

**WAYS AND MEANS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

VERBATIM TRANSCRIPT

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, March 21, 2012 at 10:00 a.m.

MEMBERS PRESENT:

Legislator Ricardo Montano, Chairman
Legislator Steve Stern, Vice-Chair
Legislator Robert Calarco
Legislator John Kennedy

NOT PRESENT:

Legislator Lynne Nowick - Excused Absence

ALSO IN ATTENDANCE:

Presiding Officer Bill Lindsay, Legislative District No. 8
Legislator Tom Cilmi, Legislative District No. 10.
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Robert Lipp, Deputy Director, Budget Review Office
Gail Lolis, County Attorney's Office
Paul Perillie, Aide to Legislator Gregory
Debbie Harris, Aide to Legislator Stern
Bob Martinez, Aide to Legislator Montano
Ali Nazir, Aide to Legislator Kennedy
Greg Moran, Aide to Legislator Nowick
Chris DeLuca, Aide to Legislator Cilmi
Mike Cavanagh, Aide to Presiding Officer Lindsay
Ben Zwirn, County Executive's Office
Gina Kommer, County Executive's Office
Tom Vaughn, County Executive's Office
Pam Greene, Director of Real Estate
Bill Ellis, Suffolk Board of Election
Mary McLaughlin, League of Women Voters
Dot Kerrigan, AME 3rd VP
Artie Sanchez, DSPBS
Jose Nunez, DSPBA
All Other Interested Parties

MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer

MINUTES TRANSCRIBED BY:

Lucia Braaten, Court Stenographer
Kim Castiglione, Legislative Secretary

(The meeting was called to order at 10:11 A.M.)

(The following was transcribed by Kim Castiglione, Legislative Secretary)

CHAIRMAN MONTANO:

We're going to call the meeting to order. Pledge of Allegiance, led by Legislator Stern.

(*Salutation*)

CHAIRMAN MONTANO:

Okay. We're going to start with correspondence. Bob, is that the correspondence that was sent by Pam Greene? Has every member of the committee received that? Okay. There's a memo from Ms. Greene with reference to Bill 1161. We'll skip over on that. Do we have any cards?

MS. ORTIZ:

Yes, you do.

CHAIRMAN MONTANO:

Yes, we do. Mr. Bill Ellis. Hi, Bill. How are you?

MR. ELLIS:

Good morning.

CHAIRMAN MONTANO:

Good seeing you again.

MR. ELLIS:

Good to see you, too.

CHAIRMAN MONTANO:

I guess you want to talk to us on 1195. Bill, would you like to sit at the table? This way you don't have to hold the button. The technology here is a little bit antiquated.

MR. ELLIS:

Well, you know, in the jail we just used to yell at everybody, right, so it was easier.

CHAIRMAN MONTANO:

We do that here, too, don't get me wrong. In fact, we're going to do some of that today.

MR. ELLIS:

I've seen that. Well, I'm here on 1195 and 1196, as I was at the full meeting in Riverhead, and I thought that I would give everybody an update and then perhaps questions that you may have would probably be very appropriate.

As you probably all are aware that on Monday night the Federal Judge finally signed the lines for the Congressional Districts. By doing that, by doing that, the Board of Elections now was able to start what we call the mapping process, and what that is is that we sent out yesterday six teams, bipartisan teams, to go into the areas that have changed because they have to go down actually on the streets to see what the cuts are. And until that's done for all of the Congressional districts and then the Assembly districts, and you may say why are the Assembly districts, because they are very important, and especially this year to the political process, because to be a member of the County Committee of the various political parties you must reside within the Assembly District.

CHAIRMAN MONTANO:

Is that for the State Committee people to run or?

MR. ELLIS:

State Committee as well.

CHAIRMAN MONTANO:

Okay.

MR. ELLIS:

State Committee as well, right. For the Conservative Party, they nominate their State Committee people via the Congressional Districts, not the Assembly Districts. The Republican Party and the Democratic Party do it by Assembly Districts, but you do have the option, according to the Election Law.

CHAIRMAN MONTANO:

I did not know that. Thank you.

MR. ELLIS:

So this has put that into a bit of a turmoil for them as well. This process realistically will take 30 days to do because of the changes. We're hoping they maybe cut it back -- when I say 30 days, four weeks, because this is an enormous task, I mean, going from Orient to Amityville and from Huntington to Montauk. So this is an enormous undertaking because we have to get it right. After the 2000 census, and I think I mentioned this last time, we had to create 62 new election districts, and some of them are very, very small, but the way the lines were cut we had to create those.

CHAIRMAN MONTANO:

Just let me understand this, if I may. The census tracts that were used to -- I understand the census tracts were used to shape the Congressional and State and Senate -- State Senate -- Assembly and Senate Districts; am I correct?

MR. ELLIS:

Yes.

CHAIRMAN MONTANO:

So what you're saying is that the ED's that generally fall within the census tracts have not been completed yet, those have not been -- those are not ready, is that what you're saying?

MR. ELLIS:

That is correct.

CHAIRMAN MONTANO:

Then my question is if, in fact, the date, the first date to collect signatures for Congressional candidates is yesterday, what would -- how do they go about collecting signatures if they collect a signature from someone who then doesn't reside in the ED, but resides in the census tract?

MR. ELLIS:

Well, we're talking about the ED's within the CD on this, within the CD's. What would have to be done is that I think that the political leaders would have to say we may have to stay away from the peripheries and just go into the heart of the area.

CHAIRMAN MONTANO:

Okay. So that to avoid getting a signature from someone who may not qualify subsequently, they

would collect signatures from the heart of the district?

MR. ELLIS:

Correct.

CHAIRMAN MONTANO:

Which is what I would do if I were in that situation. So that's not going to impede the qualification for the Congressional candidates.

MR. ELLIS:

We hope not, but there's a very short window on this, Mr. Legislator. Normally --

CHAIRMAN MONTANO:

I understand three weeks?

MR. ELLIS:

Three weeks, less than three weeks now.

CHAIRMAN MONTANO:

Okay.

MR. ELLIS:

April 10th is the first day to file the petitions. Normally there's a five-week collection period and then a one-week filing period.

CHAIRMAN MONTANO:

But they also reduced the number of signatures needed to qualify, am I correct?

MR. ELLIS:

You are correct on that as well.

CHAIRMAN MONTANO:

Okay. Now, let me ask you this. Has -- I have not looked, but is the political calendar for the State and the Assembly elections, has that been published?

MR. ELLIS:

It has not.

CHAIRMAN MONTANO:

So we don't even know what their political calendar is.

MR. ELLIS:

No. The State -- as it stands now on the State level, what we call the State primary, which includes everybody from Councilman up to State Senator, that is on September 11th, unless the State Legislature changes it.

CHAIRMAN MONTANO:

But they would need to publish the political calendar before that, would they not?

MR. ELLIS:

Well, first they have to establish the date because everything works back from the date of the primary.

CHAIRMAN MONTANO:

Okay, because of the time limits.

MR. ELLIS:

Right, and the constraints. Thirteen weeks before the primary date is the first day to collect petitions.

CHAIRMAN MONTANO:

Okay. But my understanding was that based on the Federal lawsuit that was brought, the latest date at which we can have the primary to comply with the -- I guess the military overseas -- I don't know the name of the statute.

MR. ELLIS:

Military ballots.

CHAIRMAN MONTANO:

Military ballots would be August 28th.

MR. ELLIS:

That is not correct.

CHAIRMAN MONTANO:

Okay. Then explain to me why I'm mistaken.

MR. ELLIS:

Well, because you still can have a primary on September 11th, but there's a time frame when the military ballots would have to go out.

CHAIRMAN MONTANO:

But wouldn't they have to go out for the primary elections also within a certain amount of time?

MR. ELLIS:

Well, I'm trying to explain that. So if it's on September the 11th, the military ballots would go out before the permanent absentees to comply with the Federal regulation.

CHAIRMAN MONTANO:

So we can legally have a primary on September 11th and comply with the Federal statute?

MR. ELLIS:

That is correct.

CHAIRMAN MONTANO:

Okay. All right. I appreciate that.

P.O. LINDSAY:

I have a question.

CHAIRMAN MONTANO:

Bill, were you complete with your comments, because I know I interrupted you, but --

MR. ELLIS:

No, I just wanted to explain to everybody what the process is so they would have the understanding of what the Board of Elections has to go through now on getting everything correct. And I know that

there's a bill that is looking for the Commission to be extended for 120 days, and I think that's probably, in my opinion, a good bill inasmuch as that the Commission then would be able to have all of the facts when they start to reapportion for the County Legislative Districts for next year for 2013.

CHAIRMAN MONTANO:

Thank you, Bill. Legislator Lindsay has some questions.

P.O. LINDSAY:

I don't want to get into that argument, all right, but how many primaries are we going to have to have this year?

MR. ELLIS:

Well, you're talking about the regular one, what we call the State primaries, local and State?

P.O. LINDSAY:

I don't care, whatever it is. Every time we have a primary it costs us money.

MR. ELLIS:

It will cost this County approximately \$1.5 million for each election. Now, we have no control over that.

P.O. LINDSAY:

I'm not saying you do. We're trying to put together some kind of budget that every one of us will have enough money to pay our County employees. I mean, that's what it's at. I just want to know how many primaries at a million-and-a-half each?

MR. ELLIS:

Well, we know on April 24th we have the Presidential primary. On June 26th, we have the quote Federal primary. And there will be a statewide Federal primary because there are three candidates running on the Republican side for United States Senator. The likelihood is that there will be a Congressional primary in the First Congressional District. Then we move now to September 11th. We do not know if there will be any primaries on September 11th, that's for State Assembly, State Senate, the judges. There are three County-wide judges who will be running this year, as well as five District Court judges, two in the Town of Smithtown, two in the Town of Babylon, and one in the Town of Huntington. So there's a possibility of having primaries in those three towns, as well as any Senate or Assembly districts.

P.O. LINDSAY:

Okay. But getting back to my question, so we're looking at the possibility of four primaries.

MR. ELLIS:

Three primaries and a general election in November.

P.O. LINDSAY:

Three primaries and a general election.

MR. ELLIS:

That's correct.

P.O. LINDSAY:

See, I thought I counted four possible primaries.

MR. ELLIS:

No. The Presidential, the Federal, the State and the general election, four total votes.

P.O. LINDSAY:

Okay.

MR. ELLIS:

Four total votes.

P.O. LINDSAY:

Okay. So six million dollars in cost.

MR. ELLIS:

The possibility, Mr. Legislator, is it could be that high.

P.O. LINDSAY:

Nothing gets better around here.

MR. ELLIS:

Nothing gets better.

P.O. LINDSAY:

Thank you.

LEG. KENNEDY:

Mr. Chair, if I might. Could I --

CHAIRMAN MONTANO:

I apologize, Legislator Kennedy. I was consulting with Legislator Stern. Go ahead, you have the floor.

LEG. KENNEDY:

No problem. Thank you very much. Bill, first of all, thank you for being here. I appreciate you sharing the information with us and updating us. As you had indicated, we do have two bills before us today just as you had spoken last week out in Riverhead, and it appears to me that there is essentially no finality yet until these teams have actually gone out and physically established what those election districts are.

MR. ELLIS:

That is correct.

LEG. KENNEDY:

And so we actually have people who are employees there of the Board who are driving up and down streets, trying to identify street addresses, trying to make sure that we have residents, citizens, in these various districts, so that they are properly recognized, accounted, communicated with the Board?

MR. ELLIS:

That is correct. And the enrollment books, the enrollment books. I'm sure that many of you have seen it. There's an enrollment book that's published for each election district. It cannot be finalized until we know what streets actually are going to be into these new districts. If we change an election district, that's going to change the street. That street will be taken out of District 1 and maybe put into District 37.

LEG. KENNEDY:

Well, so that it occurs to me that although I always vigorously support any legislation I introduce, ironically if both pieces of legislation before us today were to be tabled and to go for one more cycle, in essence there really would be no change or no loss because in either case, we're dependent on what the Board does to ultimately furnish with final information.

MR. ELLIS:

That's correct.

LEG. KENNEDY:

Okay.

MR. ELLIS:

That's correct. And I think that you'd want to proceed with the final information that is all in place.

LEG. KENNEDY:

Well, the committee has done very good work as a matter of fact, and the League has been instrumental, and Nancy Marr would have been here today to speak further on that. They had another commitment. We do have another representative from the League. But I appreciate that and I appreciate your comments here and sharing the latest with us in the committee. Obviously every one of us has a keen interest in this as representatives of our constituents. Quite frankly, I find it somewhat disturbing that we may, in fact, even through the signature process, be having to stay away from some of our constituents or citizens who may be inclined to want to support a candidate in a particular race. That's somewhat disturbing, but nevertheless, I appreciate the update. Thank you.

MR. ELLIS:

Thank you.

CHAIRMAN MONTANO:

Thank you, Bill. Does anyone else have any other questions? Okay. Bill, thanks a lot.

MR. ELLIS:

Please call upon me at any time if you need some additional information.

CHAIRMAN MONTANO:

I'll see you.

MR. ELLIS:

Okay.

CHAIRMAN MONTANO:

Maybe I'll see you at Cafe Havana.

MR. ELLIS:

Okay.

*(*Laughter*)*

CHAIRMAN MONTANO:

Okay. We have Mary McLaughlin from the League of Women Voters on the redistricting. Hi, Mary. Good seeing you again.

MS. MC LAUGHLIN:

Thank you. Good morning, everyone. I'm here representing the League of Women Voters of Suffolk County

CHAIRMAN MONTANO:

I'm sorry. You've got to keep the button down.

MS. MC LAUGHLIN:

I've got it. I have it.

CHAIRMAN MONTANO:

Go ahead, Mary. Start again. We're not timing you so don't worry about it.

MS. MC LAUGHLIN:

Okay. The League of Women voters of Suffolk County continues to speak out in favor of a nonpartisan, fair and objective Reapportionment Commission for our County as reflected in our current Charter Law. However, over the past few weeks, we have come to recognize realities. The Charter Law has inherent weaknesses. One, in defining specific requirements for Commission members that are difficult to adhere to; two, in setting deadlines and isolation from State redistricting work upon which the County work rests; three, inadvertently outlining the support the committee needs; and in spelling out the penalties we're not adhering to the Charter Law requirements.

Although these inadequacies existed in the original Charter Law of 2007 we continue to hope that the Legislature would support the Reapportionment Commission. It has not. Nominations have not been made on a timely basis, support services were not forthcoming, and the hearing and completion deadlines have slipped away. There are three roads now before you, the Legislature, to draw the new redistricting lines for Suffolk County. Extend the Commission's deadline, give it support and allow it to draw the lines; admit the Commission has not completed its work in a timely manner, which would result in the appointment of a special master to draw the lines; or pass a law amending the Charter to place the responsibility for drawing lines back in the hands of the Legislature.

The Legislature has failed in its Charter responsibility. We are disappointed that our Suffolk County citizens will apparently not see the promised nonpartisan effort. Absent the extension of the current Commission with a full complement of qualified members and support from the Legislature, a special master is required by the Charter Law. Moving the responsibility for drawing the lines back into the hands of those in office is not good government. Thank you.

CHAIRMAN MONTANO:

Thank you, Mary. Are there any questions from any members of the panel? Mary, thank you. Okay. Renee, we have an excused absence for Legislator Nowick. Would you note that for the record?

MS. ORTIZ:

Okay.

CHAIRMAN MONTANO:

I'm also -- we have two bills for appointments to members of the Ethics Committee which are -- I'm going to make a motion to take out of order.

P.O. LINDSAY:

I second it.

CHAIRMAN MONTANO:

All right. Motion to take **1257** out of the order, *Appointing member of the Suffolk County Board of Ethics (Richard F. Halverson)*. Motion and seconded. All in favor? Opposed? Abstentions? Motion carries. Mr. Halverson, would you step forward? 1257 is presently before us. And I'll make a motion to approve. I need a second.

P.O. LINDSAY:

I'll second.

CHAIRMAN MONTANO:

Second by Legislator Lindsay.

CHAIRMAN MONTANO:

Good morning, sir. How are you?

MR. HALVERSON:

I'm fine, thank you.

CHAIRMAN MONTANO:

Good. You want to tell us something about yourself and why you want to be on the Board of Ethics, etcetera, etcetera, so make your presentation?

MR. HALVERSON:

Sure, I'll be happy --

CHAIRMAN MONTANO:

We generally do that.

MR. HALVERSON:

I'll be happy to. I'm Richard Halverson. I'm a resident of Hampton Bays, a full-time resident for last three years and a part-time resident for the last 31 years. I have an interest in governmental ethics that goes back to my career in government, primarily in New York City, and I feel it's an important function to ensure and maintain the integrity of how government functions. I worked in many positions in New York City where I was involved with questions of ethics, mostly in terms of employees of a city who were under my jurisdiction. So I'm familiar with the complexities of making decisions having to do with advisory opinions on actions which have not yet happened on conflict of interest issues, questions of gifts and so on, that fall within the jurisdiction of the Ethics Commission. And I very much appreciate the opportunity to do it here in Suffolk County. Thank you.

CHAIRMAN MONTANO:

Could you -- if you would, could you just give us an indication of your professional background in case anyone hasn't read the resume?

MR. HALVERSON:

Sure. I have a Doctorate in Political Science from Columbia University and I taught for a couple of years at the University of Dayton after I graduated. But when the city went bankrupt in the early 1970's I returned to New York City and began a career basically in New York City government. I was the Assistant Deputy Director of the Financial Control Board, I was for five years the Deputy Chancellor of the school system. And then after doing some consulting work for a few years I joined the Comptroller's Office where I was Deputy Comptroller for budget for four or five years, and then for debt for a couple of years and then for pensions for a couple of years. My last job was as Executive Vice President of Saint Francis College in Brooklyn Heights where I was for seven years.

CHAIRMAN MONTANO:

Thank you. I'll just point out this is a, I believe, a County Executive appointment under the statute, Counsel?

MR. NOLAN:

Yes.

CHAIRMAN MONTANO:

Okay.

P.O. LINDSAY:

I got a question when you're done.

CHAIRMAN MONTANO:

Okay. I have one quick question. Were you working at the city when The Daily News had that headline "Ford to City: Drop Dead?"

MR. HALVERSON:

Yeah.

CHAIRMAN MONTANO:

Do you remember that?

MR. HALVERSON:

Yes, I do.

CHAIRMAN MONTANO:

Okay. Good. All right. Legislator Kennedy asked first and then Legislator Lindsay.

LEG. KENNEDY:

Thank you for being before us, Mr. Halverson, and actually you were an Administrator at Saint Francis, Saint Francis Prep?

MR. HALVERSON:

Saint Francis College.

LEG. KENNEDY:

Saint Francis College.

MR. HALVERSON:

Yes.

LEG. KENNEDY:

Worked with Franciscans, huh?

MR. HALVERSON:

I did, I did.

LEG. KENNEDY:

A man I know very well, as a matter of fact, graduated from there, Mike Sullivan. I applaud you coming forward and absolutely you seem to be more than eminently qualified in having survived more than three decades in municipal employment. You should be probably sainted or put up for knighthood. My only question to you is, is you just presented to us probably only about ten days ago, having served on a panel at the County Executive and paneled regarding our current fiscal

debacle and nightmare, and you delivered news that I don't think any of us expected to hear and it was quite sobering.

My question is, is in serving in the Ethic Commission, do you anticipate that you're going to be continuing on with this panel regarding our fiscal status at this point, or has that concluded?

MR. HALVERSON:

That's concluded. Our assignment was simply to try to define the size of the deficit and so we're out of business, I guess you'd say.

LEG. KENNEDY:

You are, hopefully we won't be. All right. Thank you very much.

CHAIRMAN MONTANO:

Bill.

P.O. LINDSAY:

Mr. Halverson, I'm very, very impressed with your credentials, and I'm very thankful that a man of your stature would accept a possibility of filling this position, because it's an extremely important position in the County. It's one of those positions that goes by and nobody ever knows their name, they're just someone that's part of the government. But, unfortunately, over the last few years, we've seen how powerful that Commission can be and what happens when it runs astray. And as a result of that experience, this body starting with legislation that Mr. -- Legislator Montano introduced, has reformed the Commission dramatically to the point where we totally rewrote our law, from the appointment of our Commissioners to the nitty-gritty of what should be in an ethics law.

So you guys will be starting out on really, really fresh turf, and initially it's going to be a lot of work to get the systems in, because it isn't just taking over an old system, it's a new disclosure form. One of your first chores is to find new headquarters, because one of the statutes that we passed attached to the new ethics law is that the Ethics Commission will be housed in a County building that is disconnected from the Executive Branch and disconnected from the Legislative Branch. We're trying to find Switzerland, and I'm sure we will. The County has many buildings and much office space that that all can be done.

But we -- all we're expecting from ethics is fair, fair and rapid opinions to give our elected officials guidance, because I don't -- I don't think anybody here wants to do anything wrong, but a lot of times there's questions that come up that are kind of in the middle and we really look to -- for guidance. We know -- and we certainly don't look to which at times an Ethics Commission that was used as a hammer to hit electeds over the head to control them. That is not the role of the Ethics Commission. So I'm impressed with your credentials. I've never met you before, but as far as I'm concerned, I welcome you on board. I'm sure you're going to do a terrific job.

MR. HALVERSON:

Thank you very much.

LEG. KENNEDY:

Mr. Chair, just one quick question to follow-up with Mr. Halverson.

CHAIRMAN MONTANO:

Yes, go ahead.

LEG. KENNEDY:

Thank you. Further, too, on my conversational comments were with you just before, Mr. Halverson, I had an opportunity to have a conversation with members of the Bellone Administration about some of the circumstances that evolved with the preparation of the 2012 Operating Budget and in particular the former County Executive's recommended 2012 budget. And there was some serious question as to how -- how various revenues were characterized. My question to you is, is if there was further investigation or further complaint or further reference that might be made to our Ethics Commission, would you -- would you sit and deliberate on that or would you recuse?

MR. HALVERSON:

Well, as I said a couple of weeks ago when we were here, we really stayed away from the questions of how what happened, happened.

LEG. KENNEDY:

Okay.

MR. HALVERSON:

So I don't have any preconceptions about what went wrong

LEG. KENNEDY:

Nor did you have any kind of conversations with any members of the Administration or have any input to any kind of internal, confidential or any other types of information?

MR. HALVERSON:

No. We stayed away from that. We purposely stayed away from that because we were instructed to focus on how big the problem was, not how we got in that situation.

LEG. KENNEDY:

Okay. All right. Thank you very much.

CHAIRMAN MONTANO:

I'm sorry. Legislator Kennedy, I was looking at something. The first question that you raised was -- could you repeat the first question or maybe --

LEG. KENNEDY:

Well, the context was the Bellone Commission reported to us, as I had indicated, as we all sat here and heard, some pretty sobering news, and there's been some question or speculation as to, in particular, some of the revenues that were projected in the proposed Operating Budget that we received from the former County Executive. So my question to Mr. Halverson was in the context of his committee's work, did they have occasion to look at or discuss or get involved really with any kind of confidential conversations with the current Administration. And his indication to me is that, in fact, he didn't, and I think I can characterize for the committee, they did not. So, therefore, if there subsequent referrals to the Ethic Commission about conduct on the part of any individuals, again, I don't want to put words in your mouth, but it sounds like you're saying to me you don't perceive that there would be any conflict there nor would there be any need for recusal.

MR. HALVERSON:

I don't think so. We did not even go back to the original proposed budget. We started with the adopted budget. So we were not involved in discussing particularly anything about the proposed budget.

LEG. KENNEDY:

Okay.

CHAIRMAN MONTANO:

Let me be more direct, then. There was a document that was, I guess, a confidential document that was shared with some members of the Legislature and not others, and it made some particular statements. Did you see -- do you know what I'm talking about?

MR. HALVERSON:

No.

CHAIRMAN MONTANO:

You did not see that document?

MR. HALVERSON:

No.

CHAIRMAN MONTANO:

Thank you. Any other questions? All right. We have a motion to approve and a second. Any other motions? All in favor? Opposed? Abstentions? **(5-0-0-1 Not Present: Legislator Nowick)**. I'm not sure if congratulations is in order, sir.

MR. HALVERSON:

Thank you very much.

P.O. LINDSAY:

Thank you very much.

CHAIRMAN MONTANO:

But welcome to the Ethics Committee. Okay. We're going -- I'm going to make a motion to take **1258** out of order, that's **Appointing member of the Suffolk County Board of Ethics (John C. Gallagher)**. **(Co. Exec.)**

P.O. LINDSAY:

I'm sorry to interrupt you. But I think we should have Mr. Halverson here on Tuesday as well because it's just such an important --

CHAIRMAN MONTANO:

I agree. Mr. Halverson, I'm sorry. As -- we would ask that your presence -- we would like to have you present on Tuesday so the full Legislature can get -- at four o'clock here. Well, actually we're going to start the public portion, so what time do you suggest he come here, about 6:30, 7?

P.O. LINDSAY:

I think probably five I'll try to fit.

CHAIRMAN MONTANO:

All right. Be here around five. If you get here a little later we understand. We're going to have public session starting at four and we have some proclamations, I'm sure, to give out, so I'm sure we'll take your nomination out of order, but I think the committee would recommend that the full Legislature get to know you.

MR. HALVERSON:

Okay.

P.O. LINDSAY:

If I might.

CHAIRMAN MONTANO:

Go ahead, Legislator Lindsay.

P.O. LINDSAY:

Mr. Halverson, I'm sorry for the inconvenience, but there's been so much controversy about the Ethics Commission, I would like the full body to hear your wealth of experience, and I don't -- I want to make sure your appointment goes through. And I promise you, we'll get you out of here as fast as I can. All right? Thank you.

MR. HALVERSON:

I'll be here. Thank you.

CHAIRMAN MONTANO:

John, how are you? Long time no see. John, why don't you come to the center, this way you don't have to hold the mic.

MR. GALLAGHER:

Thank you.

CHAIRMAN MONTANO:

Now, did we vote on taking this out of order? All right. We have a motion to take it out of order, and a second by Legislator Stern. All in favor? Opposed? Abstention? 1258 is before us. Again, I will make a motion to approve.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Mr. Gallagher, John, how are you?

MR. GALLAGHER:

Fine. Thank you. Good morning.

CHAIRMAN MONTANO:

You know the drill.

MR. GALLAGHER:

Yes, sir. Good morning, good morning members. After having heard the previous exchange I don't know if I should be here to withdraw my nomination.

CHAIRMAN MONTANO:

You've always been a wise individual.

MR. GALLAGHER:

Well, first of all, I appreciate the opportunity that the County Executive is giving me, subject to your approval, to serve the County in this capacity in the Ethics Commission. I fully understand there's a -- you know, there's always a difficulty in defining the Commission like this, what it does and how it operates. But, in a way, I always reduce things to the simplest terms, and one of the first things I usually do, and I did in this case when I was asked to consider serving on this Commission, was go to the dictionary, look for a definition of ethics as it's found in the dictionary. That left me with the impression, really, that every one of us, especially those of us who sit around this horseshoe as elected officials, is his or her own ethics commissioner. You apply the common sense rule of what is morally right and wrong to the actions you take. And there's a bit of an irony in having to have a Commission, but yet, I understand from what, and I do agree with what was commented, that

sometimes issues get into the gray area, that fall into that possible right, possible wrong, and that's where I think a Commission like this could be of help to any public official, to help that person, steer them with where they're not sure of their own passage through doing the right thing. That's what I think the Commission is all about. It has to be done impartially, it has to be done with a fairness to all sides, and an adherence to what is the ethical rule, regardless of, if you will, where the chips fall where they may.

I can use an analogy, if I might. In the mid-19th century, as some of you know, I'm a professor of history, so you'll have to put up with some history lessons every time you get me here. Sir Robert Peel, who is the father of modern policing, in the mid-19th century in England he introduced, well, it's attributed to him that he introduced nine rules of policing, which resulted in the establishment, the creation, of the first modern police force in history, and that was the metropolitan police. One of the rules, that's really the prime rule that he introduced, and I always adhered to this during my years as Police Commissioner. I used to remind our own police officials of this, Peel said the people are the police, and the police are the people. You think about that for a moment. The police are the people, the police should do nothing more than could be done by a citizen to, you know, maintain order, and they are not separated from the population that they serve. And the people are the police.

So if you take that analogy and transfer it over to what we are talking about here this morning, you are your own, as I said, Ethics Commissioners. You are -- you're the first line of judgment as to what is right or wrong about what you are doing or what is being proposed to you to do. And the job of the Commission is to then be, in effect, your police, but also one of the same -- one in the same mode, of being this is what I am here for, to do what is right. And I think I could -- the only thing I could combine with that is that famous quote from Theodore Roosevelt that I've always thought it was, you know, such beautiful, simple, the public office is a public trust. When you violate public trust by doing something in the public office, you're violating not just the law as it applies to you, but you're violating the trust that's been put in all of us by all of the people. Again, the people are the police. And we should be observing our own rules, our own judgments and our own restraints on what we do in order to make sure that the people are served, because that's what you're there for. I'm not lecturing you, I'm teaching you, I mean me, all of us, too.

With that, I don't know if you need any -- I can be led to give you any question -- any information about my background if you need it.

CHAIRMAN MONTANO:

John, I think your background is well-known, but we would like to get it on the record. I hope you don't mind me calling you John, we go back so long. But, Mr. Gallagher, put your background on the record so everybody is aware of it.

MR. GALLAGHER:

All right. I'll use the short version.

CHAIRMAN MONTANO:

Oh, half an hour. Okay.

MR. GALLAGHER:

Presently a Professor of History in Political Science at Suffolk County Community College. I teach part-time, an Adjunct Professor. I have been there for many, many years as an adjunct. I do consulting work, sometimes pro bono, sometimes I actually get paid, which is a nice feeling, but both private and public clients. I haven't had anything with County clients, though.

My positions, I guess, in service to Suffolk County, I started out here in the 1960's as a Professor of

History at Suffolk County Community College. Went on to become an Administrator there, and wound up in the early '70's I was asked to take the role of Executive Dean, that is the founding Dean of the campus at Brentwood, which was the second, at that time, second campus of the college, a new campus just starting. I was the Executive Dean there. Opened that campus and had a wonderful time seeing that campus grow. I apologize for my voice, it's a little raspy.

Then in 1980 the then County Executive elect Peter Cohalan asked me to leave the position of Executive Dean and become the Chief Deputy County Executive for the County. I served in that position for about six years, and then decided to move on when they -- well, I got the impression that Mr. Cohalan was not going to be staying around too much longer so I thought maybe it was time for me to move. I got a coincident with that. I like to use the religious analogy say God is good. The same time that I was thinking about it I got an offer from Saint Francis Hospital in Roslyn to become Senior Vice President there. I left Saint France after five years. In effect, I had a mission there, which I fulfilled, which was the construction of a major addition to the hospital. I was the Vice President in charge of all the construction details and the approvals that were necessary, as every hospital has to get approved right from the Federal government on down. All the -- down to the Village of Flower Hill.

I left there and went into consulting to my own business when I left Saint Francis, just for a short time, though. Then the new County Executive, Robert Gaffney, asked me to come back as a member of his administration, and I wound up as Assistant Deputy County Executive in his Office for Public Safety. In 1997, an opening came for the Police Commissioner's position and the County Executive said he was going to go outside the ranks of the department, and having been the Assistant Deputy for Public Safety for the four or five years that I've worked with the County with his office and with the budgets and personnel issues in the Police Department, I offered that perhaps I would be the one he would want to look at. And after some consideration, I was appointed Suffolk County Police Commissioner, served in that job for seven years. Then I retired from that position when a new County Executive was appointed -- was elected.

I'm a member of boards. I don't know if -- board service. I'm Chairman of the Governance Committee of a Board of Directors for the SCO Family of Services. This is part of the idea of being -- I am retired, but I'm not -- I don't sit home and watch daytime television. The Governance Committee of the SCO Family of Services is the committee that governs the actions of the board, including enforcement of ethics rules. It's the largest, one of the largest, one of the three largest agencies throughout the metropolitan region for service to families with severe disabilities, with single parent, abused women, just -- name just about anything. If you look them up in their website you'll see it's about a \$200 million operation. So it goes without saying that it keeps me busy. I also serve as a Chairman who's appointed by the State University Board of Trustees to serve as Chairman of their Quality Assessment Review Committee at the State of -- Stony Brook University Medical Center. I'm still in that capacity.

CHAIRMAN MONTANO:

You're in that capacity now?

MR. GALLAGHER:

Yes.

CHAIRMAN MONTANO:

I'm sorry, what title is that again?

MR. GALLAGHER:

It's Chairman of the Board that's called Quality Assessment Review Board or QARB.

CHAIRMAN MONTANO:

Okay. That's not a paid position, is it?

MR. GALLAGHER:

No, no.

P.O. LINDSAY:

Okay. Is that State or --

CHAIRMAN MONTANO:

State, State.

MR. GALLAGHER:

Yeah. The appointment was through the State University System, the Board of Trustees. I'm on the Board of the ALS, Lou Gehrig's Disease, Suffolk Chapter, serve on that board, for -- a member of the board of that. I'm President, just got elected President of the Police Reserves of Suffolk, which is a private business organization that -- business and executive members that support police, you know, law enforcement throughout the County.

CHAIRMAN MONTANO:

Thank you. I just want to put on the record that when I served as Executive Director of the Suffolk Human Rights Commission from 1981, I think it was until '88, which was then a separate department, it was a Commissioner level position, you served as the, I think, Chief Deputy County Executive during that period?

MR. GALLAGHER:

Uh-huh.

CHAIRMAN MONTANO:

But that was a long time ago. I don't know if there are any questions. I have to ask one question. You indicated that you are an adjunct at -- is it Suffolk Community College?

MR. GALLAGHER:

Yes.

CHAIRMAN MONTANO:

Okay. Could you describe and let us -- could you speak more about that, how often do you teach, do you teach one course?

MR. GALLAGHER:

Adjunct faculty, there is a limit on the number of credits that they can teach. There's a limit to the number of credits that adjunct faculty can teach. I don't even think about it because I know I'm not near the limit. What I teach is in the fall semester of each year, that is from September through December. I take one class -- one course, the history class, and I teach two sections of that class, and then I don't teach in the spring semester. I -- I am -- I'm probably the senior person in the History Department throughout the college, I've been there since the sixties, so I can really name my own courses and how -- what I want to teach and when I want to teach it. It's six credits of adjunct teaching each fall and after which I -- you know, I take a break until the following September.

CHAIRMAN MONTANO:

Okay. Bill? Do you want to take a break?

P.O. LINDSAY:

Yeah.

CHAIRMAN MONTANO:

I'm going to take the prerogative of the Chair and take a five minute recess. Will you bear with us, John?

MR. GALLAGHER:

Uh-huh.

CHAIRMAN MONTANO:

Thank you.

(The meeting was recessed at 10:57 and reconvened at 11:04)

CHAIRMAN MONTANO:

Okay. I wanted to thank you for bearing with us during that quick recess. And the committee is now called back to order. And Legislator Calarco is here. We're waiting for Legislator Stern -- oh, Stern is here. Kennedy's here, okay. John, thank you very much. What I'm going to do at this moment for technical reasons is I'm going to withdraw the motion to approve. I'm going to make a motion to table. I need a second.

P.O. LINDSAY:

I'll second it.

CHAIRMAN MONTANO:

Second by Legislator Lindsay. Tabling is the only motion on the floor. All in favor? Opposed? Abstentions? Motion to table carries. ***(5-0-0-1 Not Present: Legislator Nowick)***. And we'll talk before the next meeting.

MR. GALLAGHER:

Thank you, Mr. Chairman.

CHAIRMAN MONTANO:

Thank you. Thank you very much, Mr. Gallagher. Just for the record, when we get to it, ***I.R. 1307 has been withdrawn***, so you can knock that off the agenda. Back to the resolutions. First to tabled resolutions. I am going to try and go through this quickly.

Tabled Resolutions

IR 1005-2012, To reduce the printing costs associated with the County's Direct Deposit Payment System. (Cilmi)

LEG. KENNEDY:

Motion to table.

CHAIRMAN MONTANO:

Okay. The public hearing was closed on that, so I'll second the motion to table. All in favor? Opposed? Abstention? Motion carries. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

IR 1007-2012, Requiring County Departments to post promulgated rules and regulations on departmental websites. (Cilmi)

LEG. KENNEDY:

I make a motion to approve.

CHAIRMAN MONTANO:

Do we have a second? Okay. Fails for lack --

P.O. LINDSAY:

Well -- okay.

CHAIRMAN MONTANO:

Fails for lack of second.

LEG. KENNEDY:

I'll make a motion to table.

P.O. LINDSAY:

I was just going to add to the record that this is something that I know the Executive Branch is busily doing now in many departments to clarify the roles of different departments and whether we need all the departments we have. So I would just like them to, before we start directing departments to issue rules and then that department might not be there, you know, when it's restructured. I'd like to see that completed and this as the absolutely next step.

CHAIRMAN MONTANO:

Do you have a timetable on when they will be looking at that?

P.O. LINDSAY:

I don't know, but I think that the team that the Executive brought on board this week, that's their assignment to go through the County department by department and do evaluations of what's -- who's needed, whether the department's needed.

CHAIRMAN MONTANO:

Okay.

LEG. CILMI:

Mr. Chair.

CHAIRMAN MONTANO:

Well, in that light of that -- hold on Mr. -- Legislator Cilmi. I'm going to make a motion to table subject to call, because if the Executive Branch is going to be reviewing this then I just want to knock it off the calendar since we'd just have to continually table it.

P.O. LINDSAY:

I think it's a good idea once we know what we're dealing with.

CHAIRMAN MONTANO:

And I know that Legislator Cilmi, the sponsor, is here and I'm going to give him an opportunity to speak on the resolution. I would need a second to the motion to table subject to call. Do I have one?

MS. ORTIZ:

No.

P.O. LINDSAY:

I'll second it.

CHAIRMAN MONTANO:

Second by Legislator Lindsay. Are there any other motions on the table?

LEG. KENNEDY:

You have a motion to table, Mr. Chair.

CHAIRMAN MONTANO:

Do we have a second on that? Yes, we do. All right. Legislator Cilmi, this is your bill. I did have one question. Is this the bill that we had asked for an opinion from the County Comptroller or was that a separate bill?

LEG. CILMI:

No, that's a different bill, Mr. Chair.

CHAIRMAN MONTANO:

Go ahead. The floors is yours.

LEG. CILMI:

I appreciate the Chairman's deference. I'm not a member on this committee, but I'd like to speak on this bill in particular. What this bill does is simply requests that all of our departments post any rules and regulations that they may have developed as a result of legislation that we've passed, that they post those regulation online. They certainly have the capacity to do that now. And there's, of course, a myriad of these regulations that exist in the County, but that, you know, members of this Legislature and the public, the folks who actually have to live by those regulations, aren't aware of. And in some cases in questioning departments about rules and regulations, there may be some discrepancies from one employee to the next as to how those rules and regulations are actually, you know, in effect.

So all this does is says, you know, take an inventory of the rules and regulations that you've developed as a result of legislation that we passed and post them very simply on line. That's all this does. It doesn't require, you know, any changes to departmental structure, it doesn't -- it really has -- any changes in departmental structure have no impact on this legislation whatsoever.

So I would ask that you reconsider your motions, and this is simply an effort to make all of those rules and regulations more transparent to the folks that they actually affect in an effort to make things more efficient.

CHAIRMAN MONTANO:

Quick question with respect to the comments of Legislator Lindsay. Have you had any discussions with the Executive Branch in regards to this bill and the parallel tract that they may be pursuing?

LEG. CILMI:

This is not -- you know, what Legislator Lindsay described and what the administration may be doing, you know, addresses departmental efficiencies and performance in the County and really has nothing to do with regulations that -- regulations that have already been passed, you know, that are presently in effect. Some of those regulations certainly may be changed, but it doesn't change the fact that they are in existence now and I would suspect that the majority of them will remain in existence in the future and therefore they should be perfectly accessible to our residents.

CHAIRMAN MONTANO:

Right. So -- but I guess the short answer would be no, that you haven't been in discussion with them, Legislator Cilmi?

LEG. CILMI:

That's correct.

CHAIRMAN MONTANO:

Okay. Maybe I'd suggest that you get together with them because if you're working on parallel tracts it might be better to have something that is across the board.

We have two motions on the floor, one to table and one to table subject to call.

MS. ORTIZ:

Legislator Montano, I didn't get the second on the tabling.

CHAIRMAN MONTANO:

Legislator Lindsay also seconded the tabling subject -- Bill? You seconded both motions, correct?

MS. ORTIZ:

I didn't have them.

P.O. LINDSAY:

I guess so.

CHAIRMAN MONTANO:

What do you have, Renee?

MS. ORTIZ:

I only got the second to table subject to call.

CHAIRMAN MONTANO:

Oh, so there was no second on the motion to table.

MS. ORTIZ:

Right.

CHAIRMAN MONTANO:

Okay. Then I stand corrected. So we really only have one motion before us. Are there any other motions? Hearing none, all in favor of tabling subject to call? I guess what we'll do is raise our hands. Opposed?

LEG. KENNEDY:

Opposed.

CHAIRMAN MONTANO:

Bill is tabled subject to call. ***(Vote: 4-1-0-1 Opposed: Legislator Kennedy; Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***. It can be called back. Counsel, would you explain the process of calling back the bill so we're clear on this?

MR. NOLAN:

The bill is still alive. If at a future meeting somebody makes a motion to recall it for consideration and gets a second it would be back before us, subject to the six month rule, of course.

CHAIRMAN MONTANO:

And that would be made at committee and it would be voted on that day?

MR. NOLAN:

Correct.

CHAIRMAN MONTANO:

Okay. All right. *IR 1012-2012, Adopting Local Law No. -2012, A Charter Law to require legislative approval of Department Rules and Regulations. (Cilmi)*

The public hearing was closed.

LEG. KENNEDY:

Motion to approve.

CHAIRMAN MONTANO:

Do we have a second?

LEG. KENNEDY:

Oh, I'm sorry. I withdraw that. Motion to table.

CHAIRMAN MONTANO:

All right. I'm going to really -- is this -- then I'm going to make a motion to table subject to call along with what we just did to be consistent, because I think that these two bills are related. So do we have a second on the tabling motion?

P.O. LINDSAY:

Second.

CHAIRMAN MONTANO:

All right. So we have a second. Do we have a second on the tabling subject to call?

P.O. LINDSAY:

That's what I'm talking about.

CHAIRMAN MONTANO:

Okay. Let's do this again. The motion to table we do not have a second, I believe, and the tabling subject to call, Legislator Lindsay is the second.

P.O. LINDSAY:

Right.

CHAIRMAN MONTANO:

Do we have any other motions? All --

LEG. CILMI:

Mr. Chair?

CHAIRMAN MONTANO:

Yes, go ahead.

LEG. CILMI:

May I speak on that?

CHAIRMAN MONTANO:

Absolutely, sir.

LEG. CILMI:

Thank you. Just to clarify, I requested that Legislator Kennedy make a motion to table this bill because the sum and substance of the bill has been amended to the extent that the title of the bill no longer accurately reflects the content of the bill. So originally this bill was filed as a means to require that departments in promulgating rules and regulations come to the Legislature for approval of those rules and regulations prior to their promulgation.

In discussing with other members and with members of the County Executive's Office, we've changed this bill subsequently so that it now requires that there's notice, simply notice. So when we pass a law that requires a department to promulgate certain rules and regulations and they draft those rules and regulations, this bill would require them to publish those rules and regulations -- the draft rules and regulations, make interested parties aware of the draft proposal, make the Legislature aware of the draft proposal, and allow for a public comment period, accept comments, and make those comments available to members of this Legislature.

The last I checked, this Legislature was the policymaking branch of government. Now, if we're going to abdicate that and just allow the County Executive to direct everything that we do, then, you know, we might want to consider a change to our Charter, but in my opinion, at the very least we should be made aware and the different constituencies that are affected by rules and regulations that are proposed should be made aware of those rules and regulations prior to their promulgation. Anything less is unconscionable.

So I would ask, again, to reconsider your motion to table subject to call and rather second the motion to table. Let's correct the title of this bill and let's discuss it at our next meeting.

CHAIRMAN MONTANO:

Okay. I stand corrected. If I may. What I have before me is 1012, and it's the amended copy and the title on the amended copy is a Charter Law to make transparent the County's rule making process. That's what you're saying?

LEG. CILMI:

That is exactly what I'm saying. If that is the new title, which is not apparent in the agenda, then the bill is, in my opinion, ready to be voted on and should be voted on and approved by this committee. Thank you.

CHAIRMAN MONTANO:

Okay. What I'm going to -- go ahead, Legislator Lindsay.

P.O. LINDSAY:

Mr. Chair, I -- Legislator Cilmi's explanation of this bill is much different.

CHAIRMAN MONTANO:

I agree.

P.O. LINDSAY:

And I would want to ask Counsel, does he agree with that explanation and is it relative just to bills that we pass?

MR. NOLAN:

It's relative to bills that we pass where we empower the departments to promulgate rules and regulations to implement and enforce the law. And so what the changes of the bill have done is

basically made it what Legislator Cilmi describes, which is a notice law, that if they promulgate the rules and regulations they'll post them, they'll have a comment period, take comment, they'll circulate those comments to the Legislature so the Legislature is aware of them, and when they finally adopt the rules and regulations they'll be posted online and that's what the bill does now.

CHAIRMAN MONTANO:

Okay. Having heard that explanation, I am going to withdraw my motion to table subject to call. I am going to second the tabling motion, if it's still on the table, Legislator Kennedy.

LEG. KENNEDY:

Yes, it is.

LEG. CILMI:

No, no. I would withdraw the tabling motion. The title's been changed.

CHAIRMAN MONTANO:

Well, then I'll make a motion to table, because I'm not going to --

LEG. KENNEDY:

Hold on a second, if I can, Mr. Chair. I mean, if the sponsor's wish is to basically just to have table subject to call -- you are going to withdraw and refile?

CHAIRMAN MONTANO:

No. There was an incorrect naming of the bill on the -- on the agenda because we simply carried over from the last meeting. So I have the amended version with the correct title. At the next meeting, the correct title will appear on the agenda and I'm prepared to discuss and vote on it at that time. In the interim either you withdraw your motion to table --

LEG. KENNEDY:

No, no, so I'll leave it then. Let's leave it as a motion to table.

CHAIRMAN MONTANO:

And I will second the motion and we will take this up at the next meeting with the correction.

P.O. LINDSAY:

Mr. Chairman.

CHAIRMAN MONTANO:

Yes, Legislator Lindsay.

P.O. LINDSAY:

I hate to interrupt you, but I see Mr. Zwirn sitting at the table, and I would be interested, you know, how this impacts anything that the Administration is doing as far as restructuring before we vote on it.

CHAIRMAN MONTANO:

Ben, you remind me of that commercial at the post office, you know, where the thing gets closer and closer? Do you know which one I'm talking about? The little gremlin guy?

MR. ZWIRN:

No.

CHAIRMAN MONTANO:

You know, he comes up. I guess your sitting there indicates that you want to say something?

MR. ZWIRN:

Well, I --

CHAIRMAN MONTANO:

Is that what you're implying by sitting there?

P.O. LINDSAY:

I'm asking, I'm asking.

CHAIRMAN MONTANO:

He was already sitting there when you asked him.

MR. ZWIRN:

I try to stay out of the Legislature's debate unless it looks like the County Executive's Office position can weigh in and be helpful.

CHAIRMAN MONTANO:

Right. But my question is when you made that move to the table that implies that you want to say something on the bill; am I correct?

MR. ZWIRN:

Yes.

CHAIRMAN MONTANO:

Okay. Go ahead. You have the floor.

MR. ZWIRN:

Thank you. We would ask that this bill be tabled or tabled subject to call. The County Executive, you know, the bill says you have to wait 45 days before rules and regulations can go into effect. What's the penalty if they don't? I mean, do we stop the departments from carrying out laws? When do the 45 days commence? There are a lot of questions we have with this.

CHAIRMAN MONTANO:

Okay. But Ben, the tabling motion simply moves this to the next meeting after which during that time you will have an opportunity, your office will have an opportunity to convey those concerns to Legislator Cilmi and the tabling motion essentially makes the matter moot for today. I've withdrawn the table subject to call, so all we --

MR. ZWIRN:

We would be supporting the tabling motion.

CHAIRMAN MONTANO:

Okay. Thank you. Are there any other motions? Legislator Cilmi, you are more than welcome to attend the next meeting and correspond with us in the interim. All in favor? Opposed? Abstentions? Motion carries. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***. I guess you don't want to make any more presentations, Ben? Have a seat. It's a better view and we're going to need you.

P.O. LINDSAY:

And I'm still chuckling over Legislator Montano calling you a gremlin. I mean --

MR. ZWIRN:

I didn't hear that.

CHAIRMAN MONTANO:

I was referring to the commercial. I don't know if you've seen it.

P.O. LINDSAY:

I'm not a giant, but I'll --

CHAIRMAN MONTANO:

I'm not a giant, either.

MR. ZWIRN:

I wore my tall clothes today and everything. I don't understand.

CHAIRMAN MONTANO:

All right. I'll tell you the story after the meeting, Ben. You'll get a kick out of it. All right. ***IR 1132-2012, Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation. (Co. Exec.)***

I'll ask for an explanation on this. And, Pam, I guess you're indicating that you want to speak to the committee, right?

MS. GREENE:

I am, and I would request that this be tabled.

CHAIRMAN MONTANO:

You want to table this? Okay. I have no issue with that.

MR. NOLAN:

We're going to go back.

CHAIRMAN MONTANO:

Oh, wait a minute. Did we take the vote, is that what happened?

MR. NOLAN:

We didn't do 1017.

CHAIRMAN MONTANO:

Oh, okay. I skipped a bill. But since we're on that bill, you're asking it to be tabled. I have no issue with that. I'll make the motion to table.

P.O. LINDSAY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Lindsay. All in favor? Opposed? Abstention? Motion carries. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

Let's go back to 1017 and I have apologize. I scribbled on that so I didn't see it. ***IR 1017-2012, Adopting Local Law No. -2012, A Charter Law to promote openness and participation in legislative business. (Cilmi)***

The public hearing was closed. Again, that's a bill by Legislator Cilmi. Do we have a motion on this?

MS. ORTIZ:

No.

LEG. KENNEDY:

Motion to approve.

CHAIRMAN MONTANO:

Do we have a second on this motion? Do we have another motion?

LEG. STERN:

Motion to table.

CHAIRMAN MONTANO:

Motion to table. Do we have a second on the motion to table?

P.O. LINDSAY:

I'll second.

CHAIRMAN MONTANO:

Legislator Lindsay. All right. Discussion on the motion. If any committee member wants to discuss it, if not, I'll turn the floor over to Legislator Cilmi. Legislator Cilmi, the floor is yours.

LEG. CILMI:

Thank you again, Mr. Chairman. My apologies for keeping the committee so busy this morning. But what this bill does basically is says that any discussion -- any special committee that's appointed in order to address budgetary concerns should do their business in public and allow for public comment in advance of the deliberations and discussion by this body. So that's all this does. It -- at a time when we are facing such historic and tremendous fiscal challenges, I think that it's incredibly important that the public, that the various stakeholders and any interested party has an opportunity to come before us and listen to the struggles that we endeavor with in order to deal with these budgetary problems that we have, and to contribute to that discussion. It may be that the -- you know, a member of the public may have an idea that maybe one of us hasn't thought of.

So I would ask the committee again to approve this bill and send a message to the residents of Suffolk County that we are going to do everything in our power to make everything we do as transparent and accessible as possible. Thank you very much.

CHAIRMAN MONTANO:

Okay. Legislator Lindsay, you have comments?

P.O. LINDSAY:

Yeah. Well --

CHAIRMAN MONTANO:

All right. I was --

P.O. LINDSAY:

Yeah, I do, I do. I just -- you know, it's nothing with malice, but myself and Legislator Cilmi disagree on this, and have disagreed on this. When we go through a budget process we have multiple public hearings that we get input from -- from all who wants to speak, from County employees to the public, to contract agencies, and many, many of them avail us, take advantage of that. To go the next step when we deliberate on a budget or our part of the budget, we must go

through ten "what if" scenarios before anything is adopted. And, unfortunately, the budget's before us now, some of the decisions on last year's budget that the County Executive is going to have to implement, is devastating. I mean, unless some miracle happens that we get some extra money from the State or our labor unions give us some concessions or somebody finds a pot of gold, we're going to layoff in excess of 450 employees this July. And if that was thrown up to public comment, I'm sure we'd have 450 employees here saying not me, I'm -- I serve an important purpose.

And I don't understand -- I don't know -- I would rather have that process assessed by the Executive Branch and, you know, on an orderly thing that's what is the most important service that we provide to our citizens, and to rank all the purposes that will serve us as we provide to our citizens. And that in each one of our departments, who is absolutely necessary, who isn't absolutely necessary.

I think the focus should be on the public and what's most important to the public, and that -- that's only the 2012 budget. If that financial group that assessed the deficits is correct, we have to make massive cuts again next year, massive. And, you know, the same process will go through with contract agencies. I mean, do worthwhile great work, provide great services. We're not going to have any money for them. And it's going to devastate a lot of them. And I -- I would hate to announce to the public that we're defunding an agency totally and then us not doing it. You know, everybody that gets County money, from County employees to County contract agencies, I think has to assume they're a target to be eliminated. And I'll be happy to sit here and listen to all comments when we have our public hearings on this process. I'm reluctant to throw that process out to the public because I don't know what it would add to the process. I don't think anybody's covering up anything. I think we're just trying to do the right thing.

CHAIRMAN MONTANO:

Let me echo the comments of the Presiding Officer. Having served as Chairman of the Budget and Finance Committee, having participated in the Omnibus Committees, all of them, actually, I can say very clearly that some of the discussions that go on, the preliminary discussions and the give and take that goes on in shaping the budget, would be ill served by doing that in public. There are certain parts of the budget that I think Legislators have to be able to discuss freely and openly amongst themselves.

We do vote. Any vote we take on the budget is a public vote, and we are subject to criticism for -- and we do get criticism for anything that we do, so our budget -- we don't come out with a budget and, you know, it's a secret document. It's a public document. Our votes are public. I think this bill, while well intended, would wreak havoc on the process. It would let contract agencies know in advance of who's being considered for reduction in funding, who's not. It's just something that I think -- I have to agree with the Presiding Officer on many of those issues and particularly in these times. There's certain things that have to be discussed amongst -- sort of like an attorney and client. They need to discuss things in private before they go into court and do their public business. So, any other comments on this?

LEG. CILMI:

If I may redress, Mr. Chair.

CHAIRMAN MONTANO:

Sure you may.

LEG. CILMI:

You know, some of what each of you said is, you know, supportive of this concept. The fact that we have such tremendous fiscal problems, the fact that you're going to be discussing, you know, what happens with this contract agency or that contract agency, and the various, you know,

constituencies and residents and people that they serve, to have them -- to have them excluded from that discussion -- and I understand that they may send us letters and they may, you know, make statements during public portion at meetings, but to have them excluded from a participatory discussion on how best to direct the County's resources is silly. You know, we have --

CHAIRMAN MONTANO:

Just if I may. They are not excluded as what was said by Legislator Lindsay. They get full opportunity at the public hearings to discuss their programs and make their submissions.

LEG. CILMI:

Mr. Chair, I understand that. But they are not part of a discussion and they may, in fact, be able to help us in those deliberations. Not to mention the fact that it's happened in the past in my short tenure here on this body, I've seen it at least once, maybe twice, where budgets have been adopted based on certain assumptions, and, you know, afterwards it's become apparent that those assumptions may not have been, you know, true. Not of any deception, but just we didn't know. So, I mean, if we had this public process that would minimize the likelihood of those sorts of errors taking place. That's the last I'll say on the matter at the moment. Thank you.

CHAIRMAN MONTANO:

All I could say is that if we had -- if we adopt this process I don't think we'd ever complete a budget. It would wreak havoc on the budget process and we'd never come out with a final product and it would really do a disservice to our ability to work as a group and as Legislators and as elected officials in shaping responsible budgets. And I must say that during the eight years, going on nine years, that I've been here and worked on some of the budgets, we have been, as a Legislature, very responsible in coming forward with budgets. It is a public process. As I said, our budget votes are well known, sometimes they're not well liked, or well received but, you know, we're out there.

There's a motion to table, I believe, on the floor and no other?

MS. ORTIZ:

Yes.

CHAIRMAN MONTANO:

Okay. I'll call for a vote. All in favor? Opposed?

LEG. KENNEDY:

Opposed.

CHAIRMAN MONTANO:

One opposed. Motion carries. ***(Vote: 4-1-0-1 Opposed: Legislator Kennedy; Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

I think we did 1132. Legislator Cilmi, thank you very much for coming. You're more than welcome to our next meeting. IR 1161 is the next one on the agenda.

IR 1161-2012, Approving list of Environmental Site Assessment Companies as designated by the Division of Real Property Acquisition and Management. (Co. Exec.)

Let me see. I believe that this was -- there was a list or a memo that was sent out on this. I'm going to make a motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Kennedy. Are there any other motions?

P.O. LINDSAY:

Why are we tabling it?

MR. NOLAN:

I think it was tabled last time, Presiding Officer, because I don't think it's -- first of all, we're not sure it's required that there be Legislative approval for this list, and I believe that was one of the reasons.

P.O. LINDSAY:

Okay.

CHAIRMAN MONTANO:

Legislator Stern.

LEG. STERN:

Yes, Mr. Chairman. I seem to recall that there were questions on this one and we had asked Ms. Greene to do a little bit of research and get back to us. I know that she's here with us today. Perhaps we could have her speak on it

CHAIRMAN MONTANO:

Go ahead, Pam. Go ahead.

MS. GREENE:

Thank you, Mr. Chairman and members of the committee. I made available for members of the committee a decision that was rendered last year by the RFP Waiver Committee when the division was in the process of renewing the contracts for the ESA companies who do work with the division to perform the Phase I and Phase II on all of the properties being acquired for open space. At that time, the Law Department opined that it would be recommended to have in the contract the authority that allows the division to enter into these contracts with the various firms, and that that authority should come from the Legislature, which had not previously been done. So last June the Division requested an opinion from -- or requested an RFP waiver request from the RFP Waiver Committee. It was granted last June and I made this opinion available to all members of the committee, and I'll specifically read --

CHAIRMAN MONTANO:

Do you have the opinion with you?

MS. GREENE:

I do.

CHAIRMAN MONTANO:

All right. Do we have copies of that opinion? Pam, if I may interrupt. What I have in front of me is a memorandum from Ed Dumas, Chief Deputy to yourself.

MS. GREENE:

Correct.

CHAIRMAN MONTANO:

Is that the opinion you're referring to?

MS. GREENE:

I am.

CHAIRMAN MONTANO:

Or is there an opinion from the Law Department?

MS. GREENE:

The Law Department is what predicated our asking for the RFP waiver to continue the work and it specifically then required us to get the RFP waiver request from the RFP Waiver Committee, who then gave us that approval and made it conditioned upon Legislative approval, which will be utilized in 2012 and subsequent contract years. So afterwards the division undertook the process of securing requests for qualifications from all interested firms. There was a two page list of qualifications sent out to ten firms. Upon them successfully returning all of them to the satisfaction of the Departments of Planning and the Division, this list was created. The resolution was created now for your approval so we may have that Legislative approval for us to be able to continue with the contracts.

CHAIRMAN MONTANO:

Right. But the question that I asked was whether or not you have the opinion from the County Attorney with you. Because this is -- this references that opinion. And all I asked simply was do you have that opinion before you?

MS. GREENE:

I probably have --

CHAIRMAN MONTANO:

And if you do I will share it with the committee members.

MS. GREENE:

I believe it was an e-mail, so.

CHAIRMAN MONTANO:

It was a what?

MS. GREENE:

An e-mail from the County Attorney that it was recommended to have Legislative approval.

CHAIRMAN MONTANO:

E-mailed to whom?

MS. GREENE:

To me.

CHAIRMAN MONTANO:

Right. But what about us? Did we get that e-mail?

MS. GREENE:

No.

CHAIRMAN MONTANO:

Okay. All right, you've answered the question. Legislator Lindsay.

P.O. LINDSAY:

Yeah. Pam, if you could get us the opinion, I'm all for this. I mean, I'm on the Waiver Committee and usually we only like to use the Waiver Committee for an emergency to approve contracts where we're in between session and the County's going to lose a service. I don't want the Waiver Committee to have any broader authority. I would rather be it -- have any approvals of contracts what we can in the open domain.

CHAIRMAN MONTANO:

Okay. And I think Counsel had some comments on this.

P.O. LINDSAY:

And the other thing, too, is I think this refers a little bit to the controversy with the environmental community that we can't get anything done and that they're going to volunteer to give us a set of experts to tell us what land we should buy and not, and I'm totally opposed to that.

CHAIRMAN MONTANO:

Right, and I understand. My only concern is I have some questions on this as it's being presented. But I think -- I believe Counsel had some comments on this, Counsel?

MR. NOLAN:

Yeah. I just -- I was handed the memo which indicates that the RFP Committee, the Waiver Committee, when they issued the waiver said that this list should be subject to Legislative approval, so that's not a Local Law requirement, but the Waiver Committee made it a condition. There's certainly nothing to stop us from adopting this resolution, but I guess my point was just there was no legal requirement per se that we do this.

P.O. LINDSAY:

And I'll go along with tabling it or approving it, either one.

CHAIRMAN MONTANO:

Because we're at a quarter to 12 we have some other issues, and I really don't want to extend the debate, is this something that is time sensitive?

MS. GREENE:

Yes, sir, it is.

CHAIRMAN MONTANO:

Why is it time sensitive?

MS. GREENE:

Because there are no new ESA's being ordered since January 1st when the contracts expired as of last year, and it's --

CHAIRMAN MONTANO:

ESA's being?

MS. GREENE:

Environmental site assessments of all properties that are currently in the pipeline to be acquired for open space.

CHAIRMAN MONTANO:

Okay. And by us tabling this bill -- when is our next meeting? Late April. What is it -- how does it

harm your department?

MS. GREENE:

We are unable to proceed with renewing our contracts and thus --

CHAIRMAN MONTANO:

Because you can't use last year's list, is that the reason?

MS. GREENE:

Our contracts expired December 31st.

P.O. LINDSAY:

If I may.

CHAIRMAN MONTANO:

Go ahead, Legislator Lindsay.

P.O. LINDSAY:

You know, we could approve this list at the Waiver Committee in the interim if the Legislature doesn't want to -- doesn't want to adopt it. But you're back to -- you know, like three men in a room, you know, you're approving a very important contract, and I don't want to be accused by the environmental community, who has accused me of a lot of other things, that I'm doing anything to further delay the process of land acquisition, but we definitely have to go through an assessment of what land we're going to buy and prioritize it, because in spite of what they say, every time I look at the numbers we don't have enough money to buy all the land that's on the table. So it's a necessary thing that we have to do, but we should do it in an intelligent way. So I'll go along with whatever you guys want to do. If you want to table, then we'll probably approve it in Waivers.

CHAIRMAN MONTANO:

Quick question, one quick question. Just so I understand this clearly, there was a list of -- or we had contracts that expired.

MS. GREENE:

Correct.

CHAIRMAN MONTANO:

Now, this new wave of contracts, does it differ in any shape or form from the old list of contracts? Do you understand my question?

MS. GREENE:

Does this list before you --

CHAIRMAN MONTANO:

In other words, the contracts that we're going to enter into, does -- are the parties different this year than they were last year?

MS. GREENE:

There are additional firms that submitted requests for qualifications, yes.

CHAIRMAN MONTANO:

All right. And how many additional firms?

MS. GREENE:

There are now ten on this list. I believe --

CHAIRMAN MONTANO:

There are ten on this list. How many contracts did we have last year?

MS. GREENE:

I believe we had six. I will get that for you. If you -- if I may --

CHAIRMAN MONTANO:

Go ahead.

MS. GREENE:

-- offer just a suggestion. If the committee would feel more comfortable at least having something in writing from the County Attorney stating that Legislative approval is optimum in the contract and thus the need for the resolution, is it possible to get that for you by Tuesday and discharge this without recommendations at this time?

CHAIRMAN MONTANO:

All right. I'll willing to go along with that, to discharge without recommendation. I think that's a fair request. Do I have a second?

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Any other motions? Any previous motions are withdrawn. And all in favor? Opposed? Abstentions? Discharged without recommendation. ***(5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***. Thank you, Pam.

IR 1186-2012, Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Islip, Suffolk County Tax Map No. 0500-120.00-04.00-024.000, pursuant to the Suffolk County Tax Act. (Montano)

This is my bill and I will not discuss it. I will make a motion to table.

LEG. KENNEDY:

Second

CHAIRMAN MONTANO:

Second by Legislator Kennedy. All in favor? Opposed? Abstention? Tabled.

(The following was transcribed by Lucia Braaten, Court Stenographer)

CHAIRMAN MONTANO:

I.R. 1195 of 2012 - Adopting a Charter Law to prevent a Court Imposed redistricting plan (Presiding Officer Lindsay).

P.O. LINDSAY:

I make a motion to approve, and I do want to speak on the subject.

CHAIRMAN MONTANO:

We need a second on this.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern. Are there any other motions?

LEG. KENNEDY:

I'll make a motion to table, Mr. Chair.

CHAIRMAN MONTANO:

I'll second the motion to table. No, actually, I won't second it. Withdraw that second, and we'll discuss the resolution and then we'll decide where we're going to go. Legislator Lindsay, you have the floor.

P.O. LINDSAY:

I heard Mr. Ellis' presentation before about the maps not being totally completed as yet, and that isn't the issue here. The issue here, in 1997 there was a bill before this Legislature that was brought forward and promoted by our former County Executive for a nonpartisan, not a bipartisan, but a nonpartisan Reapportionment Committee and this Legislature voted for that. Some of it was with much reluctance, because many of us thought that the bill was -- couldn't be complied with because some of the provisions were very hard to meet. And one of those provisions was that I think the original bill had that -- four of the spots would be filled by Judges that were retired off the bench for ten years. And I think many of my colleagues that are attorneys and interface with the judicial system know that many of our Judges don't retire until they're in their '70's. And if a ten-year moratorium was in effect, they would be in the '80's, and some of us expressed that they'd be hard to find, and we passed it in spite of that. But when the practicality kicked in, we found that it was right. And I believe we changed that requirement, right, George, to five years?

MR. NOLAN:

We did.

P.O. LINDSAY:

Right. The Democratic Majority, I think the appointments could start last January. And I believe the Majority Leader, Legislator Cooper, former Legislator Cooper, made our appointments, there was four, immediately in January. And, you know, Legislator Kennedy alluded to the League participation which was one of the first appointments that Legislator Cooper made. It's been very valuable, and the two Judges, and I think the fourth requirement is someone from -- a representative of the minority community. So our appointments were done early on. The Minority Party has not -- was very reluctant to make appointments, and I think, by the letter of the law, still hasn't complied with their appointments. I know Legislator Kennedy will disagree and disagree with Counsel, but I don't believe the Bar Association is a voter advocacy group for one, and we agreed to a nonpartisan Reapportionment Committee. We didn't agree to one side being nonpartisan and the other one being partisan.

So, again, the reading of the law, the way I see it, is there was a requirement that the Commission make their initial report the beginning of February, and as far as I'm concerned, the Commission isn't constituted by the law. And it says in the law that if that didn't happen, the County Attorney is supposed to go to court, the Federal Judge, and ask for a Master. I'm against that, and why I'm against that is the law that we passed in '97 had the nonpartisan commission drawing the original lines, and then those lines were supposed to come back to the Legislature, who is -- it's always been the Legislature's responsibility to draw the lines, to look at those lines, to either approve or reject those lines, and, hopefully, some discussion to correct it and anything that was disagreeable in that process. If it goes to a Federal Judge, the Legislature's taken out of it altogether and the Judge and the Master can make the decision. I know on a practical part, Legislator Montano's going to tell you that previously Judges don't like to do that and usually kick it back here anyway, but I can't -- I

can't trust that.

So what my bill gives us, 120 days to come up with a plan. If we can't pass the plan, then I have no choice but we agree to go to court and ask the courts for help. But that's why I'm promoting this. And although the lines aren't drawn yet, I have no inclination to try and pull anything like they did in Nassau. I just -- I just want to comply with the law, but I want to do it in a way that's fair, that's fair to our constituents and that's fair to our elected officials that represent those constituents.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

You're next.

P.O. LINDSAY:

So I -- that's the reason that I made a motion to approve and would like this out of committee.

(The following was transcribed by Kim Castiglione, Legislative Secretary)

CHAIRMAN MONTANO:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And this is a topic where we have two bills, as a matter of fact, 1196 follows, and our obviously our discussion should be on the bill in front of us, so I'm going to speak first to this bill put forward.

I couldn't disagree more with much of what the Presiding Officer has just stated when it comes to what, in fact, actually has gone on. And it is ironic that actually when we had Local Law 14 of 2007 in front of us, I was one of the seven members of this body that abstained or opposed it. But nevertheless, I am here now speaking actually in support of the work that this committee has done.

Just for the record, let's make sure that we have the facts down straight. There was no data for this committee to act on until sometime in late December, early January of this year. So optimistic schedules and impossible qualifications notwithstanding that had been adopted some four years ago revealed themselves to provide what, in fact, was unworkable, untenable, and something that none of us or none of this committee could actually wind up implementing. Granted, I put forward some requests for modifications, and my colleagues all acceded. We dropped the requirements for judges from ten years to five years, as the Presiding Officer has indicated. Unfortunately, the field of living humans in that category of ten years off the bench is relatively narrow. The appointments from the Minority are there, as a matter of fact, as a result of ongoing protracted concern about one of the appointments for good government. We most recently made a substitution and I could not disagree more that the President of the Suffolk County Bar Association does not qualify for a good government qualification. Quite frankly, members of this bar in this County have been preserving voter access and voter participation in a full and meaningful way for probably the last century. So I couldn't disagree more with that one.

This committee, which I have, although I felt strongly, I did not belong being part of from an informational perspective, nevertheless embraced the request for assistance from the League of Women Voters and did my level best to furnish objective, numerical information regarding the total number of residents in this County that were produced by census, and for that matter, the composition of our 18 Legislative districts. My bill talks about conclusion in June. Forget the 120

days. This committee is scheduled to meet again on Friday and, quite frankly, I find it offensive that we would say that this committee's work to this point has all been for naught.

So I could not disagree more with the Presiding Officer. I've made the motion to table, and if the vote goes forward I'm going to speak specifically on the vote.

P.O. LINDSAY:

Just in response.

CHAIRMAN MONTANO:

Okay. I have some comments. Do you want me to --

P.O. LINDSAY:

Well, you comment and then I'll --

CHAIRMAN MONTANO:

Well, just let me preface my -- I'm going to brief, very brief -- preface my comments by saying that I initially abstained on the vote for passage of this committee. I thought it was a bad idea then and, you know, but now -- it passed. It passed by a vote of 11 to 7, and now we're in a situation where we have a bill before us to eliminate the committee. We have coming up a bill to extend the time frame of the committee, and we have the threat of having the County Attorney move for appointment of a special master.

I had an extensive conversation with Legislator Lindsay the other day with Legislator -- with Legislative Counsel, and I just want to state for the record that, you know, I have a total disagreement and a fair disagreement on the issues, both political and legal. Number one, I am not concerned that this would be turned over if we did nothing today, if we tabled both resolutions, which I would be willing to do. I'm not concerned that this would go to a special master, and even if the County Attorney made application for appointment of a special master, it's very clear, I think, that no special master would approve lines unless the Legislature abdicated its responsibility completely. Even in the Congressional lines that were passed by the special master the other day, the special master and the court -- the three judge panel waited until the last minute before ruling on those lines. So I am not concerned that this is going to go to court. And even if it does go to court, that we would not be able to correct or pass lines before any ultimate action would take place. And we're not at the eleventh hour.

The other issue that we have, it's a legal issue, and it has to do with the fact that Legislator Nowick is not present today. And if she were here, we would have a committee of six and it would take a majority of that committee under the General Construction Law to approve anything. So she's not here. Our rules were rewritten pursuant to a -- during the time, if you recall, that ugly period when I myself sued the Legislature over a very same issue, that is taking a vote when a member of the committee was absent, and having that vote approved by three members. The decision of the Appellate Division, and Counsel has shown it to me and I've read it and am very familiar with it, I am very familiar with our rules, but I also have a clear statement from the Committee on Open Government that says that, in essence, you need a majority of the entire membership of the committee in order to take action.

I don't want to revisit that at all, and I don't intend to, but the bottom line is that I have some disagreements over, number one, the need to pass this today, and they're respectfully -- they're respectful disagreements. It's just a question of, you know, what do we need to do and when do we need to do it. And I have a total -- I'm trying to look for the right word. I'm totally opposed to the interpretation in our rules that talks about how a vote of the majority is constituted in a situation like this.

But having said that, I'm going to abstain on the vote. I never believed in this committee in the first instance, but I'm not prepared at this point to kill it. And at the same time, I'm not prepared to extend it because I think that there are alternatives that can be had, and, you know, I'll leave it at that. Anyone else want to make a comment?

P.O. LINDSAY:

Yeah.

CHAIRMAN MONTANO:

Legislator Lindsay.

P.O. LINDSAY:

Just getting back to Legislator Kennedy's comment, and I have no wish to get into a debate with Legislator Kennedy, but the reading of the statute, regardless of when the lines are ready or whatever, call for this body, four from the Minority, four from the Majority, to make appointments to this committee last January. Again, the Majority made their appointments promptly. I mean, Legislator Cooper, as the Majority Leader didn't even discuss it with the caucus. It was his job, he made his appointments, and the best as I can tell is he followed the absolute letter of the law. The Minority is here we are 14 months later, still, you know, fooling around with their appointments, this one's acceptable, this one isn't acceptable, and I think it's obvious to the world that the political process has snuck into this which is what we were trying to take out of it.

And as far as the statute is concerned, when the committee missed that February deadline, in my opinion, they were out of business. And so for them to continue to meet, I don't know under what authority they're meeting. And this is to rectify the whole thing and to move forward. I know we don't have an election until 2013, but I'm sure all interested parties on both sides of the aisle would be very, very interested in what their districts are going to look like next year, and what constituent base -- what our citizens, who their potential candidates are.

So I think the earlier that we can push along these lines, and I don't see any conflict with what Mr. Ellis said. By the time they're done with that work, you know, we'll have a group together that will be able to move quickly as soon as the lines are absolutely finalized. And I don't -- I don't see this to be a long process, and I certainly -- my wishes will be that this not be a majority dominant process like we saw in Nassau. That's never how this Legislature worked, I don't want it to work that way. I want it to be fair, so I wanted this bill passed. All right?

CHAIRMAN MONTANO:

Okay. We have some further comments.

P.O. LINDSAY:

And, Legislator Montano, we have a majority of the committee here. We're only short one person. I mean, this body -- committees have taken votes with a majority of the committee many, many times. So I don't know where you're going that --

CHAIRMAN MONTANO:

Where I'm going with that is that in order to take action, we need a majority of the entire membership of the committee.

P.O. LINDSAY:

Which you have.

CHAIRMAN MONTANO:

No, we do not. Legislator Nowick -- I don't want to reargue the case.

P.O. LINDSAY:

It's a five member committee, you have four present. And you have me, too. I know you disagree with that concept, but I think our rules are very clear.

CHAIRMAN MONTANO:

They're clear, but I maintain my position that if you joined the committee an entire membership would now be six, because it's my -- and I don't want to reargue the case, I really don't.

But I do want to say this. I'm a member of the Majority. I did not support this bill, but passing this bill today, while I know that your intentions are good and that I really am very clear that, you know, with you at the helm there should be no fooling around with the cutting of the lines, but we saw the fiasco in Albany. We saw the Governor move from a position that he would not accept any lines unless they came from an independent committee. Then he said he wouldn't accept any lines unless they had a minimum of 1% deviation, and at the end of the day he accepted lines that had a 2.54 deviation in Suffolk, broke up certain communities and had a 3.82% in New York City, again, breaking up lines. If we do this today, we are essentially disenfranchising the Minority party from participation in the structure of the lines at least perceptually, and I, even though I'm a member of the Majority, am not prepared to take that action. So I will be abstaining on that. The other issue as to whether we have a majority or not I'm not going to get into. Legislator -- who wanted, Kennedy or Cilmi. Both of you are next.

LEG. KENNEDY:

Mr. Chair, I am just going to speak briefly and then I'll yield to Legislator Cilmi. It is certainly, you know, the Presiding Officer's prerogative to characterize the process as he may have viewed it. I believe absolutely in what he's talking about, about, you know, an attempt to go ahead and impose fairness, but I would once again, you know, disagree with the fact that this committee has legitimacy or even a basis to continue on and work. We have holdover committees throughout our County that have continued to conduct work on a regular basis, and in my eight years that I have been here, routinely we have noted when we have appointments and appointees to come to us, the role that they've taken and undergone for us. So I have no question at all about the legitimacy of the committee continuing to conduct its work.

I do not want to stand in a place of providing Counsel to this body, but you as an attorney, and my colleague attorneys, know that there is the whole concept of impossibility. And notwithstanding the time frames that were in the original bill when passed, it was irrelevant and made absolutely not a hill of beans, because we had no numbers to actually have a committee undertake its work with. So what's referenced as some type of a 14 or a 15 month time frame in essence really has been something with actual hard data to work on that's been no more than about 40, 50 days. And mind you, the original data that was rendered, due to aberrations in the census gathering process itself, had eliminated somewhere upwards of about 40 to 50 electoral districts. I'll tell you with an absolute degree of fact and knowledge that every one of our 18 Legislative Districts had ED's that were not accurately captured in the original census data. And only through review and ultimate reconciliation did we get down to what was an aberration in the Federal Census Program.

So I'm just going to come back one more time to go ahead and say I think that both bills probably at this point bear tabling. I intend to attempt to move mine. I attempt to -- I intend to oppose this bill to go forward, and I will object to the fact that we have the Presiding Officer here in the fact that he is raising the notion of quorum and therefore we're going to have a vote that's a suspect vote. The Appellate Division opinion, as a matter of fact, having just had a chance to read it again, found that it was a nonjusticiable matter. In essence that means if rendered no opinion and we are in

opposition with Section 41 of General Construction Law. I'll yield.

CHAIRMAN MONTANO:

Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chairman. I'll be very brief. Just two quick points. Having heard about some of this process over the past months, I can tell you that Legislator Kennedy has done his absolute best and worked hard to comply with the requirements of this legislation that was passed years ago. The fact that there's some debate as to whether or not, you know, the Republican side has been able to -- the Minority party has been able to comply with those requirements, you know, is a debate I suppose worth having. But the fact of the matter is the process the way it was designed was designed to make this a nonpartisan process, and the fact that Mr. Kennedy has been unable to, in some people's eyes I suppose, fulfill the requirements that the legislation currently has, what we should be doing is looking at those requirements, and if there needs to be changes to those requirements to make it easier to comply with the spirit of this law, then we should -- we should amend the law to deal with those requirements, not throw the baby out with the bath water.

I would also say in my second point that despite all good intentions, and I certainly would not question the intentions or the integrity of every member or any member of this Legislature, I would remind everybody and caution everybody that, you know, the members as we presently exist may not be -- and certainly will not be the membership as it exists two years from now, four years from now, ten years from now. You know, I think the intent back when the law was passed was an effort to -- for years into the future ensure that this process remains, despite, you know, the individual intentions of Legislators around this body, that it remains as nonpartisan as humanly possible. So I think that while members of this body today may have the best intentions, I would caution us all that members in the future may not have those same best intentions. And I would err on the side of caution and allow this process to continue as it's presently been designed and give this Commission a chance to do their work. Thank you.

CHAIRMAN MONTANO:

Are there any other comments?

P.O. LINDSAY:

Yeah, maybe just last word.

CHAIRMAN MONTANO:

Legislator Lindsay, closing comments.

P.O. LINDSAY:

You know, I'd like -- I hate to hear about this whole question about the Presiding Officer participating in the committee process, which he has always had the option to do.

CHAIRMAN MONTANO:

Yes.

P.O. LINDSAY:

I admit that I've done it more than any of my predecessors, and I really thought that was behind us. It went through the courts. But I'd like to hear from Counsel if he agrees that I have a clear right to participate and vote in the committee process.

CHAIRMAN MONTANO:

Well, I don't think that's the issue, Mr. Lindsay, but certainly we'll hear from Counsel.

MR. NOLAN:

Yeah. Under our rules, in this situation, where we're missing an appointed member of committee and where the Presiding Officer is sitting in and participating, it's clear under our rules that three votes are necessary to discharge it, and of course, the Presiding Officer can participate. This is the very scenario that led to a lawsuit a couple of years ago, which Legislator Montano is well aware of.

CHAIRMAN MONTANO:

I brought it.

MR. NOLAN:

He brought the case. And it went -- this went to the Appellate Division. And basically what the Appellate Division said is this is an internal matter, the discharge of legislation, it's governed by our rules. The General Construction Law has no application, they're not going to apply it, it's a nonjusticiable controversy so the rules govern. So three rules discharges this bill from committee.

CHAIRMAN MONTANO:

Just let me point out what Counsel's referring to is the dictor that was -- is that what they call it, dictor, in the opinion?

MR. NOLAN:

Dicta.

CHAIRMAN MONTANO:

Dicta. Anyway, we have to deal with that.

LEG. STERN:

Depends on what you want it to stand for.

CHAIRMAN MONTANO:

Right. But the ruling correctly stated was -- we're going to be here long. But, Legislator Lindsay, not only do you have the right, in my opinion, to participate and vote in this committee, you also as Presiding Officer have the right to name other members to the committee right on the spot, so we don't really have to deal with that. I just point out that in this instance I disagree very clearly with the stated opinion with respect to General Construction Law, but as I said, I'm not going to get into that. I'm really ready to call the vote. Does anyone want to make any further comment?

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN MONTANO:

Legislator Kennedy.

LEG. KENNEDY:

I'm just going to -- prior to the vote you just indicated that you want to go ahead and call the vote. I am going to specifically call for a point of order that indicates that with the Presiding Officer here, obviously, he has the right to vote. We welcome his vote, we welcome his input. The issue that I have, and I believe you and I share is, is because of the sense of randomness that with the Presiding Officer stepping in it raises the quorum for the committee to four and the membership to six. That is where I am specifically going to object to this vote, and with the Counsel's interpretation, that we are held to a body of five.

CHAIRMAN MONTANO:

I agree with your conclusion. I would not agree to the term randomness. But, again, we're

straying, and I agree that that is an issue of contention. But nonetheless, I'm compelled to call the vote unless there are any further comments.

P.O. LINDSAY:

Yeah.

CHAIRMAN MONTANO:

Go ahead, Legislator Lindsay.

P.O. LINDSAY:

First of all, as my duties as Presiding Officer, it's pointed out that if someone is absent, I have the ability to appoint someone.

CHAIRMAN MONTANO:

Well, you can appoint -- as I understand the rules, and I won't intercede, you know, Counsel can comment. I believe that you have the ability to add another member to the committee. Or you can replace. You can replace Legislator Nowick with another member.

P.O. LINDSAY:

Yeah, me. So then your whole issue of whether it's three votes or four votes is out the window.

CHAIRMAN MONTANO:

All right, so you have reduced the size of the committee by eliminating Legislator Nowick from the committee. Is that what you're saying?

P.O. LINDSAY:

No, I'm replacing Legislator Nowick today because she could not be here with myself. And I've done that, Legislator Caracappa has done it in his tenure where he has appointed somebody so that we didn't have to cancel a committee. I was the person that was appointed. It's been done in the past.

CHAIRMAN MONTANO:

Right, but the thing is -- well, you know what, Counsel, you want to answer that or you want me to.

MR. NOLAN:

I would just say this -- you don't have to do that, because the rule we have is crystal clear. We rewrote the rule to make it crystal clear that in this situation the Presiding Officer can vote, his presence does not expand the size of the committee, does not increase the size of the majority vote required. It was litigated all the way up to the Appellate Division. The Appellate Division rendered a clear-cut decision that the rules of the Legislature govern this matter. It's an internal matter of the Legislature. The courts do not interfere with it. General Construction Law doesn't matter, it's irrelevant. It's the rules of the Legislature that matter. They are crystal clear on this. Three votes will discharge this bill.

CHAIRMAN MONTANO:

All right. You know, I don't want to litigate this. I disagree. Can we have a vote? Now, let me ask you this, Mr. Lindsay, are you -- just for the record. Are you relying on the rule or are you relying on the fact that you are voting for Legislator Nowick or are you removing Legislator Nowick from the committee?

P.O. LINDSAY:

As -- at the advice of Counsel, I'll withdraw my prior comments.

CHAIRMAN MONTANO:

Okay.

P.O. LINDSAY:

And will not touch the issue of Legislator Nowick.

CHAIRMAN MONTANO:

Okay.

P.O. LINDSAY:

I was just trying to clear up some legal issues before they got it, but I respect Counsel if he says that it's clear then it's clear. So we'll take Legislator Nowick out of the equation.

CHAIRMAN MONTANO:

Okay. I am prepared to call for a vote. So we have a motion to approve on the table. All in favor? Raise your hands. Legislator Lindsay, Legislator Stern -- no this is to approve -- Legislator Calarco. All opposed? Legislator Kennedy is opposed and I will abstain. No, I'm opposed, actually, and Legislator Nowick is not present. ***(Vote: 3-2-0-1 Opposed: Legislators Kennedy and Montano; Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

Let's move onto the next item because we have an Executive Session. I am going to try and go through this quickly. I.R. -- Renee, you got that? I'm sorry, Alicia. The vote was 3-2 and one not present. All right.

IR 1196-2012, Adopting Local Law No. -2012, A Charter Law to extend the deadline for Reapportionment Commission to propose new legislative boundaries. (Kennedy)

I will make a motion to table. I need a second.

LEG. STERN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Stern.

LEG. KENNEDY:

I'd like to make a motion to approve, Mr. Chair.

CHAIRMAN MONTANO:

All right, motion to approve. Do we have a second? We have no second so the motion to approve fails for a lack of second. We have a motion to table on the floor. Any other motions? Call the vote. All in favor? Opposed? Abstentions? Let's just -- who's opposed? Legislator Kennedy, you're opposed.

LEG. KENNEDY:

I'm opposed to the tabling.

CHAIRMAN MONTANO:

Okay. We have four votes in favor, one opposed and one not present. Motion carries. ***(Vote: 4-1-0-1 Opposed: Legislator Kennedy; Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

(The following was transcribed by Lucia Braaten, Court Stenographer)

CHAIRMAN MONTANO:

I.R. -- *H.R. 01*. What is this? *Requesting the New York State Legislature to amend the General Municipal Law, the Vehicle and Traffic Law, and the Criminal Procedure Law in relation to establishing a Traffic and Parking Violations Agency in the County of Suffolk (Assembly Bill A.8239 and Senate Bill S.5634) (Cilmi)*.

P.O. LINDSAY:

That's a Home Rule Message.

CHAIRMAN MONTANO:

It's a Home Rule Message, yes, H.R. 01.

MR. NOLAN:

Graf is the sponsor.

CHAIRMAN MONTANO:

Right, Legislator Graf is the sponsor in the Assembly and Senator -- who's the Senate sponsor?

LEG. CALARCO:

Zeldin.

CHAIRMAN MONTANO:

Zeldin. Now, I know that we passed similar Home Rule Messages in the past, and I think, Legislator Lindsay, you were the sponsor of the Home Rule Message. Just refresh my recollection. Is this legislation the same legislation that you sponsored the Home Rule Message for?

P.O. LINDSAY:

I believe so. And this isn't a question of ownership. I mean, I'm not looking --

CHAIRMAN MONTANO:

No, I understand that. I just want to make sure that --

P.O. LINDSAY:

I'm sure Legislator Cilmi isn't trying to kidnap the bill or anything, but my interest -- my interest is simply that it gets past the State. And we all know how the State Legislature works. I guess I would probably much welcome Senator Zeldin's support, because his party is the majority. The Assembly supported, and I've had a discussion with Assemblyman Graf, who has tried to be very helpful with a lot of local bills, but it really needs a Democratic sponsor the way the --

LEG. CALARCO:

If I may.

CHAIRMAN MONTANO:

Well, we don't -- if I may. We don't have a motion on the floor, but we're entertaining discussion really for historical purposes. Legislator Calarco, go ahead. But we don't have a motion on the floor.

LEG. CALARCO:

Assemblyman Ramos has introduced a version of this bill as well, which I have a Home Rule coming in for. If we want to do a "belt and suspenders" and pass them both, I guess it doesn't hurt.

P.O. LINDSAY:

I just don't want to do anything to hurt the concept in Albany.

CHAIRMAN MONTANO:

Right. If another bill is -- if we're going to introduce another bill that has variation from this bill, we're going to need another Home Rule Message. That I understand legally. Would that be required, Counsel?

MR. NOLAN:

If there's a different bill with a different bill number, a different sponsor, we probably would have to do a Home Rule Message for that. Like Legislator Calarco said, you might want to take a "belt and suspenders" approach, it's no harm in doing that. But I guess the idea is one bill may have a better chance of passing in the Assembly because of the sponsorship up there.

P.O. LINDSAY:

The other thing is that, if I could ask Legislator Cilmi.

CHAIRMAN MONTANO:

Legislator Lindsay.

P.O. LINDSAY:

Have you had any discussion with the Administration about it? Because this is on their request list and I don't know, maybe they have sponsors lined up, too, on both sides of the aisle.

LEG. CILMI:

Well, I mean, I certainly -- I appreciate the way things work in Albany. Appreciate is probably not the right word. I understand how things work in Albany. The -- and I would just ask Counsel, isn't it possible just to amend -- you know, to table this bill and amend it with the appropriate --

P.O. LINDSAY:

Absolutely.

CHAIRMAN MONTANO:

Absolutely.

LEG. CILMI:

-- Assembly numbers?

CHAIRMAN MONTANO:

So why don't we table it?

LEG. CILMI:

So why don't we just table this bill.

CHAIRMAN MONTANO:

Motion to table.

LEG. CILMI:

And then, when we get Assemblyman Ramos' --

CHAIRMAN MONTANO:

We got it.

LEG. CILMI:

-- legislation --

CHAIRMAN MONTANO:

We got it.

LEG. CILMI:

-- we'll just insert the new numbers and be done with it.

CHAIRMAN MONTANO:

Done. Motion to table, with a second --

LEG. CILMI:

And I'd love to have Legislator Calarco as a cosponsor and we'll get this through.

CHAIRMAN MONTANO:

Motion to table with a second. All in favor? Opposed? Abstention? Done deal, Tom. **(Vote: Tabled 5-0-0-1 Not Present: Leg. Nowick; Presiding Officer Lindsay is included in the vote)**

P.O. LINDSAY:

And I'd like to be a cosponsor, since I originally raised the issue.

CHAIRMAN MONTANO:

Oh, no, I did, but that's all right.

LEG. STERN:

Second.

LEG. CILMI:

Obviously, my pleasure to have you.

(The following was transcribed by Kim Castiglione, Legislative Secretary)

CHAIRMAN MONTANO:

All right. Let's move on. We've got to do this quickly, we have Executive Session.

Introductory Resolutions

IR 1202-2012, Authorizing certain technical correction to Adopted Resolution No. 1977-2011. (Co. Exec.)

It's technical right, Counsel?

MR. NOLAN:

It is. I just want to note that it was updated. It was a scrivener's error so we -- it's correcting adopted Resolution Number 995-2011. The title's been changed in the caption and the committee can vote on this.

CHAIRMAN MONTANO:

Okay. Motion to approve and place on the Consent Calendar. All in favor -- second by Legislator Stern. All in favor? Opposed? Abstention? Motion carries. **(Vote: 5-0-0-1 Not Present:**

Legislator Nowick; Presiding Officer Lindsay is included in the vote)

I'm going to do these in order with the same motion, same second on all of them.

IR 1203-2012, Authorizing certain technical corrections to Adopted Resolution No. 1365-2007. (Co. Exec.)

Same motion, same second, same vote. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

IR 1249-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Reginald Hammond (SCTM No. 0200-661.00-01.00-059.000). (Co. Exec.)

I will make the same motion, same second, same vote. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

I'm going to skip over -- no, 1250 was adopted by CN. That's off the calendar.

IR 1251-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Maria E. Torres (SCTM No. 0200-469.00-03.00-019.000). (Co. Exec.)

Same motion, same second, same vote. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

IR 1252-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Christopher Pond (SCTM No. 0200-824.00-04.00-019.000). (Co. Exec.)

Same motion, same second, same vote. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

IR 1253-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edouard A. Tavernier (SCTM No. 0300-030.00-06.00-031.000). (Co. Exec.)

Same motion, same second, same vote. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

IR 1254-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Kevin Henderson and Audrey Henderson, his wife (SCTM No. 0200-611.00-01.00-004.001). (Co. Exec.)

Same motion, same second, same vote. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)***

We are skipping down to 1260. The other two were handled. ***IR 1260-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lawrence J. Mars and Christine A. Mars, his wife (SCTM No. 0500-385.00-02.00-005.000). (Co. Exec.)***

Same motion, same second, same vote. ***(Vote: 5-0-0-1 Not Present: Legislator Nowick;***

Presiding Officer Lindsay is included in the vote)

IR 1261-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Wendy S. Brannen (SCTM No. 0302-006.00-01.00-002.000). (Co. Exec.)

Same motion, same second, same vote. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)*

IR 1262-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Nowsherwan Khan (SCTM No. 0200-648.00-02.00-020.004). (Co. Exec.)

Same motion, same second, same vote. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)*. We're going to keep rolling.

IR 1263-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Jefferson Woods Estates, Inc. (SCTM Nos. 0800-086.00-01.00-025.002, 0800-086.00-01.00-025.003, 0800-086.00-01.00-025.004, 0800-086.00-01.00-025.005, 0800-086.00-01.00-025.006, 0800-086.00-01.00-025.007, 0800-086.00-01.00-025.008). (Co. Exec.)

Same motion, same second, same vote. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)*

IR 1276-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Ben Rose Properties, LLC (SCTM No. 0500-125.00-01.00-020.000). (Co. Exec.)

Same motion, same second, same vote. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)*

IR 1277-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Priscilla Schavran (SCTM No. 0400-032.00-01.00-001.003). (Co. Exec.)

Same motion, same second, same vote. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)*

IR 1278-2012, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act First National Bank of East Islip (SCTM No. 0500-348.00-02.00-003.000). (Co. Exec.)

Same motion, same second, same vote. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote)*

IR 1291-2012, Adopting Local Law No. -2012, A Local Law to modify requirements for contract agency funding. (Calarco)

I'm going to make a motion to table for public hearing.

LEG. CALARCO:
Second.

CHAIRMAN MONTANO:

Second by Legislator Calarco. All in favor? Opposed? Abstentions? Motion carries. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote).*

IR 1293-2012, To amend Resolution No. 11-2012, designating two (2) alternating newspapers as official newspapers of the County of Suffolk. (Pres. Off.)

I'll make the motion to approve. I need a second.

P.O. LINDSAY:

Second.

CHAIRMAN MONTANO:

Second by Legislator Lindsay. All in favor? Opposed? Abstention? Motion carries. *(Vote: 5-0-0-1 Not Present: Legislator Nowick; Presiding Officer Lindsay is included in the vote).*

We're going to go into Executive Session. We'll be back in two minutes. Make a motion, need a second. Second by Legislator Stern. All in favor? Let's go.

(Executive Session was held from 12:25 to 12:30 P.M.)

CHAIRMAN MONTANO:

Okay. We are back in session. We have a quorum. Yes, we do. The committee entertained two settlements, both have been approved. You know what, Gail, just provide the caption to the stenographer so that she can put them in the record. I'll take a motion to adjourn. In fact, we don't need the motion. We're adjourned. Thank you.

(The meeting was adjourned at 12:35 P.M.)