

SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

January 3, 2000

Minutes Taken By:  
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[THE MEETING WAS CALLED TO ORDER AT 1:12 P.M.]

ACTING CHAIRMAN D'ANDRE:

The meeting will come to order. The Suffolk County Legislature will come to order. Clerk, would you please call the roll.

(\*Roll Called by Mr. Barton\*)

MR. BARTON:

There are 18 present.

ACTING CHAIRMAN D'ANDRE:

Thank you, Mr. Clerk. We will now have the Salute to the Flag led by Legislator Tonna.

[SALUTATION]

Please remain standing for the Reverend Jeff Reichmen, Christ --

LEG. BISHOP:

Mr. Chairman, it's my privilege to introduce to this body and to the assembled guests Reverend Jeffrey Reichmen from the Christ Episcopal Church of Babylon. Reverend Reichmen is a native son of Suffolk County who served many years in the ministry in other states but came back to us in 1995 and we're very fortunate to have him back. He is the head of the Babylon Clergy Cluster which is a wonderful organization which coordinates the various faiths in their efforts to promote social welfare programs and to interact with government at all levels. And so with that, I present to you Reverend Reichmen.

[INVOCATION]

ACTING CHAIRMAN D'ANDRE:

Thank you very much, Reverend. Please remain standing, we'll have John Kreutz from the Labor Department sing the National Anthem. John, front and center.

[NATIONAL ANTHEM SUNG BY JOHN KREUTZ]

ACTING CHAIRMAN D'ANDRE:

Thank you, John.

LEG. CARPENTER:

Before we begin, Mr. D'Andre.

LEG. CARACCIOLO:

Mr. Chairman?

ACTING CHAIRMAN D'ANDRE:

Just a moment. I would like to recognize Ed Romaine for the swearing in. Ed, where are you? Front and center.

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MR. ROMAINE:

If you would all stand, I'll administer an Oath of Office. Just a brief comment. First of all, Happy New Year to everyone, and I trust that the year ahead will be a very productive year. This is my tenth Legislative Body that I have sworn in and I have to say, having served as a member of this body, I know the good work that you do. Sometimes the press doesn't give this body the credit it deserves for the leadership it's exercised over Suffolk County. And despite some of the contentious nature that some people attribute to this Legislature, I know that it's democracy at work. So I look forward to working with you in a very productive manner this year, as I have over the last number of years.

So with that, if you would all raise your right hands and repeat after me.

[OATH OF OFFICE WAS ADMINISTERED TO

ALL SUFFOLK COUNTY LEGISLATORS]

[APPLAUSE]

ACTING CHAIRMAN D'ANDRE:

Before we go any further, we'll continue signing the book, I would like to welcome Mr. Crecca aboard, a new Legislator from the 12th District.

[APPLAUSE]

And this lovely Legislator from Islip?

LEG. FIELDS:

Oakdale.

ACTING CHAIRMAN D'ANDRE:

Your name?

LEG. FIELDS:

Ginny Fields.

ACTING CHAIRMAN D'ANDRE:

Ginny Fields, beautiful.

[APPLAUSE]

ACTING CHAIRMAN D'ANDRE:

Where's Jon Cooper? Jon Cooper, another fine gentleman, welcome aboard. You are witnessing history in the making, this is going to be the best partisan group of Legislators you ever saw.

[APPLAUSE]

Mr. Romaine, is everything all signed and sealed?

MR. ROMAINE:

Yes, Sir.

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ACTING CHAIRMAN D'ANDRE:

All right, then the meeting will come to order. The Legislature will recognize Mike Caracciolo for the purpose of a nomination.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. It is with pride and pleasure, I would like to nominate the Legislator from the 17th District, a West Hills Republican, Paul Tonna, for Presiding Officer.

Mr. Chairman, before we proceed with a second, I would like to just add a comment or two. This is now going to be my fifth term as a County Legislator and I can tell you that over the past eight years I really have only had the privilege of being on the prevailing side of a Presiding Officer's vote once.

LEG. GULDI:

You never know, Mike.

LEG. CARACCIOLO:

But I'm confident today, Mr. Chairman, that as we enter the new century, we will not only have a new leader, but Mike Caracciolo will also be on the prevailing side a second time. So it is again with pride and privilege that I stand here and recognize and place into nomination Paul Tonna for Presiding Officer of the Suffolk County Legislature.

ACTING CHAIRMAN D'ANDRE:

Thank you, Mike Caracciolo. I will use the prerogative of the Chair and second that motion. Mr. Clerk, will you call the roll.

LEG. LEVY:

Second as well.

ACTING CHAIRMAN D'ANDRE:

Mr. Clerk, will you call the roll?

LEG. ALDEN:

On the motion.

ACTING CHAIRMAN D'ANDRE:

On the motion, Mr. Alden.

LEG. ALDEN:

It's my pleasure just to actually agree with the second which our Presiding -- or temporary Presiding Officer, Mike D'Andre, just made, and I just want to make a couple of comments.

I have only been in the Legislature for two years, but I've found Paul Tonna, number one, to be a friend; he was a friend to me before I was elected and he's been a friend ever since. The second thing is I am really happy to be able to vote for him today because Paul's got a vision, he's got a vision of Suffolk County. And while some of us do agree or don't agree with everything that Paul has done and everything Paul says, he has shown in the past that this vision of Suffolk county is good for the people of Suffolk County.

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I want to compliment him also on his ability that while he's very independent, he does have the characteristics and the skills necessary to reach out to a whole bunch of people to put things together and make things happen. And while we have 18 people here, I think they're all great people and they're really -- out of 1.4 million people in Suffolk County there is only 18 of us Legislators that are Legislators, so that just shows the leadership, characteristics and qualities that everybody at this horseshoe possesses. I think that Paul Tonna possesses those characteristics and will actually work hard, and I've seen him work hard for the last two months and I hope he just continues that for the next year. I think you'll work hard to bring that vision to fruition, and congratulations.

LEG. CARACCIOLO:

Roll call.

ACTING CHAIRMAN D'ANDRE:

Any other remarks? Being none, roll call.

(\*Roll Called by Mr. Barton\*)

LEG. CARACCIOLO:

Yes.

ACTING CHAIRMAN D'ANDRE:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Abstain.

LEG. CARACAPPA:

Respectfully abstain.

LEG. FISHER:

Yes.

LEG. HALEY:

Abstain.

LEG. FOLEY:

Yes.

LEG. LEVY:

Yes.  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Yes.

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LEG. CARPENTER:  
Abstain.  
LEG. CRECCA:  
Respectfully abstain.  
LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Abstain.  
LEG. BINDER:  
Abstain.  
LEG. TONNA:  
Yes.  
LEG. COOPER:  
Yes.  
MR. BARTON:  
Eleven.

[APPLAUSE]

LEG. D'ANDRE:  
We now have a Republican Presiding Officer of the new Millennium  
Legislature. Welcome aboard, Tonna.  
P.O. TONNA:  
Thank you, Michael.

[THE OATH OF OFFICE WAS ADMINISTERED TO  
THE PRESIDING OFFICER, PAUL TONNA]

[APPLAUSE]

As everyone knows, I am always a nervous reader, so I'm going to just  
take my time. Happy New Millenium and welcome to Suffolk County 2000.  
Congratulacions to Legislators and especially their families. More  
than anyone, you know the hours a candidate spends shaking hands and  
meeting voters, the hours lost, the family dinners and school  
meetings. I hope you believe your Legislator's election and your  
family's sacrifice is worth while. We will work hard to make sure you  
always see those lost hours as a proud investment in our common  
future.

To my fellow Legislators, thank you. The process of choosing a  
Presiding Officer is never easy, and we all know that this is the  
beginning. I will match your trust in me with a promise never to take  
that trust for granted. I will continue to work and to earn your  
confidence. This isn't a personal victory. Two years ago we began a  
healthy experiment in bipartisan coalition government; the basic idea  
is that government works best when we respect political parties --  
that's you guys over there, I just want you to know -- but assert our

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legislative independence. We work best when personal ambition serves  
the common good. The truth is that we weren't elected to do favors  
for political parties or to have parties do favors for us. Political  
parties may be a necessary means to an end, but they are not the end

in and of themselves. We were elected to come together to struggle through our political differences and forge consensus in order to make every resident's life secure, healthy and fulfilling. Coalition government has been good for Suffolk County. Look at the Legislature's fiscal responsibility. We shape a \$1.86 billion budget, a budget larger than many states. Suffolk County spends, believe it or not, \$59, at least according to Fred Pollert, per second, every second, 24 hours a day, every day. Acting as a coalition, the Legislature has discharged its responsibilities well. We anticipate a cumulative surplus from 1999's operations of \$65 million. And those who have been following our western neighbor's challenges, that's a surplus, not a deficit, and that's in spite of the fact that the General Fund property taxes have been reduced to unprecedented low levels. We have done this while maintaining our infrastructure, increasing our funding for health, public safety, transportation, open space, and the programs to curb domestic violence. Our fiscal success is no accident. As Nassau's example can teach us, imbalanced, single-party government where the Legislature is simply a rubber stamp for a political party's entrenched leadership can mean fiscal crisis and social hardship. With respect for each other and the help of a professional and independent Budget Review Office, our coalition government has worked hard to navigate a prudent fiscal course for Suffolk County. Our coalition has also earned the respect of our County Executive Robert Gaffney, a County Executive that has been a good manager and a willing partner to solve difficult governmental problems. Increasingly in the past two years we have worked together to improve Suffolk County, from Legislative initiatives like the Community Greenways to the smoking ban, from reducing the County's car fleet and sunseting County sales tax on clothing to increasing funding for roads and the Health Department. The Legislature's County Executive has -- and the Legislature has overcome partisan differences to find policies that serve the public good. Coalition government has been good for Suffolk County and it can get even better. We need to make sure the Legislature itself sets the tone. The Presiding Officer's Office needs to operate more like an efficient business; meant to serve its customers and less like a private clubhouse serving only its members. Under my charge, hiring, staff assignments and advancement will depend on how well each staff member does the job. I will also review the over 30 boards and commissions that the Legislature appoints to make sure that all appointees represent the Legislature's intent. Every minute of every workday we should be trying to ease citizens cynicism about politicians and government bureaucracies. Our Legislative Offices must respect people's trust and tax dollars by working efficiently and effectively.

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In the weeks ahead, we will be shaping policy initiatives for 2000 and beyond; I hope several themes will inform our effort. Our County and our country have enjoyed remarkable financial prosperity for more than a decade. Crime and welfare rates are down; however, we know good fortune hasn't touched all our neighbors. Homeless families in Suffolk can find themselves split apart, their children forced into

Foster Care. We need to explore an early warning system for families in crisis, families who need special, short-term support in order to take advantage of welfare reform and a strong economy. At the beginning of the last Millenium, Maimonides, the most celebrated Jewish philosopher of the Middle Ages, said, "Anticipate charity by preventing poverty. Policies we develop and fund today, policies to uplift our porous neighborhoods, improve the quality of our housing, remediate environmental blight can all help to prevent poverty of tomorrow."

Finally, I hope we will debate how best to position Suffolk County so it can weather inevitable economic down turns. We should review and streamline County operations whenever possible. We should strive to lift our bond rating back to the A Standard and Poors gave Suffolk prior to 1984 and from 1985 to 1990. And we should be mindful that a down turn in the economy may hurt a budget that depends too heavily on sales tax revenues. Now that we know that the new Millenium came without Y2K glitches, we should look for some Y2K opportunities. Our local government is one of the best in New York State, we invest in our open spaces, our ground water, our parks and beaches, our health clinics, our roads, our public safety and our children. We strive to make our process open, respectful and bipartisan. In coalition, we're forced to balance self interest against political interest in the public interest. And if the process isn't always pretty, at least it's honest, and most of the time it works.

So let's get to work. As my favorite author, Mark Twain, said, "Always do right; this will gratify some people and astonish the rest. By the time we're through, let's hope there are a few left to astonish." Thank you very much.

[APPLAUSE]

P.O. TONNA:

Okay we're going to move to Item No. 4 which is the Election of the Deputy Presiding Officer. Is there a motion?

LEG. D'ANDRE:

I make a motion, Mr. Chairman.

P.O. TONNA:

Legislator D'Andre.

LEG. D'ANDRE:

I make a motion to nominate Steve Levy for Deputy Presiding Officer of the Suffolk County Legislature.

LEG. FOLEY:

I will second the motion.

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LEG. BISHOP:

Second, Mr. Chairman.

P.O. TONNA:

Okay, second the motion by Legislator Dave Bishop. On the motion?

Okay, let's call the roll call.

(\*Roll Called by Mr. Barton\*)

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Respectfully abstain.

LEG. GULDI:

Yes.

LEG. TOWLE:

Abstain.

LEG. CARACAPPA:

Abstain.

LEG. FISHER:

Yes.

LEG. HALEY:

Abstain.

LEG. FOLEY:

Yes.

LEG. LEVY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

Abstain.

LEG. POSTAL:

Yes.

LEG. BINDER:

No.

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P.O. TONNA:

Yes.

LEG. COOPER:

Yes.

P.O. TONNA:

Congratulations, Steve.

[APPLAUSE]

[THE OATH OF OFFICE WAS ADMINISTERED TO  
THE DEPUTY PRESIDING OFFICER, STEVE LEVY]

[APPLAUSE]

P.O. TONNA:

Okay, we're going to depart from our agenda for one second recognizing Legislator Carpenter.

LEG. CARPENTER:

Thank you, Mr. Presiding Officer. I would just like to take the opportunity, before we go on with any further business, to thank Suffolk Community College, the Western Campus in particular, Executive Dean Joanne Braxton and all of the staff here who have been so gracious in offering to host our organizational meeting today, and for all the many hours, Ray, who is up there in the booth, who spent many hours with Fred Pollert, Henry Barton in helping make this happen. It's an opportunity to showcase the college and showcase the Legislature. Thank you, Mr. Presiding Officer.

P.O. TONNA:

Thank you, Legislator Carpenter.

[APPLAUSE]

Okay, we're up to Adopting the Rules of the County Legislature. Do we have a motion?

LEG. ALDEN:

Motion.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

Motion -- yes, hold it one second. A motion by Legislator Alden.

LEG. HALEY:

I am not seconding it.

P.O. TONNA:

Okay. Let's just get a second and then we'll be recognized.

LEG. D'ANDRE:

I'll second it.

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P.O. TONNA:

Legislator D'Andre seconds it.

LEG. BINDER:

Mr. Chairman, what's the motion?

P.O. TONNA:

The motion is to approve, I think, right?

LEG. BINDER:

Approve as what? In other words --

LEG. LEVY:

As amended.

LEG. BINDER:

Who makes the amendment? I would think that we'd have to add the amendments to --

P.O. TONNA:

Legislator Binder, I'm going to go with you, whatever -- you know, I'm in now so I feel a little more comfortable. I'm willing to listen to what you have to say here, Legislator Binder; on the motion, go ahead.

LEG. BINDER:

Mr. Chairman, this was put before us as an amended rules, we didn't amend them. So I would ask that we vote on each part separately to add that as an amendment, they are suggested amendments as they're in highlight, but I would ask that we vote on them individually. And the first -- the first question would be h, 4-h.

P.O. TONNA:

Let me just make sure that -- can we just make the appeal to our Legal Counsel; Paul?

LEG. CARACCIOLO:

Mr. Chairman, point of order.

P.O. TONNA:

Yeah.

LEG. CARACCIOLO:

First of all, I would like to follow up, if Legislator Binder will allow me, in terms of are there changes to the rules and, if so, could they be identified before we consider --

LEG. BINDER:

They're highlighted, actually, in the rules, you're going to have to

go through.

LEG. CARACCIOLO:

Are they the underlined?

LEG. CARPENTER

Yeah. We just received them, so.

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LEG. BINDER:

They are in bold and you'll find them in -- page seven is the first one, Rule 4-h is the first suggested rule change.

LEG. CARACCIOLO:

Okay, they're in bold, I see them now.

LEG. BINDER:

And I would ask that we actually deal with them even in parts, because I would -- Mr. Chairman, my -- in 4-h where I have no problem with the general bold amendments that are suggested, I would make a motion that we accept 4-h has amended without the words, "Adopted Year 2000 authorized positions and," that one which is one, two, three, four, five, six lines up from the bottom. The reason is I think we can still say, "All assignments of personnel here under shall be subject to available appropriations." The question of whether they were in the Adopted Year 2000 authorized positions, something we can do during the year; if we have a problem authorizing positions, I think we can do that as the year goes on, we can do budget amendments that would create authorized positions, but the question is the appropriations. And if we've already appropriated enough money for positions, I don't want to exclude the ability to have personnel based on the authorized position actually not being there if the appropriation is there for the position. So I just want to take that out and then make a motion to approve 4-h without that language.

LEG. CARPENTER:

I will second that motion.

LEG. HALEY:

Mr. Chairman?

P.O. TONNA:

Legislator Haley.

LEG. HALEY:

I don't think I have a mike.

LEG. BINDER:

That was on purpose, Marty.

LEG. HALEY:

Thank you. I am concerned just about the process. Are we going to accept this process --

P.O. TONNA:

I love that word.

LEG. HALEY:

You like that, huh? Accept this process where we're going to take each item? I think first we need to enumerate all the items that have, in fact, changed and then we should decide whether or not we're going to take each item and vote on those separately. I do agree with Legislator Binder's approach to this, but I think in the interest of process we decide what we're going to do.

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LEG. BINDER:

Let me withdraw my motion for the time being. What my motion will be -- let me make a motion to take each item by rule and subdivision in the rule, and then we can make motions in order as we go through the rules on each highlighted section. So I would make a motion to deal with the -- to deal with them that way.

LEG. CARPENTER:

Second.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Yes. Legislator Carpenter seconds that.

LEG. CARACCIOLO:

What is the genesis of the changes before us?

P.O. TONNA:

Excuse me?

LEG. CARACCIOLO:

What is the genesis of the changes before us? I can understand with 4-h why the change because, in fact, the budget was amended to reflect the budgetary positions. But with respect to the other three or four changes here, what is the genesis of that; was that an individual Legislative request, was it Legislative Counsel making modification?

P.O. TONNA:

I'll let Legislative Counsel deal with that question.

MR. SABATINO:

First of all, I want to apologize for a glitch. There was a cover memo that was attached to the rules when they were filed with the Clerk's Office, the proposed rules I should say, outlining what the changes were; somehow, in the xeroxing or the transmitting, the cover memo wasn't made part of the rules. I apologize, but being in a different building, we don't have the capacity to bring that over.

LEG. CARACCIOLO:

Paul, before you go on.

MR. SABATINO:

Okay.

LEG. CARACCIOLO:

When was that memo forwarded, because I have not seen these rules until I sat here today.

MR. SABATINO:

This is the way we do it every year which is that --

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LEG. CARACCIOLO:

Well, I think that's -- you know, I could see Legislator Crecca's point and some concern, and I have always had concern about this process, as I know others have, about sitting down and have something put before you that's about 20 pages without given an opportunity to review it.

MR. SABATINO:

That's why the cover memo would have -- the cover memo would have been helpful because it would have summarized what the three changes were. But in terms of --

LEG. CARACCIOLO:

When was the memo sent?

MR. SABATINO:

That was completed on Wednesday -- no, it was completed Thursday morning of last week.

LEG. CARACCIOLO:

Okay.

MR. SABATINO:

As far as the changes are concerned, there are three changes. In terms of how you want to vote, you can do it either way, we've done it both ways in the past. Because there are no rules in place right now, so it's not like you're amending rules that are in place, you're adopting the rules for the Year 2000. You can do it either by adopting the entire package with one vote or you can do it the way we've done it on other occasions which is to take the proposed changes one at a time.

In terms the genesis it's very simple, there are just three categories. The first change is on page seven, the reason for that change is to conform to what was done in the Omnibus Budget that resulted in the Adopted Budget for the Year 2000. We've gone from two and a half positions to the equivalent of three full-time positions, but the equivalent of three full-time means that you can still divide up one of those slots into two part-times if you wish. The language conforms to what you actually budgeted, that's why you see the language that you see in the bold print on page seven. As far as the issue of authorized adopted positions, this is really a result of some of the confusion that was generated over the last two years with the prior Presiding Officer in terms of there are positions in the budget, we added a whole slew of additional positions during the Omnibus Operating Budget process and the positions that get filled during the course of the year should conform to what's in the budget. So that's where that came from. The second change is on page -- the second change is Rule 7-b as in boy which was a suggestion that was made by -- a request, I should say, that was made by legislator Levy, it's been made in the past, that deals with the issue of -- that's on page 12, by the way. That deals with the issue of whether or not legislation should expire at the end of an odd numbered year or not. Legislator Levy's proposal would go back to the old rule which is that only legislation for whom

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the prime sponsor is no longer a Legislator would expire in the new term, so that legislation would carry over unless the prime sponsor of that bill was no longer a Legislator. That's the way the rules were prior to three years ago, Legislator Levy has made that request I guess for two consecutive years now.

And then the last suggestion was on page 16 and carries over to the top of page 17, that deals with the priority of motions. During the course of the past year, there were three motions that came up during the course of the year, we kept track of them which, quite frankly, were not listed in the order of priority, so the point there was to try to conform the rules to the practice. The three that were added are the motion to cut off debate which is on page 16, paragraph F, Item No. 3; that motion has been made but there's never been a place for it before on the page to point to. The second one, it was a new

motion that was made for the first time in 1999, that was a motion to postpone someone else's motion; we had to find a place to fit it in so that it would conform to what happened in 1999. And the last one is on the top of page 17 which is Item No. 18, motions were made during the course of the year to change committee assignments because there was some conflict with the previous Presiding Officer; and again, there was no place in the order of priorities, so this reflects the order of priority as being Item No. 18.

LEG. CARACCIOLO:

Thank you.

LEG. BINDER:

So Mr. Chairman, my motion would be that we go in order of those specific changes and we make motions to accept those changes, those amendments. So that would be my motion, is that that would be the procedure -- for a procedural motion.

P.O. TONNA:

And you have a second from Legislator Carpenter. On the motion? Okay, let's proceed then.

LEG. LEVY:

Continue, read the first motion; can we have Counsel read the first motion?

LEG. BINDER:

Wait a minute, did we get a vote on the procedural motion?

P.O. TONNA:

Yeah.

LEG. LEVY:

You don't have to vote on that, it's just clear that's what we'll do.

MR. SABATINO:

No, it's a motion to approve the recommended change on page seven and Rule 4-h.

P.O. TONNA:

Yeah, we can go right through.

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LEG. BINDER:

I just wanted to know if we passed the procedural motion, I didn't hear a vote.

LEG. LEVY:

We don't need a vote on that, Allan, the Presiding Officer can just say we're doing it.

LEG. BINDER:

Okay, that's fine.

P.O. TONNA:

Let's vote.

LEG. BINDER:

Then my motion is to approve 4-h without the words "Adopted Year 2000 authorized positions and", that phrase to be taken out but to pass the amendment as it stands without those words.

LEG. LEVY:

Without which words now; be specific.

LEG. BINDER:

It says, "Adopted Year 2000 authorized positions and." It would make the sentence, "All assignments of personnel hereunder shall be subject to available appropriations," and to leave it at that. And

then every other -- all the other bold words would apply.

LEG. HALEY:

Second.

P.O. TONNA:

Okay. All in favor?

LEG. LEVY:

Just hold on. Quickly, if we could have Paul, what would be the consequence of removing the wording?

MR. SABATINO:

The real consequence is really a paperwork one and a professional one which is that it's a lot easier for the technocrats in the Legislature to keep track of what's happening when you conform to the authorized positions. What's happened in the past two years has been that because the former Presiding Officer didn't conform to what the authorized budgeted positions were, you wind up with a payroll register, you know, that's a little bit difficult to follow, it's a little bit messy and disorganized. I mean, this is not -- it's not an item of substance, I don't want to give the impression that this change is going to modify what's in the budget. The idea is to try to make the rules conform to the budget so that we'll be following the positions that are in the budget. Is it going to have a major substitutive effect? No.

P.O. TONNA:

Okay. We have a vote, all in favor of Legislator Binder's motion to knock off those words?

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LEG. BINDER:

Well, to approve it without those words.

P.O. TONNA:

To approve without those words. All in favor? Opposed?

LEG. BISHOP:

Opposed.

P.O. TONNA:

Opposed, Legislator Bishop

MR. BARTON:

17-1.

LEG. CARACCIOLO:

I'm opposed.

MR. BARTON:

16.

LEG. FISHER:

Opposed.

MR. BARTON:

15-3.

P.O. TONNA:

Okay. Let's move on to page 12.

MR. SABATINO:

Page 12 is rule 7-b, that was Legislator Levy's request to not have legislation sunset in the odd numbered year if the prime sponsor is still a sitting Legislator.

LEG. LEVY:

Mr. Chairman, this was just because we all had a number of our bills in December, they die, we have to start all over with reintroducing

them.

LEG. BINDER:

Is that a motion?

LEG. LEVY:

I don't know what the point is, so I'll make the motion to approve.

LEG. FOLEY:

I'll second the motion.

LEG. FISHER:

Second.

LEG. BINDER:

On the motion, Mr. Chairman.

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P.O. TONNA:

Okay, Legislator Binder.

LEG. BINDER:

I oppose the motion to approve that change. I think members have seen that it has become very orderly in the Legislature that at the end of two years that legislation has died after two years, that you'd have to put it back in. Particularly for our new members Fields, Crecca and Cooper, they are not faced with legislation that particularly might have been through a certain process, ready to come out of committee and they have to deal with it the next day as we're sitting here or at a next meeting, they have an opportunity now to see what's put in, Legislators can decide if what died in the last -- you know, they're going to put it back again and they're going to see, these new members will see what's going on. For us as members that are not brand new and have been here a while, it's just orderly housekeeping for us. As we get to the end of two years, there is a rush and a mad rush, which is a good thing, to try to get your stuff at the end of that December date, but we all have been seeing this stuff for two years, we know. And at the end we also know it's ending and then we'll wait to see in the new year what comes out, and it starts fresh, it starts new. And I think it's helped us to really work with legislation through the Legislature and I think that may be the most important point for the new members.

LEG. LEVY:

Mr. Chairman?

P.O. TONNA:

Thank you. Legislator Haley and then Legislator Levy.

LEG. HALEY:

I think we all know, those of us who are in the Legislature know that a prime sponsor does not act alone. The ability to get legislation passed through the Suffolk County Legislature is borne out of the committee process where you have to gain support, not only in the committee process, but once you're on the floor you would hope to gain some sort of support -- they're playing with the mike -- and I think that's a problem. I think it's unfair to a new Legislator to come in in January and be forced to consider some legislation that had worked under different dynamics the year before. Those dynamics are very important because it relates to the public portion perhaps where people have actually come in and spoken for or against a piece of legislation. It has to do with getting the support of various Legislators during that term, whereas that whole situation could

change in January, that could change for a myriad of reasons. And I think it's important for us to know that we're doing the business of the people and I think we should bring closure to that at the end of our term, and knowing full well that if we're not successful in bringing closure by December, that we would have to introduce that, reintroduce that resolution and go through the process and make sure that each and everybody has had an opportunity. Thank you.

LEG. LEVY:

Mr. Chairman?

00017

P.O. TONNA:

Legislator Levy.

LEG. LEVY:

I would concur with my colleagues. If a new Legislator was required to vote on those previous resolutions the very first meeting that we're having today, that's not the case, there will be several weeks before we first meet which is ample time to get acclimated to the particular bills that are already on the table. The problem is when everything expires at the end of December, the process again doesn't take a couple of weeks, it could take months, that's especially important after you've been having to sit on a particular piece of legislation from months prior. So there doesn't seem to be the need to stretch out the process for months longer, there are several weeks that new Legislators have to read the packet, become acclimated with it and they can feel comfortable with the resolutions. But I don't think it makes sense to stretch out for another two or three months bills that we've already been looking at for months prior.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

Mr. Levy, I have to disagree with you because you have talked about the importance of the process in order to make that legislation come about. It's not fair to the members of my district, the members of the other two new Legislator's districts, to sort of exclude us from that process. I understand we can get acclimated and come up to speed, but the fact of the matter is that process is an important one, that's why the process is in place. So by starting with a fresh slate every two years, we'll put everybody on equal footing in that regard and that's why I would join with Mr. Binder in saying that we should vote this amendment down.

P.O. TONNA:

Legislator Guldi.

LEG. GULDI:

Mr. Presiding Officer, thank you. I think, Steve, while I was inclined on initial -- just in terms of efficiency to consider supporting your amendment, I think that Legislator Binder and Crecca do make a good point; there was stuff in the packet that was ripe with controversy which would be live bills today for these first-day Legislators. The fact of the matter is that we as senior or incumbent Legislators know the deadline is coming, can refile the bills in today's packet, have them considered in the committee cycle and available at our next regular meeting anyway. But by doing so would give the freshman Legislators who are joining us for the first

time the opportunity to at least see the bills in committee before they are compelled to vote on them. I think that I am inclined to vote with Legislators Binder and Crecca, unless you can say something to change my mind.

LEG. LEVY:

No, this isn't -- if I might, Mr. Chairman. This isn't a battle worth going to the mat over. It's just that it's not as though the bill

00018

itself or the wording of the bill is going to be any different as it presently exists or what it would be if you had to reintroduce it. So it's not as though a new Legislator is going to see a different bill tomorrow than they could today, that's my only point.

LEG. GULDI:

No, it's not. But --

LEG. LEVY:

You know, just vote it up, it's not really worth debating much further. If the support is not there, fine.

P.O. TONNA:

Okay, Legislator Caracciolo?

LEG. CARACCIOLO:

Call the vote.

P.O. TONNA:

Let's call the vote. Okay, all in favor?

LEG. HALEY:

Roll call.

P.O. TONNA:

Okay, we'll do a roll call. This is a motion to amend so that we basically take this rule change out of the rules.

LEG. BINDER:

No. The motion is to approve with the amendment. So if you vote against it, that bold-faced type won't be there, it will be the way it's been as of the end of last year.

P.O. TONNA:

Okay.

LEG. FOLEY:

Motion to strike --

P.O. TONNA:

No, we're going to -- okay, let's just put this up or down; if you vote for this rule then it's going to stay the way it is, if you vote against it then it will strike that amendment.

(\*Roll Called by Mr. Barton\*)

LEG. LEVY:

Yes.

LEG. CRECCA:

I'm sorry, I'm confused as to how we're voting. I apologize.

LEG. CARPENTER

Let's ask Counsel.

00019

P.O. TONNA:

Okay, Pauly?

MR. SABATINO:

Legislator Levy made a motion to approve his suggested change; so a vote of yes is a vote in favor of the proposed change, a no vote

would be to strike the language.

(\*Roll Called by Mr. Barton\*)

LEG. LEVY:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER

no.

LEG. CRECCA:

No.

LEG. D'ANDRE:

No.

LEG. BISHOP:

Yes.

LEG. POSTAL:

No.

00020

LEG. BINDER:

No.

P.O. TONNA:

No.

LEG. COOPER:

No.

MR. BARTON:

Three.

P.O. TONNA:

Okay. Let's move on to page, I think it's 16. I'm going to make a motion to approve.

LEG. CARACCIOLO:

Second.

LEG. HALEY:

Second.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

On the motion?

LEG. BINDER:

On the motion. I would ask that you make a motion to approve the three, F-3, F-7 and F-18, but F-18 I would ask that we add the words after "To change committee assignment" to "Change committee assignment of legislation." Not that we misunderstand why we're doing this, but it could be to change committee assignment of members or something; I want to make it clear that this was legislation.

P.O. TONNA:

Yeah, so would I. Okay. How do we do -- Paul, we just add that language?

MR. SABATINO:

Well, what I would recommend we do is why don't we just take them one at a time. Vote on F-3 first and then this way it will be clear.

P.O. TONNA:

Okay.

LEG. HALEY:

Motion.

P.O. TONNA:

Motion to approve F-3, second by myself. All in favor? Opposed? Approved.

00021

No. 7, F-7, motion by Legislator Haley, seconded by Legislator Fisher. All in favor? Opposed? Approved.

Okay, now we're here on motion F-18.

MR. SABATINO:

So I would say on F-18 just vote on the change with -- I'm sorry, vote on F-18 with the additional two words "of legislation."

LEG. BINDER:

"Of legislation after assignment," right, I'd make that motion.

LEG. GULDI:

Second.

P.O. TONNA:

All in favor? Opposed? Approved.

LEG. BINDER:

I make motion to adopt the rules.

P.O. TONNA:

Seconded by myself. All in favor? Opposed? Approved, the minutes are now adopted -- I mean, the rules. Okay. Now let's move on and now we're technically under the rules, right?

MR. SABATINO:

Right.

P.O. TONNA:

Okay. Let's -- I was just afraid with Robert's Rules of Order. Here we go.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. TONNA:

Yes?

LEG. CARACCIOLO:

Some of the items on today's agenda have not been distributed for perusal; the official newspaper list --

LEG. CARACAPPA:

It's here, in the back.

LEG. POSTAL:

We have that in the packet.

LEG. LEVY:

Fourteen and fifteen, Mike.

LEG. CARACCIOLO:

It is here? Okay, thank you.

00022

P.O. TONNA:

Okay. If we can, let's go to Item No. 7, the Appointment of the Clerk of the County Legislature. Is there a motion?

LEG. CARPENTER

I'll make a motion.

LEG. CARACAPPA:

Mr. Chairman?

P.O. TONNA:

I think Legislator Caracappa, there's a motion?

LEG. HALEY:

Second.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I would like to put the name --

P.O. TONNA:

Let me hear the second by Legislator Haley, and then Legislator Caracappa has the floor.

LEG. CARACAPPA:

Thank you. First, let me publicly congratulate you and Legislator Levy for becoming Presiding Officer and Deputy. At this point, I would like to place in contention the name Henry Barton, our current Clerk, to precede himself --

LEG. HALEY:

Succeed.

LEG. CARACAPPA:

Succeed himself, thank you.

LEG. LEVY:

Well, he preceded himself, too.

LEG. CARACAPPA:

The Clerk's Office is going to be a separate entity of the County, at this point. Mr. Barton, as we all know -- well, first let me say, I came to the Legislature in the summer of '95 under a different Clerk. And at that point in time, with no disrespect to that Clerk at that present time, the Office of the Clerk was rather archaic. And over the last five years this County, as well as this nation, has moved forward amazingly in regards to the technical information in a technical age. Henry Barton has really met the challenge with that in mind, but also he's met the challenge with each and every one of us which is probably a tougher task. He has taken the Clerk's Office and he has professionalized it, he has done a good job with the staff that he has and there hasn't really been an increase in staff since '95. The girls from LADS, the professionals in LADS have done a tremendous job working along with the Deputy Clerk and the Chief Deputy Clerk. It's without question that Henry and his staff deserve to come back because they do an excellent job for each and every one of us as Legislators and for our district offices.

00023

P.O. TONNA:

Legislator Haley, do you have something that you would want to say?

LEG. HALEY:

Yeah. I think it goes without saying, for those of us who have had an experience with Henry, that he has served all of us without prejudice and I appreciate that. And I think it behooves us to continue working with Henry and having Henry serve us the way he has in the past few years.

LEG. CARPENTER:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Carpenter.

LEG. CARPENTER

Thank you. I would just like to echo all the positive comments. The Clerk and all of the staff in the Clerk's Office have always acted in a very professional manner, very respectful manner, and really have brought us, made tremendous strides technology-wise in all of the district offices. So for that I thank you and, definitely, they deserve to be reappointed.

P.O. TONNA:

Great. We're going to do a roll call, Henry, so you can see --

LEG. BINDER:

Mr. Chairman, just let me also --

P.O. TONNA:

Oh yes, Legislator Binder.

LEG. BINDER:

I just want to voice my support for Henry and the job he's done and I will be very happily voting for him today.

P.O. TONNA:

Great.

LEG. FOLEY:

Mr. Chairman?

P.O. TONNA:

Yes?

LEG. FOLEY:

Since Henry is a constituent of mine, I better put my two cents in.

LEG. GULDI:

You're the only one that can vote back in favor, or against.

LEG. FOLEY:

That's right. Henry, good luck to you.

00024

P.O. TONNA:

Okay. Let's --

LEG. CARACCIOLO:

Paul?

P.O. TONNA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Since Mr. Barton started his Legislative career in the Suffolk County Legislature as my District Office Aide --

LEG. GULDI:

Poor man.

LEG. CARPENTER

Uh-oh, we didn't know that.

LEG. LEVY:

You're dead now, Henry.

LEG. CARACCIOLO:

It's not surprising to me that given his academic credentials, his background, his experience and really his dedication and commitment to the Office of Clerk that he should be renominated and approved today as the Clerk of the Suffolk County Legislature.

P.O. TONNA:

Thank you, Legislator Caracciolo.

LEG. GULDI:

Besides, he gets to count the vote.

LEG. CRECCA:

Mr. Chairman? And I'll be very brief.

P.O. TONNA:

Legislator Crecca.

LEG. CRECCA:

Yeah, I'll just say that since I've taken -- since I've been elected, I should say, as a Legislator-Elect, Mr. Barton has been very cooperative in trying to make the transition into office very smooth. So it's a good start.

P.O. TONNA:

That's what I'm going to have to talk to him about; no, I'm joking. Okay, thank you very much. All right, on the motion, let's do a roll call.

(\*Roll Called by Mr. Barton\*)

LEG. CARACAPPA:

Yes.

00025

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.  
LEG. LEVY:  
Yes.  
P.O. TONNA:  
Yes.  
MR. BARTON:  
18.  
P.O. TONNA:  
Congratulations, Henry.

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[APPLAUSE]

P.O. TONNA:  
Henry, what we're going to do, to expedite things we're going to pass the three of you and then swear you all in together; is that okay?  
MR. BARTON:  
Yes, please.  
P.O. TONNA:  
But you will each get a separate photo op later.  
LEG. FOLEY:  
Mr. Chairman?  
LEG. GULDI:  
Mr. Chairman, if I may.  
P.O. TONNA:  
Legislator Foley.  
LEG. FOLEY:  
Thank you. If I may, for the purposes of introduction. In the audience today, Mr. Chairman, Fellow Colleagues, we have with us several public officials, current and former. We have current Comptroller of the County, Joseph Caputo; Joe, if you could please --  
[APPLAUSE]  
We hope the new year, Joe, will bring you good health; he's been having a challenge of late, but we know that you are on the mend. Secondly, we have with us someone who preceded my tenure here as the Legislator from this particular district, County Legislator John Foley; John, if you could please. My Dad. Thank you, Mr. Chairman.  
P.O. TONNA:  
Okay. Appointing the Chief Deputy Clerk of the County Legislature. Is there a motion? Legislator Guldi.  
LEG. D'ANDRE:  
Motion, Mr. Chairman.  
LEG. GULDI:  
Mr. Chairman.  
P.O. TONNA:  
Legislator Guldi and a second by Legislator D'Andre. Legislator Guldi has the floor.  
LEG. GULDI:  
Thank you. It's my pleasure to once again put Jackie Farrell's name, my constituent, in nomination for Deputy Clerk.  
LEG. TOWLE:

Second.

00027

P.O. TONNA:

Okay. Legislator D'Andre, do you want to say anything?

LEG. D'ANDRE:

I make a motion.

P.O. TONNA:

Okay, we made a motion and a second. Okay, let's roll call.

(\*Roll Called by Mr. Barton\*)

LEG. GULDI:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Present -- yes, rather.

LEG. LEVY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

00028

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18.

P.O. TONNA:

Congratulations, Jackie.

[APPLAUSE]

LEG. D'ANDRE:

Mr. Chairman. While we're recognizing dignitaries, we also have Alan Schneider here from Civil Service. And there are others there, if you care to single them out and introduce them, I think it would be very befitting.

P.O. TONNA:

I think also, Legislator Cooper, you want to recognize a former Legislator in the area of Huntington, Legislator Jane Devine, didn't you want to do that?

LEG. D'ANDRE:

Is she here?

LEG. COOPER:

Yes, I do. Hello, Jane. Take a bow.

[APPLAUSE]

P.O. TONNA:

See how simple it is, Legislator Cooper? Okay, let's go to appointing the Deputy Clerk of the County Legislature.

LEG. CARPENTER:

Mr. Chairman? I would like to --

P.O. TONNA:

I'm going to recognize --

LEG. LEVY:

It doesn't matter.

P.O. TONNA:

Okay, Legislator Carpenter.

00029

LEG. CARPENTER

Thank you. I would be very proud to put in nomination the name of Ilona Julius to succeed herself.

LEG. LEVY:

And I will second my constituent.

LEG. ALDEN:

Second that.

P.O. TONNA:

Second by Legislator Levy; sorry about that, Cameron. Okay, we'll have a roll call.

(\*Roll Called by Mr. Barton\*)

LEG. CARPENTER:

Yes.

LEG. LEVY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:  
Yes.  
LEG. FIELDS:  
Yes.  
LEG. ALDEN:  
Yes.  
LEG. CRECCA:  
Yes.  
LEG. D'ANDRE:  
Yes.

00030

LEG. BISHOP:  
Yes.  
LEG. POSTAL:  
Yes.  
LEG. BINDER:  
Yes.  
LEG. COOPER:  
Yes.  
P.O. TONNA:  
Yes.  
MR. BARTON:  
18.

[APPLAUSE]

P.O. TONNA:  
Okay. We will move now to appointing the Director of the Legislative Office of Budget Review, and I'm recognizing Legislator Vivian Fisher.

LEG. FISHER:  
I would like to make a motion to approve that Mr. Pollert succeed himself. He is my constituent. He has been tremendously patient and helpful. I have only been in office less than a year and I certainly have required a great deal of patience on Fred's part, walking me through the budget process. So I am very privileged --

LEG. D'ANDRE:  
Mr. Chairman, I would like to second that motion.

LEG. FISHER:  
-- to make a motion.

LEG. D'ANDRE:  
It's the most honest Budget Review Office in New York State.

LEG. GULDI:  
I would like to add my voice, echo that.

LEG. LEVY:  
Mr. Chairman?

P.O. TONNA:  
Okay, hold it. One at a time and, Legislator Binder, you have the floor.

LEG. BINDER:  
I just want to give a ringing endorsement of Fred not only for the high quality of work that he does which we could not function without, in the ten years I've been here I know that we would not be in the fiscal situation we're in, we would not be where we are today

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if not for Fred Pollert. It is an incredible thing that one person dealing with an almost \$2 billion budget has kept together so many things, and I think his -- not only is the information high quality, but it makes a difference to all of us when we deliberate. Also, on a personal note, I want to thank him for all of the -- literally hundreds of hours he put in on LIPA. The information that we have because of his work and his dedication, and I dare say his courage, because I think there are a lot of people who would have liked him not to have dug up the information and worked to find the information he has. The information we have today, maybe it won't be used and maybe it will go for naught, maybe it's unfortunate that all that work will almost go nowhere. But the fact is we know it today and the fact is it was brought to Newsday and their Editorial Board and all the information has been spread around; whether people want to blind themselves to it, that's their choice. But Fred Pollert I think took a personal risk and it just toiling in hours and hundreds of hours putting in, I just want to thank him for all the work and effort he's done.

[APPLAUSE]

P.O. TONNA:

Thank you very much, Legislator Binder. Legislator Levy.

LEG. FISHER:

May I just finish my statement, though? I was a little cut off.

LEG. LEVY:

I'll defer.

P.O. TONNA:

Okay, Legislator Fisher. Sorry.

LEG. FISHER:

I particularly wanted to mention the help when we were making the decision whether or not to sunset the sales tax. That was lot of information that we needed in order to make informed decisions and that information came from your office and certainly was very helpful in informing all of us and educating all of us as to the information that we needed at that time. So I thank you for that in particular, Fred.

MR. POLLERT:

Thank you. Legislator Levy.

LEG. LEVY:

In all due deference to my colleague, Legislator Tonna, this is probably the most important vote that we have today, along with Counsel to the Legislature. A couple of years ago I was talking to a colleague over -- I shouldn't say a colleague, let's just say a representative in Nassau County government, and we were talking about doing something regionally and I told her, "Well, just go to your Counsel and get the legislation drafted and go to your Budget Review Office and get some of the details, get some of the details hammered out and some of their expertise," and she was scratching her head in

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bewilderment as to what I was talking about; they really don't have that, they have it on paper but not reality. And I think you can see the difference between our two counties, primarily because we have an honest, independent economist at the helm of our Budget Review Office who gives us the straight scoop, irrespective of whether it's a

Democratic slant or a Republican slant or whether it's going to help the Executive, hurt the Executive. He gives us the real story and we're able to build our County around that and that's why we're in the good fiscal health that we are. So it's my pleasure to second your nomination, Fred.

LEG. CARACAPPA:

Mr. Chairman?

P.O. TONNA:

Thank you. Legislator Caracappa.

LEG. CARACAPPA:

Just to be brief. Fred, walking in with you today to the building, you said, "I'm up for appointment and four years goes by so quickly." And I just want to say over the last four years, besides your budgetary expertise, what I need to thank you and all of us need to thank you is when we come into this position as Legislator, none of us were experts in the budget, or very good at it at all, and besides doing your work, you and your staff, Jimmy Spero and Victoria, take the time to teach us about the budget and the pitfalls and the direction we need to go. And on a personal note, I would like to thank you for that because it makes our job easier as we move ahead.

P.O. TONNA:

Any other -- Legislator Guldi?

LEG. GULDI:

The one thing I wanted to add to the support for Fred Pollert is, Fred, I find your ability to put up with us to be remarkable. Not only have I seen you perform miraculous turnaround times and fabulous work, particularly meeting the ridiculous demands of Legislator Binder working closely with him, but in general I also have to commend your ability to get beyond those occasions when we fail to heed your good advice and disregard it. It is with pleasure that I will vote for you to continue here in the Legislature. Thank you.

MR. POLLERT:

Thank you.

LEG. CARPENTER:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Carpenter.

LEG. CARPENTER

I, too, would like to join in all of those wonderful comments, Fred, to you and Jim and everyone in the office there. You do your jobs so well, so professionally, and when you go beyond the confines of this County, as Legislator Binder spoke when we had meetings with LIPA,

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you represent Suffolk County in such a professional light, it makes us all very, very proud. And it really is to all of our benefits, but especially to all of the residents of this County, that you and your staff are where you are and thank you.

P.O. TONNA:

Fred, just a quick anecdote. I remember six years ago when I was a freshman Legislator and had the fortune or misfortune of being appointed the Chairman of the Finance Committee. And I remember walking in a neighborhood and my old math teacher from high school said to me, "I can't believe you're the Chairman of the Finance

Committee when I failed you in Trigonometry", and I said, "You don't understand, we have a great Budget Review." And all I can say is, Fred, you really have done a marvelous job, you've carried yourself as a professional, and the even-handedness that he handles each legislative request is really something to be modeled. So Fred, thank you very much, and we'll conduct the vote now.

(\*Roll Called by Mr. Barton\*)

LEG. FISHER:

Yes.

LEG. D'ANDRE:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

00034

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

18.

[APPLAUSE]

P.O. TONNA:

Okay. If there is a motion for our Counsel to the Legislature?

LEG. LEVY:

Motion.

LEG. D'ANDRE:

I make a motion, Mr. Chairman.

P.O. TONNA:

Okay, legislator D'Andre, motion.

LEG. FISHER:

Second.

P.O. TONNA:

Second by Legislator Fisher. On the motion?

LEG. GULDI:

Point of information.

P.O. TONNA:

Sure.

LEG. GULDI:

Paul, I realize you write the resolutions. My colleague and I pointed out to me that yours is the only one that doesn't list your address; now, is that -- what's that to protect you from, or is that you have no life so you don't need an address?

MR. SABATINO:

Shadow government has no address.

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P.O. TONNA:

All right, on the motion, Legislator D'Andre.

LEG. D'ANDRE:

Mr. Chairman, Paul Sabatino has been our attorney for a good many years. And the way the law reads, he is the attorney for Democrats and Republicans and that's not an easy job to put up with 18 prima donnas; and I say prima donnas because everybody here thinks they're something or other. And Paul has to put up with it, sympathize when he has to and he has managed to do that very nicely, and he has even managed to irritate some of the authorities. But let me say this, he's fair and he has always practiced the law as the law should be practiced; that's a matter of opinion, but so far he's been more right than wrong. So I would like to have him another year, if you don't mind. And Paul, I just thank you for all the years you've given us, like Pollert, you're the main stay, you're one of the main clogs that make our Legislature go and keeping it bipartisan, keeping it honest, and what more can you expect? When you've got 18 people to contend with, you need a medal just for that alone. So I'm sharing my vote for you, Paul. Thank you.

LEG. FISHER:

Mr. Presiding Officer?

P.O. TONNA:

Legislator Fisher.

LEG. FISHER:

May I just say that I joined this Legislative body after a Special Election last January, and it's very difficult to come into this position on a Special Election because you have to hit the ground running. It's a very daunting task to imagine yourself creating, sponsoring legislation. Without the expertise of Paul Sabatino, his patience and his help and his understanding in knowing what you're trying to say when you're not even certain of what you're trying to say, I certainly think that he is a tremendous asset to this Legislature and I am very proud to work with him and very privileged.

P.O. TONNA:

Thank you, Legislator Fisher.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

Legislator Legislator Binder.

LEG. BINDER:

I have been here ten years and I think I started my time with Paul in a caucus where I disagreed with him on something and then handed out the Charter Law highlighted, and so that was our first run-in, and in ten years I think I have butted heads with Paul as much as I have agreed with him. But I would like to go back to a subject that I have already brought up with Fred. In the last year I have worked very closely with Paul on LIPA, and I know there would be a lot of people

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that would say that he did it for vicious reasons, that he's going after someone, it's just to undermine, blow up, throw bombs, because that's what we say about Paul Sabatino for the last ten years I've been here on pretty much every subject. But I can say that in the time that I've have worked very closely with him on this subject, that wasn't the case here. It was dedication to what we he believed was right for the people of Suffolk County, and he worked tirelessly towards that end, and I have to say that I tip my hat to him. And I got to see close up, with sometimes myself saying that he was throwing bombs in the past.

I can tell you that I was very impressed by the work he did. And of course, that's at risk to himself, but it's also at risk to himself when he does something and looks like he's throwing bombs. And obviously, at risk to me, even politically, I just want to thank you for all the work and time and effort you put into that particular subject. I do know that it was for the good of the people of Suffolk and I hope we're not done trying to protect him.

P.O. TONNA:

Thank you. Legislator Postal.

LEG. POSTAL:

The fact that former Legislator Jane DeVine is here reminds me very vividly of when I was first elected to office. And before I was actually sworn in, at that time outgoing Legislator Jane DeVine told me about Paul Sabatino. She told me how valuable he would be, how he would never consider the party affiliation of a Legislator, how if a Legislator asked for legislation and then another Legislator asked for similar legislation, Paul would never play any kind of one upsmanship in that situation; that's been true. Certainly over the years, we all know, he puts in incredible numbers of hours, we all know how quickly we get legislation back when we ask for it to be drafted. And frankly, I don't know how this Legislature could function without Paul Sabatino.

LEG. HALEY:

Roll call.

P.O. TONNA:

Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. D'ANDRE:

Yes.

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

00037

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. BISHOP:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

Yes, even without his address.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Absolutely.

MR. BARTON:

18.

[APPLAUSE]

LEG. D'ANDRE:

Wow, that's a tribute. Mr. Chairman?

P.O. TONNA:

Yes, Legislator D'Andre.

LEG. D'ANDRE:

When you can conjure up 18 votes and you have to be Legislative

00038

Counsel to both parties, that's pretty damn good. Thank you, everybody.

P.O. TONNA:

Okay. The procedure now, do we have the signing of the book for you guys? I'm going to defer to you.

MR. ROMAINE:

We can do all of them now, or if you want to proceed and we'll do it at the end of the meeting.

P.O. TONNA:

No, let's sign the book and then we'll move with the rest.

MR. ROMAINE:

I'll ask the three Clerks to come up, please.

[OATH OF OFFICE WAS ADMINISTERED TO  
THE THREE CLERKS:

HENRY BARTON, JACQUELINE FARRELL & ILONA JULIUS]

[APPLAUSE]

[THE OATH OF OFFICE WAS ADMINISTERED TO  
THE DIRECTOR OF BUDGET REVIEW, FREDERICK POLLERT]

[APPLAUSE]

[THE OATH OF OFFICE WAS ADMINISTERED TO  
COUNSEL TO THE LEGISLATURE, PAUL SABATINO]

[APPLAUSE]

P.O. TONNA:

Okay. Okay, we're going to move to adopting a schedule for regular meetings of the County Legislature. It has come -- we have in front of us, I guess it's Introductory Resolution No. 8-2000. With regard to this, two Legislators have expressed an interest to strike the January 25th meeting because they will not be in attendance, they are away. I could safely say that if we need a meeting, which I think we really should, we're going to have to look at possible dates or whatever else, and I will get back to you and send out a notification with regard to that.

LEG. POSTAL:

Mr. Chairman?

P.O. TONNA:

Okay, maybe a special meeting or something like that. Yes, Legislator Postal.

LEG. POSTAL:

Yeah, could we -- obviously we're moving very efficiently through the business of the Organizational Meeting. So I would assume that by next week it seems to me it would be possible to have committees  
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meeting, and conceivably we could replace that January 25th meeting with a meeting during the week after next.

LEG. BINDER:

The 18th.

LEG. POSTAL:

I would hope -- that's the week of January 18th.

LEG. BINDER:

January 18th would be that Tuesday.

LEG. POSTAL:

So if everyone is agreeable to that, I think it would be good if we could decide on that so people could adjust their calendars accordingly.

LEG. CARACCILOLO:

Mr. Chairman?

P.O. TONNA:

Can I make a suggestion, okay, because it's juggling a lot of people's schedules and stuff because it wasn't into this. What I would ask is -- and again, I would be in agreement with you, Legislator Postal, that we would like to have a meeting in January.

What I would like to do, rather than trying to do this on the floor right now and having to poll 18 people to look at their schedules and everything else, I would rather defer to strike this meeting and then to communicate, have our staff communicate to each person, find out a date that we can get this January meeting off the ground. I have no problem with regard to filling committee assignments and everything else so that from the Presiding Officer's point of view, we're not going to have any problem with moving very quickly into, you know, committee meetings and everything else. But I just think we have been through this process a number of times before and all of a sudden, you know, we're playing let's check our calendars.

LEG. BINDER:

Mr. Chairman?

P.O. TONNA:

Legislator Binder.

LEG. BINDER:

The only question I'd have is that in January there is only the 18th and the 25th that are available, after that you're into February which would be February 1st. So while you're checking, as long as we're doing Tuesdays, if we stay on Tuesdays --

P.O. TONNA:

Legislator Binder, two things. One is there is the 31st of January, okay. And secondly --

LEG. BINDER:

Wait a minute, the 31st --

00040

LEG. LEVY:

You can't, the next meeting is February 8th.

LEG. BINDER:

You mean the Monday, on the Monday.

P.O. TONNA:

Right. But what I want to be able to do is I really -- I just think that this is a tough situation where each person has made plans or whatever else. Let's try to find a date that is certain that we're 18 people for the very first Legislative Meeting, you know, of this year, that we have 18 people who agree. And I will work, that will be my first thing to do officially tomorrow, to poll 18 Legislators, find that out and move very quickly with the process of assigning committees.

LEG. HALEY:

Mr. Chairman?

P.O. TONNA:

Yes.

LEG. HALEY:

Mr. Chairman, I have a suggestion.

P.O. TONNA:

Sure, I'm open to suggestions.

LEG. HALEY:

I have a suggestion that we meet February 1st, February 8th and eliminate February 29th.

LEG. BINDER:

Well, how about February 1st and eliminate February 8th?

LEG. GULDI:

That's fine.

LEG. HALEY:

Either way, and then it's resolved, it's done.

LEG. BINDER:

Because you can't do one week after the other, that would be --

LEG. HALEY:

You get more time for your committee assignments.

LEG. GULDI:

If he is making that a motion, I will second it.

P.O. TONNA:

Okay, let's just look at this for a second. There is a motion by  
Legislator Haley to move the meetings from January 25th to February  
1st; am I correct?

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LEG. HALEY:

Correct.

LEG. GULDI:

And cancel the February 8th.

P.O. TONNA:

And then cancel --

LEG. BINDER:

The 29th you'd have to do.

LEG. CARPENTER

No.

LEG. BINDER:

I mean, I'm sorry, the 8th because the 8th would be committee week.

P.O. TONNA:

Cancel the 8th; is that satisfactory to --

LEG. HALEY:

Yes.

P.O. TONNA:

Okay, let's take a vote on it. There's a motion and a second by  
Legislator Caracciolo, right, or Legislator Guldi. Let's make the--  
there's a motion and a second. Roll call.

LEG. GULDI:

We don't need a roll call.

P.O. TONNA:

Legislator Postal, you want --

LEG. POSTAL:

That's only with regard to those dates, right?

P.O. TONNA:

Yeah.

LEG. GULDI:

What do we need a roll call for?

P.O. TONNA:

No? Okay. All in favor? Opposed?

LEG. LEVY:

Opposed.

LEG. BISHOP:

Opposed.

P.O. TONNA:

Okay, approved-- I'll let him count it.

00042

MR. BARTON:

15.

LEG. GULDI:

Before we adopt the calendar, Mr. Chairman?

P.O. TONNA:

No, I think there are some people who still want to talk about dates.

LEG. GULDI:

Yes, so do I.

P.O. TONNA:

Okay. Legislator Postal, then Legislator Guldi.

LEG. POSTAL:

Well, I didn't want to ask about dates, I wanted to ask about location. I notice that beginning with the August 8th meeting we have meetings scheduled once again in Hauppauge, and I'm wondering if we have an anticipated date of completion for the renovation of the William Rogers Building. And if it's completed prior to the date of this first meeting in Hauppauge, the August 8th date, whether the calendar would permit us or whether it would be a procedural motion that would be required to switch some of the meetings to Hauppauge.

P.O. TONNA:

Okay, I think there are two questions here; the first is with regard to the renovation, the second is with regard to Legal Counsel about what type of motion is needed or whatever else.

MR. SABATINO:

It would be a procedural motion like we had to do in 1999, we had to change the meetings to Riverhead because we had originally scheduled Hauppauge, we didn't know the schedule. So that wouldn't be a problem, we would know sometime in May. I think the projected date right now is May 1st, so there's a cushion built here of about three months, so we should be okay.

P.O. TONNA:

Okay.

LEG. HALEY:

Motion to approve as amended.

LEG. GULDI:

No, I have --

P.O. TONNA:

No, no, no, there's a motion -- Legislator Guldi has the floor.

LEG. GULDI:

Yeah. The first is the August 22nd, August 31st dates, I realize the August 31st is a tentative special meeting; why don't we just schedule for the 31st and eliminate the 22nd?

00043

LEG. CARACCIOLO:

I'll second that.

P.O. TONNA:

Okay, there's a motion here right now to eliminate the August 22nd meeting --

LEG. GULDI:

And instead hold the meeting on the 31st.

P.O. TONNA:

Right, and have a -- if necessary, but to have a General Meeting on the 31st. Seconded by Legislator Caracciolo.

LEG. BINDER:

On that motion.

P.O. TONNA:

Yes, Legislator Binder.

LEG. BINDER:

Might it not be more desirable to move the meeting of the 8th into the 22nd so this way the Legislature would be off from June 27th through August 22nd.

LEG. GULDI:

I'll adopt that change and make that --

MR. SABATINO:

No, you can't, there's a legal problem with that.

LEG. GULDI:

Oh, we have the college budget.

MR. SABATINO:

You have to be able to adopt the budget with enough time for the County Executive to exercise his right to veto and then still leave you with adequate time to, if you have to, override a veto and still have the budget in place. So there's a legal barrier.

P.O. TONNA:

Plus in truth, we have the whole month of July off, let's -- you know, we have enough time. And considering our pay increase, I think it's best that we make sure that we have our Legislative Meetings.

Thank you.

LEG. GULDI:

Yeah, but rather than --

LEG. FOLEY:

Mr. Chairman, if I may?

LEG. CARPENTER

Mr. Chairman?

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LEG. GULDI:

All right. So I'll go with the initial motion rather than --

P.O. TONNA:

Right. The motion is --

LEG. GULDI:

Rather than schedule of tentative special meeting, let's schedule a meeting for the 31st, do our general business then.

LEG. FISHER:

That's a Thursday; is that okay?

LEG. CARPENTER:

Mr. Chairman?

P.O. TONNA:

Yes, Legislator Carpenter has the floor.

LEG. CARPENTER

I would just like to suggest that instead of the 31st we make it the 29th so that we're keeping it with Tuesday, or is there a reason it has to be Thursday?

MR. SABATINO:

No, there's also a legal reason. I mean, not to be argumentative, but the reason for the 31st is because you have to get the budget in place for September 1st no later than the 31st. What could happen is if you schedule a meeting for the 29th, the County Executive could

time a veto to land on the 30th.

P.O. TONNA:

Right.

LEG. HALEY:

They wouldn't do that.

LEG. GULDI:

Yeah, they would.

MR. SABATINO:

And then you'd be out of business, unless you had a special meeting to come back on the 31st to get the budget in place.

LEG. GULDI:

So we'll hold one Thursday meeting.

LEG. HALEY:

Yeah, that's no big deal.

P.O. TONNA:

Let's go with Legislator Guldi has a motion. Where is the second, Legislator Caracciolo? Okay, on the motion, all in favor? Opposed?

LEG. LEVY:

Opposed.

00045

LEG. BISHOP:

Opposed.

P.O. TONNA:

Motion carries. Note the opposition, Legislator Bishop and Legislator Levy.

LEG. FOLEY:

Mr. Chairman?

LEG. GULDI:

I have one more, if I may.

LEG. FOLEY:

Mr. Chairman?

P.O. TONNA:

This is on a new motion?

LEG. FOLEY:

Yes.

P.O. TONNA:

Okay, Legislator Foley has the floor.

LEG. FOLEY:

Thank you. In line with the comments you made earlier, Mr. Chairman, when we look at the first half of the calendar year there are I think too few General Meetings. I would like to make a motion that in the month of March we have another General Meeting for March 28th.

LEG. GULDI:

Two weeks after the 14th?

LEG. BISHOP:

Second.

P.O. TONNA:

Okay.

LEG. FOLEY:

The purposes --

LEG. BISHOP:

Second.

LEG. FOLEY:

With the second being made. Mr. Chairman, the purpose for this additional meeting is that otherwise we would have one meeting in March, one in April and one in May, and for that stretch of time, I think it's just too few meetings.

LEG. POSTAL:

Mr. Chairman?

00046

LEG. FOLEY:

So that's why I make the motion to have two meetings in March.

P.O. TONNA:

Okay. Is there a second to that motion?

LEG. BISHOP:

Second.

P.O. TONNA:

Legislator Bishop, right? Okay, Legislator Postal on the motion.

LEG. POSTAL:

Yeah, I would have a question with regard to changing meetings in the spring. I don't know whether anybody knows when Passover or Easter come out.

LEG. FOLEY:

Easter is exceptionally late, it's towards the end of April.

MR. SABATINO:

That was taken into account in the first draft that was put together, but I'm not sure about March 28th, so let me just double check on that.

LEG. BISHOP:

Passover is the 20th of April.

P.O. TONNA:

The 20th of April.

MR. SABATINO:

Okay, we're okay on that because it's in April.

P.O. TONNA:

Okay.

MR. SABATINO:

So March 28th would be okay.

P.O. TONNA:

Legislator Postal, is that acceptable now?

LEG. POSTAL:

That's fine.

P.O. TONNA:

Okay. There is a motion and a second to add a General Meeting on March 28th.

LEG. TOWLE:

Day or night meeting, Legislator?

LEG. FOLEY:

Day.

00047

LEG. HALEY:

Night.

LEG. FISHER:

Night.

P.O. TONNA:

Can I just make a suggestion? The April 18th meeting is a night

meeting, I just don't want to put two night meetings back to back. Okay, so let's go with a day meeting right now on March 2th. There is a motion and a second. All in favor? Opposed?

LEG. BINDER:

Opposed.

LEG. GULDI:

Opposed.

LEG. FISHER:

Opposed.

P.O. TONNA:

Opposed, Legislator Binder, Legislator Guldi, Legislator -- roll call, let's do the roll call.

LEG. CARPENTER:

On the motion. Mr. Chairman, I would just ask if there -- before we move forward with it, if we look at the calendar a little bit more closely. Because putting it on the 28th has a Legislative Meeting, then we turn around and have committees again, and then a Legislative Meeting without a break. So you might want to look at moving it a week, you know, either way, either the April meeting or the March 14th, you know, just to give yourself that little bit of leeway so you don't have that back to back. Because that's a problem --

LEG. FOLEY:

Mr. Chairman, if I may?

P.O. TONNA:

Legislator Foley.

LEG. FOLEY:

Yeah. Well, traditionally, if you go --

P.O. TONNA:

I'm sorry; did I cut you off, Legislator Carpenter?

LEG. FOLEY:

Mr. Chairman?

LEG. CARPENTER:

It's a problem for the Clerk's Office in getting the minutes --

LEG. FOLEY:

Well traditionally, if you go back in time, there always was two a month. So this is, let's say, somewhat mirroring past tradition for

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only one month in the spring time; years back there were two meetings every month. Also, with the March 28th meeting, there is a break between the March 28th meeting and the April 18 meeting, there's at least one week of respite between the committee meeting and that particular March 28th meeting. So it's not back to back going to three different meetings, there is, as I say, a week's difference between the following committee meeting and the General Meeting.

P.O. TONNA:

Okay, Legislator Haley.

LEG. HALEY:

Thank you. I can't imagine, I think we did a pretty good job this past year of disposing of all our business with the existing schedule. I'm a firm believer of not creating meetings for the sake of creating reasons; for that reason, I cannot support this.

P.O. TONNA:

Roll call on the March 28th, the proposed March 28th meeting.

(\*Roll Called by Mr. Barton\*)

LEG. FOLEY:

Yes.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. CARACAPPA:

Yes.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

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LEG. CRECCA:

Yes.

LEG. D'ANDRE:

Yes.

LEG. POSTAL:

Yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

LEG. LEVY:

Yes.

P.O. TONNA:

Yes.

MR. BARTON:

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P.O. TONNA:

Okay, March 28th is approved. Any other suggestions before we --

LEG. GULDI:

I have one more, Mr. Presiding Officer.

P.O. TONNA:

Excuse me?

LEG. GULDI:

I have one more. This year I noticed our agendas got very light in December. If we look at this schedule with our warrant meeting, the levy warrant meeting on the 28th, you've got three meetings scheduled between Thanksgiving and Christmas. I think we can get by with two, I think we can certainly get our business done, especially given how light those agendas have become traditionally in those months. And I,

therefore, move to eliminate one of those, probably the December 5th meeting. If we need a special to approve the warrant we can always do that by a special meeting notice --

LEG. HALEY:

Second.

LEG. GULDI:

-- and we can schedule our business appropriately during that period.

LEG. LEVY:

Mr. Chairman?

P.O. TONNA:

Is there a second?

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LEG. HALEY:

Yeah, I'll second it.

P.O. TONNA:

Legislator Haley seconds; Legislator Guldi made the motion, Legislator Haley is second. Legislator Levy.

LEG. LEVY:

I think if we should set a trend it should be for more meetings rather than few. As Legislator Foley had said, traditionally, you know, when I first started in the Legislature we were meeting every other week throughout the entire year, and there's problems when you have a gap in time that develops where you can't get important legislation through. We also know that toward the end of the year there's a flurry of legislation that comes forth, close out of capital projects, things of that sort; when you have more meetings to manage these items, it's just easier to deal with. Rather than taking less meetings, we should actually have more, but at the very least let's keep the status quo here.

P.O. TONNA:

Okay. Anybody else on the motion? There is now a motion to strike the December 5th meeting with the understanding that if there is a meeting necessary for the warrant that we'll just call a special meeting. And there is a second by Legislator Haley. Legal Counsel, do you have something to say?

MR. SABATINO:

Just an observation. Under the Charter, you can amend the budget four times a year, one of the four times when you can lay a bill on to do the amendment is the first meeting in December, so I just want you to be aware of that before you vote.

P.O. TONNA:

Okay.

MR. SABATINO:

So if you lay a bill on the first meeting of December, you have the ability to pass it, then at a subsequent meeting this would to some degree constrain your flexibility on the budget.

LEG. GULDI:

Could you -- you could still --

P.O. TONNA:

Have a special meeting.

LEG. GULDI:

-- lay that bill on December 19th if there was no special meeting,

and if there was a special meeting such bills could be included in the notice.

LEG. BINDER:

And legislation doesn't die under the rules.

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LEG. LEVY:

But if you have a public hearing you're going into the following year, so you really --

MR. SABATINO:

I'm only raising it -- just so you don't lose your flexibility, the way the Charter is written, it's got to be laid on at the first regular meeting, you can't do it at a special meeting; you could vote to adopt it at a special meeting. I just want you to be aware of it before you vote, that the reason that there were two meetings --

LEG. GULDI:

So are you suggesting it would be more prudent to eliminate the December 19 meeting?

LEG. BINDER:

Or the November 21st meeting.

MR. SABATINO:

No, no, no. The meeting that's probably not going to happen is the November 28th meeting because the warrant -- well, actually the levy, you'd have to do the levy, you need the meeting on the 28th. The problem is if you take out the second meeting in December you just restrict your ability to do some of those year-end things that are important to you. Like in this last cycle you passed around seven resolutions --

LEG. GULDI:

What's the Charter restriction against permitting bills to be laid on at a special meeting?

MR. SABATINO:

The Legislature can only file amendments four times a year, it's got to be at the first regular meeting of -- one happens to be December, the other months are February --

LEG. GULDI:

We need to change the Charter in that respect, make it a November filing date.

P.O. TONNA:

Okay. I think we have the relevant information in front of us so that we can vote. There is a motion by Legislator Guldi, seconded by Legislator Haley. Roll call.

LEG. BINDER:

Let me ask, does that mean that we would be able to do amendments on the December 19th meeting?

LEG. GULDI:

No, we'd file them then.

MR. SABATINO:

You could lay the bills on the table. And there's two kinds of bills you would be laying on, one would be to do year-end stuff but you

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wouldn't be able to adopt it, unless you had a special meeting, or you could lay bills on for the year 2000.

LEG. BINDER:

Right. But most budget amendments are not -- when we file them in December they're for the next year anyway because --

MR. SABATINO:

Except -- that's generally true, but I just want -- this year, 1999, you had five or six budget amendments in December that were very important to you because you were transferring money into the Capital Account to preserve it for the following year. I just want you to be aware of that before you vote. That was important to you from the standpoint --

LEG. BINDER:

I would ask then if Legislator Guldi would want to consider the November 21st meeting instead as the meeting you would want to eliminate, to open up that period of time from November through December with all those meetings.

LEG. GULDI:

Sure.

LEG. HALEY:

Mr. Chairman, could we get a thought from Henry on this?

P.O. TONNA:

Now that you're appointed, Henry, you can have a thought and not worry about it; unless of course the minutes reflect and they will read them next year.

MR. BARTON:

If there are vetoes to the Operating Budget and we deal with them on November 17th, there's a possibility I could have the levy documents, with the cooperation of the towns and the Budget Office and Budget Review, prepared by the 21st for a General Meeting. If there's a glitch in dealing with the ten towns, or for some reason it's a difficult budget process, we might not be ready for the 21st.

LEG. GULDI:

All right. Why don't I make it a motion to eliminate the November 21st meeting instead, leave the December 5th meeting, we can still do the November 17th and 28th special meetings for the levy and warrant which would be more flexible anyway.

P.O. TONNA:

Okay, hold it; just one second, okay?

LEG. HALEY:

Does that work for you, Henry?

P.O. TONNA:

Let's just go back. The motion right now, because Legislator Guldi has withdrawn his motion with regard to the December 5th meeting and now we're moving to striking the November 21st meeting --

00053

LEG. HALEY:

Second.

P.O. TONNA:

-- with the same understanding that if we need to set the levy that we will call a special meeting. Seconded by Legislator Haley. Okay, on -- let's roll call.

LEG. FOLEY:

On the motion.

P.O. TONNA:

On the motion, Legislator Foley.

LEG. FOLEY:

In other words, Mr. Chairman, there is no -- if this is approved, this deletion, there would be no regular -- what I would call a regular General Meeting in November.

LEG. GULDI:

No, there would be a November 6th meeting.

LEG. FISHER:

It says operating budget only, the 17th says only if necessary for budget veto overrides, and the 28th is only if the levy is necessary. So in other words, Mr. Chairman, the very meeting that's being proposed to be eliminated, to my way of reading the November schedule, is the only one that I would call is a regular General Meeting.

P.O. TONNA:

Even that, setting the levy only if possible. So what I'm saying is all of those are contingent meetings.

LEG. LEVY:

We're going to have long, big gaps.

LEG. FOLEY:

With the exception of November 21 which is the regular General Meeting but it's the one that's being proposed to be eliminated.

P.O. TONNA:

Right. Brian, I'm with you.

LEG. FOLEY:

Okay.

P.O. TONNA:

But I just think Legislator Guldi made a motion, Legislator Haley has a second, we've got to vote on it.

LEG. BINDER:

Let me ask if --

LEG. CRECCA:

Mr. Chair, can we take a vote, please?

00054

LEG. BINDER:

On the motion.

P.O. TONNA:

Yes.

LEG. BINDER:

Let me just ask if Legislator Guldi would then look at November 28th as a regular meeting; in other words, take out the 21st and make November 28th a regular meeting. We know that the levy would be ready by then, we would be doing the warrant, we could do a regular meeting on the 28th.

LEG. GULDI:

Done.

LEG. HALEY:

Second.

LEG. BINDER:

Now you've changed your motion.

P.O. TONNA:

Okay. There is a motion change; Henry, you keeping up with this?

MR. BARTON:

I'm trying.

P.O. TONNA:

How about you, Jackie?

LEG. FISHER:

Mr. Chairman?

LEG. CARPENTER:

Thanksgiving is the 23rd.

MR. BARTON:

Mr. Chairman, from a tax --

LEG. FISHER:

On the motion? Sorry.

MR. BARTON:

From the perspective of the tax documents, ideally we would do exactly what we did this past tax season; we would adopt the levy just before Thanksgiving giving the towns the opportunity to work on their warrants over the Thanksgiving week and then we would come back the first few days of December and we would approve all these documents at the General Meetings.

LEG. BINDER:

I've been trying to help you, Guldi, I don't know if I can anymore.

LEG. GULDI:

I know, Allan.

00055

LEG. LEVY:

Let's just vote on the resolution.

P.O. TONNA:

Okay. Right now, George, do you have a motion?

LEG. GULDI:

I think I've got three, which one would you like?

P.O. TONNA:

George, come up with a motion so we can vote up or down and get on with the meeting.

LEG. LEVY:

We are not bound to leave it today, we could always change this down the road.

LEG. GULDI:

I'll go with the last version which was to move the regular meeting on the 28th instead of the 21st, and we can punch the levy by special if we have to at the date that's available.

P.O. TONNA:

Okay. Is there a second, Legislator Haley?

LEG. HALEY:

Second.

P.O. TONNA:

Okay. Let's roll call.

(\*Roll Called by Mr. Barton\*)

LEG. GULDI:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCILOLO:

No.

LEG. TOWLE:

Yes.

LEG. CARACAPPA:

Pass.

LEG. FISHER:

Pass.

LEG. FOLEY:

No.

LEG. FIELDS:

No.

00056

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. D'ANDRE:

No.

LEG. BISHOP:

No.

LEG. POSTAL:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. LEVY:

No.

P.O. TONNA:

No.

LEG. CARACAPPA:

No.

LEG. FISHER:

No.

MR. BARTON:

Six.

P.O. TONNA:

Okay. Any other motions?

LEG. LEVY:

I'll make a motion to adopt.

LEG. FISHER:

Yes, I have a motion.

P.O. TONNA:

Legislator Fisher.

LEG. FISHER:

I notice that there are only two evening meetings, and when we had --  
I would like to see one more evening meeting. There is no evening  
meeting in the fall, and perhaps one of those November meetings could  
be set for the evening. So I make a motion to set --

00057

P.O. TONNA:

Which day?

LEG. FISHER:

November 21st?

LEG. FOLEY:

Two days before Thanksgiving.

P.O. TONNA:

Okay.

LEG. CARPENTER:

On the motion.

LEG. FISHER:

Or the October, just one fall meeting I would like to see as an evening meeting; the October 3rd meeting?

P.O. TONNA:

Is somebody going to help Legislator Fisher here?

LEG. LEVY:

No, not October.

LEG. HALEY:

I'll second it, October 3rd.

P.O. TONNA:

October 3rd? Motion by Legislator Fisher, seconded by Legislator Haley. Legislator Carpenter, on the motion.

LEG. CARPENTER

On the motion. You would think that when we have evening meetings that we would have more participation, and I would think that was probably the intent when evening meetings were instituted; however, that seems to be just the opposite. So I think that it would be counterproductive to what we strive to do and be here for the public, make it easier for the public, especially if we -- the possibility exists that it could be Riverhead and when we go back to alternating meetings again it very likely could be Riverhead. I think we should stay with just the two evening meetings that we have, so I would urge that we, you know, not adopt --

LEG. FISHER:

There is no even meeting set in Hauppauge at this time, though, on this calendar.

LEG. CRECCA:

The August meeting is in the evening, Legislator Fisher.

LEG. FISHER:

The first August meeting, okay, that's an evening and that's in Hauppauge.

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P.O. TONNA:

Okay. Legislator Fisher, you made a motion, do you want to stick with your motion?

LEG. FISHER:

I would like to ask the Clerk; historically, has there been an appreciable difference in the number of participants?

MR. BARTON:

I was surprised, we looked back over five years of night meetings and we get fewer members of the public addressing the Legislature at the night meetings as compared to the day meetings.

LEG. FISHER:

Well, that's an important consideration because my consideration here was to open it to more people attending, but if, in fact, there are fewer people who attend night meetings, then I withdraw my motion.

P.O. TONNA:

Okay. Okay, I'm going to make a motion to adopt the calendar with all the amendments.

LEG. HALEY:

Second.

LEG. CRECCA:

Second.

P.O. TONNA:

Seconded by Legislator Crecca. Okay, all in favor? Opposed? Adopted.

MR. BARTON:

18.

P.O. TONNA:

Okay.

LEG. FOLEY:

No. 9, depositories.

P.O. TONNA:

Depositories.

LEG. HALEY:

Any changes?

P.O. TONNA:

Okay. Is there a motion to approve?

LEG. D'ANDRE:

Motion.

P.O. TONNA:

Motion by Legislator D'Andre.

00059

LEG. CRECCA:

Second.

P.O. TONNA:

Seconded by Legislator Crecca.

LEG. HALEY:

I'm sorry, were there any changes?

P.O. TONNA:

Paul?

MR. SABATINO:

I'll defer to the Clerk because that information was provided by the Treasurer to the Clerk, not to me.

MR. BARTON:

The Clerk has assured me that all of the depositories are -- they have met the requirements. There was one bank that was dropped because it had merged with a savings bank and the amount not to exceed was increased from 200 million to 300 million to allow for the deposit of the TAN's.

LEG. HALEY:

Was there a bank added?

MR. BARTON:

No.

LEG. LEVY:

Mr. Chairman?

LEG. HALEY:

Move the question.

P.O. TONNA:

Legislator Levy.

LEG. LEVY:

I don't know if the question would be to Counsel or to Fred. Fred, we passed legislation during the course of '99 which would give incentive for banks to limit their bank fees toward our constituents, and those that do will get a higher bid that they can put into the County. I assume, though, that it's only those banks that are listed on this sheet that would be eligible to participate in this program; correct?

MR. POLLERT:

The County is required to meet the requirements of collateralization that is imposed by the State of New York, these are the depositories that had been chosen by the County Treasurer. I would imagine that the County Comptroller also does a review to ensure that they are proper depositories. It's up to the County Treasurer to open up the competition with respect to that incentive program, I don't know if he has begun to do that yet.

00060

LEG. LEVY:

I understand that. But the question is we would be limited to that program to those banks that are listed herein correct?

MR. POLLERT:

But you can always amend the list.

LEG. LEVY:

Okay.

MR. POLLERT:

So if there are banks that would compete that would make the requirements, you could always amend the resolution during the year.

LEG. LEVY:

Okay.

P.O. TONNA:

Thank you very much. There was a motion and a second? Motion by --

LEG. CRECCA:

Motion was by Mr. D'Andre, I seconded it.

P.O. TONNA:

And second by Legislator Crecca. Okay, all in favor? Opposed?

MR. BARTON:

18.

P.O. TONNA:

Approved. Designating an official county newspaper; how does this work?

LEG. D'ANDRE:

Motion, Mr. Chairman.

LEG. TOWLE:

Second.

LEG. D'ANDRE:

It works that the political parties have one for each party, and this is a Republican paper.

P.O. TONNA:

Okay. Is there a second?

LEG. TOWLE:

Second.

P.O. TONNA:

Okay, second by Legislator Towle. On the motion, Legislator Binder,

do you have anything to say?

LEG. BINDER:

No.

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LEG. HALEY:

Uh-oh; everything all right, Allan?

P.O. TONNA:

Okay. All in favor? Opposed? Approved.

LEG. BINDER:

All of a sudden I didn't feel well; what can I say, Marty?

LEG. LEVY:

Abstain.

P.O. TONNA:

Abstain, Legislator -- Deputy Presiding Officer Levy abstains.

MR. BARTON:

17-0-1.

P.O. TONNA:

No. 15, Designating an Official County Newspaper.

LEG. GULDI:

Motion.

LEG. CRECCA:

Mr. Chairman, I'd move to designate the approval --

LEG. D'ANDRE:

Let a Democrat.

LEG. GULDI:

The Democratic paper?

LEG. CRECCA:

I'm sorry. I'll defer to Mr. Guldi.

LEG. GULDI:

Thank you.

P.O. TONNA:

Motion by Legislator Guldi. Is there a second?

LEG. FISHER:

Second.

LEG. POSTAL:

Second.

P.O. TONNA:

Second by Legislator Postal. All in favor? Opposed? Approved.

LEG. LEVY:

Abstain.

P.O. TONNA:

Legislator Levy abstains.

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MR. BARTON:

17.

LEG. BINDER:

Mr. Chairman, just before you go to the next. I know we have done this a lot of times and I have been here for a lot of times, but do we also usually designate Bond Counsel; I just want to ask as a point of order, or a parliamentary inquiry, actually.

LEG. LEVY:

We stopped doing it.

MR. SABATINO:

No, we stopped doing that in 1992, the County Attorney now selects.

LEG. BINDER:

Was that by statute that we stopped that?

MR. SABATINO:

By the Charter.

P.O. TONNA:

That was years ago.

LEG. BINDER:

Prepare a Charter Law for me to put that back into the hands of Legislature.

P.O. TONNA:

That's a good point.

LEG. GULDI:

Put me as a cosponsor with him on that.

P.O. TONNA:

Yeah, Allan, put me as a cosponsor on that bill. Okay, let's go. We made a motion and a -- no, we're on 16, Designating Official Local Newspapers.

LEG. GULDI:

Motion.

P.O. TONNA:

Motion by Legislator Guldi, second by Legislator Postal. All in favor? Opposed? Approved.

LEG. LEVY:

Abstain.

MR. BARTON:

17, 1 abstention.

P.O. TONNA:

Okay, No. 17, Laying New Resolutions on the Table for 2000; Paul, how do we have to do this?

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LEG. GULDI:

No motion is necessary.

MR. SABATINO:

That's the packet of all the bills that were filed after the last legislative meeting but before the end of 1999, that will become the first packet of bills for the committees to deal with for the first meeting in February.

P.O. TONNA:

Okay, I make a motion to approve, second by Legislator Guldi. All in favor? Opposed? Approved.

MR. BARTON:

18.

P.O. TONNA:

Okay, now we're up to 18.

LEG. CARACCILOLO:

We have a veto override, Mr. Chairman.

P.O. TONNA:

Oh, we do have a veto override; where is that?

LEG. CARACCILOLO:

It's Resolution 1208-99.

LEG. GULDI:

Yeah, I'll make the motion, Mr. Chairman.

P.O. TONNA:

Is this to override?

LEG. CARACCIOLO:

And I'll second.

P.O. TONNA:

Is this No. 1208?

LEG. GULDI:

Yes. And looking at the veto override message, respectfully, the County Executive seems to imply that in rescinding this easement which was obtained under -- across preserved land, that we somehow run the risk of being sued because of the creation of an easement by necessity. If there was a colorable basis for an easement by necessity, there would have been no reason to come before this Legislature for the request for an easement in the first place. And I suspect that we have been -- while the initial application for this easement was under circumstances that indicated that it was for pedestrian access across preserved land, it's clearly being abused, at least in intent, for purposes of putting a road through a nature preserve in order to facilitate a development.

00064

P.O. TONNA:

Okay. We're with you, George. Okay, motion by Legislator Caracciolo to override, seconded by Legislator Guldi. On the motion, Legislator Haley.

LEG. HALEY:

Is this a backwards way of really just preventing development? I mean, we're talking about an easement that had already been put in place.

LEG. CARACCIOLO:

Marty --

LEG. HALEY:

I tend to agree, I think we're in a situation where we're probably going to wind up getting sued and probably end up losing that, but are we going to go there anyway just because we think this is a backwards way of coming in the back door to prevent development?

LEG. GULDI:

No, it's not like that.

P.O. TONNA:

Legislator Caracciolo has the floor.

LEG. CARACCIOLO:

Mr. Chairman, as recently as Sunday I took a ride to this parcel of land and there is clearly access and egress to this property in three locations, one of which was the easement which was granted back in 1997. And then as a result of the repeal of that easement at our last meeting, this developer is not land locked as the veto message indicates, there is egress from both Bauer Avenue about 500 feet south of this particular location, as well as along the South Service Road of the LIE. So to suggest that this property owner is being left out is simply inaccurate. This property owner would have to come a lot further along in terms of investment to gain access to the parcel and develop the four homes on these seven acres, but he would be by no means precluded from doing that. And I personally walked the property to make myself comfortable with the fact that those are the

facts as opposed to the representations made previously.

LEG. CARACAPPA:

Mr. Chairman?

P.O. TONNA:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. I concur with Legislator Guldi when he stated earlier that the original reason for granting this easement was for pedestrian traffic, and that was true. The fact is now that if we do override this veto that we will be sued and we will lose, most definitely. As you can see in the veto message, that the County Executive is pretty much committing himself to working with this Legislature, especially Legislator Caracciolo, to find other means of preservation. I also have spoken to the Town of Brookhaven and they are very interested in

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doing a partnership preservation agreement with the County to make this happen as well. By sustaining the veto and moving forward with these efforts make it a lot less troublesome for us in the future to get this done more expeditiously for all parties, though if we sustain the -- if we override the veto, we're most certain to going to some sort of litigation, drag this out. And in the long run, the developer of this parcel at this point in time will be less likely to sell to any municipality in any way, shape or form, therefore hurting the chances for the acquisition of this property. So I think it would be to our advantage at this point to sustain the veto as well as move forward in an expeditious manner to acquire this property through a preservation partnership with the Town of Brookhaven.

P.O. TONNA:

Okay. Roll call.

(\*Roll Called by Mr. Barton\*)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Pass.

LEG. CARACAPPA:

No to override.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Pass.

LEG. ALDEN:

No to override.

LEG. CARPENTER:

No.

LEG. CRECCA:

Pass.

LEG. D'ANDRE:

No to override.  
LEG. BISHOP:  
Yes.

00066

LEG. POSTAL:  
Yes.

LEG. BINDER:  
Pass.

LEG. COOPER:  
Pass.

LEG. LEVY:  
Yes to override.

P.O. TONNA:  
Yes.

LEG. TOWLE:  
Yes to override.

LEG. FIELDS:  
Yes.

LEG. CRECCA:  
Abstain.

LEG. BINDER:  
Yes.

LEG. COOPER:  
Yes.

MR. BARTON:  
Eleven.

P.O. TONNA:  
Okay, motion is sustained. Okay. I just -- before we conclude the meeting, I just wanted to take one moment of personal privilege just to recognize Legislator D'Andre. Legislator D'Andre, I just want you to know in this process where you yourself who was the Deputy Presiding Officer of this Legislature to nominate Legislator Steve Levy, I just want you to know, I really -- I can't believe the gracious, the unselfish way that you handled yourself. Thank you very much.

LEG. LEVY:  
You've been great, Mike.

[APPLAUSE]

P.O. TONNA:  
Okay. Meeting adjourned.

[THE MEETING WAS ADJOURNED AT 3:13 P.M.]

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