

**SUFFOLK COUNTY LEGISLATURE  
GENERAL MEETING  
EIGHTEENTH DAY  
NOVEMBER 16, 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  
LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

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

**P.O. CARACAPPA:**

Mr. Clerk, roll call, please.

**MR. BARTON:**

Good morning, Mr. Chairman.

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

**LEG. CARACCIOLO:**

Here.

**LEG. SCHNEIDERMAN:**

(Not Present).

**LEG. O'LEARY:**

(Not Present).

**LEG. VILORIA • FISHER:**

(Not Present).

**LEG. LOSQUADRO:**

Present.

**LEG. FOLEY:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

(Not Present).

**LEG. KENNEDY:**

(Not Present).

**LEG. NOWICK:**

(Present).

**LEG. BISHOP:**

Here.

**LEG. NOWICK:**

Here. I was here.

**LEG. MYSTAL:**

(Not Present).

**LEG. BINDER:**

(Not Present).

**LEG. TONNA:**

Here.

**LEG. COOPER:**

(Not Present).

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

Here.

**P.O. CARACAPPA:**

Here.

**LEG. O'LEARY:**

Mark me present, Henry, please.

**LEG. NOWICK:**

Henry, you got me, right?

**MR. BARTON:**

Thirteen.

**P.O. CARACAPPA:**

Thank you. Will everyone, please, rise for a salute to the flag, led by Legislator Nowick.

***(Salutation)***

Please, remain standing. I'd like to recognize Legislator Tonna for the purposes of introducing

today's clergy.

**LEG. TONNA:**

Rabbi.

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Thank you very much. It's an absolute privilege and honor for me to introduce our clergyman today, Rabbi Jeff Clopper, who's the Senior Rabbi of Temple Beth El, a long established congregation affiliated with reform Judaism, located on Park Avenue in Huntington. Rabbi, thank you.

**RABBI CLOPPER:**

And thank you for this opportunity to be here as we embark on important work for the people of our County.

Many years ago, a Rabbi taught, when you arrive at a place and do not know the nature of its people, pay attention to its public servants. When they are righteous and wise, so, too, will be the people of that place.

And so, to you, honorable Ladies and Gentlemen of the Legislature, you who have demonstrated your dedication and your wisdom, I say on behalf of the communities of faith, we are blessed to be guided by you, to have leaders who seek to use their knowledge and their compassion in learning from the past, working for the present, and moving us forward to a hopeful future. Yet, our times are uncertain in a world so torn apart by war, destruction, misunderstanding and hatred. Let this place be a safe haven where all are welcomed and embraced. There is difficult work to be done to address the needs of our community, and so we look to the divine source of wisdom and pray that our efforts will be fruitful.

We ask you, Oh, God, to be with those who are gathered here this morning. Grant them resolve to face the challenges and the strength to work together in uniting our County. Stand by them and all who are working in the name of freedom and democracy, and may we look

forward to the day when the blessings of justice and mercy, of goodness and joy, will be the standards by which all will govern their people and their lands. It is said in Hebrew (Prayer Said in Hebrew), may God grant all of us strength, and grant everyone everywhere with the sweetest blessing of all, the blessing of peace. And to this, let us all say Amen.

***(Amen Said in Unison)***

**LEG. TONNA:**

Thank you so very much.

**P.O. CARACAPPA:**

Thank you very much. Good morning, everyone. I'd like to recognize Legislator Carpenter for the purpose of presenting a proclamation.

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

Good morning. I'm really pleased this morning to have this proclamation that, by the way, has been signed by all 18 Legislators. Actually, 17, we did not have Legislator Kennedy yet. But we are recognizing the kick-off of the Kettle Campaign for the Salvation Army here in Suffolk County. And I'm joined by Captain Mitchell Brown and Paul Vincent, who's the Executive Director of the Salvation Army here in Suffolk County. And I know that everyone is well acquainted with all the good works that The Army does. And I particularly am pleased that Legislator Lindsay is joining me at the podium, because Legislator Lindsay also serves on the Advisory Board, as I do, of the Salvation Army in Suffolk County.

And I just wanted to ask everyone this season, when you pass those kettles, if you could be a little extra generous, because there are so many in need. And, also, The Army has been •• some of the places that normally would have been welcoming to the Salvation Army kettles at the holiday time are no longer allowing them to be there, so that, needless to say, is going to be a little problematic, and we'll be seeing a decrease in the amount of donations that comes in and, unfortunately, making it that much more difficult to help those that really need.

And one more thing I would just like to mention, and that is the Angel Tree Program. And I know that it's at the Westfield Shopping Mall in Bay Shore. And this program is basically an opportunity to go in, pick up an angel that has a child's name and the wish list that this child has. And people have been so generous in, you know, getting these angels, buying the gifts,

wrapping them, bringing them back to the site, and the Salvation Army distributes them, and making Christmas and the holidays special for these children.

So, without further ado, I would like to present this proclamation on behalf of the Suffolk County Legislature, on behalf of the million•and•a•half residents that we represent here in Suffolk County to thank you for the good work that you do, wish you luck as you kick off the Kettle Campaign, and that will be Thursday, at 2 o'clock at Smithaven Mall in Lake Grove.

***(Applause)***

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

Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. I just wanted to say that the Salvation Army is a Christian organization, but in times of need, it serves people of all faiths, of all beliefs. It's a great organization, and we should all support it. Myself and Angie Carpenter, Legislator Carpenter, during the holiday season will be ringing a bell in front of a kettle for a couple of hours. And I kind of put out the challenge to all my fellow Legislators and people that work in the Legislature, you want to spend a couple of hours for a worthy cause, try and volunteer for the Salvation Army, it's a great thing to do.

**CAPTAIN BROWN:**

On behalf of the Salvation Army, I would like to thank you for this honor, declaring this proclamation today in our Kettle kickoff.

I just want to note one thing. Those individuals that are Legislators through the Huntington Station and Commack, we do have kettle stands in this area, so, like Angie said, you're more than welcome to come out for a couple of hours to donate your time. I am from the East Northport course, so we serve Commack and Huntington, as well as some of this area. So, we look forward to your challenge that has been laid before you this morning to help the Salvation Army during the holiday season.

It's over 130 years when William Booth started the Salvation Army and is continuously meeting the needs of those less fortunate than ourselves. It is during the holiday season that we all

come together under one banner to serve our community faithfully. And I would like to thank you for this privilege of coming before you this morning and accepting this. May God bless you.

**P.O. CARACAPPA:**

Thank you so much. Thank you, Legislator Carpenter and Lindsay. We're going to go to •• before we •• owe he was here a second ago. We'll go directly to public portion. I have quite a few cards this morning. Keep in mind, you have three minutes to speak. This is your time, it's not a question and answer period. If you go over your three minutes, I will ask you to sum up your comments, and so we can move on to the next speaker. The first speaker is Judge Salvatore Alamia. Alamia.

**JUDGE ALAMIA:**

Actually, you were right the first time.

**P.O. CARACAPPA:**

I had it right the first time?

**JUDGE ALAMIA:**

Absolutely.

**P.O. CARACAPPA:**

All right.

**JUDGE ALAMIA:**

At least that's the way my dad would have pronounced it. It's indeed a pleasure to appear this morning before so many friends.

**P.O. CARACAPPA:**

Welcome.

**JUDGE ALAMIA:**

I don't know if this thing is working, but I never have a problem being heard, so whether it's assisted by the electronics or not.

I preside over the Suffolk County Drug Treatment Court. It is best described as a problem-solving court. More specifically, it is a court that utilizes the Criminal Justice System to coerce compliance with drug rehab, drug treatment.

I don't think I have to remind this austere body that drug addiction afflicts the world, and Suffolk County really is no different than any other part of the world. Some of you, I know all of you have been invited to our graduations. We have graduated over 550 individuals from our program in the seven years that it's been up and running. Actually, by the end of this year, it will be eight full years.

The reason I asked to address you today is because, consistent with the philosophy and approach of the Criminal Justice •• of the Drug Treatment Court, which is to utilize the Criminal Justice System to coerce compliance with drug rehab, it is necessary that I have a facility to which I can commit and sentence individuals where they can get drug treatment.

One of the things that we lack in this County is a lock-down facility for individuals that need a lock-down facility. If I mandate them to Phoenix House, Phoenix House has a back door as accessible to them as the front door, so they may come in the front door, even if court mandated, and simply walk out the back door. A lock-down facility, or what the correction people call a "soft facility", will house them, they cannot walk away, and they can get drug treatment.

Now, this program that I understand, or this construction project, capital project, is to develop and expand the plant, the DWI, Alternate DWI Facility to include drug treatment, as well as alcohol treatment. Now, alcohol is a drug, it's a liquid drug. And what we have found, and I've been doing this, come January '05, eight years, is that individuals are addicted to hard drugs, solid drugs, as well as liquid drugs. We find very, very, very few that are addicted to cocaine or heroin or Ecstasy, or any of the other drugs that are available, are not also abusing alcohol.

I really would like to answer some questions. I know Legislator Bishop and I have discussed the alternative to jail, but without the facility available and without the threat of incarceration, we cannot get compliance. We cannot kneel and pray together for the individual to deal with his addiction. There must be some teeth to what we do. Any questions?

**P.O. CARACAPPA:**

Well, there would be no questions at this time. I don't know if you plan on staying until we •• when we debate the bill. I'm sure you can't, but ••

**JUDGE ALAMIA:**

No, the State pays me to work.

**P.O. CARACAPPA:**

Yeah. Yeah, absolutely. But we do appreciate your coming down and giving your opinions on it. This is strictly a public portion where the speaker has his time, and we don't ask questions, we just listen.

**JUDGE ALAMIA:**

Very good. But I just want to emphasize again that it is important that I have such a facility, so that I can sentence someone to jail, but to a jail facility where that person can get help for his addiction to alcohol and solid drugs, be they cocaine, heroin, or what have you. So, thank you for your attention.

**P.O. CARACAPPA:**

Thank you, Your Honor.

**JUDGE ALAMIA:**

I appreciate it.

**P.O. CARACAPPA:**

Maureen Dolan, followed by Viola Henning.

**MS. DOLAN:**

Thank you. I'm Maureen Dolan with Citizens Campaign for the Environment, and I'll be speaking on the LEEDs Pilot Program.

CC strongly supports the LEED Pilot Project. CC encourages Suffolk County to become a leader in the development of LEED buildings in New York, this resolution being the first step towards that goal.

LEED certified buildings have enormous environmental and health benefits for the surrounding area, as well as improved health for the building workers. LEED buildings encourage sustainable site selection, have improved water efficiency methods, promote the use of energy efficient and recycled building materials, and encourages the investment of renewable energy sources.

Currently, San Jose City requires that all new city government buildings larger than 10,000 square feet meet the U.S. Green Buildings Council's standards. More than a dozen other cities across the nation, including Los Angeles, Portland, Seattle and Dallas have passed similar legislation.

LEED certified buildings promote and encourage the use of renewable energy and energy efficiency, thus decreasing our dependence on fossil fuels, such as coal, oil, and natural gas.

All of New York experiences the considerable impacts of nonrenewable resources, such as acid, poor air quality, degraded water quality, and contamination of fish from toxic atmospheric deposition. Thousands of individuals in New York State have respiratory problems associated with poor air quality caused by pollutants from fossil fuel energy production. By contrast, using locally generated renewable energy contributes to better human health, and helps to reverse some of the most serious environmental threats from acid rain and global climate change.

By using LEED certified buildings, we are promoting water efficiency and better wastewater technologies. Approximately four million Long Islanders depend upon underground •• our underground aquifer system to provide clean drinkable water for their home and business. This is why it is so important for buildings to maximize water efficiency and to not add further strain to our aquifer system.

The long•term cost benefits of using the LEED certification method grossly outweighs the slight increase in upfront costs. It has been shown that LEED certified buildings improve workers' health, resulting in a decrease in health cost, and increase workers' productivity. Studies found that constructing a certified green building costs on average zero to two percent more than a traditional building of the same size, but the extra cost yields a tenfold savings over 20 years through lower energy and water bills, reduced waste disposal costs, and increased productivity and health of workers.

LEED accreditation and green building promotions are spreading throughout our country. CC encourages Suffolk County to be at the forefront of this movement, and strongly supports the passage and implementation of this resolution pilot project.

**P.O. CARACAPPA:**

Thank you.

**MS. DOLAN:**

Thank you.

**LEG. VILORIA • FISHER:**

Thank you very much.

**P.O. CARACAPPA:**

Viola Henning. Oh, before she speaks, I'd just like to take this time to congratulate and welcome our newest member of this body, Legislator Kennedy from the 12th District. Congratulations on your special election.

***(Applause)***

**LEG. KENNEDY:**

Thank you, Mr. Presiding Officer. I'm pleased to be here, and looking forward to being able to serve the people of the 12th Legislative District and folks in the County of Suffolk. Thank you very much.

**P.O. CARACAPPA:**

Thank you. Though you've been sworn in privately, we'll be doing a public swearing in at the next meeting, so your family could be present, right?

**LEG. KENNEDY:**

Absolutely, yes.

**P.O. CARACAPPA:**

Okay.

**LEG. KENNEDY:**

As a matter of fact, we're looking forward to it. Thank you.

**P.O. CARACAPPA:**

Very good. Congratulations again, and welcome. Miss Henning.

**MS. HENNING:**

Hello. My name is Viola Henning. Thank you very much for pronouncing it correctly. I'm here to speak on behalf of RELI, Renewable Energy Long Island, as •• in my capacity as Program Manager for that organization. I'm sure you're familiar with our Executive Director, Gordian Raacke, and we thought you might want to see a new face today, so here I am.

First, I want to thank Legislator Viloría•Fisher for introducing Resolution Number 1754, which I'm here to speak in favor of. This resolution, as Maureen indicated, would identify an approved Suffolk County project to be designed and constructed in accordance with a Green Building rating system, known as LEED, Leadership in Energy and Environmental Design. This program establishes a green building, what exactly is a green building, by establishing a common standard of measurement based on points for siting, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality of buildings.

And, as you may recall, last year, we supported a bill, also presented by Legislator Viloría•Fisher, that would have required all Suffolk County buildings to be built by these LEED standards. And we find this pilot project to be in line with our previous position, and we feel that this •• a LEEDs certified Suffolk County building would be a step in the right direction for many reasons, many of which Maureen already covered, and are also included in the resolution itself, but I just wanted to underscore a few of them.

First off, this would be would be good for the environment. If Gordian has done his job well, and I believe that he has, you already know the problems associated with power plants and the emissions that they produce, and reducing energy use, in turn, reduces those emissions.

This would also be good for taxpayers, because, as the resolution indicates, buildings use a tremendous amount of energy. And so every effort towards energy efficiency will save taxpayer

money. While upfront costs tend to be higher, the cost of operation is significantly reduced, so over time, this project will definitely be worth it.

And in addition, these LEED buildings have been shown to increase workplace productivity, so Suffolk County residents will be getting more for their money due to reduced sick time and absenteeism.

And the rating system itself says it all. It's Leadership in Energy and Environmental Design. You know, government should be a leader, and this is a great opportunity for Suffolk County to lead by example. So, please send the right message to Suffolk County residents and vote in favor of this bill. Thank you.

**P.O. CARACAPPA:**

Thank you. Next speaker is William Pearson, followed by Peter Caradonna.

**MR. PEARSON:**

Good morning. My topic this morning is basically about the illegal aliens in our community. I just got a few statements, and then I'm going to leave.

Illegal aliens in our County should be arrested and deported, bottom line. The County has reached a crossroads and then they have to make a decision on who they want to represent, the aliens or the citizens of this County.

I support Mr. Levy, and those of you who are on this board should also support him, in representing the citizens of this County in his •• in his endeavor to probably ultimately get rid of the •• you know, the people here that are coming from other countries that do not belong and using our resources. We don't know what crimes they committed in their countries, because we don't know who these people are in the first place.

And finally, to those people who make statements, and I've heard them from many people, that our children do not want to make •• you know, do not want to work, well, our children are making the ultimate sacrifices in Iraq and in Afghanistan in defense of this country and the laws that you guys are supposed to protect for them when they come back. You know, they shouldn't come back to a country that's represent •• that has representatives that protect their rights, not the illegal alien rights. And, basically, that's the ultimate sacrifice our kids are

making for our country. And I don't see illegal aliens getting drafted. They ran away from their countries. Our kids are staying to defend the Constitution of this country.

And these illegal aliens are also using up our resources. Our medical, our health care systems are really, really abused, and most hospitals are going under, 22 I think in Suffolk and Nassau.

So, I just want the Legislature to know, I support Mr. Levy, and a lot of other people do. And you guys represent all people, not just one nationality, by the way. So, I want you guys to remember that the public do remember •• does remember at the voting time. Thank you.

**P.O. CARACAPPA:**

Thank you. Peter Caradonna, followed by Cesar Malaga.

**MR. CARADONNA:**

Good morning. My name is Peter Caradonna. I'm Chair and founder of the U.S. Green Building Council's Long Island chapter. I've been involved in the green building movement ever since I've started my architecture practice here in Suffolk County in the Year 2000.

When I was a young architect and we were starting out in my practice, and I was working for an architect in New York City, we were presented with what were called the High Performance Green Building Guidelines by the City of New York back in 1995. Those guidelines indicated to me that the building industry would be taking a new role and a new look into the future as to what we would be doing in terms of how we would be building buildings and what those buildings might turn out and look like.

When I started my own practice, I joined the Council. My membership is number 350. There are now more than fifty•five hundred members of the U.S. Green Building Council worldwide. That includes a membership now of well over 1.5 million people in the building industry. That includes architects, engineers, developers, material suppliers. The organization is an organization that is a collective and very unique that it is a collective of the building industry.

LEED has changed a lot in this country. It's currently been adopted by over 14 states and 90 municipalities. I have a list here, which I just returned from our national conference and expo last week in Portland Oregon, of the latest users of LEED, and you can see on this list and make

copies of it what counties, what states, all the nationalities, and who you can call and find out where this thing has been used and to what success.

Something else I'm going to give the Legislature, which I did pick up, as you're getting your copies of some of our information, is this was distributed at our conference. I was only able to get you guys two copies, but it's the cost benefits of high performance buildings. This is •• this book is put out by New York State, by groups within New York State, including New York Chapter of the AIA, the Building Owners and Managers of New York, the Real Estate Mortgage Bankers Associations. This is a new concept in building in that we look at buildings and the environment as not being mutually exclusive items, and LEED codifies that and brings it together. And as the Australian architect said to us at our meeting, you know, "As Americans, you guys come up with some very interesting things and turn very complex issues into something so simple as this LEED document." LEED is very important in changing an industry. It's changing an industry nationwide, and it's time we start changing that industry here ••

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

Please, sum up.

**MR. CARADONNA:**

•• on Long Island. Is that it?

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

Yeah, that's it.

**MR. CARADONNA:**

Okay.

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

Thank you. Cesar Malaga, followed by Hugo Martinez.

**MR. MALAGA:**

Good morning. My name is Cesar Malaga. I'm the President for Hispanic American Association here in Suffolk County.

I was here over two years ago to talk about immigrants, who we are and why we are •• why we

are here. The proposed plan of County Executive Levy on some legislation to deputize the Police Department is wrong. We already have people coming out of the woods and showing their hate for Latinos.

Newsday recent articles, like a plan, a plan for police immigration agents, which appear and they deport aliens who don't belong in the U.S. Our County does not need this type of negative publicity. The fact that the County Executive Levy, Presiding Officer Caracappa and others allow that someone who's not even a true American call us at the meeting that we are low level terrorists, that we have invaded and occupied the United States, is wrong. You can't say like that and associate with what's happening in Iraq, in Iraq, not here in Suffolk County.

Immigrants are \\_hordaleros\\_, are part of the economy of Long Island. You will have to cut your grass, pick your vegetables at farms, wash your dirty dishes when you go to restaurants, and perform other tasks if there were no immigrants here in Suffolk County.

Day•laborers are hard working individuals. Many of them are professionals with college education. It's sad that there are no jobs where we come from. It is •• it's not easy for us to leave our families, our friends, and we have to travel abroad to earn some money to support our families. It takes over 12 years for Latino•Americans to get a visa.

Let me remind you that many of the people looking for work were the \\_hordaleros\\_, are not all undocumented, these are •• they are U.S. citizens and many are legal citizens. Great number of these individuals are descendents of American Native Indians whose ancestors were killed by many of the European immigrants in order to steal their land. Many of them had to move down to Mexico and further south in order to survive.

Legislator Allan Binder was quick enough to come up with the \$500,000 to train the police, so that immigrants can be harassed. I suggest to Legislator Binder to turn over the \$500,000 to the Transportation Committee, so that the County can provide the much needed Sunday bus service that we need in this County. That amount of 500,000 will take care to provide Sunday bus service for over three years. We need the service of Sunday bus service. Let's use the money where it's needed, and not to harass immigrants.

And let me remind you, I have a part here about the Statue of Liberty, that welcomes all

immigrants here to the United States. And all of you are descendents of immigrants, your grandparents, your parents or your grandparents who come to this country looking for a better opportunity. You should not forget that none of you sitting in the front, I know Presiding Officer Joseph \\_Carapacca\\_ ••

**P.O. CARACAPPA:**

Close enough.

**MR. MALAGA:**

Caracappa. It would be nice of you, you know, if you can pay some attention to people who talk to you.

**P.O. CARACAPPA:**

I'm staring right at you.

**MR. MALAGA:**

Do not ignore us. Do not ignore us. You laugh while I'm talking about immigrants. Look, we are all immigrants. Your parents, grandparents and great-grandparents, they come here to this country as an immigrant.

**P.O. CARACAPPA:**

They did it right.

**MR. MALAGA:**

They were •• they're not Latin-American. So, look, this is a country of immigrants. We are immigrants here, and so we should give opportunity to all those people who come to this country to be. Yes, we are working very hard, where the U.S. Government and the President of Mexico be sent the facts, so we can get some work permits for those illegally here in this country, and, hopefully, that will be signed early next year, we hope. So, do not just, you know, ignore us. We are here, we're part of this community. We have done great things for Suffolk County and to this great country. This is a country of immigrants, not just, you know, somewhere else. We are immigrants. None of you your grandparents, parents they were not natives of this country.

**P.O. CARACAPPA:**

Your time's up Mr. Malaga. Thank you.

**MR. MALAGA:**

Let's drop, you know, the idea of a deputized Suffolk Police Department at once, and let's live in harmony. Thank you.

**P.O. CARACAPPA:**

Thank you. Hugo Martinez.

**MR. MARTINEZ:**

Good morning. My name is Hugo Martinez. I am a member of the Hispanic•American Association. The issue is immigration, and if you permit me, I would like to give my time to Mr. Cesar Malaga ••

**P.O. CARACAPPA:**

No.

**MR. MARTINEZ:**

•• because he has a lot more things to cover. I would appreciate it. If not, thank you.

**P.O. CARACAPPA:**

Thank you. Next speaker is •• I'm sorry if I get this wrong •• Nicole Lawrence, followed by Jim Castellane.

**MS. LAWRENCE:**

I'm sorry about the sloppy handwriting. That was a little early in the morning I was filling that out. Good morning. My name is Nicole Lawrence. I'm from ECG Environmental Construction Group in Smithtown. I'm also Program Director of the U.S. Green Buildings Council Long Island Chapter, and I'm proud to say I'm a LEED AP as well. I'm here to support the LEED Pilot Program for the Fourth Precinct Police Station. And I'm excited to show my enthusiasm for an institution of a green pilot.

Quickly, I got involved in the USGBC and LEED for a few reasons, but it wasn't to further the

Environmental Division of my company, which regularly deals with indoor air quality problems and mold remediation. If every building was a LEED building, that would probably be narrowed down to one person. I got involved with LEED, because I thought it was the future, but then I started researching and I realized that it's not the future, LEED is now, LEED was yesterday, LEED is also tomorrow.

Currently, there are seventeen hundred registered LEED projects across the 50 states and in 13 countries around the world, and in three years, 3% of all new construction has been registered for LEED certification. LEED for existing buildings now exists, LEED for commercial interiors exists, LEED for new construction and LEED for home •• LEED for homes is on the horizon, so there have been great strides in this direction, there are also great things in store.

Ten years ago, the definition of "green buildings" was •• it was hard to put a definition on that, but today you don't have to go far to see examples of green buildings in our environment. And if you go to New York City, you can exactly see the Conde Nast Building at 4 Times Square, which has 40% •• which uses 40% less energy than the conventional standards, and also provides 50% more fresh air to its inhabitants. I got to tell you, I love New York City, but I'd much rather just drive on my way to work in the morning and see a LEED certified building at the Fourth Precinct. I think it's very important for our community, and our environment, and for business.

I'd like to just mention quickly, I deal with a lot of indoor air quality problems and mold problems from everywhere from school districts to commercial buildings, and after investigating these, we find that people are lethargic, they're tired, they have to be •• some of them have to be rushed to the hospital, because they have high levels of CO<sub>2</sub> in their blood. After investigating these, the most common causes are inadequate ventilation, poorly performing HVAC systems, and of proper maintenance or knowledge on how to actually control these systems. LEED not only addresses these issues, but devotes 22% of that to an entire section called indoor environmental quality. LEED uses an integrated design approach that makes sure all systems are working together, and it follows through with the proper training of the people who are maintaining the systems to make sure that it continues to do so. Through integrating systems, incorporating \\_ASHRAY\\_ standards for minimum ventilation rates and air exchange, LEED provides and fosters productivity and health, not mold and bacteria.

I have much more to say, but, unfortunately, I'm at the end. So, I just want to thank you all

for the opportunity to support this effort in Suffolk County to become a leader in the building industry, and I look forward to the day when, through the success of this and other pilot programs, LEED certified buildings are the standard for all construction on Long Island. Thank you.

**P.O. CARACAPPA:**

Thank you very much. Jim Castellane, followed by Ernesto Mattace, Jr.

**MR. CASTELLANE:**

Good morning. I'd like to first thank you for this opportunity to speak. I'm speaking on behalf of Local 12 Union for the Insulators Union. We cover both New York City and Long Island, and I'm part of the Long Island Building Trades and the New York City Building Trades. I'm here as a •• for the pay•as•you•go projects.

I find myself attending a lot of meetings lately, and I'm standing before a lot of Legislators, and I just feel I'm constantly fighting to get work. I mean, this is time that, as union reps, we need to be spending on the street. What I'd like to put forth here this morning is that when these projects come along, please understand that we need this work. We need to make Suffolk County a much better place than it is, not that it's not a great place now, guys, it is. But when we come before you, we're coming for a reason. We're coming to let you know that, right now, our unions are feeling a little difficulties. We're having some problem getting the work, we're having some problem getting our wages paid the way they're supposed to be paid. And I know that there's a lot of Ladies and Gentlemen up here that appreciate and understand what I'm saying. So, when these projects come, take the time, take the look at it, and understand that we need this work and we want this project to go forward.

We represent a lot of construction workers on behalf of New York City and Long Island. We do vote, we do pay taxes, and we are steadily getting our people more politically activated. Understand that we need this work. Give us your help like you always do. This is one we'd really like to get passed.

And, also, I'd like to just ask you to, please, vote yes on Resolution 1879. That's one of our brothers in solidarity, Ernie, and we hope that you look at that closely and give him a shot, because we really would appreciate it.

Thank you very much for your time. Let's pass it and let's get this work on Long Island. Let's get these wages up where they're supposed to be.

**P.O. CARACAPPA:**

Thank you, sir. Ernesto Mattace, Jr. Followed by Ryan Delgado.

**MR. MATTACE:**

Good morning. My name is Ernie Mattace, Jr. I'd like to take this opportunity to thank the members of the committee, of the Economic Development, Higher Education and Energy Committee for submitting my name, and I'd like to thank the Legislature for their support on this appointment to Suffolk County Community College as a Trustee.

I've worked with this Legislature for many years and hope to in the future. And I'd also like to welcome and congratulate Legislator Kennedy, and hope to work with him in the future as well. Thank you all.

**P.O. CARACAPPA:**

Thank you. Brian Delgado, followed by, it looks like Dennis J. Romano.

**MR. DELGADO:**

Thank you. My name is Ryan Delgado. I'm the Political Director of the Local 1102 of the RWDSU/UFCW, and I just want to thank you for having me here today. I wanted to speak briefly and join the voices here in support of the pay•as•you•go projects and Ernie Mattace and his appointment to the Suffolk County Community College Board of Trustees.

The pay•as•you•go project submitted by County Executive Levy are a win/win for everyone involved, for the County, for the people of Suffolk County, and for the building trades, our brothers and sisters in the building trades who need these jobs.

With regards to Ernie, his resume speaks for itself and I just want to talk to his character. There's no finer individual you can find, and ease there whenever you need him. And he will be there for the Community College and for the students of the Community College. And let me just support him, as you are, and I hope you approve his appointment. Thank you.

**P.O. CARACAPPA:**

Thank you, sir. Dennis Romano, followed by Fred Walter.

**MR. ROMANO:**

Good morning. I'd like to thank the Legislative body for allowing me to speak today. I can only say this, that the •• I've lived in Suffolk County now for some 15 years, and the pay•as•you•go projects, I think, is going to be a great enhancement to Suffolk County, bringing work to Suffolk County, bringing industry, moving industry up, improving the roads, improving the projects in Suffolk County. It's very important that we move forward in that direction.

With respect to Ernie, well, Ernie I've known for a few years now, and I can only tell you this, that Ernie is a tireless individual in the labor movement. He represents many assets of what he does in Local 338. And I think that he's going to be a great asset to Suffolk County Community College, who, obviously, is in a transition period. So, I would ask this Legislative body to support both the pay•as•you•go projects, as well as the appointment of Ernie. Thank you.

**P.O. CARACAPPA:**

Thank you, sir. Fred Walter, followed by Michael Sroka.

**MR. WALTER:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MR. WALTER:**

Fred Walter, Local 1500. I'm out here on behalf of Ernie Mattace and his appointment to the Board of Trustees of Suffolk Community College. Ernie has worked all his life for working people and the labor movement. He understands the importance of higher education for working families. Everyone in Local 1500 supports Ernie's appointment to the Trustees •• to be a Trustee at the Board of •• on Board of Trustees at Suffolk Community College.

Also, the officers and membership of Local 1500 support all 32 pay•as•you•go capital projects. Thank you. Good luck, Ernie.

**P.O. CARACAPPA:**

Thank you. Mike Sroka. Good morning, Michael.

**MR. SROKA:**

Good morning. I thank you all for the opportunity to speak here this morning. I supplied for the record, and a copy to each of you, a letter I submitted to Newsday yesterday. I know that letter will never see the light of day, because it doesn't conform with Newsday's philosophy. This letter says that the State of Virginia, in July of this year, passed a law giving their law enforcement officers the right to enforce immigration law.

In October of this year, in Prince William County, and Prince William County is similar to Suffolk County, it's about 30 miles west of Washington D.C., it's got a similar housing situation, per capita income, and it's a lot similar to Suffolk County, well, they have a day•laborer problem there, and what they did was they allowed the day•laborers to stand on the corners up until 9 o'clock in the morning, and then they forced them to leave. Well, they refused to leave, and the politicians, the law enforcement, and the citizens of Suffolk County •• of Prince William County, excuse me, said, "We're not going to have our streets used as unemployment offices. We're not going to tolerate urinating, harassing loitering and littering. We're going to arrest these people. And in the course of the arrest, if you're found out not to be legally in this country, you will be escorted to a federal detention center." Now, if this system could work in Prince William County, Virginia, I'm sure it could work in Suffolk County, New York.

And also, the last time I was here about a hiring hall, Legislator Tonna said he was concerned about a public safety issue. Well, a couple of months ago, two women in Suffolk County were molested and sodomized by an illegal alien who had a rap sheet as long as your arm. I spoke with the Assistant District Attorney who's prosecuting this case, and she informs me that upon conviction and upon release, the federal authorities are notified, and that the federal authorities will not come and take possession of this person. So, I could see no reason why the Suffolk County Police cannot be empowered to apprehend these individuals and escort them personally to a federal house of detention for deportation. And I wish all •• everyone in this body would have the fortitude to do what the politicians in Prince William County, Virginia seek to do for their citizens down there. Thank you.

**P.O. CARACAPPA:**

Thank you. Dave Ochoa, followed by Joe Shanahan.

**MR. OCHOA:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MR. OCHOA:**

Mr. Presiding Officer, I am humbled this morning to be before you to speak on this issue of deputizing our local police as a representative of the Coalition for Fair Law Enforcement. I'm also humbled to be before this body as a first generation American, a son of an illegal alien, a son of an undocumented farm worker, and as one of 15 of a migrant farm family that harvested in the fields of California until the age of 15.

I share with you my own sense of embarrassment and hurt, because words and signs do hurt when you read in Newsday an article written by the President of the Greater Farmingville Association referring to any group among us, among on this earth as an invasion and occupation of communities, persons who are low level terrorists, day•laborers who are low level terrorists, and apparently persons like me who are described as terrorist sympathizers. Those words hurt. But I also defend,

Mr. Presiding Officer, as an American, as a first generation American whose brothers, Ochoas, fought for freedom in Okinawa in World War II, brothers who fought with the First Marine Division at Chosin Reservoir, and a brother who received a Bronze Star in Vietnam, and Ochoas who are on watch now in the Persian Gulf the right for my fellow citizens to have those hateful signs as I walked in publish their diatribe, because I defend their right of free speech and their right of expression.

I also wish that we could have a higher level of civility. And so, as an American, and as a Born Again Christian of my faith, I pray for change and for wisdom, for courage, for compassion, for reconciliation when we have these tough moments in public life.

This issue of deputizing local police for me is very sad, because it just creates more of what I

just described. Two, the rare occasion for me, as a civil rights activist, to have any PBA in America on the same side of the street, so I'm a little amused at the moment, but grateful, that there is a body of persons like unions and the Suffolk County PBA who are equally concerned and oppose this proposal.

This proposal is wrong for two simple reasons. One, effective law enforcement in America depends on strong community police relations. Now, a large number of our population in Suffolk County will be reluctant to report crimes, report when they're not getting paid for fear that the issue may become what is your legal status.

The second issue is the one that involves all of us and that is good government. Fortunately, there's a mandate by America to return the President to the White House. The issue on his agenda is immigration reform. Today there are five major initiatives for immigration reform endorsed both parties, Labor and the White House. We need to become part of the dialogue.

And in closing, Secretary of State Powell just returned from Mexico for three days of negotiations and discussions. It would do well if we all met together to encourage our Congressional delegation in Washington to make sure that immigration reform responds to our needs here in Suffolk County.

In closing, I want to encourage you to join in our boycott of not attending the County Executive's fund-raising events this year and next year until we get a change of policy that build bridges, a policy that seeks ••

**P.O. CARACAPPA:**

Mr. Ochoa.

**MR. OCHOA:**

•• reconciliation of differences ••

**P.O. CARACAPPA:**

Please, sum up, sir.

**MR. OCHOA:**

•• and a policy that respects the right of others.

**P.O. CARACAPPA:**

Thank you.

**MR. OCHOA:**

Thank you, Mr. Presiding Officer.

**P.O. CARACAPPA:**

Joe Shanahan, followed by Maria Perez•Lent.

**LEG. SCHNEIDERMAN:**

Good morning. Thank you very much for allowing me to speak. I'm speaking on behalf of Local 25, Electricians Union. Ladies and Gentlemen of the Legislature, we've heard so much about an economic recovery coming, but we haven't seen any sign of it here on Long Island. In local 25, we have approximately 3,000 members and their families, most of them living in Suffolk County, and we are right now sporting somewhere twice the national average in unemployment. We desperately need you to put aside any partisanship and approve the capital projects. I'd like to go back to my membership at our next meeting and tell them that the Suffolk County Legislature did the right thing and supported the pay•as•you•go capital projects that are on the table.

I'd also like to take a moment to render our support for Ernie Mattace. Ernie has labored tirelessly for labor. He has a good heart, and he will be a credit to the Suffolk Community College Trustees. I ask that you appoint him to that position. Thank you very much.

**P.O. CARACAPPA:**

Thank you, sir. Maria Perez•Lent, followed by Jim Rogers.

**MS. PEREZ•LENT:**

Good morning. I'm here to speak on I.R. 1979. My name is Maria Perez•Lent. I'm the Stop DWI Coordinator here in the County. The stop DWI alternative facility is a corrections treatment program for felony drunk drivers, aimed at reducing jail overcrowding and the recidivist rate of the chronic drunk driver. The original building was paid for using Stop DWI funds in 1985.

Currently, there are 44 beds in the facility, 31 assigned to men, and 13 to women. Unlike straight jail, the alternative facility provides inmates with a program that includes individual counseling, group therapy, as well as other support services.

The Correction Officers at the facility are trained as treatment officers and are part of a larger treatment team. The members of the team include psychiatric social workers and probation staff. Sentencing can span a total of 30 to 180 days incarceration within the facility, followed by three to five years of probation.

Stop DWI fully understands that there is a great demand for space and treatment services for those charged with other drug related offenses. However, funding from our office in the amount of 193,635 may be seriously jeopardized by the proposed renovations.

A strong argument in 1985 for using Stop DWI funds to build and maintain this facility was to separate DWI offenders from the rest of the jail population in order to treat the alcoholism responsible for the offense.

The DWI population is unique. It generally does not have any other record of criminal behavior. Historically, there has been an 11 to 17% recidivism rate for those who go through the facility, versus 45% for the general DWI jail population. We remain concerned that the original objective of the DWI alternative facility might be compromised if it expands to include a different inmate population. Thank you.

**P.O. CARACAPPA:**

Thank you. There had been a request by Legislators to myself if you were able, later on this afternoon I'm sure, when we just debate the bill to be around for questions. Thank you.

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair.

**P.O. CARACAPPA:**

Jimmy Rogers, followed by Ron Caputo.

**MR. ROGERS:**

Good morning, members of the Legislature. My name is Jim Rogers. I'm a rep with District Council Number 9, Painters and Allied Trades. I'm going to speak on behalf of the building trades and the Long Island Federation of Labor, since there's no representatives from both of those affiliations today.

As far as the pay•as•you•go projects, the capital improvements, one of the hardest parts of our •• my job and the other reps in the labor movement is when you have unemployment, when you have to go back to the office and take a look at the unemployment list and watch it grow, and know that I'm receiving a paycheck, but these members of ours aren't. They have children at home. They have to buy clothes and food and they have no income coming in at all. So, I ask you to pass the pay•as•you•go projects and help get our members to work.

I would also at this time like to speak on behalf of Ernie Mattace, working alongside him in the labor movement for the last seven years. I came here just to speak on the experience that I had working with him, just in labor terms, but after looking at his resume, which is very impressive, I had no idea, Ernie, you were that involved. I think Ernie would be a tremendous asset to Suffolk Community College. Thank you.

**P.O. CARACAPPA:**

Thank you, Mr. Rogers. Ron Caputo, followed by James J. Golbin.

**MR. CAPUTO:**

Good morning, Legislature. Mr. Chairman, thank you for this opportunity to be able to address you. I came before you today to support Resolution 1879. Please, vote yes for Brother Ernie Mattace. I've known Ernie about six years now, he's a great guy, and he is qualified to hold that position. And I would appreciate it on myself in behalf of my members to vote yes on Resolution 1879, as well as the pay•as•you•go projects.

Jim Rogers, the representative I work with day to day, along with the other representatives here on Long Island, we have about 25% membership unemployed right now. Some of these projects, not all 32 of them, would support putting some of our people back to work. So, you know, I urge you as a body to please vote in favor of all 32 projects, the pay•as•you•go capital projects, not only to benefit myself, but all of the people in Suffolk County. It's not just an issue about work, it's also about making Suffolk County a better place to live. Thank you very

much.

**P.O. CARACAPPA:**

Okay. Thank you. James J. Golbin, followed by Patricia Bowden.

**DR. GOLBIN:**

Good morning. Thank you for the opportunity to speak. My name is Dr. James Golbin, and I am the Chief Planner of the Probation Department and the Criminal Justice Coordinating Council. My presentation will offer additional facts regarding Resolution 1979, which would convert the DWI Alternative Facility to a maximum secure facility.

Drunk driving consistently has been responsible for many of the traffic fatalities in Suffolk County, as I'm sure all of you are aware. In 1991, Suffolk had the dismal distinction of leading the State in alcohol related traffic fatalities with 97 deaths. In 2001, there were still more DWI related fatalities than murders in Suffolk County, 51 to 34 respectively.

The DWI Jail Alternatives Program has a dual mission, to secure •• to reduce jail overcrowding, and to reduce the recidivism of chronic DWI offenders. There are two program components. Phase I is the residential phase, which is known as the DWI Alternatives Facility. Phase II is the specialized Probation Intensive Supervision Component, the PAT Program, where supervision, ongoing treatment and relapse prevention services continue for up to five years for felony offenders.

There are currently over 350 multiple recidivist drunk drivers in all phases of the DWI Alternatives Program. This program was modeled after the highly effective PAT Program in 1985. It was expanded to females in 1992, and the female population includes drug dependent sentenced women, regardless of the type of drug, and the program was also recently expanded to drug court referrals. Over 3 million dollars so far has been •• of alternative to incarceration funding has been allocated to the facility so far.

When we designed the program, the joke in Upstate, New York was to call the DWI Program, the DWI facility, the jail that's not a jail. We were able to convince the State Legislators and all to provide money for that. In addition to that 3 million dollars, Stop DWI funding to an equal amount has been applied to the •• to the facility. The modification to a secure facility would probably, I would say most probably, eliminate all the alternative sources of funding.

One of the major issues that's been floating around regarding the facility and to somewhat debate about is involving the type of offender that would be in the program. We always had the type of drugs mixed in with the DWI offender. That's not the issue. The issue is having violent offenders and those requiring maximum facilities, maximum security into the facility. The staff levels were not designed for that. If you have to have violent offenders mixed in, operational cost with perimeter security will probably double the cost of operating the facility.

**P.O. CARACAPPA:**

Mr. Golbin, if you could just sum up your comments.

**DR. GOLBIN:**

Okay. In summary, the Judge Alamia stated quite correctly that •• and our research indicates there is a need for a substance abuse program for inmates requiring a maximum secure setting, including the MICA, the mentally ill chemical abusers. Judge Alamia and in the design of the DWI •• the Drug Court, as well as our day reporting, as well as the DWI facility recognizes that.

The CJCC, the Criminal Justice Coordinating Council, had such a design that was voted by the council, approved by the •• reviewed favorably by the then Commission of Corrections to have a facility just for the narcotics and other substance abusers in the secure Yaphank facility. That proposal still stands today, and, hopefully, one of the pods at least would be included in the new design of the Yaphank facility. All of that information is available, as well as the designs in the secure setting without jeopardizing a program that works for the most serious three to five percent most serious drunk drivers in Suffolk County that currently are in a DWI facility.

**P.O. CARACAPPA:**

Okay.

**MR. GOLBIN:**

Thank you for your attention.

**P.O. CARACAPPA:**

I hat to cut you off. You're well over your time, but it's been requested of me to ask you to

stick around. There'll probably be questions when we debate the bill. Thank you, sir. Patricia Bowden, followed by Cheryl Felice.

**MS. BOWDEN:**

Hi. I want to thank you for the opportunity of speaking. My name is Pat Bowden. I'm Vice President of TWU Local 252. I represent fifteen hundred people in Suffolk County. I'm here for the pay•as•you•go. I support it. It's a •• it's for the public safety, like guardrails, County roads, and fixing bridges that are needed, and most important of all, it's for people's jobs. People need jobs, and anything to open jobs all unions are for.

I'm also here to support Resolution 1879 for Brother Ernie. I've read part of his thing, but one of them that impressed me most is 38 years a volunteer to Suffolk Community College. I think he deserves it and I'm hoping you consider him. Thank you.

**P.O. CARACAPPA:**

Thank you. Cheryl Felice, followed by Sondra Randall.

**MS. FELICE:**

Good morning, Presiding Officer Caracappa. If I may, if I go over my time, I would like to defer Sondra Palmer Randall's time to myself and she would defer her time to me. I don't think I'll go over.

**P.O. CARACAPPA:**

Okay. I hope you don't, because I refused to do it this morning for someone else, so ••

**MS. FELICE:**

Okay.

**P.O. CARACAPPA:**

•• I want to keep consistent with that.

**MS. FELICE:**

Then we'll •• then we'll begin. I would just like to say good morning again. My name of Cheryl Felice, on behalf of all the workers in Suffolk County. We represent all of your workers that represent all of your constituency.

We've been here before about the issue of job vacancies. We've been here before about the issue of contracting out and the fact that those costs continue to escalate while job vacancy rates decline. As cited in your own Budget Review Office report, 222 positions. We are down that many positions since the beginning of the year, and the problem is getting worse. As a result of that problem, we have called together a jobs rally today to bring the attention of the vacancies to the forefront of your agenda. This Legislature defeated a bill to add 44 additional positions to DSS just last week.

**LEG. TONNA:**

Terrible.

**MS. FELICE:**

We appreciate the fact that you added an additional 25 that are much needed.

**LEG. TONNA:**

Not enough.

**MS. FELICE:**

But the problem doesn't stop there. There are many more positions that are needed just to fill the mandates and the caseloads that are coming in. And I received a copy of a memo that went out to all the caseworkers in CPS just last Friday, and I need to read you its contents, because it is alarming. And what this memo says is that the •• now, it begins by saying, "Now that intake has significantly increased." So, the department is admitting that intake has increased, and, yet, what they are doing to alleviate the problem is they are denying vacation time, which was previously approved. This is an absolute outrage. It is absolutely against our contract, and we will do everything we can to fight this action. But this Legislative body has the power to create the positions that are necessary, and make sure that these mandated positions are filled, and that workers are not penalized for the mismanagement of some administrators.

We need your help. We absolutely will not let it rest. And, again, the members of the •• of AME will be here at the Legislature about approximately 12:15 today. All the labor groups that are in the audience today, I would ask that you stay and support the public workers, as we pride ourselves in the coalitions we support with the private sector unions, and we'll support

your jobs.

Also, as an aside, I would just like to echo the comments that were made about Ernie Mattace, Jr. He is a wonderful advocate for labor and the College, and I think you will be served well by his appointment. Again, I ask that you pay attention to the workers in Suffolk County, and I thank you to your time.

**P.O. CARACAPPA:**

Thank you, Madam President. Sondra Randall.

**MS. FELICE:**

She won't need it.

**P.O. CARACAPPA:**

Forego your time. Thank you. Sarah Lansdale, followed by Christine Fasano.

**MS. LANSDALE:**

Good morning. Sustainable Long Island is here today to support Resolution 1754, instituting a pilot project utilizing leadership in energy and environmental design, LEED.

The links between real estate development, the economy and our environment cannot be overstated. Real estate makes a significant contribution to the U.S. economy. However, according to the U.S. Department of Energy, residential and commercial buildings account for over one-third of our total energy consumption in the United States, and about two-thirds of all electricity usage. Buildings account for over 50% of the County's total sulfur dioxin emissions, 20% of nitrous oxide emissions, and 16% of particulate emissions.

Can the U.S. real estate industry minimize the resource depletion and environmental degradation and still maintain and improve the industry's economic vitality and improve the quality of life? Sustainable Long Island says yes, and one of the ways to do this is through green buildings.

Innovative green building designs have demonstrated that cost efficiency is not sacrificed for environmental stewardship. On the contrary, achievement of sustainability through an integrated balance of materials and systems have shown that sustainability can be as cost

effective as conventional projects. The real challenge is for owners and architects to think long term, rather than first cost.

When we factor in energy savings over time, or increased durability, or enhanced worker productivity, green design features and materials become much more easier to justify.

Sustainable Long Island would be more than happy to lend our expertise and support this bill. Thank you.

**LEG. VILORIA FISHER:**

Thank you, Sarah.

**P.O. CARACAPPA:**

Thank you very much. Christine Fasano, followed by Brian Schneck.

**MS. FASANO:**

Good morning. I'm here representing the New York League of Conservation Voters. And, first off, I would also like to lend our support to I.R. 1754, the LEED pilot project bill. I'm not going to go into details, as my colleagues at Sustainable Long Island, Citizens Campaign and RELI have done such a good job spelling out all the benefits of such a bill. I do want to say just one thing just to support what they have said. There really is a tremendous amount of evidence now that's been mounting to indicate that in the relatively short term, the efficiencies that are gained from green buildings really do offset the upfront incremental costs.

I also want to reiterate what others have said about just how quickly LEED standards are spreading, not only in the commercial sector, but also municipalities across the country are in the process of or already have adopted LEED standards. So, it's very critical that Suffolk County, which obviously suffers from air quality problems and an energy crunch here on Long Island, take a leadership role. Now is •• now is the time. And, in fact, it's wonderful that you are, I assume, about to do a LEED pilot projects. I'd really stress that we'd love to see you go beyond this and very quickly make this mandatory for all government construction. That will put you on a par with some of the other municipal leaders in the country.

Very quickly, just a couple of other bills. I understand I.R. 1972, which would create the

County Department of Environment and Energy, is on the agenda today. We've spoken in favor of this strongly in the past. I want to reiterate that we believe it will help to promote the needs of the environment, and will help to foster accountability within County government, so we strongly urge passage of that.

And two bills, which I understand are not going to be on the agenda today, but I just want to go on record showing our support, they are going to be environmental score card bills. I.R. 1935 the purchase of the Bluepoints property, we're singling out that particular acquisition, because it's so critical to the restoration efforts in Great South Bay, and, lastly, I'm not sure if there's a number attached to it yet, but the Long Island Regional Planning Board. We strongly support a reinvigorated Planning Board. We think it's critical to addressing a lot of environmental issues on Long Island such as transportation. And when you do get an opportunity, I hope next month to vote on that. We urge your support. Thank you.

**P.O. CARACAPPA:**

Thank you. Just so you know on that, we've been having regional hearings on those bills with Nassau County Legislature as well. We had the first one in Nassau last week. We'll be having our second this Thursday here, so feel free to attend. Next speaker is Brian Schneck, followed by Assemblyman Phil Ramos.

**MR. SCHNECK:**

Good morning.

**P.O. CARACAPPA:**

Good morning.

**MR. SCHNECK:**

My name is Brian Schneck. I'm a second Vice President with Local 259 of the United Automobile Workers, and today I'd like to speak on our support for the 32 pay•as•you•go capital projects. The UAW will not directly benefit from these projects, as far as jobs. However, our members, 4,000 active and retired, that live in County, Suffolk County, will benefit from the completion of these projects. These projects will improve the infrastructure, public safety, and conserve energy in our County, and more important, will put woman and men to work, our sisters and brothers in the building trades unions.

So, therefore, the UAW stands in support of this pay•as•you•go capital projects, and we would hope that this body would do what's necessary to make sure that they're funded.

And, also, today, I have the honor to show our support on behalf of our brother in the labor movement, Ernie Mattace, for his appointment to the Suffolk County Community College Board. Ernie has been a tremendous leader in the labor movement. I think he will be a tremendous asset to Suffolk County Community College, as he has been in organized labor. Thank you today for hearing my comments.

**P.O. CARACAPPA:**

Thank you, Brian. Assemblyman Phil Ramos, followed by Julio Hernandez.

**ASSEMBLYMAN RAMOS:**

Good morning. I stand here today in front of my colleagues to express my deepest regret to the recent proposal by the Suffolk County Executive to deputize Suffolk County Police Officers as immigration officials, so that they can enforce the Federal Immigration and Naturalization Act locally. This plan will disproportionately affect the Latino and immigrant communities. The plan targets Latinos and excludes other undocumented immigrants groups that either blend in easily to the community, or do not exacerbate xenophobic emotions.

Over the last two years, I have stated on numerous occasions the negative impacts that a proposal like this will have in the Latino community. Many Latinos, especially those who have experienced corrupt, repressive and violent police forces in their native countries tend to fear law enforcement officials. This will further make them reluctant to report crimes that occur in our neighborhoods. And by allowing criminals to operate with impunities, we eventually hurt the entire community, both documented and undocumented.

As you may know, during my 20 years as a Suffolk County Police Officer, and later as a Detective, I vehemently fought to build a trustworthy relationship between the Police Department and the communities of color. By promoting such a plan, studies as well as field work prove that this will cause a breach of trust between the law enforcement and the •• between law enforcement and the targeted segment of the immigrant community.

Many groups, including my former colleague in the Suffolk County Police Department, have

expressed opposition to the proposal. According to Jeff Frayler, the President of the Police Benevolent Association, the deputization plan is ill-conceived, and will serve only to destroy the hard won good will police have built up, and this is coming from the Suffolk County Police Union.

Furthermore, the deputization plan was conceived as a law enforcement tool to combat terrorism, as expressed by the U.S. Attorney General, John Ashcroft, in his address to the International Association of Chiefs of Police.

Just last week, while in Mexico City, U.S. Secretary of Homeland Security, Tom Ridge, declared that undocumented Latinos are not considered to be a security threat, and that his agency has not found any evidence that terrorists are seeking to enter the United States via Mexico.

Furthermore, it is hard to fathom the logic behind this proposal in these times because of the need for fiscal constraint. Proposals to fund initial implementation of this plan will cost the taxpayers over \$500,000. And this figure could easily be tripled if, for example, we take into consideration the temporary housing of these detainees. While the Police Department is shutting down sector cars and cutting patrols in much needed neighborhoods, how can one justify this misplaced priority and then place the additional burden, fiscal burden, on the very residents who are having their services cut. By promoting this type of plan, it only feeds racist minds and encourages them to act outside the law.

In a recent issue of State News published by the Council of State Governments, it was reported that local governments do not receive reimbursement from the Federal Government for additional detainees who are awaiting deportation. Now, we complain about federal mandates that cost our County money, and here we are spending County money to take on federal responsibilities.

**P.O. CARACAPPA:**

Assemblyman, your time expired, but if I could ask you just to sum up your comments.

**ASSEMBLYMAN RAMOS:**

I am truly saddened that I am compelled to speak out against an initiative by the County Executive Steve Levy, who is a colleague and a person I consider to be a friend. Nevertheless, I have to do what is morally right and not what is politically convenient. I cannot compromise

the principles of justice and fairness, regardless of the origin of the proposal. And I will not stand idly by and allow a large segment of my community to be patronized for political purposes and then betrayed.

I urge the parties involved to stop this proposal and commence a dialogue. I will be at your disposition to facilitate such a summit. But if this issue is not addressed appropriately, I predict that my community will mobilize politically in an unprecedented fashion to let it be known that they are ready to fully engage in the democratic process to make their voices be heard. And I thank you very much for this opportunity.

**P.O. CARACAPPA:**

Thank you, Assemblyman, we appreciate it. Julio Hernandez.

**MR. HERNANDEZ:**

Good morning, everyone. I'm here representing the Latin American Alliance of Long Island. I'm President and Chairman of this organization. This is an organization that groups, ten non •profit organizations from ten different countries in Latin America.

As a member of the Latin •• Latino community, residing in Suffolk County, we feel the need to applaud your efforts for Mr. Levy to eradicate exploitation by persecuting contractors who do not abide by the law. But, at the same time, we believe it is the utmost urgency to express our concerns about the views and comments publicly expressed about undocumented immigrants living in Suffolk County.

In an article published in Newsday, 25th, 2004, Mr. Levy expressed, we are here to note/note, not just enforce the law, not just sales tax, not just unemployment or workers compensation insurance, but also federal immigration and labor laws. We believe that the Suffolk County Executive, he has taken an erroneous approach in dealing with immigration.

First of all, this is an issue that pertains only to our federal government. There is no legal reason for the County government to step into such controversial topic, unless there is an obscure intention by elected and appointed officials to pander to racist and xenophobic constituents.

We approve and encourage government officials who practice fiscal responsibility, since we recognize in response to taxpayers who pay the consequences when responsibility is not applied. On the other hand, we are concerned that by using such myopic approach, denying government funds to proposal related to translations and related issues to County Government, the County Government is losing focus. We believe all parties involved need to sit down and discuss this issue thoroughly.

Indeed, there has not been a genuine concerted effort on behalf of the Administration to deal with the consequences of immigration. If there is already a 500,000 proposal to implement this plan, why Mr. Levy use his power in office to introduce legislation to channel those funds to implement more feasible and cost effective solutions to the problem.

People may argue that about the social burden immigrants impose to taxpayers, that through this matter, that the numbers reveal no such thing occurring. Latinos produce approximately 480 million in revenue and taxes for Suffolk County, and 45% of Latinos residing in Suffolk County are homeowners. No doubt that we are taxpayers, taxpayer community that spurs economic growth like any other. We believe it is pertinent to remind that the Latino culture is a traditional one and highly values friendship and loyalty, but there cannot be any sustained long term friendship without loyalty.

**P.O. CARACAPPA:**

Sir, I would ask you to sum up, your time expired. You could sum up your comments, please.

**MR. HERNANDEZ:**

Yes. I just have a proposal that we have presented to Mr. Levy about resolving the illegal contractors. Short term, the not-for-profit organization will avail volunteers to unlicensed contractors who wish to take the test are not proficient in English. Long-term, funding to not-for-profit organizations to translate the brochures and provide courses for the Spanish speaking contractors. Long-term, strengthening community enriched programs to educate contractors about laws, community forums first, etcetera. And, finally, long-term, establish alliances with churches and other organizations, so they can provide a space during weekdays to be used as temporary homes, reach out to local church organizations. Thank you, sir.

**P.O. CARACAPPA:**

Thanks for coming down, we appreciate it. I have no other cards. Motion to close public portion by myself.

**LEG. TONNA:**

Second.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Public portion is now closed. We're going to go to the agenda. Motion by myself to approve the **Consent Calendar**.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

Will all Legislators, please, report to the horseshoe.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Tonna. All in favor? Opposed? Abstentions? Consent Calendar is approved.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

You haven't said 18 in awhile there, Mr. Clerk, right?

**MR. BARTON:**

No.

**RESOLUTIONS TABLED TO NOVEMBER 16, 2004**

**P.O. CARACAPPA:**

Going to Page 9, Resolutions Tabled. Motion to table by Legislator Binder, second by myself, on **1039 (Establishing Commission to Study Alternative Form of County Government)**. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1086 (Adopting Local Law No. 2004, A Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act)**. Motion to table by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1313 (Accepting and appropriating excess revenues received from Hotel/Motel Tax)**. Motion to table by myself, second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**1592 (Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 Sand Company (HU •1040))**. Motion to table, Legislator Alden, second by Legislator Mystal. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1708 (Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200 •981.20•07.00•001.009 pursuant to Section 40•D of the Suffolk County Tax Act).***

Legislator Foley?

**LEG. FOLEY:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to approve, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

It's approved. ***1783 (Authorizing the lease of premises at Fishers Island for use by Suffolk County Vector Control).*** Legislator Caracciolo, I'll defer to you.

**LEG. CARACCIOLO:**

What's that?

**P.O. CARACAPPA:**

This is authorizing the lease on premises at Fishers Island.

**LEG. CARACCIOLO:**

Motion to approve.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1830 (Adopting Local Law No. 2004, A Local Law to impose fines on unlicensed ferry service operators).*** Motion, Legislator ••

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

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Carpenter.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? (Vote: 18). Moving on to •  
•

**LEG. ALDEN:**

Mr. Presiding Officer, on that 1783, I'm going to volunteer to go over there and make sure there's compliance with this.

**LEG. CARACCIOLO:**

Any time.

**P.O. CARACAPPA:**

I'll come with you.

**LEG. ALDEN:**

All right.

**LEG. FOLEY:**

In order to make it bipartisan, I'll join the trip.

**P.O. CARACAPPA:**

Keep us honest?

**INTRODUCTORY RESOLUTIONS FOR THE NOVEMBER 16, 2004**  
**MEETING OF THE SUFFOLK COUNTY LEGISLATURE**

**AD HOC ON AFFORDABLE HOUSING**

Page 10, Introductory Resolutions for today. Ad Hoc on Affordable Housing. ***1736 (Adopting Local Law No. 2004, A Charter Law consolidating the County's Affordable Housing/Workforce Housing Programs and Community Development Agency within the renamed Department of Economic Development and Workforce Housing).***

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1945 (Authorizing the provision of correction deeds for formerly County-owned real***

***property transferred pursuant to Section 72•h of the General Municipal Law for affordable housing purposes).*** Motion.

**LEG. VILORIA • FISHER:**

Motion.

**P.O. CARACAPPA:**

By Legislator Vilorina•Fisher.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

Seconded by Legislator Tonna. Can I ask, where are the properties? Anyone answer that for me? The properties. Chairman, would you know where the properties are?

**LEG. SCHNEIDERMAN:**

I don't remember the location of these properties.

**LEG. ALDEN:**

Just a brief explanation, too, what kind of correction deed.

**P.O. CARACAPPA:**

Excuse •• oh, an explanation.

**LEG. ALDEN:**

Yes.

**MS. KNAPP:**

Resolution 1945 extended the time for this particular town to comply with their requirement that they build. And let me just tell you what town it was, though. 1945. Town of Babylon and Town of the Islip. There were several parcels.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**BUDGET AND FINANCE**

**P.O. CARACAPPA:**

Budget and Finance. ***1885 (Amending the 2004 Operating Budget transferring funds for the Deer Park High School Parent Faculty Student Club (PFSC)).*** Motion by Legislator Binder.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1889 (Amending the 2004 Discretionary Operating Budget abolishing three (3) Deputy Sheriff I positions to implement cost • containment staffing policy).*** Motion by Legislator Carpenter.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1899 (To readjust, compromise, and grant refunds and charge •backs on real property correction of errors by: County Legislature Control #724•2004).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1927 (Budget Supplement No. 1 to the 2005 Recommended Suffolk County Operating Budget).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

This shouldn't be on here, right?

**MS. KNAPP:**

Shouldn't be.

**P.O. CARACAPPA:**

That's •• I'd ask Budget Review if you could tell us why this is on the agenda?

**MR. SPERO:**

This was adopted ••

**P.O. CARACAPPA:**

Right.

**MR. SPERO:**

•• at the Special Meeting on the budget ••

**P.O. CARACAPPA:**

This is stricken.

**MR. SPERO:**

•• November 4th.

**P.O. CARACAPPA:**

***1937 (Amending the 2004 Operating Budget and reappropriating hotel/motel funds (Fund 192)).***

**LEG. FOLEY:**

Same, 37 is the same?

**P.O. CARACAPPA:**

No, this is appropriating the •• reappropriating hotel/motel funds.

**LEG. ALDEN:**

Explanation, please.

**P.O. CARACAPPA:**

This is for Fund 192. Jim?

**MR. SPERO:**

This is a •• this would appropriate an additional \$130,000 in hotel/motel tax revenues that were received during the year that were not budgeted for this year.

**P.O. CARACAPPA:**

Would they go directly •• would they be split up among their accounts?

**MR. SPERO:**

That's correct. The funding is going to Parks Department Historic Services.

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

LICVB.

**LEG. ALDEN:**

No, right?

**MR. SPERO:**

No LICVB.

**LEG. ALDEN:**

Good.

**P.O. CARACAPPA:**

Motion and a second. All in favor? Opposed? Legislator Foley made the motion, I made the second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Okay. ***2022 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of a wheelchair•lift equipped replacement van for the Office of Handicapped Services (CP 1745).***

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Through 2026, oh, actually, through the rest of this is three-quarter votes.

**LEG. ALDEN:**

Mr. Presiding Officer.

**P.O. CARACAPPA:**

Motion on the motion, Legislator Alden.

**LEG. ALDEN:**

If we could get an explanation of maybe a total of what all this comes to, and where the money came from, and how much money is going to be left, if all these are passed.

**P.O. CARACAPPA:**

Sure. Budget Review, you heard the question.

**MR. SPERO:**

About, I think it's a total of 8.2 million dollars would be transferred from retirement accounts to the pay-as-you-go account to fund these 32 resolutions.

**P.O. CARACAPPA:**

This is, just so everyone is aware, it's cash

**MR. SPERO:**

As you recall may recall, the

**P.O. CARACAPPA:**

not borrowing.

**MR. SPERO:**

Yeah. The pay-as-you-go appropriation was defunded earlier this year as part of the savings plan, since the County's finances have come out better than it was predicted at that time. This additional funding could be made for these pay-as-you-go funding projects.

**LEG. ALDEN:**

And these are for the '04 program, right, all these ••

**MR. SPERO:**

These are going to be transferred to capital •• to the capital funds, so that, at the end of the year, the appropriations won't lapse.

**P.O. CARACAPPA:**

But it is cash.

**LEG. ALDEN:**

One other question, then ••

**MR. SPERO:**

It is cash, yes.

**LEG. ALDEN:**

Next year for the retirement, how does this affect our ability to pay for that, because ••

**MR. SPERO:**

It won't affect it, because the retirement payment that would normally be due December 15th is being postponed until February 1st, as per state law. And if you recall, that •• the budget supplement that we talked about just a few minutes ago, that appropriated the additional 65 million dollars needed next year to make that February 1st retirement payment.

**LEG. ALDEN:**

We borrowed that money, right?

**MR. SPERO:**

No, this is all being •• we're not borrowing to make the retirement payments.

**P.O. CARACAPPA:**

Right.

**MR. SPERO:**

We're going to pay for it out•of•pocket.

**LEG. ALDEN:**

Okay, thanks.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

This •• in the budget we just put together, there was 28 million dollars for pay•as•you•go, 10 for this year, 18 for next; am I correct? And this ••

**MR. SPERO:**

Yes.

**LEG. LINDSAY:**

•• takes care of the bulk of the 10 million for '04.

**MR. SPERO:**

For this year, yeah.

**LEG. LINDSAY:**

Right. And there's still •• I didn't get the number. There's still like 2 million left in pay as pay •as•you•go?

**MR. SPERO:**

Well, there would still be, based on what the estimated budget included, I think another million or so dollars you could do this year.

**LEG. LINDSAY:**

Thank you.

**P.O. CARACAPPA:**

Okay. Legislator Bishop.

**LEG. BISHOP:**

We counted on that for next year, right?

**P.O. CARACAPPA:**

No, no, no.

**LEG. BISHOP:**

In the omnibus, we didn't ••

**P.O. CARACAPPA:**

No, that's separate.

**LEG. BISHOP:**

•• account for that million?

**LEG. LINDSAY:**

Still have 18.

**MR. SPERO:**

No, this has nothing •• this is independent of the omnibus. The omnibus ••

**LEG. BISHOP:**

No, I •• there's 10 million currently. We're to spend 8 million today, and you said •• to me, that's 2 million left, but you said there's still a million or so left.

**MR. SPERO:**

Well, the appropriation was reduced to \$700,000. The County Executive put 10.2 million in, so that gives you 9.5. This is 8.2, so that leaves you about a million•three for this year.

**LEG. BISHOP:**

1.3. But when we did the omnibus, didn't we account for that 1.3 ••

**MR. SPERO:**

No. We reduced some of the '05 pay•as•you•go money in the omnibus, but not the '04

estimated.

**LEG. BISHOP:**

Okay. And we didn't assume that was going to fund balance, we projected that money to be spent this year?

**MR. SPERO:**

That's correct.

**LEG. BISHOP:**

Okay. So, we really do have a million•three left.

**P.O. CARACAPPA:**

Dave's getting his pen out.

**LEG. BISHOP:**

That's hard •• that's hard to believe. Let's replace some roofs.

**P.O. CARACAPPA:**

Again, keep in mind, this would seem that it's changing the method of financing from capital to pay•as•you•go, it requires three•quarters vote. Legislator Carpenter.

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

On the motion. Jim, can you offhand give me a break•down of equipment purchases versus actual building and road projects that the 8 million represents, because I know we had a number of speakers ••

**MR. SPERO:**

No. I mean, we could do that. I haven't •• I have not done that, but most of it is for equipment•type purchases.

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

Yeah, that's what I'm looking at, you know.

**MR. SPERO:**

Some of it, there is, I think, some bridge painting and some road resurfacing money as well.

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

But the •• it appears that the bulk of it is equipment; correct?

**MR. SPERO:**

Yes.

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

All right. Thank you.

**P.O. CARACAPPA:**

Okay. Here we go. ***2022 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of a wheelchair•lift equipped replacement van for the Office of Handicapped Services (CP 1745).*** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2023 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of equipment for John J. Foley Skilled Nursing Facility (CP 4041).***

**LEG. CARACCIOLO:**

Motion.

**P.O. CARACAPPA:**

Same •• motion by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2024 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of Environmental Quality Information Systems (CP 4067).***

**LEG. VILORIA•FISHER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Viloría•Fisher, second by Legislator Schneiderman. All in favor?  
Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2025 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of environmental health laboratory equipment (CP 4079).*** Motion by Legislator Foley, second by Legislator Tonna. All in favor? Opposed?  
Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2026 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with refurbishing District Attorney space at Cohalan Court Complex (CP 1134).*** Motion by Legislator Kennedy, second by Legislator Carpenter. All in

favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2027 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the removal of toxic and hazardous building materials and components at various County facilities (CP 1732).*** Motion by Legislator Montano, second by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2028 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737).*** Motion by Legislator O'Leary, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2029 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with safety improvements on CR 67, Motor Parkway at Adams Avenue, Town of Islip (CP 3301).*** Motion by Legislator Binder, second by Legislator Bishop. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2030 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with traffic signal improvements in Suffolk County (CP 5054).***

Motion by Legislator Kennedy, seconded by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2031 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the installation of guide rail and safety upgrades at various locations (CP 5180).***

Motion by Legislator Losquadro, seconded by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2032 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the painting of County bridges (CP 5815).***

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2023 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the rehabilitation of various bridges and embankments (CP 5850).***

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

Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2034 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of heavy equipment for County parks (CP 7011).*** Motion by myself, second by Legislator Carpenter. All in favor? Opposed?

Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2035 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the public health related harmful algal blooms (CP 8224).***

Motion by Legislator Losquadro, second by Legislator Viloría•Fisher. All in favor? Opposed?

Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2036 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of equipment for groundwater monitoring and well drilling (CP 8226).*** Motion by •• same motion, same second, and same vote on that

one.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2042 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of mammography equipment for Health Centers (CP 4055).*** Motion by Legislator Lindsay, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2043 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with an assessment of information system and equipment for Public Works (CP 5060).*** Motion by Legislator Mystal, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2044 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the study for the occurrence of brown tide in Suffolk County waters (CP 8228).***

**LEG. CARACCIOLO:**

Motion.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

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

Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2045 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with downtown beautification and renewal of Riverhead (CP 6418).*** Same motion, same second, same vote on that one. **(Vote: 18)**

***2046 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with downtown beautification and renewal of Bay Shore (CP 6418).*** Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed? Abstentions? 2047.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***(2047 • Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with downtown beautification and renewal of North Amityville (CP 6418).*** Motion by Legislator Mystal, second by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2048 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with downtown beautification and renewal of William Floyd, Montauk Highway (CP 6418).*** Motion by Legislator O'Leary.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2049 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with downtown beautification and renewal of Huntington Station (CP 6418). Motion by ••***

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2050 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with dredging of Mt. Sinai Harbor, Town of Brookhaven (CP 5200).***

**LEG. LOSQUADRO:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2051 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with dredging of Stony Brook Yacht Club Spur, Town of Brookhaven (CP 5200).*** Motion by Legislator Viloría•Fisher, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2052 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with strengthening and improving County roads (CP 5014).*** Motion by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2053 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with rehabilitation of parking lots, drives and curbs at various County facilities (CP 1678).*** Motion by Legislator Carpenter, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2054 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the reconstruction of culverts (CP 5371).*** Motion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2055 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with improvements to County environmental recharge basins (CP 5072).*** Motion by Legislator Nowick, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2056 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the Probation Officer Remote Access System (CP 3048).*** Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2057 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital***

***Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with energy conservation at various County buildings (CP 1664).***

Motion by Legislator Vioria•Fisher, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2058 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with roof replacement on various County buildings (CP 1623).***

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2079 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with the purchase of perimeter fencing for the new Sixth Precinct (CP 3184).***

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2082 (Amending the Adopted 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and Program Pay•As•You•Go Funds in connection with safety improvements at various intersections (CP 3301).***

Motion by Legislator Foley, seconded by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**LEG. BINDER:**

Mr. Chairman.

**P.O. CARACAPPA:**

I recognize Legislator Binder.

**LEG. BINDER:**

I make a motion to discharge *1976, Resolution 1976 (Amending the 2004 Operating Budget and transferring funds for East Hampton Prenatal Services)*, Legislator Schneiderman's resolution that we held up in committee, thinking that it could be taken care of in the budget, but I didn't realize it was one of these contingency questions that needed to be taken care of that wasn't, so ••

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

Second.

**P.O. CARACAPPA:**

This is money that was budgeted for that was for the district of Legislator Schneiderman ••

**LEG. TONNA:**

I'll second that.

**P.O. CARACAPPA:**

•• coming out of last year's budget process that had not been expended yet.

**LEG. BINDER:**

Right.

**P.O. CARACAPPA:**

Okay. So, there's a motion to discharge by Legislator Binder, second by Legislator Tonna. All in favor? Opposed?

**LEG. FOLEY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. To Legislator Schneiderman, have you spoken with the Commissioner of Health? Is this in accordance with the contractual services they have for the South Fork?

**LEG. SCHNEIDERMAN:**

I had sometime ago, not to the Commissioner, but with Ann Arthur ••

**LEG. FOLEY:**

Right.

**LEG. SCHNEIDERMAN:**

•• who was in •• you know, working for the Commissioner.

**LEG. FOLEY:**

Yeah.

**LEG. SCHNEIDERMAN:**

And I know she at that time was prepared to come out and support this. These are services that have been rendered. It's just basically reimbursing the groups that rendered these services to the prenatal clinic.

**LEG. FOLEY:**

Was Prenatal •• East Hampton Prenatal, is that a name of a particular contract agency?

**LEG. SCHNEIDERMAN:**

No, it's ••

**LEG. FOLEY:**

Is that just the services that are being provided?

**LEG. SCHNEIDERMAN:**

There are two groups involved. The services are up and running now, and it's to reimburse. And, Eric you, could correct me if I'm misstating this. Those two •• there's two various groups involved.

**LEG. FOLEY:**

Yeah. It says here it's to transfer to a particular contract agency. My question is whether it's being transferred from an existing contract agency, and if so, where does the department stand on that particular transfer? Jim, if you an answer, you know, at this time you could volunteer.

**MR. SPERO:**

These were funds included in the '04 budget in the contingent account for the East Hampton Prenatal Program, and they were not specifically assigned. This resolution was specifically assigned those funds.

**LEG. FOLEY:**

Thank you for the •• okay.

**LEG. BISHOP:**

I see. So, it was conceptual, and now we figured out who they go to. Okay, I got it.

**P.O. CARACAPPA:**

There's a motion to discharge and a second. All in favor? Opposed? Abstentions? That is now ••

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

It is before us. It has to age an hour. Motion to waive the rule of an hour by Legislator Binder, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? That bill is now before us. Motion to approve 1976 by Legislator Schneiderman, second by Legislator Binder. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

1976 is approved. ***1977 (Amending the 2004 Operating Budget and transferring funds to Suffolk County Community College Culinary Arts Program and various community based not for profit agencies)***. Motion by Legislator Caracciolo.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY**

**P.O. CARACAPPA:**

Economic Development, Higher Education and Energy. ***1879 • Appointing Ernesto Mattace, Jr. To the Suffolk County Community College Board (of Trustees)***. Motion by Legislator Tonna.

**LEG. TONNA:**

Motion.

**P.O. CARACAPPA:**

Second by the Legislator for which district he resides in, Legislator Carpenter.

**LEG. TONNA:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Tonna.

**LEG. TONNA:**

Just quickly, I know we're trying to move through the agenda quick, but just this is one of the most patient men that I've ever met in my life. For at least the 12 years, I guess, 10 1/2 years that I've been a Legislator, he's expressed interest on serving on the Board of Suffolk Community College. And I'm just glad that his dream has come through (sic), and I think probably ours, to have such an exemplary future board member, so congratulations.

**MR. MATTACE:**

Thank you.

*(Applause)*

**LEG. ALDEN:**

We didn't vote, though.

**P.O. CARACAPPA:**

We didn't vote yet.

**LEG. BISHOP:**

On the motion as well.

**P.O. CARACAPPA:**

On the motion, Legislator Bishop.

**LEG. BISHOP:**

Yeah. I was proud to be the prime sponsor, because this is somebody who ••

**LEG. TONNA:**

I thought I was the prime sponsor.

**LEG. BISHOP:**

No, you're second, I'm the prime.

**LEG. TONNA:**

No, I was prime, that was our deal.

**LEG. BISHOP:**

Vote against it, then. Because Mr. Mattace has already volunteered so much time to the Community College, he's on the Foundation Committee, and we're very fortunate to have somebody who comes on board who already has their priorities in order when it comes to serving the people of Suffolk County.

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

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Carpenter.

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

Just to further state that 32 years, I believe it's 32 years, Ernie started as a student at the Community College, graduated, was instrumental in developing the Alumni Association, was President of the Alumni Association for many years, was also President of the Foundation Board, so I know he's got great familiarity and certainly unheralded dedication to Suffolk County Community College.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**LEG. LINDSAY:**

Congratulations.

**LEG. BINDER:**

Now we can applaud.

***(Applause)***

**P.O. CARACAPPA:**

Who made that motion to reconsider? Just kidding, Ernie, just kidding.

**MR. MATTACE:**

Thanks.

**P.O. CARACAPPA:**

***1938 (Accepting and appropriating a grant proposal to SUNY College of Technology Alfred for an Advanced Technology Education (ATE) Program 65% reimbursed by Federal funds at Suffolk County Community College (Campus Labor Crew Leader).***

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1939 (Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Suffolk County Community College (Campus Labor Crew***

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1950 (Approving the appointment of Gregory J. Pace as a member of the Suffolk County Motion Picture/Television Film Commission).***

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

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1951 (Approving the appointment of David Cohen, Esq. As a member of the Suffolk County Motion Picture/Television Film Commission).*** Same motion, same second, same vote.

***1952 (Approving the appointment of Ron Rudaitis as a member of the Suffolk County Motion Picture/Television Film Commission).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**ENVIRONMENT, PLANNING AND AGRICULTURE**

**P.O. POSTAL:**

Environment, Planning and Agriculture. ***(1881 • Making a SEQRA determination in connection with the proposed replacement of ITT Radio Tower Structure, Hampton Park, Town of Southampton).*** Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1882 (Making a SEQRA determination in connection with the proposed donation of property to Suffolk County for park purposes • 0.6 acres in the Carll's River watershed area (James Gerrain), Town of Babylon).*** Same motion, same second, same

vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1883 (Making a SEQRA determination in connection with the proposed renovation and reconstruction of facilities at Francis S. Gabreski Airport, CP# 5702, Town of Southampton).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1884 (Making a SEQRA determination in connection with the proposed Fire, Rescue, and Emergency Services Communications Tower removal, County Building C0110, Yaphank County Complex, Yaphank Avenue, Yaphank, Town of Brookhaven).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1935 (Authorizing acquisition of land under the 1/4% Drinking Water Protection Program, Section 12•5(E) (Land known as Bluepoints Company property•uplands, Town of Islip).*** Motion by Legislator Lindsay, seconded by Legislator ••

**LEG. LINDSAY:**

No. I'd like to make a motion •• I'd like to table subject to call. The buyer has chosen •• it appears that the seller has chosen a different buyer and it hasn't been closed yet, but I'd like to keep the resolution tabled until we see what happens until the property closes.

**P.O. CARACAPPA:**

Very good.

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

On the motion.

**P.O. CARACAPPA:**

On the motion.

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

I would just suggest to the sponsor, maybe since they haven't closed, to make it a motion to table rather than table subject to call.

**LEG. LINDSAY:**

We could do that.

**P.O. CARACAPPA:**

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

**LEG. SCHNEIDERMAN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

If it's in this negotiation point where you have a second, potential second buyer, why wouldn't we pass it to put the County in the bargaining position and move it forward? Why table it? Then we can't go to the table to try to negotiate for a County purchase.

**LEG. LINDSAY:**

My understanding is that Real Estate had arrived at an acceptable price with the owner, and, at the last minute, the owner accepted a different offer.

**P.O. CARACAPPA:**

Keep in mind this is acquisition. We've done planning steps. It's a motion to table and a

second. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1943, 43A (Appropriating funds in the Capital Budget in connection with the Water Quality Model: Phase III (CP 8237)).***

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Vilorina•Fisher. Roll call.

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

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Yes.

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

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

18 the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. ***1947 (Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program • Open Space component, (Goldsmith Inlet addition (Palmer), Town of Southold).***

**LEG. CARACCIOLO:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1948 (Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program • Open Space component, (Goldsmith Inlet addition (Peconic Land Trust), Town of Southold).***

**LEG. CARACCIOLO:**

Same motion.

**P.O. CARACAPPA:**

Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1953 (Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program • Open space segment, (Schleicher property • Town of Southampton).***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Schneiderman.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1967 (Authorizing planning steps for the acquisition of farmland development rights by the County of Suffolk, under the New Drinking Water Protection Program 12•2(C).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1968 (Authorizing the acquisition of farmland development rights under the New Drinking Water Protection Program • Farmland Development Rights component (ZEH Farm, Town of Riverhead).***

**LEG. CARACCIOLO:**

Motion.

**P.O. CARACAPPA:**

That's a good year. Motion by Legislator Caracciolo, second by Legislator Losquadro.

**LEG. ALDEN:**

You were born then?

**P.O. CARACAPPA:**

Yes, that was the year I was born.

**LEG. ALDEN:**

I graduated from high school

**MR. BARTON:**

18.

**LEG. MYSTAL:**

Joe, I was a junior in college.

**P.O. CARACAPPA:**

Sorry, guys. ***2080, 2080A (Allocating additional funds for the acquisition under the Suffolk County Multifaceted Land Acquisition Program for Stage II Active Parklands***

**(property of Grace Presbyterian Church), Town of Brookhaven).** Motion by myself,  
second •• second by Legislator O'Leary. Roll call.

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

**P.O. CARACAPPA:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

Same motion, same second, same vote on the companion resolution. Thank you for that.

**HEALTH AND HUMAN SERVICES**

-  
Health and Human Services. **1693 (A Local Law to require defibrillators in camps).**

Motion by Legislator Caracciolo.

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

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**PARKS AND CULTURAL AFFAIRS**

**P.O. CARACAPPA:**

Parks and Cultural Affairs. Motion by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1896 (Dedicating certain lands now owned by the County of Suffolk to the County Nature Preserve pursuant to Article I of the Suffolk County Charter and Section 406 of the New York Real Property Tax Law (S.C.T.M. No. 0300•012.00•05.00•015.000, Town of East Hampton).*** Motion by Legislator Schneiderman, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1931 (Appoint member to ATV Task Force (Thomas F. Casey).*** Motion by Legislator Losquadro, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1946 (Donation and dedication of certain lands to County parks • a SCDHS Board of Review transfer of development rights (CO5•03•0027).*** Motion.

**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:**

***1990 (Reappointing Steven H. Gittelman, Ph.D., as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No.11).*** Motion by Legislator Binder, second by ..

**LEG. COOPER:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**PUBLIC SAFETY AND PUBLIC INFORMATION**

**P.O. CARACAPPA:**

Public Safety, Public Information. ***1942, 42A (Amending the 2004 Capital Budget and***

***Program and appropriating funds in connection with the replacement of ITT radio tower • Southampton (CP 3237).***

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by ••

**LEG. VILORIA • FISHER:**

Didn't we pass this?

**P.O. CARACAPPA:**

Is there a motion? There's a motion by Legislator O'Leary, I'll make the second. On the motion.

**LEG. VILORIA • FISHER:**

I'm sorry.

**P.O. CARACAPPA:**

Okay. All in favor? Roll call.

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

**LEG. O'LEARY:**

Yes.

**P.O. CARACAPPA:**

Yeah.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Yes.

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

Yes.

**MR. BARTON:**

18 on the bond.

**P.O. CARACAPPA:**

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

**LEG. ALDEN:**

We can have Henry save his voice a little bit, just "Legislators" and go around, if that's okay with everybody.

**P.O. CARACAPPA:**

You know the drill, Mr. Clerk. ***1961 (Authorizing the Police Department and the Department of Health Services and Fire, Rescue and Emergency Services to increase their fleets by one (1) vehicle each for the State Homeland Security Program (SHSP) FY 2004).***

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

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1969 (Accepting donation of a vehicle to the Suffolk County Police Department).***

Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1987 (Authorizing the Sheriff's Office to increase its fleet by ten (10) marked vehicle for the twenty (20) additional Deputy Sheriffs hired for the Law Enforcement***

***Division).*** Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor?

Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1989 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the purchase of a catamaran patrol vessel•police (CP 3151).*** Motion

by Legislator Binder, second by Legislator Carpenter. Roll call.

**MR. BARTON:**

Okay.

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

**LEG. BINDER:**

Yes.

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

Yes.

**LEG. CARACCILOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yeah.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yeah.

**MR. BARTON:**

17•1 on the bond.

**P.O. CARACAPPA:**

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

**PUBLIC WORKS AND PUBLIC TRANSPORTATION**

***1625, 25A (Amending the 2004 Capital Budget and Program and appropriating funds through the issuance of serial bonds for improvements to Suffolk County Sewer District No. 3 • Southwest (CP 8170).***

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary.

**LEG. LINDSAY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Lindsay.

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Jim, is there any way of doing this, other than putting out new bonds to the 477 Account or the Sewer Stabilization Account?

**MR. SPERO:**

A number of improvements in the district have already been financed from the stabilization funds, so it could be possible you could provide additional stabilization funding to •• for these •• for this capital improvement.

**LEG. ALDEN:**

How much is this for?

**MR. SPERO:**

This is a total, almost 10 million dollars.

**LEG. ALDEN:**

And what's the balance in the stabilization fund?

**MR. SPERO:**

I would have to check.

**LEG. ALDEN:**

There's probably more than 10 million dollars in there, right?

**MR. SPERO:**

Yes, I believe it is.

**LEG. ALDEN:**

I'd like to ask to have this tabled and then just explore the possibility of doing that as stabilization fund.

**P.O. CARACAPPA:**

Okay. There's a motion to table.

**LEG. CARACCILOLO:**

Second.

**LEG. LINDSAY:**

On the question.

**P.O. CARACAPPA:**

On the •• second by Legislator Caracciolo. On the motion, Legislator Lindsay.

**LEG. LINDSAY:**

Yeah, to Jim Spero. The process with the sewer districts is the County floats the bonds to finance the project, but the project •• but the financing to pay those bonds goes through the district, right, to the individual taxpayers in that district?

**MR. SPERO:**

That's right. And if stabilization funds are used, they have to be repaid with interest ••

**LEG. LINDSAY:**

Okay.

**MR. SPERO:**

•• back to the stabilization fund ••

**LEG. LINDSAY:**

Okay.

**MR. SPERO:**

•• from the district.

**LEG. LINDSAY:**

Is there any savings to the taxpayer in that district by using the stabilization funds over the bonding?

**MR. SPERO:**

The savings are that we don't have to go out, then finance debt, we can finance it internally ••

**LEG. LINDSAY:**

So, there's a savings ••

**MR. SPERO:**

And I said there's a savings in the debt issuance costs.

**LEG. LINDSAY:**

There's a savings to the County as a whole, but not to the individual taxpayer within the district.

**MR. SPERO:**

No. The district's supposed to repay the debt at the prevailing interest rates.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**LEG. LINDSAY:**

Before we go on.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

The sponsor of the tabling motion, so, are you going to resurrect this resolution using the tax ••

**LEG. ALDEN:**

I'm not so sure that they need it as a resolution. We're going to go through the Sewer •• there's a Sewer Agency. That Board meets what, once every month, Sewer Authority?

**MR. SPERO:**

A resolution would be required to transfer the stabilization funds to the Southwest Sewer District and appropriating to ••

**LEG. ALDEN:**

Okay.

**MR. SPERO:**

•• appropriating them to the capital project.

**LEG. ALDEN:**

Jim, between Jim and Mea, could you draft a resolution that would do just that?

**LEG. LINDSAY:**

Because my concern is we heard from a number of speakers here earlier about, you know, the need for construction jobs in the County over the pay•as•you•go. Really isn't much substance in the pay•as•you•go resolutions, but in these sewer projects, there's a lot of substance. I mean, this is a 10 million dollar project in one fell swoop, you know, and I'd hate to see it delayed.

**LEG. ALDEN:**

No. I agree with you, but, Bill, the problem here is, when you go out for 10 million dollars to Wall Street, that's where we're paying a lot of money, you know, for people to do ••

**LEG. LINDSAY:**

I don't have any problem ••

**LEG. ALDEN:**

Okay.

**LEG. LINDSAY:**

•• with that at all. I just don't want to see it fall off the table somewhere in the process.

**LEG. ALDEN:**

Yeah. So, if you could draft that and put me as a sponsor. Thank you.

**P.O. CARACAPPA:**

Okay. ***1626 (Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program, and appropriating funds for Suffolk County Sewer District No. 3 • Southwest sludge treatment and disposal (CP 8180).*** This is a classic example of what we were just speaking about, right? Budget Review? It's transferring assessment stabilization reserve funds to the capital fund, amending the 2004 Operating Budget, amending the 2004 Capital Budget and Program.

**MR. SPERO:**

This is transferring 16.1 million dollars in stabilization funds to the Southwest Sewer District ••

**P.O. CARACAPPA:**

Right.

**MR. SPERO:**

•• for the ••

**P.O. CARACAPPA:**

This is like that internal financing that you had mentioned.

**MR. SPERO:**

That's right.

**P.O. CARACAPPA:**

Yes, yep.

**LEG. LINDSAY:**

I'll make a motion.

**P.O. CARACAPPA:**

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

Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1754 (To institute a pilot project utilizing Leadership in Energy and Environmental Design (LEED)).***

**LEG. VILORIA • FISHER:**

On the motion.

**P.O. CARACAPPA:**

There's no motion yet.

**LEG. VILORIA • FISHER:**

I'm sorry. Motion to approve.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

There's a motion and a second.

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

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Carpenter.

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

I just want to thank Legislator Fisher. I had some concerns about this resolution in committee, and she did add the "resolved clause" that would bring the project back. After they've done cost comparisons on the completion of the design phase, it would then come back to the Legislature. But I feel compelled, especially as Chairman of Public Safety, to go on record stating that I have concerns about the fact that the pilot project is the Fourth Precinct, and I just want to be sure, because of the conditions of the precinct that, you know, going this route will not in any way delay the construction and completion of that project. I know that when I asked that question in committee, the Commissioner, Commissioner Bartha, did state that it would probably add sometime to it, but I just ••

**LEG. BINDER:**

Motion to table.

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

•• would want to make sure that that is expedited, that project.

**P.O. CARACAPPA:**

There's a motion to ••

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

Especially now if it's a LEED project.

**P.O. CARACAPPA:**

There's a motion to table by Legislator Binder.

**LEG. NOWICK:**

Second.

**P.O. CARACAPPA:**

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

**LEG. NOWICK:**

Yeah. I just would like to reiterate what Legislator Carpenter has stated. The Fourth Precinct is in desperate need of repair, and I also would not want anything to slow that down. Thank you.

**LEG. VILORIA • FISHER:**

Let me just say something on this motion, Mr. Chair.

**P.O. CARACAPPA:**

Go right ahead.

**LEG. VILORIA • FISHER:**

It's very important. I have before me a list of LEED users, and I believe that some of these agencies, federal agencies, State agencies, municipalities, who have chosen to take the lead, LEAD, in environmental leadership and also in the concern for the people, the personnel who work in these buildings are none •• none of these agencies that I'm going to mention I think would have wanted to delay projects in their agencies, including the federal users, the Department of Energy, the Department of the Interior, the Environmental Protection Agency, the General Services Administration that requires that all building projects starting designs in 2003 meet LEED certified levels.

On the State level, the Department of State has committed to using LEED on the construction of new embassies worldwide over the next ten years.

The Air Force has developed a LEED application guide for lodging of their personnel. The Army has adopted LEED into its sustainable project ratings. I have eight pages of national, state, and local agencies that have been using the lead guidelines in their buildings.

This is no longer cutting edge, this is no longer taking leadership in Suffolk County, but simply using what has been shown to be best practices. We need to move forward in our thinking in terms of building design. We are very vulnerable here in Suffolk County with regards environmental concerns. We have had a number of issues where we've looked at "sick building

syndrome". We need to protect our workers and we need to protect our future. This is the way to do it.

LEED will no longer cause delays in its implementation, because it has been tried over and over. It is a practice which is now becoming part of the norm more than the contrary to that.

So, I'm hoping, Mr. Chair, that we could pass this today. This legislation has been before us now in its full forum when I was asking that all construction follow LEED guidelines. We discussed it. I have had materials available for almost two years now to the Legislature to see the growth of this program throughout the United States and internationally.

It behooves us to take seriously our environmental needs and the health and safety of the personnel who are working in our buildings. We can't continue the dependence on fossil fuel that our nation has had for so many years. We need to look forward to alternative fuels, sustain •• renewable energy sources. It's truly an important piece of legislation. Give it a chance. Give us the opportunity to prove how worthwhile this program is and how cost effective it can be.

That's all we're asking in this pilot program. This is not a surprise to anyone. It's certainly a great compromise from where •• from my starting position, and I just think that the fair thing to do is to give this wonderful program an opportunity. Thank you, Mr. Chair.

**P.O. CARACAPPA:**

You're welcome. Legislator Lindsay.

**LEG. LINDSAY:**

As my colleagues know, last year, when Legislator Fisher sponsored the bill to an attach LEED standards to all construction in Suffolk County, I was opposed to it, I thought it was too radical a step. However, this resolution I support wholeheartedly. I think it's the right way to go. It's taking one project to use as a sample project. It would be a good way for us to assess that this •• the effects of LEEDs would have on our construction program in Suffolk County. I do not see the value of tabling this resolution if the concern is over the time that we'll take to build the Fourth Precinct. I think by tabling it, we're just going to delay that project further, unless the intent is to kill this legislation, which I think would be a definite mistake.

**LEG. FOLEY:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Anyone else?

**LEG. FOLEY:**

Thank you, Mr. Chairman. There's been recent news articles of how the costs, the outlay of costs for the construction of LEEDs buildings has actually come down in the last several years, so we're at a point in time when not only is there a savings once the building is constructed, but there are also a savings compared to what the initial cost estimates were about the construction of these buildings.

So, I hope that we would move •• I'd like to see it moved today. The fact of the matter is that at our last committee meeting, all the that were raised, and there were good concerns that were raised by members of the committee, were addressed by the sponsor of the bill. The amendments were made to the bill pursuant to the request of the committee members. Now we're ready to vote on the bill that reflects the concerns, as articulated at the committee meeting. So, I would hope we could pass this today. If, in fact, it is tabled, certainly no later than the December 7th meeting. But I know the bill reflects all the concerns that were raised at the committee the other week. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Foley. Anyone else? There's a motion.

**LEG. VILORIA • FISHER:**

Yes, Mr. Chair.

**P.O. CARACAPPA:**

Yes, Legislator Vilorio • Fisher.

**LEG. VILORIO • FISHER:**

Mr. Chair, this particular legislation has been before the Public Works Committee, and I have made every accommodation that has been requested by that committee. As a matter of fact, when I proposed this pilot, there was no mention of which building would be the project. I wasn't demanding of that to DPW, I was leaving it to DPW to make their own good professional judgment as to where they would site the project.

Upon the request of the committee, I worked with, and Mr. Schroeder has been working with us, I worked with DPW to have them determine what their •• which building would be the pilot here. And now, because we forced DPW to make a commitment to which building would be the project, now that becomes the reason to further table this project.

I just want to know, is this Legislature opposed to LEED legislation, because it seems to me that he every time there has been a question, I have responded. Every time there has been a concern, I have addressed it. Every time there has been a request for conciliation, I have done that. I have compromised, and answered, and really have bent to every single request by the people who are sitting around this horseshoe.

Now, if there is an agenda that I don't know about, I hope that it can be put forward, because I don't understand at this point in time what more can be asked of me to make this work. I truly believe, and this is not a political statement, this is a statement of what is best for us environmentally, socially, in terms of the health and protection of the people who work in our buildings and the people who live in this County, this is truly a good piece of legislation. This is truly about good government and about how we are going to •• which direction we're going to move in as we move to the future.

The government should be providing a model for all building in the future, and, yet, government in our case refuses to take on that mantle of being a model for all buildings, for the way things should be done.

I just attended a conference in Rochester, a political •• a summit of women in elected office,

Legislator Carpenter was also invited, and there was a question raised by the Mayor of Ithaca saying, "You know, I'd like to learn more about green buildings." And I said, "It's coming before our Legislature this Tuesday." The excitement and the interest by the Legislators who represented different ••

Monroe County, Erie County, the Mayor of Ithaca, other municipalities, all wanted copies of this legislation, and wanted the website address for the Green Building Council, because they said this is so typical of Suffolk to take on the role of looking forward, of determining what is good for the future of their community and the environment. "This is so typical, send us copies of this legislation." I will not be able to do that as I promised them, that I thought because of the assurances of the people on that Public Works Committee who told me that they would be supporting this, because it's a good piece of legislation. I won't be able to do that, and I don't know the reason why, and I find that very disturbing.

**P.O. CARACAPPA:**

Okay. Legislator O'Leary is next. But I'm going to say, Legislator Fisher, trust me, there's no other agenda other than some people still have a few questions, as was stated earlier, and I think ••

**LEG. VILORIA • FISHER:**

Okay. Ask me the questions, I'll answer them, and Joe Schroeder will answer them.

**P.O. CARACAPPA:**

I certainly didn't interrupt you, Legislator Fisher ••

**LEG. VILORIA • FISHER:**

I'm sorry.

**P.O. CARACAPPA:**

•• at any point.

**LEG. VILORIA • FISHER:**

Okay. But if there are real questions, we can answer them.

**P.O. CARACAPPA:**

And you continue to interrupt. I'm done. Legislator O'Leary.

**LEG. O'LEARY:**

Thank you, Mr. Chair. As the •• as the Chair of Public Works, which was referenced to by Legislator Fisher in her statement just previously, there has been several, if you will, accommodations on the part of the sponsor with respect to this resolution, and I applaud her for that. She's listened to the concerns of the committee, which has been addressed, for all intents and purposes, to their liking to the point where we no longer held it in committee, that we moved it out of committee, discharged it without recommendations to the full body, to have the full body to discuss and debate this very issue.

Let me just say, from my standpoint, there is still one issue that is still pending in my mind. Legislator Foley addressed that particular issue with respect to the cost factor of a LEEDs projects as opposed to the current projects that we're •• that we've been accustomed to here in the County. There is •• there is reports, I understand, that minimize the cost impact of a LEEDs project as opposed to a normal capital project. However, I have no seen that. From my standpoint, I have no seen the true cost impact of a LEEDs project as opposed to a normal capital project.

I would prefer to have either BRO or DPW supply to us examples of just what the fiscal impact on this particular project is. That is a question, Legislator Fisher, that is still out there. We do not know what the fiscal impact of this particular project will be, and I think you must readily admit that it's been a question that's been asked time and time again and we have not received those answers. I would •• I would suggest to my colleagues that we make every effort to make a determination just what the fiscal impact of a project such as this would be. Now that the site has been selected and some reservations had been made by the Chair of Public Safety with respect to that location and the site, I would like to focus on the fiscal impact, the cost impacts of such a project. And I would •• I would be supportive of a tabling resolution for at least one more cycle, if we can, in fact, determine just what the cost impact is of a project of this nature. Thank you.

**LEG. ALDEN:**

I'm going to make a request that it actually goes a little bit further than what Legislator O'Leary was speaking about, because for seven years that I've been a Legislator, I've been talking about our bus system and our whole fleet of cars and how they pollute the environment, and

why we haven't, as a Legislative body, sat down and made a determination, I know that Legislator Losquadro is signaling to me, because we have had discussions on this. Why haven't we looked at all our energy, all the ways that we use and the way we pollute? Now, I compliment Legislator Vilorio•Fisher for going this route and taking a look at this, but I'm not on Public Works, so I haven't •• I've just seen two hand•outs today. I didn't even get the minutes from the Public Works meeting to read before I was asked to vote on something like this.

I think there possibly could be an overall policy established in Suffolk County that would take care of even our fleet and our buildings, and I think we really have to seriously look at that. And I'm going to express some disappointment, because time and after time I'm sitting here and we pass resolutions to go out and buy generators, diesel generators. We have no policy on energy, we have no policy on energy use, we have no policy on pollution. Let's take care of the whole problem at one time. Thank you.

**P.O. CARACAPPA:**

Anyone else? Roll call on the tabling motion.

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

**LEG. BINDER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

No.

**LEG. LOSQUADRO:**

Yes to table.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. TONNA:**

No.

**LEG. COOPER:**

No.

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

Yes.

**P.O. CARACAPPA:**

Yep.

**MR. BARTON:**

Ten.

**P.O. CARACAPPA:**

It's tabled to the next meeting. Moving on. ***1811 (A Charter Law to modify the Traffic Safety Board)***. Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1897 (Authorizing Public Hearing for approval of rates for Fire Island Ferries, Incorporated)***. Motion by Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1930 (Amending the 2004 Operating Budget to fund Pay•As•You•Go Capital Projects and appropriating the 2004 Capital Budget and program Pay•As•You•Go funds in connection with the purchase and installation of a flashing yellow traffic signal at the intersection of Montauk Highway and Waterworks Road in Patchogue (CP 5054.571) and for planting trees and shrubs at various locations (CP 5902.410).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Foley.

**LEG. LINDSAY:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Lindsay.

**LEG. FOLEY:**

Just on the motion, Mr. Chairman.

**P.O. CARACAPPA:**

This is a three-quarter vote. On the motion, Legislator Foley.

**LEG. FOLEY:**

We had reported this out of committee, and the committee had asked for •• unanimous, it was a unanimous vote. The committee had asked for a change to be made from capital dollars to pay•as•you•go. We've made that change.

Just to refresh some people's minds, this is a traffic signal that would be located right next to the soon to be relocated Patchogue Ambulance Company. In order for the ambulance company to safely navigate Montauk Highway, which this is a busy stretch of Montauk Highway in the heart of the Village of Patchogue, Mr. Chairman, they need to have a flashing yellow and red light that can be activated well over 2,000 times a year when they do make calls, so when they respond to calls to •• emergency calls to the ambulance headquarters. That's number one.

Number two, we also have •• are appropriating monies for a long moribund program that we had approved a number of years ago, which was to have a comprehensive landscaping program along our County roads. In the past two to three years, monies have not been appropriated for that particular program. I think the public has suffered, because we haven't done as extensive landscaping along County roads as we had beforehand. As I say, there is a law on the books that we're supposed to have this program. We do have, we need to fund it. So, this will serve both a public safety point of view by having safer access •• safer egress for the Patchogue

Ambulance Company to access Montauk Highway, and secondly, to follow through with funding for a County program •• County law, rather, directing Public Works to undertake comprehensive landscaping along our roadways. So, I hope we could approve it today.

The reason why there's some time urgency, Mr. Chairman, particularly with the Patchogue Ambulance Company, they intend to have the building, which is the former Suffolk County Water Authority building on West Main Street in Patchogue, they intend to move in there between March and April. That being the case, the Public Works Department needs several months in order to move forward with the installation of this •• of this traffic signal. Thank you.

**P.O. CARACAPPA:**

Thank you.

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Just how much is this resolution?

**LEG. FOLEY:**

The traffic signal is \$50,000, the landscaping, and this is County•wide, is roughly \$200,000.

**LEG. ALDEN:**

Now, maybe the sponsor of this bill can answer the next question.

**LEG. FOLEY:**

Sure.

**LEG. ALDEN:**

Did we just do a change of financing for some kind of improvements similar to these?

**LEG. FOLEY:**

No.

**LEG. ALDEN:**

Why wasn't that included in one of those resolutions?

**LEG. FOLEY:**

Well, those are resolutions that were submitted by the County Executive, this is a resolution submitted by this Legislator.

**LEG. ALDEN:**

All right.

**LEG. FOLEY:**

And, plus, even with these monies, there still •• there still is an additional well over a million dollars left in pay•as•you•go between now and the end of the year. So, there are monies available for Legislators to move forward with their initiatives that they believe are important for their district or for the County. These are two that are very •• one of which is very important to my district, and the other is important County•wide, because, as I said earlier, this is a County law where the department has not been able to fulfill the law, because they haven't had the monies available to undertake comprehensive landscaping. Plus, this is an area that there could be County•owned properties, whether Gabreski or elsewhere, that could tap into these monies in order to do the landscaping that they would like to see happen.

**LEG. ALDEN:**

My next question is just •• I'm going to direct it to the Committee Chairman. Pete, when we do •• when we do any of these traffic signals, and I know I've done some in Brentwood and over in Islip, what's DPW's •• did they already do the study on this one?

**LEG. O'LEARY:**

Yeah. In committee, Legislator Alden, Commissioner Bartha did indicate ••

**LEG. ALDEN:**

Hold it just one second, I can't hear you. There's a lot of noise. It's mainly Mike Caracciolo is making a lot of noise over here.

**LEG. O'LEARY:**

Can you hear me now?

**LEG. ALDEN:**

Yeah, I could.

**LEG. O'LEARY:**

In committee, Commissioner Bartha did indicate that a study was, in fact, made with respect to this traffic light and the need for it. He was specifically questioned about it and he articulated support for it.

**LEG. ALDEN:**

Did anyone explore the possibility of just breaking these two resolutions apart, because it sounds like there's a possibility that the argument could be made for the traffic signal, and then the other parts, as far as the plantings, maybe should be taken care of in a more •• I'm not going to say comprehensive, because maybe the sponsor did do a comprehensive, but did anybody look at breaking it apart?

**LEG. O'LEARY:**

No, not to my knowledge, that was not done as far as breaking it apart. It was all •• it was all part and parcel of one particular proposal.

**LEG. ALDEN:**

What were the locations on there? Just, you know, roughly, they were all over the County, or are they mainly out in East End, West End?

**LEG. O'LEARY:**

The location for this particular resolution?

**LEG. ALDEN:**

No, the ••

**LEG. FOLEY:**

You want to ask me? I'm the sponsor of the bill, I can give you an answer.

**LEG. ALDEN:**

The plantings.

**LEG. O'LEARY:**

Yeah, I defer to the sponsor on that.

**LEG. FOLEY:**

Thank you. Thank you.

**LEG. O'LEARY:**

You're welcome.

**LEG. FOLEY:**

Yeah. This is •• it's not location•specific for the landscaping. The way that we've worked in the past •• last time this was funded, by the way, was in 2001, so we had three years where we haven't funded it. About five years ago, through my initiative and with your support, we created in the Department of Public Works a landscape architect position, which we didn't have for over 20 years. Now, Ralph \\_Brakowski\\_ is doing a lot of work, but the fact of the matter is, if he has these monies available, then each of us in our own districts can also speak with him about how we'd like to see those monies utilized.

**LEG. ALDEN:**

But, Legislator Foley ••

**LEG. FOLEY:**

Sure.

**LEG. ALDEN:**

Can I call you Brian, is that all right, the familiar term? Brian, the thing that concerns me here is, in my district, along Union Boulevard ••

**LEG. FOLEY:**

Sure, right.

**LEG. ALDEN:**

•• they did a whole bunch of plantings.

**LEG. FOLEY:**

Yes, they did.

**LEG. ALDEN:**

And you know what's in there now? Weeds, and all of them are dead, because ••

**LEG. FOLEY:**

Well, that's a separate issue, though.

**LEG. ALDEN:**

No, I know, but ••

**LEG. FOLEY:**

That's an issue of maintenance, that's not an issue of landscaping.

**LEG. ALDEN:**

Right. But, if we spend the money, and the money was spent over in my district ••

**LEG. FOLEY:**

Right.

**LEG. ALDEN:**

•• years ago when we redid Union Boulevard ••

**LEG. FOLEY:**

Right.

**LEG. ALDEN:**

•• we kind of wasted whatever the money was that was in the budget for the landscaping. So,

that's something we should really take care of. That's why I'm just asking about separating these two tissues.

**LEG. FOLEY:**

Well, I hope we wouldn't separate them, because the fact of the matter is we do have •• these are pay•as•you•go monies. There's about 1.3 to 1.4 million dollars that's left in pay•as•you •go. Most important, of course, is the public safety. But what's also important is that we could try to move forward with a landscaping program that has been, as I said, moribund for last four years. You know, you go in other parts of the State and other parts of the country where along the roadways they've made greenways out of their highways, and many of us do support that effort here.

So, this is an opportunity for •• not only for the department to move forward, but certainly they will interact with and speak to our local •• you know, local Legislators as to what's important in each of our districts.

As far as the maintenance of landscaping, I think that's a separate issue which we •• which can be addressed in a different way. But we will never get to the issue of maintenance of landscaping if we don't appropriate monies to plant landscaping throughout the County. So, I would hope that we could do both, get it approved today, so we can move forward.

**LEG. ALDEN:**

I'm all done with my questions. Thank you.

**LEG. SCHNEIDERMAN:**

Joe. Joe.

**P.O. CARACAPPA:**

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

**LEG. SCHNEIDERMAN:**

Wait. On the motion.

**P.O. CARACAPPA:**

Oh, on the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

And maybe the sponsor needs to answer this as well. But it's because this is a nonspecific landscaping ••

**LEG. FOLEY:**

Correct.

**LEG. SCHNEIDERMAN:**

•• money. How is it that you go about getting the money out of this and ••

**LEG. FOLEY:**

Oh, it's real easy.

**LEG. SCHNEIDERMAN:**

Is there any certainty that you'll get the money?

**LEG. FOLEY:**

Right. No, it's real easy. What you do is, as I tried to outline a few moments ago, now that we have a landscape architect who's part of the Department of Public Works, certainly those of us who follow through on these things, that's a particular person, whether you have to speak direct through •• to the Commissioner, but speak with the landscape architect about what the needs are within your particular district.

And I would hasten to add that when we all do our homework and look at different areas of our districts, that the 200,000 will really be a downpayment what needs to be done as far as landscape improvements throughout this County.

**LEG. SCHNEIDERMAN:**

How did you determine the \$200,000 figure?

**LEG. FOLEY:**

Because I wanted to leave money for other Legislators for other projects. Okay? I was thinking about you.

**LEG. SCHNEIDERMAN:**

So, you have a certain amount of money that you have in your mind that you're looking for for your district.

**LEG. FOLEY:**

Well, actually, I sat down with Budget ••

**LEG. SCHNEIDERMAN:**

How much •• how much money is it?

**LEG. FOLEY:**

I sat down with Budget Review Office and with Mr. Maggio ••

**LEG. TONNA:**

Sky's the limit. Sky's the limit.

**LEG. FOLEY:**

•• and Mr. Spero and we came with this amount of money, as I said, as a downpayment for what needs to be done. But I wanted to leave enough monies extant in the budget, so that Legislators can, within the next two meetings, appropriate the monies for projects in their district.

**LEG. SCHNEIDERMAN:**

It needs to be done where? Because, as you know, I have a ••

**LEG. FOLEY:**

This can be, as I said.

**LEG. SCHNEIDERMAN:**

I'm trying to get, as you mentioned, Gabreski Airport, where we need \$50,000 of funding ••

**LEG. FOLEY:**

Right.

**LEG. SCHNEIDERMAN:**

•• for landscaping there, that would use ••

**LEG. FOLEY:**

Theoretically ••

**LEG. SCHNEIDERMAN:**

•• a quarter of the money.

**LEG. FOLEY:**

Theoretically, it could come from there. But, as I said •• as I said earlier •• if I may just respond, Mr. Chairman. As I said earlier, that \$50,000 for Gabreski can easily be done as a stand•alone this year with the remaining 1.4 •• 1.3 million, or early next year where the pay•as •you•go money is to the tune of 18 million dollars. Many of us didn't support it, because it wasn't part of omnibus, but, certainly, I think we'd support it as a stand•alone.

**P.O. CARACAPPA:**

Okay. Roll call.

**LEG. FOLEY:**

14 is needed, correct, Mr. Chairman?

**P.O. CARACAPPA:**

Yes, sir.

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

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. CARACCIOLO:**

Pass.

**LEG. SCHNEIDERMAN:**

Abstain.

**LEG. O'LEARY:**

Abstain.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Abstain.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Abstain.

**LEG. KENNEDY:**

Abstain.

**LEG. NOWICK:**

(Not Present)

**LEG. MYSTAL:**

She'll be back.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Abstain.

**LEG. TONNA:**

Sure.

**LEG. COOPER:**

Yes.

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

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Carpenter.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1940 (Amending prior capital authorized appropriations for improvements to Electrical Distribution Systems • Construction (CP 2179.311) of improvements to Electrical Distribution Systems • Planning (CP 2179.111).*** Motion by Legislator Lindsay, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1944 (A resolution making certain findings and determinations in relation to a proposed improvement of facilities for Sewer District No. 3 • Southwest).***

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary.

**LEG. LOSQUADRO:**

Second.

**P.O. CARACAPPA:**

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

**LEG. ALDEN:**

Maybe the Chairman could tell me what this covers for the Southwest Sewer District.

**LEG. O'LEARY:**

Yes, as soon as I bring it up.

**LEG. ALDEN:**

Never mind. I withdraw the question.

**P.O. CARACAPPA:**

All in favor?

**LEG. O'LEARY:**

I have not committed it to memory, Legislator Alden. I'm trying to bring ••

**LEG. ALDEN:**

No, I'm sorry.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1949 (Authorizing the execution of an agreement between the County and the New York State Department of Transportation for 80% Federal Aid and 20% State Aid for funding for transit service improvements).*** Motion by myself, second by Legislator Foley.

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

1962.

**MR. BARTON:**

18.

**MR. BARTON:**

***(1962 • Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner Building CQ2 • WE'RE Associates (HU•1447).*** Motion. Is there a motion?

**LEG. O'LEARY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator O'Leary.

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

Second.

**P.O. CARACAPPA:**

Second by Legislator Carpenter.

**LEG. ALDEN:**

Motion to table.

**P.O. CARACAPPA:**

Motion to table by Legislator Alden.

**LEG. ALDEN:**

Elie, help me out.

**P.O. CARACAPPA:**

Is there a second?

**LEG. MYSTAL:**

I want to table it. I don't know what's the number.

**LEG. ALDEN:**

I just made a motion to table it. Do I have a second?

**P.O. CARACAPPA:**

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

**LEG. MYSTAL:**

Yes.

**P.O. CARACAPPA:**

Second by Legislator Mystal. All in favor? Opposed?

***(Opposed Said in Unison)***

**P.O. CARACAPPA:**

Roll call.

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

**LEG. ALDEN:**

Yes to table.

**LEG. MYSTAL:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

This is on the motion to table?

**MR. BARTON:**

Motion to table.

**LEG. SCHNEIDERMAN:**

No.

**LEG. O'LEARY:**

No to table.

**LEG. VILORIA • FISHER:**

Pass.

**LEG. LOSQUADRO:**

No to table.

**LEG. FOLEY:**

No to table.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

Yes.

**LEG. KENNEDY:**

Yes. Yes to table.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

To table, no.

**LEG. BINDER:**

No.

**LEG. TONNA:**

Pass.

**LEG. COOPER:**

No to table.

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

No.

**P.O. CARACAPPA:**

Sure, yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. TONNA:**

No, no to table.

**MR. BARTON:**

Eight.

**P.O. CARACAPPA:**

Tabling fails. There's a motion and a second to approve. All in favor?

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Can we get an explanation of what type of •• and I guess what we're doing now is we're approving extension of the Southwest Sewer District for what purpose? So, what category does this fall into, because this, to my knowledge, is way outside the Southwest Sewer District.

**LEG. O'LEARY:**

Yeah, this is •• if I may, Mr. Chair.

**P.O. CARACAPPA:**

You may.

**LEG. O'LEARY:**

This is in an area near 110. It's a small connect of 12,500 gallons. It has little or very little impact, if you will, on the capacity of the Southwest Sewer District. And to just remind my colleagues, it was approved in committee unanimously.

**LEG. ALDEN:**

If I could ask a couple of more questions, is that all right?

**P.O. CARACAPPA:**

Absolutely.

**LEG. ALDEN:**

I think that one thing that's lacking here is complete direction by the Legislature as far as what we're going to do in extending, and all sewer districts come into this, but mainly Southwest Sewer District, because that's our largest sewer district.

And I'm just going to point out a couple of things. People who live in the Southwest Sewer District have paid additional taxes for the past almost 40 years to support the construction of the Southwest Sewer District and its maintenance and also its operations. So, for 40 years, people in Southwest Sewer District are paying. Now you've got somebody coming on, and from what I'm hearing, there's no proof that there's going to be an economic boom to Suffolk County, this is not going to be any type of benefit to Suffolk County, except we're going to do this developer a favor and allow him to overbuild on a piece of property that he wouldn't be able to build whatever he's going to build on, because we're going to let him hook up to the Southwest Sewer District.

And another point is this property hasn't paid Southwest Sewer District taxes for 40 years. So, he's going to waltz in, and on the backs of the people from the Southwest Sewer District, he's going to be allowed to hook up and have an economic boom and we get nothing for it, basically, in Suffolk County, except a little bit more use and a little bit more of a faster wearout for our facilities.

So, those are just things that we should really consider and maybe even come up with an overall policy of how we're going to allow people outside these districts to hook up. What should be the •• what should be the test, the litmus? Do they have to have ten jobs, do they have to have a hundred jobs, or are we just going to do favors to builders?

Thank you.

**P.O. CARACAPPA:**

Okay. There's a list. Legislator Tonna?

**LEG. TONNA:**

Yes.

**P.O. CARACAPPA:**

Mystal, then Lindsay.

**LEG. TONNA:**

I agree and disagree with Legislator Alden. First of all, I agree that I think Legislator Alden is hitting a very good point, which is that we need some criteria. You know, we have, as best as I can tell, we have about two million gallons worth of capacity left last time I looked at it, and we have applications that are going to put us way over that, including, and, hopefully, this Legislature eventually will get to approving the sited Pilgrim State. The •• so, there is concern, and I think Legislator Alden is right, and I know in the Health Committee we're going to start raising this issue on a regular basis with regard to sewer districts in the Health Department.

The part that I'm •• I don't think he's right about, and I'd ask Budget Review, I think it's kind of a skewed statement when he talks about the taxpayers paying for 40 years. Absolutely, they've been paying for their 30 and 40 years. But there are sewer district hookup fees, there are other fees that they're •• that they pay, and from what I understand •• Jim, let me just ask you, maybe you could just, you know, off the top of your, head or something like that. I mean, they pay substantial amount of money, right, for hookup fees, for maintenance, and everything else; am I right about that?

**MR. SPERO:**

They pay •• they'll pay a one•time connection fee.

**LEG. TONNA:**

Yeah. That probably makes up for the 40 years of what other people are paying, you know. I think, right now, considering the sewer district hookups and what it has done for the economy, the Melville area, by the way, is one of the largest tax bases for this County, the Melville area that is •• that gets hooked up to the Southwest Sewer District.

Maybe people don't understand that the Walt Whitman Mall, which contributes and inordinate amount of money for the sales tax base to this County, which is also hooked up to the Southwest Sewer District; okay? And, as a matter of fact, we're getting supplemented because there are a lot of people in Nassau County who are paying into that •• into who are coming from Nassau County to shop at the Walt Whitman Mall. So, there are a lot of very important tax benefits that are affecting everybody in Suffolk County.

So, as where as I agree with Legislator Alden, that we need to look at it, and I think that the alarm bells that he's setting off are good alarm bells, we should come up with some criteria and should look at this thing very carefully. I just don't think it's as one-sided as he makes it, as far as the financial picture.

**P.O. CARACAPPA:**

Okay.

**LEG. BISHOP:**

Is there a list?

**P.O. CARACAPPA:**

There is a list. Legislator Mystal, then Lindsay, then Bishop.

**LEG. MYSTAL:**

I'm in total agreement with Legislator Alden. The fact that we have a lot of residents in the sewer district that are still not hooked up to that district, which was built for them to be hooked up to, and to this day, we haven't had the money, nor the will to build a sewer hookup for the residents of Deer Park, residents of North Babylon, Wyandanch, and a whole bunch of other residents who live in the Town of Babylon.

I also find it very dubious that somehow, every time we have one of those hookup permit to the sewer district, it's always Legislators from outside of the sewer district who are supporting this business. Somehow the business never come in contact the Legislators who are part of the sewer district, you know, in Babylon or Islip, it's always somebody from the outside that they go to to defend their cause. How come they never contact me, or Legislator Alden, or Legislator Bishop? They never do, because they go outside, and then their cases are being pleaded by other people without contacting us who doesn't have any appreciation for the fact that we have residents who are still having some serious concern about their water, because they have their cistern and their •• what do you call that again? What I'm •• the sewer I'm looking for?

**LEG. CARACCILOLO:**

Cesspool.

**LEG. MYSTAL:**

The cesspool, the cesspool which are deteriorating. The water table in Wyandanch, first of all, is so •• is so high, you put •• you know, you go down a foot•and•a•half and you hit water. So, I'll •• we'll command that somehow we take a very close look at what we do with that sewer district and leave some room, and we're running out of capacity, leave some room for the people who are the residents, and that's all we're trying to do.

**P.O. CARACAPPA:**

Legislator Lindsay, then Bishop.

**LEG. LINDSAY:**

Just to reassure Legislator Mystal, I have had no discussions with Mr. Rechler from WE'RE Associates. But I was here at the Public Works Committee when he made the presentation. From my understanding, WE'RE Associates is a complex that I think we're all familiar with. There's four or five buildings in the 110 Corridor that have provided tremendous source of jobs for our area, good paying jobs, stock brokerages and insurance companies, and probably jobs that any other sector of the state would salivate over having.

I believe, and maybe the Legislators from that area could correct me, but I believe that whole complex is currently connected to the Southwest Sewer District, and what we're talking about here is a small expansion. To have five buildings hooked up and to deny this small addition doesn't make for sound policy.

**LEG. TONNA:**

No, doesn't make any sense at all.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

What makes for the most unsound policy is to continue to go about this on a piecemeal basis. A few weeks back, we approved outside sewer hookup for Kentucky Fried Chicken, and that was our nadir as a Legislature, I feel, when it comes to the issue of sewer hookups.

What you have is one of the few powerful levers that we can use to influence and shape the economy and the development scheme of this County, and, yet, we fail to do it. Time in and time out, we just •• at best, a Southwest Sewer District Legislator, usually Legislator Alden, will move to table, he'll get support from other Southwest Sewer District Legislators, and ten votes will materialize to table it for one, two, maybe three meetings, and then eventually the project passes. And we all make speeches about how we should have some sort of strategy on how we give out this excess capacity, and, yet, it never occurs. So, I don't know. It's deja vu for sure, because I think we've done this, you know, over the years probably hundreds of times, and ••

**LEG. VILORIA • FISHER:**

Mr. Chair.

**LEG. BISHOP:**

•• it's got to be at least a dozen or two dozen times this year.

**P.O. CARACAPPA:**

Legislator Alden, then Vilorina•Fisher.

**LEG. ALDEN:**

Just two additional points and one that Legislator Bishop brings up. I'm not so sure we have excess capacity, and if there's commitment already for the Pilgrim State project and there was already some kind of a deal cut between New York State and Suffolk County for a certain amount of capacity, and now the project that's proposed would increase that a huge amount, so I'm not so sure about the excess capacity.

**LEG. TONNA:**

There is no excess capacity.

**LEG. ALDEN:**

But to address Legislator Tonna's point, I think that he makes the most compelling argument to table this, just to find out, and it's a question of equity, does the sewer hookup, the extra fee that's going for these buildings to hook up into the Southwest Sewer District, does it equal what people in the Southwest Sewer District have been paying in taxes for 40 years, or are we doing these hookups on the back of individuals and the individual homeowners that are having a tough time making payments as it is? So that I think that's a very compelling argument just to

table it, even if it's one cycle, and we can get a report as far as the equity situation.

**P.O. CARACAPPA:**

Legislator Viloría•Fisher, then Carpenter.

**LEG. VILORIA • FISHER:**

Since the first year that I became a Legislator, this has been something that I've heard discussed. In fact, I met •• I remember meeting with Charlie Bartha and Maxine Postal discussed with me what she saw as the inequity in people who actually live in the area that should be served not being able to access. And, Elie, am I characterizing that pretty correctly?

**LEG. MYSTAL:**

(Nodded yes).

**LEG. VILORIA • FISHER:**

And I've heard Legislator Alden say this a number of times and Legislator Bishop, that we should have a process that's a formalized process to evaluate this. Why don't we just do that? Why don't we •• how will we •• Legislator Bishop and Legislator Alden, how do you propose to formalize or codify the process? Do we need a formula to evaluate what would the cost to the taxpayer versus the cost in terms of •• I mean, the revenue in terms of jobs? Are you going to measure it in jobs? Are you going to measure it in economic dollars? And how will you start that process? And I've been hearing it for six years. I don't come from that district, so I don't have that really depth of knowledge that I think would be needed to forward a proposal like this. But how can you begin that ball rolling? I'm asking, Mr. Chair, if I may, Legislators Bishop or Alden, whichever one could answer the question.

**LEG. TONNA:**

I have a question, but I think there's a list.

**LEG. BISHOP:**

I'll yield.

**P.O. CARACAPPA:**

There is a list. If anyone wants to answer that question for Legislator Viloría•Fisher, feel free at

this point in time, and then Legislator Carpenter will have the floor.

**LEG. TONNA:**

I'd like a shot at it. I'm sure Legislator Alden will speak first.

**P.O. CARACAPPA:**

Just one •• just one can answer the question.

**LEG. TONNA:**

Well, I think we'd have maybe ••

**LEG. VILORIA • FISHER:**

Well, I was asking Alden and Bishop.

**LEG. TONNA:**

I think it needs to be studied. I think it needs to be studied. I mean, you know, my district probably is the largest district or out of, you know, district hookups, and it's an important vital part for the Melville Corridor and for businesses. I'm not for •• you know, I guess I did vote for "Finger Lickin' Good" Kentucky Fried Chicken, but the fact is is that I •• we have, what, a 30 million gallon facility and we have two million gallons left; okay? And if the Pilgrim State project •• something around there?

**LEG. ALDEN:**

No, it's less than that.

**LEG. TONNA:**

Yeah. When •• Wolkoff's thing, we'll have about 400,000.

**LEG. ALDEN:**

No, we won't even have that, it's a minus.

**LEG. TONNA:**

Right. So •• and then •• and then you have situations where you have in Nassau County where they have a 50 million gallon facility and they're only using 30 million gallons. And there are a lot of different things that can be said. I would suggest that the best suggestion would be to ••

I think, to request the Presiding Officer, maybe come January, it's a little late now, but, you know, when you're reelected, that we will •• you know, you got my vote. When you're reelected, you know, that maybe this would be a subcommittee or, you know, whoever's the Chairman of Health and Human Services, or something like that, would take it up. I think it needs to be an issue. I don't think you have to laugh about my vote.

**LEG. VILORIA • FISHER:**

Okay.

**P.O. CARACAPPA:**

No.

**LEG. VILORIA • FISHER:**

I think that was ••

**P.O. CARACAPPA:**

No, no, I'm not laughing about the vote, absolutely not.

**LEG. VILORIA • FISHER:**

Legislator ••

**P.O. CARACAPPA:**

Just so ••

**LEG. VILORIA • FISHER:**

Mr. Chair, I think that was a good answer to the question, but I that think we have to do something.

**P.O. CARACAPPA:**

You know, there was a big study done last year, a little over a year ago on Southwest, it was a comprehensive study, I have copies of it, when I was Chair of Public Works, so I'll be more than happy to send it to you. Of course, there's been additional capacity since the report was issued by Public Works, but it's fairly close in scope based on the information that they gave us at that time, so ••

**LEG. VILORIA • FISHER:**

Does it give us that economic picture as well?

**P.O. CARACAPPA:**

Yes, it does, from what I remember. It's a broad overview of the entire sewer district and its function, its capacity, and its benefits, and where we're heading in the future.

**LEG. TONNA:**

And in fairness to the County Executive, I know County Executive's Office has been working very hard on this issue in trying to find something that, you know, would be smart, accommodating and working, so I know that they're working very diligently on this issue also. You know, we're not going •• we're not going ••

**LEG. MYSTAL:**

Mr. Presiding Officer, there is a new study. There is a new study that was done this year, because I had asked Charlie Bartha, and that we've been talking about it. There is something new that we can get from the Department of Public Works and also from the Sewer Agency.

**P.O. CARACAPPA:**

I wasn't aware there was an updated version.

**LEG. MYSTAL:**

There's some •• there's an updated one.

**P.O. CARACAPPA:**

Okay. Legislator Carpenter.

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

Thank you. I had sponsored a resolution, I guess, a couple of years ago that came •• directed the Department of Public Works to do that study that the Presiding Officer is talking about, because it was very bothersome to me, because I have in my Legislative District, about half of it is hooked up to Southwest and half is not, and there have literally been times when a line •• a road was dug up and a line went passed homes that were not hooked up to the sewer district to allow for an outside sewer district installation to be accommodated. So, that generated the •

- you know, my desire to see if we could do something about hooking up some of these homes.

It comes down to dollars and cents, and the cost that homeowners would have to pay to hook up individual homes at this stage is so cost prohibitive in comparison to what it was years ago, when the district was first established. This particular application in committee, the developer, or representative, somebody did come before the committee, and this is a minor hook up. I think he was adding some bathrooms on. So, this was, again, in addition to an existing hookup, and certainly is not going to impact the capacity at the district.

And I think the argument about sales tax revenue generated from these kinds of uses, the kinds of jobs that are generated, professional jobs, it's important to keep in mind, when we're looking at these hookups case •• you know, on a case•by•case basis. So, even though it pains me that there are some in •• within my district that can't at this time be hooked up, these kinds of things I think for the benefit of all involved, including those in my district, because the sales tax revenue generated from these businesses helps balance what taxpayers are paying in this County, because we all know, and Budget Review certainly can attest to the fact, that property taxes, though they be high, they're a fraction of what funds these services and delivers everything to residents of this County. It is the sales tax that is doing it, so I would support this hook up.

**P.O. CARACAPPA:**

Okay. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Jim, what is the current sewer district tax for residents of the Southwest Sewer District?

**MR. SPERO:**

I don't have the budget in front of me, but there's two components, there's an ad valorem tax which usually •• that goes to pay for the debt service for the construction of the district, and then there's a user fee, which is for the operation and maintenance.

**LEG. CARACCIOLO:**

Any of the Legislators who represent the Southwest Sewer District know what their residents

pay annually for sewer taxes?

**LEG. ALDEN:**

It's all over the place.

**LEG. MYSTAL:**

It usually come to •• I guess in my house, it usually come to about a little over a hundred bucks every two months. That's just for the user fee. And then there's a connection fee that you pay for, and there's a tax, a sewer tax, that •• you know, sewer district tax.

**LEG. CARACCIOLO:**

So, at least \$600.

**LEG. MYSTAL:**

It's over •• yeah, it's between six to eight, depending on where you are.

**LEG. CARACCIOLO:**

Okay.

**LEG. BISHOP:**

You must have a two•family.

**LEG. MYSTAL:**

Yeah, I have a two•family.

**LEG. CARACCIOLO:**

Jim, several years ago, when we ••

**LEG. MYSTAL:**

I have two•family. Yeah, I have a two•family, so it's like between six and eight hundred, actually.

**LEG. CARACCIOLO:**

Okay.

**LEG. MYSTAL:**

About \$300, or something like that. And plus the connection fee that you had to do in the beginning.

**LEG. CARACCIOLO:**

Well, just a few short years ago, the sewer district was facing a one thousand percent sewer tax increase, and the Legislature addressed that issue.

**P.O. CARACAPPA:**

Not only Southwest.

**LEG. CARACCIOLO:**

No, it was all the sewer districts, right. So, in effect, at that time, had we not addressed the issue, the residents would be paying today in excess of a thousand dollars a year for sewer taxes, right? So, I think, you know, just to echo what's been the longstanding position of myself, I've always supported Maxine and other Legislators from the district in trying to minimize future impacts in light of a strategy or something that's going to identify how we will use the remaining •• you know, what the criteria will be for the remaining sewage that's available. Are there any plans right now to expand capacity?

**P.O. CARACAPPA:**

I don't believe so.

**LEG. TONNA:**

No.

**LEG. CARACCIOLO:**

So, in light of what's been said earlier about two mill gallons of excess capacity, is that sufficient to handle the future needs of Pilgrim State?

**LEG. MYSTAL:**

No.

**LEG. CARACCIOLO:**

No.

**P.O. CARACAPPA:**

No.

**LEG. TONNA:**

Yeah, we have enough to fill Pilgrim State.

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

Can I answer •• say something?

**P.O. CARACAPPA:**

I think what they're trying to do at Bergen Point is •• and in Southwest is make it more efficient, which would allow more material to come in. I know they have some system ••

**LEG. TONNA:**

Material?

**P.O. CARACAPPA:**

Material, yeah.

**LEG. TONNA:**

I love that word.

**P.O. CARACAPPA:**

Being on the Sewer Agency for so many years, I learned these nice terms to use, material. So, they're looking for efficiencies, but I know of no plan currently to expand it in a way that I think Southwest needs, seeing the projects that are coming forward such as Pilgrim.

**LEG. CARACCIOLO:**

And, Elie, you mentioned earlier Deer Park and other parts of your Legislative District that had never been hooked up. Why not?

**LEG. MYSTAL:**

The a whole northern part of Babylon, because the sewer district stops at Southern State Parkway.

**LEG. CARACCILOLO:**

Yet, on 110, on the 110 corridor, it goes all the way up to, as Legislator Tonna mentioned Walt Whitman.

**LEG. MYSTAL:**

Yes.

**LEG. CARACCILOLO:**

What is the boundary line on the 110 Corridor?

**LEG. MYSTAL:**

The boundary line of 110 Corridor basically is Jericho Turnpike in Huntington and then all the way down to about Republic Airport in Babylon.

**LEG. CARACCCILOLO:**

Now, when the district was originally carved out in the '80's, was that •• obviously, that was done by design, because that was a commercial corridor to be developed in those days ••

**LEG. MYSTAL:**

No, it was not in.

**LEG. BISHOP:**

It's still not in.

**LEG. MYSTAL:**

The 110 was not ••

**LEG. CARACCILOLO:**

Oh, it's not in.

**LEG. MYSTAL:**

•• part of the sewer district, no, never has been

**LEG. ALDEN:**

Late 60's.

**LEG. CARACCIOLO:**

Late 60's.

**LEG. MYSTAL:**

Never has been. The sewer district was set up to take care of these residents along the Southern •• in North Babylon and Islip.

**P.O. CARACAPPA:**

Where is the boundary line is ••

**LEG. MYSTAL:**

The boundary line right now is Southern State Parkway.

**P.O. CARACAPPA:**

Southern State Parkway.

**LEG. CARACCIOLO:**

On 110?

**P.O. CARACAPPA:**

At 110.

**LEG. CARACCIOLO:**

On 110 as well?

**LEG. MYSTAL:**

Yes.

**LEG. BISHOP:**

Yeah.

**LEG. CARACCIOLO:**

So, all the businesses that have been hooked up north of 110. I know Maxine used to ••

**LEG. MYSTAL:**

Yeah, all the businesses that have been hooked up north of 110 ••

**LEG. BISHOP:**

Are discretionary.

**LEG. MYSTAL:**

Are discretionary. First of all, we have one of the biggest strip joints, which was hooked up during the Halpin Administration, called Gossips.

**LEG. TONNA:**

Is what joint?

**LEG. BISHOP:**

Yeah, but it wasn't •• there was an Indian restaurant.

**LEG. MYSTAL:**

It was an Indian restaurant. Now it turns out to be a strip joint, that's the employment we're getting.

**LEG. TONNA:**

All right. We had •• I think the Long Island Regional Planning Board was paying somebody ••

**LEG. MYSTAL:**

Gossips.

**LEG. TONNA:**

•• to look into that, right?

**LEG. MYSTAL:**

It was called Sitar.

**LEG. TONNA:**

Yeah.

**LEG. BISHOP:**

Sitar Restaurant.

**LEG. TONNA:**

Yeah.

**LEG. MYSTAL:**

At one time it was called Maxine.

**LEG. TONNA:**

I think government money went •• I think government money went there to have an undercover man.

**P.O. CARACAPPA:**

Okay. Let's try and wrap up this debate. I think we're all done. Legislator Vilorina•Fisher, I see you reaching for the microphone.

**LEG. VILORIA • FISHER:**

No. I just wanted to say that this is the Bishop principle. If you don't have major things to fight about, you will find something to extend the day.

**P.O. CARACAPPA:**

Yeah.

**LEG. BISHOP:**

Thank you. Thank you for acknowledging my law.

**P.O. CARACAPPA:**

Let's try and abandon that philosophy for the next 15 minutes, shall we? Okay. There's a ••

there's a motion and a second to table. That is the motion before us.

**LEG. BINDER:**

No, no, no, it was ••

**P.O. CARACAPPA:**

Oh, that failed, that failed. There's a motion to approve.

**LEG. BINDER:**

Motion to approve?

**LEG. TONNA:**

Yeah, motion to approve.

**LEG. BISHOP:**

What is the underlying motion, WE'RE Associates?

**LEG. BINDER:**

Motion to approve.

**P.O. CARACAPPA:**

Roll call.

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

**MR. BARTON:**

Legislator O'Leary.

**LEG. MYSTAL:**

Not here.

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

Yes.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Oh, I hope I can pay my taxes to support all these extra hookups. No.

**LEG. KENNEDY:**

Pass.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

I'll abstain.

**LEG. KENNEDY:**

Abstain.

**MR. BARTON:**

11.

**P.O. CARACAPPA:**

It's approved. 1963.

**LEG. MYSTAL:**

That's what we just did.

**P.O. CARACAPPA:**

No, that was 62. 63 ***(1963 • Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with The Sanctuary at Ruland Road (HU 1323).*** I guess the entire debate applies to this one?

**LEG. MYSTAL:**

Same debate applies.

**LEG. ALDEN:**

Just ••

**P.O. CARACAPPA:**

Same debate. Same motion, same second, same debate.

**LEG. ALDEN:**

No, just an explanation.

**P.O. CARACAPPA:**

Can I add that?

**LEG. ALDEN:**

Mr. Presiding Officer.

**P.O. CARACAPPA:**

Well, first was Legislator Montano, and then Legislator Alden.

**LEG. MONTANO:**

I want to know where The Sanctuary is.

**P.O. CARACAPPA:**

Okay. The Sanctuary, Counsel?

**MS. KNAPP:**

I can •• I'm not sure what The Sanctuary is. I have a feeling •• oh, I do know, it's Garden Apartments. There are •• that eight more rental units are now being considered for workforce housing.

**LEG. MONTANO:**

All right.

**MS. KNAPP:**

But it doesn't seem like that's definite on this. There are 122 total units located on Ruland Road just east of Route 110. They're paying a connection fee of \$413,415 for a 27,561 gallon flow.

**LEG. MYSTAL:**

Mr. Presiding Officer.

**P.O. CARACAPPA:**

Legislator Alden, then Legislator Mystal.

**LEG. ALDEN:**

I just •• all the arguments I made against the other one I'll make against this also. And I think we really need to establish some kind of a checklist or some way to determine whether it's economically going to benefit Suffolk County, or whether it's going to hurt us. And while that sounds like a big number, if I take some of my constituents and add what they paid over the past 40 years, it far surpasses that, and that's on a residential area.

**P.O. CARACAPPA:**

Legislator Mystal, then Montano again.

**LEG. MYSTAL:**

No. Only argument that we said before is to maintain, but this one has another •• an added affront. This is an apartment complex in Huntington who's going to get hooked up to the sewer district when there are people who have houses in Wyandanch, and Islip, and Deer Park who are not hooked up. See, this is the perfect example. This is not going to bring any money to the sewer district in terms of job, this is not economic development, this is pure political muscle, that's all that is. There are people in Wyandanch who have been living in houses and in apartments who are not hooked up, and here's a complex with 122 units in Huntington who's getting hooked up, and that's the ••

**P.O. CARACAPPA:**

Is this affordable housing?

**LEG. MYSTAL:**

•• malfeasance.

**P.O. CARACAPPA:**

Is there any •• is this any ••

**LEG. MYSTAL:**

Thank you.

**P.O. CARACAPPA:**

Any affordable housing?

**LEG. TONNA:**

Yeah, it's affordable housing.

**P.O. CARACAPPA:**

It is?

**LEG. MYSTAL:**

You don't think Wyandanch have affordable housing? Wyandanch is nothing but affordable housing.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. TONNA:**

I've been told that it's affordable housing.

**LEG. ALDEN:**

They've got a set•aside for I think four or five units that might ••

**LEG. TONNA:**

Off Ruland Road?

**LEG. ALDEN:**

It might be ••

**P.O. CARACAPPA:**

One person at a time, please. Legislator Alden.

**LEG. ALDEN:**

There's a set•aside for a small number of units that might be listed for affordable housing with a lower rent on it. That's a maybe.

**LEG. BISHOP:**

How do you know that?

**LEG. ALDEN:**

It's actually in their application.

**P.O. CARACAPPA:**

Okay. Legislator Montano has the floor.

**LEG. MONTANO:**

Actually, that was the question I was asking.

**LEG. TONNA:**

Well, let's table it.

**LEG. MONTANO:**

How many units are affordable housing in this complex, or workforce housing?

**LEG. TONNA:**

I don't agree with you.

**P.O. CARACAPPA:**

Hold on.

**LEG. MYSTAL:**

Out of 120, maybe 10.

**LEG. TONNA:**

I would be glad to ••

**P.O. CARACAPPA:**

Legislator Tonna. Legislator Tonna, you had the floor.

**LEG. TONNA:**

I'll make a •• I'll make a motion to table.

**P.O. CARACAPPA:**

There's a motion to table.

**LEG. TONNA:**

I'll make a motion to table. I'm not for ••

**P.O. CARACAPPA:**

Second by Legislator ••

**LEG. TONNA:**

I'll tell you right now ••

**P.O. CARACAPPA:**

Second by Legislator Alden.

**LEG. TONNA:**

Yeah, let's find that out.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**LEG. TONNA:**

Let's find that out. On the merits, I don't believe ••

**P.O. CARACAPPA:**

1963 is tabled.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

1964.

**LEG. BINDER:**

Opposed.

**MR. BARTON:**

17•1.

**P.O. CARACAPPA:**

Opposed to tabling, Legislator Binder and Legislator Schneiderman. ***1964 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 14 • Parkland with 25 Andrea Road (Certified Interiors) (IS•1467).***

**MR. BARTON:**

17•1.

**LEG. SCHNEIDERMAN:**

Motion to table.

**P.O. CARACAPPA:**

Then Legislator Schneiderman.

**MR. BARTON:**

16.

**P.O. CARACAPPA:**

Is there a motion?

**LEG. BISHOP:**

1964.

**P.O. CARACAPPA:**

Is there a motion?

**LEG. BINDER:**

Motion.

**P.O. CARACAPPA:**

Motion to approve.

**LEG. BISHOP:**

What is this? Explanation. Oh, this is Sewer District 14.

**P.O. CARACAPPA:**

This is 14.

**LEG. BISHOP:**

What is that? That's way out east I would think, right?

**MS. KNAPP:**

1964?

**P.O. CARACAPPA:**

Sewer District 14, I believe out ••

**MS. KNAPP:**

We're doing 1964?

**P.O. CARACAPPA:**

Yes.

**MS. KNAPP:**

It's parkland. It's Sewer District agreement with parkland. The group is called 25 Andrea Road, which is also known as Certified Interiors.

**LEG. VILORIA • FISHER:**

Who?

**MS. KNAPP:**

Certified Interiors. They're going to be pay \$1,215 connection fee for 81 gallons. This is ••

**P.O. CARACAPPA:**

Motion by myself.

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

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

**LEG. BISHOP:**

81 gallons?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

That's like three flushes. I'll make a proposal to my colleagues that we skip 1979 for the moment, because I believe there's going to be substantial debate, and why don't we just handle it after lunch, after the public hearings, and we'll finish up the rest of the agenda right now.

**LEG. BINDER:**

Go for it.

**LEG. O'LEARY:**

Second that.

**VETERANS AND SENIORS**

**P.O. CARACAPPA:**

Okay. Vets and Seniors. ***1895 (Amending Resolution No. 544•2004; to extend the date to provide funding for Memorial Day Observance)***. Motion by Legislator Losquadro.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**WAYS & MEANS AND CONSUMER PROTECTION**

**P.O. CARACAPPA:**

Ways and Means and Consumer Protection. ***1737 (A Local Law to amend Local Law No. 18 •1994, to strengthen disclosure requirement for real estate transactions)***. Motion by Legislator Schneiderman, second by Legislator ••

**LEG. O'LEARY:**

Second.

**P.O. CARACAPPA:**

•• Losquadro.

**LEG. BISHOP:**

Explanation.

**P.O. CARACAPPA:**

Explanation, please.

**LEG. O'LEARY:**

Explanation, Jay.

**LEG. SCHNEIDERMAN:**

What this •• let me turn my mike on. What this bill does is adds an additional requirement in our land transactions that anyone who is a commissioned agent or has a financial stake in the property being acquired by the County would have to disclose it, like a real estate sales agent who might be receiving a 5% or 3% commission would now have to •• the County would have to be aware of that.

**LEG. CARACCIOLO:**

Cosponsor.

**LEG. MYSTAL:**

On the bill.

**P.O. CARACAPPA:**

Legislator Mystal.

**LEG. MYSTAL:**

Legislator Schneiderman, I don't understand the bill for the simple reason that are we putting more and more obstacle into this whole process?

**P.O. CARACAPPA:**

This is just disclosure.

**LEG. BISHOP:**

What is the current disclosure?

**LEG. SCHNEIDERMAN:**

This is just disclosure. I mean ••

**LEG. MYSTAL:**

What is the current disclosure you have?

**LEG. SCHNEIDERMAN:**

You might have a particular real estate agent who has 15 or 20 people •• 20 properties in front of the County and you would like to know if they're •• you know, who •• you know, who they are related to, or whatever it might be would be important to know. It's just a good ethics bill. It's simple, it won't complicate the matters. You already have to disclose brokerages. All it does is adds the additional element of disclosing the real estate sales agent, as well as the broker.

**P.O. CARACAPPA:**

Legislator Foley. Oh, Legislator Montano, I'm sorry.

**LEG. MONTANO:**

I'm sorry. With respect to the penalty for failure to disclose, can you just describe that?

**LEG. SCHNEIDERMAN:**

Mea, do you want to? I don't have the bill in front of me, I'm sorry.

**MS. KNAPP:**

Actually, the penalty is not contained in the bill, and it does add commissioned sales agents, attorneys, and any other party with a direct financial interest. It also adds addresses to the names. And for the penalties, I'm going to have to go into the Code.

**LEG. FOLEY:**

Motion to table one meeting.

**P.O. CARACAPPA:**

There's a motion to table for one cycle by Legislator Foley, second ••

**MR. MONTANO:**

Second.

**P.O. CARACAPPA:**

•• by Legislator Montano.

**LEG. CARACCIOLO:**

Roll call.

**P.O. CARACAPPA:**

On the motion, anyone? Roll call.

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

**LEG. FOLEY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. O'LEARY:**

No to table.

**LEG. VILORIA • FISHER:**

Pass.

**LEG. LOSQUADRO:**

No to table.

**LEG. LINDSAY:**

Yes.

**LEG. ALDEN:**

No to table.

**LEG. KENNEDY:**

No to table.

**LEG. NOWICK:**

No to table.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No to table.

**LEG. TONNA:**

No to table.

**LEG. COOPER:**

Pass.

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

No.

**P.O. CARACAPPA:**

No to table.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. COOPER:**

Yes to table.

**MR. BARTON:**

Seven.

**P.O. CARACAPPA:**

Tabling fails. There's a motion and second. Now, on the motion, Legislator Lindsay. Well, actually, there's a question still pending on the penalties.

**MS. KNAPP:**

I'm afraid this section does not contain a penalty provision. I would have to do a little bit more research to see if there may be ••

**LEG. BISHOP:**

It sounds like it's a perfect bill then.

**P.O. CARACAPPA:**

Legislator Lindsay. Legislator Lindsay.

**LEG. TONNA:**

No penalty?

**LEG. BISHOP:**

No, there's nothing. It's a perfect Suffolk Legislature bill.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Our real estate program has been bogged down for a number of years in terms of the amount of property we've been purchasing. I would like to hear from someone in the Executive's Office or the Real Estate department to see if this will complicate their job any further. If it isn't, I don't have any problem with it, if it doesn't add anymore delays to it. But is there anybody here?

**LEG. FOLEY:**

Could you wait until after lunch, maybe?

**P.O. CARACAPPA:**

I don't see anyone. If anyone in the back can come forward and answer that, I'd appreciate it. In the meantime, I recognize Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. Question for Legislator Lindsay with respect to his reference to "bogged down". Could you elaborate, Bill?

**LEG. LINDSAY:**

Well, it's a matter of fact, over the last three years, we have not bought as much property per year as we did in the prior years. I think the record is quite clear.

**LEG. CARACCIOLO:**

What would you explain is the reason for that?

**LEG. LINDSAY:**

Well, it ••

**LEG. CARACCIOLO:**

Disclosure?

**LEG. LINDSAY:**

It certainly started with the supposed scandal in the newspaper, and we made a number of changes to the program, we've changed Directors. There's been a lot of administrative changes, there have been a lot of rule changes. I just want to make sure that adding anything more to that is not going to bog it down any further.

**LEG. CARACCIOLO:**

I would note that, you know, this Legislature has been very proactive. In fact, you were on a Task Force that recommended legislation, which was adopted. This past May, Legislator Crecca, then Legislator Crecca sponsored a bill to streamline and accelerate the Land Acquisition Program. That was unanimously approved. A couple of days ago, we saw an article in the press with regard to County Program, paraphrasing, slowed, and some comments by several

individuals with respect to that.

The County program, as Mr. McDonald from Nature Conservancy duly noted, is alive and well. We've preserved over 500 acres this year, we expect to preserve another 500 acres. And, apparently, there are some, or at least one individual, that wants to use a benchmark during the period that accusations were made about a scandal, a scandal which, by the way, I'll repeat again, never convicted anybody of any wrongdoing in any court. In fact, to the contrary, the individual that was supposedly involved in the scandal was completely vindicated. So, I think we have to be careful when we use words like "scandal". But that said, this legislation is the simple addition to requiring disclosure.

The real issue today is, and I've been, you know, at the forefront of trying to get additional staff in the Division of Real Estate for years, it's well documented, going back five years to be exact, each and every year we get during the Operating Budget representatives from Planning and Real Estate and we say to them, "Do you need staff?" Now, up until this year, the Department Heads, because they were under strict orders from the Executive, don't dare go before the Legislature and say you need stuff. So, they had to suffer, and the public suffered the consequences of that.

Now, this year, County Executive Levy has made a commitment to move the programs along, and I think he's done a reasonably good job, the exception being, and this was noted in the article, is that the Department •• the Division, rather, still does not have adequate appraisal staff to expedite the backlog of County acquisitions. He made a commitment, and is quoted in that article as saying he has found money to pay these appraisers more starting salaries, so that we can hire these individuals. That's the reason why, if any, that there's any reason why we haven't succeeded this year in purchasing more than 500 acres. I take the County Executive at face value, that he has •• you know, he is committed to providing staff, and I don't see how this resolution, which is really just a resolution that has a disclosure requirement, is going to impede this program in any way.

**P.O. CARACAPPA:**

Okay. Thank you. Just before we go to lunch, Legislative Counsel has an answer to Legislator Lindsay's original question.

**MS. KNAPP:**

And I should have realized this. Certainly, we know that Ms. Deren•Braddish from the County Attorney's Office comes here many times, because we do not •• the Legislature as a body does not approve and is prohibited by this law from approving a lease unless they have a verified disclosure statement in front of them, and in point of fact, the Fishers Island lease, which was a very routine sort of matter, was held up, because they failed to verify their disclosure statement, so that, in fact, the penalty is you do not pass it. And to the extent that anyone lies on a verified statement, that is a perjury.

**LEG. LINDSAY:**

I still didn't •• my question was a simple question mainly of the administration. Will this bill ••

**P.O. CARACAPPA:**

Well, first it was about penalties.

**LEG. LINDSAY:**

Okay. But will this bill delay this process any bit •• any further? Legislator Caracciolo says no. I'd just like to hear that verified.

**P.O. CARACAPPA:**

Mr. Zwirn.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. Mr. Schneiderman's Office worked with the County Attorney on the language, and the language was •• the Administration had no problem with the final version of the bill, and would have to problem. It won't delay it, Legislator Lindsay.

**LEG. LINDSAY:**

That's all I want to hear.

**P.O. CARACAPPA:**

Okay?

**LEG. SCHNEIDERMAN:**

Thank you, Mr. Zwirn.

**P.O. CARACAPPA:**

Okay. Do you want to vote on this before we go to lunch?

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes. Let's vote on it right now.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

That is approved. We will be breaking now for lunch. We will return at 2:30 for public hearings. Have a nice lunch.

***[THE MEETING WAS RECESSED AT 12:30 P.M. AND RESUMED AT 2:34 P.M.]***

**P.O. CARACAPPA:**

Good afternoon. Mr. Clerk, the affidavits of publication are in proper order?

**MR. BARTON:**

Yes, they are, Mr. Chairman.

**P.O. CARACAPPA:**

Thank you. We'll start the public hearing for today. First public hearing is on ***I.R. 1891, a local law to authorize the implementation of subscription service fee schedule for County Clerk***. I have a series of cards. First speaker is Dennis McGowan. Dennis McGowan. Dan Colon, Coler, Cooler. Mason Haas.

**MS. JULIUS:**

Outside.

**P.O. CARACAPPA:**

Well, they should be in here. Daniel Maksym. County Clerk Ed Romaine.

**LEG. LINDSAY:**

Speakers working outside?

**MS. SULLIVAN:**

No, they're not working.

**P.O. CARACAPPA:**

Well, motion to •• I have no other cards. Motion to close 1891.

**LEG. FOLEY:**

Ed Romaine was here, he wanted to speak.

**P.O. CARACAPPA:**

It's 25 to.

**LEG. FOLEY:**

They don't hear it out there, Joe. Ed is out there.

**LEG. KENNEDY:**

You want me to go out and get them?

**P.O. CARACAPPA:**

Let me try this again. I called every speaker on the first public hearing, and if you're coming in the room now, we'll try this again. Dennis McGowan?

**MR. MCGOWAN:**

Yes.

**P.O. CARACAPPA:**

Please, you have five minutes.

**MR. MCGOWAN:**

My name is Dennis McGowan.

**P.O. CARACAPPA:**

Turn on the microphone, sir, and lift it up.

**MR. MCGOWAN:**

Okay. My name is Dennis McGowan. I am a self-employed Title Examiner in Suffolk County. I'm here today to discuss the bill which would allow the County Clerk to charge a subscription fee for public information by putting deeds, mortgages, UCC's, federal tax liens, judgements and maps on line.

We already charge the public for recording their instruments by recording •• by recording fees, verification fees, transfer tax, mortgage tax, land preservation taxes. Now, what a great idea. Let's tack on another back door tax and make the residents of Suffolk County pay to retrieve their own personal information, which would be •• should be there for free. By allowing this information to go online and charging for it, we are now not only selling back to the people of Suffolk their own information, but also to every thief and terrorist on the internet.

Identity theft is the fastest growing crime in America. Every seventy-nine seconds someone's identity is stolen. Some of these instruments that are going to be put online are deeds, mortgages, modification agreements, UCC's, federal tax liens which contain social security numbers. These documents would also contain your name, your wife's name, sometimes her maiden name, your signatures, your prior address, a description of your property, how much you paid for it, a tax map showing the exact location of where your house is on your street.

One of the most important things you can do to protect yourself from identity theft is to protect your social security number. Your social security number is a criminal's prime target. A thief or a terrorist could use your social security number to obtain employment to open credit card accounts, to obtain loans, open checking accounts. There are thousands of social security

numbers contained in these instruments that the County Clerk wants to put online. We must not let this happen. The only reason this is going online is to collect money for information that should be free to the public.

We have two choices to consider, allow the Clerk to put all this information on the internet, and charging another back•door tax to the residents of our County, while filling the pockets of all criminals and terrorists around the world. Keeping the information off the internet, not charging the public for the information that should be free, and protecting their identity of our • of our residents from being stolen. Now, to me, that makes sense. The County Clerk is going to counter and say that they have a template that can block these •• this information, your social security numbers.

Well, for the last probably two years, the deeds and mortgages have already been online with social security numbers on it. I have •• I have 60 some•odd examples of mortgages here and mortgage extension agreements that contain people's social security numbers, their street addresses, their signatures. I would be very upset if mine was online. Mr. Cooperman's is online with his.

We made up packets for everybody to see, which we'll pass out, of exactly what information people can get online about where you live, and your address and everything.

**MS. LOMORIELLO:**

Legislator Cooper.

**MR. MCGOWAN:**

Excuse me?

**MS. LOMORIELLO:**

Cooper.

**MR. MCGOWAN:**

Oh, he's gone. I have stuff that I'd like to pass out on identity theft. It's by •• it's put out by the Better Business Bureau of New York. I'm sure, if you •• everybody that I've spoken to is outraged about this. They're saying, "What? What are they thinking?" So I would think •• I would think this over very carefully before, because say •• I've got from every town in the

County here. You take your six or seven of them, there's about 60 of them, so there's ten towns, you take them, you call those people, you ask them how they feel about having their information online and I'm sure they're going to be a little upset, and I'm sure they wouldn't want you to vote for this.

**P.O. CARACAPPA:**

Okay. Mr. McGowan, your time's up, but there are some questions.

**MR. MCGOWAN:**

Thank you.

**P.O. CARACAPPA:**

Legislator Alden's first.

**LEG. ALDEN:**

Hi. The information that you got on Legislator Cooper, his signature, his phone number, his social security number, and his address ••

**MR. MCGOWAN:**

Yes.

**LEG. ALDEN:**

How did you get that information?

**MR. MCGOWAN:**

That was obtained •• excuse me. That was obtained at the County Clerk's Office, but that information was online.

**LEG. ALDEN:**

So, it's open to the public •• it's available to the public now?

**MR. MCGOWAN:**

Yes.

**LEG. ALDEN:**

Okay, thanks.

**MR. MCGOWAN:**

Yes, it is.

**LEG. ALDEN:**

Thank you.

**P.O. CARACAPPA:**

I have a question. If I needed that information, how do I get it currently now ••

**MR. MCGOWAN:**

You can go ••

**P.O. CARACAPPA:**

Through you, through your agency?

**MR. MCGOWAN:**

You can come through me, or through any title company, or you can go directly to the County Clerk's Office and sign in and get into the record room and look it up.

**P.O. CARACAPPA:**

Is this about identity theft, or is this about maybe your business being affected?

**MR. MCGOWAN:**

Well, this is about identity theft, but it is also going to destroy a mom and pop industry that's been in effect for over a hundred years in Suffolk County, because what's going to happen is all this information will be out on the internet, so we'll be competing not only against the people in Suffolk County, but we'll be competing against the people in the world. Anybody will be able to then proceed. Anybody with any knowledge of the title industry will be able to examine a title from wherever.

**P.O. CARACAPPA:**

Is it true, now that people sit out at the County Clerk's Office with laptops and just download this information all day long constantly for collecting their •• making their own data bases to sell, like on internet websites such as Yahoo, let's say a people search, you know, you put a person's name in and they come up with your name, and then, if you want a little more extra information, you pay them ten bucks and you can get more information about that person? Those people out there every day downloading that information on their •• on their computers, you know, why isn't that a problem now? How come no one's every reached out and said it was, you know, identity theft for all this time that it's been going on?

**MR. MCGOWAN:**

Well, I don't know of any sort •• any people that are out there doing that right now. There are people out there that collect information as to foreclosures and print stuff like that up, but I do not know of anybody that is standing there downloading information to sell to Yahoo, and I've been out there for 30 some•odd years.

**P.O. CARACAPPA:**

Well, they're building their own data basis, obviously, for profits of their own. Do you sell? Do you do it on a •• do you sell this information when you have it?

**MR. MCGOWAN:**

I have worked on a piecemeal basis, I subcontract from land title companies and abstract companies, attorneys, credit companies.

**P.O. CARACAPPA:**

Okay. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you, Mr. Chairman. You raised one of the issues that I was going to address, and that is the information, and that likewise, Legislator Alden, this information is currently available. If any citizen went to the County Center to the Clerk's Office, there is a free service available to anyone. I was there recently, and you go online. If I have your tax map number, if I have any information, just your name and date of birth, I can find out about UCC's, and I can find out mortgage deed information, I can find out about judgments and liens, etcetera. What is the difference if the Clerk wants to provide fees for County revenues to upgrade and modernize our

own computer and data base systems; what is wrong with that?

If this information is currently available and, as I understand it, and correct me if we've been misinformed, because we have been briefed by the Clerk about the current practices and how this really doesn't change anything in the sense that it may affect you as a businessman. I think we understand that, and I think there are a number of Legislators who perhaps are even sympathetic. And if there's some way to address those concerns, I think I and others may be willing to listen to see if there is, but maybe there isn't.

And, you know, the public is entitled to this information. The documents that have the information, the sensitive personal, confidential information that you have described, like social security numbers, date of birth, mother's maiden names, and so forth, are a result of not information the County provides the recipient by virtue of the documents and the disclosures on those documents by the banks.

Now, is that ••

**MR. MCGOWAN:**

Exactly, that's true.

**LEG. CARACCIOLO:**

Okay. So, I think it's important for everyone around the horseshoe and the public and the record to take note ••

**MR. MCGOWAN:**

But I think ••

**LEG. CARACCIOLO:**

•• that the information is available, not as a result of a willingness on the part of County officials or government officials to provide information that heretofore was not, you know, out there in the public domain, it's out there.

**MR. MCGOWAN:**

But.

**LEG. CARACCIOLO:**

And as the Presiding Officer also noted, when you go online, you, or I, or anyone else, and you want to do a name search, there are fee for service websites where you can put in my name, and you know my social security number or my date of birth, and you can find out a little or a lot of information, depending on how much you want to pay for that fee for information service; is that not correct?

**MR. MCGOWAN:**

Yes, there are.

**LEG. CARACCIOLO:**

Okay. And the other thing that you mentioned was that the Clerk has informed me and others that he will be providing, to the extent he can, screens to block that information that is currently available, but he can't do it in total, because he can't go to every document that the banks submit and go through every document and redact information that the banks have included in their bank records.

**MR. MCGOWAN:**

Well, then should we proceed and go ahead and put everything that we have online, so that this will enhance identity theft; is that what you're saying?

**LEG. CARACCIOLO:**

Well, no. I think that ability is out there now, is what I'm saying.

**MR. MCGOWAN:**

It is out there, but right now, Suffolk County, you have to come into the Clerk's Office in order to retrieve this information. Now that we have security set up at the Clerk's Office, you have to sign in and you have to show I.D., and you have to tell the person that •• the officer where you're going, so there is more control.

**LEG. CARACCIOLO:**

But no one's standing over your shoulder to see what information you're accessing.

**MR. MCGOWAN:**

No, exactly not, but there is more control and it's •• people are less likely to come in and

commit a crime if they have to show their I.D.

**LEG. BISHOP:**

Well, maybe they have fraudulent I.D.'s, so what's going to prevent someone who's a thief from ••

**MR. MCGOWAN:**

But don't you agree that by being online, the access is much greater? It's worldwide.

**LEG. CARACCIOLO:**

Well, I think that's really the central point you're trying to make, and, you know, that's something that everyone will have to consider.

**P.O. CARACAPPA:**

Thank you. Legislator Losquadro, question.

**LEG. LOSQUADRO:**

Good afternoon, sir.

**MR. MCGOWAN:**

Good afternoon.

**LEG. LOSQUADRO:**

Are you aware of a flier that was distributed to communities trying to alert the public to some of these •• some of these problems, both •• both real and perceived? Are you aware of a flier distributed to neighborhoods?

**MR. MCGOWAN:**

Yes, I am. There was a flier that was put out by some of the other people out there in the County Center, because they felt strong about this.

**LEG. LOSQUADRO:**

On the back of that flier •• did you happen to see a copy of that flier?

**MR. MCGOWAN:**

Yes, I have.

**LEG. LOSQUADRO:**

The back of the flier was an internal document from this Legislature, and whereas that was also technically public information, we sitting around the horseshoe here know our names are a matter of public record, but I don't know how happy we were that our staff members were published on the back of that document. And, again, even something that was public record, you know, putting that out to people and having their names attached to it, they sort of really worked against their own argument, saying that they were disseminating information that was technically public, but, really, people had no right to see. So, my point here ••

**MR. MCGOWAN:**

Now ••

**LEG. LOSQUADRO:**

Yes.

**MR. MCGOWAN:**

How are your constituents going to get in touch with you if they don't know your telephone number, or your Aide's phone number?

**LEG. LOSQUADRO:**

Putting my name and my phone number on there, that's fine. All of our staff names were also included on that document.

**MR. MCGOWAN:**

Do you know who created this document?

**LEG. LOSQUADRO:**

That's what •• that's what I was trying to get to with you, because, if you have any information about that, I would greatly like to hear it, because people from my district came in and we talked over a number of the allegations that were made on that flier, and something that struck me as very interesting, and it's something we're all very sensitive to because of our campaigns,

those fliers were distributed without postage into marked post office boxes.

**MR. MCGOWAN:**

That I don't know anything about.

**LEG. LOSQUADRO:**

Well, that's a federal offense, and if you could give me any information as to who was responsible for those fliers and the distribution of them, I'd be greatly interested to find out who's responsible for it, because there's no postage on those and those were put into marked mailboxes all throughout my district.

**MR. MCGOWAN:**

Again, I do not know anything about that.

**LEG. LOSQUADRO:**

Well, if you could perhaps ask around. You did make mention that it was the other examiners out there who work with you who were responsible for it. Obviously, you have some information about who was responsible for it, possibly not for the distribution of them. But if you could maybe give me the names of those who you do know who were responsible for the printing of them, I would like to investigate that further.

**MR. MCGOWAN:**

If I can find out, I will.

**LEG. LOSQUADRO:**

Thank you.

**P.O. CARACAPPA:**

No other questions? Thank you sir. Next speaker, I can't make out the second name. Dan Cooler? Coolen?

**MR. COOLEY:**

Good afternoon, Ladies and Gentlemen. Thank you for allowing me to speak here this afternoon.

**P.O. CARACAPPA:**

Just lift the microphone up a little higher.

**MR. COOLEY:**

My name is Dan Cooley and I'd like to •• I'd like to thank you for allowing me to speak this afternoon. I'm a retired Internal Revenue Service Revenue Officer. I spent 25 years •• I spent 25 years with the federal government, and for last •• and for the last, I guess, eight years, I'm a self-employed Title Examiner in the Suffolk County Clerk's Office. I also spent quite sometime with the New York Air National Guard as a •• with the New York Air National Guard as a Disaster •• part of their Disaster Response Force, and I was fully trained in •• I was fully trained in chemical, biological and nuclear warfare defenses. You know, I'd like to speak to the issue of this bill this afternoon.

And the first thing I'd like to do is to read a letter, which we've received today from the PBA in Riverhead, saying, "Please, take notice of a petition posted on the PBA board in reference to the Suffolk County Clerk implementing off-site website. The Riverhead PBA, as well as all County and local unions, is opposed to this for security reasons. Social security numbers, addresses and other personal information could be obtained. Please, sign the petition and it will be forwarded to the Legislature."

I'd also like to, you know, reference this Legislature to the action that was taken in Nassau County. The Nassau County Clerk put similar type information online, you know, and then took it off line. I'm reading from the Nassau County Clerk's website. For those who ask why the County Clerk does not put a data base on the internet, the Clerk's response was the internet was not built to be secure. All the security is patchwork. Town and County Clerks are responsible for sensitive data, so we must do everything in our power to safeguard it. The Clerk cited, Ronald Dick, Director of the FBI's National Infrastructure Protection Center, who said, "I urge all of you to look at what you'll have on your publicly available websites, is that information that doesn't need to be there?" Because, trust me, there are enemies of the United States who are looking at it and who will take advantage of it.

The Clerk relayed the story of how a County Clerk who placed the office's data base on the internet net was receiving online hits from Saudi Arabia. I'd like to contrast to New York City to where this information is available, and just last Fall, numerous homes were literally stolen from

the elderly.

Currently, social security •• social security and personal numbers and social security information is on the internet, you know, provided by the County Clerk's Office. We have numerous examples, you know, of social security numbers who somehow snuck through onto the internet. You know, the difference is that, right now, you know, a handful of people can look at this information. If this is put out on the worldwide net, it could be a totally different situation.

You know, when I was with the Internal Revenue Service, I worked with •• I worked with Iranian exiles who came to this country and built a new life. They were very careful. They were like •• as a Revenue Officer, I was advised to make sure that your car is registered at the office, to make sure you have a nonlisted phone number, to make sure information about my residents did not get out there. These Iranian exiles were very, very similar. They did not want the people back home, and this is going back a ways when Iran was the situation, they did not want the people back home to find out where they were today, you know, and they did similar type things. They kept their •• they kept their information private, you know. And right now, the ones that live in Nassau County, their information is private. If this information today goes out on the net, you know, in a massive basis, we don't know what the repercussions could be, and we may not find out until some horrendous day in the future.

You know, we could sending •• you look up •• you look up some very common Muslim names, you know, some terrorist over in Iraq or Afghanistan could, with a satellite connection, could go online, find somebody with their exact same name, assume their identity, because they're going to know about where they live, they're going to have notarized examples of their signatures, you know, they're going to have notarized examples of their signatures and we don't know what the repercussions could be question. We could be giving them the mailing address for some horrific event in the future. You know, we don't know what can happen as a result of this. Once this is •• what I'm asking the County Legislature to do is to take a look at this from a safety point of view. You know, think be your constituents, please.

**P.O. CARACAPPA:**

Okay. Your time expired. There are some questions, I have one. If all the sensitive information was blocked out, signature, social security number, and things of that nature, what would be your opposition to this?

**MR. COOLEY:**

I think that •• I think that what we need is this, we need somebody from the District Attorney •  
• the District Attorney has an office and it's involved with computer crimes, and they can think  
of things that we haven't thought of yet, you know. I think that you need a committee of  
people representing the District Attorney, law enforcement, you know, Homeland Security, to  
take a look and see what can safely put •• be put out there.

**P.O. CARACAPPA:**

My question was, if all of that sensitive information was blocked out, would you have opposition  
to subscription service?

**MR. COOLEY:**

If dangerous information was blocked out, I wouldn't have opposition.

**P.O. CARACAPPA:**

Okay. Legislator Alden, then Kennedy.

**LEG. ALDEN:**

You provide a service, right?

**MR. COOLEY:**

Yes, sir.

**LEG. ALDEN:**

So, you're another one of the people that actually has a cubicle or a booth, or whatever. What  
safeguards do you take to prevent a terrorist organization, or something like that, to disguise  
themselves as an attorney or some other form and contract with you to provide that  
information?

**MR. COOLEY:**

We're dealing with •• we're dealing with regular clients who have been in business in this  
country for many, many years.

**LEG. ALDEN:**

So, you don't take any new clients?

**MR. COOLEY:**

Well, we're always looking for new, but we haven't, you know ••

**LEG. ALDEN:**

But what safeguards do you do? What safeguards and procedures do you take to make sure that that's not just a front for some terrorist organization?

**MR. COOLEY:**

Well, as all ••

**LEG. ALDEN:**

You do background checks, or, you know, things of that nature?

**MR. COOLEY:**

We don't run back •• we don't run background checks, but like, as all citizens in this country since 9/11, we keep our eyes open.

**LEG. ALDEN:**

Well, I find it very, very disturbing, then, that, right now, you're the only thing, then, standing between the dissemination of this information to terrorists and we have to rely on your good will or your good business judgment, whereas you're saying don't go and sell this information on the internet. So, to me, you're not making any distinction between what you do and what is proposed to be done by the Clerk. He's going to sell the information, you sell the information. You don't check to see who you're selling it to. On the internet, there could be safeguards, there could be checks and balances. So, I really don't see a distinction between what you're doing and what's proposed.

**MR. COOLEY:**

I think the distinction is •• I think the distinction may come in. You know, you have a valid ••

**LEG. ALDEN:**

Do you redact? Do you redact things when you give out information?

**MR. COOLEY:**

Excuse me?

**LEG. ALDEN:**

Do you redact any of the information? So, if somebody asks you for a deed, you don't take out their social security number or their signature, or anything like that, do you?

**MR. COOLEY:**

Not on a deed, but?

**LEG. ALDEN:**

How about addresses, do you take out the person's address?

**MR. COOLEY:**

But, on a mortgage, what we do, what we do, we do not provide the mortgage, we do what's called abstract, in other words, take out the vital information. So, no, we're not •• actually ••

**LEG. ALDEN:**

But when somebody pays you to give them a copy of a mortgage, you redact that information?

**MR. COOLEY:**

I don't do it in that •• I don't do it in that manner. Primarily, what my job over there is to abstract, take out the vital information.

**LEG. ALDEN:**

That's a different •• that's a different request, if somebody is making a request for that type of information. But, if somebody is asking for copies of a deed, or copies of a mortgage, or copies of a security agreement, or whatever, consolidation, do you provide that service, too?

**MR. COOLEY:**

I don't know, but others do.

**LEG. ALDEN:**

Do they redact?

**MR. COOLEY:**

I sincerely doubt that, no.

**LEG. ALDEN:**

Okay. Thank you.

**P.O. CARACAPPA:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes, I've got a question. You're familiar with the bill, I guess. On Page 2, you've seen the eligibility clause; is that correct?

**MR. COOLEY:**

Yes, sir.

**LEG. KENNEDY:**

Okay. You know in Section A that any subscriber or any internet entity or subscriber would have to execute a Use and Dissemination Agreement?

**MR. COOLEY:**

Yes, sir.

**LEG. KENNEDY:**

You understand that. You understand that there would be probably a greater ability, not probably, definitely a greater ability at this point to know where that information would be going to, who that end point would be, and that were there any kind of foul play or misappropriate means, there'd be determination, and actually a way to go ahead and pursue the individual criminally and civilly?

**MR. COOLEY:**

Yes, sir.

**LEG. KENNEDY:**

Okay.

**MR. COOLEY:**

But I also know ••

**LEG. KENNEDY:**

Fine, thank you.

**MR. COOLEY:**

As I also know is that as a Revenue Officer, the Internal Revenue Service has run around •• has been running around in circles by prisoners in Attica, you know, who will make up •• you will use the internet in order to make up phony tax returns, phony W2's and receive false refunds, and those are people that are already in jail.

**LEG. KENNEDY:**

I certainly hope the County of Suffolk could determine a prisoner in Attica and not execute a Use and Dissemination Agreement.

**MR. COOLEY:**

But over the internet, how would you know who it is?

**LEG. KENNEDY:**

My understanding is the Use and Dissemination Agreement is similar just to the same Use and Dissemination Agreement you've executed now as a cubicle license. It's a paper instrument. There's many verifications on in and representations. There's a face•to•face execution; correct?

**MR. COOLEY:**

On a face•to•face I don't know about, sir.

**LEGISLATOR KENNEDY:**

There's a signature on the Use and Dissemination Agreement.

**P.O. CARACAPPA:**

Any other questions for the speaker? Thank you, sir. Mason Haas.

**MR. HAAS:**

Good afternoon. Hello, John.

**LEGISLATOR KENNEDY:**

How are you?

**MR. HAAS:**

My name is Mason Haas. Yes, I am also a Title Examiner out there in Suffolk County. However, what I come to talk about more, I have no problem with access. I think that public access is something that's happening. The internet access is happening all over the place. I myself even have obtained information from Charlotte County down there, online from the Clerk's Office down there. My only thing there is that I ask that we look at limiting that access.

The reasons for limiting that access, twofold. One, to protect the person that's down on their luck, financial problems. The other is sales tax revenue to the County of Suffolk and the State of New York. The reason I say the sales tax revenue issue is simply that, if you limit the access, you then are limiting the big corporations that are not operating in New York, but are operating in states such as Pittsburgh, Virginia, North Carolina, North Dakota, Florida that employ people like us and people in the title industry out here in Suffolk and in Nassau that use the County records here in Suffolk County. These companies pay a lower wage to those employees. They'll then be able to turn around and do this from their office. However, if you limit that access, you can still collect the fee for the access fee that you're getting from them, subscription fee, and still have the sales tax revenue here from the people being employed for the information that they cannot get over the internet, but then have to use the workforce here in Suffolk County.

The other issue, again, the person that's in trouble. You have a big industry out there where you've seen it before online, on T.V. where people advertise, buy houses, no money down, this, that, all the ways to it. You have a big industry of what we call judgment buyers. There are many judgments that are on record at the Clerk's Office that are not shown as satisfied. This is not because they were not satisfied, it's because, it's sad to say, but the title industry who has collected those fees, if you had a judgment and you've paid for it at the closing table, that

somewheres along the line they just didn't obtain the sat. John Kennedy can attest to that, he knows that very well, there are many judgments there. These people who then buy these judgment lists will turn around and go out knocking on the doors of these people. If you put this on the internet, these people will be doing it from their •• from their homes. And it's not illegal, so it's not something that you can deny them, you know, you collect the access fee, but they will be knocking on the doors of these people, looking to buy judgments, harassing many people.

You know, you get an elderly person who knows the judgment was paid, her husband passed away, or something like that, they could be taken advantage of. Same situation as, you know, where you had the people, their tax delinquent, you know, they get in trouble, and they fall prey to people like that.

Again, I think the idea of the access with the Clerk, who's been working on it for many years, is a great idea as far as that, but we should be limiting it. The electronic recording that he wants to do, I think that's a wonderful idea, because, if it expedites recordings, the State gets its tax money and makes things go smoother. I for one can tell you, and John knows himself that I have come to him many times, because, right now, the •• doing all the recordings at that location, it's a killer. It's a killer.

Again, what I ask is that you look at this and determine what access you want to give out. If you give the full access out of what's available at the Clerk's Office, then, yes, you will lose sales tax revenue, because I will then cut my staff down, many other people will cut their staffs down, abstract companies who hire us will cut their staffs down, because they, in turn, will not get this business from out•of•the•state companies that are out there. John is very familiar, there are quite a few out there. Like I say, they operate in states where minimum wage is much lower than us and it costs less to run a business.

Other than that, you know, that's really it. What it comes to, look at what you're going to put out there and limit some of it, so that it •• you can still collect the fee and make everybody happy all the way around.

**P.O. CARACAPPA:**

Okay. Thank you. Any questions? Okay. Thank you, Mr. Haas. DANIEL Maksym.

**MR. MAKSYM:**

Hello. Thank you. My name is Daniel Maksym. I have a Masters Degree in Information Science with a concentration in government records, and I have significant knowledge of computer systems used for the dissemination of government records.

And I would just like to second the statements made by the three previous speakers. All of their assumptions about privacy and the consequences of it are pretty much right on in relation to what the information records management community recommends.

As far as the internet versus County Center access, I believe that forcing the individual to come to the County Center to obtain that information acts as a very good filter for out-of-state and international inquisitors.

And I'd also like to raise the issue that making this information available online and with much ease as it can possibly go online is that police officers and teachers are two main groups of people that probably wouldn't want other people knowing their home addresses. Police officers that either given someone a ticket or arrested them for murder even could have that person go online very easily, find their address and harass them, or seek some sort of revenge. And as far as students of teachers, someone who is giving a failing grade, they could find out the teacher's address and go and vandalize their house, or something, if they wanted to. I mean, those are just two issues that could be raised with this system.

And I have a package here that I've printed out for everyone, and it outlines most of our major oppositions to this system.

**P.O. CARACAPPA:**

We have a question here. Legislators Kennedy.

**LEGISLATOR KENNEDY:**

Hi. I just want to ask the same question that I did of the other gentleman. Are you familiar with the resolution?

**MR. MAKSYM:**

Yes.

**LEGISLATOR KENNEDY:**

Okay. You've seen the Segment 3, the requirement for Use and Dissemination Agreement?

**MR. MAKSYM:**

Yes.

**LEGISLATOR KENNEDY:**

Okay. You understand, then, that who would ever be provided access to go ahead and do the search, the wildcard search or the wide search, I guess that this system would allow for, would be from a specific and identified source, actually better identified than is available right now. This information, as everybody has agreed, who stepped to the podium agrees, it's public by nature; correct?

**MR. MAKSYM:**

Yes.

**LEGISLATOR KENNEDY:**

Okay. And that, actually, the County Clerk has absolutely no control whatsoever over what's embedded in these instruments.

**MR. MAKSYM:**

Yes.

**LEG. KENNEDY:**

Those instruments, as a matter of fact, come to the County Clerk's Office from the world.

**MR. MAKSYM:**

Yes.

**LEGISLATOR KENNEDY:**

Okay. So, you're familiar, then, with the Use and Dissimination Agreement requirements?

**MR. MAKSYM:**

Yes.

**LEG. KENNEDY:**

Good.

**MR. MAKSYM:**

But I believe someone online could come up with an identity to access that information very easily and anonymously, and there are many, many websites that offer routing of IP addresses through anonymous servers that would allow access to these systems without a directly traceable route.

**LEGISLATOR KENNEDY:**

Fortunately, we have the architect of this system here today who knows much more about that than I certainly do, and maybe he'll speak to some of those issues.

**MR. MAKSYM:**

Okay.

**LEG. KENNEDY:**

Thank you.

**P.O. CARACAPPA:**

Thank you.

**LEG. CARACCIOLO:**

Mr. Chairman.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Yes. Since you indicated you have a background, a technical background in commuter •• computer information systems ••

**MR. MAKSYM:**

Yes.

**LEG. CARACCIOLO:**

•• explain to us right now, if someone goes online and pays for a service through Yahoo or anyone else ••

**MR. MAKSYM:**

Yes.

**LEG. CARACCIOLO:**

•• to obtain this information, what the difference would be if someone is going to use that information for identity theft. You know, are they going to pay someone like yourself, not you perhaps, but someone who has access and has knowledge on how to get this information and provide it for a fee to the world, to that individual in Afghanistan or Iraq, or anywhere else that a previous speaker made mention of? What is the difference?

**MR. MAKSYM:**

Well, first of all, people that are at the County Center right now, if they are, in fact, there extracting information and putting it into a data base, are working on a single or maybe up to ten people working on it at once, and if you figure that there's probably a few hundred thousand tax map numbers, and maybe even millions of documents in this system, that there's no way they can feasibly extract all of that data to create a data base of their own.

And as far as people using information provided by people in the County Center for fraud of some sort, I would counter that those people are seriously limited by the location of the County Center. If there's a couple of hundred people working in the County center, most of which do not have a website that is accessible by the general public to get that contact information, so that they could, in turn, search the records at the County Center and obtain it and send it to them. It's mainly business from mortgage companies, banks and title insurance companies, all at •• all which require extremely secure information that only people with a lot of experience in the County would be able to provide. And I believe that once out•of•state and out•of•the •nation proprietors try to access this information provided to those companies, that it will be compromised in its •• in its accuracy and could lead to many problems in the mortgage industry.

**LEG. CARACCIOLO:**

Let me rephrase the question.

**MR. MAKSYM:**

Okay.

**LEG. CARACCIOLO:**

If I right now wanted to go online, I had your name, your social security number, and I wanted to find something, some more personal information about you to use for identity theft ••

**MR. MAKSYM:**

Well, you probably wouldn't be able to have my social security number unless you accessed the system through the County Clerk's website.

**LEG. CARACCIOLO:**

Well, perhaps. Perhaps you lost a driver's license or you lost some other means of identification ••

**MR. MAKSYM:**

Well, I don't think ••

**LEG. CARACCIOLO:**

•• that I then use to make an inquiry about you. Or maybe I just have your name and address ••

**MR. MAKSYM:**

Yeah, with name and address, yes.

**LEG. CARACCIOLO:**

•• and I go online and I do a Yahoo People Search, or any one of the other •• any one of the other services, you and I can do that; correct?

**MR. MAKSYM:**

Yes.

**LEG. CARACCIOLO:**

And depending on how much information we want to pay for, we can obtain a lot of personal information that, you would have to agree, can be used for identity theft?

**MR. MAKSYM:**

Well ••

**LEG. CARACCIOLO:**

Yes or no?

**MR. MAKSYM:**

Only in cases where you're dealing with a company that has a license from the State of New York to provide that information, because, first of all, Yahoo People Search function would only give you names and addresses and phone numbers that are listed with the phone company. Yahoo gets its information from public telephone records to provide that service. Thus, if someone does not have their name listed in the phone book, they could effectively avoid most detection. The County Clerk's system would bypass that. A person that intentionally has their name taken out of the phonebook, for fear that people will contact them, will now be open to the contact.

**LEG. CARACCIOLO:**

Well, you wouldn't be able to get their phone number.

**MR. MAKSYM:**

No, but their address is just as good if you want to harass them for some reason.

**LEG. CARACCIOLO:**

Okay. Well, now we're talking about harassment, before we were talking about identity theft. What I'm essentially saying is, if the overriding concern is about preventing and expanding upon the ability of those that are in the business of stealing identities ••

**MR. MAKSYM:**

Yes.

**LEG. CARACCIOLO:**

•• to do so in Suffolk County, you have a very narrow scope on how you believe that can be accomplished. What each of us has said is that it really doesn't prevent anyone from going to the County Center right now. The Clerk does not have the ability, by virtue of State Law, of redacting public records, does he?

**MR. MAKSYM:**

Not that I know of, but ••

**LEG. CARACCIOLO:**

No, he does not. And I think he's going speak later to this and the other, you know, host of questions that have been raised. So, really, it comes back to the issue, as the Presiding Officer mentioned with the first speaker, and that is, and we can understand this, you're in a business of providing information for a fee, and maybe that's how you supplement or that's how you make your livelihood.

**MR. MAKSYM:**

Well ••

**LEG. CARACCIOLO:**

If there is some way we can make some accommodation, I think we'd like to consider that. But to just to •• you know, just to come here and say that this is going much further than the ability that presently exists to steal personal identity •• or personal identification I don't think really is going to carry the day.

**MR. MAKSYM:**

Well, you have to acknowledge the geographic factor. You'd have to go to Riverhead, which means travel by car, plane ••

**LEG. CARACCIOLO:**

But if somebody is bent on stealing that person's identity, they're going to do that.

**MR. MAKSYM:**

Yeah, but they ••

**LEG. CARACCIOLO:**

It's probably been done many times already.

**MR. MAKSYM:**

Very possible, but ••

**LEG. CARACCIOLO:**

Okay.

**MR. MAKSYM:**

But having •• the difference between maybe 100,000 people that would actually take the time to drive to Riverhead and go through that information, which they probably wouldn't know how to retrieve, and ••

**LEG. CARACCIOLO:**

Well, wait a minute. There's a booklet there and there are ••

**MR. MAKSYM:**

Which it fails innumerable times.

**LEG. CARACCIOLO:**

There are employees that they did, I was there. I heard about this whole bruhaha weeks ago, and I went there to test the system myself.

**MR. MAKSYM:**

Yes.

**LEG. CARACCIOLO:**

Okay?

**MR. MAKSYM:**

But ••

**LEG. CARACCIOLO:**

So, if I have some information about you, I could find everything I need to find out about you.

**MR. MAKSYM:**

But the difference is that even if it's 100,000 people that are willing to go to the County Center to get that information, and a billion that could access it via the internet, that's a large •• I mean, that's a very small percentage of the possible people that could get it. And I seriously doubt that anyone bent on getting social security numbers or addresses for fraudulent purposes is going to take a plane flight to Long Island and then go to the County Center to get that information. They want to try to obtain those social security numbers and addresses and names in a bulk fashion, which they could do online from the comfort of their own home, and that is ••

**LEG. CARACCIOLO:**

And they could do that now.

**MR. MAKSYM:**

Only for records that I believe are after the year •• the end of 2000.

**LEG. CARACCIOLO:**

But that's my point, they can do it now online.

**MR. MAKSYM:**

Yes.

**LEG. CARACCIOLO:**

From any remote location in the world.

**MR. MAKSYM:**

Yes.

**LEG. CARACCIOLO:**

Thank you.

**P.O. CARACAPPA:**

Thank you. We have a lot of cards left on many different other public hearings, so I'd ask that questions ••

**LEG. VILORIA • FISHER:**

I have a question.

**P.O. CARACAPPA:**

Yeah, Legislator Fisher. Questions to be directly to the point.

**LEG. VILORIA • FISHER:**

Excuse me, sir, I just have one more question.

**MR. MAKSYM:**

Yes.

**LEG. VILORIA • FISHER:**

Does the fact that it's a subscription service have any •• is that in any way a deterrent to the number of people accessing the information?

**MR. MAKSYM:**

I mean, if they're going to make it \$30 a day to access this system, I mean, that's a very small cost to someone that wants to obtain information. Eight thousand dollars for the year would prevent people getting the yearly service, but \$30 a day can't be much hindrance to anybody. But what I also want to bring up is that the number of people that or companies that are willing to pay the \$8,000, I mean, they're probably relatively small, and that number of companies that are willing to pay the \$1,000 and give that money to Suffolk County, it probably would not outweigh the consequences of doing this type of online service. I mean, there are so many problems that could come up potentially, we don't know if they will or not, I mean, but they could come up. And the fact is is that Long Island's going to lose hundreds or thousands of jobs for basically no reason whatsoever. I don't think there are many people at home that want to go and look at their information online just for the fun of it. And even if they could and ••

**LEG. VILORIA • FISHER:**

Can you just back up a second.

**MR. MAKSYM:**

Yes.

**LEG. VILORIA • FISHER:**

That job impact?

**MR. MAKSYM:**

Yes.

**LEG. VILORIA • FISHER:**

Hundreds of thousands of jobs, what ••

**MR. MAKSYM:**

No, hundreds or thousands I said.

**LEG. VILORIA • FISHER:**

Oh. Oh, I thought you said hundreds ••

**MR. MAKSYM:**

No.

**LEG. VILORIA • FISHER:**

•• of thousands of jobs ••

**MR. MAKSYM:**

No.

**LEG. VILORIA • FISHER:**

And I'm wondering ••

**MR. MAKSYM:**

No, no, no.

**LEG. VILORIA • FISHER:**

•• where that number came from. Okay.

**MR. MAKSYM:**

No.

**LEG. VILORIA • FISHER:**

Sorry.

**LEG. CARACCIOLO:**

Big industry.

**LEG. VILORIA • FISHER:**

You just through me for a minute on that.

**MR. MAKSYM:**

No. I would just say that most people •• the main reason to access this type of information is so that you can get a mortgage or property can transfer hands. And in order for that property to transfer hands, most mortgage companies require title insurance be made, so that if there was a problem with the chain of title and the house had to go back to the previous owner, or had to be in some sort of limbo, the money would be taken care of by that insurance. And I don't know of any title insurance company that would insure a title based on a person's personal home research. I believe that they would only ••

**LEG. VILORIA • FISHER:**

Okay, you answered my question. I'm sorry.

**MR. MAKSYM:**

Okay.

**LEG. VILORIA • FISHER:**

And we have so many cards, but you have answered my question. Thank you.

**MR. MAKSYM:**

Thank you very much.

**P.O. CARACAPPA:**

Thank you. Last speaker on this public hearing is County Clerk Ed Romaine.

**MR. ROMAINE:**

Thank you, and appreciate the opportunity to address this. I brought with me my IT Director. If you have any technical questions, Peter Schlusser runs the IT operation in the County Clerk's Office. And I am here to support County Executive Levy's resolution regarding the subscription service. This service would allow us to provide, via the internet, for a fee, and a very strict licensing agreement in which you have to identify yourself and authenticate your identification, access to our system from remote locations.

I've heard the speakers and I certainly feel for their concern for identity theft, but let me make a couple of things clear. There are no social security numbers on deeds, there are no social security numbers on satisfactions of mortgage, there are no social security numbers on assignments. Most of the time, if there's a social security number, it appears on a mortgage and it was put there by the bank, and that usually happens probably one in a hundred times. It's a rarity, it's an exception, it's not the rule. Come and look at mortgages, as we do each and every day, and the overwhelming majority of mortgages do not contain social security numbers.

I not have the power under State Law to redact that information, but what I do have the power to do, and I fully intend to do, and I can have my IT Director speak to that, when we go out on a subscription service, we will be able to redact, by using a template, signatures and social security numbers on the information provided in the internet. So, actually, the information provided on our subscription service will be far more security from identity theft than the information available at the County Center.

I would also recommend that since identity theft is a concern, that this Legislature address the State Assembly through a sense resolution giving the County Clerk the power to reject mortgages filed by banks that contain that and other type of personal information that have no place, except for the bank's purposes, and should not be demonstrated on a public record, and

I strongly agree.

I also share the concern of the 66 individuals that •• or corporations that license cubicle space in the County Clerk's Office. I know that they're beginning to feel like the buggy whip makers felt when Henry Ford came along. Technology is changing and, yes, it will have an impact on their business, not right away, because we only have four years online. But although I'm not going to be County Clerk to see that, but by 2009, we expect to have 40 years online, and 40 years is the benchmark, because we're working right now in a back file conversion. Forty years is the benchmark to do a simple title search, and you will be able to do that remotely.

In terms of revenues, we very conservatively project at least a half a million dollars. We think there's a hundred title companies that will pay the, \$8,000 a year. Forget everything else, forget the 65 cents a page to download this information. We think that, truly, the first year of operating, we could produce at least a million dollars. And as we do the back file conversion, that we will be able to produce millions of pure revenue dollars for this County. We will be able to save a lot of people the problem of driving out to Riverhead to check the records. They can go on for a day, they can go on for a month, a half a year, a year. They can look at the western part of the County of Brookhaven or the eastern part of the County. They can look at deeds, they can look at mortgages, they can look at foreclosures, lispensens, judgments, liens, UCC's, business names, which they can do now, or even the court minutes, which, by the way, are on line currently back to 1984. So, I think that this is an advance.

Many counties in the state have already come up with a form of subscription service. We think that this is going to be a tremendous benefit to the general public. We think this is going to be a tremendous benefit in terms of protecting people against identity theft, because we will, and we have developed a tool, and my IT Director can talk to that, that will block out signatures and social security numbers on the subscription service, something you can get now in Riverhead. So, with that, I'd be happy to invite any questions you might have.

**P.O. CARACAPPA:**

Legislator Nowick.

**LEG. NOWICK:**

Hi, Ed.

**MR. ROMAINE:**

How are you?

**LEG. NOWICK:**

I think that you said the one thing that I needed to hear, because I was getting a little bit leery there about social security numbers. What I am understanding is this is safer.

**MR. ROMAINE:**

Absolutely, this is safer than if ••

**LEG. NOWICK:**

This is safer, because you have the ability to knock out those numbers.

**MR. ROMAINE:**

We have the ability in the subscription service to knock out all personal identification, other than name and address, which will appear on the deed.

**LEG. NOWICK:**

But you don't have the ability ••

**MR. ROMAINE:**

Or mortgage.

**LEG. NOWICK:**

•• if somebody comes into Riverhead.

**MR. ROMAINE:**

No, they can see everything. But, with leadership such as yours and the rest of the Legislators, I'm sure there'll be a resolution requesting our State Legislators to give County Clerks that ability. I know my fellow County Clerks would appreciate that ability, and banks should not be, just for their purposes, putting our personal information on their documents.

**LEG. NOWICK:**

Well, you know, Ed ••

**MR. ROMAINE:**

And I strongly agree with that.

**LEG. NOWICK:**

If we send up that sense resolution, you know they'll act on that.

**MR. ROMAINE:**

I know they will, because that's a concern.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Mr. Romaine, is there some particular reason why the system cannot be designed to preclude access at the County Center to the same extent that you're talking about doing it with off-site access?

**MR. ROMAINE:**

I can ask my IT Director that and let him answer that question.

**MR. SCHLUSSLER:**

Peter Schlusser. How are you doing? Very specifically, the information that we speak of that's accessible at the County Clerk's on Center is on microfilm, which essentially is a photograph of the instrument itself. So, since we are not touching the original instrument, thereby, you know, staying intact, if you will, all that pertinent or personal information is available for viewing by any individual coming in from the public. However, with the system that I've built, I have this tool in place, essentially, as we call it a template, that allows you to redact the information off of the digital image without actually affecting the digital image. In other words, the digital image is still intact, with social security number and, if you will, date of birth, all that like on the •• and signatures on the instrument, however, it's not viewable based upon the technology that I've built on top of it.

**LEG. CARACCIOLO:**

Okay. It was my understanding from previous conversation that you are prohibited by State Law from redacting any information on any public instrument.

**MR. ROMAINE:**

We cannot touch any instrument that is filed or recorded with our office, particularly the recorded documents, by State Law. Even if we see an error and it's a simple one and we could fix that error, we're not allowed to touch it.

**LEG. CARACCIOLO:**

Then how do you make the distinction by imposing a template over the ••

**MR. ROMAINE:**

Because we're not •• because we're not vending the original instrument, we're vending the data from the original instrument.

**LEG. CARACCIOLO:**

I see.

**MR. ROMAINE:**

So, the signature is not needed, date of birth, or any other extraneous information to the instrument itself that a bank can put on we can block out on the subscription service. We can't do that ••

**LEG. CARACCIOLO:**

So, subscribers will not have access to the actual physical document.

**MR. ROMAINE:**

They will have access to the document absent that information. We have a template that could block that all out. We can't do that in Riverhead, because our images are gleaned from microfilm, and the microfilm is not acceptable to massaging like a digital image is, because what we're doing is, when we do the subscription service, we're converting the microfilm image to a digital image, and we can massage the digital image, but we can't massage the microfilm image.

**LEG. CARACCIOLO:**

Okay. That's the essence of what I'm getting at.

**MR. ROMAINE:**

Right.

**LEG. CARACCIOLO:**

By law you can massage ••

**MR. ROMAINE:**

Right.

**LEG. CARACCIOLO:**

•• the digital?

**MR. ROMAINE:**

Right. Yes, I'm allowed to do that by law.

**LEG. CARACCIOLO:**

And your assistant is not so sure.

**MR. ROMAINE:**

Right.

**LEG. CARACCIOLO:**

Peter is not so sure.

**LEGISLATOR KENNEDY:**

Mr. Chairman, if I can just add a piece here, hopefully, I can shed a little light.

**LEG. ALDEN:**

Turn the volume down.

**LEG. KENNEDY:**

Yesterday, I was there, now I'm ••

**LEG. CARACCIOLO:**

Legislator Kennedy, go right ahead.

**LEG. KENNEDY:**

Now I'm here. Again, I think the Use and Dissemination Agreement will actually have language very clearly in it that what's being accessed over the internet is, in fact, the land record instrument that has, in fact, had these items redacted out of it for the purposes of protection and safety. What County Clerk is speaking to is Article 9 of Real Property Law, which says that he has absolutely no authority whatsoever to go into the contents of a written instrument and mark, but may only record what's presented by the world.

**LEG. CARACCIOLO:**

Okay. I appreciate the distinction. Thank you. Thank you, Ed.

**MR. ROMAINE:**

Thank you. Thank you.

**P.O. CARACAPPA:**

Anybody else?

**LEGISLATOR KENNEDY:**

I just want to ••

**P.O. CARACAPPA:**

Legislator Kennedy.

**LEGISLATOR KENNEDY:**

I was just going to ask if Mr. Schlusser would talk a little bit about the security aspects, too.

**MR. SCHLUSSLER:**

The security aspects of the subscription services is there's a couple of layers that we've built into the architecture that's important to realize. We speak about the fact that this data may be accessible by a billion people on this earth. That's not necessarily true. As a subscriber, you have to identify yourself, as we've belabored that point many times here today. But, more

importantly, the whole point of the subscription service is to make this data available in such a way that we're not compromising the system. In other words, there's a lot of issues out there where these things called bots that would actually attach to the system and just constantly grind against the data and the data base and download the data into their repositories and do what they will with them. The way the system is designed, it's designed in such a way that I have limitations, it will not allow bots. It will allow searches every periodicity, which may be every minute or so. Essentially, that means that you can't go into the system and grab every piece of data that we have in the system.

Secondly, from a security standpoint, you have to identify yourself either by a static IP address, which essentially can be known as a social security number of each one of the PC's, or more importantly, a MAC address, which is a social security number, if you will, of a network card, if you will, or a dial up card to your PC to what we have. We're building in a one-to-one license arrangement. In other words, when we have the subscription service in place, we're not going to have a blanket license, here's a license, have many people as you want sign in. It's a one-to-one license. You're going to have a time period limitation. In other words, it's going to have a time limitation where, essentially, may only have the ability to access the system between a periodicity of time, or it's not going to be around the clock, because I may see things going on that might not be too.

copacetic as far as grinding away of the data. And, more importantly, you have an authentication with a user I.D. that essentially that you can't just leave the user I.D. logged into the system and walk away from the system itself without it automatically logging off.

So, from a security standpoint, it's a heck of a lot more security what we've built on the internet, if you will, through this virtual kiosk or virtual Clerk's Office, as opposed to what we have in our public access. The public access is wide open. I have people parading in there day in and day out and it's right next to my office, and I see they go in there with their personal laptops, grinding away the data, entered their system. They may be identifying themselves up front to some way, shape or form, but I still have no idea what these people are doing with their information.

Right now, I see a tremendous amount of our information on the web. We spoke about Yahoo before, I want to build on that point. With Yahoo, very specifically, when they can't •• when you put in a name, you can't find any information on that person, what happens? They say,

"Give us 50 bucks and we'll get you information." Okay, here's 50 bucks. You know what they're doing? They're coming down to the County Clerk's Office, making copies of all that information, making images, E-mailing to you and collecting 50 bucks. There's the middleman. That's right on Yahoo right now. Many more examples of that. But this data that we have has incredible value, has incredible value to many entrepreneurs and many businesses in the United States, which I trust will be all used in a way that is satisfactory to all of us, but it's not necessarily intended for identity theft.

We have the checks and balances in place to perform, to ensure that social security numbers and/or signatures, and/or any other personal information that's deemed too personal, to redact redact that. We have the technology. So, it's not that we can't do it, it's just a matter of what we want to do. But, more importantly, the data and the images themselves have an incredible value.

There are title houses out there, there are industries out there that pay \$50,000 a month for this information. We were offered recently \$120,000 a month. It is a tremendous boon as far as a revenue stream for us as County residents, in addition to the government itself. So, from a security standpoint, I feel more confident on what we've built with this internet kiosk, this virtual kiosk than what we have available to the public, which is essentially wide open.

Keep in mind, microfilm it's just pictures of instruments. It's on a rack, do what you want with it. Everything and anything is on there, we don't touch it. With this digital technology, with this optical imaging system, we can do what we want to it. We can essentially overlay, eliminate data, present data, so on and so forth.

So, I feel very confident with the fact that this model that we built is very secure, it's very well known, as far as its infrastructure. It's something that is not uncommon in E-commerce. I come from the private sector. I'm not a full-time government employee, I just have been with government for the last three years, so I've been out there for 18 years, I know what the world's like, I know what E-commerce is like. So, essentially, I feel very confident with this system that I don't feel would be compromised in any way, shape or form.

**P.O. CARACAPPA:**

Okay. Legislator O'Leary.

**LEG. O'LEARY:**

Thank you, Mr. Chair. A lot of the questions that I had have been answered, and the bottom line is that, in your expert opinion, this system is more secure than the current system?

**MR. SCHLUSSLER:**

Absolutely. The existing system is a main frame system that's 20 years old.

**LEG. LINDSAY:**

When there are statements made about the vulnerability of the system which would access police officer, and teachers, and judges and Legislators' social security numbers, even though that is in place now under the current system to a hacker or to anyone who has the mindset to do that, is it your statement that this will preclude them from doing that in this particular system?

**MR. SCHLUSSLER:**

From a date•forward perspective, absolutely. We have the ability to redact anything from date •forward perspective. In other words, any new instruments that would come into the system, we would have the ability to essentially redact that information.

**LEG. O'LEARY:**

By "new instruments", you •• do you mean new reports or forms that are filed, or ••

**MR. SCHLUSSLER:**

Well, in other words, on a daily basis, we're bringing more and more images into the system. Currently, we only have mortgages and deeds. Recently, we've put on judgments and lispendens. Next are going to be mechanics liens, following that, miscellaneous liens, so on and so forth. So, as each new system comes on board, that's when this new technology will be placed in.

**LEG. O'LEARY:**

And this, obviously, will not preclude the current title examiners who are working out of Riverhead to subscribe the service?

**MR. SCHLUSSLER:**

Absolutely not.

**LEG. O'LEARY:**

All right. Thank you.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

No.

**P.O. CARACAPPA:**

You're good?

**LEG. ALDEN:**

Yes.

**P.O. CARACAPPA:**

Okay. Any other questions? Thank you. No other cards on this, motion to close ••

**LEG. ALDEN:**

Second.

**P.O. CARACAPPA:**

•• by myself, second by Legislator Alden. All in favor? Opposed? Abstentions? 1891 is closed.

Moving on to Public Hearing relating to ***I.R. 1928 • Local Law to establish smoke free school bus stops in Suffolk County.*** I have no cards. Anyone wishing to be heard? Motion to close by ••

**LEG. FOLEY:**

Motion.

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

Second.

**P.O. CARACAPPA:**

Legislator Foley, second by Legislator Carpenter. All in favor? Opposed? Abstentions? 1928 is closed.

I.R. •• Public Hearing on ***I.R. 1972 • Charter Law creating a County Department of Environment and Energy.*** I have one card, Joni Altner.

**MS. ALTNER:**

Hi. Good afternoon. First of all, I apologize for the hat, but I've been wearing it all day and I have hat hair, so I don't want to take it off.

**LEG. LINDSAY:**

Talk into the mike.

**MS. ALTNER:**

I'm here to support I.R. 1972, to create the County Department of Environment and Energy. I know that I read somebody was concerned that it would add another layer of government, but I think it would actually remove multiple layers of government out of the purchase for open space. And my experience trying to get a parcel in my neighborhood in Eatons Neck purchased, the delay of a purchase could cause the ability to purchase an open •• a parcel of open space, render it unattainable. The parcel that we were trying to get purchased in 2000 was bought by the developer for under 3 million dollars, and today he has it up for sale for 12.9 million dollars. So, anything that would be able to expedite the process, taking it out of multiple divisions and putting it in one department I think would be helpful. And thank you.

**P.O. CARACAPPA:**

Thank you. I have no other cards. Anyone wishing to be heard? Motion to close by Legislator Carpenter, seconded by Legislator O'Leary. All in favor? Opposed? Abstentions? Public hearing on 1972 is closed.

Moving on to Public Hearing on ***1973 • Local Law amending Suffolk County Code Chapter***

**277, in relation to procedures for criminal history record screening.** I have no cards on this. Anyone wishing to be heard? Hearing none, I make a motion to close, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions? I.R. 1973 is closed.

**I.R. 1974 • Public Hearing on a Local Law amending the Suffolk County Code Chapter 277, in relation to standards for screening of certification applicants and employees of congregate emergency shelters.** I have no cards on this. Anyone wishing to be heard? Motion to close by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed? Abstentions? Public hearing on I.R. 1974 is closed.

Public hearing on **I.R. 1975 • A Charter Law to streamline County Government by abolishing the Airport Lease Screening Committee.** I have no cards. Anyone wishing to be heard? Seeing none, motion to close by Legislator Alden, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public Hearing on 1975 is closed.

**Public Hearing regarding 2081, a Local Law prohibiting the sale of tobacco products or herbal cigarettes, rolling papers or pipes to anyone under the age of 19.** We have many cards, Legislator Foley.

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

Don't we already have this, rolling papers and herbal cigarettes?

**P.O. CARACAPPA:**

Not for 19. First speaker is Will Stoner.

**MR. STONER:**

Hello, everyone.

**P.O. CARACAPPA:**

Quickly.

**MR. STONER:**

Let me start by introducing myself to Legislator Kennedy. I don't believe we've met yet. Legislator O'Leary, I don't believe we've met either.

And I'd also like to start by thanking this Legislative body for reinstating the proposed cuts to the Tobacco Control Program. I appreciate that, Suffolk County residents appreciate that, and, as you know, it's a very important step into reducing and eliminating tobacco's addiction on our youth and on our adult population. That program is an excellent support in the fight against youth tobacco use also, and I'm here today to support Resolution 2081, which is yet another tool that should be used to reduce youth access to tobacco products.

Suffolk County has been a national leader on tobacco control initiatives for passing laws such as requiring tobacco products to be kept under lock and key, meaning no self-service displays, or keep it behind the counter, requiring tobacco advertising to be a minimum of two feet from any fixture containing candy, toys, trading cards, etcetera. So, as always, when I testify, I'd like to offer up reams of data that support the position of the American Cancer Society.

And to continue, let me say that there are three states that have laws that set the legal age at 19 already. They're Alaska, Alabama and Utah. And what's significant about these three states is that all three are experiencing a reduction in youth smoking rates that are greater than the national average, and Utah actually has the lowest rates in the nation, based on data from the Center for Disease Control.

I'm not here today, though, to say that this law will be a panacea and will absolutely eliminate youth access to tobacco, but it's that step that we need. I'm not •• I'm here •• also not here today to say that these reductions in Utah, Alaska and Alabama are directly related to the tobacco purchase age being 19, but those states, like this County, have taken great steps in those •• in that venue to approach the issue of youth access. And, as I've said already, and I'll continue to say through my testimony, this is one more tool that we can use.

One very interesting subset of that data, and I'm going to share one copy with the Legislature • • I would have made enough copies for everyone, but, you know, we're •• our funding is a little low, so we have to be very cautious of our resources. So, here's the subset. Nationally, the question was asked, this is the Center for Disease Control, for the three states in the nation, the decline in youth who had a whole cigarette for the first time before the age of thirteen, and nationally the rate of decline was 4.5%. For New York, it was 6.6%, which is very encouraging, Alabama, 6.7%, Alaska, 11.1%, and Utah, it was 9.5%.

So, based on the fact that this Legislature continues to support tobacco control funding, and if Resolution 2081 were to be passed in conjunction with this funding, the County, I'm sure, would enjoy even greater percentage decreases than would all three states have already evidenced. So, the question is, that I'm sure you're all asking, will this create the desired impact that we're all hoping for? And I say, unequivocally, yes.

The Center for Disease Control data also shows that 60% of all youth get their cigarettes from older friends or classmates. When Suffolk County has an extremely successful vendor compliance program, so that vendors are not selling to youth, it's critical to cut off the supply from other •• from older classmates.

The desired effect of Resolution 2081 is to reduce the source of tobacco for so many young people. Raising the tobacco purchase age one year will have such a dramatic impact on the school•age population and is a logical step.

So, quickly, more data. Looking at the legal purchase age for alcohol and the impact that it's had on the nation and communities, data from the Center for Disease Control once again illustrates that in three separate categories of the YRBS, which is the Youth Risk Behavior Surveillance Study, youth alcohol usage is on the decline.

I have supporting documents that I'll leave with you. One of the most significant data sets, once again, is the percentage of students who had their first drink of alcohol, other than a few sips, before the age of thirteen. It dropped 5.1% since 1991. I'm sure we all agree we'd like to see that a little bit higher, but that's what it is.

This alcohol data is significant to smoking rates, because referring back to the state•by•state data I gave before, we know that young people are trying cigarettes at very young ages, and 90% of all smokers start before the age of 18.

**P.O. CARACAPPA:**

If you will, please sum up. You're finished?

**MR. STONER:**

Yep, thanks.

**P.O. CARACAPPA:**

Okay. Legislator Alden.

**LEG. ALDEN:**

Just one quick question. Are you aware of any other jurisdictions that might be more restrictive? I know you mentioned three for 19. Anybody at 20 or 21?

**MR. STONER:**

There's not.

**LEG. ALDEN:**

None? Okay, thanks.

**P.O. CARACAPPA:**

Okay. Before we go on to the next speaker, I'd like to welcome, along with Legislator Kennedy, Cub Scout Pack 328 from Den 9 in Hauppauge. Welcome, everyone.

***(Applause)***

Next speaker is Anthony Bravata, followed by Melissa Sauer.

**MR. BRAVATA:**

Good evening, Ladies and Gentlemen. My name is Anthony Bravata. I'm a representative of 7•Eleven, Inc., Incorporated. I'm in the rank of Loss Prevention Manager for the New York area.

I'm not here to advocate smoking cigarettes. I wish that everybody would quit, and it would be a healthier world for that. But in the •• for 7•Eleven stance in the matter is that 7•Eleven and its franchisees take the responsibility of denying minors access to tobacco products very seriously, and that is why we oppose the adoption of 2081.

7•Eleven implemented Come•Of•Age, the retail industry's first age restricted product training program in 1984, and has continued to update the program to maintain it as an effective training tool. Recently, at great expense, we have converted Come•of•Age to a computer based format, so that sales associates can receive this important training in a more effective

and time efficient manner. We are currently seeking to have this computer based training, CBT, certified by the New York State Department of Health. Obviously, the training material states the minimum age to purchase tobacco products is 18. The cost confusion and time delays involved in reprogramming a separate set of computer based training materials for Suffolk County seems to be contrary to the intent of reducing minors' access to and consumption of tobacco products.

Further the cash registers in 7•Eleven stores are programmed to prompt our sales associates to ask for an I.D. whenever a tobacco product is scanned, and the screen provides the birth date, which renders the customer legally fit to purchase the product. Again, this program assumes the legal age to be 18.

These are but two examples indicating how the proposed Resolution 2081 would frustrate the efforts of retailers who are dedicated to a mutual shared goal of denying minors access to and consumption of tobacco products.

We believe that officials should step up enforcement of existing laws and concentrate on beefing up support for smoking prevention programs. Retailers who sell tobacco should be as fanatical about checking I.D.'s of young cigarette buyers as they are about kids trying to score a six pack of beer.

The Campaign for Tobacco•Free Kids contends that 90% of every adult smoker takes his or her first drag on a cigarette before the age of 18. The Campaign cites •• it also cites that marketing, not even peer pressure, as the greatest influence on kids starting smoking at an early age. So, to counter that, smoking prevention programs funded with those millions in tobacco settlement money are the best antidotes to keeping kids off cigarettes.

One may raise the issue that if an 18 year old can serve in the armed forces and vote, then they ought to have the option of buying cigarettes. That may be a valid argument, but even more compelling is that 12 more months is not going to deter a kid from smoking. The answer is education, enforcement, and adequate funding of prevention programs. Together, these three strategies make more sense than a new law. I invite any questions.

**LEG. VILORIA • FISHER:**

Thank you, sir.

**LEG. FOLEY:**

Joe.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you very much for your comments. It's more of a rhetorical question, but I'll ask it anyway. Are you not aware that virtually every piece of tobacco control legislation that this Legislature has approved over the years, I think in every case, Southland Corporation or 7•Eleven has adamantly opposed it and always had described it in terms that it would be the equivalent to the world coming to an end as we know it, if •• for instance, when we passed legislation some years ago, where we moved the tobacco products from your counters to behind your counters. And there are those right from Texas who came out from Southland Corporation telling us how terrible this was, how all the franchises were going to be thrown out of business, and all the rest, and lo and behold, and I'm part of the reason why you still are open, a number of us still go to 7•Elevens, 7•Elevens are doing extremely well. And by taking it away from the eye level of children, so that it's not •• it's no longer an arms length of children, that sends a very important message.

Finally, I would just add, sir, that, you know, we welcome your comments, but I just wanted to make you aware of the fact that every resolution that we've adopted in this area, 7•Eleven has always been opposed to it. So, I just want to thank you for your comments. Mr.

**MR. BRAVATA:**

All right. I thank you for yours, also.

**P.O. CARACAPPA:**

Legislator Nowick.

**LEG. NOWICK:**

You know, I haven't even decided whether or not this is going to be a piece of legislation I'm

supporting or not, but I cannot even believe that if there is an opportunity to maybe persuade a child not to smoke, because they are children at 18, I know they can serve in the armed forces, but I can't even believe you would say a year doesn't make a difference, because they are 19 years old and they're still in high school. So, if it stops 30%, and I'm pulling a number out of the air, of young people from smoking, why wouldn't Southland be in favor of it? Why oppose? I mean, certainly, their health has to be more important than the cash registers and the symbols and the money.

**MR. BRAVATA:**

You're correct, their health is very important, but studies have shown that smoking starts at a very young age, prior to 18, a lot younger than 18.

**LEG. NOWICK:**

Well, it might start •• you're a representative of Southland Corporation?

**MR. BRAVATA:**

Yes, I am.

**LEG. NOWICK:**

Okay. Do you have young children?

**MR. BRAVATA:**

I do, yes.

**LEG. NOWICK:**

How old are they?

**MR. BRAVATA:**

Three, and four months.

**LEG. NOWICK:**

Oh. Come back in 15 years. It just disappoints me that Southland would come here and represent this issue the way you have. I must tell you, that bothers me.

**P.O. CARACAPPA:**

Okay.

**LEG. NOWICK:**

And, again, I'm not cosponsor on this legislation, but I'm bothered by that.

**MR. BRAVATA:**

I can understand how you feel, but if we felt that this would have a significant impact, we would feel the same as you on that matter.

**P.O. CARACAPPA:**

Okay. Thank you, sir.

**MR. BRAVATA:**

Thank you.

**P.O. CARACAPPA:**

Melissa Sauer.

**MS. SAUER:**

Hi. My name is Melissa. I'm from Kings Park High School in Suffolk County. Right now, I'm here to totally agree with this bill right now, because I see, as my own experiences as a junior in the high school, that a lot of freshmen and sophomores, juniors even, will ask their senior buddies or senior hookups to just buy them a pack of cigarettes on their lunch break, and it's so easy. You can hand them five bucks, and by the end of an 80-minute lunch break, they're back with your cigarettes. And that's •• so many young people then will take those cigarettes, go directly after school, across the yard, and smoke them straight in front of the security and straight in front of school administrators. And I feel like they don't realize how much it's hurting them, and those seniors don't realize how much it's not benefitting the youth, and they're actually harming their own friends by buying them the tobacco products.

And most students at high school graduate at the age of 18, not 19. Removing it and changing the age to 19 would then take out a lot of those senior hookups and, in turn, take out a lot of the advancements and ability to students to get tobacco products into the schools.

So, I totally do agree with changing it to 19. And I feel that since most of the 19 year old students are not in high school anymore, it will stop a lot of tobacco use in high school and among other minors in younger schools, including middle school. So, that's my comments on today. Thank you.

**LEG. ALDEN:**

Thank you for coming down.

**P.O. CARACAPPA:**

Thank you very much. Virginia Reichert? Thank you. Virginia.

**LEG. FOLEY:**

You can sit down. We want to thank you very much for your commentary.

**P.O. CARACAPPA:**

Virginia Reichert? 31 Neptune Avenue, Hampton Bays. Am I saying it right? Sold. Okay. Marianne Esolen.

**MS. ESOLEN:**

Good afternoon. As a social worker and a health education specialist, I've worked in the area of tobacco education and cessation for the past ten years. As an advocate, it's an exciting time to live, teach, and breathe in New York State. We are on the right side in the fight to keep our children and our adult community members healthy. I'm proud to be here as an educator to share my support for the proposed I are 2081 legislation.

Approximately 3,000 young people become tobacco users each day. It's expected that about one-third of those young people will remain addicted and die prematurely related to that tobacco use. We know that the best prevention strategies focus on delaying, and to the extent possible, preventing any initiation of tobacco use.

Having worked closely with schools, counselors and young people, I know firsthand how hard it is to quit tobacco use. Most people will struggle with as many as seven to eleven unsuccessful attempts before remaining quit. It's in the best interest of our community and the health of all young people to further restrict youth access to tobacco by raising the age of sales to 19.

The law can become another effective tool in the challenge to raise healthy and tobacco-free young people. To follow in the words of some of the folks who spoke before me, this in no way is an easy solution to a complex problem. It will take a whole constellation of resources and strategies to keep kids tobacco free, but it is one strategy that can be effective, along with the others, and I hope we can go forward with it. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Thank you. George Rosales, followed by Dave Martin.

**MR. ROSALES:**

Good afternoon. My name is George Rosales, Director of Advocacy for the American Heart Association. Thank you for once again allowing me the opportunity to address you today. But I do want to thank all of you today for voting unanimously on the AED bill this morning. Thank you very much. The American Heart Association and all its volunteers thank you very much.

Today I'm here to voice the American Heart Association's support for increasing the purchase age of tobacco products to 19. The County of Suffolk has continuously been progressive leaders on the issue of tobacco control, and specifically tobacco use in children. As part of the County's comprehensive strategy, the public health community has worked with this Legislature to enact strong smoke-free workplace laws, and I strongly supported the Legislature in its efforts to fund cessation and sales enforcement programs within the County's Health Department. All of these efforts are part of a larger strategy to either urge people to never start using tobacco, or helping those who want to quit. Raising the purchase age of tobacco products is also a part of this strategy. The main idea is to keep children from ever beginning the deadly habit. As you probably know, approximately 90% of smokers began before their 18th birthday. This legislation is one way to curb this deadly initiation.

Raising the purchase age on tobacco products, it's not a magic bullet to stop access to tobacco among youth. However, it will create a new standard for purchasing tobacco products. In the states which have raised their purchase age, each have witnessed promising results in youth tobacco use and access.

The American Heart Association believes that this legislation is necessary to reduce the social sourcing of cigarettes in our schools. The tobacco industry continues to target high school students under the current 18 year old law. The industry knows that the current purchase age continues to provide them with a gateway to the high school population.

In closing, the American Heart Association believes that raising the purchase age of tobacco complements the County's overall strategy to eliminate the fiscal and health burden of tobacco use within Suffolk County. Thank you.

**P.O. CARACAPPA:**

Thank you. David Martin.

**MR. MARTIN:**

Good afternoon. David Martin. I'm the Regional Vice President for the American Lung Association of New York State. Very happy to be here, and very happy to support this legislation that you're considering.

Have you ever thought about what would happen if we sold beer in vending machines along rest areas along the Thruway? Of course, putting that temptation that close to people who are about to get back in their cars and then drive would be unthinkable today. If you're wavering on this law, think about why we want to continue to put this temptation of tobacco in front of our kids today.

We know that 90% of smokers begin before their 18. You've heard that many times. We know that "Big Tobacco" spends 11 1/2 billion dollars a year to make tobacco look attractive to young people. So, it's not really that surprising that 20% of our kids, one in five, are smoking. The product is just so accessible.

We know that efforts to curtail the tobacco industry marketing to youth have shifted the industry's focus to the 18 to 24 year old group. That's the only age group where tobacco prevalence is increasing, not declining. In addition to the accelerating effect this industry strategy has had on legal age smokers, it also ensures a steady supply of social sources to underage smokers. Now, in plain English, that means 18 year olds are buying cigarettes and giving it to younger kids.

Let's face it, if tobacco were invented today, it wouldn't be sold, it's just too dangerous. Now, we can't ban tobacco, we're not trying to do that, but we can and should keep our kids from starting to use tobacco. The way you reduce teen smoking is by education, it's by restricting where tobacco can be used, by making it hard to get through high prices and through restrictions on sales. You've done a good job on all three of those. Reinstating the cuts on the tobacco programs was an excellent step, but there is more to be done.

There are many 18 year olds in high school. They could easily buy tobacco for younger kids, so the sting operations only stop some of the problems. Tobacco 19 is one more tool to stop kids from starting tobacco. And it's nice to hear that the retailers have a method of making sure that tobacco sales aren't done to those under 18, so that could easily be bumped up a year.

Tobacco 19 will make it harder for high school students to get tobacco, and maybe we can reduce that smoking rate from 20% to 15% to 10%. Other states that have tried it have reduced those rates. Tobacco companies won't like the reduced sales, neither will the retailers. So, in fact, the less they like the law, the more we'll know it's working. Thank you.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Thank you. Kayla Fantoli.

**MS. FANTOLI:**

Hello, everyone.

**P.O. CARACAPPA:**

Hello.

**MS. FANTOLI:**

My name is Kayla, I'm 15, and I'm very •• I feel very privileged, and I'm very thankful for this opportunity to reach out to my fellow peers and express my opinion on the smoking age.

When I was first approached by this, I was a bit reluctant, seeing as I am a smoker, but when I was explained how it worked, I saw this as a chance to prevent others from falling into the trap that I fell into at such a young age. I always considered myself responsible, and I suppose that's why I didn't realize the severity of my habit. See, I grew up in a household of smokers, but I never felt curious until an older friend approached me during a hard time. I was told they weren't addicting and they would make life a lot better. As my age increased, so did the stress and the amount that I smoked. It became harder and harder to meet my needs, and I soon needed to buy packs.

I suddenly became very aware of the people around me that smoked and those who didn't. I came to hear my friends, ages between 16 and 18, push cigarettes on others. Many kept their views, but others became broken and smokers from the social stigma. This may have •• there have been many attempts made by my family, nonsmoking friends, and teachers to help me kick the habit, but, sadly, I'm just a number to the "Big Tobacco" companies, just another addicted teen.

I have made attempts to be informed by reading pamphlets and the anti•tobacco ads, but, sadly, like most teenagers, I'm pretty dense, and they hardly do the job. I believe although it may be a bit too late to prevent me from smoking, there are many out there that we can protect.

As a teenager and an underage smoker, I think that the youth of today is very apathetic about health issues and severe problems that smoking can cause. This apathy among our youth may be especially dangerous, seeing as if they are apathetic to the damages of smoking, who says they won't be apathetic on the dangers of drugs, alcohol, and unprotected sex as well.

As people with enough authority to make this change, I ask you to raise the legal age and make a statement to the youths of today. They need to understand that this is a serious and life •threatening addiction. And by making this move to prevent high school seniors from spreading this to their underclassmen, it may help save parents many hours of grief and maybe some children in their lives.

**LEG. FOLEY:**

Joe.

**P.O. CARACAPPA:**

Thank you very much. Hold on, young lady. Legislator Foley.

**LEG. FOLEY:**

Just very quickly, I want to thank you for your commentary and helping to reinforce particularly what the student from Kings Park had mentioned about that nexus between those who are 18 and being the hookup for those who are a younger age. But I just wanted to say to you that as much as you're still in your teens and you have your whole life ahead of you, you should know that while you have started smoking, that there is •• through our Health Department, we have some our top Health Department people, one of the best smoking cessation programs anywhere in the country, so don't give up hope. And, you know, certainly, it's better to prevent than to cure, but the fact of the matter is that there's still a lot of hope for you and for your future to stop that particular addiction. Okay?

**MS. FANTOLI:**

Thank you very much.

**LEG. FOLEY:**

Thank you.

**P.O. CARACAPPA:**

Thank you. Barbara Boland.

**MS. BOLAND:**

Hello. My name is Barbara Boland. I am 15 years old.

**P.O. CARACAPPA:**

Miss Boland.

**MS. BOLAND:**

I am currently attending.

**P.O. CARACAPPA:**

Miss Boland, could you just pull the microphone up ••

**MS. BOLAND:**

Sorry.

**P.O. CARACAPPA:**

•• and speak into that?

**MS. BOLAND:**

All right. Is that better?

**P.O. CARACAPPA:**

Yes.

**MS. BOLAND:**

Okay. Hello. My name is Barbara Boland and I am ••

**MS. LOMORIELLO:**

Lean into it a little more.

**MS. BOLAND:**

Hello. My name is Barbara Boland. I am 15 years old. I am currently attending Patchogue •Medford High School. I am here today to speak about raising the smoking purchasing age. Every day I am going to school and seeing more and more teens smoking. I have seen many of my peers having seniors that are 18 and older buying them cigarettes. In the community, I have seen it happening, too. Another thing I've seen in my community is local stores have been selling to minors, because they look the age and they don't feel to ask for I.D., because if you look the age, they're like •• they wouldn't •• they just don't ask.

So, many young people have begun smoking from being exposed to many different factors, movies, magazines, advertisements. I believe, if you pass the law and raise the age to 19, it may help teens stop if they have •• if they have a harder time getting it. That is one of my opinions.

Most people begin smoking as teens, and by passing this law, you will help prevent lots of people from starting to smoke. Thank you for having me speaking here today.

***[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]***

**P.O. CARACAPPA:**

Thank you, Barbara.

**LEG. FOLEY:**

Mr. Chairman? I would like to thank you for speaking, I know it's not easy but it's important what you said because it will help us to •• my colleagues to make up their minds on the issue. So it's very important to hear from the youth of our County and I want to thank you.

**LEG. TONNA:**

Excellent job.

**P.O. CARACAPPA:**

Well done. I have no other cards? Legislator Foley?

**LEG. FOLEY:**

Motion to close.

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

Motion to close by Legislator Foley, second by Legislator Tonna. All in favor? Opposed? Abstentions? Public Hearing on 2080 •• no, 2081 is closed.

Moving on to ***Public Hearing on 2085, a Charter Law to transfer Print Shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works (County Executive).***

I have no cards. Anyone wishing to be heard?

**LEG. CARACCILO:**

Motion to close.

**P.O. CARACAPPA:**

Motion to close by Legislator Caracciolo, second by Legislator Carpenter. All in favor? Opposed? Abstentions? ***The Public Hearing on 2085 is closed.***

I will make a motion, seconded by Legislator Carpenter, to set the date for the following Public Hearings; Wednesday, December 1st, 2004, at 9:30 A.M. in the Economic Development, Higher Education & Energy Committee here in Hauppauge to discuss Public Hearing on IR 2038.

Motion and a second on that. All in favor? Opposed? Abstentions? That public hearing is set.

Motion by myself, second by Legislator Carpenter, to set the Public Hearings on Tuesday, December 7th, 2004, at 2:30 P.M. at the General Meeting at the Maxine Postal Auditorium in Riverhead for the following Public Hearings; on 2041, 2060, 2061, 2102, 2103, 2104, 2123, 2143. Having a motion and a second. All in favor? Opposed? Abstentions? Those public hearings are set.

Ladies and gentlemen, at this point in time this Legislature is going to go into executive session for two matters. So I will make that motion, second by Legislator Losquadro, for the purposes of discussing the Paxil litigation as well as a LIPA representation. I will recognize at that public • not the public, executive session members of this Legislature, members of the County Executive's staff, the County Attorney's Office and •• who am I leaving out? No, we don't need the Clerk •• Budget Review, and that will be all. So I'd ask everyone who wasn't just mentioned to please leave the auditorium while we go into executive session. All in favor? Opposed? Abstentions? Please turn off the microphones.

***[EXECUTIVE SESSION: 4:10 P.M. • 4:52 P.M.]***

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

We are back in session. We had an executive session and it seems that there was agreement on a settlement for the Paxil and the Augmentin litigation and we need a motion.

**LEG. ALDEN:**

Motion to approve these settlements.

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

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

All those in favor? Opposed? The resolution carries.

And we are now going back to the agenda and we are on Resolution 1979.

**MR. BARTON:**

On the motion, 18.

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

On the motion; who was that? I'm sorry.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Thank you, Deputy Presiding Officer Carpenter, for handling that.

Okay, why don't we get right into 1979. Hello, everybody, are you with me? **1979, this is amending 2004 Capital Budget & Program, appropriating additional funds for the DWI Alternative Facility.**

**LEG. O'LEARY:**

Motion to approve.

**LEG. CARPENTER:**

Motion.

**LEG. LINDSAY:**

On the question.

**P.O. CARACAPPA:**

Hold on, let's just establish motions first. Motion to approve by Legislator Carpenter, second by Legislator Nowick to approve. On the motion, the County Executive's •• Mr. Zwirn has asked to say a few words? Of course.

**MR. ZWIRN:**

Yes, thank you. You haven't even seen me today.

**P.O. CARACAPPA:**

Of course.

**LEG. CARPENTER:**

We missed you.

**MR. ZWIRN:**

Let me welcome Legislator Kennedy to the horseshoe today, it's nice to see you here. On this particular one, we've had •• I've had some conversations today with the Sheriff's Department and they've provided me with some information that I would have liked to have had earlier, not their fault, it was in our department through Public Works that we haven't seen about some of the changes that had been agreed to earlier. But let me just say that the County Executive would ask for the Legislature to table this till the next •• till the first December meeting if possible. And it won't effect the construction of the jail, I've spoken with DPW today, it would have no impact with respect to any changes that would be made.

The letters that were provided to me, that were sent to Public Works or copied to Public Works, indicate there was correspondence with the State Commissioner of Corrections with respect to this facility and the hardening of this facility. But the question is is that in the correspondence that I've seen, which I appreciate the Sheriff's Office giving me today, it talks about the DWI population, it doesn't talk about a mixing of the population as the resolution does, mixing people with drug abuse problems with DWI facility, which has been an internationally recognized facility here in Suffolk County and the reduction of recidivism of people who have been arrested for DWI.

We had people from Probation here this morning talking about that who can talk about the dangers of mixing the general population and that the fact that this facility is being hardened, with the ceilings being hardened. The correspondence that I've seen that the Sheriff's Office gave me indicates that this was for the DWI facility in and of itself, that it wasn't being hardened for any further types of prisoners being brought in there because that would change the nature of the facility. And by tabling this, it would give us an opportunity to look at this

again for a short period of time and get some questions answered to make sure that you can mix the populations; what's this going to do to staffing requirements and staffing levels, what's the cost going to be. So we're not asking for this thing to be defeated, just tabled one cycle, if possible.

We talked about this among ourselves with the Sheriff's Department, they wanted a commitment that we would be able to support this the next time and I can't give that commitment at this time. But again, we've had very cordial conversations here today and I appreciate their help. I think they're going to ask you and they'll make their presentation about passing it today, I would just ask you to give it just one more time. We have the gentleman from Probation here to talk about it, he's been there a long time and he can talk about the dangers and the problems with mixing the populations. And we have our •• we have Maria here from Stop DWI who can talk about some of the funding that she mentioned earlier in the public session. Thank you.

**LEG. CARPENTER:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Carpenter.

**LEG. CARPENTER:**

Thank you. I appreciate Mr. Zwirn's comments. I just would like to put on the record that the first communication or any kind of indication that I received as the sponsor of the resolution that there was any angst on the part of the County Executive was a memorandum from Mr. Sabatino on November 9th; this resolution was laid on the table September 28th. So ••

**MR. ZWIRN:**

But we spoke at committee, though, against it at that time, we had an opportunity to talk about it then, so that was the first time that we raised questions about it, I think.

**LEG. CARPENTER:**

Yeah, okay. That was, again, a couple of weeks ago; the committee was what, two weeks ago?

**MR. ZWIRN:**

That was the first time we would have had the opportunity to make any comment.

**LEG. CARPENTER:**

No, I don't think that at committee meetings you have to wait for a committee meeting, if there is any kind of concern about a piece of legislation that's been laid on the table for correspondence or phone calls or anything to happen, I don't think that •• there have been many, many times over the years that the minute a resolution has been filed that the phone will ring with concerns from all the interested parties. So that being a reason for tabling this to the next meeting really just doesn't cut it, quite frankly.

**MR. ZWIRN:**

Well, at the Jail Overcrowding meeting as well it was raised at that time and Probation spoke on the issue for the first time at that particular time as well.

**P.O. CARACAPPA:**

We have some questions. Legislator Lindsay.

**LEG. LINDSAY:**

Yeah.

**P.O. CARACAPPA:**

Who do you have questions for?

**LEG. LINDSAY:**

Well, actually it's probably the Sheriff's Office.

**P.O. CARACAPPA:**

Okay. Thank you, Mr. Zwirn.

**LEG. BISHOP:**

I have a question for Probation.

**LEG. LINDSAY:**

I would like a little quiet, though, Mr. Chairman, we have an awful lot of people talking here and this is a real important issue.

**P.O. CARACAPPA:**

If you have a side conversation, you can just bring them outside for now because we'll probably be on this for a while.

**UNDERSHERIFF SULLIVAN:**

Good evening.

**LEG. LINDSAY:**

What we heard earlier today is a very confusing situation. We have the Sheriff's Department that's saying this needs to be done, we have Probation saying that you don't have to do this, and I'm really confused at this point on all points, and I hear Mr. Zwirn's request for a hiatus in this whole thing to get together with the Sheriff's Department and hopefully come up with one force of action. But specifically they talk about hardening this facility; does that mean •• I mean, this was a minimum security facility when it was designed, will that change the category of this facility?

**UNDERSHERIFF SULLIVAN:**

If I may, Mr. Lindsay. There is a factor which •• let me go back a moment. We learned about this at 4:35 on Friday afternoon, this three page memo from Mr. Sabatino which was cc'd to virtually everyone in the world, was not cc'd to the Sheriff; it wasn't even directed to us, a Legislators' office sent it to us. So we scrambled all weekend to prepare what turned out to be a comprehensive point by point rebuttal, if you will ••

**LEG. LINDSAY:**

Which I read.

**UNDERSHERIFF SULLIVAN:**

•• to Mr. Sabatino's memo. I have to say in a critical way, that kind of public discourse we find to be dysfunctional and it's become a pattern with Mr. Sabatino and we're angry about it. We can agree or not agree about these issues in public discourse, we've been in front of this body

now for almost three years, I think we come forward and we speak our peace and we try to know what we're talking about. To be ambushed on a Friday night about an issue that we have been in discourse with the Department of Public Works about for ten months, not a surprise from us, was disconcerting and it's not the way to conduct the public dialogue and public business.

With that comment made, there is another factor here. We have been talking about •• we talked about it in Public Works because that was what people were interested in, what is the philosophy about putting people with drug problems into a new program into this kind of facility, does it make any difference if you mix them in with the DWI population that has been there for 20 years? All of those issues, quite frankly, are secondary.

The Commission of Corrections notified Suffolk County on May 4th of this year when they finally got a look at the real blueprint, they okayed two years ago the general concept and layout of this new facility. When they got the blueprints this past winter, they lettered Suffolk County, they lettered the Sheriff, they cc'd it to DPW, we then lettered DPW within a few days and they said simply you must change the ceilings, you must change the lightings or we won't you let you put any prisoners in there. Don't worry about whether or not they're narcotics•challenged prisoners or alcohol•challenged prisoners, we'll have a jail which you can't put any prisoners in, so we'll be off to the next litigation with the State of New York.

We have been proceeding with this project with DPW, that was to us, cc'd to DPW, we've been talking to them and planning this, the money that's been laid out before you, we didn't come up with those numbers, we don't know how much a concrete ceiling costs, those numbers are DPW numbers. And quite frankly, we were shocked that they were shocked when in front of Public Works a few weeks ago it was a surprise, because it wasn't a surprise as far as we knew.

The secondary question is the one that you ask.

**LEG. LINDSAY:**

Well, you answered my fourth question.

**UNDERSHERIFF SULLIVAN:**

Okay.

**LEG. LINDSAY:**

My first question, will this change the category of this facility?

**UNDERSHERIFF SULLIVAN:**

In correctional terms, no. It won't change the footprint of the place, the number of beds in the place, the number of Correction Officers who watch the place.

**LEG. LINDSAY:**

That's the second question.

**UNDERSHERIFF SULLIVAN:**

I hope I've answered some questions that people have with that statement. It may change, and in our opinion should change, the nature of rehabilitative services that can be offered to appropriate inmates who come into the facility. We've been here talking about a new correctional facility for two•and•a•half years and we have been importuned, lectured, questioned, pushed about alternatives to incarceration. As I've said here frequently, alternatives to incarceration are not our business, that means the guy never gets to us, those questions are raised with other people and we support them. The similar conversation is about recidivism. When the judicial system sends a man to our custody, or a woman, our goal in this administration is to see if we can make sure he doesn't come back, that's about recidivism, it is exactly analogous to the ATI conversations we've had here for two•and•a•half years. And what everyone has said to us on and off the record, "Why are we putting people who take narcotics into jail and warehousing them, why don't we give them treatment?" Well, we're a little discouraged because it seems as though when it's someone else's idea it's an innovation in the criminal justice system and when it's our idea it is a waste of the taxpayers money and they're putting the public's safety at risk.

**P.O. CARACAPPA:**

Well said.

**UNDERSHERIFF SULLIVAN:**

And we're discouraged, quite frankly.

**LEG. LINDSAY:**

But excuse me, getting beyond your discouragement ••

**UNDERSHERIFF SULLIVAN:**

I will.

**LEG. O'LEARY:**

•• I'm just trying to get to the facts of the substance of this; could I have a little quiet? Thank you. There was testimony this morning that if we hardened this facility we would possibly lose some grant money that we get for DWI?

**UNDERSHERIFF SULLIVAN:**

I have John Scherr, the Coordinator of the DWI Program and he can address that; our answer is absolutely not. In fact, let me read you one paragraph from the contract that is in place with the ATI people in the State right now under goals; "To reduce the usage of jail cells for high •risk driving while intoxicated offenders and other alcohol substance abuse related offences by operating a residential correctional treatment project." Number one, that's the contract in place now and has been in place now.

Number two, we've been able to house women with narcotics problems and treat them in that facility mixed in with the DWI inmates which we're told now is a very big problem, we have been doing that routinely since 1997 in this program.

Number three, ask anybody in the program •• Probation, Health Department, Sheriff's Office •• the people who get sentenced to the DWI Facility now, they happen to have gotten locked up for DWI, probably the third time to get there, on a sentence of six months and five years probation. Everybody we talked to and our own information, over 90% of those people are cross•addicted to other narcotic substances, not just alcohol. The notion that you can have addictive behavior between alcohol and other substances is not true, it's ridiculous. And most of the people we treat now in DWI have other addictive problems.

We are responding to the conversations at this horseshoe for the last two years when people say why are we putting people who are using narcotics only in jail. Judge Alamia who has seen more kids, more young people addicted to narcotics than anybody else on the bench in Suffolk County, he's run the drug part since it opened, came here and said, "I don't have a place to put

these guys. I don't have a facility to give a young person," after he's coerced them, after he's given them three or four weeks in jail and they still have dirty urine, he has no place to put them on that kind of split sentence and treat them for narcotics. We found out it was a good idea to treat DWI's 22 years ago and we say it was a great success. The Sheriff is saying take the next step and you're about to build the building, make it so that it's feasible to treat the next group of people with addictive problems that bring them into jail and give them a chance that they only go there once.

**LEG. LINDSAY:**

One last comment and then I'll turn •• part of the confusion is just what you just said. You know, I understood that the building that we designed was not approvable by State Corrections and that's why we had to make these changes ••

**UNDERSHERIFF SULLIVAN:**

Correct.

**LEG. LINDSAY:**

•• in order for it to open, and then you mixed in that we're changing the purpose of the facility.

**UNDERSHERIFF SULLIVAN:**

Mr. Lindsay, it's ••

**LEG. LINDSAY:**

But you also said that we have been mixing drug and alcohol related, so ••

**UNDERSHERIFF SULLIVAN:**

For years.

**LEG. LINDSAY:**

•• where are we changing anything?

**UNDERSHERIFF SULLIVAN:**

Well, that's our question. And we were brought here as though we had revamped this entire successful program and, quite frankly, we're dumbfounded to know how much it possibly could

be changed. And if we need to advocate for a different program in the future, fine, and that therapeutic conversation or dispute can be thrashed out here and between us. But if we don't build the building, the steel of which is in the air as I stand here, if we don't build it correctly we won't be able to use it and we won't have a facility to put those narcotics•challenged people into the future.

**LEG. LINDSAY:**

Okay. And the three changes to the structure are concrete ceilings, the gradings are different so somebody can't hang themselves ••

**UNDERSHERIFF SULLIVAN:**

And lighting; there's more.

**LEG. LINDSAY:**

And the lighting, right?

**UNDERSHERIFF SULLIVAN:**

There's more security locks, suicide grills which ••

**LEG. LINDSAY:**

Still a dormitory settling?

**UNDERSHERIFF SULLIVAN:**

Yes.

**LEG. LINDSAY:**

No cells, nothing like that.

**UNDERSHERIFF SULLIVAN:**

The nature of the place •• as I said to Mr. Bishop at Public Works and he was questioning what we were doing and I said, "Let me say it out loud before you ask me; no, we're not building another big maximum security jail and trying to sneak it past everyone." As I said, we're shocked that they were shocked because we have been talking about it for ten months.

What we want is a jail that COC will let us actually open and use and we want a jail so that the

next iteration of program to help people with addictive problems has a place to be hatched, we don't have it now. In the old DWI center which is a falling down building which was not purpose built so they let us get away with murder 22 years ago, we have had many, many DWI defendants sentenced to it •• that means a judge thought it was appropriate, a prosecutor thought it was appropriate and a defense attorney thought it was appropriate •• who we would not put into the program because they had a profile, a previous arrest, another association that made them classified so highly they could not go into that soft building. COC has said, "We don't care who you're going to put in there, now that you're building a new building you're going to build it so that it's secure as opposed to a non-purpose building." But we have turned away many, many, many people who could have had rehab in the DWI facility because their classifications prohibited them from going into that facility.

**LEG. LINDSAY:**

Thank you.

**P.O. CARACAPPA:**

Legislator Vioria•Fisher then Bishop.

**LEG. VILORIA • FISHER:**

It seems that it almost gets more confusing as we go through it because there is the mandate from the State to harden the building and that was the point at which you started the process.

**UNDERSHERIFF SULLIVAN:**

But ••

**LEG. VILORIA • FISHER:**

Let me just quest to the question.

**UNDERSHERIFF SULLIVAN:**

All right.

**LEG. VILORIA • FISHER:**

And now we're talking about purpose. We've spoken •• and this morning when I listened to Maria Perez•Lent, I believe her name was, speak about the loss of a grant, my concern is that in these particular cases •• and I'm assuming most of them are non-violent offenders that

would be in these facilities?

**UNDERSHERIFF SULLIVAN:**

Mostly, yes.

**LEG. VILORIA • FISHER:**

And so we're looking at a facility they would provide programmatic availability and resources for these people so that we do decrease the rate of recidivism, and you addressed that parenthetically. But if we are hardening it, hardening the facility and we go back to mixing different types of offenders, now you're talking about DWI and narcotics abusers, drug abusers, how will that effect the programmatic mission or programs that exist in the DWI facility now?

**UNDERSHERIFF SULLIVAN:**

All to be determined in the future when these programs for narcotics •challenged people are actually put into place and sketched out. What I'm saying now ••

**LEG. VILORIA • FISHER:**

Doesn't the facility sometimes dictate the type of program that will be there and so isn't it difficult to do it retrofitting?

**UNDERSHERIFF SULLIVAN:**

No. If you like, I'd like to bring up John Scherr, the Director of the DWI Program, to answer these therapeutically •grounded questions, if you don't mind.

**LEG. VILORIA • FISHER:**

Sure, thank you.

**MR. SCHERR:**

This seems to be some misunderstanding regarding the blending of the DWI and the drug offenders; they will not be blended. The treatment programs are completely separate, their living coordinators will be completely separate, there will be no blending between the DWI offenders who will be and continue to be the main focus of that building, and any low level drug offenders that the courts might feel might benefit from some kind of treatment. But there will be no mixing of the two offenses there.

**LEG. VILORIA • FISHER:**

But we do go back to what was earlier said and it was represented that there would be loss of grant money because of the change in this facility; can you address that?

**MR. SCHERR:**

There are two grants right now we receive. The State Department of Probation and Correctional Alternatives, we are under a performance contract which the County does sign with them to provide a certain number of referrals that we receive from the court, a certain number of people that we will tell the court that we will possibly take and actually bring into the facility; as long as we meet those numbers every year, we are not in any danger of losing that. Again, the DWI will still be the main focus of that. The Department of Probation and Correctional Alternatives identifies us as a specialized drug and alcohol service program.

What Ms. Perez•Lent was talking about this morning, we have met with her also and I was under the understanding that it was explained again that the DWI offender will still be the main focus of this building. If we bring in any drug offenders, no matter how small a number it might be, it will not take from the fact that the DWI offender will be the main focus.

**LEG. VILORIA • FISHER:**

And in bringing in the drug offenders, they would have to necessarily be non•violent drug offenders in order to be admitted into this facility?

**MR. SCHERR:**

Well, back in •• as the Undersheriff was saying, back in 1997 the department signed agreements with some specific specialized court to take in some female defendants from Drug Court, Domestic Violence Court, Family Treatment Court. Those will go through the same clearances that if we receive any male referrals from those type of courts also, they will have to go through the same clearance procedures that the females we bring in go through now with regards to security, classification, medical, mental health.

**LEG. VILORIA • FISHER:**

So you're saying they would be non•violent drug offender?

**MR. SCHERR:**

That's right.

**LEG. VILORIA • FISHER:**

Okay, just the short answer. Mr. Chair, would it be possible to ask Ms. Torres•Lent to come up now since we're discussing that?

**P.O. CARACAPPA:**

Ms. Lent?

**UNDERSHERIFF SULLIVAN:**

Could I make one ••

**LEG. VILORIA • FISHER:**

Perez•Lent, I'm sorry.

**UNDERSHERIFF SULLIVAN:**

•• more comment directed to Legislator Fisher's last question?

**LEG. FOLEY:**

Yes.

**P.O. CARACAPPA:**

If she wants one.

**LEG. VILORIA • FISHER:**

If it's still on that same question, yes, why not.

**UNDERSHERIFF SULLIVAN:**

It's important to understand that like the DWI population, these are people who come there as sentenced prisoners. And it's everyone's experience, and mine is long•term, that means if it was a DWI homicide, those people don't go to the DWI treatment facility. If it was a DWI and an Assault II and a weapon and drug dealing, those people don't go to the DWI rehabilitation center, and the same will be true with the narcotics population. The entire notion is that if a court thinks somebody is saveable and their primary problem is that they're hooked on drugs, they will have a place to go and a tool to use to try to save this kid from coming back the

second time; exactly the same as the experience with the DWI facility for the last twenty some  
•odd years.

**LEG. VILORIA • FISHER:**

Thank you.

**P.O. CARACAPPA:**

Ms. Perez•Lent?

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair.

**P.O. CARACAPPA:**

And I would like to thank you for sticking around for these questions.

**MS. PEREZ • LENT:**

I do have to apologize, I will need to leave in about 15 minutes, I have to pick up my daughter.

**P.O. CARACAPPA:**

Of course.

**MS. PEREZ • LENT:**

So I'm sorry about that.

**LEG. VILORIA • FISHER:**

Okay. Well, just very quickly, you did represent this morning that there would be the loss of a grant.

**MS. PEREZ • LENT:**

Yes.

**LEG. VILORIA • FISHER:**

And so what is your understanding of that and what are •• there were criteria that were

mentioned earlier regarding the contract criteria that had to be met in order to qualify for this grant.

**MS. PEREZ • LENT:**

Right.

**LEG. VILORIA • FISHER:**

And I guess your sense is that we're not.

**MS. PEREZ • LENT:**

They referred •• the Sheriff's Department was referring to a different contract, not •• I don't believe it's the contract we have, which we really don't have a contract with the Sheriff's Department, what we have is the Stop DWI Program. The funding that my office administers is basically the fines that are collected throughout the County for those convicted of DWI offences. That funding flows through the State and comes back to the County, it's one of the most unique programs I think around. We then, the Stop DWI Program is responsible then for reallocating that money, which is fine money, into the County for efforts to prevent and lower the occurrence of DWI. So the funding that we provide to the DWI facility, which was the total I presented earlier, is specific to the DWI population. And I have had conversations with the Sheriff's Department and they have, you know, assured us that the populations would be separated. However, it's difficult for us to really conceive that based on the history of the way the facility has been set up.

And yes, it is true that at this time there are individuals in that facility that I believe have been charged with other related offenses, but the primary goal of the facility, again, is for the DWI population. And our concern, our office's concern is that if you do change the facility and you have the possibility of mixing a population, that might impact on whether or not we could support the facility's efforts because we're mandated by the State that the fines have to go specifically to address the DWI issue; that's where our position is coming from.

**LEG. VILORIA • FISHER:**

And whose interpretation would be the last word on this as to ••

**MS. PEREZ • LENT:**

The State ••

**LEG. VILORIA • FISHER:**

•• whether this would qualify as a facility that has a distinct DWI population that's separated in some way, I suppose physically, the Sheriff's Department, from the narcotics population?

**MS. PEREZ • LENT:**

Yeah, I'm not sure who has the last say on that. But in terms of our funding, we have to submit a plan to the State every year through the Governor's Traffic Safety Committee where we lay out where the funding is going, and up until this time it's pretty clear in terms of that money where it's going, to the DWI Facility, alternative treatment. It has a history, it has •• you know, it's been recognized so that the State is very familiar with it. If that at all changes, I don't know if any, you know, red flags come up on their end, I don't know how you make that determination that, in fact, it is separate, that's something that has •• I guess comes from the Sheriff's Department. But it's just something that we are concerned about because of what my office is mandated to do in terms of our fine collection and money.

**LEG. VILORIA • FISHER:**

Thank you very much.

**P.O. CARACAPPA:**

Legislator Bishop?

**LEG. O'LEARY:**

Through the Chair?

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

I have a question of this witness, please, if Legislator Bishop doesn't mind.

**P.O. CARACAPPA:**

Legislator Bishop, do you have a question of Ms. Lent? Then Legislator O'Leary, why don't you ask your question and then we'll go to Legislator Bishop.

**LEG. O'LEARY:**

Thank you, Mr. Chair. So then it's not necessarily a grant that you're concerned about, its the collection of the fines.

**MS. PEREZ•LENT:**

Well, it's how we allocate that funding once we receive it.

**LEG. O'LEARY:**

Yeah. Well ••

**MS. PEREZ•LENT:**

And then, you know, we've set up a plan that gets submitted to the State and they have to approve our plan and if there's any question regarding where we're allocating money •• basically if there's any question that we're supporting something that's not specific to the DWI, we may not be able to allocate that money.

**LEG. O'LEARY:**

Okay. Well, what grounds do you have to believe that the DWI facility and those incarcerated as a result of a DWI conviction will not benefit from your particular program?

**MS. PEREZ•LENT:**

I'm not sure I understand the question. I guess ••

**LEG. O'LEARY:**

You say there's a concern on your part that the benefits afforded to those incarcerated in the DWI facility may be jeopardized because of what reason?

**MS. PEREZ•LENT:**

Because the population may be different. Our •• the fine money has to be •• based on State law, the money that we allocate out, the fine money that's collected and then comes to the Stop DWI Program ••

**LEG. O'LEARY:**

Right.

**MS. PEREZ•LENT:**

•• has to go right back into the community for the prevention and decrease of DWI offenses.

**LEG. O'LEARY:**

Okay. So what makes you ••

**MS. PEREZ•LENT:**

If at any point in time that funding is no longer going to that specific reason, if the person receiving ••

**LEG. CARPENTER:**

It is.

**LEG. O'LEARY:**

But do you have any reason to believe that it's not going to go to that specific reason and targeted group if there are other inmates not even associated with the DWI incarcerated inmates that are there? I mean, it's not going to ••

**LEG. BISHOP:**

Would it be eligible if it went to the jail? It wouldn't be, right, so that's your point.

**LEG. O'LEARY:**

Is it going to impact the funds received from the State to afford the benefits to the current population that you've ••

**MS. PEREZ•LENT:**

It's not going to impact our collection of funds, it's just going to impact whether or not we could continue to give that amount of money to the Sheriff's Department for that facility.

**LEG. O'LEARY:**

Okay. And just a final point, it's not a grant that you had alluded to earlier.

**MS. PEREZ•LENT:**

It is not a grant. It is not a grant.

**LEG. O'LEARY:**

It's the collection of fines?

**MS. PEREZ•LENT:**

The Stop DWI Program in the County? Our budget is based on the number of fines collected in the County; if people stop drinking and driving we don't have a Stop DWI Program.

**LEG. O'LEARY:**

Okay. And the fines collected are obviously based on either a plea or a finding of guilty after ••

**MS. PEREZ•LENT:**

Yes, it depends on what that person is convicted with.

**LEG. O'LEARY:**

•• adjudication. And that fine is attached right to the guilty plea or the conviction.

**MS. PEREZ•LENT:**

Correct.

**LEG. O'LEARY:**

Okay. Thank you.

**P.O. CARACAPPA:**

Okay. Are there any other questions for Ms. Perez•Lent, directly for her?

**LEG. CARACCIOLO:**

Yes.

**P.O. CARACAPPA:**

Legislator Caracciolo then Legislator Alden. Legislator Caracciolo, just time out for the stenographer to reload.

**LEG. CARACCIOLO:**

Oh, yes.

**MS. PEREZ•LENT:**

I have to leave at 5:30, so I have another five minutes, I'm fine. I am available at any time, obviously, at your convenience.

**P.O. CARACAPPA:**

Okay? Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you. Approximately how much money do you receive annually for these programs?

**MS. PEREZ•LENT:**

Last year our budget •• I just started. Our budget is about two point three million in terms of total number of fines. Our budget is based on how many arrests, arraign and convictions, so it would depend; each year it changes but it's been about two point four million.

**LEG. CARACCIOLO:**

Counselors and others that provide the services to the inmates, are they County employees or are these outside?

**MS. PEREZ•LENT:**

Who provides the services within the facility?

**LEG. CARACCIOLO:**

Yes.

**MS. PEREZ•LENT:**

It's a mix; counselors •• yes.

**MR. SCHERR:**

Yes, County employees, Health Services and Probation.

**MS. PEREZ•LENT:**

Yes, County employees.

**LEG. CARACCIOLO:**

Okay. And the bulk of the money, would it be fair to say, is utilized to pay payroll expense?

**MS. PEREZ•LENT:**

Our money, the amount that I mentioned earlier, is specific to the Correction Officers that are dealing with the DWI population.

**LEG. CARACCIOLO:**

Okay.

**MR. SCHERR:**

Right, and also the figure •• I'm sorry. The figure that Ms. Lent gave, we only actually get last year 194,000 out of that figure she gave you.

**LEG. CARACCIOLO:**

Okay, that's really what I want to zero in and focus on when we're talking about fine money possibly being at risk; A, how much money.

**MS. PEREZ•LENT:**

Right.

**LEG. CARACCIOLO:**

And could you be specific as to how this configuration may jeopardize that \$194,000?

**MS. PEREZ•LENT:**

Okay. The only money that I was referring to that is at risk is that 194,000 which was in my statement.

**LEG. CARACCIOLO:**

Okay, I think that is very important for everybody to understand. We're not talking about \$2 million or two million plus ••

**MS. PEREZ•LENT:**

No, no, that was in my statement, the hundred and ninety •• correct.

**LEG. CARACCIOLO:**

•• we're talking possibly at risk, but I have yet to hear a specific reason why you believe it may be at risk.

**MS. PEREZ•LENT:**

That's the money within my budget that would be at risk, there's other alternative to incarceration funding that was spoken to by the Probation Department, that's not under my jurisdiction.

**LEG. CARACCIOLO:**

Is everyone in the Sheriff's Department and elsewhere in concurrence that there may be some of this \$2.2 million at risk?

**UNDERSHERIFF DENZLER:**

No.

**LEG. CARACCIOLO:**

If not, please speak up.

**MS. PEREZ•LENT:**

No, I never said that.

**LEG. CARACCIOLO:**

Oh, okay.

**MS. PEREZ•LENT:**

I never said that the two point four was at risk. I was referring to the funding that Stop DWI allocates to the Sheriff's Department to the DWI facility.

**LEG. CARACCIOLO:**

How much; give me a number.

**MS. PEREZ•LENT:**

The hundred and ninety•four.

**LEG. CARACCILO:**

Okay. All right, thank you.

**P.O. CARACAPPA:**

Okay. Legislator Alden, you have a direct question just for this ••

**MS. PEREZ•LENT:**

It's at risk for the DWI Facility.

**LEG. ALDEN:**

We have to let her get going, so I appreciate it. Just one quick question; you were aware prior to you making the comments that right now the DWI Facility does have other types of prisoners in it?

**MS. PEREZ•LENT:**

Yes. And I looked at the records from the past and I believe that there were some issues raised, this is going back previous to my time in the 90's about that situation, there were some exceptions made and I don't know, I think Mr. Globin would be able to speak more on how that came about and what exceptions were made for those •• I believe it's for the most part the female population and the facility at this time.

**LEG. ALDEN:**

So your main concern would be that they stop treating DWI and just put all narcotics in there.

**MS. PEREZ•LENT:**

Possibly, yes.

**LEG. ALDEN:**

Okay, thank you.

**P.O. CARACAPPA:**

Any other questions for Ms. Perez•Lent?

**LEG. VILORIA • FISHER:**

Go home and get your baby.

**MS. PEREZ • LENT:**

Thank you very much.

**P.O. CARACAPPA:**

Thanks for sticking around. Okay, Legislator Bishop, the floor is yours.

**LEG. BISHOP:**

Undersheriff Sullivan? Hi. Good evening. I have about ••

**UNDERSHERIFF SULLIVAN:**

Good evening.

**LEG. BISHOP:**

•• a half of dozen questions. Hardening to the minimum for a DWI facility, are we going beyond the State minimum or we're just going to the State minimum?

**UNDERSHERIFF SULLIVAN:**

I don't know what you mean, minimum what?

**LEG. BISHOP:**

Well, you said that as it's •• this building is currently built?

**UNDERSHERIFF SULLIVAN:**

No.

**LEG. BISHOP:**

It's planned.

**UNDERSHERIFF SULLIVAN:**

The steel is up.

**LEG. BISHOP:**

The steel is up, all right. So the architecture, as it's currently planned, does not meet the minimum even for a State DWI facility?

**UNDERSHERIFF SULLIVAN:**

I don't know if there is another DWI facility in the State, it's the wrong •• forgive me, but the wrong question.

**LEG. BISHOP:**

Okay. If we went with the ••

**UNDERSHERIFF SULLIVAN:**

It does not fulfill the minimum standard for the Corrections Commission to permit us to put any prisoners there and they have made that clear in correspondence when they saw the final architectural plans, actually the blueprints I believe, last winter. They said, "Hey folks, you can't put a soft ceiling in here, you have to put a concrete ceiling and you can't put plastic lights in here, you have to put security lights."

**LEG. BISHOP:**

Okay. So that's ••

**UNDERSHERIFF SULLIVAN:**

Or you can't put anyone in there.

**LEG. BISHOP:**

Right, you can't put anyone in there.

**UNDERSHERIFF SULLIVAN:**

Correct.

**LEG. BISHOP:**

So if it was just a DWI facility, it would have to be the way •• it would have to be hardened to

the point that you're hardening it as you're proposing it.

**UNDERSHERIFF SULLIVAN:**

Correct. If we never had the ••

**LEG. BISHOP:**

So you're going to the minimum of hardening.

**UNDERSHERIFF SULLIVAN:**

We're going to the minimum to put any prisoner in to this who is in the Sheriff's custody and pass muster with the State Corrections Commission.

**LEG. BISHOP:**

Okay. And if you had a population of •• is that not true?

**UNDERSHERIFF SULLIVAN:**

What's not true?

**UNDERSHERIFF DENZLER:**

Let me clarify it a little bit.

**LEG. BISHOP:**

Please.

**UNDERSHERIFF DENZLER:**

The State Commission has told us that we must put cement ceilings and change the light fixtures, that's just to be able to do the ••

**LEG. BISHOP:**

The DWI benefit.

**UNDERSHERIFF DENZLER:**

Now, there is more than that included in the \$900,000.

**LEG. BISHOP:**

Right.

**UNDERSHERIFF DENZLER:**

As that situation arose and we sat down with DWI and other issues starting coming up, they said •• DPW said, "Well, let's do a whole package. What is it that needs to be done?" One of the other things that needs to be changed, the type of glass that's going to go in the facility, it needs to be reinforced•type glass, that's one of the other changes that's going in.

From a security standpoint •• and this is where we started saying where we could then put other people in because even by just doing the cement ceilings and the light fixtures, the only people we would be able to put over there are the same type of people that are there now, and some of those who are being remanded to us with a recommendation to go in there which we can't put in now, these other changes would afford us the ability to do that. From a security standpoint, one of the other things, there are cameras to go in there, the types of locks on the doors.

The only things that we're talking about are construction•type issues. We're not changing the footprint, we're not changing the number of employees, we're not changing anything else, the conference rooms, the treatment rooms; all of that stuff is saying the same. But the point at which the construction is now, this is when you have to address cement ceiling, not ceiling, those kinds of things. So to answer your question, there is more than just the ceiling and the ••

**LEG. BISHOP:**

Right. Okay, good, that's a good thing. All right, let's say I had two ••

**UNDERSHERIFF DENZLER:**

I'm not done?

**LEG. BISHOP:**

No, we're not. Let's say I had two prisoners, and hypothetically we'll call one Tonna and one Mystal.

**LEG. TONNA:**

Double bunking, no way.

**LEG. BISHOP:**

Tonna is a drug addict, non-violent.

**UNDERSHERIFF DENZLER:**

All right, I can buy that.

**LEG. BISHOP:**

Mystal is a drunk driver, non-violent, equally non-violent; could they be mixed?

**UNDERSHERIFF DENZLER:**

If one is coming in for the narcotics abuse and one is coming in for the alcohol abuse, they would have to be housed in separate dormitories.

**LEG. BISHOP:**

Okay. But they're equally not ••

**LEG. TONNA:**

How about if I have a Legislator who is mentally ill, where does he get housed?

**LEG. BISHOP:**

And we call him Bishop.

**UNDERSHERIFF DENZLER:**

Right here.

**UNDERSHERIFF SULLIVAN:**

It would be here.

**LEG. TONNA:**

Short with a Napoliana Complex.

**LEG. BISHOP:**

Okay. So then ••

**UNDERSHERIFF DENZLER:**

They'd have to be in separate dorms.

**LEG. BISHOP:**

And that's by some State regulation?

**UNDERSHERIFF DENZLER:**

Well, that's because you're not going to be •• see, that's where we had to correct this thing that we're blending and mixing people. While these different people would be in the same building, they would be housed in different dormitories. You would not be ••

**LEG. BISHOP:**

Right, and you're required to put them in different dormitories because they have different substance abuse issues.

**UNDERSHERIFF DENZLER:**

Well, one •• as an example now with what you heard in terms of the revenue, there are zero dollars at risk in terms of revenue. What was being referred to with the question that the Stop DWI people have in their mind •• and this is nothing that's come from the State or anybody else, it's just this might be •• what they're questioning is their ability to funnel that money to the DWI facility. The revenue stream, not a penny of it is at risk, the entire two point whatever million dollars will continue to come as a revenue stream into the County, so there is no revenue stream at risk whatsoever.

**LEG. BISHOP:**

The drug addict and the alcoholic, they're in separate settings but they require the same hardening or not; the same infrastructure that surrounds them, the same employees that deal with them?

**UNDERSHERIFF DENZLER:**

Yes, same employees, same number of people, that's not going to change.

**LEG. BISHOP:**

Okay. So therefore, is it safe to assume that you're going to mix not •• when we talk about

mixing and we're not talking about mixing we're talking about ••

**UNDERSHERIFF DENZLER:**

It's a bad word to use in this context.

**LEG. BISHOP:**

Right. When we're talking about including in the facility, it's not just that we're going to include •• your plan is not just to include drug addicts and alcoholics, its to include people who are •• require a harder setting than drug addicts and alcoholics because we just determined that they can be in the same exact situation.

**UNDERSHERIFF DENZLER:**

Undersheriff Sullivan said it before, there are people now and over the years who have been remanded by the court where the court wants them in the DWI Program, Probation wants them in the DWI Program, the defense attorney wants them in the DWI Program, the District Attorney wants them in the DWI Program and they don't go there because the facility itself is not secure enough to put that person in there.

**LEG. BISHOP:**

Right and that's the type of person that you're going to put in there now.

**UNDERSHERIFF DENZLER:**

This will •• what our concern was, you've got a facility now that you don't have full and we have people that could be in those programs if the facility was designed properly. Moving forward, this is going to be a building that this County is going to have for the next 50 years and to focus on programs of the past and what we had which was successful and go from a standpoint that that's all we're going to do moving into the fixture and to build a facility with its own limitation is short-sighted.

**LEG. BISHOP:**

What I can't reconcile in my mind at this point is if you need extra money to make it harder to bring in people that are not minimum, right, they're a little harder than that because you need to change the facility, but yet you don't need more Correction Officers for them?

**UNDERSHERIFF DENZLER:**

No.

**LEG. BISHOP:**

Okay. So it's the same number of Correction Officers ••

**UNDERSHERIFF DENZLER:**

Yeah.

**LEG. BISHOP:**

•• no matter who is there.

**UNDERSHERIFF DENZLER:**

Yeah. What do you think ••

**LEG. BISHOP:**

At what point do I need more Correction Officers?

**UNDERSHERIFF DENZLER:**

What do you think we have now in our correctional facilities? We have people of all various types, it's ••

**LEG. BISHOP:**

I don't ••

**UNDERSHERIFF DENZLER:**

Nothing is being changed here.

**LEG. BISHOP:**

Forgive my ignorance, but if you have a floor of violent criminals they get the same number of CO's as, you know, trespassing butterfly catchers?

**UNDERSHERIFF DENZLER:**

The commission comes in and they'll determine what the minimum standards are and what your staffing has to be. What we have said ••

**LEG. BISHOP:**

But it's not based on the classification of the prisoner at all?

**UNDERSHERIFF DENZLER:**

What we have said consistently, these are purely changes in the construction of the building, it does not impact the operating expense at all, it doesn't change the footprint, nothing else is being changed. I don't know how many times we can say it and no matter how many times or different ways the question is asked, the answer is going to be the same.

**LEG. BISHOP:**

I just •• it doesn't seem true to me. So if you put murderers in there also, you wouldn't need more Correction Officers, it's all the same.

**UNDERSHERIFF DENZLER:**

We're not talking about people of that caliber going into this facility, so it's pointless to start having this kind of a conversation.

**LEG. BISHOP:**

Ah, that's what I want to get to. So what is it that you exactly ••

**UNDERSHERIFF DENZLER:**

We've said it already.

**LEG. BISHOP:**

So then you envision some cutoff; what is that cutoff? Obviously, so then there is a point at which you would need more Correction Officers.

**UNDERSHERIFF DENZLER:**

No.

**LEG. BISHOP:**

Well, we just said if there were •• it goes around in circles.

**LEG. TONNA:**

This is not a Perry Mason case.

**LEG. BISHOP:**

Well, because you can't get straight answers and I'm going ••

**UNDERSHERIFF DENZLER:**

You know, I think it is that some people don't like the answers that are being given.

**LEG. BISHOP:**

All right, let me read something to you and you can tell me whether this is correct or not; give me one second, if you would.

**LEG. O'LEARY:**

While he's perusing, who's next on the list?

**LEG. BISHOP:**

While I peruse ••

**LEG. O'LEARY:**

I just have one point.

**LEG. BISHOP:**

Well, let me ask you this, did you consult with the Department of Probation before you made this decision to make a proposal to harden the facility?

**UNDERSHERIFF DENZLER:**

We consulted with DPW after we got the letters from the State Commission.

**LEG. BISHOP:**

So you did not consult with the Department of Probation.

**UNDERSHERIFF DENZLER:**

No.

**LEG. BISHOP:**

So their opposition to you •• opposition to this surprises you.

**UNDERSHERIFF DENZLER:**

In terms of what they are afraid of happening, that is what is unfounded.

**LEG. BISHOP:**

Huh? What does that mean.

**UNDERSHERIFF DENZLER:**

Again, we're talking about changing the building, we're not talking about changing the way that they conduct their programs. The DWI Program that's being conducted is going to continue to be conducted.

**LEG. BISHOP:**

Right, but •• okay. But you didn't talk to them about it and you give no credibility to their opposition.

**UNDERSHERIFF DENZLER:**

We were talking about •• there was no need, it was not a programmatic discussion at that point, we were talking about changes that had to be made in the construction of the building.

**LEG. BISHOP:**

Okay. All right, because last year Undersheriff Sullivan said, "I know the people who give treatment. We don't give treatment, we guard the correctional space and we keep these people indoors until they're allowed to leave. Probation and the others provide the program. I know they're always concerned that these people feel like they're in a hospital not a jail," and that was the justification last year, thirteen months ago, for building a separate facility and not putting this in the jail. So do you see the problem that I have that it's like a one ••

**UNDERSHERIFF DENZLER:**

No, I don't because ••

**LEG. BISHOP:**

You don't, okay.

**UNDERSHERIFF DENZLER:**

•• if you were to look up at this, some people couldn't tell if this is a drop ceiling or if it's a concrete ceiling; we're talking about the visual aspect. Nothing is going to change, there's no bars, there's not cells, we're talking about the type of glass that's going to be in there, that there will be see-through things in the doors, these are the kinds of changes that we're making.

**LEG. BISHOP:**

So basically you give no credence to their opposition, you say they're just completely wrong; that's the bottom line, right, they're wrong?

**UNDERSHERIFF DENZLER:**

We can look at one another all night.

**LEG. BISHOP:**

You're not going to answer that is what you're telling me. Okay.

**LEG. ALDEN:**

Are you now or were you ever a member of the Conservative Party?

**P.O. CARACAPPA:**

Legislator O'Leary.

**LEG. O'LEARY:**

Thank you, Mr. Chair. I think to allay some of the concerns of my colleagues, I think you made it very, very clear that this is not going to be a facility that's going to house violent criminals such as rapists, murderers, etcetera.

**UNDERSHERIFF DENZLER:**

Right.

**LEG. O'LEARY:**

But a point should be made with respect to the type of individual that will be going into this facility and I think Judge Alamia who was here earlier made it very, very clear and perhaps this would be enlightening to Legislator Bishop. In his Drug Court, for those of you not aware of it, what occurs, it's usually a possession crime or something similar, a minor type of crime that a young person gets involved with and gets assigned to the Drug Court from the District Court. When that young person goes to the Drug Court and there's a plea made, there's a condition that they attend some sort of rehabilitation, some counseling, etcetera, etcetera, etcetera. If that individual who plead guilty in the Drug Court violates that condition of so called probation • it's not probation, it's just a condition, a sentencing of the court, of the Drug Court. If there's a violation of that, that individual who is not a hardened criminal who has a drug problem gets sentenced to jail ••

**UNDERSHERIFF DENZLER:**

Correct.

**LEG. O'LEARY:**

•• to carry out the rest of the remainder of the term. Currently an individual like that would go to Riverhead or to one of the hardened facilities.

**UNDERSHERIFF DENZLER:**

That's where we have them.

**LEG. O'LEARY:**

This would be a perfect example of where an individual who's undergoing treatment who, for one reason or another, was not successful who violated the conditions of the court with respect to the Drug Court who is found guilty of a possession crime or a minor crime would be sent to this facility and not comingled with the hardened criminals in Riverhead or Yaphank.

**UNDERSHERIFF DENZLER:**

The important thing to remember is the Sheriff does not send people to the DWI facility, they're sent there by a Judge.

**LEG. O'LEARY:**

But the concern ••

**UNDERSHERIFF DENZLER:**

Yeah.

**LEG. O'LEARY:**

The concern is twofold; the concern is that clearly these two types of individuals, a DWI and a drug abuser, are going to be segregated, they're not going to be comingled.

**UNDERSHERIFF DENZLER:**

Correct.

**LEG. O'LEARY:**

And it's not going to be the hardened criminals that we see and read about all the time, it's going to be your borderline youth, for the most part, who are in trouble with drugs, who are committing minor crimes who are sentenced by the court through the Drug Court and who don't adhere to the provisions of that; if they violate that provision of the court they have to go to jail, and jail right now is Riverhead or Yaphank.

**UNDERSHERIFF DENZLER:**

Correct.

**LEG. O'LEARY:**

This is a perfect example of a facility that would be more amenable to their concerns and their ills; am I correct in assuming that?

**UNDERSHERIFF DENZLER:**

Absolutely.

**LEG. O'LEARY:**

All right, thank you.

**P.O. CARACAPPA:**

Before we go on, can I ask an honest question? Is there anybody here that doesn't know how they're voting on this yet, that we have to go through these long list of questions?

**LEG. BISHOP:**

I actually don't because Probation can make (inaudible).

**P.O. CARACAPPA:**

I'm just trying to spare all of you. Legislator Tonna left the room; Legislator Cooper, then Bishop again.

**LEG. COOPER:**

Has anyone requested written confirmation from New York State, one way or the other, as to whether the hundred and seventy•four thousand some odd dollars in funding would indeed be jeopardized if we move forward with the resolution?

**UNDERSHERIFF DENZLER:**

Well, I think the clarification of that is that's a revenue stream which is coming •• you're talking about the DWI money now?

**LEG. COOPER:**

But I'm not talking about the \$2 million.

**UNDERSHERIFF DENZLER:**

No, no. But see, that's •• I think that's where the •• well, she had to leave. What she was explaining is all of that money will continue to come as revenue into the County.

**LEG. COOPER:**

That I understand.

**UNDERSHERIFF DENZLER:**

What their concern was that they would then still be able to utilize that money and direct it over to the Sheriff's Office.

**LEG. COOPER:**

Right, but can't we get written confirmation from New York State one way or the other as to whether or not that money ••

**UNDERSHERIFF DENZLER:**

I have no idea because we dispute that there's any problem at all because just as you have that revenue stream now and you have people who are segregated in there now, that would continue, you would still have a segregated population of DWI people being treated solely for DWI, housed in a separate facility so it could be very readily identified as such. So that's why we're saying that's not in jeopardy, but let's say that it was; that revenue still comes into the County and your DWI office would then redirect that money to some other DWI program.

**LEG. COOPER:**

Well, but if you have no concern over losing that program at this facility, then that's another question. But couldn't we easily get confirmation from New York State as to whether or not ••

**UNDERSHERIFF DENZLER:**

You'd have to talk to them. I mean, that's not •• we don't •• that's not •• we don't have any contact with them; DWI, that's not us.

**LEG. COOPER:**

I'm just saying, that would be an easy way to resolve this. I mean, if someone, whether it's Stop DWI or someone asked the State •• because we're going back and forth around and around.

**UNDERSHERIFF DENZLER:**

Well, we are, but that's why we're saying on its face we don't see where there is a question because you have that exact situation now and have had it for seven years and it has not jeopardized that money.

**UNDERSHERIFF SULLIVAN:**

Walter, ask the Chief to step up.

**P.O. CARACAPPA:**

Are you done, Jon?

**UNDERSHERIFF DENZLER:**

I don't know if Chief Otto has something to add, I don't know.

**P.O. CARACAPPA:**

Jonathan, are you done?

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yes? Okay.

**LEG. COOPER:**

Unless Chief Otto has something to add.

**CHIEF OTTO:**

How you doing again? The DWI money, I was involved in our original DWI Program for the Sheriff's Office for many years; in fact, I initiated the first program so I have a pretty good knowledge of the DWI Program. The DWI fine monies that Suffolk County gets is not based on anything to do at all with the DWI Alternative Program, all it is is the fine money collection, that won't change; in fact, it goes up when we make more arrests and it goes down when we don't. So that pool of money will still come to the County and then the County decides where it goes. They're saying that they might not be able to give it to the DWI Alternative Program but they'll give it to somebody else in Suffolk County, so that stream will continue, they're just concerned that they might not be able to give it to the Sheriff's Office.

**LEG. COOPER:**

But again, if the Sheriff's Office had concern over losing that \$174,000 ••

**UNDERSHERIFF DENZLER:**

We don't have a concern over losing it, that's not •• they have the concern, we don't. We feel it will continue, we'll be able to justify the receipt of that money, so that is not a concern of ours.

**LEG. COOPER:**

But in worst case, if you're wrong and ••

**UNDERSHERIFF DENZLER:**

That's a question to direct to them because they make the decision where they're going to allocate the money within Suffolk County.

**LEG. COOPER:**

But you're willing to take that risk.

**UNDERSHERIFF DENZLER:**

Absolutely.

**LEG. O'LEARY:**

Move the motion.

**P.O. CARACAPPA:**

There's a list; Legislator Tonna.

**LEG. TONNA:**

No, that's okay.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

For Probation.

**P.O. CARACAPPA:**

Probation, a representative from Probation, come on up; short answers.

**LEG. BISHOP:**

After he's not allowed to answer fully.

**LEG. ALDEN:**

Short questions, too.

**LEG. BISHOP:**

My questions are very basic; why the objection and is there, in fact, an objection?

**DR. GOLBIN:**

First of all, the DWI facility, when we designed it back in 1984, the first facility was a day center and the second, while the existing facility was built, was being built, we had it as a day reporting center. With the State for Alternatives to Incarceration monies, which is different from the DWI funds which we've gotten over \$3 million probably in both of the funds over the years for the DWI facility, clearly the joke was this was a jail, that was not a jail. They were able to convince Alternative to Incarceration that because of the minimum nature and the therapeutic setting and the phase I and phase II, it was worthy of Alternative to Incarceration Funds. When in all the programs, and I've been involved as one of the principal architects of the DWI Program and Drug Court, Day Reporting Center, the DWI alternative programs, the mental health programs, the criteria of who goes into the program is critical. Our understanding is if you change this from a medium secure facility to a maximum secure facility, you have more flexibility but you lose control of who's in that facility for treatment.

We have always mixed people with multiple addictions and dependencies, that's not the issue, it's never been the issue; it's being presented as the issue but it's not. It's the type of facility. If anyone knows of anybody who's been in a treatment program or if any one of you have been in a treatment program, you add one or two violent offenders into a program that's non-violent offenders, the staff can spend all the time on those people. That's the issue; does this remain a population of people that qualify for medium •• I mean, minimum secure facility, the nonviolent abusing whatever drug you want, that's not the issue. The narcotic •• Judge Alamia, for example, we have to develop a new mental health component because the regular population at Drug Court can't go with the same program and the same criteria, you need a separate program. If you mix in violent offenders or more serious offenders into that program, you may pretty well erase the wonderful efforts that the County has had in the last ten years.

**LEG. BISHOP:**

But the Sheriffs are going to tell you they're not going to •• they have no intention of mixing in more violent offenders, correct; right, Sheriffs?

**UNDERSHERIFF SULLIVAN:**

Correct.

**DR. GOLBIN:**

If all you have is a hammer, everything looks like a nail; if all you have is maximum secure facilities, then the •• it's almost impossible, when you are sending people away to be paid in other places, to compromise the program, that is not enough. The contracts that we've had over the years has insured even the judges ••

**LEG. BISHOP:**

Is that duck that they're walking and looking at a maximum security jail? I mean, is it walking like a duck, is it talking ••

**DR. GOLBIN:**

It isn't now, it hasn't been that, it's received Alternative to Incarceration funds ••

**LEG. BISHOP:**

No, but ••

**DR. GOLBIN:**

•• but when you change it into a maximum secure facility ••

**LEG. BISHOP:**

But they say it's not a maximum security.

**UNDERSHERIFF SULLIVAN:**

It's not.

**DR. GOLBIN:**

In their literature, and these are distinguished colleagues of mine, we do a lot of work in a lot of areas, in their literature, if you read it, it says the State is no longer making minimum secure facilities.

**LEG. BISHOP:**

Right, they always say that, I know.

**DR. GOLBIN:**

Well, what else is there? If it's not a minimum security facility, what's left is a maximum secure facility. Forget about the ATI funds; if it's a maximum secure facility you can put in, when the Judge's call you on the phone, someone with a violent record, you have the ability to do that.

**LEG. BISHOP:**

All right, I understand all that now, I just want to go quickly in a different direction. Leaving aside who else is put in there, and I'll go back to them about that, I want to know from the change in plans, the hardening of the facility, the architecture of it, does that in and of itself compromise the programs that you run?

**DR. GOLBIN:**

No, but it will compromise ••

**LEG. CARPENTER:**

I don't get it.

**DR. GOLBIN:**

If you keep the population a semi•homogeneous population of non•violent people that would be able to qualify for a minimum secure setting, if you were able to keep that, it doesn't matter what drugs, addiction is addiction.

**LEG. BISHOP:**

Right.

**DR. GOLBIN:**

That isn't the issue. But if you don't have those disruptive, violent propensity people and you really have that written in, then there isn't a problem with that. But, you know, just from past experience, if you don't have that built in then it's problematic.

**LEG. BISHOP:**

Okay.

**DR. GOLBIN:**

But you will lose the ATI funds, there's no way you're going to sell •• that's gone, that \$3 million that we had in the past you're not going to get in the future because you're not going to be able to sell a maximum secure setting as an ATI program, you're just not going to do it.

**LEG. BISHOP:**

Okay. Are we counting on ATI money, do we get ATI money regularly?

**DR. GOLBIN:**

Yes, that's in our County ATI plan, then you have the DWI plan, then you have Probation reimbursement, then you have substance abuse reimbursement. And if you would talk to the treatment people in the facility, they would tell you there's serious concern if you miss •• if you mix a hardened criminal in with this population. Every one of them had serious •• they don't have a concern about mixing the drugs, they have concern about mixing the type of offender. The staff level is very low, you would have to increase the staff level and the cost.

**LEG. BISHOP:**

I understand your concern about mixing, just one last question. ATI money, Alternatives to Incarceration money is Federal money that we receive regularly or ••

**DR. GOLBIN:**

It's State money.

**LEG. BISHOP:**

State money?

**DR. GOLBIN:**

It's from a State Department •• Division of Probation and Correctional Alternatives. We have three programs and we have had forever, one of those is the DWI Alternatives Facility.

**LEG. BISHOP:**

And your professional opinion is that we would lose that money?

**DR. GOLBIN:**

It doesn't fit the criteria. If you have a maximum facility, it's not going to be ••

**LEG. BISHOP:**

But we •• so the point is we receive money now that we would no longer receive, in your opinion?

**DR. GOLBIN:**

Okay. The ATI funds, again, which has been reducing dramatically over the last ten years, is money that the County can allocate to other areas; we would lose it for the DWI facility for a jail program but you could put it someplace else.

**LEG. BISHOP:**

Oh, okay. All right, so we wouldn't receive less from the State, we just wouldn't be able to fund ••

**DR. GOLBIN:**

Put it for the jail.

**LEG. BISHOP:**

Which means we have to put more into the Sheriff's budget. All right, they want to respond. I appreciate those answers.

**LEG. LINDSAY:**

I have one question for him.

**LEG. BISHOP:**

Oh, I'm sorry.

**P.O. CARACAPPA:**

Just let them respond to •• don't go far, just respond quickly.

**UNDERSHERIFF DENZLER:**

Real quickly. I have the ATI contract here that the County has with the State for the DWI facility. This is what the contract says the goals are; "The parties acknowledge the following project goals, to reduce the usage of jail cells for high risk driving while intoxicated DWI offenders and other alcohol/substance abuse related offences by operating a residential

correction treatment project and rigorous post-release supervision by the Probation Department," that's what the contract, signed with the County and the State, says about the DWI facility.

**LEG. BISHOP:**

You're an Undersheriff as well, Mr. Denzler?

**UNDERSHERIFF SULLIVAN:**

Yes, we both are.

**LEG. BISHOP:**

You're both Undersheriffs, all right.

**UNDERSHERIFF SULLIVAN:**

I want to correct one misconception of my friend Dr. Golbin. This is not, as contemplated, as suggested by us, as required by COC, a maximum security facility, it is dormitories. A maximum secured facility, you've all been out in Riverhead, that's what it looks like, a 6 X 10 cell with bars in front of it.

**LEG. BISHOP:**

Right, a quick answer.

**UNDERSHERIFF SULLIVAN:**

This is dormitories, we're talking about changing the ceilings, the locks and the lights. It will be at best what in the old Normanclature, which is now meaningless in this State, a medium security, exactly what the old one was.

**LEG. BISHOP:**

But you're going to put in people who are, I use the term harder than DWI, right?

**UNDERSHERIFF SULLIVAN:**

The only thing that's harder about them ••

**LEG. BISHOP:**

And his big objection is who you're going to put in there with the DWI's.

**UNDERSHERIFF SULLIVAN:**

The guys that Sal Alamia sends to us from Drug Court which are typically going to be 23 year old kids hooked on cocaine.

**LEG. BISHOP:**

If those are the people, Dr. Golbin, would you object?

**DR. GOLBIN:**

**The criteria is dangerous ••**

**P.O. CARACAPPA:**

Go to the mike, please.

**DR. GOLBIN:**

The criteria is dangerous if it's violence, not what the drug is.

If there is, you know, an agreement that it is not ••

**LEG. BISHOP:**

Right, that's what I'm getting at.

**DR. GOLBIN:**

**•• that violent type of offender ••**

**LEG. BISHOP:**

So your point is no violent and you don't want violent there, right?

**LEG. CARPENTER:**

No because it's dorms, you can't have them.

**UNDERSHERIFF SULLIVAN:**

The courts won't send violent people to a rehab center, they haven't done it with DWI's in 20 years.

**LEG. BISHOP:**

But you're making it harder than a rehab center, so that's his concern.

**UNDERSHERIFF SULLIVAN:**

No. It is the minimum •• we're circling back again, Mr. Bishop. That's why I started this conversation this evening, you won't be allowed to put any prisoner of any stripe or flavor unless we harden the facility as they require to put anybody in there.

**LEG. BISHOP:**

That's what we saw.

**UNDERSHERIFF SULLIVAN:**

If we put the bucolic village drunks that don't really exist in there, we won't be allowed to put them in there unless we do what they require.

**P.O. CARACAPPA:**

Legislator Foley, your questions were answered. Legislator Lindsay, your questions were answered?

**LEG. LINDSAY:**

Yes.

**P.O. CARACAPPA:**

Any other questions? There's a motion and a second to approve.

Roll call. There was no motion to table. Motion to approve; roll call.

**LEG. BISHOP:**

I just want to ••

**P.O. CARACAPPA:**

Hold on.

**LEG. BISHOP:**

I want to speak on the issue.

**P.O. CARACAPPA:**

Oh, I just started a roll call.

**LEG. FOLEY:**

Let him speak.

**P.O. CARACAPPA:**

Go ahead; Legislator Bishop.

**LEG. BISHOP:**

I appreciate that. You know, I came in here, I was going to oppose this, I'm not sure. I don't want to oppose it because I like the idea of flexibility, but I appreciate the concerns of Probation, and I also appreciate what I consider a poor process where the Sheriff is not speaking to Probation so that we have to do this at six o'clock in the evening on •• you know, I really am offended that people won't even listen to what I have to say, because I don't think I'm saying things that are not true.

**LEG. FOLEY:**

We are listening.

**LEG. BISHOP:**

No, you're carrying on, the two of you have been carrying on for 20 minutes. The point I want to make is that there is a way to do this that would satisfy everyone, right? What Probation is saying is that they don't want mixed in there anybody that's violent, the Sheriff says they don't want to put people in that are violent. But Probation points out that the facility would be acceptable for people who are harder than the minimum people who are in for substance abuse, and so they are gravely concerned that that will open the door of the facility to people that are harder than those minimum bucolic drunks that were just described; that was the Undersheriff's words. So isn't there a way that we can get an upfront understanding that that's not what's going to happen and write it into the legislation; wouldn't that make a lot of sense?

**LEG. ALDEN:**

Judge Alamia did that with his comments.

**LEG. BISHOP:**

Well, I think the Undersheriff's final statement was I'm just going to take what Alamia sends, and so that doesn't relieve the concern and anxiety of Probation because they're saying he can send them ••

**LEG. CARPENTER:**

He won't and he can't, it's a dorm.

**P.O. CARACAPPA:**

Legislator Bishop has the floor.

**LEG. BISHOP:**

No, but it's not •• it's a dorm but it's harder than a minimum dorm, right? That's been established.

**LEG. CARPENTER:**

There is no such animal, they don't do dorms anymore.

**LEG. BISHOP:**

No, because in my discussion with the Undersheriff in the beginning I said, "What's the minimum?" The minimum that the State would accept is you've got to do ceilings and lights, cement ceilings and lights. They go beyond that, they do different glass, they do locks; fine, it's greater flexibility. The bottom line, though, is that in that greater flexibility you don't want to lose the mission of the facility and you want to make sure that they're not going to mix in people that are inappropriate. And I was just saying that if this thing wasn't rushed and if it were, in fact, tabled, that's something we could address. If there's no desire to table it because, you know, we have to do it right away, then at least we should get someone just standing on the record that that's not what's going to occur so we have that protection.

**LEG. VILORIA • FISHER:**

Mr. Chair?

**P.O. CARACAPPA:**

There's a growing list. First, Legislator Bishop, I take exception that you say I was carrying on over here; I have been doing nothing but listening to you patiently through your whole diatribe of questioning. You may have heard stuff from this side but it certainly wasn't coming from this

chair.

**LEG. BISHOP:**

How is it diatribe to answer any of those questions?

**P.O. CARACAPPA:**

Legislator Lindsay, then Legislator Tonna, then Legislator Viloría•Fisher.

**LEG. LINDSAY:**

When this debate started I really had a lot of questions about the facility and an open mind about it and was really ready to go along with tabling or whatever, but it became more and more apparent to me that we •• the only two choices we have is to approve the money to change the structure of the building or else we're going to wind up with a skeleton that we can't use.

**LEG. CARPENTER:**

Good point.

**LEG. LINDSAY:**

And, you know, I don't see what the choice is there. As far as the questions that Legislator Bishop raises, which I think are valid questions, I don't think we have a choice or the Sheriff or Probation on who goes in the facility, isn't that subject to who the judge sentences there? I mean, it's up to the courts. And I mean, right now people that are sentenced in the courts are either sent to our jail or out•of•County because we don't have such a facility, or the facility we have is so antiquated that it's falling apart. That's my ••

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

Yeah, it just seems like it goes to the heart, we have Probation saying one thing, we have the Sheriff's Office saying another. It's dysfunctional •• and why we're playing this out. The Sheriff has been very clear what they're going to do, that's it. If there is a problem, there's already enough of a public record, you know, that basically what the Sheriff's Office said. I just don't

see why tabling this ••

**LEG. BISHOP:**

There is no motion to table.

**LEG. TONNA:**

What? No, but I know that there's talk about it, that's what you suggested, Legislator Bishop. All I'm saying is it's a little dysfunctional, I think they should work out their trust issues, and while they're working out their trust issues we already have a public record, the Sheriff's Office is on it. You know, they said they're on it, they're not going to put violent criminals or whatever else and there's not going to be a problem, so let's just go ahead and get this done.

**P.O. CARACAPPA:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

Just very briefly. I wasn't •• I was very unclear as to how I was going to vote on this and the Sheriff's Office did satisfy my questions. The mission is very clear and the mission is to rehabilitate to lower the degree of recidivism, that there is no choice, as Legislator Lindsay said, that they either build it the way the State is saying to build it or we will have an unusable building. The Sheriff's Office has also represented on the record that it doesn't create a different level of security prison and that the types of prisoners will be segregated and they have on the record stated that they will be true to the mission of rehabilitation and programmatic treatment of the people who are remanded. And so I'm satisfied with those responses and that's why, Legislator Bishop, I did come in doubting I was going to be voting on this but I've been satisfied by the responses.

**P.O. CARACAPPA:**

Thank you, Legislator Viloría•Fisher. And earlier I asked people if you knew how you were voting, I'll do that every now and then just to try and keep the proceedings moving a little quicker, so I hope no one took that the wrong way.

Okay, there's a motion and a second to approve. Roll call.

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

**LEG. CARPENTER:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BISHOP:**

Based on the Undersheriff's assurances, yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

18 on the bond.

**LEG. CARPENTER:**

Mr. Presiding Officer?

**P.O. CARACAPPA:**

Hold on. Same motion, same ••

**LEG. TONNA:**

What is an Undersheriff; is there an Oversheriff?

**P.O. CARACAPPA:**

Same motion, same second, same vote on the bond •• on the companion resolution. Point of

personal privilege, Legislator Carpenter.

**LEG. CARPENTER:**

Thank you. There were some comments made in this discussion about trust and communication and I think Legislator Bishop referred to it, Legislator Tonna and I think Legislator Viloría•Fisher. Part of the problem I think with that is the memorandum that the Sheriff's Department talked about that was sent Friday afternoon did not cc the Sheriff's Office ••

**LEG. BISHOP:**

Come on.

**LEG. CARPENTER:**

No, but I think it's an important thing to put on the record because we have to rectify it. It didn't cc ••

**LEG. FOLEY:**

You got all our votes.

**LEG. CARPENTER:**

No, but I know that, but it's not just this issue, Legislator Foley.

It didn't cc Budget Review when they raised budget issues, it did not cc our Legislative Counsel when it raised legal issues. And I know that the Presiding Officer has addressed this in the past and it's something that I feel has gotten to the point where it's downright disrespectful of the Legislature. And I would just hope that the County Executive's representative would please take that back to whomever needs to hear it and ask that they please, in the future •• and I had a discussion earlier with County Attorney Harrington •• it makes it so much easier when people are talking to one another, that's all. Thank you.

**P.O. CARACAPPA:**

Thank you, Legislator Carpenter.

Moving on, **Ways & Means & Consumer Protection:**

**1864 • Adopting Local Law No. 2004, a Charter Law to mitigate County liability by**

***expanding prior written notice of defective condition requirements (County Executive).***

**LEG. MONTANO:**

Explanation.

**P.O. CARACAPPA:**

We did Veterans, we did 1737. 1864.

**LEG. MONTANO:**

Can I have an explanation on that?

**P.O. CARACAPPA:**

Absolutely.

**MS. KNAPP:**

1864 is a Local Law that would, in effect, make it much more difficult for plaintiffs who sue Suffolk County on negligence claims to be successful. It expands the written notice requirements which are presently the bear minimum that's required under the Highway Law. And •• I mean, it would be fairly lengthy, there's 38 different categories that we would have to be provided notice of before a successful lawsuit could be brought.

**LEG. MONTANO:**

Would it be appropriate, Mr. Presiding Officer, to get someone from the County Attorney's Office up here?

**P.O. CARACAPPA:**

Certainly; Ms. Harrington? Legislator Montano, you have questions?

Go right ahead.

**LEG. MONTANO:**

Just of Ms. Harrington. I'm concerned about the change in the notice of claim requirements, as I understand it. Could you just fill me in on exactly what it is that you're proposing with respect to the notice, the time in which a claimant can bring notice against the County for possible suit?

**MS. HARRINGTON:**

Well, it doesn't change the notice of claim requirements, what it does is it broadens the areas that would be covered under our prior written notice statute. And I should point out, having litigated on behalf of the County of Suffolk for over 12 years, that the County has the most limited statute of any municipality currently. The towns have better statutes than we have, the villages have better statutes than we have and we really do need it because we're really lagging behind everyone else.

And I think the flip side of it that also needs to be pointed out is that once the community at large realizes the scope of the statute, you'll start getting notice reporting. In I think six years, not one person reported a defect to the County because our statute was so weak. And so I think it's helpful to the community when they know that if they report it it will get fixed and the word gets out into the community, which it will, that will be very helpful to our constituents. So it doesn't change the notice of claim requirements, it just gives the County 30 days to fix defects and I think 72 hours for snow, but notice of claim is the same.

**LEG. MONTANO:**

Notice of claim is the same?

**MS. HARRINGTON:**

Yeah.

**LEG. VILORIA • FISHER:**

Motion to approve.

**P.O. CARACAPPA:**

There's a motion and a second. All in favor •• I'll make the second. All in favor? Opposed? Abstentions?

**LEG. MONTANO:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Montano and Legislator Binder.

**LEG. BISHOP:**

And I'm opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Bishop.

**MR. BARTON:**

15.

**P.O. CARACAPPA:**

You're good?

**LEG. MYSTAL:**

I'm opposed to that.

**P.O. CARACAPPA:**

He's opposed.

**MR. BARTON:**

14•4.

**P.O. CARACAPPA:**

***1877 • Appoint member to the Suffolk County Ethics Commission (Steven J. Wilutis, Esq) (Presiding Officer Caracappa).*** I'll make the motion, second by Legislator Losquadro.

**LEG. TONNA:**

On the motion?

**P.O. CARACAPPA:**

On the motion.

**LEG. TONNA:**

Just my only point is I think that this gentleman's wife is the Town Attorney in Brookhaven?

**P.O. CARACAPPA:**

Yes.

**LEG. TONNA:**

There are so many qualified people who have •• you know, she's probably replacing John Armentano who is an excellent •• I mean he's replacing, I'm sorry, John Armentano who was an excellent member of the Ethics Commission who absolutely had no ties whatsoever to anything. I just •• it just seems to me that there's been a lot of concentration, especially of late, to make sure that our Ethics Commission •• I mean, I've seen bills going all over the place about, you know, who we should have on, what kind of people we should have and everything else. I just think it sends the wrong message.

I have nothing against •• I don't even know who Steven is. He's probably the most wonderful, ethical person in the world, but since March 18th of 2002 we said that the •• just the appearance of an impropriety is a factor. That was a law that was passed •• excuse me. That was a law that was passed by this Legislature.

And so what my suggestion is is that we find somebody that there is no, you know, appearance, there's no connection, nothing. And I think that •• I think that there are plenty of people out there. You know, I know we have •• we don't have to search really far and wide I think to find somebody who could meet those qualifications. And again, it's no bearing on this individual; this individual probably is, you know, an outstanding individual, but he's married to the Town Attorney in Brookhaven. You know, I just think •• I think that that offers some kind of connection to Brookhaven or this or that and I'm sure it wouldn't and I'm sure he would be very professional, but why give an opportunity when there is such a great, you know, amount of people that I think could serve honorably in this thing. That's my only point.

**P.O. CARACAPPA:**

I appreciate that. There's a motion and a second.

**LEG. BISHOP:**

What's the motion?

**P.O. CARACAPPA:**

To approve.

**LEG. BISHOP:**

Is there a motion to table?

**P.O. CARACAPPA:**

Not yet; there will be, I'm sure.

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

There's a motion to table by Legislator ••

**LEG. BISHOP:**

I'd like to make a motion.

**LEG. CARACCIOLO:**

Roll call.

**LEG. FOLEY:**

Second the motion.

**P.O. CARACAPPA:**

Okay. There's a motion to table by Legislator Bishop, second by Legislator Foley. Roll call.

**MR. BARTON:**

On the motion to table.

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

**LEG. BISHOP:**

Yes.

**LEG. FOLEY:**

Yes.

**LEG. CARACCIOLO:**

No.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. O'LEARY:**

No.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

No to table.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No to table.

**LEG. KENNEDY:**

No to table.

**LEG. NOWICK:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

No.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Yes.

**LEG. CARPENTER:**

No.

**P.O. CARACAPPA:**

No.

**MR. BARTON:**

Eight.

**LEG. BISHOP:**

Okay. On the motion to approve?

**P.O. CARACAPPA:**

On the motion to approve, Legislator Bishop.

**LEG. BISHOP:**

I wasn't going to speak in the hopes that it was tabled, but since it's not. It seems to me that the type of people that we should have on the Ethics Commission are those that receive unanimous support. It really is troubling that we're going to have a member of the Ethics Commission who is going to slide in on a partisan vote. It's particularly troubling when that member has ties, through marriage or otherwise, to a particular political party and in a town

where that political party has been convicted •• not the party but members of the party, I should say •• in a government and is subject to an ongoing criminal investigation.

All of that doesn't mean that this is a bad person, it just means that this is a person who is bad for this position at this time. And what we ought to find are people who are outside of politics, outside of government who wouldn't know the Brookhaven Town Attorney or the Suffolk County Legislator or anybody if they hit them over the head. You want somebody who is completely outside of the system in this position and you put this person in a very bad, compromised position when they assume this office. I just think this is •• really should be thought carefully before we act.

**P.O. CARACAPPA:**

Okay.

**LEG. BISHOP:**

That's why I hoped that the tabling would have prevailed.

**P.O. CARACAPPA:**

Thank you. You know, I didn't hear anything •• number one, to tar this guy because he's married to somebody who works for the Town of Brookhaven, that's disgraceful in my viewpoint. Number two, I didn't see any of you jumping up and down when the other guy in the Ethics Board, the guy heading it, was at an arraignment ••

**LEG. BISHOP:**

They were jumping up and down.

**LEG. TONNA:**

Oh, you don't think I jumped up and down?

**P.O. CARACAPPA:**

You did, you did.

**LEG. TONNA:**

Yeah.

**P.O. CARACAPPA:**

No one else did.

**LEG. TONNA:**

Yeah, nobody on either side.

**P.O. CARACAPPA:**

But there was no move to take him out, there was no move, there was no outrage like this outrage growing here. Mr. Wilitis, he's qualified. He's one of the most honorable people I've met in my life, and that's why I put his name forward. You know, this isn't a partisan thing, you made it a partisan thing, we didn't. He's qualified and it's shameful that you're tarring him unjustly because he lives in Brookhaven and he's married to a wonderful lady, I might add; it's a shame.

**LEG. BISHOP:**

The Brookhaven •• on the motion. The Brookhaven Town Attorney's Office is integrally involved in this investigation, they have to be by virtue of their office. He is married to the Town Attorney. It just seems to me, and I don't understand why it doesn't seem to you, that that's entirely too close, and that we need people who have many steps back so that they don't have preconceived notions of who's ethical and who's not who don't know the players involved, that's the problem. It's not that Brookhaven is guilty or not guilty, this is somebody who by virtue of there daily life knows all these players and that really shouldn't be the way our Ethics Commission is done, we should have people who are far removed from it.

**P.O. CARACAPPA:**

You don't think people in the past that have served on this commission don't know all the players?

**LEG. BISHOP:**

Well, who's on this commission?

**P.O. CARACAPPA:**

Come on. If you want to get into who's been on this commission in the past we will, we're

trying to move away from that.

**LEG. BISHOP:**

Well, I don't •• I would suggest this does not ••

**P.O. CARACAPPA:**

Again, this just seems like •• everyone's talking about double standards today, you know, there's double standards being set today as it relates to this and I'm talking about what I mentioned earlier where one guy can stand in arraignment with a guy •• and I don't want to get into details, we all know about it •• and that's fine, but this isn't. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Well, that's exactly the point I wanted to make.

**LEG. TONNA:**

So get rid of them both.

**LEG. CARACCIOLO:**

The County Executive put forth an individual highly qualified to chair the Ethics Commission, Mr. Johannessen, and he perhaps, some might say, used poor judgment when he represented a client, a former colleague of some members of the Legislature, at an arraignment hearing; he then recused himself from any further legal representation. You can't have a double standard, as the chair just said. Mr. Wilutis happens to be married to the Town Attorney; by the way, it's his second wife, okay?

**LEG. BISHOP:**

Okay.

**LEG. CARACCIOLO:**

Now, if you're going to talk about table talk ••

**LEG. TONNA:**

Wait.

**LEG. CARACCIOLO:**

You're going to talk about table talk ••

**LEG. TONNA:**

Does his first wife work for the Town of Brookhaven?

**LEG. CARACCIOLO:**

If you're going to talk about table talk ••

**LEG. TONNA:**

What does that have to do with anything? Talk about irrelevant.

**LEG. CARACCIOLO:**

Well, that's why I brought it up, Paul.

**LEG. TONNA:**

What does that have •• this poor guy.

**LEG. COOPER:**

Give him a chance, maybe he's doing something with this.

**LEG. CARACCIOLO:**

No, Mr. Wilutis has an exemplary career as an attorney, began his career in the District Attorney's Office, he's considered by many in Suffolk County to be one of the best defense attorneys, criminal defense attorneys. He has an impeccable record and it shouldn't be smeared by some association that some would like to make with a spouse who has a job, and no one has proved that she's done anything wrong, as the Town Attorney. So what is the connection here?

**LEG. BISHOP:**

All right, let me make this clear. If it was the Babylon Town Attorney's wife •• no, the Babylon Town Attorney is a male or a female, I forget •• spouse.

**LEG. MYSTAL:**

He's a male.

**LEG. BISHOP:**

It would be equally problematic. The problem is ••

**LEG. O'LEARY:**

Would it be similar to •• would it be similar to the Babylon Town Supervisor's wife getting a job with the County?

**LEG. BISHOP:**

Is she on the Ethics Commission?

**LEG. O'LEARY:**

No, a job.

**LEG. BISHOP:**

Okay, so I would say •• you don't see a distinction there, Legislator O'Leary.

**LEG. O'LEARY:**

That was a real cheap shot you took at the Town of Brookhaven, number one.

**LEG. BISHOP:**

A cheap shot; they were convictions, were they not, or do you deny that?

**LEG. O'LEARY:**

How many convictions?

**P.O. CARACAPPA:**

Against Mrs. Wilitus?

**LEG. BISHOP:**

No, against people in the Town Planning, Planning and Development ••

**LEG. O'LEARY:**

Against the party as you alluded to?

**LEG. BISHOP:**

•• an ongoing investigation. You know, a cheap shot; I don't know what qualifies as a cheap shot. I mean, I'm stating a fact.

**LEG. ALDEN:**

Everything that you're doing right now, Dave. You keep talking, those are cheap shots.

**LEG. CARACCIOLO:**

Mr. Chairman, I didn't yield my time.

**LEG. O'LEARY:**

Yeah, I know; excuse me.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. BISHOP:**

The point continues to be that you want people who are removed from the political process ••

**LEG. CARACCIOLO:**

No, no, I have the floor. Dave, I have the floor.

**LEG. BISHOP:**

And you know this person is not removed from the political process.

**LEG. CARACCIOLO:**

I have the floor. I mean, I'd be happy to listen to what connection ••

**LEG. BISHOP:**

And all you Legislators, it's nice that you all know him so well, you know his personal life.

**LEG. CARACCIOLO:**

Where is the linkage you're trying to make here between Steven Wilutis and Karen Wilutis; what is the connection, please tell me what the connection is.

**LEG. BISHOP:**

That they're ••

**LEG. TONNA:**

Can I tell you?

**LEG. BISHOP:**

I assume ••

**LEG. CARACCIOLO:**

Tell me.

**LEG. TONNA:**

Because I'm the only one ••

**LEG. BISHOP:**

Maybe you consider this a cheap shot; I assume that Karen Wilutis is involved in Brookhaven Republican Politics.

**LEG. TONNA:**

Because ••

**P.O. CARACAPPA:**

David.

**LEG. BISHOP:**

Or are we wrong about that?

**P.O. CARACAPPA:**

David, I will recognize you completely afterwards.

**LEG. TONNA:**

Can I answer the question through the Chair?

**P.O. CARACAPPA:**

Legislator Caracciolo, would you yield?

**LEG. CARACCIOLO:**

Yes, I'd like him to answer the question; what is the linkage between the husband and his wife.

**LEG. TONNA:**

My only concern is this, is that we set a criteria, this Legislature set a criteria on March 18th, 2002, that said that the •• even the appearance of an impropriety, all right, impropriety, whatever you want to call it, even the appearance of a conflict of interest ••

**LEG. CARACCIOLO:**

Where is the appearance?

**LEG. TONNA:**

The appearance is is that •• the appearance is that somebody could say ••

**LEG. CARACCIOLO:**

Somebody could say.

**LEG. TONNA:**

Right, but that's what the •• that's why it's an appearance. It doesn't have to be a real conflict.

**LEG. CARACCIOLO:**

What can they say?

**LEG. TONNA:**

Wait. They can say very simply that it's too close when you have somebody who is going to be dealing, okay, I'll just give you an idea. This is, you know, it's a very simple principal; you basically say okay, if somebody is in a situation whereby they're looking at your financials, yours, all of our financials, they're looking at all of •• whatever our business relationships and everything else, okay? And now they have a direct contact with somebody who has been politically appointed; I'm not saying •• I don't know these two people at all, they're probably the two best people in the world, all right? That gives the appearance of an impropriety

because it's giving information, somebody could •• whatever else. It's a dicey situation to begin with when you're trusting three Ethics Commissioners or whatever else that they're going to be holding things in confidence. That's why I had a problem and I stated it right up front, okay. Many people were very polite during that time when we had the head of the Ethics Commission, but I stated it right up front. I don't know the guy, as a matter of fact I met with him afterwards, he seemed like a nice guy, but he showed up to somebody's arraignment, you know, somebody's who's now being charged.

**LEG. CARACCIOLO:**

He did.

**LEG. TONNA:**

Those things to me •• there's so much importance and integrity with this commission, I would say with 1.43 million people in the County of Suffolk, I'm sure that we can find somebody with the same qualifications and integrity who wouldn't have that appearance; that's all that I'm saying, nothing else.

**LEG. CARACCIOLO:**

Paul, correct me for the record; did Mr. Cohen ever serve on the Ethics Commission?

**LEG. TONNA:**

Absolutely. And you want to know something? I'll be glad to tell you.

**LEG. CARACCIOLO:**

Wait a minute.

**LEG. TONNA:**

That was under Mr. Hackeling and the minute, the minute that I was put as Presiding Officer ••

**LEG. CARACCIOLO:**

Did he work for you at the time?

**LEG. TONNA:**

I said he's got to go. And it wasn't my appointment and to tell you quite honestly, I didn't like the idea, okay? It wasn't my appointment, all right? I wasn't the decision maker or whatever else. But he was off the minute that I was Presiding Officer because I said I don't think it's a good appearance.

**LEG. CARACCILOLO:**

How long did he serve?

**LEG. TONNA:**

I think a year, a year•and•a•half.

**LEG. CARACCILOLO:**

Did he work for you at the time?

**LEG. TONNA:**

Absolutely.

**LEG. CARACCILOLO:**

Why didn't you demand that he recuse himself?

**LEG. TONNA:**

I can't •• to tell you quite honestly, it was something that we talked a lot about as far as the idea of him serving ••

**LEG. CARACCILOLO:**

Did he not •• wait a minute.

**P.O. CARACAPPA:**

You were talking to someone on the Ethics Board.

**LEG. TONNA:**

I didn't like it. I didn't like it.

**LEG. CARACCILOLO:**

Did he not have access ••

**LEG. TONNA:**

I didn't like it.

**LEG. CARACCIOLO:**

I have the floor, Mr. Chairman.

**LEG. TONNA:**

If I had it over again I would have told him don't do it, all right? Absolutely. But that's prior to March 18th, 2002, when all of a sudden a criteria got added to our Ethics Laws which said the appearance. If it was then, March 18th, 2002, I would have said, "Ron, this is unacceptable. It creates an appearance." Prior to that there was not that criteria.

**LEG. CARACCIOLO:**

When did he step down?

**LEG. TONNA:**

He stepped down in 1999, 2000; the year that I was made Presiding Officer in 2000 he had to step down.

**LEG. CARACCIOLO:**

Okay. But prior to that or during his tenure, he had access to financial information and data and he could have shared as a quote, some might say, partisan ••

**LEG. TONNA:**

He never did, he never did.

**LEG. CARACCIOLO:**

Well ••

**LEG. TONNA:**

And I felt very uncomfortable and you know what?

**LEG. CARACCIOLO:**

I don't believe Mr. Wilutis would either.

**LEG. TONNA:**

If I had to do it over again I would say no, it was wrong to do.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

Legislator Losquadro then Bishop.

**LEG. TONNA:**

At least I'm willing to admit it.

**LEG. LOSQUADRO:**

I just want to point out for the record something very simple; we're talking about two people who are both attorneys and I notice some of the people who have been making comments here today are attorneys. And one of the things you have to remember, obviously, is aside from many other things that people are bound by, especially serving on the Ethics Commission, these people are bound by attorney/client privileges and they would risk being disbarred, ruining their lives and their careers? You know, I would hope that people who are attorneys would realize that you have to hold yourself to a higher standard and that you're subject to rules and regulations that other members of the public are not.

So if someone is willing to serve in this capacity and someone who is an attorney, they realize very well the rules and the regulations they will be bound to. And I sincerely doubt that anyone of this type of character and with these type of credentials would risk disgracing themselves or their family or the County or anything else for that matter. So, you know, that's all. Thank you.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

I think that speech would apply to every white collar criminal we've ever come across, we'd say, "I can't believe they did it."

**P.O. CARACAPPA:**

Now he's a white collar criminal.

**LEG. BISHOP:**

No, he's not. I don't know him, I'm sure he's not, I'm sure he's •• that's not my point. My point is that the defense can't be to the nomination that a person like this would never do anything wrong; I don't know whether they would do anything wrong or right. I'm sure he'll be •• I'm sure he wants to do the right thing.

My ultimate point is when Mike Caracciolo says there's a double standard and Joe Caracappa says there's a double standard and Paul Tonna has to talk about, you know, in the past and we say,, you know, there shouldn't be a double standard here; well, there shouldn't be a double standard but better, we should have the best standard. And the best standard would be to have people that are removed from the partisan political scrum that nobody knows, that, you know, you can't •• we wouldn't be able to say, "I know this guy for 25 years, he's a fantastic guy," that doesn't give me a lot of confidence that elected officials are so, you know, confident in this person that they know him so well. I want somebody who is removed from the system, that's what I think the public wants, they want a check on the network, the political networks, the Democrat political network, the Republican political network, they want people that are from outside of that. That is what I am trying to articulate, I've probably done a poor job today, but that's my best point; we want people outside of those networks and this is somebody who's within it.

**P.O. CARACAPPA:**

Okay, thank you. Steve Gittleman, he's certainly not outside the network, today we did a political appointment of him, putting him back on the Vanderbilt Board. He has a public relations firm that's done political work maybe for some of you on this board in past years.

Mr. Johansson; Mr. Johansson who no one has an objection to except for a few, but who was put up by Mr. Levy, and I'll put all of my weight behind •• not that there's much weight •• behind Mr. Johanneson and his reputation, it's a great one. Where did he come from? He

comes from Brookhaven. What did he do in Brookhaven for so long? Let's see; oh, he sat on Supervisor LaValle's Task Force, I think he headed it, for Council Districts; isn't that right, Legislator Foley. Oh, he's got to go; Gittlemen's got to go. All the people in the past, bad, they should have went. To say this guy is going to, you know, be deceitful and a criminal ••

**LEG. TONNA:**

Nobody said that.

**P.O. CARACAPPA:**

Oh, come on, you're basically •• I heard white collar criminal.

**LEG. TONNA:**

No, I never said that.

**LEG. BISHOP:**

No, I didn't say he's a white collar criminal.

**P.O. CARACAPPA:**

You're basically saying put a person that's on the Ethics Commission, you should put him away in a tomb; give him out filings, let them go over put them, put them in a tomb, they can't talk to anybody, they can't have family, they can't have friends, they can't talk on the telephone, they can't watch TV and that •• I feel safe then, but everyone else that I mentioned it's fine.

**LEG. LOSQUADRO:**

Mr. Chairman?

**P.O. CARACAPPA:**

Again, I go back to what I said in my first statement; I think it's ridiculous, you guys made it partisan and it's shameful.

**LEG. LOSQUADRO:**

Perhaps we should use Yahoo People Search to find them.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

This gentleman came before us in Ways and Means and I had no clue who he was, he seemed very forthright, answered the questions I think in a proper manner. As far as conflicts, we talked to him in fairly •• I think fairly in great deep •• in depth as far as what he was looking to do coming on to the Ethics Commission and I really •• I didn't know him but I was convinced after talking to him and seeing him perform in front of the Ways and Means and answering the questions, that he would be an asset to Suffolk County. To penalize somebody or to even •• to even impugn their reputation because their wife works I think is •• it goes beyond something that can be acceptable behavior.

The other thing I wanted to just point out is in the past, and the Presiding Officer has pointed it out, too, a little bit •• but some of us might have had boyhood friends on the Ethics Commission or maybe neighbors and things like that; that doesn't take those kind of people out of the realm of people that we should be looking at to put on an Ethics Commission. So in the future, we all have neighbors, we all have some people that we might have known growing up and even in our political lives and things like that and that shouldn't automatically knock somebody out.

And again, to go back to another point that was made, we as attorneys •• and I am an attorney that's mitted in the State of New York •• we hold ourselves, most of us do, we hold ourselves to a much higher standard than just the normal type of person or business person. And I am convinced after speaking to this gentleman, that if there is anything that came before him that he was remotely connected to or had any thought that he might be connected to or that it might possibly even look like an impropriety, he would remove himself from consideration of that issue. So I have very much •• I have great competence in this man's ability to go and identify something that could be a conflict and to take the appropriate actions. So, I wholeheartedly endorse Mr. Wilitus for this position.

**P.O. CARACAPPA:**

Legislator Binder.

**LEG. BINDER:**

Thank you, Mr. Chairman. I've seen a lot of people voted on in the 15 years I've been here and

I think some of the people who yell loudest about this also are some of the people who yell loudest about their aversion to hypocrisy here. We have voted for people who have had connections, but what we do is we look to see who the individual is, what kind of integrity they display, what kind of person they are. Now, we can look back and I think Legislator •• the Presiding Officer went through a list of people. There was a discussion about someone's aide being on there. No one yelled, no one screamed, it wasn't the appearance of impropriety, that seems to me impropriety itself. Having actually your aide, it's not an appearance on there, it's connected to somebody sitting here, not only connected but works for, gets paid, could be fired by; that's not an appearance, that's real.

So here we are today with someone we have to make a decision on; do they display the morale character and the integrity, did they when they came before us, when we look at their resume, do they have the kind of background that we would think that could make those kind of judgments? He's an attorney so he understands at least at minimum on the level of attorney/client privilege, and also he understands beyond attorney/client privilege, he understands when things are not to be shared with anyone else, they're to be kept private, confidential. Because attorneys know that this is one of the ways they lose •• in fact many attorneys lose their meal ticket when they don't understand these concepts, they lose their license.

So the question really before us is not who is he married to, the question is does he have the background, experience, knowledge and the ability to carry out the job on the Ethics Commission as an impartial person who could look at all the facts if something comes before them; can they do that without being tainted by a relationship? And I think, from what I can see and I've heard about this individual and seen in the resume and this person's background, he has that ability. And so I'm going to vote for him because of that. And if we find in the future that that's a problem, then we have to do something about that.

But I would hope that that's what we're going to look at, because if we look to see who the person's married to and we start looking for any connection and any part of their life that they might know someone, could have done something in some way, could have known, have a relationship •• I mean, what if the person was •• what if the wife wasn't the Town Attorney but he had a great friend, his best buddy was a town attorney? So we say, "Well, his best buddy, hangs out with him, he may go drinking with him periodically," so do we say, "No, we found out. You know, we took a picture and he was at" •• right, some would say, "Yes, I have a

picture. Look, he was drinking at the bar with this guy and, you know, he's a big Republican or a big Democrat," I mean, that's not what we should be looking at. Look at people and their integrity and their background and decide if that's what we want to do. And I hope that that's what we'll decide to do today and look at him as an individual, not who he's married to.

**P.O. CARACAPPA:**

I'll end it with this. We all do our filings, we're all on the up and up, we all follow the law very, very strictly. If you have nothing to hide and you do it right, you've got no problem with this person or any other person that's on the Ethics Commission. Because if there was a dirty person on the Ethics Commission and they came after you and you were clean, you've got nothing to hide and you have nothing to worry about with this person.

**LEG. CARACCIOLO:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Who are the other members of the Ethics Commission?

**P.O. CARACAPPA:**

Steve Gittleman and Mr. Johanneson.

**LEG. CARACCIOLO:**

So there are four? Oh, three.

**P.O. CARACAPPA:**

Three.

**LEG. CARACCIOLO:**

This would be third.

**P.O. CARACAPPA:**

Right.

**LEG. CARACCIOLO:**

Okay. Thank you.

**P.O. CARACAPPA:**

Roll call.

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

**P.O. CARACAPPA:**

Yeah.

**LEG. LOSQUADRO:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

(Not Present)

**LEG. FOLEY:**

Abstain.

**LEG. LINDSAY:**

Yes.

**LEG. MONTANO:**

Abstain.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Abstain.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Abstain.

**LEG. COOPER:**

Abstain.

**LEG. CARPENTER:**

Yes.

**LEG. VILORIA • FISHER:**

Abstain.

**MR. BARTON:**

12.

**P.O. CARACAPPA:**

Okay, that's approved.

Let's move on, ***1880 (Directing the County Comptroller and the County Treasurer to issue longevity payments)***.

**LEG. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

Legislator Alden?

**LEG. ALDEN:**

Motion to approve.

**LEG. FOLEY:**

Second.

**P.O. CARACAPPA:**

Mr. Zwirn, come on up.

**MR. ZWIRN:**

Just a very short ••

**P.O. CARACAPPA:**

You wanted to say a few words and of course I'll allow them.

**MR. ZWIRN:**

Yeah, a very short comment. Jeff Tempera from the County Executive's Office made a presentation at the committee with respect to this, and all I would just like to put on the record is that in our opinion this would be a violation of the Taylor Act, and that there's a grievance procedure that's in place for this and that the County Executive's Office had agreed to abide by whatever the grievance •• how it was resolved and I just want to have that on the record.

**P.O. CARACAPPA:**

Legislator Alden.

**LEG. ALDEN:**

Just to go one step further, actually it was refined to it might be a violation of the Taylor Act for one person because the rest of the people are not covered under the collective bargaining system.

**MR. ZWIRN:**

That's for the AME person.

**LEG. ALDEN:**

Only one person under this might be. I disagree with that and I think members of the committee disagreed with that opinion, but there's a maybe one.

**P.O. CARACAPPA:**

Legislator Tonna.

**LEG. TONNA:**

What does our legal counsel say?

**MS. KNAPP:**

I won't disagree, actually, with Legislator Alden's ••

**LEG. TONNA:**

That's good enough for me.

**MS. KNAPP:**

•• statement. There is only one person who would be covered, that person is I believe in non •competitive.

**LEG. TONNA:**

Right. So that's good enough for me.

**P.O. CARACAPPA:**

Thank you. There's a motion.

**LEG. CARACCIOLO:**

What is •• Mr. Chairman, what is the position that this person ••

**P.O. CARACAPPA:**

That one person?

**LEG. CARACCIOLO:**

Yes; I don't want a name, just the position.

**MR. BARTON:**

I think the title ••

**MS. KNAPP:**

Secretary of some sort, and I'm not sure ••

**MR. BARTON:**

I think it's Principal clerk.

**LEG. CARACCIOLO:**

And how much money is involved?

**MR. BARTON:**

I think that situation is either 500 or \$700.

**LEG. CARACCIOLO:**

No, I mean in the resolution.

**MR. BARTON:**

Twenty thousand two hundred or 22,000.

**LEG. CARACCIOLO:**

For what period of time?

**MR. BARTON:**

It's since the •• it goes back to the agreement which I think was 19 ••

**MS. KNAPP:**

Ninety•six.

**P.O. CARACAPPA:**

Nineteen ninety•six.

**MR. BARTON:**

Ninety•six?

**LEG. CARACCIOLO:**

So it's retroactive for eight years with a total cost of \$20,000.

**MR. BARTON:**

It depends upon how many years the people had in prior service. The issue is the prior service, when they worked in other departments and the contract that was negotiated with AME changed the definition of longevity to include that prior service.

**LEG. CARACCIOLO:**

Everyone is not included in the Taylor Law except perhaps one individual and the cost for that individual is approximately \$500.

**MR. BARTON:**

Correct.

**LEG. CARACCIOLO:**

Okay.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1886 (Authorizing certain technical correction to Adopted Resolution No. 731 • 2004).***

Motion by myself, second by Legislator Carpenter.

All in favor? Opposed? Abstentions.

***87 (1887 • Authorizing certain technical correction to adopted Resolution No. 637 • 2004).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***88 (1888 • Authorizing certain technical correction to Adopted Resolution No. 895 • 2004).*** Same motion, same second, same vote.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1934 (A Local Law to streamline conveyance of real property transactions).***

**LEG. LINDSAY:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Lindsay.

**LEG. VILORIA • FISHER:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Viloría•Fisher.

**LEG. BISHOP:**

Explanation.

**P.O. CARACAPPA:**

Explanation for Legislator Bishop.

**MS. KNAPP:**

The title of this is a little confusing, it comes out of the title of the law. We had a procedure in our code that requires before the Legislature votes on a 215 conveyance •• and, you know, the 215's are just when people have lost their property and they meet the standards. There was a process in the code that said that a three person member •• three member committee had to meet and recommend such a conveyance. When I first started to work here in January, I went to the Presiding Officer's Office and asked the Chief of Staff when this committee met, she said she had never heard of the committee, the bill •• the law has been in existence since 1986, to the best research that we could come up with, the committee has never met. So it's one of those, it's kind of like an appendix, you don't really need it.

**LEG. MYSTAL:**

You can live without it.

**LEG. ALDEN:**

And in that instance, Legislator Lindsay has streamlined the process.

**P.O. CARACAPPA:**

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

**LEG. BISHOP:**

What's interesting is that Lindsay carries Mea's bills.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Legislative Counsel?

**MS. KNAPP:**

This actually came up in the Ways and Means Committee when the County Attorney's Office said, "Did the committee recommend this? And it was some time around September, I guess. And I said, "No, because the committee has never met and none of these 215's have ever been recommended by a committee." And Legislator Lindsay, who was sitting next to me at the committee said, "Well, why is it still there?" And I said, "I think it's a good bill, you know, to get rid of," and he said, "I'll sponsor that."

**P.O. CARACAPPA:**

***1941 (To approve the replacement of an existing full-size van in the Suffolk County Department of Labor).*** Motion by Legislator Bishop, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***1966 (Authorizing the lease of premises located at 30 E. Hoffman Avenue, Lindenhurst).*** Motion by Legislator Bishop, second by myself.

**LEG. LOSQUADRO:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

I just wanted to comment just about in the language, it says the total annual rental rate of approximately \$611,460. But included in that is \$279,500 for construction costs; that's a one-time construction cost, that's not \$279,000 for construction every year?

**LEG. BISHOP:**

Well, it's.

**LEG. LOSQUADRO:**

It says a total annual rental rate of \$611,000, so that means it would recur each year.

**LEG. ALDEN:**

He's going to go to take care of the statue of Dave Bishop they're having erected over there.

**LEG. TONNA:**

It's a very small statue.

**LEG. LOSQUADRO:**

I just think the language is just ••

**P.O. CARACAPPA:**

Basia, just ••

**LEG. BISHOP:**

It's made of gold, though.

**LEG. TONNA:**

It's about the same size as Mini•Me.

**LEG. BISHOP:**

It's got a heart of gold.

**MS. BRADDISH:**

If you look back at the earlier sections, they break it out, there's annual rent, there's construction and then there's total annual which is all of the other figures combined. So there's 611,000 plus ••

**LEG. LOSQUADRO:**

I understand what it is, I'm just concerned that the language says a total annual rental rate of \$611,000; that would be for the first year, but it says annual.

**LEG. BISHOP:**

Annual implying every year.

**MS. BRADDISH:**

Well ••

**LEG. LOSQUADRO:**

Counsel, do you understand what I mean?

**LEG. VILORIA • FISHER:**

I understand.

**MS. BRADDISH:**

But then it breaks •• we have a listing. So no, it's not a one time cost, what it is, it's per year. The construction cost is per year ••

**LEG. LOSQUADRO:**

It is.

**MS. BRADDISH:**

•• and it's built out over the term.

**LEG. LOSQUADRO:**

Okay, thank you. That's what I wasn't •• I wasn't sure. Thank you.

**P.O. CARACAPPA:**

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

**LEG. BISHOP:**

Cosponsor.

**P.O. CARACAPPA:**

Thank you, Basia.

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

All right, **2077 (Authorizing certain technical corrections to Resolution No. 254•2004)**.  
Motion by Legislator Binder, second by myself. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**2087 (Authorizing transfer of two (2) surplus County computers to First Congregational Church Early Learning Center)**. Motion by Legislator Alden, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

### **SENSE RESOLUTIONS**

**P.O. CARACAPPA:**

Sense Resolutions. **Sense 60 (Sense of the Legislature resolution in opposition to the enactment of an additional real estate transfer tax)**.

**LEG. BINDER:**

Withdrawn, please.

**P.O. CARACAPPA:**

Oh, withdrawn. **Sense 72 (Sense of the Legislature resolution requesting New York State Legislature to amend the Suffolk County Tax Act to allow waiver of penalties and interest for Brownfields Property)**. Legislator Bishop?

**LEG. BISHOP:**

Seventy•two, yes; please, explanation.

**P.O. CARACAPPA:**

It's yours.

**LEG. BISHOP:**

This is •• you know our tax act?

**P.O. CARACAPPA:**

Is there a motion?

**LEG. BISHOP:**

Motion to approve.

**P.O. CARACAPPA:**

Motion to approve.

**LEG. CARPENTER:**

Second.

**P.O. CARACAPPA:**

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

**LEG. BISHOP:**

Our tax act legislation that has been challenged in the courts successfully where we could waive interest and penalty, one of the provisions in there was that we could waive interest and penalties in Brownfield situations for the rehabilitation. There is one in my district that wants to take advantage of that but I had to inform them that the law was struck down. The way to rehabilitate the law is to have New York State pass this and then that would authorize us to redo it locally.

**P.O. CARACAPPA:**

Is there before a sale or after a sale of the property?

**LEG. BISHOP:**

It's owned by the County.

**P.O. CARACAPPA:**

Oh, it's owned by us.

**LEG. BISHOP:**

Well, it's owned by nobody, it's an orphan.

**P.O. CARACAPPA:**

What I want to know, would it would be giving •• it's not giving a polluter a tax break.

**LEG. BISHOP:**

No, not the polluter, it would be the white night, the person who's going to clean it up and it would be only to the extent, you know, to defer some of the cost of the clean•up.

**LEG. CARACCIOLO:**

Mr. Chairman?

**LEG. BISHOP:**

This way it puts it back on the tax roll so we can collect it and it's clean.

**LEG. TONNA:**

It forces the remediation process.

**LEG. BISHOP:**

Right.

**P.O. CARACAPPA:**

Legislator Alden then Caracciolo.

**LEG. ALDEN:**

I do have some concerns about the benefit to a polluter, because basically it's the polluter that runs up the tax bill that, you know, we have to pay that to the other jurisdictions to cover that expense. And now you've got somebody coming in that is going to be a for•profit usually ••

**LEG. BISHOP:**

Right.

**LEG. ALDEN:**

•• in the usage and it does actually take the burden off of the person that owes us the money which would be the polluter. And that's been one hook that's been able to be used by New York State and the Federal government to actually bring people to the table and try to take some responsibility for the things that they've polluted. Because a lot of these end up as Superfund sites and that's taxpayers dollars, too, and now this is going to allow a loophole where the prior owner to the property or the polluter can get off the hook.

**LEG. BISHOP:**

I don't think it relieves the prior owner of the liability, we would go after the prior owner if the entity existed. The typical Brownfield situation, though, is that there is no owner, there is no owner because they •• it's a corporation that no longer exists, they're out of business, you know, there's nobody to go after.

**LEG. ALDEN:**

Sometimes; sometimes that's true, sometimes it isn't. If you would modify ••

**LEG. BISHOP:**

All right. Let me ••

**LEG. ALDEN:**

If you would modify this just to the point where it doesn't relieve of an action by the County against them for back taxes and that we could go forward with a new developer, then I would be wholeheartedly supportive. But if this is going to wipe out the tax liability, then I can't support it because we're actually giving a benefit to a polluter.

**LEG. BISHOP:**

All right, let me just make the point that this is nothing as of right, it would still have to come to the Legislature, so you would get to examine it by a case by case basis. I don't think you're going to get more than one of these a year, if that many, we haven't had one in ten years. But now that Brownfield laws are starting to kick in and move properties along so that we will have opportunity to do these ••

**LEG. ALDEN:**

There's one from my former district, which is now Legislator Montano's district, that that basically we did not let the polluters off the hook and it created a little bit of a problem going forward. So that has to be worked out.

**LEG. BISHOP:**

Well, I'm going to ask of you is can we do it on a case by case basis as they come before us? I don't want to let anybody who exists off the hook who's responsible; nobody wants to let a responsible party from pollution off the hook. I'm just trying to come up with the mechanism that existed prior, resurrected so that we could go forward with the situation in my district where I have a subsequent owner who would be willing to •• or a potential subsequent owner who would be willing to invest the funds to clean it up.

**LEG. ALDEN:**

If you'd be willing to go with some language that's a little bit different than we had in the past to protect us from the very thing that I just mentioned, I'll work with you and let this go. Because we're just asking for New York State to actually write in the provision that would give us the right to waive, but then we can make up our own rules.

**LEG. BISHOP:**

I don't want to table it in other words, I want to move the thing and I will glad do that when it comes back ••

**LEG. ALDEN:**

All right, I'll work with you then on that.

**LEG. BISHOP:**

Okay.

**LEG. CARACCILO:**

Are you on the tabling, Dave?

**LEG. BISHOP:**

No.

**LEG. CARACCIOLO:**

No, okay. Mr. Chairman?

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

A question for Legislator Bishop. You made reference to a law, a court decision rather.

**LEG. BISHOP:**

The one we're all familiar with that used to waive interest and penalty.

**LEG. CARACCIOLO:**

This is the Caputo ••

**LEG. BISHOP:**

Yeah.

**LEG. CARACCIOLO:**

Okay.

**LEG. CARACCIOLO:**

Okay. When did that decision come down?

**LEG. BISHOP:**

Gee wizards, I don't know.

**LEG. VILORIA • FISHER:**

About a year ago.

**LEG. ALDEN:**

Six months ago, we lost.

**LEG. BISHOP:**

It's been like •• yeah, we lost, right?

**LEG. ALDEN:**

We lost a couple of months ago.

**LEG. CARACCIOLO:**

Well, it's more than that.

**LEG. VILORIA • FISHER:**

I think it's about a year.

**LEG. CARACCIOLO:**

Counsel, do you recall.

**MS. KNAPP:**

The original decision I believe was about a year•and•a•half ago. The Appellate Division decision was just a couple of months ago.

**LEG. CARACCIOLO:**

Okay. So now it's the law of the land.

**MS. KNAPP:**

We still haven't had the Court of Appeals deny our final appeal. However, it's going to be extraordinarily problematic.

**LEG. CARACCCIOLO:**

Okay, thank you.

**P.O. CARACAPPA:**

Okay. There's a motion and a second?

**MR. BARTON:**

Yes.

**P.O. CARACAPPA:**

Motion and second. All those in favor? Opposed? Abstentions?

**LEG. CARACCIOLO:**

Opposed.

**P.O. CARACAPPA:**

One opposition, Legislator Caracciolo.

**MR. BARTON:**

17•1.

**LEG. BISHOP:**

You can't come to the ribbon cutting, you're out.

**P.O. CARACAPPA:**

***Sense 73 (Sense of the Legislature Resolution requesting the State of New York to increase funding for education, research and treatment of congenital heart defects.***

**LEG. ALDEN:**

Another Bishop?

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***Sense 74 (Sense of the Legislature resolution requesting the Federal and State government to provide policy and funding to ensure election integrity to secure the right to vote for all citizens).*** Motion by Legislator Bishop. Is there a second?

**LEG. CARACCIOLO:**

Explanation.

**LEG. ALDEN:**

Yeah, just on the motion. I'll make a second on it.

**P.O. CARACAPPA:**

Second.

**LEG. BISHOP:**

Just to put it in two sentences, this would require that as •• I had legislation •• no, I can't do it in two sentences, I'm sorry. I had legislation filed to require that the County, when we buy the electronic voting machines that we're required to do under the Federal act, have a paper trail; I was told that we couldn't legislate that locally as a law, that we'd have to do it through this which is a Sense Resolution. It's simply to have a paper trail on the electronic voting, and those of us who are in 15 and 40 vote elections, it's a very emotional issue.

**LEG. ALDEN:**

This is the compromise that you agreed to ••

**LEG. BISHOP:**

Yeah.

**LEG. ALDEN:**

•• on the presentation in Ways and Means, right?

**LEG. BISHOP:**

Yes, yes, it is.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

Okay. Let's do the vetoes.

**LEG. TONNA:**

Motion to override.

**LEG. FOLEY:**

Mr. Chairman?

**P.O. CARACAPPA:**

Hold on.

**LEG. FOLEY:**

Mr. Chairman?

**P.O. CARACAPPA:**

I recognize Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. I've been asked by my caucus for a ten minute recess before we do the overrides.

**LEG. BISHOP:**

Ah, make it twenty.

**LEG. FOLEY:**

I'm honoring the request from my caucus, they've asked for a recess of ten minutes.

**LEG. TONNA:**

No, they had all day, we've had all day.

**LEG. FOLEY:**

I'm just mentioning ••

**LEG. TONNA:**

No Kumbaya, let's just go on.

**P.O. CARACAPPA:**

Ten minute recess.

**LEG. FOLEY:**

Thank you, Mr. Chairman.

**(\* Brief Recess Taken: 6:48 P.M. • 7:05 P.M. \*)**

**P.O. CARACAPPA:**

Okay. Roll call.

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

**LEG. CARACCIOLO:**

Yes.

**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. KENNEDY:**

Present.

**LEG. NOWICK:**

Here.

**LEG. BISHOP:**

Here.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Physically here.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

Abstain.

**LEG. CARPENTER:**

Here.

**P.O. CARACAPPA:**

Here.

**LEG. COOPER:**

I mean here.

**MR. BARTON:**

18, everybody's back.

**P.O. CARACAPPA:**

Thank you. Let's go to the veto overrides and let's try and wrap this up so I can get you home to your families. Okay, which one are we going to do first here?

**LEG. BINDER:**

Buffers; buffers are on the top.

**P.O. CARACAPPA:**

*Budget Amendment 11 which was resolution 1028•04*, amending the 2005 Recommended Operating Budget •• this is the landscape buffer.

**LEG. BINDER:**

Buffers.

**P.O. CARACAPPA:**

There's a motion to override by Legislator Schneiderman.

**LEG. CARACCIOLO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator ••

**LEG. LINDSAY:**

On the issue.

**P.O. CARACAPPA:**

Second by Legislator Caracciolo. Roll call.

**LEG. LINDSAY:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Lindsay.

**LEG. LINDSAY:**

I just want the sponsor of this bill to realize something, I do not object to the project. There's \$1.2 million in pay•as•you•go for '04, you resubmit this resolution using that as an offset and I'll support it.

**LEG. FOLEY:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Ditto on my remarks concerning the same approach.

**P.O. CARACAPPA:**

Do you concur?

**LEG. FOLEY:**

I concur with Legislator Lindsay.

**P.O. CARACAPPA:**

Anyone else concur?

**LEG. CARPENTER:**

I just have a question for Budget Review. On •• in the veto message, and I'm sure you have it in front of you, the reason for vetoing it, you know, besides holding the line on spending this \$50,000 in this two point five or six billion dollar budget that we have, there's the question of no budgetary offset contained in the resolution; Budget Review, could you speak to that? Jim, did we require an offset for this?

**MR. SPERO:**

Well, one of the disturbing things I find in this veto message is the implication that you need an appropriation offset when we adopt the budget to add spending. Three of the resolutions have revenue offsets, and in the •• raising the 2004 estimated sales tax revenues. So the implication that you have to have an appropriation offset is completely incorrect, you don't need to have such an offset. So I don't really, you know, understand the basis for the veto message because it doesn't really speak to the merits of the \$50,000 expenditure.

**LEG. CARPENTER:**

And in the scheme of things, what does \$50,000 translate to if you were to pass this along to our taxpayers; could you pass it along? I mean, would it be pennies, mills, what would it be?

**MR. SPERO:**

Every million dollars is \$1.80 to the average General Fund taxpayer, so \$50,000 •• \$50,000 is 5% of a million dollars, so 5% of \$1.80, so that would be forty•five cents.

**P.O. CARACAPPA:**

No.

**LEG. CARPENTER:**

Nine cents.

**P.O. CARACAPPA:**

Nine cents.

**MR. SPERO:**

Nine cents, excuse me.

**P.O. CARACAPPA:**

It's been a long budget process for Jimmy and he did a great job.

**LEG. CARPENTER:**

So even if we had to recalculate, nine cents would not show up in the taxes.

**MR. SPERO:**

Well, yeah, but these resolutions are tax neutral because they're offset with sales tax.

**LEG. CARPENTER:**

Okay, great. Thank you.

**P.O. CARACAPPA:**

Okay. Motion and a second to override. Roll call.

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

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yes.

**LEG. COOPER:**

No.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

14.

**P.O. CARACAPPA:**

It's overridden.

**Budget Amendment 13, which is 1030•04, body armor, computers.** Motion to override by Legislator Carpenter, second by Legislator O'Leary.

**LEG. O'LEARY:**

On the question.

**P.O. CARACAPPA:**

On the motion, Legislator Lindsay.

**LEG. MYSTAL:**

Roll call.

**LEG. LINDSAY:**

I'd like to express the same feeling here. We have money in pay•as•you•go for '04, why not use it? When we put together as a working group the budget for '05, we walked out of the room, we said that was it, we put a lot more money into the budget, almost \$7 million, I don't think there's a need to add more on to '05 when we have the money in '04.

**LEG. CARPENTER:**

I'd just like to respond to that. I would say that I wouldn't want to tell the person that might have been injured because they didn't have body armor that we could not put this through.

**LEG. LINDSAY:**

No, you can get it earlier, it's in '04; the money's here, you can buy it now.

**LEG. FOLEY:**

Absolutely.

**LEG. FOLEY:**

Mr. Chairman?

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Thank you, Mr. Chairman. I'm going to underscore Legislator Lindsay's point. For anyone who

is going to try to make the argument if someone gets injured early next year because we didn't approve it, the fact of the matter is if you follow what was just mentioned which was put in a resolution, even a later starter tonight, or put it in in December, we can approve it in December, get it done even before the time period that this particular resolution before us has entertained, we'd actually do it sooner this year than waiting until next year. So if people really have that concern, use the monies that are still available within our budget from '04 to appropriate those dollars in order to acquire these items. But for anyone to try to create the scenario that if we don't approve this and someone gets injured earlier next year, to come back and say it's our fault, the fact of the matter is we laid down the roadwork that people can use •

- a road map that people can use in order to acquire those things this year before the end of the year.

Finally, also as a member of the Omnibus working group, it was understood when we left that room what the Omnibus was and there would be no additions made to it. So the fact of the matter is this approach was unnecessary, we had other ways in which to fund this in '04 as opposed to '05.

**P.O. CARACAPPA:**

Thank you, Legislator Foley. Yeah, Omnibus was agreed upon, but stand•alones ••

**LEG. TONNA:**

This is a stand•alone.

**P.O. CARACAPPA:**

I think I'll use a term used by someone in your caucus, they were fair fights and there was no agreement on stand•alones, that was never said. So please don't misrepresent that fact.

**LEG. TONNA:**

This is a stand•alone, this has nothing to do with the Omnibus, it's a stand•alone.

**LEG. FOLEY:**

It has to do with the '05 budget.

**P.O. CARACAPPA:**

Anyone else?

**LEG. CARACCIOLO:**

Yes, yes.

**P.O. CARACAPPA:**

Oh, I'm sorry. Legislator Caracciolo.

**LEG. CARACCIOLO:**

Thank you.

**P.O. CARACAPPA:**

My apologies.

**LEG. CARACCIOLO:**

Jim Spero, it's been just said that if we had a budget amendment in December, the monies could be approved, appropriated and procure the soft body armor before next year. Does the process work that fast? I know what we can do, but I don't believe the County will go out and procure the body armor in a timely fashion to actually spend the money this year. And if we don't do it by the end of the calendar year, we can't carry the funds over, can we?

**LEG. FOLEY:**

Yes, we can.

**MR. SPERO:**

Well, it would be a pay•as•you•go resolution transferring money to the Capital Fund. It wouldn't even be adopted until the second meeting in December which puts it to the end of the year. Officially the County Comptroller cutoff for spending is in October for the current fiscal year.

**LEG. CARACCIOLO:**

All right. So let's put to rest the argument ••

**LEG. FOLEY:**

No, that's •• no, James.

**LEG. CARACCIOLO:**

Whoa, hold on.

**P.O. CARACAPPA:**

Legislator Foley, I'll recognize you immediately.

**LEG. CARACCIOLO:**

Just, you know, to put emphasis on your point about the County Comptroller, just continue with that statement.

**MR. SPERO:**

The County Comptroller requests all vouchers, all requisitions to be in some time in October for the '04 fiscal year. Spending does continue but usually on an emergency basis, but they try to cut it off in October.

**LEG. CARACCIOLO:**

All right. So on an emergency basis, could it be procured by the end of the year?

**MR. SPERO:**

Well, the resolutions couldn't be adopted until December 21st, so it would be a virtual impossibility.

**LEG. CARACCIOLO:**

All right. Mr. Zwirn?

**P.O. CARACAPPA:**

Mike, Legislator Caracciolo, are you requesting that Mr. Zwirn come up?

**LEG. CARACCIOLO:**

Yes, I'm sorry.

**P.O. CARACAPPA:**

Mr. Zwirn, come on up.

**LEG. CARACCIOLO:**

Mr. Zwirn, you were listening to the discussion about this matter, are you willing to pledge the County •• on behalf of the County Executive that if we are not successful in overriding this veto and a resolution is submitted in December, a budget amendment to procure this body armor before the end of the year, that he will cooperate and direct the appropriate people under his jurisdiction to do so?

**MR. ZWIRN:**

Yes.

**LEG. CARACCIOLO:**

Okay.

**MR. ZWIRN:**

The question •• the only question the County Executive had with respect to these resolutions was that he wanted an offset.

**LEG. CARACCIOLO:**

I understand.

**MR. ZWIRN:**

And that was the only reason. It wasn't going to the merits of the argument of these particular matters.

**LEG. CARACCIOLO:**

Okay. It seems to me we just approved Legislator Schneiderman's resolution and it was a stand-alone and there was no universal agreement on stand-alones, so I find the argument somewhat specious. Thank you.

**P.O. CARACAPPA:**

Legislator Foley.

**LEG. FOLEY:**

Yeah, just on the remarks that our esteemed, and I mean that respectfully, BRO Director James

Spero about essentially we couldn't approve anything after October; the fact of the matter is we approved over \$8 million worth of pay•as•you•go today which is after the October deadline. So what's the difference?

**MR. SPERO:**

You approved appropriations.

**LEG. FOLEY:**

Right.

**MR. SPERO:**

That's not the actual spending of the money.

**LEG. FOLEY:**

Well, it's appropriations. If we appropriate a resolution •• if we have an appropriation resolution in December ••

**MR. SPERO:**

You've got to bifurcate the process.

**LEG. FOLEY:**

If we have an appropriation resolution in December and it's pay•as•you•go monies, they can roll over into the following year; is that not correct?

**MR. SPERO:**

If it's capital funding.

**LEG. FOLEY:**

Capital funding, correct. By passing it in December, we can start the process earlier than if we wait until the '05 budget to appropriate body armor in '05; is that not correct?

**MR. SPERO:**

But the expenditure wouldn't actually occur until '05.

**LEG. FOLEY:**

That's all right, but we're starting the process earlier by doing it at the end of '04 than early '05; correct?

**MR. SPERO:**

By ten days, yeah.

**LEG. FOLEY:**

Okay.

**MR. SPERO:**

Assuming the County Executive signs the bill.

**LEG. FOLEY:**

Yeah, of course, he said that he would. But the fact of the matter is we would actually do it sooner by appropriating pay•as•you•go in '04 than the approaches taken in this amendment.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

No, that was it.

**P.O. CARACAPPA:**

You're good? Legislator Carpenter.

**LEG. CARPENTER:**

I just think that it probably is the more prudent thing to do to have this in '05. And I just wanted to state for the record that we're not just talking about soft body armor for the Probation Department, but also for mobile data terminals for the new vehicles for the Sheriff's Department, and we approved the vehicles but we need to have the mobile data terminals in them. So this goes hand in hand with what we've already approved.

**P.O. CARACAPPA:**

Roll call.

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

**LEG. CARPENTER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Yep.

**LEG. COOPER:**

Abstain.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

14.

**P.O. CARACAPPA:**

It's overridden.

***Veto override on Budget Amendment 17 which is Resolution 1032, Southside Health Center.***

**LEG. ALDEN:**

Motion.

**P.O. CARACAPPA:**

Motion to override by Legislator Alden.

**LEG. MONTANO:**

Second.

**P.O. CARACAPPA:**

Second by Legislator Montano. Roll call.

**LEG. TONNA:**

Which one is this?

**P.O. CARACAPPA:**

Southside.

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

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

Yes.

**LEG. MYSTAL:**

Yes.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Abstain.

**LEG. BISHOP:**

Actually, I'm a no.

**LEG. TONNA:**

I'm a yes.

**MR. BARTON:**

Legislator Tonna?

**LEG. TONNA:**

Yes; I'm just trying to smoke him out.

**LEG. COOPER:**

No.

**LEG. CARPENTER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

14.

**P.O. CARACAPPA:**

It's overridden.

***Budget Amendment 18***, motion to override, ***which is Resolution 1033, extra police.***

Motion to override by Legislator Carpenter, second by Legislator O'Leary. Roll call.

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

**LEG. CARPENTER:**

Yes.

**LEG. O'LEARY:**

Yes.

**LEG. CARACCIOLO:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA • FISHER:**

No.

**LEG. LOSQUADRO:**

Yes.

**LEG. FOLEY:**

No.

**LEG. LINDSAY:**

No.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. BISHOP:**

No.

**LEG. MYSTAL:**

No.

**LEG. BINDER:**

Yes.

**LEG. TONNA:**

Absolutely.

**LEG. COOPER:**

Yes.

**P.O. CARACAPPA:**

Yes.

**MR. BARTON:**

12.

**P.O. CARACAPPA:**

It's overridden.

Going on to the CN's, there are two of them; let's take ***2086 first (To restore the Tax Stabilization Reserve Fund to Charter compliance)***. Motion by myself, second by Legislator Bishop. All in favor?

**LEG. ALDEN:**

On the motion.

**P.O. CARACAPPA:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Can you just give me a brief explanation of what this does?

**P.O. CARACAPPA:**

Budget Review, could you give an explanation of the •• this Haley law and what we're accomplishing here?

**MR. SPERO:**

The Haley Law required that 50% of excess sales tax revenue that came in above what was

adopted be sent to Tax Stabilization Reserve. That requirement was in conflict with the County Charter which required a minimum of 25% of the fund balance, discretionary fund balance be sent to Tax Stabilization Reserve, so it's an overlapping requirement between the two laws. This would eliminate the requirement of the 50% excess sales tax revenue going to ••

**P.O. CARACAPPA:**

Legislator Alden.

**MR. SPERO:**

•• Tax Stabilization Reserve.

**LEG. ALDEN:**

Just going back to •• this conflicted, so the Haley law conflicted with the County Charter?

**MR. SPERO:**

Yes, because the fund balance is made up of the excess sales tax revenue. So you had •• you've got overlapping requirements and 25% of the discretionary fund ••

**LEG. ALDEN:**

Yeah, but there's no requirement •• there's no requirement that there be a fund balance.

**MR. SPERO:**

Yeah, but it happens. I mean, the point is to reserve part of the fund balance and not give it all back as tax relief.

**LEG. ALDEN:**

So how much of the fund balance now is going to be reduced by •• how much is going to go into tax stabilization; only 25%?

**MR. SPERO:**

Twenty•five percent of the discretionary fund balance.

**LEG. ALDEN:**

So doesn't that conflict with the fund balance?

**MR. SPERO:**

No. It's a requirement that you reserve part of your fund balance for future tax relief.

**P.O. CARACAPPA:**

Keep in mind, it's 25% above and beyond what we budgeted.

**LEG. ALDEN:**

So what, in essence, this does is •• except for •• all right, and I'm not sure I buy the argument, though, you know, that there's a conflict that has to be resolved here by this. But what this does is give us more money to spend each year, right, instead of putting it away into a reserve account.

**MR. SPERO:**

Well, we might require you to put more money into the reserve account. In other words, the fund balance is composed of many items on both the revenue side and the expenditure side of the budget. So the requirement that you have to put aside 50% of the excess sales tax revenue, just because that excess may exist doesn't necessarily translate into existing in the fund balance because you could have expenditure increases using up some of that money. So, it may require you to reserve more money than you would under just the 25% requirement.

**LEG. ALDEN:**

Expenditure increases; what do you mean by ••

**MR. SPERO:**

Well, let's say you had increases on anticipated costs, Medicaid costs or something like that; that would erode your fund balance. So you could have excess sales tax revenue but it won't reflect in the fund balance because you had higher expenses.

**LEG. ALDEN:**

So if Haley had done this, he should have done this as a Charter amendment; is that basically what you're saying?

**MR. SPERO:**

He could have increased the requirement above the 25%.

**LEG. ALDEN:**

If he did it as a Charter amendment.

**MR. SPERO:**

Right, that's right; he did it as just a straight resolution.

**LEG. ALDEN:**

So there's a Local Law, is that what this was?

**MR. SPERO:**

Right, the 25% requirement is in the Charter.

**P.O. CARACAPPA:**

Legislator Alden has the floor.

**LEG. FOLEY:**

Come on.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**LEG. CARACCIOLO:**

Counsel, just for purposes of clarification.

**P.O. CARACAPPA:**

Yes.

**LEG. CARACCIOLO:**

The question is for counsel, maybe Budget Review as well. The Charter mandates that there be a 25% set•aside for tax stabilization.

**MS. KNAPP:**

Well, actually what it mandates is that 75% of the funds be returned to the taxpayers is the way it's drafted.

**LEG. CARACCIOLO:**

All right, what does that imply?

**MS. KNAPP:**

Well, I think it was intended so that if you did have surpluses that those surpluses would be returned as tax relief. You know, I guess there wasn't a contemplation at that point in time that, you know, you needed to build your reserves.

**LEG. CARACCIOLO:**

Okay. When was that Charter Law passed?

**MS. KNAPP:**

You know, I see it referred to in Local Law 16 of 1998. However, before I'd be able to sure of that because it proceeds section C, I would like to be able to really go back ••

**LEG. CARACCIOLO:**

I think '98 is the Haley law.

**LEG. ALDEN:**

No, just before he left.

**LEG. FOLEY:**

2001.

**MS. KNAPP:**

Again, you know, these budget sections started back in 1972.

**LEG. CARACCIOLO:**

Right.

**MS. KNAPP:**

They were amended in '83, again in '86 and beyond that, so for me to ••

**LEG. CARACCILOLO:**

The goal then, as I would hope now, is that we have sufficient tax stabilization funds to use when we find ourselves being continually bombarded by unfunded State mandates to utilize these funds without automatically increasing property taxes; correct?

**MS. KNAPP:**

Yeah.

**LEG. CARACCILOLO:**

Jim, what is the current Tax Stabilization Fund balance?

**MR. SPERO:**

Projected for the end of 2005, is about 109 million, I think.

**LEG. CARACCILOLO:**

Okay. Under existing law, Counsel, how can that 109 million` be utilized to offset property tax increases? Are there any limitations on how that money can be used?

**MR. SPERO:**

Yes, you have to have a 2 1/2% increase in the General Fund Property Tax Levy.

**LEG. CARACCILOLO:**

Okay. But ••

**MR. SPERO:**

With the State law.

**P.O. CARACAPPA:**

With or without the fund balance, that's the question, right?

**MR. SPERO:**

No, with the fund balance.

**P.O. CARACAPPA:**

With the fund balance.

**MR. SPERO:**

Our inter •• Budget Review's interpretation is with fund balance.

**LEG. CARACCIOLO:**

All right. So from a ••

**MR. SPERO:**

It has to be an actual tax increase.

**LEG. CARACCIOLO:**

Right. So from a practical standpoint, let's say a year •and•a•half from now or a year from now, we're adopting a budget for '06 and the County Exec could propose a budget that includes at least a 2 1/2% property tax increase and we know he can go up to 4%, right?

**MR. SPERO:**

Under the cap.

**LEG. CARACCIOLO:**

Right. And then there is a need to tap the Tax Stabilization Reserve or fund. To what extent can he propose using that \$109 million?

**MR. SPERO:**

Once you reach the 2 1/2% threshold you can use all of it.

**LEG. CARACCIOLO:**

He could propose using all of it, okay. So it seems to me that this amendment is going to eliminate the need, or reduce I should say, the ability to increase the Tax Stabilization Fund and actually in the future have the potential of requiring a vote, a 14 vote budget vote, because the County Executive may be forced, if there is no mandate relief from Albany, to propose a budget that just simply •• if we get hit similar to the way we were hit this year with the retirement situation, which was I think \$62 million, you know right there it was 62 million, now you have the increase in Medicaid which this year I think went up by 40 million; I mean, right there you could eat right through the Tax Stabilization Fund next year. And then just look at the ordinary

increase in the cost to continue budgets because you have salary increases coming down the pike and so forth. I would think we'd want to make sure that we have more than 25% going to Tax Stabilization Reserve, and I think the 50% threshold which Haley's amendment accomplished makes more sense. That's my position.

**P.O. CARACAPPA:**

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

**LEG. CARACCIOLO:**

Opposed.

**P.O. CARACAPPA:**

Opposed.

**LEG. ALDEN:**

Opposed.

**P.O. CARACAPPA:**

Two oppositions, Legislator Caracciolo and Legislator Alden.

**MR. BARTON:**

16•2.

**P.O. CARACAPPA:**

The CN is approved.

The next CN, where is it? I lost it. This is ***2163 (Amending the Suffolk County Classification and Salary Plan in connection with airport security guards)***.

**LEG. BISHOP:**

I think it's all right but you'll hear the explanation.

**P.O. CARACAPPA:**

Well, just so my colleagues know, my name is on this and this was part of an agreement we had doing Omnibus. I was willing to do the CN, but what I had described was just for the

airport security guards, it seems that much more had been lumped into it. So I'll listen to an explanation from Mr. Knappe, but I just wanted to make it clear where I am so that there's no misunderstanding.

**MR. KNAPPE:**

Good evening. IR 2163 is a compliment resolution to the budget process. These titles were all included and funded in the County Executive's 2005 recommended budget. The Civil Service •• Suffolk County Classification and Salary Plan was not amended to create these titles. So in 2005, the adopted budget contains these titles, there is a hundred •• they are funded for 2005. However, the Salary and Classification Plan needs to be amended for those positions to go forward in 2005.

**P.O. CARACAPPA:**

Okay. We discussed in Omnibus the agreement on the new Workforce Housing, Economic Development Department which we approved today unanimously, and we prepared for that. But there wasn't •• there was an agreement on doing the reclasses on the Energy Department just yet, we were going to pass the Charter change first before we did reclasses and that was going to be worked out over the remainder of this year, not via CN; I think that was the agreement we had in place.

**MR. KNAPPE:**

If I could speak on that.

**P.O. CARACAPPA:**

Please.

**MR. KNAPPE:**

Okay. This resolution would not change that dialogue. This resolution would not change that dialogue. We have a 2005 adopted budget that has created a separate accounting structure I'll say, because we didn't create the department yet, but a separate accounting structure for a Department of Energy & Environment. If that Charter Law is not passed, the 2005 adopted budget would need to be amended to bring everything back to the Division of Real Estate and the other areas that those positions were attached to this new department; this resolutions does not change that dialogue. This resolution just amends the Salary and Classification Plan. It would still have to wait for the Charter Law to be adopted and for 2005 to kick in before any

of those positions can be filled.

**P.O. CARACAPPA:**

Legislator Bishop.

**LEG. BISHOP:**

I just wanted to say that your concern is that you're signing on to a Department of Energy & Environment and you're not. And they will •• they cannot fill the positions until you pass •• until the Legislature passes that law as a department, so that's •• it's just •• it just conforms the salary and budget plan to the document that we already agreed to which was the Omnibus budget, it's not anything underhanded.

**P.O. CARACAPPA:**

That I understand. It's just when you start talking about being able to reclass before we do a Charter change and getting the Civil Service ••

**LEG. BISHOP:**

There's no ••

**P.O. CARACAPPA:**

Getting the Civil Service approvals basically from this Legislature and then it still has to go through the State and our local Civil Service, right, after we do the charter? It just seems like we're putting the cart before the horse.

**MR. KNAPPE:**

The one point I would like to mention is that we're not doing any reclassification of positions or individuals or employees in this resolution. All this resolution is doing is creating a new title in the Salary and Classification Plan, there's no reclassing being done at this point for this •• in the Department of Civil Service for the other departments that would be going forward.

**P.O. CARACAPPA:**

I would ask Legislator Bishop, seeing that I worked closely with you in the group, we still have another meeting for •• in December and this has to be done by the end of the year for next

year, I think we can work this out between now and then, and probably pretty easy, right now I just •• it's not jiving with me and I hope it will soon, but you have my commitment that we'll have this worked out by next month.

**LEG. BISHOP:**

What committee?

**P.O. CARACAPPA:**

What committee do you want it to go to?

**LEG. BISHOP:**

Not Rules.

**P.O. CARACAPPA:**

No, this would go to Ways & Means, and we'll work it out. And, you know, we could always bring it over via CN in the December meeting as well.

**MR. KNAPPE:**

If I could just speak ••

**LEG. TONNA:**

The question I have is why a CN?

**LEG. ALDEN:**

Yeah, it doesn't qualify for a CN.

**LEG. TONNA:**

Just ••

**P.O. CARACAPPA:**

Anything qualifies for a CN.

**LEG. TONNA:**

No, no, no.

**LEG. ALDEN:**

It's got to be an emergency.

**LEG. TONNA:**

Put me on the list.

**MR. KNAPPE:**

If I could ••

**LEG. BISHOP:**

This is a CN because it was agreed to in the Omnibus:

**LEG. TONNA:**

Wait, wait, wait, wait, just put me on the list.

**P.O. CARACAPPA:**

I will.

**LEG. TONNA:**

I'm sorry I interrupted.

**MR. KNAPPE:**

In addition to that; in addition, to that, Legislators. On the Certificate of Necessity cover sheet, the Chief Deputy County Executive does mention the need for the necessity on it and that we feel that the Classification & Salary Plan should be enforced before the tax levy is adopted, as he mentions in there.

**P.O. CARACAPPA:**

And that's a valid argument to a certain degree. Legislator Alden. Today.

**LEG. ALDEN:**

Actually, I'm under the impression it doesn't qualify for a CN and here's why. Number one, you can't fill these positions. Number two, as stated in here, there was a miscommunication from the Legislative Office of Budget Review? I'm not so sure that that's the fact.

**LEG. CARPENTER:**

Yeah, that's what's on the sheet.

**LEG. ALDEN:**

Was there •• Jim, was there a •• was there a miscommunication or a lack of communication on your part?

**MR. SPERO:**

Not •• I didn't believe there was a miscommunication.

**LEG. ALDEN:**

Oh, so ••

**MR. SPERO:**

I believe we followed the instructions what the Legislature did ••

**LEG. ALDEN:**

There's a problem with the CN right there. But number two, and you admitted just a minute ago you can't fill these positions, so I don't see where this couldn't go through a normal committee cycle or just through the normal process, I don't see an immediacy to have it done tonight.

**LEG. TONNA:**

Well, in •• can I?

**P.O. CARACAPPA:**

Legislator Tonna, then Montano.

**LEG. TONNA:**

Yeah, maybe we'd ask our Legal Counsel.

**LEG. MYSTAL:**

Thank you.

**LEG. TONNA:**

Can we just ask, is this •• I mean, does this have to be done now?

Do we have •• legally can't we get this done as our Presiding Officer has said?

**MS. KNAPP:**

I don't think that what Mr. Knappe said was that, you know, it's absolutely pressing, I think that what he said was that it would be better if these positions were in the Salary & Classification Plan before.

**LEG. TONNA:**

Right, so it's not necessary, it's something we'd like to see. So, you know, let's not have it as a Certificate of Necessity. And although the miscommunication says between the Department of Civil Service and the Office of Legislative Budget Review, it doesn't cast a blame on which one. You know, I'd like •• I think we need some time to work this out.

**P.O. CARACAPPA:**

Okay. Just a question.

**LEG. TONNA:**

It seems logical.

**LEG. CARPENTER:**

Let's lay it on the table.

**P.O. CARACAPPA:**

Just a question to Jim.

**LEG. TONNA:**

No, I just •• I don't think ••

**P.O. CARACAPPA:**

Can we do the levy before we do this?

**LEG. TONNA:**

Let's not make an emergency when we don't need one.

**MR. SPERO:**

Yeah, this has nothing to do with taxes. This resolution is amending •• well, it does two things, it amends the Classification & Salary Plan and it amends the Omnibus resolution to create the airport security guard positions.

**P.O. CARACAPPA:**

Now, you know, in years where we've suspended pay•as•you•go policies and that should have been reflected in the levy, we've done that after we've done our levy when we did the subsequent change via a Local Law, so the argument doesn't hold water in that regard, in my view. I think we can work this out, I just need a week or two.

**LEG. BISHOP:**

I just want to make sure that •• I'm confident we can work it out also, I just want to make sure that we're not technically screwing ourselves.

**P.O. CARACAPPA:**

No, we've got plenty of time to make this work before the end of the year.

**LEG. TONNA:**

Yeah and we also have plenty of time to screw ourselves.

**LEG. BISHOP:**

I know you make time for that.

**P.O. CARACAPPA:**

Okay. The Procedural Motion I guess I would defer to •• oh, Legislator Lindsay, go right ahead. Oh, I'm sorry, Legislator Montano was next.

**LEG. MONTANO:**

That's all right, I'll pass.

**P.O. CARACAPPA:**

Legislator Lindsay.

**LEG. LINDSAY:**

Just a suggestion. Instead of referring this back to committee, can we just table it and address it at the next meeting, give you some time to work it out?

**P.O. CARACAPPA:**

Well, they can withdraw the CN and then bring another one back at the next meeting.

**LEG. TONNA:**

Let's get it ten votes so it goes to committee.

**P.O. CARACAPPA:**

Or we can just send it to committee.

**LEG. LINDSAY:**

You can't table it.

**P.O. CARACAPPA:**

You can't table a CN, you have to commit ••

**LEG. CARPENTER:**

Just lay it on the table and assign it to committee.

**LEG. TONNA:**

If there's ten votes it goes to committee, why don't we just get that done.

**P.O. CARACAPPA:**

Right.

**LEG. TONNA:**

The first ten people who say yes, the next eight say ••

**P.O. CARACAPPA:**

No, we could bypass all the, you know, vote counting and I could just make a motion to commit to •• just to commit to the Ways and Means Committee.

**LEG. TONNA:**

Second.

**LEG. CARPENTER:**

Done.

**P.O. CARACAPPA:**

Second by Legislator Tonna?

**LEG. TONNA:**

Yep. Second.

**P.O. CARACAPPA:**

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

And you have my word that we will try and work this out expeditiously.

Tax levy. There's a folder in front of you with a list of resolutions. This isn't the warrant, this is the levy.

**MR. BARTON:**

The first resolution is 2148, it's ••

**LEG. TONNA:**

Can I make a suggestion? Just when you talk about warrant and levy;

Jim, could you just explain the difference between warrant and levy?

I mean, I know that there are •• you know, we have a new Legislator here, we have 17 other Legislators and •• you know, does anybody want to try to pass that test, what's the difference between a warrant and a levy? All right, that's my point, exactly. All right? So why don't we just say the difference between a warrant and a levy.

**MR. SPERO:**

In every other jurisdiction I would guess in New York State there is no difference, but here in Suffolk County, because of our cap laws, we make a distinction between the two things, the levy and the warrant. The levy is the amount needed to fund County operating in the fiscal year prior to applying the fund balance.

**LEG. TONNA:**

Say it again, Jim; we got interrupted by you know who.

**P.O. CARACAPPA:**

Please, this is the last thing we have to do, so focus.

**MR. SPERO:**

Okay.

**LEG. TONNA:**

Please say it again.

**MR. SPERO:**

The levy is the amount needed to fund the County operations in the fiscal year prior to applying fund balances. When the fund balances are applied, it could raise or reduce the taxes ••

**LEG. TONNA:**

Right.

**MR. SPERO:**

•• and that's called the warrant, that's the amount of money that's actually collected from the taxpayers.

**LEG. TONNA:**

Right.

**MR. SPERO:**

Now, because of the cap laws we make these artificial distinctions because we calculate the caps based on the stand-alone levy before applying the prior year fund balances.

**LEG. TONNA:**

Right.

**P.O. CARACAPPA:**

Okay.

**LEG. TONNA:**

I would have failed that test.

**MR. SPERO:**

Does that make sense?

**LEG. TONNA:**

I would have failed that test.

**P.O. CARACAPPA:**

The levy is what we need, the warrant is what we tax, essentially, in layman's terms.

**LEG. TONNA:**

Well, that's •• you get 50% on that one.

**P.O. CARACAPPA:**

Thanks; better than most grades I got in school.

Okay. Mr. Clerk, 2148.

**MR. BARTON:**

Yes, the first one is ***2148 (Extending the time for the annexation of the warrant to the tax rolls)***. It extends the time to December 10th ••

**P.O. CARACAPPA:**

Ladies and Gentlemen?

**MR. BARTON:**

•• ***for the time period on the warrant***, we do this every year.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

2149.

**MR. BARTON:**

***2149 (To relevy certain unpaid taxes not included in tax lien sale)***. There are some errors that were made in the tax lien sale and in publication, the Treasurer's Office notified us of those, this puts them back in so that they could be collected.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

The next one should read ***2150*** not 2050 (***Levying unpaid County sewer rents and charges in Suffolk County Sewer District No. 3 • Southwest in the Towns of Babylon,***

***Huntington and Islip).***

**MR. BARTON:**

Correct. This is the Southwest Sewer District, these are the unpaid charges from prior •• this year and prior years, it puts them backup on the tax bill for the new year.

**LEG. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator Carpenter, second by Legislator Bishop.

All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2151 (Levying unpaid County sewer rents & charges in the Town of Islip; Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 22 (Hauppauge Municipal).***

**MR. BARTON:**

2151 is the same thing, it's the prior unpaid sewer charges for the Town of Islip, the districts in Islip.

**P.O. CARACAPPA:**

Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstain?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**2152 (Levying unpaid County sewer rents & charges in the Town of Brookhaven; Suffolk County Sewer District No. 1 (Port Jefferson), Suffolk County Sewer District No. 7 (Medford), Suffolk County Sewer District No. 10 (Stony Brook ), Suffolk County Sewer District No. 11 (Selden), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 19 (Haven Hills), Suffolk County Sewer District No. 20 (William Floyd), Suffolk County Sewer District No. 23 (Coventry Manor).** Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**2153 (Levying unpaid County sewer rents & charges in the Town of Smithtown; Suffolk County Sewer District No. 6 (Kings Park), Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial), Suffolk County Sewer District No. 22 (Hauppauge Municipal), Suffolk County Sewer District No. 28 (Fairfield @ St. James).** Motion by Legislator Nowick, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

**2154 (Levying of Property Tax Assessments for County Sewer Districts: Towns of Brookhaven, Huntington, Smithtown for County Budget for year 2005).** Mr. Clerk?

**MR. BARTON:**

These are the new charges for Brookhaven, Huntington and Smithtown.

**P.O. CARACAPPA:**

Motion by myself, second by ••

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

•• Legislator Tonna. All in favor? Opposed? Abstentions?

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2155 (Levying of Property Tax Assessments for the Southwest Sewer District No. 3: Affirming, confirming and adopting the assessment roll for SCSD No. 3 and levying of property tax assessments within the Towns of Babylon, Huntington and Islip for County Budget for year 2005).***

**MR. BARTON:**

Southwest, new charges.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2156 (Approving equalized real property valuations for the towns in order to distribute the 2005 Mandated and discretionary General Fund, Police Fund, Community College Fund & District Court Fund).***

**MR. BARTON:**

These are the equalization rates that we assist the jurisdictions that overlap between the towns. This year Southampton goes to 100% as Shelter Island did last year. They are the most up-to-date rates that are consistent across the County. We had no problems this year.

**LEG. CARPENTER:**

Motion.

**P.O. CARACAPPA:**

Motion by Legislator ••

**LEG. TONNA:**

Second.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

What was that, 2156?

**MR. BARTON:**

Correct.

**P.O. CARACAPPA:**

***2157 (Levying the return of the mandated fund balance for Year 2003 Actual and Year 2004 Estimated for the General Fund and Police District Fund to the taxpayers of the towns of Suffolk County).***

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

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

**LEG. CARACCIOLO:**

Explanation.

**P.O. CARACAPPA:**

Oh, okay.

**MR. BARTON:**

This is the return of the Fund Balance on the mandated portion from 2003 and the estimated for 2004. It's the accounting that Jim was referring to earlier so that we can show the return. The actual warrant when we set it on December 7th will reflect a blend of the two numbers, but this is the statement on the mandated.

**LEG. CARACCIOLO:**

So the numbers that are reflected in the resolution for each town represent exactly what?

**MR. BARTON:**

It's the apportionment back to the taxpayer, the unused •• the fund balance that has accumulated.

**LEG. CARACCIOLO:**

And what was the fund balance for '04?

**MR. BARTON:**

I'm going to refer to BRO, I just have the titles.

**MR. SPERO:**

The mandated fund balance being returned here is \$79.7 million.

**P.O. CARACAPPA:**

Legislator Alden?

**LEG. ALDEN:**

Mike, you all done?

**LEG. CARACCIOLO:**

Yes.

**P.O. CARACAPPA:**

Legislator Caracciolo, are you done?

**LEG. CARACCIOLO:**

Yes, yes.

**LEG. ALDEN:**

Jim, they're representative as negative numbers because it reduces ••

**MR. SPERO:**

That's correct.

**LEG. ALDEN:**

Okay, thanks.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

2158 (*Levying the return of the discretionary fund balance for Year 2003 Actual and Year 2004 Estimated for the General Fund and Police District Fund to the taxpayers of the towns of Suffolk County*).

Same thing but discretionary; what was that number?

**MR. BARTON:**

Correct.

**P.O. CARACAPPA:**

What was the number this year, 51?

**MR. BARTON:**

Correct.

**LEG. FOLEY:**

Motion.

**P.O. CARACAPPA:**

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

**MR. BARTON:**

18.

**P.O. CARACAPPA:**

***2159 (Levying the 2005 County Budget (MANDATED Portion) to the towns and charging the erroneous assessment charges to the towns.*** Motion by myself.

**MR. BARTON:**

Yes, this is the mandated portion of the County budget. This is the sum of the activity this month on the proposed budget as adopted.

**P.O. CARACAPPA:**

Seconded by Legislator Binder. All in favor? Opposed? Abstentions?

**LEG. CARACCIOLO:**

Opposed.

**P.O. CARACAPPA:**

Opposition?

**LEG. CARACCIOLO:**

Yes.

**P.O. CARACAPPA:**

Legislator Caracciolo.

**MR. BARTON:**

17•1.

**P.O. POSTAL:**

***2160 (Levyng the 2005 County Budget (DISCRETIONARY Portion) to the towns.***

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

**LEG. CARACCIOLO:**

Opposed.

**P.O. CARACAPPA:**

Opposed, Legislator Caracciolo.

**MR. BARTON:**

17•1.

**P.O. CARACAPPA:**

Okay.

Just make a motion to waive the rules and lay on the table the following late starters, and second by Legislator Carpenter: 2161 to Health & Human Services; 2162 to Ways & Means; 2164 to EPA; 2165 to Budget & Finance; 2166 to Budget & Finance; 2167 to Budget & Finance; 2168 to Budget & Finance; 2169 to EPA; 2170 to Ways & Means; 2171 to Ways & Means; those are laid on the table. All in favor? Opposed? Abstentions? Those are done.

Okay. Is there any other business to come before this Legislature? Before I do adjourn, I'd like to wish everybody a very happy Thanksgiving to you and your families and a job well done today.

We're adjourned.

***(\*The meeting was adjourned at 7:44 P.M.\*)***

\\_ \\_ **Indicates Spelled Phonetically**