

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**FOURTEENTH DAY
SEPTEMBER 27TH, 2005**

**MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE, RIVERHEAD, NEW YORK**

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

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

P.O. CARACAPPA:

Good morning, Mr. Clerk. Roll call, please.

MR. BARTON:

Good morning, Mr. Chairman.

(Roll called by Mr. Barton • Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. O'LEARY:

(Not Present)

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

(Not Present)

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. COOPER:

(Not Present)

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. SCHNEIDERMAN:

Let the record reflect that Legislator Schneiderman is present.

MR. BARTON:

Thank you. We have ten members present, Mr. Chairman.

P.O. CARACAPPA:

We have a quorum. Everyone, please rise for a salute to the flag led by Legislator Losquadro.

(Salutation)

Can everyone please remain standing while I introduce Legislator Dan Losquadro for the purposes of introducing today's clergy. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you, Mr. Presiding Officer. It is with great pleasure that I get to introduce to you today Father Theodore Howard, known to us in the Shoreham community simply as Father Ted.

Father Ted has received a citation from the Governor in New York for his past work. He is originator of RAP, which is Religion and People, which has been particularly successful in the battle against teenage suicide. Father Ted is a certified licensed social worker. He has developed an exemplary program working in concert with existing community resources and a team of dedicated adult volunteers.

He also recently oversaw the doubling of the size of our local parish in Shoreham and someone who is a tremendous asset to the community and someone with whom, as I said earlier, it's a great pleasure I get to introduce to you today. So, Father Ted.

FATHER HOWARD:

Thank you, Dan. Good to see you all. Let us pray. Lord we ask you to bless all the victims of those horrific hurricanes in the Gulf states. Be with those people, Lord. They need your strength and your comfort. May God bless all the residents of Suffolk County for their care, their love and their concern and their hope for those people who were battered by the hurricanes.

We are all one community, black and white, wealthy and the poor, all men who are visions, young men who dream dreams, the violent and the meek, the suffering, the rejected, the self-righteous, the proud. Make all of us one community.

The Lord does not apologize for our faults or explain to us the mystery of our calling, he asks us simply to seek guidance on his spirit and always and at all times truly to make our world more caring, more loving, more God like.

Bless all of the men and women who are gathered here today. Bless especially today the members of the Suffolk County Legislature. Be with them, bless them, guide them. Give them wisdom in their tasks. Let them feel your presence, Lord. Together then all of the people who reside in our County, because we have walked this earth in this corner of God's kingdom here called Suffolk County, through all of our efforts, may our world be more caring, more loving, and more God like. Let us feel your presence, and above all, let us take ourselves lightly, but let us take our tasks, our jobs entrusted by the Lord in a very serious fashion. Be with all of us. Amen.

P.O. CARACAPPA:

Thank you, Father. Thank you, Legislator Losquadro. Okay. Everyone be seated. I would like to welcome everyone this morning. We have obviously

a packed house with many issues on the agenda, many speakers. We are going to go to proclamations first. Is John Cortez present yet? Mr. Cortez.

LEG. ALDEN:

Turn off your cell phones if you have them in here.

P.O. CARACAPPA:

Thank you, Legislator Alden. Please turn off your cell phones or put them on vibrate at this point in time, pagers. Does anyone use pagers anymore? Mr. Cortez. Okay, we'll get to him later.

At this point in time, I'd like to bring up Mr. Frank Bolton and Mr. Bud Harrelson of the Long Island Ducks. I'd like to first congratulate the Ducks, number one on last year's championship, and number two, making the play•offs this year which they kick off tonight against Nashua. They're into their sixth year now as our tenant in Citibank Park and Mr. Bolton is going to give us a brief synopsis of how the Ducks are doing, where you're going and anything else you'd really like to talk about in relation to the status of the Long Island Ducks and their relationship with Suffolk County. Frank. How are you? Good morning.

MR. BOLTON:

Check, okay. Thank you, Mr. Presiding Officer and thank you for inviting us here today. I'm happy to see everybody that we have had a great relationship with over the past six years. I apologize, I had actually spoke to a few people about coming in at the end of the fifth year and we got into the season and there you go, 140 games later I decided that maybe it was time and it was appropriate for us •• for myself to come in. Buddy is on his way. He is a little delayed this morning. I will accuse him of making tonight's lineup card out early, but we'll see. He should get here in a few seconds.

I have a handout that I thought might be some good talking points. As well as anybody who's been to a Duck game, and hopefully many of the people in this room have been over the last six years, we have giveaways that we give away every night. I know you're sensitive to receiving gifts so I want to show you that these are, in fact, giveaways that we give away every night at

the ballpark. I have a championship DVD that we gave to •• on opening day this year that I think that might help you so I don't have to spend too much of your time today. But if you haven't been able to go out to the ballpark in a while, this will chronicle our last year. So I have one of these for every •• actually I have 24, so you can distribute them. As well as I have a little tiny replica that we gave away to 2,000 fans at the ballpark of our championship trophy. That is on display at Citibank Park. Does everyone have a •• our little talking points?

(Affirmative Response)

P.O. CARACAPPA:

Come on Buddy, come on up. You're up.

MR. BOLTON:

I think everybody knows Buddy.

MR. HARRELSON:

Hello. Good morning. Good morning.

MR. BOLTON:

I thought it might be wise to briefly just have some talking points so we can just, on the day of our playoff, just to let you know a few things that have happened out at Citibank Park. As the Presiding Officer mentioned we just finished up our sixth season. It is our sixth season of selling the ballpark out at over 100%. We're very proud of that. That's unparalleled in the country.

Applause

Thank you. We reached our two millionth fan in 2004 in record time, faster than any other ballpark that has 6,000 seats in the country, so we're also proud of that. We will reach our three millionth fan next season about halfway through.

We have had some memorable moments. They've been well chronicled on News 12. Other than winning the championship, we've had fans that will sit outside for 56 hours through all sorts of weather to be the first ones to buy

tickets and we are very proud of all of our fans that come out to Citibank Park.

We are also, part of our mission, and I use the word mission very strongly, that we have only raised ticket prices one dollar in six years, making sure that everyone here in Suffolk County and Long Island has access to Citibank Park. We're very proud of that. We don't charge for parking because it's your parking lot, our parking lot.

We have provided a total of approximately every night 250 jobs to Long Islanders between the Long Island Ducks and center plate. And we're very proud of the fact that we established a foundation that's worked with over 800 charities called the Quacker Jack Foundation, and you can find us and if you want us to be there we will be there, but we •• Quacker Jack, one of our most valuable players, wouldn't you say, Buddy?

MR. HARRELSON:

Yes, most popular.

MR. BOLTON:

Attends everything across the County, across the Island and reading programs, recycling programs, how to be a team player in a classroom, and at Christmas you'll see us in the hospitals and we are very proud of the Quacker Jack Foundation and the work we're doing there and that we continue to pledge to do as well.

On the field I'm going to yield to Mr. Harrelson, he doesn't know this, but just if you could •• do you have your glasses?

MR. HARRELSON:

Yes, I do. Do you have mine, too?

MR. BOLTON:

Yeah, and I have Buddy's, too. He gave these to me.

MR. HARRELSON:

Well, we've been, for those of you who came out our first year in 2000, we

were begging for players to come and join an independent league, and since then we get a lot of calls from agents in the wintertime saying their player has been invited to major league spring training, but if he doesn't make it his first choice would be to come to the Atlantic League and •• everybody wants to play with us because there's so much charisma at our ballpark that sometimes a team comes in to play us and they're not doing well and because of your enthusiasm, they play a lot better, unfortunately.

For the second consecutive season, more than half of the opening day 25 man roster possesses major league experience in our organization. Former major leaguers including pitchers Bill Pulsifer, an ex•Met slated to start tonight in our first play•off game. Out fielder Henry Rodriguez, which when he was in Chicago was called Oh Henry, and a lot of people throw Oh Henry candy bars on the field in tribute to him. 160 career big league home runs. In fielder Pete Rose, Jr., whose father come in and we had a rematch in the clubhouse, he still won.

Long Island flavor, we have six home town players, Justin Davies, Rob Cafiero, Brian Dorsey, Dominick Ambrosini, Chris Smith and Jimmy Goelz. We do like our local players. For most of these kids, they got released by a major league organization and they came home and they still had a chance to play and they are very, very popular with us.

Giving players an opportunity. In our first six seasons 25 Ducks have been signed by major league organizations, while over 200 Atlantic League players had made it back to an affiliated team since the inaugural 1998 season. And he says that's it for me, so thank you very much.

MR. BOLTON:

I might add, too, from a league standpoint since I'm CEO of the league, that the league for the first time in its history, nine year history, went over two million fans in one season.

Applause

Thank you. By comparison, I was with the Carolina League for many years with the Yankees and we had a huge party where after 50 years the league

reached a million in attendance, so we're very proud of the work, we're very proud of Joe _Klein_ and the work he's done.

The other night I turned on News 12 when I got home, I think it was on Friday, and I saw them announce that the Mets were at a tough game with the Nationals and in the bottom of the ninth a former Met and former Long Island Duck Carlos Baerga hit a two run home run. So the quality of baseball that you see in the Atlantic League we're very, very proud of. We're very proud of the quality of the team here on Long Island.

In closing I would just would like to point out one thing. The second sheet, just as a •• just as a point of reference, shows our attendance for the last five years versus the New York Islanders, and I'm very much an Islander fan and I know Buddy is, but I think people would be surprised to see that we basically are on par attendance•wise with the NHL team. We are very close, and I think that number is very telling and I think it is strong because we provide affordable family entertainment here on Long Island and we'd like to do that for a long time in the future. We pledge that we will continue to do the things that we have been doing for the first six years.

And I also promise that if we win the title I will shave this. I only have this, for the people that know me, I only have it because I asked the team to get back into first place. When I asked one of the players to shave he said no, you should grow one. I said if you get back into first place I will, and here we are. So, thank you very, very much. Come out to the ballpark. I know many of you do and we love seeing you out there and know your constituents do as well.

P.O. CARACAPPA:

Seeing that we're doing an official presentation on the status of the Long Island Ducks in Suffolk County there is going to be just a few quick questions. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

It's actually not a question, it's a voice of appreciation. Thank you so much for your hospitality during Melanoma Awareness Month. You did host one of the events that my office had to make people aware of protecting

themselves during sporting events. It was a great event that we had at the stadium. You were terrific and we appreciate your partnering with us on that.

MR. BOLTON:

Thank you very much. And for anybody else out there who has a particular charity or constituents they work with, we are there, ready, willing and able to work with you on anything that helps living here on Long Island and especially in Suffolk County better.

LEG. VILORIA • FISHER:

And I just want to mention that you yourselves on a regular basis make people aware of protecting themselves against the harmful UV rays with •• you distribute the sun block at games.

MR. BOLTON:

Right. Through a sponsorship for the last six years with Vytra Health Plans we distribute sun products on all day games to make sure that anybody is protected. And I always make sure that I distribute it as well.

LEG. VILORIA • FISHER:

Thank you.

MR. BOLTON:

Thank you.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. And just to echo some of the comments Legislator Fisher has made, your outreach to the community is just unrivaled and very, very much appreciated. And I know that one of the organizations that's near and dear to my heart, Salvation Army, I serve on their Advisory Board, along with Legislator Lindsay. One of the highlights of their fund•raising and friend•raising is the Ducks Night. And you can't go to a game without bumping into your neighbors, and I think that really speaks to what it's all

about. And I think we also have the distinction of probably having the most enthusiastic fan, a member of this Legislative body, and that's Henry Barton, the Clerk of the Legislature, who's probably the most devoted Ducks fan. So, oh, Henry.

(Applause)

MR. BOLTON:

And we hear from Henry on all sorts of things, so ••

D.P.O. CARPENTER:

I'm sure, I'm sure.

MR. BARTON:

That would be my dad.

MR. BOLTON:

Oh, that's right, it's his dad, but we always welcome any new good ideas as well. Thank you.

P.O. CARACAPPA:

Legislator Nowick then Montano.

LEG. NOWICK:

I, too, want to congratulate both of you for what you have over there at the stadium and I just wanted to tell you quickly, and by the way, if any of you have not been to that stadium, it is truly a jewel, it is something to see. It's clean, it's family, it's wonderful.

But just quickly, over the weekend Smithtown High School had it's, oh, I'm not going to say what number reunion, but we had our high school reunion. And one of the highlights was taking some of the alumni that had moved out of town and bringing them for a ride around the •• I call Duck Stadium because it's such a treasure and thank you.

MR. BOLTON:

Thank you very much.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

Yes, good morning, Frank.

MR. BOLTON:

Good morning.

LEG. MONTANO:

I couldn't let you leave without thanking you and, you know, just let everyone know I have the pleasure of seeing Duck Stadium every day because my office is right behind Duck Stadium and you're in my legislative district. Thanks for all of the help and support that you do for Suffolk County and we wish you the best in this season and all the others. Thank you.

MR. BOLTON:

Thank you very, very much.

P.O. CARACAPPA:

I actually have a question for you. Your league kind of mandates that teams with leases with municipalities, that five years prior to that lease expiring that you go back to that municipality and you start talking about re•upping. As you mentioned earlier, and as we all know, you've just ended and are entering to post•season of your sixth season with four years left on your deal with Suffolk County. Have you started those negotiations and those talks with the County Executive, and if so, how are they going?

MR. BOLTON:

Well, we have made our phone call in and we have spoken to Kevin Law, and he has assured us that we'll get together very shortly, it probably made sense to do it right after the season. So probably within the next 30 days we plan on sitting down with the County Executive's Office and trying just basically to extend the lease.

I mean, I think, you know, it's also when Suffolk County made this investment into this ballpark in the State of New York, and quite frankly, Bud and myself, we had no idea that it would be this successful. That's the number one question I get, did you think that many people would come. We had a pretty good idea because we had been in the minor league baseball business for a long, long time and we knew our home town and we knew what we were willing to do and what we thought about it. But I think if we took a really quick snapshot of the fact that this asset earns the taxpayers in the County of Suffolk a 20% return on equity annually and has generated over the five million dollar investment over seven and a half million dollars to the County, I think a lot of people would also be surprised.

We are •• there is a forming Suffolk County actually Deputy County Executive who has called me several times from another County to say we'll just do what you do in Suffolk, so we're proud of that. I think that many of the people here I'm looking at that were here back then, I know that Counsel to the Legislature worked on this deal. And I also might add that Mr. Sawicki was a little critical of the deal a year ago in Newsday and has since met with me several times and we have discussions and he now sees it from a different light and he didn't really realize the percentage return on equity and the fact that this investment for the County has yielded such a return for all the taxpayers here in Suffolk. So, we're proud of that.

And, yes, Buddy and I pledge to you that we will speak to the County Executive soon and we have no intentions of going anywhere. Suffolk County is our home. Citibank Park, although I appreciate people calling it Ducks Stadium, it is Citibank Park, and it is a park not a stadium, 6,000 not 60,000, and that's what makes it so wonderful. And we're delighted and, Buddy, I don't know if you want to add anything, but we're just so happy with our relationship with the County. We have to make sure that we keep the ballpark as clean and pristine in year 20 as we will keep in year six.

P.O. CARACAPPA:
Legislator Carpenter.

D.P.O. CARPENTER:
When you mentioned the word investment, I know that Legislator Caracappa

and I certainly can attest to it because there was much debate over making the investment when we decided to do things like extra landscaping and everything, and I think it's important to note that from the beginning to now, it is still as pristine and beautiful as when the park opened the first day and that includes the bathrooms, too.

I do have a question, though. Do you have or can you get to us the breakdown of season ticket holders who are out of County residents?

MR. BOLTON:

Absolutely, sure. And I would think that our fan base is 6535.

D.P.O. CARPENTER:

Okay.

MR. BOLTON:

Within, you know, horseshoes and hand grenades. It's pretty close to that.

D.P.O. CARPENTER:

Because there have been many times walking out, you know, to the car that you talk to people who are leaving a game, especially when they have little kids and ask where they're from, and it's great when you hear they're from places outside of Suffolk because you know that we're really attracting from an economic standpoint dollars from outside the County.

MR. BOLTON:

Absolutely. I'm sure people probably would think that it would be more like 8020, but it's not, it's 6535, and people come from as far as Queens on a pretty regular basis, too, I might add. But it's, you know, it's a delight to work at the ballpark. We go there all year long. We take our business very, very seriously. We've got great corporate marketing partners here in Suffolk and they really underwrite that ticket. That's why we are able to keep the ticket where we have kept it for this amount of time.

D.P.O. CARPENTER:

And it's a great place to do holiday shopping because your shop is open all year.

MR. BOLTON:

Yes, thank you.

LEG. BISHOP:

We've got business.

P.O. CARACAPPA:

Well, guys, I think you can see how much we appreciate what you've done. You've kept your word. I know it was back at that same podium in this room about what, 1993 or '92, where you were here at three, four o'clock in the morning when you were with the Colony Yankees trying to do the first round of baseball, minor league baseball, in Suffolk County. That fell through because of the major league territorial rights if I'm not mistaken, and you held on to the dream, you've made your case. You went through a very tough process in •• when we were selecting a team and Legislative Counsel and myself and Legislator Carpenter, she mentioned earlier, can attest to that. You had stiff competition off the field in proving yourself as the team for Suffolk County, and we're just •• we're just thrilled that you've been successful because when you show your success, the County shows it's success, and we look forward to as always a long and fruitful relationship and continuing to work with you to put a great product on the field and an affordable product on the field so the people of Suffolk County can enjoy their County, their ballpark and most importantly their team, which is the Long Island Ducks. So, guys, thank you very, very much.

D.P.O. CARPENTER:

Thank you.

Applause

P.O. CARACAPPA:

And I might add good luck in the playoffs tonight, and we look forward to a second consecutive championship.

MR. BOLTON:

Thank you.

P.O. CARACAPPA:

Okay. We are going to go to the public portion. We have •• oh, I'm sorry. Legislator Vilorina•Fisher has a proclamation.

LEG. VILORIA•FISHER:

I'm looking for Dr. _Pana Shah_.

P.O. CARACAPPA:

Dr. _Pana Shah_ Doctor _Shah_?

LEG. FISHER:

I'll just have to wait until she gets here.

P.O. CARACAPPA:

We'll wait. Okay. So we'll •• when those people for a proclamation show up we will just stop and do them quickly.

Public portion is a three minute period for the speaker. It is your time, it's your time only, it's not a question and answer period. As you can see, we have a lot of people to speak on a lot of different issues so I would ask that you try and consolidate your comments to the best of your ability, try and get it in under those three minutes so we can move along and act on the bills that you're here to speak of. You'll hear a little beeping after the three minutes. I'd ask you to sum up your comments after that. We all certainly appreciate it. First speaker is John McGrath.

MR. McGRATH:

Thank. I have courtesy copies of my presentation today. Thank you very much. Good morning. Let me first thank those candidates who have thus far responded positively to my survey as to your position regarding your intent to support legislative initiatives for family law reform now. And let me secondly wish those who chose ••

P.O. CARACAPPA:

Sir, if I could just stop you. I am going to stop your time. If you can keep politics and the political campaigns and candidates out of the debate here today. This is about government and bills that are before the Legislature.

This is not a political forum. I'm going to try and keep you focused on that.

MR. McGRATH:

Yeah, okay. It was brought to my attention that legal representation is afforded to indigent persons in matters of Family Court but in a limited sense. An indigent person who needs representation when scheduled for hearings in front of CPS, which is by all means a family matter, is denied representation by legal aid services as well as such person is denied counsel provided by Nassau/Suffolk County Law Services.

I would, therefore, like to bring this matter to your attention today so that you may take into consideration expanding on the current policies involving the positions •• the provisions for legal representation so that those less fortunate and in desperate need of advocate representation may be given a fair opportunity to resolve their family related matters in any Family Court or at any family related matter venue, such as a hearing in front of CPS or any other agency of the County or state where a hearing examiner or other official acting as part as a judge or fact finder is present.

I will be addressing topics, specific committees, on topic specific issues beginning immediately after the elections have concluded next month. Thank you for your time.

P.O. CARACAPPA:

Thank you, sir. Appreciate that. Gordon Kelly, I believe.

MR. KELLY:

My name is Gordon Kelly. For over ten years my grandfather was the Speaker of the New York State Assembly. My great•grandfather Thomas _Molry_ refused the Democratic nomination for mayor of the State of New York. My great uncle was the mayor of New York. And I appreciate all of your members of the Legislature, the personal sacrifices that you've made in your lives to be here today, and I thank you for this opportunity to address you this morning.

Currently they're handing out an article out of the Sunday Daily News from last September, and it's hard to believe as a divorced father in New York

State I am unable to protect my children from negative forces in their lives. I have no say in their religious upbringing, their health care, and their education, and it's with a great remorse that I'm not proud of the fact that my daughters now come from a broken home.

My ex•father•in•law is currently under investigation by Child Protective Services. He was physically restrained by court officers and angrily warned of jail by the supervising Judge of the Family Court, Judge Joseph Lauria, leading to his arrest as reported in the New York Post. My daughters are telling me in front of caseworkers their grandfather is talking about their butt and their butt hole and putting things up their butt. My ex•wife broke down at trial in the Family Court sobbing, crying during testimony of how her father allegedly repeatedly sexually molested her as a child, and yet I am powerless to protect my children.

I am asking this Legislative body that I know has far•reaching effect across New York State to reconsider the laws in regards to orders of protection for a father divorced in New York State to be able to get an order of protection for his children when the grandfather is under investigation by Child Protective Services. Thank you.

P.O. CARACAPPA:

Thank you, sir. Susan McKeon•Steinmann, followed by Ginny Salerno.

MS. McKEON•STEINMANN:

Thank you. I'm sorry. I don't have my glasses on. Thank you very much. Is that okay? Thank you. My name is Susan McKeon•Steinmann. I live in Mastic Beach, New York, and wanted to speak out in favor of adopting Local Law No. 1903, the Fair Share for Health Care Act.

I live in a community which has very many large numbers of working poor as defined by the federal poverty levels, people who have two and three part •time jobs. We are lucky enough to have quite a few union workers also living in our community, but it's very important that this law be enacted because there are large numbers of people that work full•time, work their whole lives and can't afford health care.

I came before this body one other time mentioning a friend of mine, whose name I cannot mention because she is a Wal•Mart employee, and she has been working for Wal•Mart for over 30 years and still, contrary to what their advertising says on the television, is an associate as opposed to a manager. She was even asked to leave state to be a manager of a store and when she got there there was no job and she had sold her home in Long Island.

My feeling is that people working for these large entities, these big box stores, should have a living standard of respect and decent community labor standards as Suffolk County would support and expect. We do not want to see the division of a third world kind of situation where we have taxpaying, hard working citizens treated with disrespect and as though they do not count. This bill will enable people to work in this County with dignity and with respect and have compensation as per the level that they deserve without costing a penny to the taxpayers.

And I would just urge that these large entities that come to our County and do a song and dance and promise they will do this and they will do that, this is a case that we as a government entity here and as taxpayers want to protect our fellow hard working citizens that they get the dignity with their labor that they are entitled to.

And I would like to end by quoting something that it says in a book that I read quite frequently, which is to the least of these so you do to me. Thank you very much.

P.O. CARACAPPA:

Thank you. Ginny Salerno, followed by Barbara Buscareno.

MS. SALERNO:

I'm Ginny Salerno. I am Director of the Long Island Two Day Walk to Fight Breast Cancer. I thank you for your time to listen to me again today to thank you for everything that you've done to make this walk a success. I brought with me a journal for each of you and a breast cancer survivor/breast cancer awareness bracelet, which I have here that we can distribute.

In the past two years we've raised over \$675,000 for breast cancer services right here on Long Island. This money was raised by our walking participants and 100% of it was distributed to organizations on Long Island.

This year, 13 service organizations received \$25,000 each from last year's money. We gave \$15,000 in scholarships to six Long Island high school seniors who were affected by breast cancer in their lives. They had two siblings of a parent with breast cancer, so they got \$25,000 •• a \$2,500 scholarship each. Next year we plan to do the same thing with the monies that we raise this year.

Business and corporate sponsorships support the event, so please promote the event to your constituents. We need to recruit walkers, they're the ones that raise the money, crew and sponsors for the event, participate yourself.

I'd like to thank Legislators Carpenter and Alden and O'Leary and Losquadro for coming down and helping us on the weekend of the event.

In 2006 we project that we will exceed the one million mark for the money raised in just three years. Cold Spring Harbor Lab is our research component. The Mora Foundation is our education component. Brookhaven Hospital Women's Center, diagnostics and treatment, and ten other service organizations.

Please plan on joining us on June 4th for closing ceremonies at Smith Point Park. It's an experience that you never forget, especially if you proceed over the bridge with all the breast cancer survivors and walkers. It's really an amazing experience.

You make this all possible by voting yes to having us use the parks. It's also a wonderful promotion for the parks because most of our participants are from Long Island and many of them have never been to these parks before. So, it's something to be very proud of because the parks really put their best foot forward. So, thank you very, very much once again.

LEG. ALDEN:

Good job, Ginny.

P.O. CARACAPPA:

Thank you. Barbara Buscareno, I believe it is, and followed by Ginny Munger Kahn.

MS. BUSCARENO:

Yes, good morning. My name is Barbara Buscareno. I'm here to urge your support for the legislation 1923 to create a dog run at Blydenburgh Park. We went through this issue two years ago with those of you who were here at that time, so certainly I don't have to go over all the reasons why we think dog parks are a great addition to the community, but I just would hope that we can get this bill passed.

I want to thank Legislator Kennedy for introducing this bill and for his work to promote this great activity.

I'm certainly a taxpayer, I don't have children. I really haven't used the parks for anything else except I am very interested in using it with my dogs. I do competitive obedience with my dogs, I try to be a good dog owner. I try to help others be good dog owners and I think having designated areas where people can bring their dogs for on or off leash activities is beneficial to the community at large. It makes people better dog owners and certainly gives people with dogs a place to go so they don't have to use school yards and other places.

And again, we probably represent close to half of the general population and we do pay taxes and, you know, we just want our little part of the park as well. Thank you very much.

P.O. CARACAPPA:

Thank you. Ginny Munger Kahn.

MS. MUNGER KAHN:

Yeah. My name is Ginny Munger Kahn. I'm one of the members of the Long Island Dog Owners Group as well. We are a community organization dedicated to the health, well•being and socialization of our canine companions.

We are here to support Legislator Kennedy's bill, IR 1923, to establish a dog park within Blydenburgh County Park, which is a very large, very beautiful park right next door to the William Rogers Building in Smithtown.

And first of all, I want to thank the six members of the Parks Committee very much for unanimously passing Legislator Kennedy's bill out of committee last week. I also want to thank Parks Commissioner Ron Foley for his support. Then I would like to invite all of you to come visit the dog park once it's established so you can see how well these places work and so you can hear for yourself the thanks you'll get for doing such a great thing for your constituents.

I know when you see groups like us come before you your inclination is to view us just another special interest group seeking access to public resources, but dog owners are no small minority. We represent anywhere from one-third to almost one-half of the American population, which translates into a minimum of 500,000 Suffolk County residents.

Moreover, if you go to a dog park you find we are a very diverse group of citizens. We are Republicans and Democrats, we are senior citizens and young couples. We are families with children, we are families without, and we are rich people and less affluent types. We are people from all walks of life who have one thing in common and that is our love of the outdoors and our ability to enjoy open space with our dogs and with each other.

Suffolk County has opened its parks to many user groups but there are few groups who represent as many people and who represent as broad an array of citizens as those of us who advocate for dog parks. In talking with local Parks Department officials from around the country we consistently are told that their experiences with dog parks has been very good. Dog parks don't cost a lot of money and people love them.

We urge you to approve Legislator Kennedy's bill to create a dog park at Blydenburgh. As so many other American counties and towns have found, you'll be glad you did.

D.P.O. CARPENTER:

Thank you. Next speaker, Debbie Harris, followed by Ryan Delgado.

MS. HARRIS:

Good morning. My name is Debbie Harris. I'm here to speak in support of Legislator Lindsay's Fair Share for Health Care Act. I personally have no stake in this legislation. I'm not a union member, I'm not employed by any of the businesses that would be affected in either way by this legislation. I'm here as a citizen, I'm here as a taxpayer.

I firmly believe in the social contract. I believe that taking care of the needy, taking care of sick people, taking care of the disabled is part of our social contract and it's part of what makes us a civilized society. One of the things we've realized in the wake of Katrina is what happens when that social contract breaks down, what happens when there's a failure in that social contract. And we're having a failure like that here. It is not as catastrophic obviously as what happened in the wake of Katrina, but when you have people who work hard, when you have people who try to take care of their families and they have to go on public assistance because their employers won't pay them fairly, their employers won't give them the hours that they need in order to be qualified to obtain medical assistance, then there's something seriously wrong.

You have people who work hard whose children are get subsidized lunches, who are living in Section 8 housing, who need to get food stamps. And there are places in high cost of living areas in this country where when you apply for a job at a Wal•Mart or a K•Mart they give you an application for food stamps with you're application for employment. There's something wrong with that. And as a taxpayer and as a citizen, I think it's very important that we take care of people. I think it's important that we do it the right way.

I resent paying taxes to support the CEO of Wal•Mart. Lee Scott doesn't need my money. And I resent the fact that they expect that as a condition of doing business and that the businesses who play by the rules and who pay their employees fairly and who provide the benefits that they should are at a disadvantage in the marketplace because they can't compete with those

merchants that don't do that. It's not fair, it's not right, and we should take care of it here in Suffolk County and we should set the standard and we should be an example of what can happen when we take care of each other the right way. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Ryan Delgado.

MR. DELGADO:

Good morning. My name is Ryan Delgado. I'm from Local 1102, RWDSU, UFCW. You are going to hear plenty of testimony today about Intro 1903, so I don't want to beat a dead horse. But I do want to thank the sponsors of the intro, in particular Mr. Lindsay, and urge those of you who have not decided to jump on board because we need your help on this.

My union represents 11,000 workers, many of them in the retail industry in Suffolk County. And constantly we are hearing from their employers that they are being undercut by employers who don't play by the rules, who lower industry standards, and we can't deal with this. Fair Share for Health Care Act is right for workers, it's right for taxpayers, it's right for responsible employers and it's right for Suffolk County and we need your support.

I also want, on a separate note, want to lend my voice in support of the appointment of Don Fiore to the Suffolk County Planning Commission, and I thank you again.

Applause

D.P.O. CARPENTER:

Thank you. Ray Kohlberg, followed by Reverend Damico.

MR. KOHLBERG:

Good morning. My name is Ray Kohlberg. I'm a business agent with the Communication Workers of America, Local 1104, and I represent our members living in Nassau and Suffolk County. I am also a Suffolk County

resident and a taxpayer.

These large retail stores are driving up the health care costs for us taxpayers by sending people that don't have health care to emergency rooms or County funded health care facilities. And this bill is a way of helping level the playing field for the good employers that do provide their members with health care. I urge you to vote in a positive way for this, IR 1903, the health care bill. Thank you very much.

Applause

D.P.O. CARPENTER:

Thank you. Reverend Damico, followed by Michael Mart.

REVEREND DAMICO:

Good morning. My name is Noelle Damico. I'm a Minister with the United Church of Christ, a member of the Three Village Interfaith Clergy Association and a participant in Jobs With Justice. I come to you this morning speaking in favor of the Fair Share for Health Care Act.

I'm here today because sadly we can't take it on faith that enormous, profitable retail stores will provide the necessary health care coverage their employees need. Now, there are benefits here in Suffolk County to having a thriving retail sector, but today I come before you to implore that this Legislature, tasked with serving the public good, draw the line when we see families, our neighbors, suffering from lack of health care or when our precious Medicaid funds are being used to subsidize corporate profits.

You know, it takes a measure of courage for Suffolk County Legislature to even address a bill like this in this particular time when corporations are exerting more and more power in our nation. And I want to encourage you to take this seriously because across the country communities just like ours are watching to see what this Legislature will do.

The fundamental question before us today is what kind of community do we want to create here on Long Island. Are we going to create a community that allows workers to suffer, our hard working families to be dragged to

the bottom without the health care they need, or are we going to create the kind of community that ensures health care and well•being for all? Congregations across Suffolk County want to know that when we patronize large retail stores we are contributing to community well•being, not draining public coffers of precious resources.

Right now there are some who say it is impossible to demand accountability from major retailers such as Wal•Mart, but I submit to you that this is a David and Goliath story, and even the largest giant will not stand when that giant is not on the side of right.

So today I ask you don't let David stand alone. We are counting on this Legislature to pass the Fair Share for Health Care Act. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Michael Mart, followed by Nancy Stepanek.

MR. MART:

Good morning and thank you for allowing me to address you. My name is Michael Mart. I'm a resident of the Village of Port Jefferson and I sit on the Downtown Revitalization Advisory Panel.

D.P.O. CARPENTER:

Michael, if you could, just right into the microphone. Thank you.

MR. MART:

Okay. My name is Michael Mart. I sit on the Downtown Revitalization Advisory Panel of the County of Suffolk. I sit there representing Legislator Vivian Viloría•Fisher. She knows me and you know the other members of this panel because you have appointed them. Some of us have been on it from the very beginning, others have not. The purpose is to advise how we can best revitalize some of our downtowns that are in need of it. Big box stores that have been spoken about today have had an effect on our downtowns and we have to respond to that. It's not the only cause, but a part of it.

I come today to speak against 1714•2005. For those of us who have been on the panel from its inception, we have had an opportunity to respond to requests for funds for the downtowns. Much of that has led to the beautification of deteriorating downtowns and we're proud of that. But we want to go beyond that. We're at a stage now where certain downtowns need greater assistance than what the previous program would have allowed.

So what we did as a committee, as an advisory panel, was to set up an application whereby those in your downtown districts feel that they need a certain amount of help, that we could offer that in a larger and more significant manner than in the past. That's the application, that's the process that we're using now. And I fear that this proposed legislation will, although not intended to, will undermine that effort. And we ask you to trust those of us •• you appointed us to advise you, to serve on your behalf, to help the downtowns, and not to undermine our efforts with this legislation. Let us do our work. At best •• or at least, table this resolution. At best, defeat it. Thank you very much.

D.P.O. CARPENTER:

Thank you, Michael. Next speaker, Nancy Stepanek.

MS. STEPANEK:

Good morning. I'm Nancy Stepanek from the Unitarian Universalist Fellowship of Huntington and I'm their delegate to Jobs With Justice.

Our congregation was very shocked by some of the things they learned on Labor Day Sunday when Jim McAsey from Jobs With Justice spoke at our fellowship. And I think as taxpayers they were unaware of the fact that Wal •Mart and other large boxes have been able to take advantage of local taxpayers in these ways. Also, members of our congregation have been involved in some of the protests in August against the building of Wal•Mart on the Smithtown/Commack border, which many of you are aware of. I think they're really surprised by the fact that they felt that much of the decision making was made in secret on this issue.

So all I want to say is that I support 1903 and I understand that a great deal of courage was involved in this Legislature becoming involved in something when they're taking on •• they're going to be taking on a corporation like Wal•Mart and other large boxes. So we applaud your efforts and my congregation knows I'm here today and they're really delighted and we want to thank you for supporting 1903.

D.P.O. CARPENTER:

Thank you very much, Nancy. John Palumbo.

MR. PALUMBO:

Good morning. I'm John Palumbo. I represent the Teamsters, I work for the International and I'm here. I'm also a resident of Suffolk County. And we have about 35,000 members between Suffolk and Nassau County.

It's about time that somebody takes Wal•Mart on. If they took 1% of their profit, 1% of their profit, they could pay health care benefits for the whole country and all the stores they're building in China. They think that this is China and they want us to be treated like Chinese with no benefits, but you know what, it's about time that this Suffolk County Legislature takes the position that they're not going to allow them to step on us anymore. We have three of those stores in Brookhaven Township alone, and I'm sure that they are going to look to close them if you have the guts to take this bill on.

But we plead with you, we need your support. We need to get Wal•Mart, the Walton family, to understand that we are Americans and we deserve to work and be paid for what we do.

In Canada they had an opportunity to organize one of the stores and Wal•Mart chose to close that store. They do not work within the same realm that every other company in this country •• and for the major supermarkets and all in Suffolk County and Nassau County, we need your support because they're looking to put everybody out of business. They want to be the only company left. And I just appreciate your time and I ask your support on this bill and would you please step forward and do what's supposed to be done. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Next speaker, Dennis Mowl, followed by Jim McAsey.

MR. MOWL:

Good morning. My name is Dennis Mowl. I'm Central Islip Teachers Association President, Local 2552. I was asked to come here by my fellow NYSUT member, Paul _Pecorelli_ , who could not be here today, to read a letter that he wrote to the Legislators asking for support for the Suffolk County Fair Share for Health Care Act.

"Dear Legislators, as an active member of an affiliate with New York State AFLCIO and the Long Island Federation of Labor, I strongly feel it is in all of our best interest to stand with the entire Long Island labor movement to support the Suffolk County Fair Share for Health Care Act. This legislation will greatly benefit the 12,000 workers in need of health care and it will also save the County millions of taxpayer dollars.

Any worker in a union or not deserves fair play, dignity and respect on the job. Part of that respect is necessary health coverage for themselves and their family. This act insures health coverage to the workers from companies who annually earn profits in the billions. It is a sad day when legislation such as the Fair Share for Health Care Act is needed to mandate safe and effective health care coverage for employees.

Today we are asking for your vote to help give 12,000 workers the opportunity to have vital health care and not allow the billion dollar corporations to force its workers into using health care subsidized by local taxpayers.

As an educator I also believe that all children, regardless of their parents income, deserve the best available health care coverage. Children should focus on learning in the classroom. Healthy children make better students.

With a stroke of a pen we can help Suffolk County's hard working families to

get the health coverage they deserve and need. Please support the Fair Share for Health Care Act. Paul _Pecorelli_ , teacher, Patchogue•Medford School District, New York State United Teachers Board of Directors, AFLCIO, Long Island Federal Board of Directors."

I have a copy of this that I will give it to you. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Jim McAsey, followed by Donald Daley.

MR. McASEY:

How are you? How are you feeling, okay? Good. I'm feeling pretty good today too for a couple of reasons. Number one is that I'm one of the lucky ones in this country that has health insurance. Number two is that I'm very happy today that we're going to help 12,000 workers in this County achieve health coverage as well. I'd like to congratulate you on your courage and your leadership and your compassion today.

Brothers and sisters, there is a human rights crisis in this country. Fifty •nine million people do not have health coverage. We're the richest country in history and yet we rank 37th overall in the overall health system performance, and that's a quote from the World Health Organization. We spend considerably more on health care than any other industrialized nation in the world. How did this happen? How do so many people not have health coverage?

Well, the richest corporation in history is not paying their fair share. Wal •Mart has over \$250 billion in revenue, \$10 billion profit every year. It ranks •• if it was a country it would rank 162 and that's out of only 195 countries in the world. So, for the richest company in history, why are we paying a Wal•Mart tax? I say Wal•Mart tax because taxpayers give them one billion dollars in subsidies to help them build Walmarts around the country. And, on top of that, we pay \$2.5 billion every year because they don't provide their workers with health care. Workers then have to go to public assistance and that cost taxpayers a lot of money. In fact, it costs us

\$400,000 per store and over \$200,000 per employee every year. Wal•Mart is sucking more and more from communities and workers and taxpayers while less and less workers have health insurance.

What we need is a movement, a movement that can demand justice, a movement that can demand health care and human rights for all workers in all communities and all people in this country and that's exactly what Jobs with Justice is trying to do. I work for Jobs with Justice and what we are trying to do is build a movement that connects community issues with worker's struggles. And that's exactly why we've taken on this campaign to support Suffolk County Fair Share for Health Care Act.

We've worked with community organizations and got co sponsorship from Suffolk Community Counsel, Long Island Progressive Coalition, the School for Social Welfare at Stony Brook, _Acorn_ , Vision Long Island, and we have also worked with faith based groups and got cosponsorships from the Long Island Council of Churches, the Unitarian Universalists Fellowship of Huntington, the Labor Religion Coalition. So we're building a movement here that can win justice and win health care for workers and their communities. I'd also like to thank the Federation of Labor ••

D.P.O. CARPENTER:

Sum up, please.

MR. McASEY:

The Brennan Center, UFCW 1500 •• I'll sum up •• 338, 1199, IBW3, 1381, CWA, 1104, 32BJ, the Teamsters, Central Islip Teacher's Association. Am I forgetting anybody?

D.P.O. CARPENTER:

Thank you. I think we are hearing from all of them today anyway, so. Donald Daley followed by Carolyn Fahey.

MR. DALEY:

Good morning. My name is Don Daley and I am the business manager, IBEW, Local 1381. I have the honor of representing about 1,000 clerical and technical workers at KeySpan. That's the former LILCO that many of you

know. One of my monumental tasks as a business manager is to negotiate health care costs, and all of you realize what a rising cost that is and how difficult it is for unions to negotiate on behalf of their members.

So, today we're asking you to sponsor a bill that some say are radical. And I want to thank Legislator Lindsay for bringing this to a vote today. It is radical. We're asking you to make history today. We're asking you to be pioneers on trying to reduce the cost of health care, so I want to congratulate you for bringing this to a vote on behalf of organized labor.

So, in closing, I also would like you to vote yes on a resolution on behalf of one of my other business managers, Don Fiore, for the Planning Commission. Thank you.

Applause

D.P.O. CARPENTER:

Thank you. Carolyn, followed by Ernesto Mattace.

MS. FAHEY:

Good morning. Carolyn Fahey, Suffolk County Economic Development Workforce Housing. I'm here this morning to read into the record a letter from Donna Periconi, who is a member on the Suffolk County Downtown Advisory Panel.

"Dear Legislators, I am unable to be with you this morning because of a previous commitment. Since I believe this issue is important to Suffolk County, I have prepared this statement and asked Carolyn Fahey to read it to you.

Once again we on the Suffolk County Downtown Panel are asking you to allow us to take a new direction as we work to improve our downtowns. Having served on this committee since it's inception I know how productive and effective this committee has been. At our meetings we have discovered the strength and weaknesses of downtowns and in communicating this information we have shared resources and solutions to our common problems.

In the previous four rounds we have suggested and evaluated how monies would be spent in 18 legislative districts. Most of the proposals involve beautification projects, new lighting, brick pavers, more trash receptacles, attractive benches or clocks and flower containers. These small projects have all have brought noticeable improvements to the downtowns. But the truth is, some of our downtowns need more than just cosmetic changes to turn them around and some downtowns need more help then others.

We who serve on this committee now and those of us who have served on it for almost the past decade recognize the fact that some downtowns are in need of major projects of greater sustainable impact. When you divide \$500,000, a small amount to be allocated for such a huge mission, among 18 Legislators, you realize \$27,000. If a Legislator divides his portion among three or four downtowns, we are talking about \$7,000 each. This amount is enough for a few more lamp posts and flower boxes, but not enough for a capital project that could have a major impact on some communities.

Now with your approval we have an opportunity to award monies to outstanding projects, projects that have been carefully thought out and planned for many months. We on the committee will evaluate their merit and their proposed impact using an objective point system. If a downtown misses an opportunity to secure monies this round they can apply for a meaningful project in the next round of downtown grants.

Each of you had confidence in us when you chose us to serve on this committee. We ask that you show your confidence in us now as we respectfully request using monies differently this round. We have spent countless hours and many years trying to do the right thing for our individual downtowns and those of all of Suffolk County. I am proud that we have become informed pupils and proponents of downtown revitalization.

After many discussions it is our position that subsidizing a few capital projects rather than 18 plus smaller projects is the right direction to take at this time. It will be a better and more effective way to bring about needed changes in our downtowns.

Today we are asking for a countywide approach to this program. In accepting our position you are giving us the opportunity to fulfill the charge of our committee. I thank you. Very truly yours, Donna Periconi." Thank you.

Applause

P.O. CARACAPPA:

Ernie Mattace.

MR. MATTACE:

Good morning, Presiding Officer Caracappa, Deputy Presiding Officer Carpenter, Honorable Suffolk County Legislators. My name is Ernesto Mattace. I'm from Local 338 RWDSU and I'm here to speak on the Suffolk County Fair Share for Health Care Act. You've heard in prior testimony all the good points about the act. I would like to rebut an open letter in Newsday yesterday from Wal•Mart and I'd like to discuss part of the rest of the story they don't talk about.

It kind of gives you a warm feeling that they're concerned about keeping prices low, but they don't talk about the possibility that their profits might level off this year compared to the 2004 profit statement of \$10,267,000,000, or the fact that their CEO makes over \$17 million in annual salary. And everybody's entitled to a salary. But the concern is what's happening is that you have the companies that are out there that are doing the right thing and that are taking care of their employees by providing them with health care. Companies like Wal•Mart do not and depend on taxpayers and the taxpayers aid to support them.

Just a side•bar. Last evening I heard on the news that Tommy Hilfiger is up for sale. They're up for sale for \$1.2 billion. Guess which one of the world's largest companies wants to buy him?

LEG. CARACCIOLO:

Wal•Mart.

MR. MATTACE:

You got it. In conclusion, Wal•Mart gave their website. I'd like a website to be available to all of you. It's www.Walmartwatch.com so you'll hear the rest of the story.

And finally, I would ask you to support Don Fiore for the Suffolk County Planning Board. Thank you for your time.

Applause

P.O. CARACAPPA:

Thank you. I appreciate it. I'm going to break from the public portion for the purposes of calling a bill out of order. I recognize Legislator Lindsay.

LEG. LINDSAY:

Yes, Mr. Chairman. I would like to make a motion to take 1903 out of order.

LEG. VILORIA•FISHER:

Second.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Motion to take 1903 out of order. Second by Legislator Vilorina•Fisher. 1903 is in Ways and Means on page 11 of your agenda, Fair Share for Health Care Act. ***1903, (A Local Law to protect Suffolk residents by enacting the Suffolk County Fair Share for Health Care Act)***. There's a motion and a second. All in favor? Opposed? Abstentions? 1903 is now before us. There's a motion to approve by Legislator Lindsay, second by Legislator Tonna and O'Leary.

MR. BARTON:

17.

LEG. TONNA:

Maybe O'Leary would want to second. He's a cosponsor, right?

LEG. O'LEARY:

Thank you, Legislator Tonna. I'd like to second that.

P.O. CARACAPPA:

Legislator O'Leary is the second.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

I want to commend, first of all, Legislator Lindsay and O'Leary. It's wonderful to see such cooperation among Republicans and Democrats, and it would probably be •• this is the nexus of cooperation when it comes about working people.

We hear a lot about the cost of government and then we hear a lot about the private sector, about how, you know, the private sector does this, the private sector does that, you know, profits, profits. Boy, if we could do things like the private sector. The fact is is that Wal•Mart, who if you take any time in investigating this company, that Wal•Mart has profited from the public sector in the tune of billions of dollars. And I just think the imagination that both Legislator Lindsay and O'Leary have put into this with regard to saying let's hold •• let's hold large companies who are basically when they come into a community and everybody knows, when Wal•Mart comes into a community there's a huge sucking sound, okay, a sucking sound from really good jobs. It's a sucking sound from workers that now they can do with less.

And to tell you quite honestly, it reminds me, I was just watching with my kids the other day a rerun of Back to the Future Part Two and it was •• there is a scene when if in a certain course of events this guy got to run the town, the whole town would completely disintegrate. And in a certain sense if you

look around the communities of the United States, you see that that's what Wal•Mart has done.

It's horrendous that they would think about providing such little care for their workers, little health care and everything else and then have government pay the cost.

So I just want to commend them. I think this is a great place. I hope this is also a first, not a first step, but more steps to come with cooperation between Republicans and Democrats and I'm glad to see that we can all agree when it comes to working people. So, congratulations to Legislator Lindsay, Legislator O'Leary. I think this is great and I'm in full support.

P.O. CARACAPPA:

Legislator Alden and Vloria•Fisher.

LEG. ALDEN:

Just to start I am going to echo what Legislator Tonna said and thank the sponsors for bringing this. There is a good issue to debate. I don't have a big problem with a corporation or any corporation making money, because basically that is the American way. And in Suffolk County I think that we've taken a course or chosen to take a course where we tried to provide health care to our citizens, and that is through out health centers and our clinics. So I think we've taken even more of a step than the federal government might be credited with because universal health care is something that I think the federal government should start moving a little bit faster towards, because there are people out there that are hurting.

Now, when it is brought to our attention, though, in Suffolk County, that a corporation or a couple of corporations are draining our resources, and that's for their own personal bottom line, then their balancing act has to really be taken into consideration as far as who's going to benefit from that and are we hurting the people in Suffolk County. Because if they are draining the resources that should go to other people that don't work for Wal•Mart or don't work for a big box corporation, then that's when it becomes our job to step in. And clearly in this instance they've established a record that shows that it is our job to step in and try to right that wrong.

Is this going to accomplish everything that we think it's going to accomplish? No, but as was pointed out again by Legislator Tonna, this is a first step towards I think us righting a wrong and that's the draining of public resources into the bottom line of a major corporation. So if we could send a message out there and maybe even some of the planning departments in the different towns should really pay heed to this because it's nice to provide lower cost of goods to the people that live in Suffolk County, but when you start balancing out the mom and pop stores that have been put out of business by these major corporations, you know, you might end up with a net loss, overall net loss. So while we have a few goods that we get at a little better price, we've got a whole bunch of heartbreak out there and agony on the part of a lot of people that lost their jobs and the downtowns.

Back when I was growing up in Suffolk County that's really where everything was happening, all your retail. So now you've got a lot of people that were put out of business because you end up with, I think, poor planning. So it might even send a little bit of a message to the ten towns in Suffolk County to start looking at the overall and a long-term effect of granting these type of applications. So, for a couple of those reasons I'm going to join in supporting this bill.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Those are very important and well stated comments and I appreciate those, Legislator Alden. You know, there's a race going on in this country and in this County, a race to the bottom, and the corporations at one time were in partnership with labor and the community and were working to raise standards of living and they recognized that their employees deserved a living wage with adequate health care. Then government policies systematically changed. Unions were marginalized, labor was diminished by globalization without standards and short-term corporate profits were valued over the long-term.

In short, the partnership between workers and employers was replaced by a new morality that saw employees as a cost to be driven down at all costs. The system rewarded exploitation and the more exploitation, the more profits that flowed to the top and the more pain and suffering at the bottom. That's the race that we're in right now and it's one that this government by taking this action today is calling off. It is time that we return to a time where corporations, government and community work together to raise the standard of living and improve rather than to increase exploitation and send profits to a very select few.

P.O. CARACAPPA:

Thank you, Legislator Bishop. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. During the period of time that I was the Chair of Social Services Committee of the Legislature, I worked very closely with the Welfare to Work Commission. And during that time it was abundantly clear that there were many people who left the welfare rolls, began to work and found themselves poorer as workers than as non•workers.

When we look at this injustice, I've likened the poor, the working poor before, to the mythical character Sisyphus. Sisyphus had been condemned to an eternity of pushing a stone up a hill and never reaching the top, never being able to succeed. When the working poor are so poor that they live on the edge of existence, they live a life of Sisyphus. Without health care, they don't have any opportunity of getting that stone to the top of the mountain, because they will slide back into poverty and into a life of destitute existence.

It's our responsibility to partner with labor, to partner with all of the good people in our community who believe in justice, to be certain that the poor, the working poor, do not live an existence of Sisyphus.

P.O. CARACAPPA:

Legislator O'Leary.

Applause

LEG. O'LEARY:

Well, thank you very much. Is that for me or is that for Legislator Fisher's comments?

WOMAN FROM AUDIENCE:

Legislator Fisher.

LEG. O'LEARY:

I just want to take the opportunity just to make just a few comments with respect to this. When I was first approached about this particular bill, in my mind it was a no brainer. Having been an employee representative and the head of a union I know all too well that health benefits are one of the primary concerns of any union that represents its employees, and certainly in this particular instance where the individuals impacted are not represented by a collective bargaining unit. They work at the mercy of, if you will, the employer, and all too often the large employers, the corporations, if you will, do not prioritize the benefits for workers and certainly health benefits is the priority with a lot of workers. And I would think it's only fair for them to take some of their huge corporate profits and turn that around and give it back to the employees by way of health benefits.

So in my mind this was, as I said before, a no brainer. It's us representing, if you will, the people who are not represented by collective bargaining agents at the bargaining table. So we're saying to the corporate profit greed people take some of those profits and turn them over back to your employees for purposes of creating good, sound health benefits and I totally support this initiative.

Applause

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

There was a full•page ad in yesterday's Newsday that was paid for by the Wal•Mart Corporation, and this bill just isn't about Wal•Mart, it's really about fairness in terms of the workplace. It's not fair for a person to have a full•time job, work all week long, and not be able to afford to have health benefits for their family. It's just not fair.

In the air •• in the ad yesterday in Newsday, Wal•Mart talks about Suffolk County not knowing what they're doing in terms of health benefits, that we're not informed enough, but yet this year it's going to cost Suffolk County \$320 million in Medicaid in our portion of Medicaid that mostly goes to health benefits in one way or another. So I think that kind of qualifies us to know something about the issue.

And in terms of their saying it's not fair to their industry for us to mandate this and I say it's not fair to those workers that work day in and day out at a full•time job many times and can't afford to take their kids to the doctor.

Some might say that this is an interference with the free enterprise system. I think probably the last time that was said was at the turn of the twentieth century when the same thing was said when government tried to regulate the railroads. Because they got so good at the free enterprise system they became a monopoly and really was to the detriment of us as a society. Just recently somebody gave me a clipping from a newspaper down south, the Winn Dixie supermarket chain that has I think hundreds if not thousands of stores throughout the south, which by the way, I don't believe they're unionized, this isn't about union and non•union, but they were declaring bankruptcy and they said right in it because Wal•Mart Super Centers have literally driven their chain out of business. The story from small towns across America is the same, the mom and pops, the small downtowns. They just can't compete.

So I think the bottom line is what this bill is about, it's about fairness, it's about giving a benefit or making corporations pay •• do the right thing by their employees, provide some kind of health coverage for their employees.

Legislator Alden before mentioned that maybe it's time that as a nation we

have some kind of universal health care and I wholeheartedly concur with that. And the format that that would take, may be this is the lines of a format that, you know, every employer in this country should provide health benefits for their employees. It should be a right of dignity, it should be a right of survival for our citizens. Thank you.

Applause

P.O. CARACAPPA:

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

(Roll Called by Mr. Barton • Clerk)

LEG. LINDSAY:

Yes.

LEG. TONNA:

Yep.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17•one.

(Applause and Standing Ovation)

P.O. CARACAPPA:

Thank you. Now, I know many of you filled out cards to speak on this issue and you still can if you want. We'd appreciate it if you didn't. No disrespect. So I'll call the names anyway. Again, you do have the right to speak. So we'll just move •• go back to the public portion and if you hear your name •• you know what ••

LEG. O'LEARY:

Henry, I was second.

P.O. CARACAPPA:

I'm going to give two minutes if we can just clear anyone who is going to leave. Take your conversations outside if you're going to have one, please. If you could just clear the auditorium as fast as you can in a safe manner. Thank you. If you could just move that crowd along, we could have the Deputy Sheriffs help with that effort, we'd appreciate it. Thank you. If you could take all side conversations outside, please. Thank you.

The next speaker is John Woods. Once, twice. Colette Coyne. Are you coming up?

MS. COYNE:

Yes.

P.O. CARACAPPA:

Go ahead.

MS. COYNE:

My name is Colette Coyne and I'm from the Melanoma Awareness Campaign here on Long Island. I'm very happy to be here today to speak before you. I waited a long time for this day.

Governmental agencies such as the CDC and the EPA all warn us that unprotected UV's rays are the cause of the increase of skin cancer, particularly melanoma. The World Health Organization, the Academy of Dermatology also warn us that the intense rays that are present in tanning beds are highly responsible for the increase of melanoma. It has increased 70% since the mid •• 70's. This is a disease of the young. Protecting our

minors is so very, very important and I urge this board to pass the bill that will regulate tanning parlors. This is a disease that if not caught early is deadly and takes the life of young people within months of diagnosis.

It is a nonpartisan issue, and I urge you to pass it as did the nonpartisan Legislature of Nassau County. Let Long Island lead New York State in this awareness and protection campaign. So many of us can do nothing about skin •• other cancers, but skin cancer is a cancer that can be prevented through measures like this through education.

I particularly want to thank Legislator O'Leary for moving this out of committee last week. I would also like to thank him for his patience in listening to me on numerous occasions. His listening certainly gave me the encouragement to keep coming back.

This is a cancer that doesn't have a popular spokesperson, a movie star or a T.V. star has not died from it, so we hear not too much about it, yet it is the fastest growing cancer in America, and it is anticipated to be the number one cancer by the year of 2022. I am taking a page from the book of the Breast Cancer Coalitions who have done such a great job in fighting that cancer. Please help me. Thank you.

P.O. CARACAPPA:

Thank you.

Applause

P.O. CARACAPPA:

Pamela Schmidlin.

MS. SCHMIDLIN:

Hello. My name is Pamela Schmidlin. Im from Smithtown. I'm a member of Long Island Dog. I'm here in support of much needed dog parks in Suffolk County, 1923, for dogs and of course for us.

This weekend I had the pleasure of attending the community dog walk in St. James hosted by the Guide Dog Foundation. And while I was there I had the

opportunity to speak with lots of fellow dog companions, people from Smithtown, Islip, Babylon, Brookhaven, Huntington all over came to spend the day with their dogs. It was great. Everyone had a blast.

Having been to the dog walk for several years in a row I've seen it grow and flourish which just goes to show that people have •• people love to come out socialize with their dogs. Everyone was happy and having a great time.

Now just picture this scenario every day in our local parks. Great picture, isn't it?

Afterwards I took a trip to Nassau County to check out a dog park in Christopher Morley Park. It was great. My dog and I were welcomed by others, everyone looked out for each other and their dogs. It was maintained very well. It was a great little outing for all. The flow of people coming and going was a steady flow. You always have someone to talk with and your dog always had another dog to play with.

Now we need to move Suffolk into the dog friendly age and let our great County follow the rest of the nation, maybe even leading the way or a new way. These are just some examples I wanted to present to you today to show our need for dog parks in our own backyard. I thank you for your time and hope to see you at Blydenburgh County Park and thank you.

P.O. CARACAPPA:

Thank you. Alpa Pandya.

MS. PANDYA:

Good morning. I'm Alpa Pandya representing the Nature Conservancy who's mission is to preserve our lands and waters and also representing the Long Island Weed Management Area, a voluntary association of public and private land managers working together to prevent the spread of invasive species on Long Island.

I'm here today to ask you to pass IR 1968, establishing a Water and Land Invasives Control Task Force to develop an invasives control program for Suffolk County's lands and waters. The Water and Land Invasives Control Task Force allows the County to get in front of the issue before it becomes a problem, to face what is coming and be proactive about preventing the

problem and finding the solutions.

It is essential to protect the waters and lands of Suffolk County by creating long-term invasives control policy and strategies for implementation. For the first time this bill will allow for strategic countywide approach to ensuring that our lands and waters stay free of invasives. Please pass IR 1968.

Lastly, I want to thank Legislator O'Leary for his understanding of this issue and his leadership in finding solutions.

P.O. CARACAPPA:

Third time today.

LEG. O'LEARY:

I'm on a role today.

LEG. VILORIA • FISHER:

He's taking us all out to lunch to celebrate.

P.O. CARACAPPA:

Marilyn Shellabarger. Marilyn Shellabarger? Oh, there you are.

MS. SHELLABARGER:

I'm limping up. I've been sitting a long time. My name is Marilyn Shellabarger and I'm Chairperson of the Health Center Advisory Board. And I just threw out my speech because I am stunned at what happened today. You know, I've been here before the Legislature since the Legislature began and we've been leading in detergents, in bottles, in harbor seals and here we are leading again. I think it's great. It's a great.

Anyhow, I want to say the budget as usual shortens the monies that have been dispensed for the health centers. We're going to continue through this month until the public hearings at the Health Committee with very specific detail. But I want you to know that with a 4% wage contracts with most of the hospitals it means that we're going to be laying off personnel, closing nights, closing days.

Now, I know this bill may make a difference, I don't know, but I really don't think it will. We have increased demand and we need to have the hours for the weekends, the evenings, and I just want to •• I'm still stunned. I'm just so pleased that we recognize the right for people to have the health as we recognized back when we began our first health center in 1968.

So, I thank you and know you will be hearing from your constituents at the various health centers •• from the various health centers and keep up the good work.

P.O. CARACAPPA:

Thank you. Susan Von Freddi.

MS. VON FREDDI:

Good morning. My name is Susan Von Freddi and I want to thank you very much for giving me the opportunity to speak today. I'm a member of the Suffolk County Downtown Revitalization Advisory Board and I'm representing legislative district number two, which is the south shore, the east end of Long Island. We are out in the country and our downtowns are extremely important to the viability of our communities.

I'm one of the newest members of this committee and •• but have been asked to join it because of my involvement in my own community, which has spent the last ten years revitalizing a very poor, uncared for downtown. We have been able to improve our downtown, we have turned ourselves around, we are now a wonderful and beautiful community and it has taken us ten years and a lot of money to do it.

What I wanted to talk to you about tonight •• today is •• and I concur with the comments made by my fellow members, Donna Periconi and Michael Mart, is that we're a committee of 18 committed volunteers with the knowledge and focus because we've all been involved in our own communities and know what the problems of downtowns are. And it's just rather interesting today, I didn't realize you were going to be discussing big boxes, but big boxes and mega•malls are the demise of downtowns, which is a problem across all of Suffolk County.

We have many, as you heard before from my other members, that we have a lot of current applications pending for larger projects that have quality and merit. They are evaluated on a point system that this committee developed, and we're committed to improving the quality of life for Suffolk County residents. We are asking today for the Legislature to give our committee the opportunity to do what it has been charged to do, to take a look at the County as a whole and do what is the County's best interest.

The funds available to Suffolk County is limited, but it is not an entitlement, and each Legislative district cannot manage on a very small budget of anywhere from five to \$7,000 per area. My particular Legislative district has 14 downtowns, and so that really cuts into what we're able to do. Every community is fund-raising on their own, every community is looking for grant money anywhere that they can, and it's getting harder and harder to find these funds.

In any case, larger projects have a major impact on improving our downtowns, and we would like to ask you to please table or to vote against 1714 and give us the chance to do our job. Thank you.

P.O. CARACAPPA:

Thank you. Perfect timing. Joe Shanahan.

MR. SHANAHAN:

Ladies and Gentlemen, thank you for allowing me to speak today. I'd like to talk about the appointment of Donald J. Fiore to the Planning Commission, and I think it's important for me to say a few things about him so that you know that in appointing him you're not just getting another pretty face.

Mr. Fiore is business manager of Local 25 and he was previously our training director for many years. While he was doing that, he ran it very efficiently, very well, and he knew it like the back of his hand. And when circumstances rose that he had to step up to the plate and take over Local 25 as business manager, he started working longer hours for less money. And he's not a complainer, he's a doer. He immediately initiated a five year business plan with short-term medium-term and long-term goals, and those goals have helped to put us right back on the track that we want to be on. He's an

adept planner. He follows his solutions through to the end and he knows how to empower people to get the job done.

So keeping in mind that the first thing that we heard this morning was a little tribute to the Long Island Ducks, I'd like to just say that appointing Don Fiore to the Planning Commission would be a home run. Thank you.

Applause

P.O. CARACAPPA:

Thank you. Dave Schanel. Peter Cheney.

MR. CHENEY:

Presiding Officer, Suffolk County Legislators, my name is Pete Cheney and I'm a title examiner. Many of those that you see before you and those that you can't see out in the lobby, they're also title examiners here to show their support for resolution 2134•2005, the moratorium on cubicle license agreement. Knowing how valuable your time and our time is, several people have chosen to speak on specific issues regarding this license agreement. We thank you for your time and your cooperation.

The transition from the County Clerk to the Department of Public Works occurred in July of 2004. The original license agreement and resolution provided by this body in 1997 expired December of 2003. But during that six month period it was a period of limbo. County Clerk was not budgeted to help us, DPW could not help us, Department of Public Works.

During that time, cubicles experienced many computer problems, printer failures and program failures. The computer department was unable to help us. Department of Public Works, DPW, had no one staffed to help us. Contact was very sporadic. They are still not equipped to handle it. In short, DPW is not staffed to service the title examiners unique situation.

The state of confusion over the responsibilities, DPW is in Hauppauge, the title examiners are in Riverhead. DPW is not bureaucratically designed to be the lead agencies to handle this problem. DPW becomes another layer of bureaucracy between the title examiners and the County. While DPW has

tried its best under very difficult circumstances, they have not been provided with the knowledge and personnel to do the job.

We ask you to support resolution 2134•05. This will let all parties negotiate the best settlement to this problem. This resolution more importantly will provide the time necessary to do what is best for the Suffolk County taxpayer. Thank you.

Applause

P.O. CARACAPPA:

Thank you, sir. Richard Gibbons.

MR. GIBBONS:

Good morning, Suffolk County Legislature. Mr. Cheney gave you some introductions about what's going on with our cubicle license agreements with Department of Public Works. I wanted to give you a little history of the relationship between the title examiners, title companies and the County Clerk's Office.

I've been doing this work for 48 years. They call me one of the dinosaurs in the business. I was here when we first moved the County Clerk's Office from Griffing Avenue into this building. An example of how the title workers have always cooperated with the County, the first day we walked into this building we walked into the County record room, there was no heat, half of the floor was not tiled, the books had been brought from the Griffing Avenue station, dumped in piles on the floor. The racks holding the books were partially assembled, and it was state of confusion. We could have chose as title people to walk out and let the County handle this problem, but we didn't. We all chipped in, men and women alike on their hands and knees on dirty, dusty floors and we lined up all these books, these deeds and mortgage libers, in numerical order so that work could progress. Meanwhile, the County employees were left free to put the racks together.

There is several examples over the years in which we have tried to cooperate with the County Clerk. I can't say we've always agreed, but then no one ever agrees entirely. There was another instance, moving ahead to

when Les Albertson in late 1976 informed us, they had a meeting to inform us that we were going to go into this new technology called microfilm. Because being novices we had no idea of what was going on, but he held a meeting, a general meeting to explain how the system would work. And when he was finished one of our examiners said Mr. Albertson, what are you going to do on the microfilm when it comes to making notations on the sides of mortgage books. And he looked at us questionably like I never thought of that. Again, the title companies were helping the County Clerk. They came up with a system of notation books and remedied that problem.

All through the years that I've been involved in this business it's been not all harmony, but a situation where the County Clerk and the title industry have tried to work together for the benefit of both, for the taxpayers and for the industry. As far as I know, it is one of the largest profit industry that this County enjoys, so we think it's very important.

There are several hundred other issues where I can tell you where the County Clerk has worked with the examiners, even at the cubicles when a license was drawn up seven years ago by County Clerk Ed Romaine. We didn't like it at first. We sat down, we talked about it, we hedged. We went back and forth, we reached an agreement. We didn't care for it that much but it was a workable agreement and has been working ever since at a two and a half percent increase per year which we all agreed to.

P.O. CARACAPPA:

Sir, could you just sum up your comments? Time has expired.

MR. GIBBONS:

Since they've taken this responsibility away from the County Clerk, it's created a great communication gap. We don't know what's going on with DPW, they don't know what's going on here, and I think it is very important for you to pass that resolution, to table this whole thing for six months so we can have some meetings and put this thing together. Thank you.

Applause

P.O. CARACAPPA:

Mickey St. John.

MS. ST. JOHN:

Good morning, Mr. Chairman, members of the Legislature, my fellow colleagues. This matter is in regard to resolution 2134. My name is Mickey St. John. I've been a title examiner for 38 years, 14 years of which I've been self-employed.

Title examining is an occupation that is overlooked and underestimated. We are field workers, researchers, historians. Each title is a history of the land. The type of search determines how long a history is needed. I want you to know that the title companies are the insurers, they are big business. We are not.

To give you for instance, the average home, unfortunately, in Suffolk County is approximately 450,000 to 500,000, if you're lucky enough to get it. Out of that, the title company receives between 2,500 and \$3,000 in title premiums. Out of that we receive an average of 85 five to \$125 per title. We are doing the work for the least amount of money. Without that examining homeowners do not close on their homes and Suffolk County does not receive the hundreds of thousands in recording fees. It all starts with us.

And as you already know, Southold Town, established in 1640, is one of the oldest establishments in Suffolk County, and Suffolk County is one of the hardest counties to examine in. Some of us have gone back as far as the people that have gotten off the Mayflower and even as back as far as the Indians, literally.

At a time when our country's economy is so strained, what the DPW is asking in increases is criminal, even in the best of times. I feel we are the core of the American dream. We are small business owners. We facilitate one of the biggest dreams of all. As a person that grew up in three rooms in the Bronx, owning a home to me was my greatest dream. My fellow examiners facilitated that as well as many of you here in this building.

In closing, I would like to thank you for listening. It is not only that I ask

you to pass resolution 2134, but I am begging you to consider the needs of this very necessary industry. Thank you.

Applause

P.O. CARACAPPA:

Thank you. Frank Sciulla. As the next speaker comes up there is a point of order requested by Legislator Alden. Legislator Alden.

LEG. ALDEN:

Is this before us today in the Legislative agenda?

P.O. CARACAPPA:

No.

LEG. ALDEN:

Is it in committee at this point in time?

P.O. CARACAPPA:

No.

LEG. ALDEN:

Because I'm not familiar with the legislation. Where is it?

LEG. VILORIA • FISHER:

It's in the packet.

LEG. ALDEN:

It's in the packet. Okay. So, we haven't seen it yet.

P.O. CARACAPPA:

We haven't seen it, we haven't debated it in committee. We haven't done anything with it. Nothing's before us today.

LEG. TONNA:

Who's piece is it?

LEG. VILORIA • FISHER:

Jack Kennedy.

P.O. CARACAPPA:

Kennedy's. And we're not going to debate now, but it's asking for a moratorium so you can try and work out the negotiations between •• come up with a solution between the County Executive, the folks that are here in the Legislature.

LEG. KENNEDY:

That's the essence of the bill, Mr. Presiding Officer. As a matter of fact, I've communicated •• while I appreciate all of the speakers who have come out, clearly at this point there's no opportunity for us to go ahead and debate the merits nor take any particular action today whatsoever.

LEG. ALDEN:

We didn't read the bill, that's the point.

P.O. CARACAPPA:

There is nothing, we haven't even seen it yet. Sir, go ahead.

MR. SCIULLA:

Good morning. My name is Frank Sciulla. I'm a cubicle licensee. I come before you today to discuss the new license agreement for cubicle owners, the printers in particular. Taking the 66 printers out of the cubicles and replacing them with four printers does not make sense. The delays this will cause will disrupt title transactions. It will increase turnaround time, which could result in the loss of mortgage commitments. Just getting a heavy judgment name like John Smith could tie up one printer for an hour, leaving three printers to handle 65 cubicles.

P.O. CARACAPPA:

Just speak into that mike a little closer.

MR. SCIULLA:

I'm sorry. Suffolk County is already the hardest county to do a title search in. This would just make matters worse. I urge you to please pass

resolution 2134. Thank you for your time.

Applause

P.O. CARACAPPA:

Thank you. Laura Rissone.

MS. RISSONE:

Good morning. My name is Laura Rissone. I've been an examiner for 20 years. I presently rent cubicle space from the County. I am also a single mom, and as most single mothers, I function on a stringent budget. I support myself and my two year old son on a single income with no government assistance. My child care costs alone result in my discretionary income being close to nominal. Any sudden or drastic increase of expenditures can cripple me financially. Certainly a 300% increase in any monthly expense would create a huge financial burden. I am certainly not alone in this predicament.

Title examiners exemplify a cross•section of the quintessential worker on Long Island. There are numerous single mothers, single fathers, working mothers, married couples with one or more children in college, full•time and part•time students, volunteer firemen, volunteer ambulance workers, and little league coaches. We are a diverse group of people who are representative of the middle class on Long Island.

We are living out the American dream of starting a business, owning a home and sending our children to college in hopes that their success will be greater than ours. We get up and go to work every day to pay our mortgages, our taxes and provide for our children. We do not own second homes or expense boats. As independent contractors we do not have the luxury of health insurance, paid vacations, sick days or pensions, and we are not union members. We are basically survivors of the dying breed of the traditional mom and pop business which provided the catalyst leading to the exponential economic growth which this country has seen.

Unfortunately, as title examiners our cubicles are essential to running our small businesses efficiently. I employ a full•time student and a single

mother of four. The flexibility that the seven to seven time frame provides by renting my cubicle is essential as we are constantly juggling our schedules. I also have a client with a six hour turnaround time and could not possibly service them without the use of my fax machine.

Despite these conditions, I would not be able to maintain my cubicle at an increased cost. I would, therefore, suffer loss of income and no longer be able to retain my employees in the same capacity, hence my business would suffer tremendously, obviously impacting my already fragile economic state. Clearly the financial situation of my employees would be impacted as well as a chain reaction of sudden and drastic inflation commences. The added benefit of the increased income to the County is infinitesimal relative to the negative impact for small businesses. So ask today as Legislators please do your part in showing support for a few of the remaining small businesses and entrepreneurs rather than contributing to their demise. The middle class is slowly but surely being pushed off Long Island. Please do what is in your power to prevent that from happening. Please support the moratorium being proposed. Thank you.

Applause

P.O. CARACAPPA:

Thank you. John Cochrane. County Treasurer John Cochrane.

MR. COCHRANE:

Good morning, Mr. Presiding Officer and Ladies and Gentlemen and of the Legislature. I appreciate this opportunity to come before you to request your review and passage of Introductory Resolution 1791. It addresses the hotel/motel tax which is due to expire on December 31st. Therefore, this resolution is timely in that we will need to, if it passes, we will need to send out notifications to all of the present hotel/motel operations in Suffolk County advising the new procedures and potential penalties and so forth. So we've had an experience in the last six quarters where the number of delinquent payers ••

LEG. NOWICK:

John.

P.O. CARACAPPA:

John, speak into the microphone.

MR. COCHRANE:

Speak more into the mike? We've had the experience over the last six quarters of an increasing amount of delinquent or non-paying hotel/motels, and we at the moment are powerless to do anything about it other than jawbone them by calling up and saying we didn't receive your receipts. We get some stuttering and they'll look into it and so forth. So, that's the basis for my appearance today, to ask consideration for the extension of the tax and to give us the provisions that would be appropriated in making sure that everyone pays their fair share of this tax. If there are any questions, I'll be delighted to respond.

P.O. CARACAPPA:

It's not a question and answer period, John.

MR. COCHRANE:

Oh, okay.

P.O. CARACAPPA:

Sorry, it's just a public portion.

MR. COCHRANE:

Thank you very much.

P.O. CARACAPPA:

Thank you.

MR. COCHRANE:

I'm not the least bit sorry. Thank you, Joe. Thank you, ladies and gentlemen.

P.O. CARACAPPA:

May have questions for Marty later, though, but a wholly different subject.

LEG. ALDEN:

Marty, stick around. Tonight we have questions.

MR. HALEY:

Oh, thanks.

P.O. CARACAPPA:

Okay. I'm going to do my best on this next card. Forgive me for getting it wrong if I do, which I will. Eileen Szczepanik.

Applause

I got it wrong. I wasn't even close.

LEG. KENNEDY:

Mr. Chair. Can I make another point of order if I can, again, as the sponsor of the bill.

P.O. CARACAPPA:

Quickly.

LEG. KENNEDY:

I believe this speaker is here on 2134. Perhaps I did not explain for those who are here today who want to speak on this matter that this bill has not come before any of us in committee nor is there any opportunity for us to act on it in any way, shape or form.

P.O. CARACAPPA:

That was stated earlier.

LEG. KENNEDY:

As I understand with the Legislature, we debate the merits in committee and so really the only thing that we are able to do at this point is hear the public speak. Clearly we welcome the opportunity for the public to speak, but many, many comments on the same issue, we have no opportunity really to

go ahead and debate with any merit or any consideration whatsoever. So I'll just try to put that message to the speakers who may have chosen to come forward on this that while we're eager to hear about the merits of the measure, there is nothing that we can do on this matter today. Thank you.

P.O. CARACAPPA:

Thank you.

MS. SZCZEPANIK:

I'd just like to preface my marks by saying ••

LEG. SCHNEIDERMAN:

You need to speak into the microphone, Ma'am.

P.O. CARACAPPA:

A little closer to the mike. There you go. A little closer.

MS. SZCZEPANIK:

I've never spoken to a governmental body before.

P.O. CARACAPPA:

Closer.

MS. SZCZEPANIK:

You can't hear me?

P.O. CARACAPPA:

No.

MS. SZCZEPANIK:

I've never spoken to a governmental body before. Public speaking is not something I do comfortably. I only do so now because this legislation is tremendously important to me.

P.O. CARACAPPA:

Before you start your comments, though, can you tell me how you say your last name?

MS. SZCZEPANIK:

Szczepanik.

P.O. CARACAPPA:

What? Szczepankik?

MS. SZCZEPANIK:

Yeah.

P.O. CARACAPPA:

I wasn't even close.

MS. SZCZEPANIK:

But fortunately for you I'm used to that so I recognized it.

LEG. MYSTAL:

I think she's got some extra time.

P.O. CARACAPPA:

No, I have it stopped. Go ahead. Thank you.

MS. SZCZEPANIK:

I've been employed in the title business for 17 years. I enjoy the work I do and I'm proud of my expertise. There seems to be the perception that title examiners is a very lucrative field. That's a misconception. I live in a 1,200 square foot house, I drive a 12 year old Camaro. I have more insurance on my cubicle than I have on my home, okay? If there are any wealthy title examiners out there, they are either trust fund babies or they married well. Nobody's making a fortune in the title business. Unfortunately, I'm neither a trust fund baby nor did I marry up. To the best of my knowledge, neither did any of my coworkers.

I live and work alone. I have no source of income other than the revenue my business generates. This is also the case with many of my coworkers. An increase of 300 percent in my cubicle rent would put me in a position of choosing between making my cubicle rent payment or my mortgage

payment. Sacrificing my cubicle would prevent me from providing the level of service my clients demand. As with any service based industry, even a stellar past performance won't engender unwavering loyalty.

The real estate industry is a highly competitive one and to deprive me of a work space would in effect eventually cost me my livelihood. An increase of 300 percent would prove burdensome to even the most successful business. Coupled with the other increases this licensing agreement presented to us calls for would prove crippling to the business and a fatal blow to some of our businesses. I ask that the moratorium be imposed for 180 days to enable a more equitable agreement to be negotiated. Thank you.

Applause

P.O. CARACAPPA:

Thank you. Michael Arnau.

MR. ARNAU:

Good morning. My name is Michael Arnau. I reside in East Quogue. I've been a title examiner since 1987. I would like to begin my remarks by thanking the Legislature for taking the time to consider this matter of extreme importance to myself and my fellow examiners. I use the word examiner in this context as a catch phrase, encompassing any and all examiners, title searchers, document recorders, and support clerical staff whose business brings them into this building on a daily or near daily basis.

In the hope of supplying some background information I will briefly discuss the function of the identification badges supplied to the title industry personnel by Suffolk County. I will give my view of the so-called badge and I believe it is a reasonable representation of what the majority of those who have been issued the badge have experienced.

It is first and foremost an identification card, complete with unflattering mugshot photo common to such forms of ID. It is similar to a driver's license in form and I believe in purpose. The driver's license represents that one is permitted to operate a vehicle on the road because driving is, after all, a privilege and not a right. The badge represents that one is permitted

access at special times and in particular areas of the County Center because that access is, after all, a privilege and not a right. A driver's license is not required, however, for a person to ride a bus on the street, only drive on it. The street is a public place.

A badge is not required for a person to enter the public access area of the Clerk's Office during regular business hours. It is a public place. We know the state issues a license to allow the privilege of driving. What privilege did this body of the Suffolk County government seek to allow on behalf of the title examiners at the time of the 1997 agreement? Access is the privilege. The Legislature at that time made it clear that examiners are a unique group worthy of being specially authorized to access this building and the records contained in it. The badge has been the key to open the door to that access.

Now, unfortunately, steps have been taken to greatly limit the number of badges issued to the title examiners. By reducing the number of people who may take advantage of the extended hours and of the private cubicle spaces, which are the lifelines of the industry, the County of Suffolk would be unnecessary choking off the access which has been effectively increasing the efficiency of title examiners. Efficient title exams contribute to efficient real estate transactions and efficient transactions contribute to efficient revenue collection in the form of taxes and fees, and more importantly, contributes to the economy of Suffolk County. And real estate is, as I'm sure all of you are aware, a very big part of this County's economy. Thank you for your time. I appreciate it.

P.O. CARACAPPA:

Thank you.

Applause

P.O. CARACAPPA:

I'll try again on this one. I just can't understand the last name. Edward Bremlin?

MR. BRACKEN:

Bracken is the name, law is the game.

Applause

And the obvious question must be what's this old 79 year old lawyer coming here talking about title searches and I'll tell you. Sixty years ago next March I came out of the Navy and I went to work for my Uncle Joe as a title man. And all the way through college and all the way through law school I did titles, as did my brother Larry, as did my cousin John. It is a family business. My daughter is the boss and we have two grandchildren working, one grand•niece and a husband.

And we know based upon our discussions that you can not take action upon this resolution today. And what we're saying is we volunteer to be available to you when you meet in committee should you wish to hear from us.

Boiled down it boils down to this. The license agreement that was tendered to us essentially is a lose•lose situation. It's a loss for these poor working people, it's also a loss for Suffolk County, because the slow down that will happen in this Clerk's Office as a result of that possibility will be so much it will be down to your disfavor as Legislators and to the County Clerk and to your treasury. No more I say.

P.O. CARACAPPA:

Thank you, Sir.

Applause

P.O. CARACAPPA:

Brian Schneck. Brian Schneck. He was here earlier. I think he left. Robert Anthony Moore. Oh, you're still here, Brian, come on. Sorry, Chief. Just one more.

MR. SCHNECK:

Well, I had some prepared comments. They're no longer useful. My name is Brian Schneck. I'm currently the Chairman of the Suffolk County Working Families Party and I got to tell you, I was here to encourage support of the

Fair Share Health Care Act and you took away my thunder, you took away my prepared notes, and I just got to applaud what you did today. You are true champions of the lower wage working people in Suffolk County. I believe this is going to bring momentum across the state and perhaps also the nation. You are true champions and thank you once again for what you have done today. Thank you.

P.O. CARACAPPA:

Point of personal privilege.

LEG. LINDSAY:

Yeah, just a point of personal privilege to Brian. I don't know what your magic is, but you certainly know how to clear out a room.

MR. SCHNECK:

Thank you, brother.

P.O. CARACAPPA:

You walked in and it cleared out. Chief Moore. Chief Moore was here.

MR. ZWIRN:

He had to leave.

P.O. CARACAPPA:

He did? Okay.

P.O. CARACAPPA:

Paul Sonn. Paul Sonn. Luis Montes, Jr.

MR. MONTES:

Good morning, Presiding Officer. I'm here on behalf of Assemblyman Philip Ramos, to read a statement ••

P.O. CARACAPPA:

Just speak into that mike a little better.

MR. MONTES:

To read a statement on resolution 1996.

P.O. CARACAPPA:

We usually don't let people come up and read statements on behalf of others.

LEG. TONNA:

No, no. If we start that •• once we start it ••

LEG. ALDEN:

Just submit it for the record.

P.O. CARACAPPA:

Yeah, submit the letter and paraphrase in your own words what you think he might be saying.

MR. MONTES:

Basically, you know, I'm here just to read it. Basically he wants to give his full support for resolution 1996. He believes that this is a, you know, is going to be a good measure to reconstitute the Suffolk County Hispanic Advisory Board and he believes that elected officials who, you know, who serve their constituents properly, they must be familiar with the issues that they •• that are most important to those constituents. Basically resolution 1996 will present elected officials with an excellent resource, though, which they may gain direct interaction and frank input from the Hispanic community.

In the end he applauds Legislator Montano's initiative that will revitalize this much needed board in this way. The resolution will further the endeavor of every public official to serve their community. He is hopeful that this initiative will inspire similar resolutions that •• which will address issues pertaining to other minority communities, too.

P.O. CARACAPPA:

Thank you very much. Chris Ferencsik.

MR. FERENCSEK:

Good morning Mr. Chairman and Legislators. I'm here as a member of the Suffolk County Downtown Advisory Committee. My name is Chris Ferencsik and I was appointed to the committee by Legislator Bishop. I've been on the committee since it started. Before I discuss Intro 1714, I just want to commend the committee for protecting the rights of workers in this County and I think it was a great thing to do. So many times you hear people talking about the rights of workers in other countries, but at least we stood up and protected the workers in our County, so thank you very much.

One of the issues that comes before our committee many times is the zoning and the big box stores and how it's affected the downtowns, and as a member, you know, that's one of my big concerns. We do plan to address these issues and come back with some suggestions to the various municipalities.

Regarding the Downtown Revitalization Committee Resolution 1714, I'm here to ask that this committee at least table this resolution, and I have my reasons for it. Last time I testified or spoke to this Legislature, I was told that it was felt there was a minimal amount of money provided this year for our committee to distribute. And that's really true. \$500,000 to spread out between all of the downtowns is minimal.

What we are asking is that you give this committee, who's appointed by each and every one of you, the opportunity to do its job. There is a balance as it exists today. Any of the projects that are submitted to the Legislature has to be approved by the Legislature. So after evaluating the work of this committee you have the opportunity to say you agree or disagree with what we want. We are trying to come to this committee with meaningful projects that will really have an impact on the downtowns throughout the County. If we do pepper this money around the County in minimal amounts, we're not going to have the impact that this Legislature wants us to have.

So I would ask once again at least consider tabling this resolution and then consider or evaluate what the committee has accomplished with \$500,000. Thank you.

D.P.O. CARPENTER:

Thank you very much for coming down, Chris. Next speaker, Bret Evans. Bret? Lucius Ware.

LEG. BISHOP:

I want the record to show that's my appointee opposing my bill, but he's a good guy. He's wrong.

D.P.O. CARPENTER:

Who lives in my district. Lucius Ware? I think he has left. Ellen Redmond.

MAN IN AUDIENCE:

She left.

D.P.O. CARPENTER:

Jonathan Sferazo.

MR. SFERAZO:

Members of the Legislature, my name is John Sferazo. I'm a disabled structural line worker. I've lost 31% of my breathing capacity at the World Trade Center in my 30 plus day involvement there. This loss has been verified by Mt. Sinai Medical Center who took me out of the work August 1, 2004.

I didn't come here today to speak for myself, instead I come here to say •• to speak for all those people who took part in that clean up. We went there expecting to find survivors in a search and rescue effort, but instead all we found were mutilated pieces.

I stand before you today asking you to consider the firemen, policemen, military, national guardsmen who cannot speak or they will jeopardize their jobs and pensions. I speak for the construction workers who were told to suck it up, get on with their lives. I also speak for every race, including my brother Native American iron workers who gave all they could in the very beginning of the war we are presently involved in and go home to reservations which offer very little help.

Because, you see, our government has rescinded the much needed funding for programs to help us after they lied about the air quality there. We had a friend in our group of Forgotten Heroes 9/11 by the name of Tim Keller. He died recently at the age of 41, leaving two children behind. Maybe you saw the story that Channel 11's anchorwoman Mary Murphy did to pay homage to this highly decorated EMS worker. Tim Keller died from lack of funding, funding that could have paid for his respiratory problem like mine.

The forgotten heroes of 9/11 are made up of all walks of life and like myself are engaged in record breaking clean up. We've spoken three times in Washington DC and have lobbied Congress. We're going back in October and will keep going back until this present administration keeps its word and provides the funding it promised. Tim _Keller_ was a big part of our group.

Not only are we in need of medical, pharmaceutical and psychological help, but we are also in need of getting this help that is available through places like Mt. Sinai and the Long Island Occupational Environmental Health Center, to those who haven't been sent in the proper direction. Many of these responders have filed Worker's Compensation claims, which are being controverted at the rate of ten times the normal rate of contesting. This has been proven and spoken of by Congresswoman Carolyn McCarthy and Congressman Steve Israel.

Without Worker's Compensation benefits how can they get their medical help? They need •• many can't work any longer to get the hours or the work time needed to be eligible for employer paid medical benefits.

I myself applied for Worker's Comp in February, 2002. In May 2004, my case was decided in my favor, then controverted by State Insurance Fund ••

D.P.O. CARPENTER:

Excuse me, Jonathan. If you could please sum up.

MR. SFERZO:

Okay. My case was finally resolved on May 31, 2005. The American people have named us heroes. If this name is bestowed upon us, was this any way to treat your heroes who came to help when America called?

Suffolk County Legislator Bill Lindsay has introduced legislation dealing with the Worker's Compensation problem and the 9/11 people. It is conservatively fair, honest and much needed. I am urging your support for this which is for the heroes of 9/11. Every hero needs a hero. Please be my hero. Help get this legislation passed.

Applause

D.P.O. CARPENTER:

Thank you very much, Jonathan. Next speaker, Michele Lynch. Michele? Paul Sonn? Ben Zwirn.

MR. ZWIRN:

Before I begin, I have some remarks with respect to the title examiner issue. I see most of the crowd has left. It wasn't me who called in the bomb scare before I got up here. But I have a letter that was sent by Laura _Mancy_ I'd just like to be handed out. And I come here today not to do battle with the title examiners, but to maybe give some idea of how the County Executive came to the numbers that were involved in this.

Apparently this goes back to 1997 when Legislator Towle passed legislation which expired at the end of 2003. During that period of time when the County Executive came in, they couldn't find license agreements, there were things missing, there were people that were unhappy. They reviewed the lease •• the license agreements. They also reviewed the numbers that were involved.

Now, one of the things that the County Executive has to do as the Chief Executive Officer of the County is that he has a fiduciary obligation to all the taxpayers of the County to make sure that they get a fair return on County assets. I know that there is an increase this year and you can debate whether it's too high or not, but this was not •• the numbers that were selected were done after looking at comparable rentals out in the Riverhead area. And when they look at the Family Court and Social Services and what the County is getting for property from the United States Department of Agricultural in Riverhead, the square footage is about 17 to \$21 a square

foot.

So with that in mind, they went out and tried to find something that was fair and also improve the situation here for the title examiners. They bought new computers. They've increased hours. They now can go in two hours beforehand, two hours after the general public. The new computers that they are getting are being given to them at below sticker cost and that would be compatible with the web system that the County Clerk now has. They're getting new printers, again, new security will be provided during those extra hours. It's not just a cubicle space, it's the general space that they have access to during the time when the general public is not here. If somebody desires not to spend the money, there is 25 new computers going into the public access space. As I said, four high speed printers.

And again, the County Executive did not do this unilaterally. The Budget Office for the County Executive and the Office of Budget Review for the Legislature worked on this together and the numbers that they arrived at were done in a bipartisan fashion. So I look forward to when we go into a little bit more detail at the committee when IR 2134 is before you. But I just wanted to give some of the history as to why the County Executive came up with the numbers that he did.

P.O. CARACAPPA:

Thank you, Ben. I have no other cards. Motion to close public the public portion by myself.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions? Public position is closed. Moving on to veto overrides. They're in your packet, Ladies and Gentlemen.

First one is Resolution 859, which was previously ***1081 • Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation program.*** The sponsor of the bill isn't here, so skip

over that one.

Next one is ***Resolution Number 736, previously 1647 • A Charter Law to provide fair and equitable distribution of Public Safety sales and compensation use tax reserves.*** He's not here for that one either.

LEG. SCHNEIDERMAN:

I'm a cosponsor. I'll make a motion to override.

P.O. CARACAPPA:

You want to make a motion to override?

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Go right ahead. Is there a second?

LEG. SCHNEIDERMAN:

He's not going to support it •• he's not going to support the override anyway.

LEG. LINDSAY:

Where is the rest of our Legislators?

P.O. CARACAPPA:

Well, there's only •• there's only •• there's only two missing.

LEG. LINDSAY:

Yeah, I know, but the first two ones you proposed, the sponsors aren't here.

P.O. CARACAPPA:

The sponsor.

LEG. ALDEN:

Same guy.

LEG. NOWICK:

All right. Let's wait and go on to the next.

P.O. CARACAPPA:

Well, there's a motion. I can recognize the motion.

LEG. SCHNEIDERMAN:

No, I'll withdraw the motion. Wait a moment.

LEG. TONNA:

Let's wait a little while.

P.O. CARACAPPA:

He withdrew the motion. Resolution •• is there a motion on **864, previously 1726 • A Local Law to Expand and Clarify the Anti •nepotism Provisions of the Suffolk County Code?**

LEG. O'LEARY:

Motion to override.

P.O. CARACAPPA:

Motion to override, Legislator O'Leary.

LEG. FOLEY:

Which resolution?

P.O. CARACAPPA:

Second ••

LEG. VILORIA • FISHER:

864, the nepotism.

LEG. O'LEARY:

On the motion.

P.O. CARACAPPA:

On the motion to override, Legislator O'Leary.

LEG. O'LEARY:

864, the Anti•Nepotism provision of the Suffolk County Code. As the sponsor, I just wanted to make a comment with respect to the County Executive's veto message, and I can't disagree more. I believe that this provision does, in fact, strengthen the Anti•Nepotism Provisions of the Suffolk County Code by clearly delineating the individuals in the employ of the County with respect to relatives.

I want to point out to my colleagues to remind them that the Police Department administration, including the Commissioner and all his Chiefs, were strongly supportive of this initiative, changing the instance of a relative from a Captain and above, rather than above the rank of police officer.

But just by way of clarification, I think there's some confusion as to •• as to what that means. And, basically, what •• with respect to the Police Department provision in this, this does not weaken it, it just makes sense to do this, because anyone who is of the rank of Detective, or Sergeant, or Lieutenant has little or nothing to do with actual promotions within the department. They come from administrative officials who are Deputy Inspector and above. There was some concern about Captains having some influence within the administration, so I changed my bill to reflect that.

So, basically, if anyone is looking to be promoted in the Police Department of any non•civil service rank, like Detective, Detective Sergeant, Detective Lieutenant, Deputy Inspector, Inspector, Deputy Chief, Assistant Chief and Chief, who has a relative who is Captain and above would have to come under the provisions of this particular bill.

The examples over the years that I •• that came to my attention as •• with respect to the Anti•Nepotism Provision, there were several promotions that were being made of individuals above the rank of Captain who had a brother •in•law, or a sister, or a cousin that was a Sergeant or a Detective or a Detective Sergeant, or a Lieutenant and had no bearing, no impact whatsoever with respect to that particular promotion, because the promotion

is technically made by the Commissioner under the recommendation and advice of higher ranking administrative officials. So this addresses a change that is strongly supported by the Police Department, strongly supported by the administrative officials of the Police Department.

And in addition to that, I disagree with the County Executive's statements that this weakens or dilutes the Anti•Nepotism Provision. If anything, if anything in my mind, it strengthens it. It makes it clearer and it adds to the definition of officials, other than elected officials, Deputy Commissioners, Deputy County Executives and others. So it's a very clear provision, very clear statute now where there's no questions as to who would be impacted as far as being a relative and for future hirees.

P.O. CARACAPPA:

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

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes on the override.

P.O. CARACAPPA:

Yeah.

LEG. CARACCIOLO:

(Not Present)

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA•FISHER:

No.

LEG. LOSQUADRO:

Yes to override.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yeah.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

16•1, 1 not present. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

That is overridden.

LEG. O'LEARY:

Thank you very much.

P.O. CARACAPPA:

The next one, I'll entertain a motion, I suppose, from Legislator Schneiderman to override a veto on ***Resolution 874, previously 1776 • A Local Law requiring the Director of the Office of Consumer Affairs to Ensure Proper Storage of Pesticides in Retail Stores.*** Is there a second? I'll second.

LEG. SCHNEIDERMAN:

Thank you.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. CARACCIOLO:

(Not Present)

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Abstain.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

11. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

Override fails. Okay. That's it for the vetoes for now. We'll come back to the other ones when the sponsor returns.

Motion to approve the Consent Calendar by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

RESOLUTIONS TABLED TO SEPTEMBER 27, 2005

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

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. Caracciolo)

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.

LEG. SCHNEIDERMAN:

Opposed to tabling.

P.O. CARACAPPA:

All in favor? Opposed? One opposition, Legislator Schneiderman.

MR. BARTON:

16. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

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

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1129 (Amending the 2005 Operating Budget to streamline and consolidate County government by eliminating the proposed separate Department of Environment and Energy).

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Same •• motion to table, second by myself. All in favor? Opposed?

Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

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:

I'll make a motion to table subject to call. There is consensus to do this bill, but, unfortunately, the bond counsel has ruled that in order to borrow money to do a partnership to take a Greenways park from the purchase to actually construct •• you know, let me see if I can articulate better than that. We have a fund, but we had a fund in the past that was a partnership with the local government, and we would match what the local government, up to \$250,000, to develop the park after we purchased it. That fund cannot be renewed, because bond counsel has ruled that you can't borrow against undefined projects, you have to have the specific projects in the borrowing. So, in the future, if you want to do the match up to \$250,000, you have to say the project up front. I want you all to know that, because many of you have Greenways projects in your district and might want to pursue it. Thank you.

P.O. CARACAPPA:

Thank you. There's a motion to table subject to call, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not present • Leg. Caracciolo)

P.O. CARACAPPA:

1300 (A Local Law to strengthen the enforcement of penalties for substandard rental housing). Motion to table.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

1349, (Directing the Director of Real Estate to locate property to re-establish Police Department Field Office in Huntington Village).

LEG. BINDER:

Motion to table.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Motion to table, Legislator Binder, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

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).

LEG. ALDEN:

Motion to table subject to call.

P.O. CARACAPPA:

Motion to table subject to call by Legislator Alden.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1685, 85A.

LEG. O'LEARY:

1645.

P.O. CARACAPPA:

Oh, I'm sorry. **1645 (Authorize a request for proposal to re-establish the Bay Shore Health Center)**. Motion to table, Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

Now on **1685, 85A (Appropriating funds in connection with the purchase of equipment for groundwater monitoring and well drilling (CP 8226))**. Is there a motion?

LEG. LINDSAY:

I'll make a motion.

LEG. FOLEY:

Second the motion.

P.O. CARACAPPA:

To approve?

LEG. LINDSAY:

Yeah.

P.O. CARACAPPA:

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

LEG. O'LEARY:

On the question.

P.O. CARACAPPA:

On the question, Legislator O'Leary.

LEG. O'LEARY:

The funding is, has it been pay•as•you•go or is it bonded?

P.O. CARACAPPA:

Pay•as•you•go.

LEG. O'LEARY:

It's pay•as•you•go?

P.O. CARACAPPA:

Has it been changed?

LEG. ALDEN:

It's a bond, it can't be changed.

P.O. CARACAPPA:

No, it hasn't •• no, it's a bond still.

LEG. BINDER:

Bond.

P.O. CARACAPPA:

Gail, \$170,000?

MS. VIZZINI:

It has a companion bonding resolution.

P.O. CARACAPPA:

Yeah, 170,000.

MS. KNAPP:

It's a truck.

P.O. CARACAPPA:

It's a truck?

MS. KNAPP:

Well, it's apparently a truck.

P.O. CARACAPPA:

Oh, it's a •• yeah, it's a drill.

MS. KNAPP:

Auger.

P.O. CARACAPPA:

Yeah, with an auger.

MS. KNAPP:

Augers.

P.O. CARACAPPA:

Okay. There's a •• it's \$170,000 of bonds, serial bonds. Is there any other motion beside the one to approve?

LEG. ALDEN:

Motion to table.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Alden.

LEG. O'LEARY:

Second on the motion to table.

P.O. CARACAPPA:

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

LEG. LINDSAY:

Opposed.

LEG. FOLEY:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Lindsay, Foley.

MR. BARTON:

15. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1743.

LEG. SCHNEIDERMAN:

I'm going to oppose on 1685, too.

P.O. CARACAPPA:

Excuse me?

LEG. SCHNEIDERMAN:

That's it. There was a motion to table 1685?

P.O. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

Yeah, I'll oppose the tabling.

P.O. CARACAPPA:

Opposed to tabling also. Thank you.

MR. BARTON:

14, 3 in opposition, 1 not present. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1743 (Transferring a right of reverter to the Town of East Hampton (SCTM No. 0300•147.00•03.00•001.000)). Is there a motion?

LEG. SCHNEIDERMAN:

I'll make a motion.

P.O. CARACAPPA:

To?

LEG. SCHNEIDERMAN:

To approve.

P.O. CARACAPPA:

To approve. 1743, motion to approve by Legislator Schneiderman. Is there a second?

LEG. O'LEARY:

I'll second the move.

P.O. CARACAPPA:

Ms. Caputi, were you looking to speak on this one?

MS. CAPUTI:

Possibly, yeah.

P.O. CARACAPPA:

Second •• there's a second by Legislator O'Leary.

LEG. BISHOP:

Motion to table.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by Legislator Alden.

LEG. ALDEN:

And then just quickly on the motion.

P.O. CARACAPPA:

Go ahead.

LEG. ALDEN:

Jay, has this been changed, because I had a problem with the use of the property. And if they could sterilize some other property or use some other property for affordable housing, then I don't really have a problem with the right of reverter.

LEG. SCHNEIDERMAN:

Well, I'll let the County Attorney's Office answer that question.

MS. CAPUTI:

We have been working on an alternative bill. I believe we've been working with your office.

LEG. BISHOP:

It's not ready yet.

P.O. CARACAPPA:

You have to speak up.

MS. CAPUTI:

It's not ready yet, yeah.

LEG. SCHNEIDERMAN:

It's not ready? All right. I make a motion to table.

P.O. CARACAPPA:

Motion it table by ••

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• Legislator Schneiderman, second by ••

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

There was no bond on ***1765 or 65A (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).*** Motion to table by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1881, 81A (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). Motion by myself, second by Legislator Foley.
Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

(Not Present)

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

17 on the bond. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

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

INTRODUCTORY RESOLUTIONS

BUDGET AND FINANCE

Introductory Resolutions, Page 8. Budget and Finance:

1971, (To readjust, compromise, and grant refunds and chargebacks on correction of errors/County Treasurer By: County Legislature

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1977, (Apportioning Mortgage Tax By: County Treasurer). Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

CONSUMER PROTECTION

P.O. CARACAPPA:

Consumer protection. ***1750 • A Local Law to eliminate •• this is a Local Law to eliminate duplicative and unnecessary regulation of process servers).***

LEG. LINDSAY:

Could we get an explanation from Counsel?

P.O. CARACAPPA:

Sure.

LEG. ALDEN:

But first, I'll make a motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Alden, second by Legislator ••

LEG. BISHOP:

Explanation.

P.O. CARACAPPA:

Legislator Bishop, seeing that he said, "It's about time."

LEG. BISHOP:

No, I didn't say that.

P.O. CARACAPPA:

Oh. You want •• is there a second?

LEG. ALDEN:

Is there a second?

LEG. BISHOP:

I just want an explanation on that.

LEG. ALDEN:

Is there a second?

LEG. LINDSAY:

I'll second it.

P.O. CARACAPPA:

Second by Legislator Lindsay.

LEG. ALDEN:

In the •• in the Consumer Protection Committee we had a bunch of testimony that, number one, this doesn't work, and number two, there was ••

LEG. MYSTAL:

Yeah, right.

LEG. ALDEN:

•• that it was impossible to enforce. So, out of deference, I called up Legislator Mystal, and he can finish the story.

LEG. MYSTAL:

Yeah. The bill, the bill was introduced by Legislator Maxine Postal at the

request, at the request of the process servers. After we passed the bill, they found out that it was unworkable. So they came back and asked that we repeal it. That's the story of it. It was the servers who asked for the bill in the first place. After, you know, we put the bill together, decided that it didn't work, so they wanted to repeal it. That's the story about it.

LEG. BISHOP:

All right. Now I know where to go when I need a bill, the right people.

P.O. CARACAPPA:

Is that satisfactory?

LEG. BISHOP:

Yep.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

Economic Development, Higher Education and Energy. ***1714 (To renew, reauthorize, revise and revamp the Suffolk County Downtown Revitalization Program).***

LEG. BISHOP:

I'm going to make a 30-second speech on this.

P.O. CARACAPPA:

Is there a motion?

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator ••

LEG. VILORIA • FISHER:

Second.

LEG. TONNA:

Second.

LEG. BISHOP:

Okay.

LEG. TONNA:

That's it. That's it, it's tabled.

P.O. CARACAPPA:

•• Bishop, second by Legislator Montano.

LEG. BISHOP:

Yes.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

On the motion. The bill that we're going to •• we're going to make some changes, but it's not •• the point of what we're going to try to do •• I'm just going to •• it will be very brief, and if you stop interrupting, it will be even quicker.

LEG. FOLEY:

This is role reversal, I'm telling you.

LEG. BISHOP:

Is that both the Executive Branch ideas and proposals, initiatives in downtown revitalization and the Legislative Branch's, the ones that come from you, should be subject to the same scrutiny. And what the Executive

Branch tried to do was to convince their •• convince our Downtown Revitalization Board that we were attempting to do something that would cut them out. Just the opposite. Legislator Montano, and myself, and Legislator Alden, we want to empower them, but equally, to scrutinize both the Executive proposals and ours. Thank you.

P.O. CARACAPPA:

Okay? That's it? Motion and a second. All in favor? Opposed? Abstentions? This is to table.

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1838 (Approving the change to Project for Downtown Revitalization Round III funding for the Greater Sayville Chamber of Commerce).

LEG. LINDSAY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Lindsay, second by Legislator ••

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

•• Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

Environment, Planning and Agriculture. ***1698 (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 the Frederick Canal Sediment and Water Quality Improvement Strategy (CP 8710.111).

LEG. BISHOP:

Motion.

P.O. CARACAPPA:

Motion by Legislator Bishop.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorina • Fisher.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Just very quickly. The County Executive accused us of basically overspending this account and he cautioned us about putting anymore funding resolutions in for this account. And I'm wondering what the testimony was in committee, why he changed his mind, or, obviously, somebody changed his mind, because this is a County Executive resolution.

LEG. LOSQUADRO:

Mr. Presiding Officer, if I may.

P.O. CARACAPPA:

Yes, go ahead.

LEG. LOSQUADRO:

There was a great deal of debate on these 477 Account bills. Those •• the matters that you brought up were discussed at length. We, after much debate, decided only on these two bills that you see here before you today. I don't see us moving forward with anymore. We are going to be having a presentation before the committee at our next meeting as to the exact status of this account. These two bills before you were already budgeted for in that previous amount, and the second of which is only a very small portion, which is our percentage, over a million•and•a•half dollars coming from another source. So we thought it prudent to move on that one as well.

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1705 (Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund for "Sanitary Wastewater Reuse • Phase I STP Grounds (on•site) implementation and Phase 2 Golf Course (off•site) implementation".)

LEG. LOSQUADRO:

Motion.

P.O. CARACAPPA:

Same motion •• oh, there's a motion by Legislator Losquadro, second by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1790 (Reappointing member to the Council on Environmental Quality (Thomas W. Cramer). Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1865 (To appoint member of County Planning Commission (Mary Daum). Motion by Legislator Losquadro.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1866 (To appoint member of County Planning Commission (Sarah Lansdale).

LEG. VILORIA • FISHER:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1899 (To appoint member of County Planning Commission (Donald J.

Fiore).

LEG. O'LEARY:

Motion.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1913 (To appoint member of County Planning Commission (Jesse R. Goodale III). Just I want the record to reflect, it's not a Presiding Officer bill.

LEG. SCHNEIDERMAN:

Motion.

P.O. CARACAPPA:

Motion by Legislator Schneiderman.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1968 (To establish a Water and Land Invasives Control Task Force to

develop and implement an Invasives Control Program for Suffolk County's lands and waters).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro.

LEG. LINDSAY:

On the question.

P.O. CARACAPPA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah. Just explanation. I'm not sure I understand the bill.

LEG. O'LEARY:

You want an explanation from me?

LEG. FOLEY:

No.

LEG. LINDSAY:

What are we banning?

LEG. FOLEY:

Is this Public Safety or is this environmental?

LEG. O'LEARY:

This is ••

LEG. SCHNEIDERMAN:

It's immigration.

LEG. NOWICK:

Oh, that's your worst fear.

LEG. O'LEARY:

This is a bill that's going to form a Task Force to look at the study, the invasive species •• did you do this on purpose, Bill?

LEG. LINDSAY:

What is an invasive species?

LEG. O'LEARY:

It's non•native aquatic plants.

LEG. FOLEY:

Very good, very good.

LEG. O'LEARY:

All right? And it's also some sort of animal, some sort of snake or something. But, at any rate ••

LEG. LOSQUADRO:

Snake head.

LEG. VILORIA•FISHER:

Snake head.

LEG. O'LEARY:

Most importantly, the function ••

LEG. TONNA:

It's a fish?

LEG. O'LEARY:

The function of the •• it's a fish. The function and purpose of the Task Force is to look at addressing the waterways in all of Suffolk County with respect to this non•native invasive species that's coming into plant or species that's coming into Suffolk County. I think it's a very admirable attempt on my part to address this. I want to •• I want to absolutely commend my Aide for promoting this, and I think it's going to do great things for Suffolk County.

LEG. ALDEN:

Motion to table subject to call.

LEG. LINDSAY:

Just the one question that I have of the sponsor ••

P.O. CARACAPPA:

I hear it's a •• I hear it's a growing problem.

LEG. O'LEARY:

And I'm •• as the days go by, I'm turning greener and greener.

LEG. LINDSAY:

Do you feel like a fish out of water?

LEG. O'LEARY:

Yes. When I come to this, I am.

LEG. TONNA:

No, no, no, a snake out of the water.

LEG. O'LEARY:

A snake out of water, yes.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo).

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

Health and Human Services. **1497 • Adopting a Local Law to regulate boarding kennels, businesses and establishments.** Is there a motion? This one's rough.

LEG. LINDSAY:

Who is ••

LEG. BISHOP:

Yes, motion.

P.O. CARACAPPA:

Motion by Legislator Bishop.

LEG. LINDSAY:

I'll second it for points of discussion.

P.O. CARACAPPA:

Second by Legislator Lindsay, and explanation.

LEG. LINDSAY:

Who is going to regulate, is it Consumer Affairs ••

LEG. VILORIA • FISHER:

Health.

LEG. LINDSAY:

Health. Health.

P.O. CARACAPPA:

Health.

LEG. LINDSAY:

Do they have the personnel to do this?

P.O. CARACAPPA:

Probably not.

LEG. MYSTAL:

Since when does that stop us from putting in a bill?

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1752 (Requesting legislative approval of a contract award for Quality Improvement Services for the Department of Health Services, Suffolk Health Plan).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by •• who was the second? O'Leary? Explanation, please.

LEG. FOLEY:

We have Health Department officials here, or whether you have Counsel, whoever might be ••

LEG. BISHOP:

What does it say just legally?

P.O. CARACAPPA:

Yeah, just the basic ••

MR. ZWIRN:

Yeah, I think this is just ••

P.O. CARACAPPA:

Mr. Zwirn.

MS. KNAPP:

This was ••

MR. ZWIRN:

Yeah, I think this is just •• oh, go ahead. Mea, I'll defer to you. It was just •• it was only one response and that's why it's before the ••

P.O. CARACAPPA:

Oh, gotcha. All right?

LEG. BISHOP:

What is this?

MS. KNAPP:

This is ••

P.O. CARACAPPA:

Counsel. Counsel.

LEG. BISHOP:

Is this Marsh and McClennan again?

MS. KNAPP:

This is the resolution •• the only respondent to this one, I believe, was •• hold on, let me just get their name. This is •• the Health Department mailed out to seven vendors. They received only one response. It's for

claims review and management. And I'm sorry, I don't •• let me find the name of the responder.

LEG. FOLEY:

Total Claims Review.

MS. KNAPP:

That's the name of it. Total Claims Review and Management was the name of the responder.

LEG. BISHOP:

And who are they?

LEG. FOLEY:

They were •• the testimony before committee, they would be •• they're hired on an as-needed basis to review some of the expenditures associated with the health care provided by the Health Department. There's a potential, from what we've been told, and, hopefully, the Health Department officials can amplify on my comments, but on an as-needed basis, there are those occasions where they could be •• they've come in to review certain cost items, and there's a potential for savings. So, in other words, it's a cost effective evaluation of some of the claims that comes before •• I think it's the Suffolk Health Plan; is that not correct? Mr. Zwirn, I think it's the Suffolk Health Plan, that they would review some of the claims, just in case there needs to be like another set of eyes to review it.

MR. ZWIRN:

Right.

LEG. FOLEY:

It's a standard practice in most other cities and counties that have similar health plans, they have an outside firm come in to review the claims that have been forwarded to those respective health departments.

LEG. BISHOP:

Brian, is this •• are these claims from employees who are in the health insurance ••

LEG. FOLEY:

No.

LEG. BISHOP:

Or are these the people who use our health centers?

LEG. FOLEY:

It's those who are •• who are enrolled in the Suffolk Health Plan, most of whom do use our health centers, but not all of them.

LEG. BISHOP:

Okay. That's the HMO that we run, is that basically it?

LEG. FOLEY:

Yes.

LEG. BISHOP:

Okay.

LEG. FOLEY:

And in the past, we haven't had •• we haven't used these consultants and ••

LEG. BISHOP:

And they get paid by what they save or they get paid ••

LEG. FOLEY:

That you have to have the Health Department answer.

LEG. SCHNEIDERMAN:

Just like you.

LEG. FOLEY:

But there was a series of questions in committee. This was tabled in committee for a period of time. They were answered to the satisfaction of the committee. As you can tell, it was a unanimous decision.

LEG. BISHOP:

Okay. I mean, I'll have to trust the committee did its work. It's just ••

P.O. CARACAPPA:

Legislator Carpenter.

LEG. BISHOP:

Tonna and Binder, they just didn't care.

D.P.O. CARPENTER:

What is the amount of the contract?

LEG. FOLEY:

I think it says 20,000.

MR. ZWIRN:

That wasn't a big •• it wasn't a big number. It was like 20, 25,000.

MS. KNAPP:

That actually was the question.

LEG. FOLEY:

Twenty thousand.

MS. KNAPP:

Twenty thousand?

LEG. FOLEY:

Maybe it's more. I think it's on an as•needed •• well, go ahead.

MS. KNAPP:

No. The Whereas Clause says that contracts in excess of 20,000 have to come before the Legislature. I don't think we ever got an answer as to how much.

MR. MARCHESE:

We've always had contracts with them, but they've been lower than the ••

lower than \$10,000.

LEG. BISHOP:

Okay. So we've used them before?

MR. MARCHESE:

Not this particular vendor, but we've always used a review service to review the claims.

LEG. BISHOP:

And what the •• what's the real life example of what they do? I mean ••

MR. MARCHESE:

Hospital submits a claim and the bill is \$10,000, and it really should be \$8,000. They provide independent review for us to dispute that bill.

LEG. BISHOP:

Okay. Thank you. Got it.

MR. MARCHESE:

Plain and simple.

D.P.O. CARPENTER:

So that still doesn't answer ••

LEG. MYSTAL:

Sounds simple.

LEG. BISHOP:

It's a lot better than Foley. Maybe you should run for Brookhaven Supervisor.

D.P.O. CARPENTER:

It still doesn't answer the question on what the •• is there a ceiling on how much and how long is the period for?

MR. MARCHESE:

It's a \$50,000 contract.

LEG. LINDSAY:

The savings? Do they get paid on the savings?

LEG. BISHOP:

No.

MR. MARCHESE:

No, it's ••

D.P.O. CARPENTER:

Go ahead, ask.

MR. MARCHESE:

No, they get paid on a •• they don't get paid on the savings, they ••

LEG. BISHOP:

But then they would have an incentive to ••

LEG. FOLEY:

It's on an as•needed basis whenever they come forward.

MR. MARCHESE:

Right. They're a fee for service basis.

D.P.O. CARPENTER:

So is it an hourly rate? What is it? Is it an hourly rate?

MR. MARCHESE:

Yeah, it's an hourly rate that they charge us for reviewing our charts.

D.P.O. CARPENTER:

And how much is that rate?

MR. MARCHESE:

I don't have it in front of me. I don't have the ••

D.P.O. CARPENTER:

And how many vendors were contacted?

LEG. BISHOP:

Seven.

MR. MARCHESE:

Seven.

LEG. CARPENTER:

And were vendors that have done it in the past contacted?

MR. MARCHESE:

Yes. It's a very specialized area, and we don't •• only utilize this particular vendor on certain instances where we don't have the expertise in•house to evaluate the claim. Most of the claims by and far we evaluate ourselves.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1789, (A Local Law to protect the health of minors by enacting the Collette Coyne Melanoma Awareness Act in Suffolk County). Motion by Legislator Vilorio•Fisher, second by Legislator Binder. 1789?

LEG. FOLEY:

Motion to approve.

P.O. CARACAPPA:

All in favor?

LEG. ALDEN:

Just a quick explanation.

P.O. CARACAPPA:

Okay. Legislator Alden has asked for a quick explanation.

LEG. VILORIA • FISHER:

Okay. I'll let Counsel do it ••

P.O. CARACAPPA:

Sure.

LEG. VILORIA • FISHER:

•• because it's gone through so many changes.

MS. KNAPP:

This is the Local Law that would regulate tanning salons, particularly in •• with regard to minors. It has several different prohibitions.

Young people between 14 and 18 are permitted to use the tanning facilities, as long as they're accompanied by a parent or legal guardian, or they have a written consent, which is executed in person and states the period of time for which the individual is allowed to use it, and that period can't exceed six months. If they're under 14 years of age, they're only allowed to use a tanning facility if their parent or legal guardian remains physically present at all times.

LEG. ALDEN:

Is there any provision for educational material or warning material to be given to the people that are using, especially the minors?

MS. KNAPP:

There is a provision that says that each tanning facility must comply with the provisions of State law that require the posting of signs, the availability of educational material on the health risks.

LEG. ALDEN:

Good.

MS. KNAPP:

And the use of proper eye protection.

P.O. CARACAPPA:

Legislator Binder.

LEG. VILORIA•FISHER:

Because of preemption, we just stated the State law.

LEG. ALDEN:

Okay, thanks.

LEG. BINDER:

First, I'd just like to say that I appreciate Legislator Vilorina•Fisher working on the bill, bringing it to light. It was really •• it was her idea. And I think we got to a point where you could be comfortable with the ground that it covers. The only thing I'd be concerned about, and maybe as we talk to the Health Department as they issue it, the actual regulations, is whether the tanning facilities have to hold a license itself, you know, a copy of the license. They should probably just have to take the number down, because I'm concerned about I.D. theft. And they're concerned, I think, about holding a license. But other than, I think we've found the right ground which protects the children, but keeps the parents in the loop and keeps them apprized of what's going on and keeps them a part of the health of the •• in the health of their child.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

I would just like to give particular thanks to Mrs. Coyne, who has been such a strong advocate for this, and has been really patient and steadfast. And she's in the back of the room, and thank you, again, Mrs. Coyne for your

help.

(Applause)

P.O. CARACAPPA:

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

LEG. SCHNEIDERMAN:

Cosponsor, please.

LEG. COOPER:

Cosponsor, Henry.

LEG. LINDSAY:

Me, too.

P.O. CARACAPPA:

List the cosponsors, Legislator Schneiderman ••

LEG. LINDSAY:

Good job, Vivian.

P.O. CARACAPPA:

•• Lindsay.

LEG. COOPER:

And Cooper.

MR. BARTON:

17. (Not Present: Leg. Caracciolo).

P.O. CARACAPPA:

Cooper.

P.O. CARACAPPA:

1945, 45A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase of digital

mammography equipment for the Riverhead Health Clinic (CP 4055).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

The sponsor isn't here. There's a motion?

LEG. LOSQUADRO:

Second.

LEG. FOLEY:

I'll make the motion.

P.O. CARACAPPA:

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

LEG. LINDSAY:

Yeah. I think that we probably should table this until the sponsor is in the room for one simple reason. I'm a big fan of digital mammography equipment, but I believe the testimony from the Health Department is they don't have room in the Riverhead facility to put it. I think, if anything, we should talk about expanding the Riverhead facility to accept the equipment. You don't buy the equipment before you have a place to put it, unless, unless I'm wrong about that.

D.P.O. CARPENTER:

At the rate we've moved on the Riverhead facility, that might be the thing that would spur them along, is to have the equipment and no place to put it, and then maybe, finally, they'd do something about this building.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

I wasn't entirely convinced during the testimony that the space was not

available. I brought to light during the committee that there is a savings of space to be realized with digital equipment, because you do not have the storage needs or the processing space needs that traditional X-ray film requires. So I'm not entirely convinced that the space would not be available by switching over to this technology.

LEG. MYSTAL:

Mr. Chair.

P.O. CARACAPPA:

Legislator Foley, then Kennedy.

LEG. FOLEY:

Thank you, Mr. Chairman. Even though the sponsor wasn't present at the Health Committee either, we did approve the bill, and you'll notice, unanimously. And notwithstanding the concerns that were raised by the Executive Branch about the lack of space, which I hope on a separate issue, whether this year or early next, that the Legislature takes a closer look at the space allocation for the health center here in Riverhead.

Several years back, when the additional plans were being developed for the reconstruction of this building, I and others had asked the Health Department at that time, it was under the prior administration, but whether or not they need additional space for the health center, and they all said everything was fine, they didn't need anymore space. Now we're being told, because of space, so-called space, not having enough space for this particular equipment, that it could, therefore, impact the quality of diagnostic services that should be provided to those who avail themselves to the Riverhead Health Center.

So I hope we're going to pass this today, but I would ask our colleagues in the future, in the near future, take up the issue to see how and where the health center could be expanded as part of the overall reconstruction of the Evans K. Griffing Building. Thank you.

LEG. KENNEDY:

Mr. Chair.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. I'd just would like to add to that, having been at the committee meeting, we discussed this matter at length, and having the •• had the benefit and luxury of being in this building for eight years, I'd be hard •pressed to go ahead and say that six•by•twelve for a depth of around six feet could not be found here on the first floor or upstairs on the second floor, where the Health Department actually has use and occupancy of as well. I think it is unacceptable excuse for life•saving technology to go ahead and be put into place to come up with something that says we can't find 50, or 60, or 100 cubic feet. That's not acceptable. Thank you.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Well, I'm going to reflect, not •• I would allow my opinion to reflect. As Legislator Kennedy put in there, this is unacceptable. And, you know what, as every day goes by, I get less and less as far as confidence, if that's possible, in this Health Department. Instead of coming up with excuses why they can't save lives and why they can't employ new technology, they come with excuses every day why Suffolk County is going to let people go out there and die. That is totally unacceptable. And, you know what, maybe it's time that the Executive Branch take a look at the Health Department, and instead of coming up •• allowing them to come up with excuses why they can't do, can't do, can't do, let's kick them in the butt and get them so that they can do and let's start saving lives, because this stuff is not •• it's not brand new. It's not brand new technology. And you know what, it's sad that a Legislator has to bring it up and try to implement it when the Health Department Commissioner, he's a doctor, supposedly, why didn't he bring this forward? Why didn't he put a plan in that's going to save people's lives? No. Instead, he comes up with an excuse why he can't even employ technology when the Legislature's ready, willing and able to pay for it. He comes up with an excuse, no, let's let people die. Unacceptable, totally

unacceptable. I wish you'd take that back to the County Executive, because he better start taking another look at that Health Department.

MR. ZWIRN:

Yes, thank you. With all due respect, the Commissioner of Health is supportive of this technology and of the legislation.

LEG. SCHNEIDERMAN:

Good.

MR. ZWIRN:

We've already passed legislation, appropriated money to do one in Coram. And it is relatively new technology. The digital is the way to go, it's the wave of the future. And the Health Department and the County Executive have been supportive of it, and submitted legislation to have it done in Coram and it's being done.

The County Executive is supportive of the technology and of putting such an equipment here in Riverhead. It's not a question of •• but you have to put it somewhere. I mean, you can't just put it out in the parking lot and ask people to come in. And that was the only •• that was, seriously, the only reservation. Commissioner Harper was here before the Health Committee and said that's the only thing holding this up. He said, "I'm in favor of the technology, I'm in favor of moving this forward. If you can find me the space, let's do it."

LEG. ALDEN:

He finds the space. He should have put this in on his own.

P.O. CARACAPPA:

Okay. There's a motion and second. Thank you, Mr. Zwirn. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACCIOLO:

(Not Present).

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yep.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17 on the bond. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

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

LEG. BISHOP:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

I make a motion to extend the meeting until 1 o'clock. I think there's a good chance that we could finish the agenda by that time.

P.O. CARACAPPA:

We'll just •• we'll take it a couple of extra minutes at a time, and if we can make it through the agenda, we will.

1961 (Appointing member to the Swimming Pool Safety Task Force (Steve Bertolino, Slot #10). Motion by Legislator Losquadro, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1962 (Appointing member to the Swimming Pool Safety Task Force (Susan Katz, Slot #11)). Same motion, same second, same vote.

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1987, (To establish a rabies immunization corridor along the Nassau/Suffolk border to prevent the establishment of rabies in Suffolk County).

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1923 (A Local Law authorizing County Department of Parks, Recreation and Conservation to construct dog run at Blydenburgh County Park, Town of Smithtown). Motion by Legislator Kennedy.

LEG. KENNEDY:

Motion.

LEG. VILORIA • FISHER:

I'll second it.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

LEG. KENNEDY:

Dogs playing cards next.

P.O. CARACAPPA:

1950 (Authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer Inc., for Breast Cancer Walk).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1974, 74A (Appropriating funds in connection with improvements to water supply systems in County parks (CP 7184)).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. BINDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yep.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17 on the bond. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1979**
(Appropriating funds in connection with the purchase of heavy duty equipment for County parks (CP 7011)). Same motion, same second.
Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. O'LEARY:

Yes.

LEG. BINDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yep.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

17 on the bond. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.
***1984, 84A (Appropriating funds in connection with the
improvements to Old Field Horse Farm (CP 7176)).***

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion my Legislator Vilorina•Fisher, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA•FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17 on the bond. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

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

1999 (Authorizing the Suffolk County Department of Parks, Recreation and Conservation to participate with the Town of Southold and the New York State Department of Environmental Conservation in the U.S. Fish and Wildlife National Coastal Wetlands and Grant Program (Arshamonaque Wetlands, Town of Southold).

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

Public Safety, Public Information. ***1720 • Reappointing Dennis Magerle as a member of the Suffolk County Vocational, Education and Extension Board.*** Motion by Legislator Cooper, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

19 •• ***1792***, rather, ***Creating an Unlicensed Driver Task Force (to protect Suffolk County citizens)***. Motion by Legislator Alden.

LEG. VILORIA • FISHER:

Explanation, please.

P.O. CARACAPPA:

Is there a second?

LEG. KENNEDY:

Second.

P.O. CARACAPPA:

Second by Legislator Kennedy. Explanation.

LEG. ALDEN:

Early last year we created this and it was a ten-member board. I had trouble with getting all ten members to come, so I just shrunk it down to five that actually showed up and ••

P.O. CARACAPPA:

So it's the same board, just a reconstitution of sorts.

LEG. ALDEN:

Exactly right.

P.O. CARACAPPA:

Okay.

LEG. VILORIA • FISHER:

I see, okay.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1980, 80A (Appropriating funds in connection with Police Headquarters Operations Center renovations (CP 3231). A motion by Legislator Carpenter.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

17 on the bond. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. ***1994, (To enact "Alec's Law" to help protect Suffolk children from SUV accidents).***

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Alden, the sponsor.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

1995, 95A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase of a medevac equipped helicopter (CP 3117.514). Motion by Legislator Carpenter, second by Legislator O'Leary. Mr. Zwirn.

MR. ZWIRN:

Yep. The County Executive is in favor of additional helicopters to the fleet and has them in the 2006 Capital Budget; would like to have these •• the procurement process is such a length that this could not be done until 2006 at the earliest anyway, and the money is in the budget for 2006. He would like to have this offset available for the end of the year for any projects that have to be done. By doing it today, there may be an expectation that the helicopter be provided in •• you know, in 2005. It cannot be done. It will take •• it will take a longer period of time to get it ••

D.P.O. CARPENTER:

Can I respond?

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

Because of the length of time in acquiring a helicopter, that's precisely why after the two MD902's were down again, and we were at a point that we had only two helicopters up, and then for a period of a couple of days, we only had one, which meant that there was no real helicopter service for the East End.

The acquisition process is very, very lengthy, and if we start it now, we will, hopefully, have those two MD902's •• the two MD902's replaced with two new Medevacs. This was all discussed as part of the 2006 Capital Program, and when I learned that those helicopters had gone down, I checked with Budget Review to see if there was an offset that might be available, so that we could start the process now.

This is an offset for a sewer •• a sewer treatment plant renovations or improvements that are not going to be done until, the earliest, 2007. Here we are, it's almost October, we can start the process now. This offset from the helicopters then becomes available in early 2006. And I know that the County Executive is looking at trying to preserve some of these offsets to use of the jail project, and, certainly, there's not going to be a shovel going in the ground between now and December for the jail project, so early in January that helicopter offset would be available.

I just think this sends the right kind of message. And, also, we're trading in the two MD902's. The sooner we trade them in, the more we're going to get for them. And the sooner we trade them in, the less likely there's going to be another problem that puts them down again.

So I think this Legislature has shown a commitment to public safety over the years, especially to the Medevac Service, especially to the East End, and I think it's incumbent upon us, since we do have this offset available, to move forward with this now.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I just have a question to the sponsor. Angie, the offset to use, that's outside of that quarter cent sewer stabilization money?

D.P.O. CARPENTER:

Yes, yeah. This was for ••

LEG. ALDEN:

Okay. So they could very easily substitute in, if they want to rebuild, they could •• they would qualify under that program as well.

D.P.O. CARPENTER:

Well, yeah, that's possible, but ••

P.O. CARACAPPA:

They wouldn't even have to do that, because the project is so far out.

D.P.O. CARPENTER:

It's so far out.

LEG. ALDEN:

Okay, good. All right. Thank you.

P.O. CARACAPPA:

Legislator Lindsay, then Nowick.

LEG. LINDSAY:

Yeah. You know, I think, as a body, we've taken a number of votes here about the helicopters and the importance of the helicopter fleet to the safety of Suffolk County residents. Truthfully, by the time this gets done with, you know, the Exec's approval or vetoing of it, whatever, what are you going to buy, a month? I mean, the earliest it could be is December, the acquisition process, when it's in the budget for '06 and it can start in January.

D.P.O. CARPENTER:

The very ••

[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]

LEG. LINDSAY:

Let me just finish. And the other point that I want to make is there is no doubt about it, we've had trouble with the MacDonald•Douglas helicopters. But I was talking to a fella in the helicopter service the other day. If anything, they're telling me that should improve because MacDonald

•Douglas, the helicopter company, was bought by a bigger company; they're claiming parts are available now and, if anything, the value of it might go up if we wait a little bit longer.

LEG. CARPENTER:

Well, I respectfully disagree on the value of them going up, because the history of the two ships that we have has clearly shown that they are not reliable. But the very reason that you're using for why we should wait till 2006 is the very reason we should start now, because the process is so long, because it takes a long time. And if we are able to start in December, that's a wonderful thing, because then we are pretty well assured that we will have the helicopter fleet up and at full steam for the summer season when the number of Medevac rescues go up. So I think for all of those reasons, we really need to move forward and move forward now.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Budget Review, what was the bottom line on the offset that we had to come up with?

P.O. CARACAPPA:

What did you say, Paul, it's not much?

LEG. TONNA:

No, let's have lunch.

MS. VIZZINI:

It's a \$13 million appropriation, completely offset by a reduction from another project.

LEG. NOWICK:

Completely offset. Well, here we go again with that question that Legislator Alden brought up before, safety in the County is what we're supposed to be doing for the people in this County and this is part of it.

P.O. CARACAPPA:

Are you done, Legislator Nowick? Did you ask your question?

LEG. NOWICK:

Yes.

LEG. MYSTAL:

Roll call.

P.O. CARACAPPA:

Just one final point I'd like to make. Even though it's in the 2006 budget and we could act, if all goes to plan, immediately in January, sometimes things don't go to plan. Depending on the makeup of this Legislature, we may be delayed in actually acting as a body until mid February before the first meeting is set, depending on how the politics wash out in November, which means we wouldn't get to a resolution crossing the County Executive's desk and signed and even into the proper hands to start the acquisition process 'till maybe early March. So it almost •• it's almost a better thing that we act earlier as opposed to later, just to be safe because of the political consequences that we may run into come early January and into February. So there's a motion and a second. Roll call.

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

LEG. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

I'm sorry, change my vote to an abstention.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Abstain.

P.O. CARACAPPA:

Yeah.

MR. BARTON:

10.

P.O. CARACAPPA:

It fails. Okay, Public Works •• oh, we're going to, actually •• we tried. There's still a little bit to do, so we will be back at 2:30 for public hearings and then we'll finish up later this afternoon. We're adjourned till 2:30.

[THE MEETING WAS RECESSED AT 12:34 P.M.]

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

P.O. CARACAPPA:

We'll start the public hearing part of today's meeting. Mr. Clerk, the affidavits of publication are in proper order?

MR. BARTON:

Yes, Mr. Chairman, they are.

P.O. CARACAPPA:

Thank you. First public hearing is on the ***2006 Operating Budget***. I have no cards. Anyone wishing to be heard? Hearing none, I make a motion to close, second by Legislator Cooper. All in favor? Opposed? Abstentions?

Next public hearing is the ***Southwest Sewer District Assessment Roll***. I have no cards. Anyone wishing to be heard? Motion to close by myself, second by Legislator Cooper. All in favor? Opposed? Abstentions?

LEG. VILORIA • FISHER:

Which one did we just close?

P.O. CARACAPPA:

We just closed 2006 Operating Budget and Southwest Sewer District Assessment Roll.

LEG. VILORIA • FISHER:

Okay.

LEG. LOSQUADRO:

Sounds good.

P.O. CARACAPPA:

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 one card, Jim Morgo. Jim Morgo.

LEG. VILORIA • FISHER:

He was here this morning.

P.O. CARACAPPA:

Jim Morgo. I'll make a motion to close.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? 1791 is closed.

1939 (A Charter Law to amend the Suffolk County Charter to provide for on-going public disclosure of operating budget status). I have no cards. Anyone wishing to be heard? Motion to close by myself, second by Legislator Schneiderman. All in favor? Opposed? Abstentions? 1939 is closed.

1940 (A Charter Law to amend the Suffolk County Charter to add representatives of environmental protection and historic

preservation on the Council on Environmental Quality (CEQ). I have no cards. Anyone wishing to be heard? Same motion, same second to close that hearing. All in favor? Opposed? 1940 is closed.

1941 (A Charter Law to amend the Suffolk County Charter to ensure representation on environmental interests on the Council on Environmental Quality (CEQ). I have no cards. Anyone wishing to be heard?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Schneiderman, second by myself. All in favor? Opposed? Abstentions? 1941 is closed.

Public hearing on ***1942 (A Charter Law to ensure the representation of an environmentalist on the Suffolk County Council on Environmental Quality).*** I have no cards. Anyone wishing to be heard?

LEG. COOPER:

Motion to close.

LEG. VILORIA•FISHER:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Cooper, second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions? Public hearing is closed.

Public hearing on ***1943 (A Charter Law to add representatives of environmental protection on the Council on Environmental Quality (CEQ).*** I have no cards. Anyone wishing to be heard? Motion to close by Legislator Schneiderman, second by Legislator Montano. All in favor? Opposed? Abstentions? Public hearing is closed.

Public hearing on I.R. ***1948 (A Local Law strengthening the***

procedures and remedies of the Suffolk County Human Rights Commission). I have no cards. Anyone wishing to be heard? Motion to close by Legislator Losquadro.

LEG. MONTANO:

Motion to recess.

P.O. CARACAPPA:

Motion to recess.

LEG. LOSQUADRO:

I'll second that.

P.O. CARACAPPA:

Motion to recess by Legislator Mystal, second by Legislator Losquadro. All in favor? Opposed? Abstentions? 1948 is recessed.

1959 (A Local Law to require that certain employees only use County vehicles while conducting County business).

LEG. LOSQUADRO:

Motion to close.

P.O. CARACAPPA:

I have no cards. Anyone wishing to be heard? I have no cards. Motion to close by Legislator Losquadro, second by myself. All in favor? Opposed? Abstentions? 59 is closed.

1976 (A Charter Law to transfer print shop from County Department of Human Resources, Civil Service and Personnel to County Department of Public Works). I have no cards, anyone wishing to be heard?

LEG. VILORIA • FISHER:

Motion to close.

P.O. CARACAPPA:

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

That's it for the public hearings. I'm going to make a motion, second by Legislator Losquadro, to set the date and location for the following public hearings: I.R. 2060, on Tuesday, November 15th, 2005, at 9:30 a.m. at the Budget and Finance Meeting in the Rose Caracappa Auditorium in Hauppauge. That's 2060, along with 2086. Also in that motion setting the date of Tuesday, November 22nd, 2005, 2:30 p.m., in the General Meeting in Hauppauge, the following public hearings: On I.R. 2013, 2015, 2033, 2037. I'm sorry. 2033, not 2037. If you see on your •• I'll explain it when I finish it. 2059, 2061, 2084 and 2127. I'm not setting the hearings on those others, which are 37, 39, 40 and 41, because there is no Rule 28 yet, so I can't •• they're not eligible for setting a public hearing.

So motion and a second on the date and location of those public hearings. We have a motion. All in favor? Opposed? Abstentions? Those public hearings are set.

Going back to the agenda. All Legislators, please report to the horseshoe. We are on Page 10.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

Public Works. ***1831, (Implementing the Water Quality Protection Program for the Connetquot River in the Town of Islip).*** 1831, Legislator Alden.

LEG. CARACCIOLO:

I'll make a motion.

P.O. CARACAPPA:

Motion by Legislator Caracciolo.

LEG. ALDEN:

Which one is this?

P.O. CARACAPPA:

Yours, 1841 •• 1831, rather.

LEG. ALDEN:

Oh, this is •• I'm going to make a motion to table.

P.O. CARACAPPA:

Motion to table by the sponsor, second by myself. All in favor? Opposed? Abstentions? (**Vote Amended to: 17, 1 not present • Leg. Kennedy**)

1972 (A resolution making certain findings and determinations in relation to a proposed improvement of facilities for Sewer District No. 11 • Selden). Motion by myself, second by Legislator Losquadro. All in favor? Opposed? Abstentions? (**Vote Amended to 17, 1 not present • Leg. Kennedy**). 1973.

MR. BARTON:

Mr. Chairman, I just need a minute to ••

P.O. CARACAPPA:

Yeah, sure.

MR. BARTON:

•• determine who's in the room. 13 on 1831 and 13 on 1972.

P.O. CARACAPPA:

Thank you. Moving on to **1973 (A resolution making certain findings and determinations in relation to a proposal to increase, expand, and improve facilities for Sewer District No. 18 • Hauppauge Industrial).** Motion by Legislator Nowick, second by Legislator Binder. All in favor? Opposed? Abstentions? (Vote: 17, 1 not present • Leg. Kennedy)

1975, 75A (Appropriating planning funds for expansion Sheriff's Enforcement Division at Criminal Court Building (CP 3013)).

LEG. CARACCILO:

Motion.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

LEG. LINDSAY:

Explanation. Can we get an explanation?

P.O. CARACAPPA:

On the motion.

LEG. LINDSAY:

Could we have an explanation? It's just that I know we've had a couple of these.

P.O. CARACAPPA:

One moment.

LEG. ALDEN:

This is the construction end of it, right?

LEG. LINDSAY:

Yeah, I know. I just don't remember. Planning funds for the expansion and enforcement. Okay. This is a capital program. It's a capital project?

P.O. CARACAPPA:

It's appropriating, it's not amending, yeah.

LEG. LINDSAY:

Yeah.

P.O. CARACAPPA:

It's got a capital project number.

LEG. LINDSAY:

Okay. No need. I'm sorry to hold it up.

P.O. CARACAPPA:

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

MR. BARTON:

Mr. Chairman, I'm sorry, I need a clarification. The one that we did just before this one, 1971, was that to approve or table? I didn't ••

P.O. CARACAPPA:

Approve.

MR. BARTON:

Approve. Thank you. That was approved 13•5. *(Vote amended to 17, 1 not present • Leg. Kennedy)*. On 1975.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

(Not Present)

LEG. VILORIA • FISHER:

What are you doing?

MR. BARTON:

A roll call on 1975.

LEG. VILORIA • FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. KENNEDY:

Mr. Clerk, yes.

MR. BARTON:

Thank you.

MR. BARTON:

14, 4 not present on the bond. (Not Present: Legs. Foley, Bishop, Mystal and Tonna)

P.O. CARACAPPA:

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

1978, 78A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 46, William Floyd Parkway, between the Long Island Expressway and Moriches • Middle Island Road, Town of Brookhaven (CP 5515).

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. CARACCILOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

15, 3 not present. (Not Present: Legs. Foley, Bishop and Tonna)

P.O. CARACAPPA:

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

1981, 81A (Appropriating funds in connection with the acquisition of land for intersection improvements on CR 10, Elwood Road and S.R. 25 Jericho Turnpike, Town of Huntington (CP 3301.218). Motion by Legislator Binder, second by Legislator Mystal. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

(Not Present).

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

MR. BARTON:

15 on the bond. (Not Present: Legs. Foley, Bishop and Tonna)

P.O. CARACAPPA:

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

1983, 83A (Appropriating funds in connection with the acquisition of land for intersection improvements to CR 35, Park Avenue at CR 11 Pulaski Road, Town of Huntington (CP 3301.219).

LEG. BINDER:

Motion.

P.O. CARACAPPA:

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

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

15 on the bond. (Not Present: Legs. Foley, Bishop and Tonna)

P.O. CARACAPPA:

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

WAYS AND MEANS

Ways and Means. ***1634 (Requesting legislative approval of a contract award for brokerage services for the procurement of HMO reinsurance for the Department of Health Services, Suffolk Health Plan)***. Is there a motion?

LEG. MYSTAL:

Motion to approve.

P.O. CARACAPPA:

Where did that come from, Legislator Mystal? Second?

D.P.O. CARPENTER:

Explanation.

LEG. LINDSAY:

I'll second it.

P.O. CARACAPPA:

Second by Legislator Lindsay. Explanation, please.

MS. KNAPP:

This is a resolution for health services where they requested an RFP for brokerage services for HMO reinsurance. And, again, they received one bidder, and in this case the bidder was Marsh USA.

LEG. KENNEDY:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

On the motion.

P.O. CARACAPPA:

Yep.

LEG. KENNEDY:

We discussed this in committee and this resolution in particular, I will maintain my opposition to it. I believe that •• I know that, as a matter of fact, the principals in Marsh were indicted last week. There were seven principals that were indicted. Notwithstanding the fact there was only one submission, I think it raises major concerns for us to agree to a contract with an entity that's under indictment.

LEG. LINDSAY:

Can I comment?

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

I was one of the ones that originally brought an objection to this one and only bidder, and certainly before the indictments Marsh was under investigation. And I'm still disturbed that we're going with them, but I believe it was explained to us that we really don't have a choice in this matter, that they have identified other bidders for the next round of bids when this comes up again and we should have several bidders bidding on it again. I don't have any problem in not going forward with this, but I would like to hear from someone what the ramifications would be if we rejected this bid.

LEG. MYSTAL:

Mr. Chair.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

In light of some of the objection, I'll change my motion to a table motion, so we can ••

P.O. CARACAPPA:

There's a motion ••

LEG. LINDSAY:

I can't hear you.

P.O. CARACAPPA:

He's going to withdraw his motion to approve and make a motion to table.

LEG. LINDSAY:

Again, I still would like someone from the •• to explain to us what would happen.

P.O. CARACAPPA:

Is there anyone from the County Executive's Office that can explain this? Thank you, Mr. Stebbins.

LEG. LINDSAY:

You know, maybe we could skip over it or something and come back to it.

P.O. CARACAPPA:

Skip over it. **1786 (Authorizing certain technical corrections to adopted Resolution No. 417•2005)**. Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

1827 (A Local Law amending Local Law No. 42•1999, providing for equitable compensation for the District Attorney).

MR. BARTON:

15 (Vote on 1786). (Not Present: Legs. Foley, Bishop and Tonna). **(Vote Amended to 18)**

P.O. CARACAPPA:

Motion by myself.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

15. (Not Present: Legs. Foley, Bishop and Tonna) ***(Vote Amended to 18)***

P.O. CARACAPPA:

1903 was done. ***1911 (Authorizing the lease of premises located at 950 Sylvan Avenue, Bayport, NY for use by the Department of Public Works).***

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by Legislator Binder. All in favor? Opposed? Abstentions? Oh, I'm sorry. Second that Legislator Lindsay. Right, it's your district, Bayport?

LEG. LINDSAY:

Yep.

MR. BARTON:

15. (Not Present: Legs. Foley, Bishop and Tonna) ***(Vote Amended to 18)***

P.O. CARACAPPA:

19 ••

LEG. LOSQUADRO:

We're going to have a problem with this next one.

P.O. CARACAPPA:

1963 (Approving the appointment of County employee (Marc P. Montano) in the County Board of Elections). Oh, boy, here we go.

LEG. MYSTAL:

Motion to approve.

P.O. CARACAPPA:

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

LEG. MONTANO:

Abstain.

P.O. CARACAPPA:

Abstentions, Legislator Montano.

MR. BARTON:

14, 1 abstention. (Not Present: Legs. Foley, Bishop and Tonna) ***(Vote Amended to 17, 1 abstention)***

P.O. CARACAPPA:

1993 (Authorizing settlement with Long Island Visitors and Convention Bureau (LICVB)).

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

Motion by Legislator Caracciolo.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor?

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Can we just hear from the sponsor the details of the settlement?

LEG. CARACCIOLO:

I'll have Counsel recall the exact numbers in the settlement. Do you have it near? Yeah, I see you're nodding your head like I am, because there's so many numbers in my head that •• I believe it's about \$70,000 that's going to be •• it's a settlement where the Counties of Nassau and Suffolk, through the County Attorney's Office, agreed to a settlement of all outstanding issues between the LICVB and Suffolk and Nassau Counties, and I don't have the resolution in front of me.

MS. KNAPP:

I can actually bring up the resolution. I'm not sure that all of the terms were in it, which is why •• and I had it all with me at the last meeting. I'm sorry.

LEG. SCHNEIDERMAN:

You want to pass over it?

LEG. CARACCIOLO:

Yeah, we could do that. I'll give you a chance to look it up as well. Okay? So, Mr. Chairman, we could pass over this for now.

P.O. CARACAPPA:

Yes. ***1996, (A Local Law to reconstitute the Hispanic Advisory Board)***. Motion by Legislator Montano.

LEG. COOPER:

Second.

P.O. CARACAPPA:

Second by Legislator Cooper.

LEG. VILORIA • FISHER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. I commend the sponsor for introducing this legislation. There has been much too much contentiousness between the Advisory Board and the County Executive's Office, and there has been, certainly, clearly a need for change.

But I have a couple of issues with 1996 and I would like the sponsor to speak to those, the first one being that the census information has not yet been determined to determine which Legislative districts would have a representative on this board, and I was wondering •• is Mea here, because I was wondering if we could go ahead and have a resolution, but we don't know who the membership is going to be yet. Mea. We haven't just •• we haven't finished the determination regarding the census numbers and which districts would reach the threshold that's described in this legislation, and so I had asked the sponsor if it's •• if we can move ahead with a piece of legislation where we don't know yet who the members are going to be or how many members we would have.

MS. KNAPP:

This legislation was specifically designed so that it would not have to be amended when each census was done, whether it's the decennial census or whether it might be some interim census as our Charter provides for the reapportionment.

LEG. VILORIA • FISHER:

So it has an inherent flexibility in it.

MS. KNAPP:

The quorum, the number of members is all designed to be flexible.

LEG. VILORIA • FISHER:

Okay. My second question is about the prohibition that there be no members who are employees of the County, and I could understand some of the difficulties that have occurred in the membership in the past. However, can member •• employees of the County who might be in departments that deal with minority issues, etcetera, these are clearly public hearings and anyone can attend these hearings.

MS. KNAPP:

Absolutely.

LEG. VILORIA • FISHER:

And where will they be held? Would it still be held on the third floor at the boardroom, or would they have to find another place?

MS. KNAPP:

The Chair would call the meetings at a place that would be acceptable certainly to the administrative branch of government. The committee is heavily weighted for the administrative side of government, so I would presume that whatever space was available that the County Executive made available to them would be where they would have it.

LEG. VILORIA • FISHER:

Okay. Thank you, Mea.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

I'm good.

P.O. CARACAPPA:

All in favor? Opposed? Mark me as opposition. Abstentions? It's passed.

MR. BARTON:

14. (Not Present: Legs. Foley, Bishop and Tonna) *(Vote Amended to 17 yes, 1 no)*

P.O. CARACAPPA:

Thank you. Okay. Are we ready to go back to 1634? We skipped over it; correct?

LEG. LINDSAY:

Yeah.

P.O. CARACAPPA:

There's a pending motion and a second. Mr. Zwirn?

MR. ZWIRN:

There was a motion to table this one?

P.O. CARACAPPA:

It's Page 11, Ways ••

MR. ZWIRN:

This is the Marsh one?

P.O. CARACAPPA:

First one in Ways and Means.

LEG. LINDSAY:

There's a motion to approve, right?

P.O. CARACAPPA:

Yeah.

LEG. LINDSAY:

But my question was what would ••

P.O. CARACAPPA:

No. Actually, no. The motion to approve was withdrawn. There's a motion

to table by Legislator Mystal. There was no second.

MR. BARTON:

No second.

LEG. LINDSAY:

Okay.

MR. ZWIRN:

The County Executive would support that. It's ••

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. So the table motion stands now.

MR. ZWIRN:

I'm sorry.

P.O. CARACAPPA:

Go ahead, Ben.

MR. ZWIRN:

But the County Executive would support a tabling motion. This one came back. The only bidder was Marsh. We all know the history of Marsh. We wish it was some other company besides that. We're not anxious to move forward. It just means the contract's not awarded, we just keep going forward.

LEG. LINDSAY:

Okay. But my question is, you know, I don't know the Department of Health Services. If we don't have a brokerage service in place, what does that mean to us?

MR. ZWIRN:

It just means we continue running the way we have been until ••

LEG. LINDSAY:

So, really, no effect. That's fine, table.

P.O. CARACAPPA:

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

MR. BARTON:

15. (Not Present: Legs. Foley, Bishop and Tonna) ***(Vote Amended to 18)***

P.O. CARACAPPA:

1993 (Authorizing settlement with Long Island Visitors and Convention Bureau). There's a pending motion and a second, Mr. Clerk, on 1993.

MR. BARTON:

Yes.

P.O. CARACAPPA:

Counsel, were you able to pull up the information on 93?

LEG. CARACCIOLO:

Yeah. I have the resolution, but it's the stipulation that we don't have. That's the issue, Mr. Chairman. That's not in the resolution, the dollar amounts. It's part of a stipulation agreement that was signed by LICVB and the Counties, so it's an attachment or backup. I don't know if Counsel has a copy.

MS. KNAPP:

The total number, I believe, was \$70,000. I'm afraid that I'm not able to access the fund.

LEG. CARACCIOLO:

And I believe it's a 60/40 split, as I recall, right?

MS. KNAPP:

There was a 60/40 split.

LEG. CARACCIOLO:

Sixty percent to Suffolk, 40% to Nassau County.

MS. KNAPP:

And my recollection was it was •• it was very acceptable, certainly to the County Attorney's Office and to the Nassau County Attorney's Office. I sat in on some of the negotiations. And, again, the LICVB presented a great deal of information supporting some of the disputed items. The important parts from a legal point of view was that it only settled claims to the date at which the audit was completed, so that anything after the audit was still free to be litigated should we need to do that in the future.

LEG. CARACCIOLO:

And additional safeguards were built in, additional safeguards.

MS. KNAPP:

Oh, yes, there were additional safeguards that you required in terms of sign-offs by LICVB in terms of checks and vouchers.

LEG. SCHNEIDERMAN:

Two questions. One of the •• when County Comptroller Sawicki had performed his audit, I recall some \$300,000 in questionable spending, so it was •• I guess most of that 230,000 or so were deemed to be appropriate?

MS. KNAPP:

By the time the County Attorney had finished reviewing, the County Comptroller was also satisfied that there were very satisfactory explanations for a good amount of what he had found in his audit. His audit, if you remember, was basically on what papers were available at that time. They were eventually able to satisfy him, so that the amount in issue might have even come down to about 80•something thousand dollars, and then that's where the ••

LEG. SCHNEIDERMAN:

And then the settlement is 70? Now, the split between Nassau and Suffolk you said was 60/40, 60 to Nassau and 40?

LEG. CARACCILO:

No, no.

LEG. SCHNEIDERMAN:

Oh, it's 60 to Suffolk. Okay. And now the money that we do get, will it go toward tourism promotion, or will it go into the General Fund?

MS. KNAPP:

Litigation proceeds are ordinarily General Fund monies. I don't believe that we negotiated anything different into ••

LEG. SCHNEIDERMAN:

Well, it was money that would have gone toward tourism promotion that went to some other inappropriate activity, and probably should get back to what that money, that tax funds were intended •• the intended purpose.

MS. KNAPP:

Don't forget, this money is not coming from LICVB County funds.

LEG. SCHNEIDERMAN:

It's coming from membership.

MS. KNAPP:

It's coming from their membership funds.

LEG. SCHNEIDERMAN:

Right, but the money that was misspent, had it been properly spent, would have gone to promoting tourism in Suffolk County; correct? And so now the money that it's being replaced will not go toward that, it's just •• it just seems, from an accounting standpoint, it ought to go back to its original intended purpose.

P.O. CARACAPPA:

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

Abstentions?

MR. BARTON:

15. (Not Present: Legs. Foley, Bishop and Tonna) ***(Vote Amended to 18)***

P.O. CARACAPPA:

That's approved. Now, what was just distributed to you was a bond for 1997. This was adopted by CN at our August 23rd meeting, but there was no bond associated with the CN. This is that bond, so I'll make a motion.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

Second by Legislator Montano. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yeah.

LEG. MONTANO:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Pass.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yep.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Legislator Carpenter?

P.O. CARACAPPA:

She said yes.

MR. BARTON:

Oh, I'm sorry. Okay.

LEG. ALDEN:

No.

MR. BARTON:

14 on the bond. (Not Present: Legs. Foley, Bishop and Tonna)

P.O. CARACAPPA:

Thank you. Also distributed before you is ***Intro Resolution 1791***. That's hotel/motel tax for discharge.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

I'll make that motion, second by Legislator Carpenter to discharge. All in favor? Opposed?

LEG. CARACCILO:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Caracciolo.

LEG. SCHNEIDERMAN:

I'm recusing myself from this, so I guess I'll recuse myself from the discharge as well.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions? It's discharged. It will age.

MR. BARTON:

13.

P.O. CARACAPPA:

Okay. At this point ••

LEG. COOPER:

Mr. Chair, I'd also like to make a motion to discharge I.R. 1440, if I could?

LEG. VILORIA • FISHER:

Has that been distributed?

LEG. COOPER:

It was distributed.

P.O. CARACAPPA:

What's the title, Jon?

LEG. COOPER:

To promote fuel efficiency by requiring purchase of hybrid vehicles for Legislative use.

LEG. BINDER:

Mr. Chairman, could we have a caucus?

P.O. CARACAPPA:

Yeah. You want a five•minute recess?

D.P.O. CARPENTER:

Yes. Let's get these papers organized.

P.O. CARACAPPA:

Would you suffer a five•minute ••

LEG. COOPER:

Sure.

P.O. CARACAPPA:

•• interruption, Jonathan.

LEG. COOPER:

Sure.

P.O. CARACAPPA:

Take a five•minute recess just to get organized here. I saw it earlier somewhere. Five minutes.

[THE MEETING WAS RECESSED AT 3:00 P.M. AND RESUMED AT 3:20 P.M.]

Thank you. Sorry about that. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. MYSTAL:

Here.

LEG. FOLEY:

(Not Present)

LEG. MYSTAL:

Here.

MR. BARTON:

That one I know is not right.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

[LEGISLATORS KENNEDY AND ALDEN ENTERED THE AUDITORIUM]

P.O. CARACAPPA:

Here.

[LEGISLATOR LOSQUADRO ENTERED THE AUDITORIUM]

MR. BARTON:

15 present. (Not Present: Legs. Foley, Bishop and Tonna)

P.O. CARACAPPA:

Thank you, everyone. Appreciate your willingness. I recognize Legislator Cooper.

LEG. COOPER:

Once again I'd like to make a motion to discharge ***I.R. 1440***, please.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

1440, which is promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use. Second by Legislator Viloría • Fisher. All in favor? Opposed?

LEG. BINDER:

Opposed.

D.P.O. CARPENTER:

Opposed.

LEG. SCHNEIDERMAN:

I'll abstain.

P.O. CARACAPPA:

Is opposed Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Abstain.

P.O. CARACAPPA:

Abstain.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

Opposed, Legislator •• no, you didn't •• wait, wait.

LEG. BINDER:

Roll call.

MR. BARTON:

Sorry.

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Yeah, roll call.

MR. BARTON:

Oh, I got it.

LEG. MYSTAL:

Roll call.

LEG. LINDSAY:

And this is to discharge it?

P.O. CARACAPPA:

Yeah.

LEG. MYSTAL:

To discharge.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Abstain.

LEG. O'LEARY:

No.

LEG. LOSQUADRO:

Abstain.

LEG. FOLEY:

(Not Present)

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

This is to discharge?

MR. BARTON:

Discharge.

LEG. ALDEN:

Abstain.

LEG. KENNEDY:

Abstain.

LEG. NOWICK:

Abstain.

LEG. BISHOP:

(Not Present)

LEG. MYSTAL:

Yes.

LEG. BINDER:

Abstain.

LEG. TONNA:

(Not Present)

D.P.O. CARPENTER:

Abstain.

P.O. CARACAPPA:

Abstain.

MR. BARTON:

Six. (Not Present: Legs. Foley, Bishop and Tonna)

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

It's not discharged. I recognize Legislator Binder.

LEG. BINDER:

Mr. Chair, I'd like to make a motion to discharge and waive the one-hour rule on ***Resolution 1818, adopting a local law, Charter Law to secure private property rights.***

P.O. CARACAPPA:

You're making a two-part motion, which is to discharge 1818, which is adopting Local Law • 2005, Charter Law to secure private property rights and to waive the one-hour ••

LEG. BINDER:

Yes.

P.O. CARACAPPA:

•• waiting period, all in one motion.

LEG. BINDER:

Yes, very good.

P.O. CARACAPPA:

Okay?

LEG. SCHNEIDERMAN:

Why don't we make two separate motions?

P.O. CARACAPPA:

Do we need to do two separate •• we could do ••

MS. KNAPP:

No.

P.O. CARACAPPA:

It's all a combined motion.

LEG. SCHNEIDERMAN:

One requires 12 votes, one requires ••

P.O. CARACAPPA:

No, it doesn't. I was wrong. **1818.** I'll second his motion. Waive the rules. Discharge and waive the one•hour. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. MYSTAL:

Bishop is here.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. TONNA:

Yep.

LEG. LINDSAY:

They don't even know what they're voting on.

LEG. COOPER:

Yes to discharge.

LEG. TONNA:

I think it should be discharged.

D.P.O. CARPENTER:

Yes.

LEG. BISHOP:

Absolutely. Let it see the light of day I say.

MR. BARTON:

Mr. Lindsay? Legislator Lindsay, did you pass or did you vote yes.

LEG. LINDSAOY:

Yes.

MR. BARTON:

Yes. Thank you. 16. (Not Present: Leg. Foley)

LEG. CARACCIOLO:

Mr. Chairman.

P.O. CARACAPPA:

Okay. It's before us, what's eligible.

LEG. BINDER:

I make a motion to approve.

P.O. CARACAPPA:

Okay. There's a motion to approve now 1818 by Legislator Binder.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo.

LEG. LINDSAY:

Explanation.

P.O. CARACAPPA:

On the motion. Legislator Lindsay would like an explanation.

LEG. BINDER:

Mr. Chairman, the •• what this bill basically says is though the Supreme Court of the United States will allow states, municipalities and others to take from one private owner property and give it to another private owner, because that municipality, or state, or government entity may think that another private owner can do better with it. It says that Suffolk County's not going to do that, that we can continue to do the type of ••

LEG. BISHOP:

Sense or an actual law?

LEG. BINDER:

No, it's an actual law, there's a Charter Law. Basically, what it says is that we can go and we can do it for parks, we can do it for roads, we can do it for public access, we can do eminent domain the way we've generally done it in the past. But if we were to look and say, you know, we don't like the way this particular thing is built, we're not going to take the land from someone, the property from someone because we think someone else can do something better with it and then transfer it to a private •• another private owner. While the Supreme Court seems to allow us to do that, this is not something we would avail ourselves of under a Charter Law.

LEG. LINDSAY:

So we'll overrule in the Supreme Court.

LEG. BINDER:

No, we don't overrule them, we say, "Thank you, but no thank you." That's really what it would be. Thank you •• "Thank you for the ability to do it, but, no, thank you, we're not going to take from private and give it to other private people. It's not right to take people's private property rights away."

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Yes. I've been reading about other states and municipalities deciding to limit the ability to use the eminent domain as interpreted or decided by the Supreme Court. But I'm concerned about one thing here, Allan. If there

were to be a piece of private property in a blighted area, let's say, that •• where we wanted to do some revitalization, put in affordable housing, and there were a builder or a •• some corporation that would like to undertake the project, and it would be a way of revitalizing that area, putting in affordable housing. Would that be •• would there be a prohibition under this law to do that?

LEG. BINDER:

Yes, if •• there are other ways to get that done, and it has been done by government. You could basically •• and the way it is often done is you make the life miserable of people who don't bring up to code, don't bring up to standards and allow it to be blighted, and they're going to sell, and they're going to be upgraded, and you can bring in private developers, and government could facilitate. But the danger becomes when government says, "We've decided it's blighted." And what's the definition of "blighted"? That could be over a big spectrum. So we decide as government, and it could be for maybe even unfortunate reasons, the government doesn't like that particular owner for whatever reason, takes that and then gives it to another developer, and that's the problem.

LEG. VILORIA • FISHER:

Yeah, I understand what the ••

LEG. BINDER:

So, if there are other ways ••

LEG. VILORIA • FISHER:

But let me ask Counsel the question a little bit.

LEG. BINDER:

Sure.

LEG. VILORIA • FISHER:

Maybe I didn't couch the question clearly. Mea, if, for example, we have the program in the Village of Patchogue, where we •• it involves affordable housing and it's a very well developed plan, but it involves the acquisition of I think eight different pieces of property, there are eight different landlords

that we have to deal with. If there's one holdout and it's preventing that project from moving forward and we need it for affordable housing, would that be considered public •• the public good, or would we be able to do that kind of project if this law were to pass?

MS. KNAPP:

This law requires that the public use the property that we acquire. I believe affordable housing would constitute a private use of it. We would not be able to condemn for a private purpose.

LEG. VILORIA • FISHER:

Okay. I would have a problem with this, then, because it could really be problematic when we're looking at major projects like the one in Patchogue, if you had one landlord or one property owner that was a holdout that didn't want to sell the piece of property and would hold back our ability to have an affordable housing program. If this prevented us from doing that, if perhaps the sponsor might consider including affordable housing as part of the Local Law or one of the way •• reasons that would allow us to use eminent domain, because I agree that we need to restrict the ability to impose eminent domain, property rights being very important, but I believe we need it for affordable housing.

LEG. SCHNEIDERMAN:

Joe.

LEG. BINDER:

The difference would be if government, if government wants to build affordable housing, then it could become •• that doesn't go to a private entity. So, if government were to build it, and government were to sponsor it, and government were to do it, that's one thing. It's another thing if we were to transfer ownership to a private entity and create the affordable housing that way, and that's where we'd be restricted, and I think that's a reasonable restriction, that government shouldn't be able to go in and do eminent domain. We can pick other things that we could say that we like it for beyond even affordable housing. There are ways that government I think can go in and be very specific as to how to move recalcitrant owners out, especially those who aren't up to codes and standards and things, but

that's what we're looking at.

LEG. SCHNEIDERMAN:

Joe.

LEG. MYSTAL:

Joe.

P.O. CARACAPPA:

Legislator Mystal.

LEG. SCHNEIDERMAN:

First, two technical questions. Has the public hearing •• there was a public hearing held and it's closed?

P.O. CARACAPPA:

Yes.

LEG. SCHNEIDERMAN:

And can we restrict our rights, our abilities as a body without a public referendum?

MS. KNAPP:

This one is subject to permissive referendum.

LEG. SCHNEIDERMAN:

Okay. I would have to share and •• share a little personal experience, something similar to what Legislator Fisher was saying. And when I was Supervisor in East Hampton, we did condemn land that was owned by speculative developers, and our intention was to break that up and resell those lots, smaller lots, after we worked out a sanitary credit transfer to individuals. So that type of affordable housing development seems to me would be precluded from this. Obviously, it isn't the Town, it's the County, but the County could not act in a similar capacity, take a piece of land, replot it, clean it up if necessary, put in sewage treatment, whatever, you know, components might be necessary, and then have any kind of ownership abilities. Yes, we could own the buildings ourselves and have

renters in them, but we couldn't transfer that ownership out; is that correct?

LEG. BINDER:

Right.

LEG. SCHNEIDERMAN:

Is that something you might be willing to modify for •• if something is deemed to be of critical social importance or ••

LEG. BINDER:

How do we deem that?

LEG. SCHNEIDERMAN:

Sorry. It's a major issue facing the County.

LEG. MYSTAL:

Joe.

LEG. VILORIA • FISHER:

Joe, can you put me back on the list, please?

LEG. MYSTAL:

Joe.

LEG. VILORIA • FISHER:

Joe, can you put me back on the list, please?

P.O. CARACAPPA:

Legislator Mystal, then Vilorina•Fisher.

LEG. MYSTAL:

I wanted to support this bill, but I know, for example, the Town of Babylon is involved right now in a very serious downtown revitalization of Wyandanch, and part of the way we're going to do that is to either buy or condemn property within that zone. And when we do condemn it, what we do, we turn around and a contract and give it to a developer for the

developer to develop the land.

Before I give up my time, Mr. Presiding Officer, I would like to hear from the County Executive. I know Ben is standing there. Are you waiting on that question, Ben? Can I ask Ben, please, what is the position of the County Executive on this bill?

MR. ZWIRN:

Through the Presiding Officer. Thank you, Joe. The County Executive understands you have that power now as a Legislative body that you don't have to go ahead and use power of eminent domain for a private use, so you already have the power. And secondly, it has not been the way of the County Legislature or the County Executive to use the power of eminent domain for private •• I don't think •• are there any examples, Legislator Binder, that you can think of where the County has abused the eminent domain?

LEG. BINDER:

Well, that's the point, for the future.

MR. ZWIRN:

But there aren't as of yet. So the County Executive feels you're already there, you already have the power to do it, and you're not of the mind to go forward and abuse the power of eminent domain, so that he doesn't know how necessary it would be to codify. Thank you.

LEG. LINDSAY:

Anybody else, Mr. Chairman?

P.O. CARACAPPA:

Legislator Viloría•Fisher, then you.

LEG. VILORIA•FISHER:

I'm just hoping that the sponsor might consider tabling this, so that those of us who are in the Ad Hoc Affordable Housing Committee or the Housing Commission might provide some suggestions as how we could couch the wording to allow an exemption from •• for affordable housing, because this

would really hamper our abilities to proceed with some of the plans that we have. Not that we anticipate using eminent domain, but I would hate to lose that particular tool in our toolbox.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

The only point I was going to make is in my tenure here, we've been very reluctant to use eminent domain, even for a public purpose, except for road widening or something. I remember the bill that Legislator Crecca carried about the trailer park, to expand the park. I remember Legislator Fields had a similar bill on •• both times we were going to try and condemn the property for a public purpose, not for a private developer, so •• and even at that, we were reluctant to do it.

P.O. CARACAPPA:

Anyone else?

LEG. BINDER:

I'll change to a tabling motion, if I could.

P.O. CARACAPPA:

Very good. The sponsor has asked for a table.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Motion to table by Legislator Binder, second by Legislator Alden. All in favor? Opposed? Abstentions? 1818 is tabled.

LEG. TONNA:

Tabled.

LEG. ALDEN:

It's tabled.

MR. BARTON:

18.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Caracciolo.

LEG. CARACCIOLO:

I'd like to make a motion to reconsider 1995.

LEG. VILORIA • FISHER:

What is it?

P.O. CARACAPPA:

Which is the helicopters?

LEG. CARACCIOLO:

Yes.

P.O. CARACAPPA:

Okay. Motion to reconsider •• what number again?

LEG. CARACCIOLO:

1995.

P.O. CARACAPPA:

1995, second by Legislator Carpenter. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

LEG. MYSTAL:

What's that for?

P.O. CARACAPPA:

That's helicopters. It's now before us again.

LEG. CARACCIOLO:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Carpenter, second by Legislator Caracciolo. Again, just to remind everyone, this is to move the helicopter purchases up to 2005, as opposed to 2006. Roll call.

MR. BARTON:

On the bond.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes for public safety.

LEG. TONNA:

Yep.

LEG. COOPER:

Abstain.

P.O. CARACAPPA:

Yes again.

LEG. LINDSAY:

They want a caucus.

D.P.O. CARPENTER:

Public safety.

LEG. LINDSAY:

Sorry, Mr. Chairman.

D.P.O. CARPENTER:

You can't, you're in the middle of a roll call.

P.O. CARACAPPA:

We're in the middle of the vote.

LEG. FOLEY:

We've done this before for roll call.

LEG. CARACCIOLO:

Not in the middle of a vote, no we haven't.

LEG. FOLEY:

Yes, we have absolutely.

LEG. TONNA:

It's never been done in a middle of a vote. Come on. Not for 12 years it hasn't.

P.O. CARACAPPA:

Not in the middle of a •• we're in the middle of roll call. We've never stopped in the middle of a roll call.

LEG. CARACCIOLO:

You're at the end of a roll call.

LEG. MONTANO:

Yeah.

MR. BARTON:

12.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution, which would be the bond. Thank you.

All right. Procedural Motion Number 7. I'll make a motion. This is, of course, picking a counsel for •• ***Procedural Motion Number 7 is authorizing continued funding for the law firm in connection with enforcement of LIPA settlement.*** This the counsel, Irving Like.

MS. KNAPP:

This was a lawsuit that was authorized by the Legislature in 2002, at which point the Legislature authorized \$95,000. If you remember, discovery started in middle of last year, and the lawyer who is representing the County retained forensic accountants. The \$95,000 is almost now used up over the period of the last three years. And in discussions with Budget Review and the amount of work we think is still necessary, we'd like to add \$100,000 for both the consultants and the lawyer.

LEG. CARACCIOLO:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

That was just for additional funding for the LIPA lawsuit that we're in.

Next Procedural Motion is Number 6. I'm going backwards here. That's the way they're laid out. ***Number 6 is retaining counsel for the purpose of representing the County of Suffolk in opposition to a proposed liquid natural gas project in the Long Island Sound.***

LEG. VILORIA • FISHER:

Did we decide on a firm?

P.O. CARACAPPA:

Yes, we did. The law firm that came out of committee is Farrell Fritz. They're here to answer any questions, if you need to, but we kind of agreed on the process. I'll make that motion, second by Legislator •• oh, Legislator Nowick makes the motion. I'm sorry. I'll second it.

LEG. TONNA:

This is ••

P.O. CARACAPPA:

This is to retain the counsel ••

LEG. TONNA:

Retain counsel?

P.O. CARACAPPA:

•• for the Broadwater. On the motion? You want to ••

LEG. TONNA:

No. I just ••

P.O. CARACAPPA:

Yeah. On the motion, Legislator Tonna.

LEG. TONNA:

What I do want to say is just it's more of a procedural issue, which is I want to commend Legislator Nowick, who's the Chair of that Committee, you know, going back and forth and finally getting it to a situation where I think most of the Legislature feels comfortable. So just thank you. I think we gave you mixed messages, and working through that. So thank you very much, Legislator Nowick.

LEG. NOWICK:

And just for •• and you're welcome. Thank you, you're welcome. Just for the record, this firm had excellent credentials, knew the answers. Certainly, all of the firms were good, but this one really knew what they were talking about and we felt very comfortable in hiring them.

P.O. CARACAPPA:

Before we do take the vote, I'd also like to thank Counsel's Office for scrambling to •• and the staff, for scrambling after the last executive session, where we didn't pick a counsel, to get them back out, the RFP's out expeditiously, having those firms come in, interviewed at Legislator Nowick's committee. Thank you very much. There's a motion and a second. Oh, Legislator Alden.

LEG. ALDEN:

This is no reflection on any of the other law firms. It was a tough decision. All of them were very qualified. And this is just somebody that we think would do the better job for us.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

That is approved.

SENSE RESOLUTIONS

Okay. Let's do Senses. Page 12 on the agenda. ***Sense 53 (Sense of the Legislature resolution requesting Suffolk County towns to safeguard property rights when exercising the power of eminent domain).*** I guess you'd like to table this one. Legislator Binder? No? My mistake.

LEG. BINDER:

Yeah, I'll table it.

P.O. CARACAPPA:

Table it. Second by myself. All in favor? Opposed? Abstentions? It's tabled.

MR. BARTON:

18.

P.O. CARACAPPA:

Sense 58 (Sense of the Legislature resolution in opposition to the re-licensing of Indian Point 2 and Indian Point 3). Motion by Legislator Vilorio-Fisher, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. ALDEN:

Abstain.

P.O. CARACAPPA:

Abstain. One abstention, Legislator ••

LEG. BINDER:

Abstain.

P.O. CARACAPPA:

Two abstentions, Legislator Alden and Binder. Sense 59.

MR. BARTON:

16, 2 abstentions.

P.O. CARACAPPA:

Sense 59 (Sense of the Legislature resolution in support of the rebuilding and/or repowering of the outdated Northport Power Plant). Motion by Legislator Cooper, second by Legislator ••

LEG. NOWICK:

I'll second it.

P.O. CARACAPPA:

Nowick. All in favor? Opposed?

LEG. TONNA:

On the motion.

LEG. BINDER:

List me as a cosponsor.

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

In committee, was there a huge discussion about repowering, the economic costs?

LEG. VILORIA•FISHER:

Can you speak into the mike, please?

P.O. CARACAPPA:

The question was, was there a lengthy discussion on the repowering aspect of this, and the answer was yes.

LEG. TONNA:

Yes. All right, thank you.

LEG. ALDEN:

And just to add a little bit further to that.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

The people that came to speak in favor of this did not express their interest in nuclear power. This would be the cleanest type of fossil fuels and things

like that they want to go ••

P.O. CARACAPPA:

All in •• did you get the vote on that, Mr. Clerk? Sense 60.

MR. BARTON:

18.

P.O. CARACAPPA:

(Sense 60 • Sense of the Legislature resolution requesting New York State to enact a bond act to finance the development and purchase of renewable energy sources). Motion by Legislator Carpenter, second by Legislator Losquadro. All in favor? Opposed?

Sense 62 (Sense of the Legislature resolution requesting New York State to enact a requirement that CPR be taught in all high schools).

Motion by Legislator Carpenter.

MR. BARTON:

It's approved 18 (Sense 60). Thank you.

P.O. CARACAPPA:

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

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Foley.

MR. BARTON:

18 on 62.

LEG. FOLEY:

Thank you, Mr. Chairman. Could I be recognized, or could I go on record as voting with the majority on the Public Works portion of the agenda and the Ways and Means agenda, whatever motion we need to make on that?

P.O. CARACAPPA:

I'm sorry, Legislator Foley, I can't hear you.

LEG. FOLEY:

Yeah. The Public Works portion of the agenda and the Ways and Means I arrived late, and I'd like to be registered as supporting the majority of votes on each of those resolutions.

LEG. TONNA:

In fairness •• in fairness to Legislator Foley, I missed them also, but the fact is, is how could you be registered for them, we weren't here?

LEG. FOLEY:

No, no. I said I would like to be ••

LEG. TONNA:

I mean, you know, you could call the reconsider, but we weren't there for the vote.

LEG. FOLEY:

Legislator Tonna.

LEG. TONNA:

I mean, how do we do that?

LEG. FOLEY:

Legislator Tonna, whatever •• however the motion needs to be made, that's what we're saying, Legislator Tonna. And I'm sure that Legislator Caracciolo would be saying the same; okay? So, whatever the verbiage needs to be ••

P.O. CARACAPPA:

With all due respect ••

LEG. FOLEY:

•• let's make it •• we've done it before for other Legislators, so ••

P.O. CARACAPPA:

Yes, with all •• okay. With all due respect, I did •• I went through the public hearings exceptionally quick and got back to the agenda probably quicker than we would have. So, with that, I guess I'll make it an easy motion. A motion to reconsider all of the votes that were taken on the agenda after the public hearings, and not reconsider, adding •• adding the members, that are Legislator Caracciolo, Foley, Bishop, and Tonna to the majority of those votes. That's the motion.

LEG. MYSTAL:

You're setting a bad precedent.

LEG. TONNA:

It's a bad precedent, bad precedent.

LEG. FOLEY:

Then I'll make a •• then if people are concerned about a precedent, do we, rather than make a motion to reconsider, make a motion to reconsider for •• let's ask Counsel.

P.O. CARACAPPA:

Is that a proper motion, Madam Counsel?

MR. BARTON:

The concern that I have is the bonds.

MS. KNAPP:

The bonds are a concern.

LEG. FOLEY:

Okay.

MS. KNAPP:

You really should take the roll call again on the bonds.

P.O. CARACAPPA:

Unless you want to just ••

MR. BARTON:

Separate them out, please, because the bonds I have to have individual votes on.

P.O. CARACAPPA:

Minus •• minus the bonds.

MR. BARTON:

Okay.

P.O. CARACAPPA:

Okay? Can •• will you be able to handle that?

MR. BARTON:

Yeah.

LEG. SCHNEIDERMAN:

Technically, the motion should be made by one of the Legislators who weren't here, because you weren't ••

P.O. CARACAPPA:

They can't ••

LEG. SCHNEIDERMAN:

•• always on the prevailing side on each one of those.

P.O. CARACAPPA:

But that's not the motion, the motion is to add them to the majority.

LEG. SCHNEIDERMAN:

The motion to reconsider, though.

MS. KNAPP:

It's technically not a motion to reconsider that he's making, that ••

LEG. SCHNEIDERMAN:

Okay, fair enough.

LEG. VILORIA•FISHER:

You're just adding them to the majority, right?

P.O. CARACAPPA:

Adding to the majority of the vote that was taken on all of the votes after the public hearings, minus the bonds. I think that's fair enough. Motion by myself, second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

LEG. TONNA:

I'm opposed.

P.O. CARACAPPA:

Opposed, Legislator Tonna.

LEG. MYSTAL:

I'm opposed, too.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. CARACAPPA:

Yes.

MR. BARTON:

16.

LEG. ALDEN:

Does there have to be an asterisk on that portion of the public record?

P.O. CARACAPPA:

Not necessarily.

LEG. FOLEY:

You mean, like the ••

P.O. CARACAPPA:

Like Roger Maris.

LEG. TONNA:

Cameron, how much of the public record have you read?

LEG. FOLEY:

Like Roger Maris, you mean?

LEG. TONNA:

I've never seen an asterisk.

LEG. ALDEN:

Paul, I ••

LEG. TONNA:

But I've never read any public record.

LEG. ALDEN:

But I've never seen this happen either, and in ••

LEG. FOLEY:

Well, the Presiding Officer is being very accommodating and creative in ••

LEG. TONNA:

Right.

LEG. FOLEY:

•• allowing us to vote. Just, if we can move forward, Mr. Chairman. The pending bond resolutions, how do we go about ••

LEG. TONNA:

Oh, come on, Brian.

LEG. FOLEY:

No. I am •• each Legislator who misses votes has the opportunity during a meeting to be recorded.

P.O. CARACAPPA:

It's over. Let's move on.

LEG. FOLEY:

What about the bond votes, Mr. Chairman?

P.O. CARACAPPA:

We •• I exempted the bond votes.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

I think that was fair enough.

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

Because it gets a little tricky.

LEG. TONNA:

Henry, you got all of that?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Okay.

LEG. TONNA:

Well, that makes one of us.

P.O. CARACAPPA:

Okay. CN's, unless there's another motion.

LEG. BINDER:

Are you doing the procedural motions afterwards?

LEG. TONNA:

We did them already.

LEG. BINDER:

Mr. Chairman.

LEG. TONNA:

We did procedural motions.

LEG. BINDER:

I have Procedural Motion Number 5.

P.O. CARACAPPA:

You have Procedural Motion Number 5? Oh, right. Before the CN's, ***Procedural Motion Number 5.***

LEG. BINDER:

Right. I make a motion on that.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

This is ***to retain Consultant for the purpose of bringing an Anti•Trust Action against Big Oil Companies to bring down gasoline oil prices for consumers.*** There's a motion by Legislator Binder, second by Legislator Alden. On the motion, Legislator Tonna.

LEG. LINDSAY:

And put me on the list.

P.O. CARACAPPA:

And Lindsay.

LEG. TONNA:

Okay. Can you read the Procedural •• I'm looking for my Procedural Motions.

P.O. CARACAPPA:

It is a resolution, which is Procedural Motion Number 5, to retain Consultant for the purpose of bringing an Anti•Trust Action against Big Oil Companies to bring down gasoline and oil prices for consumers. In other words, it's a lawsuit against the big oil companies.

LEG. BINDER:

For Sherman Anti•Trust.

P.O. CARACAPPA:

Sherman Anti•Trust.

LEG. TONNA:

Is that a big oil company, or is that a medium size oil company. I just ••

LEG. BISHOP:

Sherman Anti•Trust is a law.

LEG. TONNA:

Excuse me?

LEG. MYSTAL:

It's a law. It's a law.

LEG. TONNA:

Anyway, I don't even know. The only thing that I would want to say is that, I mean, do we real want to spend money, okay, fighting the big oil companies? We already have one that we're fighting with regard to Broadwater, right, and that is something that's very, very specific. I just •• it seems to me that if there was anything like this, this should be something

that maybe the State should do, or the Federal Government should be.

I mean, I just read in a •• you know, New York Times had a wonderful editorial just a couple of weeks ago about the price of oil and about market forces, and everything else, and all I'm saying is this seems to go a little beyond our purview when asking to now utilize County taxpayer money when, hopefully, already our tax dollars in the State will be dealing with this issue. I just •• let's take one lawsuit at a time. We're already suing one big oil company.

LEG. BISHOP:

What the heck does that have to do with it?

LEG. BINDER:

I know, I know.

P.O. CARACAPPA:

Legislator Lindsay, then Alden.

LEG. TONNA:

This is ridiculous, come on.

LEG. LINDSAY:

I don't think it's ridiculous at all.

LEG. BISHOP:

No.

LEG. LINDSAY:

And I agree with Legislator Binder. But I sponsored a resolution •• could I just speak, please? I sponsored a resolution last spring that passed by this body asking the County Attorney to find a law firm to sue the major oil companies on a contingency basis. They found the law firm.

LEG. BISHOP:

Excellent. Who, who's doing it?

LEG. LINDSAY:

I don't know.

LEG. MYSTAL:

"Duey, Cheetam and How".

LEG. LINDSAY:

I don't know. But it should be something that you might want to look into it before you pass this legislation.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Go ahead, Legislator •• no. Legislator Alden, and then Binder.

LEG. ALDEN:

Actually, that would •• that would actually fit in. If they've already found it and we authorize them to execute some kind of a retainer on a contingency basis, I think that, you know, that's a win•win.

But to answer Legislator Tonna, going back like even a hundred years, there's been lawsuits, and even by local municipalities, against "Big Oil", and there's been collusion, and our constituents, our constituents got hurt. And especially I think "Big Oil" used an excuse, and it was an act of God, but the oil •• those oil companies had refined that gasoline, it was sitting in New Jersey, and they shipped it over to us. And I think it was unconscionable what they did, and what they're doing even today down in the southern states, but they still do it to us. All that gasoline was manufactured prior to the hurricane hitting. The federal government's looking into it. As we know, they move at a snail's pace at best. I think that on a local basis we're a little bit more able to adapt and move, maybe a little bit quicker even, than what the federal government's going to do, and we might be able to effect some kind of relief for people right now, when they need it, not 10, or 20, or 30 years from now, because that's what a lawsuit that the federal government initiates, that's what it's going to take. So I think this is timely and I think it's the right way to go.

LEG. TONNA:

This should be a memorializing resolution.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Mr. Chairman, yes, thank you. I think exactly like Legislator Alden. If they found somebody, then we can go forward very quickly. And we can also take the one that they're looking at, we can look at others, but I think that would be something that we can do and control the process on the Legislative side and see how we want to prosecute this. As for some Legislators, I think, or at least Legislators who spoke against it, I think it's more that my name is on it, that it's my resolution than it would be ••

[NEGATIVE RESPONSE FROM LEGISLATORS]

Well, you know, look, everybody knows here, so let's be honest here.

LEG. TONNA:

No.

LEG. BINDER:

So I think what we should do is we should go forward today. Prices are out of control. I think it's very obvious to anyone who drives around looking at major stations, Shell, Amoco, and the other, BP, all the different stations, you look and you see that they go up the same, they stay the same. If you were to look at the stock market, you can see across the board, they're all selling for the same. And there is most likely some collusion there and we should go look at that, and we can be the start of something. This Legislature has started a number of these types of lawsuits, has been successful. Legislator Bishop knows, because he was in the forefront, and there is nothing wrong with us doing it here, especially on such an important issue to the people of Suffolk County.

LEG. BISHOP:

Here•here.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Opposed, Legislator Foley, Montano.

LEG. BISHOP:

Is it on a contingency or not?

LEG. BINDER:

Up to 50.

D.P.O. CARPENTER:

On a contingency.

LEG. BINDER:

It's a contingency.

P.O. CARACAPPA:

No, it's not.

LEG. FOLEY:

No, no.

LEG. BINDER:

It's going to be up to 50 just to get them to the cost.

P.O. CARACAPPA:

No.

LEG. BINDER:

Basic cost, but it's going to be contingency.

P.O. CARACAPPA:

I think what the resolution says is that up •• we'd try to bring it as a class action?

MS. KNAPP:

Yes. It covers both possible scenarios. We're to look for lawyers who would do it as a class action suit, in which case the recovery of attorney's fees would be part of the action. In the event that's not a possibility, it allows for \$50,000 as fees.

LEG. BINDER:

That's it, no more.

LEG. LINDSAY:

Again, I don't know why we would spend any money on a consultant when we've already found an attorney that will do it on a contingency.

LEG. MONTANO:

I have a question.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

What's •• just clarify, what are we spending the 50,000 on, on the attorney?

LEG. BINDER:

Just up to, if •• up to was ••

LEG. MONTANO:

But where is it going?

LEG. FOLEY:

Up to means it will be.

LEG. BINDER:

Up to, it could be up to, it could be for the costs for filing, it could be for basic costs, and then they'll do the rest on contingency. It just allows us some wiggle room. The idea would be to keep it to zero and do the whole thing on contingency, including costs, but it gives you at least some money

sitting in an account that in the event that the best lawyers out there said that they need some money for some basic costs, but it won't exceed \$50,000. That's the most it can cost the County.

P.O. CARACAPPA:

There's a motion and a second.

LEG. MYSTAL:

Roll call.

P.O. CARACAPPA:

Roll call has been requested.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. ALDEN:

Pass.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Pass.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Abstain.

LEG. TONNA:

No.

LEG. COOPER:

Abstain.

LEG. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. VILORIA • FISHER:

Yes.

LEG. ALDEN:

Yes.

MR. BARTON:

12.

P.O. CARACAPPA:

It's approved. CN's.

LEG. SCHNEIDERMAN:

Joe, just there was one veto override we haven't done on the revenue sharing.

P.O. CARACAPPA:

That's right, there was two veto overrides that we didn't do. First one is planning steps. Legislator Caracciolo, did you want to act on that?

LEG. CARACCIOLO:

Yes. That's on the North Fork Preserve?

P.O. CARACAPPA:

It's on the North Fork Preserve.

LEG. BISHOP:

What number?

LEG. MYSTAL:

What number?

P.O. CARACAPPA:

It's a veto on ***Resolution Number 859, which was previously 1081 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (North Fork Preserve property • Farmland Component) Town of Brookhaven)***. We had skipped over it earlier today. There's a motion by Legislator Caracciolo to override, second by Legislator Schneiderman.

LEG. CARACCIOLO:

Mr. Chairman, on the motion. I'd just like to include ••

P.O. CARACAPPA:

On the motion to override, Legislator Caracciolo.

LEG. CARACCIOLO:

I'd just like to include in the record a memo in response to a •• it's correspondence I wrote to the Planning Department and Mr. Isles back in October 1st, 2003. And in his reply, he indicates the site would warrant a planning steps resolution to enable the department to obtain more information and to find out if there's a willing seller. Further, since this could be a rather large and complex transaction, a planning steps resolution could explore what other funding sources and partners may be available.

I also would like to point out that this property has been identified by the Town of Riverhead as a priority parcel acquisition, and the Town has indicated a desire to partner with the County on it.

And then, finally, a memo from the North Fork Environmental Council to myself, which was one of many organizations and constituents that wrote to me about preserving this property, and I quote, it says, "As the enclosed information details, the Town of Riverhead is currently considering a site plan application for the northern half of the North Fork Preserve Company. Development on the southern half of the preserve, also called the North Fork Preserve, Inc., has been complicated by an ownership dispute between members of a Class B shooting preserve that still actively uses the property. Nevertheless, as a whole, the preserve remains one of the largest open space parcels on the North Fork with environmentally significant wetlands."

For all of these reasons, Mr. Chairman, but particularly Mr. Isles' reply to a specific inquiry about the site and its usefulness as part of the County acquisition, and I should have added that it does sit adjacent to Town and County holdings, so it's a perfect piece of property that should be considered. The best way to proceed at this point would be the approval of this planning steps resolution. Thank you.

P.O. CARACAPPA:

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

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you. Thank you, Mr. Chairman. Legislator Caracciolo, you mentioned that Riverhead is in favor of the acquisition?

LEG. CARACCIOLO:

The Town has indicated through its Open Space and Farmland Preservation Committee that this is a priority acquisition.

LEG. FOLEY:

With that said, and I don't doubt the testimony you've given on it, when you read the veto message, it mentions that Farmland Committee, County Farmland Committee voted to reject this acquisition, is that not •• and that said Farmland Committee rejection, they would need to approve it in order that •• an approval was a precondition for acquisition. Do you dispute that or ••

LEG. CARACCIOLO:

Well, I dispute on the basis that the purpose of the Farmland Committee is to make recommendations. We, the policy•making body of this County Government, are the ones that make the final determination. That's why it's before us. And as also indicated and brought to my attention, a full title search would be needed to, you know, consummate this acquisition.

So I would take issue with the Farmland Committee's recommendation, and I would add that I can recall, not specifically right now, but over the years there have been occasions when we have the Legislature approve acquisitions that were not recommended by the Farmland Committee, so we're not setting any precedent here.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Pass.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. LINDSAY:

No.

MR. BARTON:

12.

P.O. CARACAPPA:

It's overridden. It's overridden. There's one more veto.

LEG. MYSTAL:

Hold it, hold it.

P.O. CARACAPPA:

There's one more veto. It's on **736•2005, previously 1647, a Charter**

Law to provide fair and equitable distribution of public safety sales and compensating use tax (revenues).

LEG. CARACCIOLO:

Motion to override.

P.O. CARACAPPA:

Motion to override by Legislator Caracciolo. This is a revenue sharing.

LEG. LINDSAY:

For the east End?

P.O. CARACAPPA:

Yeah.

LEG. SCHNEIDERMAN:

I'll second.

P.O. CARACAPPA:

Second by Legislator Schneiderman. Okay. We all know the issue, we all know the debate. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Pass, please.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

LEG. MYSTAL:

Change my vote. How am I supposed to vote?

LEG. SCHNEIDERMAN:

You said yes. Keep it.

MR. BARTON:

Bishop.

LEG. MYSTAL:

Change my vote to •• change my vote to a no.

LEG. BISHOP:

No. You have Amityville Village.

LEG. MYSTAL:

Did we do the money? Oh, that's different. No.

LEG. SCHNEIDERMAN:

It's a revenue sharing.

P.O. CARACAPPA:

Keep going, Mr. Clerk.

(Roll Call Continued by Mr. Barton, Clerk)

LEG. BISHOP:

I'm a no.

LEG. TONNA:

How is the Clerk's Office doing right now? How are you?

LEG. BISHOP:

I thought this was the compromise.

LEG. MYSTAL:

That's not the compromise.

LEG. BISHOP:

The original. No.

LEG. SCHNEIDERMAN:

This is the actual section.

LEG. MYSTAL:

No, no.

LEG. TONNA:

Do you realize this is ••

MR. BARTON:

11.

LEG. TONNA:

Ilona, do you realize this is why you guys make the big bucks?

P.O. CARACAPPA:

It fails.

LEG. SCHNEIDERMAN:

What was the vote.

MR. BARTON:

11•7.

LEG. BISHOP:

How can you announce a compromise and then push a vote on the •• I mean ••

LEG. MYSTAL:

How could you do that? That's right.

P.O. CARACAPPA:

CN's, Ladies and Gentlemen, CN's.

LEG. TONNA:

So, it went down?

MS. BURKHARDT:

Red folder, red folder.

LEG. LOSQUADRO:

Red rover, red rover?

LEG. BISHOP:

Motion to reconsider.

P.O. CARACAPPA:

Motion by Legislator Bishop to reconsider ••

LEG. BISHOP:

I.R. 1440, which is the hybrid vehicle.

P.O. CARACAPPA:

I.R. 1440, which is the •• Legislator Cooper's hybrid vehicle bill.

LEG. COOPER:

On the motion.

P.O. CARACAPPA:

There's a motion by Legislator Bishop to do just that.

LEG. COOPER:

I'll second the motion.

P.O. CARACAPPA:

Second by Legislator Cooper.

LEG. BINDER:

Wait a second. What are we doing?

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

A reconsideration •• it's a ••

LEG. BINDER:

You can't reconsider reconsiderations.

P.O. CARACAPPA:

It's not a reconsider ••

LEG. VILORIA • FISHER:

It wasn't a reconsideration.

LEG. BISHOP:

It went down.

P.O. CARACAPPA:

It went down on the discharge. This is to discharge again.

LEG. BINDER:

Reconsidering the discharge.

P.O. CARACAPPA:

Right.

LEG. LOSQUADRO:

He's not on the prevailing side.

P.O. CARACAPPA:

Legislator Bishop was because he wasn't here.

LEG. COOPER:

On the motion, just very briefly.

P.O. CARACAPPA:

You want to debate the motion to discharge or on the motion?

LEG. COOPER:

No.

P.O. CARACAPPA:

You want to save the debate for the ••

LEG. COOPER:

No. If I could just ••

P.O. CARACAPPA:

For the bill.

LEG. COOPER:

The reason ••

LEG. MYSTAL:

You've got to discharge it first.

LEG. COOPER:

The reason I'd like to •• well, I'm trying to get the votes to discharge •• is that three Legislators were not able to get back from lunch in time to vote for this. This resolution is on the environmental score card for the New York League of Conservation Voters, and there are three Legislators that would like to be on the record in support of the resolution. Thank you.

P.O. CARACAPPA:

Legislator Alden.

LEG. COOPER:

I.R. 1440, requiring the use of hybrid vehicles for the Legislative fleet.

LEG. ALDEN:

My question to the sponsor, or whoever made the motion now to discharge, why wouldn't you want it to go through the committee cycle, because there's a substantial cost involved here, and there's also a number of different companies that actually build these or are in the process of putting together packages. So why wouldn't you want it to go through the full Legislative, you know, hearing process and ••

LEG. COOPER:

We have done that, and it's been in committee for three months •• four months now. And Department of Public Works' position is that they don't have the personnel that are trained to maintain hybrid vehicles, so, therefore, they're opposed to purchasing hybrid ••

LEG. ALDEN:

Well, I'm ••

LEG. COOPER:

If I could just finish. So they're opposed to purchasing hybrid vehicles. There was also some question as to the availability of the hybrid vehicles, but we checked. There are Honda hybrid vehicles that are on the bid list that we can purchase. We checked with Honda dealers right here in Suffolk county, they have them in stock. They have five•year, 60,000 mile, bumper •to•pumper warranties. They say that they're maintained exactly the same as conventional vehicles, except for the battery and the engine and ••

LEG. TONNA:

The tires are okay.

LEG. COOPER:

The battery has an •• the battery has an eight•year warranty.

LEG. MYSTAL:

Jon, shut up, you're ruining it.

LEG. COOPER:

No, no. So the battery has an eight•year warranty, so eight years before

County personnel have to worry about maintaining it. The engine has five years before they have to worry about maintaining. So we have five to eight years to train somebody on how to maintain a hybrid vehicle.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

My suggestion would be don't push it today. Get some answers to a couple of more questions, and there's ••

LEG. COOPER:

But I waited three months at this point.

LEG. ALDEN:

Well, I've waited eight years to try to get our fleet changed over to something that's not killing people on a daily basis, and, unfortunately, we're still working towards that. And I ran into the same problem. We don't have the gas refueling facilities and things •• natural gas refueling facilities. We can't ••

LEG. COOPER:

But two wrongs don't make a right, Cameron.

LEG. ALDEN:

All right. But you still have •• you have questions •• not you have questions, but there are questions on your bill. I would suggest don't jump it past the committee process.

LEG. COOPER:

Well, again, we have a motion and a second, so I just wanted my explanation ••

P.O. CARACAPPA:

Yeah. Can I ask a question?

LEG. COOPER:

Sure.

P.O. CARACAPPA:

Why aren't we doing this as a pilot program in our Parks, in our Department of Public Works, with our buses first before we dedicate an entire fleet of a division of government, be it the Legislature •• why won't the County Executive •• aren't they •• why aren't they willing just to try out the hybrids, make sure that they're road•tested for a municipality, which we don't know yet, and why can't we take that •• take that approach first?

LEG. COOPER:

Again, I agree, that I think we should be taking even a broader approach at the County level, but I thought that we should lead by example. This is for the cars being used by County Legislators, and I think that if we want to take ••

LEG. MYSTAL:

My car?

LEG. COOPER:

Yes. If we want to •• if we want to take County cars, we should ••

LEG. MYSTAL:

Nah.

LEG. COOPER:

•• we should take the lead in ••

LEG. TONNA:

Absolutely.

LEG. COOPER:

Thank you. And I don't happen to have a County vehicle, but if I did, then I •• particularly in this •• particularly in this age of record high fuel prices, I think that we should send the message that we care enough about saving taxpayer dollars, that we want to use the latest technology to hopefully reduce costs for taxpayers in the long run.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Really to the sponsor, and it's a question. Evidently, you did the research that Honda's are available. Are they made in the United States?

LEG. COOPER:

Yes. They have to be made in the U.S. and yes, they are.

LEG. LINDSAY:

They have to be. Are they?

LEG. COOPER:

The vehicles on the bid list have to be made in the U.S.

LEG. LINDSAY:

Okay.

LEG. COOPER:

Hondas are on the bid list and they are made in the U.S.

P.O. CARACAPPA:

There's a motion and a second to discharge. All in favor •• roll call it.

LEG. SCHNEIDERMAN:

Motion to reconsider or to discharge?

P.O. CARACAPPA:

Discharge.

LEG. BINDER:

No. This is to reconsider the discharge. It failed.

MR. BARTON:

Mr. Chairman, I didn't ••

P.O. CARACAPPA:

It's a motion to discharge nonetheless.

MR. BARTON:

I didn't write it down.

LEG. BINDER:

I understand, but, no, Mr. Chairman, because if this passes, you'd still have to have a motion to discharge. This is a ••

P.O. CARACAPPA:

I checked with Counsel and she said we can make an another motion to discharge.

LEG. BINDER:

This is a reconsideration first, then •• Counsel. Then you'd have to then do a discharge if this passes.

P.O. CARACAPPA:

No. Legislator Binder, you're right, this is a motion to reconsider first and foremost, yes. Second by Legislator Cooper. Roll call.

MR. BARTON:

Who made the motion, Mr. Chairman? I'm sorry.

P.O. CARACAPPA:

Legislator Bishop, second by Legislator Cooper.

MR. BARTON:

Bishop. Thank you. Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. COOPER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Abstain.

LEG. KENNEDY:

No.

LEG. NOWICK:

Pass.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yes.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

Abstain.

LEG. NOWICK:

No.

MR. BARTON:

Ten.

P.O. CARACAPPA:

The motion before us is to •• is to discharge. Motion by Legislator Cooper, second by Legislator ••

LEG. TONNA:

I'll second.

P.O. CARACAPPA:

•• Tonna.

LEG. ALDEN:

This is a motion to what?

P.O. CARACAPPA:

Discharge.

LEG. SCHNEIDERMAN:

This is still not the vote on the actual merits?

P.O. CARACAPPA:

Yes, this is ••

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

That's the next one.

LEG. BINDER:

Mr. Chairman, on the discharge.

P.O. CARACAPPA:

I recognize Legislator Binder.

LEG. BINDER:

Mr. Chairman, what we have •• what we have done is that the Chairman of the committee has looked to on a discharge. As the Chairman of the Committee, there are still questions. We're working with Public Works. We're talking to them still about it. And so I would ask the members, particularly my caucus, with all the Legislators, as the Chairman of the committee, I'm asking that it not be discharged from my committee.

LEG. LOSQUADRO:

Joe.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. This is something I have discussed with Legislator Binder, and I have had contact with the Department of Public Works regarding the County's ongoing, well I •• hopefully ongoing effort, to relate to us their policy or what their criteria are for purchases of vehicles for the County fleet

moving forward. And I •• we still have not gotten that information. The last effort that I saw to continue to buy an outdated Ford Taurus model, which is no longer being sold to consumers, only to municipalities, I think is foolish. We can switch to alternative models by other American car manufacturers. We can pick up 10 to 12 miles a gallon simply by changing models.

I think that while I am, obviously, very supportive of alternative fuel initiatives, I think that we are far better served looking towards the larger County fleet and not dedicating these type of resources initially to the Legislature. And I think we should work with the Department of Public Works to try to establish what that criteria, moving forward, will be for the type of vehicles that we're going to be purchasing on a large scale, so I disagree with this.

P.O. CARACAPPA:

Thank you. Legislator Mystal, then Cooper.

LEG. MYSTAL:

To the sponsor, through the Chair, would this be mandatory?

LEG. COOPER:

For the Legislative fleet, yes.

LEG. TONNA:

Elie, you get a new car, stop complaining.

LEG. COOPER:

And, Elie, they're really cool, they're really cool. Who here has driven a hybrid vehicle? Oh, Vivian. Vivian, Legislator Fisher, you drive a hybrid; correct?

LEG. VILORIA • FISHER:

Yes.

LEG. TONNA:

Do they have hybrid suburbans, because I ••

LEG. COOPER:

Tell everyone how cool it is to drive a hybrid.

LEG. VILORIA • FISHER:

You're asking me a direct question. It's terrific to drive a hybrid. We're getting 58 miles to the gallon and ••

LEG. MYSTAL:

We don't pay for gas.

LEG. LOSQUADRO:

Elie. Elie, what's wrong with you?

LEG. COOPER:

How can anyone vote against getting 58 miles per gallon?

LEG. SCHNEIDERMAN:

Can I •• Joe.

LEG. VILORIA • FISHER:

And, obviously, I've supported this bill, and it's a good way to start it with only 18 of us.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I mean, you know, I think it would •• symbolically, I think it would be a good gesture for us to start moving toward a hybrid vehicle, vehicle fleet. We could start with the Legislature. Those are good things, but how are we paying for this? Is this in the budget? What's the •• what's the line that we're using for this?

LEG. ALDEN:

Your salary.

LEG. SCHNEIDERMAN:

I mean, are we just •• I mean, it's a great idea, but hybrid vehicles are twice the price of regular vehicles. I just want to ••

LEG. VILORIA • FISHER:

No, they're not.

LEG. SCHNEIDERMAN:

Well, it's close, it's pretty close.

P.O. CARACAPPA:

One at a time. Legislator Cooper, if you just want to directly respond to that.

LEG. COOPER:

They're not. Again, I got pricing on just Hondas, calling Apple Honda right here in Riverhead, down the block from us. You can get •• they have Honda Civics in stock for \$21,000, and they said they'd probably give us a special price for the Legislature. They have ••

LEG. SCHNEIDERMAN:

A good deal, huh?

LEG. COOPER:

And Accords for \$31,000. It's a couple of thousand dollars more. I think it's on average two to three thousand dollars more for a hybrid, but when you consider the fuel mileage, it's probably twice as much as for a conventional, it will pay back the investment ••

LEG. VILORIA • FISHER:

Our Tauruses are awful.

LEG. COOPER:

•• fairly quickly.

P.O. CARACAPPA:

Please, one at a time.

LEG. SCHNEIDERMAN:

Just to finish that line of questioning, it really gets •• to Budget Review, but where •• I mean, it is going to be additional funds. Is it budgeted? Where is the money coming from? Is there an offset? You know, I support the idea. I'm sorry it's stuck in committee, but it sounds like there's some really legitimate questions that the committee is raising. I hope they get that resolved. It's unusual to discharge something out of committee, and it doesn't sound like all the questions are answered. And I think one of the fundamental questions is how are we going to pay for it?

LEG. COOPER:

Well, again, if you read the resolution, it's not going to call for immediately replacing •• I don't know how many vehicles there are right now in the Legislative fleet.

LEG. SCHNEIDERMAN:

Then why do we have to discharge it immediately?

LEG. COOPER:

But it's going to •• as the need arises, when we need new vehicles and when we're phasing out an existing vehicle, that new vehicles will be a hybrid vehicle.

P.O. CARACAPPA:

Just so you know, the process is it would come out of •• we have to budget for it in a Legislative budget.

LEG. SCHNEIDERMAN:

Okay.

P.O. CARACAPPA:

It would be one of the lines within our departmental budget for cars. This year we do not have a line for new vehicles. None of the vehicles that we currently have, only one that's close is the courier's van. All of the other Legislative cars aren't even close to being considered, based on the hundred thousand mile threshold to be reconsidered from DPW standards.

LEG. SCHNEIDERMAN:

Mine's getting close.

P.O. CARACAPPA:

Add to that, if the Presiding Officer doesn't decide to do purchase orders for a car, even when there is a budget line, they don't have to. And if •• and if he doesn't •• even if I wanted to, or the next Presiding Officer, whoever, DPW really does have the final say in certain instances when we retire our fleet and restore it. So this resolution sounds good on its surface, and it might be a direction we want to go again in the future, but procedurally speaking and logistically speaking, it doesn't work.

LEG. MYSTAL:

Mr. Presiding Officer.

P.O. CARACAPPA:

There's a list. Legislator Alden.

LEG. MYSTAL:

Point of personal privilege. I'm going to vote for this bill just to see Pete O'Leary in a Honda Civic.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just to the sponsor or to Legislative Counsel, does this call for us purchasing off of a bid list, because there's always ••

LEG. COOPER:

Yes, it does, but Mea •• Legislative Counsel, can you address that, please?

MS. KNAPP:

It specifically does require us to purchase vehicles available on a public bid list.

LEG. ALDEN:

Are there currently these type of vehicles available on the public bid list?

MS. KNAPP:

At the time Legislator Cooper proposed this, I did check the State purchasing bid list and there were at least, I think, two at that point in time.

LEG. COOPER:

Well, I know there are Honda vehicles on the bid list, there may be Toyotas as well, but I know, certainly, there are Honda ••

P.O. CARACAPPA:

One at a time.

LEG. ALDEN:

And last time I looked, there's really not a significant history on these vehicles to see as far as reliability and what type of mileage is actually sustainable over a period of time. But then more importantly, if they've got to be serviced by us, then I know •• I know we like to keep a uniformity for the fleet, so there's a number of problems that, you know, just I could think of off the top of my head as far as keeping, you know, like parts and making sure these things stay in service more time than they're laying there in down time ••

LEG. COOPER:

If I could respond.

LEG. ALDEN:

•• in getting in hybrid type of parts and things like that. That's why there was a suggestion made before to do it as a pilot program, which would mean maybe purchase one vehicle, or something along those lines, to be evaluated. And I think we try to do that on a basis where LIPA was going to supply us with a gas powered, you know, natural gas powered car and we could evaluate whether we can do the fueling, whether we could do the parts maintenance and things like that, and if, in fact, it did get better gas mileage and reliability.

So I'm going to end my comments with just, you know, like I think maybe that's the way to go, rather than put in something where we're locked into purchasing some kind of vehicles that really might not even prove to be ••

LEG. COOPER:

Well, If I could ••

LEG. ALDEN:

•• reliable enough, or even in demand.

LEG. COOPER:

If I could respond to that. Once again, as far as the maintenance, with the exception of the engine and the battery, everything is the same as in a conventional vehicle. And the engine has a five•year warranty, so for five years after the purchase ••

LEG. BINDER:

You still have to fix it if it goes bad.

LEG. COOPER:

What we need to do is bring it back to the Honda dealer and they'll fully cover any of the costs and handle the maintenance. In the case of the battery, it has an eight•year warranty.

P.O. CARACAPPA:

Listen, we're debating the bill itself. It needs to be discharged. We'll wait for the •• finalize this debate until it's even before us. There's a motion and a second to discharge.

LEG. VILORIA•FISHER:

Joe, can I ask a question?

D.P.O. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the discharge?

D.P.O. CARPENTER:

On the motion.

P.O. CARACAPPA:

And why it should be on the floor or on ••

D.P.O. CARPENTER:

On the motion to discharge.

P.O. CARACAPPA:

Legislator Carpenter, on the discharge.

D.P.O. CARPENTER:

I think the fact that we have spent all of this time debating this gives credence to the fact that this really should be in committee and discussed. A bill comes out of committee when it's ready. Obviously, this wasn't.

LEG. TONNA:

It's not always true, though.

D.P.O. CARPENTER:

Well, most times.

LEG. CARACCIOLO:

Mr. Chairman.

P.O. CARACAPPA:

On the discharge. On the discharge, Legislator Caracciolo.

LEG. CARACCIOLO:

I don't think it's going to get to the floor, but I find it ironic that we're talking about these vehicles when we have a real need for police helicopters. And many of the people who are speaking in favor of this resolution voted against, you know, Medevac helicopters for County

residents.

LEG. VILORIA • FISHER:

You know how many of these we'd get for 6 million dollars?

LEG. BISHOP:

That is irony. That's pure irony.

P.O. CARACAPPA:

Irony. On the discharge.

LEG. NOWICK:

On the discharge, Joe.

P.O. CARACAPPA:

There's a motion directly on the discharge.

LEG. NOWICK:

On the discharge, quick.

P.O. CARACAPPA:

Go ahead.

LEG. NOWICK:

Certainly, the idea of hybrid vehicles in this day and age, with the energy problems that we have •• would you look the other way •• certainly that's an excellent idea, and certainly one to look into.

However, to usurp the authority of the committee is where the question lies, and that's what we're doing here and we will be setting a precedent. That's the problem.

LEG. TONNA:

That precedent's been set.

LEG. MYSTAL:

We do that all the time, Lynne.

LEG. NOWICK:

That was my comment.

LEG. TONNA:

Legislator Binder just did it with his resolution he wanted to.

P.O. CARACAPPA:

Yeah. The Chairman •• the Chairman of the committee requested it didn't come out of his committee. That's been on •• put on the record. The motion is to discharge. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. TONNA:

Yes to discharge.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

Pass.

LEG. O'LEARY:

No.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

No to discharge.

LEG. FOLEY:

Yes to discharge.

LEG. LINDSAY:

Yes.

MR. BARTON:

Montano.

(Legislator Montano entered the auditorium)

LEG. MYSTAL:

Say yes, Rick.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. KENNEDY:

No.

LEG. TONNA:

That would be great, another reconsideration.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Ah, yeah.

LEG. TONNA:

How do you write that in the record?

LEG. BINDER:

No.

LEG. MYSTAL:

Reluctantly.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No, not ready.

LEG. SCHNEIDERMAN:

Yes to •• abstain, I'll abstain.

LEG. TONNA:

There you go.

LEG. MONTANO:

Yes.

LEG. BISHOP:

Got our mailing.

LEG. NOWICK:

No.

MR. BARTON:

Eight.

P.O. CARACAPPA:

That's the end of that debate. It fails.

LEG. BISHOP:

So much for President Bush wants you to stop using gas.

P.O. CARACAPPA:

CN's.

LEG. TONNA:

Now we're suing big oil companies. Let's concentrate on that first.

P.O. CARACAPPA:

2016, CN's. They're in your red packet. ***This is adopting a fiscally responsible, prudent, and affordable Energy Tax Suspension Plan.***
This is suspending the fuel oil tax.

LEG. ALDEN:

Motion.

P.O. CARACAPPA:

Motion by Legislator Alden, second by Legislator Lindsay. I have a ••

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

•• host of questions on this. Mr. Zwirn.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Mr. Zwirn.

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

You have the resolution before you?

MR. ZWIRN:

I don't. I do? There was some question I think with the Fourth Resolved Clause.

P.O. CARACAPPA:

Absolutely.

MR. ZWIRN:

Okay. The Fourth Resolved Clause is ••

P.O. CARACAPPA:

Just so you know, I called the County Executive about four days ago about the Fourth Resolved Clause and he said he'd get back to me and he hasn't, so maybe you know the answer.

MR. ZWIRN:

Okay. I thought he had gotten back to you, but that •• well, I stand corrected.

LEG. TONNA:

Plausible deniability. Good work.

MR. ZWIRN:

At any rate, what this clause does is that it prevents the energy tax cut to be paid for out of an increase in other taxes and to be paid for out of the reserve fund. Now, the way it was funded was out of pay•as•you•go money for the end of 2005.

P.O. CARACAPPA:

For 2005, right.

MR. ZWIRN:

2005 and about ••

P.O. CARACAPPA:

Which is a total of ••

MR. ZWIRN:

I thought it was two•and•a•half.

P.O. CARACAPPA:

•• two point something million dollars.

MR. ZWIRN:

2.5 million. And the rest was taken from about 9,000 other lines, the VYTRA savings. It was taken from throughout the budget. And this is just to prevent an increase in the General Fund property tax to pay for it where it come out of the reserve funds. So it would have to be •• come out of other revenues or other •• other expense cuts.

P.O. CARACAPPA:

How much •• how much of the offset was pay•as•you•go?

MR. ZWIRN:

2.5 million. Oh, for ••

P.O. CARACAPPA:

How much of the pay•as•you•go was used for the offset?

MR. ZWIRN:

In 2005, it would have been 2.5 million.

P.O. CARACAPPA:

What about 2006, because even though this is just for the 2005 portion, it's relevant that we start asking these questions.

MR. ZWIRN:

Yeah. No, I don't think that it would have come out •• it would have been •• we wouldn't have taken •• the budget wouldn't be prepared where you say, well, we have 8 million dollars for pay•as•you•go and then we're going to deduct that. It would have been done out of the entire proceeds of the budget for 2006. So it wouldn't have been taken specifically from a pay•as•you•go line.

What I'm saying is that the money that you •• that the money •• the revenue's not coming in. You could argue that it's going to go for expenses. I mean, you could say that •• if you wanted to say that was pay•as•you•go money, you could. I mean, it was about •• next year is about 7.5 million.

It's a 10.5 cut in revenues for next year projected, but that's done throughout the entire budget, not just pay•as•you•go.

P.O. CARACAPPA:

Would the County Executive's Office be willing, seeing that's a CN, to strike the Fourth Resolved Clause?

MR. ZWIRN:

I could check.

D.P.O. CARPENTER:

Good.

P.O. CARACAPPA:

It would make this much easier, because some •• a lot of Legislators feel that this is tying us in to a certain process, not only for the rest of 2005, but, more importantly, during the amending process for 2006 with the language that's presented in the Fourth Resolved Clause.

MR. ZWIRN:

Okay. If you want to go ahead with the other CN's, I think they're less ••

P.O. CARACAPPA:

We will.

MR. ZWIRN:

They're less controversial.

P.O. CARACAPPA:

If you can get that answer back to us ••

MR. ZWIRN:

And I'll get •• and I'll come back, yes.

P.O. CARACAPPA:

•• we certainly would appreciate it.

LEG. TONNA:

Send it to committee.

P.O. CARACAPPA:

Actually, we can't. We need to •• if we're going to •• if we're going to act for the first part of next year, we have to get this up to Albany, because it's a •• it's timely, unless we have a Special Meeting, which I don't ••

LEG. TONNA:

No, no, no.

P.O. CARACAPPA:

Don't plan on having. ***2122 (Accepting and appropriating a grant in the amount of \$446,388 from the United States Department of Justice, Office on Violence Against Women for Project Scope (Suffolk County Orders of Protection Enforcement) administered by the Suffolk County Police Department (SCPD) with 96.1%).***

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion. This is a grant.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

2135 • Amending 2005 Operating Budget and transferring funds for

various contract agencies.

LEG. CARACCIOLO:

Motion to commit to committee.

LEG. O'LEARY:

Second.

LEG. VILORIA • FISHER:

May I just have ••

P.O. CARACAPPA:

Motion to commit to Budget and Finance.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Second ••

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Let me just get the motion out. Second by Legislator O'Leary. I recognize Legislator Fisher.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Yes.

LEG. VILORIA • FISHER:

I'd like to make a motion to approve. The reason I asked the County Executive for a CN on this is that these projects would not be able to move forward and use this money for their projects during this fiscal year. If it

were to be •• go back to committee, they wouldn't have the time to get the contracts and forward their programs.

The monies for these different programs were •• had been part of the omnibus money that was allotted, that each Legislator used for certain projects, and because the Bus Program, to which I earmarked the lion's share of the money that I had in the omnibus, since that •• since the bus has not yet begun to run, this money comes from that part of the budget. And so I ask that a budget to approve •• a motion to approve be passed, so that we could allow these groups to do the good work that they want to get accomplished before the end of this year.

P.O. CARACAPPA:

So this money is coming from that bus account? So I guess you could say •
•

LEG. VILORIA • FISHER:

Yes.

P.O. CARACAPPA:

•• these monies were officially parked now?

LEG. VILORIA • FISHER:

No, they weren't parked, because I had every intention of ••

P.O. CARACAPPA:

Oh, it's a joke, Vivian.

LEG. VILORIA • FISHER:

Okay. Okay.

P.O. CARACAPPA:

Wow.

LEG. CARACCILOLO:

They're only parked if you're a Republican, Joe.

LEG. VILORIA • FISHER:

Well, I just wanted to make it clear I didn't park any money.

LEG. FOLEY:

No, it was sheltered, it was sheltered.

LEG. LINDSAY:

I second the motion.

P.O. CARACAPPA:

The motion to commit takes precedent over the motion to approve.

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Roll call.

P.O. CARACAPPA:

To commit to Budget and Finance.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Abstain.

LEG. TONNA:

This was part of our •• this was part of the •• this was part of the budget last year, right?

LEG. VILORIA • FISHER:

Right, this ••

MR. BARTON:

Nine.

LEG. TONNA:

Guys, you should be ashamed of yourselves.

LEG. VILORIA • FISHER:

Okay. Motion to approve.

P.O. CARACAPPA:

Motion to approve. Sent to committee fails. Motion to approve Legislator Viloria•Fisher, and a second has been already •• Legislator Lindsay, I believe, was the second.

MR. BARTON:

Thank you.

P.O. CARACAPPA:

All in favor? Opposed?

LEG. BINDER:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA • FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

(Not Present)

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Abstain.

LEG. TONNA:

Yes. Of course, yes.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yeah.

LEG. ALDEN:

(Not Present)

MR. BARTON:

16, 1 abstention, 1 not present. (Not Present: Leg. Alden)

LEG. VILORIA•FISHER:

Thank you. You had me at the edge of my seat.

P.O. CARACAPPA:

Mr. Zwirn back?

LEG. FOLEY:

We have a few others we could do, Mr. Chairman.

P.O. CARACAPPA:

Even though we're passing •• you're going to •• okay. Thanks, Todd. Before we move on, can I ask a question, Legislator ••

LEG. VILORIA•FISHER:

Sure.

P.O. CARACAPPA:

Do you actually think these contracts are going to be finalized, because there are hundreds.

LEG. VILORIA • FISHER:

At least this gives them a fighting chance.

P.O. CARACAPPA:

There are hundreds sitting on the desk of the County Executive that aren't moving.

LEG. VILORIA • FISHER:

We all need to push our contracts to get through. This gives them at least a fighting chance. But I certainly appreciate your point, Mr. Chair.

P.O. CARACAPPA:

2136 •• oh, Mr. Zwirn.

MR. ZWIRN:

Yes, Joe. We're trying to work this out so that we can get it passed, and we're trying to work with the sponsor. See if this language would be a modification, because the purpose of this is to try not to •• we don't want to raise taxes.

LEG. CARPENTER:

Oh, kidding, you're kidding.

MR. ZWIRN:

Exactly. Well, by cutting the energy bill, the energy tax, you're going to reduce revenue. So we don't want to reduce one tax and then raise •• and then come up with the money to do it by raising the General Fund property tax, and that's ••

P.O. CARACAPPA:

We all agree. We all agree.

MR. ZWIRN:

Absolutely. And we're just trying ••

P.O. CARACAPPA:

But the language is almost binding to in nature.

MR. ZWIRN:

Right. But this is what they've come up with. "RESOLVED, that implementation of the six•month tax suspension on residential energy sources and services shall be funded without raising another tax or using the Reserve Fund." Would that be acceptable to the Legislature?

P.O. CARACAPPA:

Tax Stabilization Reserve Fund?

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

We want to make it perfectly clear.

MR. ZWIRN:

Yes.

LEG. ALDEN:

That's the intent of the sponsor.

P.O. CARACAPPA:

Oh, Legislator Alden, I apologize. It's your bill.

LEG. ALDEN:

That's my intent.

P.O. CARACAPPA:

That is your intent.

LEG. ALDEN:

And that clarifies ••

LEG. LOSQUADRO:

And it still gives us the flexibility we need?

P.O. CARACAPPA:

That does give us the flexibility we need.

D.P.O. CARPENTER:

Ask Counsel to answer that question.

LEG. LOSQUADRO:

Counsel.

LEG. ALDEN:

That clarifies our position as far as we don't want to raise taxes and we don't want to raid the reserve fund. I think this is a great way to give something back. Even though it's a small amount of money, it gives something back to the people directly in Suffolk County. We're not going •• this doesn't •• because it's a sales tax, if we went with some other type of merchandise that was sold, people from other counties would reap the reward. Here, this is specifically for our people in Suffolk County.

[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]

MS. VIZZINI:

Just for a point of information. As was stated, this reduces the 2005 Operating Budget by two•and•a•half million. But what it also does is it has already removed \$10.5 million in revenue from the 2006 Operating Budget. Budget Review would be opposed to removing any revenue, be that as it may, especially since you have not had the opportunity to review the budget nor the benefit of having your Budget Review Office advise you what has not been included in the budget.

There has been other proliferation of several •• creation of several reserve funds, and I'm thinking that your original comment was limited to the

significant surplus that we have in Tax Stabilization Reserve. I would not want to see your hands tied in any way, if you wanted to even bring the property tax level to where it was before, if you wanted to move monies from other reserve funds, new reserve funds, so I'm not sure that the change in the language is necessarily an improvement. But I would caution you, know that this does •• the budget as presented does not have \$10.5 million in it.

P.O. CARACAPPA:

Legislator Alden, then Lindsay.

LEG. ALDEN:

With all do respect, part of your comments we have to take into consideration, but the first part of your comment •• and that's •• you would be opposed to a reduction of a sales tax, that is strictly within the purview of this body. We determine policy, we determine what the tax rate is going to be, what is going to be taxed.

LEG. TONNA:

Put me on.

P.O. CARACAPPA:

She didn't say that, Cameron.

LEG. MYSTAL:

She didn't say that, Alden.

LEG. CARPENTER:

She didn't say that, Cameron.

LEG. ALDEN:

All right, then I stand corrected. You didn't •• what did you say that you were opposed to, the reduction of the tax?

CHAIRMAN BINDER:

Revenues.

MS. VIZZINI:

There is no question, Legislator Alden, this is a policy decision, but this is a reduction in revenue.

LEG. ALDEN:

Right.

MS. VIZZINI:

And the constraints that are placed on you is you can't replace it with another revenue, so I just want you to realize ••

LEG. ALDEN:

Well, not with another revenue, we're not going to replace it with another tax. And, therefore •• and then, basically, it's real clear, we're not getting rid of this revenue stream and then go create a revenue stream by increasing property tax. That's not the intent of the legislation, it never was. But it is within •• you know, this is our jurisdiction, basically, of where the revenue comes from and where the revenues goes, and I think it's perfectly legitimate for us to consider raising revenue or decreasing revenue, raising expenditures or decreasing expenditures. So from your point of view, it makes it easier to balance a budget if there's more revenue and less expenses, but on the other side of it, you know, we are charged with, I think, a very heavy duty •• we're elected by the public every two years which this year is more relevant than any •• than last year even. And it's our duty to make sure those folks are taken care of, and that includes making it affordable for them to live in their houses. So as far as that revenue end of it, you know, I think that's strictly within our jurisdiction on it.

P.O. CARACAPPA:

Let me give you an example I think of what Budget Review is trying to say, Legislator Alden. For instance, this Legislature set a policy during the Capital Budget process to do, instead of bonding, pay•as•you•go projects in 2006 equaling something close to \$20 million. There's \$5 million budgeted for pay•as•you•go in 2006. Does this handcuff us from being able to fund those projects where we've set the policy that we would fund them with cash as opposed to bonds in the upcoming budget process; is that a correct

statement, is that the point you're trying to get to?

MS. VIZZINI:

That's part of my concern. You haven't had the opportunity for us to advise you what's not in the budget. Pay•as•you•go was originally recommended by the County Executive's Office, the Capital Program \$15 million, the County Executive has failed to provide even that level of funding for pay•as•you•go, there's \$5 million.

LEG. ALDEN:

Right, and I can cut to the bottom line here. The purpose of this coming as a CN today is if we want to make this relevant for this heating system, and people ••

LEG. CARPENTER:

Season.

LEG. ALDEN:

They're going to make horrible choices, they're going to be forced to make horrible choices, and that's between heating their home, keeping their family warm and going out to buy food or medicines. So if we want to try to make this come into existence, this cut for December 1st, we have to ask New York State for permission, basically, to do that. We've got to pass something, this or something like it, to ask New York State. Then we get •• the beauty of it, we get a second bite at the apple, because now we're only beginning the budget process for next year. So if there's horrible things and everything didn't pan out, then we can eliminate that program. I am optimistic in just •• you know, like I went through the proposed budget and I think that there's, you know, some changes that are going to be made, but I'm optimistic that we can actually do that without cutting other programs or raising taxes. So I have an optimistic view, but we do have a second bite at the apple. Today this is strictly to make sure that we send a message up to New York State asking them for permission to do this in a timely fashion.

P.O. CARACAPPA:

Legislator Lindsay. I've got a long list. Legislator Lindsay?

LEG. LINDSAY:

Yeah. When Legislator Alden originally proposed this legislation in the spring, I was opposed to it on the basis it was the wrong time of the year, that we should address it during the budget season for '06 and, you know, he's done that. And here we are at the time and we really don't have the luxury of looking at the '06 budget in depth before we pass this. If we're going to provide relief for our taxpayers this winter, we have to do it now.

P.O. CARACAPPA:

Legislator Lindsay, don't you believe that that language is dangerous where it handcuffs us from doing what we might think is necessary during the budget process?

LEG. LINDSAY:

The modified language of not raising taxes or dipping in to the Tax Stabilization Fund I don't find dangerous at all. He came back with a modification; you asked him to go and get a modification, he got it.

P.O. CARACAPPA:

I asked him to remove the fourth RESOLVED clause is what I asked, and they came back with that. Legislator Tonna, then Binder, Cooper, Caracciolo, and then Kennedy.

LEG. TONNA:

I just •• this seems to me a game of chicken. You know that if you put in something about reducing taxes, you know that our County Executive is going to come back and say, "Sure, but now let me tie your hands in another way so that we can reduce taxes this way." At the same time, this Legislature •• and I thank Budget Review for coming out and actually •• there are times that it's very frustrating for me because, you know, I would ask Budget Review, you have to solicit Budget Review's advice on something. Gail, I appreciate that you are forthright in being able to say how do we say we're going to put a \$10 million hole in our budget, have our hands tied in a certain aspect without seeing the whole picture? And by the way, nobody here is talking about when doing the budgeting all your pet •• all our pet projects, I'm just as guilty as anybody else; we're not talking about cutting those, we could cut \$10 million out of those.

So it just seems to me on one hand we want to say spend, on the other hand we want to say we're cutting taxes, and when you play that chicken game with the County Executive, okay, you know, basically he's going to up the anti. And all that I'm suggesting is, you know, I'm not a minimalist; maybe some of you are minimalists; government actually does some things here. We do some things and, yes, it costs money.

This was •• you know, there are little kids who are protected, there's law enforcement that we have to handle, there are a lot of things that government does right and we have to fund it. And when we made the decisions to do it this way, it was because at the time it was shared and less onerous, now you're asking to really tie your hands and basically say we're going to put a \$10 million hole in the budget which we don't even know what the budget looks like yet. I think this is •• I think this is not prudent. And don't play this game •• I don't think you should play this game with County Executive Levy. He would deconstruct this •• you know, our County services pretty quickly, lickety split; I don't think that's what this Legislature wants to do.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Thank you.

LEG. BISHOP:

That's Latin, lickety split.

LEG. BINDER:

The real question that we should be looking at is the windfall, particularly. Now, what we have before us, I don't know if it just •• I don't know if we're talking just about the windfall, I don't know if 1% is just the increase. But what's happened here is a precipitous rise in the cost. A precipitous rise in the cost means a precipitous rise in our revenues and a windfall for the County because of something we have no control over.

When we put this in the first place, which I didn't support, we had a certain idea of how much money was going to come in on a regular basis or on a yearly basis, and now we're looking at it and it is turning into a huge windfall for the County, and that's what we've got to stop. I'm going to support this because I think we shouldn't have done it in the first place. I don't think we should have been •• we should have •• and I knew we were going to become dependent on this revenue source, we shouldn't have become dependent on the revenue source. I think it's unfortunate that it's temporary and I put in a bill that would basically look at, going forward, how much revenue would be taxed •• tied to how much of a percent on the tax and look back and see a base line. So if we made a certain amount of money in a certain year, maybe it's last year's figure, and then we can create what the percentage would be in the tax based on not taking a windfall for this increase. That's what happened to gasoline prices, New York State is gaining a windfall, everyone is gaining windfalls because of the increase in prices and that means government is taking more out of people's pockets for something that we had nothing to do with and that means the consumers are getting hit doubly, not just because it's an increase in the cost for the product, but also because government's hand is further and deeper into people's pockets.

So I'm going to support Legislator Lindsay •• Legislator Alden on this to roll this back. And I would hope that we're not going to make this just a temporary fix, we've got to go forward and make sure that government doesn't make a windfall because the people are hurting more tomorrow than they are today and that's what we should stop from happening.

P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

Before we vote on this, we just need to put things into perspective. Legislator Tonna referred to this creating a \$10 million hole in our budget, Legislator Binder referred to this as being a windfall for government, taking more money out of people's pockets, consumers getting hit again. Did anyone calculate what the savings would be to the typical resident of Suffolk County if this is enacted, per day; does anyone know?

LEG. BISHOP:

Twenty•six dollars annually.

LEG. COOPER:

One point eight cents per day.

LEG. TONNA:

Right, exactly.

LEG. COOPER:

Less than two cents a day. So let's not kid anyone that this is going to make it easier for people to stay in their homes, pay their heating bills, we're talking about one •• what can you buy for 1.8 cents? You can't buy a gum ball for that. So this really is not going to make any difference in anyone's lives. What it may do, however, is blow a \$10 million hole in our budget and if anyone has suggestions for where we're going to make up that hole without cutting into vitally important social programs, public safety programs, I'd like to hear it. But 1.8 cents does add up when you're talking about 1.4 million residents of Suffolk County.

P.O. CARACAPPA:

The point is we won't be able to make up for the deficit based on the language that's been passed.

LEG. COOPER:

Absolutely, that's the concern.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. I think a couple of points need to be amplified. One is the conversation there by Legislator Tonna, and the other is what I perceive as a shell game.

You know, on one hand we're talking, as Legislator Cooper just mentioned,

saving consumers 1.8 cents a day, yet when you go to the gas pump every day you're paying dollars more per day for the same amount of fuel. So to put the whole matter in perspective, we're taking in more revenue vis-à-vis the sales tax that just the County collects, forget about the Federal Government, State government. And I applaud the Chair for sponsoring the Sense Resolution which we'll be voting on later to support the State legislation to deal with that issue.

But more to the point here of the fourth RESOLVED clause. I haven't heard from Mr. Zwirn, where does the County Executive intend •• if he doesn't want to raid the Tax Stabilization Fund, which I always thought were for purposes like this, \$110 million in reserve right now and growing by another \$8 million this year •• if he doesn't want to tap into the Tax Reserve Stabilization Fund and he wants a pledge that as a result of passage of this resolution there will be no corresponding increase in property taxes, where then, as he identified in next year's budget and in this year's budget, that he's going to recover the two•and•a•half million dollars in '05 and the nine point or \$10 million in '06? Where is he identifying that loss of revenue in the '06 presented budget?

MR. ZWIRN:

The budget is •• in 2005, the majority of the money is coming from pay•as•you•go, two•and•a•half million dollars.

LEG. CARACCIOLO:

How much do we have in pay•as•you•go left over from this year?

MR. ZWIRN:

I'd ask Budget Review, I don't know offhand.

LEG. CARACCIOLO:

BRO?

MS. VIZZINI:

Eight million one hundred and five thousand, five hundred and eleven.

LEG. CARACCIOLO:

So we have plenty of money in pay•as•you•go. What other surpluses will we end this year in, Gail, as a result of turnover savings? I'll go line by line with you; turnover savings •• no, not you, let Gail answer the question.

MS. VIZZINI:

As you know, Legislator Caracciolo, we have carried over a \$116 million fund balance to offset our General Fund property taxes.

LEG. CARACCIOLO:

Okay. So we start with 116 and we build on that with these other, you know, surpluses. EMHP, how much is that surplus this year?

MS. VIZZINI:

That was estimated to be approximately \$13 million and that is one of the new reserve funds that has been established.

LEG. CARACCIOLO:

Okay, so that's now going in to a new reserve fund. Where is the money for the second reserve fund coming from?

MS. VIZZINI:

Anticipated Medicaid recoveries, DSS and BRO had worked very hard to get some State monies for psychiatric patients that we were all along paying the Medicaid costs for when, in fact, they were released from State hospitals and it's a State expense. So we expect to recapture \$13 million. However, we're not sure if the State has the appropriations to give it to us, so that is also in a reserve.

LEG. CARACCIOLO:

The additional sales tax receipts for gasoline in Suffolk County, gasoline sold in Suffolk County this year, what is anticipated will be the number in that respect?

MS. VIZZINI:

We collect •• in 2004 we collected \$48 million in receipts for sales tax on motor and diesel oil, we expect 53.3 million in 2005.

LEG. CARACCIOLO:

Okay. Mr. Chairman, why can't we earmark in this resolution that the two and a half million dollar offset in '05 will come from the excess Motor Fuel Use taxes that we collected this year? Rather than tie our hands, as you've expressed concern, Legislator Tonna has expressed concern, with not tapping in to Tax Stabilization, not raising taxes. You have to give Budget Review Office the opportunity to go through this recommended budget very carefully so you can make informed decisions. And I think I share your concern about taking this giant leap of faith with language in this resolution that may, in fact, tie your hands going forward.

P.O. CARACAPPA:

Well, your first question about using the sales tax on gasoline you'd have to present to the sponsor.

LEG. CARACCIOLO:

We have excess revenues coming in there, why can't we clearly define that those excess •• not excessive, but additional Motor Fuel Use taxes that came in this year will be used to offset •• I mean, it makes sense.

LEG. ALDEN:

Here's the point.

LEG. CARACCIOLO:

It's a shell game otherwise, and I don't challenge you by saying that.

LEG. TONNA:

It's \$26 a year.

LEG. CARACCIOLO:

The public is not going to be fooled. You know, they know what they're paying at the pump every day and here, as Legislator Cooper pointed out, we're offering them a 1.8 cent a day savings.

LEG. SCHNEIDERMAN:

Seven cents.

LEG. ALDEN:

Mike, first off, I take exception to that, and you can break it down to whatever way you want to say it like, "Oh, the tax only costs you a quarter of a penny every second of your life or every minute of your life," but the fact is it's a cost. So you can minimalize it if you want, which I think is ridiculous. There was always an effect and the fact is people have to go in their pocket and pay more money, and it comes to them in a very, very unfriendly type of forum, it's a bill. So when you heat your home, there's the bill presented to you, when you turn on the electronic light at your home, here's the bill presented to you.

Now to get to the second part of it, unfortunately when the cost of fuel goes up and the cost to live in your home goes up, you spend less money on other areas, like you don't go out and buy clothing and you don't buy other taxable goods in Suffolk County. So what Budget Review has been telling me all year long is there's an effect where our gasoline tax revenues are going up, our home energy tax and revenues are going up, but the other revenues corresponding to the sale of goods in Suffolk County have been going down.

LEG. CARACCIOLO:

Yeah, but here •• if you would suffer ••

LEG. ALDEN:

So now when you balance it out ••

LEG. CARACCIOLO:

•• an interruption? All I'm trying to say is tie the two together. Take the excess money that we've collected ••

LEG. ALDEN:

We don't have excess money when you look at the offset as far as there's less sales tax coming in from other sales of goods. So they're saying if you look at all the sales tax coming in, it's just about either hitting the targets or maybe even a little bit less than the targets.

LEG. CARACCIOLO:

Well, I respectfully disagree. I think, you know, we still ••

LEG. ALDEN:

Well, that's Budget Review's analysis of it.

LEG. CARACCIOLO:

Well, I know, that's year•to•date and that's subject to change. But I think there's a dangerous threshold here that you're entering if you go along with this language as it exists.

P.O. CARACAPPA:

You know, you could offset the cost of this a thousand different ways.

LEG. CARACCIOLO:

Right.

P.O. CARACAPPA:

And you just brought up one, that's really not the point. The point is the language not allowing us the flexibility to deal with an operating budget of two point •• two•and•a•half billion dollars that's before us in a couple of weeks. I personally believe that is dangerous language. We all support this measure, we all want to give relief, but as a Legislature we cannot forfeit our ability to budget.

LEG. TONNA,

Right, exactly.

P.O. CARACAPPA:

That's the bottom line. Now, the public won't get that, we understand. They're going to understand a headline and a political mailing that we didn't vote for this, and yeah, it's political. But as Legislators for this institution for which you're a part of, you are basically going to forfeit, forfeit ••

LEG. TONNA:

Right.

P.O. CARACAPPA:

•• your responsibility and your right as a person who's run for this office, made pledges as part of this office and giving up your responsibility to budget. I've said it enough. Legislator Bishop is next.

LEG. BISHOP:

Mr. Zwirn, what is the point of the paragraph? Isn't it so that there's a set amount and that it's budgeted for in advance; isn't that the point?

MR. ZWIRN:

Well ••

LEG. BISHOP:

Or is it a back door attempt to lock in the entire budget, as he's portraying it?

MR. ZWIRN:

No, you still •• we really don't want to replace one tax with another tax, as the analyst said, but that's the bottom line. We don't want to say, "Well, we're going to take with this hand, we're going to reduce your taxes here but we're going to raise them over here." And the budget is balanced as it is. We didn't take the money •• the County Exec didn't take the money from any one particular place.

LEG. BISHOP:

You're not answering my ••

MR. ZWIRN:

He didn't take it from pay•as•you•go, he took it from the entire •• all the revenues coming in, he knew that he would have thirteen and a half million dollars, roughly, less to spend.

LEG. BISHOP:

Okay, so it's thirteen and a half million dollars.

MR. ZWIRN:

Between '05 and '06.

LEG. BISHOP:

So if paragraph four were replaced with language that said •• instead of "At the recommended 2006 Operating Budget as set forth," and it said instead, "Budgeted at thirteen and a half million dollars in 2006 Adopted Budget," wouldn't that ••

MR. ZWIRN:

Thirteen million I'm told.

LEG. BISHOP:

Thirteen million in the 2006 Adopted Budget, wouldn't that be fine?

MR. ZWIRN:

I'm sorry, you're going to have to •• I hate to ask you to repeat it.

LEG. BISHOP:

The fourth paragraph currently reads, "Shall be funded as set forth in the Recommended 2006 Operating Budget," right? If that were replaced with language that said, "Funded at \$13 million in the 2006 Adopted Budget," wouldn't that be fine? In other words ••

P.O. CARACAPPA:

It gives us the flexibility.

LEG. BISHOP:

Right. You just want to make sure that we've put \$13 million in that account in next year's budget, and that to me is a reasonable request from your end. You're not asking us to adopt everything in the entire budget at this time, that would but be unfair and ridiculous.

MR. ZWIRN:

No, we're not asking you to do that.

LEG. BISHOP:

And a poison pill, right. So my substitute language would achieve your goal and not compromise our ability. Can you ••

LEG. TONNA:

He's not authorized to •• he's not authorized.

MR. ZWIRN:

But I will go back and ••

LEG. BISHOP:

Well, do you understand what I'm saying, first of all?

MR. ZWIRN:

I understand what you're saying.

LEG. BISHOP:

Okay. So again, it would say \$13 million in the 2006 Adopted Budget.

LEG. TONNA:

Don't do it.

LEG. BISHOP:

And that doesn't •• you know, I think that achieves what we're all after, what this side of the aisle is after and what you would be after.

LEG. TONNA:

You don't need it, you ••

LEG. BISHOP:

What are you doing? Why are you trying to blow up something that's trying to help; what is the point of that?

LEG. TONNA:

Don't do it, Dave.

LEG. BINDER:

There goes your golf, Bishop; all your golfing is out the window.

LEG. BISHOP:

You're a silly man, Paul.

P.O. CARACAPPA:

Mr. Zwirn, while you •• can you send someone on to the phone and try and translate this message while we're talking about this?

LEG. ALDEN:

Well, why don't we get everybody's comments and see if we can work this out.

LEG. VILORIA • FISHER:

That sounds good.

LEG. BISHOP:

Okay, so that's what I think would be a reasonable way to handle this that would satisfy everybody. The second point I want to make which is less important is to back up what Legislator Alden is saying and point out that those who think that this is just found money and a windfall are sadly mistaken. Unfortunately, in every day life, if you're buying oil and gas, oil to heat your house and gasoline, then you're cutting something else in your household budget. So it's not all windfall to the County government. The only windfall that's occurring is perhaps to the oil companies, it's not occurring in government; in fact, we take a hit because we get less of a tax rate on the oil and gas than we do in other sectors of the economy. So it's not exactly a windfall, but it may be revenue that we can afford to do without and cut, but it's not a windfall.

P.O. CARACAPPA:

You read the memo.

LEG. BISHOP:

No, I ••

P.O. CARACAPPA:

No, I'm kidding.

LEG. BISHOP:

I went to class.

P.O. CARACAPPA:

That's economic theory, right. Legislator Alden, you're back up.

LEG. BISHOP:

Unlike Binder; we went to the same university, you didn't go to class apparently.

P.O. CARACAPPA:

Legislator Alden, as the sponsor, would you be willing to put that compromise language •• it's first and foremost your call, and then we have to see if the County Executive is willing to put it in a CN.

LEG. ALDEN:

Is everybody done with their comments? Because what I'd like to do is just take one package and go try to work it out.

LEG. KENNEDY:

Mr. Chair?

LEG. ALDEN:

I think Legislator Kennedy wanted to ••

P.O. CARACAPPA:

Mr. Kennedy, I slipped right over you, I'm sorry; then Legislator Cooper and then Legislator Alden.

LEG. KENNEDY:

Not a problem. You know, the only thing that I'll add to the debate is absolutely, I concur with all the comments about the expense associated with the gas tax and the responsibility that we have to go ahead and provide some kind of relief. My question is a threshold question, the same one that I come to many times when we look at resolutions, but this one in particular which troubles me. And I have to go to Counsel because statutorily I wonder about the ability for us to be able to go prospectively adopt

something that limits our ability concerning a budget yet to even be adopted yet; I do not believe that as a body we have that capacity to go ahead and agree to this.

In essence, you kind of spoke to it before, Mr. Chairman, you talked about an obligation of duty that we have as Legislators, and I believe that's a non-delegable duty. I do not think that we can voluntarily forfeit our right to go ahead and adopt a budget with the full latitude open to us. So my question is to Counsel; is this legal?

MS. KNAPP:

As you know, we have voluntarily bound ourselves by our cap laws ••

LEG. TONNA:

Yeah.

MS. KNAPP:

•• and by various other measures that we have adopted here in Suffolk County and by the Suffolk County Legislature. The only comment I have is that we can •• we can legally adopt something in a resolution that binds us, that binds this Legislative body; the Legislature obviously may take a later action that could amend or even perhaps repeal.

I think that one legal point that no one has asked me and I think is important to make is that the County Executive, when this Legislature adopts the 2006 Operating Budget, the County Executive clearly has the ability to veto any change in the adopted budget that he does not agree with. This Legislature as a body obviously then has the right to consider the vetoes and decide whether or not to override them. So for that reason alone, the fourth RESOLVED clause is clearly unnecessary and is probably an encroachment upon the Legislative authority.

LEG. KENNEDY:

Thank you.

P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

That's okay, Joe.

P.O. CARACAPPA:

You're good? All right, Mr. Zwirn went to go make a phone call.
No one else wants to debate?

LEG. LINDSAY:

Do we have anything else to ••

P.O. CARACAPPA:

Yeah, we do. We'll go on to CN •• we're waiting for Mr. Zwirn to come back with an answer on the language. In the meantime, we'll go on to CN 2136 which is another bond. Motion by myself.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna. Roll call.

LEG. LINDSAY:

What is it?

P.O. CARACAPPA:

I'm sorry, it's accepting & appropriating a Federal up to 50% grant in the amount of 3.8 million and it's State, Federal and local match.

LEG. MYSTAL:

It's a grant, call the bond.

P.O. CARACAPPA:

Roll call on the bond.

(*Roll Called by Mr. Barton • Clerk*)

P.O. CARACAPPA:

Yeah.

LEG. TONNA:

Yep.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

18.

P.O. CARACAPPA:

Same motion, same second, same vote on the bond.

CN 2137 • Authorizing Domestic Violence Aware Day.

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Foley, second by Legislator Nowick.

All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

What's the day?

LEG. COOPER:

October 20th I think.

P.O. CARACAPPA:

It's October 20th, that's why it's a CN.

2142, Making a positive declaration on the proposed Suffolk County Correctional Facility.

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

18.

P.O. CARACAPPA:

I have •• that's it for the CN's until we get back to the language on the fuel oil.

Sense No. 64, which I'm sponsoring with a handful of you. I want to make the motion to waive the rules, lay on the table and approve, this is a ***Memorializing Resolution in support of the State Sales Tax Cap on gas.***

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

Motion by myself, second by Legislator Caracciolo.

LEG. FOLEY:

To lay it on the table?

P.O. CARACAPPA:

And approve, it's a sense.

LEG. MYSTAL:

Henry, cosponsor.

LEG. BINDER:

Mr. Chairman? Mr. Chairman, just on that, we had actually passed a resolution calling for a tax •• a cap at \$2, we had already passed something in here months ago. So you should know ••

P.O. CARACAPPA:

This is supporting the Senate bill they passed the other day.

LEG. BINDER:

I understand. I'm just saying before that was even thought of in Albany, we passed a resolution in the Legislature calling for them to do just that.

LEG. COOPER:

Excuse me, Joe. On the motion?

P.O. CARACAPPA:

Yeah, Legislator Cooper.

LEG. COOPER:

Just for point of clarification to Legislative Counsel. My understanding is that if the enacted this cap and if they reduced, in effect, reduced the tax on gasoline, that it wouldn't necessarily translate into any savings whatsoever for consumers, but actually could result in a windfall for the "Big Oil" companies; is that correct?

LEG. TONNA:

Absolutely.

MS. KNAPP:

There are some articles that have pointed to that. There's not •• there's no legal, obviously no legal principal.

LEG. TONNA:

The New York Times had three articles on this.

P.O. CARACAPPA:

That's all I had to hear.

LEG. COOPER:

Because the taxes are actually •• what is it, the taxes are paid by the oil companies and then it's up to them to decide whether they want to pass on those savings to the consumers?

MS. KNAPP:

I think the articles that I've read have made the suggestion that the oil companies will take advantage in order to increase their prices. But no, there's no legal mechanism for them to increase.

LEG. LINDSAY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

And to Legislator Cooper's point, I believe they pay the sales tax on the fuel as it's delivered, not as it is sold.

LEG. COOPER:

Right, at the distribution center at the terminal.

LEG. LINDSAY:

The other question that I have, and maybe to Budget Review; we talked before about the energy tax costing \$13 million, what would this cost if it was enacted?

MS. VIZZINI:

You're talking about ••

LEG. LINDSAY:

No, I'm talking the County portion.

P.O. CARACAPPA:

Budget Review?

MS. VIZZINI:

I'm not as familiar with the State legislation. I was talking to the Budget Office earlier, I would probably defer to •• is Kovesdy here?

P.O. CARACAPPA:

The State fiscal implication is \$200 million Statewide, just that's what I have.

LEG. LINDSAY:

Doesn't some of that revenue come back to us?

P.O. CARACAPPA:

Yeah, the sales tax portion, our portion of sales tax.

LEG. LINDSAY:

That's what I want to know, what is the fiscal impact to the County?

MS. VIZZINI:

Are you asking if we roll back the four and a half or whatever it is that we have on sales tax on gasoline?

LEG. LINDSAY:

Yeah.

MS. VIZZINI:

In 2004 we took in \$48.1 million in gasoline. I believe that the State portion sets the price at a certain threshold and it would be anything ••

P.O. CARACAPPA:

Two dollars.

MS. VIZZINI:

Two dollars, okay. I don't have the calculations.

LEG. LINDSAY:

So we'd be giving back half of that, is that right; roughly half?

MS. VIZZINI:

Probably less.

LEG. LINDSAY:

A little less than half, so somewhere around 20 million?

MS. VIZZINI:

Quick and dirty, maybe.

P.O. CARACAPPA:

Legislator Cooper? I'm sorry, were you done?

LEG. COOPER:

That's my concern, that now we're going to blow another \$20 million hole in the budget that won't be replaced. And in this case, there's a very good likelihood that the consumers will not see one penny of benefit at the pump and Gulf will benefit and Chevron and Mobile. They're thrilled at this prospect because their taxes will be reduced at the terminal and they're under no obligation, legal or otherwise, maybe moral, but they're under no legal obligation to pass on one penny of those savings. So it sounds great for the State Legislators that may enact this, they're going to get a nice full •color mailer out of this to their constituents promoting this, but it can have, I'm concerned, terrible, adverse fiscal ramifications for us at the County level to try to make up for this \$20 million hole in the budget and the consumers won't benefit.

P.O. CARACAPPA:

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

Abstentions?

LEG. LINDSAY:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Lindsay, Legislator Cooper.

LEG. COOPER:

Mine was a no.

P.O. CARACAPPA:

Don't be afraid to call it, it failed.

LEG. ALDEN:

Yes.

MS. BURKHARDT:

Legislator Tonna left.

LEG. NOWICK:

Did you get me, Henry?

MR. BARTON:

Yes.

LEG. BISHOP:

What was the sense?

P.O. CARACAPPA:

Cap on gas.

LEG. COOPER:

It was voting to give a windfall to the "Big Oil" companies, yes or no.

LEG. BISHOP:

What was the vote? I'm abstaining at this point.

P.O. CARACAPPA:

Okay.

MR. BARTON:

You're abstaining? Okay, 13, two no's, one abstention, two not present.

P.O. CARACAPPA:

The Sense is approved.

I'll make a motion to waive the rules, lay on the table and approve another ***Sense Resolution which is 67, Memorializing Resolution in support of adoption of a New State Motor Fuel Price Increase Limitations Act.***

This is another Senate bill that passed recently that it does not allow the gasoline retailers, be it the stations, to change the prices of fuel more than once in one calendar day?

LEG. CARACCIOLO:

Right.

LEG. COOPER:

On the motion?

P.O. CARACAPPA:

On the motion, Legislator ••

LEG. FOLEY:

For less government, not more government.

LEG. COOPER:

I actually had introduced ••

P.O. CARACAPPA:

You sponsored it originally.

LEG. COOPER:

I sponsored it originally.

P.O. CARACAPPA:

And the Gas & Retailers Association called you.

LEG. COOPER:

No, I actually •• no, that's actually not it. But I did learn •• on the merits. I introduced a bill because I thought that prices could only be increased to the service stations once a day, so I didn't think it was fair for them to be able to increase the price more than once a day. But they can actually get multiple price increases at the terminal, the Holts terminal and then there are two terminals in Nassau County, and I met with some of the •• they're all small business owners and they said look, they know that they're the easy target, the public face, but they said that the real bad guy is "Big Oil". And that Mobile, Chevron, Texaco, they can raise their prices two times a day, three times a day, four times a day, and if they set •• if the service station sets their price in the morning and then the terminal raises their price again at one o'clock and they get a delivery based on that, their only choice, they're not going to sell the fuel at a loss, they said their only choice would be to stop selling fuel after a certain point in the day.

And this is what's already happening in New Jersey. New Jersey has enacted the same bill •• which is where I got my idea, I read about it in New Jersey •• and they're finding service stations stopping selling gas mid ••afternoon, early afternoon because their prices went up again during the day but they can't raise their price a second time. NPR yesterday had an interview with one of these service station owners and they said, "Look, I don't want to break the law, but I don't want to lose money so I'm not going to sell gasoline if my price goes up again."

So I've actually reached out to Legislative Counsel, I'm trying to find •• the real bad guy on this, it's not the mom and pop service station owner, it's really not; it's Mobile, Chevron, Texaco, Shell, those are the bad guys. And Legislative Counsel is trying •• now, we have the problem with the Commerce Clause of the Constitution, but.

LEG. CARACCILOLO:

That's a big problem.

LEG. COOPER:

Well, it's a minor detail. But we're trying to find a way, and I think that Ian is on the verge of coming up with a solution here, right, Ian, of finding a way to prohibit the terminals •• in other words, "Big Oil" •• from raising their prices to the service stations more than once a day. And if we can do that, then it is also fair to prohibit the service stations from raising their prices. So Ian is working on that as we speak, his mind is churning and I think that he's going to come up with the solution, I think that he was getting very close. So I just wanted to throw that out. I didn't feel that it's fair to target only the service station.

P.O. CARACAPPA:

I appreciate that.

LEG. VILORIA • FISHER:

Joe, I have a question.

P.O. CARACAPPA:

Go ahead.

LEG. VILORIA • FISHER:

Either you or Jon. How many times a day do they get deliveries

LEG. COOPER:

It could be multiple times during the day.

LEG. VILORIA • FISHER:

Really?

LEG. COOPER:

Absolutely.

LEG. VILORIA • FISHER:

I didn't know that.

LEG. COOPER:

And again, I didn't realize ••

LEG. VILORIA • FISHER:

And an individual service station would get several deliveries a day; that's what you're saying?

P.O. CARACAPPA:

They fill their tanks several times a day is what you're telling ••

LEG. COOPER:

They can. And also, they •• the other complicating factor is they have ••

MS. KNAPP:

Apparently some of the big retailers.

LEG. COOPER:

Look, I can go on for an hour, just as I spoke with them for an hour.

P.O. CARACAPPA:

Twice?

LEG. COOPER:

But they have to pay •• none of the service stations get open account terms, they have to pay COD, they have to pay based on what the projection is for the price •• what they're going to pay at the terminal, but they can base that projection on a certain amount. And the terminal can raise their price at eleven o'clock, they can raise it again at two o'clock, they can raise it at five o'clock, so by the time their truck gets to the terminal, loads up and gets back, it's now eight cents, twelve cents, fifteen cents higher and they already set their price in the morning, they're locked in. So what •• but they've got to pay COD because they no longer give them open account terms. So they would be forced with •• and they don't make much money per gallon, you know, it's a couple of cents. So a little shift at the terminal can mean that they would lose money on every gallon that they sell and they can't do it, they just can't do it.

So they said, "Jon, if you pass your bill and if there's no way of also putting that same constraint on the terminal, we'll have to stop selling gasoline at one o'clock in the afternoon, we have no other choice." And that's when I turned to them and I said, "Okay, picture yourself as a County Legislator; what would you do?" And they said, "We'd find a way to go after "Big Oil". The Federal government isn't doing it, for whatever reason, those are the bad guys. If you could do that, hey, we'd be thrilled to also agree not to raise our prices more than once a day," they said, "We don't enjoy doing that and we know that the public is upset at us, but it's not our fault, it's "Big Oil"." So if we could come up with a way to require at least the terminal in Suffolk County, and I'm hoping we can also find a way to do it for the two Nassau County terminals, that sell to service stations in Suffolk County, if we can do that, we can do what the Federal government should be doing and holding "Big Oil" accountable.

P.O. CARACAPPA:

I think most motorists would be singing "Cry Me A River" on that one to the service stations, to be quite honest with you. But I appreciate those points. There's a motion and a second. Anyone else? All in favor •• oh, there's not enough votes here, so. One, two, three, four, five, six, seven, eight, nine •• there's enough votes. Motion, second. All in favor? Opposed? Opposed is Legislator Kennedy, Legislator Cooper •• Cooper is abstained, Legislator Foley is an abstention.

LEG. MYSTAL:

I'm opposed to that, too. I'm opposed to that, Henry.

MR. BARTON:

Okay.

LEG. FOLEY:

Put me down as a no, Henry.

MR. BARTON:

Ten.

P.O. CARACAPPA:

You sure you got your math right?

MR. BARTON:

Yes. I have three nos, Legislators Foley, Kennedy and Mystal; I have one abstention, Legislator Cooper; and I have four not present.

LEG. CARPENTER:

I'm here, Henry.

MR. BARTON:

Oh, Angie is here, okay; three not present, Tonna, Alden & Bishop.

P.O. CARACAPPA:

Okay, thank you.

There's another bill that was discharged, Hotel/Motel Tax, this is the Levy ••

MR. BARTON:

Yes. 11•3•1•3.

P.O. CARACAPPA:

Thank you. This is the Levy bill.

CHAIRPERSON CARPENTER:

I'll make that motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter, second by myself, 1791.

LEG. SCHNEIDERMAN:

Presiding Officer? Just for the record, I am recusing myself from participating in this particular resolution.

P.O. CARACAPPA:

That's duly noted. There's a motion and a second. Any comment, debate? All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

Legislator Caracciolo, and again, Legislator Schneiderman is abstaining.

LEG. SCHNEIDERMAN:

Recusing.

P.O. CARACAPPA:

Recusing; there's a difference? You recuse yourself on any debate and vote.

MR. HALEY:

Thank you.

P.O. CARACAPPA:

That's approved.

MR. BARTON:

13.

P.O. CARACAPPA:

All right, Marty? The Treasurer made you stick around all that time just for that?

MR. HALEY:

I got some overtime.

P.O. CARACAPPA:

Only fifteen minutes. It's the first time he's been in the County Center after five in a couple of years.

MR. HAILEY:

I got the paper read anyway. Thank you.

P.O. CARACAPPA:

Late starters. I'll make a motion to waive the rules and lay on the table, second by Legislator Carpenter, the following late starters; 2138 which will go to Parks; 2139 which will go to Economic Development; 2140 which will go to Consumer Protection; and I'm going to set •• also contained in that motion, setting the Public Hearing at Consumer Protection, November 16th at 1 PM. Also the following bills, 2141 for Budget & Finance and set the public hearing at Budget & Finance on the 15th of November at 9:30; 2143, Ways & Means; 2144 in Public Works. That motion is second and a second. All in favor? Opposed? Abstentions? Those are laid on the table.

Finally, the CN on the fuel oil. What was •• any compromise language?

LEG. BISHOP:

Discuss it off the record. Can we take a one•minute break just to discuss it off the record?

D.P.O. CARPENTER:

Like an executive session.

P.O. CARACAPPA:

Take a one•minute recess.

LEG. BISHOP:

I just want to discuss it with the Presiding Officer. Maybe he can disseminate it to his members; and you, the P.O. and the D.P.O.

LEG. ALDEN:

You could do it on the record. I mean, there's no ••

P.O. CARACAPPA:

Okay, go ahead.

LEG. ALDEN:

Everything's out there.

LEG. BISHOP:

All right. The language that would be acceptable to the Executive Branch, and I would •• I would go along with it, would say that you can't •• the Fourth RESOLVED would say that the Legislature would budget \$13 million in the 2006 adopted budget and not raise any other taxes to fund that.

P.O. CARACAPPA:

It's essentially the same language.

LEG. BISHOP:

Well, no, it takes out the reserve fund, which is substantial.

LEG. ALDEN:

Right. But my intention is not •• the intention of the legislation is not to raise taxes, and I'm not offsetting a decrease ••

LEG. BISHOP:

Right, you don't want to ••

LEG. ALDEN:

•• with the raising of taxes. So that's exactly what this ••

P.O. CARACAPPA:

Doesn't •• okay. Maybe ••

LEG. ALDEN:

•• the bill wants to accomplish.

P.O. CARACAPPA:

Doesn't this apply only to the fuel oil, or this applies to the entire budget from front to back by way of revenue and raising taxes? You understand what I'm saying?

LEG. BISHOP:

I do.

P.O. CARACAPPA:

That we can only •• you're saying we can't raise taxes, general fund or whatever, or revenue, to deal with the \$13 million. Are you saying we can't raise taxes to deal with contract agencies, hiring police, and hundred or thousand other budget lines?

MR. ZWIRN:

No, no. And we're willing to take out •• we just •• I think the compromise was to just leave the clause in, that you can't raise taxes to replace this lost revenue. We'll take out the reserve fund portion.

P.O. CARACAPPA:

On fuel oil only, on this percentage of fuel oil, not any other line specific to the 2006 budget or any other budget?

MR. ZWIRN:

Are you saying that the •• I just want to make sure. The Legislature, if they want ••

LEG. CARPENTER:

Why don't you just leave out the whole paragraph?

MR. ZWIRN:

If they want to raise taxes, the Legislature has the power •• I'm sure that •• I'm not putting words in anybody's mouth, but if you want to raise taxes, they just don't want to have 13 1/2 million dollar reduction in •• on this tax replaced with a General Fund property tax, just to offset it one way or the other.

LEG. NOWICK:

Well, why don't we just say that the Legislature maintains the right to.

LEG. COOPER:

I don't understand.

P.O. CARACAPPA:

They're not going to say ••

LEG. ALDEN:

Why do we have to state what's in the Charter? You don't have to restate what's in the Charter.

LEG. COOPER:

Just take the paragraph out.

P.O. CARACAPPA:

Wait. Just to make it clear again ••

LEG. BISHOP:

Just make it clear that you're not going to raise one tax to pay for another •
•

P.O. CARACAPPA:

We're cutting ••

LEG. ALDEN:

There it is.

P.O. CARACAPPA:

No, no. Let's say this Legislature wanted to in the budget process hire a thousand cops, hypothetically, new cops.

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Are you precluded, based on the language that's in this bill relating to the fuel oil, from doing that, because ••

MR. ZWIRN:

No, no. No, the answer's no.

LEG. CARPENTER:

Well, I'd ask Counsel that question.

P.O. CARACAPPA:

Counsel, how do you interpret it. Are you •• their intention is to say that you can't offset the tax •• the money we're losing in revenue on the fuel oil just to raise taxes to cover that one specific item, but you can go ahead and do your budgeting and you set your policy as it relates to the budget amending process and adopting a budget as a Legislature and deal with every other item.

MS. KNAPP:

Well, as I say, I think that we're approaching the point where unless we can get this into language that is •• that, you know, passes legal muster, we're approaching the point where it sounds like we're doing some sort of Sense Resolution as opposed to a legally binding obligation.

The only thing that •• I mean, this Legislature can put certain restraints on itself. However, the restraints that you're putting on yourself can be modified or removed exactly in the same fashion. And what I'm suggesting to you is that, you know, this Legislature has not •• has not reviewed the proposed 2006 budget, Budget Review has barely had time to review it. I think that to commit to a course of action without having reviewed the budget could be viewed as looking before •• leaping before you look in some respects, in some respects.

However, if the Legislature •• again, if this Legislature wishes to do that, I would again say that the Fourth RESOLVED clause has no real •• should not be in this resolution, it should not be in this resolution. As a body, you can choose not to raise taxes or to raise taxes, and when you do it, you do it in the budget process, and the County Executive can veto it. And, I mean, that's the system that we have always lived under. This Fourth RESOLVED clause has no place in this resolution.

LEG. SCHNEIDERMAN:

Make it "may" instead of "shall" and I think we might have something.

P.O. CARACAPPA:

Thank you. Legislator Alden.

LEG. ALDEN:

It's •• I'll make it real clear and then just vote on it, vote it up or vote it down, if you want to give tax relief to people, or attempt to give tax relief to people, or you don't want to, whichever way you want to go.

LEG. BISHOP:

Did you make the change?

LEG. ALDEN:

But the Fourth RESOLVED clause will state that it's not my intention as the sponsor of the bill to replace the lost revenue from the Home Energy tax with a property tax increase, or some other type of tax increase.

LEG. SCHNEIDERMAN:

That's fine.

LEG. NOWICK:

That's good.

LEG. ALDEN:

That's pretty simple, that's very simple. That's the way it's going to be in the Fourth WHEREAS clause, you could vote it up, you could vote it down.

LEG. NOWICK:

That's good.

LEG. CARPENTER:

In the WHEREAS clause.

LEG. ALDEN:

I'm sorry, in the fourth RESOLVED clause.

LEG. MONTANO:

No, but put it in the WHEREAS clause and then it's ••

MR. ZWIRN:

That would be fine.

LEG. CARPENTER:

Why can't it be in the WHEREAS clause?

LEG. ALDEN:

No, I prefer it in the •• I prefer it in a RESOLVED clause because that's my full intention not to raise other types of taxes by getting rid of this tax or decreasing this tax.

LEG. SCHNEIDERMAN:

That's fine.

P.O. CARACAPPA:

Will the County Executive •• if we were to amend the budget and give him one with a 0% General Fund increase or stable General Fund, because his is a reduction •• and it's because, again, let's say a contract agency just hypothetically, will he veto it on the grounds of the language saying that we raised revenue •• raised taxes based on the fuel oil offset and use that against this Legislature based on the language? That's what I'm fearful of because it's not clear.

MR. ZWIRN:

I understand your question and I can't ••

P.O. CARACAPPA:

I'm not articulating it well, but I think you get it.

MR. ZWIRN:

No, no, it's well enough, I understand what you're saying. You're saying is the tax increase over his budget or the tax increase of the tax that's in effect right now.

P.O. CARACAPPA:

Right.

MR. ZWIRN:

Because the County Exec reduced ••

P.O. CARACAPPA:

Right. The matter of interpretation, will he interpret it as we violated this RESOLVED clause or not? Again, that's a tough call for this Legislature.

LEG. BISHOP:

No matter what the interpretation is, we're allowed to change our mind.

LEG. ALDEN:

Our action that we take after today would modify it and that's •• as far as I'm concerned, that's a good enough backup plan.

LEG. BISHOP:

He can't really lock you in, you're still the Legislature.

LEG. VILORIA • FISHER:

This is true.

LEG. ALDEN:

Right. Even after you adopt a budget, you can't •• you're not locked in.

P.O. CARACAPPA:

I'm trying to avoid a long stand•off between the County Legislature and the County Executive which very possibly could happen based on a word or two in a RESOLVED clause, where government grinds to a halt and people. The funding doesn't •• isn't applied to the areas that it's supposed to.

LEG. BINDER:

We're going to sue him.

LEG. NOWICK:

But what Cameron said is a good point and it doesn't lock us in. Take away

the fourth RESOLVED as it is and just put it's not his intent. We can still raise or not raise or do whatever we want, we're the Legislative body, we're the policy makers. If the County Executive doesn't like what we do, veto it. But we can put that the fourth RESOLVED will not be in as per our counsel's suggestion.

P.O. CARACAPPA:

But you're making the point even stronger. There is a process. The County Executive propose, we dispose, then there is a veto process, there should not be language stuck in a RESOLVED clause that ••

LEG. NOWICK:

It would take it out, though.

P.O. CARACAPPA:

No, it's still in there.

LEG. CARPENTER:

No, he left it in.

P.O. CARACAPPA:

It's still in there to a certain degree. It basically is ••

LEG. ALDEN:

Yeah, because it's a basic ••

P.O. CARACAPPA:

It's almost like a stopgap measure on the County Executive's part on our amending process.

LEG. ALDEN:

It's an absolute basic stopgap and it's an absolute expression of the intention of the legislation, not to replace this lost revenue with additional taxes. It's very simple.

P.O. CARACAPPA:

I just need to be •• I just need it to be confirmed that it will not effect any other budget line or other budget initiative other than the one stated in this bill.

LEG. MYSTAL:

Joe, Joe.

LEG. BISHOP:

But the point that ••

LEG. MYSTAL:

Wait a minute. Let me propose one language. Can it be that be it RESOLVED that the sponsors of this legislation will not raise taxes to •• will not raise taxes to offset the energy tax revenue loss, but reserve the right to lower or increase taxes for any other line in the budget.

LEG. NOWICK:

We said that.

MR. ZWIRN:

You have that.

LEG. BISHOP:

Yeah, that would be acceptable to us I'm sure.

MR. ZWIRN:

But I think that's what you have.

LEG. ALDEN:

That's exactly what I just said, but go ahead.

LEG. MYSTAL:

But this is more explicit, this is more explicit, "Be it RESOLVED that the sponsors of this legislation will not raise taxes to offset the energy tax revenue loss" ••

LEG. ALDEN:

Elie?

LEG. MYSTAL:

What?

LEG. ALDEN:

I'll go along with that, but you know what? You don't have to put specific language that's already granted to you in the Charter.

LEG. MYSTAL:

I know.

LEG. ALDEN:

But you know what? I agree to it ••

LEG. MYSTAL:

It's to smooth everybody's feathers that way.

P.O. CARACAPPA:

Legislator Alden, let me make the record clear. Think this is a great bill and you deserve a lot, a lot of credit for sticking with it, listening to your colleagues working with us. And this is not a shot at you, please don't take it that way, I'm just trying to protect the rights of this Legislature. And it has been somewhat of a power struggle, and I think you'd be willing to agree with me, over the last couple of years, some power has been almost dragged away from this Legislature, or the attempt to, and I am trying to protect your rights as a Legislator and the rights of this body as a whole.

LEG. ALDEN:

If I thought it was personal, Joe, we'd be on the floor and I'd be trying to break your other toe.

P.O. CARACAPPA:

That I don't want.

LEG. MYSTAL:

And you would lose.

LEG. ALDEN:

No, I would lose.

P.O. CARACAPPA:

I know I'd lose.

LEG. MYSTAL:

I will back Joe any time.

P.O. CARACAPPA:

My money is on Alden. All right. Understood?

MR. ZWIRN:

I understand what you're saying, we're just checking •• I asked Allen to go back and try to communicate.

P.O. CARACAPPA:

So we're not there yet, it's not soup.

MR. ZWIRN:

Well, we had •• Legislator Alden's language we had no problem with, we agreed to that. All it did, it took out the Reserve Fund portion of it, it just said not to raise property taxes to replace the savings from the fuel energy tax reduction.

LEG. VILORIA • FISHER:

Okay.

MR. ZWIRN:

So I'm just going to check to see if we have any problem with Legislator Mystal's additional ••

LEG. MONTANO:

Could you repeat that again?

LEG. BISHOP:

Clarify.

LEG. BINDER:

Reserve the reservation of rights he's talking about.

LEG. NOWICK:

Why can't we have the reporter read back what Elie just said?

P.O. CARACAPPA:

Because they didn't understand him either.

MR. ZWIRN:

No, I ••

LEG. VILORIA • FISHER:

Okay. Ben, can you say what •• I would like Ben to repeat the language that he's agreeing with.

MR. ZWIRN:

No, I think that Legislator Mystal was making the point that the Presiding Officer was making, that he wants to make sure that it's not going to effect any other part of the budget with respect to spending or raising taxes.

LEG. BINDER:

Reserve the right of the other ••

MR. ZWIRN:

With everything else except for this portion.

P.O. CARACAPPA:

Allen, drum roll,

MR. KOVESDY:

In your analogy if you hired a hundred police officers and funded them and everything else in the budget ••

LEG. CARPENTER:

Could you repeat that?

MR. KOVESDY:

Okay, I'm sorry. In your analogy, Mr. Caracappa, that if you hired a hundred police officers ••

LEG. CARPENTER:

Excuse me, it was a thousand.

P.O. CARACAPPA:

Whatever.

MR. KOVESDY:

A thousand police officers and you funded them in the budget and everything else remained the same and taxes went up, this resolution would preclude that.

LEG. COOPER:

I'm sorry, would preclude it?

LEG. MONTANO:

Would?

MR. KOVESDY:

Yes, yes.

P.O. CARACAPPA:

Preclude us from doing that?

MR. KOVESDY:

Yes. Your specific •• to answer your specific question that if everything else •• if everything else remained the same and there were no cuts anyplace else and you raised one particular thing and taxes got raised by that, the way the resolution is stated would preclude that.

LEG. BISHOP:

Only if you followed it, but they don't •• isn't it true ••

MR. KOVESDY:

I'm answering your specific question.

LEG. BISHOP:

Isn't it true that we don't •• we're right where the budget •• no resolutions can lock you in.

LEG. KENNEDY:

Hold on, hold on. Don't let him leave the podium. Allan, since you're trying to give us specific language, let's parsh the question back to you again then. What you're saying that you're representing, what the County Executive is saying at this point is is that we have no ability whatsoever to go ahead and have some type of an increase concerning whatever it might be, a tax or a fee any other place in this '06 budget, all things being equal, and he'd love to enforce this language; is that correct?

MR. KOVESDY:

I'm not interpreting anything like that, I'm trying to answer the specific question, John. The question simply is that the intent of the legis ••

MS. BURKHARDT:

Speak into the microphone.

MR. KOVESDY:

I'm sorry. The intent of the legislation is not to substitute one tax with another tax. That's the intent of the legislation, that we don't raise property taxes to pay for the reduction in the sales tax, that was the intent of the legislation. I was answering a specific question which he did frame very, very well and giving him the honest answer to the question that he raised. I'm not a lawyer, I'm not going to interpret what the Legislature can or cannot do, I'm answering the question honestly.

LEG. KENNEDY:

No, nor did I ask you what we can do. What I asked is what the County Executive's representation concerning his understanding of this clause is.

MR. KOVESDY:

I didn't speak to the County Executive personally, I wouldn't even attempt to do that, John.

P.O. CARACAPPA:

Let me use another analogy, just to show hypothetically how dangerous this might be.

MR. KOVESDY:

Try.

P.O. CARACAPPA:

Between the passage of this bill based on the language and what Mr. Kovesdy just said, what if we were hit with a hurricane and we had •• like the Federal government is raising taxes to pay for Katrina aid, what if we as a County had to deal with this in the budget process to provide the relief needed to our residents in Suffolk County? We couldn't do it in the budget process because we can't raise taxes a dime now because of this language. It prohibits us from going anything as a Legislature or as a government above zero percent; that is •• that is •• well, that's crazy. That's absurd.

LEG. BISHOP:

Here's my point, and I'll just try to make it again. You could commit right now to the entire budget in this resolution, you can say we are going to pass this energy tax and we're going to adopt Steve Levy's budget exactly as it's recommended, and then tomorrow we could reconvene and change everything and they wouldn't have a leg to stand on legally. We're still given the power by the Charter to write the budget. So this is a •• you know, this is about the high ground and a debate later on, it's not about any force of law.

P.O. CARACAPPA:

No, no. David, how many times have we been held to a word or to a certain statute that's been written in the resolution over the last two years? We have been nitpicked to death. Now, we've been working very well with the County Executive as of late, I know there's been a collective effort for

bipartisan cooperation. But, you know, there's been times, too many times over the last couple of years where a word or a sentence was used to •• a comma, a period, a number, a typo, something, to take the power away from this Legislature. You know, blame me if I'm trying to protect the rights of this Legislature and I'm fearful of this RESOLVED clause, but I'm telling you, you might regret this heavily. I think we're being blackmailed into this vote because it's such a popular item to the taxpayer, even though it's going to cost nothing, or save them nothing basically.

MS. KNAPP:

I think that Legislator Bishop is absolutely accurate. The problem with this is that it attempts to set a precedent that is not a legally sustainable precedent that says that somehow you're tying your own hands in a way that you can untie at any point in time, but you're to be made to look like you've changed your position.

LEG. BISHOP:

Right, you're going to be made to look foolish if we do that and that's what this is about. But there is no legal bind that we're in by doing this, we're just in a, you know, theoretical or rhetorical bind.

P.O. CARACAPPA:

Legislator Montano and then Mystal.

LEG. MONTANO:

Dave, in all due respect, I have to agree •• disagree with you. I don't think that we have the right to pass a bill that's going to restrict our action in the future. And what you're saying, I think •• and correct me if I'm wrong •• is yeah, we'll pass it but then we'll do what we want to do later. My response to that is then why pass the bill if we're not going to follow it? I don't think that we have the right to legislate what we're going to do on the tax or, you know, put it •• if you want to put this in the WHEREAS language to state our intent, that's fine. But to bind us from some future act I think is inappropriate, and I learned that somewhere in law school, I just don't remember where.

LEG. BISHOP:

I don't know, where did you go to law school

P.O. CARACAPPA:

Legislator Mystal then Cooper.

LEG. MONTANO:

I went to Temple University, a very good school.

LEG. BISHOP:

So it was in Philadelphia where you learned it.

LEG. MONTANO:

Well, Philadelphia lawyers are, you know, known to be very well.

LEG. BISHOP:

The point is that as we sit here today, we would certainly, as we look to the future, say we're not going to raise a tax to pay for this tax.

P.O. CARACAPPA:

We hope not.

LEG. BISHOP:

But as we convene tomorrow or the next day, circumstances change and we still have the power at that point to write the budget as we best see fit. And this is not a Charter Law, this is not changing the powers that are given to each branch. So, I mean, again, I think it's more about rhetoric later on than it is about actual legal •• being compelled something legally;

LEG. MYSTAL:

I think ••

P.O. CARACAPPA:

Legislator Montano still has the floor.

LEG. MONTANO:

Dave, I believe that this is a restriction on our future action which I believe

is inappropriate, all right? We can't legislate that we're not going to, you know, act on a budget and pass a tax increase for the next session, the same way that we couldn't legislate this year that we couldn't take an act that we're in power to take next year when we have a new Legislature. It just doesn't •• it doesn't flow that way. We have •• you know, we look at it now and if, in fact, we don't want to raise taxes, that's a decision we'll make later but we can't make that •• we can't legislate it now to say that you're prohibited from raising taxes next week because we'd be acquiescing our right to pass a budget that we thought was appropriate. And I understand the intent of this, not to increase •• not to take this revenue and shift the tax to another revenue source and that's laudable, but I don't think we can legislate it because we're tying our hands for the future. And legally I think it's inappropriate.

P.O. CARACAPPA:

Oh, Legislators Mystal, I'm sorry.

LEG. MYSTAL:

I think I agree with Dave and I agree where Legislative Counsel for the simple reason that we can do whatever we want as a body. But the point is that we would lose what I call the PR war, which the County Executive might use at some other time, if we have to do anything that raises one dime on any kind of budget or any kind of line.

My suggestion for you, Ben, is very simple. We want the bill to pass, it is not the intention of this Legislature to raise \$13 million in taxes to pay for that bill. Is there any way, shape or form you can convince the powers that be, you know, from the County Executive to remove that clause completely?

LEG. LINDSAY:

Lets take the vote already.

LEG. MYSTAL:

And the sponsor. And if we can put it as a WHEREAS clause just for Alden.

LEG. CARPENTER:

Put it as a WHEREAS.

LEG. ALDEN:

Well, I just sent •• Linda is going back there to find out if they'll make that switch, but here's the little choice that we're faced with. We can let this go through the process and then we drive the process, I can change the bill in any way, shape or form that I want. We needed a CN to ask New York State so it would be timely for December 1st to decrease the tax. So if it doesn't pass today, if we don't get a compromise then we'll go through the committee process, or I will ask the Presiding Officer to call a special meeting just on that one issue.

LEG. MYSTAL:

Oh, no.

LEG. ALDEN:

Well, it's that important to get it done by December 1st, so there has to be a little bit of a lead time and things like that. So it's one way or the other we have to ••

P.O. CARACAPPA:

Well, we just checked with the County Executive, they will not do a RESOLVED clause •• a WHEREAS rather. And I think it's pretty clear, or it's a fear of mine, I think they're trying to set this bill up to fail intentionally with this language. They have been very, very much against doing this for months now and, you know, this language they knew would be a killer and they're very reluctant to take it out; in fact, adamantly opposed to taking it out. It's designed to fail and it's starting to be crystal clear as to why.
Legislator Cooper.

LEG. COOPER:

I just want to reiterate that concern, I really see this almost as a poison pill and I don't understand the rationale for insisting on its inclusion. I mean, if it's true that it's not intended to preclude us from raising revenues in the future if necessary, then why have it in there? And if there's some other ulterior motive that's not being discussed before us, I would really like to know what it is.

So I don't see any benefit to including it. If you're trying to achieve the same end goal that most of us are, the easiest thing would be to just take it out and move forward. But if this is all about PR or some future PR battle, which it seems to be increasingly, then it's not right. And I was supportive, I remain supportive of the concept, but again, I think this poison pill needs to be removed somehow.

MR. ZWIRN:

Let me just say that the County Executive has this in his budget, it's not set up to fail. I mean, this was taken into account when the budget was ••

P.O. CARACAPPA:

Then why the RESOLVED clause?

MR. ZWIRN:

Because I think the purpose of this •• with all due respect, and I respect all your comments that you've made today and I understand them. But I think the County Executive didn't want to take with one hand, give with the other and then take it back.

LEG. COOPER:

But that's not our intent.

MR. ZWIRN:

But that was the intent and that's why this RESOLVED clause was in there.

LEG. COOPER:

But who's intent? It's not our intent.

MR. ZWIRN:

And he was willing to change it just so you don't increase taxes to cover it.

LEG. COOPER:

But it's no one's intent here to come up with another tax to replace this lost revenue, but we don't want to tie our hands in the future and be precluded

from finding a new revenue source for a much needed social program or a public safety program and we don't want to give more power to the County Executive that he already has. So we're on the same page, we all agree that this is not our intent, so you've got to trust us on this and ••

MR. ZWIRN:

Well, I think that's what •• I think it comes down •• the County Executive agrees ••

D.P.O. CARPENTER:

Ben, could you please talk into the microphone, it's very difficult to hear.

MR. ZWIRN:

Oh, I'm sorry. I think the County Executive may be on the same page, but all this does is just put it in writing, that's all.

LEG. ALDEN:

I think we have to vote it up or down because we can stay here all night. The County Executive is not going to agree to a CN that doesn't have some variation of that language in there. I proposed language that would state that it's not our intent to raise another tax to replace revenue from this tax, that was acceptable to the County Executive, it's acceptable to me because that's at the heart of the bill. So if we want to just vote it up or down, let's get out of here then.

LEG. FOLEY:

Vote it up or down.

LEG. SCHNEIDERMAN:

Will it have the language ••

LEG. VILORIA • FISHER:

With that language?

LEG. SCHNEIDERMAN:

With the language you just said, Cameron?

LEG. LINDSAY:

You only have one bill in front of you.

D.P.O. CARPENTER:

All right, one at a time, please, one at a time. Legislator Alden has the floor.

LEG. ALDEN:

The RESOLVED clause would state that we're not going to raise another type of tax to pay for the lost revenue that this bill would cause, or actually recognizes that we're not going to charge.

LEG. COOPER:

No, no, but we also reserve the right ••

LEG. VILORIA • FISHER:

Okay. But before we vote on it, is the County Executive's Office representing that they're agreeing to that language?

D.P.O. CARPENTER:

The only problem is they want it in a RESOLVED clause, not a WHEREAS.

LEG. SCHNEIDERMAN:

We need to hear the exact language.

LEG. VILORIA • FISHER:

Well, Cameron is saying it as a RESOLVED clause.

LEG. ALDEN:

Yeah, they won't agree to it going in to a WHEREAS clause.

LEG. VILORIA • FISHER:

But you're talking about a RESOLVED clause, are you not? Ben, are you representing that the County Executive's Office is agreeing with that language and can you repeat the language into the record?

MR. ZWIRN:

I think it was simply the fourth RESOLVED clause would read •• and correct

me, Legislator Alden, if I'm mistaken •• that "implementation of this six months tax suspension on residential energy sources and services shall not be funded by an increase in taxes."

LEG. VILORIA • FISHER:

Period, the end.

MR. ZWIRN:

Right.

LEG. ALDEN:

Pretty much that's it.

LEG. COOPER:

But I thought we had agreed to Legislator ••

D.P.O. CARPENTER:

Legislator, are you done?

LEG. COOPER:

To the sponsor.

D.P.O. CARPENTER:

Legislator Kennedy I think is on the list.

LEG. COOPER:

Okay.

D.P.O. CARPENTER:

And then, Jon, you're next.

LEG. KENNEDY:

Thank you. You just enunciated that language which makes it seem very succinct and tight, but then we just heard from the Budget Office representative, in response to the analogy that the PO just gave concerning something that's wholly separate and apart from this matter but is our obligation concerning public safety and he related that the interpretation is

we'd be barred; that's where the disconnect is, that's where the breakdown is. If all we were talking about was this one succinct issue, we would not have spent the last hour and a half beating this up. So which is it?

MR. ZWIRN:

I think that when Mr. Kovesdy came back, he said you'd have to reduce expenses in order to increase spending.

LEG. KENNEDY:

So then the Executive is looking to go ahead and apply this, encompass, in totaling the '06 budget.

LEG. BISHOP:

Yes.

MR. ZWIRN:

Apparently, yes.

D.P.O. CARPENTER:

Without even spending day one on the 2006 budget. And you know, the Presiding Officer made a statement before about you might regret this in the future. And I can't help but think over the years how many times Gail, Jim before her and Fred Pollert before him would talk about the cap laws and how they were killers when we came time to really doing budgeting sometimes and that the cap laws were a problem. And this is something, too, that can come back to haunt us.

LEG. BINDER:

Why don't we just vote.

LEG. ALDEN:

Vote it up, vote it down.

LEG. LINDSAY:

Let's go.

D.P.O. CARPENTER:

Well, we're going to just ••

LEG. VILORIA • FISHER:

The PO is not here.

D.P.O. CARPENTER:

Just recess for like three minutes because the Presiding Officer is back there talking to Paul Sabatino, I believe. So we'll just hang for about three minutes.

(*The meeting was recessed at 5:44 P.M.*)

(*The meeting was reconvened at 6:11 P.M.*)

P.O. CARACAPPA:

Okay. After discussion with the County Executive's Office, and I'd also like to thank them for at least trying, we couldn't come to the compromise language that in my view jeopardizes the ability of this Legislature to act in the future.

The answer to the question that I asked hypothetically would still be a no, regardless of the change in the wording. I'm not telling you how to vote, but we tried to compromise, we tried to make sure that was clear, that the power of this Legislature wouldn't be diminished in any way, shape or form, but we just couldn't get there.

This is a philosophical debate, its not a personal one. And I can guarantee to the County Executive and to the public that we will adopt his recommendation with relation to the fuel oil surcharge ••

LEG. ALDEN:

Not his recommendation.

P.O. CARACAPPA:

•• along with •• right.

LEG. ALDEN:

No, it's my legislation.

P.O. CARACAPPA:

Legislator Alden's, right. I was going to say in his 2006 proposed budget, so •• and we'll work to that end and I'm sure we're going to get there. But at this point in time, as it relates to this CN, I personally cannot in good conscience, not only as the Presiding Officer, but as a member of this Legislature, support something that possibly diminishes our abilities, especially budgetarily. So, it's ••

LEG. BISHOP:

Are we having a vote?

P.O. CARACAPPA:

I don't know what the motion's going to be, it's not my bill, it's •• is there a motion on the CN?

LEG. BISHOP:

I would make a motion to approve.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

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

LEG. BISHOP:

And let me just make this point and ••

P.O. CARACAPPA:

Go ahead.

LEG. MYSTAL:

Roll call.

LEG. BISHOP:

Briefly, I think, that as we sit here today, it is noncontroversial that we want to lower this tax to provide some measure of relief to beleaguered consumers, and that we are not, in fact, giving up any power in the language of this resolution, which says that we don't want to lower any other •• raise any other tax to offset this revenue loss, because we •• this is not a Charter Law. And so we still maintain that power and we agree with the policy, then we should pass the resolution. I think we agree with the policy, that we don't want to raise a tax to fund a tax decrease, so let's pass this bill and move forward, because I don't think that the danger that you've identified and articulated is a real one in terms •• in legal terms.

P.O. CARACAPPA:

Thank you. Anyone else? Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

I'm a yes.

LEG. ALDEN:

Yes.

LEG. CARACCIOLO:

Abstain.

LEG. SCHNEIDERMAN:

Pass.

LEG. O'LEARY:

Abstain.

LEG. VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

Abstain.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Abstain.

LEG. MYSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Yes.

LEG. CARPENTER:

Abstain.

P.O. CARACAPPA:

Abstain for reasons stated.

LEG. SCHNEIDERMAN:

Yes.

MR. BARTON:

Nine.

LEG. BINDER:

It fails, it goes through the committee.

LEG. ALDEN:

No, it's dead.

LEG. BINDER:

Right.

LEG. ALDEN:

Just so you all realize ••

LEG. BINDER:

It doesn't go to committee.

LEG. ALDEN:

•• it's dead.

P.O. CARACAPPA:

It will •• it will technically go to committee.

LEG. ALDEN:

Why?

P.O. CARACAPPA:

Because it ••

LEG. ALDEN:

No, it won't.

P.O. CARACAPPA:

Oh, no, it got nine, it needs ten, right. Okay, that fails. We will deal with it in the budget process and make it happen for '06.

LEG. BISHOP:

Keep your thermostats low.

LEG. SCHNEIDERMAN:

Joe, I'd like to make a motion to reconsider 1440 for the purposes of changing my note from an abstention to a yes.

LEG. FOLEY:

What was 1440?

P.O. CARACAPPA:

1440 was the ••

LEG. VILORIA • FISHER:

Hybrid cars.

LEG. SCHNEIDERMAN:

This is the hybrid, yes.

LEG. BISHOP:

You weren't on the prevailing ••

LEG. SCHNEIDERMAN:

Yes, I was, actually. Well, I abstained, so that was the prevailing side.

LEG. BISHOP:

What happened to it, it failed?

LEG. SCHNEIDERMAN:

It was not discharged, it was a motion to discharge.

LEG. COOPER:

I second the motion.

LEG. BINDER:

Mr. Chairman, a point of order so we can ••

LEG. COOPER:

Whatever is happening, I second it.

P.O. CARACAPPA:

Point of order, Legislator Binder.

LEG. BINDER:

On the question is a reconsideration that failed because it was •• think we failed once already, once on a reconsideration.

P.O. CARACAPPA:

The reconsideration that failed I don't think can be reconsidered.

LEG. BINDER:

Didn't we reconsider this a second time?

P.O. CARACAPPA:

Yeah, we did it, we already did it.

MS. KNAPP:

You did a reconsideration. This would be a second reconsideration?

P.O. CARACAPPA:

Yes, a second reconsideration.

MS. KNAPP:

You can't do a second reconsideration.

P.O. CARACAPPA:

You can't?

LEG. MYSTAL:

Motion to adjourn the meeting.

LEG. BISHOP:

Motion to adjourn.

LEG. KENNEDY:

Second.

LEG. SCHNEIDERMAN:

There was a motion and a second I believe.

LEG. BISHOP:

Where's your second?

P.O. CARACAPPA:

We're checking the rules, I don't know if we can do a third reconsideration.

MS. KNAPP:

Second.

LEG. MYSTAL:

Who's your second?

LEG. VILORIA • FISHER:

John and Jay.

LEG. COOPER:

No, I'm not going to support a reconsideration.

P.O. CARACAPPA:

What; John withdrew his second? There's no •• is there a second? There's no second. We're adjourned.

[THE MEETING WAS ADJOURNED AT 6:15 P.M.]

_ _ ***Indicates Spelled Phonetically***