

Virtual Question & Answer Session with




Senator Carl L Marcellino




**The Virtual Q&A Session:
03:00 PM - 04:00 PM
Friday, March 23**


Session Transcript:

Moderator (***):** Welcome Senator Marcellino


 **Senator Marcellino** Good Afternoon I am pleased to again have this opportunity to answer your questions. I have received many interesting questions in advance to this on-line chat. The answers to those questions will be more in depth. I also would like to remind you to please remember to continually refresh your screen to see the most current information. So let's get started.

Cheryl Troy (East Northport): Taxpayers in Long Island school districts like Commack pay far more in taxes then we receive back in state aid for our district, while upstate districts receive proportionally more, thus resulting in a major loss in educational services and constant increases in property taxes; we pay more and we get less. How can this be made equitable between Long Island and upstate? One estimate for Commack School District is that we are underfunded by New York State - compared to upstate, by \$14 million. Albany seems to think we are a wealthy district. We're not, and we are looking for fairness. This underfunding has created a major hardship for the people of our district and many other Long Island districts.

 **Senator Marcellino;** Fighting the formula to drive as much aid as possible to LI is always a priority. LI educates 17% of the State's students, but only gets 13% of the State aid. Ultimately we need a regional cost factor built into the formula. In the short term, the Senate is fighting to include an additional \$200 million in school aid be added to the already appropriated \$800 million increase for the 2012-13 school year.


 **Mary Anne (Glen Cove):** Will we have an on-time budget?

Senator Marcellino: I believe the prospects look good. My colleagues and I have been working on making this happen.


 **Lawrence Narici (Centerport):** Why should non-property owners be allowed to vote on property taxes?

Senator Marcellino: Everyone pays property taxes in one way or another. If you are renting the landlord figures in those costs.


Lynda (Syosset): With the enactment of the property tax cap legislation, if my school budget fails, can it be put up for another vote or does the austerity budget automatically go into place?

 **Senator Marcellino** If a budget fails to get voter approval, the district would have to submit a revised budget subject to a public vote on the third Tuesday in June. If this revised budget exceeds the tax cap, it would require approval by 60 percent of those voting. If the revised budget fails to get voter approval, the district would have to adopt a budget with no tax levy increase.

Aldo Rovere (Northport): Prescription Costs Increased due to Changes 1/1/2012 in NYS law..... Lunesta 90-day supply - \$65.00 before 1/1/2012. Lunesta 90-day supply prohibited - only 30-day at a cost of \$59.00 for 30-days. Before law change \$65.00 for 90 pills, after law change \$177.00. No generic is available.....I can see where we need to tighten controls but they should not cost NYS taxpayers more money to legally obtain their necessary prescriptions.

 **Senator Marcellino:** I agree that we need to do all we can to keep prescription drug costs affordable for New Yorkers. In this year's Senate Budget, my colleagues and I included a provision to increase funding for the EPIC program by nearly \$50 million over last year's funding. Hopefully, we will be able to keep those funds in the final budget.

Amy Peters (Glen Cove): Hydraulic fracturing (fracking) has been linked to a broad spectrum of health impacts, ranging from loss of smell, memory problems, and headaches to serious respiratory illnesses, neuropathies, and cancers. Will you support a ban on hydraulic fracturing in NY State? Will you at least insist on the inclusion of a Health Impact Assessment (HIA) on gas exploration and production before allowing permits? Thank you.

 **Senator Marcellino** I support a number of bills to protect New York State from the dangers of hydrofracturing. Most importantly, I support legislation that would ban publically owned sewer plants from taking any fracking waste water. I also support bills that would place fracking waste water under the current hazardous waste tracking system; ban the use fracking waste water; require all wells to be on the DEC's GIS website map; and require all fracking spills to be reported immediately.

Brien Sullivan (Port Washington): I know we are working on the ballooning pension problem and some hard choices will have to be made. Why can't we get off the problem by letting each person take control over their own investment portfolio and make their contributions once a year through a special payment. If that doesn't work put everyone in a US treasury backed fund. If the market goes south so does their pension. No gaurantees, the taxpayer shouldn't have to make up the difference should the market turn on a bad economy. No one guarantees my 401K. I am self employed and frankly, I will get screwed out of my Social Security just like everyone else. These workers who have the great pensions were never like that when I was younger. The private sector had the best and brightest and great pensions. Now government workers are on the same playing field or better than the private sector because of the unions and deals the policticians made for votes and simplicity. The public is responsible for this just as much as the policticians (not singeling you out-in general I would have done the same otherwise politicians wouldn't have

stayed in office). Greece is having problems and the US will have the same problems so start educating the people on what needs to happen and the sacrifices they will need to make. I could have gone on more and done a better job but I got my idea across. Thanks for your service, Brian Sullivan



Senator Marcellino: The plan will only cover all newly hired state and local government employees except New York City police and firefighters. New employees will have less generous pension benefits when they retire than current workers. The plan raises the retirement age from 62 to 63; Increases the amount of money employees must contribute; Requires more highly paid workers to contribute more than lower paid workers; lowers benefits overall; and limits the effect of overtime on final calculations.

Michael Wigutow (Huntington): With foreclosures remaining a major issue for far too many homeowners throughout NYS and with no greater numbers than Long Island, and with the national mortgage settlement funds NYS is scheduled to receive still many months, perhaps even one year away, do you think it necessary for the State to continue its funding for foreclosure prevention services in the State budget for April 1, 2012 through March 31, 2013? If not, why not?



Senator Marcellino: I do think it is necessary. The Senate Budget included \$25 million for the Foreclosure Prevention Program.

Janet Seals (Greenlawn): why doesn't the Town of Huntington business district (Main Street area) recycle? I work in an office and we generate so much paper that I take home to recycle. Why doesn't the business district recycle?



Senator Marcellino: Approximately 2 years ago the Town of Huntington decided to stop offering recycling to that area. I suggest you contact the Town for their reasons why.

Lisa W. Ott (Oyster Bay): Why are we decreasing the land conservation line in the EPF? This will negatively impact some very significant land conservation in the state and on LI. While it is only \$2M which is not much for the state. It is very significant for land and water conservation.



Senator Marcellino: I have been a proud supporter of the Environmental Protection Fund (EPF), increasing it to \$300 million during my tenure as Chairman of the Environmental Conservation Committee. Unfortunately, the EPF is now down to only \$134 million. We are trying to find funding to at least partially restore the EPF. However in the tough economic times there are many other priorities.

Vikas Bhambri (Plainview): What are the plans to hold LIPA accountable? We are held hostage by a monopoly that continues to raise prices without any obligation for customer satisfaction or protection. My block has had 200 outages over the last couple of years and not just in Hurricanes but in simple rain showers. If we were dealing with a private company or had an option to switch providers this would have been dealt with. Instead we get late night fixes (which result in overtime and additional cost over time)



Senator Marcellino: I cosponsored the LIPA Oversight Bill that will ensure better service and electricity rates for power customers on Long Island. The new law requires the Long Island Power Authority (LIPA) to adhere to best-industry practices to maximize efficiency, undergo periodic audits, and increase transparency.

Narinder Kapoor (Syosset): First, we encourage the students to go for higher education and to

achieve that goal we grant them student loans. That is O.K. But when the same student becomes professional and gets a good job with excellent salary, we mandate that you can not deduct 'student loan' from your tax return (I think after his or her AGI reaches \$100,000). Don't you think it is the wrong tax approach? Don't you think that it is discouragement to pursue 'Higher Education'? Please let us have your legislative solution.



Senator Marcellino: In NYS, we do encourage higher education. You can take either a tax credit or an itemized tax deduction for allowable college tuition expenses. The expenses must be for undergraduate study, paid by you as a taxpayer, on behalf of yourself, your spouse, or your dependents, to enroll or attend qualifying in- or out-of-state institutions of higher education.

Bill Morea (Huntington): Thank you for your efforts to eliminate unnecessary commissions and task forces. Can more be done to consolidate school district services? Fiscally challenging times are opportunities to reduce waste and provincial strongholds.



Senator Marcellino: The Senate Budget included a plan to spur the creation Regional High Schools. I also support Senate Bill 1789 which would require the State Department of Education to conduct a statewide school consolidation feasibility study.

Gary Weissman (Woodbury): Do you agree that it would be prudent to change the lawmakers pensions prior to changing that of other municipal workers. The majority of teachers, police, firemen etc would be more accepting if those who change the law are equally affected. thank you



Senator Marcellino: The new Tier VI only applies to new hires. No current employee will be affected. If someone is elected to State office and they were not previously in the State system, they would be in the new Tier also.

Sid (Huntington): Do you think that having NYSUT as your largest campaign contributor causes a conflict of interest in your leadership?



Senator Marcellino: I don't know if they are or not, however my record is clear. While I am a former teacher and School Board Member who strongly support education issues, my recent votes on a number of issues demonstrate that I always put the needs of the taxpayers first. Contrary to NYSUT's positions, I voted for the 2% property tax cap, the creation of Tier V and Tier VI, the establishment of a teacher evaluation system, and the changes to the LIFO (Last In, First Out) law.

Maria Ruotolo (Huntington Station): What are you doing to stop the crisis about to hit every public school in your district? My district - District 13 - has a \$5M shortfall. 1) What are you doing to get LI it's fair share? 2) What are you doing to enable districts to negotiate with the unions? Are you getting rid of Triborough? Are you supporting the end of LIFO and forcing evaluations to become a reality at every grade level? Are you FIGHTING for Pension reform for EXISTING employees? The rest of the community accepts 401Ks from their employers! Are you negotiating a state-wide SALARY freeze for every union employee considering the crisis was CAUSED by the tax cap you supported? Do you support that teachers are paid out as much as 1 year in unused sick days at full pay when other state workers have caps and are paid at half pay? Why do teachers pay less toward their healthcare than other state workers? 3) Which unfunded mandates are relieving us of in the next 30 days? How about no required gym for students participating in sports? What about no days off for cancer screening? What have you done to make a difference to the economic equation for schools. DON'T tell us to look for grants! That's a small \$ amount when the shortage is \$4M-\$8M per year per district! That's just a few of my questions



Senator Marcellino 1) Fighting the formula to drive as much aid as possible to LI is always a priority. LI educates 17% of the State's students, but only gets 13% of the State aid. Ultimately we need a regional cost factor built into the formula. In the short term, the Senate is fighting to include an additional \$200 million in school aid be added to the already appropriated \$800 million increase for the 2012-13 school year.

Anne Knehr (Glen Head): Is it true that, because the State Education Department changed the original Comprehensive Attendance Policy (CAP) reimbursement formula, religious and independent schools across the state are being cheated out of approximately \$15 million? If this is an accurate statement, will you be working to restore the original CAP formula, thereby ensuring that Catholic schools are reimbursed for their actual costs in complying with CAP?



Senator Marcellino: The formula was changed and I am working to restore the CAP formula as a matter of fairness. The Senate Budget provided for the formula change and it is now being debated as part of the final budget negotiations.

Dominick (East Northport): Carl, In the past you have taken actions to help prevent distracted driving. Given the new NTSB proposal to help curb this epidemic by potentially banning texting, emailing, browsing while driving have you thought about holding local events to increase awareness? There is a national awareness day sponsored by PhoneGuard on 4/28 being held in Boca Raton at Florida International University.

<http://www.prweb.com/releases/2012/3/prweb9257432.htm> This event which will be broadcast to over 8,000 schools via Channel 1 news. There will also be a concert with big name stars who are behind the cause. If there is any way for you to promote this on Long Island to help our teens and young drivers understand the dangers, it would be very helpful.



Senator Marcellino: I agree that we need to do all we can to spread the word about the dangers of distracted driving. The NYS DMV teaches about the problem as part of their pre-licensing and defensive driving programs.

Neeti (Syosset): Hi... I would like to know what is being done to improve parking at the Syosset train station. It's a nightmare to park and travel from there unless you get there by 7.30am...

Commuting is stressful enough... Where I need to park should not be. Please help




Senator Marcellino : This has been an ongoing problem, simply because of the lack of space. I believe that if the Oyster Bay line had user friendly service that many people would stay in their communities instead of utilizing the Syosset station. With that being said the parking lot for the station is the responsibility of the Town of Oyster Bay.

Paul (Oyster Bay): Why hasn't the Senate approved the health care exchange?




Senator Marcellino: A complication to establishing a health care exchange is the pending law suit before the US Supreme Court challenging the constitutionality of the federal health care reform mandates. Another issue is the lack of guidance from the federal government in the services to be provided in the essential benefit package. In fact Health and Human Services secretary Kathleen Sebelius described NY's approach as appropriate, in fact it is share by 35 other States. It is important to note however that NY has not missed out on a single funding opportunity on the health exchange, in fact even without a law in place, NY has received over \$87 million in Federal money through various planning grants. My Senate Republican colleagues and I have serious concerns about the potential cost and believe too many important questions remain unanswered to rush into passage right now. There is still plenty of time

James (Huntington): What advice do you have for a young person considering running for school board or elected office?

 **Senator Marcellino:** Learn about the issues that affect those you want to represent. Share your thoughts and opinions and be willing to listen to everyone including those you might not necessarily agree with.


Grace (Glen Cove): What is the DNA database I keep reading about?

 **Senator Marcellino:** The Senate previously approved a DNA databank expansion bill last year with the strong support of district attorneys and crime victims' advocates from throughout the state. Governor Andrew Cuomo also included a similar measure as part of his 2012 Executive Budget, and the Senate passed a bill in January that mirrored his proposal. The new law passed last week requires anyone convicted of a felony or penal law misdemeanor to provide a DNA sample -- dramatically expanding the information pool used by law enforcement and prosecutors.

Moderator (***):** Please remember to refresh your screen for the most up to date information.

 **Senator Marcellino:** Thank You


AJ (Bayville): I do not see a "refresh button." Where is it? My screen does not change.

 **Senator Marcellino:** usually on top by the url address - on the very top - it looks like 2 arrows


Ron Troy (East Northport): F5 key works well on most browsers to do a refresh.

 **Senator Marcellino:** Thank you

Ed Schantz (Syosset): What is the latest news in regard to the mall project?


 **Senator Marcellino:** There is no change in status - for updates contact the Town of Oyster Bay

Lisa (East Norwich): Hi, Senator. We live in the Norwich Gate apartment complex. In late January, all tenants were informed that we have to share in the tax burden of our complex manager, Heatherwood Communities LLC. We are the only complex now paying taxes, from \$55 and up monthly, to cover the tax increase of \$279,000. My question is how is this legal and appropriate? Taxes are a cost of doing business. All 348 apartment dwellers here choose not to have a mortgage therefore no real estate taxes, so why are we being burdened to pay for our apartment building? We can't even claim these costs on our yearly taxes! What can we do to end this unfair situation?


 **Senator Marcellino:** Please contact my office directly at 516-922-1811 and ask for Maryanne

AJ Elterman (Bayville, NY): What is being done in NY State re. labeling of genetically modified organisms (GMOs) in our foods? I am very concerned about this subject, that there is a mass experiment on unsuspecting people. The rates for childhood and adult cancers, asthma and all


types of allergies are increasing. We want freedom to choose and strict labeling of all GMO ingredients in foods. Thank you.

 **Senator Marcellino:** Currently, NYS has no requirements on the labeling of products with genetically modified materials. Senator LaValle carries a bill that would require the labeling of food or food products that contain or are produced with a genetically modified material. This bill is in the Senate Consumer Protection Committee. Assemblyman Jeffries sponsors the bill in the Assembly.


Joe Hartig (Huntington): Senator Marcellino, what do you suppose might be some negative and unintended consequences of the new APPR plan for teachers and students?

 **Senator Marcellino:** If the results for the new APPR plan's scoring system for teachers are made public with names and scores, I believe you will create a perpetual drive by parents demanding their child only be placed with the teacher with the highest score. In the end, this might create a system of "winners and losers" where parents feel their child is at a serious disadvantage by being placed with a particular teacher.


Ron Troy (East Northport): What can we do to help the unemployed get health insurance in NY? I can't afford \$1400 per person for me, and for my soon to be 19 year old daughter with Type 1 diabetes.

 **Senator Marcellino:** Have you looked into some of the Insurance programs outlined on the Department of Health's website? http://www.health.ny.gov/health_care/ That may help or call my office at 516-922-1811


kathy murphy (sea cliff): could you please speak about the decommissioning of the LIPA power plant in Glenwood Landing and what may be the consequences for the immediate residents, both economically and environmentally ?

 **Senator Marcellino** Economically, we must make sure that the loss of tax revenue for the power plant is spread out to allow both the municipality and the school district to absorb the hit over time. I have sponsored legislation, S.5872, which would require the negative financial impact be phased in over a ten year period.

Janet Seals (Greenlawn): How can we start a "National Ride Your Bike to Work Day"? If most of us rode our bicycles to work for just one day, we would save so much gas that the price of gas would drop. Also, we would be helping the environment significantly by reducing carbon emissions. Also, we would be exercising, which is good for our health. Some people might decide they like it and would do it again.

 **Senator Marcellino:** The League of American Bicyclists is the National Sponsor of Bike Month, and this year Bike To Work Week is May 14-18 and Bike to Work Day is Friday, May 18.

Ron Troy (East Northport): If NY got through the Health Insurance exchange issue quickly, would the exchange go into business sooner? Or do they all start at the same time some day in the future? Mind you, as urgently as I think we need them, I do want them done properly.

 **Senator Marcellino :** The States have until January 2013 to set up their own exchange or be forced to accept Federal Government building the Insurance Exchange for the states who do not comply. The handful of States that have approved their own exchange have begun the process of putting their exchange into action.

Moderator (***):** Please remember to periodically refresh your screen



Senator Marcellino : Thank You

Nancy (Northport): What can be done about out of control school spending?



Senator Marcellino: We took the first step to help control spending by enacting the 2% property tax cap. On top of that, our schools need to squeeze the value out of each and every dollar. I believe they should be looking to eliminate duplicative administrative positions and processes. They should cut the bureaucracy, not the classroom funds that help our children learn.

Mark Kinnucan (Huntington Station): What will it take to get the Seagrass Protection Act (A7988-2011) through the Senate? It passes in the House every year, but not in the Senate.

Thanks, Mark Kinnucan



Senator Marcellino: There are some concerns regarding the broad powers that the bill gives to the Department of Environmental Conservation to regulate activities across Long Island. Some feel the bill should focus directly on the protection of seagrass.

Andy (East Norwich): Who is your Final Four?



Senator Marcellino: I have to go with Syracuse, North Carolina, Florida and Kentucky.

Debbie (Brookville): If the voters ultimately approve casino gambling, where will the casinos be located?



Senator Marcellino: The language doesn't specify where the casinos could go, that will be decided through negotiations next year.

John (East Northport): Why do legislators that get convicted of felonies deserve to keep their pensions?



Senator Marcellino: They shouldn't be allowed to collect a pension if they break the trust the public gave them. I have introduced legislation, S.5006, that would stipulate that any elected official who is convicted of a felony offense involving their position of public trust would be forced to forfeit their pension benefits. The bill moved out of the Judiciary Committee on the 20th.

Carl Esposito (Huntington): Another MTA/LIRR fare increase is looming in January. Then another one two years later. Costs for train fares and tolls are clearly out of control, making our region less competitive and friendly to businesses and the middle class. Also, LIRR riders have paid a higher fare increase over the years vs. NYC subway riders, why is that? It now costs almost \$25 in tolls to go to NJ and back and over \$400 a month to commute via LIRR and subway. What can be done to stop these constant increases? Why does it cost \$10 to get a refund on a LIRR ticket? Why aren't there student fares on the LIRR?



Senator Marcellino: Unfortunately, the dreaded MTA Bailout of 2009, which I voted against, authorized the fare increases. We are doing our best to undo the damage from that misguided plan. For example, last year we began to roll back the job killing MTA tax. We still have a lot of work to do. For too long the MTA/LIRR has stuck it to the ridership and made mass transit less accessible and less affordable for Long Islanders. We want to keep people out of their cars and in the trains.

Bill Morea (Huntington): What can be done to exempt LI from the regulation requiring trains to blast their horns at all road crossings? The noise disturbance outweighs the minimal warning gain in these congested suburban areas.



Senator Marcellino (3:54:00 PM): Sorry, I can't do much they are mandated to do so by the Federal Government

Moderator (***):** Senator Marcellino your time is almost up



Senator Marcellino That was fast! I think we have time for 1 or 2 more, I ask anyone who hasn't had their question answered to e-mail me at marcelli@nysenate.gov and I will make sure you get a response or you can visit me on facebook for an ongoing conversation. Thank you for participating, we will do it again soon.

Mary (Huntington Station): I am a retired teacher. Will Tier VI cut my pension by 40% like I heard on the radio?



Senator Marcellino No. The plan will cover all newly hired state and local government employees except New York City police and firefighters. It will have ZERO impact on any current employee or retiree.

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