

WILLMOTT'S & WHY NOTS

DAVID J. WILLMOTT SR., EDITOR

Everything But The Kitchen Sink

In order to convince voters to support the second bailout of the Southwest Sewer District, the Suffolk Legislature is attempting to bribe the public with money for land preservation, water protection and tax relief.

In 1984, the residents of Islip and Babylon towns were stricken with a tremendous scandal of misconduct and corruption involving the construction of the Southwest Sewer District.

Homeowners and business owners alike were faced with the reality of losing their property because government had lied about the cost of building a sewer system. The public was initially told that by becoming part of the sewer district, residents and businesses would experience rates so low they would not even notice the expense.

Instead of paying inconsequential fees, those residents and businesses faced astronomical sewer rates that could have wiped many of them out.

Because so many politicians at that time had their hands in that scandalous cookie jar, our county representatives decided to spread the real cost through-

out all of Suffolk with a five-year .25 percent sales tax increase that would go to financially stabilize the sewer district. This was also supposed to give it enough time to slowly increase its rates to bring the district to a level where it could properly operate.

For a couple of years, the sewer rates increased modestly and the Southwest .25 percent sales tax was ready to retire.

In the meantime, the legislature had convinced the public, in 1988, that extending the tax would cover the cost of preserving the Pine Barrens watershed area. That same .25 percent watershed preservation sales tax will expire at the end of next year.

The residents of Suffolk are now being told that the legislature neglected to do its job. The sewer rates were supposed to modestly increase each year in order to maintain proper fiscal status. But, our legislative representatives were weak cowards who feared that, if they increased the sewer rates, it might cost them some votes. In fact, for several years the rate was frozen, and not even

reviewed by the legislature.

So, another bailout is proposed.

All we have to do is support a legislative request to extend the .25 percent sales tax for another 13 years, and we will be done with this problem, they say.

How pathetic.

The legislators have been going on about how bright they are because they will be able to accomplish so much with their new sales tax deal.

The proposal, which must be approved by the voters next November, calls for a 3% sewer rate increase each year. In effect, 35.7% of the total funds collected (about \$301 million over 13 years) will stabilize the sewer rates; 32.15% (about \$271 million) is for property tax relief; and 32.15% for farmland acquisition (\$62 million), drinking water and open space (\$114 million) and water quality preservation (\$95 million).

Suffolk's Legislature thinks the public has forgotten that our elected leaders did not do what they promised with this .25 percent sales tax over the past 15 years. The legislature never enforced the rate increases as it had promised. Steady rate increases over the past 15 years might have prevented this new bailout.

Then, because of a loophole in the legislation, the legislature raided the .25

percent funds from the Pine Barrens program to help stabilize the county budget.

If we do nothing by not supporting the proposed referendum, residents in the Southwest Sewer District will experience little more than a 3% rate increase each year anyway. Such a rate increase would cost Southwest rate payers about \$40 a month, beginning next year.

Residents and businesses in other districts will experience rate increases from 4% to 150%, with rate fees ranging from \$3 to \$75 a month for a service they receive.

The county legislature has not made a strong enough argument that a bailout is necessary. The tax extension proposal is nothing more than an attempted legislative bribe.

Countless local, county, state and federal programs exist for preserving farmland, open space and water protection. Suffolk's property owners would not need tax relief if our elected officials were more accountable for what they spend our money on.

Extending the .25 percent sales tax is not necessary. Politicians have an aversion to letting taxes expire because it cuts down on their play-money, and this is intolerable.

And why not?

They Deserved What They Gave

The State Legislature has been holding many important issues hostage in Albany because it refused to let go of the delusion that it deserved a 38% salary increase.

Long Island members of the state legislature have argued they deserve the pay hike because they have not received one since 1989.

Well now, isn't that a shame?

With the way Long Island's state representatives have been so poorly representing the interests of their constituents, a raise was not appropriate, especially one that gives them each over \$100,000 a year, and puts them in

a position of being the highest paid state legislators in the nation.

In addition, the legislators did not take a raise for the past 10 years as their part in maintaining low tax increases. Giving themselves one this year, to make up for the past 10 years, defeats that original purpose.

The legislature gave retired state civil service employees a 3.7% pension increase this year. What's good for the common civil service worker is plenty for our egalitarian state legislators. A 3.7% pay hike would have been more than they deserved.

And why not?

Vacco Loses

Elliot Spitzer defeated Dennis Vacco by a razor-thin margin of 26,000 votes, less than a half-percent of all the ballots that were counted.

Vacco fought this loss vehemently, contesting voter counts and absentee ballots, and alleging voter fraud in New York City. His people charged that up to 100,000 people voted from the grave, were illegal aliens, or did not reside in the State of New York. There was not time to validate these allegations, and Vacco resigned himself to defeat.

As he reflects on his loss, he might consider the perceptions of the residents of Suffolk County. During the LILCO-LIPA fiasco, Vacco went from being the people's attorney to the governor's attorney. He refused to use the authority of his office to examine the LILCO-LIPA deal. If

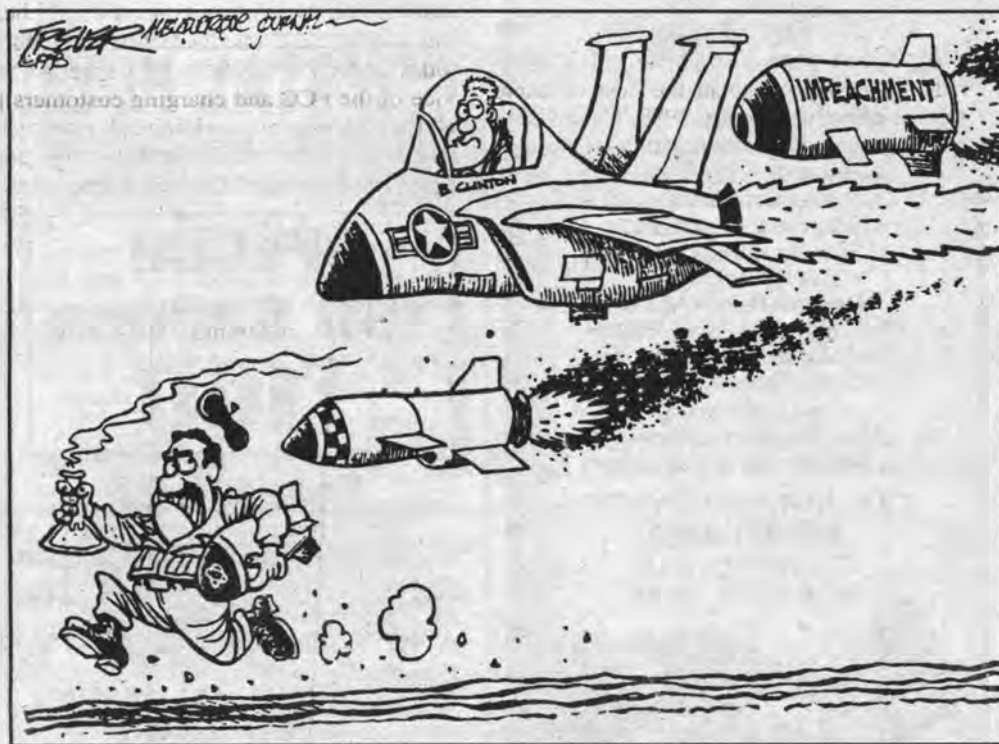
he had, the outcome of the deal could have been different.

We personally implored Vacco to investigate, but he told us he couldn't buck "George."

Vacco's office neither investigated nor rendered an opinion on the legalities surrounding the LILCO-LIPA controversy. Because of this, he let the people of Long Island down. In return, they helped put him out.

Attorneys general, particularly incumbent Republicans, generally carry Long Island by well over 100,000 votes. Vacco could have easily lost over 50,000 votes because of this issue in Suffolk County. He failed to do his job and now he has lost it.

Too bad: Dennis was a nice guy.
And why not?



Turncoat Tax Hike

Prior to this past November's election, Suffolk County legislators were gleefully telling the taxpayers the county portion of their taxes was going to go down. But apparently what is said in November is far from the reality of what happens in December, when the tax bills are sent out.

In all five East End towns, the county portion of the real estate tax bill will go up. Riverhead, in particular, will be hard hit, with a 72% increase in the county real estate assessment. This reminds us of the days of Pat Halpin and the tax revolt that cost him his reelection.

Why is it that the East End always gets hit with the largest increases? Is it because the county attributes more cost

to the East End than the western sections of Suffolk?

Why is the East End paying 25% of the administrative cost of the Suffolk County Police budget, when it is not part of the police district? Maybe the East End should use the State Police for lab work and special law enforcement needs. We are already paying the state for these services.

Perhaps this year's huge tax gouge will wake up the East End to more seriously consider the creation of Peconic County. From where we stand, the East End has a lot to lose, and little to gain by continuing as part of Suffolk County.

And why not?

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And The Winners Are!

Forty-two residents from throughout Suffolk County will receive *Suffolk Life Newspapers' Person Of The Year* honors this year. Our hearty congratulations go out to them, and to the other 1,500 nominees who were chosen by their neighbors, friends and associates.

The designation of the *Suffolk Life Person Of The Year* is a very special honor reserved for the unsung heroes who greatly contribute to the quality of life we enjoy in Suffolk County. These are individuals who go out of their way to assist perfect strangers in their communities.

Some are just citizens who, when they see the opportunity to come to the aid of their neighbors, do so without thanks. These are the volunteers who man our fire departments and ambulance corps; our coaches of Little League; our Scout troop leaders, hospital volunteers and church workers. The list goes on.

This is the second annual *Suffolk Life* recognition project. It is growing in popularity each year as folks realize there is an

outlet for paying proper tribute to those who unselfishly give of themselves.

Throughout the year, we encourage our readers to send in a note about the kind deeds they have witnessed. During October and November, we actively solicit additional nominees.

Then the hard work begins. The editorial staff reads every letter of nomination, and through a grueling process of elimination, tries to come up with the most outstanding candidates for the different categories in each town. It is difficult to pass over some outstanding candidates because each and every one is deserving of being a winner; but, there can only be one winner in each category.

The profiles of this year's winners can be found on page one and page three.

To each winner, and the other nominees, we say, for all the people in Suffolk County, thank you for your unselfish acts, and may God bless you. We, the people, do appreciate everything you have done.

And why not?



Pataki Goes Conservative, Again

Fresh from reelection, Governor George Pataki returned to his conservative roots, as evidenced by his State of the State Address last week. Three items contained in the address should be priorities for the state legislature.

Two-Thirds Majority To Raise Taxes

Pataki proposed the enactment of a Constitutional Amendment, that if passed by the voters, would require a two-thirds majority to raise taxes in the state of New York. This is a good, sound, prudent proposition.

All too often, tax increases have been enacted, in the middle of the night and without debate, as the final budget is being adopted. These tax increases have made New York one of the highest taxed states in the nation. If tax increases are needed, or a new tax adopted, it should be the subject of open and honest debate, and have super majority support in both houses.

There should not be a senator or an assembly person who opposes the governor's Amendment proposal. If there is opposition then that senator or assembly member should publicly explain his or her reason to the voters.

Cap Local School District Spending

Pataki proposed the enactment of legislation that would put a cap on how much a local school board could raise taxes each year.

When the STAR school tax relief pro-

gram was proposed, it contained this type of cap. Pataki's original proposal set the cap at the rate of inflation, or 4%, whichever was less.

But Democratic Assembly Speaker Sheldon Silver fought against the cap and won.

The STAR program was enacted without the cap, and many feel the school districts will expand spending substantially if they are not restrained by law.

Pataki's new cap proposal would allow a school district to violate the cap, but only if it receives approval from two-thirds of the voters in a referendum. This is prudent and reasonable, and again, should have the unanimous support of the legislature.

Determinate Sentencing

Pataki proposed adopting the federal structure on sentencing criminals where a convicted felon would receive a specified amount of jail time without parole.

Currently, criminals are being released into society having served only a fraction of their sentences. Under the federal guidelines, a criminal is sentenced to a specific term and usually has to serve 90 to 95% of that term before becoming eligible for release. This has helped stem repetitive crimes and seems to be the way to go.

Exit Fees

Unfortunately, George Pataki did not propose the elimination of the exit fees that could be imposed by utilities or authorities. This leaves power consumers

in New York vulnerable to utilities or authorities that hinder competition by imposing exit fees on consumers who want to self-generate electricity and leave the power grid.

It will be up to the legislature to enact this law. Assemblyman Steve Englebright proposed such legislation last year. During *Suffolk Life's* endorsement interviews, Senator Owen Johnson said he supported the concept and agreed to introduce the legislation into the Senate, where there previously has been no sponsor. Owen Johnson is a gentleman; he has been a man of his word and we look forward to supporting him while he leads this fight and carries through on his promise.

Back Door Borrowing

Also missing from the governor's agenda was a proposal to restrict or prohibit back door borrowing in New York State.

Back door borrowing happens when the governor or state legislature burdens the taxpayers with paying off bonds issued by state authorities. This practice circumvents the state's Constitution which requires voter approval for any indebtedness.

Eliminating back door borrowing was a very strong plank in Pataki's first bid for Governor. We hope he will regain his vision and push for the passage of legislation that addresses this problem.

And why not?

Real Estate Taxes, Never Pleasant

County Executive Robert Gaffney recently proposed a change in the way real estate taxes are collected in Suffolk. Currently, real estate taxes are due in January and June. If you cannot pay the full amount, you are put into default and must pay interest and penalties on the entire portion.

Some people only can afford to pay half in January, and the balance in April, but are not allowed to.

Gaffney has proposed legislation to allow them to do this and only pay interest and penalties on the unpaid portion. This is good, but it does not go far enough.

In Florida, taxpayers receive an estimate of the various budgets being considered and the tax rate to be applied at the end of the summer. They are given dates for the various public hearings and

can voice their opinions by attending the hearings, or by writing to the commissioners.

In November, Florida taxpayers receive a bill that is due in March. If they pay their tax bill early they receive a 4% discount in November and the discount drops to 1% by February.

If their taxes are not paid early, the full tax bill is due and payable in March.

Beginning in April, the tax bill is automatically declared delinquent and becomes subject to a 1.5% late charge per month, with a minimum charge of 3%.

This is a much more pleasant way to pay taxes and offers discounts for early prepayment. Suffolk should consider a similar plan. Anytime we can make paying taxes a more pleasant experience, we should.

And why not?

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Our Nuclear Neighbor

The Millstone nuclear power plant is just a short distance across the Sound from Long Island. It has been closed down in the past for negligent operations with thousands of safety violations, a number of accidents and other problems.

Last week, Millstone released thousands of gallons of radioactive waste water into Long Island Sound because of a broken heating coil pipe. This accident affects not only Connecticut and our shores, but everything that lives in the Long Island Sound as well.

During the fight to prevent the opening of LILCO's Shoreham nuclear power plant, the argument was made that it should be allowed to operate at full capacity, and not be closed, because we live in an area that has other nuclear power plants surrounding it.

Shoreham was not opened for safety reasons, and those same reasons are valid today because of our close proximity to these other nuclear power plants.

What led to the shut down of Shoreham was Suffolk County's inability to come up with a workable emergency evacuation plan. The county spent over \$1 million and brought in experts from around the world to devise a plan to allow Suffolk residents to escape. Those experts concluded there was no way to execute an effective evacuation plan off Long Island because of our limited east-west roads and the number of people who could pass over the bridges and through the tunnels.

The experts stated there would be massive gridlock, and thousands of residents would be kept in harm's way and exposed to radiation poisoning if a plant had a catastrophic accident.

A report entitled WASH 740, issued by Sandia National Laboratories, a federal installation, gave an indication of what would happen if a major accident at a nuclear power plant such as Millstone was to occur.

According to the report: 30,000 early deaths; 35,000 injuries; 35,000 latent cancer deaths; a 17.5-mile fatal radius, which would include Eastern Long Island; a 50-mile peak injury radius, which would include Brookhaven, Islip and Smithtown; and more than \$157 billion in property damage (calculated in 1982 dollars).

The report indicated there was a 2% chance of a major accident happening at one of the major nuclear power plants by the year 2000.

Should Suffolk County residents be as concerned as they were with Shoreham? You better believe it.

Northeast Utilities, which owns and operates this plant, has a poor record of operating the facility, and is known to be even more arrogant than LILCO.

We are happy to see Southold, Shelter Island, Southampton, and East Hampton town governments have requested a shut down of the Millstone plant.

The county executive and state representatives who represent the area have also called for the closing of the facility. It is now time for the rest of Long Island's government officials to voice their concerns as well. They would benefit from jumping on the band wagon. We are affected by this power plant, and there is no way to effectively evacuate Long Island in the event of a nuclear emergency or catastrophe.

And why not?

Kill The Clothing Sales Tax

A bipartisan group of the Suffolk County Legislature has proposed the permanent elimination of sales tax on clothing up to \$110 per item. While this move initially appears to be positive, it will delete an estimated \$27 million from the Suffolk County budget.

We are all for the elimination of any tax, but we are left to wonder where and how our county legislators will cut the cost of government by \$27 million. Before they vote on this measure, which will be immensely popular with Suffolk residents, the legislators must answer this question.

They cannot just say they will tap into the county's contingency fund, which is an unallocated part of the budget that has been set aside for emergencies and unexpected expenses.

They cannot be so arrogant as to believe they have the right to encumber an anticipated \$25 million that Suffolk is supposed to receive sometime in the future as part of its portion of the state-negotiated court settlement with the tobacco companies.

They cannot allow real estate taxes

to be increased to pay for this popular concept of sales tax elimination. This would do nothing more than take the taxes out of one pocket and put them in another.

If the Suffolk Legislature passes this proposed sales tax cut, it will be a boon for Western Suffolk's retail clothing stores, as Nassau County residents will cross the county line to save money. The elimination of this tax will also substantially increase the amount of business outlet malls do. Many Suffolk residents still travel to Pennsylvania to shop in outlets that do not charge any sales tax.

Many positives exist for cutting the sales tax, but the big negative that must be answered is how will the county make up for this shortfall?

Answer this question, come up with a way of saving \$27 million, and you will have the gratitude of every voter. Fail to answer the question and look to increase other taxes, and you will have a rebellion on your hands.

Now is the time for good government, not bad politics.

And why not?



Police Cheating Trial Must Remain Open

No information should be hidden from the public when it comes to litigation against a police officer charged with stealing test questions from promotional exams, and giving those questions and the answers to other police officers so they can cheat. That is how Suffolk County Judge Anthony Corso ruled earlier last week.

The Suffolk County District Attorney's office had requested that Corso allow it to prosecute Suffolk County Police Sergeant Brian Bugge behind closed doors.

He has been charged with stealing one or more test questions to civil service exams given by the state to promote police officers. This theft allegedly took place in 1986.

Assistant District Attorneys Rita Adler and Patricia Murphy Kraker claimed the need for "privacy" in this trial because they are afraid the confidentiality of the questions, designed by a Virginia-based testing firm, would be compromised, despite the fact that these tests are no longer used in Suffolk County.

The ADAs are also concerned about protecting the notes, and apparently the identity, of those who took Bugge's classes. This information is paramount to the case because if he is convicted of stealing those questions, a whole host of questions on cheating will then involve the police officers who took

his classes.

The irony of this case is that Bugge is not the only police officer to have allegedly provided answers to police entry or promotional exams.

In 1997, Captain Robert Gabriel was suspended with pay while awaiting an investigation after departmental charges were filed against him for the same thing.

In 1994, the State Civil Service Department found that during classes he taught, Captain Douglas Rilling provided police officers with "exact" questions or some "similar" questions that were on the exam. Although he claimed to have gathered the information over the years, he agreed not to hold any more classes and later retired.

The request by the DA's office to hold Bugge's trial in secret was contemptible. The entire argument against him involves the test questions: how he allegedly obtained them; what, if anything, was sensitive information; and to whom he provided that information.

Closing the trial to the public would have done nothing more than reinforce police officer claims that there is a select group in Suffolk County's law enforcement that is privileged and protected.

Bugge opposed a closed hearing. As Corso has ruled, Bugge and the taxpayers deserve an open trial.

And why not?

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The taxpayers finally have it on record that elected officials have been circumventing the New York State Constitution by encumbering the public with debt borrowed through various state-endorsed authorities, without proper approval.

The state Constitution stipulates: "... no debt shall be hereafter contracted by or on behalf of the state, unless such debt shall be authorized by law ... No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast ..."

Yet Governor George Pataki and the state legislature persist in obstructing the welfare of our economy, and the financial soundness of state government, by agreeing to allow various state-endorsed authorities to borrow money for assorted projects. This has increased the state's indebtedness by 33% since this governor took office four years ago.

Former Governor Nelson Rockefeller devised a scheme that established state authorities, with appointed trustees, that have been allowed to borrow money in the state's name without approval from the taxpayers, as required under the State Constitution. This practice continued under former Governor Mario Cuomo and now Governor Pataki.

Contrary to what the governor and legislature apparently think, the Founding Fathers of this state established a government with checks and balances, with equal authority between the executive office, the legislature and the judi-

Encouraging Resistance

ciary.

But the state's Executive Branch, Legislative Branch and Judiciary Branch of government have been cooperating with each other in this scheme of circumvention.

In several questionable court decisions, including one from the state's highest court, the Court of Appeals, the Judiciary Branch has sided with the executive and the legislature.

In November, Court of Appeals Judge Edward O. Spain presided over arguments on whether to impose a preliminary injunction that would prohibit the sale of \$240 million worth of 30-year bonds, authorized by the governor and legislature through the adoption of Chapter 5 of the Laws of 1998. These funds are expected to pay for the construction of a five-story parking garage for state employees and two new state office buildings.

Like with the \$7.8 billion LIPA bonds, the state has argued that taxpayers are not responsible for paying back these bonds because they were not directly borrowed by the taxpayers or their representatives.

Bob Schultz, an upstate activist who has been legally fighting the state's insidious borrowing practices, argued in court that in all cases, when investors purchase New York State municipal bonds, they expect the full faith and credit of the state to guarantee their investment.

He further argued that Article 16 of the State Constitution stipulates, "The

legislature shall annually provide by appropriation for the payment of the interest upon the installments of principal of all debts or refunding debts created on behalf of the state except for those contracted under section 9 [voter approved bond acts]."

Article 16 goes on to state if, at any time, the legislature fails to make the needed appropriations, the state comptroller would then be responsible to impound those assets from the first revenues allocated to the state's general fund.

Judge Spain initially said he would not allow the case to go before the state's full Court of Appeals (five judges), but then reversed that position.

Addressing the attorneys for the state, he asked rhetorically, "When will it stop? In the extreme, there is no limit to the amount of debt the state can incur in this way, is there?"

To Schulz, Judge Spain said, "Somebody on high has decided to allow the Constitution to be circumvented so the state can borrow freely. Until they decide otherwise you will lose in

court."

We are living in perilous times in New York State because Governor George Pataki and our legislative representatives are no longer contemplating what is best for the public.

Our elected representatives are no longer even putting on an air of interest in representing the taxpayers. They make deals with each other in Albany while they flagrantly violate the New York State Constitution, regardless of the financial or social impact.

As Schulz has pointed out over the years, the blatancy is to the point that judges in our Supreme Court have actually presided over cases where they, or a family member, have been involved with the sale or investment of those bonds being sold to fund pet state projects.

Judge Spain decided to stand up, to resist the temptation to cower before their arrogance.

Before he ruled to put the motion before the full court, Judge Spain told Schulz, "The people are indebted to you." And we are. We are equally indebted to Judge Spain, and pray his colleagues will be as brave and as just as he.

And why not?

Let Us Invest Our Own Money

It is feared that Social Security will not have sufficient contributors to completely fund benefits by the year 2030.

Under the current program, recipient benefits are paid for by those who are currently working. Those funds are matched by contributions from their employers.

This year, Social Security will take in billions of dollars, which is more than needed. Instead of going into a trust fund, where it can earn the maximum return on the investment, the excess money is going into the Treasury of the United States which issues an IOU. These investments earn minimal returns.

It has been suggested the excess funds should be invested in stocks and other private securities. The Administration and many in Congress have signed on to this concept.

The Administration wants a new agency set up to invest on behalf of all the people. Federal Reserve Chairman Alan Greenspan spoke against this idea this week, claiming it is fraught with danger.

At the government's direction, this huge trust fund could be used to manipulate not only the economy, but to foster the Administration's political agenda. It

could be Big Brother at its worst.

A better approach would be to allow the individual taxpayer to direct his own investments. This would allow for a diversity of investments in many different segments of the economy, either by direct initiative or through mutual funds.

The individual could pick and choose his or her investment advisors, and buy those securities that would give the best return and degree of security.

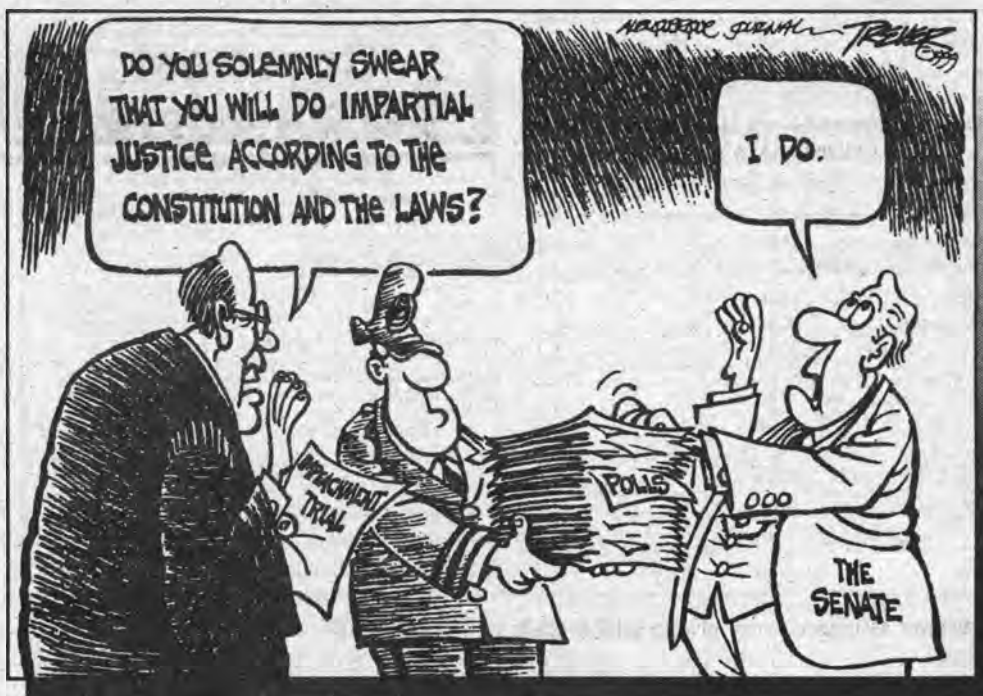
Younger taxpayers might invest in new technology and other growth opportunities. Middle-aged investors would be prone to invest in blue chips, while older investors, who would be more concerned with safety, would favor bonds or other more secure investments.

Give the people the right to choose. Let them be the masters of their own destinies.

Or, if necessary, a better plan may be a mix of the Social Security contributions that are directed to fund the current recipients, while the remainder of the funds are closely monitored and regulated through investment opportunities directed by the individual.

In any case, it is good to see attention being paid to the subject.

And why not?



Return Our Fair Share

Suffolk County governments responded vigorously to the needs created by the tragic TWA Flight 800 crash. Without this outpouring of help, the situation would have been much more chaotic.

The municipalities involved had a tacit understanding that they would be completely reimbursed for any costs incurred on behalf of the federal government.

The National Transportation Safety Board, the federal agency responsible for reimbursing the municipalities involved, has distributed \$6.3 million so far. In 1997, Congress appropriated spending \$12.4 million. Yet, most

municipalities have received less than half of that to which they were entitled.

Recently, Congressman Michael Forbes called together all parties involved to try and foster an understanding with the NTSB, which is claiming it should not be responsible for reimbursing normal salaries paid by the communities to those who were involved.

This is ridiculous. These people gave willingly of their time and their abilities. The communities are entitled to be reimbursed. The money is there. Congress cannot allow the bureaucracy to stand in the way of what is fair.

And why not?