

**SUFFOLK COUNTY LEGISLATURE
ORGANIZATIONAL MEETING
FIRST DAY
JANUARY 2, 2004**

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 & LUCIA BRAATEN - COURT STENOGRAPHERS

MINUTES TRANSCRIBED BY:
ALISON MAHONEY - COURT STENOGRAPHER

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[THE MEETING WAS CALLED TO ORDER AT 10:02 A.M.]

ACTING CHAIR CARACAPPA:
Would all Legislators please report to the horseshoe. Mr. Barton,
Happy New Year.

MR. BARTON:
Happy New Year.

P.O. CARACAPPA:
Please call the roll.

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

LEG. CARACCIOLO:
Here.

LEG. SCHNEIDERMAN:
Here.

LEG. O'LEARY:
Here.

ACTING CHAIR CARACAPPA:

Here.

LEG. VILORIA-FISHER:

(Not Present).

LEG. LOSQUADRO:

Here.

LEG. FOLEY:

(Not Present).

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. CARPENTER:

Here.

LEG. CRECCA:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

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LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

MR. BARTON:

15 present (Not Present: Legislators Viloría-Fisher & Foley).

ACTING CHAIR CARACAPPA:

Thank you, Mr. Barton. Let me start by saying of course we all know that we've learned last night and this morning and with great sadness about the passing of our dear friend and colleague, former Presiding Officer of this Legislature, Maxine Postal. At this point in time, I'd like to ask a former colleague and current colleague of ours, David Bishop to say a few words.

LEG. BISHOP:

Thank you, Joe. It's very sad news that our colleague and friend Maxine passed away. You know, Maxine's entire career has been marked by an ability to overcome expectations. She was, of course, a Jewish female who won in a predominantly African-American district and was beloved in that community and all the diversified communities that she represented. She was a female who rose to the highest post in this Legislature in a Legislature dominated by male colleagues, and she was a Democrat who achieved that with a Republican majority.

But I think if you asked her what she was most proud of, it would be the legacies that she left in her community, particularly and ironically in the area of health care. What she did for the Suffolk County Health Department the Tri-Community Health Center has literally created thousands of healthier families and she leaves that legacy. What she accomplished at the infamous corner, an open-air drug bazaar that achieved national infamy and she changed it into something that is a source of community pride. So she, Maxine Postal, leaves us with a healthier County and a healthier community and we are deeply, deeply saddened and will miss her greatly and will miss her leadership.

ACTING CHAIR CARACAPPA:

I'd ask everyone to rise for a moment of silence.

Moment of Silence Observed

Just for everyone's information, the funeral service will be held this Sunday, January 4th at 12:30 P.M. at the IJ Morris Memorial Chapter at 21 East Deer Park Road in Dix Hills. We will be able to make that information available all day for anyone who wishes to have it.

At this point in time, I would like to recognize Legislator Angie Carpenter.

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LEG. CARPENTER:

Thank you. We are going to be led in the Pledge of Allegiance this morning by the Hauppauge Girl Scouts, Service Unit 26 from Legislator Crecca's District in the Pledge of Allegiance and followed by Police Officer Jim Edmonds from the 3rd Precinct who will share his incredible talent with us and sing the Star Spangled Banner. Donna is

from the unit and she will bring the girls forward for the presentation of colors.

Presentation of Colors by the Suffolk County Girl Scouts

National Anthem Performed by Officer James Edmonds

Applause

ACTING CHAIR CARACAPPA:

Thank you very much, girls, we appreciate it.

Applause

I would like to now recognize Legislator Dan Losquadro for the purposes of introducing today's Clergy.

LEG. LOSQUADRO:

Thank you, Mr. Chairman. It is my distinct pleasure today to introduce Father Frances Pizzarelli, founder of Hope House Ministry. For those of you who do not know, Hope House Ministry helps some of the more than 20,000 disadvantaged youths we have here on Long Island each year. They provide a tremendous service to our community and for those of us who have the good fortune of knowing him, I would like to introduce Father Frank.

Applause

FATHER PIZZARELLI:

You can sit down; it doesn't mean it's going to be long, but you can still sit down. When I was asked to offer the Invocation, in trying to clarify what the expectation was, it was an attempt to set the tone as the new Legislative year begins. And as I was thinking about that, before I offer the simple prayer, I couldn't help but recall a story that I heard about the Pope and the President and a hippy. They were on a transatlantic flight and they got about midway in their journey and the Captain of the flight said, "We have a problem. We're going to have to abort this flight; that's problem number one. Problem number two, there are only two parachutes and there are three of you, so God Bless you and good look." Immediately the President spoke up and said, "These are difficult times for the American people," and felt that he really should be given a parachute. The Pope looked at the young man and they nodded to each other and the Holy Father said to the President, "Mr. President, please take a parachute." Now the President leaves and the Pope is the Pope, these are tough times for the Catholic Church, as we all know, and he's feeling his Polish guilt kicking up in that maybe he should say to the kid, "Take the other parachute." Before he can even open his mouth the young man says, "Your Holiness, please take a parachute." Well, the Pope is very taken by this young man's generosity and so before the Holy Father leaves he

has to ask the young man, "Why are you being so nice to me?" The kid beams from ear to ear and he says, "Your Holiness, relax, the President took my knapsack, there's still another parachute." I could have said that about a Democrat as well.

But I think it's exactly that, that really I'd like to use as the reference point as we place ourself before God, as we begin another year together, knowing the difference in all that we do between knapsacks and parachutes. It's so easily -- it's so easy for so many of us to get seduced by what the world says is important and the men and women around this horseshoe have elected to give of themselves to lead us. And so in that spirit, let us pray.

Let us especially pray in gratitude for the former administration and all that they attempted to do to make our community better, and especially remember Maxine who did so much to enrich the quality of all of our lives. And let us now pray for those who sit around this horseshoe, along with our new County Executive, that God will bless them and that they will be men and women committed to truth, to integrity, to justice, to inclusion, to representing the voiceless who often times get forgotten and those with no fixed address. We pray that God will bless them with the courage that they need, to always know the difference between a knapsack and a parachute. And we pray for all of us gathered here, that God will bless all of us. And as we begin this new Legislative year, we ask that we might always walk in beauty, oh God, great spirit whose voice we hear in the winds and whose breath gives light to all the world. Hear us this morning. We're small and weak, but we need your strength and wisdom. Let us walk in the beauty and make our eyes ever behold the red and purple sunset. Make our hands respect the things you have made and our ears sharp to hear your voice. Make us wise so that we may understand the things you've taught all of our people and let us learn the lessons you've hidden in every leaf and every rock.

God, we seek strength, not to be greater than our brother or sister, but to fight our greatest enemy, ourselves. Make us always ready to come to you with clean hands and straight eyes so when life fades as the fading sunset, may our spirit come to you without shame. Amen.

P.O. CARACAPPA:
Thank you, Father.

Good morning, everyone. This is the Reorganizational Meeting, of course, of the Legislature for 2004. Let me say to all my colleagues, first and foremost, congratulations on your victories. To the newer members, welcome aboard; to the returning members, it's very good to

have you all back.

I'd like to recognize our new County Executive who is here today, County Executive Steve Levy. Steve, thank you so much for being here, we appreciate it.

Applause

Former Legislator, the Honorable John Foley is in the audience today.

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Applause

The Honorable John Cochrane, Treasurer of Suffolk County is here today as well, I saw him earlier.

Applause

and of course, the Honorable Edward Romaine, our County Clerk who will now --

Applause

-- administer the Oath of Office to the County Legislators.

MR. ROMAINE:

If everyone would stand and raise their right hand and repeat after me.

OATH OF OFFICE ADMINISTERED TO ALL LEGISLATORS

MR. ROMAINE:

Congratulations. I'm going to ask you all to sign the Oath cards so you can get paid and the Oath Book, if you would, please.

Applause

ACTING CHAIR CARACAPPA:

Mr. Clerk, would you -- I forgot to ask you earlier to read the special meeting notice, please.

MR. BARTON:

Certainly. Dated December 22nd, 2003, to all County Legislators from Maxine S. Postal, Presiding Officer, Special Meeting of the County Legislature. Please be advised that a special meeting of the Suffolk County Legislature will be held on January 2nd, 2004, at 10 a.m. in the Forenoon in the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building, (Bldg No. 20), 725

Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2-6(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE for the following purposes; Swearing in Elected County officials," and then 17 additional items for the reorganization of the County.

ACTING CHAIR CARACAPPA:

Thank you, Mr. Barton. The next item on our agenda is the election of a Presiding Officer of the Legislature. At this time, I'll take nominations. I recognize Legislator Alden for the purposes of a nomination.

LEG. ALDEN:

Thank you. While I've known Legislator Caracappa for six years, there's some family history. My mother served as President of Suffolk County American Legion Auxiliary, in this capacity worked closely with Rose Caracappa on projects benefitting Veterans and other groups. Both of these ladies were taken from us too soon. I feel serving with Legislator Caracappa has been a privilege for me as well as an honor to the memory of our mothers.

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This past year has had some ups and downs for Legislator Caracappa in his personal life. He has handled both with courage and dignity. Also this past year we have had our Presiding Officer, Maxine Postal, stricken with a devastating and deadly disease. Legislator Caracappa was called upon to step up to the plate, he did so and conducted himself with exceptional professionalism. Legislator Caracappa believed in the integrity of the Suffolk County Legislature and those that worked for the Legislature. He maintained the institution of the Suffolk County Legislature on the highest level, demanding the respect the institution, Legislators and employees deserve. Legislator Caracappa ran our sessions in an exemplary manner and treated the public and all Legislators with fairness and the dignity the office commands. He did an outstanding job.

Legislator Caracappa has displayed strength, compassion, courage, wisdom and fairness; all characteristics of great leaders. He has served as a Legislator with dignity and distinction. It is a Legislature that sets County policy and is, therefore -- we hold the future of Suffolk County in our hands and the people that reside in this County, we need integrity, honesty and clear vision for the future. And it is, therefore, an honor to nominate Joe Caracappa for Presiding Officer of the Suffolk County Legislature.

ACTING CHAIR CARACAPPA:

Wow, thank you, Cameron.

Applause

I recognize Legislator Crecca for the purposes of a second.

LEG. CRECCA:

Thank you, Legislator Caracappa. I came to the Legislature four years ago and over that four year period I have had the pleasure of working with 23 different Legislators; none have been more even-handed, more fair, or loyal and trustworthy than Joe Caracappa. He is truly a man of his word and always has been and I believe always will be. He places friendship above all else and always puts good government before politics.

Today is a day when we are very saddened by the loss of a great colleague. But there's great solace in knowing that as she looks down over us today, she would be very, very proud of Joe Caracappa becoming the Presiding Officer. There's no question in my mind. And as I awoke this morning I thought to myself Maxine would be very, very happy with this choice; I think it would be her first choice. So I think it's fitting that we deliver that vote today for my good friend, Deputy Presiding Officer Joe Caracappa. Joe, I share in the pride that I think Maxine is feeling right now and it is truly my honor and privilege to be able to second the nomination for you as Presiding Officer this year. Thank you.

ACTING CHAIR CARACAPPA:

Thank you, Legislator Caracappa.

Applause

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I recognize Legislator O'Leary for a second.

LEG. O'LEARY:

Thank you. I sit here today full of pride for the nomination of Joe Caracappa as Presiding Officer. He's an individual who I've known for several years and in his capacity as a Legislator he's been totally fair and responsible. And I think it's important that going forward in this Legislative year that we have a leader such as Joe Caracappa to represent the interest of all the people in this County as the Presiding Officer. And it is with great pride and respect that I second the nomination of Joseph Caracappa for Presiding Officer. Thank you.

LEG. CARACAPPA:

Thank you, Legislator O'Leary. Are there any other nominations? Are there any other nominations? Are there any other nominations? You have to do it three times. Mr. Clerk, please call the roll.

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

LEG. ALDEN:
Yes.

LEG. CRECCA:
Yes.

LEG. O'LEARY:
Yes.

LEG. CARACCIOLO:
With pleasure.

LEG. SCHNEIDERMAN:
Yes.

LEG. CARACAPPA:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. FOLEY:
Abstain.

LEG. LINDSAY:
Yes.

LEG. MONTANO:
Abstain.

LEG. CARPENTER:
Yes.

LEG. NOWICK:
Absolutely.

LEG. BISHOP:
Abstain.

LEG. BINDER:
Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

MR. BARTON:

14 (Abstentions: Legislators Foley, Montano & Bishop).

Applause

OATH OF OFFICE ADMINISTERED TO
PRESIDING OFFICER JOSEPH T. CARACAPPA

P.O. CARACAPPA:

Thank you all very much. I recognize Legislator Alden for the purposes of a motion -- for a nomination for Deputy Presiding Officer.

LEG. ALDEN:

The Legislator I nominate won by a slim margin the first time she ran, but the people didn't really know her. They soon found out that she was the hardest working and most dedicated elected official one could imagine. The voters have recognized her hard work and dedication and have reelected her by overwhelming numbers ever since.

Some say that government should be run as a business; this might have some merit and Legislator Carpenter would agree. But Legislator Carpenter has always recognized the fact that we are human beings and that the people we represent are also human beings and should be treated with dignity and respect and that government should serve the people, not the other way around. I don't know of any other elected official that works harder for the people of Suffolk County than Legislator Carpenter, and this hard work includes taking on the difficult issues, not just the glamorous ones. Year after year Legislator Carpenter works on the budget, no matter how long the hours, how hard the work and how little the thanks. When the Suffolk County Acquisition Program ground to a halt, Legislator Carpenter, along with Legislator Lindsay, dug in, went to work to get it operating again and operating it is. Legislator Carpenter has preserved a national historic landmark. These are only a few examples from a long list of accomplishments.

Even though Legislator Carpenter is involved with more community groups, civic groups and causes than I can count, she's never too busy to help an individual or a fellow Legislator. Being a Legislator has never been a part-time job but rather a 365 day a year dedication to service. Her leadership, dedication, character and integrity are

outstanding. I am proud and honored to place the name of Angie Carpenter into nomination for Deputy Presiding Officer of the Suffolk County Legislature.

Applause

P.O. CARACAPPA:

Thank you, Legislator Alden. I recognize Legislator Nowick for the purposes of a second.

LEG. NOWICK:

It's my pleasure today to place into nomination the name of Angie Carpenter as Deputy Presiding Officer. This woman has to be one of the most -- the hardest working woman in Suffolk County. I know she works for the County, I've seen her, she's helped me along the way. And I can tell you something, Angie can fight as hard as anybody here. She's been on the Public Safety Committee, she's done what she's thought was right and she's done it well. However, there's a kindlier and gentler side to Angie Carpenter, as her grandchild will tell you. She is a wonderful woman. I will say Maxine Postal is smiling down upon Angie Carpenter today. I am certainly proud to be serving with her on the Suffolk County Legislature. I put into -- second the nomination for Angie Carpenter.

Applause

P.O. CARACAPPA:

Are there any other nominations? Are there any nominations? Any other nominations? Mr. Clerk, please call the roll.

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

LEG. ALDEN:

Yes.

LEG. NOWICK:

My pleasure, yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

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LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes, proudly.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Absolutely.

LEG. COOPER:

Yes.

MR. BARTON:

17.

Applause

P.O. CARACAPPA:

I'd like to congratulate Legislator Carpenter. I held off on making a few brief remarks as the new Presiding Officer until Angie was elected because you have to understand, she and I have had a very long month and it's been a long wait and I didn't want to keep her waiting any longer than she had to.

So with that, Legislator Carpenter, Deputy Presiding Officer

Carpenter, I would like to say congratulations and I am thrilled on your new election for two reasons. First for selfish reasons; you now serve as my Deputy and I'm going to need your assistance all the way through this year. More importantly, you've earned it. This new position is so well deserved based on your years of dedicated service to this body, to your community. I must say the title is really not necessary, though well deserved, not necessary when it comes to your leadership because you have shown it from day one that you've entered these chambers. Anyone that has worked with Angie over the years knows this to be true, she is always there for any committee, any budget working group, any outside committee, all the committees in her community, every civic; she is a leader as is defined as we know it. So this title of Deputy Presiding Officer is just an exclamation point to what you've done over the years.

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Before I say anything to my colleagues about the direction of this Legislature briefly, I would be mistaken if I did not first and foremost thank the men and women that work in this building every single day. In the Clerk's Office, in LADS, in the Budget Review Office, Counsel, the PO staff, our technical support guys; you are as an important part of this Legislature as any of us sitting up here today. As you're well aware of, we're quite demanding, a little needy at times and you've always been there to make sure that this place runs smoothly and that we get what we need so that we can do our jobs properly. You are very much appreciated by all of us and I just want to say thank you.

Applause

I'd like to thank my colleagues. To be elected by the public, as we all are well aware of, is a fantastic feeling, but to be elected by your peers to serve in a leadership position is basically at this point overwhelming. I certainly hope to follow in the example set by my predecessors. To those who supported me, again, thank you. For those who didn't, I hope that my actions and my conduct over the year prove me worthy of your approval. I hope to bring to this office the dedication and commitment and caring that Presiding Officer Postal did over her tenure. I'd ask you to pray for her family in this time of need. I hope to bring the professional business-like approach that Presiding Officer Tonna brought to this seat and to the staff of the PO's office for many years.

LEG. TONNA:
Thank you, Joe.

P.O. CARACAPPA:
And also linked with your compassion made you a fine leader and I hope

I can do just as good a job.

LEG. TONNA:

Thank you, that's very kind.

P.O. CARACAPPA:

Yesterday I was pleased to go to the inauguration of our new County Executive, Steve Levy. He used a term where he said the County is at a fork in the road; I think we all agree with that, but with relation to this body, I'd have to say we're more at a crossroads. We can now choose to change direction, change path, change the road for which we've been on or just keep on going the way we have; it is certainly my wish that we keep on the road that we've been on. During that time we have worked together so well, we have come together and built consensus on the most important issues facing this County. We have shown a high level of decorum during our meetings over the last year, but most importantly to me and I think to all of us we have shown a very high level of respect towards each other. We should absolutely continue this trend but at the same time maintain our independence and our identity as one of the most forward thinking, ground-breaking Legislative bodies in all of this nation.

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We should also keep at the forefront of this new term why we are here, who we are here for and just what it is our charge might be in the upcoming term. First and foremost, I think our main goal is to continue with our oversight function. Historically, regardless of the political party of the sitting administration, this Legislative body, whether we were Republicans or Democrats, have maintained a very high level as it relates to our oversight function. I would ask that that continue in that vein so that there is the proper checks and balances in Suffolk County government. The issues that will come before us will be difficult, voluminous in nature, and of course at the top of that will be our fiscal situation. This will be our biggest test and it's going to take tough decisions from each and every one of us to get through what will be a very difficult 2005 budget cycle. We have so many other important things facing the people of Suffolk County that we have to deal with in the upcoming year; affordable housing, jump-starting our Environmental Acquisition Program, making more efficient and improving our Mass Transportation System and so many, many more. On these issues we will agree, we will most certainly disagree, but it was Mahatma Ghandi who once said that honest disagreement is often the sign of progress. I know that we are going to make progress on all of these issues this year because I'm surrounded by some of the best talent that this nation has to offer in public servants.

As I said earlier, I want to continue with the road that we've been

on, work in a bipartisan fashion, cooperate with the new County Executive in every way we can so that we can better serve the people of this County. Again, I am humbled and honored to sit in this seat as the new Presiding Officer of this esteemed body and I hope I do work hard enough to gain your approval over the year. Thank you.

Applause

At this point in time, I would like to make a motion for a twenty minute recess so that Legislators can mingle with their families. Because we're going to get into lengthy debate later over rules and other procedures of the Legislature and appointments, I think it would be appropriate that we give ourselves a little time with our families at this point in time, and friends. I'll make that motion for a twenty minute recess, second by Legislator Foley. All in favor? Opposed? Abstentions? We are recessed four twenty minutes.

(*Brief Recess Taken: 10:50 A.M. - 11:28 A.M*)

P.O. CARACAPPA:

Would all Legislators please report to the horseshoe. Thank you. Henry, roll call, please.

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

LEG. CARACCIOLO:

Present.

LEG. SCHNEIDERMAN:

Present.

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LEG. O'LEARY:

Here.

P.O. CARACAPPA:

Here.

LEG. VILORIA-FISHER:

(Not Present).

LEG. LOSQUADRO:

Here.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:
(Not Present).

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
Here.

LEG. NOWICK:
Here.

LEG. BISHOP:
Here.

LEG. BINDER:
Her.

LEG. TONNA:
Yep.

LEG. COOPER:
Here.

LEG. VILORIA-FISHER:
Here.

LEG. MONTANO:
Here.

MR. BARTON:
17 present.

LEG. FOLEY:
Mr. Chairman?

P.O. CARACAPPA:
Legislator Foley.

LEG. FOLEY:
Yes, I would like to make a motion to create a 30 minute public
portion for the public to speak prior to the adoption of the Rules of

Legislature.

LEG. VILORIA-FISHER:
Second.

LEG. TONNA:
On the motion.

LEG. CRECCA:
You can't.

LEG. FOLEY:
Under Robert's Rules you can make those motions.

LEG. TONNA:
On the motion.

P.O. CARACAPPA:
On the motion, Legislator Tonna.

LEG. TONNA:
Why?

LEG. FOLEY:
Being the former Presiding Officer --

LEG. TONNA:
Yes.

LEG. FOLEY:
-- you should well know, Legislator Tonna, that --

LEG. TONNA:
What should I know, Legislator Foley?

LEG. FOLEY:
That part of the great tradition of this Legislature has been how open it has been to allow the public to participate at our proceedings. This being not only an Organizational Meeting, but the fact of the matter that there are proposed rules changes that would change the fundamental nature in which this Legislature has worked for 30 years. That being the case, there are a number of what I would consider good government groups as well as former Legislators and others who would like to voice their opinions, their informed and learned opinions about some of the rather unfortunate proposed rule changes that we will be voting on later today.

P.O. CARACAPPA:
Legislator Foley?

LEG. FOLEY:

So again, in the tradition of this Legislature, prior to our vote I think it would be important to allow the public to participate by expressing their opinions on this for no more than 30 minutes.

LEG. BINDER:

Legislator Foley?

LEG. TONNA:

I think you've got to adopt the rules first.

LEG. FOLEY:

No, we don't.

P.O. CARACAPPA:

Legislator Tonna, if I could. This is a little backwards here. Seeing that I have not made the motion to go -- or brought up the next item on our agenda, under Robert's Rules the motion is out of order. So just let me say next item on our agenda is Adopting the Rules of the Legislature. I will recognize you, though, Legislator Foley, just for the process.

LEG. FOLEY:

Mr. Presiding Officer, I thank you for the courtesy. I would like to make a motion to, as I would, say create -- grant a 30 minute public portion prior to the adoption of the Rules of the Legislature in order to give the public the chance to participate and inform us about their opinions an the rule changes, proposed rule changes.

P.O. CARACAPPA:

I don't know if --

LEG. VILORIA-FISHER:

I'll second that motion.

P.O. CARACAPPA:

There's a motion and a second to create a 30 minute public portion.

LEG. CARACCIOLO:

Move the motion. Move the motion.

P.O. CARACAPPA:

Is there any other discussion? Roll call.

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

LEG. FOLEY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

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LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

P.O. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

MR. BARTON:

Six.

LEG. BINDER:

Mr. Chairman?

P.O. CARACAPPA:

I recognize Legislator Binder.

LEG. BINDER:

By way of explanation, one of the reasons that I voted against that -- and I want to make it clear to the Legislature, for religious reasons, it is Friday and it's not like I planned a time off or anything but because it is Friday I need to leave by 12:30 today, so a half an hour

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would probably preclude us from being able to do that. So I need to do that and I'd like to see how much business we can get done before that 12:30 time.

LEG. BISHOP:

Mr. Chairman?

LEG. FOLEY:

Motion for 15 minutes.

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

Through the Chair, I'd like to ask my colleague, am I to understand that for religious purposes you have to leave at 12:30 today? Because my New York Times has sunset at 4:40, so I don't -- I'm confused.

LEG. BINDER:

Mr. Chairman, I will explain that. I understand that Legislator Bishop doesn't -- wouldn't understand the situation. That is true that I would have to be at Shul by about -- well, near four o'clock, but there is a lot of preparation; it's not just a five minute thing, run home and run to Shul, it's a process. And then there are also -- this particular Shabbos is particularly early for me for personal reasons that I'm not going to put on the record, which would be inappropriate for me to put on the record, which cuts another hour off. I did calculate how much time I do need to be able to reasonably make it for me to complete what I need to complete before Shabbos and

the preparations that I need to complete, so 12:30 is the time. I'm not doing it for reasons to cut off debate or to end something and I wouldn't have picked the 2nd, coming out on a Friday if it were my choice and, in fact, the reason we're not meeting at 11, we're meeting at 10 is because I asked that we move back the meeting that extra hour to get that hour.

P.O. CARACAPPA:
Anybody?

LEG. VILORIA-FISHER:
Mr. Chair?

P.O. CARACAPPA:
I recognize Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:
I think it's unfortunate that we took over a half hour to spend with our families and we refuse to give a half hour to the public to comment on these very important rule changes.

P.O. CARACAPPA:
Legislator Viloría-Fisher, this is the Organizational Meeting of the Suffolk County Legislature. There's ban a way of which this body has done it from day one, we follow certain patterns, certain rules that are not the same as regular meetings after we have adopted rules of this Legislature. I would ask that -- today is a very difficult day

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for us all emotionally, it was, though, a wonderful day for our families and for us being sworn in; different circumstances today and we shouldn't try to blend the two. This is a different day under different circumstances, different rules, and until we adopt the rules we follow the procedure that this Legislature always has, and that's just my own opinion.

LEG. CARACCIOLO:
Mr. Chairman?

P.O. CARACAPPA:
Legislator Caracciolo.

LEG. CARACCIOLO:
I'm going to make a motion to adopt the rules but before I do, I'd like to add that clearly there are some substantial and substantive rule changes that this body has not experienced before. But accordingly, let me point out that the one that probably has generated some controversy, misplaced controversy is the one surrounding the

establishment of a Rules Committee. Let's make it very clear on the record, for those who look at these things, like the Honorable John Foley who is still present and I'm sure John would have taken the opportunity to address and give some historical perspective to the early days of this Legislative body, it's creation --

LEG. BISHOP:

Joe, there's no motion on the table.

LEG. CARACCIOLO:

-- its ways of doing business.

LEG. VILORIA-FISHER:

There's no second.

LEG. CARACCIOLO:

But the Rules Committee as we envision in it -- go ahead, Mr. Chairman.

LEG. VILORIA-FISHER:

Point of order.

LEG. CRECCA:

Make the motion, Michael.

LEG. CARACCIOLO:

I did, I made the motion.

P.O. CARACAPPA:

He made the motion, there is a second by Legislator Binder.

LEG. BISHOP:

I would like to be -- Mr. Chairman, I'd like to be recognized.

P.O. CARACAPPA:

After the speaker who has the floor.

LEG. TONNA:

Are we debating the rules now, is that what we're in the midst of?

LEG. CARACCIOLO:

No.

P.O. CARACAPPA:

We're on the motion of adopting the rules.

LEG. CARACCIOLO:

I'd like a point of personal privilege, Mr. Chairman.

LEG. TONNA:

I don't know if that's under Robert's Rules of Order.

LEG. CARACCIOLO:

All right. Then I will wait for the discussion on the adoption of the rules to speak. Thank you, Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator --

LEG. BINDER:

Parliamentary inquiry.

P.O. CARACAPPA:

-- Bishop first; under Robert's Rules it's whoever I recognize first, I did recognize Legislator Bishop, then Legislator Binder, then Legislator Crecca.

LEG. BINDER:

I'd like to make a parliamentary inquiry.

LEG. BISHOP:

I'd like to make an amendment to the proposed rule change. Rule -- the very first rule, 2A(1), it changes the start of the Legislative day to 10 A.M; I propose that we --

LEG. CARACCIOLO:

Second.

LEG. BISHOP:

-- make the amendment to 9:30 which has been our traditional time.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

The motion is to amend rule -- give me the number.

LEG. CARACCIOLO:

Rule 2(A)1.

LEG. BISHOP:

2(A)1 and I'm --

LEG. LINDSAY:

And 15(D).

LEG. BISHOP:
And then 15(D).

LEG. CARACCIOLO:
And I'll second that, Mr. Chairman.

P.O. CARACAPPA:
It's amended to change the time from 10 as is in the rules before us to 9:30.

LEG. CRECCA:
Second by Legislator Caracciolo.

LEG. BISHOP:
On the motion.

P.O. CARACAPPA:
On the motion, Legislator Bishop.

LEG. NOWICK:
You don't have to.

LEG. FOLEY:
Mr. Chairman, I have a question.

P.O. CARACAPPA:
Question on the motion of the rule change.

LEG. FOLEY:
Yes.

P.O. CARACAPPA:
Amendment of the rule change.

LEG. VILORIA-FISHER:
Yes.

P.O. CARACAPPA:
Actually there's a list that I recognized earlier; Legislator Binder.

LEG. BINDER:
No.

P.O. CARACAPPA:
Okay, Legislator Crecca.

LEG. CRECCA:
Yeah, I just want to -- on this change here, I don't think there's a

need for debate, number one I tell my colleagues. Number two is so that we can proceed orderly today, we are dealing with a proposed 2004 Rules that is before us, an IR No. 2. And I suggest -- I know that there are people that want to make certain amendments to it. For the

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sake of all of us and not getting crazy is that we proceed in the rule order and deal with proposed amendments one by one.

LEG. BISHOP:
Yes, that's fine.

LEG. VILORIA-FISHER:
If I may, Mr. Chair?

P.O. CARACAPPA:
Legislator Lindsay then Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:
Okay, sorry.

LEG. LINDSAY:
Mr. Chair, I was going to make the same proposal that Legislator Bishop made as far as the change in time. This past year we have used the 9:30 starting time I think quite efficiently. I cannot recall a meeting in 2003 where we left this chamber without finishing our business and most of time we got out of here at a reasonable time.

LEG. TONNA:
Absolutely.

LEG. LINDSAY:
I think to move the time to ten o'clock, you know, although it's only a half hour could upset that delicate balance of us leaving this chamber.

LEG. NOWICK:
Great.

P.O. CARACAPPA:
Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:
Through the Chair, this is a comment to Legislator Crecca. I agree with you that we should proceed accordingly in order, however, 15(D) substantively is the same as 2(A)1 which is changing the time to ten o'clock so it might be more efficient to address those two together.

LEG. CRECCA:

Actually, the motion -- if I may, through the Chair? I feel like Legislator Foley for a second there. But the motion that was made by Legislator Bishop and seconded by Legislator Caracciolo included changing Rule 15(D) as well at the same time.

LEG. VILORIA-FISHER:

I apologize, I didn't hear 15(D).

P.O. CARACAPPA:

Yes, that was put on record just earlier by Legislator Lindsay. Okay, no other discussion? There's a motion to change the proposed -- all in favor? Opposed? Abstentions? The meetings will now be 9:30.

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MR. BARTON:

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LEG. CRECCA:

Actually --

LEG. BISHOP:

Mr. Chairman?

LEG. CRECCA:

It just changes the IR.

P.O. CARACAPPA:

Yeah, it changes it.

LEG. BISHOP:

Mr. Chairman, may I be recognized for purposes of making an amendment?

P.O. CARACAPPA:

I recognize Legislator Bishop.

LEG. BISHOP:

Rule 2(A)7 and 8 on the proposed rule changes which -- "consideration of the consent calendar has been moved after the public portion," I don't wish to amend that part of it, but "changes the time of the public portion is suspended unless otherwise extended from 6 PM to 5 PM during a day meeting and from 1 AM to 10 PM at a night meeting." The amendment that I would propose would be to return to last year's standard and the standard that has been with us through most of our history which was 6 PM and 1 AM, I do not understand why this amendment has been offered and I would yield to the movant of the amendment to explain what the -- why this is necessary, if I could reclaim my time. If anybody wants to explain it.

LEG. CRECCA:

All right, I'll --

P.O. CARACAPPA:

I will recognize Legislator Crecca.

LEG. VILORIA-FISHER:

And I'll second the motion for purposes of discussion.

LEG. CRECCA:

And understand, too, that these proposed rules were put together by a number of requests by a number of Legislators, not just myself. But for the purposes of today, I would be happy to explain the reasoning behind them since I did draft the actual rule changes.

The purpose behind this was more in conformity with the actual time limits that we've been practicing in the last year, especially with the other rule changes from the year before, number one. Number two is this body has always had -- extended the public portion when we've have needed to and that's really the reason for the changes. I don't expect any major change in the way we proceed but I don't believe that we've gone beyond, with the exception of maybe one or two meetings

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this year, beyond 5 PM during a day meeting and certainly not beyond 10 PM that I recall during a night meeting this year.

LEG. BISHOP:

Well, then if that is the case, and I would agree that that is the case, then the purpose of this is simply to send a message since it has no substitutive purpose, and the message is that the public gets an hour less, and I don't know if as a Legislature that's the kind of rule change that we want to make. What's the purpose if it has no real effect other than to send that message. So, you know, again, I don't know if this is one that's worth changing.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I would just once again note the practice in this Legislative body has always been to extend every courtesy and every extension of time that the public needs. So while Mr. Bishop's concern may on the surface appear to be legitimate, the practice that's prevailed here is that we've always waived the rules, extended the opportunity for the public to address this Legislative body.

P.O. CARACAPPA:

And I would add to that that I as one member will never vote to cut off debate of the public, as I never have.

LEG. BISHOP:

So why change the presumption, why change the time?

P.O. CARACAPPA:

Legislator Vilorina-Fisher.

LEG. VILORIA-FISHER:

Well, that's the logic, Legislator Caracciolo, through the Chair, that if we have the intent of allowing the public as much time as it needs to present an issue, then why present a rule which cuts off debate in one instance by three hours, or cuts off the public portion by three hours in a night meeting? My feeling is that rather than say let's create a rule so that we can have exceptions to the rule or rules are made to be broken, then why have rules? I think we should have realistic parameters set for our public hearings.

LEG. CARACCIOLO:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

I think then the question there becomes one of perspective and practice, and I'll leave it there. There's a motion, I believe, Mr. Chairman, to amend the rule, let's have a vote.

P.O. CARACAPPA:

There is a second.

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LEG. BISHOP:

May I on the motion --

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

-- conclude as the movant of the motion, perspective and practice and the perspective of this Legislature has been to encourage public participation. And whether this is a substantive change or merely window dressing, the message that this amendment is sending is very clear which is that there is less time for the public. And I think as we move through this process we'll see that there are a number of

amendments that are designed to send that message that the public is less welcome than they used to be and that is not, in the words of the Presiding Officer, in the tradition of this Legislature and I think that we should uphold the tradition of this Legislature because I for one am very proud of it and I think it serves the public very well.

P.O. CARACAPPA:

There is a motion and a second. All in favor? Opposed? Roll call.

P.O. CARACAPPA:

A roll call has been asked for.

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

LEG. BISHOP:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

P.O. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

MR. BARTON:

Six.

LEG. BISHOP:

Mr. Chairman?

P.O. CARACAPPA:

I'll recognize Legislator Bishop.

LEG. BISHOP:

I have an inquiry. Since this is not in the tradition of the Legislature to have a memorandum that simply outlines the changes, in the past what we've received is a copy of the actual existing rules or the prior rules highlighted with changes so that you can follow it that way. I appreciate this document and I'm working off of it, but what I want to know from the drafter of the document is is this the -- all the changes of -- does this reflect the entire changes that are being offered under the rule change, under the amendment?

LEG. CRECCA:

Yes, it does. The exception to that would be there were some misspelled words, there were what I can only describe as scrivener's errors, it could have even been -- there were three different versions on Word but we got the official rules from the Charter and it only corrects ministerial things. There may be a word or two that's been shifted but nothing which is of substance or changes the meaning of any rule other than what is before you.

LEG. BISHOP:

Thank you, I appreciate that answer. I'd like to make an amendment -- offer an amendment to Rule 4(H).

P.O. CARACAPPA:

Which is?

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LEG. BISHOP:

Which is change the paragraph to include Majority Conference Leader where the previous rule had only a Minority Leader; I may withdraw this proposed amendment if I get a clarification that I'm seeking. It is my understanding that this new title --

LEG. VILORIA-FISHER:

I'll second the motion.

LEG. BISHOP:

-- Majority Conference Leader comes with it an additional aide, and if the additional aide is to be assigned out of the pool of Presiding Officer's aides then that's fine; that's fine with me at least and I'm sure it is with many of my colleagues. If it is the creation of a new title -- okay

P.O. CARACAPPA:

Let the record reflect that I said no.

LEG. TONNA:

It is a creation of a new full-time equivalency?

P.O. CARACAPPA:

It's not a creation of anything other than what we have with relation to positions in the Presiding Officer's office currently.

LEG. BISHOP:

So the Presiding Officer will take his staff and assign --

LEG. VILORIA-FISHER:

Mr. Chair?

LEG. TONNA:

So in other words, you're going to take one of your positions so that it's revenue neutral.

P.O. CARACAPPA:

Yes.

LEG. CRECCA:

There's no new budget position created, if I can interrupt; I apologize.

LEG. VILORIA-FISHER:

Mr. Chair?

P.O. CARACAPPA:

Legislator --

LEG. TONNA:

Can we write that into the -- I would like that written in to the rule, if that's -- so that it's a revenue neutral position.

LEG. CRECCA:

First of all, it's inappropriate to put it in the rules, it doesn't

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belong there. Second of all, we would have to do a budget amendment in order to create a new title.

LEG. TONNA:

All right.

LEG. CRECCA:

It has to be done within the existing titles of the budget and it would constitute an amendment of the budget which cannot be done properly in the rules. But rest assured, this was --

LEG. TONNA:

I just wanted to make sure it's revenue neutral.

LEG. BISHOP:

Okay.

P.O. CARACAPPA:

Legislator Bishop, you still have the floor.

LEG. BISHOP:

No, I'll withdraw that proposed amendment. If you want to give everybody titles that's your business, that's wonderful. I'd like to move to the next one, though, if I may.

LEG. FOLEY:

I thought they were going to go through each rule, Rule 2, 3.

LEG. BISHOP:

I withdrew -- if I may be recognized again.

P.O. CARACAPPA:

Yes, I do.

LEG. BISHOP:

Rule 4(I), added paragraph one to this rule which creates the position

of a Legislator appointed by the Presiding Officer who shall serve as the Legislature's Delegate to advocate on the Legislature's behalf to the Federal and State governments. I'm deeply concerned about this proposed position and I --

LEG. VILORIA-FISHER:
I second the motion.

LEG. BISHOP:
-- would make a motion to strike it.

LEG. TONNA:
Yeah, I'd like to be recognized on this also.

P.O. CARACAPPA:
There's a motion and a second.

LEG. VILORIA-FISHER:
And I'd like to be recognized as well.

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P.O. CARACAPPA:
Legislator Tonna is first, Legislator Lindsay is second.

LEG. BISHOP:
But I have --

P.O. CARACAPPA:
Legislator Vioria-Fisher is third.

LEG. BISHOP:
But I would ask -- can I have an explanation? Is there going to be a stipend, in other words, an additional salary or remuneration paid to this Legislator who is selected by the Presiding Officer and an expense account; is that correct?

P.O. CARACAPPA:
Not an expense account. Let me explain this position, this is an idea that I have had for many years as a member of this body. Especially in light of the problems we face with Federal and State mandates where every County in the State is doing what they can to lobby those levels of government to keep the State and Federal Government from placing these unfunded State mandates and Federal mandates on local municipalities, I thought it was very important to have our own voice, one of us go and speak face to face, put a face on this body to our representatives in both Albany, in Washington. Our County Executive does it, other Legislative bodies do it, I thought it was appropriate in the times that we face based on the burden that those levels of

government are putting on this County and this Legislature who will have very serious decisions to make come this fall with relation to the 2005 budget. That it was vitally essential that we created -- that I created this position so that we have a stronger voice with relation to this matter.

LEG. TONNA:

Can --

P.O. CARACAPPA:

Legislator Bishop, are you finished?

LEG. BISHOP:

No, I have another question.

LEG. TONNA:

Well, no --

P.O. CARACAPPA:

You're next, Paul.

LEG. BISHOP:

Before I yield, I just want to understand the position more fully so I can discuss it more informed. Constraints on what this designee speaks on on behalf of all of us, is that in the rules; is this person once designated presumed to speak on my behalf before State and Federal officials?

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P.O. CARACAPPA:

On behalf of this body and issues facing us as a County.

LEG. BISHOP:

And not limited by the Sense Resolutions that have been duly adopted but can presume to speak on anything from a State mandate that we've all opposed to foreign policy? I mean, there's nothing to guide this person.

P.O. CARACAPPA:

It was never the idea of mine to go -- have someone go and debate --

LEG. BISHOP:

Of course.

P.O. CARACAPPA:

-- policy, a foreign policy. This has to do with the problems we were facing of course with Medicaid and all the other State and Federal mandates that we're facing. Plain and simple; you can look

into it, you can make it what you want, that's not the case, it's for the reasons I stated. You want to make it something else, go right ahead. I'm creating this position --

LEG. BISHOP:

I'm not concerned about what I'm going to make it, I'm concerned about what the person you appoint is going to make it. Who are you going to appoint and what is their guidance?

P.O. CARACAPPA:

I'm going to appoint Legislator Caracciolo.

LEG. BISHOP:

Well, that's triple trouble.

LEG. CARACCIOLO:

Thanks, Dave. Thank you.

LEG. TONNA:

Well, just -- could I be --

P.O. CARACAPPA:

Legislator Tonna is next.

LEG. TONNA:

My problem is to -- first of all, I feel a little better knowing that it's Legislator Caracciolo, but I still don't feel good and let me tell you why.

First of all, I have a problem with an open-ended stipend. The fact is is that if Legislator Caracciolo wants to go up to Albany and lobby, he's already got his gas mileage paid for, that's done already right now, he already has all of that paid for, okay. So now we're talking about what else? Well, you know, our elected officials, just as I'm sure we're as accessible to anybody, other elected officials to come to us or whatever else, why do we need to pay someone additional money to do what is part of our job, both as a body and part of the

job of the elected officials in State government here on Long Island, whether it be talking to somebody in the Assembly or somebody in the Senate? To tell you quite honestly, I have a problem with that.

The second thing I have a problem with with regard to this open stipend, it creates a precedent that has not been created before. The Presiding Officer has broad latitude already to reimburse expenses that are, you know, rendered germane. To put this into the rules could become very, very problematic with not -- if you told me, look, it

cannot exceed a thousand dollars, it could not exceed \$500, you know, now I at least know what the people of Suffolk County are going to pay. Let me give you the other side, is that I'm sure that there will be members now of the Legislature who will be scrutinizing, whether it be through FOIL or requests for information on a constant basis to find out what the Presiding Officer assigns a due stipend or whatever else. It creates a dynamic that I think could be injurious to this body when all of a sudden being put under scrutiny.

The second thing is the problem with I think that Legislator Bishop raised. And again, I feel a little more relaxed that it would be Legislator Caracciolo because philosophically, especially on State issues I think, we've spoken of the same mind. But why not an alternative which is to create an ad hoc committee where now you have whether it be State issues committee or whatever you want to do and so that there would be free and open debate about the issues that we should represent, that there should be, you know, some accountability, some input from the public. And it also created I think a very nice forum under the direction of the Presiding Officer to be able to create that type of public debate. So that when somebody does come up or maybe a small committee or whatever else comes up, I think I would feel more assured that they speak for a larger body if there was a few people than just one. And I think that they should also incorporate all State-rendered Sense Resolutions and all of those things.

So I would say that to accomplish some of the goals that you've set, Joe, and I think it's a good and laudable goal, I feel much more comfortable no stipends because you can already reimburse them for travel. And if you're going to do that anyway, then make sure it's a dollar certain that we all know about up-front because if you tell me it's \$10,000 I have a problem, if you tell me it's \$500, heck, that would be fine. But I would much prefer it be through some type of small ad hoc committee that specifically that you designate as Presiding Officer so that they have more representative of what we're thinking. Thank you, Sir.

P.O. CARACAPPA:

Thank you, Paul. Legislator Lindsay.

LEG. LINDSAY:

I don't think it's any secret around this horseshoe we're entering a year where we have a huge financial crisis facing us as we draft the 2005 budget next fall, and there is no doubt about it that a great deal of that financial problem has to do with unfunded State mandates. And I applaud the idea of this body lobbying our State Legislators to give us some relief.

In the new County Executive's Inaugural Address yesterday, he floated

the idea of renting a bus and him and all of us go to Albany en masse to lobby our State representatives for change, and I think that's very productive. And I really do not object to this body having someone designated to keep track of some of these State mandates to lobby individually.

I do, like my fellow Legislators, have some concerns about, you know, on what issues is this one individual going to lobby? If there was some kind of mechanism based on a majority of the people around the horseshoe to decide what we're going to talk about to our State representatives. And I, too, have a problem with the actual wording where it says that, "This individual will be entitled to a reasonable stipend and travel expenses." I think travel expense certainly should be reimbursable but when I hear the term stipend, I assume that it means an ongoing amount of money that would be paid to one of us to really do the job that we should all be doing every day. And this practice, it's a little bit disturbing because I hope it's not going to lead to a system like we have in the State Legislature where the chairs of different committees make more money than someone that sits on that committee or has other responsibilities. And again, I wouldn't object to this change per se if some of the language was clarified. Thank you.

LEG. CARPENTER:

Next, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Legislator Lindsay has stated most of my objections, and my objections had originally been primarily based on the expenses that would be incurred by adopting this particular rule. However, as I look at it more closely and I see that someone will be the official representative of the County Legislature, I wonder as to even the legal ramifications here of designating one Legislator as the official representative of the entire Legislative body and whether that would be representing the people of Suffolk County appropriately. If a Legislator from one district is designated to represent all of the people of Suffolk County and doesn't agree with the philosophies or positions of Legislators from other districts, than those districts are not being represented to other levels of government.

This rule has I think very far-flung ramifications, not just in economic terms where we're offering a stipend for a Legislator to do his or her job and travel expenses when we've stated that during these difficult budgetary times we're trying to limit travel expenses. But also, the words in the second line of the rule which says, "An Intergovernmental Legislative Delegate to represent the County Legislature," in the third line it says, "An advocate on its behalf to the Federal and State Government," and on the next line, "Shall be the official representative;" I find that this language is very vague and

can really lead to a lot of mischief.

And Mr. Chair, now that you're back, may I say that you and I have sat on committees together and we've experienced the same frustration. In Social Services, I see Social Services' budget spiraling up every year because of the unfunded mandates and I know that your intent came out of that kind of frustration. But this language is much too vague and

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can be very, very badly misconstrued and a lot of mischief can come from this.

P.O. CARACAPPA:

Well, I can guarantee you there would be no mischief coming from it.

LEG. VILORIA-FISHER:

I wish you could but we don't know what can come from it. And although your intent is I think where we all are -- and as Legislator Lindsay had said, the County Executive indicated the same type of intent yesterday in his Inaugural speech, we agree that we must advocate on the State and Federal levels. However, this is too vague and to give that kind of -- empowering one member of this body to represent all of us I think is beyond the scope of what the rule should be doing.

P.O. CARACAPPA:

Thank you. Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. And I also would like to commend you for highlighting an issue within the proposed rules dealing with the unfunded mandates, both at a Federal and State level. But I would also respectfully disagree with the particular approach you have here. I think the way that former Presiding Officer, Legislator Tonna had mentioned, that if either an ad hoc committee or a special subcommittee, they would also call it a standing committee on unfunded mandates, be it State and Federal level, I think that would be let's say the more comprehensive and, quite frankly, more effective institutional approach to this very, very fundamental, very worrisome problem that we deal with on a yearly basis.

One person -- particularly with the amounts of mandates that we're talking about, one person can't do the job effectively. Whereas if you have a committee structure, a standing committee or an ad hoc committee that would work together and cooperatively with the County Executive -- as was mentioned, the County Executive also has an open invitation to all of us as Legislators on both sides of the aisle to join him and travel both to Albany and to Washington on these issues.

So I think the most effective approach to reach the conclusions that you want to reach, and I commend you for that, is to really address this not so much with one person but to create a special standing committee on the issue.

P.O. CARACAPPA:

Thank you, Legislator Foley. Legislator Carpenter, Deputy Presiding Officer Carpenter.

LEG. CARPENTER:

Thank you. I think that some very good points have been raised and I think that the intent of this is very laudable. Everyone is talking about the fact that the mandates that we've gotten from the State have really become more onerous and we really need to address it in a more concrete way. And this idea of the Presiding Officer is to have someone to -- who would be willing to go to Albany or Washington if necessary to speak on our behalf I think is very important. Also, the

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concept that has been raised about an ad hoc committee because of its import, I think that is something that I would hope the Presiding Officer would consider doing. Having an ad hoc committee and then again, the work of that committee would be reported to the State Legislature or the Federal Government with that representative.

So I think that what we've heard here this morning will take an idea that was really very good and bring it to another level that would make it that much more effective.

P.O. CARACAPPA:

Legislator Caracciolo, Cooper -- I'm sorry, Legislator Crecca, Cooper, Caracciolo, Bishop.

LEG. CRECCA:

I will attempt to be brief and urge my colleagues to do the same because I think the points have been made on this. I would certainly say in the four years that I have been here we keep talking about lobbying Albany and it's never happened. And I'm as guilty as the next one because I have said I'm going to go up there and lobby and I haven't done it and that's because we get involved in our own districts and our own things.

This creates an official position so that someone at least can go up there and do some lobbying. And yes, I think the intent behind the rule is that this person will bring and only bring that which this body asks he or she to bring.

LEG. BISHOP:

Write it in.

LEG. CRECCA:

You know, there's a rule in the rules that says that Legislators talk in turn; of course we haven't adopted the rules yet, and don't talk to each other. But -- so what I'll say is I think the intent is there, I think this -- we have a huge problem with Albany and we need to do things to address it and we will do that.

Certainly, if the Legislator who is picked by the Presiding Officer does not perform his or her duties in a way that's acceptable to this body, it will be up to the Presiding Officer -- that's why this person serves at the pleasure of the Presiding Officer and so many other appointments -- to either have that person removed or to have that person change his or her ways. So the reality is that I think this is a good thing and I think we should embrace it and move forward on it. And I would make a motion -- can I make -- I can make a motion to amend while we're in --

LEG. BINDER:

To amend what?

LEG. BISHOP:

Amending my amendment.

LEG. CRECCA:

No. I'm making a motion to amend Legislator Bishop's amendment so that

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the only thing stricken from the rule is the word official, O-F-F-I-C-I-A-L, that word; I would make a motion to amend his motion to just remove that word and leave the rest of the rule as written in tact. Is there a second on that?

LEG. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator -- Deputy Presiding Officer Carpenter.
Legislator Cooper?

LEG. COOPER:

I also support the concept strongly, I feel it's much needed. And although I do feel that an ad hoc committee is the way to go, at the very least, though, I feel that it's necessary for practical reasons that the delegation be bipartisan. Because as we all know, the Assembly, New York State Assembly is controlled by Democrats, the Senate controlled by Republicans, they're both very partisan bodies

and if we really want to have a strong and effective voice speaking on behalf of the people of Suffolk County, at the very least I think we should have two delegates going up, a Republican and a Democrat.

P.O. CARACAPPA:

Thank you, Legislator Cooper. Parliamentary inquiry?

LEG. CRECCA:

Yes. Well, I'm just withdrawing my amendment at this time, we'll make it after we vote on Legislator Bishop's because I think it's --

P.O. CARACAPPA:

Under Robert's Rules, that's the process.

LEG. CRECCA:

Yeah, I think I did it incorrectly, so.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Mr. Chairman, I would just echo the comments with respect to this rule change and the creation of an ad hoc committee. I think the idea is merited and it's one that I would support and I want to take this opportunity to thank you for your confidence in appointing me as a member of such a group. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. And I will create an ad hoc committee which will basically give you direction in your assignments on behalf of the body and the committee that directs you. I think that's a good first compromise and that's what we're here to do today. Legislator Bishop is next.

LEG. BISHOP:

I would still urge adoption of my proposed amendment to eliminate the position until it can be more fully formed in terms of what the limits

are and what the remuneration is. Right now it seems like it's a rush to provide Legislator Caracciolo with, you know, some reward presumably, but I don't know what the rush is; it certainly is not a well thought out idea. First of all, is he going to coordinate, your new representative, with the County Executive's representative on State matters?

LEG. CARACCIOLO:

Have you ever been to Albany, David?

P.O. CARACAPPA:

That's my goal so that we have an independent identify aside from across the street, that we are our own voice for a change. Because I've been up to Albany lobbying our State representatives and, to be quite honest with you, I was never so embarrassed in my entire life the way that we were treated, and I went up with the past County Executive.

LEG. BISHOP:

And it's your -- your idea is that if we go up with two separate voices, not coordinated, we're going to have a better response from Albany?

P.O. CARACAPPA:

It's better -- the time has come where they stop seeing Sense Resolutions go into their garbage pails and that they see someone with the experience and the knowledge banging on their door when we send them up there.

LEG. BISHOP:

Well, then I would suggest what we do is we limit this person to presenting our Sense Resolutions because at least Sense Resolutions are voted upon and they are truly the voice of this Legislature. I don't always prevail on which side I'm on, but that would be -- that would be logical.

P.O. CARACAPPA:

Well, earlier there was concession to an ad hoc committee which would be almost the same as a Sense Resolution; it's a consensus building process that will direct Legislator Caracciolo to bring the agenda as it's been laid out by that committee.

LEG. BISHOP:

And what's the justification for the stipend? Now it's taking more form on the limits and I appreciate that. What's the justification of the stipend and how is it that you're going to be able to say no to other committee chairs and other people who are doing, quote/unquote, extraordinary things on behalf of the public who serve on this body, what are you going to tell them?

P.O. CARACAPPA:

Well, unless they want to run their committees in Albany and Washington, I think what Legislator -- what I'm asking Legislator Caracciolo to do is substantial, it takes away time from his family, it takes away -- it's an added responsibility that he hadn't had before. I think it's a very important duty that I'm trying to create

for him and I think he deserves based on the time he's going to have away from his family and from his district, a very small stipend attached to it, it's only fair.

LEG. BISHOP:

Do not all these representatives in Albany and Washington come home, or a significant portions? I mean, why --

P.O. CARACAPPA:

I don't know about that.

LEG. BISHOP:

What is the imperative to send one of our colleagues to their house? I mean, they represent this County, they are certainly not going to close their door in their district office to Legislator Caracciolo or any other ones of us. This seems to me to be a reward in search of a rationale and I really -- I think it fails the test. So I'm going to maintain my motion.

P.O. CARACAPPA:

I appreciate that. Legislator Lindsay.

LEG. LINDSAY:

Mr. Chair, I would yield to move Legislator Bishop's motion because if that fails I have another modification that might be helpful.

P.O. CARACAPPA:

There's a motion and a second.

LEG. BINDER:

Could you repeat the motion?

LEG. BISHOP:

The motion is -- I'll just make it simple -- to strike Rule 4(I) from the point -- yeah, in its entirety. Added paragraph I to this rule, right, so strike paragraph I of Rule 4; that's the motion.

P.O. CARACAPPA:

That is the motion, there is a second. All in favor?

LEG. CARACCIOLO:

Roll call.

P.O. CARACAPPA:

Roll call.

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

LEG. BISHOP:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. CARACCIOLO:

No.

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LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

P.O. CARACAPPA:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Nope.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BINDER:

No.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

Seven.

LEG. LINDSAY:

Could I have the floor back?

P.O. CARACAPPA:

Legislator Lindsay and then Tonna.

LEG. LINDSAY:

Now that that motion has failed, I would like to make another amendment to this proposed rule that might make it more workable. I would propose that we strike the word official, we strike the word stipend, I think reasonable expenses, travel expenses is certainly

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justified. And I would like a sentence added to the end that the delegate chosen will also serve as the Chair of Ad Hoc Committee on Intergovernment Affairs.

LEG. CARACCILO:

I will second that bill.

LEG. TONNA:

So we're --

P.O. CARACAPPA:

Wait a second.

LEG. VILORIA-FISHER:

Mr. Chair?

P.O. CARACAPPA:

There is a motion --

LEG. TONNA:

That's much better.

P.O. CARACAPPA:

-- as laid out by Legislator Lindsay. There is a second by Legislator Caracciolo. I recognize Legislator Binder.

LEG. VILORIA-FISHER:

Mr. Chair, put me on the list, please?

LEG. BINDER:

On the question of whether we have to mention the chairmanship of an ad hoc committee, it's no longer ad hoc if it's in the rules. So the reason we don't have these kind of ad hoc committees listed is because they could be created and then folded for whatever reasons during the year. So I would just then leave it to the Presiding Officer on that question of whether there should be a committee, and I'm sure if he says on the record that he's going to create the committee that he'll do that.

LEG. TONNA:

Put me on the list, please, sir.

P.O. CARACAPPA:

Legislator Viloría-Fisher then Legislator Tonna.

LEG. VILORIA-FISHER:

Legislator Lindsay, although the amendment that you've stated is a step in the right direction, I think that we need to go further in stating that the representative would act on the direction of that committee, only on what is -- statements that are voted on in that committee. Because as I've stated before, if we're going to have someone who is representing this body, there must be a sense that that person is representing this body.

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Although I know that Legislator Caracciolo does his job and he works very hard, he and I don't agree very often on our positions and I really don't want him to be my representative in Albany unless I have directed him on what I would like him to state as my position. He will not be my representative in Albany, to put it very bluntly.

P.O. CARACAPPA:

That is why we're trying to create a committee that will give him direction, a committee that is fair and balanced.

LEG. VILORIA-FISHER:

Excuse me, there was a comment said on the sideline here by Legislator O'Leary which said he's representing the majority; that is not, Legislator O'Leary, what this paragraph says. It does not say he's representing the majority.

LEG. O'LEARY:

Point of order.

LEG. VILORIA-FISHER:

It's saying he is representing the Legislature and not --

LEG. O'LEARY:

Point of order, Mr. Chair.

P.O. CARACAPPA:

Legislator O'Leary on a point of order.

LEG. O'LEARY:

My comment to my colleagues to my right was in reference to when the delegate for this Legislature goes up to Albany or down to Washington D.C. for purposes of representing the thoughts and ideas and concerns of this Legislature, it would be at the behest of the majority vote of this Legislature based on the issues presented. So Legislator Fisher's interpretation of my comment regarding majority was not partisan, it was simply that the delegate would be representing the majority vote of this Legislature, representing issues and concerns --

LEG. BISHOP:

That would be great, but that's not the structure.

LEG. O'LEARY:

-- to the bodies in Albany and Washington D.C.. Thank you very much.

LEG. VILORIA-FISHER:

Okay.

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yes, thank you.

LEG. VILORIA-FISHER:

Excuse me, Mr. Chair, because I did hear what he said and that is not what this rule says.

LEG. BISHOP:

That's right.

LEG. VILORIA-FISHER:

That is absolutely not what this rule says and that is my problem with this rule and that is my concern with this rule, that it does not stipulate in any way that he is advocating for an issue that was voted on by a majority of this Legislature. It gives him free rein to represent this Legislature as he sees fit with other levels of government. There is no limit in this rule. There are no limitations set and that's my concern.

P.O. CARACAPPA:

There is with the Lindsay amendment.

LEG. VILORIA-FISHER:

No, there's not.

LEG. TONNA:

No.

LEG. VILORIA-FISHER:

It simply says that he sit as chair of a committee, it does not say that he is to then represent what that committee has put together as an issue statement, it doesn't limit his ability to represent his own views at other levels of government and represent those personal views as if they were the views of this Legislative body.

LEG. O'LEARY:

Through the Chair, please.

P.O. CARACAPPA:

There's a list. Legislator Tonna, Legislator Foley, Legislator O'Leary.

LEG. TONNA:

Mr. Chairman, you're doing a great job without Legal Counsel, I have to hand it to you.

P.O. CARACAPPA:

Who needs Legal Counsel?

LEG. TONNA:

Yeah, right.

P.O. CARACAPPA:

Right, Mea?

LEG. TONNA:

We do; trust me, we do. Anyway, I think Legislator Binder made a good point about an ad hoc committee and I still like Legislator Lindsay's idea. So since it's the first time that I've seen rules where -- well, not the first time, but since we have a precedent set that we're putting Rules Committees into the rules and other things, why don't you put -- forget an ad hoc committee, put in a standing committee as part of the rules that this representative has to represent from, you

know, resolutions or whatever else based on this not ad hoc committee anymore but standing committee.

Secondly is that Legislator Fisher's comments about limitations; the one limitation that is screaming to me is the amount of money. And I know in the spirit of Legislator Caracciolo for years spending time with him, I mean, I'm sure that he would be sympathetic to saying we have to have a defined amount of money. I mean, how can we put into the rules --

LEG. CRECCA:

He's consenting to strike it out.

LEG. TONNA:

Well, no, he's consenting to take out a reasonable stipend, but travel expenses. In other words, are we going to fly somebody down to Washington, is that what we're going to pay for; how much? Are we going to -- you know, are we only going to reimburse him for travel then? That's the stuff -- and I want to know the dollar amount, I want to know a fixed amount so that all of those -- anything else, all the ghosts and goblins that people can see with something like this is a definable amount. If we say hey, it's \$500 a year, a thousand dollars a year, whatever else, you have direction, you have limits, Mr. Presiding Officer, and the person who is in that position running this standing committee would have an understanding what the budget is; I think that would help.

P.O. CARACAPPA:

Thank you, Legislator Tonna.

LEG. FOLEY:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

I'll be quite brief on this. We've heard a lot of discussion on this point. It's been well worth the debate because it's a very important notion and idea that the Presiding Officer has put forward. Given the fact that I doubt that we're seriously going to settle this issue in the next five or ten minutes, if we look at Rule 22, if you look at -- eventually when we ever get to the rules, the fact of the matter is -- and this is one of the rules that I will agree with, it states that rules can be amended the through resolutions in accordance with the rules of this particular -- of the proposed rules which we have that every year. That being the case, we can come back here in three weeks time and have a consensus on how we want to move in this particular fashion. As many of us know, over the next three weeks the State Legislature is going to be virtually doing nothing, nor will Congress. That being the case, we can refine what we've been saying here, draft something that is of a consensus to both sides and then at our meeting

at the end of January there can be a Certificate of Necessity laid on the table or a Certificate of Necessity from the County Exec, although we don't because it's our own rules so we can vote on it I think at the end of January and that's maybe three weeks away, Mr. Chairman.

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LEG. ALDEN:
Very well said.

LEG. FOLEY:
So, I mean, it's just a way of doing this. I think many of us want to do it and I think there's been very good points, both pro and con in good will, Mr. Chairman. So I think that would be say a thoughtful approach to try to settle this thing because I doubt if we're going to do it in the next ten minutes.

P.O. CARACAPPA:
Legislator Foley, in spirit and cooperation for which I'm trying to set out from day one here, I would fully agree with that.

LEG. TONNA:
So hold off on this rule?

P.O. CARACAPPA:
Yes.

LEG. TONNA:
Okay, great.

LEG. FOLEY:
But we will do something by the end of the month, so I think we all agree with that.

LEG. CRECCA:
It's part of the rules, though, you have to either take it out --

LEG. TONNA:
So let's just strick it out totally.

LEG. CRECCA:
We're going to leave it, though, now.

LEG. TONNA:
No, no, we're taking it out.

LEG. BINDER:
Vote.

LEG. CARACCIOLO:

Move the motion, that's all. There's a motion by Legislator Lindsay which I second.

LEG. CRECCA:

Can I have a clarification on the motion, please, by Legislator Lindsay?

P.O. CARACAPPA:

Bill, would you please?

LEG. LINDSAY:

Absolutely.

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LEG. TONNA:

I'd ask --

P.O. CARACAPPA:

Hold on. Before we do that, Legislator Cooper, you asked for the floor; do you still want it?

LEG. COOPER:

I just wanted to make the point that before I voted on this, and I'm glad that we're considering delaying this, if we are thinking about having a committee, be it ad hoc or standing, I would like to know the members, all the members of that committee to be sure that if they are representing me in Albany that they truly do represent my voice and I can't do that with only knowing the chair of the committee.

LEG. CRECCA:

Again, I would ask that --

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

No, I'd ask that Legislator Lindsay just restate the motion.

LEG. LINDSAY:

I'll be happy to restate the motion. I'm going to make one modification to it, though, because of some of the debate that took place. What the motion does is really three things; it strikes the word "official" which is in the fourth sentence, it strikes the word "stipend" --

LEG. CRECCA:

In that regard --

LEG. LINDSAY:
"Stipend and".

LEG. CRECCA:
And it also -- if you're going to do that, Bill --

LEG. TONNA:
Reasonable.

LEG. CRECCA:
Legislator Lindsay, the word "a" before reasonable.

LEG. LINDSAY:
A reasonable stipend.

LEG. LINDSAY:
Well, it would read "reasonable travel expenses," or strike a.

LEG. CRECCA:
Entitled to reasonable travel expenses, so you're striking the word
"a" --

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LEG. LINDSAY:
Strike "a stipend and", and it adds a sentence to the end which says,
"The delegate chosen will also serve as the Chair" -- I had of an ad
hoc committee, we can make it a standing committee -- on
intergovernmental affairs. And if you want to -- that's where I am so
for.

LEG. BISHOP:
What is the limitation on what they're going to do?

LEG. VILORIA-FISHER:
And what about the direction?

LEG. CARACCILOLO:
Move the motion.

LEG. CRECCA:
So that last sentence will read, "The delegate shall serve as the
Chairperson of an Intergovernmental Committee", Intergovernmental
Affairs Committee.

LEG. LINDSAY:
"The delegate chosen will also serve as the Chair of a standing
committee on intergovernmental affairs." If you wanted to clarify it

further, we could put another sentence that that committee will clarify the issues that the delegate will represent this body on."

LEG. CARACCILO:
I'll second that motion.

LEG. BISHOP:
Determine the issues.

P.O. CARACAPPA:
There's a motion and a second. Roll call.

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

LEG. LINDSAY:
Yes.

LEG. BISHOP:
On the motion. On the motion. The movant was composing it as we went along, so I just want to know the last phrase in the amendment reads what?

P.O. CARACAPPA:
Legislator Lindsay, would you please, again?

LEG. LINDSAY:
Okay. The last sentence, and we're doing this as we go --

LEG. BISHOP:
Right.

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LEG. LINDSAY:
"The delegate chosen will also serve as the Chair of a standing committee on Intergovernment Affairs and that delegate will put forward the ideas passed by the committee"? Is that --

LEG. CRECCA:
Can I -- on that last line, Legislator Lindsay, if I may? The delegate chosen shall serve as the Chair of a committee --

LEG. CARPENTER:
Designated by the Presiding Officer.

LEG. FOLEY:
This is why we should wait.

LEG. VILORIA-FISHER:

Yeah, this needs work. We just can't fly by the seat of our pants here. This is so important, Mr. Chair.

LEG. CARACCIOLO:
We have a motion and a second.

P.O. CARACAPPA:
There is a motion and a second.

LEG. BISHOP:
There's not a motion and a second because there's not a fully formed motion.

LEG. VILORIA-FISHER:
There's not clear --

LEG. CRECCA:
I have it.

LEG. VILORIA-FISHER:
A clear motion.

P.O. CARACAPPA:
Legislator Crecca, please.

LEG. CRECCA:
"The delegate chosen shall serve as the chair of a committee that will formulate the official positions of the body."

LEG. CARACCIOLO:
Will the amendment author please restate for the record exactly, Bill, how you want this to read, because it's your amendment.

LEG. LINDSAY:
Okay, let's try one more time. We're striking "official", we're striking the words "a stipend and" in the last sentence, we're adding a new sentence, "The delegate chosen will also serve as the chair of a committee on Intergovernment Affairs and that committee will determine the policy statements of the delegate on behalf of this Legislature."

LEG. CRECCA:
On the motion.

P.O. CARACAPPA:
On the motion on the amendment, Legislator Crecca.

LEG. CRECCA:

So now we've gone from what has been perceived as one person doing it to a committee doing it. I suggest that in reformulating that last sentence that it just read, "The delegate chosen shall serve as the chairperson of an Intergovernmental Affairs Committee, " and I think we should put some trust in the Presiding Officer that we elected today to administer that. You know --

P.O. CARACAPPA:
What a concept.

LEG. CRECCA:
Yeah, I know. In writing the rules, you know, you don't micromanage with a rule, okay. And so I would suggest, Legislator Lindsay, on the amendment that that will make clear the intent of the rule, I trust Presiding Officer Caracappa to carry that through with the intent and spirit of this amendment which will be adopted, I assume, in a moment and I would ask my fellow Legislators to do the same so that we don't have a rule that's written poorly. And again, it will say, "The Delegate chosen shall serve as the Chair of an Inter" -- I'm sorry, Bill, what did you call it, Intergovernmental Affairs Committee," period.

LEG. FOLEY:
Joe?

LEG. VILORIA-FISHER:
Mr. Chair?

P.O. CARACAPPA:
Hold on. Let Legislator Crecca finish.

LEG. CRECCA:
Through the Chair, I'm directing -- asking Legislator Lindsay if he will have the motion read that way.

LEG. LINDSAY:
In the interest of clarification I'll go along with the shortened version with the proviso that the Presiding Officer will give clear direction to this committee when it is formed as well as the delegate in which direction they are to operate as far as speaking on behalf of this whole body.

LEG. CRECCA:
Thank you, and I'll second Legislator Lindsay's amendment.

LEG. BISHOP:
On the motion.

P.O. CARACAPPA:

Okay. I recognize Legislator Cooper, then Tonna, then Viloría-Fisher, then Bishop, then Foley.

LEG. COOPER:

With all due respect to the three or four members of this committee, I don't see how we can grant them the authority to formulate positions for the entire County Legislature unless there is some process in place where the full Legislative body can endorse the positions that the three members of this committee take. Once again, I don't know who's going to be on this committee, we know who the chair will be, we don't know the other members and I don't know whether they will be able to speak with the same voice that I speak. So unless we have the committee vote on resolutions that will then come before the full body and be endorsed by a majority of Legislators, I really hesitate moving forward at all at this point.

P.O. CARACAPPA:

That's your prerogative, Legislator Cooper. I appreciate your comments on the record. Legislator Tonna?

LEG. TONNA:

Joe, I hate to say this but --

P.O. CARACAPPA:

Say it.

LEG. TONNA:

Why do we have a rule? I mean, you have the power now to appoint Legislator Caracciolo to head a committee, you have the power right now to reimbursement him travel expenses, that's the power of the Presiding Officer. Why are we putting this in a rule?

P.O. CARACAPPA:

To be quite honest with you, to be truthful, I wanted to be above --

LEG. TONNA:

You don't want to be truthful, do you, on this?

P.O. CARACAPPA:

I wanted to be above-board, I wanted everyone to know what I was trying to accomplish.

LEG. TONNA:

Well, you're going to have a chairman, you're going to have a Chairman, you're going to pick him, that's the power of the Presiding Officer. You're going to be able to pay for his travel, he submits vouchers, he submits his bills, it's taken care of; that you have the power to do now and probably a budget to do it. Why have a rule when

we're dealing with now official/non-official or whatever else. You're going to have a committee, I'm sure Legislator Caracciolo, he's an excellent choice for this type of position, this is something that he's always been talking about. But you can do it now under the power of Presiding Officer, why are we going to codify this in a rule when we really don't need to? End of story.

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P.O. CARACAPPA:
Legislator Vilorio-Fisher.

LEG. VILORIO-FISHER:
Legislator Cooper articulated most of what I wanted to say, but I want to go a little further and say that I wish we did have Counsel here today because I don't even really -- I don't feel comfortable that it's legal to say that a committee can make a statement and that it will be the official or it will be the policy of this Legislative body without a vote of the full Legislature. I know that you struck the word official from it, however, having a committee state a policy that will be carried to other levels of government without the vote of the full Legislature, I'm not comfortable that that would be legal.

LEG. CARACCIOLO:
Mr. Chairman, I'm going to withdraw my second.

P.O. CARACAPPA:
That is a withdrawal of a second on the Lindsay amendment to the rule.

LEG. CARACCIOLO:
Yep.

P.O. CARACAPPA:
Okay.

LEG. FOLEY:
Second for the purposes of discussion.

P.O. CARACAPPA:
There's a second for the purposes of discussion by Legislator Foley. Legislator Bishop, you're next.

LEG. BISHOP:
If we withdraw the second then he gets paid and I don't know, you know -- I don't know if that's the direction you want to go in. I'm opposed to the --

LEG. CARACCIOLO:
Let's find out, Dave.

LEG. BISHOP:

I'm opposed to the amendment. It makes the idea better, there's no doubt about it, but I think that Legislator Cooper hit the nail on the head, this is part of a trend of taking the majority of this Legislature and rendering it less relevant than a few select members that's exactly what this bill would do if we end up with a four member committee or a five member committee that speaks for the entire Legislature, I don't think that's the construct that everybody would support as well. See, it's already happening, I'm now irrelevant, nobody is listening to what I say.

P.O. CARACAPPA:
Legislator Foley.

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LEG. FOLEY:

Quickly, I think Legislator Tonna's comments were right on target; you have the power to do it, you can do it by virtue of the fact of authority vested in you by a majority of this Legislature. And over the next several weeks when you create the committees, create this one as well with the chair and bipartisan representation on the committee.

P.O. CARACAPPA:

You know, Legislator Foley, I sat here and I said I'm willing to do that but, you know, the constant attack, it continues, it continues. We've come up with a tremendous amendment to the rule under Legislator Lindsay, I have agreed to try to work with everybody here but the barrage continues after that, it continues. So why; why bother going on when I've tried to please everyone here today right now with relation to this rule? And there is a rule on the floor now, a motion and a second, we've had discussion, I'm going to ask for a roll call.

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

LEG. LINDSAY:

This is on the amendment, right? Mr. Chair, just for a clarification we're going to vote on the amendment that I proposed?

LEG. FOLEY:

I withdraw the second.

P.O. CARACAPPA:

There's a withdrawal of the second.

LEG. LINDSAY:

So it has no second.

LEG. CRECCA:

Mr. Chairman, I make a motion to just strike the word "official", that's it.

LEG. CARACCIOLO:

Second.

P.O. CARACAPPA:

There's a motion and a second.

LEG. CRECCA:

Roll call, please.

P.O. CARACAPPA:

Roll call.

LEG. CARACCIOLO:

Go, Henry.

MR. BARTON:

I just have to write it down.

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

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Yep.

LEG. VILORIA-FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Bad idea but yes to the amendment, it makes it a little better.

LEG. LINDSAY:

I didn't have a second.

LEG. TONNA:

It's an amendment, it's an amendment. We're not done with this rule yet, this is just one amendment.

LEG. BISHOP:

It's an amendment to --

LEG. CARPENTER:

We're voting on the amendment to remove the word "official".

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LEG. BISHOP:

Right, so I'm for that.

LEG. BINDER:

Yes.

LEG. CARACCILOLO:

We're in the middle of a roll call.

LEG. CRECCA:

Yeah, we're in the middle of a roll call, guys.

(*Roll Call Continued by Mr. Barton, Clerk*)

LEG. TONNA:

Yes. To strike the word "official"? Sure.

LEG. COOPER:
Sure.

LEG. BISHOP:
The rest of it should be stricken.

LEG. TONNA:
Yeah, now we'll strike more.

LEG. LINDSAY:
Henry, change my vote to a yes. I thought we were voting on the resolution as it was.

MR. BARTON:
14.

LEG. TONNA:
Now --

P.O. CARACAPPA:
Legislator Tonna, you want to be recognized?

LEG. TONNA:
Yes, I would like to be recognized for another change in Rule 4(I). I think that there should be -- I'd make a motion to change the last sentence, "The Legislator serving in capacity shall be entitled to a travel expense not exceeding \$2,000."

LEG. BISHOP:
Does that include hotel and meals?

LEG. TONNA:
Everything, everything, I want to know. I think I'm being reasonable, \$2,000 is more than enough, he already gets travel up to Albany with his car and everything paid for; \$2,000 a year, let's put, you know, a total dollar amount.

LEG. CRECCA:
I'd ask that you call a roll, Mr. Chairman.

LEG. BISHOP:
He's the unofficial representative and he gets two grand.

P.O. CARACAPPA:
Is there a second?

LEG. TONNA:

Well, he doesn't -- no, he gets two grand for travel. No, right now it's stipend and I want to remove -- I want to remove -- obviously the language that I've given I wanted to remove "reasonable stipend"; there should be no stipend to pay for a position that he's getting paid for now.

P.O. CARACAPPA:

Is there a second?

LEG. TONNA:

No second? So we have no second.

LEG. FOLEY:

Second.

LEG. TONNA:

Second; thank you, Legislator Foley.

P.O. CARACAPPA:

Second by Legislator Foley.

LEG. BISHOP:

It gets rid of the stipend?

LEG. TONNA:

Yeah, it's just travel expenses of \$2,000, that's it, period, end of story.

P.O. CARACAPPA:

There's a motion. There's a motion and a second. Roll call.

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

LEG. O'LEARY:

On the motion. On the motion before the roll call. Just for clarification from Legislator Tonna, I'm presuming, of course, you mean in totality for 2,000, not per trip, correct?

LEG. TONNA:

Totality, that's the budget amount.

LEG. O'LEARY:

Just a clarification because you didn't make that very clear.

LEG. TONNA:

Well, it's \$2,000 total.

P.O. CARACAPPA:

He said in the calendar year.

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LEG. BISHOP:

To a Superior Officer, that's like half a trip.

LEG. TONNA:

Yeah, in a calendar year I said.

P.O. CARACAPPA:

He did say that.

LEG. TONNA:

That's it. I mean, why --

LEG. O'LEARY:

I apologize, I didn't hear that.

LEG. TONNA:

The question I would ask for those who vote against this, tell me the amount that you envision; is it \$10,000, is it 20,000? Let's debate it; how much money do you want to pay a stipend? I mean, the next thing we're going to move down to is why don't we give committee chair stipends? I mean, if we're going to go down this way, we might as well spend money on anything.

LEG. CRECCA:

Make the motion, I'll second it.

LEG. TONNA:

Well, I figured that, Legislator Crecca. But the fact is is that I honestly believe that this sets a terrible precedent. So if we're going to be out voted, fine, so then let's set at dollar amount to the amount we're going to pay this --

LEG. BISHOP:

Why don't we start with 200 and we'll work our way up?

LEG. TONNA:

-- not this unofficial because that was passed, this representative, this representative for a certain amount.

LEG. ALDEN:

Call the roll.

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:
Legislator Lindsay.

LEG. LINDSAY:
I feel comfortable with the word "stipend" being struck and "reasonable expenses" and leave it up to the discretion of the Presiding Officer. He does that in a lot of other venues with other people that represent this government.

LEG. TONNA:
He can do it now.

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LEG. LINDSAY:
To put \$2,000 on it, what if he only makes one trip a year to Albany?

LEG. TONNA:
Well, that he submits -- no, he submits the --

LEG. LINDSAY:
Let me -- I have the floor.

P.O. CARACAPPA:
Please, Legislator Lindsay has the floor.

LEG. LINDSAY:
For \$2,000 you could probably buy the whole town.

LEG. TONNA:
He can only do what he submits.

LEG. LINDSAY:
Why put a dollar amount?

P.O. CARACAPPA:
Paul, please.

LEG. LINDSAY:
Make it reasonable expenses.

LEG. TONNA:
There's no total dollar amount.

LEG. CRECCA:
Move the question, Joe.

LEG. CARACCIOLO:
You can't make it up.

P.O. CARACAPPA:

There is a motion, I believe there is a motion and a second.

MR. BARTON:

Yes, there is.

P.O. CARACAPPA:

Legislator Tonna?

LEG. TONNA:

Yes.

P.O. CARACAPPA:

Yes, second by Legislator Foley. Roll call.

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

LEG. TONNA:

Yes.

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LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

No.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

P.O. CARACAPPA:

No.

LEG. VILORIA-FISHER:

No.

LEG. LOSQUADRO:

No.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Damned if you do, damned if you don't; yes.

LEG. BINDER:

No.

LEG. COOPER:

Yes.

MR. BARTON:

Five.

LEG. VILORIA-FISHER:

I'd like to make an amendment.

LEG. BINDER:

Mr. Chairman, I'd like to make a motion.

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P.O. CARACAPPA:

I have to recognize Legislator Viloría-Fisher, she was first.

LEG. BINDER:

Actually, it's the prerogative of the chair.

P.O. CARACAPPA:

Under Robert's Rules, ladies first.

LEG. VILORIA-FISHER:

Thank you, Mr. Chairman. On paragraph I, I would like to make a change to the same sentence, again putting the judgment call on the Presiding Officer, just simply having the words, "The Legislator serving in such capacity shall be entitled to reasonable travel expenses," and leave out the word stipend, just to reasonable travel expenses.

P.O. CARACAPPA:

Okay, that's a motion. Is there a second?

LEG. BISHOP:

Second.

P.O. CARACAPPA:

Second by Legislator Bishop.

LEG. CARACCIOLO:

Move the motion.

P.O. CARACAPPA:

On the motion, Legislator Caracciolo, are you asking?

LEG. CARACCIOLO:

Move the motion.

P.O. CARACAPPA:

Okay. There's a motion and a second.

LEG. BISHOP:

Travel expenses, that's all you get.

P.O. CARACAPPA:

Roll call.

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

LEG. VILORIA-FISHER:

Yes.

LEG. BISHOP:

Yes.

LEG. CARACCIOLO:

Nope.

LEG. SCHNEIDERMAN:

No.

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LEG. O'LEARY:

No.

P.O. CARACAPPA:

No.

LEG. LOSQUADRO:
No.

LEG. FOLEY:
Yes.

LEG. LINDSAY:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Nope.

LEG. CARPENTER:
Yes. No.

LEG. CRECCA:
No.

LEG. NOWICK:
No.

LEG. BINDER:
No.

LEG. TONNA:
Yeah.

LEG. COOPER:
Yes.

MR. BARTON:
Seven.

LEG. BINDER:
Motion, Mr. Chairman.

P.O. CARACAPPA:
I recognize Legislator Binder.

LEG. BINDER:
I regret to make this motion but I'd like to make a motion to recess
to the call of the Chair.

LEG. ALDEN:
Second.

P.O. CARACAPPA:

There is a motion to recess --

LEG. BINDER:

To the call of the Chair.

P.O. CARACAPPA:

Explain your motion under Robert's Rules.

LEG. BINDER:

It basically recesses the meeting. The motion is to recess the meeting, not to adjourn the meeting, to pick up basically where we left off at the call of the Chair.

LEG. TONNA:

It can't be Monday.

LEG. BINDER:

I have to move on. And so I would hope the Chair would find out when all members can be in attendance again and then we can pick up where we left off, but I do need to leave. So I'm making a motion to recess to the call of the Chair.

P.O. CARACAPPA:

There is that motion and there is a second. On that motion, I will say it's not such a bad idea seeing that we've been asked to make changes and maybe we can come together on some consensus on other areas. We have some time in the upcoming month. I know some people are going away immediately, I will work through my staff to make this happen, we will try and build some consensus on the areas we've disagreed with already. I feel comfortable with this motion. So are there any other --

LEG. TONNA:

Yeah, just --

P.O. CARACAPPA:

Legislator Tonna.

LEG. TONNA:

Yeah. You realize that if we suspend this you have no Legal Counsel, right, you have people whose probably salaries depend on starting January 2nd or whatever else. You cannot --

LEG. VILORIA-FISHER:

And we have no calendar.

LEG. TONNA:

The rules, you cannot -- just let me finish. You cannot overlook this and go to something else, the rules have to be adopted.

P.O. CARACAPPA:

Yeah, that was my question.

LEG. BINDER:

Mr. Chairman, on that?

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P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

I suggest that what we do is we cannot do other business until we adopt the rules, and just hear me out folks, if you would, for a second. We adopt the rules, vote as you want on the rules as is, okay. Then we go, we do our other business as appointing the Clerk, the Clerk staff, Counsel, and then --

P.O. CARACAPPA:

Reconsider the rules.

LEG. CRECCA:

We will do a -- the Chair will adjourn the meeting then at that point, because the meeting will still be in place, and we can still --

P.O. CARACAPPA:

Recess.

LEG. CRECCA:

-- recess the meeting and still readdress the rules at a subsequent meeting. But we must adopt a set of rules, and that doesn't mean you have to vote for it if you don't want, as they are now with the current amendments as are, but we can at least get on with the business and put our staff in place and we can -- at that recess of the meeting we can do it.

UNKNOWN LEGISLATOR:

Let's meet tomorrow.

LEG. CRECCA:

We can't meet tomorrow because he'll still be in Sabbath.

LEG. BISHOP:

Mr. Chairman, I would offer on behalf of my colleagues --

LEG. FOLEY:

Early next week. Early next week.

LEG. BISHOP:

And I believe I speak for them in the minority party, if you adopt temporarily the 2003 rules, we would support that and then you could come back and we can have at it with all these amendments and there are many, many substitutive changes; we haven't even gotten to the most aggressive ones yet.

LEG. TONNA:

Right.

LEG. BISHOP:

So, I mean, I think that's -- if your true concern is people getting paid and the business of the Legislature, you know, the back office business of the Legislature continuing, then what we ought to do is adopt 2003 and we'll come back and do 2004 when everybody can stay.

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P.O. CARACAPPA:

Let me ask this question -- and maybe, Legislator Binder, you would know better than I -- if we adopt the rules right now, then go into -- then do our staffing appointments, could -- if we then make a motion to revisit the rules, what happens to the appointments that we've already made, they become null and void? Do you know what I'm saying?

LEG. TONNA:

No, you can't do that.

LEG. BINDER:

I'm not sure what you asked to do, I want to make it clear.

P.O. CARACAPPA:

This is my point. We make a motion right now, adopt the rules as is, do staff --

LEG. BINDER:

You can do any --

P.O. CARACAPPA:

-- and before we leave today we make a motion to reconsider the rules and then we'll recess; do the appointments that we've made after we've reconsidered the rules and we recess this meeting, are they still in place?

LEG. BINDER:

If they would be before us, they would be before us for reconsideration, if everyone agreed to reconsider they would be at the

time of the recess, when we reconvene they would be before us to be reconsidered.

LEG. BISHOP:

I don't -- I appreciate you looking for a solution, I don't know if asking Legislator Binder who is a participant with a perspective is the right way to do this. Shouldn't we obtain advice from somebody who is not --

LEG. CRECCA:

Well, fine.

LEG. CARPENTER:

You're a lawyer.

LEG. BISHOP:

Well, I'm not going to offer my -- I think that there are County Attorneys in the audience who perhaps can help us.

LEG. ALDEN:

Let's not be reaching out to partisan-type people.

P.O. CARACAPPA:

I recognize Legislator Foley.

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LEG. FOLEY:

Thank you, Mr. Chairman. The concern raised by Legislator Tonna as far as salaried personnel is an important one. If we come back next Tuesday, let's say, it's less than a week away and it would give us time, those of us who would work on these things over the weekend into early next week, we would be able to vote up or down on the rules come Tuesday. But I would not want to see, respectfully through the Chair, I would not want to see us run through this process now and hurriedly approve some fundamental changes that are being proposed because they're going to engender some real heated discussion and debate.

LEG. BINDER:

Mr. Chairman?

LEG. FOLEY:

So I would hope we could, you know, recess today, come back early next week so that those who need to be hired will be hired in less than a week's time.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

If it would look like we can get back here on Monday, the difference is going to be over the weekend. Basically whatever the rest of today is, if we can finish the business on Monday, I'm sure our -- whatever we do in hiring and on those resolutions, we can make sure that those resolutions are dated as of the beginning of the year so make sure that they don't lose a day of employment or a day of salary; we can do that. But we can have that vote -- I think we can have all the votes on Monday.

LEG. VILORIA-FISHER:

I think we need to vote on -- no, I don't think we can do that.

MR. BARTON:

No.

LEG. VILORIA-FISHER:

I think Henry is trying to put in --

P.O. CARACAPPA:

Mr. Clerk?

MR. BARTON:

Just a technical point. The staff that is currently on the Legislature's payroll will continue to serve. New appointments will not take effect until they're approved by the Legislature.

LEG. TONNA:

Right, Legal Counsel, right, Budget Review Director.

P.O. CARACAPPA:

Right, everyone else is a holdover. But Ladies and Gentlemen, we need to put a Counsel in place, it's obviously clear today that we need to put a Counsel in place.

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LEG. TONNA:

We need to do it today.

LEG. BINDER:

Mr. Chairman, can I amend my recess motion?

P.O. CARACAPPA:

Please.

LEG. BINDER:

Can I amend it to --

P.O. CARACAPPA:
Legislator Binder.

LEG. BINDER:
Can I amend it to a five minute recess so we can conference real quickly, I have some thoughts, and maybe we can work this out. So I'd ask for a five minute recess, I've got to go.

LEG. O'LEARY:
Mr. Chair?

P.O. CARACAPPA:
Is that doable; is everyone agreeable to that?

LEG. BISHOP:
A five minute recess?

P.O. CARACAPPA:
Five minute recess.

LEG. BISHOP:
Sure.

LEG. BINDER:
Five minutes.

P.O. CARACAPPA:
Real five minutes.

LEG. BINDER:
Real.

P.O. CARACAPPA:
There's a motion for a five minute recess by myself -- Legislator Binder, second by myself. All in favor? Opposed? Abstentions? Five minutes, five minutes; real five minutes.

(*Brief Recess Taken: 12:48 PM - 12:58 P.M.*)

P.O. CARACAPPA:
Henry, call the roll.

LEG. CARACCIOLO:
Here.

LEG. SCHNEIDERMAN:
Here.

LEG. O'LEARY:
Here.

P.O. CARACAPPA:
Here.

LEG. VILORIA-FISHER:
(Not Present).

LEG. LOSQUADRO:
Here.

LEG. FOLEY:
(Not Present).

LEG. LINDSAY:
(Not Present).

LEG. MONTANO:
(Not Present).

LEG. ALDEN:
Here.

LEG. CARPENTER:
Here.

LEG. CRECCA:
(Not Present).

LEG. NOWICK:
Here.

LEG. BISHOP:
(Not Present).

LEG. BINDER:
Here.

LEG. TONNA:
Here.

LEG. COOPER:
(Not Present).

LEG. VILORIA-FISHER:
(Not Present).

LEG. FOLEY:
(Not Present).

LEG. LINDSAY:
(Not Present).

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LEG. CRECCA:
I'm here, Henry.

MR. BARTON:
We have eleven present.

MR. HOGAN:
Move it.

P.O. CARACAPPA:
Ed, I like your way of thinking. There is a quorum.

LEG. CRECCA:
Mr. Chairman? I believe there's a motion pending. I can leave this cell phone on now because we have no rules.

LEG. CARACCIOLO:
Call the vote.

P.O. CARACAPPA:
No, no, no, we will not call the vote until the entire Legislature is here.

LEG. LINDSAY:
Mr. Chair, there was no speaker in that room, it wasn't on. We didn't hear you call the vote

P.O. CARACAPPA:
That's why we waited. We just called the roll call.

LEG. CRECCA:
Mr. Chairman?

P.O. CARACAPPA:
I recognize Legislator Crecca.

LEG. CRECCA:
I'm going to request that we move the current motion to adopt the rules as currently amended, the 2004 rules. I am making this representation and would ask you as the Presiding Officer to also make this representation that we will then proceed with the other matters that are on our agenda today, that is namely the appointment of personnel. And that following that that the meeting would be

recessed, Mr. Presiding Officer, so that we can reconsider the rules --

LEG. TONNA:
No.

LEG. CRECCA:
-- at the next meeting of this Legislature that you shall call and that I'm giving a commitment that I will support a motion to reconsider so that we can further discuss further amendments to the rules.

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P.O. CARACAPPA:
Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:
Mr. Presiding Officer --

LEG. TONNA:
Put me on the list, Mr. Chairman.

LEG. VILORIA-FISHER:
-- I'm asking that in that representation we be assured that any amendments to the rules may be addressed at the next -- at the continuation of this meeting.

LEG. CARPENTER:
Right.

LEG. CRECCA:
Yes.

LEG. VILORIA-FISHER:
-- without having to go through a resolution process.

P.O. CARACAPPA:
Absolutely.

LEG. TONNA:
No.

P.O. CARACAPPA:
Well, let me answer Paul.

LEG. VILORIA-FISHER:
Is that within our rules? I'm looking at Rule 22.

LEG. CRECCA:

It is.

LEG. BISHOP:

Can you site the Robert's Rule that's going to permit that?

LEG. CRECCA:

No, it's not a Robert Rules because there will be adopted rules and the rules allow us as long as it is at the same Legislative meeting, which this would be a recess --

LEG. BINDER:

Or the next one.

P.O. CARACAPPA:

Or the next one.

LEG. CRECCA:

No, the current rules don't allow it at the next one, but it's a recess of the same meeting.

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P.O. CARACAPPA:

It's a recess of the same meeting.

LEG. CRECCA:

So that's why the assurance has to be given that there's a recess. And as long as the presiding Officer recesses the meeting it can be reconsidered.

LEG. VILORIA-FISHER:

Okay, so I'm just going to read the line from Rule 22 just to have it on the record that that will not apply because we're continuing the same meeting. Rule 22, the last line says, "These rules may be amended through resolution in accordance with and pursuant to the provisions of Rules 5 and 6." This amendment then will not apply in this case because we are not adjourning the meeting but rather we are recessing the meeting until a date that will be determined later on today.

LEG. CRECCA:

Correct, reconsideration is allowed as long as it's at the same meeting under these rules.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair.

P.O. CARACAPPA:

Thank you.

LEG. CRECCA:

So I'd ask -- roll call on the motion.

P.O. CARACAPPA:

Legislator Tonna, Legislator Bishop.

LEG. TONNA:

Mr. Chairman, I'm leery about adopting the 2004 Rules, we should adopt the 2003 Rules. There are a lot of things, right now anybody could change their mind if we adopt the 2004 Rules, anybody can change their mind. If we're going to adopt them then I want to go point by point, piece by piece, rule by rule, item by item; that's what the people of Suffolk County expect, that's been the precedent. I understand Legislator Binder has to leave for religious reasons and I respect that, then he should leave. But I happen to have, you know, commitments that I've made also on Monday, it's just not fair. This is expected, this is the day that we debate rules, all right; this is a day that people come and listen to us debating the rules. There have been significant rule changes that have been suggested, to ram them down with ten votes, all right, I think is an absolute disservice to this body and to the rule changes that are being proposed. If we want, let's just go rule by rule, section by section and debate every single thing, that's what was expected. You know, and I don't think that's -- I just do not think that this is fair.

P.O. CARACAPPA:

Thank you. Legislator --

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LEG. TONNA:

If this is how it's going to be, you can get ten votes for anything that you want, all right, but this isn't the right way it should be. And you're going to need 12 votes for certain things and you're going to need other votes during the year, and all I can say is that it should be done today correctly, debated, argued out, points made. I'm sure there are good reasons why these rule changes have been suggested, so we should hear them today. If not, fine, then adopt the 2003 rules that we're all used to and then we will go and move ahead and debate on another day that you call, but not the 2004 because there are hard, strong opinions of some of the members of this Legislature about those rules.

LEG. CRECCA:

So vote no.

LEG. TONNA:

I understand that. I understand, Legislator Crecca, that you can sham it -- shove it down somebody's throat, I understand that, but it's not really the right way to do things.

P.O. CARACAPPA:
Legislator Foley and Bishop.

LEG. FOLEY:
Thank you, Mr. Chairman, and it's more of a point of order than to speak on the bill before us. Earlier today I had made a motion for public participation in order to give the public the chance to give their opinions on some rather significant changes that have been proposed. I would bring it to the attention of the chair and also to all our colleagues that Chapter 24, Paragraph 11 of our County Charter states clearly and unequivocally that we as a Legislature need to -- we are required, if you will, we are required to allow the public to participate at our meetings that we have during the year. That being the case, Mr. Chairman, I have a copy of it if people want to read through this, it reads the following; "All commissions, boards, agencies, councils and other public bodies or public entities created by the County of Suffolk, " not just by the Legislature but by the County of Suffolk, "Shall permit members of the public at large to address such boards, councils, commissions and agencies and other public bodies or public entities," and here's the point, "prior to the taking or completion of any formal action by such commissions, boards, agencies, councils, entities or bodies."

LEG. BISHOP:
Legislator Foley, I don't think they're listening and it's actually a critical point that you're making.

P.O. CARACAPPA:
I'm listening.

LEG. FOLEY:
Mr. Chairman, I'll say it once more. I don't have copies for you because this is something that we had just discussed in our caucus and received a -- we got out -- fished out the County Charter from Counsel's office and it clearly states that before we take any formal

action such as passing of rules for this Legislature, that we are required under the County laws, as embodied in Chapter 24, Paragraph 11, we are required, it's not permissive, we are required to have public participation prior to our vote on formal resolutions. With that said, Mr. Chairman, I would move that we either recess this till next week or that at this very moment we give the public the next 30 minutes to participate in our proceedings as required under the law.

LEG. BINDER:

Can I comment? I would assume that's a point of order.

P.O. CARACAPPA:

Legislator Binder, point of order.

LEG. BINDER:

Am I yielding my time?

P.O. CARACAPPA:

No, it's a point of order.

LEG. BINDER:

Well, really what he made was a point of order.

P.O. CARACAPPA:

Yes.

LEG. BINDER:

So the comment on that would be we don't have rules, this is not a resolution so this is not -- this is not a resolution, law or anything along those lines that we're considering, right now we're only considering a motion. And there's nothing in the Charter that says that we have to consider -- we have to have public portion before considering a motion of the Legislature, that's all it is.

LEG. BISHOP:

Do you have the Charter?

LEG. BINDER:

So I would say that under Robert's Rules, which we are operating under right now, that the Chair has full legal authority to rule however the Chair sees fit as to whether we need to do that, whether we're following -- and you can make the motion as the Chair -- I mean the ruling as the Chair and we can go forward and -- well, that's it.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah. Well, I mean, Robert's Rules, you know, it's cute, it's fun and God knows your copy of it is dog-eared. But this meeting, while it's under Robert's Rules, is still a meeting of Suffolk County, of Suffolk County Government, and the Suffolk County Charter controls and the Suffolk County Charter is clear and I'll read it verbatim; "All commissions, boards, agencies, councils and other public bodies or public entities created by the County of Suffolk shall permit members of the public at large to address such boards, councils, commissions,

agencies or other public bodies or public entities prior to the taking or completion of any formal action by such commissions, boards, agencies, councils, entities, bodies during any meeting which must be open to the general public under the Open Meetings Law of Article 7." Now, unless your position is that this meeting is not an open meetings law meeting, which I don't think you can make that --

LEG. CARPENTER:
It's a public meeting.

LEG. BISHOP:
Then the Charter is very clear, you have to allow the public to speak. And the purpose of this -- you know, it's amazing that we would be debating this because this law was created by the Legislature to ensure that all public business in Suffolk County would be conducted only after the public had an opportunity to speak, this is important public business and you are attempting to shut out the public in violation of the County Charter.

LEG. BINDER:
Mr. Chairman, can I reply to that?

P.O. CARACAPPA:
Legislator Binder.

LEG. BINDER:
Mr. Chairman, that law is from 1987. Counsel to this Legislature must have over the years since I've been here, the 14 years plus the other few years before me, the Counsel to the Legislature has obviously ruled that this is not applicable to our Organizational Meeting and the reason you know that is because for 14 years we've never had a public portion before doing rules and before doing any of the business of this Legislature before an Organization Meeting, it's never happened since this 1987 law. So Counsel, who is now I guess Counsel or whatever he is to the County Executive, has never ruled that that is applicable in this case, I would assume that it's not applicable and the ruling of the Chair is controlling.

P.O. CARACAPPA:
Legislator Crecca.

LEG. CRECCA:
Mr. Chairman, we can debate this till we're blue in the teeth, it doesn't really matter so as an accommodation to the request of the Democrat conference, I will make a motion to adopt the 2003 Rules of the Legislature.

LEG. FOLEY:
Second the motion.

LEG. BINDER:
As the 2004 rules.

LEG. CRECCA:
I know, I was trying to but I got cut off. As the 2004 Rules until there's -- I would ask that the Presiding Officer recess the meeting

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at the conclusion as a result of that motion and I would ask that we move swiftly as we can through the appointments of our --

LEG. BISHOP:
That's fine.

LEG. BINDER:
Second.

LEG. TONNA:
Joe, Tuesday, not Monday.

LEG. BINDER:
Second. The motion is as pending.

P.O. CARACAPPA:
We'll come up with a date very soon.

LEG. BISHOP:
That's fine.

LEG. TONNA:
That's acceptable.

LEG. BISHOP:
We appreciate that.

P.O. CARACAPPA:
Is that acceptable?

LEG. BISHOP:
Yeah, absolutely.

LEG. TONNA:
I think that's a very acceptable, reasonable thing. It just --

LEG. VILORIA-FISHER:

Thank you.

LEG. CRECCA:
That's fine, let's just go.

LEG. TONNA:
It just postpones what we were going to do today.

P.O. CARACAPPA:
There's a motion to adopt the 2003 Rules of the Legislature, second
by --

LEG. TONNA:
Myself.

LEG. BINDER:
No, no.

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MS. BURKHARDT:
As amended.

LEG. BISHOP:
Not as amended.

P.O. CARACAPPA:
Second by Legislator Crecca.

LEG. TONNA:
Not, not as amended, nothing.

P.O. CARACAPPA:
Not as amended, just as the carrying over.

LEG. TONNA:
Right.

P.O. CARACAPPA:
All in favor? Opposed? Abstentions?

MR. BARTON:
17.

P.O. CARACAPPA:
We now are operating under the 2003 Rules. I would like to go on to
the next item on the agenda, appointing the Clerk of the Legislature.
I will make a motion --

LEG. TONNA:

I'll second it.

P.O. CARACAPPA:

-- to nominate Henry Barton.

LEG. FOLEY:

I'd like to make the second since -- as I always like to do.

P.O. CARACAPPA:

Second by Legislator Foley.

LEG. FOLEY:

-- pay special attention to one of my constituents.

LEG. TONNA:

One of your constituents.

LEG. BISHOP:

He put that Foley sign up on his lawn.

LEG. CARACCIOLO:

Mr. Chairman, point of order.

P.O. CARACAPPA:

Are there any other -- point of order, Legislator Caracciolo.

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LEG. CARACCIOLO:

While I know we're proceeding with business which is the right think to do and the motion is to adopt the 2003 Rules which I will support so we can continue with the business of the day --

P.O. CARACAPPA:

We did that.

LEG. CARACCIOLO:

We did that, right, 17, I heard the vote. The fact of the matter is I just provided you a copy of Section 2(2) of the Administrative Code of Suffolk County which clearly states unequivocally that this Legislature can do no business without adopting its rules, so the fact that we have now adopted rules we can proceed. The Charter Law and the Administrative Code are in conflict, and in this case the Administrative Code takes precedence. So with all due respect to Mr. Foley and his dissertation to the Administrative Code, that is fact.

LEG. BISHOP:

The Charter Law if the --

P.O. CARACAPPA:

This is out of order, this is out of order at this point.

LEG. FOLEY:

All right, let's go.

LEG. CRECCA:

As a point of privilege, can we please just --

P.O. CARACAPPA:

Yes.

LEG. CRECCA:

-- expedite this for the religious --

P.O. CARACAPPA:

There is a motion on the floor, a nomination on the floor in the name of Henry Barton for Clerk of this body, there's a second by Legislator Foley. Any other nominations? Hearing none, roll call.

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

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

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LEG. O'LEARY:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. CARPENTER:

Yes.

MR. BARTON:

17.

P.O. CARACAPPA:

Congratulations, Henry. You do a fantastic job.

Applause

LEG. ALDEN:

And your staff.

P.O. CARACAPPA:

Moving on to Resolution No. 4 - Appointing Chief Deputy Clerk of the Suffolk County Legislature, Alexandra (Sandy) Sullivan. Motion by --

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

-- by Legislator O'Leary, second by Legislator Schneiderman. All in

favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

Congratulations, Sandy.

Applause

Resolution No. 5 - Appointing the Deputy Clerk of the County Legislature, Ilona G. Julius. Motion by --

LEG. LINDSAY:

Mr. Chairman, may I have the privilege of either seconding or nominating Ilona, she's a constituent.

P.O. CARACAPPA:

There's a motion to approve by Legislator Lindsay, second by Legislator -- Deputy Presiding Officer Carpenter and Legislator Alden. All in favor? Opposed? Abstained?

MR. BARTON:

17.

P.O. CARACAPPA:

Congratulations, Ilona.

Applause

Okay, we're going to have the Oath of Office administered now to the Clerk staff by the Honorable Edward Romaine, County Clerk.

Oath of Office Administered to
Henry L. Barton, Alexandra Sullivan & Ilona G. Julius

P.O. CARACAPPA:

Resolution No. 6, there is a motion, this is appointing Director of Legislative Office of Budget Review.

LEG. VILORIA-FISHER:

Motion.

P.O. CARACAPPA:

There is a motion Legislator Viloría-Fisher, second by Legislator O'Leary.

LEG. VILORIA-FISHER:

And if I may --

P.O. CARACAPPA:

In the name of Jim Spero. On the motion, Legislator Viloría-Fisher.

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LEG. VILORIA-FISHER:

Yes. I'm very pleased to nominate Jim Spero as our new Director of Legislative Office of Budget Review. We all had a great deal of concern and trepidation when Fred crossed the bridge over -- not troubled waters but Veteran's Highway -- to the other side of the road. And Jim, we are very happy that you're there to continue the good work that the Budget Review Office is known for throughout Suffolk County. We know you'll do a great job and I'm very, very proud to be able to nominate you for the position.

P.O. CARACAPPA:

Legislator Foley?

LEG. FOLEY:

Yes, I would like to echo Legislator Viloría-Fisher's comments and also just state the fact that while there hasn't been any exit interview from your former position, the fact of the matter is we're still going to support your new position. This is something that is well deserved and I'm glad, Jim, that a few years ago you did not take advantage of the early retirement incentive, that way you're here with us today --

LEG. LINDSAY:

He couldn't afford it.

LEG. FOLEY:

-- and you're going to serve in exemplary fashion.

P.O. CARACAPPA:

Legislator O'Leary, quickly.

LEG. O'LEARY:

Yes, Jim. I was very, very to second this motion. And for the record, there was absolutely no trepidation on our part, or at least my part, for you to take over that position. I think you'll do an excellent job, you're very well qualified and we look forward to working with you in a very close relationship.

LEG. CARPENTER:

Ditto from all of us.

LEG. FOLEY:

Here, here.

P.O. CARACAPPA:

Jim, I think we can just say thank you. There's a motion and a second. All in favor? Opposed? Abstentions? Congratulations, Jim.

MR. BARTON:

17.

Applause

Oath of Office Administered to James Spero.

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P.O. CARACAPPA:

Okay, moving on to Resolution No. 7 - Appointing Counsel to the Suffolk County Legislature, Mea Knapp.

LEG. CRECCA:

Motion.

P.O. CARACAPPA:

There's a motion.

LEG. CRECCA:

You want to make it? Give it to Cameron.

LEG. ALDEN:

Motion.

LEG. BINDER:

I'll make a motion.

LEG. TONNA:

I would like to second it.

P.O. CARACAPPA:

Motion by Legislator Binder, second by Legislator Alden and Legislator Tonna.

LEG. TONNA:

Thank you.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstention.

P.O. CARACAPPA:
One abstention, Legislator Montano.

LEG. TONNA:
If we weren't rushed, Mea, I'd have a lot to say about how great you are.

MR. BARTON:
16 (Abstention - Legislator Montano).

P.O. CARACAPPA:
Yeah. Congratulations, Mea.

Applause

Oath of Office Administered to Mea Knapp

LEG. BINDER:
Mr. Chairman?

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P.O. CARACAPPA:
I recognize Legislator Binder.

LEG. BINDER:
Motion to reconsider the rules.

LEG. CRECCA:
Second.

LEG. CARACCIOLO:
Second.

LEG. BISHOP:
What's the --

LEG. CRECCA:
We're going to recess right after that.

P.O. CARACAPPA:
There's a motion to reconsider the 2003 Rules, second by Legislator Crecca.

LEG. BISHOP:
On the motion.

LEG. FOLEY:
On the motion.

LEG. TONNA:

We have a legal Counsel now, so maybe I can ask Mae right away.

LEG. BISHOP:

Yeah, what are you doing?

P.O. CARACAPPA:

Mea, get over here.

LEG. TONNA:

There's a motion and a second, I'd like to be recognized, Mr. Presiding Officer?

LEG. TONNA:

Can you explain to me, our esteemed Legal Counsel, what is going on?

P.O. CARACAPPA:

Welcome. Congratulations --

LEG. FOLEY:

She hasn't been in that chair for 30 seconds and we're already appealing to the Counsel.

LEG. TONNA:

That's right, I want to get an idea. We've already adopted the rules in 2003, the Presiding Officer has already said that there would be a meeting or whatever else to consider the 2004 Rules.

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LEG. BISHOP:

We'd have no rules at that point.

LEG. TONNA:

So why would we want to reconsider anything?

MS. KNAPP:

Do you want me to answer directly or --

LEG. TONNA:

Yeah, you could answer directly to me through the Chair.

MS. KNAPP:

It's my understanding that if you don't recess the meeting then you're going to need the resolutions that are required by Rule 22.

LEG. TONNA:

Right.

MS. KNAPP:

So you want to recess.

LEG. TONNA:

No.

LEG. BISHOP:

That would be the logical thing but he wants to reconsider the rules.

P.O. CARACAPPA:

Legislator Binder. Legislator Binder, explain.

LEG. BINDER:

Mr. Chairman, the only question to Counsel now is a legal question of whether it is legally permissible to reconsider the rules that we had; the answer is yes if it's a legal question. The procedural question or the process, the reason I made the motion is because it was the intent to pass the 2003 as the 2004 rules so that we could move forward with these appointments and do the right thing by the people who are here. Now that they are now appointed and we can go forward with County government, we have rules, I think we still can continue the debate on the 2004 rules, that was the intent. And so now I'm making a motion to reconsider, then we'll recess and when we come back at our next meeting, the meeting called by the Chair, then we'll continue to debate the rules; the only reason that we went forward with this is to do that.

P.O. CARACAPPA:

This is --

LEG. BINDER:

If not -- wait a minute. If not -- let me just finish. If not, if not, if you don't want to do it, according to the 2003 Rules which are now the 2004 Rules, we can reconsider at the next meeting. So I'll withdraw that and make a motion to recess.

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LEG. BISHOP:

Excellent.

LEG. CARACCIOLO:

Second.

LEG. CRECCA:

No, don't --

P.O. CARACAPPA:

On the motion.

LEG. CRECCA:

Before you recess, we need to --

P.O. CARACAPPA:

I think we should finish up with the depositories and the newspapers first.

LEG. CRECCA:

We have to.

LEG. VILORIA-FISHER:

And the calendar.

LEG. BINDER:

I have to leave.

P.O. CARACAPPA:

No, no, we understand.

LEG. BINDER:

Motion to recess.

LEG. BISHOP:

We'll recess; don't worry, you have the votes for a recess.

P.O. CARACAPPA:

No, we're good, we'll recess. Thank you, Allan.

LEG. TONNA:

And with the 2003 Rules you could recess anyway; as Presiding Officer you could recess anyway. You know, he could do whatever he wants with the 2003 Rules.

P.O. CARACAPPA:

Okay, moving on, I would like to handle the depositories first. I think we should skip over the schedule for now. We're skipping 8, we're going to 9 - Designating depositories pursuant to Section 212 of the County Law.

LEG. CARACCIOLO:

Who are they?

P.O. CARACAPPA:

Who are they.

LEG. VILORIA-FISHER:

They're all listed in the resolution.

P.O. CARACAPPA:

They're all listed in the resolution, Mike.

LEG. CARACCIOLO:

I would like to have the names on the record.

P.O. CARACAPPA:

Okay. They are Bank of New York, JP Morgan Chase, Citibank, Commerce Bank, Fleet Bank, North Fork, State Bank of Long Island, Suffolk County National Bank, Long Island Commercial Bank, HSBC Bank, Bank of Smithtown, Hampton State Bank, that's it.

LEG. CARACCIOLO:

Okay.

P.O. CARACAPPA:

There's a motion by myself, second by Legislator -- Deputy Presiding Officer Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

The depositories are set.

No. 10 - Designating two (2) alternating newspapers as one of the official newspapers of the County of Suffolk; these are the Republican ones. Motion by Legislator Crecca.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. TONNA:

This is the County; what are they?

P.O. CARACAPPA:

They are the first half of the year the Smithtown Messenger.

LEG. TONNA:

And the second half Long Island Business News?

P.O. CARACAPPA:

Long Island Business News.

LEG. TONNA:

That's very fair and equitable. Thank you.

P.O. CARACAPPA:

There's a motion and a second. All in favor? Opposed? Abstentions?

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MR. BARTON:

16, one not present (Not Present: Legislator Binder).

P.O. CARACAPPA:

Resolution No. 11 - Designating the Smithtown News of Smithtown, New York, as one of the official newspapers of the County of Suffolk; this is the Democratic party paper. There's a motion by Legislator Bishop, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislator Binder).

P.O. CARACAPPA:

We're skipping No. 12 for now.

LEG. CRECCA:

Mr. Chairman, I make a motion to approve Resolution No. 12 but to strike the Islip Oath and leave it blank for now subject to subsequent resolutions so that we can continue to do --

P.O. CARACAPPA:

Is that an appropriate motion, Mea?

MS. KNAPP:

You're amending the resolution.

LEG. CRECCA:

Amending the resolution to eliminate the words Islip Bulletin and to leave it blank.

LEG. BISHOP:

Can I have an explanation as to why?

LEG. CRECCA:

No.

LEG. FOLEY:

Mr. Chairman, I would like to then make -- if we're going to recess, table Introductory Resolution No. 12. I make a motion to recess.

LEG. CRECCA:

The only reason I wanted to do it, there are certain things that we're going to need to do publicly.

LEG. FOLEY:

I mean rather to table, to table this particular resolution.

LEG. CRECCA:

If I may respond to Legislator Foley?

P.O. CARACAPPA:

How about tabling it to later on in this meeting seeing that later on in the meeting will be another day. This way Legislator --

LEG. FOLEY:

Well put, Mr. Chairman.

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P.O. CARACAPPA:

Other legislators that have a problem with this can work this out between now and the end of this meeting.

LEG. VILORIA-FISHER:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Can we just pass over it since it's a continuing meeting?

P.O. CARACAPPA:

Yeah, we'll just skip it to later on in the meeting.

All right, I would like to do something here. We have been asked to lay some tabled -- bills on the table today. There is a packet for everyone, so I'm going to make a motion to lay the packet on the table plus 1022 and it will go to Ways & Means -- pay attention, everyone -- 1023 will go to Public Works; 1024 will go to Public Works; 1026, that will go to Consumer Protection; 1025 will go Public Works, I'm sorry about that; and 1027, did I say that, will go to Parks. There's a motion and a second to lay those on the table. All in favor? Opposed? Abstentions?

MR. BARTON:

16 (Not Present: Legislator Binder).

P.O. CARACAPPA:

I'd like to set the date now of January 27th, 2004, at 2:30 P.M. at

the William Rogers Building in Hauppauge for the following public hearings; Public Hearing Regarding Intro Resolution 1004, Public Hearing Regarding Intro Resolution 1018.

LEG. CRECCA:

Mr. Chairman, I hate to interrupt you but --

LEG. VILORIA-FISHER:

You can't do that.

LEG. CRECCA:

You cannot legally set those public hearings under the 2003 Rules until you adopt the calendar.

LEG. VILORIA-FISHER:

We have to adopt the calendar first.

P.O. CARACAPPA:

That's correct.

LEG. CRECCA:

Because under our current rules as adopted there has to be --

P.O. CARACAPPA:

My mistake, I apologize. We'll skip those for now until the end of the

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meeting. And one more late starter, this is 1028, laying it on the table, it's going to Ways & Means. Motion to do that, just include these with the motion earlier, Mr. Clerk.

MR. BARTON:

Fine.

LEG. CRECCA:

Mr. Chairman?

P.O. CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Again, I apologize. But what I recommend you do is that you set -- you adopt Resolution No. 8, we can always reconsider it and change things, which is the schedule. Because if we're going to recess to what I anticipate is January 15th, the Clerk needs time to publish in order for public hearings to move forward. Given the light of this, we should adopt Resolution No. 8, and I'd so move, and then we can do -- set the hearing dates so at least the first meeting is in order.

P.O. CARACAPPA:

I think that's a fair request, so I'd make a motion to temporarily approve Resolution No. 8 - Fixing time of meetings of the Suffolk County Legislature. Second by Legislator Crecca. All in favor?

MS. BURKHARDT:

Noting the new time.

P.O. CARACAPPA:

Right, noting the new time, 9:30. All in favor? Opposed? Abstentions? Now I want to make a motion to lay those --

MR. BARTON:

16 (Not Present: Legislator Binder).

P.O. CARACAPPA:

-- public hearings on the table.

LEG. TONNA:

Mr. Presiding Officer, just on the calendar, we are going to reconsider the calendar, right?

P.O. CARACAPPA:

Yes.

LEG. TONNA:

There are two dates that conflict.

P.O. CARACAPPA:

Yes, we're going to redo that.

Laying public hearing -- setting the Public Hearings for 1004, 1010, 1019, 1020 and 1026 for January 27th, 2:30. All in favor? Opposed? Abstained?

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MR. BARTON:

16 (Not Present: Legislator Binder).

P.O. CARACAPPA:

I'm going to now, through the powers of the Chair, recess this meeting until a date to be set. The Presiding Officer's staff will contact each and every Legislator, if anyone has a problem with the dates that we pick or if you have a problem with said dates already, please let Linda know and we'll make this work for everybody. We are recessed.

[THE MEETING WAS RECESSED AT 1:30 P.M.]

{ } - DENOTES SPELLED PHONETICALLY