NEW YORK STATE SENATE

THE STENOGRAPHIC RECORD

ALBANY, NEW YORK

February 11, 2014

11:07 a.m.

REGULAR SESSION

SENATOR JOSEPH GRIFFO, Acting President

FRANCIS W. PATIENCE, Secretary

P R O C E E D I N G S

ACTING PRESIDENT GRIFFO: The Senate will come to order.

I ask all present to please rise and join with me as we recite the Pledge of Allegiance to our Flag.

(Whereupon, the assemblage recited the Pledge of Allegiance to the Flag.)

ACTING PRESIDENT GRIFFO: Today's prayer will be offered by the Reverend Peter G. Young, of the Mother Teresa Community here in Albany.

Father?

REVEREND YOUNG: Thank you, Senator.

To our Senate members and to a Senator from the area of Rome, New York, New Yorkers saw the christening of the American flag when the Stars and Stripes were first flown in battle at the defense of Fort Stanwix in Rome, New York.

It is with great pride that we are able to serve as Senators in this patriotic tradition as the elected leaders to fulfill Your call, O God, of leadership to all of our citizens

of this great eternal state.

Now and forever, amen.

ACTING PRESIDENT GRIFFO: Thank you, Father Young.

The reading of the Journal.

THE SECRETARY: In Senate, Monday, February 10th, the Senate met pursuant to adjournment. The Journal of Friday, February 7th, was read and approved. On motion, Senate adjourned.

ACTING PRESIDENT GRIFFO: Without objection, the Journal stands approved as read.

Presentation of petitions.

Messages from the Assembly.

Messages from the Governor.

Reports of standing committees.

Reports of select committees.

Communications and reports from state officers.

Motions and resolutions.

Senator Libous.

SENATOR LIBOUS: Mr. President, on behalf of Senator Marchione, I move that the following bill be discharged from its respective committee and be recommitted with instructions to

strike the enacting clause. That would be Senate 5454B, and that's on behalf of Senator Marchione.

ACTING PRESIDENT GRIFFO: It is so ordered.

SENATOR LIBOUS: Okay.

Mr. President, at this time I'd like to adopt the Resolution Calendar, with the exception of Resolutions 3422, by Senator Hassell-Thompson, 3427, by Senator Ranzenhofer, 3496, by Senator Hannon, and 3505, by Senator Kennedy.

ACTING PRESIDENT GRIFFO: All in favor of adopting the Resolution Calendar, with the exception of Resolutions 3422, 3427, 3496, and 3505 signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The Resolution Calendar is adopted.

Senator Libous.

SENATOR LIBOUS: Thank you, Mr. President.

At this time, Mr. President, we'd like to take up Resolution Number 3386, by Senator Gipson, have the title read, and I

believe Senator Gipson would like to speak.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3386, by Senator Gipson, mourning the death of Pete Seeger, distinguished citizen and devoted member of his community.

ACTING PRESIDENT GRIFFO: Senator Gipson.

SENATOR GIPSON: Thank you, Mr. President.

I'd like to take this opportunity to memorialize and celebrate the life of Pete Seeger, a great American, a person who provided the soundtrack that we will remember for decades, the advocate for so many important causes.

I think it's so important that we're doing this recognition of his life today because today happens to be the Lobby Day for Future Farmers of America. And of all of the causes that Pete stood for, the one that I believe he will be most remembered for here in the region of the Hudson Valley, which I represent, and where he lived, was protecting our water supply.

And as those who are watching from

the gallery today from Future Farmers of America understand, protecting our water supply is critical to being able to provide the food that we need to survive and the economic benefits that we will all cherish as we move forward.

Pete Seeger taught us over and over again that protecting the water is critical to our life, that polluting the water is something that should just absolutely be unacceptable.

When Pete first took up the cause of fighting for clean water, the Hudson River, which provides drinking water to so many people in the Hudson Valley, was essentially polluted beyond recognition. You couldn't swim in it, you couldn't drink it, you couldn't fish in it, it was a wasteland.

And through his advocacy and through so many people that joined him in that effort, over the years the Hudson River was cleaned up, and now, now that water is usable for so many things that it could not be used for in the past.

So on this day of all days, I hope that we will remember that as his memory lives on, I hope that we can remember to protect our water, to allow it not to be used for anything

other than serving mankind in the most beneficial ways possible.

The last time I saw Pete Seeger was at a veterans event that I hosted in my district a few months ago. He was a World War II veteran. A lot of people didn't know that, but he was a World War II veteran that served his country. And the last time I saw him, he told me that he regretted that he did not bring his banjo to my event; he didn't realize that there were going to be so many World War II veterans there.

His job during World War II was to take his banjo around to all the various troops and entertain them, entertain them while they were on the battlefield. And he told me that if he'd have known there were going to be so many people there, he would have brought his banjo and he would have played tunes. And he hoped so much that he could come against next year.

He won't be able to come again next year, unfortunately, but his memory will live on.

Thank you, Mr. President, for this opportunity to remember Pete Seeger.

ACTING PRESIDENT GRIFFO: Thank you, Senator Gipson.

The resolution was adopted on February 4th of this year, 2014.

Senator Hannon.

SENATOR HANNON: Mr. President, could we take up Resolution 3427, by Senator Ranzenhofer. May we read that in its entirety, and then the Senator would like to speak on it.

ACTING PRESIDENT GRIFFO: The Secretary will read the resolution.

THE SECRETARY: Legislative Resolution Number 3427, commemorating the fifth anniversary of the crash of Continental Airlines Flight 3407 in Clarence Center, New York, to be observed February 12, 2014.

"WHEREAS, It is the custom of this Legislative Body to commemorate the fifth anniversary of the crash of Continental Airlines Flight 3407 in Clarence Center, New York, to be observed February 12, 2014; and

"WHEREAS, On Thursday, February 12, 2009, Continental Airlines Flight 3407 was en route from Newark, New Jersey, when it went down approximately seven miles from Buffalo Niagara International Airport at around 10:20 p.m.; and

"WHEREAS, A 74-seat turboprop, Continental Airlines Flight 3407 crashed into a home in Clarence Center, New York, taking the lives of all 44 passengers, as well as five crew members and one person in the house; and

"WHEREAS, The passengers on board Continental Airlines Flight 3407 from the Buffalo region were: David Borner, Linda Davidson, Ron Davidson, Alison Des Forges, John Fiore, Brad Green, Zhaofang Guo, Steve Johnson, Kevin Johnston, Ellyce Kausner, Nicole Korczykowski, Jerome Krauski, Brian Kuklewicz, Bethany Kushner, Donald McDonald, Dawn Monachino, Jennifer Neill, Mary Pettys, Darren Tolsma, Susan Wehele and Ernest West; and

"WHEREAS, The other passengers on board Continental Airlines Flight 3407 were: Mary Abraham, George Abu-Karem, Larry Beutel, Beverly Eckert, Ron Gonzalez, Ruth Harel-Katz, Georges Kann, Sean Lang, Madeline Loftus, Lorin Maurer, Coleman Mellet, Dawn Mossop, Donald Mossop, Shawn Mossop, Gerry Niewood, Jonathan Perry, Ferris Reid, Julie Ries, John Roberts, Kristen Safran, Jean Srnecz, Shibin Yao and Clay Yarbor; and

"WHEREAS, The crew members of Continental Airlines Flight 3407 were Flight Attendants Donna Prisco and Matilda Quintero; First Officer Rebecca Shaw; Captain Marvin Renslow; and Captain (Off Duty) Joseph Zuffoletto; and Douglas Wielinski was in his home when the plane went down; and

"WHEREAS, In addition, four people were injured at the crash site, including a mother and daughter inside the residence; two firefighters also received medical attention for smoke inhalation and minor injuries; and

"WHEREAS, Upon the occasion of the fifth anniversary of the crash of Continental Airlines Flight 3407, it is the sense of this Legislative Body to join the Clarence Center community and the people of the State of New York in commemoration of this tragic event of such meaningful significance to the families of those who died on February 12, 2009; now, therefore, be it

"RESOLVED, That this Legislative Body pause in its deliberations to commemorate the fifth anniversary of the crash of Continental Airlines Flight 3407 in Clarence Center,

New York, to be observed February 12, 2014; and be it further

"RESOLVED, That copies of this resolution, suitably engrossed, be transmitted to the families of the victims of the Continental Airlines Flight 3407 tragedy."

ACTING PRESIDENT GRIFFO: Senator Ranzenhofer.

SENATOR RANZENHOFER: Thank you, Mr. President.

I rise today with much sadness but also with much pride as we commemorate the fifth anniversary of the Flight 3407 crash in Clarence, New York.

You know, this was just shortly after I took office as a Senator, about five and a half weeks into my term, when we learned about the tragedy that visited Clarence, New York, on that fateful evening. There was a passenger plane from Newark that was coming into Buffalo which unfortunately went down, and there were no survivors.

And as we are here today commemorating that event, there's a lot of sadness that flows through my heart and my mind

as I think back on those really awful days following the crash. And I was out there at the scene really looking at the heroic efforts of the firefighters, particularly the Clarence Center Fire Company, the Buffalo Fire Company, who really did a tremendous amount of work in a very, very difficult and very tragic situation.

As I reflect five years later, I have a tremendous amount of pride for the victims' families. And this was a very personal event for me. We are a small community. On that plane was a young lady who had interned in our office when I was with the county legislature, and was a student in law school. There was a man who lived in my neighborhood who was my daughter's soccer coach. So these were just not names on a flight itinerary, these were people that were the fabric of our community who we actually knew, who we actually interacted with.

And the families of the victims are really to be commended for their advocacy. There is a beautiful memorial at the site where the plane went down, where the tragedy occurred. But more importantly, these families have fought on in the halls of Congress to really make a

difference for flight safety, not only for members of my community but for all of New York and the United States.

The advocacy that they have been able to push forward has changed the amount of flight training that is now required for pilots. One of the problems in this particular situation was the lack of training and experience that these pilots and copilots had. And they've not just sat back and let this happen, they've made sure that these type of events, because of lack of training and because of lack of safety, will not happen again, and that other families will not have to be really devastated as these families were in Clarence, New York.

So as we sit here today, I know back home there is an event commemorating this event. My heart and my prayers go out to the families of the victims and to the entire Clarence Center, Clarence, and all the Western New York community.

So thank you very much, Mr. President, for allowing me to comment on this today. Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Ranzenhofer.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Hannon.

SENATOR HANNON: Mr. President, we'd like to open the resolution up and put everybody on it unless -- and if they feel otherwise, please notify the desk.

ACTING PRESIDENT GRIFFO: So noted.

The resolution is open for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Hannon.

SENATOR HANNON: Could we now take up Resolution 3496 and read the title, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3496, by Senator Hannon, memorializing Governor Andrew M. Cuomo to proclaim February 2014 as Oral Health Awareness

Month in the State of New York.

ACTING PRESIDENT GRIFFO: Senator Hannon.

SENATOR HANNON: Could we open that up for sponsorship and put everybody on it, the worthy goal of oral health in New York State.

ACTING PRESIDENT GRIFFO: We can. First let me call the question on the resolution.

SENATOR HANNON: Thank you.

ACTING PRESIDENT GRIFFO: All in favor of the resolution signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

And the sponsor has opened it up for cosponsorship. Should you choose not to be a cosponsor, please notify the desk.

Senator Hannon.

SENATOR HANNON: Could we now take up Resolution 3422, by Senator Hassell-Thompson, and read the title, please.

ACTING PRESIDENT GRIFFO: The Secretary will read.

SENATOR HANNON: And Senator Hassell-Thompson would like to speak on the resolution.

ACTING PRESIDENT GRIFFO: So noted.

The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3422, by Senator Hassell-Thompson, honoring Claude Long upon the occasion of his designation as recipient of the Outstanding Bellman of the Year Award by the New York State Hospitality and Tourism Association.

ACTING PRESIDENT GRIFFO: Senator Hassell-Thompson on the resolution.

SENATOR HASSELL-THOMPSON: Thank you, Mr. President.

I rise to congratulate Claude Long of the Albany Hilton Hotel, who has been honored as the Outstanding Bellman of the Year.

And you may say why in this chamber would I honor a bellman. Well, his story could have been very different. Long's honor is all the more noteworthy considering his past. He grew up in Brooklyn, became addicted to crack cocaine, spent five years in state prison after

being convicted of robbery to support his drug habit. He was paroled in 1997 to the Reverend Peter Young's recovery program here in Albany, where he trained in the hospitality industry. And he has been clean and sober for 19 years.

This could have been, as I said, a very different story. Claude was selected out of bellmen from 1200 member hotels across the State of New York. And this was a highly competitive field that included some of the best bellmen from world-class hotels throughout the City. And yet he distinguished himself here in Albany for his exuberance, his attention to detail, his kindness and his sincerity.

Claude is an example of what can happen when given a second chance, and he has demonstrated that he is worthy of having been given this second chance. And as he pursues this career, he's so understated, but he brought to my attention how excited he was to be given a weekend at one of the hotels here in Albany. And while that might not be a big thing to a lot of you, to him it's one of the greatest honors he's ever received in his life. And he said: "At least I don't have to carry my own luggage."

So I stand before you today to say that he is a perfect example of the kinds of things that I fight for, to give a second chance to people who demonstrate that they are deserving. And so today I honor, along with the hotel industry, Claude Long.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Hassell-Thompson.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Hannon.

SENATOR HANNON: Mr. President, I'd like to announce that there will be a meeting of the Higher Education Committee at 11:30 a.m. in Room 807 in the Legislative Office Building.

ACTING PRESIDENT GRIFFO: There will be a meeting of the Higher Ed Committee of the Senate in Room 807 in the Legislative Office Building at 11:30, or following session.

Senator Hannon.

SENATOR HANNON: Now may we take up Resolution 3505, by Senator Kennedy, read the title, and I ask that you would allow Senator Kennedy to speak on the resolution.

ACTING PRESIDENT GRIFFO: The Secretary will read.

THE SECRETARY: Legislative Resolution Number 3505, mourning the death of Donald F. Kane, Sr., influential community leader and honorable United States Navy veteran.

ACTING PRESIDENT GRIFFO: Senator Kennedy.

SENATOR KENNEDY: Thank you, Mr. President.

I rise today to honor a great Western New Yorker and a lifelong resident of South Buffalo who passed away on February 3, 2014.

Donald Kane, an honorable veteran and influential community leader, was born in Buffalo 87 years ago. A member of the Greatest Generation, he proudly served our nation in the U.S. Navy during World War II. He later attended Canisius College in Buffalo on the GI Bill.

After college, Donald began working as secretary to South District Council Member Andrew Morrissey, his first foray into public service but certainly not his last. Donald then served as director of recreation and then parks commissioner under Buffalo Mayor Frank A. Sedita.

He later worked as executive director of the Buffalo Municipal Housing Authority and executive secretary of the Erie County Water Authority. The Water Authority Testing Headquarters in Lackawanna is named for Donald Kane, to celebrate his commitment to public service and his commitment to our community.

Donald made it his life's work to bring the community together. He organized social gatherings of political, governmental and community leaders in Western New York, fostering communication between all levels of government and their constituencies.

Donald was married to his wife, Patricia, for 52 years before her passing. His legacy is carried on by his daughter, former South District councilwoman and representative for U.S. Congressman Brian Higgins, Bonnie Kane

Lockwood, and his four sons, John Kennedy, James Michael, Patrick Timothy, and Donald Francis, Jr., along with 14 grandchildren, including Patrick Kane of the Chicago Blackhawks, who is now representing the United States in Russia as part of the U.S. Olympic Hockey Team.

Today we remember Donald F. Kane, Sr. He left us in body, but his life of service will always be remembered and will endure and will remain as a comforting memory to those who knew him. We salute his service to our community, his dedication to our country, and we send our thoughts and prayers to his family. May he rest in peace.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Kennedy.

The question is on the resolution. All in favor signify by saying aye.

(Response of "Aye.")

ACTING PRESIDENT GRIFFO: Opposed?

(No response.)

ACTING PRESIDENT GRIFFO: The resolution is adopted.

Senator Hannon.

SENATOR HANNON: Mr. President, I'd like you to call on Senator Montgomery to speak on Resolution 3367, which had been previously adopted in this chamber on the 4th of February.

ACTING PRESIDENT GRIFFO: The Secretary will read the title.

THE SECRETARY: Legislative Resolution Number 3367, by Senator Montgomery, commemorating the 10th anniversary of the Brooklyn Queens Land Trust.

ACTING PRESIDENT GRIFFO: Senator Montgomery on the resolution.

SENATOR MONTGOMERY: Yes, thank you, Mr. President.

I rise to really commemorate the National Land Trust Alliance, which in this country was founded 25 years ago to save the places in our nation that people love. They have been saving them through a very, very active program of land conservation throughout the country.

The national conservation community is now 1.5 million people strong who work to permanently save our most valued natural resource across America. These are millions of acres of

land saved, made up of farms, historic sites, mountains, forests, rivers, wetlands and certainly urban gardens, as in my own district.

New York State has 97 land trusts with 170,000 acres owned and more than 800,000 acres being conserved by other means, making up a total of almost a million acres of land in our state.

The support of the community gardens in Brooklyn and Queens is through the Brooklyn Queens Land Trust. This is an urban community-based organization which stands out as the owner of 32 community gardens, many of them in my own Senate district.

Under the able direction of Demetrice Mills, who is the president of the Brooklyn Queens Land Trust, this organization encompasses 3.5 acres of open space. The Brooklyn Queens Land Trust boasts 600 board members, gardeners and supporters like myself who value and enjoy the small sanctuaries that are our community gardens.

Mr. President, I thank you for allowing me to take this moment in this chamber to honor this extremely important organization,

the Brooklyn Queens Land Trust, as well as the National Land Trust Alliance of America.

Thank you, Mr. President.

ACTING PRESIDENT GRIFFO: Thank you, Senator Montgomery.

As noted, the resolution was adopted on February 4th of 2014.

Senator Hannon.

SENATOR HANNON: Yes, Mr. President. If we could also take up another important resolution by Senator Montgomery and allow her to speak on that. This would be Resolution 3415, which was previously adopted on February 4th of this year.

ACTING PRESIDENT GRIFFO: The Secretary will read the title.

THE SECRETARY: Legislative Resolution Number 3415, by Senator Montgomery, commemorating the 100th anniversary of Public School No. 172 in Brooklyn, New York.

ACTING PRESIDENT GRIFFO: Senator Montgomery on the resolution.

SENATOR MONTGOMERY: Thank you, Mr. President.

I rise again to honor and

commemorate the 100th anniversary of a very special school in my district. It's Public School 172 in Brooklyn, in Sunset Park in Brooklyn.

P.S. 172 opened on February 2, 1914, before any of us in this room were born and certainly anyone in that school was born. The purpose of this school was to educate children of immigrant families at that time who had moved to South Brooklyn from places like Italy and Poland, Sweden and Ireland and Germany. Today the school continues to educate the children of immigrants from Mexico, South America, the Middle East and the Caribbean.

Over the past 100 years, P.S. 172 has continued its dedication to education and achievement. It has won citywide attention for the high test scores of its students, and recently P.S. 172 earned the National Blue Ribbon Award for academic excellence from the U.S. Department of Education.

This school, P.S. 172, has been run under the luminous direction of Mr. Jack Spatola, who emphasizes in his school professional development of teachers and very close support

and monitoring of students to make sure that they are successful in their educational growth and establishing standards and building skills which will carry students from P.S. 172 to a successful future in their lives.

P.S. 172 is very eager to fulfill its commitment to parents, students, and community. This year, all year, they will be commemorating this very remarkable history of 100 years. During this time, there will be many celebrations at P.S. 172. And so ours today is our celebration of this wonderful school and its contributions to our community, to the children, and to the parents who have had their children in P.S. 172.

We commemorate them on their history, we congratulate them, and we are thankful to educational leaders like Mr. Spatola, who has brought that school into the 21st century for a very, very successful educational institution.

Thank you, Mr. President, for allowing me to take a moment to commemorate the history and success of P.S. 172 in the Borough of Brooklyn.

Thank you.

ACTING PRESIDENT GRIFFO: Thank you, Senator Montgomery.

As noted, the resolution has been previously adopted on February 4th of 2014.

Senator Hannon.

SENATOR HANNON: Mr. President, before I ask if you there's any further business at the desk, just to remind people who are on the Higher Education Committee that there's a meeting in Room 807 in the LOB, and second, to note for the desk that pursuant to the rules of the Senate, those members who are at the hearings over in the Legislative Office Building on the budget will be so noted in the record.

ACTING PRESIDENT GRIFFO: So noted.

Senator Hannon.

SENATOR HANNON: Is there any further business at the desk?

ACTING PRESIDENT GRIFFO: There is no further business before the desk.

SENATOR HANNON: I make a motion to adjourn until February 26th, at 3:00 p.m., with the intervening days being legislative days.

ACTING PRESIDENT GRIFFO: The

Senate Higher Education Committee will be meeting in Room 807 in the Legislative Office Building.

On motion, the Senate stands adjourned until Wednesday, February 26th, at 3:00 p.m., intervening days being legislative days. Senate adjourned.

(Whereupon, at 11:35 a.m., the Senate adjourned.)