

RULES COMMITTEE
of the
Suffolk County Legislature
Minutes

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A regular meeting of the Rules Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **June 3, 2004**.

Members Present:

Legislator Allan Binder • Chairman
Legislator Michael Caracciolo • Vice•Chair
Legislator Andrew Crecca
Legislator Jon Cooper
Legislator William Lindsay

Also in Attendance:

Mea Knapp • Counsel to the Legislature
Ellen Martin • Aide to Legislator Binder
Nicole DeAngelo • Aide to Presiding Officer Caracappa
Ray Zaccarro • Aide to Minority Caucus
Frank Tassone • Aide to Legislator Crecca
Barbara LoMoriello • Aide to Legislator Cooper
Jim Spero • Budget Analyst/Budget Review Office
Roger Podd • Intergovernmental Relations/County Executive Office

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Minutes Taken By:

Alison Mahoney • Court Stenographer

(*The meeting was called to order at 3:04 P.M.*)

CHAIRMAN BINDER:

Okay, the meeting of the Rules Committee will come to order.

LEG. CRECCA:

She's got almonds in her office, by the way.

CHAIRMAN BINDER:

1348•04 •• we'll go right to the agenda, I don't think there's anyone that wants to speak before the committee. If not, **1348•04 • A Local Law to amend Local Law No. 5•1993, to prohibit the County of Suffolk from contracting with corporations that reincorporate overseas (Viloria•Fisher)**. Motion by Legislator Lindsay, second by Legislator Cooper. Are there any questions?

LEG. CRECCA:

I'm sorry; this is 1348 you're doing?

CHAIRMAN BINDER:

Right, 1348. Let me ask Counsel, are there any questions in terms of our denying the ability to contract or prohibiting contracting with corporations because of their status as overseas corporations, is there any question with that? I don't know if these are in your restrain of trade issues.

MS. KNAPP:

There are no cases on this.

CHAIRMAN BINDER:

There are no cases on this.

MS. KNAPP:

There are no cases that go against it so in the absence of any authority.

LEG. LINDSAY:

I don't know if we're doing any business with any companies.

CHAIRMAN BINDER:

We have a motion to report and a second; we have it, we're ready.

Are there any discussions? If not, all those in favor? Opposed?

***1348 is reported for the next meeting of the Legislature
(VOTE: 5•0•0•0).***

***1358•04 • Adopting Local Law No. 2004, a Local Law to amend Local Law No. 22
•1999, to license and regulate dry cleaning establishments (Cooper).*** Are there any questions of law, Counsel, on the licensing, the regulation of these kind of establishments throughout Suffolk County?

MS. KNAPP:

It's clear under the Municipal Home Rule Law that the County has the authority to license and regulate certain businesses.

CHAIRMAN BINDER:

We have a motion by Legislator Cooper, second by Legislator Lindsay. All those •• to report. All those in favor? Opposed?

1358 is reported out to the full Legislature (VOTE: 5•0•0•0).

***1385•04 • Adopting Local Law No. 2004, a Local Law to authorize the
implementation of subscription service fee schedule for the Suffolk County Clerk's on
•line records system (Presiding Officer Caracappa).***

LEG. CARACCIOLO:

Motion to report.

CHAIRMAN BINDER:

Do we have any questions of legality on ••

MS. KNAPP:

This is an entirely internal process.

CHAIRMAN BINDER:

And I assume the fee is for •• we have to charge fees in line with our cost; in other words it's not a profit making center generally and so that's •• so this would be in line with that.

MS. KNAPP:

The fee is such that it should be perfectly legal.

CHAIRMAN BINDER,

So we have a motion by Legislator Caracciolo, second by Legislator Crecca to report. All those in favor? Opposed? ***1385 is reported out of committee (VOTE: 5•0•0•0).***

1401•04 • Adopting Local Law No. 2004, a Local Law to amend certain occupational license laws to increase maximum allowable fines (Cooper). I assume we have the legal ability to change the fine structure under County Charter.

MS. KNAPP:

Yes.

CHAIRMAN BINDER:

Motion to report by Legislator Cooper, second by Legislator Lindsay. All those in favor? Opposed? ***1401 is reported (VOTE: 5•0•0•0).***

1440•04 • A Local Law to require defibrillators in health clubs in Suffolk County (Alden). The question I guess to Counsel is the ability of Suffolk County under Home Rule to make this requirement on a specific type of business within the County of Suffolk.

MS. KNAPP:

This one contains a reverse preemption provision that if the State decides to further •• to make

this a requirement Statewide, that we would then be preempted; at the moment, I don't believe that we're preempted.

CHAIRMAN BINDER:

Right. So you're saying if they wanted to do a field preemption, that we submit to that even in the law itself. Okay, motion by Legislator Caracciolo, second by Legislator Crecca to report. All those in favor? Opposed? **1440 is reported (VOTE: 5•0•0•0).**

1566•04 • Adopting Local Law No. 2004, amending Local Law No. 20•2002 to provide accurate and truthful filing responsibility for County Election Campaign Finances (Binder). Is there a question of legality on this one, Counsel? I think since the last iteration of this, the only question that there was in law was forcing or directing the Board of Elections to actually create a system, since then they've created their own system through legislation, internal legislation that they're going to do. And so this shouldn't pose that legal problem, I'm assuming that's not a question.

MS. KNAPP:

Yes, that was deleted.

CHAIRMAN BINDER:

Okay, so there are no other legal questions?

MS. KNAPP:

No; this just simply requires elected officials to file electronically with the Board.

CHAIRMAN BINDER:

Okay. Legislator Cooper.

LEG. COOPER:

I have a question for the sponsor. With this revision, if the only requirement is that the candidates file their campaign finance information with the board, then what would the board do with the information?

CHAIRMAN BINDER:

The board has already had internally ••

LEG. COOPER:

Voluntarily agreed.

CHAIRMAN BINDER:

Not only agreed, they by resolution, which would take both Commissioners to break, they have by resolution created a system by which they would take the on•line filing, they would post it immediately on the website. That which wasn't on•line, as was discussed, would be in a bipartisan manner reviewed so there wouldn't be a question as to the accuracy. And also, there would be immediate transmission to the Campaign Finance Board of the information, so that we would be filing in one place but the Campaign Finance Board would be getting the information as it was being taken in by the Board of Elections.

LEG. CRECCA:

Well, that's good.

CHAIRMAN BINDER:

Right so everyone has what they need.

LEG. COOPER:

No editorializing, Andrew.

LEG. CRECCA:

I want to file in one place.

CHAIRMAN BINDER:

I'm going to make a motion ••

LEG. COOPER:

It depends on what your definition of good is.

CHAIRMAN BINDER:

Filing in one place, I think that's his definition of good.

LEG. CRECCA:

I'm feeling silly today.

CHAIRMAN BINDER:

You're looking silly today. I'll will make a motion to report, second by Silly Legislator Crecca.

LEG. CARACCIOLO:

This is 1566?

CHAIRMAN BINDER:

1566.

LEG. CARACCIOLO:

What does this say?

CHAIRMAN TONNA:

This says that we no longer would have to as candidates, candidates would not have to file in two places, they would only have to file BOE.

LEG. CARACCIOLO:

Oh, okay.

CHAIRMAN BINDER:

BOE has already taken it upon themselves by resolution that they would instantaneously send it to the Campaign Finance Board so that they would have their information and they have already taken it upon themselves to say that they will take our on•line transmission and ••

LEG. CARACCIOLO:

Is this the identical resolution that was vetoed and so forth?

CHAIRMAN BINDER:

Yes. The difference •• it's not identical. The difference is we took out the question that was raised as to its legality in terms of directing the BOE to do this, they've taken it upon

themselves already, there's no reason to direct them to do anything.

LEG. CARACCIOLO:

Gotcha. Okay.

CHAIRMAN BINDER:

They're already doing it. We have a motion by myself and a second by Legislator Silly Crecca to 1556 to report. All those in favor? Opposed? ***It's reported to the next meeting of the Legislature***
(VOTE: 5•0•0•0).

Sense •• I guess I can do 35 first. It's not on here so let me read it because it was very late in the game and we didn't get it on to here, but those who were here for the last meeting would know that other than Legislator Cooper, so listen carefully. ***S35 • Memorializing Sense Resolution requesting Secretary of the United States Department of Health and Human Services to review and restructure local funding of Medicaid;*** the sponsor was Legislator Caracciolo and it was approved in the last committee 5•0. And I would •• I don't know if anybody has any questions, but the sponsor is here and I would assume Legislator Caracciolo would like to move the ••

LEG. CARACCIOLO:

Report.

CHAIRMAN BINDER:

•• motion to report, second by myself. Any questions? All those in favor? Opposed? ***S35 is reported out (VOTE: 5•0•0•0).***

S41•04 • Memorializing Resolution in support of New York State legislation expanding the "Bottle Bill" (Losquadro). I'm not sure what •• I didn't look to see how this would be expanded, I'm just curious.

MS. KNAPP:

It's bottled waters, juices, non•carbonated.

LEG. CRECCA:

Isn't water now a deposit?

CHAIRMAN BINDER:

It doesn't sound like we're stacked up with major controversial stuff here, so.

LEG. CARACCIOLO:

Motion to report.

CHAIRMAN BINDER:

Motion to report by Legislator Caracciolo, second by Legislator Cooper All those in favor?
Opposed? S41 is reported.

LEG. CRECCA:

Abstain.

CHAIRMAN BINDER:

Abstain by Legislator Crecca; sneak that in there.

Reported (VOTE: 4•0•1•0 Abstention: Legislator Crecca).

LEG. CRECCA:

Shaking things up.

CHAIRMAN BINDER:

S42•04 • Memorializing Resolution requesting Federal government to enforce immigration laws (Caracciolo). Motion by •• this is a little controversial. Motion by Legislator Caracciolo, second by myself to report.

LEG. LINDSAY:

Should you clarify that for the audience why ••

LEG. CARACCIOLO:

Yes. Unlike the original version of the Sense Resolution which met with some resistance, I think there were six abstentions, I think almost all have them Republican surprisingly, this resolution

removed the provision that would ban hiring halls.

LEG. COOPER:

So you've now come out in support of hiring halls.

LEG. CARACCIOLO:

No, we're not there, nowhere near there, Jon.

LEG. COOPER:

Just checking.

CHAIRMAN BINDER:

We have a motion by Legislator Caracciolo, second by myself to report. All those in favor? Opposed? ***S42 is reported (VOTE: 5•0•0•0).***

S43•04 • Memorializing Resolution in support of eliminating the sunset provisions of the Local Government Records Management Improvement Fund (LGRMIF) and the Cultural Education Fund (CEF) (Nowick). Motion by Legislator Crecca, second by Legislator Caracciolo to report. All those in favor? Opposed? ***S43 is reported (VOTE: 5•0•0•0).***

S44•04 • Sense of the Suffolk County legislature in support of a bill before the New York State Senate and Assembly known as the "Public Authority Reform act of 2004" (Lindsay). How are we reforming that, Legislator Lindsay?

LEG. LINDSAY:

There is currently bills in both the Senate and the Assembly to rein in some of the many authorities; the number is more than a hundred authorities in New York State with a combined budget probably bigger than any government agency in the whole State or government entity in the whole State. And they're both viable bills and this simply goes on record to say yes, it should be reformed, the process of creating authorities.

CHAIRMAN BINDER:

And I assume it makes it harder to create authorities and it gives them less latitude in their decision making; I am so for this you cannot believe.

LEG. CRECCA:

And I believe that this will •• this Sense Resolution will be the thing that really puts this over the top.

CHAIRMAN BINDER:

Over the top, this is what's going to get it passed.

LEG. CRECCA:

Because I've seen the effectiveness of our Sense Resolutions in Albany before.

CHAIRMAN BINDER:

Okay, Legislator silly.

LEG. CRECCA:

I would like to make the second on this.

CHAIRMAN BINDER:

You can; Legislator Lindsay makes the motion, second by Legislator Silly •• Legislator Crecca on Sense 44. All those in favor? Opposed? ***Sense 44 is reported to the next Legislative meeting (VOTE: 5•0•0•0).***

S45•04 ••

LEG. LOSQUADRO:

Here's another one.

LEG. CRECCA:

Another one that's likely to happen.

CHAIRMAN BINDER:

•• Memorializing Resolution requesting the State of New York to reimburse Suffolk County for police patrol costs on the Long Island Expressway and Sunrise Highway to promote community policing efforts in Suffolk County (Cooper). This is the one, I think we've done about 130 of these and I think this is the one that puts it over the top.

LEG. COOPER:

One thirty•one is the charm.

CHAIRMAN BINDER:

One thirty•one is the charm; I'm not sure which is the one that gets us this funding.

LEG. CRECCA:

I've cosponsored several bills this year so far with Legislator Cooper and I want to add my name, Madam Clerk, to this fine bill.

CHAIRMAN BINDER:

Yeah, you know what? Madam Clerk, put me on S44 and S45 because these are far•reaching and deep.

S45, Legislator Cooper makes the motion to report, second by Legislator Lindsay. I think Legislator silly has had enough for a little while, as his head leans against the microphone. All those in favor? Opposed? ***S45 is reported (VOTE: 5•0•0•0).***

S46•04 • Memorializing Resolution in support of pending New York State legislation strengthening the insurance standards for the Early Intervention Program

(Caracappa). Motion by Legislator Caracciolo, second by myself to report out. All those in favor? Opposed?

S46 is reported out (VOTE: 5•0•0•0).

S47•04 • Memorializing Resolution in support of New York State legislation to regulate solid waste management facilities (A.8835) (Caracappa). Motion by Legislator Lindsay to report, I'll second.

All those in favor? Opposed? ***That's reported (VOTE: 5•0•0•0).***

S48•04 • Sense of the Legislature resolution requesting that New York State enact legislation to further protect victims of domestic violence (Caracappa); Can't be a bad thing. Motion by Legislator Caracciolo, second by myself. All those in favor? Opposed? ***Sense 48 is reported (VOTE: 5•0•0•0).***

Two more, guys, and we're out of here.

Sense 49•2004 • Sense of the Legislature resolution requesting New York State to enact Zero Tolerance Law for certain traffic offenses committed by inexperienced drivers (Caracappa). Wow; that includes Legislators, guys. Motion by Legislator Crecca, second by Legislator Cooper. All those in favor? Opposed? ***S49 is reported out (VOTE: 5•0•0•0).***

S50•2004 • Sense of the Legislature resolution in support of increasing fines for traffic violations in a school zone (Carpenter). Motion by Legislator Caracciolo, second by Legislator Lindsay. All those in favor? Opposed? ***S50 is reported out (VOTE: 5•0•0•0).***

And we, unless we have anything to come before us ••

LEG. CRECCA:

I have one further thing to add.

CHAIRMAN BINDER:

We have something to add by Legislator Crecca.

LEG. CRECCA:

In your comments you alluded to the fact that I was somehow an inexperienced, bad driver and I just want to put •• state on the record that I am an experienced bad driver.

CHAIRMAN BINDER:

Well, I've heard that you learned from Billy Joel; Billy Joel taught you how to drive, I heard you took lessons. All those in favor? Opposed of our adjournment? We're adjourned.

(*The meeting was adjourned at 3:20 P.M.*)

***Legislator Allan Binder
Chairman, Rules Committee***