (Montano). Motion by

Legislator Montano.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor?

LEG. CARPENTER:

Explanation.

P.O. CARACAPPA:

Explanation, Legislator Carpenter.

LEG. TONNA:

It's self-explanatory.

MS. KNAPP:

1203 is Legislator Montano's amendment to the Charter that would eliminate the one year residency requirement for the Parks Commissioner. From now on the Parks Commissioner would be basically like all of the other Commissioners, the only residency requirement would be the Administrative Code provision that all County employees be County residents.

P.O. CARACAPPA:

Legislator Crecca?

LEG. CRECCA:

Was there any -- what was the origin, if you know, of having a one year residency requirement for the Parks Commissioner, if you know?

MS. KNAPP:

I actually tried very hard to find the answer to that question, I went through Legislative Proceedings back to when there was a Board of Supervisors, I actually tried to call John Klein but he was in Florida. I did speak with people who worked for the administration back then in the

County Executive's Office and I, quite frankly, could not get an answer. I did try.

LEG. CRECCA:

Thank you.

P.O. CARACAPPA:

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

LEG. CARPENTER:

Abstain.

P.O. CARACAPPA:

Legislator Carpenter and myself.

MR. BARTON:

15, two abstentions, one not present (Abstentions: Legislators Caracappa & Carpenter - Not Present: Legislator Vilorio-Fisher).

(* * Amended Vote: 16-0-2-0 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

1242 was done already.

1243-04 - Amending Resolution No. 1046-2003 to include the use of Southaven Park for the Long Island Two Day Walk to Fight Breast Cancer, Inc. (O'Leary). Motion by Legislator Alden, second by Legislator O'Leary; or switch that, opposite. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present (Not Present: Legislator Vilorio-Fisher).

(* * Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

We'll do a few more before we go to Public Hearings.

1286-04 - To appoint Patricia Snyder as a member of the Suffolk County Citizens Advisory Board for the Arts (Caracciolo). Motion on 1286 by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present (Not Present: Legislator Viloría-Fisher).

(* Amended Vote: 18 - Due to Legislators votes being included with the majority).**

P.O. CARACAPPA:

1304, 1304A - Appropriating funds in connection with improvements at County Golf Courses Timber Point (CP 7166) (Presiding Officer at the Request of the County Executive). Motion by Legislator Carpenter, second by myself. Roll call.

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

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

MR. BARTON:

17, one not present on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote --

MR. BARTON:

No, I read it wrong; 16, one no, one not present (Opposed: Legislator Binder - Not Present: Legislator Viloría-Fisher).

P.O. CARACAPPA:

Thank you, Mr. Clerk. Same motion, same second, same vote on the companion resolution.

1305, did we just do that? No, there's a second one.

1305, 1305A - Appropriating funds in connection with improvements at County Golf Courses (West Sayville and Indian Island) (CP 7166) (Presiding Officer at the Request of the County Executive). Motion by Legislator Foley, second by Legislator Crecca. Roll call.

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

LEG. FOLEY:

Yes.

LEG. CRECCA:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

(Not present).

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17, one not present (Not Present: Legislator Viloría-Fisher).

P.O. CARACAPPA:

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

1320-04 - Authorizing use of Blydenburgh County Park by the Care Center for its Annual Walk-a-thon Fundraiser (Presiding Officer at the Request of the County Executive). Motion by Legislator Crecca, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Viloría-Fisher).

(* * Amended Vote: 18 - Due to Legislators votes being included with the majority* *).

P.O. CARACAPPA:

1327-04 - Ratifying designation and extending term of Suffolk county Poet Laureate (George Wallace) (Viloría-Fisher). Motion by Legislator Viloría-Fisher -- oh, I'm sorry. We'll skip over that.

1332-04 - Extending term of Suffolk County Poet Laureate and establish criteria for selection process (Viloría-Fisher). Skip over that.

We're going to go to Public Hearings.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Before we go to Public Hearings, a number of Legislators who are used to the 2:30 timetable for the Public Hearings, we were not -- we didn't arrive here at two o'clock for a number of votes on the tabled calendar. When will be the best time for us to put our votes on the record for --

P.O. CARACAPPA:

Never.

LEG. FOLEY:

After the Public Hearing or take care of it now and just say we're with the majority; how would you like to do it? It's about three or four of us.

P.O. CARACAPPA:

Let's just wait until after the Public Hearings --

LEG. FOLEY:

Okay, fine.

P.O. CARACAPPA:

-- seeing that Legislator Viloría-Fisher as well as maybe one other has not returned.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

Public Hearings. Keep in mind, to those speaking today at the Public Hearings, you do have five minutes.

Mr. Clerk, are the Affidavits of Publication in proper order and filed?

MR. BARTON:

Yes, they are.

P.O. CARACAPPA:

Thank you. Going directly to the first **Public Hearing on IR 1070-04 - A Charter Law**

creating Taxpayer Office of Inspector General (Caracciolo) (SEQRA complete/Recessed from 3/23/04).

LEG. CARACCIOLO:

Motion to table.

P.O. CARACAPPA:

I have some speakers.

LEG. TONNA:

You have speakers?

P.O. CARACAPPA:

Oh, 1170, I'm sorry. 1070 I have no speakers. Motion to recess by Legislator Caracciolo, second by Legislator Foley. All in favor? Opposed? Abstentions? 1070 is recessed. Oh, there was one speaker?

I'm sorry, come on up, Mr. Goldstein.

LEG. TONNA:

Oh, no; come on.

P.O. CARACAPPA:

Come on.

LEG. CRECCA:

He's got a right to speak.

P.O. CARACAPPA:

You have your right.

LEG. CRECCA:

Even Phil has rights.

P.O. CARACAPPA:

Go ahead, Mr. Goldstein. Thank you.

MR. GOLDSTEIN:

I have said on numerous occasions in the past that it will not be alien invaders, foreign ideologies, terrorists, the invasion by foreign armies that will bring this nation to its knees, but rather the conduct of our own government officials. As Pogo Possum once said, we have met the enemy and they are us.

All too often we read about the declining quality of integrity, not just in the institution of government but in the business community as well, and sadly even in the religious community. The public is losing confidence in the institutions of society. And though I don't know that we can really solve this problem with the creation of an Office of Inspector General, I think at least it moves in the right direction in that in creating this office and appointing the person to fill the office you require a three-quarters majority of this Legislative body. And therefore, hopefully, as a result of that fact, the integrity of the individual who will fill that office for a five year term may be, I hope, above reproach. And so, therefore, in order to try to raise the confidence of the public with regard to the performance of government institutions, especially in light of the fact that even here in Suffolk County, unfortunately, we are from time to time embarrassed by the conduct of some of our officials.

I think it is in the best interest of the Suffolk County government to fill the Office of Inspector General. And so I would, therefore, urge that you place this referendum before the public to afford them an opportunity to express their opinion. I cannot speak for them, although I like to think that I do, but the point very simply is by putting it to a referendum you will allow the public the opportunity to express their will in terms of restoring their confidence in government. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Goldstein. I have no other cards. Anyone else wishing to be heard on this? There's a motion to recess and a second. All in favor? Opposed? Abstentions? **1070 is recessed.**

Public Hearing on IR 1170-04 - Proposal to form Suffolk County Sewer District No. 2 - Tallmadge Woods in the Town of Brookhaven (County Executive) (SEQRA complete). I

have a few cards, the first speaker is Herbert Balin.

MR. BALIN:

Good afternoon. Gene Wishod and I are co-counsel for the Sewer District and we are in favor of it and we will be here to answer any questions, end of speech.

P.O. CARACAPPA:

Any questions for the speaker, which you can do during public hearings?

LEG. TONNA:

No.

P.O. CARACAPPA:

Okay, thank you. Gene Wishod.

MR. WISHOD:

Thank you, Mr. Chairman. The Suffolk County Sewer Agency has rendered a written report. I had sent to Legislative Counsel, kind of a supplemental report giving some of the background to the formation of the Tallmadge District. I sent copies of that letter and the memorandum to each member of the Legislature. I think it's self-explanatory, we've been working towards this since the beginning of the construction of the Tallmadge plant. Our clients are anxious to get out of the Sewer business and I think we propose to turn over to the County a plant that has received a very prestigious Engineering Excellence Award and not a plant with any problems. So as Mr. Balin said, we're here to answer any questions either in my memorandum or otherwise.

P.O. CARACAPPA:

Questions for Mr. Wishod? Thank you very much. I have no other cards. Anyone else wishing to be heard on this matter? Is there a motion?

LEG. TONNA:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Tonna, second by Legislator Losquadro. All in favor? Opposed? Abstentions? **1170 is closed.**

Public Hearing on R 1211-04 - Authorization of alteration of rates for North Ferry Co., Inc. (Presiding Officer Caracappa) (SEQRA complete).

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

I have some cards. The first speaker is Julie Ben-Susan.

MS. BEN-SUSAN:

Good afternoon, thank you. I know you have a lot of them today. Bridg Hunt and I, managers of the North Ferry, are here today to provide a status report, to ask for your support and to answer any questions that you may have.

I shared the history and characterization of our year-round ferry company and its service about a year ago when we applied to extend our license. Since then we've submitted an application for rate relief for two purposes, operations and to build a second new 25 car ferry boat. We have so far been in conversation with the Office of Budget Review and Legislator Caracciolo, presented to the Public Works & Transportation Committee on April 6th in some detail, and I have a handout later that is that speech. We have gotten written approval from our Board of Directors and also the full membership of our parent company. We have a strong statement of intent from the Bridgehampton National Bank for their willingness to finance the boat and we have a commitment to enter into a contract with the shipyard. We plan to clone the MB Mashomack to the extent possible as she has worked so very, very well for us; she has changed our service levels and our business model. We look forward to working with Freeport Shipyard again and they have the design changes that were made during the construction and since the boat's been on the line. And we are well along towards rolling out essentially the same contract with subject two wording just to reflect the rate increase.

We do not mean to undermine the importance of the operating portion of the rate increase. As noted in the BRO report, we are subject to the vagaries of health insurance, liability insurance and fuel. Given that we operate 19 hours a day, seven days a week, together with our labor costs, we have outstripped -- these expenses have outstripped the revenue gained from volume only; thus the need for the increase.

In addition, we have considerable debt service associated our new boat which was built without the full rate increase in 2001, thereby exhausting our cash reserves. We've renegotiated our contract with Local 333, refined our revenue controls and have been vigilant about managing our expenses; nevertheless, we broke even last year and will lose money this year without the rate increase.

The second boat is so important to our future. We will leave that portion -- I'll leave that portion of the presentation to my colleague, Bridg Hunt. Bridg is a lifelong Shelter Islander who got his initial engineering training at Cornell, leveraged that into computer technology and in-between was a loft's man building boats for director shipyards. Fifteen years later he returned to Shelter Island to become our engineer, then a Captain and has been our IT expert throughout. He was very much involved in the design of the last boat and is committed to taking us forward in both technology and productivity. He is uniquely qualified to serve as the General Manager. We're happy to answer any questions that you might have and we thank you for your time and attention and when the time is right for your vote. Thank you.

P.O. CARACAPPA:

Thank you. Next speaker is Bridg Hunt.

MR. HUNT:

Members of the Suffolk County Legislature, thank you for this opportunity to speak. And Julie, thank you for your introduction.

I in turn would like to introduce you, our Legislators, to North Ferry's newest boat, the Mashomack. We put the Mashomack on the run a little over a year ago and she's quickly become the heart and soul of our service. In the morning she regularly carries a Newsday truck, a tractor trailer tanker truck filled with the Island's heating oil, a refrigerated meat truck and six to eight commuter cars and vans, all in the first trip out of Greenport at 6 AM. Friday and Saturday nights Mashomack is still working at midnight. This last weekend she carried 20 cars from Greenport on her last trip; without her, eight of those cars would have missed the boat.

Our customers love the boat. She's changed our rush hour service from what used to be a commuter's nightmare -- I don't know if you can see from the picture but the cars stretched, used to stretch up {Wiggin} Street and up Third Street -- into a pleasant trip to work. Later, during mid morning we can accommodate both commercial traffic and individual travelers who often need to keep their scheduled appointments.

As you can see in this photo, it can be truly said that the Mashomack is the boat that does our heavy lifting. We need a second boat identical to the Mashomack. Two weeks ago I spoke at a meeting of the Transportation Committee; I explained North Ferry will either incur the huge expense or approximately \$2 million patching its aging fleet or, for a similar expenditure, build a second large boat to replace our older boats. The time to do this is right now. This is the moment to lock in today's favorable interest rates before they rise out of reach. Our builder has an opening for us to begin construction early this summer.

We have an operational mandate for putting a second boat on the line in 2005. Although we anticipate we'll be able to service our traffic this summer, it's unlikely we'll be able to maintain our service commitment in the following year without the new boat. Similarly, we don't expect significant down time for Mashomack during 2005, we will have to take her out of service for an extended period for maintenance through the winter in the beginning of 2006 when our next Coast Guard dry dock inspection is due. A second boat like the Mashomack is essential for sustainable service for our customers, the ratepayer. I want to stress our commitment to build the next boat.

I also want to stress how important it is for you to grant us rate relief through our application while economic conditions are optimal for completing our second boat. We're appealing to you, the Legislature, to grant our petition and make constructing our next boat possible. Thank you.

P.O. CARACAPPA:

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

LEG. CARACCIOLO:

Motion to recess.

P.O. CARACAPPA:

There's a motion to recess by Legislator Caracciolo, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions?

1211 is recessed.

1222 --

LEG. VILORIA-FISHER:

Mr. Chair?

P.O. CARACAPPA:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Mr. Chair, before you call up the first speaker, I'm sorry, I must have been on my way out when we scheduled the beginning of the afternoon session --

P.O. CARACAPPA:

We're going to do all the votes you missed when we get out of public hearing.

LEG. VILORIA-FISHER:

Okay, thank you.

P.O. CARACAPPA:

Is that what you were going to ask?

LEG. VILORIA-FISHER:

Yes, I was just going to ask to be put on the prevailing side.

P.O. CARACAPPA:

We're going to do that as soon as we're done with the Public Hearings.

LEG. VILORIA-FISHER:

Okay, thank you.

P.O. CARACAPPA:

Public Hearing on IR 1222-04 - A Charter Law to mitigate County liability by expanding prior written notice of defective condition requirements (County Executive) (SEQRA complete) (Recessed from 3/23/04).

I have one speaker, Lynne Bizzarro.

MS. BIZZARRO:

Good afternoon again. At the public hearing on March 23rd, 2004, I spoke before the entire

Legislature regarding the enactment of this Charter Law to mitigate County liability by expanding prior written notice of defective condition requirements; I will speak briefly on this matter again.

This law will amend Article 8, Section C8-2A of the County Charter. Section C8-2A of the Suffolk County Charter requiring prior written notice of defective conditions as a predicate to bringing a lawsuit is not as expansive as that allowed under State law. As a result, the County is unable to get out of lawsuits on summary judgement motions having to do with sidewalks, walkways and various other locations that have been statutorily and judicially declared to be included in the County's prior written notice statute. Expanding the scope of the types of properties subject to the requirement of prior written notice of a defective condition is integral to limiting the County's liability for injuries sustained due to alleged defects on those properties. The amendment will help to reduce the economic burden on taxpayers associated with the cost of litigation and potential awards for damages.

In addition, when the community at large becomes aware of this more expansive requirement, the County will hopefully receive more notification of dangers existing in our County giving the County the notice it needs to act upon the defects and dangers promptly to avoid injury.

The proposed new Charter Law would do the following; it would expand the locations for which the County Department of Public Works has general charge and supervision, it would expand the list of locations requiring prior written notice be given to the County before a civil action can be maintained, all locations on that list are supported by State statute and the case law interpreting same. It would also define reasonable time as not less than 30 days from receipt of notice for the County to remedy the defective condition, not including ice or snow, and it would define reasonable time as not less than 72 hours from receipt of the notice for the County to remedy a snow or ice condition. I urge you to close the public hearing once again. Thank you.

LEG. BISHOP:

Motion to recess.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Hold on. There's a motion to recess by Legislator Bishop; recess?

LEG. LINDSAY:

Why wouldn't we close this? Who made the motion?

P.O. CARACAPPA:

There's a motion to recess and a second by Legislator Crecca. On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah, I'd like the sponsor of the recess motion to explain to me why he wants it recessed.

LEG. BISHOP:

We haven't heard from the other side of the issue yet and I'll reach out to the Bar Association and ask them to send us a representative.

LEG. CRECCA:

Yeah, I actually was supposed to make a presentation to the Bar Association on this and some other resolutions which I failed to do a couple of weeks ago and I haven't rescheduled the appointment, so.

LEG. LINDSAY:

Because this is the second time we've recessed this resolution and it seems truthfully like it's a good idea.

LEG. BISHOP:

No, it's terrible.

LEG. CRECCA:

It's a terrible idea.

LEG. LINDSAY:

Terrible idea.

P.O. CARACAPPA:

Okay, we'll get into this -- we'll get into debate and the issue --

LEG. CRECCA:

Well, if your -- you know what? I won't get into the merits of it.

P.O. CARACAPPA:

Yeah, we won't debate the bill now.

LEG. ALDEN:

But on the motion. Why wouldn't --

P.O. CARACAPPA:

This is a motion to either close or recess.

LEG. ALDEN:

Right. Why wouldn't we just close this and then let the Bar Association make their presentation in committee?

LEG. BISHOP:

They should have the same opportunity as the administration to --

P.O. CARACAPPA:

Just use your microphone, Legislator Bishop.

LEG. ALDEN:

Well, they just did, they had two -- you know, two months in a row they had the opportunity to come down.

LEG. BISHOP:

But Legislator Crecca just --

LEG. ALDEN:

So the interest is really killing me, they're beating down the doors.

LEG. BISHOP:

Legislator Crecca just explained that he --

P.O. CARACAPPA:

He's going to give a speech.

LEG. BISHOP:

-- had an office error and he'll take care of it for the next time.

P.O. CARACAPPA:

One more cycle. Motion to recess 1222 by -- there's a motion and a second. All in favor?
Opposed?

LEG. LINDSAY:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Lindsay.

LEG. ALDEN:

I'm opposed.

P.O. CARACAPPA:

And Alden.

LEG. LOSQUADRO:

Opposed.

P.O. CARACAPPA:

And Losquadro.

MR. BARTON:

Recessed.

P.O. CARACAPPA:

Three opposed, *it's recessed.*

Public Hearing on IR 1223-04 - A Charter Law amending the Suffolk County Charter to

require the adoption of a reapportionment plan in a timely manner (Montano) (SEQRA complete) (Recessed from 3/23/04). I have one card.

LEG. MONTANO:

Motion to recess.

P.O. CARACAPPA:

Just a second, I have one card; Phil Goldstein.

LEG. TONNA:

Come on, Philly; at least you can change outfits.

P.O. CARACAPPA:

Mr. Goldstein, proceed. Thank you.

MR. GOLDSTEIN:

Thank you. I had the good fortune to witness the reapportionment process here in Suffolk County in the last -- on the last occasion when it occurred and I thought it was very commendable, the professional manner in which it was approached, especially the work of Linda Burkhardt and the Chairpersons, Mr. Mystal and I think Mr. Asher was your -- yes. Unfortunately, however, there is a notoriety associated with reapportionment. Those of us who are knowledgeable about political science know the problem of gerrymandering and in this reapportionment that occurred in Suffolk County, it came down to loggerheads with regard to the creation of the new district which I believe Mr. Montano is now representing.

I think this law would be beneficial in that it poses the threat to the Legislature that the judiciary will be invited to intrude into the reapportionment process if we or our representatives fail to deal with this in a timely manner. I think it's good, I think it's desirable that we try to see to it that the reapportionment process is handled in a professional way and that it achieves proper representation for the voters of Suffolk County. And so I think that the passage of this law would be beneficial in trying to bring to a close the partisan disputes that arise in the process. So I would urge the members of the Legislature to approve this law. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Goldstein. I have no other cards. Anyone else wishing to be heard? There's a

motion to recess by Legislator Montano, second by Legislator Foley. All in favor? Opposed? Abstentions?

1223 is recessed.

Public Hearing on IR 1236-04 - Approving rates established for Davis Park Ferry Co. (Presiding Officer Caracappa) (SEQRA complete). I have one card, John Lund.

MR. LUND:

Good afternoon and thank you for providing the opportunity for me to speak. The Davis Park Association, a group of homeowners, their Board of Directors had a meeting this past weekend and they have authorized me to state the following. I distributed to your mailboxes a 17 page document basically outlining -- tough word, outlining -- my approach here this afternoon.

Chapter 287 of the Ferry Service Law states, it's last sentence, "The Legislature intends to establish reasonable requirements for the provision of continuous and adequate ferry service in the County of Suffolk and reasonable rates." It's been my experience that this body has in the past concentrated on fair and equitable rates and possibly not looked into the service area in some cases. Our homeowners organization is basically stating that the services, 99% adequate during the summer and in the spring and fall it is not adequate.

The second page of the document I provided to you illustrates that there are 130 homeowners at Davis Park living between the Villages of Great River and Brookhaven owning about 160 of the 280 homes at Davis Park; they're 15 minutes from the ferry in Patchogue and 20 minutes from their house at Davis Park. They're not going to the Poconos across bridges nor Vermont across other bridges and highways. We're environmentally responsible, if you would have it, we're not blocking the other roads in Suffolk County, we're merely trying to get to a house, a second house, an investment opportunity, a retirement program, whatever you want to call it.

We believe that the County absolutely, positively needs financial accounting from this company; I don't believe this body has seen that in more than ten years. We have to establish a basis to go forward in this century since it was the last century, and I believe it was about 1987 or 88 that you last saw a financial accounting. The law specifically states that there will be audited statements, I understand this weekend that they are looking to do that as soon as possible to get that before Budget Review, the 45 day period begins and there will be another public hearing.

Our major concern is the service level in the off-season, the spring and the fall. We also realize that with less people traveling on a boat, it is not as financially feasible for the ferry to run boats every hour or whatever. We are willing to pay a premium on some of those boats and would like the opportunity for the ferry company to establish rates with us in conjunction with us on certain boats on a Friday night or a Saturday morning that could be of use to the community. That pretty much sums it up and I guess you'll be receiving a lot of information from the ferry company. Thank you very much.

P.O. CARACAPPA:

Thank you very much. I have no other cards. Anyone else wishing to be heard on this matter? Motion to recess by Legislator O'Leary, second by Legislator Foley. All in favor? Opposed? Abstentions? **1236 is recessed.**

Public Hearing on IR 1238-04 - A Local Law to amend Local Law No. 11-2003, extending full benefits of real property tax law exemption for volunteer firefighters and ambulance workers (Caracappa) (SEQRA complete). I have no cards. Anyone wishing to be heard? Motion by myself to close, second by Legislator Caracciolo. All in favor? Opposed? Abstentions? **1238 is closed.**

1239-04 - A Charter Law adding Article XXXVI to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Fund (Viloria-Fisher) (SEQRA complete). I have no cards. Motion to close by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions? **The public hearing on 1239 is closed.**

1245. Before we go to 1245, though, I would just like to take a moment to acknowledge the Kings Park Forensic Club that's here participating in today's proceedings. Karen Lessler is their teacher and if you guys could just rise so we can acknowledge you for coming today and participating.

Applause

Ironically enough there's a nice little story on News 12 today about forensics and for forensic teams in all the high schools on Long Island and what they're' doing. So. Yeah, who did it, right? Are you trying to figure out who did it? Okay. So thank you for coming down.

Moving on, ***Public Hearing on IR 1245-04 - A Local Law to authorize County Registry for Domestic Partners (Cooper) (SEQRA complete).***

We have numerous cards. The first speaker is Rabbi Gellman.

RABBI GELLMAN:

Thank you. Thank you for the opportunity to have me speak on this matter. I want to tell you, first of all, a little about myself since it's an awkward thing, most people in the public eye think they know what you're like and I just wanted to give you some background on why I have asked to speak on this matter.

I was one of the original signatories to the Alliance for Marriage Federal amendment, proposed Federal Amendment, Constitutional Amendment, that would prohibit gay marriage. I have been active in conservative causes reflecting the beliefs I hold deeply from my religion and from my own commitments as a professor of philosophy.

I have been active in the pro-life movement for 30 years. There are somewhat over 1,800 reformed rabbis in this country, liberal rabbis; there are two pro-life reformed rabbis, you are looking at one of them. I have not taken my positions because of their advantage to my career. I have been an active supporter of our President, I am the Police Chaplain for Suffolk County.

I come to you in support of IR 1245, I come to you to urge you to enact the provisions of this bill and to provide justice for gay and lesbian couples.

Applause

It is important, I believe, for people like myself who are deeply rooted and committed to cultural conservatism. It is deeply important that we distinguish justice from approval. It is an easy think to imagine that this bill contains within it an approval of gay and lesbian lifestyles and I urge you to reject that thought and to overcome that prejudice. Justice for all the citizens of our country, for all the citizens, does not mean approval of the decisions of how those citizens have chosen to live their lives. It is my deepest commitment and belief that if conservatives are going to make the case, as I am happy to make the case, that marriage is a sacred institution and a fundament of civil society, then we must also have the courage to admit and the simple decency to admit and to acknowledge that the rights of gay and lesbian couples to register as domestic partners and therefore to create joint bank accounts, joint credit cards, to cosign a loan, to buy a home

together, to rent an apartment, to buy a car, to leave a will that fully expresses their intentions, to buy a life insurance policy and other ancillary acts, none of these represent a fundamental assault on any morally or spiritually important institution of our culture. And the rejection of people's rights in this regard does represent a fundamental rejection of the elemental rights of citizens.

When those of us who are responsible for authoring the alliance for marriage Federal amendment, when we created the wording for that amendment we were attacked by people on the right wing of the conservative movement because it was our position that civil unions, domestic partnerships, should be debated and, if local communities decided, should be enacted. And it was only with that idea that we felt we could take a morally and spiritually coherent position that marriage represented at least for us, and we believe for the majority of our country, a unique institution that must be reserved for men and women.

P.O. CARACAPPA:

Rabbi, I'm sorry to interrupt you, but --

LEG. TONNA:

I will ask him a question.

LEG. LINDSAY:

Yeah, I have a question.

LEG. TONNA:

So you can continue, what else is on your mind, Rabbi?

RABBI GELLMAN:

Thank you, Paul. This is -- I've had this conversation with members of my Board of Trustees; "Rabbi, it was a good sermon but perhaps just a little shorter." I will conclude.

LEG. TONNA:

No, no, take your time.

RABBI GELLMAN:

It was, therefore -- we were, therefore, attacked by members of the right wing because we were not willing to condemn homosexuality and lesbianism as a general affront to everything civilized. We were also condemned by the left wing because we wanted to make the case that marriage, not the civil rights contained in domestic partnerships but marriage, represented a unique and special case. Therefore, I am fully prepared and ready and happy to be here today to support this resolution.

And I want to say to those members of the Suffolk County Legislature who are, like me, committed to cultural conservatism, I want you to know that it is my strong belief that what we have before us here is a defining moment, an ability for those of us who are conservatives to truly be compassionate conservatives and an opportunity to recognize that not every issue is the ultimate issue of marriage. I urge you to consider the commandment that we all learn from the Bible, that God requires us to pursue justice, God never requires us to do justice. There are legitimate differences of opinion about how we should live, but I tell you this, if we seek a culture in which there is only unanimity of opinion about basic issues, there would never be a time when a Rabbi could have as his best friend a priest. And it is our belief that we are better off and our culture is enriched and our sense of justice is deepened when we allow each other to find our own ways to God and allow each other the simple justice that every citizen of this great land is entitled to as a deep, abiding and constant blessing. Thank you for this opportunity.

Applause

P.O. CARACAPPA:

Thank you, Rabbi. Next speaker, Sherry Blumenthal.

MS. BLUMENTHAL:

Good afternoon, Presiding Officer Caracappa and Members of Legislature. My name is Sheriff Hinden-Blumenthal and I'm a resident of Amityville and a part owner of a large manufacturing company in Bay Shore which is in Legislator Carpenter's district.

I'm here today to speak in support of Legislator Cooper's resolution to create a Suffolk County Domestic Partnership Registry. I may only be one person, however I represent hundreds of thousands of family members and friends of the gay and lesbian community in Suffolk County as well as same sex couples. I myself have two siblings who are gay who are also my partners in the business and they're both in long-term, committed relationships. Within our family business,

we offer domestic partner health and lead benefits to all qualifying partners who have registered with the company's human resource department, this includes both straight and same sex couples. I find it hard to believe that Suffolk County, which I always thought was a progressive County, does not offer registry for domestic partners. The registry is not marriage and it's not binding on courts, government or companies. It will, however, make it easy for couples to eventually share employment benefits, inherit property and get hospital visitation rights. I thank you for your support and I have confidence that you will do the right thing.

P.O. CARACAPPA:

Thank you very much. Next speaker is Kim Schultze.

MS. SCHULTZE:

Good afternoon, Members of the Legislature. My name is Kim Schultze and I've been a resident of Centerport for 18 years and a resident of Suffolk County, Long Island, most of my 45 years. I am here today representing myself, the Unitarian Universalists Fellowship of Huntington and many other Long Island gay, lesbian, bisexual and transgender community who could not be here today because of obligations of either work or family. I am here today to urge all of you to vote for the Domestic Partner Registry for Suffolk County so that real commitments between real people in real families can be honored and protected.

When heterosexual couples exchange vows before a Justice of the Peace or a clergy person, a legal transaction takes place. For same-sex couples this is not true; same-sex couples do not have access to a civil institution that can help validate their union or recognize their love and commitment to one another. Marriage provides a safety net of protections for families both during tough times and emergency situations as well as every day life. Since lesbian and gay couples cannot at this point legally marry, they need other modes of protection that are automatic for non-gay families. Having a domestic partnership registry can provide same-sex unions that are not currently recognized by civil authorities with a venue for documenting their partnerships. This, in turn, puts couples on firmer ground when trying to visit their loved ones in the hospital, filing for domestic partnership benefits with employers or responding to challenges of beneficiary status in an array of insurance related matters.

I know that many religions don't celebrate same-sex relationships, that is a decision made by faith. If the government allows lesbian and gay couples to obtain civil protections for their partnerships, that does not mean they will be forcing any religion to marry these individuals or

even that they are supporting marriage or civil unions. It simply means that the County is protecting the commitment made between two individuals who have decided to join their lives together and any children that come into that union. Honoring the bonds of affection between two people in a committed relationship is simply a social justice issue, a matter of treating people fairly and equally in society. Such respect helps support loving and committed families thereby building a better foundation for the larger community; it is the right thing to do.

The domestic partnership legislation you are considering today is a step toward helping same-sex couples and families have legal protections that are automatic for non-gay couples. Domestic partnership legislation provides real protections for real families. During times like these I think of the wisdom offered by Dr. Reverend -- Reverend Dr. Martin Luther King, Jr., when he said, "I have a dream that one day this nation will rise up and live out the true meaning of its creed. We hold these truths to be self-evident that all men are created equal." Well, today I have a dream, that love, commitment, mutual support and dedication between same-sex partners will be recognized. I have a dream that individuals who have decided to join their lives together and form real families who will be offered real protections. I have a dream the Suffolk County Legislature will pass the domestic partner registry; please make my dream a reality. Thank you.

Applause

P.O. CARACAPPA:

Next speaker is Michael Hinz.

MR. HINZ:

Good afternoon. My name is Mike Hinz, I am here representing PFLAG Long Island and PFLAG stands for Parents, Friends and Families of Lesbians And Gays, we're the Long Island Chapter. We're a national organization, we have 500 chapters across the nation and over 200, 000 members; we have a very large membership in Suffolk County. I've been here before, this is kind of de ja vu, this is the same issue, a different day, but there are some new faces including my own Legislator, Legislator Peter O'Leary, and some other new faces here.

Basically, for those who aren't that aware of the issue, the domestic partner registry is advantageous to the gay and lesbian community in that it will provide proof that a domestic relationship between two people exists. This proof of registration with Suffolk County would then

allow two people to be able to get health benefits if they work at a company that covers domestic partnership, it will allow for visitation rights to be easier, collecting life insurance and other inheritances, even determining funeral arrangements; imagine being with somebody for 20 years and not having any say in where they're buried or how their funeral is going to be handled.

I have two sons, they both work for the same Fortune 500 company that offers domestic health benefits. One is not gay, he gets benefits for his wife, family, whatever, unsaid, you know, there's no problem; the other has to prove joint checking, he has to prove a rental lease in two names or a deed in two names, he has to jump through hoops to get health insurance for his partner. It would be so much easier if he could just approach his employer with a certificate saying, "Here, I'm registered with Suffolk County, please allow me my benefits." And that's basically what we're looking for here.

The legislation is nothing new. In October, 1997, the City of New York, all five boroughs, passed the domestic partnership law by a vote of 39 to 7 and it was signed into law by Mayor Guliani. Nearly seven years later the Suffolk County Legislators who have a history of leading in new legislation, not following, have been dragging their feet on this issue; this issue has been around for a while. In September of 2002, Westchester County passed a domestic partnership registry. Since then, in the absence of a County-wide bill, the towns of East Hampton and Southampton have instituted domestic partnership registries on their own. Why is this an important issue for Legislators? Because aside from basic rights, many Legislators perceive that the gay and lesbian community is only a small minority of their constituency; nothing could be more misleading. Every gay or lesbian resident has an extended family of parents, brothers, sisters, aunts, uncles, cousins and so on who not only love them but their domestic partners and they are also Suffolk County residents. These family members and friends are especially grateful to lawmakers who take a positive stance for basic human rights. And so I urge you to reconsider this and vote for what is right. Thank you.

Applause

P.O. CARACAPPA:

Thank you. Dolores Malone. Ms. Malone, we can bring the microphone to you. Stay in your chair, we'll bring it to you.

MS. MALONE:

I am here to speak about our beloved Constitution and the preamble to it. When was a more perfect document ever written? We all swear our love and respect for it. Do we all show dedication to it? I'm going to quote, "We find these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights and among these rights are life, liberty and the pursuit of happiness." Why don't we examine these words. Life; the right to be allowed to live our lives without fear as long as we harm no one. Liberty; the right to be free from government interference and persecution as long as we harm no one. Pursuit of happiness, the right to do the things we must to be happy as long as we harm no one. The Bill of Rights forbids government interference with religion and also interference from religion, yet every day people try to use religion to take away rights and freedom. We once told black people who they could not marry. As a matter of fact, marriage was defined as between a white man and a white woman, eventually that was corrected and rightly so. Today we define marriage as between a man and a women. Why? Where is the harm to you or anyone else if two people of the same sex join in wedlock? Millions of same-sex couples live together because we refuse them the right to legalize their unions. They raise wonderful families, pay taxes, obey the laws of our land, serve in the armed forces and hold other respected positions but we tell them, "You are less than I, you don't deserve all I deserve. I have the right to refuse you the protection of the Constitution." Says who?

David Kilnick, Executive Director of {LIGLY} put it very well when he said, "If you don't approve of same-sex marriage, don't marry someone of the same sex"; I think if everyone followed that advice we would be willing to respect other people's space. We're not asking you to legalize same-sex marriage, that is for the courts and the State Legislators. This body is not empowered to do that, but you are empowered to pass a domestic partnership bill and that is what we ask you to do. Show respect for the privacy and right of others as you ask them to do for you. Give people a right to love whomever they choose to love, give their children the right to a whole family. Give everyone the same rights you want and have because you happen to be born straight. Live the Constitution as though your life depended on it and some day if they come for you to deny you your rights, you will have the protection of our Constitution which, by the way, does not say anywhere, "unless you're gay."

D.P.O. CARPENTER:

Thank you.

Applause

Carolyn Peabody.

MS. PEABODY:

Good afternoon. My name is Carolyn Peabody and I serve as one of Suffolk County Human Rights Commissioners. I'm a professor at Stony Brook and a co-chair of the Southold Anti-Bias Task Force.

All Americans are entitled to equal protection under the law, unless you discover that you're gay or a lesbian and find that the person with whom you wish to spend or build a lifelong, committed relationship happens to be someone of the same gender that you are. And the people that are affected are not a small group; in fact, the 2000 Census found that the number of unmarried partner households was 5.5 million people, that's 5.2% of the population and all of these people are not provided with equal protection under the law. In fact, according to a 1997 75 page report by the Federal -- General Accounting Office, 1,049 protections, benefits and responsibilities are extended to married couples under Federal law, and this does not include benefits extended by states.

So can you imagine that after being with my life partner for almost 19 years, should anything happen to me, she could be barred from visiting me in the hospital because she's not considered my family. Any member of my family, even my brother who lives in the Philippines who I have not seen for ten years, could come and see me or be asked to make medical decisions for me over the phone while refusing my partner. Or if my partner was a national of a foreign country, she would not be entitled, as married people are, to preference in getting residency here, and she would not be eligible for benefits that married folks are such as Social Security, Income and Estate Tax Benefits, Disability, bereavement or sick leave. And if she uses the health insurance that's provided under my Stony Brook domestic partnership, even though I would be paying the family rate, she would have to pay taxes on any medical care she would receive. Nor would my partner of almost 19 years have the right the assume parenting responsibilities should I had children, and if I should die she would not have the right to have a say in my funeral arrangements or the disposition of my body if my family contested.

Now, let me be clear, the proposed legislation today, establishing a domestic partnership registry, will not provide redress to any of these inequities. What it will do is provide unmarried couples with an officially established criteria for proving that they are in an interdependent, committed, domestic partnership; thus in the event that the couple needs to verify status in the hospital, in a funeral home, in an insurance office, they will have something to assist them. In providing this registry, Suffolk County gives those people who are barred from marrying and those who choose not to a way to verify their domestic partnership. This is not a panacea for the inequities that exist but a way for Suffolk County to join several of its own towns, such as Southold where I live, as well as East Hampton and Southampton and many other municipalities, is providing some redress from this inequity.

It has been my experience that the people of Suffolk County are fair and open-minded and I believe that they support, as we do, any way that the community can help to fortify strong committed relationships, whatever gender they are. So I urge you to pass the domestic partnership registry. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Next speaker Chris Wittneben.

MR. WITTNEBEN:

Good afternoon. My name is Chris Wittneben, I'm from Lindenhurst and I'm here today to speak on behalf of the need for a domestic partnership registry.

I'm a County employee and as a County employee I don't represent the administration nor do I represent the department that I work for. These opinions are my own and I offer them as an observation as to how this registry could impact the things that I do on a daily basis.

While I'll permit those who work and live outside of the bureaucracy of government to explain to you the many reasons why such a law does need to be passed, I'm here to offer you some of the circumstances that I've encountered in the last 16 years with Suffolk County. Currently I work as an Examiner II in the South Shore Center and over the 12 years before that I worked as a Caseworker in Wyandanch. I have had the opportunity and the privilege of assisting many of

the people in this room with their constituents and with their clients and I have helped thousands of clients in need of government services. We as a County agency serve as a conduit for the State and the Federal government, and prior to my service here I was also a political appointee, so I am somewhat sensitive to the political ramifications of the decision before you.

In this day and age, I think domestic registries make for good government and I would like to give you some insight as to why. Our communities are filled with so-called atypical families. Truth be told, the majority of households on Long Island have atypical families; step-parents, step-children, blended parents, things of that nature. Regularly my office faces problems with those that access our office because of homelessness, lack of food, emergency utility needs. Couples who, because of Social Security penalty, are forced because they happen to be elderly, they're unable to marry or current State prohibitions don't allow them to get together because they would lose benefits that they're currently entitled to, have been cohabitating in many cases, friends and families of yours, for many years. These people in many cases can't afford to marry and stay here on Long Island. In many cases, they receive their Social Security or retirement benefits based upon those paychecks that they received in the 60's and the 70's and now they have lived together for a number of years as partners within a cohabitation situation.

As a supervisor, I can be sensitive to these situations as they present themselves. If an elderly couple were to present themselves as homeless due to the fact that they lost their housing for one reason or another, they don't happen to be married, according to current policy, we would split those couples up and house one in a homeless shelter for men and another in a homeless shelter for women, unless they go forward and explain to themselves what's the domestic situation that's going on there. All I'm asking you to do is to allow the same couple who have lived together, performed a committed relationship for a number of years, to do the same thing that the County does when they issue one of these. This is a Suffolk County Identification Card that's says, "I'm a handicapped individual. I've presented the documentation to your Suffolk County Office of Handicapped Services and the Suffolk County Department of Handicapped Services sent me a card." The card says to anyone I present it to that I'm a handicapped individual and I'm recognized by this County as a handicapped individual. Those same couples, when they present themselves to my office, should be able to access housing, access benefits, access utility shut-offs in the same sort of nature without having to present seven, eight, nine, ten legal documents showing that there is a formal relationship between these two people.

We've had situations in the past, again, where 85 year old couples come into our center, one

person happens to be ill, they have lived together for 20 years or more and they're unable to access benefits due to the current regulations that are available. This is not just a registry that will effect same-sex couples; that argument's been made and that argument has been forwarded. But there are also situations where the Adult and Children Protect Services have to go and investigate families where they need to establish what sort of familial relationship exists in a home. Our County Courts and our Family Courts are being asked to establish through forensic psychology, through the appointment of law guardians what situations are existing in homes. In this fashion, by having a domestic registry, you would have a certificate which certifies that there was a legal relationship between these people.

Finally, I just wish to close with the fact that since 1985 I have been here and different points and different measures. I have asked in many cases and supported many of you in many ways and if you have any questions or concerns, I ask that you please look forward to letting me offer my insight and thank you for your time.

Applause

D.P.O. CARPENTER:

Thank you, Chris. Next speaker is Tom Kirdahy.

MR. KIRDAHY:

Good afternoon. My name is Tom Kirdahy, I'm a resident of Watermill, I'm here representing the East End Gay Organization. It's a particular thrill for me to be speaking in front of you today in the town where I was born. I went to Hauppauge High School with Legislator Schneiderman. Mr. Crecca was a student of my father's in the West Islip School District where he was Superintendent, where Legislator Carpenter resides. I have brothers and sisters in probably every I single one of your districts, and certainly I have a family of friends all over Long Island.

I grew up in Hauppauge, I went to New York University as a young man in 1981. I stayed there for law school and during my time in law school, between 1985 and 1988, I had the horrible misfortune of losing a number of friends to the disease of AIDS. As a 40 year old man, I have a rolodex full of people, full of phone numbers I can no longer call. In 1989, after working at a very prestigious law firm providing free legal -- providing management labor counsel, after

losing yet another friend, I determined that I had to do something about AIDS. And so I accepted a grant and a huge cut in pay to provide free legal services to people in my home town. I came back -- I stayed living in the city but I came back to Long Island and created the first HIV Legal Services Project on the Island.

Just about two weeks ago I was on vacation with my partner and I looked up, I went to a church, I realized that it was the tenth anniversary of the death of my best friend. And I thought what better way for me to honor his legacy than to pray for him and pray for success here at the legislature. Since 1989 to now, I have been providing free legal services to people living with HIV and AIDS and I have been in too many hospital rooms where partners of people in committed relationships for 10, 20, 30 years were not permitted to see the person that they love because they had no legal document to prove that they were in a committed relationship. It's why I do what I do; I do wills, I do powers of attorney, I do health care proxies. I've done everything I can to make that better, to make people safer in their homes.

On September 11th of 2001, the world finally understood what we in the trenches knew for so long. On that day when we as a nation changed permanently, the Federal government and the State government both run by Republican controlled Legislatures, determined that our relationships were real, that this love was real, that these survivors deserve to be honored and that there are gay and lesbian heroes in this country. We are your sons, we are your daughters, we are your children, we are your aunts, your uncles, your neighbors, your coworkers; we are loving, committed citizens of this Island. All we are asking for is a scrap from the table of opportunity. We want to publicly record our private commitments to one another; nothing less, nothing more.

No one is asking you to approve of who we are, we're asking you to practice good governance, make us safe in our homes, honor our citizenship, act like good citizens, wrap yourselves in the flag, be patriots, honor what we are as citizens, do not let terrorists take away anything more from us, and if you don't believe that that is true, look into the eyes of those surviving partners. Please, I ask of you to consider our humanity. For the last two years when I have testified on this issue, I have not heard one word in opposition to what we're asking for. It won't cost the County a dime, it might actually make you a little money, but it will provide comfort and safety to thousands of Suffolk County residents. From the bottom of my heart, honor the people who present themselves to you today with courage and conviction. I thank you.

Applause

D.P.O. CARPENTER:

Thank you. Steve Henaghan.

MR. HENAGHAN:

Thank you, Tom. Thank you very, very much. I don't think I could speak as eloquently as Tom or even as Rabbi Gellman. My name is Steve Henaghan and I live in Mastic, I have lived there for the last 28 years. You have heard all of the reasons why this bill needs to be passed; I'd like to try to put a personal face on this bill.

My Legislator is Peter O'Leary and his aide, Maria Mezzapelli, grew up four houses away from me and has known me and my partner basically her whole life, but there are things that she doesn't know and there are things that you don't know either. When my partner got sick in 1992 and was brought to Brookhaven Hospital, I was denied entrance into the emergency room; at that time we were together 18 years in 1992 and I was denied entrance into the emergency room because I had no legal way to prove that we were partners. When I had to go get his medicine at Shirley Drugs, I had no legal proof that I was anything to him because legally I am nothing to him. When we wanted to put our mail on hold we had to go separately to go put our mail on hold, whereas most of you can just simply go to the post office and say please hold the mail for the entire family, but we had to go separately to do that, we had no legal rights to one another.

You've heard all of the arguments; Rabbi Gellman said it so eloquently, compassionate conservatism. And I know many -- for those of you who are supporting this bill, I thank you from the bottom of my heart. Those of you who oppose it, I realize there's nothing anybody, including Rabbi Gellman, anybody could say that will change your minds. But for those of you who are on the fence with this and possibly because you're afraid of your Conservative party not endorsing you for another run, please, take those words that he said about compassionate conservatism to heart. If your Conservative party hates us that much that they can't -- that you can't even grant us this little bit of courtesy that would simply allow us the vehicle to register as domestic partners, to show when we're in situations like I was at Brookhaven Hospital. And I tried to fight it, I had filed a complaint but I had no legal way to show that we were together. And I was like, "What is this?" Someone who's together one day, married one day can walk right in and see his or her partner, someone who marries a person with children and puts their children on their health plan can do it one day right after the marriage, and at that time, 18

years in 1992, we had no -- I had no legal way to even see him in the emergency room at Brookhaven Hospital and you're telling me that's fair? This is a simple scrap that we're begging for. All it does is allow us to register, to show when we're in these situations that there is some type of connection between us and our partners. I hope you will vote for it. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. There are no other speakers who have signed up to speak on this hearing; is there anyone else who wishes to? David, come forward.

DAVID: (Last Name Unknown)

Thank you, Legislator Carpenter. Initially I wasn't going to obviously speak because I didn't fill out a card, but I wasn't going to speak, as I've spoken with Legislator Cooper, because I wasn't thrilled about this piece of legislation because it does -- as some people have said, it's not marriage and it really doesn't give equality. But something I didn't expect to happen today when I came here was to actually look to my right up on the wall and see a picture of Legislator Postal whom I remember so well, I mean, for so many different reasons, but whom I remember so well that this was her baby and that she wanted to see this, she wanted to see this happen and wanted it to become a reality.

So I guess like Rabbi Gellman, I'm sort of giving in a little bit except the other way around, to ask for passage of this. I attended her funeral with mostly everyone here and Legislator Caracappa, Legislator Binder and others spoke that day about how much Maxine had an influence on them in terms of fighting for justice for people and fighting for rights. So I hope that everyone that was there that day remembers the words that they spoke and the lessons that were learned from Legislator Postal and the lesson that I learned today to come up here and speak for the passage of this bill. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Are there any other speakers? Okay, Legislator Cooper?

LEG. COOPER:

Motion to close.

D.P.O. CARPENTER:

Motion to close, second by Legislator Bishop. All those in favor?

The resolution -- I mean ***the hearing is closed.***

Public Hearing on IR 1273-04 - A Local Law amending Chapter 270 of the Suffolk County Code in connection with abatement of crack houses and public nuisances (County Executive) (SEQRA complete). We have one card, Lynne Bizzarro.

MS. BIZZARRO:

Good afternoon again, Legislature. Thank you. I'm here today to discuss this IR 1273, amending Article 2, Section 270-7 of the Suffolk County Code, abatement of crack houses and public nuisances. The amendment is quite simple.

In order to prosecute an offender under this section of the law, he/she/it must have performed prohibited conduct on two occasions at a particular location. The second act of prohibited conduct must have been performed within two years from the date of notice concerning the first prohibited act is given to the effected property owner. Notwithstanding that fact, the law currently defines the term public nuisance as follows; "any building, residence, premises, etcetera, where the owner has been given first notice that prohibited conduct has occurred and within a period of only one year after said first notice has been given there is an additional occurrence of any prohibited conduct therein."

In order to allow for prosecution under this law, the definition of public nuisance, a term that appears throughout the entire law, must be amended to state that the prohibited conduct occurred within a period of two years after the date of the notice concerning the first prohibited act has been given to the affected property owner. Without the amendment there is inconsistency throughout the law that could present problems when enforcement measures are taken under it. I urge that you close the hearing today. Thank you.

LEG. BISHOP:

Motion to close.

LEG. VILORIA-FISHER:

Second.

D.P.O. CARPENTER:

I don't think we need it for the public hearings; thank you, though. Motion to close by Legislator Bishop, second by Legislator Viloría-Fisher. ***The hearing is closed.***

Public Hearing on IR 1274-04 - A Charter Law to establish Early Retirement Incentive Program Reform Policy that ensures real cost savings (County Executive) (SEQRA complete). I have no cards. Does anyone wish to address the Legislature on 1274.

LEG. BISHOP:

Motion to close.

D.P.O. CARPENTER:

I will second that. ***The hearing is closed.***

Public Hearing on IR 1277-04 - A Local Law to amend Local Law 2-1999 to expand the Home Improvement Contracting Licensing Law to add new home construction (Viloria-Fisher) (SEQRA complete). We do have a card on that, Kelly Platt.

LEG. VILORIA-FISHER:

Madam Chair, Ms. Platt asked me to put on the record that she had been here but had to go home to her children and she has given a statement to the Clerk.

D.P.O. CARPENTER:

Okay, and then if the Clerk's Office could copy that and share that with everyone. What is your wish, Legislator?

LEG. VILORIA-FISHER:

I wish to close.

D.P.O. CARPENTER:

Motion to close, seconded by Legislator -- who was that? Montano, okay. **1277 then is closed.**

Public Hearing on IR 1328-04 - A Local Law establishing policy and procedure for undercover/covert law enforcement leases (County Executive) (SEQRA complete). We have one card, Lynne Bizzarro.

LEG. BISHOP:

Brief.

MS. BIZZARRO:

Thank you; this will be the end. The subject resolution was requested by the members of the Space Steering Committee to provide an exemption for certain leases to accommodate certain law enforcement operations. The authority of the County Legislature to lease property for County use derives from County Law Section 215.

The public hearing requirement is set forth in our own Administrative Code provisions concerning leasing of real property for County use, that is the law that we're looking to modify here. There is no State statutory requirement which mandates that the lease of property be subject to an open hearing.

Finally, there is no direct budgetary implications attached to this resolution since it merely establishes a policy for consideration of such space requests. Moreover, according to the information presented to the Space Steering Committee, the monies for these types of covert operations comes out of miscellaneous types of accounts to protect the confidentiality of the operations. Indeed it appears that a number of these operations are funded through Forfeiture Accounts intended to fund just such law enforcement operations. Again, I urge that you close the public hearing today. Thank you.

D.P.O. CARPENTER:

Thank you. Motion to close, second by Legislator Bishop.

The hearing is closed.

Public Hearing on IR 1329-04 - A Local Law amending Civil Forfeiture Law to

strengthen and clarify procedures for seizure and forfeiture of personal property (County Executive) (SEQRA complete). Anyone wishing to speak on that.

LEG. BISHOP:

Motion to close.

D.P.O. CARPENTER:

Motion to close, second by Legislator Foley. ***The hearing is closed.***

Public Hearing on IR 1331-04 - A Charter Law adopting the extension of the Common Sense Tax Stabilization Plan for sewers, environmental protection and County taxpayers (Viloria-Fisher) (SEQRA complete). Anyone wishing to speak on 1331?

LEG. BISHOP:

Motion to close.

D.P.O. CARPENTER:

Legislator Viloria-Fisher?

LEG. VILORIA-FISHER:

Motion to close.

D.P.O. CARPENTER:

Motion to close, second by Legislator Bishop. ***The hearing is closed.***

Public Hearing on IR 1339-04 - A Local Law amending Chapter 424 of the Suffolk County Code in connection with revisions to sewer use rules and regulations (County Executive) (SEQRA complete). I have no cards. Anyone wishing to speak on 1339?

LEG. O'LEARY:

Motion to close.

D.P.O. CARPENTER:

Motion to close by Legislator O'Leary, second by Legislator Losquadro. ***The hearing is closed.***

Public Hearing on IR 1345-04 - A Charter Law creating a County Department of Environment & Energy (County Executive) (SEQRA complete). I have two cards; Kenneth Kindler.

MR. KINDLER:

Good afternoon. I'd like to wish the remaining Legislature a hearty thank you for allowing me to speak this afternoon. I'm a trails advocate of open space, a natural open space advocate. I belong to all the trails groups, on the Board of Directors of Southampton Trails and the Long Island Greenbelt, Chair of the Long Island State Trails Coalition.

I came here to speak about IR 1345. I may be ignorant about the way the Legislature works, I kind of expected there to be a lot of discussion about this. For me, I mean, this is my life, I walk a hundred miles of trails every week -- hi, Jay -- and I'm very much worried about the future of our natural open space. I've noticed some incredible -- I mean overwhelming, adverse changes to the trails and the open space that they visit. I'm extremely concerned and I try to share my empirical experience with other people, I tell people, I go to all of the meetings both of the agencies, the groups, town boards, I try to spread the word. I mean, what I'm seeing is trails being ripped up, miles and miles of trails being ripped up by motorized vehicles, I'm seeing people driving in 4 x 4's dumping garbage, I'm seeing people who are neighbors to the open space expanding their properties with fences and throwing garbage over the fences. I'm seeing an incredible disregard for this unique and beautiful resource that we have on this island. I am very much hoping that, you know, consolidating our resources in addressing the stewardship of this incredible natural resource will help us develop the needed amount of capital and manpower necessary to address what I consider a crisis situation. I trust it will help facilitate a central point of communication, I hope this will, you know, lead to the development of sustainable stewardship plan for our trail system. People don't appreciate how important these trails are, they're very necessary for stewarding the open space. I mean, how are you going to know -- how are you going to monitor what's going on out there if you have no access to it? And of course it's already a cliché to point out that it has an incredible impact on our economy and the quality of our lives. I know there are many thousands of people who enjoy walking in the woods, I don't think I'm an oddity in that respect.

In a recent conversation with Mike Deering, I expressed my concern about there not being any kind of a viable sustainable stewardship plan for the trails and he said that in his opinion this is a consideration that's a decade overdue. I certainly hope that we have somebody like Mike at the

head of something that will organize and focus our resources towards addressing the stewardship of this unique and incredibly large resource, something that we need here on Long Island, something that's slipping through our fingers. We're -- I see in the resolution a lot of description of how we're purchasing the land but I don't see very much about how we're stewarding it. I see us grabbing on to a bag of treasures with a hole in the bottom and not noticing that it's all slipping away. I want to see a mechanism for stewarding this resource and I don't see it and this is what I'm hoping will come from the Introductory Resolution 1345. Thank you.

D.P.O. CARPENTER:

Thank you. Last speaker, Michael Deering.

MR. DEERING:

Thank you. I've been given direction to move quickly. My name is Michael Deering, I currently --

D.P.O. CARPENTER:

That's all right, we were given direction earlier today to make sure that we reached out to you and get to know you because you were highly recommended, but go ahead.

MR. DEERING:

Thank you. It's a pleasure to be here, I haven't been before the body in quite a period of time. And before I start actually, I just want to commend you on your earlier action today in the authorization of the Detmer Farm acquisition. I think years from now, just as we have on any number of other acquisitions throughout this County's history, we'll be looking back at this and commending each of you on your foresight for doing that.

I am here to speak in support of the Department of Environment. The County Executive believes that by consolidating these important environmental programs and functions which will be under the direction of a single Commissioner, the County will be more efficient in addressing these complex and important environmental issues while at the same time becoming more accountable and responsive to the public. The creation of the Department of Environment is analogous to the creation of the Department of Economic Development as you did a number of years ago in that there will be an informed and visible advocate in the position to act on behalf of the County on environmental matters, just as the Department of Economic Development as an advocate for those issues.

As envisioned, the Department of Environment and Energy would consist of a number of divisions, some of those that are existing within the County and some of them that are new; the Division of Real Estate, the Division of Farmland Management, the Division of Brownfields, Division of Cancer Awareness, Division of Energy; the Council of Environmental Quality as it currently is comprised, and a Division of Stormwater Quality, and I can go through those if you like but I know you're under a time crunch. The creation of the department is a reflection of the critical importance and the growing realization that the quality of our environment, the health of the public, the character of our communities and the strength of our economy are all inextricably linked. And that by consolidating these functions under a single department without adding any additional cost to the County's budget, the County could move forward aggressively, effectively and efficiently to address these issues that are important not only to each of you but to the public at large.

Since the introduction of the resolution, and I know you had some folks down here this morning, we've had conversations with some of you and members of the environmental, civic and business communities. As a result of these discussions, a number of issues have been raised which we will be addressing and I look forward to working with each of you to address those issues and craft a resolution into a form that will establish this department, that will be supported by the entire Legislature, can be signed by the County Executive and most importantly would provide the services that the public deserves. Thank you and I look forward to working with all of you.

P.O. CARACAPPA:

Thank you very much. Questions, Legislator Lindsay.

LEG. LINDSAY:

Yes Mr. Deering, I'm glad you addressed the concerns. We had Mr. Amper up this morning, he questioned or left a question mark in some of our minds about whether the environmental community will embrace this new department which I think is pretty important if we're to move forward. Is the bill -- are you working with the environmental community to modify it? Because the bill encompasses so much that I don't think -- unless you're the author of the bill you can't understand every component within the bill. Is there some effort being made to work out the differences of opinion with the environmental community?

MR. DEERING:

There is. I actually spoke to Mr. Amper today, we've had some previous conversations, we've also reached out to members of Steve's environmental transition team which consists of business as well as the environmental community and we're going to be sitting down more closely and working out specifically the rationale for this. One of the rationales for it is these are some new departments, we will be placing a greater focus on Brownfields redevelopment, we'll be providing even closer scrutiny on the Division of Real Estate. So we need to get that message out to them and incorporate some of the language that they've recommended to us, in fact, that we will be doing over the next few days.

LEG. LINDSAY:

The second point that I'd like to make is at least for the last two years there's been extensive conversation around this horseshoe, and in other meetings that are associated with the horseshoe, about our Land Acquisition Program. And there was a task force set up at one point a couple of years ago that I had the pleasure of serving on that we came back with a bunch of recommendations, the Legislature adopted some of those recommendations, they were modified again just a few months ago, Legislator Bishop sponsored a resolution to go beyond the appraised value of property with a super, super majority of this Legislature, now I see that you are changing that again, you're going back to the 10% over. And at the time that Legislator Bishop's resolution was passed, I wasn't a fan of it and my argument was consistency, we keep changing back and forth with the rules and people wonder why we're not purchasing a lot property because we don't know what we want to do as a body, I don't think. And although I disagree with Legislator Bishop's initial proposal, it did pass with the majority here, I respect the majority and here we are changing back again. Isn't this again going to slow down the process again by these constant changes?

MR. DEERING:

I think that's one of the things that has been identified by some of the environmental community, is they want to see the Division of Real Estate under this department but they want to see consistency in the rules as we move forward. So that's one of the specific areas that we are going to be working with hopefully a number of the members of the Legislature and the environmental community on getting to a point where there is continued consistency in the program and we don't have these constant changes back and forth.

LEG. LINDSAY:

And really the last comment, if I could, Mr. Chair. I can't find it in the resolution again because it is rather lengthy, but I believe we saw something in here that would allow this new super department to bypass CEQ under certain circumstances; is that correct?

MR. DEERING:

No, that's not the intent. The intent is to bring the Council on Environmental Quality and the staff as it's currently comprised into this department, not to circumvent the SEQRA requirements or CEQ.

P.O. CARACAPPA:

It's just that the Legislature wouldn't -- it wouldn't be advisory to the Legislature anymore, it would be advisory to the Environmental Department.

MR. DEERING:

And I think we're in the process of changing that, Presiding Officer.

LEG. LINDSAY:

So we would still vote on the CEQ resolutions?

P.O. CARACAPPA:

That remains to be seen.

MR. DEERING:

We will be changing the resolution to reflect that, yes.

LEG. LINDSAY:

Okay.

MR. DEERING:

That was inadvertently left out.

LEG. LINDSAY:

Thank you.

P.O. CARACAPPA:

Legislator Vilorio-Fisher.

LEG. VILORIA-FISHER:

You just piqued my interest by saying that because we're the SEQRA agency so we have to vote on it.

P.O. CARACAPPA:

Right. There was language in the bill as it currently exists and it was just explained that's going to be changed that we wouldn't be -- they would not be advisory to us anymore, they would be advisory to the Executive Branch.

LEG. VILORIA-FISHER:

Yes.

P.O. CARACAPPA:

Which basically cuts the Legislature out of the SEQRA process. I think we all feel strongly about that not happening, so we're working together and there's the commitment on the record that this will be changed.

MR. DEERING:

Yes.

LEG. VILORIA-FISHER:

Okay.

P.O. CARACAPPA:

That was my only concern.

MR. DEERING:

The intent was just to move the Council of Environmental Quality under the department, not to change the responsibilities; we'll be reflecting that.

LEG. VILORIA-FISHER:

Where is Jim Bagg now, what department?

MR. DEERING:

Jim is in Planning.

LEG. VILORIA-FISHER:

He's in Planning; so rather than being in Planning, the staff for CEQ would come out of this new department.

MR. DEERING:

Yes.

LEG. VILORIA-FISHER:

Okay. And I just wanted to ask Counsel, isn't the Legislature as the SEQRA lead agency, isn't that -- is that State law, that the Legislature --

MS. KNAPP:

Yes.

LEG. VILORIA-FISHER:

Okay, so then we have to have that change.

MS. KNAPP:

Uh-huh.

LEG. VILORIA-FISHER:

Okay, legally. Okay, thank you.

P.O. CARACAPPA:

Thank you. Any other questions? Thank you very much.

There's a motion to close. Second? Motion to close by myself, second by Legislator Montano. All in favor? Opposed? Abstentions?

The public hearing is closed, 1345.

I will make a motion to set -- for the purposes of setting the Public Hearing for Introductory Resolution 1387 on Tuesday, May 4th, 2004, at 9:30 A.M. at the Ways & Means & Consumer Protection Committee at the Rose Caracappa Auditorium in Hauppauge. Motion by myself, second by Legislator Alden. All in favor? Opposed?

LEG. FOLEY:

Opposed, Mr. Chairman; not opposed to the public hearing, opposed to the public hearing being held in committee.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions? One in opposition.

Setting the date of May 6th, 2004, at 2:00 P.M. in the Rose Caracappa Auditorium in Hauppauge for the following public hearings; Public Hearing related to the 2005-2007 Capital Budget & Program. Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

Setting the date for Tuesday, May 11th, 2004, 2:30 P.M. at the General Meeting at the Maxine Postal Auditorium in Riverhead for the 2005-2007 Capital Budget & Program Hearings as well as Introductory Resolution 1348, 1358, 1385, 1401. There's a motion and a second. All in favor? Opposed? Abstentions? Those hearings are set.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Could I have -- with the approval of the Chair, allow a five minute caucus, a recess, before we get to the remainder of the calendar, before we get to the veto overrides.

LEG. BISHOP:

Why, for what?

P.O. CARACAPPA:

Well, I have your caucus questioning it, so I'll question it as well.

LEG. FOLEY:

That's right, they're still learning. You see, we can tell that there's still leering, they're still working under the old rules, you know, and that's part of the problem.

LEG. CRECCA:

We'll behave either way.

LEG. FOLEY:

So if we could have just a five minute recess, Mr. Chairman. It will be no more than five minutes.

P.O. CARACAPPA:

Five minute recess.

LEG. FOLEY:

Thank you.

[Brief Recess Taken: 4:05 P.M. - 4:12 P.M.]

(*SUBSTITUTION OF STENOGRAPHER - DONNA CATALANO*)

P.O. CARACAPPA:

Roll call.

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

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

18.

LEG. FOLEY:

Mr. Chairman, there are a number of us who missed the first several votes at two o'clock this afternoon.

P.O. CARACAPPA:

We did it during the recess.

LEG. FOLEY:

You had a quorum, didn't you?

P.O. CARACAPPA:

Mr. Clerk, I'll make a motion to include the Legislators that weren't present that are present now.

MR. BARTON:

On the prevailing side without changing any of the votes cast otherwise.

P.O. CARACAPPA:

Absolutely right.

MR. BARTON:

By the rule of ten.

P.O. CARACAPPA:

Done. All in favor? Opposed? Abstentions?

MR. BARTON:

Unanimous.

P.O. CARACAPPA:

Going back to page 12, **1327, (ratifying designation and extending term of Suffolk County Poet Laureate).**

LEG. VILORIA-FISHER:

Motion to approve.

P.O. CARACAPPA:

Motion and a second by myself, all in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1332, (extending term of Suffolk County Poet Laureate and establish criteria for selection process). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

Hold that page there. We're going to go to veto overrides.

LEG. CRECCA:

Mr. Chairman, I'd like make a motion to override the veto on Resolution 257 of 2004.

P.O. CARACAPPA:

Veto overrides are before you, the veto messages rather. **Resolution No. 257-04 and 258-04 - Appropriating funds for planning renovations and improvements to the Cohalan Court**

Complex.

LEG. FOLEY:

Mr. Chairman.

LEG. CRECCA:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Crecca.

LEG. CRECCA:

I don't know if there was a second.

P.O. CARACAPPA:

Second by Legislator Alden to override. Legislator Crecca. Legislator Foley.

LEG. FOLEY:

Just a question for Legislator Crecca, if he can -- I know he will answer the question. If you go the third paragraph the veto message, it speaks of a \$200,000 appropriation contemplated by this resolution for planning steps as a down payment of two and a half million, which will then lead to twenty five to thirty million, can you please address that concern?

LEG. CRECCA:

Yes. Just so everyone is clear, when this was approved in the Capital Program last year as part of our Capital Budget that we negotiated and also passed, it was never intended that this feasibility study would be the authorization or the beginning of a project for planning steps and for future construction. It is just what it is proposed to be, it is a feasibility study to address two problems that exist at the Cohalan Court Complex. Number one is following 9/11, with existing appropriations, there were magnometers and security measures installed at the main entrance of the Cohalan Court Complex. We have people, for example, with baby carriages and litigants who are literally waiting as far as a quarter mile down the road in the middle the winter, waiting to enter into that building because the facilities there were never built to handle the volume, never mind all the eight or so magnometer setups and screenings that go through now because of the 9/11 security provisions. So part of this project is for a feasibility study to see what the

least expensive way would be to expand the entrance to the Cohalan Court Complex.

The second part of it is for -- an RFP would go out for this feasibility study, and it's more of an architectural study to look at inexpensive ways to use the existing space and possibly expand the existing space to add more courtrooms at Cohalan. Understand this is not planning money for the purposes of a specific project, but rather to report back to the Legislature, and to say to the Legislature, look, you can get five extra courtrooms by shifting this space around, by doing this, by -- it's a feasibility study to give different options to the Legislature as possible ways to address the security problem there -- the space problem, I should say, for the security area there, and also to address additional courtroom space. But that's all it is. And there was an understanding that only if we had this information would we be able to make a determination later on whether or not we wanted to move forward on any possible project at Cohalan.

P.O. CARACAPPA:

In other words, Legislator Crecca, we'd actually know what we're doing before we move forward with a big Capital project, is that basically what this study does?

LEG. CRECCA:

That's the idea.

P.O. CARACAPPA:

What a concept.

LEG. CRECCA:

Rather than do like we're doing at Riverhead now and spending 25 million, \$30 million on nine courtrooms. You know, I think that some of the problems can be solved at Cohalan very inexpensively. And the idea here is spend a little to save a lot. And that's what's behind this. And I would encourage and ask my fellow Legislators to pass this for that reason, but also for another reason. The other reason is this is something we approved as a group in the Capital Budget. This is something we made a determination last year was important for us to at least look at and move forward on. Whether it's a constituent from Central Islip or a constituent from, you know, Riverhead or a constituent from Huntington standing out in the middle of the cold while attorneys and jurors and employees of that building just walk by and breeze right into the building. It's not right. And I'm not talking about waiting outside for 15 minutes, I'm talking people out there sometimes an hour and a half in horrible weather conditions. We have

an obligation, I think, to move forward with this. And there are going to be other Capital Projects throughout the year that we have decided that are important as need to go forward that we're going to need to move forward on. And I would just ask my fellow Legislators to support this project and override this veto.

P.O. CARACAPPA:

There's a motion and a second to override. On the motion, Legislator Lindsay.

LEG. LINDSAY:

I would like to hear from the County Executive's Office where he got the two and a half million dollars for planning and the 20 to \$30 million for construction.

P.O. CARACAPPA:

Within the veto message?

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Five second. Anyone want to take this?

LEG. LINDSAY:

I mean, there seems to be a complete difference of opinion of what the bill says.

MR. ZWIRN:

Hi. Ben Zwirn. I don't have the exact answer for you, Legislator Lindsay, on the numbers, but if you give me a few minutes, I 'd be glad to go get some more information if you think it's necessary before you can pass on this.

LEG. CRECCA:

But again, I'm making representation as to what this is. And with all due respect, no disrespect to you, regardless of what it says, you know, the most that could be there is maybe there's something put down in future years, there was nothing, I can tell you, in the actual Capital Budget to move forward with the project. And I think the record is clear as to what the scope of this project is and is supposed to be. It certainly was clear when I spoke to Public Works when

the bill was initially filed. So again, you know, I'm making the representation as to what the project is. And I would ask for my fellow Legislators' support.

MR. ZWIRN:

Presiding Officer Caracappa, may I just say one thing on behalf of the County Exec?

P.O. CARACAPPA:

Mr. Zwirn, go ahead.

MR. ZWIRN:

I think, Legislator Lindsay, that the thought process in this is because the jail project is so big that other items in the Capital plan be looked at again and be delayed. If we can put this off until we understand the full complexities and the full ramifications, this can be revisited at another time. But at this time, we would ask that the County Executive be supported.

LEG. LINDSAY:

Okay. But if I may, Mr. Chairman.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

I have in front of me the veto message, and it talks about \$2.5 in planning, it talks about 25 to \$30 million in construction. Legislator Crecca's portraying it to be simply a study mechanism to find what we can do there to alleviate some of the overcrowding.

P.O. CARACAPPA:

Mr. Knappe.

MR. KNAPPE:

Legislator Lindsay, I can speak on one part of it. In the resolution, it makes reference in the second whereas clause about a recommendation of a possible construction of ten additional courtrooms. It is those additional ten courtrooms that have, I believe, been requested in the Capital Budget process in years past, is where they came up with the numbers that you are

asking about that are included in the County Executive's veto message.

P.O. CARACAPPA:

Good.

LEG. CRECCA:

We have to give them the parameters of what to study.

P.O. CARACAPPA:

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

(*Roll Called By Mr. Barton - Clerk*)

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Abstain.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes to override.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes to override.

LEG. CARACCILO:

Abstain.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

10.

P.O. CARACAPPA:

Override fails. Is there a motion, Legislator Binder?

LEG. BINDER:

I make a motion to ***override the veto on Resolution No. 261 of 2004, Amending the 2004 Operating Budget, transferring funds from Touro Law School Family Law Clinic creating positions in Child Support Enforcement Bureau.***

P.O. CARACAPPA:

Motion to override by Legislator Binder, seconded by myself.

On the motion, Legislator Carpenter.

LEG. CARPENTER:

Just a question for the original sponsor of the resolution, Legislator Binder. The disclosure law that was referred to, did they, in fact, ultimately comply?

LEG. BINDER:

Yes. In speaking to them, they didn't have it on the record that they requested, no one even called after to say that they hadn't complied with it. So upon discussing with me, they have since done the full disclosure.

P.O. CARACAPPA:

Motion and a second to override. Roll call.

LEG. CARACCIOLO:

On the motion.

LEG. VILORIA-FISHER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Earlier Legislator Binder and I had a conversation with respect to this veto message, and I just wanted to get on the record a clarification as to a representation made to me by the members of

the Executive Branch with regard to Child Protective Services not being impacted by this.

LEG. BINDER:

Right. The money in here --

LEG. CARACCIOLO:

I should say being impacted.

LEG. BINDER:

Well, yeah. There was a question, and a number of members asked me about the question of whether there was an offset, where the money was coming from. The money is in the budget. It had been in the budget for many years. We've had this same clinic lick running for years. What happened during the Legislative treatment of it in the Omnibus was that, one the Legislators who is no longer here -- and I guess I didn't catch it, didn't see it, changed the treatment of Touro being there as getting the money and doing the clinic and helping our-- the people that come to the County in working with them. They changed it to an RFP process. It still is the same thing. There was a line in the budget, the money exists, but the County Executive under the note for the budget item, and Budget Review can confirm this, says that we go out and do an RFP for this. So it opened it up to others may be coming in. So what my amendment does, all it does is it changes the treatment back to, rather than opening it up for an RFP to have them -- have the budget specify Touro as doing this particular job as they've done for the last probably seven years, I think it's seven years they've been doing it.

LEG. CARACCIOLO:

The veto message speaks directly to the \$76,573.

LEG. BINDER:

Right. That's how much was in the budget. And the treatment that had been changed ever year changed from being a Touro grant or a grant of money for them to do the work, changed by Omnibus. An Omnibus changed it to make it an RFP. It's the same money, but basically, the Executive was directed to go out and do an RFP for this instead of giving it just to Touro. So what I'm doing by this, as I said in this bill, is just -- I'm changing it back to what we've been doing for years and making this a Touro project that they've been doing, they've had the clinic, and they've worked with clients of the County to help them on child support enforcement.

LEG. CARACCIOLO:

Okay. The essence of my question, let me address it to Counsel or Budget Review, are we taking \$76,000 from Child Protective Services?

MR. SPERO:

This is the Child Support Enforcement Bureau. The money was originally budgeted by the County Executive for Touro and, as Legislator Binder pointed out, the money was taken away from Touro and put into another account. Now, Legislator Binder is reversing that and designating the funding for Touro.

LEG. CARACCIOLO:

How is that accomplished? How is that done? How is the money directed someplace else?

MR. SPERO:

It was transferred. It was an Omnibus item.

LEG. CARACCIOLO:

The prior administration or the current administration?

MR. SPERO:

By the Legislature. The prior administration allocated the money for Touro.

LEG. BINDER:

I didn't catch it.

LEG. CARACCIOLO:

Okay.

LEG. BINDER:

I didn't catch our change. Legislator Guldi at the time did it, and I just didn't see it coming. I didn't duck.

LEG. CARACCIOLO:

Okay. Okay. Thank you.

P.O. CARACAPPA:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

I'm sorry to keep beating this, Jim, but in the veto message, it does say that it would divert the \$76,000 funding from a program that the County Department of Social Services is using for the actual enforcement of child support enforcement orders.

MR. SPERO:

Well, the department, since the Omnibus was adopted, is now contracting with someone else to perform in function.

LEG. BINDER:

If you'd yield. If the Legislator would yield. My understanding is no one's contracting, there hasn't been an RFP, and if they are using this money, they're using it illegally in violation of the budget. The budget is specific. It has a note at the bottom and directs them to do an RFP. And I am concerned myself where it says it is using for actual enforcement. Is would be a current thing, not going to be used. And that would be, as I say, in violation of the budget, because they're supposed to do an RFP and go out and get somebody to do this work. That was how we put it in the budget. And I didn't bring the page in with me, but I'm sure Budget Review has that page.

LEG. VILORIA-FISHER:

I'm just going to take back my time so that I can ask somebody from the County Executive's Office, because it does say in the veto message that the money is being used in DSS, and I certainly don't want to take \$76,000 out of DSS budget.

MR. ZWIRN:

It's good to see you all again today. I think the budget message speaks for itself. The budget message was researched by the County Executive's staff, by Paul Sabatino, the Chief Deputy, who is meticulous in his research. And I think the budget message was so clear on this particular issue. With all due respect to Mr. Binder, I think that if you look at the paragraph that says the Legislative Budget Review Office in October of 2003 said that the program offered

service to the relatively small number of clients they serve, we're trying to serve all the people of Suffolk County. I think this money is well spent in this department. I don't think there's any criticism there.

LEG. VILORIA-FISHER:

Thank you, Ben.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Before you go, Ben, then how do you explain what Legislator Binder is portraying that that \$76,000 is set aside to do an RFP for an outside agency?

LEG. BINDER:

And also Budget Review supports me on that.

MR. ZWIRN:

I can't answer that question for you right now, Legislator Lindsay. But as I say, the money is in the department, and it will be spent -- the criticism from the Budget Review Office wasn't our criticism, it wasn't coming from the County Executive's Office. And we're trying to get, you know, the most -- you know, the biggest bang we can for the dollar that we have from the taxpayers. It's a question of where it would be better used, and we believe it would be better used here.

(* RETURN OF REGULAR STENOGRAPHER - ALISON MAHONEY*)

P.O. CARACAPPA:

Any other questions?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. In the second paragraph of the veto message, it talks about this resolution proposes to reinstate funding for a contract agency that was defunded by the County Legislature in Resolution 845-2003 because of its failure to comply with legislation sponsored by Deputy Presiding Officer Carpenter in 2000 and now known as the Annual Compensation Disclosure Law of Suffolk County.

LEG. BINDER:

Mr. Chairman, would you --

LEG. CARACCIOLO:

Could counsel explain that?

P.O. CARACAPPA:

That was answered. That was the first question.

LEG. BISHOP:

We asked and answered that.

LEG. BINDER:

Would you yield?

LEG. CARACCIOLO:

Yes.

LEG. BINDER:

It shows the dissembling of the County Executive on this, because how would he know the -- why we -- it was Legislator Guldi in the group. You know, they I have the Budget Committee, and in the committee -- and you can ask Legislator Crecca, because he's there, he told me afterwards and felt bad that I didn't get a head's up on it -- he did it for whatever reason he decided to, we didn't notice it, I didn't notice it. To say that was because of failure to provide this particular thing, it was never discussed. So I don't know where he gets the intent of the Legislature for doing something in the Omnibus. You know, I didn't want to -- but you brought it up, I didn't want to go over that. But that really irks me in that paragraph.

LEG. CRECCA:

That is what happened.

LEG. BISHOP:

I believe you.

MR. ZWIRN:

My understanding is that the disclosure form that they filed is the incorrect one as of this date.

LEG. CARACCIOLO:

That who filed? Which disclosure form, Mr. Zwirn?

MR. ZWIRN:

The County Attorney is here, but we did get a disclosure form from Touro, but it was for the wrong -- I believe it was for a vendor form, vendor disclosure form, as opposed to --

LEG. BINDER:

That I filed.

MS. BIZZARRO:

I have a copy of the form. I believe they filed the A -- Administrative Code A 5-7 form.

LEG. BINDER:

Not A-5, 6-B-2003.

MS. BIZZARRO:

Well, under Charter Law C 4-35, they were supposed to simultaneously with the filing of an application or written request for funding from the County, file an itemized listing of all prior years' expenditures specifically identifying the category of spending together with a detailed list of employees and compensation paid to such employees from all sources. That has not been done.

LEG. BINDER:

Where do you think Touro got the form from? Probably your office, because they needed to file --

MS. BIZZARRO:

It looks like our form.

LEG. BINDER:

Well, they needed to file, they requested a form, that's -- so you gave them the form to file, and they filed it.

MS. BIZZARRO:

I have no idea who gave it to them.

LEG. BINDER:

If they need to do something else, I'm sure Touro will file anything you ask then to file. It's not a problem.

MS. BIZZARRO:

I have no idea how they got the form.

LEG. TONNA:

Let's vote.

P.O. CARACAPPA:

Roll call.

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

LEG. BINDER:

Yes to override.

P.O. CARACAPPA:

Yeah.

LEG. COOPER:

No.

LEG. TONNA:

Abstain.

LEG. MYSTAL:

Yes to override.

LEG. BISHOP:

Pass.

LEG. NOWICK:

Yes to override.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Abstain.

LEG. COOPER:

Change mine to abstain, please.

LEG. CARPENTER:

Yes.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Change my vote to a yes.

LEG. BISHOP:

Change mine to a no, please.

LEG. CRECCA:

A lot of flipping going on.

LEG. BINDER:

Thank you for flushing Mr. Bishop out of Touro.

MR. BARTON:

11.

P.O. CARACAPPA:

The override fails.

Any other overrides?

LEG. CRECCA:

Yeah, when you did the Budget & Finance bills, there was one that was discharged from committee today, IR 1184.

P.O. CARACAPPA:

1184, it's before us, this was the special meeting of the Budget & Finance Committee - - - --

LEG. CRECCA:

Yeah, I'm going to make a motion to table that bill.

P.O. CARACAPPA:

There's a motion to table 1184 by Legislator Crecca, the Chairman.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. FOLEY:

Title; what's the title?

P.O. CARACAPPA:

It's amending the 2004 Operating Budget and transferring funds for the Family Service League, Social Services and Youth Program. There's a motion to table and a second. All in favor? Opposed?

LEG. LINDSAY:

Opposed.

LEG. MONTANO:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Lindsay, Legislator Montano.

LEG. COOPER:

Opposed.

P.O. CARACAPPA:

Legislator Crecca -- Cooper.

LEG. BISHOP:

What are we on?

LEG. CRECCA:

1184.

P.O. CARACAPPA:

It's a separate sheet. I just announced it on the record, it was done at a special meeting this morning.

LEG. BISHOP:

Oh, I see.

LEG. CRECCA:

It was done in -- there was a request that we discharge it out of committee today, we did that.

LEG. BISHOP:

Okay.

MR. BARTON:

15, it's tabled (Opposed: Legislators Lindsay, Montano & Cooper).

P.O. CARACAPPA:

Thank you.

While we're doing the amended versions, there's also **1196** from the Rules Committee that should be in front of you in a similar fashion as the last one, ***Adopting Local Law No, to establish criteria for Ethics Commission appointments.*** Is there a motion?

LEG. BISHOP:

Motion.

P.O. CARACAPPA:

Motion by Legislator Bishop.

LEG. COOPER:

Second.

P.O. CARACAPPA:

Second by Legislator Cooper.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Explanation.

LEG. CRECCA:

Yeah, this was a bill -- if I may? This bill was requested by the County Executive. In trying to work in a cooperative spirit together to do things, he asked us if we would discharge this out of committee today and move forward on it because there were some questions on it. We did that today out of the Rules Committee at the County Executive's request, at a special -- we held a special meeting this morning to do that, again, trying to work together and trying to end some of the partisan deadlock and gridlock that this Legislature had seen at its last meeting. And toward that end, we -- the Rules Committee felt that it was best to move it out and that's what we're doing. What the bill does is bars members of political parties, people who are appointed and employed by the County from serving on positions on the Ethics Commission.

LEG. BISHOP:

You don't have to go over the bill.

LEG. CRECCA:

Well, someone asked what the bill did so I'm just trying to explain what it does.

LEG. FOLEY:

Yeah, we asked for an explanation.

LEG. CRECCA:

It also bars family members -- parents, brothers, brothers-in-law, nieces, nephews, etcetera -- from serving on the commission if they are a relative of a -- I believe it's a department head, elected official, appointed County officials with the power to hire, fire or promote. You know, it goes in more detail than that, but that's the gist behind the bill.

LEG. MONTANO:

Question.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

Did you say motion to table?

LEG. CRECCA:

No, I didn't say motion to table. I gave my word that we would cooperate and work together, so I'm going to keep my word on that.

P.O. CARACAPPA:

There's a motion and a second to approve 1196. All in favor?
Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Back to the agenda.

PUBLIC SAFETY & PUBLIC INFORMATION:

1237-04 - Adopting Local Law No. 2004, a Local Law reforming and strengthening of procedure used in connection with the DWI Seizure Law (Alden).

MR. BARTON:

We did that.

P.O. CARACAPPA:

Motion by Legislator Alden.

LEG. FOLEY:

Second.

MR. BARTON:

Mr. Chairman, we did this.

P.O. CARACAPPA:

Oh, we did that? My mistake.

LEG. FOLEY:

No, we didn't do 1237.

P.O. CARACAPPA:

I don't remember doing that.

LEG. FOLEY:

We did 1327.

LEG. BISHOP:

Poet Laureate.

LEG. FOLEY:

We did 1327, we did not do 1237.

LEG. CRECCA:

We didn't do 1237.

P.O. CARACAPPA:

Yeah. There's a motion and a second on 1237. All in favor? Opposed? Abstentions?

LEG. COOPER:

Cosponsor.

LEG. MYSTAL:

Cosponsor.

LEG. CRECCA:

Henry, cosponsor on that one.

LEG. CARPENTER:

Cosponsor.

LEG. NOWICK:

Didn't we do that at Public Safety?

LEG. BISHOP:

Everybody but me.

P.O. CARACAPPA:

Don't put me on.

Okay, moving on. ***1288-04 - Amending prior Capital authorized appropriations for the Personal Body Alarm System for Riverhead Medium and Maximum Security Correctional Facilities (CP 3033) (Presiding Officer at the Request of the County Executive).*** Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1293, 1293A - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135) (Presiding Officer at the Request of the County Executive). Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

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

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yep.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yep.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1294, 1294A - Appropriating funds in connection with improvements to the Police 800 MHz Radio Communication System (CP 3221) (Presiding Officer at the Request of the County Executive). Motion by Legislator Carpenter, second by Legislator O'Leary. Roll call.

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

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1318-04 - Accepting a donation of \$36,000 from the Estate of Helen Hahn to the Suffolk County Police Department (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1325, 1325A - Amending the 2004 Capital Budget and Program and appropriating funds in connection with the purchase of an additional prisoner transport bus (CP 3047) (Presiding Officer at the Request of the County Executive). Motion by Legislator Foley, second by Legislator Bishop. Roll call.

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

LEG. FOLEY:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1333-04 - Creating a Task Force on Public Safety Staffing Levels (Carpenter). Motion by
Legislator Carpenter, second by Legislator Losquadro.

LEG. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Carpenter.

LEG. CARPENTER:

I just want to really straighten out or correct some of the comments that were made that I think were a little misdirected, perhaps is the way to say it.

When the Police Commissioner was here early today and he spoke about this particular resolution, he said that minimum staffing is where we're going with this resolution. Now, I am the sponsor of the resolution and I would think that I knew what my intention was and it certainly wasn't to challenge his prerogative to rescind the minimum staffing practice that had been in place, but rather to look at staffing in a global fashion at the department which is something that has not been done in a very long time. We've added a precinct in the time that I have been here, that precinct still is not staffed at appropriate levels, and if it means that we need to add police we need to have that information. And a logical way to go would be to create this task force, look at the issue, have the stakeholders that are involved participating and then come back with some recommendations.

Certainly no one -- and it was not designed to, quote, tell us where and in what numbers the department should have their various police officers in what department, it certainly was not in any way, shape or form meant to go back to featherbedding which the Police Commissioner justly said went out with the railroad. Certainly that was not anything that was in my mind when I thought that this would be an appropriate way to go.

I know there was some angst when the Police Commissioner withdrew the minimum staffing. I know in my office I had gotten some calls and I do know that there was some discussion and, you know, a reaction on the part of some that would have liked to have perhaps prepare a resolution that directed him to reinstitute the minimum staffing. But I feel that that certainly would have been micromanaging and I think in that realm we would have been justifiably criticized. But I certainly don't think that putting together a group of professionals to look at something as important as the staffing at the department, the very department that delivers

public safety to the residents and visitors to this County -- I know that the Police Commissioner feels that as the Commissioner he's in the policing business, these were all things he said this morning, and that he's trying to get the best bang for the buck and that in the policing business minimum staffing cripples commanders to respond to crisis situations. But I for one would find that hard to believe that having an adequate number of cars out would cripple responding to crisis situations.

So I would urge, you know, everyone to support this. Let this go forward and come back and see what recommendations might be given to us. And as I think Legislator Bishop said earlier about another resolution, it's kind of like chicken soup.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

Yes, I would take the opposite position. I heard the comments from the Police Commissioner this morning, I would say very clearly that this resolution is designed to go exactly where I think Legislator Carpenter said we would not go.

I think that we ought to allow the Police Commissioner the latitude to administer his department. I don't think the Legislature should be in the business of interfering with administration. These are administrative matters that the Police Commissioner has within his discretion. If we're going towards issues that I believe down the road will affect the collective bargaining between the County and the police union. I think that it's early in the process, there's always a reaction whenever there's a change in policy, but I would say that we ought to allow things to remain in the hands of the Commissioner.

The WHEREAS clauses indicate that the population has grown but crime has decreased; I think this may be an overreaction to some of the issues that were initiatives that were proposed by the Police Commissioner. I think we ought to hold off on this and not get into the area of micromanaging the Police Department, we're putting the Commissioner and his administration in the position where we may not want him at some point in the future. And I'll leave it at that.

P.O. CARACAPPA:

Thank you. Legislator Crecca.

LEG. CRECCA:

This is -- I think Legislators are reading a lot more into this than it is; it's a task force, it's to study staffing levels. I don't think the bill in any way, shape or form tries to take away power from the Police Commissioner in his responsibilities for staffing and taking care of that. But certainly this Legislature has always taken an active roll in County government. We examine issues on a regular basis, we use commissions and task forces to study for us and report back to us and that's all this is.

I hate to say it, but it's a much ado about nothing in the sense that, you know, I think people are trying to -- and I think the Commissioner is -- I mean, every statement he made was to the effect that you're interfering with my responsibilities and you're taking away my power; we're not taking away any of his power. No one is saying -- the bill doesn't say he has to do this or has to do that, he can do whatever he wants. But we're a separate branch of government and if we want to study staffing levels we should study staffing levels, and that's what this bill is about. You know, the day we start abdicating that responsibility or not respecting the fact that, you know, the Public Safety Committee feels that this is something that's worth while to do and look into, we start to give up some of our responsibility and our oversight function on the Executive Branch of government.

So I would urge my fellow Legislators to -- you know, why would you be afraid of gathering information and getting facts together to report back to us? It can only benefit the public, it can only benefit us, so I'd urge you to pass this bill.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

I think it's incredible to hear that a task force to examine something that we have a policy making roll over is micromanagement. That we would be doing something untoward towards the Police Department if we were to put together a group of people that would take a look at the issue, make sure the people of Suffolk not only are safe now but into the future, that adequate staffing levels are maintained, that we're adequately looking at issues that we are sworn to look at as elected officials; that's our job. And if we -- if this bill was a bill that had in it, "This will be

the staffing level. This is where you will have the staffing, this is how" -- well, that sounds like micromanagement to me.

But just the word that you see on the paper here, if you didn't have anything else but the title of the task force -- then I'll stop now -- the task force, then it seems to be very clear that this is something that is just a look/see and I think we should do that.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. In the past when we've created a task force, task forces have been created because of a problem that has been identified and a problem that then therefore needs to be addressed. At this point, the fact of the matter is that the Commissioner has only been in for two months, the way that we can fulfill our oversight responsibilities through the committee structure where on a monthly basis he'll be reporting back to the Public Safety Committee about his department. I would say give the gentleman several more months at the very least to do his job and if there is dissatisfaction with the way that he's managing the department at that point in time, well then certainly this -- whether it's a task force or whether it's simply the committee exercising its oversight responsibilities, can go in-depth on the issue of staffing. But I think at this point it's a little bit premature, the Commissioner has been in office -- well, in his position for only two months, is Commanding Officers at each of the precincts have wanted this kind of discretionary authority in order to have some flexibility and in order to address, as they see it in their professional judgement, the problems within their precinct at any given different part of the day. So he's gone forward with a certain management approach, the committee exercises oversight responsibility, it's going to have them report back on how that management approach is working and then after several months time, after this, if it's the feeling of those around the horseshoe that some changes need to be made to that, well then we can address it at that time. But I'd say give the new Commissioner a chance to work through or work on his management initiatives and then hold his feet to the fire in committee.

P.O. CARACAPPA:

Thank you. Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. I just want to point out in contrast to what some of the opinions are here today regarding a minimum staffing issue with respect to the Commissioner's comments, that's where this is going, nothing could be further from the truth. I mean, from one who knows, minimum staffing is clearly a mandatory subject of negotiations. And if minimum staffing does, in fact, occur, it will occur at the bargaining table between the respective unions and the County Executive branch of government.

What this task force will do is clearly give enlightenment, if you will, to this body as well as the people in this County as to how and where their officers are deployed. One of the things right from the Commissioner's own words, from his mouth, he has given the discretion to his precinct commanding officers to deploy the personnel as they see fit, but one of the things that has come out in committee is that this has not occurred. It's not the precinct CO's that are doing the deployment but rather low level management personnel such as Sergeants and Lieutenants.

Now, we're not looking to take away that prerogative of the management within the Police Department. The one thing, one responsibility that we do have is the responsibility to the people in this County and the people in this County should clearly know that their Suffolk County Police Department is sufficiently staffed and deployed for purposes of assuring to them that their safety concerns are not exacerbated as they should be with respect to what's been occurring over the last couple of months with this new Commissioner's administration. It's not micromanaging, it is simply doing a study on the current deployment of personnel. I would urge my colleagues to support this task force and I will also urge the task force themselves to bring to the table the various precinct commanders of the 7th Precinct to receive from them their expertise on what they think is sufficient personnel assignments throughout the County. Thank you.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

I have been on this Legislature for four months now, I've not been made aware that there were any issues with respect to public safety other than a change in policy by the Police Commissioner and then subsequent to that this resolution comes out. So are we saying that this resolution has no bearing or has no relationship to the change in policy and it's just something that came up at this point in time, or are we reacting to what was, in effect, an administrative change in policy from the Police Commissioner? And that's basically where I'm going with this.

I think at this point, as was said earlier, without a foundation that we've got a problem or there's something that we should look at, I think we're jumping the gun creating a task force that has representatives from three of the unions. This is something that I believe should be better left, as you indicated, to the collective bargaining process. If there's a problem we should know about it. There is another forum, there is another mechanism to deal with these issues, they should be brought to our attention. I don't know that we need a task force. I am not aware that there has been a problem. As a matter of fact, I'm aware in the WHEREAS clause that crime has been going down, that we have an excellent police force and we should allow a new Commissioner, new administration the leeway to do what they need to do to get the job done. I don't know that there's a problem that we should be addressing at this point with this resolution.

P.O. CARACAPPA:

Thank you. Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Legislator Montano, you referred to having a foundation and I think that in part this will address some of the concerns some people may have about the precincts having the discretion to determine those staffing levels; this could give them a foundation. This will be a tool for that management to use in determining what those staffing levels should be. It would be an outside perspective to give them an in-depth critique of what those staffing levels should be who are proper public safety and patrol. They can then use that -- this is not a mandate to them, this is another tool for them to use in their determination.

P.O. CARACAPPA:

Okay. Before Legislator Carpenter goes for the last word, I just want to remind everybody that a study we did in another public safety area recently, the Needs Assessment Study for the jail, came up -- it was similar to this, not in scope but in opposition. Originally the Sheriff was completely opposed to participating or even wanting a study, eventually and very quickly the Sheriff and his staff did participate, they were excellent and, low and behold, what they weren't looking for by way of a study they received in the study a determination that was advantageous to their position in the long run. So this just might be the case here.

My point is that Legislator Crecca's point is well taken, it's much ado about nothing. And believe it or not, this just might help the Police Commissioner just as it helped our Sheriff move forward

with what they're trying to accomplish.

LEG. TONNA:

Joe, could I just -- Joe?

P.O. CARACAPPA:

Yeah, Legislator Tonna.

LEG. TONNA:

Just looking at the legislation, what are we afraid of? It's a study, it provides information. The real underlying issue here is obviously the Police Commissioner is defensive and he sees that somehow we've encroached on his ability to command. The fact is is that if he reads the legislation, that's not what we do. We have a representative from the Police Department, from the PBA -- and by the way, they're still -- -- you know, there needs to be dialogue all the time from the Superior Officers, from the Detectives, from the Legislature, Budget Review and from the Presiding Officer's office, from the Legislative body, from the County Executive, from the County Budget Office and the Director of Planning; that is a pretty even keel of people who are going to study this. Maybe we're going to find out maybe this will be a great avenue for people to discuss some of the issues that they have, whether it be from the Executive Branch or Legislative Branch or whatever else.

So I see this -- this does not impede the Police Commissioner doing anything. It gives him information and it gives him an opportunity for dialogue and I'm supportive of this resolution.

P.O. CARACAPPA:

Thank you. Legislator Carpenter.

LEG. CARPENTER:

Thank you. And thank you, Legislator Tonna. I don't think we should ever be afraid of information and this clearly is what this is designed for.

And something else we need to be aware of and that is that over the years we have taken probably about \$10 million in COPS Ahead money and part of the requirement with taking those dollars and hiring those police officers were that we not go below a certain minimum staffing level. And I had a conversation with the Police Commissioner at the graduation on Friday and

he, in fact, is saying to me, you know, "When are we going to hire more officers?" And I said, "Well, we need to talk to the County Executive about that, too. " Yes, I believe we need to hire more officers, but before we go out there and throw on another class or two or what have you, we need to have the information.

And as Legislator Binder said, we are the policy makers, we are the ones that are going to have to be making those decisions and I think we need to have the information. So really, again, I'm going to ask that we have support for this resolution.

P.O. CARACAPPA:

There's a motion and a second on 1333. All in favor? Opposed? Legislator Viloría-Fisher, Legislator Foley --

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Okay; I could have done it.

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

LEG. CARPENTER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yep.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

12.

P.O. CARACAPPA:

1335-04 - Accepting donation of two (2) all-terrain vehicles (ATV's) from the Town of Brookhaven for the Suffolk County Police Department (Losquadro). Motion by Legislator Losquadro, second by myself.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

PUBLIC WORKS & PUBLIC TRANSPORTATION:

1295, 1295A - Appropriating funds in connection with the addition to Tri-Community Health Center, Amityville (CP 4022) (Presiding Officer at the Request of the County Executive). Motion by Legislator Mystal, second by Legislator Bishop. Roll call.

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

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. CRECCA:

One second.

P.O. CARACAPPA:

Tri-Community Health Center.

LEG. CRECCA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

LEG. ALDEN:

Just one quick comment, please.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I hope we're consistent on this. This is in addition to something that's used by a lot of people in Suffolk County and yet the Bay Shore Health Clinic has been closed for a number of years and I understand,

I think it's been eliminated from the Capital Budget. So I hope we're consistent in supplying the well deserved and well needed health services that our clinics provide. Thank you.

P.O. CARACAPPA:

Thank you.

1300-04 - Amending Resolution Nos. 884-1996 and 1037-1999 for participation in engineering in connection with the reconstruction of CR 57, Bay Shore Road, Town of Islip (CP No. 5523.110) (Presiding Officer at the Request of the County Executive).

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

MR. BARTON:

18.

P.O. CARACAPPA:

1301-04 - Amending Resolution No. 754-2003 for participation in engineering in connection with the reconstruction of CR 57, Bay Shore Road, Town of Islip (CP No. 5523.111) (Presiding Officer at the Request of the County Executive). Same motion,

same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1302-04 - Amending Resolution Nos. 884-1996 and 1037-1999 for participation in engineering in connection with the reconstruction of CR 57, Bay Shore Road, Town of Islip (CP No. 5523.110) (Presiding Officer at the Request of the County Executive).

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

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

P.O. CARACAPPA:

Yep.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1306, 1306A - Appropriating funds in connection with the County share for participation in the Clean Water/Clean Air Bond Act Projects (CP 8233) (Presiding Officer at the Request of the County Executive). Motion by Legislator Caracciolo, second by Legislator Vioria-Fisher. All in favor? Roll call.

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

LEG. CARACCIOLO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

RULES:

1282-04 - To amend Resolution No. 13-2004 (Presiding Officer Caracappa). Motion by myself, second by Legislator Carpenter.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Explanation. What this does is on the filing deadline day, instead of having the twelve o'clock hour as the end of business, I'm asking for a change to five o'clock.

LEG. ALDEN:

Twelve midnight.

P.O. CARACAPPA:

Twelve midnight, right, to five o'clock in the afternoon. It's for the purposes so that everyone knows when the end of the day is. We had some problems in the first couple of months with bills being filed after the five o'clock hour and no one was really quite sure as to when the filing deadline was; it currently does say twelve midnight, but I think it would be better primarily for staff that it be five o'clock.

LEG. FOLEY:

Mr. Chairman, we've had occasions in the past, not just this year but in years past, where resolutions would come over after five o'clock though, correct?

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

It's not a recent phenomena that there would be resolutions coming over at five.

P.O. CARACAPPA:

No, right.

LEG. FOLEY:

I recall during Gaffney's Administration --

P.O. CARACAPPA:

It was wrong then, too.

LEG. FOLEY:

Well, for many a time there would be resolutions come in after five simply because the way the work day had worked it's way through for the administration.

LEG. CRECCA:

On the motion.

P.O. CARACAPPA:

Legislator Foley still has the floor.

LEG. FOLEY:

With that in mind, I mean, is there -- I know you have concerns about the staff staying past five, is there another mechanism that could be utilized whereby your concerns could also --

P.O. CARACAPPA:

Late starters.

LEG. FOLEY:

That your concerns could be met with the same concerns that the County Exec has in the way that he conducts his business.

P.O. CARACAPPA:

I haven't -- I would be more than happy to consider a late starter, that's our outlet. And this is for amended bills as well --

MS. PASTORE:

Only.

P.O. CARACAPPA:

Only. So I think it just makes sense and I think we should support our staff that supports us 365 days a year.

LEG. FOLEY:

These are only for amended resolutions?

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Go ahead. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Yeah, I just want to add that the particular reason it's being done, I think the motivation behind the rule change, Brian, just so you're clear, is it is not just from the last couple of months, it's for the last year and the year before. It is -- it is not just -- not just the County Executive filing late, it's us. It's, you know, the things that go on as far as stamping something at eight o'clock at night, then making changes to it and then leaving it back in the Clerk's Office, leaving things when there's nobody there to receive it at the Clerk's Office; it's a recipe for disaster. It's a matter of having uniformity. And also when the rules say file it with the Clerk, it doesn't mean leave it on the Clerk's desk, it means filing it with a member of the Clerk's staff. And we that's what we all should be doing, I'm not pointing fingers at anybody because it was a blatant practice here in the past about filing things, you know, during the night and in all different ways and we're trying to make it a little more official and make it -- clean it up. And I think that's good ethics and I think it's good for all of government to do it that way and that way we don't have to worry about questions about whether something was filed at 11:59 P.M. or not, that's all.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Alden and then Losquadro.

LEG. ALDEN:

There's also -- I think we can look at this as a cost saving method. If we're forced to keep people here and you can't just expect one of the girls from the Clerk's Office to sit here till midnight by herself, so you're talking about possibly having security here, you're possibly having two or more people from the office of the Clerk sitting here till midnight on those dates. So, I mean, to be fair about it, it can be a cost effective method.

LEG. BISHOP:

Very noble of him.

LEG. MYSTAL:

I'll come and keep Henry company.

LEG. ALDEN:

That's very noble of you.

LEG. MYSTAL:

Henry, have some food.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes, I heard Legislator Foley refer to how the business day can sometimes play out and this is just formalizing the adage of lack of planning on your part does not constitute an emergency on my part.

So I think this is prudent to institute a formal deadline. Thank you.

LEG. MYSTAL:

Oh, that's so cute.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Yeah, my understanding is that there was a number--

LEG. BISHOP:

This is the most debated bill.

LEG. BINDER:

Well, we actually care about our staff, Mr. Bishop.

P.O. CARACAPPA:

Some of us do.

LEG. BINDER:

We actually care about the staff here.

LEG. BISHOP:

Okay, I'll take the bait, I'll go on the list.

LEG. BINDER:

There you go; I knew we'd get you on there. My understanding is that even of late, though we've been having this problem for some years, even of late what we've had is the situation where something would be promised to be over in five minutes, then another ten minutes, and then it would be a half an hour and then a half an hour later it would be hours and it could hours and everyone is sitting around doing literally nothing because there's no other business, waiting for something to come over because they're told that it's coming over. And since they're told and the filing deadline is not till 12, they have some obligation I guess to sit here through dinner, through whatever -- just to keep sitting here until finally at 11:59 something comes over, and that's if at all. And then if it doesn't come over, "Sorry, we tried, we didn't make the deadline," and so now it forces them from five o'clock to twelve o'clock at night, which is not fair to anyone, they have families like everyone here, they have things they have to do. It is I think unreasonable for us to do anything but do what we can to treat them fairly, five o'clock treats them fairly, it also treats us fairly in that we have a specific deadline, the County Exec will have a specific deadline, we'll all know what that deadline is and it's then our job to work to make sure we get the deadline, we beat the deadline; whatever it is, even if it's twelve, we can make the deadline. That's our job, and as long as it's clear to everyone. So I would hope that we'll all support this and support our staff.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

I think I have -- aware of the same place (sic). I have no feeling for you guys, you guys could work till two o'clock in the morning, the staff does have some -- I have a simple solution, give them more money.

LEG. BINDER:

You going to give them some of your pay?

LEG. MYSTAL:

You already took some of it. Give them more money and then we can keep them there till twelve o'clock, that will solve the whole problem.

LEG. CRECCA:

I'm sure the County Executive will be happy to support that.

LEG. MYSTAL:

I will lobby for the raise myself.

LEG. BINDER:

We'll take it out of his money.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

I do have to take the bait here, and I wish I was nearly as clever as I want to be. I just want to point --

LEG. ALDEN:

Me too.

LEG. BISHOP:

I mean, this bill comes from a place like this docile Clerk, this poor Clerk who's asked to stay, you know, in the drifting snow, to fight their way back to clock in, this arduous task of clocking in this piece of paper, leaving their family behind in tears. I mean, eight days a year, right, maybe eight or nine days a year, perhaps if across the street they don't have their act together, one of them has to come back, hopefully it would be the Clerk who would come back and receive this piece of paper, or even perhaps it could be faxed over with some sort of administrative change that would be more appropriate. I don't understand what the need was to preserve this five o'clock deadline, it really seemed like, you know, a really minor issue and not even worthy

of legislation, certainly not worthy of this debate and I'm sorry that I couldn't help myself to participate in it.

LEG. SCHNEIDERMAN:

Then let's end it; call the vote.

LEG. MYSTAL:

This is the anti-Darth Vader bill.

P.O. CARACAPPA:

No, it's not.

LEG. VILORIA-FISHER:

Mr. Chair?

P.O. CARACAPPA:

Go ahead, Legislator Vioria-Fisher.

LEG. VILORIA-FISHER:

I just want to ask the Clerk the mechanism. If there is a bill that has to be filed after five o'clock, is there a way this it could just be faxed over?

P.O. CARACAPPA:

It's amendments.

LEG. VILORIA-FISHER:

Or changes.

MR. BARTON:

This is the typically Monday eight day prior seven day rule deadline. We were just looking for some definition, when did the day end? Because we had inquiries as to when we would be leaving on that particular day and I was told that, you know, what are your office hours. There are other possible solutions to the dilemma, filing electronically or by fax, but the question was what time does your office close and we're open from eight o'clock in the morning until five o'clock every day, we have lobby hours at 8:30 till five o'clock and that's when we close. In the

past, the counsel's office would have the custodian open our door and put things in the office up until midnight, but that hasn't been happening.

LEG. VILORIA-FISHER:

Okay, but you're saying there are other solutions. Because we all know that during the work day there are calls that come in, there are people who come in and sometimes you don't get the finalized version done until after five o'clock and then you can't do it.

MR. BARTON:

I was looking for definition, just clarity as to what the deadline was.

LEG. VILORIA-FISHER:

Well, I suggest that we table it until we look for other ways of addressing this and having consideration for your time. If there is another way of doing it, I think we should table this and look for other ways to accommodate changes that might happen at the last moment. I know sometime when I'm working on something in my office I'm not -- I don't leave at precisely five o'clock and it would mean that even if you wanted to ask somebody a question, you would also be constricted to the five o'clock time.

LEG. ALDEN:

Just like we are.

LEG. BISHOP:

Did we get it out of our system?

P.O. CARACAPPA:

Not yet, there's more people on the list. Legislator Crecca again.

LEG. CRECCA:

Again, thanks. Henry, you have a time-stamp in your office?

MR. BARTON:

Yes, we do.

LEG. CRECCA:

Who uses the time-stamp when they're clocking bills in?

MR. BARTON:

Most of the time it's Donna Barci or Ann Marie Pastore, my staff assistants.

LEG. CRECCA:

Okay. Would you agree that it should be a staff member who's using the time-stamp?

MR. BARTON:

Of course.

LEG. CRECCA:

Of your staff?

MR. BARTON:

Of course.

LEG. BISHOP:

Or you.

LEG. CRECCA:

It's been --

MR. BARTON:

Or even myself.

LEG. CRECCA:

And when I say this, I don't point the finger at anybody but it's happened from various players in the Legislature that have time-stamped things in after the Clerk's Office is long closed, correct?

MR. BARTON:

Well, you know, when I'm looking for direction I go to the County Charter, I go to the rules of the Legislature; in this instance, I wound up with County Law. The County Law of the State of New York tells me that my office is to be open from nine to five, that's what it tells me.

LEG. CRECCA:

Okay. You know, look, the bottom line is, people, whether it's midnight or it's five o'clock, if you know when your deadline is you know when your deadline is. There's no reason -- I mean, I've been here nights where -- and I've asked them to wait, too, so I'm not -- you know, it affects me as much as it affects anybody else, I've had them stay. But I don't think it's right all of a sudden, you know, at 4:30 or a quarter to five, you know, Ann Marie or Donna is told to stay when they may have other plans or other people they have to care for that they're leaving for. It's a deadline, we have lots of deadlines, we have other deadlines for filing --

LEG. VILORIA-FISHER:

Would you yield a second?

LEG. CRECCA:

You know, I mean, that's --

LEG. VILORIA-FISHER:

I was just asking that we look at these other alternatives, like e-filing.

LEG. CRECCA:

We can still do that. But in the meantime, this is not such a burdensome role, it's not directed at anybody, let's -- you know, if you don't like the rule vote against it, I guess.

LEG. SCHNEIDERMAN:

There's a motion to table.

LEG. FOLEY:

I will note the fact that it's now ten after five.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Henry, what's the filing deadline for normal resolutions?

MS. BURKHARDT:

For filing.

MR. BARTON:

One o'clock.

LEG. ALDEN:

Abnormal resolutions, when is the time for --

MR. BARTON:

One o'clock.

LEG. ALDEN:

On what day?

MR. BARTON:

Wednesdays.

LEG. ALDEN:

So one o'clock in the afternoon. Are there any other filing deadlines that we have?

MR. BARTON:

There are other dates for discharge petitions, there's filing deadlines that I have for Public Hearings --

LEG. ALDEN:

Do they extend to midnight? That's my point.

MR. BARTON:

-- Public Notices.

LEG. ALDEN:

Do any of them go past the normal work day?

MR. BARTON:

No. I couldn't find another example in State Law where the day --

LEG. ALDEN:

I'll tell you what happens to me; if I'm going to court and I've got to file, I better get there when the Clerk's there, I better not get there at midnight because I thought of something else or --

LEG. CRECCA:

You can't fax paper to Ed Romaine.

LEG. BISHOP:

Except if you have an election petition you go to the judge's house.

LEG. ALDEN:

Right. Well, maybe you could, Dave.

MR. BARTON:

Maybe you can go to the post office and postmark it; I mean, there are other things but it just -- I look for definition.

P.O. CARACAPPA:

All right. Ladies and Gentlemen --

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

-- before I call the vote, just a point. This has nothing to do with partisanship, it has nothing to do with the County Executive versus the Legislature, trust me, I'm the one that came up with the idea and wanted change, this is about -- it's just the right thing to do, it's about uniformity, it's about showing respect to our staff that takes very good care of us day in and day out; it's nothing more, nothing less. If you don't want to do that then don't vote for it, it's that simple. All in favor? Roll call.

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

P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Despite my love of the staff, no.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

MR. BARTON:

15 (Opposed: Legislators Bishop, Montano & Foley).

LEG. CRECCA:

Profiles in courage.

P.O. CARACAPPA:

Thank you.

WAYS & MEANS & CONSUMER PROTECTION:

1194-04 - Adopting Local Law No. 2004, a Local Law to further strengthen the County Code of Ethics (Binder).

LEG. CRECCA:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Binder, second by Legislator Crecca.

All in favor? Opposed? Abstained?

MR. BARTON:

18.

P.O. CARACAPPA:

1197-04 - Adopting Local Law No. 2004, a Local Law to amend Local Law No. 34-1987 to permit seizure of vehicles of unlicensed home improvement contractors (Alden).

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Alden.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1241-04 - Directing the Director of Real Estate to locate property for a Police substation in Mastic Beach (O'Leary). Motion by Legislator O'Leary.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

LEG. MYSTAL:

Opposed.

P.O. CARACAPPA:

One opposition. Two, Legislator Montano and Legislator Viloría-Fisher.

MR. BARTON:

15, it's approved (Opposed: Legislators Mystal, Montano & Viloría-Fisher).

P.O. CARACAPPA:

1278-04 - Adopting Local Law No. 2004, Amending Local Law No. 20-2002, to provide accurate and truthful public disclosure of County Election Campaign Finances (Binder).

Motion by Legislator Binder, second by myself.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Explanation; Legislator Binder, do you care, as the sponsor?

LEG. BINDER:

The short answer of what this legislation is, all it does is it puts all of our filing in one place. Instead of us filing in two places and ending up on the cover of Long Island Press for not getting it to the -- as some of you have I think, including the County Executive for not being -- getting into the Campaign Finance Board. What this does is it gets -- it makes us file in the place where we should legally file and we have to legally file, Board of Elections. They will post it

instantaneously so we'll have Internet -- it will be on the Internet. They have already adopted a resolution agreeing to do this so it's not a question of whether we have any legal right to force them to.

And I think it's in front of you, everyone has a copy of what the Board of Elections had passed, they passed three things that they would -- number one, they would do all the provisions -- that's the Republican and the Democrat voted on this -- on all the hard copies that are exemptions, because some people can't file electronically. So if they are sent a hard copy only and it will be input, it will be input on a bipartisan basis, so it has to pass a Republican and Democrat muster before it gets put on the Internet so there's no question of what it says.

The last, they said that they would make an instantaneous link to the Campaign Finance Board and so this way they would have the information that Campaign Finance Board feels that it needs under the law, under the 1998 law, and so this way they can fill out their mandate under that resolution. So that's all -- that should be taken care of. But I think the crux of this is it streamlines the process and that's what I'm hearing that the County Exec wants to do is streamline and reform government; well, this would streamline and reform the filing process and make it easier for all of us.

P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

I just wanted to raise a point that came up during the Rules Committee. There was some question as to whether the County Legislature has the legal authority to direct the Board of Elections to do this since the BOE is a State agency. And as a result of that, the BOE prepared this, I guess, internal resolution saying that they're going to do this in any case voluntarily without any action being needed by the County Legislature. So since there is a legal question as confirmed by our Legislative Counsel that we may not have the authority to do this and since the BOE is planning to do this in any case voluntarily, there's no need for this resolution.

P.O. CARACAPPA:

Anyone else? Legislator Mystal, you're up.

LEG. MYSTAL:

I want to ask Counsel, could you respond to Legislator Cooper's addendum saying that you have said to him; hello? I'm trying to wake her up. It's about five o'clock, I know.

MS. KNAPP:

In committee Legislator Cooper asked me the question as to whether or not the Legislature had the ability to direct the Board of Elections, and my response was that there is a limited ability and that one would have to look at every -- a fairly comprehensive range of cases to be able to answer that question directly. And that because the Board of Elections passed a binding resolution, that I did not go further in my research.

LEG. MYSTAL:

Would we be -- are we correct by saying that because the Board of Elections passed a binding resolution that this resolution is not needed?

LEG. BINDER:

Can I answer the question? It's not a legal question; could I answer -- Legislator Mystal, would you let me -- may I answer your questions?

LEG. MYSTAL:

Go right ahead, answer it.

LEG. BINDER:

The answer to that is yes, we still need it because it has nothing to do with whether they have agreed to do it or not. If we don't pass this resolution we still need to file with the Campaign Finance Board, that's the point. The point is the duplicative filing will continue to happen and people will miss or the Treasurers who don't realize they had to do both; and in fact, it might actually add a burden because now if BOE starts asking for electronic filing we're going to have to electronic file both places and at least hard copy one place, and so now we've actually increased the burden a little bit. It would just seem to me if we can -- the idea is to streamline, one place, one filing, everything goes to one place and the Campaign Finance Board will have their information instantaneously and they will be set up that way.

P.O. CARACAPPA:

Legislator Cooper, again.

LEG. COOPER:

That's a disingenuous answer, in all due respect, particularly in the case of electronic filing. It's going to be filed electronically, you can either -- let's say you if you file with the Campaign Finance Board, either you could cc the BOE, just add them to the e-mail, or you could forward it, whatever you forward to CFB forward to the BOE, or you can do what this resolution says that they're going to do, the BOE's own resolution, provide a link to the CFB; well, the CFB could provide a link to the BOE. So there's no additional effort whatsoever on the part of the political committee treasurer.

There is this question as to whether we have this legal authority to do this in the first place since they're a State agency. I spoke to both Commissioner Katz and Commissioner Garfinkle, they're moving forward with this regardless of what the Legislature does. So because there was this legal question raised, because it's not necessary, because it's not duplicative in any way if we don't pass Legislator Binder's resolution, I feel that we should not do so and it could be problematic and set the wrong precedent if we were to approve the resolution.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

I disagree with Legislator Cooper as far as not needing to do it because you're saying that the Commissioners have said that they're going to do it anyway so why have the resolution. Commissioners change and I do feel that it would be appropriate to memorialize it in the form of this resolution.

P.O. CARACAPPA:

Legislator Cooper?

LEG. COOPER:

I raised that question because I had concern as well about future Commissioners and policies that they may follow, and I happen to have a lot of respect for the current Democratic and Republican Commissioners, less so in the past without going into detail. So I also had concern about whether they might revise their policy or implement changes of policy and they say that the way they were drafting their resolution, it would require -- if any changes were envisioned, it would require both the Democratic Commissioner and the Republican Commissioner to sign-off; neither one on their own could make any change. So that for me was sufficient reassurance that

this policy would remain in effect. And once again, there clearly is a legal question that has been raised. I would be willing to make a motion to table this until further research could be done and I think it would be in everyone's best interest to hold on voting on this until we at least know that we had the legal authority to do so.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

A few years ago I was willing to give this a try. We voted for this, we let the Campaign Finance Board put all our campaign finances on the Internet and I respected that, but what happened -- after a few years I found that we don't even need that. We have a Board of Elections that's monitored by the State of New York, the State of New York monitors agencies better than any organization, better than we can do. The State of New York will monitor the Board of Elections, the Board of Elections will do what the Campaign Finance Board is doing now, we don't need two agencies doing the same thing. The Board of Elections is monitored by the State, we trust them; God forbid we didn't trust them after all these years, shame on us. So with that, I will not support a tabling motion, I say that we move ahead with this and we do it now.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

This bill doesn't eliminate the Campaign Finance Board.

LEG. NOWICK:

No.

LEG. MONTANO:

So if we need to deal with that issue then we should deal with the issue in a global perspective. You know, I'll vote to table this bill if that's what comes, if not I'll vote against it.

P.O. CARACAPPA:

Okay. I would like to just say this obviously is duplicitous in nature in what the Campaign Finance Board is doing. We gave the CFB a shot in this regard, I supported it, I've supported

campaign finance from day one, but this is a separate issue from campaign financing, true campaign finance reform in Suffolk County. In my case they have failed miserably with relation to on-line reporting, and what I mean by that, I think you all know the mistake that Mr. Lutz made with regard to my reporting. He has become zealot in his approach to campaign finance and how he reports what we send him by way of our financial reports, that's a very dangerous thing. We try not as elected officials but as candidates, we try and for the most part we all comply with a whole host of stringent laws, and to have this guy in a unilateral way play judge and jury, and executioner in my case, is again with very vital important information that we try very hard to comply with that he's making public and that we have entrusted him to make public, for him to fail so miserably in my case, he could do it for each and every one of you. We should entrust the Board of Elections to do this job, not the Campaign Finance Board anymore --

LEG. COOPER:

Joe?

P.O. CARACAPPA:

Let me finish. The Campaign Finance Board anymore. Oh, and one other reason. Mr. Lutz and the Campaign Finance Board, they have not -- they didn't even give me the opportunity by way of a phone call to say, "Hey, I think we have a discrepancy here, there's a problem." No. What do they do? They run with a mistake that they made, they go to press agencies -- and again, this could be all -- it was me unfortunately, it could be all of you. They run to press agencies before they pick up the phone and call me and say -- or my treasurer for that matter. They run to the District Attorney over what he thought was a \$100 mistake before picking up the phone and calling me; that's inexcusable and it is a disgrace. The Board of Elections would have at least done me or my treasurer the justice of saying, "You made a mistake; is this a valid mistake and what are you going to do to correct it?" They're not zealots, they're professionals in their approach. This guy across the street is the furthest thing from a professional, he's outlived his usefulness in my regard. I still support the Campaign Finance Board, but when it comes to vital information from our campaigns through our treasurers and through us, he's not to be entrusted with that information anymore to the public; that's my personal feeling.

LEG. VILORIA-FISHER:

Mr. Chair?

LEG. COOPER:

Mr. Chair?

LEG. LINDSAY:

You're pretty strong about it.

P.O. CARACAPPA:

Yeah, I'm not trying to -- maybe I shouldn't sugarcoat it. Legislator Montano then Alden.

LEG. MONTANO:

Mr. Caracappa, I read the article that you're referring to, I've had some dealings with Campaign Finance Board in New York City, I agree with you wholeheartedly. What was done I think is a total outrage, there's no excuse for any person to run with that kind of information, publicize it without verifying, without checking, without the courtesy of calling the elected official or the committee to verify that the information as he understood it was accurate.

However, having said that, that doesn't change the essence of what this bill does. This bill does not deal with the individual. We should deal with the situation that you described separately and I don't think that the expressions that -- you and I both feel with respect to what was done and I do agree with you on that, it's an outrage that that would happen in this County or any other County, but I don't think that this bill addresses that concern and I think we ought to separate the two. There's got to be a better mechanism to deal with that.

P.O. CARACAPPA:

I'll just respond quickly. The way I think it does is they won't be doing it anymore and it will be with the agency that I feel much more comfortable with, that shows respect to us as candidates. That's why I think it changes it.

LEG. MONTANO:

All right.

P.O. CARACAPPA:

Legislator Alden then Cooper.

LEG. ALDEN:

Anybody that has any doubt on which way to vote on this, you should actually read what this agency has done with the collective data that they have gotten from us and read the commentary on this, the way that they reported this. This is in black and white, this commentary with every one of our --

P.O. CARACAPPA:

Editorials.

LEG. ALDEN:

Yeah, editorials and it effects every one of us. Maybe we don't all go to the DA's Office or have our data sent over to the DA's office incorrectly as happened to the Presiding Officer, but every one of us did get affected. So I would strongly support this.

P.O. CARACAPPA:

Legislator Cooper.

LEG. BINDER:

Joe?

LEG. COOPER:

I have a lot of empathy for the emotions that the Presiding Officer feels and if I was in your position I may well feel the same way. I don't want to be in the position of defending Lee Lutz because this is not about Lee Lutz. Even though Mr. Lutz is the public face on the Campaign Finance Board, he's just the Executive Director. It's the Campaign Finance Board that actually votes, it's the Campaign Finance Board that actually makes the decisions, it was the Campaign Finance Board that signed off on the report that was the cause of this controversy in the first place. And my understanding was it was a unanimous vote of the Campaign Finance Board to release -- to draft that report and to release the report. And I think there are at least two members of the Campaign Finance Board who are Republicans, they both also authorized the report. So it's not fair to blame Lee Lutz. If the reporter calls Lee Lutz and asks him to confirm some information in a report that the Campaign Finance Board unanimously approved, what do you expect Mr. Lutz to do; he confirmed the information that was in the report. It may well be that the CFB made a mistake, they're only human, Republicans and Democrats, I think there were two Republicans, two Democrats and an Independent as I recall. They unanimously

authorized the report, authorized the release of the report, obviously there were some errors; if anyone you blame them, you don't blame Lee Lutz, although Lee is an easy target but it's really not fair.

I don't think -- my understanding the 1998 resolution that created the Campaign Finance Board and the public campaign financing system which was overwhelmingly approved by the voters, I don't think we have the right, maybe I'm wrong but I don't think we have the right to, in effect, disband the CFB --

LEG. LINDSAY:

I have to talk.

LEG. COOPER:

-- or take away response -- it was the 1998 resolution that gave the CFB authority for compelling the data regarding campaign contributions and expenditures and gave them the responsibility for posting this in a manner so the public would have access to it. If we want to change that we can certainly change that, that should be a separate resolution; if not, I think the CFB has been given that responsibility. And as Legislator Binder said at the Rules Committee, if this passes, the CFB will still be running their website. There are going to be two websites, one with information that was posted directly to the CFB, one with information posted to the BOE that would be duplicative.

And so aside from the legal question that arose, aside from the fact that I think the 1998 resolution clearly gave this authority to the CFB. And number two, we cannot -- I don't believe that we can dictate who the Executive Director of the CFB is, that responsibility falls to the members of the CFB. You may not like Lee Lutz, if you don't like Lee Lutz and you would like to have him replaced, then when we have an opportunity to recommend new members of the CFB and I think there's an opening right now on the CFB, recommend someone else that agrees the way that you do. And right now Mr. Lutz has a contract, he has a contract I believe for this year, it will be up next year, don't reappoint him or urge the members of the CFB not to reappoint him. But right now the man supports his family, he's been working there diligently for the past few months, he comes to work every day 9 to 5, has not -- he has not drawn a paycheck since January 1st.

P.O. CARACAPPA:

He doesn't deserve one.

LEG. COOPER:

He's having difficulty meeting his mortgage payments; I mean, this is creating a real problem. So I don't think it's --

LEG. TONNA:

Tell him to get a job.

LEG. COOPER:

Excuse me. Excuse me, if you were in his position, how would you feel? The guy is -- excuse me.

P.O. CARACAPPA:

He's a zealot.

LEG. TONNA:

You asked me the question, I'll tell you how I would feel if I was in his position.

P.O. CARACAPPA:

Legislator Cooper has the floor.

LEG. COOPER:

He has a contract with the CFB. The CFB Republicans Gerry Asher and the other --

P.O. CARACAPPA:

I hold them all responsible for what happened, each and every one of them, not just Lee Lutz.

LEG. COOPER:

But that's my very point. You're griping --

P.O. CARACAPPA:

No, no, he made -- they were all at fault for what happened and for that, they've got to go.

LEG. COOPER:

They were all at fault but we cannot fire the members of the CFB, we don't have that authority,

you cannot reappoint those if you have -- I think that one of the appointments is under the jurisdiction of the Presiding Officer -- I may be wrong but I think that's the case -- another one may be the County Executive. You could recommend appointing whoever you want to, but you cannot disband or fire the members of the CFB and you can't dictate to them who to hire as their Executive Director. He already has a legal contract; if I'm wrong, I'll ask Legislative Counsel.

P.O. CARACAPPA:

Jon, I know -- we all know that, we all know that, and this is separate and apart. My point and my statement was don't fire, because this bill doesn't do that, in fact, we can't because it was created through a referendum, we all know that. What I'm saying is they should not be trusted with filings from elected officials or candidates anymore, that's why I'm saying.

LEG. CARACCIOLO:

Move the motion.

P.O. CARACAPPA:

Legislator Binder, then Legislator Mystal --

LEG. BINDER:

I'll yield for a moment to Legislator Mystal.

LEG. MYSTAL:

Binder is yielding to me. I am not advocating whether you vote yes or no on this bill, but most of you know me as a political operative in the past.

CHAIRMAN BINDER:

No.

LEG. MYSTAL:

I would suggest you check that website because the editorializing on this thing are not -- are things that I look for when I'm running to campaign against somebody, okay. I look for those things when I'm running a campaign against somebody. I'm not saying you should vote yes or no on this bill, but this is -- the editorializing is not -- it shouldn't be done.

P.O. CARACAPPA:

What Elie is saying is they editorialize each and every filing. They say things about candidates

that is -- and it's not their role; again, they become zealots. Legislator Binder, were you --

LEG. BINDER:

Yes, Mr. Chairman.

P.O. CARACAPPA:

Go ahead.

LEG. BINDER:

A lot of points to go over. What I'm hearing come out here is everyone says they're all at fault, everyone wants to get rid of them because they didn't do a correct job and we're stuck, there's nothing we can do, they're all at fault, so now what are we supposed to do? Are we supposed to continue to see them as the lead agency for our filings, for all candidate filings?

LEG. CARPENTER:

We can't.

LEG. BINDER:

We all agree what they did, yet we should say, even if this is ceremonial, let's say it doesn't change much. Should we continue to make the Campaign Finance Board the lead place where we're supposed to file and that they're supposed to post and so they should comment on us? I think not. I think at minimum we're making a mess, we're sending a message today that we're not happy about what happened.

Now, what was said by Legislator Cooper was what do you expect Mr. Lutz to do? They all pass it, what do you expect him to do? Well, I expect any director of any agency, even if there's a whole group that passed it, to turn back to the group that just passed it and say, "Whoa, do you see what you just did? Before we send this out, let me think, you might -- let me show you, you might want to reconsider. Do you see what this says?" Maybe they didn't read it. Would you expect the County -- you would expect the County Executive to come over here before we vote on stuff that he should tell us if he thinks there's a big concern with something we might do, even if we're ready to do a unanimous vote. And we would hold the County Executive, and so would others, hold the County Executive responsible, Republican or Democrat, if he did something that didn't make a lot of sense, and this didn't make a lot of sense. In fact, this, this was, as far as I'm concerned, malfeasance in office. It's malfeasance because he should have

seen this as the Director, that they were putting something in about a Legislator, about a candidate and going to -- we're talking the District Attorney about something that the Board of Election always allows us to amend, they call our Treasurer and allow us to amend it. It is outrageous that he did it.

Once the difference between the BOE and CFB? The BOE has a check and balance, they have a Republican and a Democrat and they watch each other like hawks. There is no oversight now. When we first passed this there were two bills; the history real quick was there was a bill to give everything to the CFB, there was a bill that I put in to make electronic filing. I guess Legislator Cooper liked the electronic filing part so he put that into his campaign finance bill and then the debate was where should we do, because then there were two identical bills, one was Board of Election and one was CFB. And everybody said, "Don't worry, the CFB, they are more independent, they're going to be better; the BOE, we can't trust them." That was the -- and that's why it worked the way it went. The BOE is a terrible place, we can't trust them; well, the truth is we can't trust the Campaign Finance Board. It's the BOE that we can trust, it's the BOE that has the staff, the computer staff to assist all of us as candidates and all of our opponents and everyone to make sure the filings are done as accurately, completely and easily as possible. They don't have that staff over at CFB, unless you want to give them that staff to ratchet it up to give us that kind of help, but they do have that at BOE already. They are the legal and statutory place where election information goes.

Also, that has been the way -- has been at every level, the Board of Elections has always been the lead agency. If you were looking on-line, just as someone, you're not sure where to look for someone's file, where would you look? Oh, I've got to find that Campaign Finance Board to find someone's filings"; no. The first place you would look as the public is you would look in the Board of Election website, that's where you would look, if you thought you would find it that's where you would look. You wouldn't look at some finance board that you never heard of.

Last but not least, it would seem to me there is really no argument about this, there is really no argument; we should give this to the Board of Election, that's where it should be. And then I think, as Legislator Montano said, we've got to do something about dealing with this Campaign Finance Board, they're out of control.

P.O. CARACAPPA:

Legislator Lindsay for the final word.

LEG. LINDSAY:

No, I pass.

P.O. CARACAPPA:

You're good? Okay. There is a motion and a second; actually there's a motion to table and a second.

LEG. CRECCA:

Who made the motion to table?

MR. BARTON:

I don't have that.

LEG. COOPER:

Motion to table.

P.O. CARACAPPA:

You seconded it, right?

LEG. MONTANO:

Well, Jon said he would make it and I said I would second it.

P.O. CARACAPPA:

Jon, did you make that motion to table or no?

LEG. COOPER:

I think I seconded it.

P.O. CARACAPPA:

There was a motion and a second? Is there a motion to table?

LEG. MONTANO:

I'll make a motion to table.

P.O. CARACAPPA:

There's a motion to table by Legislator Montano. Second by Legislator Cooper?

LEG. COOPER:

Yeah.

P.O. CARACAPPA:

All in favor?

LEG. BINDER:

Roll call.

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

LEG. MONTANO:

To table, yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. MYSTAL:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No to table.

LEG. CRECCA:

No to table.

LEG. ALDEN:

No to table.

LEG. LINDSAY:

No.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

No to table.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

(Not present).

LEG. CRECCA:

He's indisposed.

LEG. CARPENTER:

No to table.

P.O. CARACAPPA:

No way.

LEG. CARACCIOLO:

(Not Present).

MR. BARTON:

Five.

P.O. CARACAPPA:

There's a motion and a second to approve.

LEG. TONNA:

Roll call.

P.O. CARACAPPA:

Roll call.

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

LEG. BINDER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Abstain.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

I'll pass, please.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

(Not present).

LEG. CARPENTER:

Yes.

LEG. CRECCA:

He told me he was going to vote yes.

LEG. BISHOP:

Yes.

MR. BARTON:

13 (Opposed: Legislators Cooper, Montano & Foley - Abstention: Legislator Tonna - Not Present: Legislator Caracciolo).

P.O. CARACAPPA:

It's approved.

Now let's get this over with. ***1280-04 - Authorizing transfer of surplus County computers to First Congregational Church Early Learning Center (Alden).*** Motion by Legislator Alden, second by myself. All in favor? Opposed? Abstentions.

MR. BARTON:

17 (Not Present: Legislator Caracciolo).

P.O. CARACAPPA:

1292, 1292A - Appropriating funds in connection with the acquisition of IFMS Release 3.0 (CP 1782) (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Foley. Roll call. Hold on; on the motion, Legislator Alden.

LEG. CRECCA:

Don't we have to approve it and then do the -- this is on the bond?

P.O. CARACAPPA:

Well, Legislator Alden has some questions.

LEG. ALDEN:

This is the multi-million dollar --

P.O. CARACAPPA:

This is the IFMS.

LEG. CRECCA:

It costs like \$3 million, right?

MR. DONNELLY:

One point four.

LEG. ALDEN:

We passed it out without recommendation and there were some questions, whether you looked at other alternatives, whether you looked at the cost factors on this, whether you looked at doing it in-house, whether you thought about putting out an RFP. So if you can answer some of those questions.

MR. DONNELLY:

Yes to all of those. We did send a packet as you requested, hopefully everyone --

LEG. ALDEN:

Right, but I need it on the record, that's why I asked you. So what other alternatives did you look at, were they more expensive, you know, that type of thing.

MR. GONTASZ:

What we did was consult with other --

LEG. ALDEN:

I don't know if your mike is on.

LEG. CRECCA:

Yep, it's on. Just speak directly into the mike, it's on.

MR. GONTASZ:

I'm sorry. What we did is consult with other AMS users such as New York City, Westchester and some other counties about the same size of ourselves, for instance, Broward County, okay, who

have the same type of budget, same number of transactions they process on a yearly basis and we gleaned some benefit from their experiences, they brought in numerous vendors such as People Soft, Oracle, SAP and found that they had no additional functionality than we -- that's being offered by the new release of our current vendor and they were exceptionally more money.

MR. DONNELLY:

Just very briefly, we did look at other vendors, they ran on the order of 15 to \$20 million to build new systems. We looked at migrating the system to different platforms and because it would have been one vendor to another it was also 100% more expensive than what we're buying now. Westchester has already done it, they're having good results with it. No one is able to duplicate the system that we've got without spending five times the money. This is definitely the best way to go from the financial perspective, plus it brings a lot of additional functionality plus all the checks and balances that everyone was concerned about.

LEG. ALDEN:

Okay. In committee you testified that most of the money that's going to be spent here is on consulting services, it's not on hardware or software; is that not correct?

MR. DONNELLY:

That's correct.

LEG. ALDEN:

Okay. Did you look at hiring somebody in-house that could actually perform those services?

MR. DONNELLY:

No, we did not look at hiring; I can't hire a Computer Operator II at this point, never mind a consultant. And the bottom line is if I were to take my highest paid technician, I couldn't get someone from private industry to come in and do this kind of work for that kind of salary, and I'm talking as a person who is from private industry. We are a cheap game in terms of technical expertise.

LEG. ALDEN:

Here's my problem, and you would know the number better than I; how much is the personal services part of this contract?

MR. GONTASZ:

One million dollars.

MR. DONNELLY:

A million; of the million, three seventy-five. It's all for the experts who know how to migrate this system to the next system. Again, keep in mind please, we're not doing this because we just want something bigger and better, we're doing this because the hardware and software that the current system runs on is so old we can't support it. As I explained this morning, we were running around trying to find a piece of refurbished hardware that they shipped in from the west coast; we would have had a thousand people perhaps sitting around all day today except we were fortunate enough to find it.

LEG. ALDEN:

I think you established in committee the need for it, you know, County-wide. I just need to, you know, be clear in my mind also that you tried to look at every other possibility to do this as inexpensively as possible because to me, a million dollars, that's a lot of money to spend. And if we're spending it on labor basically, you know, we should have -- and I would hope that you did look at doing it in-house or whatever other alternatives that we had to try to accomplish it in the most cost efficient manner.

MR. DONNELLY:

I can look you right in the eye and say yes, we did that, we have been looking to do this project for more than three years, actually; there's no expertise in-house to do this kind of work. One of the biggest problems that Information Services actually faces is we're running such old systems with so few people who know how to run them, as they walk out the door we don't have anyone. We have problems already just trying to migrate this system because we don't have the experience in-house.

LEG. TONNA:

Let's go, come on.

LEG. ALDEN:

What you just said, and it's different than what you said in committee, that you did look at alternatives to this, you looked at possibly hiring someone else to come in and do this?

MR. DONNELLY:

No, I just clarified that point. Yes, we did look at different alternatives, completely new systems, migrations to other vendors, People Soft, for instance, rather than AMS; all of those alternatives were significantly more expensive. The only thing we did not do was look to hire in-house people to do the same thing. It would just be phenomenally expensive to bring that level of talent in for the year or year and a half that we actually need them and then keep them.

LEG. ALDEN:

But how much is -- when you say phenomenally expensive, a million dollars, that's phenomenally expensive in my mind. So it would cost more than that to hire a couple of people to come on staff to do this?

LEG. TONNA:

Because you've got to keep them.

MR. DONNELLY:

I couldn't get an Oracle programmer or an Oracle database design person for less than \$100,000 a year, and I'm talking low end here. These people are very high-tech, they get paid for their knowledge, we don't have that level of knowledge in Information Services; it's an expensive game.

LEG. ALDEN:

I'll suffer an interruption; go ahead.

LEG. MYSTAL:

Yeah, I just wanted to clarify something for you as somebody -- I think I know a little bit about computers. The kind of expertise that you are looking for, when he's saying I'm going to hire a consultant, he doesn't mean a consultant, he's hiring a consultant firm that has the expertise and the background to do what we have to do. To hire somebody in-house to do this, you will have to hire about ten people who are skilled in a range of different kind of software and hardware for the duration. Yes, you could do that for a million dollars, but then you're going to have to pay a million dollars for a long time, year after year after year after year to accomplish what they have to accomplish. I'm looking at the money, it's a lot of money, but it's a consultant firm. It's like if you want to build a house you have to go to the engineer, yeah, you could get

somebody to do a part of it, but then you have to retain that person forever and ever.

LEG. ALDEN:

I would defer to your expertise in this. So you think that the million dollars here, that's about market value?

LEG. MYSTAL:

That's cheap money.

LEG. ALDEN:

Thanks.

LEG. MYSTAL:

Trust me.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? That's a roll call.

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

P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes for IFMS.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Affirmative.

LEG. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1299-04 - Review of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act (Presiding Officer at the Request of the County Executive). Motion by myself, second by Legislator Foley.

MR. DONNELLY:

Thank you all.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. MYSTAL:

Are we voting on 1299?

P.O. CARACAPPA:

1299,yeah. Now ***1322-04 - Designating*** -- Oh, you have a question, Elie?

LEG. MYSTAL:

On 1299, we voted on that already?

P.O. CARACAPPA:

Yeah, we just did. Did you call the vote, Mr. Clerk?

MR. BARTON:

Yes.

P.O. CARACAPPA:

You can still ask a question.

LEG. FOLEY:

You want to reconsider, Elie?

LEG. MYSTAL:

No, Bishop has to go, never mind.

P.O. CARACAPPA:

Okay. ***1322-04 - Designating Youth Volunteer Day in Suffolk County to honor Suffolk County residents (Melissa Anderson and Jianna Garcia) (Presiding Officer at the Request of the County Executive).***

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

MR. BARTON:

18.

P.O. CARACAPPA:

1326-04- Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law in connection with the acquisition of the properties for improvements to CR 80, Montauk Highway, between NYS Route 112 and CR 101, Sills Road, Town of Brookhaven, Suffolk County, New York (CP 5534) (Presiding Officer at the Request of the County Executive). Motion by Legislator Foley, second by myself. Legislator O'Leary, rather. All in favor? Opposed? Abstentions.

MR. BARTON:

18.

P.O. CARACAPPA:

1340-04 - Approving appointment of relative of County Employee at Suffolk County

Legislative Budget Review Office (Jill Moss) (Presiding Officer Caracappa). Motion by myself, second by Deputy Presiding Officer Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

SENSE RESOLUTIONS:

Sense 17-2004 - Memorializing Sense Resolution requesting that the New York State Legislature ban the use of Mobile Infrared Transmitters (MIRT's) (Carpenter). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 18-2004 - Memorializing Resolution in support of State legislation to amend the composition of the Long Island Power Authority (LIPA) Board (Cooper).

LEG. COOPER:

Motion.

LEG. BINDER:

I abstain on the first Sense, Sense 17.

**** VOTE ON SENSE 17**.**

17-1 (Opposed: Legislator Binder).

P.O. CARACAPPA:

Sense 18, motion by Legislator Cooper, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 19-2004 - Memorializing Resolution supporting New York State legislation that would provide oversight for the Long Island Power Authority (LIPA) (Cooper). Motion by Legislator Cooper.

LEG. VILORIA-FISHER:

I'll second it.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 20-2004 - Memorializing Resolution in support of raising the minimum wage in New York State (Cooper). Motion by Legislator Cooper --

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

LEG. FOLEY:

Cosponsor.

LEG. VILORIA-FISHER:

Cosponsor.

LEG. BINDER:

Opposed.

LEG. MYSTAL:

Cosponsor.

MR. BARTON:

17-1 (Opposed: Legislator Binder).

P.O. CARACAPPA:

Sense 21-2004 - Memorializing Resolution requesting the New York State Legislature to amend the Retirement and Social Security Law for Suffolk County Park Police Officers (Carpenter).

LEG. BISHOP:

Who's against it? Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 23-2004 - Memorializing Resolution requesting Long Island Power Authority (LIPA) to select the "North Bellport Energy Center" as the location for the new power project (O'Leary). Motion by Legislator O'Leary, second by Legislator Losquadro. All in favor? Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 24-2004 - Memorializing Resolution requesting the New York State Legislature enact Long Island Workforce Housing Incentive Program (Schneiderman). Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. CARACAPPA:

Second by Legislator Cooper. All in favor? Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 25-2004 - Memorializing Resolution requesting the Federal government to enforce immigration laws (Caracciolo).

Motion by Legislator Caracciolo.

LEG. MYSTAL:

Question.

P.O. CARACAPPA:

Second by myself. On the motion, Legislator Mystal.

LEG. TONNA:

On the motion.

LEG. MYSTAL:

Yes. Are you implying that the Federal government is not enforcing the laws? I'm trying to understand the bill.

LEG. BINDER:

Cosponsor, Henry.

LEG. TONNA:

I'm a no.

P.O. CARACAPPA:

All in favor? Opposed?

LEG. MYSTAL:

I'm a no on that.

LEG. TONNA:

I'm opposed.

P.O. CARACAPPA:

Legislator Tonna and Mystal are opposed, and Legislator Viloría-Fisher and Foley and Montano and Cooper.

LEG. CRECCA:

Henry, mark me as an abstain on that one.

LEG. CARPENTER:

Me, too, Henry.

LEG. MYSTAL:

Roll call, Henry.

MR. BARTON:

No, I got it.

P.O. CARACAPPA:

Do a roll call.

MR. BARTON:

I have it. 10.

LEG. COOPER:

Change mine to an abstain, Henry.

LEG. BISHOP:

Is there -- on the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

Is there the provision -- I mean, this Sense Resolution says that the Federal government should enforce the immigration law, right?

LEG. FOLEY:

Yes.

LEG. BISHOP:

Is there anything else I need to know about?

LEG. FOLEY:

Everyone is in agreement with that.

LEG. BISHOP:

Right.

LEG. FOLEY:

I mean, all of us are in agreement with that. There's another RESOLVED clause, although, that has -- that stipulates or states that the County is also opposed to hiring halls within Suffolk County.

LEG. MYSTAL:

Yeah, that's why we were --

LEG. BISHOP:

But I'm not opposed to that.

LEG. FOLEY:

Notwithstanding the fact that there's already two in the County. So we all agree, and the record should be clear on this, that we all agree that the Federal government shouldn't force the laws --

LEG. BISHOP:

I would make a motion to table. I would ask that the sponsor remove that part of it and I would support it. I think that you're mixing two very different issues.

LEG. TONNA:

He doesn't want to do that.

LEG. FOLEY:

Second the motion to table.

LEG. TONNA:

No, come on.

P.O. CARACAPPA:

Motion by Legislator Bishop, second by Legislator Foley to table.

LEG. BISHOP:

Immigration laws should be enforced.

LEG. TONNA:

Just get rid of this.

P.O. CARACAPPA:

All I want to see is the opposed hands go up. Opposed to tabling; Legislator O'Leary, Vilorio-Fisher, Losquadro, Montano --

LEG. MYSTAL:

Just kill the damn thing.

P.O. CARACAPPA:

-- myself, Carpenter, Alden, Crecca, Mystal and Tonna. It fails.

Again, we'll do motion to approve and a second. Roll call.

LEG. TONNA:

No, we already did it, you have it already.

MR. BARTON:

I have it.

P.O. CARACAPPA:

No, the votes were jumping in and out. Just do the roll call and clear it up.

LEG. TONNA:

He's got it; he doesn't have to stay late anymore now. Just call the vote.

P.O. CARACAPPA:

On the motion, Legislator Nowick.

LEG. TONNA:

Just call the vote.

P.O. CARACAPPA:

On the motion, Legislator Nowick.

LEG. NOWICK:

Just a quick question. If we -- what did you say in your RESOLVED clause, that there would be no hiring halls, is that what you're saying; is that what it reads?

LEG. CRECCA:

Change me to a yes.

LEG. CARACCIOLO:

We're opposed to it.

LEG. NOWICK:

We're opposed to hiring halls; are we opposed to hiring halls that Suffolk County pays for or just opposed to hiring halls?

LEG. CARACCIOLO:

No, that Suffolk County --

P.O. CARACAPPA:

Taxpayer funded hiring halls. Roll call.

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

LEG. CARACCIOLO:

To approve, yes.

P.O. CARACAPPA:

Yeah.

LEG. COOPER:

Abstain.

LEG. TONNA:

To approve? I'm against.

LEG. BINDER:

Yes, I'm against taxpayer funded hiring halls.

LEG. MYSTAL:

No to approve.

LEG. BISHOP:

I'm for half the bill and against half the bill, so I'll abstain.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Pass.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

Abstain.

LEG. ALDEN:

Abstain.

LEG. O'LEARY:

Abstain.

MR. BARTON:

6.

LEG. BISHOP:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Bishop?

LEG. BISHOP:

I have just been informed by my colleague --

P.O. CARACAPPA:

It says all hiring halls.

LEG. BISHOP:

-- that the language says all hiring halls, not taxpayer funded hiring halls.

P.O. CARACAPPA:

Okay, so that means you're going to vote --

LEG. BISHOP:

No, I would just reiterate that there should be a motion to table and this bill should come back in its correct form.

P.O. CARACAPPA:

It's just about to fail.

MR. BARTON:

Six.

P.O. CARACAPPA:

It fails.

CN's (CERTIFICATES OF NECESSITY):

1212-04 - Amending the Adopted 2004 Operating Budget and creating the position of

Director of the Suffolk County Ethics Commission.

LEG. LOSQUADRO:

Motion.

P.O. CARACAPPA:

This was spoke about this morning. Mr. Zwirn, just come on up here.

LEG. CRECCA:

Can you just point out for us, Mr. Zwirn, what the changes were from the original bill.

MR. ZWIRN:

Certainly, Legislator Crecca. What this does, this bill was supported at the committee level. Civil service came in, we had in our proposal called it the Executive Director, their title was Director of Ethics and they changed it from an exempt to a non-key position, and that's the only change. The money is the same, everything else in the bill is the same, it's just corrected that way.

P.O. CARACAPPA:

Okay. All in favor? Opposed? Abstentions?

MR. BARTON:

Mr. Chairman, I need a motion and a second.

P.O. CARACAPPA:

Oh; motion by Legislator Vilorio-Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1091-04 - To streamline and consolidate county government by eliminating separate County Department of Aviation. Motion by Legislator Schneiderman, second by Legislator Vilorio-Fisher.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1391-04 - Making a SEQRA determination in connection with the proposed revised improvements to the Hauppauge Youth Organization Sports Complex Facility, Town of Islip. Motion by Legislator Crecca, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1392-04 - Making a SEQRA determination in connection with the proposed licensing agreement with the U.S. Golf Association (USGA) and Francis Gabreski Airport, Westhampton Beach, Town of Southampton. Same motion, same second, same vote.

LEG. SCHNEIDERMAN:

I'll make the motion this time.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1445-04 - Authorizing certain technical corrections to Adopted Resolution No. 209-2004.

LEG. VILORIA-FISHER:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1446-04 - Authorizing the County Clerk to file an application for additional State Mortgage Tax Reimbursements.

LEG. CARPENTER:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1447-04 - Accepting and appropriating an amendment to the college budget for a Grant award from New York State Education Department for an Adult Basic Education and Literacy Services Program 100% reimbursed by Federal Funds at Suffolk County Community College. Motion by Legislator Foley, second by Legislator Carpenter. All in favor? Opposed? Abstentions.

MR. BARTON:

18.

P.O. CARACAPPA:

LATE STARTERS:

I'll make a motion to waive the rules and lay on the table, with a second from Legislator Mystal,

Resolution 1440 and set the Public Hearing for May 11th, this is going to go to Health and Human Services; 1441 to Budget; 1442, Health and Human Services; 1443, Economic Development; Sense 40 to EPA; and 1448 to Budget. All in favor? Opposed? Abstentions? Those are laid on the table.

Is there any other business to come before the Legislature today?

We're adjourned.

[THE MEETING WAS ADJOURNED AT 5:59 PM]