

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**NINETEENTH DAY
DECEMBER 20, 2005**

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

MINUTES TAKEN BY

LUCIA BRAATEN AND DONNA CATALANO, COURT STENOGRAPHERS.

TRANSCRIBED BY KIM CASTIGLIONE, LEGISLATIVE SECRETARY

[THE MEETING WAS CALLED TO ORDER AT 9:42 A.M.]

P.O. CARACAPPA:

Mr. Clerk, roll call.

LEG. ALDEN:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

(Not Present)

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

I'm here.

LEG. ALDEN:

Sort of.

LEG. VILORIA • FISHER:

Here I am.

MR. BARTON:

15 present, Mr. Chairman. (Not Present at Roll Call: Legs. Caracciolo, Kennedy, Binder)

P.O. CARACAPPA:

Thank you, Mr. Clerk. Everyone, please rise for a salute to the flag, led by Deputy Presiding Officer Angie Carpenter.

(SALUTATION)

Please, remain standing, and I'd like to recognize Legislator Nowick for the purposes of introducing a choral group, the Kings Park High School Cabaret Singers, who will sing ••

MR. HOGAN:

Middle School.

P.O. CARACAPPA:

Middle School, I'm sorry.

MR. CAROLLO:

Middle school 7th and 8th Grade Chorus.

P.O. CARACAPPA:

Middle School 7th and 8th Grade Chorus. Wow, and this is some group.

LEG. ALDEN:

They sound great, too.

(APPLAUSE)

LEG. NOWICK:

Welcome again to the 7th and 8th Chorus from the William T. Rogers Middle School in Kings Park, New York, yes, in Kings Park, New York, under the direction of Mr. Anthony Carollo, and also the Middle School Music Department Chairperson of Fine and Applied Arts, Mrs. Beth LaFantano. Welcome.

[THE WILLIAM T. ROGERS MIDDLE SCHOOL CABARET SINGERS PERFORMED]

(APPLAUSE)

P.O. CARACAPPA:

Thank you very, very much. You sound glorious, and we all could use some holiday cheer and you provided that for us this morning. Thank you.

D.P.O. CARPENTER:

Thank you. Merry Christmas.

(APPLAUSE)

P.O. CARACAPPA:

Please remain standing, if you would. Please remain standing, if you would. I'd like to introduce Legislator William Lindsay for the purposes of introducing today's clergy. Legislator Lindsay.

LEG. LINDSAY:

Thank you, Joe. Good morning, everyone. Our visiting clergy this morning is from the beautiful Hamlet of Sayville. With us this morning is the Reverend Dr. Valerie Turnbull who is the Pastor of the Sayville Congregational United Church of Christ. The Reverend Turnbull has served there for six years. She's active in the community, as well as in a number of other community•wide organizations. She's also a psychologist who has worked with emotionally disturbed adolescent girls. Please, a nice welcome for Reverend Turnbull.

(APPLAUSE)

REVEREND TURNBULL:

Please join me for a moment of inspiration and respect. Most gracious God of one and all, as we celebrate our holidays with joy for the abundance that you have provided, hear our earnest prayer for your blessing on those here gathered. May they know the truth contained in your word, may they see your light that brightens their way, and may they live by your truth as it becomes their truth. Watch over our elected officials. Instill in them a soulful response to the trust we have placed in them. Touch their hearts with the compassion and resolve necessary to bring justice and peace to all of your children. As they deliberate, may your spirit guide them to give of their best and to speak with love, respect and concern for one another. All this we bring to you with hope in our hearts and a sincere thank you for being active in our lives. Amen.

LEG. LINDSAY:

Thank you.

P.O. CARACAPPA:

Thank you very much. Thank you. Okay. I'm going to recognize Legislator Lindsay again, if you're ready, for the purposes of a proclamation. Everyone, please be seated. Thank you.

LEG. LINDSAY:

Good morning. Good morning again. We have with us a number of fire fighters from •• again, from Sayville. If you fellows would please join me at

the lectern, I would really appreciate it. Captain Walter Reutlinger Jr., Mark Frappied, Jeff Wagner, and Ex•Chief Don Hodgkinson. With us this morning is these fine gentlemen that are volunteers in one of our fire departments on Long Island, and these are the guys that get up in the middle of the night when it's cold, and rainy, and snowy, and windy, and all kinds of weather, to go out and protect our homes, and our property, and our lives. And the ultimate reward for any of these fellows that serve our communities is to know that they've done a great job. And just recently these four gentlemen were not instrumental, they saved a person life from a burning building, and that's why they're here today.

If you bear with me, I just would like to read some of the whereases that describes the event in question.

Whereas; Captain Walter Reutlinger, Jr., after a department meeting, responded to an automatic residential fire alarm at a two•story private home on Julbet Drive where the second floor was ablaze. In less than three minutes Engine 311•1 and Ladder 311•9 responded. Captain Reutlinger, upon arrival, performed an immediate search of the second floor, located and removed the occupant, who was without pulse. But after the successful resuscitation performed by Firefighters Mark Frappied, Jeff Wagner and Ex •Chief Don Hodgkinson, the occupant was stabilized and transported to the hospital.

And, therefore, be it resolved that this day, December 20th, 2005, the Suffolk County Legislature recognizes these four local heroes for their act of bravery and the ultimate of saving a life from our community. Thank you very much, fellows for coming, and congratulations.

(APPLAUSE)

Would any of you fellows want to say anything? Okay. Thank you very much.

MR. FRAPPIED:
Actually, I would.

LEG. LINDSAY:

You do? Okay.

MR. FRAPPIED:

If you wouldn't mind.

LEG. LINDSAY:

Firefighter Frappied wants to say something.

MR. FRAPPIED:

I'd just like to say, on behalf of myself and my teammates here, my partners, my brothers, we're very much appreciative of this. But, as you all know, lots of times people say, "Why do you do it?" There's a lot of articles in the paper about why we might do it. Very simple question. We love to serve. That's the highest recognition that we could do. We love to be there when people need us, when people are in trouble. And given an opportunity to respond and serve, it's the best gift in the world, and we'll keep doing it as long as we can. Thank you very much.

(APPLAUSE)

P.O. CARACAPPA:

No, I'm not going to sing. I'm actually going to break from tradition this morning for a very serious reason. Those of you who don't know, there's going to be a massive changeover here at the Suffolk County Legislature in just a week•and•a•half. And we have •• due to term limits, unfortunately, we have some outgoing Legislators who have served this body so very well over the years, and the public for which they've been elected to serve within their respective districts.

And what I want to do this morning, while the auditorium is still full, is recognize these Legislators who will be departing and moving on to new endeavors and I'm sure much greener pastures, and this is their last meeting. And Legislator Tonna is cracking up as I say "Greener pastures." But I want to go through them one by one and present them with a plaque this morning, if you would indulge me, and I certainly would appreciate it if you would.

Unfortunately, the first person I'm going to speak about this morning is home ill with the flu, and I'm saddened that he is •• he is not here. He's Legislator Michael Caracciolo. And Mike's been •• Mike's been with us a long time. And Mike has established himself as a strident and effective representative since 1989. Those of you who don't know, Mike was a Legislator, and then he took high a hiatus and then he came back. If I could have some order, please. Thank you. And then he came back and he will be departing as of January.

Through Mike's efforts, the County now has an assigned police Medevac helicopter at Gabreski Airport in Westhampton Beach. Also, Mike was a cosponsor of legislation that would require well water testing by potential homeowners prior to the acquisition of residential homes. Also, he has sponsored a memorializing resolution requesting that the USDA to permit inspection of the Federal Animal Disease Laboratory in Plum Island by the County Health Department officials, as well as Mike has earned, and we all know this, a reputation for his commitment to the environment in his district, which encompasses a lot of farmland and open space preservation. Mike I think has preserved more land in his district than some states in our union. So for that and so many other reasons, I'd like to present Mike's Aide, Kim Kennedy, with a plaque to present to Michael for his years of service. And, on behalf of the public, we say thank you very much.

(APPLAUSE)

Okay. Next up.

LEG. O'LEARY:

I'm not term limited.

P.O. CARACAPPA:

I know, but •• Legislator Peter O'Leary from the Third District. Pete has just been a tremendous Legislator in his two years here at the Legislature. Peter is a U.S. Army veteran. He's lived his entire life here in Suffolk County. Peter was the Chair, past Chair of Public Works and Public Transportation, and currently serves as the Vice•Chair of Public Works and Transportation,

as well as the Vice•Chair of Public Safety and Public Information. He currently is the Chair of Ways and Means. Right?

LEG. O'LEARY:

Yes, for another ten days.

P.O. CARACAPPA:

For another ten days. He sponsored legislation requesting New York State Legislature to enact legislation limiting registered sex offenders' contact with children. And I know Laura Ahearn is here and she's worked very closely with Pete on a lot of important pieces of legislation as it relates to child protection, and it will be one of Pete's hallmarks. He also cosponsored legislation on a Local Law extending property tax exemptions for volunteer firefighters, which I think was quite apropos this morning as we honored some of them. Also, to ambulance workers who reside within cooperative apartments. Pete also sponsored legislation establishing the Yaphank Center Development Review Committee. And those of you who don't know what that is, there's large piece of County property in Yaphank that is being considered for a whole host of different uses, and Pete was the one that spearheaded the ability for the public, and I repeat that, the public to get together, the people who reside close to that property, to get together and have a say in what's going to go on on those public lands.

So, Pete, with that, I'd like to thank you, number one, for everything you've done here at the Legislature. You've been a tremendous, tremendous help to me as Presiding Officer over the last two years. And we're sad to see you go, your •• I know your days in elected office are not over, and you will return. And I just want to present to you this plaque and say thank you very much on behalf of the public for your years of service.

(APPLAUSE)

Well, I've called him Legislator Foley for many years, but I will introduce him as Brookhaven Town Supervisor•Elect Brian Foley. Brian, there's so many things to say. You and me are •• you and me hold a special •• a unique bond here at the Legislature, for we are second generation Legislators. And you know how important the traditions of this Legislature are over the years,

as I do, growing up with it and then being a part of it. And you and I have shared those experiences and that bond for many years, among other things, especially our friendship.

But Brian has spearheaded so many things, but this is just a little glimpse of his accomplishments here at the Legislature. He spearheaded a Local Law that now prohibits Suffolk store owners from selling any tobacco-related products, including cigarettes, to anyone under the age of 19, which is a tremendous accomplishment, and something that has set the bar across the country, really, by way of Local Laws. Also, lawmakers in Albany are trying to adopt "Tobacco 19" statewide, as I just said, not only in New York State but other states throughout the country.

Brian championed the Local Law, also, to protect wait persons and bartenders from secondhand smoke in the workplace, and there is now a statewide ban on smoking in all workplaces. And, again, this man, this Legislator is the person that really got everyone thinking about it, and had not only people throughout the State of New York, but, again, the country moving in this direction for the sake of public health.

Also, Brian has maintained Brookhaven's bucolic beauty. Brian has secured funding for preservation of the shoreline along his district, which is the South Shore of Brookhaven, among many other places within his district in Patchogue, in Medford and Blue Point, and so many other places. He's done so much for that district for so many years. And in his newly elected capacity as Supervisor of the Town of Brookhaven, he will continue to be a watchdog for his constituency.

And, Brian, though you are going to have, I'm sure, a long and distinguished career in your new capacity, this Legislature is going to be •• we're going to miss the Foley name considerably, and, certainly, I'm going to miss you as a colleague here in the Legislature. But we all look forward to you being Supervisor of the Town of Brookhaven. And I just wanted to present this plaque to you for your years of service, and just a great job done here at the Suffolk County Legislature, and all the best to you and your family.

(APPLAUSE)

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

You're a class act, Brian.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Should I get on your left or your right, Joe?

P.O. CARACAPPA:

How are you going to vote today?

LEG. TONNA:

I'm on your left •• no. I'm dyslexic.

P.O. CARACAPPA:

There are many things I could say about Paul Tonna, all of them good, because I won't say anything other than good. Sincerely, though, "The Honorable" attached to Paul's name clearly describes the man in every way possible, and I mean that from the heart. His reverence for people stems from a deep religious conviction, owed in part to his Master of Arts Degree in Theology from Immaculate Conception Seminary. In 2001 he introduced legislation that raised the bar of respect for those who were unfortunately forced to live in emergency shelters. He also made a Head Start available to homeless preschoolers living in County-sponsored housing, and this came at no cost to the County, because Paul worked diligently to make sure that that happened.

Also, he's an advocate for public safety, has been for a long time; created a

police substation in Huntington Station, and that came to fruition quite a few years ago.

Also, Paul was the former Presiding Officer, as you could see his picture hanging on the wall here and will be in perpetuity. Paul set the standard, really, for professionalism in the Presiding Officer's. And when I came into office as Presiding Officer, I wanted to maintain some of the traditions and work ethics that Paul Tonna set as a standard. And Paul has a rich, deep history here in this Legislature. He's accomplished so, so very much by way of Local Laws and legislation, and has had a profound impact on the people of his district, as well as the people of Suffolk County.

So with that, Paul, I know how much you also treasure the •• this Legislature, the traditions of the Legislature, and everything that goes on here, so your loss is a tremendous loss. And I know your days in public service are far from over, too, and hopefully, and we wish you and your family and your beautiful children all the best. And I know we're going to be seeing a lot more of you. As the Presiding Officer ••

LEG. TONNA:

Thank you very much.

(APPLAUSE)

P.O. CARACAPPA:

So, on behalf of the people of Suffolk County and your district, I'd like to present this plaque to you for your years of service and a job very, very well done.

LEG. TONNA:

Thanks, Joe.

(APPLAUSE)

P.O. CARACAPPA:

Legislator Binder is not here yet, but we'll do his later. Legislator Bishop. Paul, do you have any final jokes for David as we ••

LEG. TONNA:

I'm just glad to see he's standing.

P.O. CARACAPPA:

What could I say about Dave Bishop? He's ••

LEG. MYSTAL:

Nothing.

P.O. CARACAPPA:

No. A unique individual. I've always said the smartest member of the Legislature, and someone that has taught me a heck of a lot over my years. He's razzed me a bit coming in, but I know, politics aside, this is one of the nicest guys I've had to deal with over my 11 years as a Suffolk County Legislator. And what makes him a really great guy is that he and I are fellow Jet fans, and we tailgate from time to time at the Meadowlands Arena. So, that aside, David has a rich tradition and history here in the Suffolk County Legislature as well. How many years, David?

LEG. BISHOP:

Thirteen.

P.O. CARACAPPA:

Thirteen years. So he was elected when he was about ten. Dave Bishop has spearheaded the renaming of the Tri•Community Health Center after our colleague, Maxine Postal, former Presiding Officer Maxine Postal, whose picture, of course, will adorn this auditorium forever, and the Riverhead auditorium for which that is named after, the Maxine Postal Auditorium in Riverhead.

Also, David worked very, very hard to establish an EMT certification reimbursement policy for County employees, as well as amending the 2005 Capital Budget, and improvement of so many athletic fields within his district, and it's been one of the things he's worked on so hard in his area to make sure that playing fields have been available. In fact, David

spearheaded our •• one of our most important land acquisition programs, that being our Greenways Program, and so many community groups have benefitted from playing fields because of David's efforts, and that was no small task and something that will go down in infamy here in Suffolk County has one of the better things that we have done.

Also, he's established centralized surface water and groundwater database. He helped streamline EMS coordination and improve response time, which was at have first controversial, but David, through hard work with other Legislators and people throughout the whole EMS community worked hard to finalize an agreement that works towards ••

LEG. BISHOP:

Just give me the plaque.

P.O. CARACAPPA:

No. That works towards better response times and it saves lives, and this is the man you're looking at right here that has done that. David is just a tremendous Legislator, a good friend, and, again, this auditorium and the halls of this Legislature will be at a loss because of your departure. So I just wanted to present this plaque to you, which you want so desperately now, and say thank you, thank you, thank you very much for your years of service.

LEG. BISHOP:

Thank you.

(APPLAUSE)

P.O. CARACAPPA:

Deputy Presiding Officer Angie Carpenter.

(APPLAUSE)

As Angie's making her way around here, and, hopefully, she can understand I might be a little more long-winded in my speaking of her, but she's •• she and I have shared the leadership post here the last two years. But her role

as Deputy Presiding Officer, the official capacity, does not do justice by way of her true leadership here in the Legislature for so many years. There is not a committee or anything, a group that has met, a Task Force, that Angie did not want to serve on, and not only serve on, but lead and come up with some fantastic results by way of policy that have helped the people of Suffolk County.

Angie's political career began in 1993, when she ran for the Legislature in a special election. It was a cold winter that year, right? Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

She's absolutely dedicated to the community, and has moved on to serve all of Suffolk County as our new Treasurer•elect, which she'll be being sworn in the next week or two. So Treasurer Carpenter will be in County government for at least the next four years, and we wish her well in that, in that new endeavor.

Angie has fought to keep Suffolk Community College affordable for everybody. I know there are so many people here that have gone to Suffolk Community College and have benefitted from a quality affordable education. And this woman standing to my right has spearheaded those efforts. She's also helped to implement a Mass Transportation Public Information Program for Suffolk County. She has dedicated her efforts to the growth of business in Suffolk County in so many ways, again, serving on so many Task Forces dealing with so many economic development issues. She really has worked hard in that area.

And, Angie, if you don't know, has been named to the Who's Who in America, so •• and that's well deserved as well. But what's not mentioned on this sheet of paper are so many other things, especially her •• in the field of public safety here in Suffolk County. I don't think there's another Legislator in the history of Suffolk County that has done more for public safety, for protecting all of you, to making sure that the Police Department, the Sheriffs, Probation, everybody, Deputy Sheriffs, you name it, make sure

they have the resources needed to protect you and your families on a daily basis. This woman has devoted so much time, not only to her constituents, but to the County as a whole. She's never, ever once been provincial in her viewpoints, just protecting her district, she has taken a holistic view and a whole approach to the County of Suffolk. Her accomplishments will live on for so many more years because they've made such a tremendous impact on the people who call Suffolk County home.

So, with that, Deputy Presiding Officer Carpenter, I would like to thank you, number one, for your years of service, number two, for being my Deputy and helping me along as Presiding Officer, but three, just being one of the most gracious hard•working human beings I've ever had the pleasure of meeting. Congratulations.

D.P.O. CARPENTER:

Thank you.

(APPLAUSE)

P.O. CARACAPPA:

Well, Legislator Binder didn't arrive. These are our outgoing Legislators, Ladies and Gentlemen. And I'm sure, if you've been in this audience more than once, you've worked with one or two of them, if not all of them, so I'd like to gather them for one final picture. And, if you could, a hearty round of applause for these wonderful policy•makers.

(APPLAUSE AND STANDING OVATION)

Okay. I really appreciate your indulgence on that, but so vitally necessary to do. We have more proclamations. I might add, that wasn't easy for me, and not because I'm sentimental, because we had our Christmas party last night, so I'm struggling. Okay. I now recognize Legislator Carpenter, again, for the purposes of a proclamation.

D.P.O. CARPENTER:

Thank you so much. I would ask the representatives from Good Samaritan Hospital, Tom Nolan, and also the Gentleman from the New York Organ

Donor Network, who was here, too, Frank Novack, Tom Nolan, from Good Sam, and Tom and Sue _Catrell_, if you could come forward, too.

We, at the last meeting of the Legislature, passed a resolution declaring December Organ Donor Month in Suffolk County. And if Legislator Bishop is still around, I would like him to join me. We attended a meeting at Good Samaritan Hospital because they were being very proactive in trying to raise awareness to organ donors and the desperate need for donors. And, you know, we got the invitation and you wonder why you're doing something like this, but Dave and I talked about it and thought that we were in a position to hopefully raise some awareness, and that's what this is all about.

And at this time of the year, when people are so focused on gifts and giving, it seemed the most appropriate time to do this, to raise that awareness, so that, hopefully, when you are gathered with your families, that you might think of just broaching the subject and saying that, "I would like to be an organ donor," because if you don't have that clearly specified, even though you may check with your license to say you would like to do that, the family can override that. So it is important to have those kinds of discussions.

And we want to thank Good Samaritan Hospital for once again taking a leadership role in our community beyond the confines of the walls of the hospital. They've done it with the Nursing Program, working with our Community College, and now they're doing it with this initiative.

So, Tom, if you would come forward and accept this on behalf of Good Samaritan. And, David, if you would present that to Frank Novack from the New York Donor Network. And I think also we are going to hear from Tom and Sue _Catrell_, who are living examples of how important this is, and what a difference you can make in someone's life. Sue.

MS. CATRELL:

Hi. I'm a kidney donor.

LEG. ALDEN:

Pull the microphone up.

MS. CATRELL:

Microphone up? Can you hear me now? That's good. What I can say is I know a lot of people are leaving the Legislature now, but what you can take home with you is, again, to speak with your families and bring it out. We want to spread the word to the community to help increase the number of people donating, because if there were more people donating when they died, then I wouldn't have had to make that awesome decision of donating my own kidney while I was living. My brother wouldn't have had to have suffered so greatly on dialysis for four•and•a•half years, because there would have been more organs out there for donation.

So the people that are staying, I'll come back next month to greet the new people, if you'd like, to help increase awareness. But the people who are saying, if you can do anything to help increase awareness, educate, start at your home level, start with your own family, and then spread it out to the community to your next door neighbor, and then to the community that you serve, it would be deeply appreciated, so there would be no more people that would have to make the decision that I had to make, and no more people would have to suffer like my brother did. So thank you.

D.P.O. CARPENTER:

Thank you. Thank you. Thank you very much. David, did you want to say something?

LEG. BISHOP:

Just to my colleagues who are staying next year, right. The most valuable real estate you have is your newsletter, and if you can devote some space in the newsletter about spreading the word about the importance of a solemn conversation about the issue, it would be very helpful to the effort.

D.P.O. CARPENTER:

Tom, did you want to say anything? No?

MR. CATRELL:

I think she covered everything.

LEG. CARPENTER:

A living example of how important it is. But I do think it's important, Mr. Novack, if you could just tell us the statistic on how many people locally are waiting for donors. Well, nationally, we're looking at a waiting list of over 90,000 people. And the real crisis in that list is that every •• every single day 17 people die waiting to be transplanted, because they're not receiving these life•saving organs. Here, locally, in the metropolitan area here, we have 7,000 people waiting. These are your neighbors, these are your friends, these are your constituents. We ask you, please, do anything you can to raise the level of consciousness about organ and tissue donation. Those 17 people are dying not because there aren't enough organs, but because there aren't enough organs donated, and that's the crisis that we're struggling with.

D.P.O. CARPENTER:

Thank you very much, Tom. I thank you for your attention, and it is a little bit somber, but think about the gift of life. Thank you.

(APPLAUSE)

P.O. CARACAPPA:

I recognize Legislator Lindsay, who's been waiting patiently, with Legislator Alden for the purposes of another proclamation.

LEG. ALDEN:

I'd like to ask Joseph Labrocco and his family to come forward. We We truly are blessed here in Suffolk County, and actually the quality of life is fantastic. From high school kids winning football championships or baseball championships, basketball championships, to the people that serve on the fire departments as a volunteer basis, our ambulance corps. Our Police Department is fantastic. And we've honored a number of people for their public service today.

Now I am going to paint a little picture for you. Imagine going into a convenience store located at a gas station and having a gun pointed at you and seeing somebody being robbed at gunpoint. What would most of us do? And I've had a gun pointed at me. You want to take off, it's an exhilarating feeling, but you want to take off.

Well, Joseph didn't do that. He actually went after the guy with the gun, subdued him, probably saved a couple of people's lives in the process and held that perpetrator there until the police arrived, much to the, I guess not disappointment of his wife, but a little bit of displeasure there by putting his own life in jeopardy. But this man stepped up to the plate, put his own life in jeopardy, to save that life and another life and anybody else that might have happened upon that crime scene.

So, Joseph, on behalf of surely the Legislature and the 1.4 million people in Suffolk County, we thank you for just, you know, jeopardizing your own life to save those of other people in the community. Thank you very much.

(APPLAUSE)

LEG. LINDSAY:

I just want to congratulate Joe as well. Similar to the firemen before. The ultimate award in life is to save another one's life and you've reached that pinnacle, and if you do it again your wife will probably kill you. But thank you very much.

(APPLAUSE)

P.O. CARACAPPA:

Thank you very much. Congratulations. I'd like to now recognize Legislator Peter O'Leary for the purposes of a proclamation to the William Floyd football team and the Bellport football team.

LEG. O'LEARY:

Thank you, Presiding Officer Caracappa. And is this the last presentation of the morning?

P.O. CARACAPPA:

It is.

LEG. O'LEARY:

And that is appropriate and fitful, because the last presentation we're

recognizing the best in the County. And when I say that, I speak of two high school football teams who went undefeated in their league and division, and went on, both, to win the Long Island Championship, so •• and proudly to state they are both within the Third Legislative District, the Bellport High School football team, otherwise in the South Country School District, is also part in Legislator Foley's district. And I would ask Legislator Foley to come up. And not because he's the supervisor elect of Brookhaven mind you, but because he is a Legislator that covers part of the South Country School District and the Bellport High School football team.

But I do want to acknowledge the great achievements that these two teams had in the past year. I'm going to ask the two AD's, AD from Bellport High School, John _Frankie_ and AD Mark _Mensch_ from the William Floyd School District to come up, as well as the two head football coaches from the Bellport High School football team, head coach Joe _Sip_ , and from the William Floyd _Colonial's_ football team, head coach Paul _Longo_ . If you would come up, please.

(APPLAUSE)

Having somewhat an affinity to football, having played in high school and college myself, I know all too well the effort that was put into these two great seasons with these two great teams. And I say teams because it is a team effort, and the head coach is the head of that team, the AD is the supporting administrative part of the team, but more importantly, the players themselves are the ones that make up championship and successful teams.

So at this time I would like, even though I am not going to get into their individual achievements, there are several all Long Island, all Suffolk County, all division players here with us today. I would ask that the players from both the Bellport High School football team and the William Floyd High School football team who are present to stand up and be acknowledged by the people here and congratulations on a great season.

(APPLAUSE)

Thank you very much, guys. And some of the achievements that were obtained by the coaches and the team, as I said before, undefeated, Long Island champs, Coach _Longo_ and Coach _Sip_ , co•coaches of the year, and the William Floyd football team I understand in a very close election, won the Rutgers Cup, which is symbolic of the best team in Suffolk County. However, just to be totally nonpartisan in this whole matter, the Bellport High School football team who defeated Garden City for the Long Island Championship, Garden City wins the Nassau County Rutgers Cup, and yet Bellport defeated them.

So really we have here today the finest tradition of high school athletics, two great championship teams, and my sincere congratulations and thanks to not only the head coaches, the AD's, but the players, but to the people in the community, the faculty and everyone associated with the South Country School District or the William Floyd School District for a great, great season. So thank you very much and congratulations.

(APPLAUSE)

LEG. FOLEY:

I'll be very brief after the fine remarks of Legislator O'Leary. Let me just say to the student athletes who played so well this year, you know, the discipline on the field, the character that you develop listening intently to all of the orders of the coaches, I know that you carried out every order that was given by the coaches. But the fact of the matter is that the discipline you have shown is something that you'll be able to use not just in your high school years, but through your whole adult lives. So you are part of something •• when you look back ten, 20 years from now, you'll just see just how unique it is to be among •• to be on a championship team in championship season.

And for the rest of the Legislature, Legislator O'Leary had mentioned about how fine these two school districts are and their football teams, that they are two of the •• in fact, they are two of the finest football teams this particular year, not just in Suffolk County, but also for all of Long Island and it's rather unique that, as was mentioned earlier, because Bellport had defeated Garden City, maybe we can say that Bellport is the best team in

Nassau County. So what we can say certainly is that when it comes to Long Island these are two of the finest teams. And what is also rather unique is that the school districts adjoin each other, they are right next to each other right on the south shore of Brookhaven Town.

So we're pleased, both Legislator O'Leary and I, to bring these two fine teams representing two fine school districts and coaches who have done an outstanding job over many years, who have produced a number of outstanding athletes. And I'm sure what the coaches would say if they get the chance to speak is as fine as these seasons are, I think what's also great is how they prepare these young men and also women who are involved with these teams, for their college years. There are a number of scholarships that were granted to their student athletes who otherwise would never have been able to go to college, so I think that's something I know that the Athletic Directors and the coaches take great pride in as well.

And finally, they couldn't do this without the strong support of their communities. I know the communities, both the William Floyd and the Bellport areas are 110 percent with their teams and they have their rituals that they go through every weekend and is part of the traditions of both communities that they do those things. So as much as it is about the school, it is also about the communities in those two fine areas.

So, again, I want to thank you, congratulate you, and have a wonderful holiday season. We know that when the award ceremonies come in early next year that we'll be there to give you some more proclamations because really, gentlemen, this is something that you're going to relish for the rest of your lives. Congratulations.

(APPLAUSE)

P.O. CARACAPPA:

Congratulations, everybody. Good job.

(APPLAUSE)

P.O. CARACAPPA:

And I am mistaken, Legislator O'Leary, this was not the last proclamation of

the morning. Legislator Nowick has a proclamation which unfortunately was left off my agenda here. I recognize Legislator Nowick for the purposes of a few proclamations.

LEG. NOWICK:

Good morning, everybody. I'd like to call up to the podium a young lady by the name of Ryan _Katoolo_ . Is she here? Good morning. Come on up. Just to tell you a little bit about this young lady, come on over here, Ryan has been a four year varsity tennis player, and she has won countless accolades over the past few years, including the Kings Park High School most valuable player three times, rookie of the year in 2002, four time all league player, three time all county player, three time all state player, and a New York State scholar athlete in 2005.

Recently, she has won the Suffolk County •• as I said, the Suffolk County Tennis Singles twice and then she went on to the New York State Public School Championship Tournament. And at that tournament Ryan was seated second and went on to win the state championship. Now can any of you do that, because I can't.

Ryan we are proud from the Suffolk County Legislature to recognize all of your abilities and we also congratulate your Coach, Russ _Mathey_ for helping you along the way and from the Legislature, congratulations. You can take that with you. Congratulations

(APPLAUSE)

Russ, are you here? Oh, he's taking a picture. Russ, why don't you just come up here for one picture with your pro here. Thank you. Congratulations.

Next I would like to call up •• we have a few young ladies here from the Kings Park gymnastic team. Are they here? Kings Park gymnastic team? Why don't you come around me over here. Just stand around over here and we'll get Bob over there when we have the chance. Hello, come on in. Come over here. Come over here. Okay.

For the third year in a row the Kings Park gymnastic team had an undefeated season and won the County championship. They just missed setting the scoring record, which they did set last year, and I believe they will have three girls represent them in the state championships. Is that right, ladies? Have long have you all been doing this, a lot of years?

Also, I'd like to congratulate Coach Robin Thomas. Is he here? She? That's what I said. Come on up, Coach. Congratulations to all of you. The Suffolk County Legislature would like to recognize all of you for your athletic, not only abilities, but it's that you take the time from your days rather than going to the mall and you're doing this instead and that's a wonderful thing. And also to your parents who I'm sure drive you back and forth, back and forth. So, congratulations to all of you. We do have proclamations. I'm going to give them to your Coach and you'll hand them out. Congratulations from the Legislature.

(APPLAUSE)

LEG. NOWICK:

Ladies have a wonderful Christmas vacation and keep up the good work.

TEAM IN UNISON:

Thank you.

P.O. CARACAPPA:

Thank you, Legislator Nowick. Congratulations, girls. Good job. Before I go to public portion I'd like to take this opportunity to thank Cornell Cooperative for the poinsettias that you see in front of the horseshoe here. It's made the atmosphere very festive, something we absolutely need. So thank you, Tom, I see you there, Tom William. Thank you very much for providing this.

We're going to go into public portion now. Public portion is the public's time, the public's time only. You have three minutes to convey your •• to convey •• to convey your feelings and your thoughts and to get your point across. We'd really appreciate it if you stuck to the three minutes. At the end of three minutes if you go beyond you will hear a sound like an alarm. When

you hear that alarm that means your time is up and I will ask you to sum up your statement.

With that, we'll go right directly into public portion. The first speaker is Peter Giordano.

MR. GIORDANO:

Good morning. My name is Pete Giordano, President of the Nassau/ Suffolk Limousine Association. We're here today to see if we can reform some sort of registration to manage the registration for the livery industry so we can compete against •• I shouldn't say compete, so we can get some sort of reciprocity with Nassau County.

We've been in existence since the 70's. In the organization •• we have over 150 members in our organization and we feel that this registration would be good for the consumer. It would legitimize all the companies that operate out of the County. So that's pretty much why we're here today.

P.O. CARACAPPA:

Thank you. Next speaker is •• looks like Ronald P. Barz.

MR. BARZ:

I'm Ron Barz. I'm the Executive Director of Central Islip/Hauppauge Ambulance. Thank you, Mr. Chairman, honorable Legislators, for giving me a chance to speak on Resolution 2384. This resolution was introduced by Legislator Kennedy and cosponsored by Legislator Montano. It's in reference to an acquisition of a piece of property for a substation for the CI/Hauppauge Ambulance in the Hauppauge area. This would be located on the corner of Kings Highway and _Raul Wallenburg_ Drive, which is the southwest corner of the H. Lee Dennison property adjacent to St. Thomas _Moore Roman_ Catholic Church.

I would introduce Paul Ryan, the Chief, to give you a little bit more particulars on this and to ask, again, for your support on this resolution.
Chief Ryan.

P.O. CARACAPPA:

Excuse me. Under the rules of the Legislature, Mr. Ryan, did you fill out a card?

MR. BARZ:

I can speak for him.

P.O. CARACAPPA:

Yes, please.

MR. BARZ:

What we're looking for is that the CI/Hauppauge Ambulance is about the second busiest corp in Suffolk County right now. We cover 19.8 square miles of property. We run about 4,700 calls a year. It is probably going to be over 5,400 this year.

Our main headquarters right now is located on _Pineville_ Road in Central Islip. As at a given time from _Pineville_ Road to the furthest westerly portion, which is in the Hauppauge Industrial Association or Hauppauge Industrial Park, it would take us 12 to 13 minutes to get there. We're trying to get a garage or a substation put into the Hauppauge area, which would limit our response time and get proper care for the people in that area.

I have nothing else really to say on it, just that I know there would be a little problem with the County Attorney and I know them to be worked out, but I'm asking for this resolution. Legislator Kennedy can go into it a little more.

LEG. ALDEN:

When we do the bill.

P.O. CARACAPPA:

We'll debate that when we get to the bill later on. You're going to the motion to table later to deal with technical aspects of the bill. But right now this is your time not a question and answer so ••

MR. BARZ:

Thank you very much.

P.O. CARACAPPA:

•• we want to hear your viewpoint. Thank you. Laura Ahearn.

MS. AHEARN:

The next time I come before this Legislature, many of you will be, I'm sure, continuing to serve the community in another capacity that will, I'm sure, be invaluable. I'd like to thank Legislator Caracciolo, Legislator O'Leary, Legislator Foley, Legislators Carpenter, Bishop, Binder and Legislator Tonna, for making a difference in the lives of so many children in Suffolk County and their families.

Suffolk County has and is the •• has been and is the trailblazer on sex offender management and child sexual abuse issues, not just here on Long Island, but also in New York State and also in our nation. We're finding out now because we staff the National Megan's Law Help Line and are gathering data from across all 50 states and what local municipalities and local states are doing to help manage this issue.

In Suffolk County we have implemented a program called the Megan's Law Community Support and Prevention Education Program. That's just to start. That is a program that helps the community to deal with sex offender issues, that helps to prevent child sexual abuse in the first place. We also have initiatives that are coming out of Probation. We have law enforcement initiatives where the Police Department has a specialized unit dedicated just to Megan's Law registration and tracking down offenders that are failing to register.

We have vigorous prosecution of sex offenders and I'm happy to announce today that I had heard from the administrative judge that Suffolk County now is going to be a County that will have a sex offender court. This has been in the making for nearly four years and it's finally going to happen. We are writing the grant as we speak.

Also, just in legislative initiatives, I only have three minutes but I am going to try to do the best that I can. Here in Suffolk County we are the trailblazers. We are actively notifying the community as a requirement.

That didn't happen in State law, it didn't happen in Federal law. It's going to happen in Federal law probably in the next few weeks, but it happened here first in Suffolk County.

We require child care centers •• Legislator Fisher was instrumental. She introduced this and everyone supported it. Child care centers here in Suffolk County have to screen everyone through the state sex offender registry. It would seem that you would want to do that, but that's not what was happening.

We have mandated reporting. This was something that Legislator Cooper working on. We have Social Service placements. Can't be placed too close to schools. That was Legislator Caracappa years ago. We have youth sports organization and any organization serving youth, they have to screen people through the sex offender registry.

We are now allowed to fingerprint employees who work on child sexual abuse help lines. We also now have supporting legislation, sense resolutions, supporting civil commitment of sexually violent predators. Soon to be residency restriction law being induced by Legislator Cooper. Soon to be supported by Legislator Kennedy legislation that will support a new revamping of Megan's Law across the whole entire nation. All 50 states now are going to be required to do what we are doing here in Suffolk County.

So that's my little beeper. I hear that, Legislator Caracappa, but I would like to just take a moment and thank all of you for not only your legislative initiatives •• Legislator O'Leary, I think I didn't see you over there before, but you have done so much here in Suffolk County with law enforcement to ensure that the community gets so much information that they can use to protect themselves and their children and prevention education.

Each one of you are in a very unique position to effect a tremendous change to protect a child from sexual abuse and to change the lives of those children that have been abused and each of you have honored a responsibility to help our community and to help those children and I thank you for supporting our programs and all of these initiatives.

P.O. CARACAPPA:

Thank you, Ms. Ahearn. Thank you very much. Chris O'Connor.

MR. O'CONNOR:

Thank you. For the record, my name is Christopher O'Connor. I'm the Vice President for Government Affairs for the Neighborhood Network and I'm here to talk about you, and all of you today.

P.O. CARACAPPA:

All of us?

MR. O'CONNOR:

All of you.

P.O. CARACAPPA:

Okay.

MR. O'CONNOR:

But first before I go into some of the Legislators who are leaving, I do want to pay tribute to my Legislator, Joseph Caracappa, who represents my district. Joe, the leadership is changing here, there's different things, but I just wanted to say for the record and for the Neighborhood Network, we have always found you an accessible Presiding Officer, a person who cared about the issues and it was always my privilege to be working with you on these various issues. I know you'll still be in this Legislature, but I just wanted to personally thank you for the work that you've done as Presiding Officer.

P.O. CARACAPPA:

Thank you very much. I appreciate that, Chris. I should stop your time, actually. Feel free to go on.

MR. O'CONNOR:

You know, when I first was brought in by the Neighborhood Network in 1993, my hair was a little bit longer, it was as black as Peter's hair, and so I feel like over the years I've also grown with you. And I'm just going to miss some of the diatribe and some of the interesting comments that have gone on over the years. Elie, I do not know what you're going to do when David

and Allan are gone. You are going to have nobody to talk to or yell at.

P.O. CARACAPPA:

He'll yell at me.

LEG. MYSTAL:

I'll yell at Joe.

LEG. VILORIA • FISHER:

He'll yell at me.

LEG. MYSTAL:

You got that one right.

MR. O'CONNOR:

I'm going to miss David because David has represented some of the finest interests in the environmental community. One thing that wasn't mentioned is that he has been a person who has fought pesticide reform and helped work pesticides. I hope that perhaps maybe he'll join me and Elie in working to get counsel districts in Babylon.

LEG. BISHOP:

Sure.

LEG. MYSTAL:

You got me.

MR. O'CONNOR:

Paul •• Paul, actually I'll be seeing right next door to my office because he has an office right next to the Neighborhood Network, so we'll be chatting about a few things over at the Malloy College extension.

LEG. TONNA:

Absolutely.

MR. O'CONNOR:

You know, I see two•thirds of my town being changed over, Peter will be

leaving, and Brian will be moving on to the Supervisor. And I remember Brian very early on. He always wore a blue tweed suit if you recall. Brian always had his morning tweed, if you've noticed, and he had his afternoon tweed, and then he had his going out blue tweed suit. You've noticed since he's gotten elected he's changed his color to green tweed.

LEG. FOLEY:

I'm two colors now.

P.O. CARACAPPA:

No, boss tweed.

MR. O'CONNOR:

So we will be missing Brian here. The Neighborhood Network will, of course, be working with him in the Town of Brookhaven on various issues. And, you know, it's been a very good run for all of you. I have been proud to work with you. I have been proud to work with Angie from time to time, and I thank you and good luck to all of you.

LEG. FOLEY:

Thank you.

LEG. TONNA:

Thank you.

P.O. CARACAPPA:

Chris, on behalf of all of us, we've worked, like you said, with you and the organization on many occasions and for you to come here this morning for that we all certainly appreciate it and the best of the holidays to you and your family. Thank you very much.

LEG. FOLEY:

Thank you, Chris, thank you.

P.O. CARACAPPA:

Charles Gardner.

LEG. BISHOP:

Who are you going to pay tribute to?

D.P.O. CARPENTER:

You.

MR. GARDNER:

Good morning, ladies and gentlemen. Speaking for the Office of Consumer Affairs, I have some comments on several resolutions pending before the Legislature that affect the office. The first is 1835, which would amend the resolution concerning the installation of carbon monoxide detectors when replacing a home heating system. We have worked with Legislative Counsel and the County Executive's County Attorney. The amendments clearly define a violation, clearly define installer, and clearly set forth a penalty schedule, so we would •• the office is in favor of this amendment.

The 2206 resolution, which would prevent unwarranted price increases by wholesale motor fuel distributors and service station operators. We would have similar concerns to the proposal that addressed more than one price increase by retailers in that when you target someone near the bottom or even in the middle of the pricing ladder, you can disrupt supply and deliveries. Wholesalers might just •• even though this does have an out where if a wholesaler could provide justification for multiple price increases in one day, they could still just opt to not deliver this day, deliver it tomorrow, get past the paperwork. This could affect supplies. The •• we have to understand that just as retailers face multiple price increases, so do, in times of crisis, so do wholesalers prices increase two, three, four, we have seen five increases in one day.

The local law to license livery vehicles. That is a •• which would require registration as opposed to licensing. The office •• we have had several calls about our ability to enforce this and the way the law has been •• the resolution has been crafted, which targets companies as opposed to individual drivers and vehicles. We would be able to enforce this without increased staff and we do need a mechanism to allow our businesses to compete on an equal footing with those of Nassau County. Thank you very much.

D.P.O. CARPENTER:

Thank you, Charlie.

P.O. CARACAPPA:

Thank you, Charlie. We appreciate it.

(APPLAUSE)

P.O. CARACAPPA:

Before we •• I'd like to just ask for your indulgence one more time. Legislator Binder has arrived and ••

LEG. BINDER:

I thought I got out of it.

P.O. CARACAPPA:

We have one more plaque and presentation to present to the dean of the Legislature, and that's Allan Binder. So, Allan, if you could just come over here I'd appreciate it. I'd like to present this to you. Allan, as I said, is the dean of Legislature, serving the Legislature for 16 years I believe.

LEG. BINDER:

Yes, in a couple of more days.

P.O. CARACAPPA:

Right, in a couple of more days. There's a lot to say about Allan as well. Sixteen years is hard to capsulize in just a few moments, but you know, Allan has always been committed to maintaining the quality of life for those who live and work in Suffolk County. Again, as I mentioned in Angie, he's never taken a provincial view with relation to his district. He's always looked at the County as a whole and the needs of the County as a whole.

As a property taxpayer Allan has always realized that taxes come from the hard working residents and has helped streamline government in so many different areas to make sure that we as elected officials live by those same realities.

Also, Allan just •• to set the example, he's never taken a County car. He's also sponsored legislation that cut out sales tax by a quarter percent. And also he's proposed legislation and passed legislation so that bank's in Suffolk County must participate in a survey listing the varied fees associated with opening and maintaining an account. This takes place four times a year in Suffolk County.

Allan in the earlier stages of his career was •• spearheaded so many issues and movements as it relates to health care, Health Department, the reforming of our Health Department, and as Health Chair for so many years, you've accomplished so much in that regard.

The list is endless when it comes to Allan Binder serving in this Legislature, so many accomplishments and we will miss him dearly and everything that he has brought to this horseshoe, both here in Riverhead •• it's going to be hard to replace him and the work that he has accomplished and the things that he has passed and the local laws that he has seen through will live on for many, many years because they are going to affect the people of Suffolk County in a positive way for many years to come.

So, Allan, I'd like to present this plaque to you for your years as a Suffolk County Legislator, 1990 to 2005. On behalf of the public of Suffolk County the people of your district I'd like to say congratulations and thank you very much.

LEG. BINDER:

Thank you. Appreciate it.

(APPLAUSE)

P.O. CARACAPPA:

Okay. Thank you for that. Next speaker is John Terk, or Tenk. I'm sorry if I miss pronounced that.

MR. TERK:

That's correct, John Terk, T•E•R•K. Hi, everybody. I'm John Terk. Class Act

Limousine is my company located in Sayville. I'm here today just to find out what's going to happen with the registering of the companies.

LEG. VILORIA • FISHER:

We can't hear you, sir.

MR. TERK:

I'm sorry. The registering of the companies so that we can continue to flow in and out of Nassau County and Suffolk County and do our work without being, you know, chased or said that we're doing something wrong. I'm a mom and pop company in Suffolk County. Most of the limousine companies through Suffolk County are just about in the same spot I am, a mom and pop company doing business, you know, in their Islip Township or Brookhaven and this and that.

All of a sudden in the last few weeks we found out that we're not allowed legally now to stop and take somebody into Nassau County. We're all here to find out what's going to happen about it. Thank you.

P.O. CARACAPPA:

Thank you sir. Ronald Lynch. Ron Lynch. Once, twice. Mr. Lynch? Charles Gandolfo.

MR. GANDOLFO:

Which one is that? I'm up twice.

P.O. CARACAPPA:

Charles Gandolfo?

MR. GANDOLFO:

Is that for the limos? I'm on two tonight.

P.O. CARACAPPA:

You get one card so you speak about all your issues while you're there.

MR. GANDOLFO:

Okay. I'm here today on Consumer Protection, number 2365, adopting a law for the local businesses to be registered on the livery vehicles. This is a very serious matter with Nassau County. They made the laws in Nassau County. If we go in Nassau County and get pulled over or stopped, it's a Class A misdemeanor. We need a reciprocating agreement with Nassau County. They will impound cars, they will •• have sting operations and \$750 each individual fine. Each individual fine will be a Class A misdemeanor. I really feel that we have to step up on that and get this thing passed.

We also have •• it's amazing in Suffolk County we don't have any mechanism at all that even if a person just puts an ad in the newspaper, he could advertise to have car service and the consumer doesn't even know if the guy has proper insurance. It could be regular license plates. They should have livery license plates and insurance to for hire vehicles.

Many of my customers and also other groups here, we take many people into the hospital's in Nassau County. A lot of the elderly depend on us. We do a lot of corporate work and I think this has to move on.

The other issue at hand that I'm also hear on is 2355, on the sewer district from Willis Point Association in West Islip. We had a serious sewer, flood problem. I'm speaking on behalf of myself and neighbors in the area. You guys did an excellent job by coming in and help clean out a lot of the properties, gutting out the bottom of the houses, but there's many people that do not have the finances to repair their homes and they're living in half a house. I'm hoping today that this can be put forward and try to move this along to get these people paid so they can repair their homes and live the way they should.

I'd just like to thank the whole Legislature, the Consumers Affairs, Charlie Gardner, Angie Carpenter, our Legislator, Mr. Lindsay, for all their help. Thank you.

P.O. CARACAPPA:

Thank you. Lance Mallamo.

MR. MALLAMO:

Good morning. Lance Mallamo, Executive Director of the Suffolk County Vanderbilt Museum. I'm here today to enlist your support for IR 2359, modifications for compliance with the Americans with Disabilities Act at the Vanderbilt Museum. These funds will help us continue the ADA Compliance Program at the museum by eliminating architectural and topographical barriers. We do have many physically challenged individuals and school kids come to the museum, and this will do a great service to them.

I also ask your support of IR 2360, revitalization of the William and Mollie Rogers waterfront at the museum. This will enable the development of a new area for access at the museum and provide an opportunity to increase operating revenues at the museum on a yearly basis. It's named for two of the museum's largest benefactors, and I hope that you will support that today.

Also, I'd like to wish you all a very happy holiday. And for those Legislators and Legislative staff members who aren't going to be here in 2006, it's been a pleasure working with you over the years and I hope our paths have the opportunity to cross soon and often. Thank you so much.

P.O. CARACAPPA:

Thank you, Lance. It's appreciated. Ernesto Mattace, Jr. Ernie, did I actually pronounce it right?

MR. MATTACE:

No. Let me explain something.

P.O. CARACAPPA:

I get it different every time.

MR. MATTACE:

Yeah, it's okay. I'm changing it back.

P.O. CARACAPPA:

Oh, okay.

MR. MATTACE:

I'm going to confuse everybody. All right. It's going to be Ernie Mattace and ••

P.O. CARACAPPA:

Okay.

LEG. LINDSAY:

All right.

MR. MATTACE:

And it's going to be that way, because I lived in a community for 35 years and I will be running for office. So I'll let you know about that down the road.

P.O. CARACAPPA:

Okay.

MR. MATTACE:

But I'm here about a more important issue and that's as a Trustee at Suffolk •• hello. As a Trustee at Suffolk Community College.

I'm here to speak on adopting a salary plan for employees who are excluded from the bargaining units. I'm not going to go through a whole history of information on it. Everyone received a letter from our Chairman, William Moore. But, basically, our responsibilities as fiduciary representatives of the College as Trustees oversee a lot of different areas. And through the leadership of Dr. Pippins, just to give you an example, and, again, it's in all the paperwork that you received, in fiscal Year 2005 and 2006, it will be \$13,000 less of expenditures compared to 2003 to 2004 with the increases. So, again, it's all here, I'm not going to repeat it all.

Now, with my other hat. I've appeared before this Legislature for many years and spoke in front of all of you many times. I have to thank you over and over again for all you've done, not only for the College, but for working men and women. As a representative of Local 338 and its Political Director, I'd also like to extend the thanks of our President, John Durso, who is our President, and who is also President of the Long Island Federation of Labor.

You've always been kind, considerate and had an open•door to all of us.

The Legislators that will be leaving will be missed, not only by me, but by many in this community. I thank you for all your work, I thank you for your leadership, and I wish you all the best in the future. Thank you.

P.O. CARACAPPA:

Thank you, Ernie, appreciate it. Good luck to you.

MR. MATTACE:

Thank you.

P.O. CARACAPPA:

Christopher Campbell.

MR. CAMPBELL:

Good morning. My name is Christopher Campbell. I'm the Acting Director of the Suffolk Chapter of the New York Civil Liberties Union and I'm here to speak on resolution 1300. By the language posed a rebuttable presumption that a house is in violation of housing codes is created when a visual exterior inspection yields two doorbells, entry ways, or other eccentricities, that a fine would be imposed if the suspected violator does not supply the town with a verified statement of compliance.

If I may, I'm going to read definition of presumption from the Legal Standard Black's Law Dictionary, seventh edition. It goes as follows, quote "a presumption is a legal inference or assumption that a fact exists based on the known or proven existence of some other fact or group of fact" end quote.

The fifth amendment grants not only due process of law but that no one should be convicted of any crime without proof beyond a reasonable doubt. In essence, the state must first prove a person guilty and until then they are •• and until they are proven so, they are innocent. 1300 reverses this standard, quite literally, to guilty until proven innocent. This bill quite simply does not hold up to constitutional muster.

By that rationale how long will it be, maybe a year, maybe more, maybe less before an irate homeowner who happens to have had a once code violative house, but is now in compliance or a mother or daughter who live in a house together whose names are both on the title and are not in violation, how long before they or everyone worse yet, a well monied code violating landlord appeals it and it's overturned? At that point we'll be stuck back scratching our heads going how do we solve the housing problems in Suffolk County and we're back at square one.

These funds intended to go toward ordinance changes could be used to fund inspectors, magistrates and other processes due to alleged violators. Procedures such as warrants, probable cause and court hearings exist to ensure that the government does not overstep its bounds. Because the US has made it this far out of its constitution, there must be ways of solving the housing problems in Suffolk County without disregarding it. I urge you to vote against number 1300 and I thank you for your •• thank you for your time and wish you happy holidays.

P.O. CARACAPPA:

Thank you very much. Just a point of personal privilege for myself. The bill doesn't set the standard for the code, that would be up to the townships. I would urge you if 1300 passes if you have a problem with the changes in code and the presumptions that you go before the respective townships who might consider adopting those code change.

Last card is Nadio Marin•Molina.

MS. MARIN•MOLINA:

Good morning, Legislators, and thank you for giving me the opportunity to come here before you. My name is Nadia Marin•Molina and I'm speaking here on behalf of the Workplace Project. We have offices in Farmingville and in Hempstead. And we have members across Long Island. We are speaking here on behalf of those members.

I want to bring a couple of things to your attention with regard to resolution 1300. I understand it's going to be voted on and apparently passed today. But I wanted to mention a couple of things. We have no opposition in

general to the idea of 1300, which is to crack down on the landlords who are exploiting people. Our members are among those who are most affected by slumlords and unscrupulous landlords.

What we wanted to mention to the County Legislature is the following. When we started in June of this year to see the effects of the Brookhaven's campaign of evictions, and alleged that this campaign was discriminatory, we were told by one of the supporters of this legislation that we were a one percent lunatic fringe. And it turns out, actually, that •• it was actually, let me see, the County Executive. It turns out that the one percent lunatic fringe, we actually went to court. We went to federal court and alleged in federal court discrimination against the Town of Brookhaven and the federal court judge said the following. This was on Friday so I just want to bring it to your attention as you debate resolution 1300.

It says that plaintiffs, which is us, and the workers that we represent, do not challenge the validity of the town's maximum occupancy restriction. Rather, plaintiffs challenge the methods by which the town has recently sought to enforce its housing codes. The town has unfairly targeted Latino housing saddling the inhabitants with ex parte TRO's while not issuing any prior notices of violation. The plaintiffs claim and town does not dispute that the town has undertaken an outwardly neutral police of stepped up quality of life enforcement that has resulted in a disproportionate adverse impact on Latinos. As evidence of the impact of the town's new program, plaintiff site to the fact that while only 8.1% of the population of the Hamlet of Farmingville is Latino, every Farmingville home that has been closed pursuant to an ex parte TRO was occupied by Latinos.

So we want to bring this to your attention in order for you •• and it's basically a question to the Legislature, you're going to be issuing this. The question is what is the Legislature going to do to ensure that the money which is given to towns is used in a way that is not discriminatory such as Brookhaven's campaign was?

P.O. CARACAPPA:

It's not a question and answer period, Ms. Molina, so ••

MS. MARIN•MOLINA:

Okay. Well, I issue it to you if there's anybody who would want to talk about it. Otherwise that information is public record.

P.O. CARACAPPA:

Thank you very much. I have no other cards.

LEG. TONNA:

I'm part of that lunatic fringe.

P.O. CARACAPPA:

Motion by myself to close public portion, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Public portion is closed. At this point in time ••

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

I'd like to go to the part of the agenda that is a report that is going to be presented by the Commission on the Prevention of Domestic Violence. I'd like to ask the Chairperson, Pamela Johnston, to please step forward, along with the rest of the Commission. The Commission was put together by myself and a piece of legislation that we all approved. The members of the Commission were a member of the Executive's Office, who was represented by Ellen Joyce. My Aide, Lisa Keys, who did a fantastic job representing me, I thank you, Lisa, for that. A representative from the District Attorney's Office of Tom Spota, which was Dari Schwartz. Also a representative from the Police Department, which was Chief of Patrol Donna Engel. Also, Tracy Lutz was the Executive Director of Retreat, Jo Anne Mitidieri Sanders also was on the board. She is Executive Director of Suffolk County Coalition Against Domestic Violence. And of course the Chairperson, Pamela Johnston, who I mentioned earlier, who is the Executive Director of the Victims Information Bureau of Suffolk, otherwise known as VIBS.

Ladies, I'd like to thank you very much for the work that you did. I appreciate it. You're one of the very few commissions that have been put

together that actually have their report on time and present it to the Legislature and we certainly appreciate it. So the floor is yours for as long as you need it, and again, my thanks to you for all the work that you've done, not only in this Commission and on the report, for all the work you've done over the years and what you will continue to do in the future. So, the floor is yours. Thank you.

MS. JOHNSTON:

Is it on? Okay. Thank you, Mr. Caracappa. We really appreciate it and it was a great honor to serve on the commission and to do this work. And I appreciate your congratulating us on being on time. We were sweating it, but we after a few late nights we got it all written up, and it was •• it's been a wonderful group, and you've already introduced the members, so I don't want to take up too much time.

This commission worked very well together largely because there are years and years of experience in the field of domestic violence, of preventing domestic violence, protecting victims, among all of the members of the commission and we have worked together for many, many areas. We all know each other for a very long time through various committees and on the County Executive's Task Force on Family Violence. We didn't have to waste any time developing trust. We have that very much.

Domestic violence touches so many people and so many •• so many members of society. It's just everybody knows someone, even though it's been secretive. It has a vast impact on every member of the family and the extended family, especially on children, but the scope of this commission was really to look at domestic violence in a very narrow aspect and that is on the protection of the victim of intimate partner violence. So that's what we did. We didn't look at custody issues, child abuse issues, matrimonial, all of which are very important components in looking at domestic violence, but was beyond the charge of this commission.

The •• Suffolk County has really been in the forefront of fighting domestic violence for a long time now. It's recognized that these are very volatile situations, very repetitive crimes. There's been a mandatory arrest policy since 1988 on the part of the Police Department. The District Attorney has a

Family Crimes Bureau, which was formed about that same time. The Sheriff's Department has a special unit for serving orders of protection and executing arrest warrants. And the Probation Department has a special unit to supervise offenders of domestic violence. And the independent domestic violence agencies have received generous funding from the County to hire advocates and counselors to make certain that victims are protected and to help them in exploring their options. So we are very appreciative of all of those efforts.

The County Executive's Task Force originally formulated by County Executive Pat Halpin, continued through Bob Gaffney and now continued and reformulated as the Task Force to Prevent Family Violence by County Executive Steve Levy. So we're still •• we're still working together, but we recognize that there is still work to do. We do have •• there are special domestic violence courts in District Court and there is an integrated domestic violence court in Supreme Court, which brings together criminal matters, family matters and matrimonial matters, so everybody's working very hard.

There's great deal of dedication, but in spite of that, there are a large number of domestic violence incidents each year. It doesn't seem to be increasing and we have averaged over the last 15 years about five homicides a year. That's what upsets all of us the most, when we see that in spite of all of our effort there are still women who get killed and children who are left in the wake of that and often times witness these terrible incidents.

So that's what our charge was, to see if there are ways that we can improve the coordination and the communication among all of us working in the system. Is there State legislation that needs to be addressed that the County Legislature could suggest and do some advocacy with our State Legislators and how we can prevent such incidents in the future.

So I am going to •• we are going to sort of take turns now just presenting these, my colleagues standing behind me. I already forgot who's next.

MS. ENGEL:

Good morning. I am Deputy Chief of Patrol Donna _Engle_ for the Suffolk Police Department. I would like to speak about two issues this morning with regard to domestic violence. One is courtroom accommodation and the other one is transportation.

Currently when victims of domestic violence respond to court they have to wait outside the courtroom in a common area, an area that is also frequented by the abuser, his family or friends. Now, domestic violence not only involves physical abuse, it is also acts of intimidation. And very often a because a victim is in a common area with the abuser or family or friends, the victim is subjected to intimidation. It is, therefore, a recommendation of this commission that the courts make a provision to provide a separate waiting area for the victims of domestic violence and domestic violence advocates.

It second issue I'd like to address is transportation. Now, we all know transportation is very different in Suffolk County, especially if you don't have the financial resources. Also, victims of domestic violence who are disabled also have a problem with transportation. It is, therefore, a recommendation of this commission that sources of funding be explored to provide transportation to victims of domestic violence who are truly in need and incapable of providing transportation for themselves.

P.O. CARACAPPA:

Thank you.

MS. LUTZ:

Good morning. Tracey Lutz, the Executive Director of The Retreat. Thank you for asking us to do this work, Mr. Caracappa. We really appreciate the attention that pay to the domestic violence services in general and everything else that you do throughout the County. And thank you all of you.

I will be reporting on three issues. One is language barriers, the other is legal services, and ongoing interagency communications. The nonspeaking English population in Suffolk continues to rise. Often victims are not able to obtain orders of protection in a timely manner due to the limited number of

interpreters available on any given day. It is recommended that more interpreters be provided for all of the courts and the Probation Department, and the advocacy groups will continue to recruit bilingual personnel as well.

Access to adequate representation is limited and often beyond a victim's financial means. It is recommended that efforts should be made to identify and/or make available funding to provide more legal services, particularly in child custody issues and matrimonial issues. Additionally, creative avenues should be explored in order to increase the number of attorneys who will provide pro bono services on a limited base.

It is further recommended that this commission meet at least annually to review progress related to this report and to discuss emerging issues with the option of reporting to the Legislature on an annual basis. Thank you.

P.O. CARACAPPA:

Thank you.

MS. SCHWARTZ:

Good afternoon. My name is Dari Schwartz. I'm the Bureau Chief of the Child Abuse in Domestic Violence Bureau and I'm here on behalf of the District Attorney Tom Spota.

I have been asked to address offender accountability. As you know, in most criminal prosecutions •• in most criminal prosecutions there is not an intimate relationship between the defendant and the person who is the victim of the crime. In domestic violence cases that is always a factor and it makes for a much more difficult time in prosecuting the cases. There are frequent attitudes expressed by jurors when you're selecting a jury. Why did she let him in the house, why didn't she leave them, and it makes it more difficult to prove some of these cases.

In order to hold the defendants more accountable and provide for victim safety, we make the following recommendations. Continue to support the domestic violence parts that are present now in the District Court. Also, to have an integrated domestic violence court out in the east end where there is not one now. Identify funding to enhance the monitoring and the

compliance part of the domestic violence court in the District Court Bureau, which means funding for probation because they are the people who really follow•up. And while they are doing it now, increased funding would allow them to hold people to a greater accountability.

Also, to identify funding for the presence of more advocates in the Suffolk County Police Department precincts and to provide for the same in east end departments also, because they don't have that service available out there. And the purpose of that would be to allow them to provide shelter and counseling and follow through with victims so that it would make it easier for the victims to come forward and cooperate with the prosecution and hold defendants accountable. Thank you all.

P.O. CARACAPPA:

Thank you very much.

MS. JOYCE:

Good morning, everyone. My name is Ellen Joyce and I'm from the County Executive's Office. It's been my privilege to serve on this commission as the County Executive's representative. I also serve on the Task Force to Prevent Family Violence and this commission and the Task Force to Prevent Family Violence are more or less working in concert on the same issue. I'd like to talk to you today about recommendations for state legislation.

There are a number of victims who are excluded from protection under the Family Law as it now exists. Too many victims of intimate partner violence in particular are denied full protection because the Family Court Act and the Criminal Procedure Law fail to recognize the full spectrum of intimate partner violence. For example, cohabiting couples without children in common. Dating couples expecting a child. Elders abused in their homes by a non•family member.

The recommendation of this commission is that the Family Court Act be amended and the Criminal Procedure Law to provide equal protection to non•married, non•parent victims of domestic violence.

A second issue having to do with legislation is bail and sentencing. The

independent violence agencies report that victims of domestic violence express genuine concern for their safety when a defendant is released on bail or receives what is perceived as a minimal sentence of incarceration. As discussed earlier, these relationships tend to involve repetitive acts and the violence tends to escalate over time. A reasonably high bail might keep an offender in jail long enough for a victim to find safety.

It is the recommendation of this commission that New York State Legislature take into account the additional issues involved in domestic violence cases and consider increased bail provisions and sentencing in these cases.

A third item for legislative consideration is the definition of physical injury. The extent of injury in the Criminal Procedure Law's definition of physical injury is exceedingly high, so that even cases with a lot of bruising and swelling must be charged with lower level offences. This results in more ACOD's, decreased offender accountability and compromise of victim's safety. An ACOD is, as you know, an adjournment of •• an adjournment in contemplation of dismissal, a provision allowing a charge to be dismissed when and if there are no new offenses within a given period of time.

It is the recommendation that the Criminal Procedure Law be changed to include a definition of physical injury that reflects a common sense understanding of the terms that would include bruising and swelling common to punches and kicks in physical attacks.

There are two concluding recommendations that will be presented by Joann Sanders. Thank you

P.O. CARACAPPA:

Thank you very much.

LEG. VILORIA • FISHER:

Thank you.

MS. SANDERS:

Good morning.

P.O. CARACAPPA:

Good morning.

MS. SANDERS:

I •• first of all, I really want to say before I go into this that Lisa Keys has been really wonderful. I don't know if we would have been able to pull this all together without you. Thank you very much.

This commission, as you might all remember came out of a very unfortunate incident. There were a few incidents in the summer of 2004. We had several murders. So hopefully this will be some good that came out of a tragedy.

I want to talk about prevention and awareness. Statistics show that education prevention should begin at a young age with young children and continue through college level. Public awareness campaigns, decreased tolerance and inform victims of how to get help. We had •• Newsday did an article, a spread in Sunday's news about two months ago. And we kind of compared notes and our hotline calls, the number of calls had risen dramatically. So by awareness people get the numbers. We all assume everybody has all these numbers and they don't. By seeing it the newspaper it will click in somebody's mind that I'm going to make that phone call. So it's extremely important.

So some of the recommendations are to fund a campaign that the Task Force has taken on called Silence Breeds Violence, and another is to provide funding, resources for domestic violence agencies to expand their programs for education in grades kindergarten through college.

I'm sorry if my voice •• I have a real bad cold so if you can't understand me.

Another area that we talked about was should there be an official response from our public leaders when there is a murder or some really unfortunate incident that happens in Suffolk County. We talked about that and we think that when a domestic violence homicide occurs or when children are harmed, we know that the media focuses to blame something and give out

sometimes inadequate information. Like many times if a woman's killed they'll focus on the order of protection. Oh, here's another order of protection where a woman got killed, discouraging many women from getting orders of protection. And we know that statistics show that if an order is granted that most likely there will not be a repeat of the incident. But it's hard to get that kind of news out.

And the public's attention span is short, so when something happens the media zooms in on it and then afterwards you don't hear anything about domestic violence until there's another unfortunate incident.

So a few of the recommendations are when attention is focused on this issue it is the opportunity for public officials to respond in a uniform and •• to inform, I should say, the residents of Suffolk County and know that there are services available to victims and that the County takes this issue very seriously. Members of the commission will develop a packet of information for the public and the press when domestic violence captures media attention. Messages should be included from the Presiding Officer and the County Executive, as well as the fact sheets on where people can get help.

We devoted this several times, over and over again and we're not •• the commission isn't saying, you know, saying that the public officials should do this, we just feel that it would be important to do this. We can't tell you what to do, but if you come out and speak it holds a lot more weight than if I come out and speak.

In conclusion, in these past several months the commission studied and evaluated and to make recommendations as to coordination, offender accountability and strengthen sentencing laws as they apply to domestic violence. As we all continue to work to improve to protect victims of domestic abuse, we are grateful for the countless lives saved and made whole by highly skilled professionals supported by the compassionate community.

We thank the Presiding Officer and the entire Suffolk County Legislature for forming the Domestic Violence Prevention Committee and giving us this opportunity and forum. And I also •• we also thank the Legislature for

many, many years of support. We have, as Pam Johnston mentioned, we were in the forefront. We compare ourselves with other areas and we're doing a lot more here than most places, and we could not have done that without the support of this Legislature. So I thank those who will continue on and those who are leaving the Legislature, because you've really made a difference. I don't know if you have questions.

P.O. CARACAPPA:

Yes, there are some questions. Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Hi. Good morning. Pam, I believe that in your presentation you were the first to mention the goal that we have more pro bono representation for victims of domestic violence. We had funded the Nassau/Suffolk Law Services in our budget very generously and I was wondering aren't they a source of pro bono help to victims of domestic violence and is that particular effort ••

MS. JOHNSTON:

At the time that we wrote the recommendations, it was still uncertain as to the funding of Nassau/Suffolk Law Services, so I think everybody is very grateful. It's still •• it's still limited, and I know that the Bar Association has ••

LEG. VILORIA•FISHER:

We addressed one of your concerns before you even presented it to us.

MS. JOHNSTON:

Yes, you did. I know. That's the Suffolk County Legislature for you, very good. But the Bar Association is also working on it and talking to the Legal Systems Committee of the Task Force on Family Violence, so there is a lot of concern about expanding the availability of legal services.

LEG. VILORIA•FISHER:

Thank you, Pam.

P.O. CARACAPPA:

Anyone else? Well, again I want to thank each and every one of you for the dedication that you put into this commission and also thank Lisa Keys from my staff that I know had a lot to do with pulling this all together.

This report is done so well it almost becomes like a handbook for us as policymakers. It states the goals, it states the recommendations, and I think the way that you've outlined it for us as opposed to other commission reports we've received, this is going to be very easy for us to follow and something I'm sure Legislators who are going to be staying here in the future and the new ones coming on will take up, including myself, and hopefully it become policy, and not only here in the County for what we can control, but also lobby the state with the recommendations that you've made as it relates to them. I know a lot of that, especially by way of sentencing and the courts and the guidelines that they hand down is so very important to dealing with this issue that is just unfortunately in some instances out of control.

Again, thank you to all of you. You are the professionals. You've told us what you've needed and we've just tried to be resources and resource people to just enhance the work that you've done. And again, from the bottom of my heart I thank you for your work. So thank you very much.

(APPLAUSE)

Moving on. All Legislators please report to the horseshoe. We're just going to do the Consent Calendar. Motion by myself, second by Legislator Carpenter to approve the consent calendar. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

I recognize Legislator Lindsay.

LEG. LINDSAY:

Mr. Chairman, I'd to take resolution 2327 out of order. It's an appointment as a Parks Trustee, and the committee discharged this without recommendation because unfortunately somebody slipped up and didn't invite the nominee to the committee, but he's here today, Mr. Dawson.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

There's a motion to take that bill out of order, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

That bill is now before us. ***2327 (Appoint member to the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Gregory Dawson).*** There's a motion by Legislator Lindsay to approve 2327, second by Legislator Foley.

LEG. BISHOP:

What is it?

P.O. CARACAPPA:

This is to appoint a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation, Mr. Gregory Dawson. Approved out of committee •• discharged without recommendation, rather, six •• zero. Is there any questions for the nominee? Hearing none, there's a motion and second to approve. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Then it is taken care of. I recognize •• did you have another one Legislator Lindsay?

LEG. LINDSAY:

No, I don't think so.

P.O. CARACAPPA:

I recognize Legislator Carpenter.

LEG. CARPENTER:

Mr. Chairman, I would request that we take 2355 out of order. This is the resolution to transfer the monies for the damage with the sewer district with the storms and everything. We had quite a discussion at the Public Works Committee. Some of the people were here this morning, and if we could while they're still here, it would be nice if we could address this now.

P.O. CARACAPPA:

Certainly. There's a motion by Legislator Carpenter ••

LEG. BISHOP:

I'll second that.

P.O. CARACAPPA:

Second by Legislator Bishop to take 2355 out of order. **2355**
(Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2005 Operating Budget, amending the 2005 Capital Budget and Program, and appropriating funds in connection with emergency work and damage at Suffolk County Southwest Sewer District No. 3 resulting from sustained rainfall occurring in October. So there's a motion and second to take that out of order. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

That bill is now before us. Thank you, Mr. Clerk. There's a motion to

approve, second by Legislator Carpenter •• second by Legislator Bishop. On the motion, Legislator Carpenter.

LEG. CARPENTER:

I'd just like to make that motion to approve and also to, and as one of the speakers earlier this morning, commend the County Executive's Office and everyone involved in this. It was not a pleasant occurrence and people were very, very upset, as you can imagine, with having this kind of damage in their homes. But everyone involved in the County really stepped up and did a yeoman's job so we thank you for that.

P.O. CARACAPPA:

Thank you very much. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

That is approved. Going on to page •• I believe it's five, resolutions tabled to today.

LEG. VILORIA•FISHER:

Don't we have a bond going on 2355?

P.O. CARACAPPA:

Is it a bond? No, it's tax stabilization reserve.

LEG. VILORIA•FISHER:

Oh, I'm sorry. I'm sorry.

P.O. CARACAPPA:

Sewer stabilization reserve funds, I'm sorry. Okay. Resolutions tabled.

1086 (A Charter Law to create the Real Estate Acquisition Anti •Corruption Reform Act). Legislator Binder, what's your pleasure?

LEG. BINDER:

Table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

It's tabled. **1694 (Authorize the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington).** Legislator Binder?

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator Binder. Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

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 approve by Legislator Schneiderman. Is there a second? Fails for lack of a second.

1110 (Amending the 2005 Operating budget and the Salary and Classification Plan to establish a Compliance Officer to insure accountability). Motion to table by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator 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). Motion to table by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

1300 (A Local Law establishing a County policy to enhance zoning and building code enforcement by Suffolk County Towns and Villages). Motion to approve by myself, second by Legislator O'Leary.

LEG. MONTANO:

On the motion.

P.O. CARACAPPA:

How did I know? I think I wrote a list already. Your name was on the top of it, Rick.

LEG. MONTANO:

Was it, really?

P.O. CARACAPPA:

On the motion, Legislator Montano. So talk a lot because I just have to run out for a second.

LEG. MONTANO:

Okay. Thank you, Joe. I have some questions on the bill. I noticed this was amended from the previous 1300, which was subject to public hearings. It was amended subsequent. Could I get an explanation from Counsel with respect to the new version of 1300? You want to put that on the record, our Counsel. And I also would request that the County Attorney come forward. I have some questions for her also, as well as the Chief Deputy County Executive.

D.P.O. CARPENTER:

If the County Attorney's representative is here, please come up to the table.

MS. KNAPP:

The latest version of 1300 does two things primarily. It adopts a new program, which is an incentive program that will allow Suffolk County to offer a monetary incentive to towns and villages that comply with this resolution. And it goes on to outline what the towns and villages would have to do and in effect they would have to have a code enforcement policy that did certain things. Shall I go through all the things that are required in the code enforcement?

LEG. MONTANO:

No. I actually want to get to the monetary aspect of it, because, you know, I want to focus in on that initially and not deal with the substantive aspects of the bill.

MS. KNAPP:

To the extent that the towns and villages comply with the requirements and the Department of Law will actually review what the towns and villages are adopting prior to its enactment, to opine as to whether or not it complies with this local law. To the extent that they do that, then they would be eligible for funding, and that funding would be used for the purpose of enforcing the zoning and building codes. The amount of funding is stated at \$100,000 in the 2006 budget and at least \$300,000 in subsequently adopted budgets.

In addition to that •• that first portion of the bill that I've gone through, 1300 also amends certain existing portions of our Suffolk County Code to require under certain circumstances, and again, there's been significant amendment here that limit the circumstances from previous versions of this bill, that requires landlords to •• to report that their properties are indeed in compliance with all codes. Those are the two, you know, broadly stated.

LEG. MONTANO:

Just an observation, though, that this bill in its current form deviates ••

would you say it deviates substantially from the original 1300 resolution of which we had public hearings on?

MS. KNAPP:

The section on amendments does not •• I wouldn't say deviate substantially, but there is a section on the adoption of the incentive program was not in the original bill.

LEG. MONTANO:

Right. My point is that with respect to this bill, I think that it deviates substantially from the original bill and we never had a public hearing on the changes. But, you know, that being as it is, it doesn't violate the rules as we have today with respect to amending bills subsequent to the closure of a public hearing?

MS. KNAPP:

It does not. I've always pointed out that the New York State law requires a public hearing only by the County Executive after a bill is adopted. We have •• it •• have included a requirement that public hearings be adopted prior to •• public hearings be held prior to adoption.

LEG. MONTANO:

Right, but it was my understanding that if we had a public hearing our rules required that the amended bill must relate to the subject matter of the original bill, and my point is that I think that this deviates from the original bill substantially. I was wondering whether or not we would require or we would want a public hearing on the new version before we passed it.

MS. KNAPP:

We have never done that in the past.

LEG. MONTANO:

Let me ask you this. With respect to section, new section E, it says, I'm going to read this. "The 2006 County Operating Budget shall provide \$100,000 and all subsequently adopted County Operating Budgets shall provide at least \$300,000 in a line item appropriation for implementation of this program."

In looking at this bill, I have never seen, the two years I've been here, and the research, I've never seen a bill •• thank you, Mr. Sabatino for coming forward. I've never seen a bill with this language. It seems to me that what we are doing here is that we are mandating that future Legislature's appropriate money in the Operating Budget, which I think is something that this Legislature doesn't have the power to do. Would you comment on that, Counsel?

MR. SABATINO:

Yes. Thank you for the opportunity ••

LEG. MONTANO:

You're not the Counsel, Mr. Sabatino. I'm asking Counsel here.

MS. KNAPP:

You and I have had this discussion before, and as you know, there is a Court of Appeals case from 2003 that talks about the •• about Legislators •• Legislators as a body not being able to bind future Legislatures when they're acting in their governmental capacity. As I say, I've pointed out to you and I've said many times and while we say •• we say it somewhat frivolously sometimes, if this is a defect, if it is a legal defect, it is one that will be cured by the Legislative process if this body adopts, legally adopts this local law.

LEG. MONTANO:

You lost me. Would you explain how we're going to cure something that's illegal if we adopt a bill that has a provision which clearly is illegal? Let me ask you this. Strike that. In your opinion as Counsel, do you feel that this provision is based on your experience as an attorney, your understanding of precedent? Is this something that the Legislature, if it enacts, is a legal provision that be •• that can be included in a bill binding future Legislators? Is that the legal opinion that you're giving me?

MS. KNAPP:

My legal opinion is that this Legislature cannot bind future Legislatures when it acts in its governmental capacity, but ••

LEG. MONTANO:

Let me ask you this, Counsel. In passage of this bill, and I believe that you're referring to the difference between us acting in a governmental capacity versus a proprietary capacity. Would you say that this act constitutes us acting in a governmental capacity?

MS. KNAPP:

Clearly.

LEG. MONTANO:

So if I'm hearing you correctly, then, if we're acting in a governmental capacity and we're passing this bill, we in essence are committing •• we're actually passing a bill which has an illegal clause in it because we're binding future Legislatures when we don't have the power to do that. Yes or no, please.

MS. KNAPP:

No, that's not actually •• my opinion is that you cannot bind future Legislatures and I do believe that this may run afoul of that. However ••

LEG. MONTANO:

Okay. Let me ••

MS. KNAPP:

However, as I've said many times before •• as I've said many times before, if it is the will of this body and it is duly enacted, you have created law and law that can only be set aside by a court of competent jurisdiction.

LEG. MONTANO:

Right. But we already have case law. My argument is that we already have case law and there is a case on point which I was just handed by Counsel which clearly says that we've already •• that the Court of Appeals has already addressed this issue and it clearly indicates that if we take an action in a governmental capacity to bind future Legislatures, we're committing an act that the Court of Appeals has already said is unlawful. Isn't that accurate? And I have the case here and I handed one to Counsel for the

County Attorney's Office a couple of minutes ago. If you want, I'll read from the case.

MS. KNAPP:

We may •• we're engaging in a legal debate here but I continue to assert that any case law that we may have seen does •• is not on this specific legislative act. So that to the extent that this specific legislative act has not been opined on by a court, I will not go that last step, but I will ••

MR. MONTANO:

Because we haven't passed it yet. Once we pass it, what you're saying, if I understand this correctly, is that it's the burden of someone to go and prove that the County committed an illegal act. But in reality we know by case law and we know by precedent that what we're doing here is committing an act to bind a future Legislature and that's the point that I'm making.

MS. KNAPP:

And to that limited point I agree with you whole heartedly.

LEG. MONTANO:

Let me ask Mr. Sabatino, if I may, I still have the floor. Mr. Sabatino, during earlier discussion I had indicated that I had some concerns about the passage of this bill because of the specific section E that we're referring to, you know, with respect to binding future Legislatures in an Operating Budget for an appropriation. You indicated that it had been done before, and I asked you for some precedent or some local laws. Do you have any of those available so I could take a look at it so I could understand this issue better?

MR. SABATINO:

As a matter of fact I did it from memory. Unfortunately, I didn't have the time to spend doing detailed research, but just based on memory alone my recollection is that Local Law 27 of 1989, Local Law 12 of 1998 ••

LEG. MONTANO:

Hold on, hold on.

MR. SABATINO:

Local Law 17 of 1998, just to mention three off the top of my head. All bind legislative body in connection with the budgetary process •• happened to be the Operating Budget in each instance. Earlier this year, just several months ago, legislation was submitted and proposed with respect to allocating public safety revenue sharing money to towns and villages. If you recall, the specific provision in that bill is 1.5 million dollars, 2006, 2 million dollars 2007, ad infinitum.

LEG. MONTANO:

Mr. Sabatino, if I may interrupt you.

MR. SABATINO:

Okay.

LEG. MONTANO:

I don't have those bills in front of me. I had asked Budget earlier, the Budget Review Office, to provide me with an example similar to the one that we're passing in 1300. The only thing I got was resolution 1059 of 1998. Is that one of the resolutions you're referring to?

MR. SABATINO:

No, I'm referring to local laws because ••

LEG. MONTANO:

All right. I don't have those in front of me.

MR. SABATINO:

It's important for me to further embellish on a point that ••

LEG. MONTANO:

Wait. Hold on. I'm questioning. I don't have those resolutions in front of me so I can't obviously make a determination on that. I would like to have had an opportunity to study those or to at least know them before I make a determination on this bill. But the bill that •• the only bill that Budget Review Office provided to me was 1059 of 1988, which also references the revenue sharing. However, that bill in reading the bill closely, it indicates that we are setting aside money from the one •• one•eighth of 1%, which as

I understand, is designated money and the bill also says that if we collect ••

P.O. CARACAPPA:

Your microphone's up there.

LEG. MONTANO:

I'm sorry. I apologize for that. The resolution also says that if in fact the revenues, the one•eighth of 1% decrease, the appropriations shall decrease accordingly. So that bill seems to be totally different from this bill because •
• yes? You can shake your head yet. This bill appropriates a lump sum \$3,000 for future Legislatures.

LEG. VILORIA•FISHER:

Three hundred thousand.

LEG. MONTANO:

I'm sorry, 300,000. Which means that we in 2008, 2009, 2010, that Legislature, whoever those people are, don't have discretion in terms of exercising their capacity as •• and that's the simple point I'm making, that we are binding a Legislature in the future to an appropriation without precedent and the concern that I have is if we start passing local laws with a monetary amount into the future, we could theoretically appropriate a budget this year for hundreds, if not millions, of dollars in the future by passing local laws. Then when we go to appropriate in the future, depending on how much revenue the County has, we could be over budgeted before we even start.

I maintain that this bill needs to be revised, that clause needs to be taken out of it before we could pass it. And that's why I'm saying that •• I'm actually going to ask my colleagues to entertain a motion to table it, because we have some real issue with respect to the kind of precedent that we're setting on this particular bill. Notwithstanding the substance of the bill. I don't know that we need to pass this bill at this point in time with the kind of language we have on the appropriation. That's my point.

P.O. CARACAPPA:

Before Mr. Sabatino responds, if you just look in section four, the

applicability of the bill, it says subject to the availability of appropriations, number one. Number two, Legislator Montano, have you ever voted for a bond or a bond resolution here in this Legislature.

LEG. MONTANO:

Yes, I have and that's a different type scenario.

P.O. CARACAPPA:

No, it is not, because what it does ••

LEG. MONTANO:

It is a different type scenario.

P.O. CARACAPPA:

No, it is not because you are saddling future Legislatures with operating expenses to deal with debt service. It is the same exact argument that you are making.

LEG. MONTANO:

No, it's not.

P.O. CARACAPPA:

We have approved Cops Ahead Programs from the federal government that mandate based on the grant that we get that we hire a certain amount of cops in the future, that we provide •• that we eventually take on their fringe benefits and their salaries as it relates to the grant once that money expires. This Legislature that is constituted today has been saddled with the cost of grants that we've accepted back in 1997, because I was there then and I'm here now. Just as we're paying for bonds and debt service associated with votes and bonds that were passed back in 1997, you as a newer Legislator are paying for now.

So your argument, though you can have case law, the argument does not hold. This Legislature time and time and time again has taken action that will affect future Legislatures. That's what government is and that's what policy produces, future action. And when it relates to monetary action it will happen time and time and time again, and I'll go through the agenda here

today and I'll show you how our actions today will saddle future Legislatures with dealing with the monetary aspect of those bills.

LEG. MONTANO:

Joe.

P.O. CARACAPPA:

Ledge •• Mr. Sabatino, you're next.

LEG. MONTANO:

That is not accurate. The two analogies, they're not appropriate analogies. There's a difference between •• you know what? Counsel would you ••

P.O. CARACAPPA:

How's it different?

LEG. MONTANO:

Counsel? I'm going to ask Counsel whether or not she can comment on that because that's not my understanding of this bill and that's not my understanding of the actions we've taken with bonds here. They are two separate categories in my mind.

LEG. ALDEN:

Point of order. Point of order. I believe you're asking Counsel on an opinion.

LEG. MONTANO:

Our Counsel.

LEG. ALDEN:

On an opinion that was expressed by a Legislator which I would feel very insulted if I expressed by opinion and you asked Counsel to ••

P.O. CARACAPPA:

I appreciate that, Cameron, but I'll allow it.

LEG. MONTANO:

I just want Counsel to discuss the legal aspects of the comment that was made because this is clearly an issue that has legal ramifications.

MS. KNAPP:

I think that you could distinguish some of the examples that the Presiding Officer cited. However, again, I will tell you that this Legislature, and we've discussed this privately, has adopted numerous pieces of legislation in the past that you could argue.

The one other thing that I'd like to say just as long as we're talking about this from a strictly legal point of view, as pointed out to me that there is in this piece of legislation as there is in most of our legislation, a severability clause, so that if in fact you and I are correct in ••

LEG. MONTANO:

We had this conversation. The severability clause deals with if in fact this particular aspect of the bill is ultimately and probably at some point will be determined to be unlawful. The other parts would remain. But that's not the point I'm making and that's a cop out, if you'll excuse the phrase. The reality is that we're passing a bill that has a clause which we should know or we do know based on black letter law is clearly illegal. I'm not going to belabor the point but that really is the point.

P.O. CARACAPPA:

Mr. Sabatino, before I go to Legislators, go ahead.

MR. SABATINO:

Presiding Officer Caracappa, thank you for the opportunity to embellish on my presentation. You eloquently stated a substantial portion of what I wanted to say. However, there's some technical points I'd like to expand upon.

First of all, this is a very nuanced area of the law. The nuance is that the cases we're talking about make a distinction between the inability of a Legislature by mere resolution to bind subsequent legislative bodies. The very essence of a local law and a Charter Law is that it does in fact bind a future Legislative body. That's why, for example, you've got a 1978 Court of

Appeals decision. I think it's called Morein versus Foster or Morein versus one of the counties in Upstate New York and that is where the court has said you can in fact with a local law or a Charter Law bind a future legislative body.

By way of example, you've got cap laws out there that limit your ability to spend tax money and expenditures of sales tax revenue beyond 4% unless you go to another level of a vote. That is a major severe restriction on a future Legislative body's ability to tax and spend for programs.

The important consideration in this legislation is that it's going to be an opportunity for at least that amount of funding to be available in future years if particular towns and villages voluntarily opt into the program. We believe that based on not just a court decision, which I say before are nuanced, making a distinction between a resolution and a local law and a Charter Law, plus the past precedent of this Legislature in imposing all kinds of restrictions. You know, this is a defensible, legally solid and supportable position.

LEG. MONTANO:

Mr. Sabatino, I'm still unresolved with the issue of appropriating these monies. I distinguish, you know, it sounds nice, but there's a distinction between the cap laws and what we're doing in this budgetary amount. Maybe not in your mind, but certainly in my mind, okay? The clear point •• you know what? I'd like to ask the County Attorney's Office, Ms. Bizzarro, if she could come forward. I don't want to belabor this, but I do want to have a clear understanding and discussion on the legal issue before I take the vote. Is Ms. Bizzarro •• I think I see her there.

P.O. CARACAPPA:

Are you asking through the Chair?

LEG. MONTANO:

Yes, through the Chair, if I may. Because if not, we're going to be here all day going back and forth on items that actually aren't before me.

P.O. CARACAPPA:

Good morning, Miss Bizzarro.

MS. BIZZARRO:

Good morning, Presiding Officer Caracappa. Thank you for this opportunity.

LEG. MONTANO:

Good morning.

MS. BIZZARRO:

I know Legislator Montano had asked me or gone over this bill with me approximately an hour ago and his Aide had handed me this 2003 decision, Court of Appeals decision. I've had the opportunity to read it and I will say that it does support the _Morein vs. Foster_ case which specifically states that County Charter and local laws expressly can give the County Legislator the ability to bind successive Legislative bodies and it does state that.

Again, this ••

LEG. MONTANO:

But isn't that in the proprietary function as opposed to the governmental, and there's a distinction between the two.

MS. BIZZARRO:

And in the _Morein vs. Foster_ case it had to do with the appointment of the County manager for a four year term. And I think it was stated by Ms. Knapp that this particular factual pattern may not have been dealt with, but the _Morein vs. Foster_ case supported by this 2003 decision, Court of Appeals, the are both Court of Appeals decisions, does support the fact that a County law or Charter Law or local law can bind successive Legislators.

I have not had the opportunity to do further research on it, I will state that, to see if there are cases that are absolutely on point with the situation you're doing here, but my reading of the two cases right now indicates that 1300 •• bill 1300 is valid.

LEG. MONTANO:

Okay. I disagree with you totally. And I consider that opinion somewhat

skeptical under the circumstances and in the conversation we had here and it doesn't surprise me that you would come forward with that opinion, but I'm going to read from the opinion.

It says, "Elected officials must be free to exercise Executive, Legislative and governmental powers in accordance with their own direction and ordinarily may not do so in a manner that limits the same discretionary right of their successors to exercise those powers." And the power to appropriate, I mean, we can discuss this as lawyers, the power to appropriate funds is something that is clearly inherent in the Legislative body. I have never •• I've been Counsel to the Senate, the Assembly, I've been around a long time, I've never seen a bill that appropriates money, future Legislators. Thank you very much.

P.O. CARACAPPA:

Thank you, Ms. Bizzarro. Appreciate that.

MS. BIZZARRO:

Thank you.

P.O. CARACAPPA:

There's a list. Legislator Vilorina•Fisher. But before you speak, Legislator Vilorina•Fisher, and it pertains to you and your quotes that you made in the Riverhead auditorium as it relates to this bill, and I take personal exception that you used the term bribe, that I was trying to bribe a municipality to do their job.

In today's political climate with all that has gone on, with the unfortunate circumstances that have swirled around both Suffolk County and townships, when I saw you on island wide T.V. saying that I was bribing a municipality ••

LEG. VILORIA•FISHER:

I didn't say you.

P.O. CARACAPPA:

I took personal umbrage to it and I think it was in poor taste that you used that word and I want to say that to you on the record and let you know how

my feelings were.

LEG. VILORIA • FISHER:

Well, let me say on the record that I did not say you.

P.O. CARACAPPA:

I'm the sponsor.

LEG. VILORIA • FISHER:

I did use the term Joe Caracappa. But I do apologize if you take offense on that. It wasn't aimed at you, it was aimed at the legislation, which my feelings regarding this legislation, and you'll be pleased to hear I won't enter into a legal dialect on, I feel very strongly that we are entering the fray in order to •• just for the purposes of entering the fray in establishing this incentive. This is the purview of the towns. I believe that the towns need to step up to their own responsibilities with our having to provide this kind of incentive. I did want to ask Counsel, regarding •• or perhaps I could ask Deputy •• I forget what your title is Paul Sabatino. I'm sorry.

P.O. CARACAPPA:

Deputy County Executive.

MR. SABATINO:

I'm known by several different names.

LEG. VILORIA • FISHER:

I'll just call you Mr. Sabatino.

LEG. BINDER:

The longer you're here, the more names you get.

LEG. VILORIA • FISHER:

Sometimes I have •• when discussing member item monies, etcetera, we have been told that we can't provide funding for other taxing entities, tax collecting entities. How does this legislation differ from those opinions when we are trying to provide funding for other taxing entities. Isn't this doing precisely that?

MR. SABATINO:

No, because what it's doing is it's carrying out a governmental function as opposed to the issue that you're talking about is with the school districts. There's a concern when you give the money to a school district which has ordinarily not the kinds of functions and responsibilities that the County of Suffolk does. So, for example, if somebody is asking the County of Suffolk to fund an educational program that the County of Suffolk could not be involved in *ab initio*, that's where the concern comes in and that's why there's been some issues with regard to the type and the nature of the funding with school districts. The other issue I think you may be talking is there ••

LEG. VILORIA • FISHER:

But wait a minute. Can we get back to what you just said?

MR. SABATINO:

Right.

LEG. FISHER:

The towns have the purview of building codes, housing •• enforcements of housing codes, etcetera. We do not, so that's their governmental function. The schools have the governmental function of providing an education to students and providing all of those services inherent in that educational objective. So, if we can't provide funding for schools to provide their governmental function, then why would we have the ability to provide monies for the towns to execute their governmental function?

MR. SABATINO:

Because the distinction is that when the towns are exercising the particular enforce mechanism that we're talking about, they're engaging in a public health and a public safety function which is clearly within the purview of the County of Suffolk.

Educating an individual with a specific program in a school district is not in any manner, shape or form within the exclusive, or direct purview I should say, of the County of Suffolk. That's the distinction. That's why some of the

programs with the schools work where they're doing something like day •care which is a day•care function that the County of Suffolk could otherwise perform. But they're doing something exclusively and uniquely just educational in nature, that's where the issue comes up.

LEG. VILORIA • FISHER:

So you're saying that we could provide funding for let's say after school programs in schools because that could be considered a day•care function?

MR. SABATINO:

We are in some cases, but the careful scrutiny that we give to those contracts is are they doing something that, for example, the Suffolk County Youth Bureau could be doing in terms of providing an after school kind of a function. In that case, the school district funding is appropriate.

LEG. VILORIA • FISHER:

But you're saying we could give that to a Youth Bureau and not to the school district.

MR. SABATINO:

No. In a case •• with a school we can do it and we have, in fact, done it. We've approved contracts where they're doing something that's consistent with an underlying ••

LEG. VILORIA • FISHER:

And given money to the school district and not to a Youth Bureau?

P.O. CARACAPPA:

Not•for•profit.

MR. SABATINO:

Because Legislators have chosen to ••

LEG. VILORIA • FISHER:

But not to the school district. Not to the school district.

MR. SABATINO:

There are contracts out there where Legislators have line items, school districts for funding.

LEG. VILORIA • FISHER:

And the money goes to the school district.

MR. SABATINO:

The money goes to the school district in those instances in which the underlying purpose or goal or objective that the school is proposing is something the County could otherwise be doing on its own. It's a philosophical argument as to whether or not it would be better to have the County do that through the Youth Bureau, but in those cases where Legislators have chosen to provide that funding, and again, it meets that threshold that you are actually doing something that the County could otherwise do, it's an appropriate expense.

LEG. VILORIA • FISHER:

I'm not really buying it, but ••

P.O. CARACAPPA:

I like the question, though.

LEG. VILORIA • FISHER:

Well, it's something that we have always been told, right, we can't do it on contract agencies. I just really think what's good for the goose is good for gander.

And by the way, Legislator Caracappa, going back to your original statement, the question that was asked of me that day was regarding a CN that was coming in with this and I addressed that towards that.

P.O. CARACAPPA:

I know.

LEG. VILORIA • FISHER:

So I certainly didn't mean it as a personal attack either on you or the County

Executive, but I just had a problem with the intent here.

P.O. CARACAPPA:

Absolutely understood, and I appreciate it.

LEG. VILORIA • FISHER:

I probably •• it was a bad use of the term in the climate that we're in.

P.O. CARACAPPA:

But when you hear your bill being talked about, and I appreciate your opposition and I respect it, but the word bribe in today's culture was ••

LEG. VILORIA • FISHER:

Probably a bad choice of words. Sorry.

P.O. CARACAPPA:

I just wanted to put that on the record. You and I have a good enough relationship over the years where we can at least say this either on the record or aside, so. Now I have a list. Legislator Alden.

LEG. ALDEN:

This actually touches on issues that •• that go really to the heart of society, and when you have people that are out there and they're operating in the illegal or the black market, so to speak, it robs all of us and it's not fair to future generations and it is not fair to the generation that's here now. And when I speak of that, some people that have these illegal establishments where they rent to more than one person, more than one family, most of the time you are going to find that they don't have a town permit to do it and their putting people's lives in jeopardy.

When I first became a Legislator, which was eight years ago, in my Legislative district a house burnt down and there were people up in the attic, there people in the basement, and there were people on two floors, and there was number of people that died. That house didn't have a rental permit and the Town of Islip had a lot of trouble getting in there because of the way the current law was structured. And I think that anything that goes to establishing procedures or encouraging other jurisdictions to establish

procedures to save people's lives and to cut out that black economy or the underground economy, so to speak, goes to all of our fabric of life to improve it and enhance.

So I'm wholeheartedly in favor of this. And having done some enforcement work for the Town of Islip, your hands are tied and it's very frustrating when you can see people's lives in jeopardy on daily basis. And to be able to go and encourage somebody to step up to the plate, change some of the standards that are used so that some of those other people can be either prosecuted or situations where lives are in jeopardy can be changed, I think it's a commendable thing, and Joe, you've done a great job here.

And I'd just like to just commend the County Executive's Office, Paul Sabatino and the County Executive, for jumping on this and going forward with something that is actually going to save some lives. Thank you.

P.O. CARACAPPA:
Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Presiding Officer. And I apologize for being away from this debate. As you know you, you and I have talked about it. I originally had been a sponsor •• a cosponsor on this bill prior to the changes and the revisions. Based on the changes and revisions and my own legal research on it, I have •• I can no longer cosponsor it because I've got concerns as far as constitutional issues go. Notwithstanding the earlier conversations that went on regarding binding and binding in future years, I do think there are probably ways that we can go ahead and work with that.

My concerns go to •• and I've engaged in dialogue with town attorneys who operate in courts each day prosecuting the violations, have found out some of the tools that are available as far as the ability to go ahead and obtain warrants when there are illegal housing situations that are involved, and the willingness of District Court judges to go ahead and issue those warrants.

I also am troubled and concerned by the fact that the bill appears to go ahead and adopt a more stringent standard associated with housing

situations for social service recipients, which was a concern that I had raised in the earlier dialogue that went on back in March. I am aware that under Social Service Law Section 143 the department maintains or retains the ability to go ahead and terminate or withhold against a landlord who is in a volatile situation.

I think that putting the requirement or the inducement in front of towns to go ahead and adopt code provisions which compel individuals to swear out statements concerning the compliance with their particular structures and ancillary housing and other items really goes to some of the constitutional protections that we have, particularly our right against self-incrimination. So based on that, and because of the changes that have been made to the bill, although I applaud the notion and the concept to eliminate slum landlords, I do not believe that this is the way to go ahead and to achieve it.

P.O. CARACAPPA:

Thank you, Legislator Kennedy. I recognize Legislator Bishop.

LEG. BISHOP:

May I ask Mr. Sabatino a question?

P.O. CARACAPPA:

Mr. Sabatino, please, if you would.

LEG. BISHOP:

My good friend, Paul. This is a dedicated fund that you want to establish to achieve •• right, you want to send County money down to another level of government for a specific function, correct?

MR. SABATINO:

No, it's not a dedicated fund. A dedicated fund would be if you established a reserve or a •• you know, a stabilization fund and you actually deposited money into that fund and said draw down from the fund.

What this is doing is basically establishing a minimum financial incentive for future towns and villages that wish to opt into the program to have access to

I believe the wording is at least \$100,000 and at least the 300. So it's not •• it's not the creation of a fund where we deposit money and then people drawn down from it. And it's also subject to available appropriations, which ••

LEG. BISHOP:

Well, it's a fund. I mean ••

LEG. MONTANO:

No it's not.

LEG. BISHOP:

Well, you got to find the money.

P.O. CARACAPPA:

Right, it is subject to •• subject to availability of appropriations.

LEG. MONTANO:

May I?

LEG. BISHOP:

You want an appropriation. We'll strike the word fund. You want an appropriation for a specific purpose, right, and you want to ••

MR. SABATINO:

Well, I would characterize it differently. What the legislation is trying to do, what County Executive Levy and Presiding Officer Caracappa have attempted to do is the carrot and the stick approach. This is the financial incentive that's being created. The way you create the financial incentive is to write into the legislation that if you voluntarily opt to do certain types of things, this is the potential financial resource that will be available to you in a future date. To me it's just creating financial incentive, it's not creating a fund.

LEG. BISHOP:

The point I want to make is that as the architect of this appropriation, anticipated appropriation incentive in the future, you wouldn't want the

entity that is to receive it to simply take its existing operation and subsidize it. Correct?

MR. SABATINO:

Correct.

LEG. BISHOP:

Right, okay. So this is a point that Legislator Alden would appreciate. When we look at •• I'm going to support this bill, but I'm making the point because I have a strong disagreement with you with how you manage the 477 Account. You would not like it if the Town of Babylon took this money and then just paid its code enforcers out of it, just like I don't like it when we have a fund, an appropriation, for water quality and we just pay the personnel that already existed in the County out of that. But you expect additional, above, in the operation of this.

P.O. CARACAPPA:

That's the incentive part. They have to •• they have to adhere to what we're •• if they step up, we step up. And if they do pass these local •• these new stricter local ordinances we will assist them in hiring the people that they need to go out and do this extra work, because it will be extra work based on the outside observation as opposed to the interior observation.

LEG. BISHOP:

So you anticipate it in advance, so you are to be congratulated for that. I think it's a good idea in general for the County to partner with other levels of government for goals that are shared, so I don't have a problem with that. I did take the opportunity to bring up the 477 Account once again because this may be my last opportunity.

MR. SABATINO:

I'll reserve comment on that.

LEG. BISHOP:

Appreciate it.

P.O. CARACAPPA:

Before we vote •• did you want to talk?

LEG. MONTANO:

Yeah.

P.O. CARACAPPA:

Go ahead, Rick.

LEG. MONTANO:

Before we vote, just so I'm clear, Legislator Bishop, this to me mandates, this is not a dedicated fund, this mandates an appropriation, which I still maintain we don't have the power to do. With respect, and, you know, with respect to the issue that was brought forward by Legislator Alden about the slumlord situation, I think we can all agree that we hold slumlords probably •• maybe if anything, one step higher than we hold in this day of sexual predators. This is not an issue about that. We have a responsibility as a Legislator to appropriate laws which we think are •• which are lawful and not to rely on well, we can do anything we want because we •• and that's the point that I'm making.

And the last point is that I've been handed three bills that I think Mr. Sabatino made reference to earlier, Resolution 1129•98, 1682•89, 1402•98. And I must say, I've looked at them briefly but no where in these bills do I see the same kind of appropriating language that we see in legislation 1300. And the •• I'm sincerely concerned about the precedent that we are setting with respect to putting local laws •• putting a monetary figure on local laws and binding Legislators in the future and basically I think that's not the way that the County should budget. I have nothing further to add. Thank you. Mr. Caracappa. I appreciate the opportunity to debate this bill.

P.O. CARACAPPA:

Thank you very much, Legislator Montano. And before we do vote ••

LEG. MONTANO:

I have a motion to table, though, if I may.

P.O. CARACAPPA:

There's a motion to table. There's a second by Legislator Vilorio•Fisher. I guess I'll speak on the motion to table before we do the round of voting.

As I mentioned earlier when I was trying to debate Legislator Montano on the future budgeting aspect of Legislatures and the actions that we take currently that will affect them and the points that I made and the references I've made, I'd like to bring them up again, not so much in the debate that you brought up, Rick, but more so as to what we're trying to accomplish here.

We accept •• we accept funds from different levels of government, the federal government, like I mentioned earlier, Cops Ahead Program, we hire more cops. It's a great program and we accept those funds willingly. From the State government countless amounts of grants that we receive, especially •• I'll bring up one, brown field and remediation for brown fields. We accept it as a County to do that kind of work because the State's trying to give us an incentive to do what's right and what's needed within communities whether, again, it's the environment or public safety.

This is the same exact concept, and if you've ever supported those programs that we've accepted as a County, this is no different. We are just •• we are just providing basically a grant to lower levels of government and municipalities to step up and provide in this instance housing safety. And just as we've accepted in the past, we are now passing that tradition on to other levels of government and we've done it in other areas, too. We've passed on grants for other municipalities for a whole host of things and that's the exact premise here.

Secondarily, the other part of the bill as it relates to social service placements. I listened to your concerns and this was a true compromise bill as you've been reading. Absolutely to the true sense of the word. You said it would be onerous on the people who are providing the housing if we made them sign a document or an affidavit right up front before we made a placement. I listened to that concern. I changed it. It's only after they're in court and found guilty of violations that they're then asked and rightly so, that they're providing a safe place for placements to go, not one that is in

violation and one they've been found guilty of violations on. That is just typical common sense. So I listened to those concerns, we changed the concerns.

And the last part I'd like to do, at least from my talking part of this bill, is thank the County Executive. We've been tossing back ideas back and forward for half a year now, and, you know, we don't see eye to eye on everything, but this is something that I think the County Executive had the pulse of, I believe a lot of Legislators around this horseshoe have the pulse of it as it relates to their communities and what they are looking for. Townships have always turned to us when we as County representatives turn to them and say do something about it, we want to, we don't have the resources, we don't have the ability, both by way of statute and manpower. This takes a giant leap forward in trying to assist these municipalities and getting the job done that all of our constituents are crying out for, and that is all it does. It is not illegal. It is not oppressive as some people have said. It's not against people's civil rights in any way, shape or form. This is something that deals with today and the realities of today.

This bill is a true compromise. I think it should receive unanimous support but it won't, and you know, one final point. They asked on Channel 12, they did one of those polls, do you support the bill, and after the •• the story that I was talking about Legislator Fisher about, 90% of the public reponded and said yes, Suffolk County should assist local municipalities and try to deal with local housing codes and provide incentives. So with that, I'll say I hope I have your support. This has been a long time coming and it's long overdue. So Legislator Montano.

LEG. MONTANO:

Let me finish my comments. Joe, I do appreciate, if you'll bear with me members, I do appreciate the fact that the original version of 1300 was tabled for a substantial period of time because we did have some concerns or I had some concerns on the bill, primarily the aspect of dealing with the social service recipients that were children only cases. But you know, I just don't want to leave the debate with what I consider misclarifications.

We do get grant money. They're done on a year to year basis. That's a

separate scenario from what we're doing here. If we want to appropriate monies in the 2007 Operating Budget, I think this Legislature can not only appropriate 300,000, they can appropriate a million or more. So that analogy isn't correct.

And I also want to say very clearly, I have not addressed the substantive aspects of the bill, and unfortunately we're getting dragged back into whether or not if you're opposed to this bill somehow you're protecting slumlords. That's not the case. And, you know, in many ways, Joe, I resent the implication.

P.O. CARACAPPA:

I didn't say that.

LEG. MONTANO:

Well, if there is an implication there it's wrong. That's not what we're saying. We're talking about the bill and we're talking specifically about the appropriating section, which I think we've had enough debate on. You know, let's move the question.

P.O. CARACAPPA:

Thank you, Legislator Montano. There's a motion and a second to table. Roll call.

(Roll Called by Mr. Barton • Clerk)

LEG. MONTANO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

To table, yes.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. ALDEN:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

No to table.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

MR. BARTON:

Five.

P.O. CARACAPPA:

Tabling fails. Motion to approve by myself. Second by Legislator O'Leary.
Roll call.

(Roll called by Mr. Barton • Clerk)

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

12. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Thank you very much. That is approved. Moving on. I recognize Legislator Carpenter.

D.P.O. CARPENTER:

Thank you very much Mr. Chairman. I would ask that I beg everyone's indulgence to take 2365 out of order. The gentlemen from the limo industry

are here. This is the bill from Consumer Protection about registering the companies to allow for a mechanism for our businesses here in Suffolk County to be able to do business in Nassau County.

P.O. CARACAPPA:

This is page six, 2365.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

It's the bottom of Consumer Protection, which is the middle of the page. There is a motion to take out of order 2365 by Legislator Carpenter, second by Legislator Alden.

MR. SABATINO:

Excuse me, Mr. Presiding Officer. There was a corrected copy that was filed. We're going to issue a Certificate of Necessity. It's being proofread right now. If we could just postpone the vote until this afternoon. Because the changes were made at the last minute, the change were made I think •• I think last night because I saw the version come through with the changes. Plus there are just two other changes that Charlie Gardner would like to see made with regard to insurance and the one citation. I mean, we're going to do the CN so you can vote today.

D.P.O. CARPENTER:

Okay. I don't have a problem with that. I know they had reviewed them ••

MR. SABATINO:

The logistics just don't work right this minute.

D.P.O. CARPENTER:

They had reviewed them this morning. I'm just trying to, out of deference to the people from the industry that are here, to try and address this now so they don't have to come ••

MR. SABATINO:

Are you breaking at 12:30?

P.O. CARACAPPA:

Yes. All right.

D.P.O. CARPENTER:

I mean, how different is it?

P.O. CARACAPPA:

That's the thing. The people that are here from the industry that are looking for •• it's going to pass. It's coming over as a Certificate of Necessity. I think it has unanimous support, so go do your Christmas shopping, whatever you have to anyway, so it will be fine.

D.P.O. CARPENTER:

Okay. I'll agree to postponing it.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Motion is withdrawn, both of them. I recognize Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. I'd like to make a motion to lay on the table and consider Sense Number 91.

P.O. CARACAPPA:

You want to make a motion to waive the rules and lay on the table and approve Sense 91?

LEG. VILORIA • FISHER:

Yes. It's been distributed and the revised ••

LEG. BINDER:

This is not the time to do this.

P.O. CARACAPPA:

Is there a reason why you want to do Senses before •• now?

LEG. ALDEN:

Let's do the agenda.

LEG. VILORIA • FISHER:

Well, I thought I had to do it before lunch, to lay it on the table. No, I could do it later?

P.O. CARACAPPA:

No. Senses you can waive the rules, lay on the table and approve at the same time.

LEG. BISHOP:

You can you write it on a cocktail napkin.

P.O. CARACAPPA:

So you will do it later?

LEG. VILORIA • FISHER:

Okay.

P.O. CARACAPPA:

That is withdrawn. That motion is withdrawn. We'll deal with that bill later. Lets just try and get through the rest of the tabled resolutions if we can.

1349 (Directing the Director of Real Estate to locate property to re •establish Police Department Field Office in Huntington Village). Is there a motion? Legislator Binder? It's substation.

LEG. BINDER:

Table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

That's tabled. ***1645 (To authorize new Bay Shore Health Center).***

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

1714 (To renew, reauthorize, revise and revamp the Suffolk County Downtown Revitalization Program).

LEG. MONTANO:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Montano, second by Legislator Mystal. All in favor? On the motion, Legislator Bishop.

LEG. BISHOP:

It's going to be tabled and that's fine. Next year when the Legislature reconvenes what you may want to consider is that you've empowered the Downtown Revitalization Committee to review the initiatives that are coming out of the different legislative offices and prioritize and that's fine. But I think that you should also subject the County Executive's initiatives to the same set of rules, and let that committee also review their proposals and prioritize as well.

Ultimately, you know, what the changes that Commissioner Morgo •• he is Commissioner Director? Commission Morgo is making there are positive ones, the Downtown Revitalization Committee is definitely rising to the occasion and they're doing good work and that's fine, but it should apply across the board.

P.O. CARACAPPA:

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

MR. BARTON:

17.

P.O. CARACAPPA:

1714 is tabled. ***1818 (A Charter Law to secure private property rights).***

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Binder, second by Legislator Tonna. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

1939 (A Charter Law to amend the Suffolk County Charter to provide for on-going public disclosure of Operating Budget status).

LEG. ALDEN:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Alden.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder. All in favor?

LEG. TONNA:

Wait, wait. Explanation.

P.O. CARACAPPA:

I was waiting. I was waiting.

LEG. KENNEDY:

Motion to table.

P.O. CARACAPPA:

There is a motion to table by Legislator Kennedy.

LEG. TONNA:

No, let it ride so it dies.

P.O. CARACAPPA:

There is a motion to table by Legislator Kennedy.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorina•Fisher. All in favor?

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

This is something we've been doing in Budget and Finance Committee and all it is is just an ongoing dialogue on the budget. So I think to establish that as policy of the Legislative body is just seeking to establish a transparent type of process. That's pretty much all this is.

P.O. CARACAPPA:

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

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Just raise your hand if your opposed. Legislator O'Leary, Legislator Losquadro, Legislator Alden, Legislator Binder, and myself.

MR. BARTON:

12. (Opposed: Legislators O'Leary, Losquadro, Alden, Binder and Caracappa; Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

It's tabled. ***1957 (A Charter Law to require action on the annual County Operating Budget before the General Election).***

LEG. ALDEN:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Alden, second by O'Leary.

LEG LINDSAY:

Motion to table.

LEG. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

There's a motion to table now by Legislator Lindsay ••

LEG. MONTANO:

Second.

P.O. CARACAPPA:

Seconded by Legislator Montano.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion to table, Legislator Alden.

LEG. ALDEN:

Pretty much all this does is go back to the way the Legislature operated to prior to me getting here, and for many, many years, that the budget was voted on prior to Election Day. And in some ways it makes sense to even back it up even further than that or to maybe adjust our fiscal year and the calendar year so that we can have •• what? So that the public actually can look at what the products going to be and what the ramifications would be as far as who they vote for and I think that's •• again, it goes to transparency, it goes to an open process.

P.O. CARACAPPA:

Thank you. There's a motion to table and a second. All in favor?

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Opposed just raise your hands. O'Leary, Losquadro, Alden, Binder, myself.

MR. BARTON:

12. (Opposed: Legislators O'Leary, Losquadro, Alden, Binder and Caracappa; Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

It's tabled. ***1994 (To enact "Alec's Law" to help protect Suffolk children from SUV accidents).***

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

That was a really good year. The Rangers won the Stanley Cup. Doug? See, Doug was on that. Motion to table by Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2072 (Authorizing the Suffolk County Executive's Office to be the signatory on all Environmental Restoration Program grant related documents).

LEG. ALDEN:

I'll make a motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Alden.

LEG. LOSQUADRO:

Explanation.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorio•Fisher. Explanation Counsel, if you would not mind.

MS. KNAPP:

This is the one there was so much discussion at the last General Meeting because it contained a fairly confusing resolved clause that said that said that deputies including but not limited to ••

LEG. FOLEY:

So how is it fixed?

MS. KNAPP:

Now it is just Paul Sabatino.

LEG. LOSQUADRO:

So just one individual.

MS. KNAPP:

Yes.

LEG. LOSQUADRO:

Not listed, a title or multiple titles within County government?

MS. KNAPP:

This is the one that has to do with the environmental grant applications.

LEG. LOSQUADRO:

And the individual's name will satisfy the state's request for duly appointed signatory?

MS. KNAPP:

Veto Minei at the last meeting did testify to the fact that this is the way that they •• the State had wanted it to be.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

You know, you hate to say this but, the State seems to be a little bit stupid in their requirement here, but that is their requirement and for us to get the money flowing I think it just makes sense to, you know, we'll deal with a problem if something happens to the former Legislator Sabatino, then we can deal with that in the future.

LEG. FOLEY:

Second the motion.

P.O. CARACAPPA:

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

LEG. VILORIA • FISHER:

Approved.

P.O. CARACAPPA:

Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

And that is approved. ***2302 (Establishing a task force to study the feasibility of increasing revenues and promoting economic development by establishing a horse racing track in Suffolk County).***
Legislator Cooper.

LEG. COOPER:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Cooper. Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Okay. It's now 12:30. We are going to recess for lunch. We will be back at 2:30 for public hearings. Just one final note. We have very limited public hearings this afternoon and then the rest of the agenda should be nothing substantial. So if you can get back on time we'll get you out of here very early. So we'll be back at 2:30.

(The meeting was recessed at 12:27 p.m. and reconvened at 2:33 p.m.)

P.O. CARACAPPA:

Good afternoon, everybody. We'll start the public hearing portion of today's meeting. And I'd ask the Clerk if the affidavits of publication are in proper order?

MR. BARTON:

Yes, they are, Mr. Chairman.

P.O. CARACAPPA:

Thank you. We'll go directly to the first public hearing on ***IR 1948 (A Local Law strengthening the procedures and remedies of the Suffolk County Human Rights Commission)***. Legislator Mystal, I have no cards. What would you like to do with this?

LEG. MYSTAL:

Which one?

P.O. CARACAPPA:

Recess or close?

LEG. MYSTAL:

Oh, yeah, recess.

P.O. CARACAPPA:

Recess it? Which one?

LEG. MYSTAL:

Doesn't matter. Close it.

P.O. CARACAPPA:

Okay. Motion to close by Legislator Mystal, second by Legislator Bishop. All in favor? Opposed? Abstentions? Public hearing on 14 •• 1948 is closed.

Moving on. A public hearing on ***2033 (A Local Law to prohibit all registered sex offenders from residing near schools, day care centers and playgrounds).***

LEG. COOPER:

Motion to recess.

P.O. CARACAPPA:

Motion to recess by Legislator Cooper, second by myself. All in favor? Opposed? Abstentions? That's recessed.

Moving on to a public hearing on ***IR 2075 (Proposal to form Suffolk County Sewer District No. 24 • Gabreski Airport).*** I have no cards. Anyone wishing to be heard? Motion by Legislator Schneiderman ••

LEG. SCHNEIDERMAN:

To close.

P.O. CARACAPPA:

To close. Second by Legislator Vioria•Fisher. All in favor? Opposed? Abstentions? That public hearing is closed.

Our last public hearing today is on ***IR 2376 (A Local Law re •designating the boundaries of the Suffolk County Empire Zone).*** I do have a card, Carolyn Fahey.

MS. FAHEY:

Carolyn Fahey, Suffolk County Economic Development, Workforce Housing.

I am here to speak on 2376. I have reached out to all of your offices. You have all received a letter from Commissioner Morgo requesting your assistance in having the public hearing closed this afternoon and then the bill discharged from committee and have the vote on the bill today.

This local law is required. It's really a ministerial action. The State, when they passed their '05/'06 budget also enforced new program regulations on the Empire Zone Program. One of those is that new boundaries need •• the boundaries of the zone need to be reestablished and resubmitted through local law to the State.

So that's what this resolution does, it takes our zone boundaries, just reestablishes the ones that this Legislative body had adopted a year or two ago and puts them back into new form for the State •• for State submittal. So if there is any questions I'd be happy ••

LEG. MONTANO:

Yes, I have a question.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

Just a quick question. Why did it get in so late? Is there is a reason for that?

MS. FAHEY:

Because we're a County zone we have three municipalities that we needed to wait for, the Town of Southampton, Babylon and Riverhead. They needed to reconfigure their boundaries to conform to the new rules and regulations, get their resolutions adopted, and it kind of •• it just kind of pushed us back further.

LEG. MONTANO:

Thank you.

LEG. VILORIA • FISHER:

Motion to close.

LEG. MONTANO:

Second.

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

I was just going to make a motion to waive the rules and close this.

D.O. CARPENTER:

Well, have to close the hearing. So we have a motion?

LEG. MONTANO:

Second.

LEG. ALDEN:

Second.

D.P.O. CARPENTER:

And a second to close the hearing.

LEG. VILORIA • FISHER:

There's a CN.

D.P.O. CARPENTER:

The hearing is closed. The Chair recognizes Lynne Nowick.

LEG. NOWICK:

I'd like to make a motion to waive the one hour rule and discharge from committee.

LEG. ALDEN:

You don't have to waive the rules.

P.O. CARACAPPA:

You want to make a motion for us to discharge.

LEG. LINDSAY:

We did that already.

P.O. CARACAPPA:

You just discharged •• it is out of committee? You did that?

D.P.O. CARPENTER:

Just closed the hearing.

P.O. CARACAPPA:

You closed the hearing. Now you are going to make a motion to discharge out of committee ••

LEG. ALDEN:

And let it age an hour.

LEG. LINDSAY:

Oh, I got the wrong ••

P.O. CARACAPPA:

It's two separate motions. First motion is by Legislator Nowick, second by Legislator Schneiderman, to waive the rules and take out •• to pull out of committee •• what's the bill number? 2376. All in favor? Opposed? Abstentions? Now the motion before us is to waive the one hour rule ••

MR. BARTON:

15.

P.O. CARACAPPA:

•• to discharged bills. That motion and a second are the same as the prior, Nowick and Schneiderman. All in favor? Opposed? Abstentions? The bill is now eligible.

MR. BARTON:

15.

P.O. CARACAPPA:

So, they're making copies of it, so when we get it we will vote on it then. All right. Back to the agenda.

Okay. Page six, Budget and Finance. **2357 (Apportioning mortgage tax by: County Treasurer)**. Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

15. (Not Present: Legislators Caracciolo, Tonna and Kennedy)

P.O. CARACAPPA:

2375 (Authorizing the County Comptroller and the County Treasurer to transfer funds from the 2005 Adopted Discretionary Budget to cover unanticipated expenses in the 2005 Adopted Mandated Budget). Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

15. (Not Present: Legislators Caracciolo, Kennedy and Tonna)

P.O. CARACAPPA:

2377 (Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2005 Adopted Discretionary Budget and Mandated Budget). Same motion, same second.

MR. BARTON:

15. (Not Present: Legislators Caracciolo, Kennedy and Tonna)

P.O. CARACAPPA:

Consumer Protection. **1835 (A Local Law to amend Resolution No. 396 •2005)**. The County Attorney wanted to speak on this?

LEG. ALDEN:

Do you want a motion first, a motion to approve?

P.O. CARACAPPA:

Is there a motion?

LEG. ALDEN:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Alden, second by Legislator Carpenter. Ms. Bizzarro.

MS. BIZZARRO:

Thank you, Presiding Officer Caracappa. This bill has been approved out of committee. I worked on this with Charlie Gardner, the Director of Office of Consumer Affairs, and we are both in agreement on the purpose ••

P.O. CARACAPPA:

You're good on it?

MS. BIZZARRO:

Yeah.

P.O. CARACAPPA:

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

MS. BIZZARRO:

Thank you.

MR. BARTON:

15. (Not Present: Legislators Caracciolo, Kennedy and Tonna)

P.O. CARACAPPA:

Don't go anywhere because it says in my notes you guys want to speak on the next one.

MS. BIZZARRO:

That's fine.

P.O. CARACAPPA:

That ones good, too?

MS. BIZZARRO:

Yup.

P.O. CARACAPPA:

Okay. Thanks. ***2157 (Local Law to strengthen the penalties for the sale and delivery of "Bootleg" gasoline)***. Motion by Legislator Lindsay, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

15. (Not Present: Legislators Caracciolo, Kennedy and Tonna).

P.O. CARACAPPA:

2206 (A Local Law to prevent unwarranted price increases by wholesale motor fuel distributors and service station operators). There's a motion by Legislator Cooper.

LEG. COOPER:

To approve.

P.O. CARACAPPA:

Second by Legislator Binder. On the motion.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

We discharged this without recommendation and I'll just give you a quick explanation why. There's also a competing bill from the Presiding Officer

that while in concept I support both bills, this bill actually lessened the impact on some of the retailers when, in fact, they do get two increases from their wholesalers in the course of a day.

P.O. CARACAPPA:

Right.

LEG. ALDEN:

We discharged this so that we can either combine the bill or combine the sponsorship of the bill and to allow you the courtesy of, you know, whichever way you wanted to proceed with it.

P.O. CARACAPPA:

I certainly appreciate that and that was conveyed to me a couple of days ago, so thank you, but Legislator Cooper, I believe, has the support for this one for the reasons he stated during the debate on my bill. I have no problem with that one going forward.

LEG. ALDEN:

Good.

P.O. CARACAPPA:

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

MR. BARTON:

15. (Not Present: Legislators Caracciolo, Kennedy and Tonna).

LEG. BINDER:

List me as a cosponsor, Henry.

LEG. SCHNEIDERMAN:

Cosponsor, Henry.

P.O. CARACAPPA:

Cosponsor in Legislator Schneiderman and Binder. ***2365 (A Local Law to license livery vehicles)***. We're having CN coming for that.

Economic Development Higher Education. **2154 (A Local Law authorizing the establishment of a Suffolk County Local Development Corporation for the purpose of developing business incubators in low income communities in Suffolk County).**

LEG. ALDEN:

Motion to approve.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2330 (A Local Law amending the Suffolk County Empire Zone boundaries to include Telephonics Corporation, Suffolk County Tax Map No. 0400•104.40•01.00•110.000). 2330 is also coming over as a CN. Right?

MR. ZWIRN:

Yes.

P.O. CARACAPPA:

2363 (Appropriating the 2005 funds for infrastructure improvements for Workforce Housing/Incentive Funds (CP 6411)). It says it has a bond associated with it. It does not need a bond, so.

MS. VIZZINI:

Mr. Chairman.

P.O. CARACAPPA:

Where did that come from?

LEG. VILORIO•FISHER:

Gail.

MS. VIZZINI:

I just wanted to bring to your attention that what this amended copy does is appropriate monies from the 2005 Capital Budget but without a corresponding bond.

P.O. CARACAPPA:

Right. It says on my notes it doesn't need a bond.

LEG. ALDEN:

Or does it need a bond.

LEG. LINDSAY:

The agenda has a bonding resolution.

P.O. CARACAPPA:

It does, but it's been scratched off of mine. Where's Counsel? Gail, if you •
•

MS. VIZZINI:

It seems to be a departure in terms of why you would appropriate something if •• if you were not going to either move ahead paying cash or move ahead and bond. What is the source of the monies.

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

Okay.

MS. KNAPP:

Budget Review has just brought to my attention that 2363 •• does it have a bond or it doesn't, Gail?

MS. VIZZINI:

No.

MS. KNAPP:

It does not. If it does not, you can't appropriate. The definition of the word appropriate is that there are funds available for some source.

MR. BARTON:

There's a CN in your red folder on this.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Well, just, you know, if we •• if we need a bond, I mean, in the agenda is listed a bond resolution.

P.O. CARACAPPA:

The County Executive's Office is basically the one telling us that we don't need a bond, correct?

MS. KNAPP:

Wait. It says •• the last resolved clause in the CN says that the proceeds of the serial bonds are appropriated.

P.O. CARACAPPA:

You know what, it's a CN regardless, so we're skipping over it and then we'll get some answers so we can just move on. Skip over that one.

LEG. LINDSAY:

It's in the packet, so we've got a bond.

P.O. CARACAPPA:

We'll find out about the bound and we'll deal with it when we do the CN's.

Environment, Planning and Agriculture. ***1864 (To appoint member of County Planning Commission (Edward James Pruitt)).***

LEG. FOLEY:

Motion, Mr. Chairman.

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

16.

2022 (Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton).

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

LEG. LOSQUADRO:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

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

LEG. SCHNEIDERMAN:

Wait, wait •• no, go. I'm sorry.

P.O. CARACAPPA:

It's a SEQRA. All in favor? Opposed?

LEG. SCHNEIDERMAN:

No, no, there is a problem with this one. I'm going to make a motion to table.

P.O. CARACAPPA:

2022?

LEG. SCHNEIDERMAN:

Yes. Maybe Carolyn Fahey would like to come up and speak to this, but we are •• we are waiting •• the County is working on some lease terms and lease arrangements, and it's been recommended that this be held until those agreements had been reached. This was the subject at •• LI Jet was the subject of court action. We discharged it without recommendation because I had some concerns about the court action. I wanted to make sure that we could approve it if we needed to, but subsequently I did talk with Economic Development and this should be tabled, I believe.

P.O. CARACAPPA:

The motion to approve has been withdrawn, but you need to make a motion.

LEG. SCHNEIDERMAN:

I'll make a motion to table.

P.O. CARACAPPA:

Tabled, you have to make it specific. Seeing that we're at the end of a session you need to make a motion to table to the first general •• regularly scheduled General Meeting of the Suffolk County Legislature for the year 2006.

LEG. SCHNEIDERMAN:

Can I send it to committee? Is that an option?

P.O. CARACAPPA:

We don't know the committees or the make up of the committee.

LEG. SCHNEIDERMAN:

Okay. Then I will make that motion to table to the first regular session of the Legislature in 2006.

P.O. CARACAPPA:

Well done. There's a second by Legislator Losquadro. All in favor?
Opposed? Abstentions?

MR. BARTON:

16.

P.O. CARACAPPA:

That's tabled. ***2297 (To appoint member of County Planning Commission (Constantine E. Kontokosta).***

LEG. LOSQUADRO:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2336 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes know as the Wildwood Land Wetlands • Sacco property, Town of Smithtown).

LEG. LOSQUADRO:

Now I apologize for these. We forgot to put them on the Consent Calendar, so motion.

P.O. CARACAPPA:

I was wondering about that.

LEG. LOSQUADRO:

Motion.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion by Legislator Losquadro, second by Legislator Vilorina • Fisher, on 2336. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna)

P.O. CARACAPPA:

2337 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Mud Creek County Park • Karine Bird property, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna)

P.O. CARACAPPA:

2338 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Mud Creek County Park • Central School District No. 4 property, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2339 (Making a SEQRA determination in connection with the proposed upgrade of air control units in computer room at Police Headquarters, Yaphank, Town of Brookhaven (CP 3507). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2340 (Making a SEQRA determination in connection with the proposed improvements to Board of Elections, Yaphank, Town of Brookhaven (CP 1459). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2341 (Making a SEQRA determination in connection with the proposed license agreement with Montauk Observatory, Inc., and accepting a donation of a telescope, Theodore Roosevelt County Park, Town of East Hampton). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2342 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic • Shirley conservation area • Wetzel property, Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2343 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic • Shirley conservation area • Fabrizio property in the Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2344 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic • Shirley conservation area • Castellano property in the Town of Brookhaven). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2345 (Making a SEQRA determination in connection with the proposed improvements to the Suffolk County Farm, Yaphank, Town of Brookhaven (CP 1796). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2346 (Making a SEQRA determination in connection with the proposed construction of a parking area at Gardiner County Park, Bay Shore, Town of Islip (CP 7079). Same motion, same second, same vote.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2347 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic • Shirley conservation area • Lydel Holding Co. Property in the Town of Brookhaven). Same motion, same second, same vote.

LEG. LOSQUADRO:

Thank you, Mr. Presiding Officer.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

Thank you, Mr. Chairman.

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

2351, 51A (Appropriating funds in connection with Greenways infrastructure matching funds (CP 7151)). There's a CN coming for that one as well so we'll skip over that.

2354 (Authorizing acquisition of land under the first (1987, as amended 1996) 1/4% Suffolk County Drinking Water Protection Program • Rose Breslin Associates (Greenbelt • SCTM No. 0200 • 504.00 • 01.00 • 007.002 p/o • Town of Brookhaven). Motion by ••

LEG. LOSQUADRO:

Motion.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2372 (Re • authorizing the building for Aquaculture Development Project (CP 1766)). Is there a motion?

LEG. LINDSAY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna)

P.O. CARACAPPA:

2374 (Amending the 2005 Adopted Operating Budget and appropriating funds from the Water Protection Fund (Fund 477) fund balance to cover the cost of services provided by Cornell Cooperative Extension). Is there a motion?

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Carpenter. Second by?

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. ALDEN:

Explanation, please.

P.O. CARACAPPA:

2374.

MS. VIZZINI:

This is using the water quality ••

P.O. CARACAPPA:

Gail, go ahead.

MS. VIZZINI:

Reserve fund, I'm sorry, Allan, it's here, water quality reserve fund balance in the amount of \$581,000 to pay 2003 and 2004 expenditures incurred by Cornell for which there was not appropriate documentation at the time submitted. But I would defer to Mr. Kovesdy because he reviews that documentation for the expenditures.

P.O. CARACAPPA:

Allan, enlighten us.

MR. KOVESDY:

Good afternoon. These are for bills •• the majority of the bills are for sea scallop three program that was funded in 2004. They came in with bills for netting and things like that which were not received, so we didn't pay any bills until they documented it, so the bills lapsed from 2004 into 2005. This makes them whole.

P.O. CARACAPPA:

In years prior there were 477 Funds used to pay?

MR. KOVESDY:

Yes, there was, 2003/2004. We don't pay anything unless they document it. That's what it's for.

P.O. CARACAPPA:

Legislator Alden, of course.

LEG. ALDEN:

I didn't hear the answer to the Presiding Officer's question. These traditionally have been paid out of the 477 Funds?

MR. KOVESDY:

Yes, sir. There is six programs.

LEG. ALDEN:

So all of this is documented as far as it's gone through the procedures where it's been approved and said that it meets all of the criteria for 477?

MR. KOVESDY:

Yes, sir.

LEG. ALDEN:

When was that established, though? That procedure was only established a year ago, so how can two or three years they be approved by that procedure that didn't even exist and we didn't use.

MR. KOVESDY:

The funds were budgeted for these specific programs, for the pest program, for the scallops program, which is the majority of them. They voucher us, the Budget Office, to pay. We inspect the vouchers and if they're documented, we pay the bills. In the case •• excuse me. In these cases.

LEG. ALDEN:

What do you mean excuse me?

MR. KOVESDY:

I'm sorry. I thought you were going to speak. I am sorry, sir.

LEG. ALDEN:

No, I was almost going to cough, but go ahead.

MR. KOVESDY:

Oh, I'm sorry. In this case they didn't document it. They asked to be paid in advance of bills. We refuse to pay any bills in advance, so funds that they had hoped to be paid in 2004 weren't paid and they merged with 2005 funds and they're short in 2005. We haven't paid any 477 bills for the Cooperative Extension since August. They're all sitting in•house.

LEG. ALDEN:

Yeah, but these go back two and three years.

MR. KOVESDY:

Yes, sir. They didn't document the bills. We didn't pay them.

LEG. ALDEN:

Right, but two or three years ago we didn't use the approval process that everybody seemed to agree had to happen before you even earmarked money to be used out of the 477 Account. So where would normal •• where would these funds normally be taken from to pay Cornell?

MR. KOVESDY:

Have two •• they have one contract that's broken into two pieces. One is for the major program which is funded out of the General Fund, which includes the farm the 4•H Program, meat for the jail and so forth. The other portion which was \$878,000 last year and is \$878,000 this year is 477 funds. What happened was they didn't use all of the money in '04. But it's budgeted, it's contracted for, and they're actual expenses that are documented.

LEG. ALDEN:

Actually this, you know, almost the appearance of like a slush fund. 477 has a lot of lot of money in it and it's being used for paying of bills that weren't documented going back two, three, four years. I'm not so sure that that was the intent when we created the 477 Account. Really, I just find it •• it is almost ludicrous the amount of money now that's being paid for different types of things. And I don't think we envisioned it when we put it before the voters that 477 Funds were going to be used to pay bills that were undocumented for two, three, four years.

And to go back onto it, I don't remember this being in the budget two, three, four years ago coming out of 477 Account because I would have said something at the time and I'm sure Legislator Bishop would have said something at the time and probably noticed it at the time.

MR. KOVESDY:

The program for the scallops was late in the year. They envisioned the program starting some time in 2004. There was \$300,000 for nets. They hoped that the nets were going to be purchased in 2004. We did not

purchase the nets in 2004, therefore, we did not pay the \$300,000 in 2004. That money lapsed into 2005. They've now documented that they put the nets on the bottom of the ocean. We have to pay the bill. There's no money to pay the bill. This is just paying bills that were funded that had been contracted and we're paying it as the bills come in.

LEG. ALDEN:

Nets on the bottom of the ocean sounds nice to me, but 477 Account, when I think of it, it's to prevent run-off going into our streams, our bays, into the ocean, into other water bodies that would be polluted by that run-off from the land. So a net on the bottom of an ocean or the bottom of the bay doesn't really •• to me, I don't link that up with the intent of the 477.

And just so everybody's realizes before they vote on this, there's a finite amount of money in the 477. Yes, it is renewed on a yearly basis from sales tax money, but yes, all that money's been spoken for. Now if you start adding up the amount of money that we are going to pay out of 477 for permanent salaries, the money that is going back bills going back three, four years to pay Cornell, going forward, anybody that has a district problem or a district project where they would like to clean up some run-off, clean up some pollution or source point pollution, there's not going to be any money for it. Just so everybody thinks of that before we go and vote on this \$500,000 of back bill paying.

P.O. CARACAPPA:

Legislator Lindsay then Montano.

LEG. LINDSAY:

Allan, maybe I could help. I specifically remember both the scallop reseeding as well as the clam reseeding resolutions connected to 477. But my question is, at the time didn't we appropriate the money for these projects?

MR. KOVESDY:

Yes, you did appropriate the money.

LEG. LINDSAY:

So why do we have to do it again?

MR. KOVESDY:

What happened was they submitted bills without backup. And we don't ••

LEG. LINDSAY:

So is this above and beyond the money we already appropriated?

MR. KOVESDY:

No, it's the same money. It is just •• it was in '04 and it moved into '05 ••

LEG. LINDSAY:

So I ask the question again, why do we have to appropriate it a second time? Why isn't this bill just paid administratively?

MR. KOVESDY:

Because there's no money. We spent all the 477 money in 2005 that we had for the Cornell Cooperative Extension. We underfunded it by the same amount in 2004. The money just sat in the account. We are just moving unspent 2004 money into 2005. That's all we are doing. We are not appropriating money that wasn't appropriated before. It just sat unused in '04 and we're moving it into '05.

LEG. LINDSAY:

And this entire resolution all has to do with the scallop reseeding program.

MR. KOVESDY:

\$300,000 of it. The other one •• there's other bills that came in late.

LEG. LINDSAY:

For what?

MR. KOVESDY:

Cornell has to ••

LEG. LINDSAY:

For what programs?

MR. KOVESDY:

There was the pest control. There's some agricultural programs that we fund. Cornell had a problem in documenting and getting their bills in on time. And you have 40 days from the end of year to get your bills in. If they're not in within 40 days, they lapse.

LEG. LINDSAY:

I understand all that. I'm just trying to establish which •• is all of Cornell's programs come out of 477?

MR. KOVESDY:

No. They have \$2.8 million dollars out of the General Fund which goes for 4H, the jail, feeding the meat for the jail and their other ongoing programs.

LEG. LINDSAY:

So this is for scallops and ••

MR. KOVESDY:

Four other small programs that they get funded for.

LEG. LINDSAY:

Which are?

MR. KOVESDY:

There are two •• there is one pest, there is a fertilizer program, natural fertilizer program, and I'm not sure the two other. They're two small programs. They're \$18,000 programs each. The majority is for the sea scallop program.

LEG. ALDEN:

The nets are to catch the scallops as they run along. I saw some little cartoons with little scallops running along.

P.O. CARACAPPA:

Legislator Montano then Viloría•Fisher.

LEG. MONTANO:

I'm not sure I understand. I just want to go through it real quickly again. Cornell didn't submit the bills in 2004, but the money was appropriated.

MR. KOVESDY:

Correct.

LEG. MONTANO:

So we're reappropriating the money but somehow I thought I heard that we had expended all the funds in the 477 Account.

MR. KOVESDY:

What happened was you merged the majority of 2004 and 2005 expenditures in one year, and for 2005 we only had the money for 2005 to do it. The 2004 piece wasn't spent.

LEG. MONTANO:

Right, and then it went where? Once it wasn't spent, where did it go?

MR. KOVESDY:

It sat in the 477 Account. It wasn't appropriated for any other programs or anything else. It's just sitting there as unused funds. So we're just moving it into •• we're just moving it to pay for the bill. That's all we're doing. If we didn't do it this way we would have to use 2006 money to pay 2005 bills and you'd have this problem going on in perpetuity.

LEG. MONTANO:

I'm not sure I understand.

P.O. CARACAPPA:

Legislator Vilorio•Fisher, then Alden.

LEG. VILORIA•FISHER:

When you came before the Environment Committee, I believe the way it was explained there was that •• didn't make it sound as negative with regards to Cornell that they didn't get their bills in on time. It was explained to us that there were certain items that they had ordered and didn't receive until too

late in the year to provide you with the paperwork.

MR. KOVESDY:

The majority, the nets and the boat lapsed from 2004 to 2005.

LEG. VILORIA • FISHER:

Cornell had a contract with us. We signed that contract. The money was appropriated. In order to fulfill their end of the contract, they had to order materials. The materials didn't come until after the deadline that's required by the •• I'm trying to answer the question that some people had because it was clear in environment.

P.O. CARACAPPA:

Go ahead.

LEG. VILORIA • FISHER:

Okay, well I lost their attention for a minute. The point was that it wasn't that they didn't hand in their bills. They didn't receive the necessary equipment that they had ordered before the deadline. By the time they got it and were able to produce the receipts it was after the deadline. But we have signed contracts for them to do the work. And so the responsible thing to do, of course, is to fulfill our end of the program •• of the contract, of the bargain, and this money was appropriated. So we're not adding money, we're not depleting more money out of the 477 Account. This is all •• these are all programs that we approved. I hope that doesn't muddy the waters further. I was trying to clarify it a little bit but all of this was contracted and approved by us.

P.O. CARACAPPA:

Legislator Alden then Kennedy.

LEG. ALDEN:

And that brings you to a little bit more of a problem, because number one, the accounts, unless they've been set up very recently, the accounts that the 477 money goes into so we could get a good report and we could get a good handle on how much money we have for certain and specific projects out of that account, and I don't even believe it's still set up, so that's a little

bit of a problem.

But going back. We were told on numerous occasions over the past couple of years how much money was in the 477 Account. Unfortunately, we were told this balance was still in the 477 Account and could be used for projects. So that's another little bit of a problem when you start double counting money. But I also remember in the budget process wasn't 500, 600,000, something like that, taken out of Cornell Cooperative from the '06 budget?

And I'll ask Budget Review and I'll ask the Budget Office. Is that the same money that reduced the '06 budget by \$500,000. So was there intention on the part of the County Executive to pay this in '06? And is that the money that was reduced? There was a reduction.

MS. VIZZINI:

We're checking into our reduction in the General Fund. There was no reduction in 477.

LEG. ALDEN:

No, not in 477, in General Fund. I believe it was somewhere around \$500,000 to Cornell Cooperative.

MS. VIZZINI:

I know in prior years there were. We're just checking to see what we did this last go around.

LEG. ALDEN:

So when you double count money that's a little bit of a problem as far as I'm concerned.

MR. KOVESDY:

I have the numbers for 2006 in front of me, if I might, sir. The Cornell in their general account ••

LEG. ALDEN:

Well, through the Chair.

P.O. CARACAPPA:

Go ahead.

MR. KOVESDY:

They had 2,931,096 in their general account. We estimated three million three one thirty•five, because in the housekeeping bill, which you just passed we had •• needed another \$100,000 to pay bills the same way. And next year we're funding them 3,019,030, roughly the same amount.

In the 477 Account, which I also brought with me, bear with me for a second please. In the 477 for Cornell, in the IMP Program, we budgeted \$818,000 this year. We estimated 926,649, and next year we're budgeting 818,064, the same amount as this year. And in the Agriculture Stewardship Program we budgeted \$171,000 last year. We're estimating 171 this year, and you budgeted 171 next year, the same amount. Those are the amounts that are budgeted in the adopted budget, sir.

LEG. ALDEN:

I'll go back to one point that I made and I'll make one another point. The point that I made before is we're shifting a burden that wasn't really explained to us as far as how much money was left in the account. So this money that should have been expended two, three, four years ago, maybe should have expended two, three, or four, was carried forward as a fund balance that was told to us was available if somebody, in fact, had a project to put in. So I really •• I don't think that was an open process and I don't think that information was correct.

And then number two, we are shifting a huge burden that should be in the General Fund into the 477 Account that really was not designed to do that. And that's fine. If you want to change what you want to do with the 477 Account, fine, go out and have another referendum or let's pass a piece of legislation that would define what we are going to do with it. That means take all these obligations that should be coming out of the General Fund and shift them on to the 477 and we won't do any •• any point of pollution type of •• you know, like bricks and mortar type of work.

I mean, I'll go along with either one because I see a legitimate public

purpose for some of the things that have come out of it, but I really don't •• I don't appreciate the fact that the fund balance was misstated to us. There is still not the accounts set up that would actually allow us to identify where the funds are coming from, where they're supposed to go, and now at the last minute we're paying bills from three, four, five years ago out of a 477 Account that going forward none of us can use to do point of pollution type of remediation. And with, that go ahead and vote.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I was just going to reference Mr. Kovesdy again and ask specifically about the sea scallop program, but Mr. Sabatino, perhaps. I recall specifically in committee some discussion about the expense associated with the netting.

MR. KOVESDY:

Yes.

LEG. KENNEDY:

Was that \$330,000 worth of nets?

MR. KOVESDY:

Yes, sir.

LEG. KENNEDY:

Did we know that beforehand?

MR. KOVESDY:

I wasn't privy to the discussions. I know you brought the people in from the college to explain the program to you, you had them come in twice in front of the Legislature to explain it. You had them come in to •• they had to lower the administrative cost because the Legislature thought the administrative cost on the program was too high, so the program was reduced that amount. This was what the program was. They had to buy a boat, they had to buy the netting, they had to get the scallops ••

LEG. KENNEDY:

Cornell Cooperative doesn't have a boat?

MR. KOVESDY:

They bought a •• no, they needed a special flat bottom boat to do it. They bought a boat. These were things that were necessary for the program. Once the Legislature approved the program and we got a budget, we've been administering the budget, and that's exactly what we are doing. We are just trying to pay bills that are verified.

LEG. KENNEDY:

No, I appreciate what you're presenting at this point. My question to you is, is whether or not there was any awareness on our part, our being collective, the County and/or the Legislature, that this project was going to involve \$330,000 worth of netting for scallops, that's all.

MR. KOVESDY:

I can't speak to that, John.

LEG. KENNEDY:

Okay. Thank you.

LEG. ALDEN:

The defense rests and the prosecution rests.

P.O. CARACAPPA:

Okay. Everyone's all set? There is a motion and a second. All in favor?
Opposed.

LEG. ALDEN:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Alden.

LEG. BINDER:

Abstain.

P.O. CARACAPPA:

One abstention.

LEG. BISHOP:

Abstain.

P.O. CARACAPPA:

Two abstentions.

LEG. MONTANO:

Three abstentions.

P.O. CARACAPPA:

Three abstentions.

LEG. LOSQUADRO:

Four.

P.O. CARACAPPA:

Raise your hand if you're abstaining. Legislator Losquadro, Legislator Montano, Legislator Kennedy, Legislator Bishop, Legislator Binder.

LEG. ALDEN:

And I'm a no still.

P.O. CARACAPPA:

And Alden's a no.

MR. BARTON:

Ten. (Abstentions: Legislators Losquadro, Montano, Kennedy, Bishop and Binder; Not Present: Legislators Caracciolo and Tonna)

P.O. CARACAPPA:

It's approved. Health and Human Services. **2348 (Amending the 2005 Capital Budget and Program and re•appropriating funds in**

connection with the Vector Control Supplemental Agreement for Caged Fish Study, Remote Sensing and Open Marsh Water Management (OMWM) studies (CP 8204).

P.O. CARACAPPA:

Is there a motion?

LEG. SCHNEIDERMAN:

Motion.

LEG. MYSTAL:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

Parks and Cultural Affairs. ***2309 (A Local Law authorizing a license and special fund for the Scully Estate).***

LEG. ALDEN:

Motion to approve.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Tonna).

P.O. CARACAPPA:

2327 was done already. All right. This is interesting. ***2359, 59A and 59B (Appropriating funds in connection with modifications for***

compliance with the Americans With Disabilities Act (ADA) at the Vanderbilt Museum (CP 7450) and amending the 2005 Capital Budget and Program and appropriation funds in connection with safety improvements at various intersections (CP 3301).

P.O. CARACAPPA:

Two bonds.

LEG. FOLEY:

Because of the Vanderbilt.

LEG. LINDSAY:

I've never seen it twice.

P.O. CARACAPPA:

I never have either. Motion by Legislator Cooper, second by Legislator Binder.

LEG. ALDEN:

What happened?

LEG. LINDSAY:

I've got to ask the question why.

P.O. CARACAPPA:

On the motion. Why are there two bonds associated with what looks like •• oh, two capital projects.

MR. BARTON:

They're two different projects, Mr. Chairman.

P.O. CARACAPPA:

Two capital projects included. Why one resolution?

MR. BARTON:

I don't draft them.

P.O. CARACAPPA:

Mr. Zwirn.

MR. ZWIRN:

I think we discussed this at committee. What happened is this is the big box study is incorporated with this as well. Being that this was the end of the year, there were a couple of resolutions that we put forth this time around, which is something we don't normally do. There were some groups of things in there because we ran out of time to get some of these projects done, being the last meeting and everything dying at the end of the year. So this was incorporated.

LEG. LOSQUADRO:

What was?

P.O. CARACAPPA:

Okay. So one of these are the Vanderbilt and the other project is ••

MR. ZWIRN:

Right.

MS. KNAPP:

Safety improvements at various intersections ••

MR. ZWIRN:

In fact, that is one the reasons why we have ••

MS. KNAPP:

•• which is apparently ••

MR. ZWIRN:

We had some extra CN's this time because in Chairman O'Leary's Committee he asked us to break down one of these bills where we had 2196 where there were three or four items in there and we've separated them and that's why we have so many CN's today. But this was one that •• that there was one other item in there and it passed through committee so we didn't think there would be a problem.

LEG. SCHNEIDERMAN:

It had to do with road run-off drainage.

LEG. ALDEN:

Once we found out in committee what the projects were we were all right with that, but we didn't realize there was going to be two bond resolutions. There wasn't •• you know, you combined the enabling resolution but the two bonds. Is that legal? And that's the only thing that we need to know. Can you do one enabling, two bonds.

MS. KNAPP:

Well ••

LEG. ALDEN:

We can do whatever we want. Never mind.

MS. KNAPP:

I'll start out by saying that bond Counsel has issued two bonds and usually bond Counsel will not do that if he is concerned. There is law that says that each resolution should have one subject. However, I understand that this end of the year press and it appears that bond Counsel did not have a problem with the underlying resolution and that usually is comfort to me.

LEG. ALDEN:

Good to go.

LEG. TONNA:

Great.

LEG. ALDEN:

Thanks, Ben.

MR. ZWIRN:

Thank you.

P.O. CARACAPPA:

Okay. Is there a motion?

LEG. ALDEN:

I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. CARACAPPA:

There's a motion by Legislator Alden, second by Legislator Cooper. I thought there was a motion and a second.

MR. BARTON:

Yes, there was, Mr. Chairman.

P.O. CARACAPPA:

Roll call.

MR. BARTON:

On the first bond.

(Roll called by Mr. Barton • Clerk)

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yup.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Sure.

MR. BARTON:

17 on the ••

LEG. ALDEN:

That was for A?

MR. BARTON:

First bond.

P.O. CARACAPPA:

That was for A.

LEG. ALDEN:

Because I really wanted to make a motion for B, but that's all right.

P.O. CARACAPPA:

Motion •• same motion, same second, on 2359. Roll call.

(Roll called by Mr. Barton • Clerk)

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yeah.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yup.

MR. BARTON:

17 on the on the second bond. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

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

2360 (Appropriating funds in connection with revitalization of William and Mollie Rogers waterfront (CP 7427). Motion by Legislator Cooper, second by Legislator Binder. Roll call.

MR. BARTON:

On the bond.

(Roll called by Mr. Barton • Clerk)

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yup.

MR. BARTON:

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

P.O. CARACAPPA:

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

2380 (Reappointing William Macchione as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 5)). Motion by Legislator Tonna, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Public Safety and Public Information. **2350 (Accepting and appropriating a grant in the amount of \$25,000 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund a Motorcycle Safety Enforcement Program with 83.1% support)**. It's a grant. Motion by Legislator Carpenter, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2361, 61A (Appropriating funds in connection with the construction of the fire vehicle storage/pump house facility (CP 3415)). Motion by Legislator Carpenter, second by Legislator O'Leary. Roll call.

MR. BARTON:

On the bond.

(Roll called by Mr. Barton • Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

P.O. CARACAPPA:

Yup.

MR. BARTON:

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

P.O. CARACAPPA:

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

2373 (Accepting and appropriating 65% grant funds received from the New York State Division of Criminal Justice Services, under the Crimes Against Revenue Grant). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed?

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion. Who's that, Legislator Foley?

LEG. FOLEY:

Explanation. Is this 2155?

P.O. CARACAPPA:

2373.

LEG. FOLEY:

I'm sorry. Never mind.

P.O. CARACAPPA:

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

(Vote: 16, 2 not present • Legs. Caracciolo and Tonna)

P.O. CARACAPPA:

Discharge by petition. ***2155, 55A (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the purchase of a medevac equipped helicopter (CP 3117.514).*** There is

a motion by Legislator Carpenter, second by Legislator O'Leary. On the motion.

D.P.O. CARPENTER:

On the motion. This is the resolution, again, to hopefully jump start the process so that we don't have to wait until after the first of the year and everything in place to move forward with the replacement of the two Medevac helicopters as we had put in the Capital Program to replace the two Medivacs. This basically is just hopefully jump starting the process.

P.O. CARACAPPA:

Legislator Montano.

LEG. MONTANO:

This is the same resolution that we had passed that was vetoed by the County Executive?

D.P.O. CARPENTER:

Yup.

LEG. MONTANO:

If we pass it today and it's vetoed tomorrow, Counsel, it just dies?

LEG. ALDEN:

No, don't we come back on ••

MS. KNAPP:

The County Legislature has 30 days after a veto.

LEG. MONTANO:

County Executive?

MS. KNAPP:

I'm sorry. The County Legislature has 30 days after a veto is received to override a veto, so ••

LEG. MONTANO:

So going in to the new year we would be able to entertain an override next year on this bill? That's what I'm asking.

MS. KNAPP:

Within 30 days of the date of the veto.

LEG. FOLEY:

Mr. Chairman, can we get Mr. Zwirn?

P.O. CARACAPPA:

Mr. Zwirn, you have a comment?

MR. ZWIRN:

Yes. Thank you. The only comment that I would make on behalf of the County Executive is that we're at December 20th today. We're so close to the end of the year and there's money in the 2006 Capital Budget, so you're talking about •• this doesn't get back to the County Executive's desk until tomorrow or the next day. Between now and the end of the year nothing's going to happen. In January this will be taken up with the money that was put in the 2006 Capital Budget.

P.O. CARACAPPA:

Legislator Carpenter. No? Okay. Roll call.

MR. BARTON:

On the bond.

(Roll called by Mr. Barton • Clerk)

D.P.O. CARPENTER:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Henry, change my vote to a no.

P.O. CARACAPPA:

Yes.

LEG. MONTANO:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It fails. It needs 12 bond, it's a bond.

LEG. FOLEY:

Bond.

P.O. CARACAPPA:

Just a quick question and nod of the head, Mr. Zwirn or Paul. Can we expect that appropriating resolution for the helicopters right out of the gate?

MR. ZWIRN:

I believe •• yes.

P.O. CARACAPPA:

Okay. All right.

D.P.O. CARPENTER:

If I could. I just would like to hear that again myself. That's for the two replacement helicopters as we had put in the budget. Is that the commitment? We put in the budget to replace two helicopters trading in the

two helicopters while we still had, you know, some good book value on them. So we're going to be replacing the two, but you want to wait until after January.

MR. ZWIRN:

Well, January, I believe they are going to move forward with at least one helicopter for next year which was in the budget. I don't know about ••

D.P.O. CARPENTER:

Two were in the budget.

MR. ZWIRN:

The money that was appropriated, I think, the County Executive intends to move forward in an expeditious manner with the money that was appropriated in the 2006 budget for the replacement helicopters.

D.P.O. CARPENTER:

Helicopters.

MR. ZWIRN:

I said yes.

D.P.O. CARPENTER:

Okay. Thank you.

P.O. CARACAPPA:

It's going to come rather quickly in January.

MR. ZWIRN:

Absolutely.

P.O. CARACAPPA:

Okay. Thank you. Public Works. ***2095 (Amending the 2005 Capital Budget and Program and appropriating Capital Budget and Program Pay•As•You•Go funds in connection with the purchase and installation of bike racks on Suffolk County Transit Buses (CP 5648).***

Motion by Legislator Carpenter. Is this a change •• are we changing the

method of financing here somehow, some way?

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No? Okay. I just want to make sure.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Vilorina•Fisher. On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'm not on Public Works anymore. Can we do this? I mean, I thought that we heard some testimony that the bike racks weren't practical on our buses or something?

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

We had some discussions in the Public Works Committee meeting and I did table it. They did check with some municipalities that do have this in place. They just have to be careful that it doesn't obstruct the lights on the bus, but they don't foresee any problem.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

Legislator Vilorina•Fisher.

LEG. VILORIA • FISHER:

And Commission •• Charlie •• Charlie Bartha did say that this would be done as a pilot project. With the money that's being put it wouldn't take us much

further than a pilot program and so that's how it's being approached.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

And there's a question. These are external bike racks, not internal.

D.P.O. CARPENTER:

No, they're on the front of the bus.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2308 (A Local Law to further strengthen street vending protections).

LEG. VILORIA • FISHER:

Motion.

LEG. FOLEY:

Second.

LEG. SCHNEIDERMAN:

On the motion.

P.O. CARACAPPA:

There's a motion by Legislator Vilorina • Fisher, second by Legislator Foley. On the motion. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah, a couple of questions, I guess, for Counsel or for the County Executive. This as I read it there are two aspects to this. One is that all street vendors would have to have like a school bus, a stop sign that would go out, though in this case you stop and then you could continue where you don't with a school bus.

The definition of street vendors I'm not quite clear on because there's a lot of these hot dog carts that are on the side of the roads that if you had that stop sign it could create all kinds of potential programs. It could even say specifically to ice cream type of trucks or specifically if they're vending from the street.

Then there's also a provision on morale character, which I guess was part of the original legislation, but as somebody who in his first year of college in the summer drove an ice cream truck, I'm just trying to imagine having to go through some County organization to determine whether my morale fiber is good enough to drive an ice cream truck is a little bit strange. It seems to me a slippery slope when we start telling people in certain industries that they are not good enough to work in that industry, you know, by have three people decide that their morale character isn't good enough. So if you could address both of those issues, Mr. Zwirn.

MR. ZWIRN:

I think one of the purposes of the bill was to try to give the Public Works Department a little more guidance with respect to their mission here. I think they're really looking for to make sure when they do background checks that there's not somebody who has been •• somebody who has abused children or has been a sexual predator, has any kind of background there so they can keep these folks away from children.

And the other part of it is just safety. When they do these ice cream vendor trucks we've had fatalities in both Nassau and Suffolk County where kids have gotten •• many children, this may be their only chance to get, you know, ice cream in the summer because they don't have transportation. So there is a stop and proceed or stop and go law, unlike the stop law for school buses.

LEG. SCHNEIDERMAN:

The definition of street vendor, is that specific to ice cream trucks or is it these hot dog wagons as well.

MR. ZWIRN:

I think this was designed for the ice cream vendors.

MS. KNAPP:

I can read this for you. Street vending vehicles is defined as any vehicle which is used to sell a commodity or provide a service, which tends to attract children and travels the various roadways within the County, making frequent, intermittent and unscheduled stops on the roadways or shoulder of the roadways in order to sell these commodities or provide these services. So, no, I don't think it's limited to ice cream.

LEG. SCHNEIDERMAN:

It's not limited but the hot dog wagon, would that definition •• it doesn't focus on children, a hot dog wagon.

MS. KNAPP:

To the extent I believe •• are you talking about the hot dog wagons that you see on the side of the roads?

LEG. SCHNEIDERMAN:

(Nodded yes).

MS. KNAPP:

Well, I would say that they're not covered because they do not make frequent, intermittent or unscheduled stops. Don't they just park somewhere and stay there?

LEG. SCHNEIDERMAN:

They might go from one location to another for a longer period of time than an ice cream truck would.

LEG. TONNA:

I like the idea of hot dog vending truck. That sounds pretty good. But I

have never seen one.

MR. ZWIRN:

We have one on the east end.

LEG. SCHNEIDERMAN:

Those little coffee trucks, they are all over the place.

MR. ZWIRN:

We have Kenny.

LEG. SCHNEIDERMAN:

There is one on County Road 111.

MR. ZWIRN:

No, no. We have Kenny at Indian Wells Beach. Other than that, I've never seen one.

LEG. SCHNEIDERMAN:

All right. I think that definition would prevent the conflict that I'm concerned about.

P.O. CARACAPPA:

Okay.

LEG. SCHNEIDERMAN:

Thank you. I would say the definition as read prevents the conflict that I was concerned about. Thank you.

P.O. CARACAPPA:

Okay.

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

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

Abstentions?

LEG. LINDSAY:

Thank God.

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2349 (Authorize the execution of an agreement between the County and the New York State Department of Transportation for 80% federal aid for Suffolk County Transit Bus Route S92 service enhancements. Motion by Legislator Foley, second by Legislator Vilorio •Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2355 we did. ***2370 (Authorizing execution of a road maintenance agreement with the Town of East Hampton).***

LEG. SCHNEIDERMAN:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2383 (Amending the 2005 Capital Budget and Program and appropriating Capital Budget funds in connection with the construction of the new jail/correctional replacement facility at Yaphank (CP 3008).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

There's a •• I believe we have a problem with some of the language in this, correct, Counsel?

MS. KNAPP:

I think there's an issue as to whether one of the offsets are correct or not. Am I right about that, Gail?

P.O. CARACAPPA:

I believe both. My bill along with Legislator Lindsay who sponsored this and the County Executive's competing bill, I think they both have some number errors.

MS. VIZZINI:

In the bill before you, there is a project 8129, which is the Medford sludge thickening. That project was included in the County Executive's original version and that's why we replicated it here. However, we have since found out that that project is oversubscribed. So it's a \$234,000 offset that would not truly be available.

P.O. CARACAPPA:

That would be a problem. Motion to table by myself.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

Second by Legislator Kennedy. On the motion, Legislator Bishop.

LEG. BISHOP:

I'm going to use this bill as my occasion to leave you with a few thoughts.

LEG. TONNA:

Come on, Dave. Come on.

LEG. FOLEY:

Just say I told you so.

LEG. BISHOP:

I'm sorry, colleagues. In 1796 when George Washington gave his farewell address and warned the nation about the morality necessary to achieve democracy. He had his final bite of the apple. Dwight Eisenhower in 1960 •

•

P.O. CARACAPPA:

You were all going to •• at the end of the agenda all of you outgoing are going to have a chance to say something.

LEG. LOSQUADRO:

Never mind.

LEG. BISHOP:

What did you say?

P.O. CARACAPPA:

I said at the end of the meeting I was going to give you all a chance.

LEG. BISHOP:

Well, I want to do a little jail ref if I may here.

P.O. CARACAPPA:

Go for it.

LEG. BISHOP:

Eisenhower in 1960 warned of the military industrial complex and now I will leave you with this pearl of wisdom. Legislator Lindsay doesn't want to leave this because this is a beacon of light that will guide you next year.

LEG. LINDSAY:

They said outgoing. I'm outgoing now so I don't have to listen to this again.

LEG. BINDER:

He's quit. You made him quit.

LEG. BISHOP:

That's fine. You have three paths you can go down with this jail and if you continue with this resolution after you correct the sludge thickening issue, you're going to go down the absolute worst one.

One path is you can abandon the project or at least freeze the project and let the new sheriff come in with his alternative. He has said that he has a plan that will be significantly less costly and he wants the opportunity to present it, so why commit now. Why appropriate tens of millions •• almost \$100 million right now before you even know what that plan is. So, one is to freeze, pause, learn more.

The second path is what County Executive Levy is suggesting, which is you used to have a policy in this Legislature of level debt service and you abandoned that policy, dramatically shifted away from it, when you went down the path of this jail. But there's a limit, he's saying. He's saying it's all right. Under his plan you'll raise taxes significantly like in 2008, you know, the level of debt is going to start to ratchet up in the years ahead significantly, but he said the level that's already been adopted is the level we're going to keep it at. So if there are cost overruns, then you have to cut something else. There are cost overruns. Before a shovel has hit the ground, the cost of this jail is going up another 20 million dollars. So he says Legislature, you find \$20 million cut. Okay. I would say go to the first policy, don't do the second policy, but at least he understands there's a limit that the taxpayers can bear.

Now the third choice, which is the one that the sponsor of this legislation are advocating, is to just keep piling it on the taxpayers, don't cut anything, just keep going. Cost overruns, fine. You know, we'll borrow even more. That is terrible government.

P.O. CARACAPPA:

Not in this bill.

LEG. BISHOP:

And the fact that you're contemplating doing it that way suggests how little you understand about this jail project and you've refused all along to make tough choices. And it's distressing to see that's what's being considered. And I hope next year you take a different path, one with a lot more responsibility and consideration for taxpayers. So, Mr. Chairman, as dusk descends into night on my career here, I hope you'll heed that warning. Thank you very much.

LEG. ALDEN:

I'm convinced. Motion to approve.

P.O. CARACAPPA:

Thank you, Legislator Bishop, but this bill, just so you know, is an attempt to take a burden off taxpayers as much as possible by creating offsets for the overruns in the jail.

LEG. BISHOP:

Those are not real offsets. Those are not real offsets because those are not cuts. Those are delays. Those are not projects you're not going to do later on, those are projects you are simply saying oh, well we didn't spend it '05 so let's spend it in a hurry now. But you're still going to go back and do that project, so you are layering on another \$20 million of debt.

So if you're going to do a cut, an offset, a real offset, you've got to cut a project. That's what County Executive Levy was suggesting with the Riverhead Center. I would say cut the jail. He says cut the Riverhead Center. You say cut nothing.

P.O. CARACAPPA:

Well, I'm saying don't cut the Riverhead Center seeing that we spent close to four million dollars in planning and design already.

LEG. BISHOP:

The old Robert Moses script.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

It was tabled. Ways and Means. ***2158 (Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Terry J. Karl, Esq., Trustee of the Vincenza Barbero Trust (SCTM No. 0100-018.00-01.00-069.000)***. Motion by Legislator Tonna, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2332 (Amending the 2005 Operating budget to create a position and amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Suffolk County Clerk's Office (Computer Technician).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2353 (Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Kids Place Early Childhood Day School, a child care provider under contract with the Department of Social Services).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2362 (Amending the 2005 Capital Budget and Program and appropriating funds in connection with the acquisition of IFMS Release 3.0 (CP 1782). Motion by Legislator O'Leary, second by Legislator Schneiderman. All those in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2364 (Authorizing the Department of Law to study the feasibility of legal action against asphalt companies to recover excess monies paid by the County as a result of alleged bid-rigging by asphalt contractors). Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. CARACAPPA:

Second by Legislator Kennedy.

LEG. LINDSAY:

On the issue.

P.O. CARACAPPA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

First, I'd just like someone to explain what this bill does.

MS. KNAPP:

Sure. This bill originated out of some allegations that asphalt contracts had conspired to increase the cost to municipalities across Suffolk County. Because it was nothing basically more than an allegation, I think the sponsor of this bill did not want to proceed to direct lawsuit. So that as a result, this bill does nothing •• directs the Department of law to look at the feasibility of beginning an action to recover money. I'm not sure that that action, whether the County Attorney would recommend that such an action begin immediately or whether or not it should wait until there's been more fact finding. However, this resolution directs a report to the Legislature within 30 days of the effective date.

LEG. LINDSAY:

My point is simply this. I believe there was five indictments of companies within that industry, which I think automatically drops them off our bidding list. I don't think we can award any contracts to them if they were, in fact, the low bidder or something like that. And I don't know whether we can go in and recover any money until the allegations are proven. That's •• I mean, if they're convicted I would wholeheartedly support us, see if we were affected in these companies doing any work for the County and recovery would be in order.

MS. KNAPP:

The only •• the only comment I would make on that is that there is a much lower burden of proof in a civil action than there is in a criminal action. Although •• I think the reason this is a feasibility is that it may be that the Department of Law may report back that or they may report that we should

proceed, that there is enough to win a civil lawsuit. That's up to the County Attorney.

LEG. LINDSAY:

Okay.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Legislator Lindsay, if I may. There are federal indictments, that is true, and that will probably supersede anything. However, we as a Legislative body need to be very vigilant. We need to request from the County Attorney what their findings are.

The other thing that this piece of legislation does do is it authorizes the County Attorney to determine whether or not this will be handled through the County Attorney, throughout outside consultants, through a law firm, outside law firm that is •• that does this •• that has •• does this as their expertise, I should say. The County, if the County wins this the County can recover incredible amounts of money. The County cannot only recruit •• recoup the excess money, not only the excess money, but from what I understand, the New York Court of Appeals had decided in 1973, in a case cited as ST Grand versus the City of New York, listen to this, that the municipality, which is us, is entitled to all monies paid the under illegal contract, not just excess.

So we really need to be as a Legislative body right out there in front. We need to know in 30 days what's going on with the County Attorney. We shouldn't have to read in the newspaper, by the way, that there is a public official in the Department of Public Works that's being investigated. I think right now we need to be out there and out in front, and I would like to have everybody's support on this legislation.

P.O. CARACAPPA:

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

LEG. TONNA:

I'm opposed.

P.O. CARACAPPA:

Abstentions? One opposition, Legislator Tonna.

MR. BARTON:

16. (Opposed: Legislator Tonna, Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2371 (Approving the appointment of Karen Oswald to Evidence Specialist Trainee in the Suffolk County Police Department).

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

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

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

This is because of what?

P.O. CARACAPPA:

Nepotism.

LEG. ALDEN:

And whose relative? They're in a supervisory capacity, that's all I really needed. I don't need a name.

LEG. O'LEARY:

The future employee is the daughter of a Deputy Inspector on the SCPD.

P.O. CARACAPPA:

Okay? All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2382 (Amending the 2005 Adopted Operating Budget and 2005 Adopted Capital Budget and Program and appropriating funds in connection with the purchase of database software). Motion by Legislator Bishop, second by Legislator O'Leary.

LEG. BISHOP:

Is this on the jail?

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

2384 (Authorizing conveyance of parcel to the Hauppauge • Central Islip Volunteer Ambulance Corp for the purposes of constructing a vehicle building (Section 72 • h, General Municipal Law).

LEG. KENNEDY:

Mr. Chair.

P.O. CARACAPPA:

Authorizing •• Legislator Kennedy.

LEG. KENNEDY:

Yeah. I need to make a motion with this resolution because of some internal

technical modifications that we need to make to it, similar to the motion that Legislator Schneiderman made before. I need to make a motion to table this resolution.

LEG. MONTANO:

Second.

LEG. KENNEDY:

To first regularly scheduled session of the Suffolk County Legislature for the year 2006.

LEG. ALDEN:

Second.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

A motion and second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

That is tabled. Sense resolutions. Before we do Senses I'd like to do the 2376 which has been distributed. Legislator Nowick had discharged it earlier. ***2376 (A Local Law re •designating the boundaries of the Suffolk County Empire Zone).***

LEG. NOWICK:

Motion.

LEG. TONNA:

Second.

P.O. CARACAPPA:

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

LEG. LINDSAY:

Are you sure all these numbers are right?

P.O. CARACAPPA:

Yeah, I think so.

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

LEG. VILORIA • FISHER:

Check them over, Bill.

P.O. CARACAPPA:

Sense resolutions. ***Sense 53 (Sense of the Legislature resolution requesting Suffolk County towns to safeguard property rights when exercising the power of eminent domain).*** Legislator Binder?

LEG. BINDER:

What is that? I'm sorry.

P.O. CARACAPPA:

Eminent domain.

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

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

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Sense 84. (Memorializing resolution in support of New York State Legislation to freeze school taxes for seniors over age 70 (Senate Bill S.2404•B and Assembly Bill A.4641•B). Motion by Legislator Vilorina •Fisher.

LEG. VILORIA •FISHER:

Yes, motion.

P.O. CARACAPPA:

Second ••

LEG. TONNA:

What's the financial impact, so the younger people have to pay more again?

P.O. CARACAPPA:

Yeah.

LEG. TONNA:

I give them enough. I say no.

P.O. CARACAPPA:

Well, we need a second.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

Second by Legislator Bishop.

LEG. BISHOP:

What is it.

D.P.O. CARPENTER:

Is this tied into income?

LEG. TONNA:

It's not tied to income. It's just if you hit 70, right. You hit 70 ••

LEG. VILORIA • FISHER:

You hit 70 and ••

P.O. CARACAPPA:

And that's it, kaput, done.

LEG. VILORIA • FISHER:

And the State Legislature can determine to give you a tax break on your taxes, on your property taxes.

LEG. TONNA:

It's not a tax break. It's a tax freeze. It's a tax freeze, right, not a tax break.

LEG. VILORIA • FISHER:

Oh, it doesn't increase your taxes, I'm sorry. It's a tax freeze. You have no increase on your taxes. You are still paying what you're paying now.

LEG. TONNA:

So you got a 70 year old parent, 71 year old parent and say okay, look, we are going to make you the owner of the house for a while so we can freeze the taxes. I mean, just think about what we're doing. I mean, it sounds nice. I mean •• you know, my parents are in their 70's, but the fact is, is that somebody's going to have to pay that. And the people who are really getting hard hit with taxes are the young people who are trying to live here. So I would say I think we should just leave it like that or why don't people under 24 get a freeze on their taxes until they're 30.

LEG. ALDEN:

Should we do away with energy taxes at the homes?

LEG. TONNA:

No. I would say we vote for more, more energy tax.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

I've tried to keep quiet. This is a Sense. Who cares?

LEG. TONNA:

You should care. I mean, the sponsor put time into it. Obviously she cares, so it should be debated. I mean, you know, who cares? People should care.

LEG. MYSTAL:

This is a Sense.

P.O. CARACAPPA:

Elie, were you the captain of your debate team? Because you probably won a lot.

LEG. TONNA:

In Haiti.

P.O. CARACAPPA:

Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Unfortunately, Legislator Tonna, there are many cases where you have fraud. There's fraud in Medicaid, you know, parents who distribute their money among their children in order to create poverty.

But there are many seniors, and many seniors in my particular district, who have called me and said I can no longer afford to live in my house although I've paid my mortgage off. People spend their entire lives in this community. They've satisfied their mortgage, they own their house outright, and they're being taxed out of their homes, and so those are the people that this is aimed at, people who are 76 years old. And I have someone who serves, by the way, on our Women's Advisory Commission who's 76 years old and her husband cannot quit his job because their tax goes up every year and they are paying about 15 thousand, well, I don't know, maybe \$12,000 a year in taxes.

LEG. TONNA:

Well, what about the young people? What do we give them? Why don't school districts just cut their taxes.

LEG. VILORIA • FISHER:

Young people, when their taxes goes up, hopefully their income is growing. The retired person doesn't have an income that is moving along with the economy and with inflation. I say •• it's a Sense resolution. Vote it up or down. I don't believe that we should have a protracted debate on this.

LEG. MYSTAL:

Thank you.

P.O. CARACAPPA:

Legislator Nowick and Montano, then Lindsay.

LEG. NOWICK:

To the sponsor, Legislator Fisher, I just had a question about this bill because it's new to me and I couldn't get it on the machine. This is for a seniors 73 or 76?

LEG. VILORIA • FISHER:

I have to look at it again. I'm sorry.

LEG. LOSQUADRO:

It's 70.

LEG. NOWICK:

Seventy. Is there some type of threshold as far as ••

LEG. BINDER:

Motion to table Mr. Chairman.

LEG. NOWICK:

Almost like the Star Program where they have to make up to a certain amount of money or they have a certain amount of holdings or is there any type of •• in other words, if a senior has a home, obviously has a home or

maybe a second home in Florida or if a senior has retirement accounts. Is there any type of accountability to the assessor? What kind of a threshold, like the Star.

LEG. VILORIA • FISHER:

They have to meet enhanced Star requirements.

LEG. NOWICK:

Same requirements as the enhanced Star?

LEG. VILORIA • FISHER:

Yes. Which, by the way, does limit their income.

LEG. NOWICK:

Yes, it does. Yes, it does. It does not address the Star, I don't believe, addresses the retirement accounts. It just addresses income and age.

LEG. VILORIA • FISHER:

I thought enhanced star was restrictive enough. I didn't know any •• I don't know the fine points that you're referring to but I thought that within the Star •• enhanced Star threshold and the age.

LEG. NOWICK:

I think it is just age and amount of money in a household.

LEG. VILORIA • FISHER:

Our senior citizens are suffering in our economy with the property taxes that we have.

LEG. NOWICK:

I just wanted to know •• and I agree with you. I know that because my parents certainly are in their eighties. Just another question on it. Does this Sense resolution address whether the state would give the County's or the school districts more money to make up for the difference?

LEG. TONNA:

Yeah, it doesn't.

LEG. BISHOP:

Raise taxes on everybody else?

LEG. NOWICK:

Just an honest question.

LEG. TONNA:

Honest answer is no.

LEG. NOWICK:

Okay. Thank you.

P.O. CARACAPPA:

Legislator Binder has made a motion to table. Is there a second?

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Tonna. All in favor? Opposed? Opposed is ••

LEG. MONTANO:

On the motion.

P.O. CARACAPPA:

I'm sorry. On the motion to table, Legislator Montano. My apologies.

LEG. MONTANO:

I just want to make a point, Legislator Fisher. Even though, I'm looking at the resolution, even though it's listed as a Sense resolution, in fact it's not. It's a memorializing resolution because it has two companion bills, one in the Senate and one in the Assembly. So there is •• you know, so it's mislabeled a Sense resolution. There are two actual bills that we can read the body of pending in Albany and they've been discharged favorably from some of the committees. So I just want to point that out before you table it. It's a memorializing resolution and not a Sense.

LEG. VILORIA • FISHER:

It says memorializing resolution.

LEG. MONTANO:

Okay, so we've been calling it Sense. Then I'm clear.

LEG. ALDEN:

I have a quick question on whether I can even vote on this.

LEG. MONTANO:

We interchange it but that's where I picked it up. I wanted to be clear.

LEG. ALDEN:

There is a question to Counsel. Can I vote on this even though my Legislative Aide qualified for this 25 years ago?

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Really, on a serious note, the whole issue with real estate taxes is something that, you know, I don't think can be addressed just by addressing one of the inequities in the system. We have all kinds of inequities all over the County.

I mean, we certainly have the one that Legislator Tonna pointed out, is we're losing our workforce because our young people can't afford to stay here. Is this going to compound that? We certainly have differences in the amount of money we spend on a child to educate them from district to district, vast differences. We certainly have a major problem with how our assessment goes from town to town. I mean, you'll have a house in Smithtown that's paying \$15,000 a year in real estate taxes, and you'll have another house in Quogue, which is a very affluent community that's only paying \$2,000.

I'm sympathetic to try and help our seniors, but I really think a more global

approach has to be found to this whole issue. And on a lighter note, if you lowered the age to 60 I'd vote for it.

P.O. CARACAPPA:

Legislator Vioria•Fisher.

LEG. VILORIA•FISHER:

Let us just vote. Let's just vote.

P.O. CARACAPPA:

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

LEG. VILORIA•FISHER:

I'm opposed.

P.O. CARACAPPA:

Opposed raise your hands, to tabling. Legislator Vioria•Fisher, Legislator Losquadro, Legislator Foley, Legislator Montano, Legislator Carpenter, Kennedy, Nowick and O'Leary, to table.

MR. BARTON:

Nine.

P.O. CARACAPPA:

That was ••

LEG. VILORIA•FISHER:

Motion to approve.

P.O. CARACAPPA:

Tabling failed. Motion to approve by Legislator Vioria•Fisher. We have a second already.

MR. BARTON:

Yes.

P.O. CARACAPPA:

All in favor?

LEG. VILORIA•FISHER:

On the motion. I just want to point out that school districts can apply for reimbursement from the state and so we are putting the burden on the state.

P.O. CARACAPPA:

All in favor? Opposed? Just raise your hands if you're in opposition. Legislator Lindsay, Legislator Tonna.

LEG. BINDER:

Abstain.

P.O. CARACAPPA:

And an abstention by Legislator Binder.

MR. BARTON:

14. (Opposed: Legislators Linsay and Tonna; Abstention: Legislator Binder; Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Okay. There's a motion by •• you had a Sense resolution earlier, Legislator Viloria•Fisher, that you wanted to ••

LEG. VILORIA•FISHER:

Yes, Sense resolution 91.

P.O. CARACAPPA:

Sense 91 (Sense of the Legislature to urge federal officials to extend the U.S.A. Patriot Act for three months to provide time for reconsideration). There's a motion to waive the rules by Legislator Viloria •Fisher, I'll second, to lay on the table and approve.

LEG. BINDER:

Motion to table.

LEG. TONNA:

Did you take the urban terrorist thing out?

LEG. VILORIA • FISHER:

Yes, I did.

LEG. BINDER:

Motion to table, Mr. Chairman.

P.O. CARACAPPA:

There is a motion to table which takes precedent. Second •• who is the second? Second by Legislator Losquadro.

LEG. VILORIA • FISHER:

On the motion.

P.O. CARACAPPA:

On the motion to table, Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

There has been a great deal of debate regarding the sunset of the Patriot Act Law, and right now it's in the Senate, and the Senators are hesitant to extend the Patriot Act because of a number of reasons.

The reasons that most concern me, of course, are the civil liberties and the constitutional rights of individuals that are being challenged by the Patriot Act. But as New Yorkers, and people who were the target of the terrorist attack that precipitated the Patriot Act on September 11th, we should be very cognizant of the fact that the Patriot Act as it is currently worded does not provide sufficient guidance in the funding of homeland security throughout the United States.

There is not enough of a risk assessment priority in the funding of •• in homeland security funding distribution. Much of the homeland security funds are being used as pork that representatives bring home to their states without regards to how it is being used, and those states such as ours that are at greater risk, are not being given the proportional prioritization that we

should be given. That's one of the key provisions that's holding up the extension of the Patriot Act.

All this resolution is asking for is a three month extension so that those issues can be resolved without rushing two days before a holiday break to pass something as important as this. So what I'm asking for is if you look at the title it's a three month extension to have good clear debate.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

The first issue is that's true, the title is asking for a three month extension, but nowhere in the body, none of the resolved clauses deal with the three month extension.

LEG. VILORIA • FISHER:

There is a corrected copy that deals with it and it says 12 p.m. That's the latest corrected copy.

LEG. SCHNEIDERMAN:

Yes, so that was added.

LEG. VILORIA • FISHER:

Yes, that was added because we want the extension rather than the repeal.

LEG. SCHNEIDERMAN:

There are an enormous amount of resolved clauses. The fifth resolved clause we would as a County Legislature oppose requests by the federal authorities that would violate County ordinance not •• I guess any County ordinance. And then in the sixth resolved clause the Suffolk County Legislature urges each of the Suffolk County's public libraries to inform library patrons when their records have been provided to federal agencies. I just •• maybe from Counsel, is that something that would potentially compromise an investigation by provide those •• the people whose records have been obtained from the library with that information?

MS. KNAPP:

I think that's more of a policy question than a legal question. I would defer to the judgment of each Legislature as to whether ••

P.O. CARACAPPA:

Before we go any further, we're not going to start debating the Patriot Act here at the Suffolk County Legislature. Okay?

D.P.O. CARPENTER:

On December 20th.

P.O. CARACAPPA:

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

LEG. VILORIA•FISHER:

Opposed.

LEG. BISHOP:

Opposed.

LEG. TONNA:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator Vilorina•Fisher, Legislator Foley, Legislator Bishop, Tonna. It's tabled.

MR. BARTON:

Thirteen. (Opposed: Legislators Vilorina•Fisher, Foley, Bishop and Tonna; Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Okay. This is a sense resolution? ***Sense 85 (Sense of the Legislature in support of humane treatment for all detainees in the war on terror).***

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Binder. I'll second it. Again ••

LEG. COOPER:

On the motion.

P.O. CARACAPPA:

I think we're getting a little out of line with these senses. Legislator Cooper.

LEG. COOPER:

I don't think they're going to be lasting for too much longer from what I understand. But this is in support of bipartisan efforts at the federal level that would prohibit the torture and inhumane treatment of people in U.S. custody and I believe that •• I believe that there is a consensus in Congress at this point that this should be a position of the United States. I believe that President Bush has also signed on to this. This Sense resolution was drafted before those latest developments, but I still think it's important for the Suffolk Legislature to take a position on this issue.

LEG. TONNA:

But you told me also that the reason we put it together is because Washington's waiting for us to weigh in on this issue. That's why I cosponsored it. I heard they're waiting.

P.O. CARACAPPA:

I think _Condeleeza_ Rice is in my conference room.

LEG. COOPER:

I think this would be the final Sense that we vote on perhaps in the history of the Suffolk County Legislature. So for old times sake, I say let's vote for this.

LEG. VILORIA • FISHER:

No, 91 was.

LEG. BINDER:

Whoever votes against tabling cannot get my poinsettia.

P.O. CARACAPPA:

There is a motion and second to table. All in favor? Opposed? Opposition's just raise your hand please. Legislator Vilorina•Fisher, Bishop, Tonna, Cooper. It's tabled. And Schneiderman.

MR. BARTON:

12. (Opposed: Legislators Vilorina•Fisher, Bishop, Tonna, Cooper and Schneiderman; Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

It's still tabled. Sense 87.

LEG. BISHOP:

My final vote is a vote against torture.

LEG. TONNA:

Your final vote will be a pay raise.

P.O. CARACAPPA:

Sense 87 (Sense of the Legislature requesting the Metropolitan Transportation Authority the repeal a costly secret surcharge collected from the E•Z pass uses).

LEG. BISHOP:

Secret surcharge?

P.O. CARACAPPA:

Is that like a Secret Santa? There is a motion by Legislator Alden, second by Legislator Lindsay.

LEG. BISHOP:

Just so I know ••

P.O. CARACAPPA:

There is a dollar monthly fee. That's the secret. Obviously a secret no longer. There's a surcharge if you look at your bill when you get your E•Z bill. I recognize Legislator Losquadro.

LEG. LOSQUADRO:

I think the Patriot Act would have found the secret surcharge.

P.O. CARACAPPA:

Yeah, through the internet. There is a motion and a second. All in favor? Opposed? Abstentions.

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

Sense 88 (Sense of the Legislature in opposition to proposed EPA rule and diminished reporting requirements of hazardous chemicals). Motion by Legislator Losquadro, second by Legislator Foley. All in favor? Opposed?

LEG. BISHOP:

What is this one?

MR. BARTON:

17. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

This is just •• hazardous chemicals. It's weapons grade plutonium.

LEG. FOLEY:

We don't want the EPA to weaken the reporting requirements, so this resolution states, you know, to keep the reporting requirements strong.

P.O. CARACAPPA:

Okay. Next sense. ***Sense 89 (Sense of the Legislature in opposition to the proposed closing of the East Moriches Coast Guard Command Center).*** Motion by Legislator Lindsay, second by Legislator O'Leary and

Schneiderman. Cosponsor by Legislator Carpenter. All in favor? Opposed? Abstentions?

[COSPONSOR SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

(Sense 90) Memorializing resolution requesting United States Congress to adopt Child Safety Act of 2005. This has got to be the biggest sense •• largest sense resolution I've ever seen.

LEG. TONNA:

Because they include the minutes.

LEG. KENNEDY:

We threw them all in there.

P.O. CARACAPPA:

It's all backup. Child Safety Act of 2005. There's a motion by Legislator Kennedy.

LEG. LOSQUADRO:

Second.

MR. BARTON:

17 on 89. (Not Present: Legislator Caracciolo)

P.O. CARACAPPA:

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

LEG. BISHOP:

The only question I have is I think we all support a national registry, and if that's what this is about, but this doesn't mandate that a state adopt a certain criminal code, right?

LEG. KENNEDY:

No, no. As a matter of fact, what it does is it would •• it would establish uniform standards throughout the states for the operation of their individual

registry ••

LEG. BISHOP:

Of the registry.

LEG. KENNEDY:

Right. Allowing for greater ease of transfer of information ••

LEG. BISHOP:

Excellent.

LEG. KENNEDY:

•• and adopt uniform standards.

LEG. BISHOP:

Thank you.

LEG. KENNEDY:

It would also promote some local programs as well.

LEG. TONNA:

There we go.

LEG. KENNEDY:

There we go.

LEG. BINDER:

Cosponsor.

LEG. KENNEDY:

Yazza, Yazza.

P.O. CARACAPPA:

There's a motion and a second.

LEG. MYSTAL:

Cosponsor.

LEG. BINDER:

Cosponsor.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Caracciolo)

P.O. CARACAPPA:

Okay.

P.O. CARACAPPA:

Okay. Overrides. We have three. There's a motion by Legislator O'Leary to override.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Resolution 1173, formerly 1778, which is *(Adopting salary plans for employees who are excluded from the bargaining units)*. Second by Legislator Tonna. All in favor?

LEG. KENNEDY:

Mr. Chair, on the motion.

P.O. CARACAPPA:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, after consulting with Counsel and having had an opportunity to review this bill, it is •• I am of the opinion and Counsel concurs that I am not able to vote on this bill, nor should I have voted, I guess, on the initial bill, because up until November 15th of 2004 I was the official examiner of

title for the County of Suffolk. Therefore, since this bill would have some impact to me personally, I believe I'm conflicted and therefore I have to respectfully abstain.

P.O. CARACAPPA:

He'd get the retroactive pay.

LEG. BISHOP:

Did you vote on the budget?

MS. KNAPP:

Legislator Lindsay just advised me •• I'm sorry. Legislator Kennedy just advised me and I've been doing the research as I sit here, unlike Legislators Caracappa and Montano, where I was able to research this. In this case, Legislator Lindsay wasn't •• I'm sorry. I keep saying Lindsay instead of Kennedy. Legislator Kennedy was an exempt employee in 2004 and may be eligible to receive \$1,925, and I say may be because that will be up to the people who administer it. There may be an issue as to whether he is or he isn't, but ••

LEG. KENNEDY:

And to further •• to further modify, I guess, or understand, I believe I have to seek the permission of the Chair, then, in order to go ahead and recuse myself from this vote. Is that correct?

P.O. CARACAPPA:

Just through your abstention.

LEG. BINDER:

Actually, I think Counsel would probably tell you under the code, I think it is Administrative Code or in the Charter •• I think it's in the Administrative Code, he literally had to ask you. And I didn't know this until recently, I was looking. He would have to ask you if he can recuse or not. An abstention is not good enough. He actually has to recuse himself at your permission.

P.O. CARACAPPA:

You got it.

LEG. KENNEDY:

Thank you, Legislator Binder.

LEG. ALDEN:

Can I be recused also?

P.O. CARACAPPA:

No. There's a motion and a second to override. All in favor? Opposed? Abstention? I have to abstain for the reasons stated earlier.

MR. BARTON:

15.

P.O. CARACAPPA:

That's overridden. I was wondering why all the Aides came back in. Okay. That's it on the overrides.

LEG. MONTANO:

1106.

P.O. CARACAPPA:

She's not making a motion to override. CN's. CN's, CN's. Where's Legislator •• oh, he's still here. CN's. Okay. First one is **2196**. This is technical corrections. It's •• they're truly technical corrections on •• and a • oh, also a scrivener's error on the title. This is just •• what's the actual technical correction on this? Budget Review? I'd ask •• go ahead.

MS. VIZZINI:

Those of you on Ways and Means will recall that this was part of a larger resolution that has now been put into several technical corrections. This is specifically has to do with the Community College. It transfers \$35,000 so that the college will have sufficient funds for the out•of•county tuition incentive, wherein the college gets a certain amount of money if they can keep the number of people going out of the County. They can keep more people within the County attending our own college.

P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions? Next CN is on 2330.

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

P.O. CARACAPPA:

2330 (Local Law amending the Suffolk County empire zone boundaries to include Telephonics Corp).

LEG. ALDEN:

Motion to approve.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

P.O. CARACAPPA:

Moving on. ***2351 (Appropriating funds in connection with the Greenways infrastructure matching funds).*** Motion by Legislator Losquadro, second by Legislator Foley. Roll call on the bond.

MR. BARTON:

On the bond.

LEG. BISHOP:

I'm sorry. Question.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

Did you get an opinion of bond Counsel that said that you could proceed without identifying a specific project?

MR. SABATINO:

No, that's why the CN was issued. The resolution was changed. The resolution was changed to make it a specific project and reduce the dollar amount from \$500,000 to 150,000 for the one project that's currently out there, which is the Wedge project in Mt. Sinai.

LEG. FOLEY:

The Wedge.

LEG. BISHOP:

I understand. Okay. Thank you.

MR. SABATINO:

That's based on a concern you raised. We double checked and made that correction.

LEG. FOLEY:

It's in Brookhaven Town, Dave. It's okay.

LEG. BISHOP:

Yes, Brookhaven.

P.O. CARACAPPA:

There's a motion and a second. Roll call on the bond.

MR. BARTON:

On the bond.

(Roll called by Henry Barton • Clerk)

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

BINDER:

Yes.

LEG. MYSTAL:

Yeah.

LEG. BISHOP:

Yes. Cosponsor.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA • FISHER:

(Not Present).

LEG. O'LEARY:

Yes.

SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

16. Two not present. (Not Present: Legislators Caracciolo & Vioria Fisher)

LEG. LOSQUADRO:

Henry, please list me as a cosponsor on this.

LEG. FOLEY:

Cosponsor.

P.O. CARACAPPA:

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

Moving on, ***2363 (Appropriating 2005 funds for the infrastructure improvements for workforce housing incentive funds)***. This is \$5 million, right? Shouldn't there be a bond associated with this?

MR. SABATINO:

There's no bond. This was the correction that was made from before. What's happening on this no bond resolution, just appropriating \$5 million from the Capital Project to secure the money before the end of the year. Then there'll be individual bond resolutions to do the individual projects when they appear. We have an opinion from bond Counsel that was generated just last night. This was his recommendation in terms of how to deal with this particular issue.

LEG. FOLEY:

Motion, Mr. Chairman.

MS. KNAPP:

Have you provided a copy of that opinion to either Budget Review or ••

MR. SABATINO:

I'll be happy to distribute it right now.

MS. KNAPP:

My concern is the local Finance Law Section Two talks about current revenues and •• when you're dealing with an appropriation, and certainly I will always defer to the opinion of bond Counsel.

MR. SABATINO:

So do I. He made this recommendation earlier in the year on one of the other projects. It was never followed up on and this time we are actually doing it.

LEG. FOLEY:

Motion, Mr. Chairman.

P.O. CARACAPPA:

We'll skip over it until we see this opinion. Let Counsel see it.

LEG. FOLEY:

Mr. Chairman. If I may, just for a moment.

P.O. CARACAPPA:

I recognize Legislator Foley.

LEG. FOLEY:

As it's being reviewed, part of the timeliness of the issue that some of these monies, and correct me if I'm wrong Mr. Sabatino, will be utilized for the first workforce housing project that's located in Patchogue Village and those monies will be used •• can be available for that purpose.

MR. SABATINO:

This will be for the infrastructure component. For example, the Village of Patchogue is one of the first ones out of the box.

LEG. FOLEY:

Yup. And they are ready to move on it this springtime so the quicker they receive these monies is the sooner they can break ground for the project.

P.O. CARACAPPA:

Okay. Until we see that opinion, just let's go onto 2365 which was on the agenda, and dealt with earlier. ***2365 (A Local Law to license livery vehicles)***.

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

We heard testimony about this today. Motion by Legislator Carpenter, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

P.O. CARACAPPA:

Moving on to ***2385 (Authorizing certain technical corrections to resolution 1168)***.

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

This is just ••

LEG. FOLEY:

Motion. Paratransit vans.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo & Vioria•Fisher)

P.O. CARACAPPA:

Moving on. This is **2386 (authorizing certain amendments to resolution 1118)**.

LEG. FOLEY:

Motion.

P.O. CARACAPPA:

Who made the motion, Legislator Foley? Who's the second?

LEG. LOSQUADRO:

Second.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vioria•Fisher)

P.O. CARACAPPA:

2387 (Authorizing certain technical corrections to the 2006 Operating Budget). What is this?

MS. VIZZINI:

It's a change in a grade for the assistant to the personnel officer. Apparently it's a correction, lowering the grade from a 23 to a 22.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

P.O. CARACAPPA:

Moving on 2387, a technical correction on the 2006 Operating Budget, which does basically the same thing as the last resolution. In fact, it's the same •• it is the same resolution. I have it twice. The 2363, which we skipped over, there's a motion and a second in place already, Mr. Clerk?

MR. BARTON:

May I have it again, please.

P.O. CARACAPPA:

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

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

2388 (Accepting and appropriating 100% State grant funds from the New York State Division of Criminal Justice Services for the Department of Health Services Division of Medical, Legal Investigation and Forensic Sciences for the Forensic Toxicology Laboratory Accreditation Program No. 10). Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

P.O. CARACAPPA:

CN on **2389 (Accepting and appropriating a grant in the amount of \$700,000 from the State Department of transportation for HOV enforcement)**. Motion by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

P.O. CARACAPPA:

I don't have anything else. Before •• there's another ••

MR. SABATINO:

I think we missed the jail bill, the jail offset bill. There's a CN.

P.O. CARACAPPA:

It's coming? We haven't gotten it yet, but we have time because what I'd like to do now while that's coming around ••

LEG. LINDSAY:

Did we have the •• waiting an hour?

P.O. CARACAPPA:

Yeah. I'd like to give, as everyone knows, this is the last meeting of the year, and the last meeting of this Legislature as it's currently constituted. And though we did plaques earlier today, I'd like the outgoing Legislators to maybe just say a few words just for the sake of posterity, I suppose, and I'd like to defer to Legislator Tonna first.

LEG. TONNA:

It's been a great ride. Twelve years. I was thinking about the movie, The Kennedy, and when •• after he won his election he just that that kind of vacuous, vapid look and say now what do I do. And I felt that's how I entered political office and that's how I leave political office.

It's been really 12 fantastic years. I've learned an awful lot about really what goes on in the day to day stuff, infrastructure, and how really government works, and pretty proud of what Suffolk County has done. The

free exchange of ideas, the shifting coalitions, the absolute mayhem and •• is really a wonderful, wonderful, thing and I think it better serves the people of Suffolk County when you know that it's basically the merits of ideas that went out in the long run.

Thank you to my colleagues, thank you to my past colleagues. I had an opportunity to have lunch with a few planners, wheelers and dealers yesterday and one of them was Judge Hackeling and it was nice to see him and a couple of other people like that. So it's a lot of people who get involved in putting us here and so it's a really, really, wonderful, wonderful 12 years. And I'm not sad to go, but on the other hand, I'm really happy that I had the opportunity. Thank you.

(APPLAUSE)

P.O. CARACAPPA:

Legislator Binder.

LEG. BISHOP:

Dean.

LEG. MYSTAL:

Dean Binder.

LEG. BINDER:

I did not plan on 16 years, I think, when I came here. I was surprised that my predecessor was here ten, and 16 years, when you started at 28 years old, sneaks up on you pretty quick. Before you know, you're 45 five years old.

This body, though, is different than most other Legislative bodies in that it really does listen, it does •• we fight, we go back and forth on things, but in the end kind of hold our own. We do what we think is right and, you know, we're not always happy, not always •• everybody walks away from this thing.

I guess the thing I would leave everyone with and a thought is you go

forward without a lot of the people who have been here for a while, is defend the institution that we've had here. Mr. Sabatino was here, our counsel, a real long time when •• through my tenure and when he was overheard, he was •• he was very feisty in defending the Legislature's prerogatives, and I'm not surprised he's as feisty on the other side defending the Executive's prerogatives, and there's nothing wrong with that. He should do what he should do wherever he's doing it.

But the point is that the people that do defend the prerogatives of an institution like the Legislature and the need for it to stand up, may not be here, so those who are here are going to have to focus their efforts on making sure that the relevancy that we've had over the years continues. I've served with a lot of people who are not seating sitting here and of course those who are sitting here, and I appreciate all the time and effort all of you have put into this, and the relationships formed.

I know I'm kind of seen as a pain in the well, I can't say the rest of that, but it was always for a purpose because it was •• I had the opportunity to do what I believed in here. And I hope we all do that and primary in what you need to believe in is in this institution. It doesn't matter if you're on the left side or the right side, you got to believe that if you don't have a strong institution, the government will suffer, the people will suffer and they've really only been served because of the strength of this body against the strength of what happens across the street, no matter Republican or Democrat on either side. When it's the same party, different party, it doesn't really matter. The institution has to survive and be strong and make its voice heard and I hope it continues to do that because that's what made it something worth being a part of for 16 years is that kind of strength in the institution itself.

And so, I thank all of you for the time. I thank all of you for everything you've done and as Mr. Tonna said, it's not a particularly bitter thing to go. After 16 years it's definitely time. But I do appreciate all my time here and the things I've learned from all of you and all of those who are not sitting here now. They've helped me to grow from 25 to 45 •• 28 to 45 years old, a lot of my life and a lot of my growth has been right here around this

horseshoe. I've changed as a lot of you have changed. But, please, whatever you do, don't let the strength of the institution change, because that's why you're all here. Thanks.

(APPLAUSE)

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

That's a real farewell address. That's like Washington and Eisenhower. That's very good, and I associate myself with those remarks. He is dead on.

You know, my first thing I want to say is that it upsets me and I'm sure it upsets Allan, that this institution, this Legislature, takes a lot of abuse based on old perceptions from people who don't understand and haven't invested the time in actually coming here and seeing the work that we do. I think if you see the work that this Legislature does firsthand, then you know that, you know, it is raucous, there's probably too much humor used, but it's, you know, we operate with passion and compassion and ultimately I hope with some intelligence.

And you know like take, for example, those Sense resolutions that we just whipped through before. One of the reasons that we have an instinct to do Sense resolution is because we know if it was within our bailiwick, if we could control it, we would be taking action on a lot of these issues. That's the great aspect of this County Legislature, is that it is very much a hands on Legislature. I don't think there's another government in the country that controls two billion dollars and •• or more than two billion dollars and a million and a half citizens within its jurisdiction that allows people to just come up and yell at them for three minutes every meeting. We do that, we're open that way. And we govern in a very open style. And what that produces I'd like to think is better legislation. So we are responsible.

Look at what we've done with taxes over the years, look at what we've done

with the environment. I don't think there's another regional government that could match that record. We operate with professional staffs. Even if they come from the world of politics, once they come here they're incredibly professional and they have been the strength of the Legislature, the staffs.

We are also, as I said, responsive, and I think that's what I like best about serving here. It was a dream to be elected to the County Legislature, but even when I was elected I had no idea how great it could be here because this is a place where you can have an idea in January and see it become a law by December. And that's very rare in a Legislative body of this size. And that's something very special and I hope that tradition continues, because it's that responsiveness that I think allows us to have the good relationship we do with the citizens of Suffolk County.

So, again, this was a dream to be here and, you know, I'm sad about term limits because I really didn't want to leave, but having •• saying good•bye is hard, but I just loved every minute of it here.

(APPLAUSE)

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

I, too, absolutely loved being a member of this body. And I always said that I would leave when I stopped liking what I was doing. Unfortunately, I still like what I'm doing, but I'm leaving. And I have a regret. As I was listening and I had no clue what I was going to say, but listening to David speak and when he said it was a dream of his, when I was a kid I never said, you know, when I grow up I want to be in government, I want to be elected, but that's where life took me. And whenever I have an opportunity to speak to young people or address a class at the college I always tell them to be open to any opportunity that comes your way, because you never know where it's going to bring you, whether it's stepping up to be the president of the local Chamber of Commerce or being involved when your kids were little, all of those things that I did in my life brought me here.

And my regret is that my immigrant parents, who came to this country, met in this country very late in their life, who always worked hard, had very, very little education, didn't live to see this happen to me, because when I was the president of the Chamber of Commerce, they acted like I was the president of the United States. They were alive then, and they were so very, very proud. And they were so proud of this country. And you know, waved the flag and became citizens, and just absolutely embraced America and all that it means.

And I think that this Legislature is what America is. Where else can people come and say whatever they want, as David said, talk about any issue, and really feel that they've, you know, had their day in court, so to speak.

It has been a wonderful almost 13 years. I have made some absolutely incredible friends and have learned the many great things in this County, Suffolk County Community College being one of them, and all that they do to affect so many lives. The public safety community, the police and the correction officers and the deputies and, you know, everyone, the FRES, everyone that's involved in public safety in this County, the volunteers, they take it so much to heart. They so believe in what they do and we are so very, very blessed.

The workers, the people that are on the front lines, the people that when constituents have reached out to us and I have to call the Health Department or I have to call Public Works or I have to call the County Exec's Office or wherever we have to call, they're always so willing to help and go the extra mile. We really have very, very dedicated people working in this great County of ours.

And the Legislature. The staff at the Legislature, the Budget Review Office, who have the patience of every Saint in heaven that they're willing to sit and in a very caring, respectful way guide us through the process, the process budget to budget. Counsel's office, Counsel's Office now and Counsel's Office that was there before really, really caring about the institution.

And for all of those reasons I'm sad to leave, but I'm very blessed that I'm still going to be very much a part of this County and looking forward to

continuing to be a very hands on working member of Suffolk County government. Thank you.

(APPLAUSE)

P.O. CARACAPPA:

Our resident statesman, Legislator Foley.

LEG. FOLEY:

Thank you. You know ••

LEG. MYSTAL:

Briefly.

LEG. FOLEY:

•• when Steve Levy had left the Legislature he had given me this small egg timer and I was thinking today of bringing one about five times the size, turn it upside down and give me about a half an hour just to scratch the surface of just how extraordinary this place is.

It's been a remarkable 12 years, and for my family it's been a remarkable 30 years. Since 1975 it's been our honor to represent southwestern Brookhaven Town in the County, and it's been wonderful.

When it was mentioned earlier of how those of us who were involved in public service, and when you get involved in government there are few levels of government where you have such an immediate impact on lives of people and lives in communities. I think •• I go back to the time when in our first term, as many of us know, the most difficult re•election is your first re•election. And at that time Nora Bredes and Paul Tonna and others, they put forth some very extraordinary legislation dealing with tobacco control legislation. It's probably the most difficult area of public policy that I've ever been involved in. And it was something that was quite gut wrenching at the time but we had prevailed. And from that time to this we've passed a series of resolutions and legislation in that particular area that due to this Legislature, and it was a Legislative initiative on a bipartisan basis, we have been able to save the lives of tens of thousands of County residents, and

going into the future we'll be saving tens of thousands of lives because of that law alone.

Now, if you're involved in social justice or involved in public life because you believe you can make a difference, that to me is I think the single greatest difference that we have made in this Legislature in the area of public health. And if there's a lesson to be learned from that at this particular case study, is the fact that when we work in a bipartisan basis, when we allow the idea itself to extraordinarily motivate us to do good things, that's when this Legislator shines. When you find •• the only word that wasn't used before by Legislator Tonna, when we do plot at times and use our political as well as governmental creativity, we can do extraordinary things, whether in the area of public health, environment, public education, public safety. We can set the tone.

And as Legislator Bishop mentioned earlier, what other level of government can you think of that when we pass legislation here locally it has an impact not just in our County, but can have an impact in our region, in the state, and in fact, as the Presiding Officer mentioned earlier today, even in the country. There is a great tradition of this Legislature where it is an activist level of government. And it is an activist government both for Republicans as well as for Democrats. And when we take that approach to it and do, I'll use the word again, extraordinary things, the people do well.

If I have any parting thoughts about this life that we all lead, it's that always remember that when you come to this Legislature, remember those whose pictures are on the walls, remember the rest of us who came here to make a difference, and I think we all have in some small or large way, so thank you. God bless.

(APPLAUSE)

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

I feel a little bit inept having to follow Legislator Foley with those remarks, but as you all well know, I'm not term limited and I'm not leaving of my own volition. I would have loved to have stayed here a few more years. I must tell you that coming into this body having been involved with the County service and the Police Department and a labor union, I had some mixed feelings about coming in, because, frankly, I had some •• there was a reputation amongst some concerning members of the Legislature and their activities, and I must tell you, I leave with a new found respect for what you do. And I could only have come to that conclusion by having been here and experience just what Legislators in this County have accomplished and the affect that they have on not only the quality of life in the County but the County itself.

So, again I •• I'm only here a little over two years as you all well know, and I've thoroughly enjoyed, I thoroughly enjoyed being here sitting amongst you as one of your colleagues. I enjoyed immensely governing and the legislation and the committee work. As the majority leader at times I took positions that was not favorable to the other side, but that was my job and my role, and I did that fully aware of the consequences of my actions.

But I leave with a lot of regret and remorse because I think that I could have accomplished a lot more staying within the body, but unfortunately, the constituents in my district spoke and I'm not returning as a Legislator. But I want you all to know that I have a whole different attitude and respect for what you do, simply because I've experienced it. To my colleagues who are term limited, I thank you for your years of service to this County, and I'll keep my comments brief, because again, I'm not term limited, I'm only here a short time, but in that short time, I want you to know that I respect you. Thank you.

(Standing Ovation)

LEG. LINDSAY:

Mr. Chair, is anybody going to give Michael Caracciolo's departing ••

P.O. CARACAPPA:

We hope Mike is feeling well and of course we know the good things he's

accomplished over the years, and hopefully he'll have a chance to •• we'll all have a chance to tell him personally and he'll have a chance to make some remarks somewhere along the line to sum up his feelings. And hopefully they won't involve numbers from Budget Review.

LEG. LINDSAY:

Absolutely. I wish him well, but if he was here, through the Chair, he'd want the Budget Review Office, the County Attorney, the District Attorney, and a few of the Counsel's to comment, so.

P.O. CARACAPPA:

A point of personal privilege for myself. Though I'm returning for one more term as a County Legislator, this is my last meeting as Presiding Officer. I just wanted to thank all of my colleagues for the opportunity that you've given me to lead this incredible body. The faith that you put in me was awesome and at times overwhelming, but appreciated more than my words really ever could state properly. It most likely will be the highest honor bestowed upon me in my entire life, to have such quality individuals such as yourselves turn to me to try and lead this body.

I hope I did a job that was good enough for all of you. I worked my best and my hardest. I was only as good as my staff, and the P.O.'s staff and Linda and Linda, I'm not going to go through everybody, they were just •• they performed in an incredible way as I believe David had mentioned earlier about staff and how important they are.

As well as the Counsel's Office. Mea, I can't thank you enough for coming on board and seeing us •• the last two years has been almost a transition in itself with the way the Legislature has turned over, and there will be more transition, but thank you so much for what you brought to table along with your entire staff.

(APPLAUSE)

And of course the Clerk and all the Clerks and the staff of the Clerk's Office. Henry, you've done a marvelous job over the years and you've helped each and every one of us sitting up here, our staffs, our district offices,

everything that we've needed you've done professionally and efficiently, so it has been a pleasure to work with you, too, sir.

(APPLAUSE)

And to the County Executive's Office. As the Presiding Officer the last two years, you guys were new coming in and I was a new Presiding Officer. We had a couple of bumps in the road, we disagreed on process here and there, but we had the same philosophy for the most part, serve this public, serve the best we can, and I think we did that. And when the rubber hit the road we really did work well together and unfortunately that's not written about too much in the newspaper and only the small petty stuff does. But I know and you know that we as a body and you as a group, the Executive and the administration, we did some really good things over the last two years.

So, again, it has been my honor to be the leader of this body and it is something that I will never ever forget, so thank you all.

(APPLAUSE)

And one last group, Budget Review and Gail. What you do for us every day, what can we say. You make the most daunting task, our most important task, a little bit more easy, we can understand a little bit more, and you have given us the ability to really work on budget issues and make real sound budget decisions because you are the experts. I can't even begin to tell you, I know I speak for everybody, how much we appreciate you guiding us through the budget process year in and year out and making us look good the way you have, so thank you.

(APPLAUSE)

So with that, we have one more piece of legislation to deal with. This is a CN on 2390. It's a new number but it is the bill that was on the agenda as it related to the jail and the offsets and the construction bond. It's actually a CN and a bond. Could you just, Mr. Sabatino, explain to us the quick changes that you had made in this as opposed to my original bill?

MR. SABATINO:

It was just the one change. Budget Review indicated that one of the offsets had already been utilized so that offset was replaced with a sewer district offset of an equivalent amount. The key thing is that the bill appropriates \$93 million for the construction of a replacement facility which will allow us as a County to move forward next year and meet the State imposed guidelines and deadlines to get the jail up and running without the need to go into next year and look for \$93 million worth of offsets.

P.O. CARACAPPA:

Okay. Is there a motion?

LEG. LINDSAY:

Motion.

P.O. CARACAPPA:

Motion by Legislator Lindsay. Second? I'll second it. Roll call on the bond. Go ahead.

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

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

LEG. BISHOP:

I know I made a speech earlier, but ••

P.O. CARACAPPA:

No, that's fine.

LEG. BISHOP:

Just the one aspect of that speech that I'll highlight again is the Sheriff, the new Sheriff, who was elected on this issue has an alternative plan, and before you commit \$90 million you should hear him out and see if it is a viable alternative. So a tabling would be in order.

P.O. CARACAPPA:

There is a motion and second to table. Roll call.

MR. BARTON:

On the motion to table.

(Roll called by Henry Barton • Clerk)

LEG. BISHOP:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Pass.

LEG. BINDER:

Pass.

LEG. MYSTAL:

No.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes to table.

LEG. VILORIA • FISHER:

(Not present).

LEG. O'LEARY:

Yes to table.

LEG. SCHNEIDERMAN:

Pass.

D.P.O. CARPENTER:

No to table.

P.O. CARACAPPA:

Pass.

LEG. COOPER:

No to table.

LEG. BINDER:

Yes.

LEG. NOWICK:

Yes to table.

LEG. ALDEN:

Yes.

LEG. SCHNEIDERMAN:

No to table.

P.O. CARACAPPA:

Where are we at? No to table.

MR. BARTON:

Eight. (Not Present: Legislators Caracciolo and Vilorio•Fisher)

P.O. CARACAPPA:

So the tabling fails. This needs 12, 12 votes.

LEG. LINDSAY:

Motion to approve.

P.O. CARACAPPA:

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

LEG. LINDSAY:

Before we go to roll call, on the issue. If we don't move forward with this, we are going to make our task incredibly difficult next year to •• you are going to wind up stripping almost every construction project in Suffolk County in order to meet the mandates that we have agreed to with the State Corrections Commission. It is something that you should take very seriously, and if we don't pass this, you know, we could be in a problem. If the incoming Sheriff has a better plan we certainly readjust the money we already appropriated. We don't necessarily have to spent it, but to cut yourself off at this juncture I think would be foolish.

P.O. CARACAPPA:

Why would we be jeopardizing millions in projects. Wouldn't that be a vote of the Legislature in the year 2006 to eliminate projects?

MR. SABATINO:

If I could just jump in. I think part of the confusion with the legislation is that people have forgotten, there is \$71 million in the 2005 Capital Budget and Program. That money has been in the budget since the beginning of year to deal with the replacement of the jail facility.

The reason that today's vote is on \$93 million with the \$23 million offset is because the cost of even the scaled down version that we've tried to work out with the State, has accelerated by roughly \$23.4 million. So if you fail to adopt this resolution, not only do you lose the opportunity to pick up \$23.4 million of offsets to deal with the increased expenses, but even more importantly, you lose the \$71 million that's currently in the 2005 Capital Budget and Program. If you try to replace that money next year in 2006, again, to meet the State imposed deadlines, you would have to find \$71 million worth of offsets in a capital budget that is roughly two hundred and I think thirty million dollars. So you would be talking about ripping apart, you know, 40% of the budget.

P.O. CARACAPPA:

That would come either through an amendment or a resolution from the County Executive's Office to do those cuts or from the Legislature.

MR. SABATINO:

Well, either •• on a Capital budget either side of the street can file those amendments.

P.O. CARACAPPA:

Right, just making it clear that a process will have to unfold where someone will have to sponsor those cuts in the upcoming year.

LEG. BISHOP:

On the ••

MR. SABATINO:

You are talking 71 •• \$93 million out of the box.

P.O. CARACAPPA:

Legislator Alden, Kennedy, then Bishop.

LEG. ALDEN:

Just, I've only served with Dave for eight years, and I know he has been here a lot longer than that, but •• and this is kind of nice, I'm going to •• and this year, by agreeing with Legislator Bishop in that I think you have a

new Sheriff coming in. He's got a plan. I think you've got a new Legislature coming in that should have a plan. And I think that judging by the past, and I have only been here eight years, but we have a ton of overhang as far as our Capital Program. I believe right now it is up to •• somewhere in the three to seven year overhand area. So that is hundreds of millions of dollars of approved bonding and approved projects that are just sitting out there with no possible •• there is no possibility that they are going to be done next year or even the year after or the year after that.

And I think that at the end of this year I think it might be an appropriate statement for us to make, and that's allow the newly elected people or Legislators that the people actually stepped forward and said we want these people to represent us and we want these people to make decisions, including the new Sheriff. Let them make the decisions for next year. I actually am glad to end the •• Legislator Bishop's tenure and my year in the Legislature by agreeing with Legislator Bishop.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

I guess I'm next up on the list. Yes, thank you. My questions on this go to more of a technical aspect, and I guess I'll direct it to Counsel predicated on the comments by the Chief Deputy. And I've only been here a year so I do not understand the subtleties and the nuances all the time with the Capital Program. Most certainly I do not understand why we would forfeit or forgo the \$71 million that has been authorized in this '05 budget with the bonding to be let. I see 23 to be sought. I raise these issues at committee meeting. We were addressing an overage in terms of Mr. Bartha when in fact he indicated that not one single contractor has been retained yet. No shovels in the ground. How do we address a 23 million overage now when there is bound to be more. But more importantly, why are we forfeiting 71?

MS. KNAPP:

I can see Ms. Vizzini would prefer to answer. I'll let her go first and then add anything if I think should.

MS. VIZZINI:

From the Capital Budget perspective. There's money scheduled in 2005 in the Capital Budget. If money •• if those monies, those 2005 monies are not appropriated, we're done with 2005 money, no more. So if you had a project in there for \$100 million and the money was never appropriated, we're done. We start afresh in 2006.

What is scheduled in 2006 amounts to about \$241 million for all the projects that are in there. What Mr. Sabatino is indicating is if we proceed with the jail with these numbers, with the way our Charter is currently written, you will already be cannibalizing about 93 million of that 241 million to address the problem we have before us. So now you are down to a 2006 Capital Budget of 148 million.

LEG. FOLEY:

Whose project is going to be cut?

LEG. BISHOP:

I think I'm next.

LEG. KENNEDY:

I'll defer and maybe I'll gain more. I understand your response here, but then my next question would be, why are we not looking at 71 now rather than 93 predicated •• and that's not a question, I guess, I can address to you.

MS. VIZZINI:

Well, I mean, when the Capital Program, the 2005 Capital Program came out there was like \$53 for the jail, that portion of phase one. If you recall, we rescinded the children's shelter and moved those monies. That brought the 53 to 71 in the jail. The cost escalation is due to a cost escalation in materials, construction costs.

LEG. KENNEDY:

Purportedly.

MS. VIZZINI:

Now we have to •• now we are up 22 million for a total of 93 million for a portion of phase one. Phase one for the jail is about 156 million all told. Part should? Part was scheduled in 2005, the other part was scheduled in 2006.

LEG. KENNEDY:

Okay. Thank you. I'll defer.

LEG. BISHOP:

Let me say to •• yeah, but I'm next. I'm sorry. Let me say to Counsel Sabatino and to •• well, let me put it this way. Counsel Sabatino, Deputy County Executive Sabatino, wants you to look at the trees and not the forest. He keeps leading you to a perspective which is very narrow, which is how does this vote affect your spending plan that you had adopted earlier in the year, the Capital Budget plan. And he is saying look, you are going to throw it out of whack because you are supposed to spend money this year and you are moving it into next year and now you are going to spend a lot of money next year.

The bottom line is who cares. If you take out your credit card and put too much on it in December, it doesn't make a difference if you delay it and put too much on your credit card in January. It is the same net impact ultimately and that's the issue. The issue is do you want to appropriate \$90 million on a jail that you can't afford, when you have an incoming Sheriff who campaigned that he is going to do it cheaper, who has a plan to do it cheaper, and you haven't seen it yet. That's the forest. Good government calls on you to pause, wait, see what the plan is, then appropriate. You don't appropriate first and ask questions second, and that is the path you are going down.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Last June was passed a Capital budget for, 06. And in that Capital budget was \$71 million for this jail. We had much debate at that time. We passed the budget. To not appropriate this money at this time is totally going to

knock that budget out of kilter. It is true that your debt service might go down, but you do not •• you can't expand the '06 budget by \$93 million. You have to offset it which means that 30 to 40 percent of the other construction projects that are scheduled in '06 you are going to lose. I'm not going to debate you ••

LEG. BISHOP:

But it is not true. You are saying things that aren't true.

LEG. LINDSAY:

I'm not going to debate you. I have the floor.

LEG. BISHOP:

You could add to the Capital Budget.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

It is true.

LEG. BISHOP:

It's not.

LEG. LINDSAY:

The Capital budget has been approved. The only way that you can •• you can't expand it, you could just offset.

LEG. BISHOP:

You can expand. You can. Point of order.

P.O. CARACAPPA:

Are you done, Legislator Lindsay?

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

You have the floor.

LEG. BISHOP:

It may be unpalatable to expand it. I certainly would oppose an expansion if I were here and as a citizen I'll oppose the expansion, but you have the option of expanding. It not foreclosed to you legally. When you did Shadmoor, for example. It wasn't in the Capital budget. You just expanded the Capital budget in that given year. So it's not an option that's •• it's that the plan would be out of kilter. But I say who cares about the plan, the capital plan, when you have a jail that you can't afford in the first place. And before you should appropriate you should know the Sheriff's new plan for the jail.

P.O. CARACAPPA:

Anybody else? Legislator Lindsay, go right ahead.

LEG. LINDSAY:

Just the last word is to scrap the, 06 Capital budget at the last meeting of '05 is totally, foolish, it's really foolish. Every one of these projects that are in here, besides the \$71 million offset, the other ones that we're adding to the 23 million aren't •• isn't going to go forward in '05. It doesn't hurt you. But if you don't approve this bill, the pain is going to be great in '06.

P.O. CARACAPPA:

Mr. Sabatino.

MR. SABATINO:

A couple of closeout points to put it in perspective. One, there has been an Executive/Legislative committee, working group, that has met periodically. I know Deputy Presiding Officer Carpenter and Presiding Officer Caracappa and Legislator Binder as Chairman of Public Works and Legislator O'Leary have attended all of those meetings to stay abreast, so it is not as though the issue of appropriating \$93 million is something brand new or sudden, unforeseen event.

Secondly, just to put the numbers in perspective. Just in terms of the dollar amount of capital projects that the County Executive has vetoed in 2004 alone, it was over \$212 million dollars. And because it is difficult to say no to those kinds of cuts, if \$212 million worth of Capital budget vetoes were overridden, it's hard to envision \$93 million worth of cuts materializing in one fell swoop in the beginning of 2006.

Third point is that if the Sheriff's got a new plan that dramatically alters or changes the contours of the actual cost, again, the money has only been appropriated to keep it alive until next year. When it comes time to actually do the project, you wouldn't spend that dollar amount. We would reconfigure it. But it's easier to go down than it is to go up the way the laws are set up in terms of requiring offsets.

And then the closeout thought is that, you know, State COC just hasn't given the flexibility in the past to allow us to contain those costs to the degree that we would like to, and the longer we push that back, the less flexibility we have, so those are the final arguments.

P.O. CARACAPPA:

Okay. Everyone set? Roll call.

(Roll called by Mr. Barton • Clerk)

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Sure.

LEG. BINDER:

(Not present).

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Pass.

LEG. KENNEDY:

Pass.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

Pass.

D.P.O. CARPENTER:

Yes.

LEG. BINDER:

(Not Present).

LEG. NOWICK:

No.

LEG. KENNEDY:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

MR. BARTON:

Nine. (Not Present: Legislators Caracciolo, Vilorio•Fisher and Binder)

P.O. CARACAPPA:

That CN fails.

LEG. TONNA:

You guys are nuts.

MR. SABATINO:

2363 we had passed over.

P.O. CARACAPPA:

Yeah, we took care of it. We have no other business to come before the Legislature today. Anybody have any final business? I'd like to wish everybody a very happy, healthy holiday season and again, thank you for a wonderful two years and everyone have a safe holiday. We are adjourned.

[THE MEETING WAS ADJOURNED AT 4:48 P.M.]

_ _ ***Indicates Spelled Phonetically***