

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
THIRTEENTH DAY
AUGUST 23, 2005**

**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 4:00 P.M.]

P.O. CARACAPPA:

Good evening, Mr. Clerk.

MR. BARTON:

Good evening, Mr. Chairman.

P.O. CARACAPPA:

Please, call the roll.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

17 members present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

Mr. Clerk, everyone, please rise for a salute to the flag, led by Legislator Tonna.

(SALUTATION)

Please, remain standing. Sir, if you could just distribute those to the Clerk and they'll hand them out. Thank you.

I'd like to recognize Legislator Foley for the introduction of today's Clergy. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Presiding Officer. It's my distinct honor and pleasure to introduce today for our invocation Rabbi Joel Levinson from Temple Beth El in Patchogue. That particular temple has been one of the oldest temples on Long Island, well over 100 years of spiritual guidance to their congregation in the greater Patchogue area. And Rabbi Levinson has been doing a wonderful job in that particular temple, and has worked in an ecumenical way with the local churches in

Patchogue Village to serve those who are most needy, particularly those who are hungry and those who are in need of clothing as well. So, Rabbi Levinson.

RABBI LEVINSON:

God of all creation, make us conscious of our responsibility as leaders of our community by the examples set and the policies adopted this day. May the work of this Legislature serve to benefit all members of our community. Grant us the wisdom to build upon past achievements, the humility to learn from past mistakes, and the courage to hear and consider new ideas. May we listen to each other with respect, and judge each other with charity, for each of us has been created in your image. Guide us with your wise counsel this and every day, and let us say Amen.

[Amen Said in Unison]

P.O. CARACAPPA:

Thank you, Legislator Foley. Everyone could be seated. Thank you. I recognize Legislator Nowick for the purpose of a proclamation. Actually, Legislator Nowick's going to do •• do this proclamation on behalf of the entire Legislature.

LEG. NOWICK:

Good afternoon, everybody. Before I start, I would like to call up some wonderful young people that we have here today, because today we're honoring the youth of our community. So I'd like to bring up the following: Gregory _Rosasio__. Could you come on up, Gregory? Gregory's in kindergarten. Why don't you stand over here near me. And his project is "Do Ants Like Sweet or Sour Food?" And, by the way, this is the 2005 BNL Elementary School Science Fair. Hi, Gregory.

MR. ROSASCIO:

Hi.

LEG. NOWICK:

I'd like to bring up Benjamin Schorn. He's in first grade, and his project was "The Deadly Pits of Death Ant Lions". Hello there, young man.

MR. _SHORM_:

Hi.

LEG. NOWICK:

Quillian Martin, second grade. His project is "Which Are Strongest, White Eggs or Brown?"

Matthew McKeon, third grade. "What Color Light Travels Farthest Through Fog?" Matthew?

AUDIENCE MEMBER:

He hasn't arrived yet.

LEG. NOWICK:

He hasn't arrived yet. Okay. Patrick Vita, fourth grade. "The Go Behind the Yo". Would you like to come up? Patrick?

AUDIENCE MEMBER:

He's not here yet.

LEG. NOWICK:

Alex Adams, fifth grade. "Bacterial Growth on Sponges and the Best Way to Clean Them".

Alex, come on, stand behind me. Michael Skinner, sixth grade, "What's Taking So Long?" Well, we're going to ask that of the other two. Come on over here, sweetie. And who is this?

MICHAEL:

Michael.

LEG. NOWICK:

Michael, come on over here. You come around me. Okay. Also with us today are Marge Lynch, Assistant Laboratory Director for Community Relations, Education, Government and Public Affairs from BNL, Kenneth White, Brookhaven National Labs, Manager of Brookhaven National Laboratory's Office of Educational Programs. Come on up. Gail Donoghue, Supervisor, BNL Science Museum. Susan Sears, staff member, BNL Science Fair. Mel Morris, BNL Educational Program Administrator and past Science Fair Coordinator. Kathy Nasta, BNL Science Educator, 2005 Science Fair Coordinator. Frank Crecenzo, Department of Energy Site Deputy Manager. And we have everybody with us.

On behalf of my colleagues in the Suffolk County Legislature, I would like to be •• to recognize the dedication of Brookhaven National Laboratory's Office of Educational Programs for its sponsorship of the Elementary School Science Fair for the last 20 years. Over these two decades, more than 14,000 children from kindergarten to sixth grade have participated. The students selected as winners at their grade level come from public, private and home schools. The all•day Science Fair educates new generations of scientists, engineers, technicians and teachers. In addition, the event encourages and promotes science literacy, supports and celebrates diversity, and maintains the Lab as a local, regional, national and international educational asset.

It is with a great deal of enthusiasm that the Suffolk County Legislature honors Brookhaven National Laboratories Office of Educational Programs for enriching the academic achievement of Suffolk County students.

And all of these young people have done their projects. And who wants to guess? Which are the strongest, though, I want to know, white eggs or brown? I have to know the answer. Who has the answer.

MR. MARTIN:

White.

LEG. NOWICK:

White, okay. Do ants like sweet or sour food; who has the answer?

AUDIENCE MEMBER:

Sweet.

LEG. NOWICK:

Sweet, somebody said in the audience. Oh, we have somebody else. Who is this?

AUDIENCE MEMBER:

Patrick.

LEG. NOWICK:

Patrick. "The Go Behind the Yo". Patrick, what yo?

MR. VITA:

Like a yo•yo.

LEG. NOWICK:

Oh, wonderful. We have great projects here, and I'd like to ask the Legislators who have sponsored these young people to come up with their proclamations. Seven we'll take a photo, if you'd like, and we'll go out in the hallway also. We have proclamations from your individual Legislators, and you can hang those on your wall, and we have a proclamation from the Legislature in general. So we thank you all very, very much for being such bright students.

(Applause)

Look at the camera, everybody. If the families and the principals would like to come and join us with photos, that would be great. I'm sure the young men would enjoy that.

P.O. CARACAPPA:

Okay. We're going to have those proclamations handed out in the lobby. If everyone can congregate out there, it would be appreciated.

Okay. Again, good evening everyone and welcome to the Suffolk County Legislature. We have quite a busy •• a busy night ahead of us, so I'd ask everyone to try and stay focused and move this along. We are going to go to public portion. Right now each speaker has three minutes. This time is your time. When you here this sound I'll ask you to sum up your comments after the three minutes is done, because we have quite a bit of cards to get through. So, with that being said, the first speaker is Jim Morgo. Mr. Morgo? Once, twice. All right. We'll get back to him. Kevin MacLeod.

MR. MacLEOD:

Good evening, Ladies and Gentlemen. My name is Kevin MacLeod of KPS Contracting. I'm a solar electric contractor and a renewable energy activist. I guess everybody can hear me, right? This evening I want to talk about the proposed resolution to exempt sales taxes for solar energy devices. Some of you may have seen me before in committee meetings and some of you may know me personally from visiting your office.

For those who don't know me, I'm one of those individuals that asked to have introduced and lobbied for the state renewable energy sales tax exemption bill. I spent almost a year of my time trying to get this legislation passed. I must say this, both bills passed the Senate and Assembly unanimously, signed by the Governor on August the first.

Ladies and Gentlemen, that means that not one Democrat or one Republican voted against this bill. And why? That's because it was for the environment. It was for the people of New York State and it was for the people here of Suffolk County.

Well, now we have before us this same legislation which will exempt Suffolk County's part of the sales tax up for vote tonight. As we all know, gas prices are approaching \$2.70 a gallon. That means higher oil prices, higher natural gas prices, and, of course, higher electric bills this winter. This resolution, in conjunction with the State law, allows Suffolk County homeowners who choose to take advantage of the LIPA Clean Energy Rebate Program to lower their purchase costs for solar electric generating systems by as much as \$5,000 for a full size system. That means more systems installed, less burden on our power grid, and most importantly, more jobs for Suffolk County contractors.

Now, you have been told by the federal government that we need to reduce our dependence on fossil fuels by a mere 1% by 2010. Well, in case we haven't noticed, we're in an energy crisis right now. We need to address this problem now, not ten years from now when it's too late.

We've been told that Suffolk County will be one of the first counties in the state to pass this ledge •• type of legislation. Well, today I'm asking you to pass this proposed legislation and send a message to the federal government, we need to do something now. We want lower energy costs, and we want to reduce our dependence on fossil fuels and take New York State and the fine people here of Suffolk County want and will take the lead in reducing our dependence on fossil fuels, helping our environment now for us, our future generations that will inherit our earth.

P.O. CARACAPPA:

Thank you, sir.

MR. MacLEOD:

Let us join together tonight and pass this resolution. Thank you.

P.O. CARACAPPA:

Thank you for your testimony. Jim Morgo.

LEG. TONNA:

Hi, Jim. Using the benefit yet?

MR. MORGO:

It's coming in. Good afternoon, everyone. I'm here to speak to you in compliance with legislation introduced by Legislator Carpenter and passed by the Legislature and signed by the County Executive. You should have my report that I distributed this afternoon. This deals with my report on the Long Island Convention and Visitors Bureau. Under the legislation by Legislator Carpenter I have to report to you twice a year on the state of the LICVB.

As you know, that in January of this year the LICVB's oversight was transferred to Economic Development and Workforce Housing, and that was entirely appropriate. The tourism is an incredible economic engine. It generates more than \$4.5 billion in Long Island, the single largest sector of our economy. But I think you also know that that was not the reason for Legislator Carpenter's resolution. The reason was that the history of the LICVB, the recent past history was checkered and this resolution was another safeguard to make sure that the mistakes of the past are not the mistakes of the present or the future.

There are some reforms highlighted in my report, which I'll be glad to talk to you more about later, but let me just highlight three of them that the administration has imposed. From now on members of the 34 person Board of the LICVB cannot enter into contracts with that organization. For the first time, the first time ever, tourism promotion agencies have to respond to a request for proposal. We're talking about significant dollars here, and it was felt and was believed and it was the only judicious thing to do that the LICVB should respond to an RFP where it proves its qualifications.

And finally and significantly, Michelle Isabelle Stark of my department has been assigned the seat on the Board of the LICVB. She has been instructed to go to every meeting, both open and executive, and if any of you know Michelle, you know that she is going to be a very

effective watchdog of the LICVB. And I should add that with the new president and chief executive officer, we are hopeful having been the president and CEO of an organization with a much larger budget than the LICVB.

I can tell you that when it comes to being an executive with a not•for•profit with a board it all comes down to the people, all the people involved, their business ethics and their morale ethics. And I'm happy to say that in the relationship I've had with Moke McGowan, that I've been favorably impressed.

I'm going to be speaking on •• at the public hearing 1791, but I thank you for this opportunity to fulfill the obligations of Legislator Carpenter's resolution.

P.O. CARACAPPA:

Thank you. John McGrath, followed by Peter Quinn.

MR. McGRATH:

Thank you. Members of the •• friends of the Legislature. I have previously spoken here before this Legislature and am grateful for this opportunity to again speak before you today. I represent citizens who recognize and support the necessity for family law reform in our society today. Myself and my constituents across New York State are tirelessly putting forth an effort to create an awareness that there is a necessity for change in our current family laws and policies.

I ask only of you to recognize and support necessity for reform in our current system as well. I am not here today to request grants, loans or any form of funding. I am here asking only for your support. I ask only that you give family law reform great consideration in the future and you listen open mindedly from a position of fairness. Fairness to Suffolk County's working class, voting residents, their families and their children.

I am sending today to all candidates who are seeking an elected position with Suffolk County, whether they are a current Legislator or a candidate seeking that position or any other executive or official office, a questionnaire asking where they stand on the issue of family law reform. I ask each candidate to reply in writing and/or grant me a personal recorded interview so that FLRN may determine for the benefit of our constituency and in order that voters may be

better informed where the candidates stand with respect to these important family related issues. A non•response will be reflected negatively upon the respective candidate.

Quality of life runs so much deeper than protecting open spaces in our County for a cleaner environment and providing funding to local community based organizations. I don't think I need to remind you that Suffolk County residents work very hard and very long hours to provide for their families. Suffolk residents deserve excellence from their elected officials and in return Suffolk residents have previously and will continue to show their support.

Your future actions will speak louder than words and your true position will be evinced by those actions. Let us restore the public's confidence in our lawmakers that make Suffolk County a place where one will be proud to say that they live in the best County in New York State. Thank you for your time. I have courtesy copies of those for each Legislator.

P.O. CARACAPPA:

Thank you, sir. Peter Quinn.

MR. QUINN:

Good afternoon. My name is Peter Quinn, a member of the Long Island Coalition for Democracy. Let me begin by saying I'm neither dismayed nor discouraged by the Legislature's failure to pick up on a proposal that I had made back in June, that you do a \$250 million bond over a period of five years and put it on the ballot as an initiative referendum to let the public decide their future energy proposals. After all, it was 20 years ago that I remember when LILCO had \$2.8 billion in debt and Peter Cohalan and Purcell in Nassau County got together and decided they would push to have that debt plan to •• through •• paid off through tax exempt IDA funding. That not only did not happen, but then we had the LIPA takeover, \$7.2 billion in debt, and today it's even as bad, \$7.1 billion in debt. So, I'm not dismayed when I don't see you taking precipitous action. I've grown accustomed to it.

At the same time, there was a ten year plan to phase in rates and even create caps and that was supposed to be done legislatively at the State level, but that didn't materialize either. And then the State was supposed to take over nine mile point two, the 18 percent share that LILCO had. That didn't happen either. But I'm not dismayed. I think there's still an opportunity, so I'll offer a new quick proposal since the Rabbi said you should listen and entertain new ideas.

I'd like to have the Presiding Officer and the County Executive join together in a \$25 million tax exempt bond arrangement through the IDA to promote solar energy through a •• an arrangement where you match what LIPA provides currently. They provide \$4 a watt. If this County were to match that sum, \$8 a watt, we would see well over 50% of the cost of the solar incentive being grabbed up by people, particularly in your •• in light of your willingness to pass the tax exempt State legislation. We would see 75% of the cost of solar being embraced by residents of Suffolk County. What an opportunity. And, at the same time, sit down with LIPA's Kessel and arrange for other matching funds. The air•conditioning unit is only \$35 ••

P.O. CARACAPPA:

Pete, please sum up.

MR. QUINN:

•• incentive. Okay, I'll sum up. It should be changed to \$75 and if the County matched •• agreed to match it, it would be \$150 for an energy efficient piece of equipment that everybody is using.

So I hope that you will at least consider sitting down, Mr. Presiding Officer, with the County Executive and pursuing with Richard Kessel that possible consideration. Thank you.

P.O. CARACAPPA:

Thank you. I apologize if I say this wrong. ReChandle Schofield.

MS. SCHOFIELD:

Hello and thank you for having me here today. My name is ReChandle Schofield and I'm the owner and director of two organizations, AFRA, which is American Family Rights Association for New York and New Jersey, and CALA, which is Citizens Against Litigation Abuse. We provide information and resources to fighting judicial abuse.

I come here today as a mother who has fought this huge injustice through personal experience of judicial corruption and personal losses. I have chosen to stand with and represent the concerns and crucial needs of all other families seeking justice in our judicial system.

In today's court systems it is clear that the abused become the accused. Today we are faced with the reality that 70% of our children's custody is being awarded to the parent who are the abusers. We the people challenge you as Legislators to stand and make a difference. If you want to vote •• if you want the vote of the people you need to hear and address the concerns of the people.

I stand here representing the voices of millions of families today who are faced with unjust corruption of child protective services, law guardians, forensic psychologists and along with judges. Every day in our news from all over the words we hear the cries of the stories of horrific people from judicial abuse. There is no mountain high enough to drown out the cries of the people. This isn't our homes or finances the system is trying to take from us. This is our children. I stand as I battle for my child here today. Tomorrow it could be your child because none of you are above it.

We the people are not asking but we are demanding stricter guidelines and greater educational training and stricter penalties for all of those who play a part in the judicial system. We are the people of today and the children are the people of tomorrow and one day you will ask them for their votes. Today you can make a conscious decision to fight for the people and justice in our family courts. These highly paid individuals are acting under color of law and protected by immunity for their actions. We are challenging you to take that immunity from them and hold them accountable. Perhaps if they are held accountable then they won't be so quick to hand down these life sentences of being denied our God given and fundamental rights to be a parent.

Sadly, terrorism is a common household word these day. But what is never mentioned is the terrorism that the American people face on a daily basis and that is the terrorism of Child Protective Services. Untrained and unqualified law guardians, judges who are not educated in effects of now and long term effects of child abuse. Forensic psychologists who are mere pawns of the judicial system reporting only what CPS has directed them to report. This is terrorism, people. This is alive and far more dangerous to the American people for to lose our children is a slow dying death.

I am just a mother. I have the courage to fight these people that have abused us and our judicial system. Hearing the people and standing with them in their fight for justice is the way to gain the American vote. Phony personas and false promises will get you nowhere, for we are

wise to the politics of injustice for we have firsthand knowledge of injustice.

Don't believe me? Then I challenge each of you to go into the courtroom with me and see that justice never enters that courtroom. I ask you to help us bring our children home. Just •• judicial justice is the cause of eminent danger to all families in America and none are above the intrusive and unjust tactics of CPS today. I am here today asking you to produce us a candidate that will help us and not stop there. We don't want your nice form letters. We want action.

P.O. CARACAPPA:

Thank you.

MS. SCHOFIELD:

Thank you.

P.O. CARACAPPA:

Mike DePaoli.

MR. DePAOLI:

My name is Mike DePaoli from South Setauket, resident of Suffolk County. I'm here just to read into the record the following two items that have been sent to the media. The first one is in association to discrimination in police aid hiring in Suffolk County. And it reads as follows:

"Suffolk County discriminates against women by replacing cops with civilians. Replacing Suffolk County's finest with civilians may score points among voters, but when you look at the numbers, they really discriminate against woman. For one, the majority of applicants are overwhelmingly female, and for two, the salary starting medium levels are in the \$29,000 range. If our County elected officials and appointed officials can live on that, then they should step up to the plate and reduce in paychecks. Even those that cross our borders average about a hundred dollars plus a day. How can we pay less than living wages to others, especially those that are supposed to be filling in for and replacing very important and responsible administrative assignments once filled by professionally trained and skilled members of the Suffolk County PD."

So, I share that with you and the actions once again, the protocol is nice, but the reality is paying somebody \$29,000 a year, especially with those heartfelt and dutifully responsible jobs is outrageous and you should take that under consideration because the majority of applicants are females.

The second thing I would like to read into the record is in association to what our elected officials can do locally in the County. Well, they can go ahead and lobby our State and federal officials in association to putting a cap on gas taxes. Residents not only in Suffolk County, but throughout New York State and throughout America are feeling the pinch now of rising gas prices, and you have the opportunity right now elect the representatives to speak up, sound off to our State officials and to our federal officials to put a cap on federal and State gasoline taxes. Mike DePaoli, a resident of Suffolk County.

These issues are important issues. They're issues that you should take into consideration, especially now in election year. Thank you.

P.O. CARACAPPA:

Thank you, sir. Doctor Shirley Robinson Pippins.

MR. DePAOLI:

I passed out copies to all the Legislators, all members.

P.O. CARACAPPA:

Yes, we received them.

MR. DePAOLI:

Thank you.

P.O. CARACAPPA:

Thank you, sir.

DR. PIPPINS:

As all of you know, I am a relative newcomer to Suffolk County. I began my tenure two years ago. In order to effectively lead the College, I've had to rely on the knowledge of others who have had long and diversified connections to the College and the County. One such individual is

Vice President Stein. In providing information and advice to me, Chuck is famous for what I'll call "Steinisms". One of the more powerful "Steinisms", which is very appropriate for the situation we find ourselves in today, is, and I quote, "The issue in front of you is never the real issue." Theoretically, the issue in front of us is the College's budget. Will the Legislature, as it has in the past, provide visionary leadership, support excellence, choose to invest strategically in the College and the County and override the County Executive's vetoes? The issue framed in this context appears relatively simple.

According to the County Executive's figures, the College has sufficient resources to accomplish its goals, further reduce tuition without a 4% increase, without the additional faculty and support positions requested in the College's budget proposal, without three positions paid for by the hospitals, and without recognizing that the percentage of County support has been decreasing, placing increasing financial burdens on our students.

The College's figures paint a dramatically different picture, and importantly, the Budget Review Office, which has studied both proposals from an independent, objective posture, yields numbers very similar to the College's original proposal, a proposal unanimously supported by the Legislature two weeks ago.

If a budget is approved based upon the assumptions and theories underlying the County Executive's budget, and those yet to be validated assumptions are proven wrong, we will have missed a significant opportunity to maintain the momentum the College has gained toward meeting its goal of recognition as a College of Excellence. We will have dealt a significant blow to the College's efforts to attain a 70/30, full•time/part•time teaching ratio for our students, and most importantly, we will have put the fiscal integrity of the College at risk, as we seek to secure financial support from corporate partners, as we prepare to take on new and important initiatives in health care, student success, and downtown revitalization, and as we prepare for Middle States accreditation in 2007.

Given the risk, I cannot in good conscience recommend the County Executive's current proposal to the Board of Trustees. Upon deeper analysis, a "Steinism" may be operating. Perhaps the issue in front of you is not the real issue. I would suggest that what we're really deciding today is what is the vision for the College as part of a broader vision for Suffolk County? How does and how will a locality support and encourage excellence, student success, access, opportunity,

economic development, downtown revitalization, fiscal responsibility, innovative, cost effective responses to the region's nursing and health care shortage, and new areas like training and maintenance of hybrid vehicles? How will the County support quality transfer education for students, cost reduction and cost containment strategies, including significant efforts in energy cost reduction, the leveraging of County funds, and independent research, which validates a 100% return on New York State and Suffolk County taxpayers' investments in the College in just 8.4 years?

Usually, it is the educators that are accused of operating in the theoretical realm. Fortunately, for the citizens of this County who are concerned with high quality transfer education for their children, concern with strategies which will reduce the brain drain and keep educated citizens in the County, fortunately, for these citizens, the College is not operating in the theoretical realm based upon yet to be validated assumptions and dramatic sound bites. Of course we want the lowest possible tuition for our students, but we also want a tuition that will provide students with a quality education and the services they have come to expect and the services they need to succeed. As President, my commitment to the students is an excellent education that guarantees transfer to four-year institutions of their choice, or smooth transition into a well paying job. That ••

P.O. CARACAPPA:

Doctor. Could you sum up, please, Doctor?

DR. PIPPINS:

Yes.

P.O. CARACAPPA:

Thank you.

DR. PIPPINS:

That commitment requires that, as President, I ensure the fiscal integrity of the institution, and make decisions based upon the facts, just the facts, not theory. The facts, I believe, support the College, and I trust you will continue to support your communities and your families by investing in Suffolk County Community College.

I thank you for your consideration and hope you will continue to demonstrate your confidence in

the College and vote to override the vetoes.

P.O. CARACAPPA:

Thank you, Doctor. Anthony Durham.

MR. DURHAM:

Good afternoon. I'd like to •• can you hear me now? Three minutes is only enough for me to yell help, okay? What I'd like to talk about with you all is Long Island's dirty little secret that we should be familiar with from April 19th. They did a Newsday, Long Island Housing Service Erase Racism, they did a year long study on segregation and discrimination. I stand here today being a victim of just that. As I look around I'm glad the children are gone because I can tell you verbatim what was told to me by this current landlord.

I'm involved in an inter•racial relationship. I happen to be black. As you see, my girlfriend is Caucasian. As a result of her moving in the land •• the property manager told us that it's against her better judgment to give us a lease. Okay? So this is the struggle that we've been going through for the last 15 months, okay? I have a courtesy pamphlet going around. I don't have enough time to address a 15 month problem in three minutes, but I need to ask you all, can anyone here tell me how much the County spends to go towards combating housing discrimination? I'd like to work with you. Excuse me?

LEG. VILORIA • FISHER:

He's asking question.

P.O. CARACAPPA:

It's not a question and answer period. It's your time just to speak.

MR. DURHAM:

Oh, okay. Well, I don't want to appear to be an adversary, but I can tell you that I'm angry as hell. I can honestly say that justifiably so. My experience •• when I say work with you collaboratively, this last 15 months I have not found one County dime that goes towards fighting housing discrimination.

In regards to the Suffolk County Division of Human Rights, they don't do housing

discrimination, only employment. Okay? As far as this being Long Island's dirty little secret, I mean, we really need to address this. And notice I said we, not me, we, all of us. This is a real problem. What I put together for you •• I don't like just saying •• coming saying believe me. I offer tangible things. If you have nothing to do, please take a visit down to MacLeod's Mobile Home Park where I have been a resident for three years and they have taken my money but refuse to give me a lease, okay? This is solely for the excuse of discrimination, segregation.

What I forwarded to you to let you know what kind of people we're talking about, the front copy that you have there off Yahoo, you can get it yourself. These people are no more than a corrupt organization. I'm not saying it, you've got the facts in front of you if you're looking. They've been charged under the RICO Law and I don't even want to get into that, we all know how that came about.

Secondly, like I said, I'm not asking you to believe me, but the fact of the matter is we have the State that's been on our side to the point where they've threatened to take these people to court since last year and done nothing. What I'm here saying is this is Suffolk County's problem. We should not have to rely on the State to resolve our problem. The question •• well, what are we doing about our problem? And I'd like to really have you guys work with me. I don't want this to be the last of it.

P.O. CARACAPPA:

Thank you, sir. Mark Serotoff.

MR. SEROTTOFF:

Good afternoon ladies and gentlemen. It's refreshing to be here and not talk about Kings Park Energy. I'm the Coordinator of the Sustainable Energy Alliance and the Health and Environmental Chairman of Long Island Mid•Suffolk Business Association. Soon to come before you will be a Sense resolution on the repowering or rebuilding of the Northport Power Plant or other power plants that KeySpan owns in Suffolk County.

To summarize why we should repower, on Island reliability and capacity are greatly increased and LIPA just had record consumption of electricity, so we need all that power. Numerous skill jobs are created, pollution is greatly reduced and public health is improved. Tax benefits accrue to the host communities that have these power plants. The local economy is helped by keeping revenues on Island instead of having LIPA buy power off•Island by cables. Medical and health

care costs are lowered, productivity is increased for business concerns because there are fewer people out sick, and reliance on foreign oil is reduced, and I'm trying to do that every way I can.

I'd like to submit that •• the following documents for the record.

There was a recent study that came out, "More Heat Than Light", by the PIRGs of the northeast and it shows that the KeySpan Power Plant in Northport is the second dirtiest plant in the region that's inefficient creating public sickness and wasting fuel.

I'd like to submit for the record the following business organizations supporting repowering. The Long Island Association, Long Island Business News in an editorial, Long Island Mid•Suffolk Business Association. Political support includes Mark Cuthbertson of Huntington Town Council, who will introduce a repowering resolution, and New York State Senator Schumer is backing repowering. The Long Island Power Authority backs repowering in •• as mentioned in their Long Island Energy Summit last week at Suffolk Community College in Brentwood. The following unions back repowering. Building Construction Trades Council, Jack Kennedy's union, the boilermakers union, General Building Labors Union Number 66, Local IBEW Number 25, Roofers and Waterproofers Union.

LEG. BISHOP:

Who opposes this?

MR. SEROTTOFF:

Not too many people. Nobody. I can't think of any serious opposition.

LEG. BISHOP:

So why are you here?

MR. SEROTTOFF:

Why are we here? We're here to prod LIPA. LIPA is not excited about repowering. Memos are great, but they're not enough. There was an editorial in this past Sunday's New York Times Long Island section supporting repowering.

LEG. BISHOP:

Was speaking off the mike note/note.

MR. SEROTOFF:

And finally, there are statistics which I'll submit causing heart attacks, disease, cancer, due to Long Island's power plant. Thank you.

P.O. CARACAPPA:

Thank you, sir. Dominick Varrone, Assistant Chief of Patrol.

MR. VARRONE:

Good afternoon. My name is Dominick Varrone. I am the Assistant Chief of Patrol, Suffolk County Police. I've been directed by the Police Commissioner, Richard Dormer, and the Chief of the Department, Robert Moore, to address two items that may be discussed this evening by the Legislature or considered, namely Introductory Resolution Number 1882, on page 12, naming the Second Precinct building in Huntington the Daniel P. Guido Building. The Police Department is in favor of that resolution.

Additionally, a tabled resolution, which may be considered this evening, on Page 7, number 1349, directing the Director of Real Estate to locate property to reestablish a Police Department field office in Huntington Village. The Police Department is opposed to that resolution. That's all I have to say at this time.

LEG. TONNA:

Thank you. Thanks, Dominick.

P.O. CARACAPPA:

Marian Zucker.

MS. ZUCKER:

Good afternoon. I'm Marian Zucker, Director of Affordable Housing for the County and I'm here today to speak in favor of four resolutions you'll be considering today, IR 1887, 1889, 1896 and 1900. The properties considered by these resolutions are all part of the County's normal 72•H process where we offer surplus properties to towns and villages for affordable housing purposes. The towns will review these properties, make a determination as to whether they fit within their plans, and in this case that has been done by each of the respective towns. They

provide a resolution to the County. We put that forth for your consideration, and once it's approved, we transfer the properties to them and then the properties are then transferred to a nonprofit group which will build or renovate the property all according to the requirements that are set forth in the deed.

Specifically, the four resolutions you'll be considering today, 1887, transfers a property to the Town of Brookhaven. Their Housing Department intends to transfer that property to the Community Development Corporation of Long Island for renovation and subsequent occupancy by a homeowner.

There are two properties, 1889 and 1896 going to the Town of Babylon Community Development Department. That's going to go into their affordable housing program, likely to be transferred to the Long Island Housing Partnership, one for a renovation, one for new construction.

There's 1900, transfers a vacant house to the Town of Islip, also to its Community Development Agency, for renovation and likely to be transferred to one of two nonprofit groups that they have an ongoing relationship with. Thank you.

P.O. CARACAPPA:

Thank you, Marion. Earnest Fazio.

MR. FAZIO:

Good evening. I'm Ernie Fazio and I'm the Chairman of LIMBA and we •• I'm here to talk about the repowering as well. I want to handle it in a different light. We have the ability to build these power plants because they're all licensed. You don't need to go out through a lengthy licensing period to repower. The problem is in order to do this, you have to shut down for a summer, and when you shut down for a summer, you might run the risk of being underpowered. On the other hand, we have these new cables coming in and these new cables will give us the margin of error to be able to take these power plants down.

If •• this does a couple of things. One of the things we have is peaking power plants. These peaking power plants are very dirty, inefficient and we can replace them with base load power plants. And the base load power plants should be on the footprint of the existing power plants.

Now, the problem is not that nobody wants it, everybody wants it. But the problem is that you need contracts with LIPA in order to pay for these things. So, if the Chairman of KeySpan is not enthusiastic about it, it's not because he doesn't want to do it, he could actually save money on the fuel because they're much, much more efficient as well as being cleaner. But if you put them in, you've got to pay for them and you need contracts to do that. So LIPA is a little bit reluctant to do that.

I'm supporting John Cooper's Sense resolution because I think I know the facts of the case and I think it can be done, and with the proper pressure on the right people, we can make it happen. So, that's the gist of it.

You know, all of the things that Mark said about the lower pollution and the •• you know, the other environmental issues, they're all true, but the fact of the matter is we also notice that there's nobody really against it. So, I would like all of you to consider using your political skills in making LIPA come to the table and making KeySpan come to the table and say listen, you've got to work this out, you've got to get a contract in place so that the buildings can be begun. And that's about all I have to say.

LEG. TONNA:

It's always good to hear from you.

P.O. CARACAPPA:

Thank you, Ernie.

P.O. CARACAPPA:

I believe it's Gail Rullmann.

MS. RULLMANN:

Hi. How are you doing? Can you hear me? I'm here to •• my name is Gail Rullmann. I live on Bauer Avenue in Manorville and I'm here to discuss the proposed commercial development by Mr. Mancini.

My husband and I live on Bauer Avenue in Manorville. The reason I'm here is to inform you of a proposed commercial development that Mr. Mancini has put on the table for CR 111 and Bauer

Avenue. This proposed commercial site is in between his King Kullen shopping center on Chapman Boulevard and Bauer Avenue. The property for proposed development has wetlands and painted turtles, box turtles, tiger salamanders and lady slipper orchids. Tiger salamanders are endangered and the lady slipper orchid is not allowed to be picked or destroyed by law. Please explain to me how anyway can destroy them by building on land where they grow.

The proposed development also encroaches on backyards of residents on Bauer Avenue. The buffer zone is insufficient. Bauer Avenue is a very heavy traveled road, as is CR 111, not only from overdevelopment in this area but also from city residents who travel through our area on weekends and holidays. Bauer Avenue has become a main route for all deliveries to Silver Ponds Condominiums, which include tractor trailers, Fed Ex, UPS and deliver trucks of all different kinds.

Our speed limit on Bauer Avenue is 30 miles an hour which does not happen very often. Traffic is a large issue. I'm sure you can look up statistics and find out how many accidents have occurred on Bauer Avenue and CR 111 and Chapman Boulevard and CR 111 by the King Kullen shopping center. My husband and I recall one month last year in the summer, we had 26 accidents on corners of Bauer Avenue and Chapman Boulevard. All these accidents were involved with a vehicle from CR 111. Please keep in mind that the majority of the vehicles that are involved in accidents are coming from the Long Island Expressway going to the Hamptons.

On August 16, 2005, there was a meeting about this proposed project at the Manorville Fire House. Councilman Hennessey, Ed Romaine, Chip Wieboldt and Mr. Mancini and his constituents were there. The meeting ended with a complete evaluation of the environment and traffic study. We appreciate the fact of a study of both the environment and the traffic conditions, although our concern lies with who is doing the analysis. We are hoping that the proper trained and unbiased employees are performing the evaluation and not the employees of Mr. Mancini. We would also hope that if anyone from the Legislature or town knows Mr. Mancini that they please keep an unbiased viewpoint of this development.

I attended this meeting to speak for my husband and the immediately affected residents of Bauer Avenue. Please consider the fact that the people who live and pay taxes in Manorville •• please do not allow Mr. Mancini to encroach on their backyards. Mr. Mancini is only trying to make money from the city residents who pass through our neighborhood. This development is

not for the people of Manorville and especially not appropriate for the residents of Bauer Avenue.

Speaking from the heart, there is •• that is their sanctuary, a nature's place to have a home and peace. These residents have children and horses and pets, their lives will be completely changed with noise pollution, air pollution, lights shining in their homes, smells of food coming from a restaurant. The gas station that Mr. Mancini wants to build is directly across from the Mobile Station which will be open 24 hours a day. There will be litter from this establishment and also medical waste. This kind of environment can cause rats and will hurt the wetlands that is located in between the commercial dwellings.

We are asking you all to consider leaving commercial development on CR 111 where it belongs, not in everyone's backyard, and leave the property to nature and the wetlands and the beautiful lady slipper orchids that exist on this property by God's choice. My husband and I voted for the proposition to keep open space. We are only asking for a portion of this development to stay forever green. Manorville is not the gateway to the Hamptons, it is the heart of the Pine Barrens. Thank you for your time.

P.O. CARACAPPA:

Thank you very much. Tom Isles.

MS. RULLMANN:

I have copies for every Legislator.

P.O. CARACAPPA:

Just hand it to the Clerk.

MR. ISLES:

Good afternoon. I would just like to speak on several resolutions that are before you this evening. Number one is resolution 1880 •• pardon me, 1081. It's a proposed farmland acquisition, it's been before you before. And just to once again bring to your attention that the Farmland Committee has recommended to you that this not be approved.

The second item is resolution 1284. This is for an authorization to acquire property known as Third Creek Woods in Shelter Island, also known as Grandma Partners. There are two

resolutions that are occurring with this one, the instant one and then one submitted by the County Executive. I will tell you that we are in contract on this, so this is timely. We just had a concern with the •• ensuring that the resolution is correct in terms of the original resolution was not exactly accurate, so we hope at this point it is so we can proceed with the authorization.

The next one is 1345. This is a resolution also for a farmland acquisition. Once again I think it was previously tabled, and once again to note that the Farmland Committee has recommended this approval.

We do have resolution 1617 which is the adoption of the Master List II. This has gone through a number of amendments with the Environment Committee. It is recommended to you today by the committee and we would strongly urge your positive consideration of that as well.

Resolution 1823 is for an acquisition for planning steps, I should say at this point, affecting Gould Pond in the Town of Smithtown. We are in contract to purchase Gould Pond. This is an extension of Gould Pond. I would just point out to you that there are buildings on this site. We would suggest that they be excluded when the Real Estate Division does the appraisals, but otherwise we feel that the planning steps resolution does have merit.

Resolution 1824 is known as the Rawluk Property, which is Hauppauge Springs, also in the Town of Smithtown. Once again we have two resolutions on this one. This is similar to resolution 1767 filed by the County Executive. The end result in terms of the support of this parcel is certainly there. It is an important acquisition. Just noting that it is representative of resolution 1767.

And just the last comment as resolution 1872. This is known as the Knox School in the Village of Nissequogue. From a point scoring standpoint we found this to be a pretty good score on the acquisition. We would note two points to you on this one and that is this is only a planning steps resolution we realize, but we think there will be issues of management since there are no other County holdings here in terms of it being somewhat of a remote location. And then the issue of access. The roads in the Village of Nissequogue do not permit parking, and so in terms of if this were to go down the road to be a County acquisition, we think there would have to be some parking provided on site to provide public access for residents of the County. Thank you.

P.O. CARACAPPA:

Thank you, Tom. Susan McKeon•Steinmann. Susan McKeon?

MS. McKEON • STEINMANN:

Right here. Boy, that came up faster than I thought. Sorry. Thank you.

P.O. CARACAPPA:

Just lower that microphone.

MS. McKEON • STEINMANN:

Hello. That's okay. I'm fine. If you can't hear me raise your hand. I have a voice I think that would probably wake the dead. Okay. I am Susan Steinmann from Mastic Beach, New York, a wonderful community of working and middle class families on the south shore. Ours is a community whose residents sometimes work two or three jobs at minimum wage. There are some lucky enough to have union jobs at decent pay. We have carpenters, electricians, line men and women, phone workers, hospital workers, food and other commercial workers, and many other trades. Some people own their own small contracting businesses with one truck and a ladder, and they work after their regular job all to keep food on the table for their families. Many, however, work at minimum wage and have to work two or even three part •time jobs.

Many of my neighbors don't have health care at all. I have an older friend who works at WalMart. I cannot use her name, because right now they are struggling just not to have to work Christmas day and Easter, which is offensive to her beliefs. She has a health plan, but it is pitiful. She only gets a little toward the real costs, and must pay a lot out of pocket.

I think the County is lucky to have hard working citizens like these. It is time the working poor got some relief. There is a responsibility in government. Like the founding fathers said, we must stick together. With the rising gas prices, food increases and fuel oil, we are losing people in my neighborhood in droves. Is this what we want Suffolk to be, a place of privilege for wealthy newcomers to come while people who have lived here all their lives are driven out?

Please pass the health care bill for low income workers known as the WalMart bill and show us that you care. I am sure you all have health plans. Help those who do not by setting a standard in this County. WalMart has money for kicky commercials, but it does not have

money for this woman I know who has worked for them for over 30 years. Sincerely, Susan McKeon•Steinmann."

P.O. CARACAPPA:

Thank you, Susan. Doctor Ruth Brandwein.

DR. BRANDWEIN:

Good afternoon. My name is Ruth Brandwein and I'm here today representing the Social Justice Center at the Stony Brook School of Social Welfare. I want to speak very briefly on IR 1903, the Suffolk County Fair Share for Health Care Act.

Some of you will remember that I was at one time Commissioner of Social Services, and I had to administer the Medicaid program. The Medicaid program helps people who have no other source of support for their health care for themselves and for their children, low income people. It is unconscionable that working people who are working hard, playing by the rules, do not have health care and have to rely either on Medicaid or have to go to emergency rooms in the hospital to get their care at the same time that these large retailers are making huge profits. In essence, we the taxpayers are subsidizing those retailers at the expense of the taxpayer and the people who are working for these companies.

Some studies have shown that up to 25% of employees of these large retail chains are enrolled in Medicaid. Now, as you know, the County pays 25% of every Medicaid dollar that is being paid out, and it just doesn't make sense that •• we're not talking about small businesses, we're talking about large chain stores that can well afford to pay a certain amount in for health care for their employees. I urge you to support the Fair Share for Health Care Act. Thank you.

P.O. CARACAPPA:

Thank you. Point of personal privilege, Legislator Lindsay.

LEGIS. LINDSAY:

Thank you, Mr. Chairman. I appreciate the speaker speaking in support of 1903. There is a public hearing on 1903 that starts at 5:30. You really have an option, you could put your remarks under the public portion, or if you can stick around I would prefer it to be on the record under the public hearing. Thank you.

P.O. CARACAPPA:

Thank you for that. Anthony Ceglio.

MR. CEGLIO:

Good afternoon. I'm Anthony Ceglio, the airport manager at Gabreski Airport. I'm here to speak in support of a Certificate of Necessity to be presented today to authorize the acceptance of a federal and State grant for snow removal equipment at Gabreski Airport.

The cost of the equipment is \$331,000 of which 95% will be paid by the New York State Department of Transportation and Federal Aviation Administration. The County share will be five percent or \$8,280. The airport currently had one six wheel dump truck last year to plow snow at the airport and two small dump trucks, severely insufficient to do the kind of work that we need to do.

The equipment is needed to maintain the airport in a safe and serviceable condition in the winter months in accordance with FAA guidelines. The grant •• in order to accept the funds for the grant the grant must be submitted and signed by August 25th and we appreciate your support on this.

P.O. CARACAPPA:

Thank you. Moke McGowan.

MR. McGOWAN:

Good afternoon. I'm Moke McGowan, President of the Long Island Convention and Visitors Bureau. And I'm merely rising to address briefly Commissioner Morgo's report to the Legislature in line with Legislator Carpenter's resolution 2095.

Commissioner Morgo has provided you with a report. We have likewise provided you with a supplementary report that contains two pieces of information that were probably not contained in Commissioner Morgo's report. One is because we just received it, was the 2004 audit conducted by _Callahan Arockie_ , C.P.A. firm. It's our annual audit of the Bureau's financial status. That is contained in this report.

The second is also a report, if you will, or an addendum to our media plan that we put together,

put in place at the beginning of this fiscal year, as we were monitoring our advertising campaign at the middle of the year we made modifications to it for the fall. So I just wanted to call your attention to that.

Third, I'd just like to say that in working with Commissioner Morgo he has indicated that people make a great difference, I think, to the relationships that allow us to be proactive and positive in our endeavors, and certainly working with Commissioner Morgo and his staff has been, I think, an incredibly positive element to redeveloping this relationship between himself and his staff be it Michelle Stark, who serves on our board now, or Carolyn Fahey and others on that staff.

I would very much like to extend my appreciation to you as well. Last week I celebrated my first anniversary on being on this Island as the new president of this Bureau and it has been a very challenging, a very fast-paced but a very rewarding first year on the job and I look forward to the progressive positive changes that are coming up.

I will likewise be rising in support of resolution 1791 and will be making myself available to you should you have any questions with regards to our report or to elements contained therein. Thank you.

P.O. CARACAPPA:

Thank you, Mr. McGowan. Andy Glass. Andy Glass? Charles Robbins.

DR. ROBBINS:

Good afternoon. My name is Doctor Charles Robbins. I'm the Associate Dean of the School of Social Welfare at Stony Brook as well as the Director of Social Work for University Hospital there.

I'm here this afternoon to also speak in support of the Suffolk County Fair Share for Health Act. I apologize for not being able to remain for the public hearing later this evening, but I have a meeting back at the University that I need to get back to.

I want to congratulate the members of the Legislature who have sponsored this important bipartisan legislation. I also want to acknowledge the efforts of advocates and organizations

such as Jobs With Justice for their efforts in this critical area.

It's no exaggeration to state that health care today is truly in a state of crisis throughout our country. Once again, health care costs have been experiencing double digit inflation. Employers, even responsible employers, are being forced to reevaluate the health care services offered to their employees as well as the percentage of cost passed on to workers.

The single most frequent issue in today's labor disputes is health care coverage. More and more of our people have either no access to health care or inadequate access to health care services. The cost, both financial and human, are staggering. Women and children as well as people of color are disproportionately negatively impacted by this crisis. State and local governments today are unable to continue to shoulder these exorbitant costs. Suffolk County's budget continues to experience the negative impact of this national trend. This is a moral as well as fiscal crisis. But let me be clear, I believe that government must provide services to those in need and continue to serve as a safety net. However, government and taxpayers must not continue to subsidize some of the largest and most profitable corporations in the United States.

An increasing percentage of those who are uninsured or underinsured who have no option but to turn to the government for assistance are employees of these corporations. The days of corporate welfare on the backs of our citizens must be over. Although WalMart is not the only corporation engaged in these practices, their performance in this area has been extensively studied and documented. WalMart is the largest private employer in the United States with over 1.2 million employees and they wield impressive power. Their own reports indicate that only 47% of their workforce has employer based health care coverage, and I have prepared and can leave with you other specific information about what they do offer the people that they cover.

But let me just end by saying that although WalMart states that it is not their practice to move employees over to government programs, the CEO of WalMart, Lee Scott, recently stated, and I quote, "Some state health programs are so lucrative that in fact it's hard to be competitive with them and certainly extraordinarily expensive to be competitive with them." Competitive with them? We are not today going to solve the nations health care crisis. However, I urge you to quickly pass the Suffolk County Fair Share for Health Care Act and say enough is enough. Large employers who want to do business in Suffolk County must be responsible employers.

Send a message that must be heard across our nation. Employees basic needs and human rights must come before profits. Thank you.

P.O. CARACAPPA:

Thank you, sir. Jim McAsey.

MR. McASEY:

I'm going to wait for the public hearing. Thank you.

P.O. CARACAPPA:

Thank you. I called Mr. Glass. I called him earlier, Andy Glass.

MR. McASEY:

He's going to wait as well.

P.O. CARACAPPA:

He's going to wait? Okay. I have no other cards. All Legislators please report to the horseshoe. Motion to close the public portion by myself, second by Legislator Caracciolo. All in favor? Opposed? Abstentions? Public portion is closed. I'd like to do the college vetoes. So everyone knows, the public hearings will start at 5:30.

First veto before us is veto on Resolution 734, which was originally Suffolk County Community College Budget Amendment Number 1. What I'd like to do is make a motion, first and foremost, to take all of the line item •• line item vetoes as one vote.

LEG. TONNA:

Good. Motion.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

There's a motion and a second by Legislator Tonna. All in favor? Opposed? Abstentions? We will take the veto on Suffolk County College Budget Amendment 1 ••

MR. BARTON:

18.

P.O. CARACAPPA:

•• as a whole.

LEG. TONNA:

Motion.

P.O. CARACAPPA:

There's a motion by Legislator Carpenter.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna to override the veto on Suffolk Community College Budget Amendment 1. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Carpenter, yes. Tonna, yes.

MR. BARTON:

I'm sorry. Legislator Carpenter.

D.P.O. CARPENTER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

(Not Present)

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Legislator Foley.

P.O. CARACAPPA:

Call the vote.

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

Okay. It's overridden. Moving on.

(Applause)

P.O. CARACAPPA:

Is there a motion to override the veto on budget •• on Resolution Number 735?

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

Motion by Legislator Caracciolo.

LEG. CARPENTER:

I'll second it.

P.O. CARACAPPA:

Second by Legislator Carpenter.

LEG. TONNA:

What is this on, the Culinary Institute.

P.O. CARACAPPA:

This is the veto on the Suffolk County Community College Budget Amendment Number 3, which is the Downtown Riverhead Culinary Program. Motion and a second to override. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Pass.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

(Not Present)

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. TONNA:

Yeah.

MR. BARTON:

11. (Not Present: Leg. Foley)

P.O. CARACAPPA:

That veto is sustained. Let's go to the agenda. Consent Calendar, motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Foley)

RESOLUTIONS TABLED TO AUGUST 23, 2005

P.O. CARACAPPA:

Moving on to Page 7, resolutions tabled. **1086 (A Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act)**. Motion to table, Legislator Binder, second by myself. All in favor? Opposed? Abstentions? Tabled.

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1694 (Authorize the commencement of Eminent Domain Proceedings for Mediavilla property Town of Huntington). Same motion, same second, same vote.

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

2102 (A Local Law to promote the health of Suffolk County residents by restricting the use of toxic lawn chemicals by unlicensed applicators in Suffolk County). Motion to table by myself, second by Legislator O'Leary. All in favor? Opposed? Legislator Schneiderman, opposed. Abstentions? That is tabled.

MR. BARTON:

16. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1081 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (North Fork Preserve property • Farmland Component)).

LEG. O'LEARY:

Motion.

LEG. ALDEN:

Page 7.

P.O. CARACAPPA:

1081, Legislator Caracciolo?

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

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

LEG. VILORIA • FISHER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

No, that's to approve.

P.O. CARACAPPA:

This is to approve planning steps.

LEG. VILORIA • FISHER:

Just a question. Could I ask a question of Planning? Did he •• did they not recommend this one? Is this ••

LEG. ALDEN:

He addressed it before.

LEG. VILORIA • FISHER:

Okay. This was the one he addressed. I just wanted to verify that I had the right number, where the Farming Advisory had recommended against this. Okay. I just wanted to double •check that.

P.O. CARACAPPA:

Thank you. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

Opposed, raise your hands, please. Legislator Viloría•Fisher, Legislators •• Legislator Montano, Bishop, Mystal and Cooper.

MR. BARTON:

12. (Not Present: Leg. Foley)

P.O. CARACAPPA:

It's approved. ***1110 (Amending the 2005 Operating Budget and the Salary and Classification Plan to establish a Compliance Officer to insure accountability).***

LEG. CARACCIOLO:

Motion to table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

Tabled. ***1129 (Amending the 2005 Operating Budget to streamline and consolidate County government by eliminating the proposed separate Department of Environment and Energy)***. Motion to table by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Tabled.

MR. BARTON:

17. (Not Present: Leg. Foley).

P.O. CARACAPPA:

1284 (Approving acquisition under Suffolk County Multifaceted Land Preservation Program (Third Creek Woods property) Town of Shelter Island).

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

It's approved. ***1294 (Amending the 2005 Capital Budget and Program and***

appropriating funds in connection with improvements to active parkland/recreation areas and Hamlet Parks).

LEG. BISHOP:

Table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1300 (A Local Law to strengthen the enforcement of penalties for substandard rental housing). Motion to table by myself, second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1345 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Long Island Beagle Club property) Town of Riverhead).

LEG. CARACCIOLO:

Motion to approve.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1349 (Directing the Director of Real Estate to locate property to re-establish Police Department Field Office in Huntington Village). Motion to table by Legislator O'Leary, second by Legislator Binder. All in favor? Opposed? Abstentions? Tabled.

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1449 (Directing the County Attorney to bring a lawsuit against the Long Island Convention and Visitors Bureau, Inc. (LICVB) to recover County funds). Motion to table by Legislator Caracciolo?

LEG. CARACCIOLO:

Sorry, yes.

P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions? Tabled.

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1602, 1602A (Appropriating funds in connection with the reconstruction of culverts (CP 5371)).

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary, second by Legislator Carpenter. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

(Not Present)

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

15. (Not Present: Leg. Foley)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1645 (Authorize a request for proposal to re-establish the Bay Shore Health Center).***

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Foley)

P.O. CARACAPPA:

1659 (Implementing Brownfield Policy for Mackenzie Chemical Works Site in Central Islip (SCTM No. 0500•120.00•03.00•093.003) needs to be tabled. We'll skip over it. There's a CN coming later.

1685 (Appropriating funds in connection with the purchase of equipment for groundwater monitoring and well drilling (CP 8226). Motion to •• is there a motion?

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

Motion to table by Legislator Carpenter, second ••

LEG. CARACCIOLO:

To table or approve?

P.O. CARACAPPA:

1685. There's a motion to table to my left.

LEG. TONNA:

Can we get ••

LEG. ALDEN:

Second on the motion to table.

P.O. CARACAPPA:

Second by Legislator Carpenter •• Alden, rather. All in favor? Opposed?

LEG. LINDSAY:

Tabling?

P.O. CARACAPPA:

Yeah.

LEG. LINDSAY:

Opposed.

P.O. CARACAPPA:

Abstentions? Just opposed, if you raise your hand. Legislator Lindsay, Legislator Mystal.

LEG. CARACCIOLO:

I'm abstaining.

P.O. CARACAPPA:

And abstention, Legislator Caracciolo.

MR. BARTON:

14. (Not Present: Leg. Foley)

P.O. CARACAPPA:

It's tabled. ***1726 (A Local Law to expand and clarify the anti-nepotism provisions of the Suffolk County Code).***

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary.

LEG. O'LEARY:

On the motion.

LEG. NOWICK:

Second.

P.O. CARACAPPA:

Second by Legislator Nowick. On the motion, Legislator O'Leary.

LEG. O'LEARY:

This was previously tabled at my request. Since that time, I've had conversations with the Commissioner of Police, as well as Administrators within the Department, all who support this particular amendment to the existing anti•nepotism provision of the Suffolk County Code.

In addition to that, by adding certain positions within County government, it strengthens the anti•nepotism bill, doesn't water it down. So I'd ask my colleagues to consider this and pass this. Basically, the P.D., if you're •• have a relative who's a captain and above, you would have to go through the screening process, if you will, for promotions. And I'm adding Deputy County Executives and Deputy Commissioners as well to this provision.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Legislator O'Leary, you formerly were in the Police Department. Does anybody below that level have any influence, as far as promotions and things of that nature?

LEG. O'LEARY:

No. I will say no to that question, and the Commissioner verified that at Public Safety, where he verified that individuals below the rank of captain have no influence on promotions and transfers.

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. If you might, I'd like to hear from the Exec's Office ••

P.O. CARACAPPA:

Mr. Zwirn.

LEG. LINDSAY:

- their position on this.

MR. ZWIRN:

Thank you, Mr. Presiding Officer. The County Executive has gone on record as opposed to this bill. It really does not present a hardship. There are only a few of these a year that come before the Legislature and are passed in a routine and timely manner.

With respect to the other titles besides the Police, they're already covered by the law, and because they can hire and fire. So they would be covered under the anti•nepotism statutes that are in existence. And any dilution of the present anti•nepotism laws we think sends a bad message to the public. Thank you.

LEG. O'LEARY:

Can I respond?

P.O. CARACAPPA:

You done, Legislator Lindsay?

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Legislator Caracciolo, then O'Leary.

LEG. CARACCIOLO:

I would note to the members of the Legislature who are not on the Public Safety Committee that there was substantial discussion with Commissioner Dormer on this matter, and the Commissioner, as I recall, did not have any objection, did not raise any objection, and, in fact, are not supporting it, as was just mentioned here at the horseshoe.

So, you know, I always get a chuckle when I hear someone like Mr. Zwirn, Ben, talk about diluted anti•nepotism laws. This doesn't dilute anything. This just makes the law pragmatic

within the Police Department. You know, it's a great sound bite, but it doesn't mean anything on its face value. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Yes. In response to Mr. Zwirn's comment by dilution, this particular proposal does just the opposite. It adds certain positions within the County, such as Deputy County Executives and Deputy Commissioners, to be included in this process for •• if they have any relatives, for hiring purposes.

And with respect to the •• above the rank of captain, captain or above, as testified by the administrators within the department, they're in favor of this. It is not a dilution. It was an absurd insertion of a rank that had no bearing on any promotions or transfers within the P.D. so I would just reiterate, this is a not a dilution, this is a strengthening of the act by adding the positions that I'm adding in this amended resolution.

LEG. LINDSAY:

If I might, Mr. Chairman.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

If I could ask the sponsor a question. I understand the rationale on the Police end. Why did you add the administrative piece of the Exec's Office and stuff like that?

LEG. O'LEARY:

Well, basically, the power to hire, fire, will influence the hiring or firing of individuals, and that falls on, in my opinion, Chief Deputy County Executives, Deputy County Executives, and Deputy Commissioners, as well as Commissioners and the County Executive.

LEG. LINDSAY:

But isn't there a distinction between police officers that have protections in terms of civil service protections, as compared to, you know, political hires that are •• really work at the pleasure of the Executive or the department head?

LEG. O'LEARY:

The police officers •• there's only certain civil service ranks within the Police Department, that's Police Officer, Sergeant, Lieutenant, and Captain. All other ranks within the department are appointments. So •• and those appointments are technically made by the Commissioner of Police on advice of administrative officials, Deputy Inspector or above. I've included Captain and above, because there are those Legislators who believe that Captains have that influence of transfer and promotions within the department.

I'm saying to you, based on past experience, ranks below that of Captain, and it's not •• it's relatives, it's individuals being considered for promotion who have a relative Captain or above, that would have to come before the Legislature for screening purposes. If you have a relative below the rank of Captain, that has no influence or bearing on your transfer or promotion.

LEG. LINDSAY:

In my tenure here, I •• we've had several people come before us with resolutions on the anti •nepotism. I don't ever recall one working in reverse like you say, it's usually someone from a higher rank who has someone that's being •• looking to be promoted. That could influence that?

LEG. O'LEARY:

Yeah. I think you're ••

LEG. LINDSAY:

Which you contend is fine, you want to keep that part of it.

LEG. O'LEARY:

If you have a relative ••

LEG. LINDSAY:

Right.

LEG. O'LEARY:

•• now I'm talking strictly Police Department ••

LEG. LINDSAY:

Right.

LEG. O'LEARY:

•• if you're a Police Officer looking to become a Detective, or if you're a Sergeant looking to become a Detective Sergeant, or a Lieutenant looking to become a Detective Lieutenant, or a Deputy Inspector or above, and you have a relative by definition of the •• in the statute who has the rank of Captain or above, that would have to come before this body for approval. If you're seeking promotion, if you're looking to be promoted those ranks that I just stated, if you have a relative who's below the rank of Captain, that has no bearing whatsoever as is currently written. So what I'm looking to do is to amend the resolution to say, if only you have a relative with the rank of Captain or above, it would have to go before the anti•nepotism statute.

P.O. CARACAPPA:

Anyone else?

LEG. VILORIA • FISHER:

Yes, I have questions.

P.O. CARACAPPA:

Okay. Go right ahead.

LEG. VILORIA • FISHER:

I'd like to ask the sponsor, what positions are between a Police officer and a Captain? I just want to know what positions fall in between there.

LEG. O'LEARY:

All right. The positions between Police Officer and Captain are Detective, Sergeant, Detective Sergeant, Lieutenant, Detective Lieutenant, and Captain. It used to be Detective Captain, but there are no more Detective Captains in the P.D. and they did away with that rank.

LEG. VILORIA • FISHER:

Doesn't the Lieutenant have some supervisory say? Isn't that a somewhat supervisory position? And wouldn't there be then some input on promotions or hiring?

LEG. O'LEARY:

Lieutenants and Sergeants have supervisory responsibility, they do not have administrative responsibility, and it is the administrators that make the promotions and the transfers occur.

LEG. VILORIA • FISHER:

There's no recommendation from Lieutenants or ••

LEG. O'LEARY:

Well, yeah, of course there's recommendations, but they do not have the final say. They have nothing to say about the actual creating the promotion or transfer of the individual. Well, actually, it's not even a transfer it's a promotion.

LEG. VILORIA • FISHER:

Okay. Well, I would see if someone has •• I would say that if someone were to have some kind of say or input, then it would be watering down to leave that person out of the nepotism laws.

But I have a question for Counsel. Counsel, in D of Page 2, it seems to me that the changes that were made were not really necessary, because it says the County Executive, a County Legislator, and then in brackets, which I assume is what you changed, you took out, a Department Head, or any other elected official or appointed position.

LEG. O'LEARY:

To an elected position.

LEG. VILORIA • FISHER:

Wouldn't •• no. "To an elected" is new.

LEG. O'LEARY:

No. Official appointed to an elected position. That can occur in the case of a vacancy, the ••

LEG. VILORIA • FISHER:

Okay.

LEG. O'LEARY:

For example, the Governor might appoint a ••

LEG. VILORIA • FISHER:

I still have the floor.

LEG. O'LEARY:

Well, I'm just correcting.

LEG. VILORIA • FISHER:

I'm just asking Counsel the question. Appointed position with the power to hire, fire or promote, wouldn't those categories include the Chief Deputy County Executive, who was appointed •• who is in an appointed position, with the power to hire, fire or promote?

MS. KNAPP:

The Deputy County Executives do not have the unilateral power. The County Executive does sometimes delegate the power to sign forms, but the actual appointing power remains with the County Executive, and ••

LEG. VILORIA • FISHER:

Well, that would be an argument to leave them off this resolution rather than add them onto the resolution, because, as you're saying, that would be the same logic as the Lieutenants who have input. So it doesn't seem to have consistent logic.

MS. KNAPP:

One of the •• well, I think one of the reasons, and I had suggested this one to the sponsor, the Deputy Commissioners. The Legislature •• it's never been in the legislation, but the Legislature has in the past taken the position that Deputy Commissioners must also come before the Legislature. And I do think that that's a recognition that Deputy Commissioners, as Deputy County Executives, have a tremendous say and input in hiring decisions. So that in order to maintain the consistency, we added Deputy Commissioners, even though they weren't in the

other bill, because the Legislature has had them come.

LEG. VILORIA • FISHER:

But in the previous bill, what I'm saying is the language says, "Appointed position with the power to hire, fire or promote," and you're saying that, indeed, they do. So that was in the original bill, so why change it?

MS. KNAPP:

I don't ••

LEG. VILORIA • FISHER:

That category encompasses those positions.

MS. KNAPP:

Again, I don't think that a Deputy Commissioner has the power to hire, fire or promote.

LEG. VILORIA • FISHER:

Then why are you including them in this?

MS. KNAPP:

But I believe it's ••

LEG. VILORIA • FISHER:

It's not logical.

MS. KNAPP:

In recognition ••

LEG. O'LEARY:

Point of personal ••

P.O. CARACAPPA:

Well, Legislator Vioria•Fisher still has the floor.

LEG. VILORIA • FISHER:

We're not agreeing in your interpretation of this, Counsel, which is you're saying you're including this because •• I'm not certain why you're including them, because you're saying that they don't have the power to hire ••

LEG. ALDEN:

Point of order.

LEG. VILORIA • FISHER:

•• or fire.

LEG. ALDEN:

Point of order.

LEG. VILORIA • FISHER:

And ••

P.O. CARACAPPA:

Hold on.

LEG. ALDEN:

The bill isn't •• the bill is not Legislative Counsel's bill, the bill is Legislator O'Leary's bill. So what Legislative Counsel did or didn't include has nothing to do with what she feels would be right or wrong.

LEG. VILORIA • FISHER:

Well, actually, I'm asking the question ••

P.O. CARACAPPA:

Legislator Vilorina•Fisher, you have the floor.

LEG. VILORIA • FISHER:

•• of Counsel, and we do go to Counsel for interpretation of the bills and an explanation of the legal ramifications that involve it, and I really would like her to finish what she was saying.

MS. KNAPP:

The way ••

P.O. CARACAPPA:

We're getting past the witching hour here, so we're either going to wrap up debate or we're going to go right to public hearings.

LEG. VILORIA • FISHER:

I'll just let Counsel finish her response.

P.O. CARACAPPA:

Okay.

MS. KNAPP:

The way the bill has been reordered, it used to say any department head with the power to hire, fire or promote. What it now says is it lists individuals, and then it ends by saying, "Or any department head with the power to hire, fire or promote." So it has changed the people who are covered.

P.O. CARACAPPA:

Legislator O'Leary?

LEG. O'LEARY:

And if I may, hopefully in closing, this would pertain to an individual being hired on the County, not in the P.D. This is a County hiree who has a relative, who has a relative who's a Chief Deputy County Executive or a Deputy County Executive. I would think that they have as much influence on a County level as a Deputy Inspector or above has in the P.D.

LEG. ALDEN:

Let's go to public hearings, then.

LEG. VILORIA • FISHER:

Okay. Mr. Chair.

P.O. CARACAPPA:

Legislator Viloría • Fisher.

LEG. VILORIA • FISHER:

Just very quickly. I completely agree with you. I absolutely agree with you, but I believe that it already existed in that form through the definition as I interpret it.

LEG. O'LEARY:

And just ••

P.O. CARACAPPA:

Okay. There's a motion and a second.

LEG. O'LEARY:

Just one final clarification.

P.O. CARACAPPA:

Quickly.

LEG. O'LEARY:

Legislator Fisher, when she says official appointed, those are officials appointed to an elected County position, not to Chief Deputy County Executive or Deputy ••

LEG. VILORIA • FISHER:

You can't with an elected County ••

P.O. CARACAPPA:

Yes, you can.

LEG. O'LEARY:

You certainly can.

LEG. VILORIA • FISHER:

This says an appointed position.

LEG. O'LEARY:

To an elected County position. It's any ••

P.O. CARACAPPA:

I'm just saying, you can be •• you could be appointed to an elected position in the County.

LEG. O'LEARY:

Official appointed to an elected ••

P.O. CARACAPPA:

The County Clerk is a perfect example.

LEG. VILORIA • FISHER:

This is underlined.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

This is underlined.

P.O. CARACAPPA:

Okay. I'm just making it clear. Okay. There's a motion and a second. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Oppositions, just raise your hand, please. Legislators Vilorina•Fisher, Legislator Mystal.

LEG. MYSTAL:

Abstain.

P.O. CARACAPPA:

Is an abstention.

MR. BARTON:

15. (Not Present: Leg. Foley)

P.O. CARACAPPA:

That will do it. Okay. We're just going to finish up the tabled resolutions real quick here.

1737 (Approving the lease of premises located at Main Street and Roanoke Avenue, Riverhead, New York, by Suffolk County Community College). Motion?

LEG. NOWICK:

Motion.

LEG. CARACCIOLO:

On the motion.

P.O. CARACAPPA:

Is there a motion?

LEG. CARACCIOLO:

Yeah, a motion to approve, but I'd like to note for the record ••

P.O. CARACAPPA:

Motion to approve, second by Legislator Nowick.

LEG. CARACCIOLO:

•• that I did request an opinion from the Law Department. This document was found to be in proper legal form. It is, as I understand it, and Mr. Gatta was here, a lease at \$19 a square foot, which is the fair market value for new construction.

P.O. CARACAPPA:

You know what, we're going to just put this •• we're going to go to public hearings.

LEG. CARACCIOLO:

Okay.

LEG. ALDEN:

Just because Haley came in we have to go to public hearings?

P.O. CARACAPPA:

I'd like to adjourn the meeting now that Marty walked in.

MR. HALEY:

Am I on time?

LEG. MYSTAL:

I second that motion.

P.O. CARACAPPA:

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

MR. BARTON:

Yes, they are.

P.O. CARACAPPA:

Thank you, sir. The first public hearing before us tonight is on ***I.R. 1789 • A Local Law to protect the health of minors by enacting the Colette Coyne Melanoma Awareness Act in Suffolk County.*** I have no cards. Anyone wishing to be heard?

LEG. VILORIA • FISHER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Vilorina•Fisher, second by myself. All in favor? Opposed? Abstentions? Public hearing on 1789 is closed.

Next public hearing before us tonight is ***I.R. 1791 • A local Law to extend hotel and motel tax for Suffolk County and enhance collection of Hotel and Motel Tax Revenue.*** I have a few cards. First speaker is Jim Morgo.

MR. MORGO:

Good afternoon, again. I'm still Jim Morgo, Commissioner of Economic Development and Workforce Housing. I come before you to support IR 1791.

This really is a continuation of a process you began with a home rule message back in the spring and it converges with the report that I presented briefly previously on the reforms that I spoke about and that Moke McGowan spoke about. I'm always careful not to pronounce that name Mookie, as a matter of fact.

The hotel/motel tax has proven to stimulate activity and job creation by promoting tourism and convention business across Long Island and it's proven to enhance cultural tourism and sports tourism. And, in fact, one of the things I've learned in my almost one year on the job is that cultural tourism is incredibly important whether it's a film festival or a downtown theater.

The Long Island Convention and Visitors Bureau, because my department, the County Executive and Legislator Carpenter, advocated for a greater emphasis on cultural tourism has this year started a new committee, the Cultural Tourism Committee and appointed Michelle Isabelle Stark as Chairman. Therefore, I urge you to take this last piece of the puzzle and extend the tax to 2010. You acted, the State Legislature acted and now this is the final piece.

I also support the enhanced enforcement given to the Suffolk County Treasurer through this legislation, and this is because of records of folks failing to report and under reporting this tax. That is all I have to say about the legislation. I'd be glad to answer any questions about this or about the reforms that both Mr. McGowan and I spoke about earlier.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

Good evening, Jim.

MR. MORGO:

Hi, Rick.

LEG. MONTANO:

With respect to the extension of the tax you indicate that there are enhancement enforcement procedures on that. My question was in having read this quickly, why was the enhancement provisions put on the bill with the extension? Because it seems to me that these •• these enhancement aspects ought to be discussed, you know, I'm in the process of sending them over to the Bar Association so that we can have someone, you know, from their law department look at this. I'm just concerned about the two bills, the two aspects of the bill being put together. And just so you know, I've introduced a bill that will extend the tax but not deal with the enhancement. I think that should be done separately. Why was that included?

MR. MORGO:

Well, a couple of reasons, Legislator. Number one, it's good management. I understand your concern about putting them both together, but it's good management if you're going to extend the tax to be certain that you have a way of ensuring that •• that all of the hotel and motel owners are in fact reporting and are not under reporting.

When I spoke because of what I was mandated to do by the legislation also passed this spring, I mentioned that a lot of the legislation that you have put forward, Legislator Carpenter, Legislator Caracciolo, Legislator Schneiderman, all was a response, a reasonable response, to the abuses of the past. Here we have a tax, you passed the home rule, the Legislator •• Legislature followed•up, and now you're doing •• you're creating the local law, the last piece of the puzzle to 2010.

Why not be sure, why not be certain that you're getting the ultimate bang for your tourism buck, that people are not under reporting or not reporting at all? And you know, like this is one of the things I remember way back from when I was a Legislator, tax •• in the collection of tax is sometimes not too consistent when we have cash businesses and I do know that folks often pay in cash for hotels and motels.

LEG. MONTANO:

Jim, we'll debate this in committee. I just, you know, point that out because I am concerned about the language of the enforcement provisions and the fact that from a practical aspect it ought to be looked at by some of the people that are actually involved in the process of defending and doing some of these transfers. But we'll leave that for another day.

MR. MORGO:

Yeah, that may be, but it is common sense I would think.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman this is a temporary tax. I'd like Counsel to •• Ms. Knapp, could you just inform us as to the expiration date of this extension and the previous hotel/motel tax? When did it come into existence and what period of time was it renewed over that •• it's about 10 or 12 years now, maybe longer.

MS. KNAPP:

The original hotel tax I worked on, and my recollection is that it was in •• in 1992 that we imposed it. And this one will expire ••

LEG. CARACCIOLO:

This one expires this year, but the previous •• the original tax as I recall was either a two or three year temporary tax. It's an extended type of, you know, tax that the Legislature here and in Albany has to approve. So my question is, is the turn being increased from something more than it was previously?

MS. KNAPP:

This is a five year extension.

LEG. CARACCIOLO:

That sounds to me like something in excess of what it was previously.

MS. KNAPP:

It may have been •• we may have originally asked for a shorter period on the first one.

LEG. CARACCIOLO:

I think it was two or three years originally. But, Jim, do you know how much revenue we collect under the hotel/motel tax?

MR. MORGO:

Last year it was in excess of a million dollars. The •• you can do the math. The 66 and two •thirds, that goes to the LICVB, was a million dollars and the rest was divided ••

LEG. CARACCIOLO:

Cultural affairs, historic preservation.

MR. MORGO:

Cultural Affairs and Parks was •• the rest was divided between the two of them. To answer your question, your first question, the legislation, the home rule message and legislation passed by the state extends it to 2010.

LEG. CARACCIOLO:

Right. I'm aware of that. I think previously it was only a two or three year temporary tax. And like most pieces of taxation bills that emanate in Albany or here they're always advocated as temporary but there's nothing temporary about them. Government becomes hooked on them. My next question is do you know what the breakdown within Suffolk County of how much of this tax is generated in the five east end towns?

MR. MORGO:

I do not. I can find that out.

LEG. CARACCIOLO:

I know speaking with Counsel earlier, again based on her initial work on this new tax back in 1992, she indicated to me that at that time, and I think it's more now, it was about one•third of the total that emanates from the east end. And that's very interesting in light of some legislation the County Executive's looking at right now to give the east end its fair share of public safety, not related ••

MR. MORGO:

Not related.

LEG. CARACCIOLO:

But indirectly related. You are, Jim, one of the best commissioners I've ever seen in your capacity and in County government and it's a pleasure and a delight to work with you.

MR. MORGO:

That's only because I haven't been around long.

LEG. CARACCIOLO:

You are not the only one. There are a few more in audience and I don't want to slight them and I'm not going to start naming names, but just keep doing what you are doing. You're a great guy.

MR. MORGO:

Thank you. I just •• Carolyn Fahey at my office, if I may, Mr. Presiding Officer.

P.O. CARACAPPA:

If there aren't any questions your time had expired and we've got a ton of cards here, Jim.

MR. MORGO:

It does bear on what Legislator Montano said. But just •• two minutes.

P.O. CARACAPPA:

I'll give you one.

MR. MORGO:

Carolyn tells me that it was •• the enforcement was requested by the Treasurer's Office. I don't know if that's accurate or not, but for what it's worth. Thank you.

P.O. CARACAPPA:

Good. That was nice and short. Thank you. Moke McGowan.

MR. McGOWAN:

And I am still Moke McGowan and hopefully still the President of the Long Island Convention and Visitors Bureau. Legislator Caracciolo, my recollection is about 1.6 million dollars generated by the hotel tax last year. We received approximately about 1.2 million of that. And I do not have the exact date of when this tax was first put on the books, but I do understand that essentially it was the hoteliers of Suffolk County that came to the Legislature and

requested that they be taxed so that a dedicated funding mechanism could be put into place that would further hopefully market promote or provide funds to market promote and sell Suffolk County and Long Island as a region.

I rise, obviously, in favor of 1791 and the extension of the sunset provision. It is a 4.3 billion dollar industry and here in Suffolk County alone the tourists who come to Suffolk County generate over \$39 million in sales taxes which obviously is a major funding source to the County. We're also talking about 18,000, if not a little over 18,000, Suffolk County residents employed in this industry. And so it is, whether we're going to go through the RFP process, we certainly feel that we're eminently qualified and capable of being able to take these dollars and provide a measurable and quality return on the investment. But regardless, whether it's ourselves or another entity, tourism is an industry that does need to be nurtured, it does need to be worked to grow, it's a highly competitive industry and it provides tremendous benefits to the County. And with that having been said, I thank you for your time.

P.O. CARACAPPA:

Thank you, Mr. McGowan. Next speaker, Martin Haley, former colleague, Deputy Treasurer.

MR. HALEY:

Good afternoon. I'm glad to be here. Yes, you're correct it was the Treasurer's Office that requested it. Right now at this particular stage we don't have any enforcement remedies, and the enforcement remedies that we use are ones that are typically used throughout the state and in other parts of the country. Right now we don't have an enforcement remedy for tax verification which is basically go in, can we see your books, prove to us, you know, you're paying the correct taxes. Right now we only may ask them to see them, we can't force them.

Failure to file. If you don't file, there is not a whole lot we can do about it, other than perhaps go after them civilly. They're supposed to register and if they don't register there are fines. But again, we don't have a method by which we can collect those fines.

And lastly, normal tax deficiency, if they've in fact collected taxes, failed to pay them on time and there's interest and penalties similar to the interest and penalties on people who don't pay property taxes, and we don't have a way to collect them. You can't really attach property, because the property may not be •• belong to the entity who's collecting the sales tax. The property could be leased. We're talking about a business entity, and a typical remedy for that

is to create legislation that provides a method by which we, working with the County Attorney, working with the D.A.'s office, working with the Comptroller's Office, and working •• in order to bring those remedies about. Pretty simple.

Under IR 1791, failure to register, failure to provide records for audit, or failure to pay is a misdemeanor, a very basic remedy that's used throughout the state. This particular misdemeanor would be punishable by either or both a fine, not to exceed a thousand dollars or up to a jail term not to exceed one year. Additionally or alternatively the Treasurer may issue a warrant directing the Sheriff to levy upon and sell the real and personal property of the entity that has failed to comply. That's a situation primarily where if you have an idea that somebody's ready to fly the coop and your normal remedies might take a little bit longer, there's a process we would go through as well.

Now, we've communicated what we did and when we looked at •• we requested the •• the changes, we communicated with the County Attorney's Office, we've since communicated with the D.A.'s Office and the Sheriff's Office, and to our best view, or through our best view, we can see that everything is pretty much lined up. There's nothing out of the ordinary here. We're prepared to set up a process by which starting in January we cannot only communicate, because we're not looking to make people's lives miserable, we're just looking to collect, similar to what we do now in the •• with property tax, which we happen to be, I think, one of the best in the State of New York when it comes to property tax. And I think we'll be the best when it comes to collecting hotel/motel sales tax.

P.O. CARACAPPA:

Thank you, Marty. Anyone? Legislator Schneiderman.

MR. HALEY:

Thanks, Cameron.

LEG. SCHNEIDERMAN:

The enforcement on this bill, is it the same as the regular sales tax that's collected?

MR. HALEY:

I'm not really sure. Perhaps Counsel might be •• I think it's similar to that. I think if you don't

pay a sales tax they have the same type of remedies.

MS. KNAPP:

The sales tax collection is enforced by the State, so no, this would be a new process for us.

MR. HALEY:

A process for us but I think the State pretty much uses the same type of remedy.

MS. KNAPP:

I know that the State has a broad range of enforcement tools available to them. I would hesitate to comment on whether it's the same.

LEG. SCHNEIDERMAN:

Could you check to see if it's consistent with the State's policies?

P.O. CARACAPPA:

Anyone else?

LEG. ALDEN:

I think this guy was dancing on that issue a little bit.

MR. HALEY:

I was dancing on what?

LEG. ALDEN:

On that last issue I didn't see an affirmative answer one way or the another.

MR. HALEY:

Ask the question again.

P.O. CARACAPPA:

Don't worry about it. Thanks. Thank you, Marty.

MR. HALEY:

Thank you.

P.O. CARACAPPA:

I have no other cards. Anyone wishing to be heard? Is there a motion? Is a motion on this public hearing?

LEG. BISHOP:

Motion to close.

LEG. COOPER:

Second.

P.O. CARACAPPA:

Motion to close by Legislator Bishop, second by Legislator Cooper.

MR. MONTANO:

Motion to recess.

P.O. CARACAPPA:

Motion to recess by Legislator Montano. Is there a second? I'll second it. All in favor? Opposed? Abstentions?

LEG. LINDSAY:

Opposed.

P.O. CARACAPPA:

One opposed.

LEG. SCHNEIDERMAN:

I'll abstain.

P.O. CARACAPPA:

One opposed, Legislator Lindsay. One abstention, Legislator Schneiderman.

MR. BARTON:

15. (Not Present: Leg. Foley)

P.O. CARACAPPA:

It's recessed. Moving on. ***Public Hearing, I.R. 1820, a Local Law to extend and further strengthen the reporting for the Anti-Nepotism Statute.*** I have no cards. Anyone wishing to be heard?

LEG. CARACCIOLO:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Public hearing 1820 is closed.

Moving on to ***Public Hearing on I.R. 1821 • Charter Law adopting the extension of the Smart Government Plan for Environmental Protection, for County Taxpayer Protection and for the Sewer Tax Stabilization.*** I have no cards. Anyone wishing to be heard?

LEG. CARACCIOLO:

Motion to close.

P.O. CARACAPPA:

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

D.P.O. CARPENTER:

Motion to recess.

P.O. CARACAPPA:

There's a motion to recess, second by myself.

D.P.O. CARPENTER:

All right, we'll leave it.

P.O. CARACAPPA:

Okay. Motion stands. All in favor? Opposed? Abstentions? It's closed.

Moving on. ***Public hearing on I.R. 1827 • A Local Law amending Local Law No. 42 • 1999, providing for equitable compensation for the District Attorney.*** I have no cards on this matter. Anyone wishing to be heard? Motion to close by myself, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

Moving on to ***I.R. 1835 • A Local Law to amend Resolution Number 396•2005.*** I have no cards. Anyone wishing to be heard?

LEG. LINDSAY:

Close.

P.O. CARACAPPA:

Motion to close by Legislator Lindsay, second by Legislator Nowick. All in favor? Opposed? Abstentions? That public hearing is closed.

Public Hearing on I.R. 1868 • A Local Law to protect Suffolk residents by permitting the seizure of vehicles engaged in unlawful speed contests or races. I have no cards. Anyone wishing to be heard?

LEG. COOPER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Cooper, second by Legislator Tonna. All in favor? Opposed? Abstentions? That public hearing is closed.

Moving on to ***Public Hearing on IR 1903 • A Local Law to protect Suffolk residents by enacting the Suffolk County Fair Share for Health Care Act.*** I have about 30 cards.

LEG. TONNA:

Can we just vote it now? Can we just get this vote done?

P.O. CARACAPPA:

Okay.

LEG. ALDEN:

Paul, there's a long process that we have to go through.

P.O. CARACAPPA:

We do have a lot of cards. Everyone has the right to be heard. If we can keep your comments as quick and to the point as possible, it would be appreciated. If we could consolidate in any way, shape or form, that would be appreciated as well. So let's get to it. First speaker, Mary R. Dewar.

MS. DEWAR:

I'm Mary Dewar. I'm a retired nurse educator. I'm a present chairperson of the Public Issues Committee of the Long Island Council of Churches. I'm on the Board of Governors at the Long Island Council of Churches serving 400 churches on Long Island and as such I am the representative to the Long Island Chapter of Jobs With Justice.

The Long Island Council of Churches has taken a stand for universal health care coverage which means universal coverage but not the provision of care. I, too, am a strong proponent of universal health care coverage. And the more I see of the inequities and fracturing of our health care system and the large numbers of uninsured, the more I want to see universal health care. But we recognize that at the present time politically there's little hope of attaining that goal.

Many are suffering from lack of money to pay for health care so that a measure that will alleviate the situation for some while waiting for a just system for all is worthwhile. The bill you're considering on fair share, while narrow and specific in its focus, is a good start. The New York City Council passed such a bill last Wednesday, August 17th, 46 out of 51 •• actually, it was a 46 to one vote.

It is intended that you lead the way and that Nassau County and Upstate will follow and we can hope for a State bill at some point. Maryland is moving in the same direction as are other states. As faith based people, we are for this bill because it will one, give access to health care to another group of people who are uninsured at present which will allow them to have better

health. That is taking care of those in need. Two, it will level the playing field for those businesses that do offer health care coverage to their employees, so that they will not lose out in competition because those who do not offer insurance or carry that financial burden can offer lower prices and squeeze them out. Justice and fairness is another goal of faith based communities. It will also allow for a less Medicaid burden on the County, some \$2,000 the County now pays out for Medicaid for those who are shunted to Medicaid for their health care needs.

And last of all, it will allow companies that do provide insurance to continue and have those that don't pay a similar amount so that their employees can be covered. At least in the retail food industry at present to start with.

We recognize this is a small segment of the total population that need health care coverage, but it is a place to start and it is a bill which can be enacted. We are in favor of this bill. That means the Long Island Council of Churches, its Board of Governors, and the Public Issues Committee of the Board as well as Jobs For Justice. Thank you.

APPLAUSE

D.P.O. CARPENTER:

Thank you. Next speaker, Ryan Delgado followed by Paul Sonn.

MR. DELGADO:

Thank you, members of the Legislature. My name is Ryan Delgado and I am the political director of Local 1102, RWDSU UFCW. Our local union represents over 11,000 workers with 70% of our membership in the retail industry. Our retail members work as cashiers, fold and hang clothes, service customers, set up displays, stock merchandise and sell. They work for good union employers such as Modells, Sims and New York and Company and numerous other independent stores throughout Long Island and the metropolitan area.

Our members and their families have comprehensive health care coverage. Last year our health fund spent over \$23 million on health care benefits for our members and their families. These medical bills would no doubt have fallen to Medicaid and other government subsidized health programs or a collection agency if not for the union's benefit plans.

The plan also covers prescription drugs allowing members to get the medications they need not only to maintain their lives but to prevent illnesses from getting worse. Unfortunately, many retail workers do not find themselves in the same position.

Just look at the terrible example being set by our nation's largest big box retailer and employer, WalMart. WalMart is the largest company in the world and employs more than 1.5 million workers worldwide, 1.3 million in the U.S. alone. But Walmart's growth has come at the expense of their employees and communities within which they operate. Most WalMart employees can't afford the expensive premiums and deductibles that WalMart requires for health care coverage which keeps more than two-thirds of WalMart employees from participating in the company health plan.

The result? Nearly 700,000 WalMart employees are forced to get health insurance coverage paid for by other means. This essentially shifts the cost of health insurance to taxpayers and to other employers, driving up health care costs and draining public resources. According to a recent report by the U.S. Congressional Committee on Education in the Workforce, a typical WalMart store ••

D.P.O. CARPENTER:

Sum up, please.

MR. DELGADO:

With 200 employees would cost taxpayers \$420,000 per year in government programs. The bottom line is that the Fair Share for Health Care Act protects workers, lessens the burden on taxpayers and levels the playing field for responsible employers. Thank you.

APPLAUSE

P.O. CARACAPPA:

Thank you very much. Paul Sonn followed by Roger Clayman.

MR. SONN:

Thank you. My name is Paul Sonn. I'm Deputy Director of the Poverty Program at the Brennan Center for Justice at NYU School of Law. We are a •• kind of a legal policy shop that's been working with the coalition in the Legislature on the proposal that's before us this evening.

We've also been working with the New York City Council and their recently enacted similar parallel legislation, as well as advising other cities and states around the country.

I think the initiative that is before this body now and that other municipalities are considering really reflects a turning point in the national health care reform debate. It really marks one of the first times that we're finding employers stepping forward and teaming up with advocates for workers to say look, we shouldn't compete around how little we can provide in terms of health care to our work force. You know, we should compete around efficiency, quality merchandise, but not around how much we can skimp on health care.

And so in light •• in addition, we're finding that employers and industries where it has long been the norm for businesses to ride health care are facing growing pressure to cut back. Not because it's not possible to operate a profitable business while paying for health care, but because they are finding increasing numbers of their competitors are not providing health care, putting pressure on them to cut back as well. And this has led to a real common sense proposal.

Let's level the playing field, let's take health care out of competition. Let's set a basic fair standard for health care for all employers, and these proposals do this in a real common sense way. They set as the standard that the level of health care that, you know, half or so of the employers are currently paying for. We believe that that really demonstrates that this is economically realistic and feasible because half of the employers have been doing this for a good long time. It is a fair and reasonable benchmark to set for the industries as a whole.

So, we'd •• there are a variety of, you know, issues and questions this legislation raises. You know, there are legal questions that have been raised about whether federal law permits this sort of legislation. The federal _ARISA_ statute imposes certain limits on State and local policy affecting health care. However, this proposal has been designed to comply with all _ARISA_ requirements. Our advisor on the legislation is a person who is the top U.S. DOL _ARISA_ lawyer from 1988 to 2000. He is working around the country and has prepared an extensive analysis of this legislation and we believe it meets all the prevailing Second Circuit and U.S. Supreme Court _ARISA_ requirements. Maybe I'll just break off there, but if there are any questions I'd be delighted to try to answer them.

D.P.O. CARPENTER:

Thank you very much. I think in light of the fact that we have so many speakers we'll just go on to the next speaker.

MR. SONN:

Terrific.

D.P.O. CARPENTER:

Thank you.

MR. SONN:

Thanks very much.

APPLAUSE

LEG. TONNA:

Thank you. Thank you for the resource, too.

D.P.O. CARPENTER:

Roger Clayman followed by Dave Sprintzen.

MR. CLAYMAN:

My name is Roger Clayman. I'm the Executive Director of the Long Island Federation of Labor and because we're somewhat repetitive I'll try to summarize and be quick.

We •• this is a very important piece of legislation to •• not only to organized labor but to the community, to the taxpayers, to the County. It's the one way that we can tackle a problem that's really national in scope but plays out unfairly on the County level by penalizing taxpayers here for what employers are not willing to do.

Our unionized employers, as you've heard, have been responsible over the years. They've provided health care and now they're under pressure, under our unionized workers, are under pressure and under attack because of those who do not. This is a good way to get at it. It's good for the taxpayers, good for the County, and I urge you to pass it. Thank you.

APPLAUSE

D.P.O. CARPENTER:

David Spritzen, followed by Lisa Tyson.

MR. SPRITZEN:

It brings back a lot of memories here. I've been coming here for many, many years. I look up on the wall there and I realize sadly that I have been here through all those people, on this side and a few on that side. So that is pretty •• that's quite some time. But I have always respected the work of the Legislature here. You have been a path breaking Legislature in many ways over many issues over many years. So, it's a pleasure to come before you.

My name is David Spritzen. I am an officer of the Long Island Progressive Coalition and I represent the Progressive Coalition on the Board of Jobs With Justice. We're also •• we are also the local affiliate of Citizen Action of New York. And in that capacity we have worked actively for many years in promoting such health care initiatives as Family Health Plus, Child Health plus, the Managed Care Bill of Rights, the Managed Care Consumer Assistance Program, and of course working hard for universal health care, sharing that concern with many others including the Long Island Council of Churches.

In all •• when we have pushed statewide for issues such as managed •• Family Health Plus and Child Health Plus, part of the problem has been the amount of cost to cover people in any decent manner, all right? And what we have here is companies who are consciously and intelligently using that service provided by government as a way of absolving themselves of responsibility of providing basic health care. They are therefore undercutting their competition and throwing the burden on the public at large and making it more difficult to cover those who do not have those jobs or those resources to provide health care.

So I won't have to repeat all the arguments you'll hear from other people, I can prove that even a philosopher can be brief on occasion. I think this is a good opportunity. It's a great initiative on your part. The people who are proposing it ought to be praised for their initiative and I want to encourage all of you to support it and provide more of a level playing field which at the same time also can help preserve local businesses and those who are doing their responsible •• assuming their responsibility for their workers. So, thank you very much.

APPLAUSE

D.P.O. CARPENTER:

Thank you very much. Lisa Tyson followed by Anthony Speelman.

MS. TYSON:

I'm Lisa Tyson, the Director of the Long Island Progressive Coalition. And when hearing about this issue I think what was very interesting is finding out that certain employers are saying to their workers when they're being hired that we understand that you're being paid a poverty wage which means that you then can apply for Medicaid. And that's basically what's going on here. And at the same time we're fighting for Medicaid dollars every day. Every year they're being threatened to be cut and people's services are being cut.

So there's a problem here and your solution, this bill, is the solution to this problem, one of the many solutions to the many problems. So we hope that you move forward this proposal and that in Suffolk County •• and maybe when Suffolk County moves this forward other counties in other areas will move it forward, too. Thank you.

APPLAUSE

P.O. CARACAPPA:

Thank you. Anthony Speelman followed by Ernesto Mattace.

MR. SPEELMAN:

Good evening, Legislators. My name is Tony Speelman. I'm the Executive Vice President of United Food and Commercial Workers Local 1500 and my local represents 22,000 workers in the supermarket industry. They work for stores like Pathmark, Kullen, Stop and Shop and Waldbaums, many of who our children and I have worked in. And the bottom line is they do the right thing, and big companies such as WalMart and BJ's do the wrong thing.

And I have to congratulate Legislator Lindsay and Legislator O'Leary for taking the initiative on this bill. Is it perfect? No. Are there some changes that may have to be made? Yes. But the bottom line is it's the right time to do this bill, it's right for the workers of Suffolk County and it's wrong for companies like WalMart to come in here and we subsidize their health care while

our employers, some of who are in this room tonight, foot the whole bill, the whole bill, and our workers do get health care and we aim to keep it. So Bill and Pete, I thank you. You are doing the right thing. It passed in the City because it was the right thing and it's going to pass in Suffolk County. Thank you.

APPLAUSE

D.P.O. CARPENTER:

Thank you. Ernesto Mattace followed by Brian Schneck.

MR. MATTACE:

Good afternoon. My name is Ernesto Mattace. I'm Vice President and Political Director for Local 338 and I thank you for this opportunity to speak on behalf of the Suffolk Fair Share Health Care Act. I'd like to thank the Legislators who had sponsored it, especially Legislator Lindsay and O'Leary, and I'd also like to make a comment.

I had the opportunity to work on the City health care plan and it took many, many months to put through. As usual, Suffolk County and its Legislators have the foresight to look at something that's needed within the County and set their own land speed record. So I thank you on behalf of all our members. We represent Waldbaums, Stop and Shop, other individual markets throughout the Island.

We feel that basically there's three areas. Number one, this particular bill will help protect the taxpayers and take the burden off of their backs with the Medicaid costs. It will improve our health care system, and finally, again, it will support our local employers who do the right thing with the collective bargaining agreements on a day-to-day basis that have our members the opportunity to get health care and to raise their family in Suffolk County. Thank you.

APPLAUSE

D.P.O. CARPENTER:

Thank you very much. Brian followed by Patricia Brodhagen.

MR. SCHNECK:

Good afternoon. My name is Brian Schneck. I'm a resident of Lake Grove. I'm also the Chairman of the Suffolk County Chapter of the Working Families Party and I'm here today in support of this legislation. And first off, I'd like to congratulate the courage shown by Legislator Lindsay and also Legislator O'Leary on bringing this bill forward. It's a tremendous thing that you've done. In the past, this body has stood up for working people. It was historic what you did here back in 2001 with the passage of the living wage and here we are four years later doing another great thing for working people, the lowest workers on the ladder. So I applaud your efforts and I would hope that you pass this.

As you know, the Working Families Party is a coalition that has been put together with community groups and many labor unions all across New York State. We're very proud of that, we're growing every day. None of you have worked with us in the past and you are working currently with us now and you will in the future.

I'm going to echo the points that were made earlier, and you must realize there are 12,000 hard working people in this County that are going to be affected by this important legislation. All right? Those 12,000 workers, all right, need this to happen. It's essential for them to survive in Suffolk County and to be healthy. Keep in mind those 12,000 workers, there's an average cost of \$2,100 a year in Medicaid cost that could accumulate, which rolls up to \$25 million in Suffolk County that the taxpayers shell out for the Medicaid portion.

So, what a wonderful thing this legislation does, takes care of working people that go without health care. Answers the needs of the taxpayers with this tremendous burden that we have with the combined State, school, federal, local tax. You guys would be significant heroes if you would stand up, and I know you're going on do it, and pass this legislation.

So on behalf of the Working Families Party, I'd like to once again ask you and I know you're going to do it, support this legislation and do the right thing for working people. Thank you.

APPLAUSE

D.P.O. CARPENTER:

Thank you, Brian. Legislator Lindsay, do you have a question?

LEG. LINDSAY:

No, not really a question. But just to clarify something that the last two speakers said and I appreciate the praise, but there is nine sponsors on this including Mystal and Bishop and Cooper, Montano, Viloría•Fisher, Foley and Tonna, and a number of them had input into the design of the bill, so I don't want to take sole credit for this, okay?

P.O. CARACAPPA:

Thank you very much. I'm sure the rest of the cosponsors feel much better now.

LEG. TONNA:

But, Bill, it's still very courageous.

D.P.O. CARPENTER:

Patricia Brodhagen followed by Jacob Chacko.

MS. BRODHAGEN:

Good evening. My name is Pat Brodhagen. I'm the Vice President of Public Affairs for the Food Industry Alliance of New York State, which is the trade association of the grocery industry in New York. Our members include King Cullen, Pathmark, Stop and Shop, Shoprite, a number of independently owned markets in the County, IGA's and C Towns and Key Food among others. And I agree with my colleagues in the labor movement, we are the good guys. Far and away the majority of our employees are covered by collective bargaining agreements and we certainly do pay health benefits.

But, as you know, when you come to legislation the devil is in the details, and so I need to bring to your attention some problems with the bill as written that I hope going forward you will take a serious look at and that we will be able to address.

The chief issue that we have, and you haven't heard testimony that's sort of gotten into the nitty•gritty, but again, I feel that we need to do that, is that the bill as written mandates a specific minimum level of health care expenditure by grocery employers on behalf of their employees and that level which is simply written as three dollars per hour based •• times a certain number of hours varies quite significantly from what is the prevailing practice in the industry.

If you look at the New York City bill that several speakers have referred to, that piece of legislation was not written that way. The prevailing expenditure in the New York City bill is to be determined as the average of the prevailing industry payment within the City and in the case where the covered industry has 30% or more of its employees covered by collective bargaining agreements, then it is whatever is contained in that collective bargaining agreement. That is a real big change from setting a very specific number that doesn't take into account other variables and there's a lot of variables that go into the benefits determination.

Moreover, when you look at the hours that are added up in terms of employees, there's a whole category of people whose hours are included who aren't really our employees and that's contract workers. And so that definition of employee is a very big issue for us and one that we think needs to be revisited. And, in fact, the notion of setting an arbitrary figure could really be inflationary and it will certainly, if it continues this way, add huge new costs to present employers.

There is an exemption for those companies who are a signatory to a collective bargaining agreement, but again, the way the exemption is written is that it only applies if under that agreement the employer makes the minimum health care expenditure as defined in the bill, and I've already mentioned why the definition of that is problematic and therefore that exemption is problematic.

Again, just to use the New York City bill as an example, in that case, if a company is a signatory to a collective bargaining agreement and it covers 75% of the company's employees in the City, then they are •• beyond that exempted from the provisions of the bill. Again, a very big difference from the way this particular piece of legislation is drafted. So there's a number of points like that we would very much like to address with you going forward.

Finally, I have to say that food retailers are distressed that they have been singled out in this legislation, that it only applies to the grocery industry. Initially in New York City there were five or six industries that were meant to be covered, including hotel workers, commercial laundry workers and several in the building trades as well as grocery workers. The final bill, which came out fairly suddenly, was pared down to grocery workers only. For us, that's a problem. We think if this is the critical issue that it is, then it's critical for a lot of players out there. It's certainly general retailers, not just food retailers, and others on that list that I just recited, and we would urge you to give consideration to looking at a much bigger universe if you're going in this direction than grocery workers only.

D.P.O. CARPENTER:

Sum up, please.

LEG. CARACCIOLO:

I have a question.

LEG. TONNA:

I have a question. Just quickly, while she is summing up, could you just tell me what you mean by that? You have more time.

LEG. CARACCIOLO:

Paul.

D.P.O. CARPENTER:

A real question.

LEG. TONNA:

Oh, yeah.

LEG. CARACCIOLO:

I have a question, Paul.

D.P.O. CARPENTER:

Why don't we let Legislator Caracciolo ask his question.

LEG. TONNA:

I just want her to finish. I don't want to cut her off.

LEG. CARACCIOLO:

Pat, could you tell us, did you follow the events of New York City very closely?

MS. BRODHAGEN:

I did.

LEG. CARACCIOLO:

Do you know why the building trades industry was excluded from the legislation?

MS. BRODHAGEN:

Well, I followed it by I ••

LEG. CARACCIOLO:

Lobbying perhaps?

MS. BRODHAGEN:

Pardon me?

LEG. CARACCIOLO:

Lobbying?

MS. BRODHAGEN:

Could be.

LEG. CARACCIOLO:

Yeah, yeah. I think it would behoove the Legislature to do some research about the New York City bill because there's quite a history that revolves around it and how they wound up with a bill, as you pointed out, that is even a watered down version of this piece of legislation, which isn't very much. Thank you.

D.P.O. CARPENTER:

Thank you. Thank you very much. Legislator Lindsay.

LEG. LINDSAY:

Yes. And, really, I appreciate you coming down and giving your testimony and just an observation. Although the trigger point here is the grocery industry, this, in fact, will cover a lot more people than just people in the grocery industry. When you talk about a box store, groceries are only a small part of what they sell. They sell a lot of dry goods and a lot of other goods, and this would cover those workers as well.

D.P.O. CARPENTER:

Legislator Alden.

LEG. ALDEN:

Are there any other pieces of information or testimony that you would like us to consider?

MS. BRODHAGEN:

I'm sorry, Legislator Alden. Would you say that again?

LEG. ALDEN:

Is there any other information or testimony that you would like us to consider?

MS. BRODHAGEN:

Yeah. I'm going to be followed actually by an attorney who has done some of the research on some of the legal issues. There are legal issues associated with this, and again, it's something that we think you need to look at and be well informed about, and so he's going to bring some of those issues forward. And we also do have a labor relations person with us from one of our member companies and if you had questions for him I think he could help you.

LEG. CARACCILO:

Madam Chair.

D.P.O. CARPENTER:

Legislator Bishop and then Legislator Caracciolo.

LEG. BISHOP:

So is your industry supporting the legislation or not?

MS. BRODHAGEN:

Not at this time, Legislator Bishop.

LEG. BISHOP:

Did you support the New York City legislation?

MS. BRODHAGEN:

We did not. As a •• the truthful answer to that question is that as an industry group, the Food Industry Alliance, we remained neutral on it. Several of our employers, certainly, leaned to support.

LEG. BISHOP:

Okay. And so the specific objection to your •• your sending us a letter with them I assume or you ••

MS. BRODHAGEN:

I have sent a letter to the sponsor.

LEG. BISHOP:

Oh, to the sponsor. Okay.

MS. BRODHAGEN:

And I can put anything you like in further writing if you want it.

LEG. ALDEN:

Dave, that's not you.

LEG. CARACCIOLO:

Madam Chair.

D.P.O. CARPENTER:

Legislator Caracciolo.

LEG. CARACCIOLO:

Pat as you noted, the legislation provides exemptions for signatories or collective bargaining agreements. In Suffolk County I believe you represent the food industry. I know Mr. Cullen is here obviously representing, if he is going to speak, his chain of supermarkets. What percentage of the supermarkets have employees that are covered by a contract?

MS. BRODHAGEN:

All of •• all of the chains have.

LEG. CARACCIOLO:

So they would all be excluded?

MS. BRODHAGEN:

They wouldn't be excluded in this bill because ••

LEG. CARACCIOLO:

To what extent would they be included?

MS. BRODHAGEN:

Because the way it reads is that they would be excluded if their collective bargaining agreement, if under that, the employer makes a minimum health care expenditure, which then you ••

LEG. CARACCIOLO:

All right. And you made reference to three dollars.

MS. BRODHAGEN:

•• have to go back and look at what that means. Three dollars times hours of employees ••

LEG. CARACCIOLO:

Have you been able to quantify what the financial impact would be on the industry?

MS. BRODHAGEN:

If it was as written?

LEG. CARACCIOLO:

Yes.

MS. BRODHAGEN:

I haven't •• I haven't done that. I only have some very brief kind of colloquial numbers and it would be •• well, it would probably in the hundreds of thousands of dollars overall.

LEG. CARACCIOLO:

How many employees are there in the supermarket industry in Suffolk County?

MS. BRODHAGEN:

That's a number I used to know. Let me look back there. Does anybody have that number?

AUDIENCE MEMBER:

16,000.

MS. BRODHAGEN:

Yeah.

LEG. CARACCIOLO:

16,000 and most of them are covered by employers?

AUDIENCE MEMBER:

(Nodded yes).

LEG. CARACCIOLO:

So, again, they would not fall within the purview of this legislation.

MS. BRODHAGEN:

As written they would.

LEG. CARACCIOLO:

I'd like to know if anyone knows the answer how many people would be •• fall under the auspices of this legislation.

LEG. ALDEN:

Mike, they all do.

MS. BRODHAGEN:

As written they do.

LEG. CARACCIOLO:

I know that. But I would like to know •• they would fall under it but they would be excluded by virtue of the collective bargaining agreements.

MS. BRODHAGEN:

Only if we are ••

LEG. BISHOP:

That's what she is urging.

MS. BRODHAGEN:

Yes.

LEG. BISHOP:

That's what she wants.

MS. BRODHAGEN:

The modifier that says and the employer makes minimum health care expenditures, when you then look at the definition in the bill as written of minimum health care expenditure, I think it is highly unlikely that the present collective bargaining agreements match that calculation, which is done in an entirety different way. It's a straight three dollars an hour times a certain number of employees, some of whom are to us phantom employees, they are not people who are on our payroll. It doesn't take into account part•time and full•time differences. It doesn't take into account other practices that are part of the existing collective bargaining agreements. And it would be, I believe, that this shouldn't superseded what's in a collective bargaining agreement, but it as written it would.

LEG. CARACCIOLO:

It can supersede what's in a collective bargaining agreement? A County law can supersede what's in a collective bargaining agreement? Counsel?

MS. KNAPP:

The County law as written would have to be obeyed unless a court determined that the collective bargaining agreement took precedence.

MS. BRODHAGEN:

That's one of the legal arguments that you need to wrestle with.

LEG. CARACCIOLO:

I think there is a legal lawsuit waiting to happen right there. Okay.

Thank you.

LEG. LINDSAY:

Let me just make a comment and I won't debate it.

D.P.O. CARPENTER:

Certainly, Legislator Lindsay.

LEG. LINDSAY:

We have a serious disagreement on how •• how Pat's reading the bill. And I intend to have more legislation. Your interpretation of it isn't really what it says, but we'll talk about it more.

I don't want to debate it at this point.

MS. BRODHAGEN:

Okay.

LEG. LINDSAY:

I'll look at what you're talking about. But I have the bill in front of me. Your interpretation's wrong.

D.P.O. CARPENTER:

Okay. Legislator Kennedy, did you have a question?

LEG. KENNEDY:

My questions were answered.

D.P.O. CARPENTER:

Thank you. Next speaker, Jacob Chacko.

MR. CHACKO:

Good evening. My name is Jacob Chacko. I'm an attorney with the law firm of Seyfarth Shaw in New York City and we're Counsel for Stop and Shop. Stop and Shop has not taken a position on the bill, but in looking at it, we've noted there are several areas where the bill could be challenged legally and perhaps some of these areas should be considered when crafting the legislation.

First of all, the definition of employee is broad. It covers •• it covers independent contractors, contingent workers or individuals who are retained through services of a temporary employment agency. Like, for example, like a cleaning, you know, a cleaning company or a security contractor. And regardless of whether these individuals receive health care benefits from their respective common law employers. So the cost might be wrapped up along with that.

So, what we •• we take the position that the definition of employee should be defined a little bit more narrowly perhaps a common law definition of an employee, take out the language about independent contractors, contingent workers, temporary employees, get to sort of the traditional notion of what an employee is. That might be a fairer way to define employee.

ARISA has been mentioned before, and there is an argument that _ARISA_ may preempt this law. If enacted the law would essentially force a covered employer either to provide coverage, health insurance coverage, or be subjected to a punitive assessment. _ARISA_ contains a broad preemption provision that operates to superseded most state laws that relate to _ARISA_ plans including, for example, health insurance. So there is an argument there that _ARISA_ might preempt the bill as is written.

There is also a potential that the bill could be preempted by the NLRA. The National Labor Relations Act makes it an unfair labor practice for an employer to by discrimination •• discriminate against employees in regard to higher or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. By distinguishing between employers who are represented by unions, exempted from the legislation, and those who are not, those who are covered by the legislation, the Legislature is in effect requiring employers to discriminate with regards to terms and conditions of employment of their employees based on their status as a union member or not. So there may

be an argument there that it could possibly be preempted by the NLRA.

And others have made arguments that potentially there could be a constitutional challenge based on equal protection. I tend to think that that argument is weak, but it's possibly out there as well. Equal protection meaning that ••

D.P.O. CARPENTER:

Please sum up.

MR. CHACKO:

Sure. Just that there may be constitutional arguments, which I feel are weak but could potentially be made.

P.O. CARACAPPA:

Thank you. Legislator Kennedy.

LEG. TONNA:

Can I just •• wait •• oh, you had a question also. Sorry.

LEG. KENNEDY:

Just one quick question. I'll go to the first point that you raised as far as definition of employee. When you go to employee and then you ferret out, I guess, the broad of scope associated with contract workers, is there anything that you're looking at where you come into conflict? Do you •• where do you find that I guess you got this difference as far as the definition goes? Is it internal revenue code provisions? Where are you finding the conflict?

MR. CHACKO:

The concept of an employee is to find in many statutes, federal statutes, like Title 7, the FMLA, Family Medical Leave Act, so •• and even there is a common law sort of definition of what an employee is. So there are other definitions of an employee out there and we think that perhaps those definitions should be looked at when defining what an employee is for the purpose of this statute.

LEG. KENNEDY:

All right. And the other thing is you •• the _ARISA_ , I know that there's been a lot of work done already as far as finding that this plan, in fact, may comport with _ARISA_ because it doesn't come in direct conflict. But you also mentioned the National Labor Relations Act. How is it that you say that there's conflict there?

MR. CHACKO:

Well, the statute distinguishes between employers who are covered, who are represented by unions and ••

LEG. KENNEDY:

Presently where there's collect bargaining agreements in place.

MR. CHACKO:

Correct. So as it's written it distinguishes between employers who are represented by unions versus those who are not represented by unions. And so there is a •• some tension there and perhaps the NLRA might come into play. There's a possible preemption issue.

LEG. KENNEDY:

Okay, thank you.

D.P.O. CARPENTER:

Thank you. Next speaker is Nancy Stepanek.

MS. STEPANEK:

Good evening. I'm Nancy Stepanek and I am representing the Unitarian Universalist Fellowship of Huntington and I am a delegate to Jobs With Justice. But before I began working with Jobless Justice, I am a retired administrator for the Department of Social Services.

The reason I support this bill is because I am appalled that an industry like big boxes would have a policy that encourages their staff to apply for Medicaid and food stamps. Having worked with the department as an administrator I have a sense of how much these programs cost, and as a taxpayer now that I am retired, I really would like to support this. I think everyone has spoken about the fact that this doesn't •• we need to level the playing field, we need to reward employers who provide benefits to their employees. So I just wanted to add from •• on behalf

of my church and fellowship, support for this bill. Thank you.

APPLAUSE

LEG. O'LEARY:

Question.

D.P.O. CARPENTER:

Thank you for coming down. Legislator O'Leary.

LEG. O'LEARY:

I have a question.

D.P.O. CARPENTER:

Nancy, could you come back, please?

MS. STEPANEK:

Sure.

D.P.O. CARPENTER:

Legislator O'Leary has a question for you.

MS. STEPANEK:

Yes.

LEG. O'LEARY:

I am over here. I am very interested in your comment concerning the employer who advocates their employees for Medicaid and other assistance, thereby not providing the health benefit. Do you have any verification or any documentation that this in fact is a fact?

MS. STEPANEK:

Well, I think there been so much research done about WalMart, and I don't have all the figures in front of me, but across country, in Massachusetts, in Georgia, in a number of states there is this problem with WalMart encouraging their employees to apply for benefit because they don't pay them a living wage. And I think that this is now being transferred to the taxpayers of

Suffolk County as well.

LEG. O'LEARY:

But do you have any specific documentation that could ••

MS. STEPANEK:

No •• you mean in terms of Suffolk County?

LEG. O'LEARY:

Yes.

MS. STEPANEK:

No, I don't have the figures. Since I am no longer with the department, you know, I haven't really looked into that. But I know we have an enormous Medicaid bill in this County. So I think that, you know, that figure could be put together by somebody whose got an opportunity to look it up.

LEG. O'LEARY:

Yeah, well, I'll be interested in exploring this particular statement that you made depending on what happens with this resolution. My sense is that it will be sent back to committee, to Ways and Means, and I am Chair of that particular committee, and along with Legislator Lindsay, another sponsor. We'll be interested in exploring those statements that you made today.

MS. STEPANEK:

Okay. Thank you.

D.P.O. CARPENTER:

Thank you. Next speaker, Jim McAsey followed by Andy Glass.

MR. McASEY:

Good afternoon. How are you? My name is Jim and I work for Jobs With Justice. I want to congratulate the cosponsors of this bill, thank you very much, and to reward you I'll try to be as brief as possible.

I work with for Jobs With Justice, again, which is a coalition of unions and community based organizations and the faith community and student and youth groups. What we are doing is we are building a movement for social and economic human rights that connects the labor movement with the community. That's why we've really got behind this bill in a big way because it connects the movement of workers who are struggling to get health care with that of the community who doesn't want to subsidize the richest corporation in history.

WalMart has \$9 billion in profit and why should the community be asked to subsidize them. Because why? Because they don't pay their workers enough and because they don't provide health insurance.

So, I would just like to thank everyone that Jobs With Justice invited today to come support Dr. Ruth Brandwein, Dr. Charles Robbins, Nancy Stepanek, Mary Dewar, David Spritzen, Lisa Tyson, Andy Glass, and I'd also like to thank the organizations who have been doing a great deal of work to get this bill passed, such as the Brennan Center, the Federation of Labor, the Working Families Party.

So, like I said, I'll be brief. Thank you again, and I'll be back to congratulate you when you pass it later in a couple of months. Thank you very much.

D.P.O. CARPENTER:

Thank you very much. Andy Glass followed by Tom Cullen.

MR. GLASS:

Hello. My name is Andy Glass. I'm here as a businessman, concerned citizen. I was invited here by Jobs With Justice, but I find myself in an odd situation. I used to run a business in Suffolk County that had about a thousand employees, and usually I found myself on the opposite side of the table from unions. But in this particular case I think that unions, the community and businesses, actually, are all on common ground and we share the same values and concerns.

Relative to some comments that others have made, I certainly would like to point out that after 35 years of •• spending 35 years of my life in the medical field and in both •• on both sides, service provision and manufacturing, I'm not for universal health care. I'm not against corporate greed. I don't think that desire for profit is somehow directly at odds with good

employee practices. What I hope this bill will address is abuse, outright abuse.

In the case of WalMart in particular and a few similar business, it's obviously not acceptable that taxpayers should bear the costs resulting from their employment practices. It's a combination of extremely low wages and the purposeful abuse of part•time work exceptions. That is a biggie. That is a way of just avoiding, purposely avoiding paying benefits to workers by keeping them part•time even when they might be better off as full•time employees.

I'd like to put a caveat on everything I say. I think you have to be very careful that this does not apply to small businesses. My thousand employee business started out with two people in a closet. It took us a long time to get to the point where we could pay for benefits. You have to watch out that you don't squash small businesses. But here you can focus easily •• you can focus on the easily identified major offenders. That's the caveat.

Another couple of points worth making about big boxes, these big box stores in general, is that they don't produce increased sales tax returns, particularly when the location doesn't bring in shoppers from other tax authorities. In this case we're talking about these operations in Suffolk County. They result in the displacement of consumption. They don't really increase consumption. So I have heard the argument that you get more sales tax when you get these big box places. You don't. You can check it nationwide. It doesn't happen that way. They displace smaller business and it results in lower sales tax revenues.

Same thing with employment. Do they really add jobs? Nope. In the long term they actually displace jobs, primarily from smaller businesses, and in the process they lower the wage base. So now you've got a double•whammy.

Then on top of that you've got this issue of them putting their workers out on to public assistance and you then create the famous triple•whammy. Decreased sales tax revenues, decreased wage base, increased public assistance costs. It just doesn't make sense •• business sense, legislative sense, consumer sense, community, union sense, human value sense, to allow the proliferation of these big box stores. And so anything you can do that works against them I am for it. I urge to you pass that legislation. Thank you.

APPLAUSE

D.P.O. CARPENTER:

Thank you. Next speaker, Tom Cullen followed by George Pettengill.

MR. CULLEN:

Good evening, ladies and gentlemen of the Legislature. My name is Thomas Cullen. I am Vice President of King Cullen Grocery Company, also a family member running a company which is 75 years on Long Island. We are celebrating our 75th year of operating America's first supermarket right here on Long Island.

I come to you today in reference to intro resolution 1903, which we all have been discussing. The thing is at this particular point I want you to consider some of the things that I am going to bring up which we find objectionable and currently based on the way the bill is written, we cannot support it.

I want to tell you the thing is there is approximately 48 Long Islanders who are King Cullen employed. I can tell you there is about 4,200 employees of King Cullen which are under contractual agreements with benefits which we are discussing.

Listed below, and you have copies of my draft here, listed below are King Cullen's concerns that we have with pending health care bill that Suffolk County is considering. First, the family of employees. At present our part•time employees only received limited health care coverage. We do not currently pay for the dependents of part•time workers. In regard to domestic partners, there are no provisions for them whether an employee is full•time or part•time.

The cost of coverage. The bill calls for a contribution of \$3.00 per hour once an employee has worked five hours in a week. What is the definition of hours worked? Does it mean only regular hours worked or total hours paid, which can include vacation pay, personal time, sick time, holiday pay and overtime.

Effective date of coverage. The bill does not state if there is a waiting period. When will employees be eligible to receive benefits and when will the employer be obligated to begin making contributions to this fund.

Exempted under the act. The bill states that covered employers that take minimum health care

expenditures on behalf of the employee and families of the employee shall be otherwise exempt.

If this bill is passed and it's law of the land, how can a collective bargaining agreement do less than what the bill calls for. Under a collective bargaining agreement you can do more but never less than what the bill calls for.

Contracted workers. Employers will also have to pay the health care premium for temporary workers who are not contracted by the company by independent contractors, temporary agencies, security services or any other entities that we may use as outside people to come in and help us run our stores. This places an additional burden on employers. This takes the responsibility off the shoulders of our contractors.

Medical coverage. The bill calls for some additional services which are not offered to part-time employees. If coverage must be given, then it should be what is offered to the industry for part-time and full-time employees who are under contractual agreements.

Industry reference. This bill only references the grocer industry. What about the non-food industries that do not offer benefits to their employees? Where do they stand? And penalties non-compliance. The penalties cited in this bill are far more stricter than those passed in the New York City bill.

I have with me our Director of Labor Relations if there is any direct questions. We have looked through the bill. We have reviewed the New York City bill. That bill is something that our industry •• I happen to be the Chairman of the New York State Food Industry Alliance which represents about 5,600 stores. We took a pass on that. It was up to the members of the New York City contingent who operate in New York City and they decided it was something •• and we know what this bill is about, it's about WalMart and people, big box stores which do not give medical benefits. King Kullen does and the majority of our employees are contractually agreed with our unions to give medical benefits. This is far reaching and could be very inflationary, not only for King Kullen but for our industry and would cause major, and we think, economic damage to our industry. Thank you very much.

LEG. TONNA:

I have a question.

D.P.O. CARPENTER:

Thank you. Legislator Lindsay and then Legislator Tonna.

LEG. LINDSAY:

Mr. Cullen, first I appreciate you coming down.

MR. CULLEN:

My pleasure.

LEG. LINDSAY:

In my youth I was an employee of King Kullen. I know your company has been around a long time because I have been around a long time.

LEG. TONNA:

About 75 years.

LEG. LINDSAY:

Not quite that far. But I hope your company sees 100 years and 200 years. We'd be very happy to look at some of the objections that you have to the bill, and if we can tweak it to make it more acceptable then we will try and do that within reason.

But your basic premise is •• there is a misunderstanding here. This does not mandate that part •time employees or occasional employees have health benefits. It sets an hour, so much an hour is to be paid by the company and it's up to management how that •• who is covered and who isn't covered. It doesn't mandate that individual employees have health coverage.

It creates a pool of health care dollars that you guys, you and the collective bargaining agreements that you have will decide who is covered and who is not. This doesn't do that.

MR. CULLEN:

If I could just ask John. My question truly is, the thing is, and we reviewed this as quickly as we could because we just found out about it last week. And one of the main concerns we have, we have our bargaining agreements and if there is an agreement, are we exempt from the

law?

LEG. LINDSAY:

The bill the way it's written now exempts companies with collective bargaining agreements providing that they meet the standard set up in the bill.

MR. CULLEN:

John would you like to comment?

MR. _SANTOR_:

Just if we •• just a comment. If we don't meet the minimum, does that mean we have to make up the difference? Because, again, if I could just add. I was always under the impression that whatever the law of the land is, it doesn't supersede a contract. I'm sorry, a contract cannot supersede a law. The law superseded a contract. And that's our concern. Again, a layperson is looking at and trying to put a common sense spin to it.

LEG. LINDSAY:

Again, I appreciate your comments. That's what a public hearing is for, to hear comments, to see if we can identify, you know, the good things, the bad things in the bill. We will be happy to look at your comments, have further dialogue. I intend to close the hearing tonight with the support of my colleagues. It will go back to committee, you know, and we'll examine the bill some more and certainly take in consideration your comments about the bill.

D.P.O. CARPENTER:

Legislator Tonna.

LEG. TONNA:

Yes. I just want to ask the sponsor. The whole, I mean the legislative intent is really not geared for those •• for the supermarkets, the King Kullens, the Stop and Shops, the Waldbaums. It is really these mega store who come in and basically raid a community of its benefits, its workers and everything. Am I correct?

LEG. LINDSAY:

Well, I think the intent is twofold. Number one, to protect the mom and pops that are scraping by, that the Walmarts and the big box stores don't come in to a community and blow them

away, and to protect employers that have established a standard in the area, that does the right thing by their employees, that their not undercut as well.

LEG. TONNA:

I would ask then, the sponsor, I know both King Kullen and also Stop and Shop when you •• you had an attorney who is, you know, a pro bono attorney in a certain sense, maybe could work within strengthening the law from any of those things that might be perceived, you know, places where we could be challenged. I think that would be really helpful.

The only question I ask the sponsors, do we want to recess or do we really want to close the hearing, then?

LEG. LINDSAY:

I really would like to close the hearing tonight. We're not meeting again until the end of September. If we are not ready to move forward by the end of September I'll be happy to table the bill in September and we'll consider it at our next meeting after that.

LEG. TONNA:

You'd have my commitment to make sure that, you know, and I think the sponsor has been one of the most reasonable people I have seen in the Legislature, so, I think you'll have a lot of, you know, say.

D.P.O. CARPENTER:

Thank you. Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Mr. Cullen, for coming down today. Two points. The next meeting is on September 27th, so that gives us a full month. The prior week is the Ways and Means Committee meeting. You can get from our Clerk exactly which day of the week and what time of the week where the real homework, if you will, of any proposed legislation is done.

MR. CULLEN:

Okay.

LEG. FOLEY:

So there will be •• and even before that committee meeting, again, knowing the sponsor, as Legislator Tonna had mentioned, to see where there can be common ground. But this is not something that will be rushed through.

MR. CULLEN:

Thank you.

LEG. FOLEY:

We understand the concerns that you have. You understand the concerns that we have about the looming threat of the WalMart type of stores that have wreaked havoc in a number of communities and have also, have also have caused their employees, not giving them any health care benefit and in essence targeting them to go to the local community health centers for their health care. And to have Medicaid or Child Health Plus or Family Health Plus to cover the cost for those particular family individuals as opposed to being a more responsible corporate citizen.

So that's that. That's the background to this. You have among the most responsible of Legislators who are proposing this and certainly I know that there is not going to be a rush to judgement on this. At the same time it's an issue that is looming large in the metropolitan New York area and that we have, as you do, too, to your shareholders and stakeholders in your company, we equally have concerns and interests for our mutual constituencies. Thank you.

LEG. VILORIA • FISHER:

Madam Chair.

D.P.O. CARPENTER:

There is a list.

LEG. VILORIA • FISHER:

Can you put me on the list, please?

D.P.O. CARPENTER:

Sure. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. For the benefit of the speakers, maybe just to refresh your memory, within the

resolution very clearly it states that the purpose of this law is to require that all covered employers spend a minimum level of funding on health care for employees based on the number of hours worked in a year, thereby reducing the burden on County residents, etcetera, etcetera, etcetera.

I think what we would all appreciate if the sponsor or Counsel could elaborate is what does that mean? What is a minimum level? How do we quantify that so that business owners, small and large, can get some sense of what the financial impact might be?

LEG. LINDSAY:

Do you want me to answer that? Do you want Counsel •• I mean, it says it in the bill.

MS. KNAPP:

Probably in its simplest form it means that as long as an employer meets the formula, the standard set forth in Section, I believe it is three of the bill, as long as they meet it, it does not specify which employees have to receive health insurance. It simply says that you, must •• you must expend that number of dollars on health.

LEG. CARACCIOLO:

Okay. So then as the sponsor indicated, it doesn't mandate health care per say unless you meet the criteria under Section Three, Requirements. So now we need an explanation in plain English of what are the requirements. What are the ground rules?

MS. KNAPP:

The minimum health care expenditure by the covered employer can't be less than the formula, and the formula is \$3.00 times the total number of hours worked by employees in a full year. And then you have to go back to the definition of employees to see what your dollar is going to be. I mean, the simple example is that if you have 1,000 hours worked by individuals who meet the definition, then you have to spend \$3,000 three in health care expenditures in any calendar year.

LEG. CARACCIOLO:

Hopefully that was helpful.

MR. CULLEN:

It's coming to more definition, not necessarily does that meet the criteria we now have with our contractual agreements with our unions.

D.P.O. CARPENTER:

Okay. Legislator Alden.

LEG. ALDEN:

Hi, Mr. Cullen. Thanks for coming down.

MR. CULLEN:

My pleasure.

LEG. ALDEN:

When I was in the food industry it was always a good idea to know your competitors. Now, WalMart, they're not per se a grocery store.

MR. CULLEN:

No, they are. WalMart right now is a larger seller of groceries in the United States of America. They sell more food than anyone else. Not in this geographic area. WalMart has come up with the concept about ten years ago which has super centers. So they will have a store which is about 250,000 square foot. They'll have an adjoining store with 95,000 square of super centers and they are coming into New York already. They are in New Jersey.

There has been discussion in reference to them coming to Long Island. The only remaining issue here is unions, and that clearly is the thing which, in my opinion, this legislation is being driven by. And it is something which, as Pat Brodhagan had mentioned, the thing is the industry took a pass in reference to New York City, because the thing is it is a certain mechanism for defense. We're already giving the benefits. We already have agreements with these people, so it's not really an issue for us. It gets down to the details when they start telling us how much we have to pay above and beyond possibly what we are paying now. That is the main issue.

The other main issue is people that come in to do window cleaning or repair equipment for refrigeration or just cleaning the stores or coming and doing tile work. What obligation do we

have to make sure that that employer is •• a guy comes in, he is fixing tiles on our floor. Is it our responsibility to make sure that he is giving up the amount of time he spent at our store? Totally unknown.

We are only reading the bill, what we got, and it is our interpretation in a very short period of time. And as I alluded to and I handed out, we do have some objections to the way this is written versus New York City.

LEG. ALDEN:

Just on •• I guess it's on the competition again. Do you see this bill as apply to some of the •• and they claim that they are drug stores or chain type of drug stores, but they also are selling more and more food stuffs ••

MR. CULLEN:

Positively.

LEG. ALDEN:

And those sort of things. This would apply to those?

MR. CULLEN:

The way we are reading it, it would, depending •• because the thing is, it is about 25,000 square foot. There is another issue which is 100,000, and John I think you know that •• or Pat knows that answer better than I do. But the way we view it is it would, because it has to do with any company, which is like CVS or Walgreens that has over a billion dollars in sales and does more than five percent of sales in food. They clearly fit that formula.

LEG. ALDEN:

Okay, thank you. And, John, just for the stenographer's benefit, could you just identify yourself on the record?

MR. _SANTOR_:

I'm sorry. Yeah, I'm John _Santor_, Director of Labor Relations for King Kullen.

LEG. ALDEN:

Thanks.

D.P.O. CARPENTER:

Thank you. Legislator Fisher.

LEG. VILORIA • FISHER:

My questions were just answered. Thanks for being here, Tom.

MR. CULLEN:

You are very welcome.

LEG. VILORIA • FISHER:

It was about the food issue because although I went on as a cosponsor, I hadn't really looked at it as carefully as you had regarding this •• these food questions and the purveyors of food and I was wondering why we limited to selling food. But what you're saying and you've indicated is that all of these big box stores have as a component the sale of food.

MR. CULLEN:

Take an example. If you go into WalMart today there is food in the store, maybe not necessarily refrigerated. But go into a Costco. Clearly 20 to 25% of their sales, if not more, is food, and they may not be represented. So it clearly is, in our view it's big box legislation. The point is what it does is reaches too far, in our view, and gets into our collective bargaining agreements with our unions and supersedes them and is inflationary.

LEG. VILORIA • FISHER:

Thank you, Tom.

D.P.O. CARPENTER:

I believe there are no other questions. Thank you so much.

MR. CULLEN:

Thank you very much.

LEG. CARACCILO:

Yes, yes, yes, one more. One more, Angie.

D.P.O. CARPENTER:

Oh, I'm sorry. Legislator Caracciolo.

LEG. CARACCIOLO:

Tom, could you just repeat what you said about WalMart and the amount of food business they do currently in Suffolk County?

MR. CULLEN:

I cannot •• you know, I would be ••

LEG. CARACCIOLO:

Do you think the bill as it is written would fit their criteria? Would they be •• would they fall under this legislation as they currently operate in Suffolk County?

MR. CULLEN:

Legislator Caracciolo, I'd have to read it closer and really do the analysis. The way it is written is it says one billion dollars worth of sale for any major corporation. Currently that does not fit King Kullen but that is not an issue. It goes into the square footage of a store and if I am not mistaken, Pat, correct me if I am wrong, it is over at 25,000 square foot and there is a percentage of food sold. If you go to Costco, probably 25% are their food ••

LEG. CARACCIOLO:

So they'd qualify?

MR. CULLEN:

They qualify.

LEG. CARACCIOLO:

WalMart?

MR. KULLEN:

WalMart currently I don't know and I would be kidding you because ••

LEG. CARACCIOLO:

They may not.

MR. CULLEN:

It may or may not.

LEG. CARACCIOLO:

They may not. Thank you.

MR. CULLEN:

But the point is it does prevent them from coming with super centers which has very large supermarkets attached to their store.

P.O. CARPENTER:

Okay. Legislator O'Leary, did you have a question?

LEG. O'LEARY:

Yes, just a quick one. Hi, Tom. My understanding of this bill with the three dollar threshold and the total man hours on an annual basis, let's just say for the sake of discussion there is 100,000 man hours of all the employees worked in one particular outfit. That's \$300,000 of monies that would have to be dedicated to health care.

Now, this is what I want to clarify, did you know the answer to this or what your opinion is. That \$300,000 doesn't necessarily have to go to all employees. It can be just full•time employees or part•time employees and not necessarily temps or seasonals; correct? The employer decides of those monies how to create the benefits for their employees. And they can, if they opt, just give health insurance benefit to full•time employees with those monies.

MR. CULLEN:

Legislator O'Leary, I am going to turn to John because clearly if you read what we put on as our objections to this particular bill, that's one of the questions we pose.

MR. _SANTOR_:

And if I could just add we have a collective bargaining agreement that states that part•time employees are entitled to health care benefits, so we couldn't eliminate them. Also, just to get

back a little bit, our part•time employees vary. They could work 20 hours, they could work as low as 16, 29 hours, so the amount of hours would vary.

LEG. O'LEARY:

But my question is, is it not the case where the employer takes that pool of money and decides what benefits will be doled out to full•time, part•time or seasonals?

MR. _SANTOR_:

I'd have to say no because it's designated that we pay part•time benefits for part•time employees as well as full•time benefit for full•time employees. We couldn't designate. Once they meet a criteria, with our part•timers once they are on ••

MR. CULLEN:

Contractually.

MR. _SANTOR_:

Yeah, contractually. Once a part•timer reaches six months of employment with the company, they are eligible for, you know, health care benefits.

LEG. O'LEARY:

I mean, not withstanding the fact that clearly there is some question whether or not a CBA would supersede the local law or vice•versa. This is one of the understandings of my interpretation of the bill with respect to the monies that the employer would collect with the three dollar threshold times • times the amount of total man hours of all employees.

MR. CULLEN:

That still is a question to us.

LEG. O'LEARY:

Okay. Fine.

MR. CULLEN:

Thank you.

D.P.O. CARPENTER:

Thank you. Next speaker George Pettingill followed by Roberta Marks.

George Pettingill? Going once.

LEG. ALDEN:

Twice.

D.P.O. CARPENTER:

Roberta Marks. Roberta Marks? Okay. I guess they had to leave. Are there any other speakers on this hearing? Hearing none, I have a motion. Is there a motion to close this hearing?

LEG. LINDSAY:

Close.

LEG. TONNA:

Second.

LEG. BISHOP:

Second.

D.P.O. CARPENTER:

Motion to close, second by Legislator Bishop. All those in favor? Opposed? The hearing is closed.

D.P.O. CARPENTER:

Okay. Next ***Public Hearing is 1922 • A Local Law establishing Suffolk County Citizens Public Health Protection Policy by requiring ••*** oh, that was the one we just did. Yes? No, this is a new one.

MS. BURKHARDT:

1922, we have one card.

D.P.O. CARPENTER:

Right. ***By requiring retail display or public warning notice regarding pesticides.*** We

have one speaker, Pat Brodhagen.

MS. BRODHAGEN:

Thank you. It's a busy night at the Suffolk County Legislature. I go from health care to pesticides. But I did want to comment briefly on this particular bill that would require, if I'm reading it correctly, that any retailer who sells pesticides would have to post a warning notice that those pesticides are dangerous •• potentially dangerous to their health.

As I am reading it, it would appear that the definition of pesticide is any substance that •• and one of the words is repels a pest, and the definition of pest includes bugs. And so I think things like mosquito repellent would be included in the bill. So, therefore, we are probably included in the bill that if we sell those substance, and I believe we do as defined, even though we don't sell very many of them, that we would need to post the required sign. I don't know if that's the intent to be that broad to cover the whole panoply of insect repellents and such, spray for roses or whatever or not.

We have a concern always with sign posting in our stores because it just •• it's not an easy thing to do in a food store, to put signs. There aren't places to put them. But, the other piece of that, besides whether we are in it and what materials were intended to be covered, is the sign itself. And the sign is written to be two inch •• it's got specific words and in two inch letters on a contrasting background, all caps, and by 2007 the terms that go on there would be double with additional terms.

I made a sign so you could see what two inch letters are and this is it. So my concern, clearly, is that we •• where are we going to put this? It's just •• it's an unreasonable requirement for signage to be all of these words and two inches. This would cover up, you know, pretty much all of the products that we sell.

A much more reasonable signage requirement is a half an inch. I mean, if you look at signs that are required in other areas, half inch letters on a 5 x 7 right in front of the customer's face when they are making a choice, they are very readable. I am not necessarily advocating for that, but I am saying that it is a much more reasonable standard than two inches. This just isn't something •• it would have to be at all entrances and wherever the products are sold. They could be sold in different parts of the store. It just isn't something that we can comply with and so I am hoping that that particular requirement can be revisited as well. So that's

really what I wanted to bring before you tonight.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

I have a question. Pat, did you actually put a ruler to those letters?

MS. BRODHAGEN:

I did.

D.P.O. CARPENTER:

Because it really looks like it's a lot taller than two inches.

MS. BRODHAGEN:

I actually put a ruler to them. I kept, you know, changing my font. And as you can see I had to do a cut and paste, but yeah, that's two inches.

LEG. COOPER:

It does look bigger.

D.P.O. CARPENTER:

I really would like to see a ruler next to it.

MS. BRODHAGEN:

Anybody got a ruler?

LEG. COOPER:

I have my thumb. Well, actually ••

MS. BRODHAGEN:

Actually it's two inches. It is exactly. I mean, I was real careful about that.

LEG. COOPER:

Seven•eights of an inch.

MS. BRODHAGEN:

So two times Legislator Cooper's thumb could be the new standard.

LEG. TONNA:

Let's stay away from this. I'm getting very frightened.

P.O. CARACAPPA:

All right. Moving on. Thank you. Any questions?

MS. BRODHAGEN:

So I want to say that it should be a quarter of a thumb. So, anyway.

P.O. CARACAPPA:

Thank you very much.

MS. BRODHAGEN:

You're very welcome.

P.O. CARACAPPA:

I have no other cards. Anyone wishing to be heard? Motion by Legislator Cooper. Give me a thumbs up there, Jon. Motion to close.

LEG. COOPER:

Motion to close.

P.O. CARACAPPA:

Second by Legislator Bishop. All in favor? Opposed? Abstentions? We'll close that hearing.

I.R. 1923 • A local Law authorizing County Department of Parks, Recreation and Conservation to construct dog run at Blydenburgh County Park, Town of Smithtown.

LEG. TONNA:

I'm against dog runs if it's •• is Cooper a cosponsor? I swore I'd never do this again.

P.O. CARACAPPA:

The first speaker is Pamela Schmidlin.

MS. SCHMIDLIN:

My name is Pamela Schmidlin. I reside in Smithtown and I am a member of Long Island Dog Owners Group. First, I have to tell you my dogs were singing take me out to the dog park today. I want to thank you for all your past efforts with Coindre Hall, West Hills County Park. Now it's time to get one for the east in Blydenburgh County Park.

Over the past few weeks I have gone out and tried to get as many dog owners to support the dog parks and see how many were interested in dog parks. As you can see, I have gotten a few.

Benefits of dog parks are by their mere presence groups of dog owners and their dogs help to deter crimes and frequently act as the eyes and ears of the police. A well exercised dog is a happier, healthier dog, and an exercised dog makes a better next door neighbor than an unexercised dog. In an area where people are often reluctant or afraid to approach or converse with a complete stranger, dog runs bring people together and create a greater sense of community. Dogs help shy people break the ice. It's a nice common ground. It provides elderly and disabled owners with an accessible place to exercise their companions. It enables dogs to legally run off leash. It promotes public health and safety, provides a tool for realistic enforcement for dog control laws like licensing. And it promotes responsible pet ownership.

And with that being said, I am ready to sit down and come up with a specific plan with my representatives and fellow dog owners for the building of such areas. And that's it. Any questions.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. I would just like to thank you for coming down and to go ahead and speak on the bill.

MS. SCHMIDLIN:

You're welcome.

P.O. CARACAPPA:

Okay. The next speaker is Ginny Munger Kahn. I am sorry if I mispronounced that.

MS. KAHN:

No, that was good. I am Ginny Munger Kahn. I have lived on Long Island and in Huntington for 28 years. I am an active member of the Long Island Dog Owners Group and we are a community organization dedicated to the health, well•being and socialization of our canine companions. We are here to support IR 1923.

I also want to thank the Suffolk County Legislature for creating the dog parks at Coindre Hall and West Hills Park. I have taken my two Golden Retrievers to Coindre Hall since they were very young and I can tell you that it is a wonderful experience. In fact, I sometimes think that it is more of an experience just for me because I love going there so much and meeting my friends there as it is for my dogs. So I want you to remember that it is us dog owners that this benefits.

One problem with both Coindre Hall and West Hills Park is that they are too popular. West Hills Park, it's not unusual to see 20 dogs on a busy weekend afternoon in a fairly small area. And even Coindre Hall, which is larger, I have met people there from Smithtown, Ronkonkoma, Rocky Point, all over Long Island. And the reason why we are getting all these people coming to Coindre Hall and West Hills Park is because there is a real need for place to let our dogs run and socialize and exercise. Responsible dog owners know that dogs need to run and to be socialized.

Most Long Islanders work out of the house all day long and when they come home their dogs are eager to play and to get good exercise. And instead of just sticking your dog out in the backyard and letting him sit there by himself or herself, it is a much better thing to do for them, to take them to the dog park and let them really run.

A dog that is well exercised and socialized is a better member of our community. They are less likely to be the dog that is the barker in the night and less likely to be turned in to our shelters to be euthanized.

Dog parks are a real need for Long Island dog owners. More than 45 •• Gallup did a poll and more than 45% of all Americans own a dog. That means about 650,000 Suffolk County residents own a dog. And that means these people are taxpayers and our tax money pays for the County parks.

Despite our large proportion of the population and the clear need and desire for dog parks, right now the areas in Suffolk County parks that are designated for off leash activities are less than one half of 1% and so while Coindre Hall and West Hills Park are wonderful places to go, they clearly are •• should be only the beginning.

Blydenburgh is a very good place to create the next new dog park in Suffolk County. First, it's a very large park, so there should not •• so finding a spot that conflicts with other users should not be a big problem. There are other areas of the park that are well away from busy roads and neighbors so a dog park there should be safe for our dogs and it should not have an impact on nearby residents. And as Pam just pointed out, Blydenburgh is more centrally located than Coindre Hall and West Hills Park are.

As you saw, her petitions show that there is a lot of interest by people in this area in a place to run and exercise their dogs off leash. Our supports in Long Island Dog ••

P.O. CARACAPPA:

Could you please sum up?

MS. KAHN:

I'm finishing up.

P.O. CARACAPPA:

Okay. Great.

MS. KAHN:

Our supporters in the Long Island Dog Owners Group are eager to work with Legislator Kennedy to create a new dog park at Blydenburgh Park and we remain committed to working on this in a way that will benefit all Suffolk County residents.

P.O. LEG. CARACAPPA:

Thank you.

MS. KAHN:

Do you have any questions?

LEG. KENNEDY:

No questions. Again, just thank you. You are very patient, you waited a long time and I look forward to working with my colleagues and our Parks Commissioner, Mr. Foley, who is here. Thank you for coming down.

MS. KAHN:

Thank you, Legislator Kennedy.

P.O. CARACAPPA:

Cathy Weinstein.

MS. WEINSTEIN:

Hello. My name is Cathy Weinstein and I am a resident of Commack and a dog owner who appreciates and actively enjoys the County parks on a regular basis with my dog.

First, I'd like to thank the County Legislature also as my colleagues did for its past action to promote dog friendly activities in the parks. The dog run at West Hills and the ongoing cooperation for shared usage at Coindre Hall are very much appreciated. What these locations have shown us is that there is a strong interest and support for safe and public areas that support off leash activities for the large percentage of County households who own dogs.

Originally our organization, LI Dog, was defined as the Huntington Dog Owners Group but the popularity at these parks in the western end of the County has expanded our membership widely throughout Long Island and has highlighted the need for more parks to meet the needs of the dogs and their owners throughout the County.

As was pointed out, when people come home, they work all day and the dogs need to be

exercised. In addition to that, there's more and more families that are living in community areas which are not single family dwellings, and therefore the opportunity of the large backyard isn't always available to all of the residents. So having the areas for the dogs to run is even more important.

There are countless studies that demonstrate that a well exercised and socialized dog is far less prone to destructive and annoying habits and the dog owners who are a part of a community group, like those that regularly gather at the local park, are better educated and more responsible in the care of their pets.

What I found in frequenting the parks at Coindre Hall and West Hills is that a dog park provides a reason for like minded people to gather and enjoy the parks doing what they enjoy, spending time playing with their dogs and visiting with others who enjoy the same activities. Just as hikers meet on the trails, golfers meet on the golf courses, parents meet at the playgrounds, dog owners meet, talk, talk about their dogs and enjoy each other and the odd pick up game of Frisbee or fetch.

The dogs learn to socialize well with people and other dogs. The owners establish good habits of monitoring and controlling their dog's behavior and everyone enjoys the fresh air and the natural surroundings of our parks.

The only problem with these two parks is that they are not closer to most of the areas where the people in the County live and that there are not enough of them. With our growing population, therefore the growing number of pets, we just need more space in order to appreciate them.

The few issues that do arise in the park relative to dogs tend to be from the overuse of the existing facilities just because we need more •• there's a need for more space. The benefits of the parks •• of these parks need to be extended to more dog owners in the County who cannot regularly make the long trip to the far western side. So I ask your support for the legislation and the expanded use at Blydenburgh Park. Thank you very much.

P.O. CARACAPPA:

Thank you. I have no other cards. Anyone •• oh, I'm sorry. Commissioner Foley. Sorry about

that, Commissioner.

COMMISSIONER FOLEY:

That's okay. Good evening. I am Ron Foley, the Suffolk County Parks Commissioner. I am not •• I am not opposed to this legislation, by the way. But I do want to just kind of signal to the Legislature that there •• it's symptomatic of a change in the way people are regarding their parks. I want to make sure we understand where we're going and we do it thoughtfully. And this is not a dog commentary at all and I'd like to read to you a list of things that are coming our way in new uses of our parks.

At Indian Island, a rowing club including a 70 by 90 storage building, docks in the creek and parking. At Cathedral Pines a soccer complex with 10 fields, irrigation, 275 car parking, temporary concession and restrooms. Coindre Hall, where we already have a dog run, a rowing club that wants to double the size of historic building to store rowing skulls. West Hills, expand the existing dog runs. Smith Point, a skateboard park. Cedar Point, the East Hampton Little League, hunting dog kennels and trails at Sears Bellows. New Finland rescue practice in Lake Ronkonkoma. Beagle Club training off leash in preserved areas.

Nothing wrong with many of those things, but it does signal that maybe we are looking at a trend toward a more active park system than we have in the past, which my perception is that in Suffolk County that's a rustic, quite, kind of natural area preserved for campers and people that aren't looking for overdevelopment or intense development or intense use.

It brings up a number of issues. This new use, this bringing more people in •• bringing more people in is a good thing, but it's going to cost money in some fashion. Most of these proposals bring with them groups or entities that are going to cover the cost of initial development but managing all these things creates management challenges for us. And I think we need to think more about the possibility of this expanded use as acquire properties and keep our options open. Maybe we don't need to preserve everything we buy, that some of it needs to be kept for more active park use in the future.

That's pretty much it. There's just •• there's a trend coming to become more active in our parks and I just want to make sure we all understand that that is coming.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Commissioner, for expressing your thoughts and for kind of, you know, advising us, I guess, to be cognizant of where trends are going. But I guess I'll just kind of reiterate some of our discussions that we have had already.

P.O. CARACAPPA:

Questions.

LEG. KENNEDY:

Our residents in Suffolk County do seem to be living in different types of situations and in fact there may be need that's coming about that may not have existed 20 or 30 or 40 years ago. And so hopefully, you know, we can work together in a harmony plan. Oh, there I go. I am being beeped. That we can have good use of the parks.

P.O. CARACAPPA:

Questions, though, Legislator Kennedy.

LEG. KENNEDY:

And do you think that will fit in with the overall park plan?

COMMISSIONER FOLEY:

I can't one word answer that.

LEG. KENNEDY:

That's all we need.

COMMISSIONER FOLEY:

I don't know that there is a parks plan, and maybe that's my concern, is that we need to have one. And I don't want to say the bureaucratic thing we shouldn't do anything until we get a plan, but Suffolk County is changing from its rural traditions to a suburban place. There are going to be needs and pressures that come along with that. We need to recognize them.

LEG. KENNEDY:

Thank you.

P.O. CARACAPPA:

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

LEG. KENNEDY:

I make a motion to close.

LEG. COOPER:

Second the motion.

P.O. CARACAPPA:

Motion to close by Legislator Kennedy, second by Legislator Cooper. All in favor? Opposed? Abstentions?

[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]

P.O. CARACAPPA:

Okay, that's closed.

The last Public Hearing, ***1939•05 • A Charter Law to amend the Suffolk County Charter to provide an ongoing public disclosure, disclosure and operating budget status.*** I

have no cards. Anyone wishing to be heard? Is there a motion?

LEG. O'LEARY:

Motion to close.

P.O. CARACAPPA:

I'll make a motion to recess.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

It's recessed.

That does it for public hearings. I'll make a motion, second by Legislator Carpenter, to set the times, dates and locations for the following Public Hearings; on Tuesday, September 20th, 2005, at the Budget & Finance Committee meeting here in Hauppauge at 9:30 AM, Public Hearings on 1957 and 1970. Setting Thursday, September 20 •• oh, I'm sorry, I skipped one. Setting also the date of Tuesday, September 20th, 2005, here in Hauppauge at 9 AM, Public Hearing on 2006 Operating Budget and the Southwest Sewer District Assessment Rolls.

All right, I did 1957 and 1970, that's on September 20th at 9:30 AM here in Hauppauge. Also the date of September 30th •• September 22nd on Thursday, 11:30 AM at the Health & Human Services Committee here in Hauppauge, Public Hearing 1992; Thursday, September 22nd, 2005, at 2 PM at the EPA meeting here in Hauppauge, Public Hearings on 1940 and 1943. Also, Tuesday, September 27th at 2:30 P.M. at the General Meeting in Riverhead at the Maxine Postal Auditorium, Public Hearing on the 2006 Operating Budget and the Southwest Sewer District Assessment Roll, Resolution 1941, 1942, 1948, 1959, 1976. There's a motion and a second to set the time, date and locations of those public hearings. All in favor? Opposed? Abstentions? Those public hearings are set.

At this point, we are going to go into executive session to discuss the selection ••

LEG. CARPENTER:

(Inaudible).

P.O. CARACAPPA:

It's been requested by Legislator Carpenter to finish up the Tabled Resolutions before we go into public hearings •• I mean executive session.

LEG. CARPENTER:

I think we were on 1737.

LEG. LINDSAY:

Mr. Chairman, I'd like to discharge •• make a motion to discharge and age, too, if you want to take it an hour.

P.O. CARACAPPA:

Yeah, let's do that as well. What bill is that, Legislator Lindsay?

LEG. LINDSAY:

I'd like to make a motion to waive the rules and discharge 1909.

LEG. FOLEY:

Second the motion.

P.O. CARACAPPA:

Is it before us, Bill?

LEG. LINDSAY:

I think ••

MR. PERILLIE:

It's coming around now.

LEG. LINDSAY:

Somebody is passing it out now.

LEG. CARPENTER:

Okay. In the meantime, can we ••

P.O. CARACAPPA:

Yeah, 1737 is before us.

LEG. CARPENTER:

We had a motion and a second.

P.O. CARACAPPA:

There was a motion and a second; it was Legislator Caracciolo and Carpenter, I believe.

LEG. CARPENTER:

Correct.

P.O. CARACAPPA:

On the motion, anybody? All in favor? Opposed?

LEG. LINDSAY:

I'd like to mark this that I abstain, I have some business dealings with him, I want to recuse myself.

P.O. CARACAPPA:

Okay. Abstentions, Legislator Lindsay, 1737.

MR. BARTON:

17.

P.O. CARACAPPA:

1743 • (Transferring a right of reverts to the Town of East Hampton (SCTM No. 0300 •147.00•03.00•001.000) (Schneiderman). Legislator Schneiderman, motion?

LEG. SCHNEIDERMAN:

Motion.

LEG. MYSTAL:

Motion to table.

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

Second by Legislator Caracciolo.

LEG. FOLEY:

Could we have an explanation, please, Mr. Chairman?

P.O. CARACAPPA:

Sure.

LEG. SCHNEIDERMAN:

Do you want it from Counsel or from myself?

LEG. FOLEY:

Take your choice.

MS. KNAPP:

This is a resolution that would release a reverts that the County of Suffolk imposed back in 1986 on a small parcel within the Town of East Hampton. This was requested by the East Hampton Town Board so that they could allow road access in to I believe an industrial development. In recognition of the County's release of the reverts on this parcel, they were •• the town offered the County a different parcel and allowed the County to impose a governmental use covenant on the second parcel.

LEG. MONTANO:

Motion to table.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

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

LEG. SCHNEIDERMAN:

On the motion?

P.O. CARACAPPA:

On the motion to table, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, I see Mr. Zwirn is here, maybe he could add to it. At the last session we tabled it because the County Executive or the Attorney's Office had some questions and I think those have been resolved and I would like to see this moved.

MR. ZWIRN:

If I may, Mr. Presiding officer? Just very briefly.

P.O. CARACAPPA:

Yes.

MR. ZWIRN:

The County Attorney's Office has been in touch with the Town Attorney of East Hampton and the Town Supervisor and we should have this ready, everything should be all cleared up by the September General Meeting. The Town of East Hampton has offered to •• I think you were even there this morning, we spoke, Supervisor McGinty said that the Town of East Hampton would also offer a piece of property for affordable housing as well as part of this, the reverta being transferred.

LEG. SCHNEIDERMAN:

Are you asking it to be tabled for another month?

MR. ZWIRN:

It needs to be tabled one cycle, we should have everything all worked out.

LEG. SCHNEIDERMAN:

Okay.

P.O. CARACAPPA:

Motion to table and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present (Not Present: Legislator Binder).

P.O. CARACAPPA:

1765 (Appropriating start-up funds in connection with the acquisition of properties for the County share for the reconstruction of CR 67, Motor Parkway at LIE Exit 55, Towns of Islip and Smithtown (CP 5172) (County Executive). There is no bond, so I'll make the motion to table.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. VILORIA • FISHER:

Did we do 1909, Bill?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions.

MR. BARTON:

17, one not present (Not Present: Legislator Binder).

LEG. VILORIA • FISHER:

Did you do the motion on 1909?

LEG. LINDSAY:

Yes.

LEG. VILORIA • FISHER:

I thought we •• we didn't vote on it.

P.O. CARACAPPA:

Yeah. There's a motion •• because it wasn't distributed yet, Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

Oh, okay. All right, thank you.

P.O. CARACAPPA:

There's a motion by Legislator Lindsay, second by Legislator Vilorina•Fisher to discharge 1909.

LEG. ALDEN:

What is it?

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

It's right in front of you, it's ***electing an exemption from sales and compensating use tax for receipts from retail sales of and consideration given or contracted to be given for solar energy systems equipment.***

LEG. ALDEN:

This sounds familiar.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

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

LEG. TONNA:

On the motion?

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

This is to discharge?

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Okay, we'll wait on the merits.

P.O. CARACAPPA:

Roll call.

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

LEG. LINDSAY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

(Not Present).

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

Nope.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to discharge.

LEG. CARACCIOLO:

No.

LEG. CARPENTER:

No.

P.O. CARACAPPA:

Abstain.

LEG. TONNA:

On the ••

MR. BARTON:

Seven.

LEG. TONNA:

Oh, so it didn't go through? So we don't even have to talk about it?

LEG. ALDEN:

No, it's still in committee.

LEG. TONNA:

All I know is I don't believe it's right to steal bills either way.

LEG. ALDEN:

Well said.

P.O. CARACAPPA:

I'm going to make a motion •• oh, I'm sorry. Is that it, paul?

LEG. TONNA:

Yes.

P.O. CARACAPPA:

Okay, thank you. I'll make a motion to discharge 1761, second by Legislator Lindsay.

LEG. BISHOP:

I don't believe it's right to take the taxpayers money and not do the job.

P.O. CARACAPPA:

This is extending sales tax.

LEG. TONNA:

That's an opinion.

P.O. CARACAPPA:

All in favor?

LEG. CARACCIOLO:

Opposed, opposed.

LEG. ALDEN:

Opposed.

LEG. CARACCIOLO:

We're talking about extending the sales tax in Suffolk County?

P.O. CARACAPPA:

Yeah, the one that we do every year.

LEG. CARACCIOLO:

With a \$250 million surplus?

P.O. CARACAPPA:

We do it every year.

LEG. CARACCIOLO:

Okay, that's what we're talking about.

P.O. CARACAPPA:

Yeah, that is what we're talking about.

LEG. BISHOP:

Vote against it.

LEG. TONNA:

You talking to me? You talking to me?

P.O. CARACAPPA:

All in favor?

LEG. CARACCILO:

Opposed.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

The motion is to ••

P.O. CARACAPPA:

Discharge.

LEG. ALDEN:

Discharge.

P.O. CARACAPPA:

Right, 1761.

LEG. ALDEN:

And then it's got to age over an hour.

P.O. CARACAPPA:

Correct.

LEG. ALDEN:

Okay.

P.O. CARACAPPA:

All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Opposed is Legislator Caracciolo and Alden.

LEG. CARPENTER:

And Carpenter.

P.O. CARACAPPA:

And Carpenter.

MR. BARTON:

14 (Not Present: Legislator Binder).

P.O. CARACAPPA:

That's discharged, it will age.

Introductory Resolutions.

MS. BURKHARDT:

You have to do the executive session.

P.O. CARACAPPA:

Oh, yeah, I'm sorry. I make a motion by myself, second by Legislator Lindsay to go into executive session to discuss litigation on the Broadwater matter with respective Counsel; Touey, Latham & Shay, they'll be first, as well as there's another one as well. Who will stay is, of course, Legislators, representatives from the County Attorney's Office, the County Executive's Office, Budget Review, Joe Schroeder, he's from Budget Review, and that's it.

MS. BURKHARDT:

Everybody else out.

P.O. CARACAPPA:

Everyone has to please excuse themselves.

MR. BARTON:

Mr. Chairman, the vote?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

17 (Not Present: Legislator Binder).

P.O. CARACAPPA:

Thank you, Mr. Clerk.

(* Executive Session: 7:23 • 8:22 P.M. *)

P.O. CARACAPPA:

I make a motion to come back into session, second by Legislator Carpenter. All in favor? Opposed? Abstentions? We are now back.

LEG. ALDEN:

Motion to adjourn.

P.O. CARACAPPA:

Page nine, **Introductory Resolutions.**

Ad Hoc on Workforce Housing:

1887 • (Authorizing the sale of County•owned real estate property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (County Executive)).

LEG. SCHNEIDERMAN:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1889 • (Authorizing the sale of County•owned real estate property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes (SCTM No. 0100•199.00•03.00•066.000)(County Executive).

LEG. SCHNEIDERMAN:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Same motion, same second.

MR. BARTON:

18.

P.O. CARACAPPA:

1896 • (Authorizing the sale of County•owned real estate property pursuant to Section 72•h of the General Municipal Law to the Town of Babylon for affordable housing purposes. (SCTM No. 0100•054.00•02.00•063.000)(County Executive). Same motion, same second.

MR. BARTON:

18.

P.O. CARACAPPA:

1900 • (Authorizing the sale of County-owned real estate property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for affordable housing purposes (SCTM No. 0500-119.00-03.00-062.000) (County Executive)). Same motion, same second.

MR. BARTON:

18.

P.O. CARACAPPA:

Budget & Finance:

1841 • (Accepting LIPA judgement proceeds related to utility relocation work required at Suffolk County road improvement projects (County Executive)). Motion by Legislator Binder, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1842, 1842A • (Amending the 2005 Operating Budget and appropriating funds in connection with bonding a settlement for a medical malpractice case (County Executive)). Motion by Legislator O'Leary, second by Legislator Caracciolo. Roll call.

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

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Pass.

LEG. BINDER:

Abstain.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yeah.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. TONNA:

Yep.

MR. BARTON:

17, one abstention on the bond.

P.O. CARACAPPA:

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

1910 • (To promote clean energy use in Suffolk County by providing a sales tax exemption for solar energy devices (Carpenter)).

LEG. CARPENTER:

Mr. Chairman?

P.O. CARACAPPA:

Yes.

LEG. CARPENTER:

I just respectfully ask that we pass over 1910.

P.O. CARACAPPA:

You got it.

LEG. CARPENTER:

I had asked the County Executive for a CN and we didn't get it on my bill and invited him to cosponsor it, but it's obvious from the fact that some people made a motion to try to discharge his bill, that he would like to see it passed tonight. So perhaps if his representative is here and can contact them, if they'd like to give us a CN on my bill, we can move forward with it today.

LEG. SCHNEIDERMAN:

What is the problem with ••

LEG. LINDSAY:

If I ••

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

If I might say something, Mr. Chair?

P.O. CARACAPPA:

You might.

LEG. LINDSAY:

There seems to be a disagreement on the cosponsorship; I think everybody wishes that the two of you would cosponsor it and let us get it done.

LEG. BISHOP:

Yeah, here here.

LEG. CARPENTER:

Right, and that is exactly what I communicated to the County Executive.

LEG. LINDSAY:

Well, some kind of communication is falling somewhere along the line.

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Tonna. Actually there is no motion.

LEG. TONNA:

Okay, on the non•motion.

P.O. CARACAPPA:

A point of personal privilege.

LEG. TONNA:

Okay, thank you, Joe. What is going on here?

LEG. CARACCIOLO:

Here you go, Paul.

LEG. TONNA:

This is absolutely juvenile.

LEG. VILORIA • FISHER:

It is.

LEG. TONNA:

Okay? Both ways it's juvenile. All right? And I just think, if there was already a bill in, who did what, why would somebody else put the same exact bill in? I mean, we've seen that now a couple of times. All right? And, believe me, on both ends. And I just think we are the laughing stock of the world when we get involved in these petty, little things. County Executive putting names of Legislators on bills when he •• you know, when it's kind of •• sounds good. Legislators looking at another Legislator's bill and then putting their name on a bill and changing a little thing here or there. I just •• I just really think we should •• we should really

repress as best we can this type of pettiness.

LEG. SCHNEIDERMAN:

Why can't we all just get along? All right? Rodney King.

P.O. CARACAPPA:

Skipping over 1910, hopefully we can have a CN and have a little cooperation. **1921 (Tax Anticipation Note Resolution No •• 2005, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$75,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the fiscal years commencing January 1, 2002, 2003, 2004, and 2005, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes).** Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

CONSUMER PROTECTION

P.O. CARACAPPA:

Consumer Protection. **(1776 • A Local Law to regulate the display and sale of pesticides in Suffolk County).** Motion by Legislator Schneiderman, second by Legislator Caracciolo?

LEG. CARACCIOLO:

No.

P.O. CARACAPPA:

No. Legislator Losquadro?

LEG. LOSQUADRO:

Yeah.

MR. BARTON:

Mr. Chairman.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

On this one there's an amended copy which included a title change, and we missed that when we put together the agenda, so it is the amended copy that was distributed.

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

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

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

On the motion to table, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

First, I believe you all have the amended copy, and I'd like to obviously see it move forth. I've addressed, I believe, everybody's concern, from certainly in the committee and in the public hearing. And the bill just simply asks, if you look particularly on Page 3, C, that's really the operative language, that they be stored in compliance with all Federal and State storage guidelines. If you just simply do what you're supposed to do, there's no problem here. And it just •• it empowers the Director of the Office of Consumer Affairs to enforce the law that really will protect children who are in shops or other consumers from coming into accidental contact with toxic materials.

P.O. CARACAPPA:

Anyone else?

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Roll call on the tabling.

MR. BARTON:

Who was the second, Mr. Chairman?

P.O. CARACAPPA:

Caracciolo.

MR. BARTON:

Oh, thank you.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

To table, yes.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

I'll pass.

LEG. ALDEN:

No to table.

LEG. MONTANO:

Yes to table.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No to table.

MR. BARTON:

Seven.

P.O. CARACAPPA:

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

LEG. CARACCIOLO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Counsel, could you just summarize the provisions of the bill and how it affects the reference to federal regulations? What does the bill really do, because I've seen this bill watered down to the point where it's almost meaningless, from my perspective. Sounds good piece of legislation.

MS. KNAPP:

Actually, what the bill does ••

LEG. CARACCIOLO:

I'm sorry.

MS. KNAPP:

•• is it asks that pesticides be treated the way the County has required box cutters and spray

paint to be treated, that is kept behind a locked facility, so that consumers don't have ready access to it.

LEG. CARACCIOLO:

That's all it does? It doesn't prohibit the sale and purchase of pesticides.

MS. KNAPP:

No, it does not.

LEG. CARACCIOLO:

It doesn't do anything to clean up our groundwater, which the sponsor and others have alleged have been contaminated by the constant use and overuse pesticides. That was an admirable approach. Now we have something that totally, you know, watered down to an enforcement measure where the store owner has to keep this •• the product out of reach, behind closed doors. The consumer will still purchase it, it just will require someone providing them access; am I right?

MS. KNAPP:

I don't know that I can agree with all of your characterization, Legislator Caracciolo. It does simply require that it be behind a locked case.

LEG. CARACCIOLO:

Okay. So, if you or I as a consumer want to go purchase fertilizer, or some other product that the sponsor and the EPA have deemed to be carcinogenic, we can still go purchase that product, we can still go ahead and, as some allege, contaminate the groundwater supply that we've spent hundreds of millions of dollars trying to protect, but simply in order to do that, we have to go and request somebody to unlock the door, the gate, so we can buy the product? That's what it does?

MS. KNAPP:

It restricts access to the product, yes.

LEG. CARACCIOLO:

Yeah, okay.

LEG. SCHNEIDERMAN:

Point of personal privilege, or just to respond to what my colleague has said. This does ••

LEG. BISHOP:

No, no, that's not appropriate.

LEG. SCHNEIDERMAN:

Well, on the bill.

P.O. CARACAPPA:

There's a list.

LEG. SCHNEIDERMAN:

Not the •• I'm just responding.

LEG. BISHOP:

You go on line.

LEG. ALDEN:

Go on the list.

LEG. BISHOP:

Go on the list. You respond to him, you respond to me.

P.O. CARACAPPA:

Well, Legislator Caracciolo's tone was kind of nasty. I would like to give him a chance to respond.

LEG. CARACCIOLO:

Nasty?

LEG. SCHNEIDERMAN:

Okay. Thank you, Chair.

LEG. CARACCILOLO:

I would characterize it as factual, not nasty.

LEG. SCHNEIDERMAN:

I have the microphone now. Excuse me.

P.O. CARACAPPA:

Did you support his hard line bill?

LEG. SCHNEIDERMAN:

I did not interrupt you, Legislator Caracciolo, and I'd appreciate the same courtesy.

LEG. CARACCILOLO:

And I'll give you the courtesy, provided I have an opportunity to respond.

LEG. SCHNEIDERMAN:

Let me know when you're giving it to me, because I'm ready to speak.

LEG. CARACCILOLO:

Go ahead, Jay.

LEG. SCHNEIDERMAN:

Okay.

LEG. CARACCILOLO:

Go ahead.

LEG. SCHNEIDERMAN:

Thank you. The bill does not apply to fertilizers, or as the example that was just given, it applies only to pesticides and those with known or suspected carcinogens, endocrine disrupters, neurotoxins, or reproductive toxins. There are many products that won't have to go into locked cabinets. If the label says it must be stored in a locked cabinet, it goes in a locked cabinet. If the label says it must be stored out of the reach of children, you cannot put it on the lower shelf yourself, you need to put it on a higher shelf. Does it do everything? No. But I remind you that I have a stronger bill, 2102, which my colleague does not support or has not yet publicly

supported, which would ban the sale of some of these, but it does allow the consumer at least to understand that these chemicals are segregated because they are more toxic than the other chemicals.

LEG. CARACCILO:

That was a harshful tone.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

You know, when you lock something up in other circumstances in the store, it's usually to promote the enforcement of an existing statute, for example, cigarettes, cigarettes not to be sold to anybody under 18. Therefore, when you had them on display and under 18 could grab them, there was poor enforcement solution, move them back. Guns. You know, you don't want people just handling guns, because you require a license to enforce the licensing provision. You take the guns out of reach and have them handled by the store owner. This is putting the cart before the horse, so to speak, because there's no statute that says people can't possess these. So you're •• I don't understand the point of this, it doesn't make any sense to me. What is •• what statute is it bolstering? What is it protecting? It's simply creating an extra step and a burden on the store owner.

LEG. SCHNEIDERMAN:

Is the question for me? I'll be happy to respond.

P.O. CARACAPPA:

I think the bill says to follow the federal guidelines posted on the material itself.

LEG. BINDER:

Only where it says federal guidelines.

LEG. BISHOP:

So the federal guidelines say not to ••

P.O. CARACAPPA:

How to handle it.

D.P.O. CARPENTER:

And store it.

P.O. CARACAPPA:

And store it. So the County would follow the federal guidelines.

LEG. BISHOP:

So why aren't we •• why aren't the stores following •• I don't ••

LEG. SCHNEIDERMAN:

That's a good question.

P.O. CARACAPPA:

I think that most of them are recommended guidelines.

LEG. BISHOP:

Oh, they're •• okay.

LEG. SCHNEIDERMAN:

No, some are required.

LEG. CARACCIOLO:

No, no. They're required or recommended? That makes a difference. Counsel?

LEG. SCHNEIDERMAN:

It depends on the product.

LEG. BISHOP:

So the guidelines •• I got it, I gotcha.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

My issue with the bill is enforcement. At the Consumer Affairs meeting, the Director of Consumer Affairs stated on the record he doesn't have enough people to enforce this. We keep passing more and more bills regulating different agencies without increasing our inspection force. And even if we gave Consumer Affairs more people, they are housed in a shoe box over here that they couldn't fit anymore people in even if they wanted to. And I just can't see passing legislation we can't enforce.

P.O. CARACAPPA:

Legislator Cooper.

LEG. BISHOP:

Are they opposed to it?

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes, they're opposed.

LEG. TONNA:

Who's they?

LEG. MYSTAL:

Consumer Affairs.

LEG. COOPER:

I have to admit, I didn't have a chance to read the latest iteration of the resolution, but I also am confused. I mean, initially, at least the concept made sense, that if there are pesticides that are in use that are carcinogenic or otherwise dangerous to either individuals and the environment, and there was concern that homeowners, without the proper training, could either misapply or overapply the pesticides and, therefore, harm themselves or their family or the environment, that we should prohibit that. Aside from the fact that there were questions about

the legality and State jurisdiction, at least that made sense. But, as Legislator Caracciolo pointed out, this has been watered down so much, so now an uneducated homeowner could buy this carcinogenic pesticide and apply it, overapply it and •• or apply it too close to the water and damage the environment. And so to what end?

So, I also •• my understanding is that the Consumer Affairs Director did come out in opposition to this, because he said that they didn't have sufficient manpower. And I still do have some legal concerns over State jurisdiction issues, but my bigger concern right now is that the bill is •
• has been watered down so much, it's almost meaningless, and we're sending a message to the public that we've taken some action somehow to protect the environment from misuse of pesticides and we really haven't done so.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just to clarify a little bit of the record, and just from my own recollection, as we purchase property in Suffolk County, we're required by law to actually increase our Park Police, so we don't follow that law. And that's just one example of a very large law that we don't follow with huge ramifications, because those properties are abused and misused by people.

But in the Consumer Protection Committee meeting, the •• Charlie Gardiner came over and said that he's not opposed to the bill, he just said that he's short on manpower. But I saw a little bit of inconsistency in his testimony, because there's a law in Suffolk County that requires stores to store the box cutters in a certain way that children can't get a hold of them and cut each other up. And he was unaware that he was supposed to be enforcing that law, and that law goes back a number of years, and it actually requires him to go and enforce that law. So his testimony was a little bit inconsistent as far as did he take a position one way or the other on the content of the bill in regard to what it was intended to do, or those type of things? No. And he strictly, not limited his comments, but concentrated on the fact that he is short staffed.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

It is now twenty to nine. We're spending a lot of time over a bill that's a Schneiderman special. Every time he gets a bill, we spend an hour discussion it

LEG. SCHNEIDERMAN:

Good. But then don't talk about it, then.

LEG. MYSTAL:

I think everybody knows how they're going to vote. Why don't we just vote and shut up? We're not going to convince anybody one way or the other.

P.O. CARACAPPA:

Thank you.

LEG. MYSTAL:

Why are we spending time discussing nothing?

LEG. VILORIA • FISHER:

Okay. Then let's just have the vote.

LEG. CARACCIOLO:

Okay. I have a question.

LEG. ALDEN:

You just spent two minutes saying that.

P.O. CARACAPPA:

Okay. The next one to discuss nothing is Legislator Binder.

LEG. BINDER:

I think it's easy to dismiss it and say, "Well, it's watered down," but the fact is that it's •• it's an opportunity for public education. Now, you can vote against the opportunity for public education. Well, that's what it does. Any time someone's going to go where they normally would be able to have free access to something, and all of a sudden they have to get someone to open it up, unlock it and pull it out, or if they see that it's now not in reach of children, but

it's out of reach, and that the kids can't get to it, and they're going to notice differences. There's nothing wrong with us sending a message.

Let's talk about messages. There's nothing wrong with this Legislature sending a message. You may not •• you may want something tougher. That may not •• this may not make you happy, but Legislator Schneiderman came up with at least a compromise where he would educate the public. Every time they go to buy this, they're going to get educated that there's something different about this, as opposed to something else they're going to buy. And when something's locked up, that's •• you know that, so maybe you'll ask questions.

It may not lead, as Legislator Cooper says, to the immediate cessation of overapplication or other questions with this. What it will do is it will educate people to ask the questions, and that's a good start. We should be lauding Legislator Schneiderman for doing this, and I appreciate him putting it in, and I'm going to vote for it.

P.O. CARACAPPA:

Okay. I have some •• I think some real questions related to the bill. If I walk into •• in my district, I have everything from Home Depot to mom and pop hardware stores who struggle to keep •• stay in business with the Home Depot. If I walked into that store and wanted to buy lawn fertilizer, Scotts start•up, you know crab grass preventer, Summer Guard ••

D.P.O. CARPENTER:

Turf Builder Plus 2.

P.O. CARACAPPA:

Turf Builder Plus 2, Weed and Feed, right, the whole •• the whole four•step system lawn fertilizer. Will they have to construct a cage now and to keep them behind it, or is it •• or is it strictly on the wording of the packaging saying, "Federal guidelines recommend that you put it", and is that what we will be following? What is the •• going to be the adverse impact to the consumer as well as the person selling this material?

LEG. TONNA:

Put me on the list.

LEG. SCHNEIDERMAN:

Many of the products you use you'll see on the labels that it won't specifically say store in a locked container, it will say •• it might say store out of reach of children. It might say just store in a cool dry place. I didn't bring in all these chemicals for you to look at so you could look at the label. It just says store them according to what the federal guidelines are on the labeling. So, if the label says this product must be stored in a locked cabinet, then, yes, it would be. But the ones you mentioned, and I am not sure on it, but I •• those probably say store in a cool dry place, because I don't think they contain suspected carcinogens, but I'm not a hundred percent sure.

LEG. TONNA:

Joe. Oh ••

P.O. CARACAPPA:

Legislator Tonna, you're next.

LEG. TONNA:

Yeah, just a quick thing. Every time I've seen when we were discussing banning Ephedra, Legislator Cooper did his homework and brought in a group who said, "Look what Ephedra has done to my son," or to whatever else. There was always a story of abuse. Are people eating fertilizer? Are •• is there •• I mean, do you have any stories of abused pesticides? I mean, I know that lawyers write ••

LEG. SCHNEIDERMAN:

Paul, are you asking me to bring all the people back, because you've heard •• we've got ••

LEG. ALDEN:

No, we've heard hours and hours.

LEG. VILORIA • FISHER:

They've all been here.

LEG. SCHNEIDERMAN:

About 2000 signatures we've submitted and a lot of testimony.

LEG. TONNA:

We've had a lot of people? That's what I want to hear.

LEG. VILORIA • FISHER:

Yes.

LEG. TONNA:

I wasn't here when that happened.

LEG. ALDEN:

No, you were golfing.

LEG. TONNA:

So, there were a lot of people saying that they've been abuse •• well, you know, only 36 that day.

P.O. CARACAPPA:

We've heard testimony here in Suffolk County and Long Island that many feel that pesticide and fertilizer use and the abundance of it in our suburbs ••

LEG. TONNA:

No, no, I don't mean that, Joe.

P.O. CARACAPPA:

•• are leading towards ••

LEG. TONNA:

No, I don't mean that. I mean ••

P.O. CARACAPPA:

•• contamination of our groundwater.

LEG. TONNA:

I mean, do you have somebody who said that because they had access to this, because it

wasn't locked behind a cage, all right, that that's how •• that's what I'm talking about, not about pesticide use. You know, I mean, gosh, we've been 12 years about that. What I'm talking about is somebody who says, a retailer of this product ••

P.O. CARACAPPA:

"If my child didn't" •• yeah, right.

LEG. TONNA:

•• because they did not lock it behind a cage ••

P.O. CARACAPPA:

"If my child didn't have access to that, he'd be alive today", something like that; is that what you're saying?

LEG. TONNA:

Yes, yes. Did we have one of those?

LEG. BISHOP:

Hours of it.

LEG. SCHNEIDERMAN:

Come on.

LEG. TONNA:

No.

LEG. SCHNEIDERMAN:

We did have people come down who, or mothers of children with cancer who •• they believe that pesticides might be the cause ••

LEG. TONNA:

Yeah, but this law doesn't do anything to stop that.

LEG. SCHNEIDERMAN:

It doesn't do everything, Paul.

LEG. TONNA:

No, it doesn't do anything to stop that, because all it's doing is saying you have to file federal guidelines about how it's stored, right?

LEG. SCHNEIDERMAN:

It's a consumer protection bill. It protects a consumer in a retail store ••

LEG. TONNA:

From what?

LEG. COOPER:

Joe.

LEG. TONNA:

From what? That's what I want to know.

LEG. SCHNEIDERMAN:

From pesticide residue, from being •• being inadvertently exposed ••

LEG. MYSTAL:

You're kidding me.

LEG. SCHNEIDERMAN:

•• having a child open up a container.

LEG. TONNA:

Oh, because they walk by; is that what you're saying?

LEG. SCHNEIDERMAN:

Or a child opening up a can or spilling a can.

LEG. TONNA:

All right. Okay, that's what I ••

LEG. CARACCIOLO:

Put me on the list.

LEG. COOPER:

Legislator Caracappa raised I think a very interesting question, and now I'm reading the bill more closely. And now I don't know what percentage of the pesticides contain this list of •• this long list of possible carcinogens, but, you know, maybe it's half of them, maybe it's three •quarters of them, and, you know, sometime they take up an entire aisle in a hardware store. Now they're going to be required to move all those from the aisle and either put them into a sealed and locked case or behind the service counter. And I know my local hardware store, yeah, their service counter is four feet. There's barely enough room for them to move around behind there. And, also, the purchaser has to fill out a •• has to sign a consent form.

LEG. ALDEN:

No, that was taken out.

LEG. COOPER:

Oh, that was •• oh, Legislator Schneiderman, that was taken out?

LEG. SCHNEIDERMAN:

I'm sorry. The consent form is not part of this, yes, it's been taken out.

LEG. COOPER:

The consent form is taken out, okay. But just practically, I guess a question of the sponsor, practically, do you think ••

P.O. CARACAPPA:

Jon, just before you go on, if you're looking at the bill on the screen, that's wrong.

LEG. COOPER:

Yeah, I'm sorry. I have some practical concerns over the ability of particularly a small hardware store to store all of the affected pesticides, chemicals, in the manner that's required by the legislation. And if they don't have space behind the counter, how would they address

this, and would it put them at a disadvantage against the larger stores, the Home Depots, etcetera, that may have a lot more potential space for either a storage locker or behind one of the 12 or 15 counters, sales counters that they have?

LEG. ALDEN:

Jon, I can answer part of that as Chairman of the committee when we held the hearings. They're in violation of federal law right now if they don't abide by the law that requires them to put it into a lock box situation. So, right now, they're in violation of the law. This would require them to come into conformance with federal law and federal guidelines on the storage and sale of these products.

LEG. COOPER:

But now I'm confused again. Then are you saying that the Consumer Affairs inspectors are able to ignore violations of federal law, but only if it's local law, they would enforce it?

LEG. ALDEN:

No, I didn't say that at all.

LEG. COOPER:

So, I mean, this is already a law that's on the books. So then, again, then what are we accomplishing here? We're confused as we go along.

LEG. SCHNEIDERMAN:

We're directing the Director of the Office of Consumer Affairs to enforce that provision of law.

LEG. COOPER:

But we don't need a new law, all we need to do is tell Commissioner Gardiner ••

LEG. SCHNEIDERMAN:

Jon, if you don't want to vote for it, don't vote for it.

LEG. COOPER:

•• to enforce the existing law.

LEG. ALDEN:

That's what this does, exactly. Vote for it.

LEG. SCHNEIDERMAN:

You could try to find lots of ways to not support it. It's a •• I think it's a good bill.

P.O. CARACAPPA:

Hold on. Legislator Cooper?

LEG. COOPER:

I'm done. Thank you.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

And how many members around the horseshoe have these products in their garage, or their basements, or their storage bins? Almost everybody.

Almost everybody. So what we're saying is that ••

LEG. SCHNEIDERMAN:

Let's stop •• just vote on the damn bill.

P.O. CARACAPPA:

Mike. Legislator Caracciolo, go ahead.

LEG. CARACCIOLO:

What the sponsor is implying is that once the cat's out of the bag, once you take this product home, you can do anything you want with it, you can store it anywhere in your home. You are •• your kids could go in your garage and come in close contact with it. There's no provision to safeguard them there.

LEG. SCHNEIDERMAN:

Then put a bill in for that.

P.O. CARACAPPA:

Just like we did with spray paint and razor blades, but we passed those bills.

LEG. CARACCIOLO:

But the point that Legislator Cooper made is that this is redundancy, because you already have federal regulations that require this action. If we have a department that's not taking enforcement action, that's a matter of a different •• you know, that's a different matter and we should do something about that. Give Consumer Affairs the personnel to do their job to start with.

LEG. SCHNEIDERMAN:

Call the vote.

LEG. CARACCIOLO:

I don't see a vote to add personnel in Consumer Affairs.

LEG. MYSTAL:

Please, call the vote. Please, I beg of you.

P.O. CARACAPPA:

Okay?

LEG. MYSTAL:

Please.

P.O. CARACAPPA:

This is on the tabling. Roll call.

LEG. SCHNEIDERMAN:

No, the tabling already failed.

P.O. CARACAPPA:

The tabling failed, I'm sorry.

LEG. SCHNEIDERMAN:

This is ••

P.O. CARACAPPA:

This is to approve. Roll call.

LEG. SCHNEIDERMAN:

This is to approve. Can I just ask that •• okay.

LEG. MYSTAL:

Don't ask.

LEG. SCHNEIDERMAN:

No, I just ••

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Is this to table or ••

LEG. ALDEN:

To approve.

MR. BARTON:

This is to approve.

LEG. SCHNEIDERMAN:

Approve.

LEG. MYSTAL:

Just say yes, Lynn.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Enthusiastically, yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

11.

LEG. SCHNEIDERMAN:

Thank you.

LEG. MYSTAL:

Veto time.

LEG. SCHNEIDERMAN:

Yeah, if it's going to be vetoed.

LEG. MYSTAL:

Veto time.

LEG. SCHNEIDERMAN:

A pyric •• pyric victory, right?

P.O. CARACAPPA:

Okay. Okay, that's approved. Congratulations, Legislator Schneiderman.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

1840 (Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for an Educational Opportunity Program 84% reimbursed by State funds at Suffolk County Community College). It's a grant.

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

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion. Oh.

LEG. ALDEN:

No.

LEG. LOSQUADRO:

That's not funny.

MR. BARTON:

18.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

1467 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund (Mouallem property) Town of Islip). Motion by Legislator Lindsay, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BINDER:

Abstention.

P.O. CARACAPPA:

1617.

MR. BARTON:

17, 1 abstention.

P.O. CARACAPPA:

(1617 • Approving the Master List II and planning steps for environmentally sensitive land, farmland and recreationally important land acquisitions). Motion by Legislator Losquadro, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1708 (Amending the Adopted 2005 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2005 Capital Budget and Program, and appropriating funds in connection with wetlands restoration at West Islip High School (CP 8710.312)). Motion by Legislator Carpenter, second by Legislator ••

LEG. ALDEN:

Alden.

P.O. CARACAPPA:

Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1823 (Authorizing planning steps for the acquisition of land under the New Suffolk

County Drinking Water Protection Program (Roehrich property • Village of Lake Grove • Town of Brookhaven).

LEG. KENNEDY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Kennedy, second by Legislator Nowick. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1824 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space component (Hauppauge Springs property • Town of Smithtown SCTM No. 0800 • 155.00 • 04.00 • 017.000 p/o).

LEG. KENNEDY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Kennedy, second by Legislator Nowick. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1832 (A Local Law to strengthen the full disclosure provisions for County Planning Commission determinations).

MR. BARTON:

Motion.

P.O. CARACAPPA:

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

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. MYSTAL:

Roll call.

P.O. CARACAPPA:

All this does is have •• this is just notify notification ••

LEG. BINDER:

Do you know what it does?

P.O. CARACAPPA:

•• from Planning Commissions, right?

LEG. BINDER:

It just let's us get notified.

P.O. CARACAPPA:

To us.

LEG. BINDER:

To us.

LEG. MYSTAL:

Oh, to us.

LEG. BINDER:

Legislators, that's it, so we get notified. No more ••

P.O. CARACAPPA:

It just puts us on the router, right?

LEG. BINDER:

This is so you can get notified.

LEG. MYSTAL:

Okay. All right.

P.O. CARACAPPA:

Okay. Roll call was requested. Roll call.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

Pass.

LEG. MYSTAL:

Abstain. I don't know what we're voting on.

LEG. BISHOP:

No.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Abstain.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes. Simple notification.

LEG. TONNA:

No.

LEG. MONTANO:

Yeah.

LEG. BISHOP:

Ignorance is bliss.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

It's approved. ***1872 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund (Knox School property) Town of Smithtown).*** Motion by Legislator Nowick, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1876 (Amending the Adopting 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go fund in connection with the Peconic Bay Estuary Program (CP 8235). Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1877 (Amending the Adopted 2005 Capital Budget and Program and appropriating the 2005 Pay As You Go funds in connection with the study for occurrence of brown tide in Suffolk County waters (CP 8228).

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:

1893 (Accepting and appropriating 50.0% Federal grant funds from the United States Environmental Protection Agency to the Suffolk County Department of Health Services, Division of Environmental Quality for the National Estuary Program). Motion by Legislator Losquadro, second by Legislator Schneiderman. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1898 (Authorizing the acquisition of farmland development rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund for the Kozak (SCTM No. 0600•043.00•01.00•001.001 p/o, Town of Riverhead). Motion by Legislator Caracciolo, second by Legislator Schneiderman. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1902 (Authorizing acquisition of environmentally sensitive land under the Suffolk County Open Space Preservation Program • Edson property • Corey Creek, Town of Southold (SCTM No. 1000•087.00•05.00•022.000). Motion by Legislator Foley, second

by Legislator Montano. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Okay, SEQRAs. Motion by myself, second by Legislator Losquadro, on **1904 (Making a SEQRA determination in connection with the proposed fencing materials for Suffolk County Department of Parks, Recreation and Conservation (CP 7007))**. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1905 (Making a SEQRA determination in connection with the proposed Old Field Farm County Park, adaptive re-use of stable building, Trustees Road, Setauket, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. POSTAL:

1906 (Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as Mud Creek County Park in the Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1907 (Making a SEQRA determination in connection with the proposed improvements to water supply system at Cathedral Pines County Park, Middle Island, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1908 (Making a SEQRA determination in connection with the proposed improvements to water supply system at Prosser Pines County Park, Middle Island, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

1915 (Authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program • Open Space • for the Kane property • Overton Preserve (Town of Brookhaven • SCTM No. 0200•495.00•01.00•028.000). Motion •• motion by Legislator Foley, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1916 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space component (Rendel property • Town of Southold (SCTM No. 1000•053.00•02.00•004.000).

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1926 (Reappointing member of the Council on Environmental Quality (Theresa Elkowitz). Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1927 (Reappointing member of the Council on Environmental Quality (J. Lance Mallamo). Same motion, same second, same vote.

MR. BARTON:

18.

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

Health and Human Services. (***1891 • Accepting and appropriating 88.4% State grant funds and 6.4% Federal grant funds from the New York State Department of Health to the Department of Health Services for the Public Health Campaign and TB Cooperative Agreement Programs***). Motion by Legislator Binder, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PARKS AND CULTURAL AFFAIRS

P.O. CARACAPPA:

Parks and Cultural Affairs. (***1859 • Accepting a mobile trailer for use in the Suffolk County Park Police Child Safety Seat Program***). Motion by Legislator Schneiderman, second by Legislator Caracciolo. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1860 (Applying for a grant from the New York State Department of Parks, Recreation and Historic Preservation for the restoration of Sagtikos Manor).

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1861 (Applying for a grant from the New York State Department of Parks, Recreation, and Historic Preservation for the restoration of New Mill and Miller's House at Blydenburgh County Park).

LEG. KENNEDY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1862 (Applying for a grant from the New York State Department of Parks, Recreation and Historic Preservation for the restoration of Wereholm, Scully Estate County Park). Motion by Legislator Alden, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

1844 (Approving the reappointment of Rabbi Steven A. Moss as a member of the Suffolk County Human Rights Commission).

LEG. VILORIA • FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Vilorina•Fisher.

LEG. FOLEY:

Second.

MR. MONTANO:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. O'Leary, rather. I'm sorry. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1845 (Approving the reappointment of Rabbi Steven A. Moss as a Chair of the Suffolk

County Human Rights Commission). Motion by Legislator Carpenter, second by Legislator Foley on that one. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1882 (Naming the Second Precinct Building in Huntington the Daniel P. Guido Building). Motion by Legislator Caracciolo.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator ••

LEG. O'LEARY:

Second.

LEG. CARACCIOLO:

Cosponsor.

P.O. CARACAPPA:

Foley •• oh, O'Leary.

LEG. CARACCIOLO:

Henry.

P.O. CARACAPPA:

And Carpenter?

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

I congratulate the Guido Family on that. ***1884 (Accepting and appropriating grant funding in the amount of \$2,659,206 from the New York State Department of State for the Wireless E•911 Expedited Deployment Program with 90% support)***. Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1924, 24A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with a pilot program for Ambulance and Fire Department Paperless Prehospital Care Reports (PCR)).

LEG. KENNEDY:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Kennedy.

LEG. KENNEDY:

I'm going to make a motion to go ahead and approve this. I had been contacted by the administration about possibly doing something tonight in a way of a Certificate of Necessity.

P.O. CARACAPPA:

Mr. Zwirn.

LEG. KENNEDY:

Looked in the folder and seeing nothing there, I'm going to make a motion to approve.

MR. ZWIRN:

Yeah, but I do have something, if I can just •• if we can just pass over this just for a short time, so you have an opportunity just to read what I have with me and then ••

LEG. KENNEDY:

Which is not here?

MR. ZWIRN:

I don't know. Is it in that?

P.O. CARACAPPA:

No.

MR. ZWIRN:

No.

P.O. CARACAPPA:

We don't have a CN on this.

LEG. KENNEDY:

I've got nothing here.

MR. ZWIRN:

I apologize. I've been working on a few other things, but I do ••

LEG. TONNA:

Give him a couple of minutes.

LEG. KENNEDY:

All right.

P.O. CARACAPPA:

We'll skip over it.

MR. ZWIRN:

And I'll get something to you immediately.

LEG. KENNEDY:

Mr. Chairman, if we can just skip over it.

LEG. TONNA:

Then you can tell him no.

P.O. CARACAPPA:

Skip over this.

MR. ZWIRN:

Thank you.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

P.O. CARACAPPA:

Public Works. ***1819 (Directing the Suffolk County Sewer Agency to prepare reports and make recommendations necessary to form a sewer district at Manorville Silver Ponds in the Town of Brookhaven).***

LEG. O'LEARY:

Motion.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

1846, 46A (Appropriating funds in connection with the County share for participation in the reconstruction of CR 3, Pinelawn Road, from the vicinity of Ruland Road to the Long Island Expressway, Town of Huntington (Capital Program Number 5510)). Motion by Legislator Binder, second by Legislator Cooper. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1847, 47A (Appropriating funds in connection with the acquisition of lands for the

construction of right turn lanes on CR 3, Wellwood Avenue, Town of Babylon (CP 5521). Motion by Legislator Bishop, second by Legislator Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1848, 48A (Appropriating start-up funds in connection with the reconstruction of CR 46, William Floyd Parkway, Town of Brookhaven (CP 5515). Motion by Legislator O'Leary, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1849, 49A (Appropriating start-up funds in connection with the drainage improvements on CR 76, Townline Road, Towns of Islip and Smithtown (CP 5039).

Motion by Legislator Kennedy, second by Legislator Nowick. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1850, 50A (Appropriating start-up funds in connection with the reconstruction of CR 17, Carleton Avenue, Town of Islip (CP 5097)). Motion by Legislator Montano, second by Legislator Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. MONTANO:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. BISHOP:

Yep.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

P.O. CARACAPPA:

1851, 51A (Appropriating funds in connection with the acquisition of land for improvements to CR 80, Montauk Highway between NYS Rt. 112 and CR 101, Patchogue, Yaphank/Sills Road, Town of Brookhaven (CP 5534). Motion by Legislator O'Leary, second by Legislator Losquadro. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1852, 52A (Amending the 2005 Capital Program and Budget and appropriating funds for the acquisition of land for the reconstruction of Deer Park Avenue East, CR 66, Town of Huntington (CP 5508.211).*** Motion by Legislator Bishop, second by Legislator Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1853, 53A (Appropriating funds in connection with the median improvements on various County roads (CP 5001)). Motion by Legislator Binder, second by Legislator Lindsay.

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yeah.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1854, 54A (Appropriating funds in connection with the Firearms Training Section Drainage Project (CP 3161)). Motion by Legislator Carpenter, second by Legislator O'Leary.

Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18.

P.O. CARACAPPA:

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

1855, 55A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (CP 5851). Motion by Legislator Bishop, second by Legislator Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second ••

LEG. BISHOP:

Cosponsor on 1855, please.

P.O. CARACAPPA:

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

1856, 56A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the rehabilitation of St. Andrews Bridge on CR 39, North Road, Town of Southampton (CP 5847)).

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

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1857, 57A (Appropriating funds in connection with the rehabilitation of Shinnecock Canal Bulkhead, Town of Southampton (CP 5348). Motion by Legislator Schneiderman, second by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1858, 58A (Appropriating funds in connection with intersection improvements on CR 97, Nicolls Road at Lower Sheep Pasture Road, Town of Brookhaven (CP 5137)).

LEG. VILORIA • FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Vilorina•Fisher, second by myself. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1863, 63A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 7, Wicks Road, from CR 67, Motor Parkway, to CR 13, Crooked Hill Road, Towns of Islip and Smithtown (CP 5539).

LEG. KENNEDY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Kennedy.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1875 (Permitting the Westhampton Beach Fire District to purchase fuel from the County). Motion by Legislator Carpenter, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1878, 78A (Appropriating start-up funds in connection with intersection improvements on CR 67, Long Island Motor Parkway in the vicinity of Adams Avenue, Town of Smithtown (CP 3301.225)). Motion by Legislator Kennedy, second by Legislator Montano. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1879, 79A (Appropriating start-up funds in connection with intersection improvements on CR 31, Old Riverhead Road at C.R. 80, Montauk Highway, Town of Southampton (CP 3301)). Motion by Legislator Schneiderman, second by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yep.

LEG. TONNA:

Yeah.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1880, and 80A (Appropriating start-up funds in connection with the reconstruction of a portion of CR 12, Oak Street in the Village of Amityville, Town of Babylon (CP 3301). Motion by Legislator Bishop, second by Legislator Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

18.

LEG. MYSTAL:

Cosponsor.

P.O. CARACAPPA:

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

1881 (Amending the Adopted 2005 Capital Program and Budget and appropriating funds for the acquisition of land for the reconstruction of CR 16, Portion Road at Hans Boulevard, Town of Brookhaven (CP 3301).

D.P.O. CARPENTER:

Motion to table.

P.O. CARACAPPA:

Motion to table by myself.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Legislator Foley, would you like to join me on that?

LEG. FOLEY:

Yes. I'll second, Mr. Chairman.

P.O. CARACAPPA:

Second by Legislator Foley.

LEG. VILORIA • FISHER:

Table?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions? That's tabled.

MR. BARTON:

18.

LEG. FOLEY:

Oh, tabled?

P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

Why?

P.O. CARACAPPA:

The reason why I'm tabling is, with the meeting that we had last week with Public Works, there's talk of abandoning the whole project, and why are we even thinking about acquiring anymore property when we might abandon the whole project and have to pay back the Federal Government even more money. Until we get that ironed out, with what the road •• the design's going to be, I think we should have more discussion.

18 •• where am I? ***1885, 85 (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the energy conservation • various County facilities (Capital Program Number 1664).*** Motion by ••

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

•• Legislator Cooper, second by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yeah.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1894, 94A**

(Appropriating funds in connection with the reconstruction of CR 58, Old Country Road, Town of Riverhead (Capital Program Number 5529). Motion by Legislator

Schneiderman, second by Legislator Caracciolo. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

18 on the bond.

P.O. CARACAPPA:

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

1912 (Amending the 2005 Operating Budget to centralize building security within the Suffolk County Department of Public Works in conformity with the new Title Examiner Policy at the County Clerk's office). Motion by Legislator Kennedy, second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1933 (Amending the 2005 Capital Budget and Program and accepting and appropriating Federal aid (80%), State aid (10%) and County Pay•As•You•Go funds (10%) in connection with the purchase and installation of bus shelters (CP 5651).

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

MR. BARTON:

18.

P.O. CARACAPPA:

1934 (Amending the 2005 Capital Budget and Program and authorizing planning funds in connection with equipment for public transit vehicles • automated vehicle locator system, accepting and appropriating Federal aid (80%) State aid (10%) and County Pay•As•You•Go funds (10%) (CP 5648). Same motion, same second.

MR. BARTON:

18.

P.O. CARACAPPA:

Same vote.

WAYS AND MEANS

P.O. CARACAPPA:

Ways and Means. ***1871 (Authorizing transfer of eight (8) surplus County computers to the Pilot Club of Sayville, Inc.).*** Motion by Legislator Lindsay, second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1873 (Authorizing use of County facilities by SCORE in connection with providing business counseling services to the public). Motion by Legislator O'Leary, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

LEG. COOPER:

Cosponsor.

MR. BARTON:

18.

P.O. CARACAPPA:

Cosponsor, Legislator Cooper. **1886 (Authorizing the extension of a lease of premises located at Bay Shore Mini Center, Bay Shore, NY, for use by the Department of Police).** Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

SENSE RESOLUTIONS

P.O. CARACAPPA:

Sense Resolutions. **Sense 51 (Memorializing resolution in support of the Darfur Accountability Act of 2005 (S.495) and the Darfur Genocide Accountability Act of 2005 (H.R. 1424)).**

LEG. FOLEY:

That's Ambassador Bishop.

P.O. CARACAPPA:

Sense 51. Sense 51, it's ••

LEG. BISHOP:

Oh.

LEG. BINDER:

The Ambassador.

LEG. MYSTAL:

The Ambassador.

P.O. CARACAPPA:

You got the vetoes?

LEG. ALDEN:

Wait, wait, wait, wait. This is important. World affairs.

LEG. BISHOP:

I understand. I understand that criticism, but I think ••

LEG. SCHNEIDERMAN:

Hey, Darfur is in Bishop's district.

P.O. CARACAPPA:

There's a motion to approve by yourself?

LEG. BISHOP:

Yes.

P.O. CARACAPPA:

By Legislator Bishop. Is there a second?

LEG. VILORIA • FISHER:

I'll second that.

P.O. CARACAPPA:

Second by Legislator •• second by Legislator Vilorina•Fisher.

LEG. MYSTAL:

Cosponsor.

LEG. TONNA:

Can I ask you?

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

Could you •• can you just explain this? I know it's a national issue and stuff, but just give us a little context. We had this in committee. It was in the Health Committee and, you know ••

LEG. BISHOP:

It supports Congressional action to cut off the government of Sudan from trade and from relations with the United States until such time as that government takes control of the situation in Darfur, where there are death squads who are perpetrating a genocide of the population in that region. It's an ethnic based ••

LEG. TONNA:

Cleansing.

LEG. BINDER:

It's awful.

LEG. BISHOP:

It's awful. I mean, it's the ••

D.P.O. CARPENTER:

Against the Jewish population?

LEG. BISHOP:

No.

LEG. BINDER:

No, no.

LEG. BISHOP:

It's the Christian population by •• but whatever it is, it's horrible and it shouldn't go on.

LEG. FOLEY:

That's a north•south ••

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

It's a north•south ••

LEG. FOLEY:

This west of Sudan.

LEG. BINDER:

Henry, put me down as a cosponsor.

P.O. CARACAPPA:

There's a motion and a second.

LEG. BISHOP:

I think we all know.

P.O. CARACAPPA:

All in favor? Opposed?

LEG. MYSTAL:

Henry.

P.O. CARACAPPA:

Abstentions?

LEG. MYSTAL:

Binder, too.

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 53 (Sense of the Legislature resolution requesting Suffolk County towns to safeguard property rights when exercising the power of eminent domain). Motion by Legislator Binder.

LEG. LOSQUADRO:

Oh, I'm sorry. Did he call the vote on that?

P.O. CARACAPPA:

Yeah.

LEG. LOSQUADRO:

Abstain.

P.O. CARACAPPA:

There's an abstention over there by ••

LEG. BINDER:

I'm going to motion to table the second one.

P.O. CARACAPPA:

53, table?

LEG. BINDER:

Yeah, I want to wait for the other ••

MR. BARTON:

51 is 17 with one abstention.

P.O. CARACAPPA:

Motion to table by Legislator Binder on 53, second by myself. All in favor? Opposed? Abstentions? Sense 54.

MR. BARTON:

Mr. Chairman, I'm sorry. That was to table?

P.O. CARACAPPA:

It was tabled. Sense 53 was tabled.

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 54 (Sense of the Legislature resolution in support of providing safe immunization for all children). Motion by Legislator Lindsay, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 55 (Memorializing resolution in support of civil confinement to protect women and children from sex offenders). Motion by Legislator Binder, second by Legislator O'Leary.

LEG. VILORIA • FISHER:

Explanation.

LEG. CARACCIOLO:

Cosponsor, Henry.

LEG. BINDER:

Basically, what it is, it supports legislation in Albany that says that after someone's finished

their imprisonment, that if they have mental problems, which most of these offenders do, they have to go into a civil confinement in an institution and get mental health. Otherwise, they're on the streets. And so there are 15 states that do this and we should be one them.

LEG. LINDSAY:

Cosponsor.

LEG. VILORIA • FISHER:

So the civil confinement is in a psychiatric institution, is that what you're saying?

LEG. BINDER:

Yes. It's civil, it's not •• it's not criminal, it's no longer prison, but it's for psychiatric help.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

Remember that bill from D'Andre? ***Sense 56 (Sense of the Legislature resolution requesting the United States Congress to adjust the formula for calculating Medicare reimbursement rates for Suffolk County)***. Motion by Legislator Alden, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 57 (Sense of the Legislature resolution requesting New York State to enact legislation advising park patrons about the dangers of overexposure to the sun).

Same •• a motion by Legislator Vilorina•Fisher, second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

All right. Prior to going to the CN, I did skip over something on the agenda, that we actually haven't had to use all the time, because we just invite public officials up all the time when they're needed, but ••

LEG. MYSTAL:

What page?

P.O. CARACAPPA:

Item when we have •• Item Number 12 on the agenda. And I'd ask the Sheriff to come forward. Item 12 on the agenda, if you don't remember, is allowing department heads, elected officials and others to address the Legislature on bills before us. We have some CN's before us that pertain to the Sheriff's Department, and this is his time to speak. I'd ask the Sheriff •• in the meantime, we're having vetoes from the last meeting distributed. There were •• and I'd like to thank the County Executive for getting them to us today, so we didn't have to have a Special Meeting. They're being copied right now and they're going to be distributed. So, as the Sheriff is speaking, we'll try and do •• multitask and read the vetoes. And I'd ask the Sheriff's Department to make this as brief as humanly possible. Thank you, Sheriff. Thank you for your patience. The floor is yours, Sheriff.

SHERIFF TISCH:

Good evening. Thank you for giving me the opportunity to address this august body.

LEG. LINDSAY:

You're not on, Sheriff.

LEG. BINDER:

Pull it toward you, the button on top. That's good.

SHERIFF TISCH:

Thank you for giving me the opportunity to address this august body. And I'm sorry that it's so late in the evening that I have to trouble you with this report, but as they say, you asked for it.

LEG. BISHOP:

We did?

SHERIFF TISCH:

As you'll recall, you were kind enough to furnish the Sheriff's Office with additional staff as a result of legislation, which was adopted on November 18th in the Year 2003, which provided for the addition to our staff of 50 Correction Officers and 20 Deputy Sheriffs. I was directed by that mandate to utilize those personnel for the purpose and in such a manner as to reduce overtime coverage.

We had two classes that were hired as a result of the implementation of that resolution. Twenty•one Deputy Sheriffs were hired on June 7th 2004, graduated from the Academy on November 30th, '04, and augmented into our workforce after field training at the end of January, beginning of February of this year. We had a class of Correction Officers, 46, hired on September 13th, 2004, graduated on December 17th, '04, and again augmented into our workforce in the beginning of this year. As a result of that delay in the hiring, it took us awhile to see what kind of a track record we could achieve through the utilization of these new forces.

And I would point out that although the resolution provided for additional 70 sworn officers, as a matter of fact, because of attrition in the Sheriff's Office, we actually did not have that kind of a net gain. For the first 17 pay periods of this year, we only have 11 more Deputy Sheriffs and 30 more Correction Officers than we actually had in the same period in 2004.

You've all been furnished with a copy of the document, which is on the easel. I think if you examine it, you'll see that in the first 16 pay periods of this year, because of the infusion of those personnel that you provided us with, we were able to substantially reduce overtime in the Sheriff's Office for the first time in my recorded memory.

We have another class provided for in this year's Operating Budget, as you are aware. There is provision, there are budgeted funded positions, 50 Correction Officers and 20 Deputy Sheriffs. The proviso, as I recall, when the budget message was delivered, was that these positions would be utilized provided I was able to demonstrate that I was able to use the last class for

the purpose of reducing overtime. I was and I will.

I'm looking forward to the commencement of a Deputy Sheriff class in September and a Corrections class in December. I will forecast that we will see remarkable results with regard to the additional infusion of these personnel. They will be best utilized for the purpose of reducing overtime, which was the message you gave me. Thank you for the opportunity to address you.

LEG. COOPER:

Mr. Chair, a question.

P.O. CARACAPPA:

Legislator Cooper.

LEG. BISHOP:

I thought I was on the list. I'll yield to Jon, absolutely.

LEG. COOPER:

No, no. Dave, go ahead.

LEG. BISHOP:

I'll yield to Jon, but put me on the list.

LEG. COOPER:

Sheriff, could you give us some idea as to what the cost were for the additional personnel that were hired, so we can compare that to the overtime savings?

SHERIFF TISCH:

It's my belief, after consulting with my Chief of Staff, that during the first year that the folks were on board, we saved somewhere between \$13,000 to \$17,000 on each new officer hired, for a total of about a million dollars for the year. It was, therefore, our belief, in accordance with your authorization, that it was, in fact, cheaper to hire new officers than to pay the overtime.

P.O. CARACAPPA:

You done?

LEG. COOPER:

Yes, thank you.

P.O. CARACAPPA:

Legislator Bishop.

LEG. ALDEN:

I thought I was ahead of Bishop.

LEG. BISHOP:

Go ahead.

LEG. ALDEN:

No, I'm only kidding. Go ahead.

LEG. BISHOP:

Thank you. Good evening, Sheriff. The CN's are before us. Do you recommend one or the other?

SHERIFF TISCH:

I didn't know that •• I didn't know that that was the purpose of my presentation at this time. I thought that if there was a discussion subsequently about these resolutions, which I believe may be before you, that I would be given the opportunity to speak then. I didn't know that we would be doing that now.

LEG. BISHOP:

Well, I mean, while you're here, rather than call you back up, if you ••

SHERIFF TISCH:

I don't mind staying.

LEG. BISHOP:

Well, we want to move it.

P.O. CARACAPPA:

They're next, actually.

LEG. BISHOP:

They're next, so let's do it now.

SHERIFF TISCH:

Well, I didn't know what procedural vehicle you have to use to get to that point.

P.O. CARACAPPA:

Feel free to speak on them, Sheriff.

SHERIFF TISCH:

Very well.

P.O. CARACAPPA:

Thank you.

SHERIFF TISCH:

I'm opposed to either of the resolutions. I believe that this Legislature, in the adopting of the budget for the Year 2005, had all of the information it needed at its disposal. The County Executive message was clear, that those positions should be forthcoming, provided that I was able to demonstrate that with the last infusion, I was able to substantially reduce overtime. I've done that. I don't believe there should be any impediment to moving forward with hiring for the Deputy Sheriff class in September or the Corrections class in December. I believe that all we need are the SCIN forms. My understanding is that because of the cost savings that we have embarked upon in the Sheriff's Office, we can actually hire with the existing budgetary funds in our Operating Budget.

LEG. BISHOP:

Sheriff, the 2005 Operating Budget that we're currently in had budget lines for Deputy Sheriffs at the Cohalan Court Complex; correct?

SHERIFF TISCH:

That's correct.

LEG. BISHOP:

That's correct, right. Okay. And your administration determined that it was wise to move them out ••

SHERIFF TISCH:

That's correct.

LEG. BISHOP:

•• and bring in Correction Officers?

SHERIFF TISCH:

That's absolutely correct.

LEG. BISHOP:

All right. But you did so without a resolution of the Legislature, and you believe that that's legal, and I believe ••

SHERIFF TISCH:

Actually, what we did, and I think the County Executive's Office will bear this out, is we put them on notice that this had occurred, and that until we got guidance from the County Executive's Office as to how they wanted to approach this with regard to the transfer of funds, we would just continue. We sought that advice in May and presumed that if the County Executive's Office believed that a resolution was necessary to transfer funds from discretionary, mandatory, and back and forth, that that would be forthcoming.

LEG. BISHOP:

Well, they clearly believe that it is necessary, that's why it's on CN. I don't know why it waited until now. Perhaps it should have come sooner. However ••

SHERIFF TISCH:

Excuse me. I don't want to interrupt you ••

LEG. BISHOP:

No, go ahead. That was a good point.

SHERIFF TISCH:

•• except to say that, yes, they are now addressing the transfer of funds, but there's a poison pill in there as well, which I object to.

LEG. BISHOP:

The ••

LEG. TONNA:

What's the poison pill?

LEG. MYSTAL:

What's the poison pill?

SHERIFF TISCH:

A reduction in the provided staff that you folks voted on. There are supposed to be 70 positions. Those two resolutions substantially reduce the number of officers that are contemplated to be hired.

LEG. BISHOP:

The rate of overtime •• the other day you had a press conference ••

SHERIFF TISCH:

That's correct.

LEG. BISHOP:

•• and you were touting that the rate of overtime has come down, or the amount of overtime spent has come down?

SHERIFF TISCH:

That's correct.

LEG. BISHOP:

What period were you discussing.

SHERIFF TISCH:

During the course of my administration.

LEG. BISHOP:

Okay, over the whole time. The ••

SHERIFF TISCH:

That's not what I'm doing here tonight.

LEG. BISHOP:

No, the ••

SHERIFF TISCH:

I'm only addressing your request.

LEG. BISHOP:

But I'm just trying to get to the blended overtime.

SHERIFF TISCH:

Yes.

LEG. BISHOP:

You keep track of that, right? That's the whole thing, that's ••

SHERIFF TISCH:

Yes.

LEG. BISHOP:

•• Deputy Sheriffs and Correction Officers together.

SHERIFF TISCH:

You're absolutely correct, Legislator, we consider the Sheriff's Office to be one entity.

LEG. BISHOP:

Right. That rate of overtime has come down this year or gone up?

SHERIFF TISCH:

This year it's come down, sir.

LEG. BISHOP:

Okay. Has that rate come down •• what was the date that you made this change at the ••

SHERIFF TISCH:

I think it was in April, sir.

LEG. BISHOP:

Right. The chart that I was provided by the Budget Office, the County Budget Office, not our Budget Review Office, but the County Budget Office, shows that the blended rate of overtime since the point of that change has gone up significantly.

SHERIFF TISCH:

That's not true, sir.

LEG. BISHOP:

Is that true or not?

SHERIFF TISCH:

No, sir, not true.

LEG. BISHOP:

Okay. So I'm going to provide you a copy of this chart, and if you want to speak to it, you may. You're just telling me it's inaccurate, is what you're going to tell me? You haven't seen it yet, so I don't know if you can speak to it.

SHERIFF TISCH:

I have the Chief of Staff here with me.

LEG. BISHOP:

Have you seen •• did they give this to you?

CHIEF OTTO:

No, of course not.

LEG. BISHOP:

Okay. So let me •• let me get it to you and then you can think about it and come and speak to it, if you want.

CHIEF OTTO:

Without even look •• without even looking at it, I can tell you right now that the numbers that I gave to the Sheriff are correct. Overtime has gone down substantially this year.

LEG. BISHOP:

Since 4/29?

CHIEF OTTO:

Substantially this year, that's correct.

LEG. BISHOP:

Okay. From 4/29 until today ••

CHIEF OTTO:

That's correct.

LEG. BISHOP:

Until today, the rate •• okay. And this shows the complete opposite. So ••

CHIEF OTTO:

Yeah.

LEG. BISHOP:

Somewhere it's •• there's a ••

CHIEF OTTO:

I'd like to see that.

LEG. BISHOP:

Right, okay. The other question I have, the final question, is the census in the jail, I assume our overtime, previously we were always told, was driven by, you know, having to ship prisoners Upstate and that was a crisis, and it could be as much as 20 million dollars a year. It's not going to come anywhere near that this year, I •• it looks like. What's the current census of the jail population?

SHERIFF TISCH:

I think that we're mixing some apples and some oranges here.

LEG. BISHOP:

Yeah. Now I'm on a different topic. I'm clearly on a different topic.

SHERIFF TISCH:

When I mentioned the cost of 25 million dollars a year, this would have been the result had the County not taken any action in compliance with the Commission of Corrections directive to commence a jail project. They would have revoked the additional three hundred and some odd variances that we still have, which would have resulted in moving three hundred more prisoners out of the County. The tuition costs, ranging between \$85 and \$150 a day, plus transportation costs, would have approximated 25 million dollars a year in additional operating costs. Fortunately, the County Executive, the County Legislature and the State Commission have apparently resolved those issues. We still have the variances, and we did not have to face that particular financial disaster.

LEG. BISHOP:

What's the •• what's the census count at currently?

SHERIFF TISCH:

You mean population?

LEG. BISHOP:

Yeah population, census.

SHERIFF TISCH:

As of today?

CHIEF OTTO:

I just put it in front of you, sir.

SHERIFF TISCH:

As of today, fourteen hundred and sixty.

LEG. BISHOP:

Okay, thank you.

P.O. CARACAPPA:

Legislator Viloría•Fisher, then Cooper.

LEG. COOPER:

In ••

P.O. CARACAPPA:

Legislator Viloría•Fisher is first.

LEG. COOPER:

Oh, sorry.

LEG. VILORIA • FISHER:

Sheriff, are you representing that you don't need the contingency funds that these two pieces of legislation are providing?

SHERIFF TISCH:

Actually, I think the appropriate thing that we should have done was to transfer the funds from the contingency fund into the operating fund for the purpose of hiring these officers. However, if you read the resolutions, they seem to indicate that unless the Sheriff acts in compliance with the suggestion of moving Deputy Sheriffs back into the Cohalan Court Complex, that the County Executive's Office will withhold SCIN forms. I don't want to get into that battle, I'm not here for that reason. I'm a constitutional officer. I was mandated by this Legislature to apply the personnel in such fashion as to reduce overtime. I've done that. I really don't need someone else micromanaging my operation, as long as I've done what I was directed to do.

I believe it should be within my discretion to deploy the officers in the best and safest possible fashion, with two things in mind. Number one, to utilize them to the best of their ability based upon the training they've received, and in spots where they could be best utilized to reduce overtime.

I made the decision when you furnished me with the resources to do it, to take trained police officers, Deputy Sheriffs out of a correction function in the basement of a court building, where they were acting in a Correction Officer capacity, and put them into the police cars that they are now operating to perform police functions, which reduced the overtime in that division by almost 25%. They're being utilized in the fashion for which they were trained at some considerable expense by this County.

LEG. VILORIA • FISHER:

How much did it increase the overtime in the Correction Officers' side of it?

SHERIFF TISCH:

Well, actually, the Correction Officers' overtime is still going down. It's going down slower than it did because of the transfer of the officers, but I believe our overtime for the first 16 pay periods of this year with Correction Officers is still down over 10%. It's not as substantial as the reduction for the enforcement side because of the infusion of those officers into police functions.

LEG. VILORIA • FISHER:

Even with their added duties, the Correction Officers' overtime has gone down?

SHERIFF TISCH:

Yes, it has.

LEG. VILORIA • FISHER:

Okay. Because, again, I'm looking at the chart that was provided by the Budget Office, which indicates that between April and the end of July, there's been a substantial increase.

SHERIFF TISCH:

Legislator, I believe Chief Otto can address that issue.

CHIEF OTTO:

Okay. I'm looking at the handout now for the first time and, for the record, from the Budget Office, it's, I guess, a line chart, which just has a few dates on it and some major figures. I disagree with it in that I have a document here which is done, and I would like to have copies made up, per pay period for real dollars each pay period on the Deputy side and the Corrections side how much overtime occurred, and we compare them from 2005 to 2004. We did this for 17 pay periods. Deputy Sheriffs, at the end of 17 pay periods, have a savings of 20% less than in '04, and the Correction Officers' overtime is 9% less for the 17 pay periods. This document is done pay period by pay period, real figures. I'd like to have a copy distributed.

P.O. CARACAPPA:

Chief, let me interrupt for a second.

LEG. VILORIA • FISHER:

I'd appreciate that, Chief Otto.

P.O. CARACAPPA:

Legislator Viloría•Fisher, where did you get that graph from the Budget Office, and how come we don't have it?

LEG. BINDER:

No one has that.

P.O. CARACAPPA:

Legislator Bishop has it. Legislator •• you have it, Legislator Viloría•Fisher.

LEG. BISHOP:

I got it from Mr. Pollert. Fred Pollert gave it to me.

LEG. BINDER:

Fred Pollert?

LEG. O'LEARY:

Fred Pollert?

D.P.O. CARPENTER:

Oh, Fred Pollert.

P.O. CARACAPPA:

Oh.

LEG. BISHOP:

Oh, he's persona non grata here now?

P.O. CARACAPPA:

No, no. I just want to know how come it was a selective •• a selective distribution of that very important chart.

LEG. BISHOP:

It's something I asked for today, I received it. You ask, you receive.

P.O. CARACAPPA:

Legislator Vilorina•Fisher asked for it, too?

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

Okay. Can I get a copy of it?

LEG. VILORIA • FISHER:

I'll share it with you.

LEG. FOLEY:

Sharing is a good thing.

LEG. VILORIA • FISHER:

Well, we brought it out to share it.

D.P.O. CARPENTER:

May I? May I?

LEG. LOSQUADRO:

I hope you brought enough for everyone.

LEG. BISHOP:

Elie, did you ask?

LEG. MYSTAL:

No, I didn't ask.

LEG. VILORIA • FISHER:

Sheriff, I'm going to have to ask you this, because it's something I have seen in the papers, and I'm just going to ask it on the record.

LEG. LOSQUADRO:

Then it must be true.

LEG. VILORIA • FISHER:

Well, that's why I'm asking him, so that I can hear it from him. That the decision wasn't strictly a decision that was made because of fiscal considerations, but because there was retribution with regards to Deputy Sheriffs. It was something that was in the newspapers, and I would just like you to address that.

SHERIFF TISCH:

I think the statement was probably made by the individual who would like to be Sheriff, so I don't give it any credence.

LEG. VILORIA • FISHER:

Okay. Then the CN, one of the paragraphs, one of the whereases in the CN says that these are mandated job descriptions or mandated appropriations for the actual work assignment. So you're saying that the work assignments have that kind of flexibility with •• under your jurisdiction?

SHERIFF TISCH:

My understanding is that it would be a simple transfer from the discretion side to the mandatory side, or vice versa. This is something that could occur at any time. It's a bookkeeping entry. It's not rocket science.

I've demonstrated that by the redeployment of the forces at my disposal, which you were kind enough to provide me, and directed me to assign them in such fashion and manner as to reduce overtime, I've done it. I can't speak to why Deputy Sheriffs were ever assigned to Corrections work. It's not really my position to stand here and speak to history. That's where they were when I came on board. I was finally given the resources, sufficient resources, so that I could actually redeploy the officers in my command to the best possible assignment that they could get based upon their training and their duties.

LEG. VILORIA • FISHER:

I don't know a lot about how the training differs, so can you explain to me Corrections work versus Sheriff work; how is that defined?

SHERIFF TISCH:

The Correction Officers go through four months of academy training in a regiment that is prescribed by the State Commission of Corrections, so that they would be capable of handling corrections work in a correctional facility. Deputy Sheriffs are trained to be Police Officers who were never designed to become Correction Officers. That's not what they were hired for and not what they were trained for. And I saw no reason to have an improper duty assignment when I could best utilize those Deputy Sheriffs to reduce the substantial overtime on the

enforcement side of my equation. It just didn't make sense to me.

LEG. VILORIA • FISHER:

And you're saying the •• you're saying the transport, prisoner transport is Corrections Officers?

SHERIFF TISCH:

No.

LEG. VILORIA • FISHER:

No? The Deputy Sheriffs still transport prisoners here and I ••

LEG. VILORIA • FISHER:

Okay. And the court complex? I'm just trying to understand the difference.

SHERIFF TISCH:

Okay. I would suggest the following, and this is historic, and I'm only talking to from my recollection. At the time that Correction Officers were taken out of the District Court facility and Deputy Sheriffs were put in, there was a legal action in which there was a determination made that that was a fungible position and Deputy Sheriffs could work it. Clearly, Correction Officers could work it because they had.

My recollection is that although in the County of Nassau Correction Officers transport prisoners, here in Suffolk it has traditionally been done by Deputy Sheriffs and they still do it to this day. There has been no diminution of the transportation function performed by Deputy Sheriffs.

LEG. VILORIA • FISHER:

Okay. I was confused because of the CN.

SHERIFF TISCH:

They have just been taken out of the cell block where they were performing corrections functions.

LEG. VILORIA • FISHER:

Thank you.

SHERIFF TISCH:

It's much more efficiently run now, and I can give you a few examples. Since Correction Officers are at the front end of the system, receiving the prisoners from the court in that very building, they are processing them right there, so that when they get off the bus in Riverhead, they're already processed in. The former procedure was that Deputy Sheriffs would receive them, log them in, do some paperwork, deliver them to my correctional facility, where Correction Officers would then have to start the booking procedure. We've short•stopped that procedure and it's been an economical one and it has saved us substantial money for the purpose of overtime.

LEG. VILORIA • FISHER:

Thank you, Sheriff.

P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

Sheriff, you earlier spoke about the budgetary savings achieved through the overtime reductions, but I assume that the hiring of the additional personnel has also enhanced the on •the•job safety of Deputy Sheriffs and the Correction Officers. Could you address that, please?

SHERIFF TISCH:

Absolutely. As a matter of fact, I think that there was a whole series of articles with regard to the overtime situation in Nassau County and it received a lot of press. And one of the most salient things that they pointed out in there was that by forcing officers to work inordinate hours of overtime, you're putting their safety at risk. A tired officer is not a safe officer. First of all, the officer's own safety is in jeopardy in a correctional facility, so are the inmates' safety in jeopardy if the officer is not alert and able to react quickly. We have inmate on inmate assaults continuously. An alert officer oftentimes can prevent that from happening, because recognizes the tension in the air and can intervene. If he's tired and he's lethargic, he's not going to react quickly enough, and somebody can get seriously hurt or killed. On the road you have the same situation. You don't want a tired officer driving a marked unit, and armed officer getting into an intervention situation on the side of the road without his full faculties being there, and it's unfair.

I can tell you that when I came on board as Sheriff, there had been no hiring of Deputy Sheriffs since 1999. We were so chronically understaffed that we had to force officers to work overtime. Could you imagine officers turning down overtime? In the summer of 2002, we had to assign superior officers to go to Deputy Sheriff's homes to order them back to work, because they'd had enough. They didn't want to work anymore hours. That's where we were. As we've been able to increase the staff, we've been able to eliminate those particular unfortunate situations. I mean, it's so bad that one of my collective bargaining agreements has a specific clause in there limiting how much overtime I can order an officer to work, and that was put in there because they recognized that although the money is nice, the safety issue should be paramount.

LEG. COOPER:

Thank you.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah. The change that you made that you said that Deputy Sheriffs shouldn't be doing Correction Officer work, but for the first three years that you administered the jail, they did, right, at Cohalan?

SHERIFF TISCH:

That's before you gave me the bodies that I could do this.

LEG. BISHOP:

Okay. So that was the key, was the bodies. So, if the bodies were the key, why wasn't it reflected in the budget last year? If you knew the bodies were coming, why didn't you just ••

CHIEF OTTO:

It was. We requested 138 Correction Officers, we requested 38 Deputy Sheriffs, and all we got was 20 and 50.

LEG. BISHOP:

In your budget, it says District Court and you have Deputy Sheriffs there. You don't have the flexibility of a Police Department, you have to adhere to the budget.

CHIEF OTTO:

When the budget was submitted, okay, District Court didn't occur, the changeover.

LEG. BISHOP:

Right, exactly, exactly my point. You knew it was coming.

SHERIFF TISCH:

I couldn't do it in advance of it happening.

LEG. BISHOP:

Sheriff, the chart, and your chart ••

CHIEF OTTO:

Yeah, if I could just.

LEG. BISHOP:

•• they don't seem to be irreconcilable to me.

CHIEF OTTO:

Actually, they are. And the more I realize this, and I have to give a little credit to the Budget Office, if you take a look, okay, my chart does it by pay periods, okay, and it compares 2004 with 2005. Okay. Their chart actually supports my chart.

LEG. BISHOP:

Yes, it does.

CHIEF OTTO:

It does. Okay? So the percentages that I had mentioned are, in fact, correct, and they're showing it on there.

LEG. BISHOP:

That wasn't the point of •• of my question. The question that I was asking was ••

CHIEF OTTO:

Go ahead.

LEG. BISHOP:

•• since the point of the change, since April, it's clear that there's, according to this chart, that there's been a substantial increase in the amount of blended overtime paid in the County. So, if the change was made to save money, it doesn't appear to have done the job.

CHIEF OTTO:

But it has saved money, okay, over 2004.

LEG. BISHOP:

But the moment you made the change ••

CHIEF OTTO:

Has saved substantial monies.

LEG. BISHOP:

Right, but the •• because you have less prisoners. But the moment you made the change ••

CHIEF OTTO:

No, it's not because you have less prisoners.

LEG. BISHOP:

How many prisoners did you have in April 2004 as opposed to 2005; wouldn't you say it's more?

CHIEF OTTO:

As compared to last year, no. Take a look. Look at April of 2004 on the chart, look at April 2005, look how low it is. Okay. Look at ••

LEG. BISHOP:

Right.

CHIEF OTTO:

•• May, look at how low it is compared to 2004.

LEG. BISHOP:

Right. That's before you made the change. You made the change in April and look what happens.

CHIEF OTTO:

But it's still lower than 2004, that's my point. Our numbers are correct.

LEG. BISHOP:

All right. I guess we both made our point. It looks to me like you made a change and it backfired, and it looks to you like you're going to compare it to the year before and say, "Look, it's a great success."

CHIEF OTTO:

No. I'm just saying we saved million of dollars.

LEG. ALDEN:

Legislator Bishop, would you just suffer one quick •• what number pay period is April?

LEG. BISHOP:

I don't know. I would guess it's about ten, right?

LEG. ALDEN:

On your chart?

UNDER•SHERIFF DENZLER:

If you'd like to know the number of inmates, Legislator Bishop ••

LEG. ALDEN:

No, no, no. What ••

UNDER • SHERIFF DENZLER:

Give me any date in the year and I'll tell you how many we had on the same date for both years.

LEG. NOWICK:

No, the pay period.

LEG. ALDEN:

What pay period is April?

LEG. BISHOP:

Let's take tax day, take tax day of '04 and '05.

UNDER • SHERIFF DENZLER:

Which was April what?

LEG. BISHOP:

15th.

UNDER • SHERIFF DENZLER:

April 15th, 19 •• in 2004 on April 15th, we had fifteen hundred and thirty inmates. On April the 15th in 2005, we had fifteen hundred and twenty •• one, a difference of nine people.

LEG. BISHOP:

And what about ••

UNDER • SHERIFF DENZLER:

And the years run consistent every single year. This time of year, historically, the inmate population is down, and that's true every year, every year. Now it's down.

SHERIFF TISCH:

The reason it's down is because the Judges are on vacation. Duh. No, really, I'm serious, I was there. I was a judge for 24 years. I can tell you, there's no infusion in the summertime of people, because half the Judges are away.

LEG. BISHOP:

I thought that's when the crimes were committed. All right. So •• and then the same thing holds, Mr. Denzler, for today's date, let's say, or yesterday, August 20 something, 22?

UNDER • SHERIFF DENZLER:

August 21st, August 21st of ••

LEG. BISHOP:

'04.

UNDER • SHERIFF DENZLER:

'04? Hold on a second. August 21st of '04, fourteen hundred and eighty•seven. August 21st of '05, fourteen hundred and fifty•one.

LEG. BISHOP:

Pretty much the same. Okay.

P.O. CARACAPPA:

Before we get further into a debate here, I think I need to ask a question to Budget Review or Counsel. Is there, from what I hear now, pending lawsuit as it relates to this matter?

MS. KNAPP:

I assume that Judge Tisch can probably answer it better than I can, but I understand from the County Attorney that the Deputy Sheriffs have filed a lawsuit and I believe it is on this matter.

SHERIFF TISCH:

That's correct.

P.O. CARACAPPA:

Counsel, what would you be •• what would be your recommendation to this Legislature as it relates to acting ••

LEG. TONNA:

Let's not vote on it.

P.O. CARACAPPA:

- acting on this matter while it's in litigation?

LEG. TONNA:

You can't vote on this.

MS. KNAPP:

I have not seen the papers yet, I only discovered this yesterday afternoon. I would as a rule say that to err on the side of caution. The Legislature should not take any particular action unless Budget Review feels that not to do so would leave the Sheriff without fund, but I don't think that's the case. I discussed this with the Budget Review Director yesterday and she assured me that there was enough money.

P.O. CARACAPPA:

Gail, if you wouldn't mind.

MS. VIZZINI:

There is no fiscal exigency, there's no immediate fiscal problem. The Sheriff has funding in his personal services accounts, in his 1080, in his overtime accounts. If there is a need by the end of the year to take from Peter to pay Paul, we can usually do that during the housekeeping resolutions, so that is an option for you. The critical issue here is the 167's, so that the department can move ahead with filling the positions that are provided in the Operating Budget.

P.O. CARACAPPA:

Thank you.

UNDER•SHERIFF SULLIVAN:

Mr. Caracappa, if you want a description of the lawsuit, I am familiar with it, for the sake of Counsel.

P.O. CARACAPPA:

It's not necessary. Thank you, Under•Sheriff.

LEG. ALDEN:

Joe.

SHERIFF TISCH:

On the issue that you just asked Ms. Vizzini about, understand that we're only going to be hiring 20 Deputy Sheriffs in September, and the Correction Officers wouldn't be hired until December, so there's a very short window at which we'll have to fund those positions out of existing funds without having the contingency funds transferred.

P.O. CARACAPPA:

Thank you, Sheriff. Legislator Alden, then Carpenter.

LEG. ALDEN:

I just have one quick •• pay period number ten, what is that date on that? Just so I can understand this chart a little better.

LEG. BISHOP:

About the middle of April.

SHERIFF TISCH:

About 20 weeks in.

LEG. BISHOP:

Oh, May, middle of May.

SHERIFF TISCH:

It would be 20 weeks in. So, what are we talking, four, five months. It would be in May.

LEG. ALDEN:

So ten is May? Ten is what?

UNDER•SHERIFF SULLIVAN:

End of April, early May.

SHERIFF TISCH:

End of April, beginning of May.

LEG. ALDEN:

Okay.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

I just wanted to •• I had asked the County Executive's Office, when they called yesterday on these two options, what the number of vacancies there are for both the Deputy Sheriffs and the Correction Officers at this point?

SHERIFF TISCH:

I have the information.

D.P.O. CARPENTER:

You have that information?

SHERIFF TISCH:

I have that information right here. At present, we have budgeted 50 positions that we're discussing here in the 2005 Budget. We presently have 101 Correction Officer positions vacant as of this moment. With regard to the Deputy Sheriffs, there are 20 Deputy Sheriffs' positions, new positions under discussion, we presently have 26 vacancies.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

Okay. Thank you, Sheriff, appreciate it. We're going to •• we have a discharge bill, **1761 (Extending existing one percent sales and compensating use tax for the period beginning December 1, 2005 and ending November 30, 2007, pursuant to authority of**

Section 1210 of Article 29 of the Tax Law of the State of New York), extending the Sales Tax. I'll make a motion, second by Legislator Lindsay.

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Roll call.

LEG. MYSTAL:

Is that to discharge or to vote on it?

P.O. CARACAPPA:

Vote.

LEG. MYSTAL:

Approve?

P.O. CARACAPPA:

Approve.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yeah.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

No.

D.P.O. CARPENTER:

Pass.

LEG. NOWICK:

Yes.

LEG. ALDEN:

No.

D.P.O. CARPENTER:

Abstain.

MR. BARTON:

14.

P.O. CARACAPPA:

It's approved.

LEG. MYSTAL:

Mike.

P.O. CARACAPPA:

Okay. Yeah we skipped over •• you know what, let's do the veto overrides, because the bills that we skipped over on the agenda I think are directly related to some possible CN's, and I want to give the County Executive as much time as possible.

Okay. As it relates to Resolution •• the veto on Resolution 751, which was previously known as ***1569 • Establishing County policy regarding use and occupancy of County • owned properties under litigation.*** Is there a motion on this?

LEG. TONNA:

I'll make a motion. Which one is this?

P.O. CARACAPPA:

I know, there's no motion.

LEG. CARACCIOLO:

Okay, motion.

LEG. TONNA:

Oh, we're doing veto overrides?

D.P.O. CARPENTER:

Yeah. Yes, they're right in front of you.

LEG. BINDER:

Mike.

LEG. COOPER:

Mike, this is your bill.

LEG. BINDER:

Mike, it's your bill.

LEG. CARACCIOLO:

Yeah, I said motion to override.

P.O. CARACAPPA:

Okay. There's a motion by Legislator Caracciolo.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder to override. Roll call.

MR. BARTON:

On the motion to override.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. MYSTAL:

No.

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Pass.

MR. BARTON:

I'm sorry, Legislator Alden? Legislator Alden, I didn't hear your vote.

LEG. ALDEN:

Pass.

MR. BARTON:

Oh, pass.

LEG. ALDEN:

I said pass.

MR. BARTON:

Thank you, sir.

LEG. ALDEN:

I can't find them, actually.

MR. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No to override.

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA • FISHER:

No for the nun.

LEG. O'LEARY:

Yes, and she's not a nun.

LEG. SCHNEIDERMAN:

Abstain.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

No.

LEG. BISHOP:

(Not Present)

LEG. ALDEN:

Yes to override.

MR. BARTON:

Eight. (Not Present: Leg. Bishop)

P.O. CARACAPPA:

Sustained. It's sustained. Is there a resolution to override Resolution 748, previously known as ***1324 • Establishing County policy for the use of foot patrols and bicycle patrols?***

LEG. BINDER:

Motion.

P.O. CARACAPPA:

Motion to override by Legislator Binder.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

No.

LEG. MYSTAL:

No.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Abstain.

MR. BARTON:

Nine.

P.O. CARACAPPA:

Sustained. Is there a motion on ***Resolution 763, previously known as 1722 • A Charter Law to streamline County government and create an Airport Advisory Council?***

LEG. SCHNEIDERMAN:

Motion.

P.O. CARACAPPA:

Motion to override by Legislator Schneiderman.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's sustained. Is a motion on **Resolution 790, previously known as 1646 • Establishing a**

policy to ensure adequate police protection for Suffolk County residents.

LEG. BINDER:

Motion. We should have police protection.

P.O. CARACAPPA:

Motion by ••

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion by Legislator Binder.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. BINDER:

We should have those sector cars up in all our districts, guys.

P.O. CARACAPPA:

Roll call.

LEG. BINDER:

Unless you don't think you need them.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes to override.

LEG. ALDEN:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

No.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to override.

LEG. VILORIA • FISHER:

No to override.

LEG. O'LEARY:

Abstain.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CARACCIOLO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Abstain.

MR. BARTON:

Seven.

P.O. CARACAPPA:

Sustained. Okay, that's that. CN's, I suppose. Red folder. Red folder, red folder.

LEG. TONNA:

All right. I make a motion on the first one.

LEG. MYSTAL:

Is that the Brownfield one?

LEG. TONNA:

Brownfields, yeah.

P.O. CARACAPPA:

Okay.

LEG. TONNA:

Motion.

P.O. CARACAPPA:

First one we'll do is ***1659 (Implementing Brownfield Police for Mackenzie Chemical Works site in Central Islip (SCTM No. 0500•120.00•03.00•03.003)***

LEG. TONNA:

Motion.

P.O. CARACAPPA:

Motion by Legislator Montano, second by Legislator Tonna. This is implementing Brownfield Policy for Mackenzie Chemical Work site in Central Islip.

LEG. CARACCIOLO:

Explanation.

P.O. CARACAPPA:

This is Brownfields.

LEG. MYSTAL:

Brownfields.

LEG. CARACCIOLO:

I know that. Give me a little history here.

LEG. ALDEN:

Just on the motion. Just a little •• a quick explanation.

LEG. MONTANO:

This is a parcel of property in Central Islip that has been vacant for 17 years. It hasn't been on the tax roll. Actually, in conversation •• the reason we have a C of N is that this bill passed committee unanimously, but there were some changes requested by the County Exec's Office

with respect to the language of Brownfields, and it apparently doesn't qualify.

But what we're doing here is that we're asking the Commissioner of Economic Development to begin a preliminary site investigation for potential acquisition of the property, and to determine what remediation needs to be completed to make the property usable. We would •• we would take the property subject to the liens that are now on file with DEC and EPA being extinguished. This way we can get the property in the County hands, and possibly at some future date, with approval of this Legislature, turn the property over to the Town of Islip, either for a 72•h proceeding, or some useful benefit to the community.

This property has been an eyesore. It's just been laying there for so many years. I think the County has already lost close to 800, \$900,000 in back•taxes on it.

So all of this is contingency upon the investigation, the preliminary site investigation by the Department of Economic Development. It would come back to the Legislature at some future date if, in fact, we want to acquire it and move it to useful purpose.

LEG. CARACCIOLO:

Okay.

MR. MONTANO:

I think it's a good bill.

LEG. TONNA:

Great.

LEG. CARACCIOLO:

The current property owner ••

MR. MONTANO:

Yeah, the CN has the wrong title, by the way. The title's been changed on the bill.

LEG. CARACCIOLO:

Okay. The current property owner is Mackenzie?

LEG. BISHOP:

No, there is no current property owner.

LEG. CARACCIOLO:

Well, wait a minute.

MR. MONTANO:

Well ••

LEG. CARACCIOLO:

We have a similar situation in Eastport, so I want to know if there's some parallels or otherwise here.

LEG. BISHOP:

It's abandoned.

LEG. MONTANO:

Right. The current property owner listed is the Mackenzie plant, but I believe it's a defunct corporation. I also believe that there may be some squatters on that property.

LEG. TONNA:

Are they aliens?

LEG. MONTANO:

No, not that kind of squatters. Actually, a business that's there that's using the property.

LEG. TONNA:

Because Levy could come right over ••

LEG. CARACCIOLO:

Okay.

LEG. TONNA:

•• and clean that all up.

P.O. CARACAPPA:

Easy.

LEG. CARACCIOLO:

The property, then, is not in County title.

LEG. MONTANO:

No. No, it's not in ••

LEG. CARACCIOLO:

Requires clean•up. What kind of contamination is on the site?

MR. MONTANO:

I'm not sure the level of contamination. That's one of the reasons why we're going to do the preliminary site investigation. DEC and EPA has expended substantial sums in the cleanup. I don't know what needs to be done to complete the job, that's why we're going to do the preliminary site investigation, to ascertain exactly what was done, what the amounts are, and what is needed to be completed.

LEG. CARACCIOLO:

Okay. The liability, then, will fall upon whom, the County, who would then seek reimbursement through the Brownfields?

LEG. MONTANO:

No. We would take the property contingent upon •• as I understand, the County Attorney's Office is here also. We would take the property contingent upon the EPA and DEC liens being liquidated. This way the County does not absorb the liability. We don't want to take property that's going to be so encumbered that the taxpayer's going to be burdened with it.

LEG. CARACCIOLO:

Okay. Because then that will be consistent with current County policy, at least up to now. So I just want to make sure we're not deviating and going down some new course here.

LEG. MONTANO:

No, we're not going down a new course. As a matter of fact, this has been done with another parcel. I have another property in my district in Brentwood that we passed recently to do the same type of acquisition, except that involved Brownfields and this one doesn't. But we would not take it with the liability. That would be detrimental to the County, I think, so we're going to •• and, you know, it's going to come back to the Legislature before we complete the process, but we need the information in order to decide what we're going to do with it. We don't want to leave it there another 17 years.

LEG. CARACCIOLO:

Okay.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Now, the County policy is to pay the local taxes on these parcels of land. Do we preserve •• do we preserve our rights to either recover that, or is there some type of action that we're going to take or ••

LEG. MONTANO:

We •• I'll ask Counsel this, but I believe that we always have our right to recover, if, in fact, we have someone to recover against.

MS. KNAPP:

One of the reasons why the County has not exercised its right to take tax deeds in the past is because of the concern that there was not a •• there was not a viable entity that the County could pursue remedies against, so yes.

LEG. ALDEN:

Even when there's •• even when there's no owner stepping to the plate and paying the taxes, we pay the local governments.

MS. KNAPP:

Yes, that's true.

LEG. ALDEN:

So we've expended probably in 15 years, what, a million dollars on this in local school taxes and town taxes?

LEG. MONTANO:

I think what we've forgone in taxes is about 800, \$900,000 in back•taxes. Where it's gone, I'm not sure. Go ahead, Bill.

LEG. LINDSAY:

If I may, Mr. Chairman. We haven't taken title of this. We haven't taken it over as a result of a tax lien. There's a lot of properties out there lying in limbo that they're polluted. The owners walk away from them and we could take them on tax liens. We don't want them.

LEG. ALDEN:

Right, no.

P.O. CARACAPPA:

It's a liability.

LEG. ALDEN:

Right, we don't want the liability, but we ••

LEG. LINDSAY:

I don't think we pay the taxes, unless we ••

LEG. ALDEN:

We absolutely do, we pay the taxes.

LEG. LINDSAY:

Unless we take them, no?

LEG. BISHOP:

No. We pay the taxes, of course we do.

LEG. TONNA:

No. We've already paid the taxes.

LEG. LINDSAY:

Even if we don't take them?

LEG. TONNA:

We've already paid the taxes, school district taxes, town taxes.

LEG. BISHOP:

We insure everybody's taxes.

LEG. TONNA:

Yeah.

LEG. KENNEDY:

After a 36-month time period, we make every entity whole. Under the Suffolk County Tax Act, the County has three years from the time of tax default. After that, we make every other entity whole.

LEG. TONNA:

That's why we can possess the land.

P.O. CARACAPPA:

Okay? There's a motion and a second?

MR. BARTON:

Mr. Chairman, the sponsor is correct. I conferred with the County Executive's representative. They did issue the CN for the corrected title. So, for the record, it is the correct title on the resolution. Thank you.

MR. MONTANO:

Okay.

P.O. CARACAPPA:

You concur, Legislator Montano?

LEG. MONTANO:

Yes.

MR. BARTON:

Yes, there is a motion and a second.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1944 (Authorizing the release of contingency funds for continuation of County Policy utilizing Deputy Sheriffs for prisoner transportation and detention at Cohalan Court Complex (Option I)).

LEG. SCHNEIDERMAN:

Henry, I'm with that.

P.O. CARACAPPA:

I'm going to make a motion to commit to Public Safety.

LEG. FOLEY:

Henry.

P.O. CARACAPPA:

Motion by myself, second ••

LEG. TONNA:

Yeah, on the motion. I'll second it.

P.O. CARACAPPA:

Legislator Tonna, on the motion.

LEG. TONNA:

Yeah, on the motion. I mean, it just seems to me that some of this is fraught with politics.

LEG. MYSTAL:

No.

LEG. BISHOP:

Wow, Sherlock Holmes over here.

LEG. LOSQUADRO:

Say it ain't so, Paul.

LEG. VILORIA • FISHER:

You are so profound, Paul.

LEG. TONNA:

There you go. So, Dave, you admit, you admit ••

LEG. VILORIA • FISHER:

You are so profound.

LEG. TONNA:

I really don't like •• I really don't like the idea that we're pitting Sheriffs and Correction Officers against each other. I really don't think that that's a good idea.

LEG. VILORIA • FISHER:

Well, we're not the ones doing that.

LEG. BISHOP:

You should speak to your Sheriff about that.

LEG. TONNA:

Well ••

LEG. BISHOP:

He's the one who pulled the Deputy Sheriff out.

LEG. TONNA:

Yeah. Well, all I can say is that given the information that Budget Review and our Legal Counsel said with regard to a pending lawsuit, I think we should withhold judgment on both these issues, these next two.

LEG. BISHOP:

On that question.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

The pending lawsuit means that we're not allowed to make policy any longer? I don't understand how that implicates what we do here.

MS. KNAPP:

My only comment was that I have not seen the lawsuit, and that in ••

LEG. BISHOP:

Oh, that was good enough for him, huh?

MS. KNAPP:

In light of the fact that I have not seen the lawsuit, it probably would be ••

LEG. BISHOP:

Or I.

MS. KNAPP:

•• erring on the side of caution to say that we should wait on this one.

LEG. BISHOP:

But wait a second. What possible lawsuit ••

P.O. CARACAPPA:

We are going to wait longer than a second.

LEG. BISHOP:

•• will tell us that we can't do a budget amendment?

MS. KNAPP:

Legislators are always free to do as their conscience dictates, certainly.

LEG. BISHOP:

Yes. But my ••

MS. KNAPP:

I just make suggestions here.

LEG. BISHOP:

My conscience dictates ••

LEG. TONNA:

Well, conscience has never been really involved, as things have dictated.

LEG. BISHOP:

Look, the Sheriff's Department unilaterally amended the budget, which is in the County Executive's opinion, and perhaps our own Legal Counsel's opinion, improper. Is that true, Legal Counsel, can they •• can the Sheriff unilaterally amend the budget?

MS. KNAPP:

I do think that that's a characterization that I would not necessarily leap to as a legal conclusion, in that this budget is a fairly extensive budget. There are a lot of parts of the budget that do not always conform to exactly the way it's written. That's one of the reasons why we have housekeeping resolutions •• right.

MS. KNAPP:

•• at the end of the year. There are people, believe it or not, working in the wrong spots in this County.

LEG. BISHOP:

I agree, that probably does happen and the housekeeping does occur. This is •• this, I would argue, though, is much more significant than housekeeping. This is an important budget and policy modification that was taken by the Sheriff, and it needs to be either ratified or denied by this Legislature. And the County Executive is proposing one of two things, he's •• and we have a choice, but we should take that choice and not skirt our responsibilities.

P.O. CARACAPPA:

Thank you. Legislator Alden.

LEG. ALDEN:

It's kind of interesting that if you look at this, there's a few whereas clauses that almost look like ••

LEG. BISHOP:

Like what?

LEG. ALDEN:

How can I phrase that nicely? There's no way to say it nicely. What, threats? And if it's us that makes policy and we want to do something as far as creating policy or changing policy ••

LEG. BISHOP:

Where's the threat?

LEG. ALDEN:

Maybe we should do it a little different with a little different language than what's contained in here.

LEG. BISHOP:

Okay. So, it's form, not substance, that's you're objecting to.

LEG. ALDEN:

No, no, no.

LEG. BISHOP:

You want a nicer Steve Levy.

LEG. ALDEN:

No. As a matter of fact •• as a matter of fact ••

LEG. LOSQUADRO:

Kinder, gentler?

LEG. ALDEN:

I'll go and I'll listen to the debate on the issue, but as far as listening to this kind of language, I think it's insulting.

LEG. TONNA:

Why a CN?

LEG. BISHOP:

What language are you ••

LEG. TONNA:

By the way, why a CN?

P.O. CARACAPPA:

I think that Legislator Alden is referring to the one, two, three, four, five, six, seven, eight,

nine •• Ninth Whereas Clause, where it states that the County Executive's not going to sign SCIN Forms or approve the funding or budgeting for an additional blah, blah, blah, blah, blah.

LEG. ALDEN:

And it's his baseball and bat and he'll take them home and won't play anymore in the game. Maybe he'll hold his breath until he ••

LEG. BISHOP:

And if he didn't say it and he did, you'd say, "Ah, he's sneaky." He's telling you up front what he's doing. I think it's very clear.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Opposed, Legislator Bishop, no, yes?

LEG. BISHOP:

Yes.

LEG. SCHNEIDERMAN:

This is to commit?

P.O. CARACAPPA:

Opposed, Legislator Bishop.

LEG. O'LEARY:

What's this for?

LEG. SCHNEIDERMAN:

So, what is it, commit?

P.O. CARACAPPA:

To commit to Public Safety.

MR. BARTON:

17.

LEG. BISHOP:

All by myself.

LEG. VILORIA • FISHER:

No. I'm with you, David.

P.O. CARACAPPA:

There's a song that says that.

P.O. CARACAPPA:

Legislator Vilorina • Fisher, O'Leary, and Caracciolo opposes.

MR. BARTON:

14.

P.O. CARACAPPA:

Sorry, Mr. Clerk.

MR. BARTON:

14.

LEG. TONNA:

All right. How about same motion, same second, same vote?

P.O. CARACAPPA:

And Losquadro?

MR. BARTON:

Thirteen.

LEG. ALDEN:

Opposed. Wait a minute. What was the vote for?

P.O. CARACAPPA:

The vote was to send it to Public Safety.

LEG. ALDEN:

Okay.

P.O. CARACAPPA:

And those were ••

MR. BARTON:

Thirteen.

LEG. LOSQUADRO:

Change my vote to a yes, then.

MR. BARTON:

Okay, 14. 14.

P.O. CARACAPPA:

I'm going to make the same motion.

LEG. TONNA:

Same second.

P.O. CARACAPPA:

Same second for the next resolution. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

Same opposition.

MR. BARTON:

14.

LEG. TONNA:

Great. All right.

P.O. CARACAPPA:

1997 (Accepting a grant award from the United States Department of Transportation, Federal Aviation Administration (FAA) and amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase of snow removal equipment for the Department of Economic Development and Workforce Housing, Aviation Division (CP 5737). Motion by ••

LEG. TONNA:

I'll make a motion, make a motion.

P.O. CARACAPPA:

Is there an Aviation Division? Counsel? Budget Review, do we have an Aviation Division?

MS. VIZZINI:

Aviation Division refers to the airport, but ••

LEG. ALDEN:

This is specific.

LEG. SCHNEIDERMAN:

I'll make a motion.

LEG. LINDSAY:

1997 we're doing?

P.O. CARACAPPA:

Yeah.

LEG. CARACCILOLO:

Motion, motion, motion.

LEG. LINDSAY:

It says Economic Development and Workforce Housing, and Aviation Division.

P.O. CARACAPPA:

Aviation Division.

LEG. SCHNEIDERMAN:

I'll make a motion to approve.

LEG. VILORIA • FISHER:

Second.

LEG. TONNA:

We already did that, I think, right?

P.O. CARACAPPA:

There's a motion by Legislator Schneiderman, second by Legislator Caracciolo. Could we just •• could we just •• I ask the County Executive if there'd be •• Ben, would you be opposed if we just struck the word "Aviation Division" in this grant, or does it have to be that way? Paul? Or is that the way it's written on the grant?

MR. ZWIRN:

I think it's not only that, but it's also in the •• it's in the budget that way.

P.O. CARACAPPA:

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

LEG. ALDEN:

Is there a division or not. What?

LEG. TONNA:

It's really like a department.

P.O. CARACAPPA:

It's the airport. Gail. Paul, if you wouldn't mind, just for clarification.

MR. SABATINO:

It's a division within the department. That's why we've tracked it in previous legislation. I know a question came up earlier in the year why that was being utilized. It's right from the budget.

P.O. CARACAPPA:

Thank you. All in favor? Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

1998 (Recommendation concerning a SEQRA classification and determination for the purpose of Chapter 279 of the Suffolk County Code for the proposed Suffolk County Correctional Facility Expansion, Yaphank, Town of Brookhaven). Motion by myself.

LEG. O'LEARY:

Second.

LEG. TONNA:

Second.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary.

LEG. BINDER:

Which is this, 1998?

LEG. TONNA:

All right. We're done, right?

LEG. LINDSAY:

SEQRA.

P.O. CARACAPPA:

SEQRA for the jail. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2001 (Electing an exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, solar energy systems equipment). Motion by Legislator Carpenter.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorina•Fisher. This is the compensating use sales tax for solar energy systems equipment. I'd like to thank the County Executive and Legislator Carpenter for working together on this. It sends a really strong message to the public. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Also, 2002 (Establishing County•wide policy for implementation of Voluntary Prehospital Care Electronic Reporting System and providing funds in connection therewith). I'd like to extend that same thank you to the County Executive, Chief Deputy County Executive Paul Sabatino. I

know you worked on this, appreciate it, and Legislator Kennedy for coming together on what I think is a very, very •• a great •• a fantastic policy ••

LEG. VILORIA • FISHER:

Cosponsor, Henry.

LEG. LOSQUADRO:

Cosponsor.

LEG. SCHNEIDERMAN:

Henry.

LEG. VILORIA • FISHER:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor, Henry.

P.O. CARACAPPA:

•• that's going to be used in the future for very important purposes.

LEG. TONNA:

You can't tell me this is a dog park.

P.O. CARACAPPA:

Mr. Sabatino?

MR. SABATINO:

Thank you, Mr. Chairman. Also, I want to extend my courtesies to Legislator Kennedy for working with us and coming up with a good coherent County•wide piece of legislation. So thank you very much.

LEG. KENNEDY:

And I would just like to finally add to that that I believe this addresses all the concerns in committee.

LEG. LINDSAY:

You could feel the love.

LEG. KENNEDY:

I got support.

P.O. CARACAPPA:

I think it's a good thing.

LEG. TONNA:

It must be Christmas.

LEG. KENNEDY:

But it's going to deal with emergencies County-wide, so I'm glad it came together.

P.O. CARACAPPA:

Okay. So there's a motion by Legislator Kennedy, second by ••

LEG. KENNEDY:

Let's get it on a land purchase.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

That's it for the •• late-starters. I'll make a motion, second by Legislator Carpenter, to lay the following late-starter •• waive the rules and lay the following late-starters on the table: 1995, to Public Safety. 1996 to Ways and Means, and set the public hearing for Ways and Means on the 22nd of September at 9:30 a.m. 1999, will go to Parks. 2000 will go to Economic

Development. And Sense 62 will go to Health and Human Services. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Those bills are laid on the table. Is there anything else to come before this Legislature?

LEG. VILORIA • FISHER:

No. We're out of here.

P.O. CARACAPPA:

We're adjourned.

[THE MEETING WAS ADJOURNED AT 10:07 P.M.]

_ _ ***Indicates Spelled Phonetically***