

**SUFFOLK COUNTY LEGISLATURE
ORGANIZATIONAL MEETING
FIRST DAY
January 7, 2003**

A CONTINUATION OF THE ORGANIZATIONAL MEETING WAS HELD AT THE
WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM,
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY:
ALISON MAHONEY & ANA GRANDE - COURT STENOGRAPHERS

MINUTES TRANSCRIBED BY :
ALISON MAHONEY & DONNA CATALANO - COURT STENOGRAPHERS

1

[THE MEETING WAS CALLED TO ORDER AT 11:35 A.M.]

P.O. POSTAL:

Will the meeting come to order. Mr. Clerk, will you call the roll.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

Here.

LEG. FISHER:
(Not Present).

LEG. HALEY:
(Not Present).

LEG. FOLEY:
Present.

LEG. LINDSAY:
Here.

LEG. FIELDS:
Here.

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. NOWICK:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
(Not Present).

LEG. TONNA:
Here.

LEG. COOPER:
Here.

LEG. CARACAPPA:
I'm here.

P.O. POSTAL:
Here.

LEG. FISHER:
Sorry, Henry, I'm here.

LEG. HALEY:
(Not Present).

LEG. BINDER:
(Not Present).

MR. BARTON:
16 present (Not Present: Legislators Haley & Binder).

P.O. POSTAL:
All rise to the salute to the flag led by Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you.

SALUTATION

P.O. POSTAL:
Okay. We are returning to the next item on the agenda which is Adopting the Rules of the County Legislature. You will notice that the rules have a number of proposed changes, they're outlined on a memorandum which is attached to the proposed rules. And I would ask our Counsel to just briefly go through the proposed changes.

MR. SABATINO:
Okay, Madam Chair. The memorandum is outlined in two categories. There's a category, Roman Numeral One, which represents the proposed -- category one is under Roman Numeral One which is the proposed rules submitted by the Presiding Officer for 2003, with my narrative description of how they would differ from last year's rules just to have a point of comparison, because there are no rules in place right now.

Then category number two, which is Roman Numeral Two, are stand-alones that other individuals have proposed to amend off of whatever we start with. So just to summarize what the differences would be between last year and the current proposal, we'll just start from the top which is the meetings --

P.O. POSTAL:
Excuse me. This is really something that we need to be very attentive for. Please give Paul your undivided attention. And can we curtail all side conversations?

MR. SABATINO:
And I think just from an organizational standpoint, as I go through

the summary, I think if there's question it's probably better to deal with it at that point rather than to wait, but it's up to Legislators.

Starting from the top, the initial change would be that the meetings would begin at 9:30 as opposed to last year's nine o'clock start up point. The second change is a deadline is now being imposed of five o'clock of the day before a General Meeting for Legislators to notify the Presiding Officer as to the scheduling of events that are going to happen the next day. So if you're going to be bringing proclamations or if you're going to bring a group before the Legislature at the beginning of the meeting, the idea is that the notification would come by five o'clock of the day before.

The next item is the consent calendar would be voted on at the beginning of the Legislative meeting prior to the public portion so that that portion of the regular agenda would be out of the way before you got to public speakers.

The next change which is Item No. 4 on the memo deals with the issue of speaking during the public portion. The first component of that is that every time a quorum fails to materialize, the meeting will automatically be suspended at that point until a quorum is reinstated. The difference between last year and this year is that last year it took a request from somebody to bring about that effect, this will be automatic, if we get below ten then we're in suspension until we get back to ten or more.

The three minute public portion will now be limited to -- only for the public portion, not the public hearing, but just for the public portion the speakers will be speaking, Legislators will not be able to question either each other or the individuals who are speaking during the public portion; and that will not be a waivable rule.

The third component on the public portion is that when you reach a point of either 6 PM for a day meeting or one o'clock in the morning for a night meeting, as was previously the case, at that point you can go to the legislation even if there are outstanding cards. The old rule was that you could only go to the legislation for which there were no pending cards or speakers outstanding, so this means that either six o'clock or one o'clock, depending on whether it's a day or a night meeting, you can go to the agenda without regard to what cards are still left outstanding.

The next rule is proposed for a distinction from last year's. Item No. 5, this is just a clarification. The current rule and the new rule will be the same which is that you can't do a mailing 30 days before a primary election, a special election or a general election. Basically, this was something that Legislator Crecca had brought to my attention, he felt the language wasn't as tight as it should be so I

just clarified it, but the effect and the impact are the same.

The next item is Item No. 6. We're eliminating secondary committees, so legislation will be assigned to a primary committee and that will be it.

4

Item No. 7, on a verbal motion to discharge as distinguished from the written petition, a verbal motion to discharge will require 12 votes, a written petition which is the document that has to be filed by the Thursday before a meeting, that will continue to be a ten person discharge petition.

Okay, under Item No. 8, with regard to the County Executive filing legislation and corrected copies, this is imposing a requirement that the legislation be filed with a hard copy as well as a disk so that the Clerk's office can basically transmit the changes that are being proposed to be made. Apparently there's been some kind of a technical glitch in the past with regard to corrected copies, there have been handwritten notes on the legislation, this would eliminate that technical flaw.

Rule nine -- I'm sorry, Item No. 9 which deals with a proposed difference is that the Clerk of the Legislature would be required to insert the phrase "corrected copy" on any corrected copies that are filed. That's the deal with those cases in which my office is not doing the corrected copy. It gets confusing sometimes I think for Legislators to know whether or not a corrected copy exists because other parties haven't been putting that language on, so the Clerk would have that responsibility if somebody else didn't do it.

Item No. 10 is a clarification. Under the prior rules or under the current rules, if something is put on the consent calendar, the Presiding Officer, under the old proposal and under the new proposal, always has the ability to say it comes off the consent calendar. There was a little bit of confusion on the language in the legislation which made it appear as though it stayed in the primary committee; it only stays in the committee if it gets reassigned back but it would just go to the regular agenda on the regular portion of the calendar as opposed to the consent calendar if the Presiding Officer takes it off the consent calendar.

Item No. 11 would eliminate or distinguish from a prior rule which allowed a prime sponsor who had his or her legislation recommitted to committee. That individual under previous rules could reinstate the legislation to the full Legislature by simply filing a document with the Clerk of the Legislature. The ability to do that would not exist under the new proposed rule, so that's a difference.

The next item which is No. 13 --

LEG. CARPENTER:

Excuse me. If you could just go over that one again, please.

MR. SABATINO:

Okay. Under previous rules, it was only exercised I think once or twice in the history of the rule, but if an individual was the prime sponsor of a piece of legislation and that legislation was recommitted to committee, the prime sponsor had the ability to get it back on his own or her own by simply filing a document with the Clerk of the Legislature without going through the whole cycle of the committee; this would eliminate the ability to do that.

5

Okay, under Item No. 13, the Presiding Officer instead of the Committee Chairman would issue the committee report on what happened with legislation.

LEG. GULDI:

As a practical matter, how is that rule change going to be implemented?

LEG. FOLEY:

The PO staff.

MR. SABATINO:

As a practical matter, it's going to go back to the way it was done during the Blydenburgh days when Presiding Officer -- former Presiding Officer Blydenburgh would actually read the committee report on the record prior to the vote. So he would say in those days, "Resolution 100, Finance, 4-0; Parks, 3-2," whatever the vote was.

LEG. GULDI:

I see.

MR. SABATINO:

This would go back to that practice by changing the rule, the difference being there would be no secondary committee so it would be one simple report which is whatever the committee report vote was would be dictated or outlined by the Presiding Officer.

LEG. GULDI:

So that won't change how the committee out reports are prepared during the committee meetings by staff.

MR. SABATINO:

No, absolutely not, that will still be a function.

LEG. CRECCA:
Madam Chairman?

P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
Is this the appropriate time to ask questions, though?

P.O. POSTAL:
Let's go through all of the proposed rule changes and then let's come back to them, because otherwise we'll get bogged down.

LEG. CRECCA:
We'll discuss them as we go through them one by one then.

P.O. POSTAL:
No, no, I would rather just go through them all and then come back.

LEG. CRECCA:
No, that's what I mean, when we come back.

6

P.O. POSTAL:
Yeah, oh definitely.

LEG. CRECCA:
Because I have some questions on some of them.

P.O. POSTAL:
Yeah.

MR. SABATINO:
Okay, Item No. 14 is a request that the yellow speaker cards be followed in numerical order regardless of the status of the speaker. So for example, if a department head fills out a card or a County official fills out a card and that card is number 23, they speak number 23; whatever the numerical order is is the one that will be followed.

The next one, Item No. 15, that's just a conforming rule to one I described earlier on which dealt with the public portion.

Sixteen, under the Cinderella Rule, as you recall, the Presiding Officer could trigger before midnight a recess to the next day at ten o'clock, this would change that to -- the same power would exist but

it would be for 48 hours later as opposed to the next day at ten o'clock, so it would be ten o'clock on the second day, not the immediately succeeding day. Item number 16 - again, that's a conforming change to what was discussed before regarding the public quorum.

The next item is 17 which is the public hearing quorum issue about when the meeting is -- the hearing is suspended by lack of a quorum is designed only to apply to general or special meetings. So for example, the budget hearings that are held on the Capital Budget, the Community College Budget, the Operating Budget or those lease hearings that take place in Legislative District Offices would not be subject to ten Legislators appearing in your district office to cover the lease.

Okay, Item No. 18 is a conforming change, the one I mentioned earlier about the 9:30 morning meeting and the night meetings which start at four o'clock.

No. 19, the previous rules had the two night meeting being one in the spring and one in the autumn; this says you can have the two at any time of the year without necessarily breaking it into spring and autumn.

Item No. 20 deals with the existing -- or the previously existing, I should say, cell phone ban would be expanded to include pagers in the Legislative auditorium.

And then Rule 22 is necessary to conform to an earlier rule change if it's adopted.

So that's the package of the proposed rule changes with the distinction versus last year.

7

P.O. POSTAL:

Okay, let's start from the first proposed rule change. And I would just like people to have the opportunity to ask questions, make comments, so let's start with the proposed No. 1, Rule 2(A)(1) and Rule 3(A) - Change time of Legislative Meetings from 9:00 A.M.- 9:30 A.M.. Any comments? Motion --

LEG. FISHER:

I have a question.

P.O. POSTAL:

Motion Legislator Fisher?

LEG. CRECCA:

Question.

LEG. FISHER:

Actually I had a question which was how are we going to make motions; one by one we're going to make motions to approve?

P.O. POSTAL:

Yes. You know, there can be a motion to approve, there can be a question, there can be a comment, but we'll go one by one.

LEG. FISHER:

Okay. I'll make a motion to approve No. 1.

LEG. HALEY:

Second.

P.O. POSTAL:

Okay. Motion to approve by Legislator Fisher, seconded by Legislator Haley. All in favor?

LEG. TONNA:

It's Item No. 1, right.

P.O. POSTAL:

Well, it's Item No. 1 which refers to Rule 2(A)(1). There's been a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Thank you. That change will be incorporated.

No. 2 regarding Rule 2(A)(6) - Add language imposing deadline of 5:00 P.M. of the day immediately preceding a General Meeting for notifying Presiding Officer as to the scheduling of Legislators' statements and/or presentations. Questions, comments, motions?

LEG. BINDER:

Madam Chair?

8

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

I can understand this rule for presentations, it makes a lot of sense but statements by Legislators, it would seem to me that you shouldn't

have to give advanced warning of. First off, there are few statements that are just off-the-cuff statements that are not on legislation given by any members here that slow down any meetings, so it's very unusual. But something can happen on the day of a meeting and a Legislator wants that opportunity and the privilege as a member of the body to have an opportunity to speak; I don't think we want to stifle speech. Presentations are a whole other thing, those are proclamations and such. So I would just ask that -- it says scheduling of Legislators for presentations, that's fine, but I don't want to stifle speech here.

LEG. ALDEN:
Motion to approve.

LEG. TOWLE:
Second.

P.O. POSTAL:
Well, that would be fine and I would suggest --

LEG. CRECCA:
Motion to approve Allan Binder's amendment to the amendment; is that --

LEG. GULDI:
Second the amendment to the amendment.

LEG. CRECCA:
Okay.

LEG. CARACAPPA:
To strike the word statement.

P.O. POSTAL:
Strike the word statement.

LEG. BINDER:
Right. So I make a motion -- right. I make a motion to approve with that --

P.O. POSTAL:
There's a motion by Legislator Binder with that change, with that correction, and seconded by I think it was Legislator Crecca.

LEG. CRECCA:
Sure.

P.O. POSTAL:
Did you have a comment, Legislator Bishop? You're holding your microphone. All in favor? Opposed?

LEG. BISHOP:
Opposed.

P.O. POSTAL:
Opposed, Legislator Bishop.

MR. BARTON:
17 (Opposed: Legislator Bishop).

LEG. BISHOP:
I'm sticking with you, Postal.

P.O. POSTAL:
That's all right, we can address this change.

LEG. TOWLE:
That would be a first.

P.O. POSTAL:
He actually knows how adaptable I am, so he knows there's a way to address this. No. 3, Rule 2(A)(8) - Require consideration of the consent calendar at the beginning of the Legislative meeting immediately prior to public portion.

LEG. GULDI:
Move it.

P.O. POSTAL:
Was there a motion, Legislator Guldi?

LEG. GULDI:
Yeah, I don't know -- I'm not sure whether --

LEG. TONNA:
Motion.

LEG. GULDI:
-- we just did a motion to -- on the amendment or -- what are we approving?

P.O. POSTAL:
Well, I think the motion was to approve it with the --

LEG. BINDER:
With the amendment.

LEG. CARACAPPA:

As amended.

LEG. GULDI:

As amended. Oh okay, fine.

P.O. POSTAL:

Okay. We're at Item 3 Rule 2(A) (8).

10

LEG. ALDEN:

Motion to approve.

LEG. TONNA:

Second.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Motion to approve, Legislator Alden, seconded by Legislator Carpenter.
All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Thank you. Item No. 4, Rule 2(A) (9) - a) The public portion will automatically be suspended every time there is less than a quorum of Legislators present; b) The three (3) minute public portion rule shall be devoted exclusively to public commentary which rule shall not be waivable. This means that no debate or questioning of speakers or each other by County Legislators during the public portion; c) Eliminates the ban on voting on bills for which public portion speakers have not been called, despite signing a yellow card. This means that at 6:00 PM or 1:00 AM s the case may be all bills can be voted on regardless of the status of public speakers who signed up for the public portion. This is on Rule 2(A) (9). Motion to approve by Legislator Fields, seconded by Legislator Alden. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Momentous. Thank you.

No. 5, Rule 3(F) (10) - Clarifies thirty (30) days prohibition on mailings to cover any primary, special or general election.

LEG. ALDEN:
Motion to approve.

P.O. POSTAL:
Motion to approve, Legislator Alden. Seconded by Legislator Caracappa. All in favor? Opposed?

LEG. CARACCIOLO:
On the motion.

P.O. POSTAL:
Oh, excuse me.

LEG. CARACCIOLO:
Counsel, what is the clarification? I thought this was always the case.

11

LEG. CRECCA:
It's just -- all it was was when we were looking at the language, it was a little unclear, it never mentioned the word general election, just special. So we just sort of clarified what -- we threw the word general election in there; is that correct, Counsel?

MR. SABATINO:
The previous language said any election, Legislator Crecca was concerned that it didn't say primary and special; so it's the same principal but more specific language.

P.O. POSTAL:
Legislator Foley?

LEG. FOLEY:
This has to do with newsletters, if we have to contact part of a community about some issue that just had arisen in those 30 days prior to election or primary, that kind of notification, an informative letter I think could still be sent. This is more geared towards newsletters that are going out?

LEG. CRECCA:
I can't be --

LEG. FOLEY:
We can't have an embargo, a complete embargo of communications.

LEG. CRECCA:
That's the way the rule is now, though.

P.O. POSTAL:
Deputy Presiding Officer Caracappa.

LEG. CARACAPPA:
Just to take that one step further, case in point, today we're preparing in my office a memo to go out to the community of Ronkonkoma to let them know that a public hearing on a County Road project is being rescheduled. It's not a newsletter, it's nothing to disseminate information that I have done as a Legislator over the last year or a couple of months, it's strictly to let them know that the date has been changed. So does this pertain strictly to newsletters or does it -- can we still do things pertaining to changes as it relates to County business?

P.O. POSTAL:
Legislator Crecca?

LEG. CRECCA:
Yeah. I did -- understand, too, the part that we -- we didn't really change anything except clarify some language. The original intent of the rule, and I'll let Counsel follow-up with me, was that there could be no communication unless it was in response to a constituent. So I'm not disagreeing with you necessarily, Brian, but I'm saying the rule we had in existence would not in my interpretation allow for a Legislator to send out to a general constituency or a block of

12

constituents because an issue had arisen. You may want to change the whole rule but --

P.O. POSTAL:
Can we -- let's -- I would suggest that we have our Counsel comment on this and then we can continue with the discussion.

LEG. FOLEY:
All right, fine.

MR. SABATINO:
Legislator Crecca is correct, the substance of previous prohibitions in this area has not changed. The substance remains the same which is that 30 days before any election. The old language was any election, that included the special, the primary and the general. But the new language is just going to say special, general and primary so all three elections are specifically identified, but the substance of it which is that 30 days prior to you can't do, you know, what's viewed as the mass mailing. The only exceptions are the old exceptions and the old exceptions were the direct response to inquiries or requests from people you're dealing with, colleagues or Federal, State or Local

officials, you can still write back and forth to them and you can still do news releases, press releases, communications with the media. But the broad-based mailing that goes beyond a specific, explicit response or an inquiry continues to be prohibited.

Now, as Legislator or Crecca stated, if you wish to modify that rule you can do that, but that's not what was proposed.

P.O. POSTAL:
Legislator Foley?

LEG. FOLEY:
So we can still communicate with our constituents about a given matter, a given issue brought to our attention.

LEG. CRECCA:
No.

P.O. POSTAL:
Well, can I --

LEG. CRECCA:
You couldn't do it in the past, you still can't do it.

P.O. POSTAL:
Wait, wait, wait. Legislator Crecca, hold it.

LEG. FOLEY:
Let me finish the point.

LEG. CRECCA:
I never yielded my -- all right.

LEG. FOLEY:
If it's brought to our attention, for instance, if there was an

accident on a given County Road, constituents in the area, middle of October, write, talk about the need to have Public Works do something at that particular location, we could then write obviously to the department and also to notify the constituents that we're following up on their request; that's not embargoed under this --

P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
The answer is yes because there was an inquiry made directly --

LEG. FOLEY:
Understood.

LEG. CRECCA:
-- from the constituent. But if you wanted to send out to everyone in that area, like say six ED's in that area about the accident and what was being done, you couldn't do that because there was no direct inquiry from the constituent.

LEG. FOLEY:
Understood.

LEG. CRECCA:
That was always the old rule and I think it's a good rule because it protects --

LEG. FOLEY:
Very good.

LEG. CRECCA:
-- Legislators from the public from us using our official office for campaigns.

P.O. POSTAL:
Legislator -- had you requested the floor? Legislator Caracciolo had been recognized as the next speaker.

LEG. CARACCIOLO:
Thank you.

P.O. POSTAL:
Then Legislator Carpenter and Deputy Presiding Officer Caracappa?

LEG. CARACAPPA:
Legislator Caracappa is fine.

LEG. FOLEY:
Can we make this -- can we apply this to town elected officials?

P.O. POSTAL:
Legislator Caracciolo.

LEG. CARACCIOLO:
Thank you, Madam Chair. The inquiry I would like to make is not

or appreciate clarification. The privileges of mailing to constituents is a time honored tradition of elected officials. And I would not suppose that anything construed here in this rule change would limit or prohibit Legislators from in the example given by Legislator Caracappa or Legislator Foley or others, restrict the ability of Legislators to continue to do so. But my question really relates to appropriations, and the question would either be to Budget Review or to Counsel.

Under the budget adopted for the Legislature this year, what is the total funded amount for, I guess, postage and mailing expense?

P.O. POSTAL:

I think we really need the Budget Review Office. I don't know that we can expect our Counsel to have that information with him. So --

MR. SABATINO:

I believe it was the same as the year before, but I wouldn't want to be held to a specific dollar amount because it's --

LEG. CARACCIOLO:

Does the Clerk know because I know the Clerk traditionally has --

P.O. POSTAL:

Can we ask that the Clerk join -- the Budget Review Office join us?

LEG. CARACCIOLO:

Mr. Barton, are you familiar with the amount of appropriations that was allocated for 2002?

MR. BARTON:

Off the top of my head, no. I know it was consistent -- what was allocated last year was -- this year was consistent with last year. We also a couple of years ago funded through the print shop additional postage and your first class postage comes out of a separate account. So it's always been deemed -- whatever has been deemed necessary and proper we fund it and we have had sufficient funds.

LEG. CARACCIOLO:

We've had sufficient funds.

MR. BARTON:

Correct.

LEG. CARACCIOLO:

And we have not exceeded appropriations.

MR. BARTON:

Not -- no.

LEG. CARACCIOLO:

Okay. In the event appropriations were to be exceeded, is there discretion empowered to anyone here in the Legislature to authorize such additional expenditures or does that have to come back to the Legislature for a vote; Counsel?

15

MR. SABATINO:

If you want to transfer an appropriation from another line item, it would require a Legislative resolution to --

LEG. CARACCIOLO:

Okay. So the thrust of the question is, I'll be very direct, we have a new Presiding Officer, I have every reason to believe that Maxine will be fair and judicious in seeing to it that the needs of all the residents of Suffolk County are met and met in a fair and equitable basis; I have that confidence in you, Maxine.

P.O. POSTAL:

Thank you.

LEG. CARACCIOLO:

But I think it's fair to establish up-front what the rules of engagement will be because if you have in mind an opportunity to go in a different direction, I think you should so state now. And I think that should be something that the entire Legislature is aware of and, if necessary, approves by resolution because I don't believe those powers are vested automatically to the Presiding Officer; am I incorrect about that, Counsel?

MR. SABATINO:

Power to?

LEG. CARACCIOLO:

To authorize expenditures in excess of what the appropriations are.

MR. SABATINO:

Nobody in County government, despite what was stated at a Finance Committee meeting a couple of weeks ago, can go beyond appropriations; you can't violate state law.

LEG. CARACCIOLO:

Okay, that's the first part of the question. The second part is does the Presiding Officer or anyone else here have the authority -- Counsel? Does anyone have the authority to shift appropriations from some members to other members of the Legislature unilaterally? In other words, take the newsletter mailings --

MR. SABATINO:

You mean -- I think you mean in the -- well, okay, go ahead.

LEG. CARACCIOLO:

Newsletter, every Legislator is entitled to communicate with their constituents vis-a-vis newsletters twice annually. Some of us do it, some of us don't, I didn't for 2002 but I certainly will be doing so in 2003. Were there any Legislators, Mr. Barton, that communicated more than two newsletters in 2002?

MR. BARTON:

I don't think I can answer the question.

P.O. POSTAL:

Excuse me, Mike, if you let me interrupt. I think certainly there

16

should be an opportunity to ask that question, but I don't think it relates to the proposed change with regard to our rules.

LEG. CARACCIOLO:

Okay. Then I'll just go -- stay on point and the issue of appropriation. Fred, for 2002 or 2003, what are the line item appropriations for postage and newsletter mailings?

MR. POLLERT:

The Clerk of the Legislature is responsible for both the postage and the printing, included in the budget is \$134,500 on the postage line item? The postage is, I believe, paid for by the print shop and then charged back, but I would defer to the Clerk of the Legislature.

LEG. CARACCIOLO:

Now, that 134,500, that includes all postage --

MR. POLLERT:

Yes, it does.

LEG. CARACCIOLO:

-- for all correspondence and mailings?

MR. POLLERT:

That's correct.

LEG. CARACCIOLO:

Okay. I'd like to request from the Clerk a printout of all the use of postage for 2001 and 2002 by each Legislative District. Thank you.

P.O. POSTAL:

Mike, are you finished?

LEG. CARACCIOLO:
Thank you.

P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:
I don't know -- back on the issue of the mailings -- if Legislator Caracappa's point was actually addressed as far as a public hearing on a road project that really is not in response to a constituent's request or letter but rather a function of the office. So would that be accepted or do we need to change the language to cover something like that?

P.O. POSTAL:
Our Counsel can address that.

MR. SABATINO:
A generic mailing of that nature would be prohibited. The best analogy I can use over the years is I've had Legislators approach me with the issue of the mammograms in a van where they want to do a mailing into the district saying that the mammogram is going to be at a point certain on a certain date in the district and what I've told

17

Legislators in that case in the past has been just get it out 31, 32 days before, because technically that would be a violation.

What Legislator Caracappa described, in the absence of other facts, sounds like it would be in that category and I would just encourage that it take place the 31st or the 32nd day. But on the other hand, it's possible in his situation something triggered it in which case it wouldn't be. I have found over the last, you know, umpteen years that Legislators basically have touched base when there's been a concern and we've really been able to work those things out. I can't think of a case --

LEG. CARPENTER:
Well, in the instance of a public hearing, couldn't the notice for the public hearing then come --

MR. SABATINO:
Well, I think there's a difference. If you are saying -- if it's a legally required public hearing, for example, like if you are doing a lease in your district office because it has to happen by operation of law, that would clearly not be within this prohibition. I think maybe

what Legislator Caracappa was referring to was what they call an informational public hearing which is not a statutory one.

LEG. CARPENTER:

All right. Well, in that case, because we just --

MR. SABATINO:

But I will defer to him because he knows the situation he dealt with.

LEG. CARPENTER:

Could I just --

LEG. CARACAPPA:

This is -- I'm sorry.

LEG. CARPENTER:

All right. As far as an informational meeting in the district, I just had one and that notice did not come out from me but rather from the Department of Public Works because they were in fact conducting the informational meeting. So I think that would be a way of addressing, you know, that point of a public hearing or an informational meeting.

P.O. POSTAL:

Legislator Caracappa?

LEG. CARACAPPA:

You're exactly right but in -- it's funny this comes up today because, as I said, my staff is currently as we speak putting together these post cards. What had happened in this instance was the public hearing was set for January 13th, it wasn't an informational meeting, it was the final public hearing as required by law, State and Federal Governments with relation to receiving Federal monies for certain road projects. That was all scheduled to be done on the 13th, public Works all of a sudden had to change it, push it back one month. In today's classifieds there is a notice from the Department of Public Works of

that meeting change and all of the legal mumbo-jumbo that needs to be said on their behalf. But this is the kicker, a constituent, actually a few constituents called my office and spoke to me directly and said, "What are you doing as my Legislator to get the word out to the community that this has changed, the date has changed?", and of course, I told them we're sending out a post card saying there's been a date change.

So that's my question. If it is constituent driven, do we still have the ability -- that's the prime and key phrase here -- if it's constituent driven, will we still have that opportunity to mail at a

certain function, a certain time of the year?

MR. SABATINO:

The answer is yes. And again, it's in context because the context in your situation is a perfect example of where it was driven by a legal requirement, a Public Works notice and then the inquiry from the public. So, I mean, in a case like that, I would have no problem determining that that would not be prohibited.

P.O. POSTAL:

Legislator Crecca?

LEG. CRECCA:

Yeah, I just want to clarify it, though, too. I'm not disagreeing with Legislator Caracappa, but that would -- under what you're saying, and I don't think you mean this, but if a constituent calls my office and says, "You know, we have a problem on the corner of Brookside and 347 and we want that addressed, can you send a letter to all the constituents", that doesn't cover me to send a letters to all the constituents.

MR. SABATINO:

You're absolutely right, that's why I said in the context. I said in the context of what he described was there's a legally set public hearing that was generated by some statute dealing with a Public Works project that was initially advertised by Public Works and now there's something coming out of that. As distinguished from the mammogram van case which is one I frequently get where --

LEG. CRECCA:

Right. But, I mean, I agree with Legislator Caracappa on the fact that he should be able to do that. I think -- I don't know where the exception to that rule -- on these rules here because --

LEG. CARACAPPA:

You're not legally required under your version, I'm pretty much legally required -- I'm sorry for jumping in.

LEG. CRECCA:

That's okay.

LEG. CARACAPPA:

Because it's a legal requirement to have this public hearing and the notice of changed isn't really being received by constituents, we have to notify them based on this legal requirement of change.

LEG. CRECCA:

No, but you don't legally have to notify them, Public Works has to legally notify them. I'm not disagreeing with you, I'm disagreeing that the rules allow you to do that. And that's what I'm saying, if you want to put that in the rules you've got to amend the rule.

LEG. FIELDS:
Legislator Postal?

LEG. CRECCA:
And I would ask Counsel, you know, if I'm wrong, please, clarify me because I'm --

MR. SABATINO:
Well, I think what it comes down to is you have to have -- there are so many combinations and permutations that it would be impossible to write all of the scenarios.

LEG. CRECCA:
Right.

MR. SABATINO:
In Legislator Caracappa's situation, it's not where he's -- he is generating a document to create an informational hearing that he wants to hold in the district, that's why if he came to me with the exact same set of circumstances that's the advice I would have given him. Just as in the past I've been approached by Legislators who have said, "Gee, I want to generate an informational public hearing in my district on a topic of interest to people on a roadway or whatever," and I've said, "No, you can't do that unless you do it beyond the 30 days."

I don't know what else to add to it in terms of -- what's going to happen is you're going to start to write something to the exclusion of something else. Unless somebody has an idea, I have an open mind.

LEG. FIELDS:
May I?

P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
Just -- let's say that a new jail was to be built and it was going to be in one of the Legislator's districts and -- or maybe not a jail but another building that might effect a community in a very large way. And let's say the Legislator in the district just found out that there is a Town Hall meeting to address that, a variance let's say or something, and it's within the 30 days and you just found that out; you are prohibited from sending a notice to that community saying there will be a Town Hall hearing?

MR. SABATINO:

Yes, you're prohibited. One of the things I tell Legislators when I go through this process is that at least when I'm interpreting it, I don't try to find ways to circumvent the 30 days. I mean, I take a

20

harsh, you know, absolute strong view that 30 days means the 30 days. I really honestly can't think of any exception to that in all the years that I've done it. There have been a few cases where somebody has gotten a specific letter, they've said to me they got a letter, can I write a response and I said, "Yeah, read me the letter, it makes sense." But I take a strict harsh approach when I give advice, that's the best I can offer.

P.O. POSTAL:

Okay. We have I think -- did we have a motion to approve and a second?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

16, two not present (Not Present: Legislators Guldi & Towle).

LEG. GULDI:

Guldi and Towle are here.

P.O. POSTAL:

It's just very hard for the Clerk if you're not in your seat.

MR. BARTON:

Okay, the vote is 18.

P.O. POSTAL:

Okay, thank you.

Okay, No. 6, Rule 6(A) - Eliminates assignment of legislation to a secondary committee. Is there a motion, question?

LEG. ALDEN:

Motion to approve.

P.O. POSTAL:

Motion to approve --

LEG. CARPENTER:

On the motion.

P.O. POSTAL:

-- by Legislator Alden, seconded by Legislator Fields.

LEG. FOLEY:

On the motion.

P.O. POSTAL:

I think Legislator Carpenter has the floor.

LEG. TONNA:

On the motion.

21

LEG. CARPENTER:

Yeah. I'm not sure, it doesn't have anyone's name on here and I know this is new from the packet that we had originally gotten on the 2nd. What is the reasoning or the justification for eliminating the secondary committee assignments?

P.O. POSTAL:

I can respond to that because I had suggested it. I know what the theory of having secondary and tertiary committees was, but in practice what I found is that very often the secondary committees just defer to prime and will go through numerous resolutions deferring to prime.

Secondly, the other reason is, and maybe this is why we defer to prime, the action of the secondary committee has no bearing on whether a resolution will, in fact, be placed on the agenda for action. So, you know, I felt that in the interests of just pairing down the agenda of the committees to those issues which were truly vital, this could be done. And certainly any Legislator who had a particular interest in a resolution and wasn't on the committee could attend that committee meeting.

LEG. CARPENTER:

May I ask -- and perhaps Counsel might have the answer, how long has this been a practice that we've had secondary committee assignments?

MR. SABATINO:

Secondary committees have been in place since 1980 or 81.

LEG. CARPENTER:

All right, so it is quite a long time. I understand what Legislator Postal is saying and it does make sense a lot of times when you've got

resolutions and committees are not making decisions but deferring them to prime, but I think almost as many times there are resolutions and issues that really deserve a full airing at more than just the primary committee. So by adopting this kind of rule change, would we -- it seems to me we would be prohibited from assigning a resolution to a secondary committee where there might be very well justification for doing that.

P.O. POSTAL:

Legislator Tonna followed by Legislator Crecca.

LEG. TONNA:

The concern I have with this is twofold. One, there are times like, for example, in Public Works where there might be something prime in a committee like the community college or prime in Economic Development or somewhere else that does need the scrutiny of Public Works, and vice versa, the same thing with sometimes needing a bill that needs the scrutiny of the Finance Committee. And it's been my experience that when you sit on Public Works for a period of time there are certain questions that you can ask that you're aware of that maybe a prime committee would not be aware of.

22

And so if the purpose is just to shorten the agenda which I think is a good idea, that's one thing. But I think also -- and just as important if not more important -- is also to make sure that we glean certain information. And so that Legislators who might not even be on the prime committee but from a Public Works standpoint can analyze something if it's not in prime in Public Works or from the standpoint of something that might not be prime in Finance but yet needs certain financial scrutiny, I would say those are two illustrations where a secondary committee is extremely important and that's why I will not be supporting this amendment.

P.O. POSTAL:

Legislator Crecca?

LEG. CRECCA:

Yeah, I was going to state what Legislator Tonna has so aptly stated, so I would just sort of second his comments. And I will ask a question with regard to the rule change. So I won't be supporting it either for the same reason. But doesn't the Presiding Officer decide who gets what, if any, secondary committee it's assigned to, Counsel?

MR. SABATINO:

Yes, that's correct.

LEG. CRECCA:

So this just prevents the Presiding Officer from doing that. And again, since there's a lot of discretion with the Presiding Officer anyway, I don't see the need for the rule change, number one. Number two is I think Legislator Tonna's point that there are certain bills, and as a committee chair, I deferred almost every bill to prime that was on our secondary agenda I'll call it, but in the same respect too, I still think it's better to have it there so that other Legislators see it and can discuss it if need be.

LEG. CARACCIOLO:
Madam Chair?

P.O. POSTAL:
I'll put you on the list. Legislator Foley?

LEG. FOLEY:
I will also be opposing this particular rule change, and we have a perfect example. Again, if we want to use the example of let's say some equipment that's required in health centers but it's an acquisition that would meet the needs of the Capital Program, it would go through the Public Works Committee as prime but Health needs to be involved in the process, number one, to know about the bill but, number two, that particular committee would have a different view, if you will, about the resolution than would the prime committee. The prime committee would appropriate the Capital dollars if required and the Health Committee in this instance would look at it more from a programmatic point of view than from a Capital Budget point of view. So that's why I also believe that the secondary committee has a lot of merit to it.

23

P.O. POSTAL:
Legislator Haley?

LEG. HALEY:
It's very difficult to vote on this without knowing what those specific committees are. I think what we've seen over the years -- we used to have -- jurisdictions were very well defined in certain committees and it made it a little bit easier and then over the past few years we've had jurisdictions that seemed to overlap. So I think it would be interesting to know whether or not -- you know, how those committees will be made up.

But my particular opposition is it seems rather obvious, there's no necessity to make sure that every piece of legislation goes into a secondary committee. But I think -- Madam Chair, I think we're going to have a major problem with Legislator Caracappa and Legislator Lindsay sitting together; can you move one of them?

LEG. CARACAPPA:

I opened up my new drawer and it's full of candy.

P.O. POSTAL:

Legislator Haley, would you like to submit a rule change prohibiting Legislator Caracappa and Legislator Lindsay from sitting together?

LEG. HALEY:

From talking, from speaking? Well, yeah, but there's a couple of others I would like to add to that list.

Okay. I just think, Madam Chair, you have the ability to either assign or not assign and it seems to me there are certain circumstances where you want to assign something to a secondary committee. You, it's your rule, you have the unique ability to not assign it to anybody secondarily on your own, but I think you should retain that option.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

I have a couple of questions of Paul Sabatino, Legislative Counsel. Right now a committee chairman is or isn't prohibited from looking at other legislation in his committee or even putting it on his agenda even if it's not assigned?

MR. SABATINO:

The committee chairman has no authority to do anything with another piece of legislation other than look at it, but you could never -- you could never put it on your agenda or vote on it.

LEG. ALDEN:

No, but can you hold a hearing as far as --

MR. SABATINO:

Not -- it would not be -- if it's not assigned to you by the Presiding Officer it would not be within your jurisdiction, no.

LEG. ALDEN:

So you would be prohibited from putting it on your agenda.

MR. SABATINO:

Under the old rules.

LEG. ALDEN:

Okay. Now, currently the Presiding Officer either can assign it or it doesn't have to assign it to a secondary committee?

MR. SABATINO:

Well, the way the rules are right now, it would be a prime committee and a secondary committee. So for the Presiding Officer to comply with the rule has to -- you know, to make an assignment, you know, can he or she exercise that discretion and not assign it? The answer is probably yes but then you're left open to the criticism of there's a rule that says go to a secondary committee and you're not assigning a secondary committee. So even though technically you could exercise the discretion, it creates a perception problem because now you're not doing something that's in the rules.

LEG. ALDEN:

There's one other version then of this that might work or it might want to be considered. If we are going to keep the secondary committee, amend the rules to make it so that both the primary and the secondary committee approved the legislation.

P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Thank you, Legislator Postal. I've got to support the motion today to change the rules. Clearly, the secondary committee, as pointed out in many instances, resolutions are deferred and if they're not deferred we're requiring Commissioners, department heads, Deputy Commissioners, whoever, to come down to two different committees to testify on an issue. If a Legislator has a great interest in something and they're not a member of a committee they could, A, attend; and B, if not as in many instances, we debate some of the bills almost as completely here on the floor of the Legislature as we do during the committee process.

If we're looking to streamline the Legislature, this is clearly a step in that direction. And if we're not going to support this then, you know, we should consider Legislator Alden's concept to make the secondary committee a mandated approval as well; if you don't get it out of both committees then the bill doesn't make it to the floor. I think this motion is definitely a motion to help streamline the Legislature and our committees and resolutions and I'm going to support it today.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Madam Chair. I would like to speak in favor of the proposed rule change, but before I elaborate on that --

P.O. POSTAL:

I'm sorry.

LEG. CARACCIOLO:

Before I elaborate on that, I would appreciate if the Chair, as we go through the proposed rule changes, would identify those rule changes that are in today's packet that are new with respect to the rule change packet that went out on the 30th of December and/or -- and identify, I should say, those rule changes that were deleted, those rule changes that were deleted from the packet of 12/30, and the reason for that is obvious.

As I understand it, and my office was represented, a number of Legislators, I think eight or nine Legislators met on the 27th to put together what they felt -- I think that's one of our rules.

P.O. POSTAL:

I know. Actually, the rule permits your Legislative staff person from being behind the horseshoe.

LEG. CARACCIOLO:

Behind the horseshoe, but not side-bar conversation.

P.O. POSTAL:

Well, that's true. No one should be having a side-bar conversation. Please go ahead.

LEG. CARACCIOLO:

As we begin the new year, Madam Chair, that is one rule that I will insist upon that the Chair enforce, because everyone deserves everyone's attention. And while I myself may engage in side-bar conversation, I will make it a practice when I do so to leave the horseshoe and take the conversation with me and I would request my colleagues to do the same.

LEG. GULDI:

I will remind you of that.

LEG. CARACCIOLO:

I did it earlier with Legislator Haley, if you were --

LEG. GULDI:

You'll stop talking?

LEG. TOWLE:

If we're talking you'll stop talking?

P.O. POSTAL:

We're having a little conversation here and we're in the middle of addressing a proposed rule change.

LEG. CARACCIOLO:

Which I will now address but I would appreciate if, as we continue, you would point out or Legislative Counsel those proposals in the 12/30 proposed rule change list that have been deleted and those in the 1/7 list that have been added so we can keep track. Because I

26

notice already there are two distinctions, one being this rule change which has been added and one on page one of the 12/30 correspondents Rule 2(A)(8) that's been deleted. So just for continuity sake, I would appreciate that.

I will support this amendment because I believe there's a lot of -- there are many opportunities for Legislators to be fully informed about the legislation by which they will be voted on. First, we receive the packets at least two weeks before consideration in committee or at a Legislative meeting. Many important pieces of legislation require a public hearing, so there's ample time for staff and/or the Legislator themselves to look at the proposed piece of legislation and form and evaluate a judgment based on that review. That's not to say that secondary committee assignments have not served a useful purpose, but I think as Legislator Crecca pointed out, it's been my experience in recent years where in many such committees that I've served on the committees have often exercised the prerogative of deferring to prime. And with that said, the legislation really doesn't receive the kind of review or scrutiny that one would hope a secondary committee would take up.

So for those reasons I'll support the rule change. I think when we talk about efficiency, this is a good example of how to accomplish such rather than the redundancies that we see time and time again in rules that were adopted many years ago with good purpose and intent, but I think practice has demonstrated are not completely relevant any longer. Thank you.

P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Perhaps it's just an error in numeration but, Counsel, I'm comparing the December 30th memorandum with today's and Rule 2(A)(9) and Rule 2(A)(8) to which Legislator Caracciolo just referred look exactly the same to me.

MR. SABATINO:

If I could just -- let me answer Legislator Caracciolo's question first and then I'll answer yours. First of all, no items that were on the previous memorandum of 12/30 were deleted, none were deleted. They're rearranged because with a new Presiding Officer, the new Presiding Officer is advocating, proposing and submitting those items that are in one through 21, as I had stated at the beginning of the presentation. Category two are the leftover stand-alones that the Presiding Officer is not submitting as the initial packet; they'll be dealt with at the conclusion of Roman Numeral I.

With regard to the items that are new, it's Items No. 6, 7, 13, 16, 17, 19 and 20, those are items that Presiding Officer Postal on her own initiative brought to the previous package of changes and were incorporated. So we will be dealing with everything that was out there plus the seven that she added to it in the intervening period.

27

With regard to your question, Legislator Fisher, because of one of the other changes the numbering had to adjust. It went from 2(A)(8) to 2(A)(9) because something Legislator Postal had proposed moved ahead of it. That's all.

LEG. FISHER:

Okay. It was -- my question was actually a response to Legislator Caracciolo's remarks, but you further clarified it, that that's the difference in the numbering. Okay, so those were exactly the same.

P.O. POSTAL:

All right. We have a motion and a second. All in favor?

LEG. BINDER:

Opposed.

LEG. HALEY:

Opposed. Why don't you do a roll call?

P.O. POSTAL:

Okay, we will do a roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. ALDEN:

Yes.

LEG. FIELDS:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Is this No. 6, eliminating committees?

LEG. FISHER:

Secondary committee.

LEG. FOLEY:

No.

28

LEG. LINDSAY:

Yes.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

Eleven.

P.O. POSTAL:

Okay. Now, moving on to No. 7, Rule 6(C) - A verbal motion to discharge will require twelve (12) votes rather than ten (10), but a written discharge petition will continue to require only ten signatures. Discussion, questions?

LEG. TOWLE:

Motion.

P.O. POSTAL:

Motion by Legislator Towle.

LEG. GULDI:

Second.

LEG. FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Guldi.

LEG. TONNA:

On the motion.

29

P.O. POSTAL:

On the motion, Legislator Binder and then Legislator -- was that Tonna?

LEG. TONNA:

Yep.

P.O. POSTAL:

And then Legislator Cooper, gee.

LEG. BINDER:

Thank you. I would generally not support the change, but I probably

would if the written discharge motion can go beyond the Thursday deadline that we've had. So if we can -- you can still do it with 10 for a discharge -- normally in any level of government, whether it's from Federal through the State, when a majority of a body wants to discharge out of a committee a piece of legislation, they're able to do it with just that majority, they don't need a super majority; that's the normal process. What's abnormal is we do it by discharge verbal motion. So I could understand, it kind of takes people by surprise on the day and so doing it with ten is a little different, that's out of the norm. So I can -- I would go with that with the 12, but the problem is if you keep the discharge petition at 10 which makes sense, you've got to give more time than the Thursday because we're still in the middle, possibly, of committees; it's a very weird day. Though it won't -- though the discharge won't make it to the agenda, at least there will be something written that can be handed to the Presiding Officer and announced on that day, early on that day so no one is surprised later by a motion, you know, in the middle of four o'clock and someone says, "Oh, motion to discharge." This way the petition -- I would just ask that the petition be filed by the -- let's say by the start of the meeting on the day of the meeting and then can be circulated to all members so they have the whole day to look to see that it's coming, but this way a majority still can discharge it and no one is surprised and that's what I would ask. But Thursday is really unreasonable.

P.O. POSTAL:

Well, I'll comment before I go to the next speaker. With regard to the Clerk, I would ask the Clerk whether that would present a problem or create additional difficulty in preparing for a Legislative meeting.

MR. BARTON:

I don't know that I see a difference between a signature or a vote if it's on the day of a meeting. But for us, the preparation of the agenda, we try to post it on the Internet on Friday before the General Meeting to give the public and the Legislative staffs the opportunity to prepare the books.

LEG. BINDER:

If you would yield.

P.O. POSTAL:

Sure.

LEG. BINDER:

My comment is that I would understand that a written discharge may not end up on the agenda, so I specifically don't want to put the burden

on them to try to find a way to shoe-horn it in. But at least we would have it, it would be distributed and it wouldn't happen during the meeting but you can -- if you can get ten up until lets say a half an hour after the meeting started and it can be circulated, everyone will see it, everyone will have it in front of them and they'll know something is being discharged on that day, and this way you can still do a majority which is reasonable.

P.O. POSTAL:
Legislator Tonna?

LEG. TONNA:
Yeah, my concern is just with regard to the 10 to 12. I think we have always made it a point of saying that whenever you have 10 Legislators, and I know it's a little difficult for the Clerk's Office, but that something can get out of committee. And so that the committee process wouldn't be a place where things are, you know, unnecessarily killed when there's a majority of Legislators who would like to see a legislation pass through. And so, you know, sometimes Legislators might not be cognizant to something like that, sometimes the required 10 signatures, as you know, in the committee schedule where people can't get signatures right away or whatever else, if it doesn't get out of committee, it gives a Legislator or a sponsor of legislation an opportunity once again, only when there is a majority, when there are 10, to be able to get that piece of legislation on to the floor.

And I just think despite the fact that this might be a little more cumbersome for the Clerk's Office, it's not like it's something new to them. For the last twenty so odd years I think we've had a rule where any piece of legislation that has a majority can get on to the floor, and I think this sets a very bad precedent. And from a perception standpoint, it looks like in a certain sense that we're steering things to be able to kill things in committees and I think that this would be, you know, an unfortunate perception. So that's why I'm not going to support this piece, this rule change.

P.O. POSTAL:
Legislator Cooper?

LEG. COOPER:
I can't see sufficient justification to differentiate between requiring 12 votes for the verbal discharge petition as opposed to written. If the purpose behind this is to empower the committees, then I believe that we should require a super majority in both cases. If there's not sufficient support for that position, then I believe that it should be made at 10 for both verbal and written.

P.O. POSTAL:
Legislator Caracciolo?

LEG. CARACCIOLO:

Yeah, since the Clerk's name has -- or position has been invoked, I'd

31

like to hear what his rationale is.

P.O. POSTAL:

Mr. Clerk?

MR. BARTON:

My rationale? I'm not sure I understand the question.

P.O. POSTAL:

Your response to this suggested rule change --

LEG. CARACCIOLO:

Correct.

P.O. POSTAL:

-- I think is what Legislator Caracciolo is saying.

MR. BARTON:

It depends upon how important the item is. If you want to notify people it's going to be discussed, that's why you have an hour rule, it's got to be -- it's got to age an hour to at least let people know about it. But if it's -- the more notification you give us the more time we have to make the copies for you to distribute them and to give everybody a chance to know what's coming up. Aside from that --

LEG. CARACCIOLO:

Is this a proposal that you endorse?

MR. BARTON:

We're going to --

LEG. CARACCIOLO:

Okay, you answered my question. Thank you.

P.O. POSTAL:

I would just comment that the reason that a petition, a discharge petition must be distributed -- must be provided to the Clerk prior to the Legislative meeting is to provide people with the information that they're going to be asked to vote on that issue and let us be prepared, let us secure whatever information we do have.

The suggestion that it be circulated -- that it be submitted on the

day of the meeting assumes that we're going to be able to give that the proper attention. Now, once the meeting starts, I can't speak for my fellow Legislators but I can tell you that I find it very difficult to be reading and kind of investigating something like that. I think that we have a public portion when the public is here to address us and paying attention to the public is I think our prime obligation at that point. So I would find it very difficult to properly inform myself about a piece of legislation which was discharged that I just discovered the day of the meeting.

I'm really, frankly, not happy about -- and this is my personal point of view. I'm not happy about discharge motions on the floor, but at least we have a copy of the bill, at least we have an hour to review it, so that I think we have a little more opportunity to vote from an

32

informed position. I think Legislator Haley and Legislator Caracciolo, did you --

LEG. CARACCIOLO:
No.

P.O. POSTAL:
Oh. Legislator Haley and Legislator Binder.

LEG. HALEY:
This is definitely a weird year because I'm starting out agreeing with Legislator Cooper. The majority is, in fact, the majority and the wishes of this Legislature unless it's something unique such as veto overrides and other super majorities that are required, I don't think that this -- adding this rule is appropriate.

I don't think we have over burdened the Clerk with discharges from the floor. Does anybody have an idea how many of those we had last year?

LEG. CARACAPPA:
Thirty.

LEG. FOLEY:
Thirty-two.

LEG. HALEY:
You really know that?

LEG. FOLEY:
No.

LEG. HALEY:

Gee, you almost --

LEG. GULDI:
He had you.

LEG. HALEY:
You almost had me there. I don't think everybody can -- I don't recall any significant problem with discharging on the floor, we don't do it that often as I remember. So, you know, I would be inclined not to support this.

P.O. POSTAL:
Legislator Binder and then Legislator Bishop.

LEG. BINDER:
Madam Chair, it would seem that Legislator -- with 17 Legislators on a piece of legislation that was kind of a surprise discharge, 17-1 vote, and so people didn't have a problem with that, didn't have the information but we passed the living wage bill. So it would seem to me that -- we have done it, we can do it, I'm just kind of looking for the middle ground. And the middle ground is --

LEG. HALEY:
Eleven.

33

LEG. BINDER:
-- it's even better -- well, the middle -- right, the middle ground would be eleven. But the middle ground seems to me that it's important to have, as Legislator Cooper and Legislator Tonna mentioned, it's important that the majority is able to put their will forward. And I was the one that put in the hour, that hour rule, that it had to age for an hour because I was concerned, things would come up and we had no time to see it, and I understand the concern on the Presiding Officer's end. So I think the middle ground is though it can't get on the agenda, you're going to have pretty much the day to look at when a just simple majority signs the petition, it will be circulated, everyone can look, you'll have the whole day to look. And so I would make a motion the amend this amendment to allow till let's say ten o'clock the morning of the meeting to submit the petition. So that basically it would be the same, the discharge would be the same, the way it says 12 votes rather than 10, that it allows for 10 on the petition but that the petition can be submitted -- change the rule where -- I don't know if it takes another rule change conforming, Counsel would probably have to tell me that, but to change it so that we can have it till 10:30, you can submit the petition till 10 -- let's say 10:30 the morning of the meeting for the discharge.

P.O. POSTAL:

I think it's especially appropriate, in view of Legislator Binder's comment about the living wage bill, that Legislator Bishop is the next to have the floor.

LEG. BISHOP:

What's unique about the Suffolk Legislature is that we don't have a rules committee and we don't have a speaker with the power to control the flow of legislation. So the fact that other Legislatures allow simple majorities to avert the committee process is very different than it means here. Here what it means is that our committees have absolutely no power and there's really no point to them unless you have a super majority that can override them. We have committee hearings in the Environment Committee that routinely run four, five hours, we listen to long presentations, we have long and meaningful debates and I'm proud of the work we do in the committee, but it's really meaningless because you come here and if 10 people disagree then the committee's work doesn't mean anything.

A two-thirds majority would make all the committees more meaningful. And I don't think that anybody need worry that it's about the eleven member majority, you know, taking some sort of power because eight members can always stop it, you know, seven members can always stop anything now; it actually increases the power of minorities, of a minority caucus in a Legislature. So I don't think that we should look at this as anything other than a chance to finally have rules that recognize that the committees have meaning.

LEG. CARACCIOLO:

Madam Chair?

P.O. POSTAL:

Legislator Fisher and then Legislator Caracciolo.

34

LEG. FISHER:

I had a question of Counsel. Legislator Binder has suggested setting a time limitation on discharging petitions to 10 A.M., but there have been times when we have had to amend resolutions and present a new form of a resolution and discharge that on the floor. Would that type of change be impacted by -- if we were to adopt a time constraint on this? Because there are sometimes when we're -- in discussing and debating or listening to a public hearing or expert witnesses, we change resolutions and have to discharge them; how would a time limitation impact that kind of situation?

MR. SABATINO:

This proposal would not impact that situation because the one that

you're describing deals with either corrected copies or Certificates of Necessity. The concept of the written petition being pushed back to the day of the meeting would just deal with going through the trouble of getting something in writing as opposed to making the verbal motion. The verbal motion would still be in order on that day, so you'd have, under this initiative, at least up till the hour of ten o'clock you'd have two options, one option is to do a written document versus making a verbal motion. But there would be no impact other than that which is you'd be having two choices to be made on that particular day.

P.O. POSTAL:
Legislator Caracciolo?

LEG. CARACCIOLO:
It's refreshing that the Legislator from the 11th District seems to acknowledge that the absence of a rules committee really is a drag on the Legislative process in Suffolk County. I have for a long time advocated --

LEG. GULDI:
You said the number wrong.

LEG. CARACCIOLO:
I'm sorry, 14; sorry, Angie. So let me start that statement again as soon as he takes his seat.

P.O. POSTAL:
Joe, can you take over, please?

D.P.O. CARACAPPA:
Sure.

LEG. CARACCIOLO:
Okay, thank you. I would like to thank Legislator Bishop for once again highlighting what I had felt for a long time to be a shortfall in the Legislative adoption process here in Suffolk County and that is the absence of a rules committee. So if he is to advocate for that, then I think another rule change would be in order to create such a committee. Thank you.

D.P.O. CARACAPPA:
Anybody else on this rule change? Any other comments on it?
Legislator Binder, then Legislator --

LEG. BINDER:

I have a motion.

D.P.O. CARACAPPA:
There's a motion --

LEG. FISHER:
I just --

D.P.O. CARACAPPA:
Before we go to your motion, Legislator Binder, let's hear some more testimony from Legislators. Legislator Carpenter.

LEG. CARPENTER:
On -- I just want -- I have a question for Legislator Binder. Now, your suggestion is to extend the deadline for the written discharge petition till 10 A.M. on the day --

LEG. BINDER:
Actually, I think maybe 10:30 on the day -- on the morning of the meeting of the discharge. That doesn't preclude a 12 vote verbal discharge during the day and having the one hour rule and aging, but to allow -- if we're going to do that and make it harder to get something out on the floor on the day, we shouldn't have to have the written petition the week before, it makes it impossible to get 10. It's very hard during committee week, in and out as Legislators are, it might be hard to get to that deadline.

LEG. CARPENTER:
So is that the amended resolution that we have before us?

D.P.O. CARACAPPA:
Legislator Binder has made the suggestion to amend the rule that's before us, it will be up to us if we decide to incorporate that amendment in the rule or vote on it separately.

LEG. BINDER:
There would be two votes, in a sense. What I've done is made a motion to amend this amendment. If my motion passes then we amend as amended, or if it doesn't pass then it would just be -- the next motion would be on this to just pass it as it's written in front of us. If that wasn't clear then I --

D.P.O. CARACAPPA:
Okay. Now I'm going to let Legislator Haley try and figure that one out, go ahead; Legislator Haley?

LEG. HALEY:
No, I think what you need to do is leave this alone but I think you'd have to create a separate motion to go back and modify that to 10:30. But I have a question from a technical perspective. If you are putting

a discharge at -- a normal discharge under this rule requires an hour, right?

LEG. BINDER:

A verbal discharge requires an hour .

LEG. HALEY:

Requires an hour. If you bring him -- if you bring someone a written discharge at 10:30 in the morning, how does that hour fit in? Because he needs time to distribute so it should be an hour from the time it's distributed, right; Counsel?

D.P.O. CARACAPPA:

Counsel?

MR. SABATINO:

No, with the written discharge there would be no one hour. The point of both --

LEG. HALEY:

It seems to me if somebody was going to discharge something, ask for a written discharge at 10 o'clock in the morning, I would suggest that they walk around with that copy to get those discharges. But if somebody doesn't want to have that information and says, "IR 1000, I want to discharge it," that Legislator takes the responsibility of discharging it knowing full well that it's possible within an hour you could wind of up voting on it; is that correct?

MR. SABATINO:

Conceptually it's correct, yes.

LEG. BINDER:

Can I answer Legislator Haley, if you would yield.

LEG. HALEY:

Yeah, I'm finished.

LEG. BINDER:

That's true, but the reason I'm saying to do it in the morning is because we always have public portion in the morning. It is very, very unusual, particularly for something discharged, for something to be voted on at 10:30 in the morning or 10:31. So let's say the petition was handed in at ten o'clock because at 9:30 someone went around finishing up, they had seven, now they have three more, now they have ten on a written, because we want to avoid having to get 12 for a verbal. So they hand it to the Presiding Officer at ten o'clock,

the chances are really zero of having a vote at 10:15 on that bill because we're in the middle of public portion, so we're not going to be voting on anything til the afternoon anyway until we start voting on matters.

LEG. HALEY:

No, I understand that. But you know what? We're re discussing one rule, you're making a suggestion on a different rule. So Madam Chair, I think we should discuss whether there's a method for him to make a

37

rule change today at this juncture and we should move on to vote on this particular rule.

P.O. POSTAL:

Well --

LEG. HALEY:

I know he's saying in absence of that other rule, he's probably not going to support this one.

P.O. POSTAL:

Yeah, I would --

LEG. HALEY:

But I still think the discussion is on this rule.

P.O. POSTAL:

I would certainly ask our Counsel, but I would assume that since we have I believe a motion and a second, that it would be proper for him to amend this proposed rule at this time rather than waiting for the end, as Legislator Alden had brought up some other suggestion and it would be proper for him to bring that up at the end. But I would assume that an amendment in this case would be proper at this time, but I'll ask our Counsel.

LEG. HALEY:

May I respond to that? I think it's appropriate --

MR. SABATINO:

Legislator Binder's motion is appropriate but not necessary, that's why Legislator Haley is correct. From a technical standpoint you can vote on Presiding Officer Postal's suggestion because it stands by itself. Legislator Binder's point is an appropriate point but not a legal necessary prerequisite because he's articulating that in the absence of the other change he would be disinclined to support this change. So it's really -- it's a judgment call, you don't have to but if you feel it will facilitate the flow of the vote

you could entertain his motion.

LEG. HALEY:

Madam Chair, I would make a suggestion. It seems to me that we should have discussions on Rule 6 in toto because there's a number of changes. Instead of going through each and every single change as we do, we should look at the two or three changes for Rule 6 and maybe we could -- I don't know that that could be done here but maybe for future reference. We're looking to modify Rule 6 in a number of ways, so we should maybe look at Rule 6 in its total. Because when you look at stuff out of context, you know, you could run into some difficulties.

P.O. POSTAL:

I would like to respond to your suggestion. I feel that that would be problematic because there might be a majority supporting one proposed rule change to Rule 6 and not supporting another proposed rule change to Rule 6.

38

LEG. HALEY:

We should discuss Rule 6 in toto.

P.O. POSTAL:

Well, you know, I think that we -- I think that it's easier if we discuss suggestions for rule changes. While they all address Rule 6, they address different aspects of it and I think that if we combine them all into one discussion, I feel it would be far more difficult to get I guess a clear picture of how people feel on the specific issue that's being proposed for change. That's just my opinion. I don't know, who had the floor next?

LEG. LINDSAY:

I don't know but if nobody else does, I just wanted to say --

P.O. POSTAL:

Well, I would just propose that -- and I don't know if this would be acceptable, that a written discharge petition could be submitted, for example, up until one o'clock the day before the meeting. That would give the opportunity for that information to at least come to us and it would give some greater flexibility with regard to submitting a petition. So I would just suggest that to Legislator Binder as a proposed, I guess, compromise that would meet everybody's goals in this situation.

LEG. BINDER:

Restate that one more time.

P.O. POSTAL:

That with regard to a written discharge petition, it could be to adjust this rule so that it could be submitted up until 1 PM the day prior to the meeting, rather than as it is now, you have to submit in advance of that day before the meeting. It would give I think an opportunity for that flexibility but it would also let other Legislators at least have an alert that there is something that they have to -- if they need to study a bill further, they need to do it because it's going to be voted tomorrow.

LEG. BINDER:

I would amend my motion then to make the amendment to one day prior to the day of the meeting.

P.O. POSTAL:

At 1 PM?

LEG. BINDER:

Right, I would make that motion, 1 PM.

MR. BARTON:

Madam Chair?

P.O. POSTAL:

Thank you. Legislator Lindsay?

LEG. FISHER:

The Clerk has a comment.

MR. BARTON:

Madam Chair, just two points on our current practice. With the discharge petition, the written discharge petition, we insert it on the agenda where it would have been had it come out of committee. And the second point is that frequently --

LEG. BISHOP:

When do you do the agenda?

MR. BARTON:

We prepare the agenda the Friday before, or we would just write it in on the PO's agenda if it came in late or we missed it. The second point is that the written petition is frequently used when, for whatever reason, inclement weather or illness, when a committee doesn't have a quorum to move an entire committee's agenda to get it out on to the floor. So that would be a little problematic to do it on the day of the meeting to have as many as ten or twelve resolutions distributed on a written petition.

P.O. POSTAL:

Could you manage with receiving those petitions by 1 PM the day prior to the meeting if --

MR. BARTON:

The more notice the better, yes.

P.O. POSTAL:

Yeah, okay. And I as the Presiding Officer would notify all members of the Legislature at the beginning of the meeting that there were discharge petitions for resolutions to be added to the agenda so that I would notify you because it would be very difficult for the Clerk to do that. So I would make a commitment to as part of our regular procedure to make Legislators aware that there is a discharge petition on the agenda that doesn't appear on the written agenda.

LEG. FISHER:

Madam Chair?

P.O. POSTAL:

Legislator Caracciolo, then Legislator Fisher.

LEG. CARACCIOLO:

Thank you. If the sponsor of the amendment --

P.O. POSTAL:

I'm sorry.

LEG. CARACCIOLO:

-- could just clarify the amendment, I'd appreciate that so that it's clearly understood what he's proposing.

LEG. BINDER:

I would make a motion to amend this amendment that you have before you to also change whatever is necessary, change -- I don't know what particular rules it is to change -- at the same time we make these other changes that would allow a discharge petition to be submitted

until one o'clock the Monday before the meeting instead of Thursday before the meeting.

P.O. POSTAL:

Can we --

LEG. CARACCIOLO:

Okay, that part I understood, but --

P.O. POSTAL:
Just one minute.

LEG. CARACCIOLO:
But the essence --

P.O. POSTAL:
I'm sorry, can I interrupt?

LEG. CARACCIOLO:
The question I had -- go ahead.

P.O. POSTAL:
One minute, one minute. Can I just ask you not to specify a day but to say the day before the meeting, because we do have --

LEG. BINDER:
That's what I said.

P.O. POSTAL:
You said the Monday before, we do sometimes have Thursday meetings.

LEG. BINDER:
Oh, okay. Sorry, you're right, let me rephrase it. It's to the day preceding the meeting, one o'clock.

P.O. POSTAL:
Thank you. Legislator Caracciolo.

LEG. CARACCIOLO:
Okay. Under that proposed amendment, the present threshold of ten would remain.

LEG. BINDER:
Right, would be ten for the written petition so you have until one o'clock the day prior to the meeting with ten.

LEG. CARACCIOLO:
Right.

LEG. BINDER:
On the day of the meeting it would take 12.

LEG. CARACCIOLO:
Verbal 12.

LEG. BINDER:

Verbal would be 12, on the day of -- well, right, after the one o'clock you couldn't make a discharge unless it was verbal because the petition wouldn't be allowed to be submitted.

LEG. CARACCILOLO:

Thank you for the clarification.

P.O. POSTAL:

Legislator Fisher, I would ask that you yield to Legislator Lindsay because he had actually --

LEG. FISHER:

Yes, I had heard that; I'll yield.

LEG. LINDSAY:

I was going to ask the same question as Legislator Caracciolo.

P.O. POSTAL:

Oh, okay. Thank you, Legislator Lindsay. Legislator Fisher.

LEG. FISHER:

Yes. I think the Clerk brings up a very good point and I think that we could make note of that and perhaps add it as another amendment to this rule. Which is that in the case of an entire committee wanting to discharge its agenda because of an inability to meet for whatever reason, that that filing date remain the same the Thursday before because that's the end of the committee cycle.

LEG. BINDER:

Would you yield, Legislator Fisher, for a second?

LEG. FISHER:

Yes.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Yeah, the problem might be on Thursday, if it's one o'clock --

LEG. FISHER:

Not being able to reach everyone?

LEG. BINDER:

No, there might be a committee that meets at four o'clock, let's say on Thursday. The other problem is sometimes you'll have a Mondays off so committees are pushed to Friday, so you can have Friday committees so that committee won't get to discharge what it needs. So you have to be careful with that Thursday time.

LEG. FISHER:

Isn't Thursday the time now?

LEG. BINDER:

Yeah, and that's why I would keep all of it til Monday at one o'clock

42

including if a committee wants to do it. The Monday at one o'clock works for I think everything.

LEG. LINDSAY:

The day before.

LEG. BINDER:

I'm sorry, I keep saying that; Monday, the day before.

LEG. FISHER:

The day before at one o'clock, Henry, even in that kind of case because just trying to be considerate of the paper work involved when there's a long agenda and -- although it's not usually the case when you have a committee that doesn't get a chance to meet.

MR. BARTON:

The more time the better.

LEG. FISHER:

Okay.

P.O. POSTAL:

So if I understand, the suggested change is that in addition to being stated as it is, requiring 12 votes for a verbal motion to discharge and a written discharge petition continuing to require 10 signatures, it would also state that written discharge petitions may be submitted to the Clerk up to 1 PM on the day prior to the Legislative meeting.

LEG. BINDER:

Yes.

P.O. POSTAL:

I don't remember whether we had a motion on the other --

LEG. HALEY:

You're amending Rule 6 (C) and (D).

LEG. BINDER:

You have to take care of this motion first.

P.O. POSTAL:

Okay, the amendment first?

LEG. BINDER:

This motion has to come first.

P.O. POSTAL:

Okay, then we're just voting on the amendment that would refer to the change in time for submission of a written discharge petition up until 1 PM prior to the day of a Legislative meeting. And we have a motion by Legislator Binder, seconded by Legislator Carpenter. All in favor? Opposed?

LEG. CRECCA:

Roll call.

43

MR. BARTON:

18.

LEG. CRECCA:

I asked for a roll call.

P.O. POSTAL:

There's been a request for a roll call. There's been a request for a roll call. Let's have a roll call, Henry.

MR. BARTON:

Okay.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BINDER:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

44

LEG. TONNA:

No.

LEG. COOPER:

No.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

15-3 (Opposed: Legislators Bishop, Tonna & Cooper).

P.O. POSTAL:

Now --

LEG. LINDSAY:

Madam Chair, the motion has to pass now.

LEG. FISHER:
Now it's the motion.

P.O. POSTAL:
Now we go to the proposal that there be a verbal motion to discharge will require 12 votes rather than 10, but a written discharge petition will continue to require only 10 votes. I'll make that motion. Legislator Caracappa will second. All in favor?

LEG. CARACCIOLO:
Roll call.

P.O. POSTAL:
Roll call, Henry.

(*Roll Called by Mr. Barton, Clerk*)

P.O. POSTAL:
Yes.

LEG. CARACAPPA:
Yes.

LEG. CARACCIOLO:
No.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. FISHER:
Yes.

45

LEG. HALEY:
No.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

MR. BARTON:

15-3 (Opposed: Legislators Caracciolo, Haley & Tonna).

P.O. POSTAL:

Now, number -- Item No. 8 with regard to Rule 6(E)(4) - Requires the County Executive to electronically file all legislation, including corrected copies, with the Clerk of the County Legislature simultaneously with the hard copy or provide the data on a disc in order to be eligible for a vote. Motion -- who made the motion? I'm sorry. Legislator Caracappa, seconded by Legislator Alden. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Item No. 9, Rule 6(E)(5) - Requires the Clerk of the Legislature to include the phrase "corrected copy as of [insert date]" On all legislation filed as a corrected copy prior to its distribution.

LEG. CRECCA:

Motion

LEG. FOLEY:
Second.

P.O. POSTAL:
Motion by Legislator Crecca, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:
18.

P.O. POSTAL:
Thank you.

Item No. 10, Rule 6(G)(4) - Clarifies treatment of stand-alone bills taken off the consent calendar. They go to the regular portion of the agenda, not to committee.

LEG. CRECCA:
Motion.

P.O. POSTAL:
Motion by Legislator Foley, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:
18.

P.O. POSTAL:
Item No. 11, Rule 6(H) - Eliminates the rule that allowed a prime sponsor to restore a bill to the agenda of the full Legislature after a vote to recommit that bill to the primary committee.

LEG. CRECCA:
Motion.

LEG. TOWLE:
Second.

P.O. POSTAL:
Legislator Crecca, seconded -- was that --

LEG. CRECCA:
I think Brian Foley should second it only because we've got this thing going now, so.

P.O. POSTAL:
Well, I'm sorry, we have to give -- I think it was Legislator Towle, we've got to give someone else a chance.

LEG. TOWLE:

I defer to Legislator Foley.

47

P.O. POSTAL:

Legislator Foley -- Legislator Towle is gracious, defers to Legislator Foley. Legislator Foley seconds your motion.

LEG. HALEY:

Come on, I'm going to throw up.

P.O. POSTAL:

Then please leave the horseshoe. All in favor?

LEG. FISHER:

Question.

LEG. TOWLE:

You have been authorized to leave.

P.O. POSTAL:

Question, Legislator Fisher?

LEG. FISHER:

Paul Sabatino, what would be the procedure; how would the sponsor of the legislation bring it back to the full Legislature?

LEG. LINDSAY:

It's eliminating it.

LEG. FISHER:

Oh, it's eliminating it.

MR. SABATINO:

Yeah, this eliminates that --

LEG. FISHER:

But how would -- I didn't know people could do that.

MR. SABATINO:

It was only exercised I think twice, it might have been a third time but at least twice in the period of time that it was there. Basically it required filing a written document, a letter with the Clerk of the Legislature by a deadline, I think the deadline was one o'clock of the day before the meeting.

LEG. FISHER:

Who knew?

P.O. POSTAL:

None of us. We have a motion and a second. All in favor?

MR. BARTON:

18. I'm sorry.

P.O. POSTAL:

Opposed.

MR. BARTON:

18.

48

P.O. POSTAL:

No problem.

Item No. 12, Rule 6(I) is eliminated and relates 6(J) as 6(I) to conform to the change in Rule 6(H).

LEG. FISHER:

Motion.

P.O. POSTAL:

Motion by Legislator Fisher. That's just a conforming motion, I'll second it. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

No. 13, Rule 7(J) - The Presiding Officer rather than the Committee Chairman will issue committee report.

LEG. FOLEY:

Motion.

P.O. POSTAL:

Motion by Legislator Foley. Legislator Crecca, I'm awaiting your motion.

LEG. TONNA:

On the motion.

LEG. CRECCA:

No, on the motion.

P.O. POSTAL:

Okay. Is there a second?

LEG. FISHER:
I will second it.

LEG. ALDEN:
Second.

P.O. POSTAL:
Second by Legislator Alden. And I believe that Legislator Crecca and then Legislator Binder -- oh, no, and Legislator Tonna have --

LEG. BINDER:
Then me.

P.O. POSTAL:
And then Legislator Binder have the floor, in that order. Legislator Crecca.

LEG. CRECCA:
I'll yield to Legislator Tonna.

49

LEG. TONNA:
Just I'd like to -- I guess this is a rule, I'm just trying to find out why; why not a committee Chairperson or a committee Chairman but the Presiding Officer?

P.O. POSTAL:
I can answer you.

LEG. TONNA:
Yeah.

P.O. POSTAL:
Because I felt that, first of all, it might create an undue burden on the committee chair. I thought that this was a good idea, we used to do this for many years. But if I'm proposing it and it creates an extra obligation for somebody, I feel that I should be the person who has to make that report.

Secondly, if a Chairman is out of the room, then it becomes a problem, we can't get the committee report that's required. In the case of the Presiding Officer, if the Presiding Officer is out of the room then the Deputy Presiding Officer would give that report and there's a whole section of the rules that refers to if we're both incapacitated. So I think that --

LEG. HALEY:

That could be arranged.

LEG. BINDER:
Black eyes.

P.O. POSTAL:
That's right; Legislator Caracappa points out that's either incapacitated physically or mentally.

LEG. CARACAPPA:
As the rules state.

P.O. POSTAL:
But that was the reason, that I just didn't feel it was fair to give somebody else an extra responsibility and I felt it was fair to take it myself.

LEG. FOLEY:
Very good.

P.O. POSTAL:
Any other questions?

LEG. CARACCIOLO:
Yeah.

P.O. POSTAL:
Legislator Caracciolo.

50

LEG. CARACCIOLO:
Could we just --

P.O. POSTAL:
Yeah, I'll read the committee report. Legislator Caracciolo.

LEG. CARACCIOLO:
Could we just elaborate on what is -- I understand the import of a committee report, however, in my experience here there have been few occasions where there have really been detailed committee reports outside of just telling the Legislature what the committee -- the vote in committee was; is that the report we're speaking of?

P.O. POSTAL:
That's the report.

LEG. FOLEY:
The vote.

LEG. CARACCIOLO:

The vote.

P.O. POSTAL:

That's the report.

LEG. CARACCIOLO:

It's not a report, it's not a summary or a description of the legislation before us.

P.O. POSTAL:

No. Legislator Caracappa?

LEG. CARACAPPA:

As we mentioned earlier, if you remember the last Presiding Officer to do so was Legislator Blydenburgh.

LEG. FIELDS:

Madam Chair?

LEG. CARACAPPA:

He would read the resolution, he would then at the end of that resolution he would say, "Reported out of Public Works 5-0-0," just so that all Legislators would know what the vote was in committee. That's the committee report we're talking about.

LEG. CARACCIOLO:

Right. And then the rule was submitted to change that committee report to the Chair of the committee, which is the current rule, and now you want to revert it back to the Presiding Officer giving the report.

P.O. POSTAL:

We just never did it. We never --

LEG. CARACCIOLO:

Well, on occasion it happened, but okay, that's fine. Thank you.

P.O. POSTAL:

Legislator Fisher, Legislator Carpenter, Legislator Crecca and Legislator Lindsay, in that order.

LEG. FISHER:

No, I was just seconding it, I wasn't asking --

P.O. POSTAL:

Oh, okay. You're seconding the motion, Legislator --

LEG. FISHER:

It had been seconded but I (inaudible).

P.O. POSTAL:

Okay. Legislator Carpenter.

LEG. CARPENTER:

The committee report then, as I recall it when we did it, appeared on the agenda so that it is not necessarily -- no, it was on all the agendas, it was on all the agendas so that you knew what the vote was in committee. And it isn't necessarily something that the Presiding Officer has to read with the resolution, but it's there before us to see.

P.O. POSTAL:

I would ask the Clerk, would it be problematic in preparing the agenda to include that information?

MR. BARTON:

Yes.

LEG. CARACCIOLO:

Why?

P.O. POSTAL:

Can you explain why?

LEG. CARPENTER:

Why? It was done before.

LEG. CARACCIOLO:

You give it to the PO, why can't the rest of us have it?

MR. BARTON:

I don't -- we get committee out reports from the committee Chair's aide and we prepare the agenda based on that. It takes us sometimes --

LEG. CARACCIOLO:

Would the Clerk yield? Counsel, do you prepare for the Presiding Officer a detailed Legislative agenda which includes the committee report? I guess it's your office and maybe not the Clerk's office that provides that information. And then the next question would be, because I believe the answer is yes, that that information which is already in the Clerk's hand be incorporated in the regular meeting agenda so everybody has it. And there would be even no need for the Chair unless someone requests to report that you even read the

information, it will be there for everybody to see and we'll also share the same information at the same time and we will expedite the meetings in doing so.

LEG. CARPENTER:

I don't know, I don't understand why it should be a problem.

P.O. POSTAL:

Well, I think maybe it would be best to let the Clerk finish what he was saying in regard to why there would be difficulty.

MR. BARTON:

It's simply cut and paste. So if we have -- I don't know how many committees you plan on creating this year, but once we get the committee out reports I would have to have somebody key that in. We don't currently do that, we follow a handwritten committee out report. So I would have to have somebody sit there and add on after the agenda was prepared, sit there and add in 5-0-0-1 or whatever it was on each of the items; it would be time consuming, that's all.

P.O. POSTAL:

I would like to just I guess supplement what the Clerk said. We're going to very shortly be discussing the proposed calendar and there are in the proposed calendar times when a Legislative meeting follows immediately upon the last day of committees, and I think in that case, certainly that would be problematic; you know, the last committee ends this afternoon, tomorrow morning we have a Legislative meeting. And I think it would be a lot easier for Counsel to prepare that information for me than for the Clerk to prepare that information as part of the regular agenda.

LEG. CARACCIOLO:

Then my request, Madam Chair, would be that you graciously provide that information to the rest of us.

P.O. POSTAL:

Thank you.

LEG. CARACCIOLO:

By photocopy.

P.O. POSTAL:

By photocopy.

LEG. CARACCIOLO:

That's all. In other words, the agenda you receive that has that information, have it incorporated either --

P.O. POSTAL:

At the time of the meeting?

LEG. CARACCIOLO:

Yes, that would be fine. This way we'll all see it and we don't get into what was the committee vote and all of that business.

53

P.O. POSTAL:

You know, I don't know, I will try. You know, I honestly --

LEG. CARACCIOLO:

Thank you.

P.O. POSTAL:

I can't speak for Counsel and what pressures he may be under at any given time, but I will try.

LEG. CARACCIOLO:

It just seems to me that if the information is included on your expanded agenda, that someone then perhaps on your staff could include it on our agenda.

P.O. POSTAL:

I will try to do that.

LEG. CARACCIOLO:

Thank you.

P.O. POSTAL:

I think it was Legislator Carpenter, Legislator Crecca --

LEG. CARPENTER:

I think Henry may want to elaborate here.

MR. BARTON:

If you want us to just hand write it in, we can do that, too. I mean, it's just --

P.O. POSTAL:

On one agenda and copy that.

MR. BARTON:

That's easy enough.

P.O. POSTAL:

Yeah, I think that would make everybody happy.

LEG. CARPENTER:

I was just going to say, that information, according to this proposed rule change that the Presiding Officer has put forward, was going to have to be prepared by somebody.

LEG. CARACCIOLO:
Right.

LEG. CARPENTER:
So whether it gets added on the agenda as part of the description of the resolution or it's a separate sheet that says Resolution No. 25, 6-2-2 or, you know, whatever the number count is, but it's going to have to be prepared. If the Presiding Officer wants this information and this rule is adopted, it's going to have to be prepared. So whatever makes it easier for whomever is preparing it, just that we have copies of it.

54

P.O. POSTAL:
Yeah. The Clerk has indicated his willingness and ability to hand write that information on the agenda; no?

MR. BARTON:
Yes, at a minimum.

P.O. POSTAL:
At a minimum, that's fine.

MR. BARTON:
We may be able to get it done. We'll do what we're told.

P.O. POSTAL:
I would just make a request then of all committee chair that -- I would make a request for all committee chairs that you be especially careful in submitting your committee report to the Clerk to be sure that it's accurate. And I think we are moving to Legislator Crecca. Legislator Carpenter, were you finished?

LEG. CARPENTER:
Yes.

P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
The other thing, too, is on this rule, if we leave the rule the way it was, what we're really practicing is we don't get a committee report on every single resolution, it's really upon the request of another Legislator that we do this. And I would ask that we leave the rule the way it was and just say, "Upon the request of any Legislator prior

to," and then add that language in and then it would be prior to the vote that we get a chairperson's report. We do that now anyway, so if something was in a committee, before we voted on it we would turn around and ask the committee chairperson on the record a question. I think that's the practice that we have currently engaged in and I think that --

P.O. POSTAL:
Legislator Lindsay was next.

LEG. LINDSAY:
I'm sorry.

P.O. POSTAL:
Oh, I'm sorry.

LEG. CRECCA:
I'm just getting a dumbfounded look from everybody, I don't know.

P.O. POSTAL:
No, no. You know, I can respond to you but there are a number of other people who are on the list so I would be happy to respond to you at the end of the list of speakers. Legislator Lindsay was next.

LEG. LINDSAY:
Yeah, I -- truthfully I don't see the reason for this. I know it was done in the past but, I mean, at best the Presiding Officer is going to be able to tell us how the vote came out of committee. If you wanted any specifics about the bill, it has to go back to the Chair of that committee anyway which we very often ask the committee chair during debate, you know, what was the rationale for this coming out of committee. And the Presiding Officer isn't going to be at every committee meeting and still has to go back to the committee chair. I don't see how this is shortening the agenda or improving the agenda at all.

P.O. POSTAL:
Actually, I think that the person who was next to take the floor has left the room. Legislator Haley.

LEG. HALEY:
Counsel, is it appropriate that we need to somewhere maintain records, or the Clerk can answer this, as to what those specific votes are? That if that's the case, it seems to me that somewhere along the line we need to electronically enter that information; somebody has to do it somewhere. So all we have to do is figure a method by which we can make it as efficient as possible for Henry.

MR. BARTON:

The votes are currently maintained within the transcripts of the committee meetings which we obviously don't get until after the General Meeting. But I rely upon a committee out report which is hand written by the --

LEG. HALEY:

It makes it easier.

MR. BARTON:

Yes. It's handwritten by the aide to the committee chair. We spend most of those few days between the committee week and the General Meeting making absolutely certain that it was done correctly because mistakes frequently take place and things are not always filed timely.

P.O. POSTAL:

I don't have anybody else on the list so I will respond to --

LEG. BISHOP:

Yes, I would like to speak.

P.O. POSTAL:

-- Legislator Haley's question. Well, you'll be after me.

LEG. BISHOP:

I'm sorry.

P.O. POSTAL:

Legislator Haley, the -- sorry, Legislator Crecca. The reason that -- and I was here in the days when we did that, when Presiding Officer Blydenburgh would issue a very simple committee report, approved out of Health 4-0-1, and I found it very helpful. And the reason I found

it very helpful, although Legislators can ask for that -- I think, first of all, that delays the meeting for every -- possibly every resolution while somebody is recognized and asked a question. But I found it really helpful because it gave me one type of information. If I heard that the committee report was that a resolution was approved 5-0, it gave me another piece of information, type of information, if I heard it was 3-2 or if it was discharged without recommendation. So I found it very helpful.

LEG. CRECCA:

I don't disagree with you, but this rule change doesn't, A, necessarily accomplish that. This is talking about before we vote on every single resolution, that the committee chair would give a report. We haven't -- that's what the rule says now. If you read the current

rule that's in effect, we've never practiced that; it would be impractical, it would delay our agenda. What I am saying is there's nothing preventing the Presiding Officer from conveying that information to us in a written report prior to. But what you're talking about is before every resolution you're going to weed out this report.

P.O. POSTAL:

Right, and that's the proposed rule change. I would just suggest that you --

LEG. CRECCA:

We are looking to make the meetings more efficient. If you would just bear with me one second, yield to me, Legislator Postal. If you want to make the meetings more efficient, what I would recommend to accomplish your goal, which I think is a meritorious goal, would be to issue what you're talking about in some sort of written form, handwritten or typed or whatever, before the meeting, you would need that anyway, to us so we don't have to do it each time.

The second thing is to change this rule so that there would be no oral report from the Chairman unless there was a specific request from a Legislator, that would accomplish both goals and it would make the rule more in conformity with our actual practice.

P.O. POSTAL:

Legislator Bishop?

LEG. BISHOP:

Let me get this straight. This is simply before we have a vote on a resolution you say, "Environment Committee, 3-2."

P.O. POSTAL:

Exactly.

LEG. BISHOP:

And there's a debate? That is not -- that is so simple and helpful that it shouldn't even be debated.

LEG. CARACAPPA:

Yes.

LEG. BISHOP:

It just allows Legislators to know what occurred in the committee and as I said earlier, we should make our committees more meaningful.

P.O. POSTAL:

Legislator Caracappa.

LEG. CARACAPPA:

Just to go along the lines of the simplicity of it all, I think we're really making more of this than -- I would suggest that my colleagues just allow the Presiding Officer, she sends ends reading the resolution, to announce the vote of committee as was done in prior years and we vote; that's all it is. We don't need it all in writing, we all don't have to look at it all day long. As the resolution is read, she reads the vote from the committee and that's the end of it; it's simple simon. Why debate it any further?

LEG. FISHER:

I agree with you.

P.O. POSTAL:

There's a motion and a second I believe, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor?

LEG. BISHOP:

You didn't say simon says.

P.O. POSTAL:

Opposed?

LEG. GULDI:

I'm a yes, Henry.

LEG. TOWLE:

I'm here.

MR. BARTON:

18.

P.O. POSTAL:

You know, it's going to take me a minute because I really believe I've lost track of where we are on this.

LEG. FISHER:

We're on number 14.

P.O. POSTAL:

Okay. Item 14, Rule 8(C)(1) - Requires Presiding Officer to follow yellow speaker cards in numerical order, regardless of the status of the speaker, i.e., department head, elected official.

LEG. ALDEN:
Motion.

P.O. POSTAL:
Motion by Legislator Alden.

LEG. COOPER:
On the motion.

LEG. LINDSAY:
Question.

P.O. POSTAL:
Wait, wait, wait, let's get --

LEG. FISHER:
A question.

P.O. POSTAL:
Let's get a second. Seconded by --

LEG. FISHER:
I'll second it.

P.O. POSTAL:
Well, seconded by Legislator Caracappa. Now, question, Legislator Fisher --

LEG. LINDSAY:
Lindsay, Lindsay.

P.O. POSTAL:
-- followed by Lindsay -- sorry. You know, it's hard for me to see you, so I would ask the two gentlemen between you and me to just sit back a little bit.

LEG. LINDSAY:
I'll yell.

P.O. POSTAL:
That's good. Legislator Lindsay, Legislator Fisher and Legislator Binder and Legislator Cooper, in that order.

LEG. LINDSAY:
Yeah, my comment, I have no problem with this rule at all with one exception. That if we do get department heads, other County elected

officials, that they be designated some time during our agenda to address us.

LEG. ALDEN:

It's always on the agenda, it's number I believe seven, item number seven on your agenda every time that we've had an agenda, County Executive.

P.O. POSTAL:

Yeah. There's actually -- there's actually a rule change that

59

addresses that issue I think, a proposed rule change.

LEG. FISHER:

I thought there was.

LEG. COOPER:

I don't see it.

P.O. POSTAL:

Legislator Fisher and then -- I'm sorry. Legislator Lindsay, are you finished?

LEG. LINDSAY:

I could appreciate what Legislator Alden has said, but that isn't the practice here. We have had public officials sign a yellow card, sit in the audience waiting for their name to be called and then us stumbling over ourselves to ask them questions to give them additional time, and I think that practice is wrong.

LEG. ALDEN:

They don't have to do that.

P.O. POSTAL:

Legislator Fisher. We had gone through the order before, the last person on the list so far is Legislator Caracciolo. Legislator Fisher now has the floor.

LEG. FISHER:

Okay. I was under the impression, and I'm looking for the rule change, that we were going to have a different time for department heads and elected officials, that they would not have the opportunity to speak during the public portion; was that rule seven, Cameron?

LEG. ALDEN:

No, seven on your agenda.

P.O. POSTAL:

There is a rule change that addresses that issue, so -- and that rule change is, Mr. Sabatino, number --

MR. SABATINO:

Well, it's on page --

LEG. FISHER:

It's on page three I'm told.

MR. SABATINO:

It's on page three of the actual rules and it's -- it's on page three.

LEG. FISHER:

Okay. As Cameron said, it's number seven. Okay, so my comment then is this. If, in fact, we're going to be operating with very close adherence to the rules as they stand, wouldn't this change be moot at that point?

60

LEG. CRECCA:

Can I answer that?

LEG. FISHER:

If we were operating under the rules, that public officials and administrative heads would not be speaking during the public portion, wouldn't that render this change moot because they wouldn't be there?

MR. SABATINO:

It doesn't preclude a County official from coming forward and signing a card. If a County official wants to come forward and speak on an issue outside of the context of the County Executive's presentation in the first part which will be at the beginning of the meeting, he or she would not be deprived of that opportunity but he or she will have to wait and go in numerical order.

LEG. FISHER:

Go numerically, okay.

LEG. HALEY:

(Inaudible).

LEG. FISHER:

Right, but it would be very clear to any administrators that we would not have the opportunity to query them. If they chose to present during the public portion, we would not be able to ask any questions of them, that they should wait until their designated time as public officials, elected officials to speak so that we could have a dialogue

with them.

P.O. POSTAL:
Exactly.

LEG. FISHER:
Okay.

P.O. POSTAL:
I think Legislator -- no? Legislator Crecca has given his access to the floor up.

LEG. CARACCIOLO:
Madam Chair?

P.O. POSTAL:
Yeah. There are some other people, I can put --

LEG. CARACCIOLO:
I apologize.

P.O. POSTAL:
Yes. I believe that Legislator Binder was next, then Legislator Cooper, I think then you will have the floor, Legislator Caracciolo. Legislator Binder?

LEG. BINDER:
Thank you. My concern is on -- as discussed, number seven on the

61

agenda is going to be a report from the County Executive or Commissioners. Number one, a report might be different than Commissioners wanting to speak on a particular issue that's coming before us on the day so they might feel precluded under a report from doing that.

Number two, my concern is number seven doesn't include elected officials. And I think it is not proper for this body for elected officials, let's say a Town Supervisor, to come here and have the Town Supervisor not be able to come up out of order. So I would think that we don't want to put elected officials in with the other department head question and my --

LEG. BISHOP:
Why not?

LEG. BINDER:
Because they don't have an opportunity as department heads would under

number seven here, elected officials don't have another opportunity to be here, they could sit here all day. And I don't think that this body should have other elected officials sitting and waiting through all the numbers.

LEG. BISHOP:

Do we do department heads at a time sooner?

P.O. POSTAL:

Well, I would just comment --

LEG. BINDER:

It's elected officials.

P.O. POSTAL:

-- because I had suggested that this happen this way, that it could be amended to include all elected officials. I think the intent here was to give elected and appointed officials the opportunity to address the Legislature without sitting here all day and not being in their offices doing what they have to do. And also, to make very clear that that was not the public portion because what I have seen is when an elected or an appointed official gets up, when we're in the part of the agenda that says public portion, then the public is under the impression that they're given preference. So I think they need to be given the opportunity to speak during a clearly specified portion of the agenda that is not the public portion. So if you would propose amending this rule to include elected officials, I would support that.

LEG. BINDER:

Okay. The problem is, as Legislator Haley was talking before and I was trying to amend, this is a completely separate amendment and is not -- wouldn't be at all amending what we're doing now.

I would not then have a problem with 8(C)(1) if I thought there was going to be support on changing -- just making an amendment, though it's not written here, amending No. 7 of our rules, actually so it's not anywhere, we're going to just make a motion -- I would make a motion later because I'm going to have to hold off on the motion, but

I'm going to make a motion later to amend No. 7. And what I would -- the way I would change No. 7 is to say, "Report and/or comments," because I would want to expand the ability of everyone to make comments, they don't have to be, quote, reports and to some kind of definition, "Report and/or comments" and then you can put all those things and add "and elected officials."

P.O. POSTAL:

I would ask our Counsel, because the Organizational Meeting is in some ways very different from a normal meeting, whether there can be a motion to reconsider a motion that was approved on a previous rule change; if that's the problem we could --

LEG. BINDER:
I don't think it's --

P.O. POSTAL:
Oh no, it's after, it's 8 you said?

LEG. BINDER:
No, it's not going to be --

MR. SABATINO:
This goes back to my discussion from earlier. The motion is not a necessary legal prerequisite to acting on No. 14. However, because of its context being related, if it would facilitate the flow of action on 14 it would be an appropriate although not legally required motion at this juncture. The motion is very simple, it would be to amend --

LEG. BINDER:
No. 7.

MR. SABATINO:
-- Rule 2(A)(7) --

LEG. BINDER:
Right, 2(A)(7).

MR. SABATINO:
-- by adding two phrases, one would be "Reports or comments" at the beginning of that sentence and the phrase "or any elected officials" at the end of that sentence. If that was approved and would help to facilitate the next item, that would be appropriate.

LEG. GULDI:
So moved.

LEG. BINDER:
I will make that motion, just everyone should understand that when we're voting on this other rule change, 8(C)(1), you don't have to vote on it as amended if we pass this, there's two separate, they're really almost stand-alones. So I will make the motion, an intervening motion on 2(A)(7).

LEG. CRECCA:
There is a second.

LEG. GULDI:
Second.

P.O. POSTAL:
Seconded by Legislator Guldi. All in favor?

LEG. COOPER:
No.

P.O. POSTAL:
Oh, I'm sorry. I apologize. Legislator Cooper and then Legislator Caracciolo.

LEG. FISHER:
And I'm on the list, please?

P.O. POSTAL:
And back to Legislator Fisher.

LEG. COOPER:
I had some comments on both of the proposed rule changes. On 8(C)(1), my primary goal in suggesting this was that I didn't want public officials or elected or appointed officials to be given preferential treatment over members of the public. Because right now I think that there's tremendous resentment when the scenario unfolds, as you described earlier, where as happened just a couple of sessions ago where Commissioner Bradley was asked to address the Legislature in the middle of the public portion and it led to probably about an hour-and-a-half or two hours of a discussion on an issue that most of the members of the public had not come to address, and her testimony was followed by a prolonged period of Q and A and half the members of the public left the Legislative meeting extremely upset.

So first of all, on 8(C)(1), I believe that we should take out the second sentence which refers to Rule 11(C) which allows -- despite the rest of this section, "allows any State, Federal or local official to speak at any time if the Presiding Officer requests it or if a majority of Legislators request that," I believe that should come out because I believe that the public portion should be for members of the public. And if an elected official or an appointed official wants to speak during the public portion, they have to fill out a speaker card and whatever order they're called in, that's when they get to speak.

On 2(A), 2(A)(7), in addition to allowing the elected and appointed officials to report and/or make comments, I think we'd also have to open that up once again to Q and A because this would be our one opportunity as Legislators to question these elected or appointed officials in depth. But if that's the case, it should not be early in

the session as described here, it should be after we return from lunch, before the -- after we return from lunch so that --

LEG. BISHOP:

We have a Local Law on hearings.

64

LEG. COOPER:

Right, so that the majority of the members of the public that came to speak would have been heard by us beforehand.

LEG. CARACCIOLO:

Madam Chair?

LEG. CARACAPPA:

We have to change the Charter Law.

P.O. POSTAL:

If I could just respond since this was a suggestion that I had made. This is not going to take place during the portion of the agenda labeled as the public portion, it's going to be a separate portion of the agenda that will state it's the opportunity for the County Executive and any public official or elected official. Therefore, not being part of the public portion, it will permit us to question those people as they make presentations.

I would also suggest that the action we've taken with regard to changing the rules that prohibits questioning during the public portion will expedite the flow of the meeting and will enable us to hear from elected and appointed officials and hear from, if not all, a far larger number of members of the public. But again, it will be a separate agenda item, Legislators will be permitted to ask questions, it will not be part of the public portion.

LEG. COOPER:

Madam Chair, I still believe strongly that this governmental testimony section should not be at the beginning of the meeting because we will have an audience full of members of the public that came to speak and they'll have been told to show up at 9:30 and we'll have no way of knowing in advance whether we'll have five minutes of governmental testimony or three hours of governmental testimony. I think it would be far preferable to allow the public to speak because we're serving the public, let them say whatever they want to say, we'll break for lunch, when we return from lunch, before we go to public hearings, that's when we can have the governmental testimony section.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. I would concur that if we are to continue with a public portion which, as we noted during the meeting of the 27th, is not a practice that is common by any means in most Legislative bodies. Nassau County does not have a public portion, and I'm not siting them as the example but if you go to Los Angeles, you go to large municipalities throughout the country, large County Legislative bodies, they do not have public portions, public hearings and get to their agendas at eight, nine o'clock at night. But if it is the will of the Legislature to continue what is now a time honored tradition, so be it. But I think it's important to have a time certain for the public and a time certain for department heads and others to address the Legislature.

65

So I would propose that rather than have it on our agenda as Item 7 which could take place in the morning if by some chance we got to that part of the agenda, that rather -- that portion be identified as taking place immediately preceding consideration of the agenda.

LEG. BISHOP:

Then you better go back to two-thirds rule.

LEG. GULDI:

Well, that's not a time certain.

LEG. CARACCIOLO:

Well, that is a time certain because when you --

P.O. POSTAL:

Can we -- go ahead, Legislator Caracciolo.

LEG. CARACCIOLO:

When you go through the sequence or the order of business, I would just move Item 7 or add language to Item 7 that says "presentations by the County Executive, department heads, elected officials shall take place immediately preceding; " it makes more sense for a variety of reasons. Number one, it gives us an opportunity as we take up the business that we are here on that day to conduct to question the appropriate individuals who will hopefully be prepared to respond to our questions or concerns.

Madam Chair, I want to encourage you at the onset of our business this year that your office use all of it's powers to ensure that unlike past occasions when requests by this Legislator and others have been made for department heads to be present that has been ignored; that is not acceptable, this is a coequal branch of government. And while

department heads may work for the County Executive, they work for the people of Suffolk County and as representatives of the people of Suffolk County, they have a duty and an obligation to be here when requested. And that's why I think if you put it on our agenda as immediately preceding the calendar, we know as the day progresses about when we're going to get to the calendar and we know --

LEG. CARACAPPA:

No we don't.

LEG. CARACCIOLO:

Well, we know with some certainty that it's somewhere between as early as sometimes five in the afternoon to maybe eight or nine at night. That way those individuals can do what they have to do as department heads and as elected officials in their offices or in their departments throughout the day and we can advise them when we have a sense, your office can, to be here at a time certain. I think that's efficiency and if that's the goal then I think that's the way to accomplish it.

P.O. POSTAL:

Legislator Haley followed by Legislator Foley.

66

LEG. HALEY:

I think we need to differentiate between elected officials and the Executive Branch of government. I think the purpose originally was intended so that when we establish an agenda for the entire Legislature, the County Executive has the opportunity to come over to make a short report on things that relate to just his operation as the County Executive or as it relates to legislation that's before us.

It seems to me that when we talk about being polite to elected officials, which we normally should be, to me the only elected officials would be the ones that would fit into the category of being a department head such as County Sheriff, County Treasurer and the like, or someone, a department head under the County Executive; that's the purpose of No. 7 is for the County Executive to provide some report or input to the other branch of government. As it relates to elected officials, if you had an elected official let's say from the Town of -- let's say Supervisor Petrone was to come over, first of all, I think we should have a rule that doesn't allow him to speak at all, but that's neither here nor there.

LEG. BINDER:

Second.

LEG. HALEY:

But anyway, if he was to come over here, I don't believe he has the right to fit in anywhere other than where the public is, to be quite frank with you. Because I as a member of the public or a constituent comes who wants to speak relative to the two branches of government and the operation of the county, have an opportunity in the public portion. Just by virtue of the fact that somebody is elected to some other jurisdiction I don't believe automatically plugs them in to some component of our normal meeting. So I suggest that all those elected officials be put outside of the County, be considered in the same manner that your average person would be.

Secondly, as to the comment about moving that section seven to immediately precede the agenda, sometimes the public -- if the County Executive, the other branch of government, has something significant to say about legislation that's on the agenda for the day, it seems to me that that public would have the opportunity to hear from that other branch of government. And in that regard, why move that section seven to where it immediately precedes the meeting, the agenda.

LEG. BINDER:

Would you yield for discussion on that, because it's on my amendment.

LEG. HALEY:

Yeah, I know because -- yes, I'll yield to you.

LEG. BINDER:

It would seem to me that Legislators who go to other branches of government might go to the town, I don't know if you have been accorded the courtesy but they have done that for me when I've been there, they bring me up first, they let me have an opportunity to speak, it's a courtesy. Even though they have a public portion, they

67

have a lot of people sitting there, they've done that; I think that's something that the Legislature should do.

LEG. HALEY:

You could do that by rule and you can do that in the public portion, you just say the beginning of the public portion is reserved for elected officials. But then, you know, I'm a school board member, I'm an elected official, I'm an elected official of a local fire department, you know, where do you draw that line? Because, you know, it's a bit little different at the town level when they have a little bit -- it's easier at the town level to be that accommodating, but when you establish a rule you have to think about the downsides of it. So if you want to accommodate elected officials, you know, you could -- and all of us now know and say, "Hey listen, we'll just get this person in on No. 7, they're elected to some fire district or

something. "

LEG. BINDER:

So what if I amended --

P.O. POSTAL:

Legislator Binder, could -- there are other people who --

LEG. BINDER:

No, I know, but he's yielding and it's important to see if I --

P.O. POSTAL:

You're yielding?

LEG. BINDER:

I asked him to yield, if he would.

LEG. HALEY:

Don't hold it against me; yeah, I yielded.

P.O. POSTAL:

All right.

LEG. HALEY:

I'm finished anyway.

LEG. BINDER:

Would you be interested, if I were to change that amendment, instead of just elected officials, to say Village, Town, County, State or Federal elected officials," that would be specific and then that would take out all the other elected officials like Commissioners of Fire Departments and others that might be elected.

LEG. HALEY:

You're talking about Rule 7.

LEG. BINDER:

Right, so I would change my amendment.

LEG. HALEY:

Yeah, I don't have a problem with that.

LEG. BINDER:

Okay, so that's how I -- I would change my amendment to that, to be specific as to what elected officials or levels of government.

P.O. POSTAL:

And I would -- I think that -- who was the second?

LEG. GULDI:

I am.

P.O. POSTAL:

Okay, and you will second that.

LEG. GULDI:

Yes.

P.O. POSTAL:

Okay, great. Legislator Foley.

LEG. FOLEY:

No questions.

P.O. POSTAL:

Legislator Caracappa. Gee, they're dropping like flies. We'll come back. Legislator Fisher.

LEG. CARACAPPA:

I yield.

LEG. FISHER:

I agree with both Legislators Cooper and Caracciolo regarding the placement of No. 7 before the public hearing. Rule No. 9 says that the public hearing will last until 11 AM, which is very interesting.

P.O. POSTAL:

Public portion.

LEG. FISHER:

Public portion I mean, public portion, I'm sorry. Public portion until 11 AM; now, let's look at that. We're beginning at 9:30, we're going to have reports and statements from public officials, then we're going to have public portion which ostensibly will be ending at 11 AM. And I think we're setting ourselves up to not abide by our own rules, to have rules that will have to be waived each time we have a meeting.

I believe in the spirit of -- in which we entered the discussion of these rules, that we should have the public portion before we have anyone else speak. And that rather than say that seven would occur immediately before the agenda, which I think it would wind up falling out that way, we could say that the No. 7, the reports and statements from public officials would occur immediately following the public portion; immediately following the public portion, okay. It probably wouldn't be any different.

LEG. GULDI:
(Inaudible).

LEG. FISHER:

But saying it in that way, Legislator Haley had a very good point, he said when people come here to speak they also need to see what another branch of government is reporting and if people know that the public officials will be speaking immediately following public portion then they will have a heads up that they will be hearing from Commissioners and other elected officials from the County. So I think we should certainly not have seven where it is right now. And Counsel, can I make that an amendment, that seven occur immediately following public portion?

MR. SABATINO:

Yes. The effect would be to basically make seven number nine and then move eight and nine back to seven and eight accordingly. So yes, the answer is yes, we could do that.

LEG. FISHER:

Thank you.

MR. SABATINO:

Just one technical point now to end this discussion, because Legislator Cooper actually triggered it by reference to a provision that's in the existing rules -- well, I'm sorry, the previously existing rules and is also referenced in his proposed amendment about the numerical order, and I want to make sure now that with this new dialogue and debate that the shift should or should not occur.

The old rules -- and again, Legislator Cooper's proposed amendment gave deference to the notion that a State, Federal or local official could speak at any time during the course of the day if requested by a member of the Legislature with the Presiding Officer's recognition or at least ten members. So with this new notion that you've got of moving all of these people up to Item No. 9 on the calendar, do you still want to preclude your ability at eleven o'clock at night as the day progresses to -- not at the person's request from the department or the agency, but if a majority of Legislators or a Legislator with the concurrence of the Presiding Officer says yes, we recognize that person to answer a question, do you want to still have that ability or not?

LEG. BINDER:

Sure.

MR. SABATINO:

Because I wrote it the first time to have that ability.

LEG. FISHER:

Yes, I think we need that ability.

MR. SABATINO:

All right. I want to be sure because we've kind of been shifting with it.

70

LEG. FISHER:

So Paul, how do I -- what is the process for changing that order?

MR. SABATINO:

Okay, we're just making a motion to change -- Rule 2(A)(7) will just be pushed pack to 2(A)(9) and then Subdivision 7 and 8 will just be renumbered accordingly.

LEG. BINDER:

Can I make a parliamentary inquiry, Madam Chair?

P.O. POSTAL:

Yes.

LEG. BINDER:

Counsel, my assumption is that another amendment isn't in order until we dispense with the first amendment to the amendment; would that be correct?

LEG. FISHER:

Yes.

LEG. BINDER:

That we would have to dispense with that before going forward on Legislator Fisher's or recognize Legislator Fisher's amendment.

LEG. FISHER:

Yes, right. Actually, Legislator Binder, I was looking for the process but I didn't --

LEG. BINDER:

Okay.

LEG. FISHER:

I wasn't planning on making that motion immediately because we have a pending motion.

MR. SABATINO:

Yeah. I thought we would take them in sequence.

P.O. POSTAL:
Legislator Cooper.

LEG. COOPER:
I wanted to disagree with Legislator Binder who made the statement that --

LEG. TOWLE:
Oh my God. Motion to recess, I'm concerned.

LEG. COOPER:
-- Town, County, State and Federal elected officials should be given special treatment, and I feel very strongly that they're not any more important than members of the public. We have doctors and school teachers and engineers and janitors that come here, taking time away from their day, not getting paid in many cases, coming here at great

71

financial cost to testify, and they're no less important than these elected officials. So I have no problem with 11(C) as long as there's a prohibition on these elected officials being recognized and requested to speak by either the Presiding Officer or by the majority of the Legislature provided that it not be during the public portion. The public portion should be solely for members of the public or for elected appointed officials that go to the trouble of filling out a speaker card. And also, the only problem in having the governmental testimony section preceding the public portion is that it wouldn't be time certain. So I don't know when we would tell the government officials to show up --

LEG. FISHER:
May I respond to that?

LEG. COOPER:
-- which is why it may make sense to, once again, have it after lunch before the public hearings because then they would know to be here at two o'clock or 2:30, whatever the time is.

P.O. POSTAL:
You know, Legislator Fisher, if you would just -- there's one speaker and then I would recognize you. Legislator Guldi?

LEG. GULDI:
If I may, it's actually on the same point Legislator Cooper was addressing. The real issue is not just one of perception of who goes first but really of efficiency. And one of the negative efficiencies

that we have with our scheduling of it at the end of public portion, at the beginning of -- or at the beginning of the agenda, that hour floats somewhere between 11 A M and midnight. As Counsel -- as a matter of law, when we advertised public hearings for 2:30 we must take up the public hearings at that appointed time, is that not correct?

MR. SABATINO:
That's correct.

LEG. GULDI:
So even if we scheduled this department heads and other officials segment for the conclusion of public hearings, we still don't have a definite time for it to occur. So the reason a definite time for it to occur would generate efficiencies is that those department heads, those other governmental officials could go pursue their other responsibilities during the day instead of sitting and waiting until whatever time the public portion and/or public hearings ended, and then be here on time to testify knowing that that's the time that it would occur. I think that should be the objective, not who goes first but just in terms of our own scheduling that, you know, that segment of the agenda should occur at a specified hour.

I think Legislator Cooper's suggestion that it occur before the hearings creates the problem of do the hearings start at 2:30 or at five at that point depending on what the presentations are. Is there a way we could amend our public hearing notices to -- I mean, because we notify all of our hearings for 2:30, the subsequent hearings occur at

72

the conclusion of the prior hearings; is that the way the notice is scripted?

MR. SABATINO:
Yes, but the solution which has been exercised maybe once or twice but you can't do it too much repetitiously, you can recess the hearing at 2:30. You can say something something so critical has occurred at 2:30 that you recess each of the hearings till 3:30 or four o'clock.

LEG. GULDI:
Well, could you not --

MR. SABATINO:
This way the original notice goes out with the correct time and designation.

LEG. GULDI:
Could you not notice the hearings for 2:30 or after the presentation

of -- after presentations?

MR. SABATINO:

No, you have to have a time certain.

LEG. GULDI:

That has to be a time certain.

MR. SABATINO:

Yeah, exactly. So the 2:30 is a lock --

LEG. GULDI:

Yeah, but the --

MR. SABATINO:

Once they get here --

LEG. GULDI:

When we notify eight hearings for 2:30, you don't have a time certain for seven of them.

MR. SABATINO:

You do because everybody knows that they have to be here at 2:30. You can do seven hearings, for example, in a minute and 32 seconds on an easy day and then everybody is ready to go for the next one. You can't -- unless you're going to schedule them 2:30, 3:30, 4:30, 5:30, but that's not realistic.

LEG. BISHOP:

Yeah, but they still need to be here.

MR. SABATINO:

But you have the ultimate authority to recess the hearing for an hour if you need it, it's just that in a impractical manner, if you've got a hundred speakers, you probably don't want to do that for practical reasons.

P.O. POSTAL:

Are you finished, Legislator Guldi?

LEG. GULDI:

Yeah. No, I'm not -- no, because I don't have a solution to -- I don't see a solution to setting a time certain for this -- for departmental presentations which --

LEG. FISHER:

Can I give you a solution?

LEG. GULDI:

-- would yield to governmental efficiency. Go ahead, I yield.

LEG. FISHER:

Okay, thank you. Now that we have indicated that there would not be a question period during the public portion and each speaker has three minutes, when these speakers submit their yellow cards in the morning we will have a very clear mathematical --

LEG. CARACCIOLO:

Gift.

LEG. FISHER:

-- formula before us. If there are 21 cards and each card has three -- each person has three minutes and they --

LEG. GULDI:

If they speak and if they speak for three minutes because they never do.

LEG. FISHER:

But we can have some kind of foundation to base some kind of time limitation on. A person from -- a department head can call here and say, "How many cards are there; are there 50, are there 100 or are there 10?" And based on that, this person who is an employee of the County, this person who works as a public official, as a public servant, can then adjust his or her schedule based on the needs of the public who have come here to speak, who have taken time from their jobs and have traveled. Therefore, I believe that we certainly can make adjustments for our public officials based on the number of people that are here from the public. The public should speak first. People who come here before us are paying baby-sitters, are losing time from their jobs; those people should speak first and the public officials should be flexible and adjust to the number of speakers that are here before us, and at three minutes a piece they can do the math.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

I agree entirely with the previous speaker. And I would say in terms of scheduling, it's important for everybody, the department heads, for elected officials, to have some sense rather than sit here all day as often times is the case. I think it's a sign of disrespect for those individuals and for the departments they represent and for the

people -- the public that we're all here to serve, for them to spend countless hours trying to calculate when they may or may not be able to speak, that's why I would like to suggest a time certain. And I would simply say move from No. 7 on the order of business --

LEG. FISHER:
To No. 9.

LEG. CARACCIOLO:
To a number -- and when would that be, Vivian?

LEG. FISHER:
Make a motion to move 2(A)(7) to 2(A)(9) is what I discussed earlier with Counsel, and then we would adjust the other numbers and it would be after the public portion.

LEG. CARACCIOLO:
The public portion.

P.O. POSTAL:
Excuse me. Excuse me.

LEG. CARACCIOLO:
So if the public portion carries over to the afternoon --

P.O. POSTAL:
Our Counsel has a comment on the suggestion -- oh, no?

MR. SABATINO:
I was going to answer the question but Legislator Fisher accurately answered it, it would be after the public portion.

LEG. CARACCIOLO:
Okay. So the public portion, by our rules, suspends at the lunch break and does not reconvene until after the public hearing, which I think is convoluted. I think if people are here at 9:30, many of whom have never been here before to speak on an issue, they are not aware that when they come back at 2:30, we don't pick up where we left off but they may have to wait three, four, five, and I've been here for public hearings that have gone seven or eight hours, and by that time most of those people who have been here since 9:30 have to leave. That's why I think the public portion is not necessary.

But if it is the will of this body to keep that time honored tradition, then so be it, but I think time certain for everybody concerned, for the public who has to take time off from their jobs, hire baby-sitters or child care, they have to know when they're going to speak rather than sit here for countless hours at our beck and call and our schedule for which they have no familiarity with.

So I would suggest that you don't even start public hearings. Rather than have public hearings at 2:30, have public hearings at the conclusion of the public portion, and then following the public hearing have presentations by elected officials. They have to be published, all right. So then publish -- here's the solution, have your public hearings in the morning at 9:30, public portion at the

75

conclusion of public hearings and presentations of officials at the conclusion of public portion; just reverse the order.

P.O. POSTAL:
Legislator Caracappa.

LEG. CARACAPPA:

I have -- just to end the debate, or I may rekindle this debate, I feel opposite. I personally feel that in the mornings, one of the first things we do once we get through the regular business of the pledge and the invocation, that we do go directly to County officials that need to make statements. It's a time certain, the public is here, they can listen to their County officials, they can listen to their town officials, they can listen to the business. It very rarely happens, actually, that there's a lengthy debate with County officials. So I don't think we really would be stifling the public at all by having that go first and get it out of the way.

This way -- again, not to be redundant -- the public gets to hear that debate, the public even can -- it may educate them on the issue they're here for. We do it, we get it out of the way, sometimes it's lengthy, sometimes it's not. If we put it off to after the public portion, my colleague, Bill Lindsay, has made a very valid point, sometimes we don't finish the public portion, and even under the new rules we may never finish the public portion in one day. So we're right back to where we start with public officials, elected officials, County officials from all across this County, all across all the towns sitting here for countless hours not even getting a chance to speak because the gavel goes down and we go home, because there is just unlimited speakers.

I think there should be a time certain. It should be done in the morning, it usually is rather quick, sometimes it's longer, we'll deal with it and then we move forward with the rest of the day's agenda as scheduled.

P.O. POSTAL:
Thank you. Legislator Binder, would you please restate your amendment which has, I believe, a second; am I right, Henry? I think Legislator Guldi seconded it.

MR. BARTON:

Yes.

P.O. POSTAL:

And then we will vote on the motion.

LEG. BINDER:

The amendment is to change Rule 2(A)(7) from "Report from the County Executive", it will say, "Report and/or statements from the County Executive," all those people, division heads, department heads, agencies, departments, or elected officials from Village, Town, County, State and Federal government." I'm being specific because Legislator Haley was correct in that we could have elected officials that say, "Well, I was elected to my local Elks or something, or I was

76

elected to Commissioner of the Fire Department, I was elected" -- so we're going to have all of these --

LEG. TOWLE:

Do you have a problem with the Elks?

LEG. BINDER:

No, I'm moving up the elected official ladder until you finally get to village, I was kind of moving. But I think there's probably when we started, you probably started at Village, Town, County, State and Federal and all of those, if anyone has something else they'd like to include in that. But I'd like to be specific because opening it up, Legislator Haley might be right, if we're not specific on the definition, it could become problematic for us.

P.O. POSTAL:

Okay. We understand what the motion is.

LEG. CARACCIOLO:

On the motion.

P.O. POSTAL:

No, I'm sorry.

LEG. CARACCIOLO:

I have a question.

P.O. POSTAL:

We have discussed this interminably, so I think everyone knows where everyone stands. I think the important thing to do is vote on the

issue. Seconded by Legislator Guldi. I'm going to do a roll call, because I recognize that --

LEG. BISHOP:
What's the question?

P.O. POSTAL:
We're voting on the amendment that Legislator Binder suggested with regard to -- clear, Allan, very simple.

LEG. BINDER:
2(A) (7), add the word "statements," so it's, "Reports and Statements" and add "elected officials" and be specific as to what type, Village, County -- Village, Town, County, State and Federal.

LEG. BISHOP:
And the practical effect of that would be, Madam Chair?

P.O. POSTAL:
The practical --

LEG. BINDER:
I could explain it. The practical is that at that point, whenever we do that point, No. 7 in the order of the agenda, that reports or statements from those people would be appropriate then, so it would be at that moment in time.

77

LEG. BISHOP:
But we don't know the time certain.

LEG. BINDER:
No, that's going to be another amendment.

P.O. POSTAL:
Well, that's a whole --

LEG. BINDER:
That's a whole discussion.

LEG. FISHER:
That's my motion which --

P.O. POSTAL:
Of another amendment. We have a motion and a second. Roll call, Henry.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BINDER:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:
Legislator Caracciolo?

LEG. CARACCIOLO:
No.

MR. BARTON:
I'm sorry. Legislator Caracappa?

LEG. CARACAPPA:
Yes.

P.O. POSTAL:
Yes.

LEG. TOWLE:
Yes.

LEG. HALEY:
Yes.

MR. BARTON:
17-1 (Opposed: Legislator Caracciolo).

P.O. POSTAL:
Thank you.

LEG. BISHOP:
Madam Chair, may I make a motion for a ten minute recess?

P.O. POSTAL:
I'm going to call a ten minute recess.

LEG. FISHER:
Well, if I can just make the motion on the issue that we've been discussing.

P.O. POSTAL:
Oh, okay, just a moment. The Counsel tells me -- please explain, we're still under Robert's Rules.

MR. SABATINO:
Under Robert's Rules, we need -- well, you need a motion to recess if you want to recess.

LEG. BISHOP:

Motion to recess for ten minutes.

P.O. POSTAL:

Motion to recess by Legislator --

LEG. FISHER:

Madam Chair, didn't I have a motion on the floor that was going to be following Legislator Binder's motion?

P.O. POSTAL:

Yes, but you didn't make the motion, you explained that you would make the motion when we had voted on Legislator Binder's motion. There's a motion by Legislator Bishop --

LEG. GULDI:

Second.

P.O. POSTAL:

-- to take a ten minute recess, seconded by Legislator Guldi.

LEG. TONNA:

On the motion. Why?

LEG. FISHER:

Why?

LEG. BISHOP:

Because the downside of everybody behaving so well and being so engaged is that we've had two and a half hours of debate without a break and I think that it would be helpful if we just have ten minutes and then we can come back and finish the agenda.

LEG. FISHER:

Okay, but if we could just vote on this motion that we've been discussing for the past half hour.

P.O. POSTAL:

You know what, I will accept the motion and a second with no discussion; just a vote, no discussion.

LEG. FISHER:

Okay. We've discussed it, okay. The motion --

P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

The motion is to move 2(A)(7) to 2(A)(9) and then adjust 2(A)(6) to become 2(A)(7); counsel, have I stated that correctly?

MR. SABATINO:

Well, the old (7) and (8) would become -- would become 7 and 8. I'm sorry, (8) and (9) would become (7) and (8).

80

LEG. FISHER:

(8) and (9) would become -- in other words, it would be --

MR. SABATINO:

The practical effect is you want to push the --

LEG. FISHER:

I want to put the public portion --

MR. SABATINO:

-- consideration of these other officials to after the public portion is completed.

LEG. FISHER:

Public portion, it would be moving the public officials to after the public portion, having the public portion speak first.

P.O. POSTAL:

And is there a second?

LEG. CARACCIOLO:

Second.

P.O. POSTAL:

Seconded by Legislator Caracciolo. All in favor? Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

81

LEG. CARPENTER:

No.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

Just for clarification, what time would elected officials be speaking?

LEG. BINDER:

We don't know.

P.O. POSTAL:
Okay.

LEG. NOWICK:
No.

MR. BARTON:
Seven.

P.O. POSTAL:
Now, I have a motion from Legislator Bishop, which I will second, for a ten minute recess. I would just ask before we vote on this that we look at our watches and we're back here at ten after two, that's ten minutes. All in favor?

LEG. HALEY:
Roll call.

P.O. POSTAL:
Okay, roll call.

82

(*Roll Called by Mr. Barton, Clerk*)

LEG. BISHOP:
Yes.

P.O. POSTAL:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Actually, no.

83

MR. BARTON:

11-7.

[The meeting was recessed at 2:00 P.M.]

[The meeting was reconvened at 2:16 P.M.]

P.O. POSTAL:

Will all Legislators please return to the auditorium. Ten minutes --

LEG. GULDI:

You sit over here now.

P.O. POSTAL:

I know, thanks. Ten minutes is up and we're going to return to a motion with regard to a rule change. I'm going to recognize

Legislator Fisher so that she can make her motion. Will everyone please come back to the auditorium.

LEG. FISHER:

I made a motion, we voted on it.

P.O. POSTAL:

Did you? Oh yes, I apologize. I believe where we are at this point is the proposed rule change that is listed in No. 14 with the amendment that was proposed by and approved -- proposed by Legislator Binder and approved by the Legislature. So that's where I think we are at this time and I will make the motion to approve.

LEG. ALDEN:

Second.

P.O. POSTAL:

Second by Legislator Alden. All in favor?

LEG. COOPER:

With 8(C)1.

P.O. POSTAL:

Yes, with the amendment proposed by Legislator Binder with regard to the wording about statements and the officials named. All in favor?

LEG. COOPER:

Excuse me.

P.O. POSTAL:

Yes.

LEG. COOPER:

We're on 8(C)(1). I would just ask that we amend the second sentence to preclude --

P.O. POSTAL:

Well, you can't -- I don't think you can do that at this time. I don't know. We're in Robert's Rules, there's been a motion and a second; I'd ask our Counsel.

MR. SABATINO:

Well, it's appropriate. This is the question I brought up before. I think Legislator Cooper wants to change something that I -- why don't

you make the statement first. The answer is yes he can do it, it was his particular suggested change.

P.O. POSTAL:

Okay. Go ahead, Legislator Cooper.

LEG. COOPER:

One point I wanted to make was that if we were to allow State, Federal or other local officials to speak at any time if requested by the PO or a majority of the Legislature, that that not be allowed during the public portion. The public portion would only be for members of the public unless an elected official fills out a speaker's card.

P.O. POSTAL:

This rule change actually makes that point. The proposed rule change creates a separate part of the agenda which is not part of the public portion for those statements and reports by those officials, so it's clear, it will be separate from the public portion.

LEG. COOPER:

But it restricts such statements or comments to that portion.

P.O. POSTAL:

Unless a Legislator requests that --

LEG. COOPER:

You see, that's what I want to try to seclude.

P.O. POSTAL:

-- an official come -- oh.

LEG. COOPER:

Not during the public portion. During the public portion --

P.O. POSTAL:

Well, okay.

LEG. COOPER:

-- we could not request them to come up, that's for the public.

P.O. POSTAL:

Well, let me ask our Counsel where we are.

LEG. BINDER:

That will be fine.

LEG. BISHOP:

It's a good rule.

MR. SABATINO:

It's an important point, that's why I don't want to have it confused. That's why I brought it up earlier, I want to make sure everybody

understands what's trying to be accomplished. So the answer is it would be appropriate to make the adjustment if that's what the goal is because this was Legislator Cooper's suggestion. The idea would be that you would not want to have the ability to call up any Federal, State, local official, regardless -- County, State, Federal, whatever -- during the public portion.

LEG. FISHER:

Okay.

MR. SABATINO:

But during the rest of the day it would still be permissible under the old rules of engagement.

LEG. BINDER:

That's fine. I go with that.

MR. SABATINO:

I think that point of clarification should be put in only because we've kind of evolved during the course of the day from where this started a couple of weeks ago. So the answer is yes it would be appropriate and I think also necessary in this case.

P.O. POSTAL:

Okay. Legislator Carpenter?

LEG. CARPENTER:

So does that mean then if a public -- you know, an elected official chooses to fill out a card, chooses to sit there and wait to say something as we've had happen before, they're not permitted to do that?

MR. SABATINO:

No, they still have the right to fill out a card.

LEG. CARPENTER:

Oh, okay.

MR. SABATINO:

There's like four categories now.

P.O. POSTAL:

They just couldn't go ahead of anybody else.

LEG. CARPENTER:

Okay.

P.O. POSTAL:

Okay. There's a motion to amend the rule change to prohibit those officials from speaking out of order during the public portion; in other words --

MR. SABATINO:

The exact wording, just so for the record it will be reflected, at the end of the sentence that ends with rule 11(C) I'm adding, "Except during the public portion," and that will be incorporated.

86

LEG. BINDER:

That's fine.

P.O. POSTAL:

Okay. Now, is there a second?

LEG. BINDER:

I will second.

P.O. POSTAL:

Okay, Legislator Binder has seconded it. And I believe --

LEG. GULDI:

On the motion.

P.O. POSTAL:

-- Legislator Guldi.

LEG. GULDI:

On the amendment.

P.O. POSTAL:

Yes.

LEG. GULDI:

Counsel, is there a difference between a -- requiring ten votes to approve the speaking of an elected official during public portion and requiring ten votes to waive the rule prohibiting them speaking during public portion? I mean, I don't see a practical effect of this. I think we're truly down to how many angels can dance on the head of a pin. You know, whether you need ten rules to waive the rule prohibiting it or you need ten votes to permit it; isn't that what we're talking about?

MR. SABATINO:

Yeah, it's perception. You know, waiving the rule makes it sound like

you're not adhering to the rules that you've got for an exceptional circumstance as opposed to when it's totally prohibited you're not waiving the rule.

LEG. GULDI:

It still comes down to if you get to ten you get to do it, if you don't get to ten you don't get to do it regardless of which way we write the rule.

MR. SABATINO:

In that instance, yes.

P.O. POSTAL:

Okay.

LEG. BISHOP:

We should have a rule that requires two-thirds to change a rule.

P.O. POSTAL:

Well, actually we can waive just about any rule. But there is a

87

motion, there is a second. I will ask for a roll call because I know if I ask all in favor somebody will ask for a roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

Pass.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. TONNA:

Yeah.

LEG. CARACAPPA:

No.

88

P.O. POSTAL:

No.

LEG. TOWLE:

No.

MR. BARTON:

12-6 (Opposed: Legislators Guldi, Lindsay, Bishop, Caracappa, Postal & Towle).

P.O. POSTAL:

Okay. Now, we are now addressing No. 14 which is rule 8(C)(1).

LEG. FISHER:

We did that.

P.O. POSTAL:

We did that. With the amendments?

LEG. CARACAPPA:
Yes, we're done.

P.O. POSTAL:
Okay.

LEG. GULDI:
No, I don't think we did.

P.O. POSTAL:
I don't think we did it with the amendments.

LEG. GULDI:
We adopted three amendments but we haven't adopted the rule with the amendments.

P.O. POSTAL:
No, we adopted two amendments, I believe.

LEG. CARACAPPA:
We have to do 14.

P.O. POSTAL:
We adopted two amendments, I believe.

LEG. GULDI:
Two out of three, but we still haven't adopted the rule.

P.O. POSTAL:
We never voted on the rule as amended.

MR. BARTON:
On the rule, she's right.

P.O. POSTAL:
So I am making a motion --

LEG. GULDI:
Second the motion.

P.O. POSTAL:
-- to approve, seconded by Legislator Guldi.

LEG. CARACCIOLO:
On the motion.

P.O. POSTAL:

On the motion.

LEG. CARACCIOLO:

Could we just recap what the two amendments were, quickly?

P.O. POSTAL:

Okay. Can we -- I think we will ask our Counsel to state the rule change with the two amendments.

MR. SABATINO:

The speakers that are called up during the public portion --

LEG. CARACCIOLO:

Pardon me, Counsel. Could you just identify the rule?

MR. SABATINO:

We're on Item No. 14.

LEG. CARACCIOLO:

Right.

MR. SABATINO:

And the rule is -- it's going to occur in two places, it's going to occur in Rule 8(C)(1) and it's going to occur in Rule 2(A)(7)(8) and (9).

The change is that, first of all, public portion speakers will be taken in the order in which they fill out their cards. There will be a separate portion for elected State, County, State, Village, Town Federal officials -- elected officials to speak during the portion that will be set aside prior to consideration of the public portion and the ability to call for any Federal, State, Local or municipal official to speak at the time requested of a Legislator with the concurrence of the Presiding Officer or at the request of ten Legislators will still be in place except that can't occur during the public portion, that would occur after the public portion. And that's basically it.

LEG. CARACCIOLO:

Thank you.

P.O. POSTAL:

Thank you. Okay, roll call.

(*Roll Called by Mr. Barton, Clerk*)

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

18.

91

P.O. POSTAL:

No. 15, Rule 8(C) (2) - Same as Rule 2(A) (8).

MR. SABATINO:

This just conforms an earlier rule that you already adopted.

LEG. GULDI:

Motion.

P.O. POSTAL:

I'm sorry, who was the maker of the motion. Legislator Guldi, seconded by Legislator Caracappa. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

No. 16, this is related to Rule 8(D) - The Presiding Officer's unilateral recess under the "Cinderella" Rule will be to 48 hours later rather than to 10 A.M. the next morning, and I think it's very clear. I would make a motion.

LEG. CARACCIOLO:

Second.

LEG. GULDI:

Second.

P.O. POSTAL:

Seconded by Legislator Caracciolo? All in favor? Opposed?

LEG. CRECCA:

Opposed.

P.O. POSTAL:

Legislator Crecca.

MR. BARTON:

17-1.

P.O. POSTAL:

No. 16, Rule 10(A), which conforms language to Rule 2(A)(8) with regard to quorum being required during public hearings or public portion.

MR. SABATINO:

Right. We already did the earlier rule and this just conforms it.

LEG. CARPENTER:

Motion.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion by Legislator Carpenter, seconded by I believe it was

92

Legislator Foley. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

No. 17, Rule 10(A) - The public hearing quorum suspension power is limited to General or Special meetings of the County Legislature, not budget hearings or lease hearings.

LEG. FISHER:

Motion.

P.O. POSTAL:

Motion by Legislator Fisher. Seconded, was that Legislator Nowick?

LEG. CARPENTER:

No.

P.O. POSTAL:

Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

No. 18, Rule 15(D) - Changes time of day meetings to 9:30 A.M. and the time of the night meetings to 4:00 P.M.

LEG. CARPENTER:
Motion.

P.O. POSTAL:
Motion by Legislator Carpenter, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:
18.

P.O. POSTAL:
No. 19, Rule 15(D) - The two (2) night meetings need not be Spring and Autumn but can be at any time during the year.

LEG. COOPER:
I'm sorry. Why is it that we have two Number 16s?

LEG. GULDI:
Because there was a mistake.

P.O. POSTAL:
It was actually misnumbered.

LEG. COOPER:
So then what are we --

93

P.O. POSTAL:
We voted on the rule. In the vote, the rule that was -- to which that related was stated. So the actual number of the item is really just helpful, but not important.

LEG. FOLEY:
Right. Let's go.

P.O. POSTAL:
I believe we were at number 18 -- 19. That's rule 15-D.

LEG. HALEY:
On the motion.

P.O. POSTAL:
On the motion; can we have a motion first? Motion by Legislator Caracappa, seconded by Legislator Towle. Legislator Haley.

LEG. HALEY:
You know, I don't agree with just two night meetings. I think we should do more than that and we'll always debate that ad infinitum for

years to come. Why don't we just change this to say the night meeting, need not be spring and autumn.

LEG. CARACAPPA:

That's fine.

LEG. BINDER:

No.

P.O. POSTAL:

If you are making that in the form of a motion to amend, I would second that. Okay. We're voting on an amendment to the change in rule 15-D, which actually it removes the number two and the word two. So it would be the night meetings need not be spring and autumn, but can be any time during the year.

LEG. FOLEY:

Okay. Motion.

P.O. POSTAL:

I think we have a motion and a second.

LEG. BINDER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Crecca.

LEG. CRECCA:

To accomplish the same thing, the cleaner language would be just to say shall be -- right now it reads, "each regular meeting of the County Legislature shall be called for 9:30 except that," instead of putting all that just put except that night meetings shall be called at 4:00 p.m. just change it to that. Keep it simple.

P.O. POSTAL:

No, we're on 19.

LEG. CRECCA:

Yeah, rule 15-D.

P.O. POSTAL:

Oh, you are going to continue down to --

LEG. CRECCA:

Listen to me. I'm going to make a motion to amend Rule 15-D to read as follows, "each regular meeting of the County Legislature shall be

called for 9:30 a.m. except that any scheduled night meeting shall be called by the Presiding Officer at 4:00 p.m. pursuant to," and dot, dot, dot, dot, dot.

LEG. BINDER:

You just have to ask Legislator Haley.

LEG. HALEY:

I don't care about -- who cares about whether it's spring or autumn? Why don't we take out that whole amendment?

LEG. CRECCA:

Take out spring and autumn. You should take out spring and autumn all together.

LEG. HALEY:

I will withdraw my amendment to it.

LEG. CRECCA:

That make everybody happy.

LEG. HALEY:

I'll withdraw my amendment.

LEG. FISHER:

Sure. It's cleaner.

LEG. CRECCA:

It's a more simpler rule. It gives us more flexibility in whatever we decide.

LEG. BINDER:

Madam Chair.

P.O. POSTAL:

Mr. Sabatino.

MR. SABATINO:

The proposed rule change from Presiding Officer Postal eliminates the reference to spring and fall. I thought that Legislator Haley just wanted to delete reference to two so there wouldn't be an issue about how many there were going to be and that would just be a function of setting the calender.

LEG. CRECCA:

All right.

MR. SABATINO:

The goal of getting out spring and fall has already been accomplished. The only thing left open was I thought Legislator Haley's issue about two. That's the debate.

LEG. CRECCA:

So change two to any meetings.

P.O. POSTAL:

Well, you can just make it the night meetings.

LEG. CRECCA:

Any night meetings, yeah.

LEG. BINDER:

Madam Chair.

P.O. POSTAL:

I don't know who wanted to be recognized. Legislator Binder.

LEG. BINDER:

Yeah. I think we should leave it to two night meetings. I don't think we should -- I think we should keep the limiting number. The meeting that we go to midnight and go for Cinderella Rule and have all the problems are usually the night meetings.

LEG. HALEY:

That's the calender.

LEG. BINDER:

No. It's not the calendar, because I think we can limit the number of night meetings we have just by doing it right here. That would limit the calender. So I would like leave the number two in there, then when we get to the calendar, that's what will be reflected in the calendar.

LEG. FOLEY:

Have a vote.

P.O. POSTAL:

We have a motion I believe and a second, no? No second?

LEG. FOLEY:

Second.

P.O. POSTAL:

Seconded by Legislator Foley.

LEG. HALEY:

Second what?

P.O. POSTAL:

Who was the maker of the motion?

96

LEG. CRECCA:

I was the maker of the motion.

P.O. POSTAL:

Okay. Legislator Crecca, would you repeat your motion.

LEG. CRECCA:

That rule 15-D be changed to read, "each regular meeting of the County Legislature shall be called for 9:30 except that any night meetings shall be called by the Presiding Officer at 4:00 p.m.," and then continue with the rest of it. Basically it's what you have there except changing the replacement language to any night meetings shall be called by the Presiding Officer at 4:00 p.m.

LEG. FOLEY:

This is fine, less wording.

LEG. CARACCIOLO:

Move the motion.

P.O. POSTAL:

So we have a motion by Legislator Crecca, seconded by Legislator Foley. All in favor?

LEG. BINDER:

Opposed.

P.O. POSTAL:

Legislator Binder is opposed.

MR. BARTON:

17.

P.O. POSTAL:

Well, actually that was a motion on, I believe, an amendment.

LEG. FOLEY:

Yeah. Now we have to do the amended one.

P.O. POSTAL:

Now, we need a motion to approve Number 19 as amended.

LEG. CARACCIOLO:

Motion.

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Towle. All in favor? Opposed?

MR. BARTON:

18.

LEG. CARACCIOLO:

Madam Chair, before we leave this section of the rules, Rule 15, I would like to make the following motion: That at least six of the annual meetings held by the County Legislature shall be held at the

97

County Seat, Riverhead, New York, and one of those meeting must be a nighttime or evening meeting.

LEG. GULDI:

Second the motion.

P.O. POSTAL:

I'm sure Legislator Guldi will second the motion. Okay. Roll call.

(*Roll Called By Mr. Barton - Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

No.

LEG. NOWICK:

(Not Present).

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

98

LEG. COOPER:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

MR. BARTON:

Nine.

LEG. CARACCIOLO:

Madam Chair, I would like to amend that motion on the amendment to at least five meetings annually. We have four.

P.O. POSTAL:

Seconded by legislator Guldi, I'm sure.

LEG. CARACCIOLO:

On the motion, Madam Chair. And I appreciate Legislator Bishop and others consistency with regard to giving the public every opportunity to participate in County government. And I think clearly those who believe that have an opportunity now to practice that. And I would ask once again for your reconsideration if you did not vote for the previous motion. This is a County comprised of 1.4 million people, and there are no borderlines, there are no Berlin walls, and we should not erect any by refusing the give opportunity to the resident not only to the five East End towns, but a significant portion of the Town of Brookhaven. Thank you.

P.O. POSTAL:

I will -- when we get to the -- are you -- is your motion for --

LEG. FOLEY:

From six to five.

P.O. POSTAL:

No, I know. Is that a motion that you are making for every year or this year?

LEG. CARACCIOLO:

Well, it's to be incorporated in the rules.

P.O. POSTAL:

Okay. And certainly it would be, I guess, qualified by the reconstruction of the County Center.

LEG. CARACCIOLO:

Yes, absolutely.

99

P.O. POSTAL:

Okay. Motion, second, roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Pass.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
No.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Pass.

LEG. CRECCA:
No.

LEG. NOWICK:
No.

LEG. BISHOP:
Yes.

LEG. BINDER:
No.

LEG. TONNA:
No.

LEG. COOPER:
No.

LEG. CARACAPPA:
No.

P.O. POSTAL:
Yes.

LEG. TOWLE:
Yep.

LEG. CARPENTER:

Yes.

LEG. CARACCIOLO:

Thank you. Thank you all.

LEG. GULDI:

Thank you.

MR. BARTON:

11.

P.O. POSTAL:

We had been talking about rule number -- actually 20, I believe.

LEG. TOWLE:

Motion.

P.O. POSTAL:

Motion by Legislator Towle, seconded by myself. All in favor?

LEG. BINDER:

On which?

P.O. POSTAL:

This is No. 20, Rule 16(C) - The prohibition on the use of cell phones in the Legislative Auditorium is expanded to include pagers, the one that adds prohibition on pagers.

LEG. CARPENTER:

Motion.

P.O. POSTAL:

We have a motion and a second. All in favor? Opposed?

LEG. BISHOP:

Opposed. That's crazy.

MR. BARTON:

17.

P.O. POSTAL:

Legislator Bishop is opposed.

And No. 21, Rule 22 - as to conform Rule 2(A)(P)(a). Motion by Legislator Towle, seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

18.

101

P.O. POSTAL:

Okay. Now, we come to the second, I guess, type of amendment. These were amendments that stand alone that were proposed for the 2003 rules. The first one, Item 1 relates to Rule (5)(A) and bans late starters. I'm sure --

LEG. ALDEN:

Motion.

P.O. POSTAL:

Motion, Legislator Alden, seconded by Legislator Towle. I think we should have a roll call on this.

LEG. BISHOP:

This is to ban late starters altogether?

P.O. POSTAL:

Altogether.

LEG. BISHOP:

On the motion.

P.O. POSTAL:

On the motion.

LEG. BISHOP:

I have the opposite perspective. I think that we should allow late starters up until the close of the meeting and that I don't see why we need to have a rule that bans late starters. There aren't so many bills that are filed at the last minute that it's not humanly possible to deal with them. I understand it puts a burden on the Clerk's Office, but let's recognize that the public interest is for bills to move forward most often as expeditiously as the sponsor wishes them to be. And the late starter rule is an artificial construct, as I heard one of my colleagues often say in recent weeks. It's something that we impose that I don't think is necessary. If there is legislation that Counsel can't draft until the day of the meeting, and you have it in your hands, why couldn't you file it that day?

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Well, I concur with everything Legislator Bishop just said. I want to add that the additional problem of prohibiting late starters, it abrogates legislative ability to initiate legislation and puts control

of that in the County Executive's hands, because if you can't file a late starter, your alternative becomes to sometimes wait as much as three months for you to be able to file, send to committee and vote on a bill, unless the County Executive will give you a CN, in which case you don't have to wait at all. I concur we should go the opposite direction on this rule, we should permit late starters up to the close of the business of the meeting.

LEG. BISHOP:

Are you making a motion to that?

102

LEG. BINDER:

No. We you have to wait.

P.O. POSTAL:

There is somebody else on the list. Legislator Alden.

LEG. ALDEN:

Actually, I might go along with what George just said. If he's going to put it in the form of a resolution and we can work out the details right now that maybe we don't need a packet and maybe we don't need a rule about when you can file legislation, maybe let's just change the way that we actually do business and let's go about it that way. What you are suggesting is basically no cut off for any type of filing of legislation.

LEG. BISHOP:

The end of the meeting.

LEG. ALDEN:

So I would go along with something like that. But we would have to change the manner that we actually distribute the packet and that might even save some trees, because I think a lot of that stuff gets thrown out.

MR. BARTON:

Henry just collapsed.

P.O. POSTAL:

Well, I would just suggest that we don't need to ban late starters, but I think it would be advisable if we could exercise some self-restraint. And we could try to limit our submission of late starters to or those situation in which there is a time element and the issue is time sensitive. I think that the reason it has even been suggested that had we ban late starters is that that's been abused. And I think our previous Presiding Officer, Legislator Tonna, was very disciplined about that. I have been here at times when there were I

would say upwards of ten late starters laid on the table at one legislative meeting. And that really produces a tremendous burden for the Clerk's Office. So I would just suggest, and I wouldn't want the ban them because think there are situations which are time sensitive, but I would like to ask that we attempt to discipline ourselves to limit late starters to only those situation in which there are time constraints. And I can tell that when there is a motion to lay those late starters on the table, if I feel that there is no time constraint, I can tell you I'm going ask the sponsor of the bill to please justify presenting that bill as a late starter. Usually those things come up late at night at the end of the meeting. So if you feel that you would not be able to justify it and you want to prolong the meeting by attempting to lay a late starter on the table without a time sensitive justification, I would just ask you to keep that in mind. Legislator Alden.

LEG. ALDEN:

I think that hearing from Legislator Guldi and Legislator Bishop there's an interest in trying to streamline and actually accomplish

103

some of the goals that I wanted to by banning late starters, so if we'll keep an open mind to this, I'll withdraw the motion on this.

LEG. CARACAPPA:

Very good.

P.O. POSTAL:

Okay. We have a motion, I believe, and a second, Henry?

LEG. ALDEN:

Withdrawn.

P.O. POSTAL:

I'm sorry, I was just talking about something. That was withdrawn. How wonderful.

MR. SABATINO:

Number 6 should also be withdrawn because the two go in tandem. So if we can just expand that, we can eliminate that.

P.O. POSTAL:

Okay. Item 2, Rule 5(B) - This proposal would reduce the number of Legislative packets to be prepared and distributed by the Clerk of the County Legislature in those instances in which a written waiver is submitted by a County Legislator to the Clerk. The waiver must be filed at least three (3) business days prior to a Legislative meeting and must also address the issue of corrected copies for any bill in

the packet under the next rule change. Mr. Sabatino, would you please explain this.

MR. SABATINO:

This is an initiative to eliminate the distribution of legislative packets to those members of the Legislature who are willing to execute a waiver of their statutory right to receive a hard copy. The way it would work is the waiver would have to be filed at least three business days prior to the pertinent legislative meetings with the Clerk of the Legislature, and it would have also to address the issue of corrected copies for that particular packet at the same time, which is the companion item in proposal number 3. I mean, I'll defer to the sponsor in terms of the motivation, but the goal and the objective would be to basically eliminate the preparation and distribution of packets for those individuals willing and also corrected copies as well for those individuals.

LEG. ALDEN:

The purpose is to reduce the mindless slaughter of trees that's been going on.

LEG. TOWLE:

Didn't we set a committee up on that?

P.O. POSTAL:

We actually, in this Legislature, had a paperwork reduction act a great many of years ago.

104

LEG. GULDI:

We can ban the use of paper in Suffolk County.

P.O. POSTAL:

Frankly, I don't think it made a ripple. But you know, I thought this made a lot of sense. And a number of years ago, I was interested in doing exactly the same thing once our offices had electronic capabilities, and I was told that there are some obstacles to doing that, and I would like to ask Mr. Sabatino whether we legally can do this?

MR. SABATINO:

You can legally do what's being proposed in the rule. You can't do what was being proposed by others, which is to eliminate the preparation of any document, just have it done electronically. Because under state law as well as under the charter -- the thing is you can't change the state law at this juncture. You have to get a hard copy at least eight calendar days prior to any vote on legislation unless you have a Certificate of Necessity. So for those

individuals willing to waive their statutory right, you eliminate getting the hard copy to the corrected copies as well as the original legislation. But you can't substitute electronic transmission or -- or well, basically electronic e-mail at this particular junction under law, otherwise you are going to put all your legislation at risk, but if individuals want to waive that right, they can do it. Just a practical consequence I want to everybody of though is when you sit at the horseshoe on the day of the meetings or when you sit at the committee meetings on the day you vote, I know that Legislators persistently and consistently want to see what they're voting on, so they will come over to me, because I bring my black book with me and I have it. A lot of Legislators don't have that. So if you now give up the packet and you don't even have the packet as a starting point, I just want to make everybody aware that you're not going to have anything sitting at your desk waiting for you when you come to vote at the committee meetings of the Legislative Meetings. There's a limit to how many copies we can then make from my book.

LEG. BISHOP:

So Henry's concern about the work, you're concerned about the book.

MR. SABATINO:

I'm alerting to the fact that you will not have legislation in front of you. It's not going to magically mystically appear, because it can't.

LEG. BINDER:

Is it on-line?

P.O. POSTAL:

Just to the clarify that. Is it on-line? That was a very good question. I can tell you that in my office, my capability to access the Internet is very unreliable and, you know, sometimes it works, sometimes it doesn't. And please know that I think there are other Legislators who have had difficulty with accessing the Internet.

105

LEG. CARPENTER:

Absolutely.

P.O. POSTAL:

I would recognize Legislator Alden followed by Legislator -- oh, I'm sorry -- Fields and then Legislator Crecca.

LEG. ALDEN:

This would allow a Legislator the option though to opt out of getting all that paper or creating ways to whatever you want to call it with the paper. And if you do have good on-line services, my office seems

to have good on-line services, we're not down that much on it, that would allow me and my office basically to not have all that paper that would probably be thrown out anyway.

LEG. BISHOP:

The waiver --

P.O. POSTAL:

If you could just hold off, because I think that Mr. Pollert has a comment that's relevant to this. Fred.

MR. POLLERT:

Just because the Budget Review Office is responsible for legislative computers, currently we don't scan in the backup to the resolutions. The resolutions themselves are available, none of the backup is available. If the District Offices decided to print a hard copy as opposed to just looking at it electronically, none of District Office's printers are set up for high volume printing. In addition to that, we have had continuous reoccurring problems with the Internet provider that we're going through, which is Cablevision. They keep changing their modem addresses, it's not unusual on a Monday morning to have 12 District Offices down because they're changing your addresses dynamically, and because of the fire wall, you may or may not be able the get on Monday morning.

LEG. FOLEY:

That's your fault, Cameron.

MR. POLLERT:

So there are one or two technical problems if you want to do this. You will not be able to have the backup to the resolution, but we can provide a copy of the resolution.

LEG. FOLEY:

This is a discretionary amendment.

P.O. POSTAL:

Wait. Wait. There's a list. You want to be on the list?

LEG. FOLEY:

No.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

That was going to be my comment. If you want to waive this and get

the packet from your Internet back at the office, you won't have access to the backup. And I know that in committees and on the floor that question has been raised and a number of times by legislators, oh, I don't have the backup, and it actually stops people from voting on a bill and it makes us table bills. So I'm not quite sure that -- unless we had the ability to have the backup and also the ability to get on to the Internet, and my office has probably called more often than any office, because I'm down more than I'm up.

P.O. POSTAL:
Legislator Crecca.

LEG. CRECCA:
Yeah. I will support the rule, because at least the Legislator is in control whether they want to waive or not. But what I would ask, Legislator Postal, I've made this request in the past, that you talk to Budget Review and talk to specifically to Allen and our computer people about the possibility of going paperless at the meeting with screens for us that have an interactive agenda. The technology exists. It's my understanding is that the technology exists and is not overly expensive to implement so that we could have our agendas in front of us on a computer screen, we could touch any bill at any given time, and it would bring up that bill. Certainly one of the things that would have to happen is it would have to have the ability to bring up the backup too. But this is something I believe is worthy of exploration and would ask you as Presiding Officer to look into that.

P.O. POSTAL:
I will. I think other -- I think there are two issues here; the issue of having the backup available and also the cost, even though they're not -- it's not costly, I think it's still a consideration. You know, this is not a good year. And so I would ask that the Budget Review Office provide, I guess, a report -- a feasibility study, I guess, doing exactly that.

LEG. CRECCA:
We should include the -- in the feasibility report it should also include the Riverhead location and Internet capabilities there and all that, because that could be a problem too.

LEG. CARPENTER:
Especially having more meetings there.

P.O. POSTAL:
Okay. Legislator Fisher.

LEG. FISHER:
I would just like to reiterate that it is discretionary, and I think it's certainly a worthy rule change, because whoever decides to waive

-- to opt out of the paper -- oh, boy, I must be hungry, I can't think
-- whoever decides to opt into this could maybe us let us know how it
works and make himself or herself the guinea pig for us so we know

107

whether -- what the pit falls are. I certainly think it's worth while
moving forward with it.

LEG. CARPENTER:
Question.

P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:
Would the Legislator who opts into this have to have the waiver for
each and every meeting?

MR. SABATINO:
For every packet, absolutely.

LEG. CARPENTER:
Okay.

P.O. POSTAL:
We have, I believe, a motion and a second, Henry? A motion by
Legislator Alden.

LEG. FISHER:
I will second it.

P.O. POSTAL:
Seconded by Legislator fisher. I think we should do a roll call on
this. Roll call, Henry.

(*Roll Called by Mr. Barton, Clerk*)

LEG. ALDEN:
Yes.

LEG. FISHER:
Yes.

LEG. CARACCIOLO:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:

Yes.

LEG. HALEY:

(Not present).

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

108

LEG. FIELDS:

Yes.

LEG. CARPENTER:

Sure.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Pass.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

No.

LEG. BISHOP:

Yes.

MR. BARTON:

15-2, one not present.

LEG. BISHOP:
I don't understand it.

P.O. POSTAL:
Okay.

LEG. BISHOP:
You are presumed to get the packet.

P.O. POSTAL:
Item 3, Rule 6(E) (2) and (3) - This proposal would reduce the number of corrected copies to be prepared and distributed by the Clerk of the County Legislature in those instances in which a written waiver is submitted by a County Legislator to the Clerk. This waiver must be filed at the same time as for the Legislative packet.

MR. SABATINO:
Three is the companion to two.

109

LEG. CARACCILO:
Motion.

P.O. POSTAL:
It would do the same thing with regard to corrected copies.

LEG. TOWLE:
It's withdrawn.

P.O. POSTAL:
There's a motion by Legislator Caracciolo, seconded by Legislator Alden. All in favor? Opposed? I'm opposed.

LEG. CRECCA:
Opposed. This is -- you are not going to ever get copies then?

P.O. POSTAL:
If you request them, you can get them electronically.

MR. BARTON:
16-2.

P.O. POSTAL:
Item 4, Rule 9(B) - This rule proposes to hold public hearings for Local Laws and Charter Laws before the primary legislative committee instead of the full County Legislature.

LEG. CARACCIOLO:

On the rule change.

P.O. POSTAL:

Let's have a motion and a second.

LEG. CARACCIOLO:

All right. I will make the motion.

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Alden.

LEG. CARACCIOLO:

Could the sponsor just elaborate on the essence and impact of the rule change?

LEG. ALDEN:

The main impact is that during our General Meetings we would not have a public hearing held. Each legislation, each piece of legislation that would require a public hearing would stay in the committee, the public hearing would be scheduled for that committee and would be held in that committee.

LEG. CARACCIOLO:

Madam Chair, thank you. I think this is a very important rule change and a very positive one for many reasons. First, as Legislator Bishop noted earlier, under our structure, without a Rules Committee and other aspect of operation of the legislative body, our legislative committees really don't have the same force and effect as other

110

legislative bodies. And I would implore you to look into a Rules Committee for the future. But in the absence of such, this really goes to the heart of streamlining what Legislator Caracappa was proposing to do. Rather than elongate meetings and everybody's time, especially staff and, you know, Legislators and the public, this really focuses in and gives the committee structure some real basis and meaning in carrying out the mandate as a group of Legislators. And it gives the Presiding Officer, when she gives a committee report, the benefit of knowing that there has been a thorough, which is not always the case right now in our committees, a thorough review and discussion and analysis of pending legislation that require public hearings. So I enthusiastically support this rule change.

P.O. POSTAL:

Legislator Foley and then Legislator Nowick.

LEG. FOLEY:

It's an interesting notion, but I think it's premature, because I don't believe we can even adopt this even if we agree with it, until and unless we first approve a charter law change by a vote of the Legislature. So in essence even if we -- eve if those among us would like to do this, I don't think we can -- and I would like to hear from Counsel -- I would think we first would have to pass a law, a charter law, change prior to adopting this kind of rules change.

MR. SABATINO:

No. This rule change would be consistent with the existing administrative code. The administrative code says that if you wish to delegate the function of holding a hearing to the committee, you can do so. You don't have to, but you have the discretion.

LEG. FOLEY:

We can. Oh, all right.

MR. SABATINO:

The rule is legally permissible. The only issue is implementation of it, you know, whether it works or not.

LEG. FOLEY:

Okay. I stand corrected.

P.O. POSTAL:

Legislator Nowick and then Legislator Fields.

LEG. NOWICK:

I would tend to be in agreement with the sponsor and Legislator Caracciolo. I think when we were discussing this in the rules meeting our purpose here was to more professionalize the Suffolk County Legislature and bring it to -- almost into the same -- with the same rules and regulation of the State Legislature. And I believe the committees of the State Legislature do have this type of authority. So this is what we were trying to do. And also it does streamline the Tuesday meetings.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

But if you are not on a committee, does this not stifle your ability to get the information from the public that you -- well, then that means you really have to go to every single committee in case you are going to miss --

LEG. BISHOP:

Let me --

LEG. FIELDS:

I'm in the middle of a sentence.

LEG. CARACCIOLO:

Legislator Fields, would suffer an interruption? If you suffer an interruption, I think I can answer your question.

LEG. FIELDS:

Yeah.

LEG. CARACCIOLO:

The reference to other Legislative bodies, including the state, now there you are dealing with a body of 211 Legislators and two chambers, 61 -- now 62 in the Senate and 150 in the Senate. So obviously, not all of the members can be on every committee. They obviously when they go into Legislative session, which is what our Tuesday meeting is about, it's a Legislative session, it's the time for Legislators as law makers to review and enact legislation. And we -- you know, and I understand the history here, it goes back now almost, what is it, 30 40 years of how we have evolved. We're in the 21st Century, and it's time for us to catch up with other municipalities in streamlining the byzantine business we conduct here from 9:30 in the morning many times until 12:00 or even the wee hours of the morning. This is one way to do that. Now to answer your question, there are minutes of every committee meeting, there are pieces of legislation that you and I and others are concerned about from time to time on committees right now that we don't sit on and we take and avail ourselves to the committee minutes in addition to public hearings, because not every legislative proposal requires a public hearing. There are many other important pieces of resolutions I should say that don't require a public hearing that you vote on. And the best example would be Capital Project and the appropriation of millions of dollars. So I don't think you should be concerned about not having an opportunity. I think all of us should learn to trust our colleagues that sit on these committees. You have an opportunity, you know, to make sure the committee -- the Chairs does -- that the committees are formed --

LEG. FIELDS:

Well, I don't agree with you --

P.O. POSTAL:

I think we have to limit discussions in favor of debates, because there are a whole bunch of people who are on the list.

LEG. FIELDS:

So if I could just finish. I think that not allowing the public to speak to the full body is a disservice, because there are some of us

let's say that serve on many committees and others that serve on some committees. So what you are saying is the Legislator who serves on many committees is now going to have to go even more committee meetings. And secondly, the statement about minutes being available, we already just said that there may be a committee meeting on the day before a Legislative meeting, we don't have the availability of the minutes. And sometimes minutes are months behind depending upon the ability of the Clerk's Office to get them out. And sometimes we have stenographers who sit at a committee for five hours and have to bring those minutes to us. So I strongly disagree with this only because I think that we need to be able to hear what the public has to say. And if it were more available to us, I would agree with you, but it's not.

P.O. POSTAL:
Legislator Lindsay.

LEG. LINDSAY:
Yeah. I'm torn between some conflicting thoughts about this. I too would love to see our meeting shortened, and this would certainly do that. But I do agree with Legislator Fields on the issue that I think we would be depending tremendously on the committees to advise us what the public is feeling. And I think there's another technical problem. A public hearing has to be publicized on when it's going to be held. So it would literally lock in the committee meeting that -- and you know, from time to time, there's a problem with a quorum at a committee meeting and we change the date of the meeting at the last moment. We wouldn't be able to do that if this is passed. And the other problem I see with it is the two hour time slots for committee meetings might have to be adjusted. We might have to have a two week committee cycle in order to accommodate this.

P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
Just to address two concerns right away. There is absolutely no way that you are limiting the public's right to address this body. This does not effect the public portion. So anybody that wants to come down and address the very same issue that might be the subject of a public hearing, can come down, fill out a card and be allowed and guaranteed the right to address this body. It does not in any way, shape or form limit the public's right to address this body. The second thing is that committee meetings, they all have to be advertized anyway. So sometimes we might have a general session as happened out in Riverhead where it started snowing and the agenda that was advertized and the people that showed up, they had to come back

another day. We had to readvertise that. So it does not effect that portion of it either. This goes to the heart of the matter. Either we have committees or we don't have committees. If you are going to have committees, then give them the power to go and do what they are supposed to do. Otherwise, and if I see enough support, I think that if we follow some of the logic that was just expressed, we do away with the committees, we have everything before the full body. So we have to go in one direction or we have to go in the other direction. It's either you give the committees that are establish, you give them

113

the right to go and so what they're supposed to do or you do away with the committees. Thank you.

P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:
I want to build on Legislator Fields and Legislator Lindsay's remarks. They were accurate.

P.O. POSTAL:
Can we have your attention?

LEG. BISHOP:
The practical --

P.O. POSTAL:
Legislator Foley.

LEG. BISHOP:
The practical impact of adopting this rule change, which would move the public hearings to committees would be that the committees couldn't function over a one week period, because committee meetings could go for five, six hours. You would be blowing apart the Legislative schedule and all the Legislator's personal schedules as well. This would really be a very detrimental change to most -- to the quality of life within the Legislature and also to the public, which would only be speaking to a portion of the Legislators and not to the entire body. So for both personal selfish reasons and for public policy reasons, it don't make sense.

P.O. POSTAL:
Legislator Binder.

LEG. BINDER:
Madam Chairman, the question about getting the information, it would seem to me that those who are most interested in giving us information

and testifying would be able to do that at public portion. So they can come to the Legislature, they can speak before the Legislature under a public hearing circumstance and then in the question of whether everyone is going to hear, if they want to make sure all Legislators hear, then they're going to come to the public portion and they're allowed their three minutes, no one will even question them, they won't even a be back and forth. They will get a presentation and we will get the opportunity to hear that presentation. So it's not like we're limiting our ability. Those who are most interested in making it -- having us hear, we will hear, there's an opportunity, we're not closing it off. But I think this is absolutely crucial -- I mean, if we don't do anything else today, this is the one thing we should pass to streamline our procedures.

P.O. POSTAL:
Legislator Carpenter.

LEG. CARPENTER:
Thank you. I can appreciate that there seems to be a willingness to

114

streamline our procedures, but we have adopted rule changes today that are going to be to do that, limiting the give and take that happens during public portion from the Legislators' perspective where we're going to be sitting and actually listening to the public. This is something that I think maybe with the way things operated in the past we felt the need for. I say that we move forward with the changes that we have adopted, we can always address this at a later date.

Apart from that, the public hearings, the public has a longer opportunity to speak before the Legislature in the public hearings, and this is something that some people have reached out and are looking for the public to have more time to speak before the Legislature. And this is the time that they can in the public hearings now speak before the if you will body. And again, with one of the rules -- one of the rules that was adopted earlier today is going to have more of the full body sitting, listening to the public. The other argument I would make in favor of keeping the public hearings before the full body is that when you are talking about a local law or charter law, which requires a public hearing, they're speaking before the full body, they're speaking at a time that's more specific.

To say that they can always come back and speak during the public portion, we know that that is not as time specific. We know the public hearing are at 2:30, give or take an hour or two depending on what the given subject matter might be that day, but it is more accommodating to the public in giving them a time to come and speak

when we are addressing a local law or a charter law. And I think that based on what we have done already today that this might be something we might want to look at a couple months down the road.

P.O. POSTAL:
Legislator Foley.

LEG. FOLEY:
Legislator Carpenter and Legislator Bishop had made many of the remarks that I was going to make, so I'll leave it at that.

P.O. POSTAL:
Okay. We have a motion and a second, I believe. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:
Yes.

LEG. ALDEN:
Yes.

LEG. GULDI:
Yes.

LEG. TOWLE:
Yes.

115

LEG. FISHER:
No.

LEG. HALEY:
Yes.

LEG. FOLEY:
No.

LEG. LINDSAY:
No.

LEG. FIELDS:
No.

LEG. CARPENTER:
No.

LEG. CRECCA:

Pass.

LEG. NOWICK:
Yes.

LEG. BISHOP:
No.

LEG. BINDER:
Yes.

LEG. TONNA:
No.

LEG. COOPER:
No.

LEG. CARACAPPA:
Pass.

P.O. POSTAL:
No.

LEG. CRECCA:
No.

LEG. CARACAPPA:
Yes.

MR. BARTON:
Eight.

LEG. ALDEN:
I would like -- the next one really pertains -- it's like a companion,
I would like to withdraw that, but I would also like to make a motion
to amend our rules and actually do away with the committees.

116

LEG. HALEY:
Second.

LEG. ALDEN:
And I do buy the arguments. It is important. It's important that
instead of having the public come and address just the people in the
committees on laws that -- say I don't sit on every committee, I would
like to follow-up with that logic, and I would like to have the public
address us on each and every law. So I'd like to amend the rules and
do away with the committees.

P.O. POSTAL:

Legislator Haley has seconded that motion.

LEG. HALEY:

I don't think he needs.

P.O. POSTAL:

Well, you have to give it to him. At the risk of making a terrible mistake, would anyone like to comment on this issue? No. Wonderful. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. ALDEN:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Pass.

LEG. TOWLE:

Absolutely pass.

LEG. FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

Pass.

LEG. TONNA:

No.

LEG. COOPER:

No.

LEG. CARACAPPA:

Cameron's right, but I will vote no.

LEG. ALDEN:

Withdraw the motion.

P.O. POSTAL:

All right.

LEG. BISHOP:

Can I make a verbal motion at this time?

P.O. POSTAL:

Certainly. Legislator Bishop. This is on the rules, I take it.

LEG. CRECCA:

What about Rule 22?

LEG. BISHOP:

That was withdrawn? Okay. Then I will make -- earlier I think we adopted -- what did we adopt for the public portion, three minutes?

P.O. POSTAL:

Yes.

LEG. BISHOP:

This is a battle I've lost before, but I'd like to give it one last shot. I believe that the appropriate amount of time would be five minutes for the public.

LEG. FOLEY:

Second the motion.

LEG. BISHOP:

Three minutes is an awfully short amount of time, and we have many

people who come before us for public portion. We're not engaging in any questions any longer, we're not engaging in any cross debate and we're limiting the public to three minutes. It's almost like we don't want the public either. I think five --

118

LEG. CARACCIOLO:

Madam chair.

LEG. LINDSAY:

You could label that the Phil Goldstein amendment.

LEG. CRECCA:

On the motion.

LEG. BISHOP:

I have -- Madam Chair, I have timed Phil's Boston Tea Party speech that he wraps every issue into, and it's four and a half minutes.

P.O. POSTAL:

We have a motion for an amendment by Legislator Bishop, seconded by Legislator Foley. And on the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

That is such a duplicitous argument. I mean, we just --

LEG. BISHOP:

Wow.

LEG. CARACCIOLO:

But with that said --

LEG. BISHOP:

I'm having a bad couple of weeks.

LEG. CARACCIOLO:

That said, I mean, we just went through not strenuous, but some pretty good discussion and healthy discussion about whether or not to consolidate public hearing from the General Meeting to committees, and I'm not going to rehash that. I think -- I think those who perhaps didn't support it today should reconsider that in the future. And I appreciate Legislator Carpenter's remarks, and she has an open mind about that.

But that said, we have the public opportunity to speak before committees each and every time a piece of legislation is before that committee. And as many of us know that -- everyone just about sits on

committees, sometimes a resolution is in committee for two or three or four or more cycles. You know, you're talking about major pieces of legislation, be it the tobacco legislation, ephedra and so forth, it sits there in committee for long periods of time or it sits on the floor for long periods of time.

So to suggest that the public is being muffled or limited to speech is just absolutely false. The public can speak five minutes at committee meetings. Public can borrow time, the same speaker can borrow time from other people and speak for more than three or five minutes. And I would dare say some of the regulars that appear here speak probably upwards of 30 or 40 or 50 minutes on a particular issue, easily. All right? So if we're talking about public access, we meet the schedules published. And I would dare say, as I said I think a couple of meetings ago, that when you consider a County of 1.4 million people,

119

the amount of people that actually walk through these auditorium doors and address this Legislature that is different on a yearly basis, probably amounts to one-tenth of 1% or less of all the people in this could. So who's kidding who?

P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:
I don't know who I'm kidding.

LEG. TOWLE:
We're not sure either.

LEG. BISHOP:
I just feel that we have to draw a line somewhere, right? And I feel that the more appropriate line is five minutes. The traditions that we have established in this Legislature are in effect a beautiful hybrid, like a flower that is a beautiful hybrid.

LEG. CARPENTER:
So poetic.

LEG. BISHOP:
We are Legislature which presides over a million and a half people and a budget of \$2 billion, yet we allow the public on the day of our votes to come before us and to have their say. Often times there are eloquent presentations that are made, other times there are important substantive pleas and petitions that are heard. To cram that -- to suggest that people cram that information into three minutes is extremely difficult. I think a five minute rule is much more logical. I think the human brain in general when it has something important to

say it takes about five minutes, not three minutes. And it's just a matter of where you want to draw the line. I don't know if that's duplicitous, I don't know what you want to call it, I just call it drawing the line at a different point. And I think that five minutes would be appreciated by the public.

LEG. CARACAPPA:
Simple enough.

LEG. BISHOP:
It's a logical point to make the distinction.

P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
I think that there was a study done, and I think that the attention span of Suffolk County Legislators is less than 30 seconds.

LEG. GULDI:
Less than four.

LEG. ALDEN:
Aside from that, I just had a quick question of Paul Sabatino.

120

LEG. CARACAPPA:
What did you say, Cameron?

LEG. ALDEN:
Paul, in the Charter Law -- or where is it -- isn't there a minimum number of minutes that we have to allow people that want to address the Legislature?

MR. SABATINO:
That's correct. The County Charter amendment was adopted about ten or 12 years ago, which requires all County offices, agencies, boards of the Legislature to provide at least three minutes of public participation.

LEG. ALDEN:
So the Charter Law is three minutes. Thank you.

P.O. POSTAL:
I don't have anybody else.

LEG. CRECCA:
Legislator Postal?

P.O. POSTAL:

I am sorry. Legislator Crecca.

LEG. CRECCA:

Just the opposite argument, and I apologize, I stepped out of the room though, is to -- is that we have had -- and I have had my constituents tell me this, they've come here and they've sat for hours and six house, sometimes eight hours, sometimes ten hours to get the opportunity to speak. So while it may limit some, and most people get their full statements in within the three minutes, you will have the ability to get A) more people up, and B) you don't inconvenience the public as much with them sitting around all day. Some people can't sit here. They have obligations to take care of their children or jobs. So I think we're doing the public a disservice if we extend the amount of time.

LEG. BINDER:

Bishop doesn't care.

LEG. CRECCA:

I care about the public.

LEG. BINDER:

Bishop doesn't. Him and his flowers.

P.O. POSTAL:

We're going to have a roll call on this, but I would just like to provide a point of information that really is only tangentially relevant to this amendment, and that is I would like to remind everyone of the Legislators that in the rules, there is the possibility that the Presiding Officer the can limit Legislators from speaking more than ten minutes at the time. So I would just like to remind all the Legislators that that rule exists. Roll call.

121

LEG. HALEY:

Let's memorialize that to say absolutely.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BISHOP:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

On rule change? No.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. FISHER:

No.

LEG. HALEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

No.

P.O. POSTAL:

Yes.

MR. BARTON:

Four.

LEG. BISHOP:
I have one more.

P.O. POSTAL:
Legislator Bishop

LEG. BISHOP:
Maybe if I am really lucky, I will get five votes on this one.

LEG. LINDSAY:
If you say four minutes --

LEG. BISHOP:
No, i'm not doing that. Obviously, the only thing that would probably pass is 90 seconds.

LEG. HALEY:
Second.

LEG. BISHOP:
On the issue of strengthening the committees, earlier we did a lot of maneuvering, and where we ended up was that on the day of the meeting it's 12 votes here around the horseshoe to obviate the work of a committee or to get around a committee, but could you get around it with ten signatures on a piece of paper filed -- what is it -- the day before, to one o'clock the day before. To me, the logic behind the rule was strengthen committees. Ten signatures doesn't work towards that logic, it diminishes that logic. I think we should be 12 signatures. The point is two-thirds to get around committees so that committees are stronger. So my motion is to go to 12 signatures.

LEG. BINDER:
Point of order, Madam Chair.

P.O. POSTAL:
Point of order, Legislator Binder.

LEG. CARACAPPA:
Is there a second?

LEG. BINDER:
Since an amendment has been passed by the body, it would be improper to amend something that's already been amended.

P.O. POSTAL:
Mr. Sabatino?

MR. SABATINO:

No. It would be appropriate to amend. There was never a vote on the

123

ten -- there was never a vote on the ten person requisite for a petition.

LEG. BINDER:

No. No. Excuse me.

LEG. BISHOP:

I think there was.

LEG. BINDER:

We voted on their being ten votes specifically that it be ten votes instead of 12 that would keep it at ten. And we changed that section, even though that number didn't change. I understand the number didn't get amended, but when you change a specific section, which we did by saying from Thursday to another day, you are changing a whole section. You would now be changing a section within a section.

MR. SABATINO:

Right, which you are entitled to do.

LEG. BINDER:

I would disagree.

MR. SABATINO:

You can continue to amend until you get finality.

P.O. POSTAL:

Did you want to speak on that issue, point of information?

LEG. CARACCIOLO:

Move the motion.

P.O. POSTAL:

Legislator Crecca. Did you want to speak period or on that --

LEG. CRECCA:

I want to speak period. And I will say that I think that --

P.O. POSTAL:

Wait. Wait. If you want to speak period, then there was a point of information made, there was an opinion given by our Counsel, and I'm going to support the opinion given by our Counsel.

LEG. FISHER:

And I will second it.

P.O. POSTAL:

Where are we? Legislator Crecca.

LEG. CRECCA:

I was speaking on both. The Presiding Officer has already ruled, but I think Legislator Binder was correct. It was specifically addressed in the rule amendment that it would be 12 -- I mean, if you read what's written before, that was before us, never mind the oral motion too, it said -- it said 12 to verbally and ten -- and ten to written. So I don't understand if this has already been addressed. The other

124

thing I'm going to say too is that, you know, this Legislature has always been about -- on the actual point, on the amendment, the proposed amendment, now I'll go on the point -- is it's always been access.

And as a matter of fact, I have heard some -- I think David made this argument earlier that it's about democracy and the ability to get things before us, before the public, to be able to vote on it. And some of the same people who have -- are now making that argument to empower the committees, okay, made the argument earlier that we want to get things to the floor, that's the whole idea, get things to the floor so it can be aired out here. You know, the idea of a discharge petition has always been something this body has held near and dear. It's always been the ability to for both Democrats, Republicans and individuals to move things forward that way, so they could not get blocked in committee, because of political or other reasons. And the bottom line is there is no way I will support anything that limits the ability of this body to consider relevant legislation.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

I would say that Legislator Crecca is right about access. On top of it, we would then be going to where Legislatures haven't gone. Almost every Legislator is open enough to say that if there is a majority on a discharge, then you can bring something to the floor. At every level, from Congress down through the state through here, it requires a majority to get things to the floor. We would now make it more difficult by saying at any level if you want to bring something out of a committee it takes two-thirds, and that would be a terrible precedent to set to say a discharge, whether it's written or whether it's verbal at any level is a -- it takes two-thirds to get things out of committee, and that's ridiculous.

P.O. POSTAL:
Legislator Guldi.

LEG. GULDI:

I have two points actually. One, is that I concur to require more votes to bring a matter to the floor than would be required for its adoption and approval is a step through the looking glass and generates the absurd result of it takes ten to approve, but it takes 12 to vote on it? Wait a minute. But since it happened so rarely, I happen to agree -- I have to state that I agree with Counsel that since the rules themselves have not been adopted notwithstanding our prior discussion of ten versus 12, we can continue to discuss the minutia within the minutia until such time as we decide to actually go deal with something that we can't amend as we go on through the course of the year. It brings me to a question that I want to ask. And that is, Counsel, in addition to our ability to waive the rules at any time by 10 votes, what is our ability to amend the rules during the course of the year?

LEG. HALEY:
Ten votes.

125

MR. SABATINO:

Not every waiver is ten votes. Those that have an underlying vote of 12 votes, require 12 votes.

LEG. GULDI:

But my question is what is our ability to amend the rules during the year?

MR. SABATINO:

The ability to amend is open-ended. You can submit legislation during the course of the year and votes can be taken to amend.

LEG. HALEY:
Ten votes.

LEG. GULDI:
Thank you.

P.O. POSTAL:

We have a motion and a second, Henry?

LEG. BISHOP:

Are you supporting me? I'm not sure.

P.O. POSTAL:

Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BISHOP:
I'm a yes.

LEG. FISHER:
Yes.

LEG. CARACCIOLO:
No.

LEG. GULDI:
No.

LEG. TOWLE:
No.

LEG. HALEY:
No.

LEG. FOLEY:
No.

LEG. LINDSAY:
No.

LEG. FIELDS:
No.

126

LEG. ALDEN:
Pass.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. NOWICK:
No.

LEG. BINDER:
No.

LEG. TONNA:

No.

LEG. COOPER:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

I'm sorry. No.

LEG. ALDEN:

No.

MR. BARTON:

Two.

LEG. CARACCIOLO:

Madam Chair.

P.O. POSTAL:

Yes. Legislator Caracciolo.

LEG. CARACCIOLO:

An inquiry for Counsel. Counsel, could you direct me to the rule that permits a speaker to use the time of an another speaker that signed up?

MR. SABATINO:

It should be Rule 8, but let me just double check.

LEG. CARACCIOLO:

My inquiry has to do with when we have multiple speakers on an issue where one speaker can waive their time and give it to perhaps the speaker at the podium.

MR. SABATINO:

8-C as in Charlie.

LEG. FOLEY:

Allow one waiver.

LEG. CARACCIOLO:

Right. Madam Chair, I would suggest that again, if we're talking about hearing from the public and different members of the public that come here often times and spend hours for an opportunity to speak, that we amend this rule that would prohibit the transfer of times so

that each and every person that is here speak on an issue would be afforded that full opportunity.

LEG. BINDER:

I would second that.

P.O. POSTAL:

Motion by Legislator Caracciolo, seconded by Legislator Binder.
Legislator Haley.

LEG. HALEY:

You know, we look at the rules and we do look at the down side because we have the propensity in this body to try to sneak around everything. Now, I can just imagine now that we have locked up other things, we have insisted that we call the cards in order that they have been received because we have hanky panky with that. Now what we're going to do is we have tried to streamline it so that we get the public the opportunity and the Legislators don't drag it on forever by asking ridiculous questions. Now, what will happen is any Legislator or any group that wants to, they will just double their numbers coming down here and extend three minutes to every single speaker. So you can effectively wind up with quite a number of speakers with six minutes each. I think that's a substantial loophole, and we should close it.

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

Yeah. I think that given the scope of the rule changes that we have, let's face it, the three minute -- the number of speakers that we have had in the past transfer time from one speaker to another has been diminimous. What we have instead is an awful lot of, "Do you have anything else to say," questions to acrimonious dialogue between Legislators and members of the public or lobbyists. I suggest we wait and see if it is a problem before we change the rule, because I can see frankly a legitimate purpose for making a presentation on a subject that requires more than the 600 -- 300 -- the 540 words that could ordinarily be said in the three minute period.

LEG. HALEY:

I heard you can get a thousand in three minutes.

P.O. POSTAL:

Legislator Guldi, are you finished?

LEG. GULDI:

No. I'm still here.

P.O. POSTAL:

Are you finished with the floor?

LEG. GULDI:

Yes.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

There literally is no reason for anyone to be getting time because there happens to be a couple of minutes left from one so you give what's left to someone else or I have three so I'm going to give it away so they can get double the time. Everyone gets an amount of time, it's equal, it's fair. If you are here, you get it. If you are not, you don't. It's straight forward. We should -- we should clearly do this. If we're streamlining the meetings, this could be a very important tool to doing that, and I strongly support it.

P.O. POSTAL:

Legislator Bishop, did you want the floor?

LEG. BISHOP:

When this is done, I have another amendment.

LEG. TONNA:

Come on, Dave.

P.O. POSTAL:

Okay. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. BINDER:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

Yes.

LEG. FISHER:

(Not present).

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

129

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

A no vote allows transfer?

LEG. FOLEY:

Yes, that's correct.

LEG. NOWICK:

A no vote allows transfer?

LEG. BINDER:

Yes.

LEG. CRECCA:

No vote allows a transfer? Change my vote to a yes.

LEG. LINDSAY:

I want to change mine too, Henry.

P.O. POSTAL:

Henry, are you okay? Do we need to do the roll call over?

MR. BARTON:

Oh, I'm fine.

P.O. POSTAL:

Let's start our roll call again, Henry, please.

LEG. ALDEN:

Yes means what?

P.O. POSTAL:

Okay. Let us restate the motion before we go to our roll call.

LEG. CARACCIOLO:

Madam Chair, I would be happy to since I made the motion.

P.O. POSTAL:

Go right ahead.

130

LEG. CARACCIOLO:

The amendment would change the current rules that permits one speaker who has yet to speak forfeiting their time to speak to someone either at the podium or another speaker.

LEG. BINDER:

You would prohibit.

LEG. CARACCIOLO:

I would prohibit the transfer of speaking time. Every person who comes here to speak should be afforded that opportunity to speak.

P.O. POSTAL:

Okay. Henry, roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. BINDER:

Yes.

LEG. GULDI:

Still no.

LEG. TOWLE:

Yes.

LEG. FISHER:

No.

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

131

LEG. BISHOP:

No.

LEG. TONNA:

Yes.

LEG. COOPER:

No.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

No.

MR. BARTON:

11-7.

P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

Madam Chair, this is the final amendment, and by logic, it would be

the final amendment.

P.O. POSTAL:

Could we count on that?

LEG. BISHOP:

Yes, I think you can. This amendment states that no rule of the Legislature can be changed with this year without a two-thirds vote of the Legislature. One of the problems that this Legislature has historically had is that it is unpredictable to the degree that we are held in contempt by large segments of the population that we serve. A two-thirds rule would simply take the work that we have done for the last four hours and give it more meaning. We can always change it in an emergency, but we can't change it on capricious whim, too often things are done emotionally. And what we ought to do is be predictable, we should have a set of rules that have meaning. A two-thirds vote gives the rules meaning. That's my amendment.

P.O. POSTAL:

Okay. Is there a second?

LEG. FOLEY:

Second.

LEG. CARACCIOLO:

Move the motion.

LEG. HALEY:

I was first.

P.O. POSTAL:

Now, I have Legislator Haley as first on my list.

132

LEG. HALEY:

Here we go again, you know, trying to legislate the behavior of this body at the expense of democracy. You know, it's still ten votes, it's still -- people can -- in your tenure, I think -- since my tenure, I don't remember once when we did a rules change with a vote of the Legislature that goes through the committee process, that has the opportunity for people in the public to come to committee and say what they want. I have only heard of one instance. And it seems to me we should stick to the typical democracy of operating this body instead of trying to create all sorts of rules that makes it practically difficult for us to do so.

P.O. POSTAL:

Wait. Wait.

LEG. HALEY:

That was rhetorical question.

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

The fact of the matter is that I have been here three years, it seems like more than that, and I have never seen, that I recall off the top of my head, a rule change during the year. I think this is just motivated -- the motion is motivated by a fear that at some other point that ten Legislators will want to change a rule or something like that. But the bottom line is that there's no justification other than that this year to do that, and I would urge my colleague to do what we have done in the past and rule changes during the year can be made regardless under our rules that have been in existence.

P.O. POSTAL:

I will put you on the list. Legislator Bishop, did you want me to put you on the list.

LEG. BISHOP:

Yes.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

I am amazed that Legislator Bishop talks about ten votes on a whim, off the cuff, a majority could just be on a whim. Aren't you the Legislator -- isn't Legislator Bishop the Legislator who brought out on ten votes the Living Wage Bill out of committee on a whim? It just took ten votes, must have been a whim that it happened on. It's ridiculous on its face to say ten do things on emotion on a whim. And I have been here 13 years, we haven't whimmed or emotioned a rule change in 13 year that I know during the year. So it is unfortunate that this has even come up, and I think this will probably go the way of the other Bishop amendments on the rules.

LEG. GULDI:

He's down to two.

133

P.O. POSTAL:

Legislator Towle? No. Legislator Bishop.

LEG. BISHOP:

First to the what Legislator Haley said --

P.O. POSTAL:

I'm sorry, excuse me. I wrote Towle, I meant Tonna. Legislator Tonna.

LEG. TONNA:

No. In the interest of saving time, as long as it's going to go down.

P.O. POSTAL:

Legislator Bishop, with that encouraging remark.

LEG. BISHOP:

The rules are more like a constitution. They are the framework with which we operate. You don't simply amend the constitution with a majority, you require a two-thirds majority generally to amend the constitution. Here's the example that I'm afraid of. The example I'm afraid of is you get your first -- you're devilishly clever back there with your constipation references and whatever. Sit down and shut up.

P.O. POSTAL:

Could we proceed? You know, one of the -- let me just remind you that in our rules, which unfortunately we have not adopted, Legislators are required to behave with dignity and decorum and not to demean other members of the Legislature.

LEG. BISHOP:

You got that?

P.O. POSTAL:

Please continue.

LEG. BISHOP:

The rules are more like the constitution then they are an individual vote of a Democratic elected body. First you have to have the rules with which you operate and then you consider the individual issues. If you can simply change the rules with ten votes, there's no certainty as you move forward -- there's less certainty, there's some certainty, but there's certainly less certainty. What I'm afraid of that I'm trying to guard against is our situation where there are speakers and the first legislator that learns the trick that you can extend time with ten minutes, then we're going to get into this constant thing where people are going to be asking for waivers of the rules to allow people more time to speak. That would be an example. Once you start on that, you go down the slippery slope. So it's the slippery slope argument. I think the rules should have more meaning than that. We did a lot of good work here today, more than four hours of earnest debate, and we should credit that debate by making our rules have more meaning and requiring a two-thirds vote to change them.

P.O. POSTAL:
Legislator Fields.

LEG. FIELDS:
I think that what we have done today is make some very significant changes in what we will be doing in the future. And sometimes you have to be careful for what you wish for. And it may alter things in ways that we might not want it to alter, and we should be able to have the ability to change that in the near future or in the far future so that it does conform with what our intent is. So I would not support your change.

P.O. POSTAL:
Legislator Alden.

LEG. ALDEN:
I just have a quick question of the sponsor. Does this also include you would need a super majority or -- to waive the rules or this is just to change the rules?

LEG. BISHOP:
To waive the rules. The rules would be the rules.

LEG. ALDEN:
Any time you want to waive the rules --

LEG. BISHOP:
If that's the intention.

LEG. ALDEN:
So it would waive the rules and lay on table, you know, late starters and stuff like that? You would need a super majority?

LEG. FOLEY:
Waive the rules for a late starter?

P.O. POSTAL:
Legislator Haley.

LEG. HALEY:
I will pass.

P.O. POSTAL:
Legislator Guldi.

LEG. GULDI:
With all due respect to the sponsor, the rules of the Legislature are

not the constitution. The constitution happens to be the constitution. The chart of Suffolk County happens to be the charter of Suffolk County. The rules of the Suffolk County Legislature are this document, which only, only this body could spend five hours discussing given the fact that there probably aren't even ten people in this room who have actually read the damn things. I submit that the -- the rule of the majority, being ten, be the only rule that we've ever really had, it ought to be the only rule we continue to have.

135

P.O. POSTAL:

Legislator Fisher? Oh, I'm sorry, I thought you wanted the floor. Then I would like the floor. Legislator Guldi makes an important point. We can amend the charter with merely ten rules. I think that makes for -- ten votes -- I think that makes for not only lack of stability, but I think it's one of the things that is responsible for the reputation that we have of being volatile, of being disorganized, and frankly, I would be more interested in changing our law, our requirements, our rules, our laws, to require 12 votes, not only to amend our rules, but to you amend the County Charter. We know how hard it is to amend the Constitution of the United States, the Constitution of the State of New York. That's because it's a document that's the foundation of our government. The charter is the foundation of Suffolk County Government. And I think it's outrageous that we can change that with a simple majority. I think that the rules kind of come next in my upon. You know, it's the charter should be stronger than the rules, and so I will support the motion.

LEG. BISHOP:

Thank you. You and me against the world.

P.O. POSTAL:

That would be a unique experience, David. We have a roll call now.

LEG. BISHOP:

We're going to find out.

(*Roll Called by Mr. Barton, Clerk*)

LEG. BISHOP:

Yes.

LEG. FOLEY:

Yes. Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:
No.

LEG. TOWLE:
Pass.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
I'll pass.

136

LEG. ALDEN:
No.

LEG. CARPENTER:
No.

LEG. CRECCA:
No.

LEG. NOWICK:
No.

LEG. BINDER:
No.

LEG. TONNA:
No.

LEG. COOPER:
Pass.

LEG. CARACAPPA:
No.

P.O. POSTAL:
Yes.

LEG. TOWLE:

No.

LEG. FIELDS:

No.

LEG. COOPER:

Yes.

LEG. ALDEN:

Anybody want to reconsider?

MR. BARTON:

Six.

P.O. POSTAL:

Okay. Did I see your hand up, Legislator Guldi?

LEG. GULDI:

Yeah. Actually, I have an inquiry of Counsel as to whether or not -- I think one of the things you have had in the past, that's come up in years past, where we have gone through -- we have encountered committees having problems getting testimony or documents that they have requested. We have gone through a process of submitting legislation to grant the committee subpoena power and then waiting the months it takes to draft, submit, consider and adopt that resolution and that delay, that substantial delay, to do that process being an impairment to the ability for the committee to get the information. As an alternate procedure to that with still some checks and balances

137

in it, what I was going to inquire is as to if we wanted to create a system where subpoena power could be conferred at the request of the Committee Chairman by the Presiding Officer, would that procedure be embodied in our rules or would that be something -- would that be something better addressed by a constructive piece of legislation we can consider?

MR. SABATINO:

It would require an amendment to the charter, because what's governing the law of subpoenas right now is the County Charter, which gives that authority to the full Legislature. That's why each and every time we have had to go the subpoena route in the past, we've had to pass a legislation delegating that authority to the particular committee, then the committee exercises the power. The short answer is it would take a charter law amendment.

LEG. GULDI:

Thank you.

P.O. POSTAL:

I'm going to make a motion to adopt the rules of the Legislature as corrected.

LEG. CARACCIOLO:

Second.

P.O. POSTAL:

Seconded by Legislator Caracciolo to approve Resolution No. 2, the corrected rules of the Legislature. I will make that motion.

LEG. BINDER:

As amended.

P.O. POSTAL:

As corrected I said, because they are corrected and the amendments were in the corrections, seconded by legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

The rules are adopted. Thank heavens.

LEG. CRECCA:

Madam Chairman, I would ask to be recognized for the purpose of a motion.

P.O. POSTAL:

I know what your motion is going to be, and it will be out of order until we get to Number 16 on our agenda.

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Just a minute.

LEG. FOLEY:

Madam chair.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Are we on Resolution No. 3?

P.O. POSTAL:

We are on Resolution No. 3, which is appointing the Clerk of the County Legislature. And Legislator Foley?

LEG. FOLEY:

I would like to make the motion.

P.O. POSTAL:

Legislator Towle is seconding the motion. All in favor? The name is Henry Barton, Junior. All in favor?

LEG. CARACCIOLO:

On the motion.

P.O. POSTAL:

On the motion.

LEG. CARACCIOLO:

I -- obviously, as a former aide in my Legislative District Office, Henry has served this body well, and I certainly wish him in the future. I noticed for the first time this year that the way the resolution is worded is that each of these appointments serve at the pleasure of the County Legislature and until the successor is appointed and qualified. Question to Counsel is at any time during the year, like our rules, any one of these appointed positions could be --

LEG. GULDI:

That's right, Mike.

LEG. CARACCIOLO:

Could be changed or modified?

MR. SABATINO:

Absolutely. The language is the same.

LEG. CARACCIOLO:

Thank you. Okay.

P.O. POSTAL:

Well, Henry, now that you feel really secure here, Legislator Alden.

LEG. CRECCA:

Henry, I need a favor.

LEG. TOWLE:

How are those copies coming?

P.O. POSTAL:

Legislator Alden has the floor.

LEG. ALDEN:

On the motion, I want to take one minute while we're considering this, and I want to say, Henry, for the past year, I think you and your staff acted in a very professional manner. You are a lot of times under fire and a lot of pressure and things like that and you came through. And you have kept the -- you are basically the nuts and bolts of the Legislature and you kept it going. So I want to compliment you and all of your staff on a fine job that you have done in the past, and that's probably why I will support this resolution.

P.O. POSTAL:

We have a motion and a second. All in favor? Any opposed?

MR. BARTON:

18.

P.O. POSTAL:

Congratulations, Henry.

LEG. TOWLE:

It's funny how you didn't have to count that twice.

P.O. POSTAL:

Introductory Resolution No. 4, appointing Chief Deputy Clerk of the County Legislature, and the name is Alexandra Sullivan.

LEG. TOWLE:

Motion.

P.O. POSTAL:

Motion by Legislator Towle, seconded by Legislator Caracciolo. In many favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Congratulations, Sandy. Resolution No. 5 --

LEG. LINDSAY:

I make the motion.

P.O. POSTAL:

Let me read the resolution, appointing Deputy Clerk of the County

Legislature, and this is Ilona Julius. There is a motion by
Legislator Lindsay, seconded by Legislator Carpenter. All in favor?
Opposed?

MR. BARTON:
18.

140

P.O. POSTAL:
Congratulations, Ilona.

LEG. TOWLE:
This is a tough one, the next one.

LEG. CARACCIOLO:
Motion.

LEG. FIELDS:
I will second the motion.

LEG. TONNA:
I make a motion.

P.O. POSTAL:
Okay. There is a motion by Legislator Caracciolo, seconded by
Legislator Fields on Introductory Resolution No. 6, which is
appointing counsel, Paul Sabatino, the second to the Legislature.

LEG. HALEY:
On the motion.

P.O. POSTAL:
On the motion, Andrew.

LEG. CRECCA:
I just wanted to ask which legislative district in Smithtown Paul
lived in, the 12th or the 13th?

LEG. FOLEY:
You should know that.

P.O. POSTAL:
You mean, before or after reapportionment?

LEG. CRECCA:
I didn't get a chance to read Newsday today. I will check it out.

P.O. POSTAL:
Anyway, Legislator Haley.

LEG. HALEY:

I tell you, I thought Legislator Crecca was a lot of things, but I didn't know he was a masochist too. God, I can't believe you said that. Actually, I just want to be technical, and I will even let Counsel answer this. If you look at the previous resolutions that were pursuant to Section 2-10 and everything, I think we just do this as almost as a matter of courtesy or something, because I don't know that we really need to approve counsel. There's not necessarily a process that says we do, he's counsel until such time as somebody else -- he's replaced, right? Isn't that the case? I mean, differentiate between your resolution and the other ones. I'm just curious.

141

MR. SABATINO:

We all serve at the pleasure of. It's a day-to-day job. It's pursuant to the rules, not the charter.

LEG. HALEY:

That's the rule. And charter is the other one -- all right. I was just curious as to the difference.

P.O. POSTAL:

Okay. We have a motion and a second, all in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Congratulations, Paul. Introductory Resolution No. 7 is fixing the time of meetings of the County Legislature for 2003.

LEG. CRECCA:

Motion.

P.O. POSTAL:

Okay. I would like make a motion to amend Resolution 7 in the following fashion. And I would ask you -- I apologize, because it was very difficult to try to accommodate people's schedules. So that this actually was finalized during this meeting. So the -- you're going to have to forgive me and follow along with me. The dates of meetings, time and place, from the type of top of the page. My amendment is the following: January 28th 2003 at 9:30 a.m. in Hauppauge, February 17th.

LEG. GULDI:

No.

LEG. FISHER:

No.

LEG. CARPENTER:
Winter recess.

P.O. POSTAL:
February 11th, I apologize. I will tell you if anything changes with regard to the time and the place, but that's February 11th. The next change would be October 7th.

LEG. TONNA:
No. No.

P.O. POSTAL:
Oh, I'm sorry.

LEG. TONNA:
To October 7th?

P.O. POSTAL:
Yeah. March 4th would change to March 11th and October 14th would change to October 7th.

142

LEG. TONNA:
No.

P.O. POSTAL:
No?

LEG. NOWICK:
March 11th.

P.O. POSTAL:
I'm just talking about the change. Let me start from the top. I'll go through the dates. January 28th, February 11th, March 11th, October 7th.

LEG. BINDER:
Just go in order.

P.O. POSTAL:
There are no other changes. I'm giving you the ones that I'm proposing to amend. The 25th of March is staying the same.

LEG. NOWICK:
The committees are scheduled for the week of March 10th.

LEG. CARACAPPA:

Paul can't.

LEG. TONNA:

I can't October 7th. Just get rid of the October meeting.

P.O. POSTAL:

Okay. Excuse me. I haven't even gotten to the committee schedule, but the committee schedule for that March 25th meeting would be the week of March 17th.

LEG. CARACAPPA:

Madam chair, can I make a recommendation? I don't know if it would be legal.

P.O. POSTAL:

Well, I'm not up to that yet.

LEG. CARACAPPA:

I was going to -- seeing that there are a lot of conflict I hear coming from the horseshoe, would we be able to approve the first set of committee meetings and the first general session at this point in time in order to give you the ability to finalize a schedule that accommodates more Legislators and works for the majority? So we have at least at first committee schedule on par, and we have the first meeting on schedule, and you can work out the rest of it. In an effort to help you out.

P.O. POSTAL:

Wait. Please wait to be recognized. Legislator Tonna.

143

LEG. TONNA:

Yes. I just -- we have additional meetings here than we have had in years past. The October meeting, given what all of us will be doing in October, and given the pension for last minute politicizing rather than -- and politicing rather than, you know, being focused on governmental issues and for the fact that we have two November meetings, I guess one of them is the Operating Budget, why don't we just eliminate the October meeting?

LEG. CARPENTER:

I second that.

P.O. POSTAL:

I would just respond and certainly, you know, people can, I guess, vote against my proposed amendment of the calendar, but I would just like to respond to what was said about more meetings than last year.

This Introductory Resolution schedules exactly the same number of meetings for 2003 that we have we had in 2002. So there are no meetings that are additional to what was scheduled in 2002.

LEG. TONNA:
I stand corrected.

P.O. POSTAL:
I mean, the issue of the October meeting is a separate issue.

LEG. TONNA:
Right. Okay. I thought -- I'm sorry, I thought there were 17 here.

P.O. POSTAL:
Well, you know, I would suggest -- excuse me, there is one more than there was last year.

LEG. TONNA:
I'm asking that we eliminate the October meeting.

LEG. GULDI:
I will second the motion.

P.O. POSTAL:
All right. All in favor? Opposed?

LEG. BISHOP:
Opposed.

LEG. FOLEY:
Opposed.

MR. BARTON:
16.

P.O. POSTAL:
Okay. That meeting is eliminated.

LEG. NOWICK:
Can I go back to March?

P.O. POSTAL:
Certainly. Let me just say before I recognize Legislator Nowick that this is one of those things where people have different scheduling requirements, and it's extremely difficult to work out a schedule that's agreeable to everybody. I would suggest that it might even be impossible to do that. So you know, we really -- at this point, we're

-- we have tried. And I certainly will recognize you for your motions, but please understand that if we do that, we may be here forever and we may not be able to make any decisions about change. But I will recognize Legislator Nowick.

LEG. CRECCA:
There's a list?

P.O. POSTAL:
No, I don't have a list.

LEG. HALEY:
I want to go on the list.

LEG. BINDER:
I want to go on the list.

P.O. POSTAL:
Legislator Nowick.

LEG. NOWICK:
Yes. I notice there are two meetings in March, March 4th and March 25th.

P.O. POSTAL:
Actually, it's March 11th and 25th.

LEG. NOWICK:
Okay. With the -- the committee meeting would be then?

P.O. POSTAL:
The committees would be the week of the 17th, and the one for the 4th would be February 24th.

LEG. NOWICK:
Every week in March then, March 4th would be the meeting. No, I mean, March 4th would be committee, March 11th is the meeting, March 18th is the committee, March 25th is the --

P.O. POSTAL:
No. No. The 11th. We're going to have the committee meeting --

LEG. NOWICK:
The 4th are committees, the 11th is the meeting, the 18th are committees, the 25th.

P.O. POSTAL:
No. No. Let me point something out. This year, which I think is unusual, there are months in which the committee week is not immediately followed by the week with the meeting.

LEG. NOWICK:

That would be more my concern.

P.O. POSTAL:

There's a week that elapses in between.

LEG. NOWICK:

My question is, is the week of the 18th going to be open or closed?
Are we having meetings that week?

P.O. POSTAL:

The week of the 17th will be a committee week, I believe, for the --
the week of the 10th, that will be an open meeting the week of the
17th.

LEG. NOWICK:

We don't have committees that week?

P.O. POSTAL:

No. Let me explain.

LEG. NOWICK:

Please, because that is great.

P.O. POSTAL:

You like that? There was a suggestion made that committee weeks not
by immediately followed by Legislative Meetings in order to permit the
possibility that we could receive the minutes of committee meetings
with enough time to read them before we have to vote on issues at a
Legislative Meeting. So that was the rationale. Now, you will see
that this is a kind of compromise, because we were able to do that
during certain months, but not able to do that in other months. I
believe that that's a compromise. That's what's happening here.

LEG. LINDSAY:

I want to talk.

LEG. NOWICK:

Just to get through that March then, from what I understand, that week
of the 17th won't be committees, so, okay, I'm fine with March.

P.O. POSTAL:

Okay. Now, we have Legislator Binder.

LEG. BINDER:

Madam Chair.

LEG. FISHER:

Put me on the list, please, because it didn't make sense.

P.O. POSTAL:

You're next, Legislator Haley.

LEG. BINDER:

Madam Chair, by moving February 4th -- March 4th to March 11th, you move the committee week to that next week, the week of Purim.

146

LEG. NOWICK:

Which week?

LEG. HALEY:

Purim?

LEG. BINDER:

Purim, P-u-r-i-m.

LEG. HALEY:

What the hell is Purim?

P.O. POSTAL:

It's a Jewish holiday.

LEG. BINDER:

Hell is not a word attached to it, sorry.

LEG. HALEY:

Every day during the year is a Jewish holiday.

P.O. POSTAL:

No, that's not true. Let's go back to --

LEG. BINDER:

You have a problem?

P.O. POSTAL:

Allan, Marty, let's not.

LEG. BINDER:

Well, a long time ago --

P.O. POSTAL:

Actually, Legislator Binder will invite you to his house to celebrate.

LEG. BINDER:

For a Purim party. And by the way, you can get dressed up.

P.O. POSTAL:

Don't say it, Allan. Anyway, I'm just looking. This is what I mean about this being so difficult.

LEG. BISHOP:

Are you required to shut down?

P.O. POSTAL:

Allan.

LEG. BINDER:

My concern mainly is that Tuesday. Madam Chair, if I don't have a committee meeting on that Tuesday, I'm in fine shape.

P.O. POSTAL:

You're fine. I will make sure you do not have a committee meeting on Tuesdays at all.

147

LEG. BINDER:

That's works. In fact, I'm probably not going to have any committee meetings on any days.

LEG. CARACAPPA:

That was as bad as Andrew's issue.

LEG. BINDER:

It was almost as bad.

LEG. FISHER:

Allan, what was that date?

LEG. BINDER:

You want to know Purim?

P.O. POSTAL:

I know this is really tough.

LEG. BINDER:

The 18th of March.

P.O. POSTAL:

Allan, no Tuesday committees. There's more?

LEG. BINDER:

I have one more question. October 14th, that worked out well.

LEG. HALEY:

You get two, that's it.

LEG. BINDER:

The other one I would have a question of, if it's possible, it's not absolutely necessary, but if it's possible to move May 20th to another because it's Lag B'Omer, and no one is going to know what that is, and you don't want to know. It would take a while to explain. I don't know about these things until a couple of years ago.

LEG. HALEY:

Madam Chair. Madam Chair.

P.O. POSTAL:

Wait. Wait. Allan, I would really like to honor your request, but it's actually impossible, because there's a general meeting on May 6th, the next week is a committee week, a General Meeting on May 20th and Memorial Day. So I mean, you know --

LEG. BISHOP:

It's not crucial. I just wanted to ask.

LEG. CARPENTER:

Madam Chair, can I just suggest that perhaps we let you go through the dates and the committee meetings.

P.O. POSTAL:

I want to go one by one. I would just take a minute, because we

approved five meetings in Riverhead.

LEG. LINDSAY:

Could I put in a comment? But the thing of moving the committee schedule two weeks prior is totally different than what we were given, totally different. Our committees have always been the week before. That's what the schedule was printed. By moving them two weeks now, you just threw the whole schedule out the window.

P.O. POSTAL:

I would just point out how many -- Mr. Sabatino, how many times during year is the committee week not immediately prior to the week of the meeting?

MR. SABATINO:

It was five in what was proposed. Just for the record, my office

prepared it this way, because there were some inquiries and requests from Legislators to try to get the extra week in as many situations as possible. When we went through the calendar, you couldn't do it for all 16 or 17 meetings, but we tried to do it in those cases where it was physically possible based on all the competing holidays and schedules. That came out of my office, but based on Legislators that were communicating that. What you are actually voting on today is the scheduling of the meetings. The Presiding Officer picks the committee weeks in that particular schedule. It was a courtesy to show what was being proposed as the attachment.

P.O. POSTAL:

I would just -- Legislator Haley.

LEG. HALEY:

I don't remember getting extended a courtesy to look at committee meetings two weeks prior to that. But I did ask way ahead of time of the presiding -- I would say about it was a month ago I asked, and I know it was also repeated to someone in the PO's Office by about my predicament. For quite some time now, I have made plans for that week of May 20th. I have asked around the Legislature, I have asked -- obviously, that consideration wasn't passed along to you or your people when you did that. But I have also gone around the dias and asked a lot of people, and there's a lot of people who are willing to consider making some modification so that week clears up for me. One of my would be and consistent with your ability to move committee weeks, my only suggestion would be to take May 6th and May 20th and just shift them back one week.

P.O. POSTAL:

Okay. If we were to do that, that would be May 13th and --

LEG. HALEY:

Or eliminate May 20th.

P.O. POSTAL:

Thirteenth and 27th, which would move the June meetings -- move it which way, back?

LEG. BINDER:

Both back one week. Is that a holiday I can make fun of, Marty?

P.O. POSTAL:

Marty, can I just suggest that might we be a realistic possibility, but I think that it probably would be more efficient and more sensible if we started at the top and just went one meeting at a time so that we're not discussing 12 different dates.

LEG. HALEY:

Madam Chair, I had the floor. But while you are at that, I think you better do one of two things; either decide that you are going to discuss the committee week along with it or leave that alone for your discretion later on, which I don't have a problem with, by the way, providing that Linda or somebody maintains those consideration that are brought up for the general meeting.

P.O. POSTAL:

Okay. Let's go through the date of the general meetings. The first date is January 28th.

LEG. BISHOP:

That's Super Bowl week.

P.O. POSTAL:

And for David, that's a religious holiday.

LEG. BISHOP:

If the Jets are still in it.

P.O. POSTAL:

The next meeting is February 11th.

LEG. CRECCA:

When is the committee?

P.O. POSTAL:

No. We're only talking about General Meetings. The next meeting is March 11th, and I would just ask while we're doing this if Mr. Sabatino could just suggest an appropriate fifth meeting for Riverhead while I'm going down this list.

LEG. CRECCA:

The budget meeting.

P.O. POSTAL:

March 25th.

LEG. GULDI:

Motion to eliminate the March 25th meeting. There's a second meeting in March, it's two weeks apart, it would solve the committee problems, and we don't have any pressing budget considerations at that time of the year.

LEG. BINDER:

Second.

P.O. POSTAL:

Okay. There's a motion by Legislator Guldi, seconded by Legislator Carpenter -- Legislator Alden. All in favor of eliminating the March 25th General Meeting of the Legislature? Legislator Foley.

LEG. FOLEY:

Madam Chair, on the motion. By eliminating March -- over my objection, the Legislature also eliminated October. So we actually will have fewer General meetings this year than we did last year.

P.O. POSTAL:

Legislator Foley is presenting information. We're going to vote on this. Those people who would like to eliminate the March 25th will vote in favor of doing so. Those who are opposed will vote against doing so.

LEG. BISHOP:

On the motion. You know, I think that any meeting in the abstract seems unnecessary. You pick out any date and you'll say, oh there's nothing to do that day, because it's seven months away. So I don't think this is -- I think we should when we consider eliminating meetings, consider the fact of how many meeting we have had this year -- the past year rather, that went to 11:00, 12:00 and beyond and that will give you an indication there's a lot of work to be done in this Legislature, and it's not so easy to eliminate meetings. And when you do, you make for very long cranky sessions.

LEG. CARACCIOLO:

Streamline, Dave.

LEG. FOLEY:

I want to bring up one other point, if I may, Madam Chair.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

By the way, this is to Counsel. If we eliminate March 25th meeting, there is March 11th meeting, if there are any vetoes stemming from resolutions that are approved -- can I have order pleas, Madam Chair?

P.O. POSTAL:

Certainly. I think that -- first of all, Legislator Foley deserves courtesy, but I think he's making an important point. So I would ask you to please give him your attention.

LEG. FOLEY:

Thank you, Madam Chair. If we eliminate the 25th and we go with the

11th and resolutions approved on the 11th, any one of them -- any one of them is vetoed by the County Executive, is the April 8th meeting within the time period for overrides?

P.O. POSTAL:
Mr. Sabatino?

151

MR. SABATINO:
You have 30 days, so if the --

LEG. FOLEY:
The microphone isn't on.

MR. SABATINO:
You have 30 days to override. So if the legislation is adopted on the 11th and the Clerk gets it there on the 12th or the 13th, depending on whether it's a resolution or a law, you would have enough time by about three or four days.

LEG. FOLEY:
Thank you.

P.O. POSTAL:
We have a motion and a second. And I think we have to -- at the risk of taking a lot of time, do a roll call on this.

(*Roll Called by Mr. Barton, Clerk*)

LEG. GULDI:
Yes.

LEG. CARPENTER:
Yes.

LEG. CARACCIOLO:
No.

LEG. TOWLE:
Yes.

LEG. FISHER:
Yes.

LEG. HALEY:
Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Yes.

152

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

No.

LEG. CRECCA:

No.

MR. BARTON:

11-7.

P.O. POSTAL:

Okay. The March 25th meeting is eliminated. April 8th. And Mr. Sabatino, just correct me as far as --

LEG. BISHOP:

Let's eliminate everything on the agenda.

LEG. ALDEN:
Second.

LEG. CARACAPPA:
NHL playoffs.

P.O. POSTAL:
-- which additional meeting is in Riverhead, please.

MR. SABATINO:
I had contemplated that for the December -- well, for the December warrant meeting, tax meeting.

P.O. POSTAL:
Okay. That's fine. Thank you. I'm continuing down the list, April 8th. May 6th.

LEG. HALEY:
Madam Chair, in the interest of trying to move May 20th, I was hoping to maybe move May 6th to April 29th and May 20th to May 13th. Or in absence of that approval --

LEG. CARPENTER:
Okay. That's enough.

153

P.O. POSTAL:
Wait we're working on it.

LEG. TONNA:
I think pushing it that way rather than into the vacation, the June.

P.O. POSTAL:
Yeah. Okay. So we would be moving the proposed May 6th meeting to April 29th and then the committees will have to be scheduled during the school recess. You need to be aware of that. Well, you know, the question is --

P.O. POSTAL:
Well, again, he's making a motion to make that change.

LEG. HALEY:
Well, can the committee weeks go -- I mean, do you have the flexibility in committee weeks to move around that?

P.O. POSTAL:
No, because the week before --

LEG. BINDER:

Madam Chair, there's another --

P.O. POSTAL:

Wait. Let me answer his question. The week -- if we were to move the -- we actually could, I mean, it would be a little convoluted, but the previous week, the week of the 21st is school recess, the week before that, April 16th, 17th and 18th are not only school recess, but they're Passover and Good Friday.

LEG. HALEY:

Why don't we do this: Why don't we combine them into one meeting that's somewhere between May 6th and May 29th?

P.O. POSTAL:

Well, you know, I would suggest something else. Let me make another suggestion and see if it's agreeable, because, you know, I know that some people are very opposed to eliminating meetings.

LEG. HALEY:

We would be eliminating a meeting in Riverhead.

P.O. POSTAL:

You just lost that vote. Anyway, let me suggest, if this is agreeable, that we do our --

LEG. CARPENTER:

What about April 1st?

P.O. POSTAL:

We do our committee week beginning on Friday the 11th with Monday committees, continuing the 14th, 15th and 16th --

154

LEG. NOWICK:

Good idea.

P.O. POSTAL:

And that would and able us to do exactly what you are proposing, to move that meeting in April to the 29th.

LEG. CARACCILOLO:

The May meeting.

P.O. POSTAL:

No. No. His proposal was to move May 6th -- I think it was to remove the May 6th meeting and move to the end of April; is that right?

LEG. HALEY:

Right. And move May 20th to May 13th.

P.O. POSTAL:

Okay. Why don't -- that can be done if, you know, we schedule the committees that way.

LEG. HALEY:

I appreciate that.

P.O. POSTAL:

Legislator Binder.

LEG. BINDER:

Legislator Postal, you understand that the 16th is a very early day, because that's --

P.O. POSTAL:

Is that Erev Passover?

LEG. BINDER:

Right.

P.O. POSTAL:

Oh, because this calender doesn't tell you that. Well, how about we start committees on the 10th, and we do the 10th, 11th and 14th and 15th?

LEG. BINDER:

Fine.

LEG. HALEY:

I amend my motion to include those changes you just mentioned. Thank you.

LEG. CARPENTER:

Can you just repeat those dates on the committee?

P.O. POSTAL:

Yes. We're going to move -- let me make sure I'm accurate -- the May 6th meeting will be changed to April 29th, and the committee week -- I

will make the committee week schedule, but it would be will as I said. And then the May 20th will be moved to the 13th.

LEG. HALEY:

Thank you.

LEG. BINDER:
April 8th is still the same?

P.O. POSTAL:
Yes.

LEG. BINDER:
So then committees start two days after that.

P.O. POSTAL:
Yeah, it will.

LEG. FOLEY:
Madam chair, if I may.

P.O. POSTAL:
Yes.

LEG. FOLEY:
Madam Chair, this is a question to the Chair and to the Budget Review Office.

P.O. POSTAL:
Can we just have some order? This is very complicated, and we need to pay attention.

LEG. FOLEY:
If we move the May 20th meeting to May 13th, does that have any bearing on when Budget Review Office will finalize their report on the Capital Budget and Program? And will that -- would that also have, Madam Chair, an impact on the deadlines for submitting the amendments to the proposed Capital Program?

P.O. POSTAL:
Mr. Pollert.

MR. POLLERT:
The County Executive's Capital Program will be out on April 15th and our report should be out sometime around May 20th, so there won't be any impact.

P.O. POSTAL:
All right. Moving right along here. Okay. June 10th, June 24th. It's agreeable to everybody, so I'm including it in my motion to amend. June 10th, June 24th, August 5th, August 26th, September 16th, November 6th, which is a Thursday, I point that out, that's the Operating Budget Committee, which is what we did this year -- the Operating Budget Meeting, which we did this year, November 18th at

which we will set the levy if possible. The next one should be amended to December 2nd in Riverhead. And the Clerk tells me that he

156

will be able to prepare the tax warrant by that date so that we will be able to get that out to the taxpayers earlier. And then the last meeting of the year will be December 16th, which is a Tuesday.

LEG. BINDER:

I'm sorry. What was that?

P.O. POSTAL:

December 16th, which is a Tuesday rather than December 18th, and that's going to be another committee week where we will begin -- what we would do is we have a General Meeting that we're moving to the 2nd, but with regard to the meeting on the 6th, we will have our committees prior to that meeting on December 11th, 12th, 15th -- actually, we would have -- yeah, we're moving the 9th to the 2nd. So we will have the committees on the 10th. We could actually do it as a normal committee week starting on Monday the 8th, 9th, 10th, 11th.

LEG. BINDER:

That's fine.

P.O. POSTAL:

That would leave us some time prior to Christmas, which --

LEG. CARPENTER:

Could you please go through the committee weeks now that we have established the dates for the meeting.

P.O. POSTAL:

You know, I tell you that is going to take a very long time.

LEG. GULDI:

Put out revised schedules.

P.O. POSTAL:

We need to vote on the calendar of meetings. Legislator Nowick.

LEG. NOWICK:

Just one question, and you might want to consider, it you might not. I notice that Election Day is on the 4th, we're all running -- we're all running. I know many times -- and we have a meeting on the 6th -- just for you to think about, the following week would then be committee week, it's very possible after Election Day that many people might want to go away after all that.

LEG. CARPENTER:
Ain't happening.

LEG. NOWICK:
Well, we have Veterans Day in there too.

P.O. POSTAL:
There are considerations that are extremely important. Let me flip back to my committees. Let me point out that November 6th we're voting on the Operating Budget. Now, keep in mind that if we move that back, it pushes everything else back so that the levy would be adopted at a later date, the warrant would be adopted at a later date.

157

So if we meet on November 6th, then -- and that would be the Operating Budget on the agenda only, then November 18th, we would meet and include any veto overrides. And our aim is to set the levy on that date, which I can see that the Clerk is telling me is a possibility. And then we would on December 2nd, at that meeting do the warrants, you know, that's important, because I think our objective is to do that and provide information to taxpayers as early as possible. You know, especially those who pay their taxes directly. It's very hard to kind of spring something on people when they have till January 10th and, they don't get their tax bills until, I don't know, two weeks before. So if we could move that up to get them their tax bills a little earlier, we're being considerate of taxpayers. So those are the dates. I will put together the committee weeks. I will do that with as much awareness. We have been listening to you, taking notes, as much awareness as possible of where people are not available and where there are religious holidays. And you will get a schedule of committee meetings. But the -- my motion is to amend Introductory Resolution No. 7, which fixes the time of meetings of the County Legislature for 2003. I'm making the motion, seconded by Legislator Towle. All in favor?

LEG. CARACCILO:
On the motion, can you just quickly go through the dates?

P.O. POSTAL:
I'll go through them real fast. January 28th, February 11th, March 11th, April 8th, April 29th, May 13th, June 10th, June 24th, August 5th, August 26th, September 16th, November 6th, November 18th, December 2nd, December 16th. Okay? We have a motion and a second. All in favor? Opposed? Okay.

MR. BARTON:
17, one not present.

P.O. POSTAL:

The calender is adopted, and I will provide a revised schedule of committee meeting dates.

LEG. CARPENTER:

May I just, Madam Chair. The first committee week then, will it be the 13th as is on the schedule now?

P.O. POSTAL:

No. It will be adjusted, and it will be the week of the 21st, Tuesday the 21st. There is a holiday on Monday, so it will start on Tuesday the 21st and continue through the 24th.

LEG. CARPENTER:

All right. I don't know, and I'm sure you don't know what committee assignments are, but I will be out of town at a family wedding in Kansas on the 24th. So I may have an absence there.

P.O. POSTAL:

You know, things come up, and it's impossible to foresee and address everything. Okay. Now, I'm moving to -- may I have your attention please. I know that, you know, this has been along meeting and it's

158

been difficult, but I think we're really doing our best to try to accommodate everyone here, and I think we're doing a pretty good job of it.

LEG. HALEY:

Yes, you are, Madam Chair.

P.O. POSTAL:

We're going to move to Item 12 - Designating depositories pursuant to Section 212 of the New York County Law. Motion by Legislator Haley, seconded by Legislator Towle.

LEG. CARACCIOLO:

On the motion.

P.O. POSTAL:

On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

For BRO or Counsel or both, are there any substantive changes from previous depositories with the County? Has anyone looked at this closely?

MR. SABATINO:

The only one that looks different to me is the last one, Hampton State Bank. I don't recognize that one from last year, but I would defer to the Clerk. I think he got the actual list.

MR. BARTON:

Madam Chair, we contacted the Treasurer. These are the banks that have been used. It's identical to last year's resolution, except that it includes an additional bank, and it may have been Hampton that you had approved during the year.

LEG. CARPENTER:

It was Commerce.

P.O. POSTAL:

So that any bank that's on this resolution has previously been approved either at last year's Organizational Meeting or sometime during the course of 2002. Right. Now, Henry, do we have a motion?

LEG. CARACCIOLO:

Just a final second question. What is the limit of the deposits the County can have at any one institution? Is it 500,000?

MR. SABATINO:

Five hundred million, I think it is.

MR. BARTON:

It was increased to 500 million either last year or the year before for the first time, and it's consistent with previous amounts, now, this year. It's not an increase, it was increased a year or two ago.

159

LEG. CARACCIOLO:

Counsel, what guarantees or insurance is provided to taxpayers? Is there something under the Municipal Finance Law? In other words, individual depositors are -- have FDIC insurance up to \$100,000, what do municipalities have up to?

P.O. POSTAL:

I think -- Legislator -- I'm sorry.

MR. SABATINO:

There is no special provision for municipalities.

P.O. POSTAL:

Wait one minute. Legislator Nowick may have an answer to your question.

LEG. HALEY:

Yeah, I may be able to too.

LEG. NOWICK:

I might be able to help you on that. What the banks must do is have a third party --

LEG. HALEY:

Insurances.

LEG. NOWICK:

Exactly. Third party collateral. That means the bank you put the money in has to have yet another bank to guarantee your money.

P.O. POSTAL:

Legislator Haley, do you have anything to add?

LEG. HALEY:

No, that's what I was going to say.

P.O. POSTAL:

We have a motion and a second, all in favor? Opposed?

MR. BARTON:

18.

LEG. CRECCA:

Legislator Postal.

P.O. POSTAL:

Legislator Crecca.

LEG. TONNA:

I make a motion.

P.O. POSTAL:

I recognized him.

LEG. CARACAPPA:

Oh, I thought you were going to oppose already.

160

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Motion to waive the rules and discharge Introductory Resolution 2342 of 2002. This was laid on the table 12/18/2002. What it does is this was -- this is the bill that provides the checks and balances from

EBTB and RB Transfers. For those of you who remember, when this was laid on the table last time, there was a \$6 million budgetary transfer made from the Budget Office without -- there are no other authorizations needed, it was an unauthorized transfer. And the reason I'm moving this today, and I said I would do that when we laid it in the table on 12/18, is because as we go into this year, I do not want the ability of any one branch of government to be able to appropriate or amend the budget without a check and balance. And this would provide that the County Comptroller would have to approve any budget transfers, which is the way it was always was until we went to the IFMS System. So while I know it's unusual to move a bill at this meeting, there is good cause for it, and that was always the intention of the Finance Committee when we -- when we drafted -- directed that had this bill be drafted by Budget Review and Counsel. So I will make a motion to waive the one hour to discharge and approve.

LEG. CARACCIOLO:

Legislator Crecca, question.

P.O. POSTAL:

Do we have a second?

LEG. CARACCIOLO:

I will second.

P.O. POSTAL:

Seconded by Legislator Caracciolo. Legislator Caracciolo.

LEG. CARACCIOLO:

The third resolve clause requires the Joint Audit Committee to provide a report. Is there a time frame for that report?

LEG. CRECCA:

Yeah. This was actually -- the third resolve clause, I don't believe there's a time frame on it. What we did do is was so they county have the IFMS System looked at and make -- and make further recommendation regarding it. Fred, if I remember on the third resolve clause, that was -- wasn't the County's independent auditors going to do that part of this resolve clause?

MR. POLLERT:

Yes, that is correct. We met with the independent auditors and asked them to accelerate that portion of their management review. They had indicated to us that that review should be done some time in February.

LEG. CARACCIOLO:

Very good.

LEG. CRECCA:

So it was really just authorizing what the Audit Committee had already wanted to do. And I thought we should give them legislative authority and empowerment to do that. Again, this is a check and balance, it's very important to have in place in our government.

LEG. BISHOP:

I have to admit that I don't know what --

P.O. POSTAL:

Wait a minute. We have a motion and a second. And no one has asked to be recognized, so I will recognize Legislator Bishop.

LEG. BISHOP:

I'm just going to ask the sponsor to put this into plain language. What an RBTBEB?

LEG. CRECCA:

I can either have Fred explain or I can, but basically what happens is the Budget Office as part of implementing and doing the budget, they make entries into the IFMS System, which is our computer system that governs and oversees the budget process. Right now, for example, an EB creates an appropriation. That's just a code used to create an appropriation. Right now, unilaterally, someone in the Budget Review Office can create an appropriation without anyone signing off on it.

LEG. BISHOP:

Wasn't that our job? Don't we create appropriations?

LEG. CRECCA:

Budget office. Did I say Budget Review? I apologize. Budget Office, sorry. What happened was it came to light --

LEG. BISHOP:

Weren't those actions illegal?

P.O. POSTAL:

Well, that was the concern.

LEG. CRECCA:

In the past, David, what happened was it was a mistake supposedly that happened in the Budget Office. My point is this: In the past, we have always had a check in the system that someone else, another elected official's office, in this case the Comptroller, always had to sign-off on those transfers. So you had somebody else looking at to A) prevent a mistake or to prevent somebody purposely making a budget appropriation. When we went to the IFMS System, somehow that got lost in the shuffle, and there was no longer a check from another branch of government or another elected official to check on the budget

transfers, budget appropriations. That's what -- an RB, Fred, an EB is appropriation and TB is transfer?

MR. POLLERT:
Uh-huh.

162

LEG. CRECCA:
And an RB is a revenue.

LEG. BISHOP:
So this is not a law about how authorizations for -- or transfers, appropriation are made, it's simply a law that mandates a new check and ambulance system?

LEG. CRECCA:
That's exactly right.

LEG. BISHOP:
Okay. And this obviously has your support, Mr. Pollert.

MR. POLLERT:
Yes, it does. I believe it also has the support of the Comptroller's Office as we will as the Budget Office.

LEG. BISHOP:
Okay. And it doesn't ratify in any way prior actions that were done illegally.

MR. POLLERT:
No, it does not.

LEG. BISHOP:
And it does not authorize these RBs, TBs or EBs to occur. It merely changes the process by which they are noted, is that it?

MR. POLLERT:
The resolution would require a justification be provided to the Comptroller's Office, the Comptroller's Office would be responsible for verifying the accuracy of creating an additional revenue or appropriation. At this point in time, it's unilateral authority of the County Executive's Office with no oversight and review. This would provide a check and a balance.

P.O. POSTAL:
Okay. You have questions?

LEG. BISHOP:

I would yield to George, he seems know where we I'm getting at.

LEG. GULDI:

I think I can explain it for you. It is not a substantive change, it does not change the substantive way in which the County appropriates budgets or allocates money. It is procedural change to address the fact that when we went to IFMS, we took out the paperwork procedure that required the sign-off and authorization before you create or move money in an account. Right now the IFMS System permits the Budget Office of the County Executive to access the screens, make the transaction and nobody else looks at it or picks it up. The way it came to our attention was the shift in balances on the EMHP money. Someone by mistake created a \$6 million plug through an EB transfer. The fact that none else looks at those is an accounting trail audit and control error that this procedurally corrects.

163

LEG. BISHOP:

It's clerical procedure, not substantive.

LEG. GULDI:

Correct.

LEG. BISHOP:

That's what I'm trying to guard against.

LEG. GULDI:

It is not a substantive at all, but it is a clerical procedure change to institute a check and balance, okay?

P.O. POSTAL:

Legislator Foley and then Legislator Fisher.

LEG. FOLEY:

Just to follow-up on Legislator Bishop's remark. This is clerical, let's say, if you will. Should we not look at, let's say, a deeper question of whether or not there should be legislative approval for these kinds of transfers.

LEG. CRECCA:

There are already -- if I could just answer the question, Brian. The whole idea is, yes, for the most part, anything that needs legislative approval would still have to take place. But here's the problem. If there was not legislative approval, only we could appropriate, for example. And so in order to create an appropriation, there would be -- a common way for that to happen is to implement a legislative resolution that we've adopted, and it's been signed into law. All this does is say when the Budget Office goes in and does that on the

computer, someone has to sign-off on it. For example, now an explanation would be attached to the person who did it that said, pursuant to IR, you know, 6 of 2003.

And you are absolutely right. But what this does is right now, the Budget Office can go into and just make that change without anybody checking it to make sure it's right. So nothing changes.

Appropriations and the way our budget operates is still subject to all the rules and conditions that it always was before. It doesn't allow the Comptroller and the County Executive to get together and do something. They would still need authority to do that.

LEG. FOLEY:
Thank you.

P.O. POSTAL:
Legislator Fisher.

LEG. FISHER:
Andrew, I'm going to ask you to just back track a little bit on this, because it says that a notation would be made in the IFMS System. Okay. And you have just explained very well how that notation would indicate who had the authority to make the transfer now. At what point is there a stopgap? When that notation is made, is it just a way of a having trail or can that transfer be stopped before it's

164

completed, because the authorization might not have been the correct jurisdiction?

LEG. CRECCA:
Under this -- if we pass this law, what would happen is when the Budget Office went in and did it and put the explanation in, it would not be effective until the Comptroller has either electronically or manually signed off and approved that action. So there's a reason for the notation. It's twofold, and you caught one of them. One is when we go back and look at it later on, there's something to connect what was done so we can say, oh, here's the explanation so that if Budget Review looks at it six months, two years later, they can go in and at least have some basic understanding of what was done. The other purpose is that the Comptroller has an explanation there so when they're signing off on it, they know what to check.

LEG. FISHER:
So it does both.

LEG. CRECCA:
It does both.

LEG. FISHER:

Okay. Good.

P.O. POSTAL:

Very simply, the necessity to do this was made clear to those of us on the Finance Committee when the Director of the County Executive's Budget Office told the members of the Budget Committee, and this was in relation to the \$6 million that was improperly, even illegally transferred, that that had been done. There was no way, for example, the Legislature, any other branch of -- the financial branch of County Government to know that that had happened. But just as frightening, was that we found out that that's been an ongoing practice, that money has been improperly transferred on a regular basis, and there is currently no way to have any kind of informational system that would enable us to know when that's being done or to have an idea of how often it's been done, to what magnitude it's been done. And this is absolutely vital. If we're going to operate in, first of all, a business-like fashion, but if we're also going to operate in a way that we're supposed to operate when we all take our oath, which is to be accountable and responsible for the people of Suffolk County, we need to do this, and we need to do it right away. It won't correct what has been done in the past and all of those improper acts that took place in the past, but it will enable us to get a handle on something like that when it happens again. I think we have a motion and a second, this is on the discharge, and to waive the one hour waiting period. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Introductory Resolution 2342 is discharged.

165

LEG. CRECCA:

Motion to approve.

LEG. GULDI:

Second.

P.O. POSTAL:

There's a motion to approve, seconded by Legislator Guldi. On the motion, Legislator Haley.

LEG. HALEY:

No.

P.O. POSTAL:

Okay. All in favor of -- this is to approve 2342. All in favor?
Opposed?

MR. BARTON:

18.

P.O. POSTAL:

2342 is approved. And now we're going to return --

LEG. TONNA:

I make a motion to number nine, Resolution No. 9. I make a motion to approve.

P.O. POSTAL:

We have a motion to approve Resolution No. 9 - Designating an official county newspaper, which is Introductory Resolution No. 9, the Long Island Business News of Ronkonkoma, New York.

LEG. CARPENTER:

Second.

P.O. POSTAL:

There is a motion to approve and a second.

LEG. TOWLE:

Motion to table.

LEG. TONNA:

On the motion.

LEG. CRECCA:

Second on the tabling.

P.O. POSTAL:

Second on the motion to table.

LEG. TONNA:

Why? Can I be recognized, Madam Chair?

P.O. POSTAL:

Yes, please.

LEG. TONNA:

I just want to ask why. I mean, we have a County designation. Basically, it's been the practice. Long Island Business News is, first of all, as everyone knows, an excellent paper. It runs in two

counties. It has -- you know, I mean, if Suffolk County is interested in the issue of economic development and the issues of, you know, reaching out to business, which by the way, most of these classifieds have to deal with, you know, I think this is an excellent vehicle to do that. And I just wondering the motion of why to table, Legislator Towle, why?

P.O. POSTAL:

I don't know if Legislator Towle chooses to answer at this time.

LEG. TONNA:

Legislator Crecca.

LEG. CRECCA:

I will be happy to answer it. The Long Island Business News is a very reputable newspaper, and I am very proud that we have that paper on Long Island. There are a number of other papers too. And coming into today's meeting, apparently there were misunderstandings as to who this newspaper was going to be regarding -- as you know, Legislator Tonna, it's often rotated among different newspapers. We don't go with the same newspaper ever year generally. And the fact of the matter is, it's not just my misunderstanding, but I think a number of Legislators were led to believe some different things were happening. And I think that Legislator Towle and myself feel that it would be more judicious to clear up those misunderstandings before we move forward on such an important matter.

LEG. TONNA:

Okay. This was in the packet. Madam Chair, this was in the packet.

P.O. POSTAL:

It was, yes.

LEG. CRECCA:

Yes, I know. I was told by --

LEG. TONNA:

That it would be removed.

LEG. CRECCA:

No. I was told that it was a mistake that it was in the packet, that someone had just accidentally copied last year's bill. And obviously, there was some misunderstanding, but that's what I was told.

LEG. TONNA:

I just ask -- I guess I can't ask Linda Burkhardt, there's no vehicle to do that, but it was my understanding that prior to January that actually there was -- it was very clear of what paper that we were going to put in. Okay. Thank you.

P.O. POSTAL:
Legislator Fields.

167

LEG. FIELDS:

Can you buy this newspaper on the newsstand, or do you have to have a membership?

LEG. TONNA:

Absolutely. As a matter of fact, the diner that I frequent --

LEG. FIELDS:

Diners, I know you can buy it in diners, but I've looked at it -- looked for it in regular stores and have, in fact, I think if my aide is affirming this also, that when I try to get a copy if it, they said I had to have a subscription.

LEG. TONNA:

Well, I can tell you this -- I don't know if that's true or not. I know that I pick it up every once in a while at the diner that I go to, and I pay for it.

LEG. FIELDS:

At a diner. I know I can get it at a diner, but I don't think --

LEG. TONNA:

You don't need a subscription to get it at a diner.

P.O. POSTAL:

We seem to have a question that can just not be answered with complete authority, so that seems to be where we are right now. We have a motion and a second. Roll call. That's on the tabling motion.

(*Roll Called by Mr. Barton, Clerk*)

LEG. TOWLE:

Yes to table.

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:
Pass.

LEG. FOLEY:
Yes to table.

LEG. LINDSAY:
Yes.

168

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes.

LEG. CARPENTER:
Pass.

LEG. NOWICK:
Yes.

LEG. BISHOP:
Abstain.

LEG. BINDER:
Pass.

LEG. TONNA:
No.

LEG. COOPER:
Yes.

LEG. CARACAPPA:
Yes.

P.O. POSTAL:
Yes.

LEG. CARACCIOLO:
Abstain.

LEG. HALEY:
Abstain.

LEG. CARPENTER:

No.

LEG. BINDER:

No.

MR. BARTON:

Twelve yes.

P.O. POSTAL:

Introductory Resolution Number 9 is tabled.

LEG. TONNA:

Madam Chair, are we also going to table the Democratic paper?

P.O. POSTAL:

Well, certainly anyone is able to make a motion, and that's the next item on our agenda.

169

LEG. TONNA:

I'm just wondering if we did the Republican paper and -- you know, are we also going to table the other paper?

P.O. POSTAL:

Well, that's, you know, that's up to whether there are questions about that. Legislator Guldi, are you making a motion?

LEG. GULDI:

I have a question for Counsel and then I want to make a motion. The question for Counsel is, Counsel, the effect of not designating a new official paper for the County does what, vis-a-vis, the exiting paper until such time as we designate, does it continue?

MR. SABATINO:

No, they don't, because their authorization was limited to the Year 2002.

LEG. GULDI:

So if we're required to place a legal between now and the date of the tabling, what happens?

MR. SABATINO:

They'll be a delay in the placement of legal notices until we are able to finalize the designation.

LEG. GULDI:

Okay. With respect to Introductory Resolution Number 10 - Designating

an Office County Newspaper. I'll make a motion to approve.

P.O. POSTAL:
Second.

LEG. HALEY:
On the motion.

P.O. POSTAL:
On the motion, Legislator Caracciolo and Legislator Haley.

LEG. CARACCIOLO:
For anyone qualified to answer, be it another colleague or Counsel, it seems to me that this publication has been the Democratic Party designee for all the years that I've been here. If the rationale is to rotate these assignments, could someone explain to me why that's not the case with this publication?

P.O. POSTAL:
I think I can answer you. You know, and I don't know -- and I don't know if this is accurate or not, but I was under the impression that the issue of rotating was applicable to the official local newspapers. I remember that Legislator Bishop a number of years ago had proposed that the designation of the official local newspapers be done on a kind of a rotating basis, but I don't remember that ever being suggested or decided or adopted with regard to the official County newspapers.

170

LEG. CARACCIOLO:
Could Counsel also respond to that inquiry?

MR. SABATINO:
Two points. One, there's not a legal obligation to rotate. Legislator Levy when he was here had proposed rotating by virtue of a charter law, but that never got the requisite support, so right now you're free to pick and choose whatever papers you wish.

LEG. CARACCIOLO:
Thank you.

P.O. POSTAL:
Legislator Bishop.

LEG. BISHOP:
My concern is about precedent. And I'm concerned that if you move forward with one party's paper and you don't move forward other the other party's paper, that it could be in the future -- obviously today

there's some sort of internal Republican confusion, and I don't want in the -- the precedent to be set that the dominant party can pick its paper and then hold off on the selection of the minority party's paper, which could happen in the future, and I'm very concerned with it. So what I want to know from Counsel is what is the state law? I think this is a creature of state law, right, the selection of the newspapers?

MR. SABATINO:

State law says that you may in a selection of newspapers give consideration to the advocacy of political principles, you're not obligated to, but it authorizes you to take it into consideration.

LEG. BISHOP:

And in practice we've always selected on the same day a Republican paper and a Democratic paper.

P.O. POSTAL:

No, I don't think so.

MR. SABATINO:

We've had a mix and a match, because there's been some -- there's been some concerns raised in the past with regard to local as well as County papers, sometimes because of change-over, sometimes because of reason that's are inexplicable, but it has occurred.

LEG. BISHOP:

I remember that with regard to the local paper.

LEG. TONNA:

Right. Never a County paper.

LEG. BISHOP:

But the County paper --

MR. BARTON:

Madam Chair.

P.O. POSTAL:

Yes.

MR. BARTON:

I used to prepare these resolutions. And if you recall back a few years ago, we had some difficulty in electing a Presiding Officer and these issues had to be addressed, because we went so many days. And Legislator Bishop had actually circulated a petition pursuant to New York State law to allow for the Democratic Caucus to select the paper

by submitting a petition to me. And I spent a lot of time looking at this, and I think that our Counsel just hasn't had a chance to look at in a while. And there's some things there, it gets very dicey. After a certain date, the previous year's paper, as I recall, becomes the official paper or it may, if the Clerk files it. It's really some weird stuff. And I have an opinion from our County Attorney during that time that we didn't have a P.O. that said if you had to have legal notices for bids in Public Works and so forth, that they had no choice but to use the former papers. But I don't have it in front of me right now.

MR. SABATINO:

All I can tell you is if that's the case, then why are we writing into the resolutions they're authorized for the year in question, 2002 versus 2003? Number two, state statute does not talk about carry-overs. It's been the annual designation. If you didn't -- if there was a basis for continuing it over from year to year, we wouldn't exercise the act of limiting it to one year a time.

MR. BARTON:

I'm sorry to question you. I just recall at that time, that's what I was told.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

Actually, that's where I wanted to go, because I think there's a practical difficulty on dealing with legal notices. And we can certainly slow a process. How do we just -- it appears to me if we only have one paper out of the two, then it basically stops the whole process of legal notices until we resolve the second question; is that correct?

P.O. POSTAL:

Mr. Sabatino.

LEG. HALEY:

Unless of course -- unless of course, what Henry says is true that there may be some action by law that requires that they go back to the previously approved.

MR. SABATINO:

I'm sure that the Clerk received what he stated he received. I just don't know what basis there could be for that, because state statute doesn't provide for that, number one. Number two, again, the resolutions each year say for the year in question. I know it's

happened in the past, not just one, but it's happened on at leave three --

LEG. HALEY:

Counsel, I didn't ask you to argue that point, to debate that. Obviously, you're going to have to find out. The question I had was in absence of one paper, and if you wanted to assume that you are correct, in absence of one paper being approved, does that prevent legal notices in general from going out in the other paper? Does the whole legal notice have to stop because we don't have two papers?

MR. SABATINO:

That's -- that's -- that's an open question. I have to go look at the statute. What the statute says is that you have to have officially designated newspapers. If you only designate one, it would seem to me just from memory that you would be able to publish in that one paper alone. And if you had the town papers replaced, you could probably go forward. I haven't looked at that particular aspect in some time.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Barring any specific language in our charter, General Municipal Law would probably govern, and in that case one newspaper would more than adequately fulfill the requirement of law.

LEG. HALEY:

I don't know that, because it relates -- doesn't some of it relate to circulation and stuff or it doesn't?

LEG. ALDEN:

Yeah.

MR. SABATINO:

If you want to pause, I can go pull the book quickly. That particular section, haven't looked at recently. I'd be happy to go back.

LEG. HALEY:

Madam Chair, I make a motion for a ten minute recess.

P.O. POSTAL:

Okay. There's a motion for a ten minute recess.

LEG. BISHOP:

And I would ask that counsel also -- I know that when there is an issue with, like, the selection of the Commissioner at the Board of Election, don't you have -- isn't there some provision for --

MR. SABATINO:
Absolutely.

LEG. BISHOP:
An election within the caucuses that are here?

173

LEG. FOLEY:
Yes.

LEG. BISHOP:
My whole thing is I want the Republicans to solve whatever problem they have today so we can move these two in tandem. And I don't want to have a bifurcation of the two, because I think it's a bad precedent for the future.

LEG. TONNA:
Right. But the problem is --

P.O. POSTAL:
No.

LEG. TONNA:
Am I on the list?

P.O. POSTAL:
You are on the list, but I am going to responds to Legislator Bishop's statement. And I think we just went through a motion and a second that had a majority vote that addressed one of the papers. Now I will certainly accept a motion and a second to recess, and we'll have a vote on that.

LEG. CARACCILO:
Second.

P.O. POSTAL:
And our Counsel will be able to research that. We now have the rules. Sorry. I will call a recess, but I would suggest that there could be action on this other resolution, Number 10, and it's not tied in any way to another resolution. But I will call -- I will call --

LEG. TONNA:
Can I just make a -- you made a statement -- before you call the recess.

P.O. POSTAL:
Go ahead.

LEG. TONNA:

The problem that I have is not today, but it's tomorrow. And people will have a memory, and the memory will be that the Democrats at a certain time, because there might be some concern about a paper among Republicans, we know that this is the one that was put forth, voted -- voted to table a resolution that was put forward, and I would say that a year from now, two years from now, you know how things go around, come around. And there might be a time then that says a year from now or two years from now that there's a president set that now Republicans at a time might be messing with Democratic papers or whatever else. All I'm suggesting it's a very dangerous place to get involved when you start to set new precedents. And I think that this is -- you know, people are conducting their business as ladies and gentlemen, but that's not -- that's not to suggest that in the future something else might not happen. And I just think that this is a --

174

we're setting a precedent here. You know, and I think it's a good idea to recess the meeting and have some people talk about it.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Just to respond to Legislator Tonna, and with all due respect, we have to clarify the record. The Democrats in this Legislature are not messing around with any Republican paper. The fact of the matter is that within the Republican Caucus, it appears that there is disagreement. However -- however, with the Democrat Caucus, there is no disagreement. There is unanimity on who our paper should be. So let the record be clear that these Democrats around this horseshoe are not today or tomorrow or last year or five years from now are trying to mess around with any other paper. That kind of impression should be just completely, let's say, extinguished. The fact of the matter is we're ready to move forward with the Democratic paper because there's unanimity. But because as we have seen around the horseshoe, there seems -- not seems, there is a disagreement within the Republican Caucus that needs to be, let's say, clarified or needs to be some settlement to that issue. That's why the recess I think is being called among other reasons. I'm certain that the Democrats around this horseshoe will be ready, willing and able to move forward with whom the Republicans wish to have as a Republican newspaper.

LEG. TONNA:

Madam Chair.

LEG. FOLEY:

This is not a case of anyone trying to mess around with anyone else's

newspaper.

LEG. TONNA:

Madam Chair, just to respond to that. So now there's a new rule, Legislator Foley, which is -- the rule is that when you perceive there's not unanimity, so that when three Democrats or two Democrats or six Democrats in a caucus of ten or eight or whatever else decide that they want to do something or whatever else, then Republicans can say, see, I think we're going to need to table this because I don't think the Democrats are too organized on this one. All I can tell you is be careful what you wish for.

LEG. FOLEY:

I'm not wishing for anything. What I hope we can do is have some resolution to the matter before the end of the business.

LEG. TONNA:

You should have voted to approve.

LEG. FOLEY:

As Legislator Bishop had stated.

LEG. TONNA:

Thank you for the time, Madam Chair.

175

P.O. POSTAL:

There has been a request for a recess, and while I can call a recess, I prefer not to make decisions unilaterally. So I will instead accept a motion from Legislator Tonna for a recess, seconded by Legislator Binder, and I'd ask for a roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. TONNA:

Ten minutes, yes.

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. FISHER:
For a recess? No.

LEG. HALEY:
Yes.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. FIELDS:
No.

LEG. ALDEN:
No.

LEG. GULDI:
Change my vote to a no, Henry, at the Chairman's request.

LEG. TONNA:
So they don't want to recess.

LEG. CARPENTER:
Yes.

LEG. CRECCA:
Pass.

LEG. NOWICK:
Sure, why not?

176

LEG. BISHOP:
Pass.

LEG. COOPER:
Pass.

LEG. CARACAPPA:
No.

P.O. POSTAL:
No.

LEG. NOWICK:

Henry, change my vote. Put me down as a no.

LEG. CRECCA:
No.

LEG. BISHOP:
No.

LEG. COOPER:
Yes.

MR. BARTON:
Seven.

LEG. TONNA:
Okay. So we don't really even want to sit and work it out for ten minutes.

P.O. POSTAL:
We have -- well, actually, there are some of us who feel that we're ready to move forward, we don't need to delay. I believe that we have a motion and a second to approve --

LEG. TONNA:
I make a motion to table.

LEG. HALEY:
Second.

LEG. BINDER:
Second.

LEG. TONNA:
And from this point on for every year I will do the same thing.

P.O. POSTAL:
Okay. There is a motion and a second on tabling Introductory Resolution 10. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. TONNA:
Yes.

177

LEG. BINDER:
Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

No.

LEG. FISHER:

No.

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

No to table.

LEG. COOPER:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

MR. BARTON:

Five.

P.O. POSTAL:

There is a resolution on the floor, and I'd like to have a roll call.

178

MR. BARTON:

I don't have a motion and a second.

LEG. GULDI:

Motion.

LEG. TOWLE:

Second.

P.O. POSTAL:

I made the motion, seconded by Legislator Guldi to approve. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Abstain.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Abstain.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

(Not present)

179

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. BISHOP:

I'm a yes, please.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

14.

P.O. POSTAL:

Introductory Resolution No. 11 is approved -- I'm sorry, number ten.

LEG. TOWLE:

Motion to approve 11 though.

P.O. POSTAL:

That would be good. Motion to approve 11 by Legislator Towle, seconded by Legislator Guldi. Introductory Resolution No. 11 - Designating Official Local Newspapers.

LEG. CARACCILO:

I have a question.

P.O. POSTAL:

Question by Legislator Caracciolo.

LEG. CARACCIOLO:

Can this resolution be adopted with the exemption -- exception of one town newspaper?

P.O. POSTAL:

Mr. Sabatino.

LEG. CARACCIOLO:

At this time, I would like to leave it out.

LEG. TONNA:

Which one?

MR. SABATINO:

Yes, it can. It just means that for that particular town, there won't be the ability to do the legal notices.

LEG. BINDER:

Parliamentary inquiry.

180

P.O. POSTAL:

There's a parliamentary inquiry, Legislator Binder.

LEG. BINDER:

I would like to know if that would require a vote to eliminate that from the resolution prior to adopting resolution in total for final approval.

LEG. GULDI:

It's the Presiding Officer's bill, can she amend it?

MR. SABATINO:

There's two ways to do it. One is, because it is the Presiding Officer's bill she could -- she could agree that amendment. Or a motion could be made to do the amendment by the majority of the Legislature.

P.O. POSTAL:

No. I'm not going to make a motion to amend.

LEG. CARACCIOLO:

I will make the motion.

LEG. GULDI:

I will second the motion.

LEG. BINDER:

What's the amendment? What's the motion?

LEG. CARACCIOLO:

To approve the resolution with the exception of the official paper for the Town of Riverhead. I'm not ready.

P.O. POSTAL:

Okay. We have a motion and a second. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. FISHER:

Pass.

LEG. HALEY:

Pass.

LEG. FOLEY:

No.

181

LEG. LINDSAY:

Yes.

LEG. FIELDS:

No.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Pass.

LEG. BISHOP:
What are we on?

MR. BARTON:
Town papers.

LEG. BISHOP:
Yes.

P.O. POSTAL:
There's a motion to amend Introductory Resolution Number 11. That's
what we're voting on at this point moment

LEG. BISHOP:
Pass.

P.O. POSTAL:
And the motion of the amendment was to eliminate the Long Island
Traveler Watchman, which is the Riverhead paper.

LEG. BINDER:
Pass.

LEG. TONNA:
Yeah.

LEG. COOPER:
Pass.

LEG. CARACAPPA:
No.

P.O. POSTAL:
No.

LEG. FISHER:
Yes.

LEG. HALEY:
No.

LEG. BISHOP:
I'm a yes.

LEG. ALDEN:

Yes.

LEG. FOLEY:
Change mine to a yes.

LEG. CRECCA:
Yes.

LEG. NOWICK:
Yes.

LEG. BISHOP:
Yes.

LEG. BINDER:
Abstain.

LEG. COOPER:
Yes.

MR. BARTON:
12.

LEG. CARACCIOLO:
Thank you.

P.O. POSTAL:
Number 11 is amended to eliminate the Riverhead paper, Long Island Traveler Watchman. And I would make a motion to approve the amended version.

LEG. TOWLE:
Second.

LEG. HALEY:
On the motion.

P.O. POSTAL:
Seconded by Legislator Caracciolo. On the motion. Legislator Haley.

LEG. HALEY:
I just want to know what the technical effect this may have. Perhaps Counsel, if he's prepared, could answer that question. Same as the other, right?

LEG. GULDI:
Yeah, we don't know.

LEG. HALEY:

Oh, we don't know. Okay.

MR. SABATINO:

The one thing I have been able to ascertain in the intervening period is that -- well, with regard to the County, the legal notices could go forward based on the one designation. Just that once the second designation was made, that would have to be included in subsequent notices. The problem with the town is that because there's not a second resolution for the town, you wouldn't be able to do a publication at all. So any matter that would have a legal impact limited to the town would be unable to go forward.

LEG. FISHER:

They wouldn't get the legal notice if their revenue sharing was up.

P.O. POSTAL:

So we have a motion and a second to approve Introductory Resolution Number 11 as amended. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yep.

LEG. CARPENTER:

Yes.

184

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

18.

LEG. TONNA:

Is that it?

P.O. POSTAL:

No, it's not. Resolution Number 11 is approved as amended.

LEG. TOWLE:

Legislator Postal.

P.O. POSTAL:

Yes, Legislator Towle.

LEG. TOWLE:

We had some veto messages too. I wanted to make a motion to do an override on Resolution 1031 of 2002.

LEG. FISHER:

Don't the procedurals come before the veto or after? Does it matter?

P.O. POSTAL:

No, it doesn't make any difference. There is a motion to override the veto on Resolution 1031-2002, I will second that. Roll call on the override. Motion by Legislator Towle, seconded by myself.

(*Roll Called by Mr. Barton, Clerk*)

LEG. TOWLE:

Yes.

P.O. POSTAL:

Yes.

185

LEG. CARACCIOLO:

To override? No.

LEG. GULDI:

I have to abstain.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

No.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No to override.

LEG. CARPENTER:

No.

LEG. CRECCA:

(Not present).

LEG. NOWICK:

No to override

LEG. BISHOP:
Pass.

LEG. BINDER:
Pass.

LEG. TONNA:
Nope.

LEG. COOPER:
Pass.

LEG. CARACAPPA:
Yes.

LEG. CRECCA:
(Not present).

LEG. BISHOP:
Yes.

LEG. BINDER:
Yes.

186

LEG. COOPER:
Yes.

MR. BARTON:
10.

P.O. POSTAL:
Motion fails. Is now

LEG. FIELDS:
Motion to override 1250.

P.O. POSTAL:
There's a motion to override the veto Resolution 1250 of 2002, which is before you by Legislator Fields. I will second that -- oh, Legislator Caracciolo can second that. And let's have a roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. FIELDS:
Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Pass.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

187

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. CRECCA:

One moment.

LEG. GULDI:

Yes.

P.O. POSTAL:

By the way, we had counted on the money in the budget as if we had received the money for renting these residences out at fair market value. So if we don't override this veto we're going to have a deficit for that amount.

MR. BARTON:

14-3, one not present.

LEG. HALEY:

To debate it or cause delays is inappropriate in the middle of a vote.

P.O. POSTAL:

Well, there was a question asked.

LEG. HALEY:

You don't ask a question in the middle of a vote.

P.O. POSTAL:

There was a question asked to clarify this by a member of the Legislature who I felt deserved to have clarification so that he could vote from an informed position and vote the way he wanted to and not make a mistake.

LEG. CRECCA:

I want the record to reflect that I was just returning from the bathroom. I have been sitting here. I went number one, if anybody cares. Madam Chair, the fact of the matter is -- I would like to finish, I have the floor.

P.O. POSTAL:

Yes. That's out of order.

LEG. CRECCA:

I walk in, I did not know what we were voting on, okay? The vote was called and marked me not present. The record should reflect that I was, in fact, present. And the fact of the matter is that if

Legislators had to wait two, three, four or even five minutes while I figured out what I was voting on, I don't think that's unacceptable under the circumstance. I wasn't out talking in the hall or doing anything else. So you know, I want the record to reflect that, and I think it's improper that the record now has me marked as not present. And I asked that the record be changed, but the vote was called. The vote was called, the Clerk did it.

P.O. POSTAL:

Mr. Clerk, did you call the vote before Legislator Crecca?

LEG. CRECCA:

He called the voted while six or seven people were debating about the bill, which is --

P.O. POSTAL:

In other words, what did you register as Legislator Crecca's vote?

MR. BARTON:

I didn't know where else to put him so I listed him as not present.

P.O. POSTAL:

Well, obviously that was inaccurate because he walked in the door before the vote was called.

LEG. TONNA:

Did he wash his hands?

LEG. CARACAPPA:

Motion to reconsider.

P.O. POSTAL:

There's a motion to reconsider. You know, he did come in here before the vote was called. So I would ask suggest that he was present and he be given a chance to exercise his right to vote on this.

LEG. HALEY:

No. Madam Chair, you should be able to put present, not voting, you can say that. But the process needs to move forward, and no Legislator in spite of -- with all due respect, we all have to go potty at one time or another -- with all due respect you have to be able to cast a vote. And we're in the middle of a vote, explanations and all of that have to be put aside. The process will breakdown quite rapidly if we start making exceptions.

LEG. FOLEY:

Motion to reconsider.

P.O. POSTAL:

We can't reconsider a veto. However, the Legislator was present.

LEG. CRECCA:

I would just ask that at the very least that you direct the Clerk to mark me as present but not voting.

LEG. CARACCIOLO:

Point of order.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

I would like to request the opinion of the Chair. Was the Legislator present or not?

P.O. POSTAL:

He was present.

LEG. CARACCIOLO:

I think the record should so reflect. The Chair recognizes that the member was present.

LEG. CRECCA:

Present, but know vote cast. I can live with that.

P.O. POSTAL:

Okay.

LEG. TOWLE:

That's a new column.

LEG. FISHER:

Procedural motion.

P.O. POSTAL:

Have we completed roll call?

MR. BARTON:

I am not sure. Ask Paul?

P.O. POSTAL:

He passed on the first round. Ladies and gentlemen.

MR. BARTON:

I was in an error not going back to him, I know.

P.O. POSTAL:

The Clerk is unsure about the results, so we have a motion and we have a second. Roll call.

LEG. FIELDS:

Yes.

LEG. CARACCIOLO:

To override? Yes.

190

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes to override.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. FOLEY:

Yes to override.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

No.

LEG. CRECCA:

Pass.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes to override.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

15-3.

P.O. POSTAL:

The veto on 1250 is overridden. Now, we have -- I recognize

191

Legislator Fisher.

LEG. FISHER:

Thank you. I would like to make the motion to approve Procedural Motion No. 1, authorizing the Clerk of the County Legislature to consent to Village of Old Field taking lead agency status SEQRA, and this is for decisions within their own zoning area.

LEG. HALEY:

Second.

P.O. POSTAL:

All in favor? Opposed? Procedural Motion Number 1 is approved.

MR. BARTON:

18.

LEG. CARACCIOLO:

Madam Chair.

P.O. POSTAL:

I recognize Legislator Caracappa.

LEG. CARACAPPA:

Are we at the end of today's legislative business?

LEG. CARACCIOLO:

I just wanted to make an inquiry.

P.O. POSTAL:

Okay. Would you yield to Legislator Caracciolo.

LEG. CARACAPPA:

Yes, but I didn't have something to say.

LEG. CARACCIOLO:

I just wanted to make an inquiry as to whether or not the Chair would favorably consider a late starter? If not, it can wait.

P.O. POSTAL:

No. Okay. Please, I would prefer, because I haven't even had a chance to look at it. Legislator Caracappa.

LEG. CARACAPPA:

Thank you. Even though this week has been difficult for all of us and there's been a change of the guard, needless to say the past three years, regardless of what happened on the vote of Presiding Officer the other day, the last three years we had a Presiding Officer, Paul Tonna, who did a very good job regardless of your position on the issue, regardless of your position on just about anything. He's always willing to talk, extend a hand and trying to work things out for each and every one of us. And even though I didn't support him this year, I still want to make it clear for the record, and I think he deserves this justice, that it's a very difficult place the Suffolk County Legislature, and to hold on to it the way that he did the last three years is commendable. The way he did, the way his staff did it.

I just want to say as one Legislator, and I think I speak for the whole body, we appreciate it, and we appreciate your family allowing you to do a hands-on job that you did for the past three years. Paul, we wish you best of luck with your family and your free time.

LEG. TONNA:

Thank you, Joe. Thank you.

APPLAUSE

P.O. POSTAL:

This meeting is adjourned.

(*THE MEETING WAS ADJOURNED AT 5:19 P.M.*)

