

SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

JANUARY 2, 2007

**MEETING 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

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

*(*The meeting was called to order at 1 PM*)*

[COURT STENOGRAPHER - ALISON MAHONEY]

ACTING CHAIRMAN LINDSAY:

Mr. Clerk, would you call the roll, please.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present).

LEG. BROWNING:

(Not Present).

LEG. CARACAPPA:

Here.

LEG. VILORIA-FISHER:

(Not Present).

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Present.

ACTING CHAIRMAN LINDSAY:

Here.

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present).

LEG. COOPER:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. VILORIA-FISHER:

Here.

ACTING CHAIRMAN LINDSAY:

Mr. Clerk, did you get Legislator Viloria-Fisher and Legislator Schneiderman?

MR. LAUBE:

Yes, I did.

ACTING CHAIRMAN LINDSAY:

Okay, 17.

LEG. EDDINGTON:

And Browning.

LEG. BROWNING:

I'm here.

ACTING CHAIRMAN LINDSAY:

And Browning, okay.

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

ACTING CHAIRMAN LINDSAY:

Would everybody rise for the presentation of the colors by AmVets Post 48 in Ronkonkoma under Commander Ed Teller.

Presentation of Colors

This afternoon the Salute to the Flag will be given by Robert Molinari, U.S. Army Corps Veterans and one of the rare breed of World War II Veterans that are disappearing from our society too rapidly and it's something that we should all pay more attention to these folks while they're still with us. So Mr. Molinari, would you please step forward. Thank you for being with us.

MR. MOLINARI:

Thank you.

Salutation

ACTING CHAIRMAN LINDSAY:

Thank you very much. If you would please remain standing for the singing of the Star Spangled Banner by Elizabeth Hagstedt who is a Sayville High School graduate and a constituent of mine and she is currently a music student at the University of Miami. Elizabeth?

Singing of the National Anthem Performed by Elizabeth Hagstedt

Applause

Thank you very much, Elizabeth. That was beautiful. Could we still remain standing? And it's my distinct pleasure to introduce our visiting clergy today, and it's the Reverend Monsignor Thomas L. Spadaro who is the Pastor at Church of Good Shepherd in Holbrook.

Father Tom is my pastor and is a very unique individual and it's really a pleasure for me -- for him to be with us today. Father Tom has been the pastor of Good Shepherd for 25 years and he is a man that has reunited our parish and also united our community, and please welcome Father Tom.

FATHER SPADARO:

I invite you to please join me in prayer placing yourselves in the presence of the Living God. Lord, our God, creator of all that is, maker of the human race in your image and likeness, you planted your law deep in the hearts of all people. Your law teaches us to affirm the dignity of each individual, to respect the rights and freedom of others. Your law holds us accountable for each other's lives. Today we humbly call upon you to send forth your spirit of wisdom and understanding, your spirit of knowledge and right counsel to guide these Legislators so that the laws they devise to govern us may be faithful expressions of your divine law. To you, the living and eternal God, all glory and praise be forever and ever. Amen.

ACTING CHAIRMAN LINDSAY:

Thank you very much. I know I'm asking a lot of everybody today, please remain standing for a moment of silence in deference to our 38th President, Gerald R. Ford, who died this past week on December 26th. And also, our continued prayers for both those who are now serving in our military and those who have lost their lives serving our country. As we start a new year, let's hope that they come back to us safe and sound in this year.

Moment of Silence Observed

Now you can be seated.

ACTING CHAIRMAN LINDSAY:

As you can see, in the front we have quite a selection of Judges; Thank you, Your Honors, for being with us today. And it's my honor to introduce the Honorable Marion T. McNulty who is a Supreme Court Justice for the purpose of swearing in our Suffolk County Clerk, Judith A. Pascale.

HONORABLE JUDGE MCNULTY:

Thank you, Mr. Lindsay. I'm delighted to have been invited here today to officiate over the swearing in of the Suffolk County Clerk, Judith A. Pascale. Judy and I have known each other for probably 20 years, it has been a wonderful friendship and a professional association as well.

As you probably know, the County Clerk's Office is the repository for all the judgments and orders of the Supreme Court of Suffolk County. The filing and keeping of these most important records is a huge responsibility, it is one which Judy has mastered and which she takes most seriously. I am fortunate to work with the staff of the County Clerk's Office every single day. They are competent, dedicated and skillful members of a team which serves the public on a daily basis in an efficient and capable manner. It is clear to me that they have taken their cue from an equally competent and dedicated administrator, our own County Clerk, Judith A. Pascale.

***OATH OF OFFICE ADMINISTERED TO
JUDITH A. PASCALE, SUFFOLK COUNTY CLERK***

Applause

ACTING CHAIRMAN LINDSAY:

Next it's my honor to introduce the Honorable James Hudson, the Suffolk County Court Judge, for the purpose of swearing in the Suffolk County Comptroller, Joseph Sawicki, Jr..

HONORABLE JUDGE HUDSON:

Presiding Officer, Members of the Legislature and fellow residents of Suffolk County. Although some people call me Your Honor, it is my honor to administer the Oath of Office to this man; Mr. Sawicki, if you would please stand before the Legislature and raise your right-hand.

***OATH OF OFFICE ADMINISTERED TO
JOSEPH SAWICKI, SUFFOLK COUNTY COMPTROLLER***

Applause

ACTING CHAIRMAN LINDSAY:

Mr. Clerk, would you please read the Special Meeting Notice.

MR. LAUBE:

"Please be advised that a Special Meeting of the Suffolk County Legislature will be held January 2, 2007, at 1 PM in the Rose Y. Caracappa Legislative Auditorium located at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York, pursuant to Section 2-6B of the Suffolk County Administrative Code for the following purposes; Election of the Presiding Officer, Administration of the Oath of Office to the Presiding Officer; Election of the Deputy Presiding Officer, administration of the Oath of Office to the Deputy Presiding Officer; adopting the Rules of the County Legislature; appointing the Clerk of the County Legislature; appointing the Chief Deputy Clerk of the County Legislature; appointing the Deputy Clerk of the County Legislature; appointing Counsel to the Legislature; adopting a schedule for regular meetings of the County Legislature; designating depositories pursuant to Section 212 of the New York County Law; designating an official County newspaper; designating an official County newspaper; designating official local newspapers; to consider veto overrides, if any; and to lay bills on the table.

ACTING CHAIRMAN LINDSAY:

Thank you, Mr. Clerk. The first order of business before us is to elect the Presiding Officer. The floor is open for nominations.

LEG. MONTANO:

Mr. Presiding Officer, if I may?

ACTING CHAIRMAN LINDSAY:

I recognize Legislator Montano.

LEG. MONTANO:

Good afternoon to my colleagues, elected and appointed officials, members of the public. I wish you all a Happy New Year.

Suffolk County Legislator William J. Lindsay was first elected on March 27th, 2001, where he represents the residents of the 8th Legislative District. Legislator Lindsay was reelected to a full two-year term in the November, 2001 election and again in 2003 and 2005. In 2006, Legislator Lindsay was appointed Presiding Officer of this body. In his term as Presiding Officer, he has performed exceptional and has worked to ensure that all Legislators, both Democrat and Republican, are treated fairly and with proper accord and respect due a Legislator.

Since being elected, Legislator William Lindsay has not only served the residents of the 8th Legislative District, but he has embraced all 1.4 million residents of Suffolk County.

Bill is a native Long Islander. His family has lived on Long Island for three generations and he has lived in Holbrook with his wife Pat for 29 years. Bill and Pat have been married for 36 years, they have three grown children; Bill Jr., Denise and Kathleen. Bill has three grandchildren; Denise's twins Gabriel and Daniel, and Bill Jr.'s daughter Isabella.

During my tenure as a Suffolk County Legislator representing the adjacent 9th Legislative District, I have developed great pride, respect and enthusiasm not only in calling Bill a colleague but also a dear friend. Bill is committed to doing everything within his power as a Legislator to help his constituents and all the residents of Suffolk County. At the 2006 Organizational Meeting, I had the distinct honor and privilege of nominating Bill to be Presiding Officer, I am honored again, once again, to be able to renominate William J. Lindsay to the Presiding Officer position at this 2007 Organizational Meeting of the Suffolk County Legislature.

ACTING CHAIRMAN LINDSAY:

Thank you, Legislator Montano.

LEG. MONTANO:

You need a second?

ACTING CHAIRMAN LINDSAY:

I need a second. They always do this, Joey, you notice that?
I recognize Legislator Alden.

LEG. ALDEN:

It's always tough to follow Rick, he's a silver-tongue young devil, and I didn't really prepare a speech. I've served with Bill Lindsay for a number of years now and found him to be a very outstanding Legislator and a very honest and decent person, both in his Legislative duties and his personal life. It's a great honor for me to be able to second the nomination for William Lindsay to become Presiding Officer once again.

ACTING CHAIRMAN LINDSAY:

Thank you, Legislator Alden. Legislator Stern.

LEG. STERN:

Yes. Thank you, Mr. Presiding Officer. It is really my great honor and privilege to add another second to the motion for you to serve as Presiding Officer.

Legislator Lindsay is someone who has lead all of us, not just by words but by example and approach which I think we will all agree is inclusive in -- Mr. Presiding Officer, as you had said this time last year, that it would be your goal to lead us with not your agenda but our agenda and that certainly has been the case over this past year. And as someone who was new to this body the beginning of last year, that philosophy is something that you hope for and it was certainly great to see that that is exactly what we all got. But most importantly, you have and continue to work hard to promote the integrity and the independence of this body. And Bill, it is my honor to serve with you and to second the motion, the nomination for you to serve as our Presiding Officer.

ACTING CHAIRMAN LINDSAY:

Thank you, Legislator Stern.

LEG. CARACAPPA:

Mr. Chairman?

ACTING CHAIRMAN LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. I know I wasn't part of the script, but I wanted to give my sentiments towards you as succeeding yourself as Presiding Officer.

I've had the pleasure of serving with you since you've come to the Legislature and as has been mentioned, you're a man of integrity, you believe in this institution and all it stands for. You believe in its members and you believe in the independence of this body, and I know you've done everything you can, not only in your year as Presiding Officer but in your years as a Legislator, to make sure that those traditions are upheld constantly. And aside from your being an excellent Legislator, someone who weighs the pros and cons of every piece of legislation or policy to come before you, you're also a tremendous man. You're a tremendous man in your community, I know you're a tremendous man to your family and you've been a tremendous friend to myself and to all the members of this body.

So it's with great pleasure that on my last Organizational Meeting and my last chance to vote for Presiding Officer that I have the chance to vote for you, Presiding Officer Lindsay.

ACTING CHAIRMAN LINDSAY:

Thank you, Joe. I appreciate those words.

Applause

At times this body gets me choked up, but not usually in this manner. Mr. Clerk, call the roll.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

ACTING CHAIRMAN LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Absolutely, yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Thank you very much.

Applause

Now it's my pleasure to call on a former colleague who has moved on to an honorable profession, the Honorable Andrew A. Crecca to swear me in.

Thank you.

HONORABLE JUDGE CRECCA:

Thank you, Legislator Lindsay.

***OATH OF OFFICE ADMINISTERED TO
PRESIDING OFFICER WILLIAM J. LINDSAY***

I would be remiss if I didn't introduce my family that stood with me as I was sworn in as Presiding Officer. My sister Roseanne {Cerello} and my brother-in-law Carmen are here from Florida, from Fort Myers, Florida, my son Bill, Jr., my wife Patricia -- and it's 37 years we're married, whoever said --

LEG. MONTANO:

Thirty-seven, okay.

P.O. LINDSAY:

My daughter Denise and my nephew Ken {Cerello}. Thank you, folks, for coming in.

Applause

I want to thank my colleagues for re-electing me as your Presiding Officer. I want to repeat something that I said last year, although I've been the beneficiary of many honors in my lifetime, to be the Presiding Officer of this distinguished body is the highlight of my work life.

As many of you know, before becoming a Legislator, I had been a labor leader for many years. A labor leader's primary skill is to negotiate through difficult problems, and I was certainly used to a heavy work schedule where multi-tasking was a way of life. In the last year I had to draw on these -- those decades of experience and skills to do this very difficult job. When I took over last year from the outgoing Presiding Officer Joe Caracappa, he was extremely gracious and helpful in the transition. One of his suggestions was that I take a photo as I assumed the position and see what I look like as time goes on; we did that and kind of compared it the other day and I don't think there's too much of a difference. But I had a distinct advantage over Joe, the color of my hair had changed long before I was elected Presiding Officer. I think the only hair do for me in the future is the Paul Tonna wide-part, but that's still a little ways off.

It seems hard to believe that 2006 is history and we're in a new year. It's certainly appropriate to look back on what kind of year we've had as an institution; what were our accomplishments and what were our failures. As we started 2006, this body had a new majority, a new leadership team, seven new Legislators as a result of elections and term limits taking effect. Guess what? We survived. The new Legislators from both sides of the aisle played a valuable role in the operation of this body. In 2006, much was accomplished. For the third year in a row we passed a budget that calls for a slight increase in the County portion of the General Property Tax; our Tax Stabilization Fund will exceed \$127 million by the end of 2007, and in 2006 our County bond rating is the highest it's ever been.

The issue of school taxes was approached from two different perspectives; one from the taxing side and the other from the expense side with the creation of blue ribbon commissions to come back with specific recommendations. The Homeowners Tax Reform Commission which addressed the revenue side of the equation was chaired by both Legislator Nowick and myself. The commission has finished its work and the final report is at the printers and will be introduced on Thursday, January 11th, by the entire commission. If its six recommendations are implemented, it could significantly reduce the tax burden on our homeowners.

Just to peak your interest, one of the recommendations is to create a Suffolk County STAR Program. The Commission to Evaluate School District Expenses and Efficiencies, chaired by Legislator D'Amaro, is still meeting but we expect their report in March. I was remiss, I should have mentioned that our comptroller, Joe Sawicki also serves on our tax commission and his advice and resources have been invaluable to us.

The year 2006 was a banner year for preserving both active and passive parkland as well as purchasing the development rights on our active farms. In total we preserved over 658 acres of open space to protect our groundwater and to preserve pockets of our rural heritage. Partnering with New York State and our towns, over \$56 million was expended on land preservation. There was a plethora of legislation passed having to do with sexual predators, this was an effort to protect the most valuable and vulnerable of our population, our children. Much of the legislation was sponsored by Legislator Kate Browning. In total, these new County laws send a clear message to sexual predators and that is, "You're not welcome in Suffolk County."

Most of my work life, as previously mentioned, was in the private sector. The biggest adjustment someone coming from the private sector to the public sector has to make is getting used to how long it takes to get something started. The year 2006 marked the rapid acceleration of a program that was actually passed by this body several years ago and that is the reseeded of the clams and scallops in our bays. The ultimate success of these programs to restore this valuable resource to its former prominence will not be known for a few more years. The programs have finally started in

earnest thanks to two of our valuable contract agencies, Cornell Cooperative Extension and The Nature Conservancy.

On the other side of the ledger, a program that was authorized by this Legislature almost two-and-a-half years ago, it will be three years in May, has not been implemented yet; this important program is the one that would put filters in our storm drains to prevent the pollutants from storm water run-off from entering and polluting our water ways. Three million dollars was appropriated for the system's installation and a number of personnel were transferred from the Labor Department to Public Works Department to maintain this filtration system. Despite this allocation, the resources by this Legislature, this system has yet to be implemented; we want to make sure that we are doing everything possible to clean our water ways.

This is the 37th Organizational Meeting of the Suffolk County Legislature. In our 37 year existence, there have been tremendous changes within our County. Our population has grown from a million in 1970 to almost 1.5 million today. The problems have certainly changed as the demographics of our County have changed, however, the one thing that has been constant is that this body, regardless of which political party was in control, with all our rhetoric and flair for the dramatic, has never turned our backs on a problem and we've always been a catalyst for change. Going back to the first Legislature in 1970 that passed the first law in the country banning laundry detergents which led to the biodegradable laundry detergents we all use today, to the Land Preservation Program to the cell phone and smoking bans that have since been adopted statewide and in other parts of the country, this Legislature has historically been a problem-solving institution.

We are still a growing suburban County which means that the problems change but there's always an abundance of them. As we enter 2007, the affordability of our communities in terms of housing and taxes has to be continually addressed. We cannot sustain our economy unless our workforce can afford to live here. We must do everything in our power to provide our hard-working County employees with the tools they need to serve our citizens, this means finishing the long-awaited and desperately needed renovation of the Riverhead County Center, this means finally starting the new jail in Yaphank.

Our streets are some of the most dangerous in the State in terms of vehicular accidents. We have to make sure that our police have the equipment and the personnel and the training to make our streets safe. We have to remain engaged in the decision making process of whether our energy supplier, KeySpan, can merge with the International Utility National Grid. Whether Broadwater Energy is allowed to build a liquid natural gas plant in Long Island Sound and whether LIPA should continue as a public authority are all issues that this Legislature must be involved in. The supply of reliable, safe, affordable energy is vital to the citizens of this County.

The ongoing effort to protect our children from sexual predators will be spotlighted in 2007 with the implementation of the Sexual Offender Court which has already been funded in this year's operating budget by this Legislature.

Recently there has been a great deal of discussion and media coverage about contract agencies. As you can see, there's no shortage of issues facing this institution as we need to focus on. However, 2007 is an election year and I do recognize that fact will force politics to play a more aggressive roll in our decision making. As we enter 2007, I renew my pledge to all of you to lead the Legislature in a manner that recognizes the majority of respecting the minority. Once again, my committee chair assignments will include Legislators from both sides of the aisle. Additionally, I will be forming a Legislative Leadership Council asking representatives of both caucuses to meet with me on a monthly basis to keep the lines of communication open and free-flowing. I will be establishing an Ad Hoc Committee for Contract Agencies to determine if we are funding too many of them, to make sure they are not duplicating services and to examine the service they are providing to the citizens of the County.

Our County Charter provides for two distinct, equal branches of government for Suffolk County. I do

not think it will surprise anyone when I say that at times these two branches might disagree on policy direction for this government. Our County Executive is a strong leader, a dynamic leader for whom I have a tremendous amount of respect. However, this Legislature is a coequal branch of government. I will tenaciously protect the rights and responsibility of this body to represent the people of this County. We all represent the good people of this County. They do not care if an idea is a Republican, Democrat or Working Family Party idea, they do not care if an initiative was originated by the Executive Branch or the Legislative Branch, they just want government to work for them. And I'll do everything in my power to provide good government because the people of Suffolk County deserve nothing less. Thank you.

Applause

The next business on our agenda is to elect a Deputy Presiding Officer. The floor is open for nominations.

LEG. BROWNING:

Mr. Presiding Officer, I would like to nominate Legislator Viloría-Fisher.

P.O. LINDSAY:

I recognize Legislator Kate Browning for the purpose of nominating Legislator Viloría-Fisher.

LEG. BROWNING:

And if I can add to that, I know Vivian has been a Legislator since January 19th of 1999 -- yes, it's on. Legislator Viloría-Fisher has been -- was first elected January 19th of 1999 and as a new Legislator, this is my first year and I have had the pleasure of serving on various committees with Vivian and also on the Environmental Trust Review Board. I have to say, she's been a great mentor to me on many of the environmental issues in my district and I am very happy to nominate you, Vivian, for Deputy Presiding Officer.

LEG. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

From the other half of the Working Family Caucus, I'd like to second that nomination and say that you've been a tremendous role model, well spoken, intelligent, hard working and open, always open. She's an excellent role model and a person that I am proud to second as Deputy Presiding Officer.

P.O. LINDSAY:

Mr. Clerk, please call the roll.

(*Roll Called by Mr. Laube - Clerk*)

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

Pass.

LEG. CARACAPPA:

Pass.

LEG. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Pass.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

Pass.

LEG. KENNEDY:

Pass.

LEG. NOWICK:

Pass.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Abstain.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. SCHNEIDERMAN:

Could I make a motion to recess? Can we recess before the vote?

MR. NOLAN:

You can.

LEG. MONTANO:

Yeah, you can.

P.O. LINDSAY:

You can.

LEG. ALDEN:

We don't have any rules yet, though.

P.O. LINDSAY:

We're operating by Robert's rules.

LEG. ALDEN:

Only kidding, only kidding.

LEG. SCHNEIDERMAN:

I'd like to make a motion to recess.

P.O. LINDSAY:

Okay, a five minute recess.

*(*Brief Recess: 1:42 PM - 1:56 PM*)*

P.O. LINDSAY:

Mr. Clerk, I think you should probably call the roll for the purpose of attendance before we resume the roll call for the Deputy Presiding Officer.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

Here.

LEG. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

P.O. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Would you please resume the roll call for the Deputy Presiding Officer?

*(*Roll Call Continued by Mr. Laube - Clerk*)*

MR. LAUBE:

Yes, sir. We left off on Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

MR. LAUBE:

Sixteen (Abstentions: Legislators Romaine & Mystal).

Applause

P.O. LINDSAY:

Legislator Viloría-Fisher, the Honorable Andrew Crecca has remained to swear you in.

HONORABLE JUDGE CRECCA:

I've been stuck at meetings longer than this.

LEG. CARACAPPA:

All your fault, though.

***OATH OF OFFICE ADMINISTERED TO
DEPUTY PRESIDING OFFICER VIVIAN VILORIA-FISHER***

P.O. LINDSAY:

Okay, the next order of business is to Adopt the Rules of the Suffolk County Legislature for the year 2007. And there was, I believe, a draft of proposed rule changes. Does anyone have any questions?

Do you want to vote on something separately, you want to vote on them as a group.

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you. I just want to bring attention to Rule 6 on page nine, the deleting of the need for a three-quarters vote to discharge any bill out of our Budget & Finance Committee. I just want to make sure that that is, as the new rules seem to indicate, being deleted, and I don't know if there's an explanation for it. In the past we've -- you know, when the majority was on the other side, we even agreed to have a super majority of a committee pass a budget resolution out of Budget & Finance because we didn't want either one party or budget bills to be so easily discharged or voted out of a Budget Committee because they are spending items. I'm fearful that by going back to, I guess, a simple majority, as the deletion of this rule would indicate, and correct me if I'm wrong, it would go back to taking away that gatekeeper mentality as it relates to spending items, and I think we should still have that in place both in committee and when it comes to discharging budget items on to the direct floor of the Legislature. So if anyone could explain to that to me I'd appreciate it.

P.O. LINDSAY:

I'm just going to point out the two changes to Rule 6. That -- you absolutely identified one of them, to eliminate the three-quarter majority out of the Budget Committee to discharge a bill. And the second item was to change the way -- if we don't discharge an item, it needs ten votes on a discharge petition in order to get it before us. The timeframe was changed from Friday, or the proposed change was changed from Friday at one o'clock to Monday so you have longer to circulate a discharge, but a discharge on the floor wouldn't be recognized. So there's two distinct changes to Rule 6 which is really the most significant changes in the whole group. Now, I'm going to ask Counsel to answer your initial question.

MR. NOLAN:

The rule as it presently stands, which requires a three-quarters vote in the Budget & Finance Committee, only applies presently to amendments that are put forward by County Legislators and not to County Executive budget resolutions.

LEG. CARACAPPA:

Under the Davis rule.

MR. NOLAN:

All I know is it's when the Legislator proposes an amendment, right now that requires three-quarters vote and it was a feeling that didn't make sense, that only for County Legislative amendments you need a three-quarter vote but a County Executive resolution would be a simple majority, so it makes -- puts us on equal standing in terms of that and that was the rationale for the rule.

Also, with a Legislative budget amendment there's always going to be an offset. So the thinking was why do we need a simple majority for that type of budget amendment when if you get it on the floor of the Legislature it's a simple majority vote, why do you need a super majority vote in committee and that was the rationale.

LEG. CARACAPPA:

Understood. But if we're going to bring ourselves to equal playing field -- and I don't know if it's the Legislative rules that dictate the County Executive's need for a simple majority or is it within the Legislative rules? If we're going to bring ourselves up to par with each other, why not bump the County Executive up to three-quarters just like we have to play? And we police ourselves and we'd be policing -- I'm not trying, you know, to be political here, I think it's smart whether it's a County Executive bill or a Legislative bill, regardless of offset or not, that we have that policing mentality within that committee as it relates to spending items, as I mentioned earlier. Why not just move the County Executive up, is that Charter requirement or our rule?

MR. NOLAN:

The three-quarter vote was imposed by this rule only; under the Charter and the Administrative Code, it's simple majority for any budget amendment. I'm not certain that we could say that the County Executive resolutions, through our rules, are now going to require a three-quarter vote in the committee. We can do it in terms of our own resolutions, I don't think it's wise to treat our resolutions differently than County Executive resolutions and it's really a philosophical decision for the Legislature, but that was the thinking for the change.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I notice under Rule 6 that there will no longer be recognition of a motion to discharge on the floor; is that correct?

P.O. LINDSAY:

That's what I was explaining to Legislator Caracappa. There's two significant changes under six, one about eliminating the three-quarters majority in committee to make it a simple majority. And the second thing is actually two parts; one to move the time to collect names on a discharge petition from Friday to Monday and to not allow a motion to discharge on the floor.

LEG. ROMAINE:

I just would tell you, Mr. Chairman, Mr. Presiding Officer, that a motion to discharge is something that every body, Legislative body should have in its rules, that we should have the ability to consider things as we debate an issue or at least decide whether we want to have an issue brought before us that may be delayed in committee for whatever reason, that we should have the ability to discuss these issues. If we limit ourselves and prevent motions to discharge, we limit the ability of this body to act and we weaken this branch of government to act as a coequal branch of government.

On the floor we have the ability as Legislators, 18 all, regardless of party, to hear arguments on why we should consider something that may have been bottled up in committee or something that needs to be acted on in a certain period of time and we have the wisdom to make that judgment. Then when the motion comes before us, we have the ability to vote yes, no or to abstain or move to table. But to take away one of the things that almost every Legislative body that I'm aware of in government at every level has is to further diminish the powers of this institution. Thank you, Mister -- Presiding Officer.

P.O. LINDSAY:

Legislator Losquadro and then Montano.

LEG. LOSQUADRO:

I, too, would like to express concern with the removal of the portion in Rule 6 that allows for a discharge petition on the floor of the Legislature. I think there are instances that could be counted back in the almost 40 years of this body, this is our 37th Organizational Meeting, where a Legislator has been able to bring an item forward on to the floor and open up discussion amongst their colleagues as to whether or not this bill deserves a chance to come forward and be voted on by the full body. There are always going to be occasions where a committee may not give some -- a particular item the opportunity to come forward and I think that if used judiciously as it has been in the past, a discharge petition is an opportunity to bring something to the forefront in a very public forum and to ask that individuals cast their vote in the affirmative or in the negative to vote on it as a full body. I do not think this is something that should be taken away and I do not believe that it is something that can simply be replaced by extending the time requirement for the discharge petition. So I'd be in favor of it remaining.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes. With respect to the process, a bill is -- and I think everybody knows this, a bill is introduced, it goes before committee. If it doesn't -- if it's not approved by committee and a Legislator wants to discharge the bill, there is a mechanism now in the rules and this rule change recommendation allows for a bill to be discharged upon ten votes, but it's in the form of a petition to discharge, which we currently utilize but not as much as we should in my opinion. And this also moves the date from Friday to Monday at 1 PM, which is less than 24-hours before our scheduled meeting, there is sufficient time between the time that the bill is not approved in committee and the Legislator -- you know, and I have seen where -- I think the proper process is for a Legislator to secure the necessary signatures so that the item can be discharged so that other members of the Legislature know what is going to be on the calendar at their scheduled meeting and they have an opportunity to debate and prepare for any remarks that they want. This bill is actually a compromise between what was proposed, but it's good in the sense that a Legislator who wants to be diligent, who wants to lobby for his bill can go and say, "The bill, for whatever reason, was not passed in committee, but I'm going to get the signature of ten colleagues who are willing to put this on the agenda for the next meeting." That doesn't mean that the ten who sign the discharge petition have to vote in favor of the bill, but if you want debate and we do, it gives everyone an opportunity of notice. We get an agenda before we get into our meeting and there's no reason why a bill under consideration should not be on that agenda.

Between one o'clock Monday and 9:30 is less than 24-hours notice and I think that really is sufficient, I think it's the proper way. Bills should be discussed in committee. If for some reason a Legislator is unhappy with the recommendation made by a committee not to discharge a bill, there's a second bite at the apple. It's not onerous to require a Legislator to go and secure ten colleagues -- nine additional colleagues to say, "I would like to put this on the agenda." I as a Legislator would like to come in at 9:30, look at my agenda and know which bills are being discussed and what's going to be voted on that day. I don't think that it's appropriate to surprise and take a bill that hasn't been presented in committee and just make a motion without being, you know --

without having advanced notice that a bill is going to be considered, there's nothing wrong with that. If there's a bill that needs, there's always the C of N process that could be used, but the reality is that bills should go to committee, there's a discharge mechanism, it's a fair mechanism, it only provides for notice, it's not onerous on the Legislator and that's why the recommendation was made.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

We have all seen times when good bills have been held up in committee because there was a lack of information, that we didn't have all the information we needed to discharge that bill. But sometimes by the time it gets around to the full Legislature we have the information and some of those are time-sensitive bills, maybe it's a grant and we'll lose some outside funding. So I think it's important that we keep this mechanism in. If we have to go to the County Executive now for a CN, we lose a little bit of a power amongst ourselves because we no longer can do it ourselves, we have to reach outside this body.

The Presiding Officer before spoke -- asked whether we wanted to take this all as one vote or whether -- or break up and I'm going to suggest that we pull at least this aspect out and have a separate vote. The Presiding Officer stepped out of the room for a moment, but that is my suggestion because I don't support this but the other aspect of the rules I do.

D.P.O. VILORIA-FISHER:

Okay, I'll make a note of that for you. Next on the list is Legislator Alden.

LEG. MONTANO:

If I may?

D.P.O. VILORIA-FISHER:

We'll come back to --

LEG. MONTANO:

Come back to me, okay.

D.P.O. VILORIA-FISHER:

Legislator Alden?

LEG. ALDEN:

As far as being surprised by anything, this has worked for many, many years and very similar things occur when we get a CN and we're required to vote on some very important legislation with less than a minute's notice and no time to read the bills. So you have to ask yourself if it's beneficial and why it's being introduced right now, because it operated for all these years when there was a different majority in the Legislature. So is this -- I'm asking myself, is this another attempt to stifle the minority and their ability to debate an issue or to bring an issue to the forefront?

And I'm not a big supporter of our committee system because basically what happens is we all can't sit on each of the committees and we have -- in some instances we have not had the privilege to listen to the testimony, either for or against, any piece of legislation that comes forward. This is another clear example of some way that a Legislator or doesn't sit on a committee can actually educate themselves to what transpired in that committee and why a piece of legislation wasn't before us and wasn't being acted upon. So this actually just smacks of something where, you know, we're trying to stifle debate. And why would we be trying to do that and all these other years we didn't try to stifle debate? Because there's a different majority in control in the Legislature and that's the only reason. If it ain't fixed, why are you going to go --

P.O. LINDSAY,

No, if it isn't broken, if it isn't broken.

LEG. ALDEN:

If it ain't broken. If it ain't broken, why would you go and fix it? Thank you, Mr. Presiding Officer, for helping me.

P.O. LINDSAY:

Just to interrupt in the middle of this. The two parts, though, makes it easier to get out of the committee because you don't need the three-quarter vote, but makes -- eliminates the -- and again, not that I'm a proponent of it but just to be fair about it, it does two things; it makes it easier to get out of committee but prevents you from voting for it on the floor, on a discharge petition.

LEG. ALDEN:

And that -- I would agree with you 100% if it was 9-9 in this Legislative body, but it's not, it's a 10-8. And when somebody is in the minority, as has been in the past -- you've been in the minority, now you're in the majority -- it was a lot easier to open up a little debate on something that you felt was stuck maybe in a committee because the majority didn't want to move it out.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Through the Chair to Legislator Alden. You know, the thing about ten votes, you still need ten votes on the floor, so the minority, you're still going to need two votes from the majority to discuss something on the floor. The problem that I have seen with the discharge, and I'm not exactly altogether for it, but the point is that it's been used mostly on the political thing, is that when you compare it to other branches of government or the government, such as the State Legislature or Congress, they are to me closed government; in other words, when they are in the process of their vote, people cannot come in to the auditorium and lobby them, they are a closed system. We have an open system where somebody can pack this auditorium with people who favor a certain bill that the rest of us do not want, but because we have a mass of people sitting out here looking at us somebody makes a motion to discharge a vote. I have seen vote here -- I asked a question, I have never seen a motion to discharge before the town, very rarely since I've been around here 16 years, you know, very, very -- I'm talking about a motion to discharge and vote it down, I have not seen that very often, not often. And they have been used as a political tool, a packed auditorium gets your bill out even though it's been defeated in committee. That gives you the ability on Monday, you still need ten votes to discharge it, if you can't get ten votes on a petition then you cannot get ten votes on the floor and you still have Monday, that's the only reason why I support this.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. In both these changes, I think that we have -- I think we're moving in the wrong direction. I'll hold to the comments that Legislator Caracappa made about the three-quarters for the Budget & Finance Committee, and as a matter of fact, I've heard Legislator Montano, the current chair, speak many times about how does this harmonize with the budget that's been adopted and that is the game plan that we need to adhere to as we go forward through the course of any year. So that higher threshold I think is warranted because we do invest so much time and so much effort in putting together an operating budget in the first instance as well as a Capital Budget. And so if we're going to now make a collaborative effort to deviate, I think we should have that higher threshold.

Conversely, I -- now, I guess I'll appeal to you, Mr. Chair, based on what you just spoke to us about as far as your being elected to Presiding Officer representing all of us. I think it negatively impacts any of our abilities to bring forward if we seek to make a motion to discharge if, in fact, we have a

piece of legislation that's been at a committee level that for whatever reason does not move out there. Yes, there's this mechanics associated with the motion to discharge, but still no ability to have any kind of discourse or dialogue on that matter if we lose or voluntarily do away with this motion to discharge. And as Legislator Schneiderman just said, there are times where there are items or elements or matters we put in that may be very important and they need to go ahead and have a discussion. It's not something that should be utilized wantingly or abusively, but it is a tool that I think we ought to preserve because it's something that I believe necessary for all of us. So I'd appeal that we keep this matter in.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Thank you, Mr. Chairman. I'm a bit surprised that this motion is even before us because if you just take a listen to the Presiding Officer's remarks this morning in terms of the institutional history of the Suffolk County Legislature, why would you possibly want to bring something forward that's going to take some sort of power or influence away from the individual members of the Legislature and when you do that you take the power and essence away from the entire Legislature. In my history, most motions to discharge to the floor are never made by majority members because, in essence, they control the committees, it's usually a minority member that makes the case out of frustration because they've got a good bill, it's going nowhere, it's stalled.

To have a provision that says that a minority member must now go around and get nine other signatures in addition to his own, well, it's this 10-8 here. If the majority sticks together, you're not going to get the ten signatures. And the premise that even if it comes to the floor it won't pass, that doesn't hold water either because many times you bring it to the floor so the media and the people can listen to the merits of the bill, so the pressure can be applied on a committee chairperson or on the majority to retake that bill up in committee.

This is the wrong way to go on this bill. You never delineate your own individual powers, especially on a collective basis. This is rarely used; when it's used there's a purpose. In essence, the people against -- in essence, the people hear what the mechanics and the merits of a particular piece of legislation is all about. Even if it fails at the horseshoe, at least you've got a better awareness as to what's going on with this particular bill. And who knows, that bill's time may have come. There's nothing wrong with the media putting pressure on to get that bill out of committee after it appears on the horseshoe. This is definitely the wrong way to go, and certainly it's contrary to what this Legislature has stood for since 1970.

P.O. LINDSAY:

Legislator Losquadro.

[COURT STENOGRAPHER - LUCIA BRAATEN]

LEG. LOSQUADRO:

Thank you, Mr. Chairman. As you eluded to, the proposed changes to Rule 6 are twofold. In other levels of government, this is sort of referred to as a rider, that there's one portion of the bill that people may agree with, and there's another portion of the bill that's just sort of along for the ride, and that's how I feel with this. And not saying that I necessarily agree with the proposed change to have a parity in the votes for our bills and the County Executive's to be discharged out of the Budget and Finance Committee, but I feel that these are so fundamentally different that I couldn't in good conscience vote on the proposed changes to Rule 6, because of the inclusion of the discharge motion provision.

And I will just say for the record, I don't know if they've been consulted, but I would have to imagine that, while well intentioned, the extension of the deadline for this until Monday would add an additional burden on to the Clerk's Office for preparing our agenda and for getting all the

documents ready for us.

P.O. LINDSAY:

When did we ever worry about the Clerk?

LEG. LOSQUADRO:

I always have worried about the Clerk, Mr. Chairman.

LEG. SCHNEIDERMAN:

He doesn't sleep at night.

LEG. LOSQUADRO:

I lose sleep over that. But this is something that, you know, while we rely on the Clerk's Office to get tasks completed for us, no matter how far afield they may be, that these requests may be, I feel that this is one area, I understand, while well intentioned, that you want to add additional time. Because you're removing the ability to do a discharge motion on the floor I think is particularly onerous on the Clerk's Office. And, as I said prior to Legislator Montano's comments, I do not think that that extension in any way makes up for the loss of the ability for a member of this body to make a motion to discharge on the floor.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I'll try and wrap this up. I spoke earlier about the first change, and that was a three-quarter vote in committee. I'll speak briefly about the discharge. First, I guess a parliamentary inquiry to Counsel. We waive rules all the time. Case in point, late-starters. Would we still have the ability as a body to waive the rules and discharge a bill under these rules?

MR. NOLAN:

No, there would be no mechanism in the rules to discharge on the floor.

LEG. CARACAPPA:

At all.

MR. NOLAN:

At all.

LEG. CARACAPPA:

Okay. I just want to make that clear to all of us, that there is no provision to waive rules in the future as it relates to this, which is troubling to me, because many times in my 12 years here, any time there was a bill discharged on to the floor, it's usually something that we're pretty much all in {agreeance} with. And in most circumstances, it's usually a situation when you have a room full of constituents, regardless of what district, it's usually on a very important issue. And, usually, the bill is sitting in committee, just about done, or it was just finished and didn't make the deadline by way of a word or two on the Seven-Day Rule, and we didn't discharge it, it was sitting for one more cycle.

A lot of times we want to move a bill out during a meeting because our constituents are in the audience. Discharge it from committee, it needs ten votes. There's the stopgap measure. If you really don't like it, there' the ten-vote requirement for that, and then it's before us for debate. And we're doing our jobs in front of the people that we represent who come to this body, take the time out from their lives to come and speak about a bill, to see it passed or defeated, regardless of their side or position. It's a mechanism to help serve our constituents, and by taking it away, I feel we lose a big tool in serving the public, especially those who take the time, who care about the issue so much that they come here, they listen to us for hours and then they don't have the ability to see a

bill go up or down on their behalf.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you. You know, I've listened to these passionate arguments, but I'm a proponent of this rule. And I also heard that somehow this was a partisan maneuver, and I can assure you that it's not. It is a procedural mechanism which I think is appropriate. We're talking -- you know, we're making it seem like we've cut tremendous power from ourselves. We're not. What we're simply doing is ensuring that if there is a bill that for some reason does not come out of committee, and we want to hear that, if we're not on another committee, there is a mechanism, let's not mistake it, there is a mechanism to discharge the bill. And it's not onerous, it's a very simple process to call colleagues, distribute -- my first bill, the first bill I passed here, I passed through a discharge petition. It was killed in committee. My colleagues granted me the opportunity to argue the bill on the floor, and, ultimately, the bill passed. I believe that this is a better system, and it gives all of us notice that a bill, just like any agenda, you go into a meeting, you want to know what's on the agenda so you're prepared for it.

It's not onerous, Legislators, to do the work, get the ten signatures and file the simple petition discharge. It's a one page-document with ten signatures. We've done it by fax. You fax it to your colleague, your colleague signs it, it's sent over to the Clerk, one o'clock in the afternoon. I'm sure the Clerk can accommodate the process by simply placing the item on the agenda, so that we can go into intelligent debate on a bill and be prepared to discuss those bills that are on the agenda. That's all we're asking. There's no politics involved in this.

I made the recommendation to my caucus, because in having experienced it, I thought this was the better process. I feel it would help me be prepared when I come to the Legislature, look at the agenda and know what's on the agenda. That's all we're doing here.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Thank you, Legislator Montano. And so now I know where it came from.

LEG. MONTANO:

It came from me.

LEG. NOWICK:

Okay. But what I'm going to ask the horseshoe and all of the Legislators is now that everybody has heard the arguments and we know how the system was running in the past many, many years, and it was running. As Cameron Alden said, it was -- it was working. Now that we know what we stand to lose, I would ask that maybe all of the Legislators just reach into the back of their hearts and their minds and think of what we could lose here by changing it, and maybe we could possibly either table this or just vote it down, now that we know what's out there.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I understand, Legislator Montano's desire to have this done through a petition to discharge, because it would be more time for the colleagues to know it's forthcoming. I'm always surprised at every meeting, at the end of every meeting, because I'm handed a red folder in which CN's come over, always surprised about that, which we have less than three minutes to make decisions on a multiplicity of resolutions. If we were going to make any change, and this is no criticism of the

Legislature, and please don't -- understand that, because this is a system --

P.O. LINDSAY:

Heaven forbid.

LEG. ROMAINE:

No, not from me. This is a system that has operated this way for sometime. We should require in our rules that any CN's be faxed to Legislators 24 hours before any meeting. That way we'd have enough time to consider it. But we don't see that change in the rules. What we see is a change in the rules to diminish our ability to deal with a resolution that's at least been in front of committee. I know with Cameron Alden's bill on the home heating, we had -- we discussed that and the energy tax, and things of that nature. That was stuck in committee how long, Cameron?

LEG. ALDEN:

Only a year.

LEG. ROMAINE:

Only a year. So we knew that issue, and that was something we could discuss on the floor with everyone here and have a viable discussion whether we wanted to discharge or not, and then if we did discharge it, we could have a debate.

This is not a good rule. And I think Legislator Barraga spoke very eloquently as to why it's definitely a rule that other Legislative bodies would not adopt to limit their powers. I strongly suggest and I'm willing to make a motion to consider Rule 6 separately from the rest of the rules, if permitted. If not permitted, I'll vote on the rules as presented. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

First of all, Legislator Schneiderman's the next one on the list, but -- and I believe he made what amounted to a motion before to take Rule 6 out of the mix and would allow us to vote on the rest of the rules and then we could go back to Rule 6. Was that your motion?

LEG. SCHNEIDERMAN:

Well, let me ask this, because Rule 6 has two component, one that I'm against and one that I could support. So can we split --

P.O. LINDSAY:

We could further subdivide Rule 6 as well, if you'll like, but --

LEG. SCHNEIDERMAN:

Right. You had stepped out briefly before.

P.O. LINDSAY:

But if --

D.P.O. VILORIA-FISHER:

Yeah, I apprised him.

P.O. LINDSAY:

Yeah, the Deputy Presiding Officer apprised me of your intent, what she took to be a motion; is that correct?

LEG. SCHNEIDERMAN:

I think that's fine.

P.O. LINDSAY:

And the motion would simply be to --

LEG. SCHNEIDERMAN:

I could more formally make that motion now.

P.O. LINDSAY:

-- take Rule 6 out of the recommended changes and then would allow us to vote on the rest of the changes, then we'll go back to Rule 6.

LEG. SCHNEIDERMAN:

I would like to make that motion, but more specifically, to split Rule 6.

P.O. LINDSAY:

Well, we could do that, too, when we get to Rule 6.

LEG. SCHNEIDERMAN:

And vote on both aspects of Rule 6.

P.O. LINDSAY:

I'm trying to get a vote on the rest of the rules.

LEG. SCHNEIDERMAN:

However you would like to move forward procedurally I'm comfortable with.

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

Second.

LEG. KENNEDY:

Mr. Chair, yeah, I'll second that, as you originally stated, to remove 6 en masse and allow us to have further debate and to vote the balance of the rules.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

All right, so moved.

P.O. LINDSAY:

So we have a motion and a second, yes. So much for progress. Counsel is advising me that we should try and address Rule 6 with amendments, if we care to, and then to vote on the whole package once we -- it's just reversing. We'll deal with Rule 6 separately.

LEG. SCHNEIDERMAN:

Can amendments be made today, or would we have to wait to a subsequent time?

P.O. LINDSAY:

No. This is going to get done today.

LEG. SCHNEIDERMAN:

Today.

P.O. LINDSAY:

Today.

LEG. COOPER:

Mr. Chair

LEG. CARACAPPA:

So there would be a motion on the floor to adopt the rules, excluding Rule 6 with both --

P.O. LINDSAY:

Well, that's what I was looking to do. I was looking to make some progress here, and Counsel suggested that I shouldn't do it that way.

LEG. CARACAPPA:

So the motion would be to -- motion to remove 6, vote on it first as a separate --

MR. NOLAN:

What I'm suggesting is, if you want to make an amendment to the proposed rules, let's do the amendments. Once we have the amendments, then adopt the rules as amended with one vote.

LEG. CARACAPPA:

We're trying to make the amendment now by --

MR. NOLAN:

Do the amendments is what I'm saying.

LEG. SCHNEIDERMAN:

Well, I would then like to make the amendment to change Part B --

LEG. LOSQUADRO:

Mr. Chairman.

LEG. KENNEDY:

Mr. Chair, I'm going to make a motion to table, and if we're --

LEG. LOSQUADRO:

Yeah.

LEG. KENNEDY:

If we're going to go into the rules now and start, we've been advised by Counsel we don't have the ability to excess 6, then I'm going to make a motion to --

P.O. LINDSAY:

No, he didn't say that. He didn't say that at all. What he said is if you're going to make any amendments, address the amendments before your -- and vote on them and then vote on all the rules as one.

LEG. LOSQUADRO:

Mr. Chairman, if I may. I hate to interrupt, but in all fairness, I think there are many of us who would -- who agree with the rest of -- other portions of the rules and would like the opportunity to vote on those portions with which we agree. So to say that we're not going to take 6 out first, it could give -- if we're unable to reach a compromise on Rule 6, then it would give those of us that disagree with it a chance to vote against that, yet still vote for the remaining Rules of the Legislature.

LEG. COOPER:

Mr. Chair.

LEG. ALDEN:

Point of order.

P.O. LINDSAY:

Hold it. Point of order, go ahead.

LEG. ALDEN:

You would have Rule 6 in here, but the old Rule 6.

LEG. SCHNEIDERMAN:

Right.

LEG. ALDEN:

So that would still be in it, there would not be an amendment to it, and then you could take up an amendment afterwards.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I wanted to make a request that we call a brief recess, please, to try to settle this.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Okay. I'll call a recess.

[THE MEETING WAS RECESSED AT 2:35 P.M. AND RESUMED AT 2:52 P.M.]

P.O. LINDSAY:

Mr. Clerk, start calling the roll.

MR. LAUBE:

Yes, sir.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not Present)

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Okay.

LEG. STERN:

Yeah.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

17. (Not Present: Leg. Caracappa)

P.O. LINDSAY:

Okay. I thank everybody for their patience in what turned out to be a longer recess than I expected. I believe that I'm going to make a motion to accept the rules as presented to everybody, which means that the three-quarters vote to discharge something from committee is deleted, it's a simple majority, but that to discharge on the floor remains in our rules as simply ten votes.

D.P.O. VILORIA-FISHER:

I'll second that.

LEG. SCHNEIDERMAN:

On the motion.

MR. MONTANO:

What was the motion?

P.O. LINDSAY:

The motion was to approve the rules as passed out.

LEG. LOSQUADRO:

With the amendment.

P.O. LINDSAY:

Huh? No amendments.

LEG. HORSLEY:

No amendments.

P.O. LINDSAY:

Just what's in front of you.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

In other words, that you'll still have the ability to discharge on the floor with ten votes, what the --

LEG. ROMAINE:

That's not what the rule says.

LEG. LOSQUADRO:

That's not what the rule says.

D.P.O. VILORIA-FISHER:

Oh, no, wait a minute. The amendments --

LEG. CARACAPPA:

The rules are passed out with the deletion.

P.O. LINDSAY:

Oh okay. I have the first copy I'm sorry.

D.P.O. VILORIA-FISHER:

No. We passed it out with the extra thing.

P.O. LINDSAY:

Oh, okay. The first -- I have the first copy.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

I'm sorry.

D.P.O. VILORIA-FISHER:

No. We have to amend what was passed out.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

What's the motion?

P.O. LINDSAY:

Then let's go back, find the --

D.P.O. VILORIA-FISHER:

Page 9.

P.O. LINDSAY:

The intent is, on Page 9, that the -- that B-1 and 2 be eliminated, which eliminates the three-quarter vote from Budget and Finance, that it be a simple majority, and that the petition process still is ten, and I can't find it. Somebody help me.

LEG. LOSQUADRO:

Well, I believe it would be --

D.P.O. VILORIA-FISHER:

And that there will be an ability to discharge on the floor.

P.O. LINDSAY:

Right.

LEG. LOSQUADRO:

I believe it would be Section C.

P.O. LINDSAY:

Right.

D.P.O. VILORIA-FISHER:

Section C.

LEG. LOSQUADRO:

So the motion would be to adopt the rules with Rule 6, Section C, to be included as it was --

P.O. LINDSAY:

Correct.

LEG. LOSQUADRO:

-- prior to its removal.

P.O. LINDSAY:

Thank you. That's what I was saying all along.

LEG. HORSLEY:

Second on the motion.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

The rest of the rules would be conformed to go along with having a Rule C, then the next one would be Rule D.

LEG. HORSLEY:

And E.

D.P.O. VILORIA-FISHER:

Counsel, we would be putting --

LEG. SCHNEIDERMAN:

C would be in, but as it was last year.

D.P.O. VILORIA-FISHER:

-- Rule C back in.

P.O. LINDSAY:

Yeah. But what Deputy Presiding Officer Viloria-Fisher is saying is that the lettering goes back to the original format. If you keep C, then it's D, E.

LEG. LOSQUADRO:

D, E, F, G, H and I.

D.P.O. VILORIA-FISHER:

Then you have to have D, E, F and G.

LEG. SCHNEIDERMAN:

Oh, yes.

P.O. LINDSAY:

Okay?

LEG. LOSQUADRO:

H and I would have to remain.

P.O. LINDSAY:

Okay?

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Well, Mr. Chair, one other question. On C, which I guess now is back to D, did we want to permit the petitions to discharge to be delivered one o'clock on the Monday, or do we agree that it should go back to the Friday?

LEG. MYSTAL:

Rule C --

LEG. ALDEN:

You're killing the Clerk.

MR. LAUBE:

Ann Marie, actually.

LEG. MYSTAL:

We are not changing anything on the petition process. You still -- it's still due on Friday, one p.m., and you still need ten votes on the floor, period, folks.

LEG. MONTANO:

Right, but the reality, if I may, Mr. --

P.O. LINDSAY:

Legislator Montano.

MR. MONTANO:

The reality is that there's no need to have the discharge application filed, because you can simply wait, and that's why the proposed amendment was proposed. There is no need to have a written discharge petition, because the rule is inconsistent with itself. You could do it, but nobody -- as a practical matter, it's not done. You simply just wait until the day of the meeting and you get your ten votes. So there's no need for that and that's why the proposed change was made.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

I don't want to go back into the debate on the issue.

LEG. LOSQUADRO:

I'll amend my -- I'll amend my motion, if I may, Mr. Chairman, then.

P.O. LINDSAY:

I didn't realize you had the motion.

LEG. LOSQUADRO:

Oh, I was --

D.P.O. VILORIA-FISHER:

No. We had been making the motions.

LEG. LOSQUADRO:

No problem.

P.O. LINDSAY:

Go ahead. Go ahead.

D.P.O. VILORIA-FISHER:

Okay.

LEG. LOSQUADRO:

I thought I had made it.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

Well, what I would suggest, then, is that the motion be to also include former Section D, as Legislator --

D.P.O. VILORIA-FISHER:

As it had previously been worded.

LEG. LOSQUADRO:

As it had previously been worded.

D.P.O. VILORIA-FISHER:

Which is two o'clock. Could I just read that? I had asked the Presiding Officer for the floor --

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

-- so that I could clarify for Legislator Cooper's question. So Part 6-D, the penultimate sentence would be, "A Petition to Discharge shall be delivered to the Clerk of the Legislature at least two business days immediately prior to the next regular meeting, and no later than two p.m. on such day."

LEG. LOSQUADRO:

Right.

D.P.O. VILORIA-FISHER:

That's how it would read; okay? And actually, it was the last sentence.

P.O. LINDSAY:

Okay. We have a motion to make these changes. I made the motion, Mr. Clerk

MR. LAUBE:

Yes, sir

P.O. LINDSAY:

And --

MR. LAUBE:

The Deputy Presiding Officer made the second.

P.O. LINDSAY:

Okay. We're all set? All in favor? Opposed? Abstentions?

MR. MONTANO:

Opposed.

LEG. CARACAPPA:

I'll oppose, based on -- just before -- the three-quarter, it's -- we're going to a majority, and I'll oppose it on that.

P.O. LINDSAY:

Okay.

LEG. CARACAPPA:

Those grounds.

P.O. LINDSAY:

Okay. Any other oppositions?

LEG. KENNEDY:

Yeah, I'll oppose on that also.

P.O. LINDSAY:

Okay. Call the vote.

MR. LAUBE:

16.

P.O. LINDSAY:

Thank you.

LEG. EDDINGTON:

No, it's 15.

LEG. MONTANO:

No, 15.

LEG. EDDINGTON:

He was opposed.

MR. MONTANO:

I'm opposed.

MR. LAUBE:

15.

D.P.O. VILORIA-FISHER:

My goodness, we're creeping right along.

LEG. COOPER:

I'm sorry, Mr. Chair. Just to further clarify, I know we've already voted, but just to confirm D, that first sentence, that remains with the strike-out or without the strike-out?

MR. NOLAN:

The parts that are struck out are back in.

LEG. COOPER:

And was that --

MR. NOLAN:

You've got to read that with the strike-outs.

LEG. COOPER:

I don't know whether that was the intent.

LEG. LOSQUADRO:

I'm sorry, through the Chair. You mean the one that was formerly E, now D?

LEG. COOPER:

That is now D, about discharging the legislation --

MR. NOLAN:

No, that --

D.P.O. VILORIA-FISHER:

Page 9.

LEG. COOPER:

-- from committee, except for Budget and Finance.

D.P.O. VILORIA-FISHER:

Dan.

MR. NOLAN:

I apologize. That language is struck out.

LEG. COOPER:

That is, that is struck out.

MR. NOLAN:

To be consistent with the first section of the rule.

LEG. COOPER:

Okay, good. Thank you.

P.O. LINDSAY:

Okay. Are we all set now?

LEG. NOWICK:

We are.

P.O. LINDSAY:

Item 7 - Appointing the Clerk of the Legislature, and the administration of the Oath of the Office.

D.P.O. VILORIA-FISHER:

Okay. And the Clerk is saying, "I hope this isn't going to be dragged out one, too."

MR. NOLAN:

Resolution No. 3.

P.O. LINDSAY:

It's Resolution No. 3 in your packet.

LEG. NOWICK:

Maybe we should take a break.

D.P.O. VILORIA-FISHER:

He's looking --

LEG. KENNEDY:

Call a recess.

D.P.O. VILORIA-FISHER:

He's looking worried.

P.O. LINDSAY:

Okay. Roll call.

LEG. CARACAPPA:

Wait, there's not a motion.

MR. LAUBE:

You need a motion and a second.

D.P.O. VILORIA-FISHER:

We have to make a motion.

P.O. LINDSAY:

Oh, make -- yeah.

LEG. MYSTAL:

We need a motion and a second with a name.

P.O. LINDSAY:

Okay. I'll make the motion

D.P.O. VILORIA-FISHER:

I'll make a second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. MYSTAL:

To appoint who?

LEG. ALDEN:

Who is it, Elie? I'll second it.

P.O. LINDSAY:

No. It's in 3, it's in 3, which is Tim Laube. I can't find 3.

D.P.O. VILORIA-FISHER:

I can't find 3 either.

P.O. LINDSAY:

There it is.

D.P.O. VILORIA-FISHER:

I found it.

LEG. ALDEN:

Mine's MIA, but I'll just go with it.

P.O. LINDSAY:

You can look at mine. Okay. We have a motion and second. Roll call.

(Roll Called by Mr. Laube)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yeah.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes, but I want somebody to count this other than him.

D.P.O. VILORIA-FISHER:

She is, look.

LEG. ALDEN:

All right.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Nah -- yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Seventeen.

MS. ORTIZ:

Seventeen.

LEG. ALDEN:

Certified, thanks.

P.O. LINDSAY:

Okay. Next item on the agenda --

D.P.O. VILORIA-FISHER:

Don't we do his Oath of Office?

P.O. LINDSAY:

Oh, yeah. I'm sorry. Mr. Clerk, you have to take the Oath of Office.

MR. LAUBE:

Yes, sir.

MS. PASCALE:

Would you like me to do them all together?

P.O. LINDSAY:

That would be wonderful. Next piece of business is ***Resolution No. 4 - Appointing Chief Deputy Clerk of the County Legislature, Renee Ortiz***. I'll make the motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yeah.

D.P.O. VILORIA-FISHER:

Look at her look.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. Next is *Resolution No. 5 - Appointing the Deputy Clerk of the County Legislature, Richard Baker*. I'll make a motion.

LEG. EDDINGTON:

Second

P.O. LINDSAY:

Second by Legislator Eddington. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. Would the three Clerks please come forward to be sworn in?

***OATH OF OFFICE ADMINISTERED TO
TIM LAUBE, RENEE ORTIZ AND RICHARD BAKER
BY SUFFOLK COUNTY CLERK, JUDITH PASCALE***

P.O. LINDSAY:

Okay. The next order of business on the agenda -- oh, wait, we've got to shake hands.

D.P.O. VILORIA-FISHER:

Shaking hands.

(Applause)

P.O. LINDSAY:

Okay. The next order of business on the agenda is ***Resolution No. 6 - Appointing the Counsel to the Legislature***. I'll make a motion to reappoint George M. Nolan.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Roll call.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

No, I'm only kidding.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

George, your brother won't give you a job?

MR. NOLAN:

I'm sorry?

LEG. MYSTAL:

Your brother won't give you a job?

LEG. COOPER:

Just vote yes, please.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Seventeen.

(Applause)

P.O. LINDSAY:

Congratulations.

***OATH OF OFFICE WAS ADMINISTERED TO GEORGE NOLAN BY
SUFFOLK COUNTY CLERK, JUDITH PASCALE***

(Applause)

P.O. LINDSAY:

Now I believe that concludes all our swearing in, which means our County Clerk could be excused.

MS. PASCALE:

Thank you very much.

P.O. LINDSAY:

Unless you'd like to hang around and watch this display of enthralling business.

D.P.O. VILORIA-FISHER:

Because it's so much fun.

MS. PASCALE:

I think I might pass on that.

P.O. LINDSAY:

Okay.

MS. PASCALE:

Happy New Year, everyone.

LEG. ALDEN:

Bye, Judy.

LEG. NOWICK:

Thank you, Judy.

MS. PASCALE:

Thank you.

P.O. LINDSAY:

Thank you.

D.P.O. VILORIA-FISHER:

Bye, Judy.

(Applause)

P.O. LINDSAY:

Okay. *Resolution No. 7 - Adopting a schedule for regular meetings of the County Legislature.* The schedule is about the fourth revised schedule. It should be before you now. We've tried to make sure that everybody's schedule is accommodated. If I don't --

LEG. NOWICK:

I'll make the motion.

P.O. LINDSAY:

Make a motion to approve by Legislator Nowick, I'll second the motion. All in favor? Opposed? Abstentions?

LEG. MYSTAL:

I don't think -- on the motion. I don't know if everybody got the new one.

P.O. LINDSAY:

I have it in front of me.

LEG. ROMAINE:

Yeah, we have it.

LEG. COOPER:

Yeah, it was handed out.

P.O. LINDSAY:

March 20th instead of the 27th?

LEG. EDDINGTON:

Oh, March 20th, oh, okay.

P.O. LINDSAY:

Right. Okay? Call the vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Introductory *Resolution No. 8 - Designating depositories*. Counsel tells me there's a revised version. Maybe you could explain it to everybody.

MR. NOLAN:

There's a revised version, it says "Revised" on top. There was a name change on one of the banks. We had made the change during the year and we wanted to make this resolution reflect that name change.

D.P.O. VILORIA-FISHER:

Here it is.

LEG. ROMAINE:

Long Island Commercial to New York Commercial.

D.P.O. VILORIA-FISHER:

It's in your packet, it's toward the back.

MR. NOLAN:

There you go.

D.P.O. VILORIA-FISHER:

It's in your packet toward the back.

MR. NOLAN:

It got handed separate.

P.O. LINDSAY:

No, but there's two of them. If you look in that blue packet, it looks like -- is there a -- do you have a blue packet?

LEG. MONTANO:

Not that it matters, you could vote on it.

P.O. LINDSAY:

Okay. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Resolution, *Introductory Resolution No. 9 - Designating an official County newspapers*.
That one is --

LEG. LOSQUADRO:

Motion

LEG. ROMAINE:

Second

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. NOWICK:

Second

LEG. KENNEDY:

Second

P.O. LINDSAY:

Second by Legislator Nowick. Okay.

LEG. ALDEN:

Just for the record --

P.O. LINDSAY:

Right.

LEG. ALDEN:

This is the Long Island Business News?

D.P.O. VILORIA-FISHER:

And Smithtown Messenger.

LEG. ALDEN:

And the Smithtown Messenger.

P.O. LINDSAY:

Right.

LEG. ALDEN:

And they're splitting the year?

P.O. LINDSAY:

No, no, no, no.

LEG. ALDEN:

This is the two of them.

P.O. LINDSAY:

No. I think we use two, two newspapers for County-wide advertising, and the two, I don't think they've changed from last year, or the last several years, right?

LEG. ALDEN:

Okay. Thank you.

LEG. MONTANO:

Is there s a motion?

P.O. LINDSAY:

Yeah. Who made the -- who made the motion?

D.P.O. VILORIA-FISHER:

Lynne made the motion.

MR. LAUBE:

Legislator Losquadro, and the second was from Legislator Nowick.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

These two are for County-wide?

P.O. LINDSAY:

Correct.

LEG. MONTANO:

Is the Smithtown Messenger a County-wide circulation?

LEG. SCHNEIDERMAN:

No.

LEG. ALDEN:

I think it qualifies.

LEG. KENNEDY:

Mr. Chair, if I can add.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Being from the Town of Smithtown, I'm familiar with the publication, and, yes, it does have a circulation, I guess, that meets the criteria, I believe. Legislative Counsel wants to add to it, but I know it's got --

MR. MONTANO:

What's the criteria, then? Because it's not -- what you're saying, I think, is that it meets the criteria, but it's not a County-wide circulation newspaper. So, if we're publishing in a newspaper that's not County-wide, then we're not really reaching all the County residents; am I correct in that?

LEG. MYSTAL:

Rick.

MR. MONTANO:

Yes, go ahead, Elie.

LEG. HORSLEY:

Leave it.

LEG. NOWICK:

Leave it alone.

LEG. MYSTAL:

Leave it?

MR. MONTANO:

It may be politically incorrect, but I was just curious.

LEG. MYSTAL:

Just be quiet.

MR. MONTANO:

No, I'm not going to be quiet, I'm actually -- I'm actually very serious in the question.

LEG. MYSTAL:

I know. I know the issue, but this is for another time.

LEG. ROMAINE:

Are you talking about the Smithtown News?

LEG. MYSTAL:

For another time.

LEG. MONTANO:

No. The newspaper in front of me is the Smithtown Messenger, and because this is a County-wide publication, what I'm asking is whether or not this newspaper is County-wide, because I know I don't receive it where I live, but I do get the Long Island Business News

LEG. CARACAPPA:

Rick, I know the Smithtown Messenger is the home paper, and they also print the Brookhaven Review and a few other town papers. So it may say Smithtown messenger, but they do publish and print those --

MR. MONTANO:

I'm sorry Mr. -- Legislator Caracappa.

LEG. CARACAPPA:

They do publish and print the legals in the other publications that they distribute throughout the County.

LEG. MONTANO:

Okay, thank you.

P.O. LINDSAY:

To answer the original question, these two newspapers are -- we designate two newspapers County-wide. These two are splitting one of those designations

LEG. MONTANO:

Does that -- when you say "splitting", does that mean that one publication will be in both newspapers at a given time, or you'll do one month with the Smithtown --

MR. PEARSALL:

It alternates.

MR. MONTANO:

But if it alternates, that's my point. If it alternates, then on those times that you're alternating for one newspaper, which doesn't have a County-wide circulation, you're missing half the County. But I

was just making that in terms of information.

MR. PEARSALL:

It states specific in the resolution --

LEG. MONTANO:

Right, I understand that. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And Introductory Resolution 13 is *designating the other official County newspaper.*

LEG. NOWICK:

No, 10

P.O. LINDSAY:

That's Number 10, *Resolution Number 10, and that's the Smithtown News.*

LEG. NOWICK:

Rick, what do you think?

P.O. LINDSAY:

And I'll --

D.P.O. VILORIA-FISHER:

Motion.

MR. MONTANO:

I have the same questions and I'm sure the same answers.

LEG. ALDEN:

I think Legislator Montano deserves some honest answers here.

P.O. LINDSAY:

Well, the honest answer is that the Republican Party selects a newspaper and the Democrat Party selects a newspaper.

LEG. ALDEN:

Which one is this one?

D.P.O. VILORIA-FISHER:

Democrat.

P.O. LINDSAY:

This is the Democrat.

LEG. ALDEN:

Which was the other one?

P.O. LINDSAY:

Republican.

D.P.O. VILORIA-FISHER:

Republican.

LEG. ALDEN:

You're all right with that, Rick?

MR. MONTANO:

Yeah. I have no problems with the process whatsoever, and I have no problems with one party selecting and another party selecting. My questions simply went to the circulation and whether or not we were reaching everybody that needs to be reached, that's all.

P.O. LINDSAY:

It's not a criteria in the County law, the circulation, it really just talks about being designated by the respective parties.

MR. MONTANO:

Okay

P.O. LINDSAY:

Okay. Do we have a motion yet?

D.P.O. VILORIA-FISHER:

I'll make a motion.

MR. LAUBE:

No.

P.O. LINDSAY:

Okay. Motion by Legislator Viloría-Fisher, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *Introductory Resolution No. 11 - Designating official local newspapers*, which is even more confusing.

LEG. MYSTAL:

Rick, this one you can talk about.

LEG. MONTANO:

This one I have no interest in talking about.

P.O. LINDSAY:

Do you have 11 in front of you? It designates a different paper for all ten towns, with the exception of Brookhaven. Brookhaven, it designates two newspapers to split the business over the course of the year. Do I have a motion?

LEG. EDDINGTON:

Motion.

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Browning.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We're finished with the organizational business. Let's go into other business. Let's go into vetoes. I think there should be six in total. Let's start off with -- let's start off with ***1226 - A Local Law to regulate the use of outdoor wood burning devices in Suffolk County.***

LEG. EDDINGTON:

I make the motion to override.

LEG. COOPER:

Second.

P.O. LINDSAY:

Legislator Eddington makes a motion to override.

LEG. EDDINGTON:

And on the motion.

P.O. LINDSAY:

Seconded by Legislator Cooper. On the motion, Legislator Eddington.

LEG. EDDINGTON:

Yeah. I don't know -- I've been asking around and I get the sense that everybody is not totally aware. I've sent two full packets, which -- with over 35 pages of information. And as I've come to this Legislature, I think people have gotten to know that most of the laws or Charter bills I try to put in are direct response to constituents. This is from a constituent in Medford. And actually, I was walking in the wrong area, in Legislator Caracappa's area in Farmingville, and a man came out and brought me over to one of these devices. And so I'm going to read the letter that I've been -- sent out to make sure that everybody got it.

This legislation will limit the use of outdoor woodburning devices in Suffolk County. The legislation clearly defines these devices as an apparatus that is located outside the primary structure and is used to heat the indoor living space. They are typically six-foot-by-six-foot-by-six-foot and have a chimney which is approximate height of 12 feet. These are the kind that I have observed. The law does not affect indoor fireplaces, woodburning stoves or coal burning stoves. All of these chimneys -- all of these units have chimneys that emit smoke over the roof line. This is not the case in the small outdoor -- and it also does not include outdoor woodburning pits, fireplaces or barbecues.

An outdoor woodburning device creates both a health risk and a public nuisance when operated in a suburban area. This is of great significance when the operator utilizes wood that has been tainted, painted, or laminated, or anything else. Christmas trees have also been burnt.

These health risks are not imagined or perceived, but are demonstrated by the United States Environmental Protection Agency and documented in reports issued in October 2005 by the New York Attorney General, at that time, Eliot Spitzer. I've been in touch with his office and talked with Judith -- just let me get the note here. Judith Schreiber, and she a PhD -- she's the Chief Science -- Scientist for Albany, the Bureau of Environmental Protection Office of the Attorney General. She has informed me that 55 towns and counties in New York State have banned or severely limited the

operation, and she applauded me for taking the action that I have.

The manufacturers of this -- that oppose the legislation states that a device that saves homeowners in energy costs. However, the Attorney General's reply to this refutes it completely. According to the 2005 report, the average installation of this outdoor woodburning device, which is only 43% efficient is \$5,500, as opposed to \$2,075 for an indoor woodburning stove, which is 68% efficient, and it's \$2,690 --

P.O. LINDSAY:

Order.

LEG. EDDINGTON:

-- for gas and oil fueling. In addition, the fuel costs for these units are way more, with the exception of only electricity. Based on the report, the average homeowner's energy for these woodburning devices is close to \$2,000.

I have also gotten information from The Honorable Steven Johnson, Administrator, Environmental Protection Agency in Washington D.C., and he says that the States of New York, Connecticut, Maryland, Massachusetts, Michigan, New Jersey, Vermont and the northeast states of cooperating in air use management are working on a list to severely change the requirement for standard performance of what they refer as OWB's, outdoor woodburning boilers.

I have a letter from the American Lung Association, and Michael Seilback, the Director of the Coalition for the Policy of American Lung Association is here today, and I told him I would mention what he said. The use of outdoor burning devices contributed to the high ambient concentration of fine particles, ozone found in New York, in Suffolk County. Unfortunately, these devices emit excessive levels of smoke, causing unhealthy conditions.

I've sent around pictures that I personally observed and saw a video of this thing in use. It covers a block. The reason I put the 1,000 feet is because what I did is went back to my geometry book and saw that a mile is approximately 300 yards by 100 yards, 900 feet by 300 feet. If you take the hypotenuse of that, you get 966.22 feet. So I rounded it off to 1,000 feet, because this smoke was all over a block. And the one I saw was burning Christmas trees and other devices. The one in Farmingville was burning rubbish.

So the question of the wording in one of the pieces, when I spoke to the County Executive, and it -- and when I spoke to his representatives, I profess that I am not a lawyer, but when the Attorney General says that the language is good, I say, then I guess I should go with what he says. And the way it's worded is if I didn't say that it has to be with -- 1,000 feet from the nearest residence, except the home that it's servicing, that if you had one of these, you would have to have it 1,000 feet from your residence, which would be ridiculous. So that you can have one, but you can't be within 1,000 feet of any residents.

The County Executive, in our discussion, said, "Why didn't you just ban it?" I didn't ban it -- I didn't want to ban it, because, if you have a job where you are a landscaper or you cut trees, as people I know do, and you live on two or three acres, if you have that in Long Island, then maybe this will be a viable way of saving money. But if you're buying cord wood, which is what you're supposed to use in these outdoor devices, you are spending more than if you use gas, so it's not a viable way.

So I ask my colleagues to join me in overriding the veto. There's 55 other counties and towns that have done it, that have passed legislation. The Town of Brookhaven is proposing a Local Law right now. I yield.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'm very happy to support the override motion on this piece of legislation. You know, we as a body have spent a tremendous amount of time safeguarding the environment in which we live. When I was teaching high school, every year the number of students who were listed as asthmatic students, who would have special permission to go to the nurse to use their inhaler, every year that number went up. The list I would get as a homeroom teacher was larger and larger every year. And these devices put out enormous numbers of particulates and other noxious fumes, which really can damage the health and well-being of the neighbors surrounding that home.

You know, when I look around the horseshoe, I can just go right down the line and look at the work other -- my colleagues have done to protect our ambient air. Legislator Losquadro has done so much with biodiesel and other alternative fuels. Legislator Alden has been pushing to make our fleets much more -- use alternative fuels much more readily. So has Legislator Cooper has introduced that kind of legislation. Now we have Legislator Horsley who has a carbon cap legislation that he's looking at. I myself have introduced quite a bit of legislation to protect our environment.

To allow these stoves to be used and go unchecked would really be relinquishing the kind of responsibility that we have embraced through the 37 years that we have been a Legislature. We really need to support Legislator Eddington's initiative. I believe that soon it will be preempted, because this will be a law throughout the State of New York. But we in Suffolk County have never been afraid to go out in front. We have never been afraid to respond to our constituents when it comes to the protection of their health and well-being.

I hope that we are able to override this veto. I don't see that any of the arguments that were positive in the veto message really are persuasive by any means, and so I hope that we will have the override passed today. This is for the health of our children. An asthmatic child cannot live next door to one of these pieces of apparatus. They absolutely cannot survive. I would not be able to live next door to a house like this, because I have an asthmatic son. You cannot live next door to one of these.

Please remember that people are not just burning woods -- clean wood in these pieces of apparatus, they're burning furniture that has been painted, they're burning wood that has been treated, they're burning rubbish. And this County has adopted green building standards, so that we won't even use noxious elements in the building of County buildings, and here we have people burning these noxious fumes, so that they can be transported in our environment to other people's homes. Please support this override

P.O. LINDSAY:

Legislator Schneiderman

LEG. SCHNEIDERMAN:

A lot of those arguments that were just made about air quality could be made for fire places or woodburning stoves, so I would caution using just simply those arguments.

I voted against this the first time, and I voted against it because of that 1,000 foot setback. If we went around this horseshoe, I don't know if any of you, maybe Jon, I don't know, I don't know if any of you live 1,000 from the nearest house.

LEG. COOPER:

Why is it always me?

LEG. SCHNEIDERMAN:

I'm picking on you. I certainly don't live 1,000 feet from the nearest house.

LEG. MYSTAL:

Jon Cooper does.

LEG. SCHNEIDERMAN:

And so what this bill effectively does is it is a ban on these devices. I think you're going to be hard-pressed to find very many people in Suffolk County who live 1,000 feet from another house. And the example of a landscaper living on a three or four acre parcel, those are big parcels, expensive parcels, and a typical landscaper may not really have the ability to live in such a circumstance. And it was talked about, the cost. Well, if that landscaper has a -- the ability to get the wood cheaply, then the costs are actually far lower to use this type of device.

I would ask the sponsor to heed the message of the County Executive, to work together, to come up with a bill that doesn't necessarily treat so harshly these devices. What I might suggest is we come up either a grant program or more heating assistance to those individuals to try to get them away from these systems, to transition them to cleaner systems, because it's typically the poorest of the poor that are using these systems. The reason why you're seeing furniture in them is because they can't afford the cord wood and they're going and collecting wood from all over the place so they can heat their homes. And my fear is that you suddenly ban them with no phase-out provisions, no alternatives, we're going to have to have people shutting down the system not having heat, and I would hate to do that. I think this is something that can wait. We can work with the County Executive and the sponsor to come up with a better bill, and that's my suggestion.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I just wanted to mention that in the Assembly, Assemblywoman Donna Lupardo is sponsoring a bill, and so is in the Senate, Senator Carl Marcellino. And I believe the reason it's been held up is because it wasn't as inclusive.

I also wanted to add that the Campaign -- the Citizens Campaign for the Environment, also Kasey Jacobs supported this and --

D.P.O. VILORIA-FISHER:

You just lost Joe.

LEG. CARACAPPA:

Lost me.

LEG. EDDINGTON:

And said that it has a negative impact on the environment. And I just want to say that Suffolk County has always taken a step forward. When they -- I wasn't part of this Legislature at the time when they banned smoking. They didn't do it halfway, they decided that you can smoke if you want to be away from people, but you can't smoke if you're near me. This is not so different. If you're using this in a neighborhood, it's wrong, you need to stop it now, and that's my final word.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I also wanted to just point out that I have in front of me a press release, which was in some of the documentation I had been reviewing on this bill, because, similar to what Legislator Eddington had been doing, I was also thinking of proposing legislation of this nature. This is a press release that was issued by the Office of the New York State Attorney General, Eliot Spitzer, back on August 11th, 2005. And the press release talks about, at the time, Attorney General Spitzer, releasing a report that documented the air pollution health problems associated with outdoor wood boilers. And part of the release does say recent research shows that, under certain conditions, outdoor wood boilers may be among the dirtiest and least economical methods of heating. It says in

the bill the chimney is often lower than the typical house chimney. The boiler's smoke more directly reaches neighbors. The boiler functions most efficiently and cleaner when they burn clean, dry wood. However, the wood treated with chemicals, where garbage and scrap are used as fuels, more smoke is produced, and additional toxic chemicals are released into the air. And finally, it says, the pollutants emitted by outdoor boilers can cause or contribute to health problems such as asthma, heart and lung disease, cancer, eye, nose, throat and lung irritation, coughing and shortness of breath.

So I think the time for this type of legislation has clearly arrived. I think that there are several other states -- this press release cites several other states have already enacted similar legislation. The State of New York has joined the petition to the EPA to enact this type of legislation on the Federal level, and I think the County of Suffolk should take the lead on this type of bill as well. Thank you.

P.O. LINDSAY:

Legislator Losquadro

LEG. LOSQUADRO:

Thank you. And I'll just reiterate a couple of points that I made when we were debating this bill initially. And I did not support it then, and despite some of the arguments, I will not be supporting overriding it today. But chimney height, what types of fuels are being used, these are items by which we could regulate these devices, and I think that we should do something.

Obviously, there is a concern among certain members of our residency that these are disruptive and that they cause health issues. And I think we should be doing something to regulate them, but, as Legislator Schneiderman and others have pointed out, this legislation as currently crafted amounts to a ban.

There are very few areas in Suffolk County where you would be able to operate them legally, and, quite frankly, if you have a parcel of substantial enough size to be able to operate them, maybe there would be a couple of instances where those individuals would have a need for lower cost heating. But the fact of the matter is those individuals with larger parcels generally are able to afford more traditional heating methods. So the individuals that are using this type of fuel for heating are generally not going to live in large enough parcels, they're generally going to live in areas where they would not conform to the current requirements as put forward in this bill.

So do I think we need some regulation on this? Yes. Do I think that taking a step to really impose what would amount to a ban is the right course of action? No.

P.O. LINDSAY:

Legislator Schneiderman, did you want to say something else?

LEG. SCHNEIDERMAN:

Yes, very briefly. I'm just imagining somebody out there who just spent a thousand or two thousand dollars, I don't know how much it costs, and suddenly finds out, you know, on one of these systems that they can't use their system. And that's why, typically, bills like this, when you are trying to get rid of something, you have some kind of phase-out provision, a sunset provision, a grandfathering. A grandfathering might not do it in this case, but allowing somebody who's just made a substantial investment to regain some of that value and then phase it out.

LEG. LOSQUADRO:

Three months.

LEG. EDDINGTON:

Yeah, it's a three-month phase.

LEG. SCHNEIDERMAN:

This is three months.

MR. NOLAN:
Six.

LEG. SCHNEIDERMAN:
Right, that's nothing.

LEG. EDDINGTON:
Is it six? Six. Okay, six.

P.O. LINDSAY:
Okay. I'm going to just take the last word. We live a suburban community. If the range of these things is a mile, in a mile span in most of our neighborhoods, you could literally affect hundreds of other homeowners because you want to garbage or the cheapest fuel you can find. We have heat programs, we have all kinds of assistance programs for the poor. To allow this practice to continue in the County to the detriment of hundreds of your neighbors I think is wrong, and I agree with Legislator Eddington. And with that, roll call.

LEG. HORSLEY:
There you go.

LEG. MYSTAL:
Thank you.

(Roll Called by Mr. Laube, Clerk)

LEG. EDDINGTON:
Yes to override.

LEG. COOPER:
Yes to override.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
No to override.

LEG. BROWNING:
Yes to fresh air.

LEG. CARACAPPA:
No to override.

LEG. LOSQUADRO:
No to override.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:

No.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes to override.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Ten.

P.O. LINDSAY:
The override fails. Okay. Next is *I.R. 1413 - Establishing an East End V.A. Clinic Feasibility Committee.*

LEG. ROMAINE:
Yes. I'll defer to the Presiding Officer to make a statement regarding this.

P.O. LINDSAY:
Okay. By a prior discussion, Legislator Romaine has agreed not to make a motion to override this veto, and I think it was a wise choice. And I am asking and directing Budget Review, in the very near future, preferably within the next 30 days, to do an evaluation of the two proposed sites for the V.A. clinic, one, the County Center in Riverhead, and the other one is the Peconic Bay Hospital, is it?

LEG. ROMAINE:
Peconic Bay Medical Center

P.O. LINDSAY:
Peconic Bay Medical Center. And we are depending on you to come back with some data as far as which would be the most accessible, cost effective and beneficial to our veterans that absolutely deserve this service.

LEG. ROMAINE:
I thank you, Mr. Presiding Officer. And I think Budget Review is appropriate to get an evaluation of this. I know that there was some discussion in committee that the Space Management Committee had been considering the County Center in Riverhead, but a review of the Space Management minutes for the last year showed absolutely no discussion of a V.A. clinic for the East End.

I'm happy to move this forward. I don't think a veto override is necessary, but I do feel some type of an evaluative process is necessary, so that the veterans on the East End get the best possible service, and I think we all can agree to that. And thank you, Mr. Presiding Officer, for reaching out on this.

P.O. LINDSAY:

Okay. The motion -- the veto was sustained. Moving on, ***I.R. 1486 - Making a SEQRA determination and appropriating funds in connection with the revitalization of the William and Mollie Rogers Waterfront.***

LEG. COOPER:

Motion to override.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper to override.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. Any discussion? Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes to override.

LEG. NOWICK:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Pass.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

MR. LAUBE:

Sixteen -- excuse me, Legislator Kennedy.

LEG. KENNEDY:

Yes.

MR. LAUBE:

Sorry. Now it's 16.

P.O. LINDSAY:

Okay. The motion -- the veto has been overridden. And 1487 is the accompanying bond. We have to take a roll call vote on that. I'm going to use the same motion, same second, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

LEG. NOWICK:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Pass. Which one are we doing?

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

The bond.

P.O. LINDSAY:

It's the bond on this.

D.P.O. VILORIA-FISHER:

The Vanderbilt.

LEG. CARACAPPA:

On the Vanderbilt?

P.O. LINDSAY:

Yeah.

LEG. LOSQUADRO:

Yes.

MR. LAUBE:

Legislator Caracappa?

(Roll Called Continued by Mr. Laube, Clerk)

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. We have Resolution 1528 - Amending the 2006 Capital Budget and Program and appropriating funds in connection with the reconstruction of drainage systems on various County roads. It has been vetoed and --

D.P.O. VILORIA-FISHER:

There's no motion?

P.O. LINDSAY:

I'm looking for a motion.

LEG. CARACAPPA:

It's your bill?

P.O. LINDSAY:

No, motion.

LEG. LOSQUADRO:

You made the motion first.

P.O. LINDSAY:

Okay. I'll make the --

LEG. LOSQUADRO:

You want me to make the motion?

P.O. LINDSAY:

Whatever.

LEG. LOSQUADRO:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Losquadro and I'll second the motion. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. I'm reading the County Executive's veto message and it said it's been vetoed in their entirety, I guess it refers to both, because the County Department of Public Works advises us, I guess it means him, that the work originally intended to be performed under Capital Project 5024 will be performed utilizing funds from 10,000 -- 10 1/2 million from Capital Project 5014. Is there a duplication? May I ask Budget Review that question? I'm trying to understand the veto message. I'm inclined to support the Executive, if he has a point that he wants to make on this.

MS. VIZZINI:

The 10 million dollar project is typically for strengthening and improving County roads, which can occasionally include drainage. This particular project is dedicated to addressing the need for exclusively drainage.

LEG. ROMAINE:

I see Mr. Sabatino's here, if you'd like to comment, sir.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yes. Thank you for the opportunity, Legislator Romaine. As you recall, Mr. Anderson, who's Chief Deputy Commissioner for Public Works, when he testified on two occasions on the offset bill, both times identified this as a viable offset when we were considering the land acquisition offsets, because the funding was available in the second capital project. So what you see in front of you is just a recitation of what he had previously described.

And what happened at the last minute was a recommendation was made to appropriate the money anyway to try and free up a \$500,000 offset in the upcoming year. But that makes no sense, because the referendum, as you know, is going to make it more stringent in 2007 to get offsets, and the goal of the referendum was not to make it easier, but to make it more difficult to spend money. So doing the right thing would have been to utilize the \$500,000 as an offset for the land acquisition, not appropriate the money, pay for it from the 10.5 million dollars, which Public Works has identified as a viable project to pay for it, and then not open up another revenue stream or appropriation stream in 2007.

So we believe that this is a fiscally conservative sound thing to do and is consistent with the voter-approved more stringent regulations in 2007 on Capital Budget offsets.

LEG. ROMAINE:

Forgetting -- if I may, through the Chair, forgetting the sewer district, that's a separate issue, and just dealing with this, the only concern that I would have, is 10 1/2 million dollars sufficient to ensure road safety throughout the County? And I assume the Presiding Officer felt it wasn't and that's why he introduced a separate capital project just for drainage.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Public Works is comfortable with the 10.5 million dollars, including the \$500,000 that will be utilized from this fund. They don't have a problem. They recommended and supported the use as an offset. So I'm deferring to their expertise. I asked them a question on a repeated basis. When we were trying to put the offset bill together for land, this was one of those big tickets items that was eligible.

LEG. ROMAINE:

Can I be more blunt with your questioning? If this veto was overridden, will, in fact, Public Works spend the money for the drainage in 2007?

MS. VIZZINI:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

That will come down to circumstances. But what's going to happen is you're going to have \$500,000 more of pipeline debt in the budget, which Budget Review will then write about next May, is that we've got more pipeline debt. The pipeline debt is expanding exponentially, even though we don't need the money. So I would recommend that you sustain the veto, not open up the door to another Budget Review report criticizing all of us for having enormous amounts of pipeline debt.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

That's what Budget Review's role is, to criticize us, right?

D.P.O. VILORIA-FISHER:

And that's why they're rolling their eyes.

P.O. LINDSAY:

Go ahead. Budget Review wanted to say something?

MS. VIZZINI:

Just one comment, and that is that it was Mr. Hillman's testimony that the \$500,000 in '06 was not ready to move forward, but they would certainly be ready to move forward with \$500,000 in drainage improvement projects for '07. And this is not a sewer district project, so it doesn't fly in the face of the offset law. But I caution the Legislature that just as many, many projects at the end of this past year were used as offsets because of competing priorities and things that happen during the course of the year, that it is an alternative. We could move ahead with the 500,000 in '06 rather than lose it, and either spend or not spend the 500,000 in '07. The choice is yours.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Originally, when we adopted a capital project, and CP 5014 was part of it, we were told that that money was absolutely needed to resurface roads and do the repair that the people of Suffolk County put us in office to do. So I just find it a little bit weird to see these amounts of money sitting around, and whether we haven't spent them in a proper manner or whether we're thinking about using them for offsets at the last minute to buy property, which I thought was a fairly slick move, even though the end result, preserving property was something that was a credible goal to reach, we didn't have to do it the way we did it at the end of last year. This just proves that a lot of our comments were right on the money. If this \$10,500,000 was available as an offset, it could be a 10 million dollar offset in '07, rather than '06, because I don't think we closed on the property yet, that we had to go and do that emergency, whatever it was, song and dance that we had to do at the end of the year to come up with 20-something million dollars to buy property that I don't believe we closed on the property yet. I could be wrong, and maybe somebody could correct me if I am wrong, but I don't believe the property closed.

P.O. LINDSAY:

Mr. Sabatino, did you want to answer?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

As I had indicated to you at those -- at the last two meetings, there were three properties in question. One closed in the last week of December, the other two are going to close in the beginning of this month, only because there's a cash flow issue in terms of cutting the check. But if you didn't have the offsets and the appropriation in place, you wouldn't have been able to cut the check. And there was no way to find 23 million dollars starting in January of this year.

LEG. ALDEN:

Actually, I'll take exception to that statement, because in those amounts, there was plenty of money of properties that are scheduled to close later this year that haven't closed. We had testimony that there's 20 or 30 million dollars or more that could have been used for this. And then this year, when it would have been proper, we could look around for an offset for those properties, rather than go and do it the way we did it, like gutting projects that we all thought were very valuable and very important projects. We went and gutted those to go and doing something that we really didn't have to appropriate the money last year. As you just indicated, two out of three didn't close last year, they're going to close sometime this year. And there's plenty of money in that same pot that could have been used last year for those acquisitions, if all three of them closed, and even this year. And then we could look around, after you use up that money, you could look around for offsets. We didn't have to do a song and dance at the end of last year and gut a capital program. Because then my question is, why did we do the Cap Program if we're going to go fool around and use it as offsets to buy property with, and even fooling around with -- the people spoke pretty loud and pretty clear, I think, about using sewer offsets, and then we ended up going and doing that.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No. Thank you for the opportunity to once again repeat and set the record straight.

LEG. ALDEN:

And I'll set it --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Number one --

LEG. ALDEN:

I'll set it straight after you're done.

P.O. LINDSAY:

Okay, okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No. Thank you for the opportunity.

LEG. ALDEN:

No, you weren't the one --

P.O. LINDSAY:

Okay.

LEG. ALDEN:

I asked the question --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It's important, because misstatements are continuously put on the record.

LEG. ALDEN:

I don't think I asked you a question, actually. I think you answered my question and I think you're all done, as far as I'm concerned.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I'm going to respond to an accusation that you made, because the record is now tainted --

LEG. ALDEN:

I think you're all done.

P.O. LINDSAY:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

-- by a misstatement.

LEG. ALDEN:

Then you know what, hold a press conference.

P.O. LINDSAY:

Hold it, hold it, hold it, hold it, hold it, hold it, hold it. I'm going to recognize Mr. Sabatino to respond, please. Mr. Sabatino, short.

[COURT STENOGRAPHER - ALISON MAHONEY]

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay. Number one, no programs have been gutted. As we explained to you at the end of last year when we went through all of the assets, the Capital Budget process works in such a fashion that programs and projects have to be at the point where they're ready to progress before you spend the money. None of the offsets that were taken resulted in the termination or the gutting of any program; so once again, no programs were gutted.

Number two, with respect to acquiring the three parcels in question, we needed \$23 million to close on those transactions. We needed to have the appropriations in place to be able to write the checks before the end of the year; in this case, two of the three are going to be written in the beginning of the year only because of a cash flow issue, that's purely a function of the Treasurer and the Comptroller and the borrowing. So no misrepresentation was made with respect to, A, the timing of the closing or the need for the funding.

Point number three is the one that I made, again, at both of the meetings which is that the Capital Budget & Program are a blueprint. Every year at the end of the year we go through the whole exercise of some projects are ready to go, some projects are not ready to go. In past years, numerous projects did not have appropriations made. Nobody raised a voice about it, nobody said projects were being gutted, it's the normal process of how you implement a Capital Budget & Program.

P.O. LINDSAY:

Could I just jump in for a minute? I'm going to exercise the prerogative of the chair. The problem and what you're not addressing here is why weren't these used as offsets for that Land Acquisition Program two years -- two weeks ago before the end of the year? And when you say a project isn't gutted, when it isn't appropriated it dies, so the only way you can reinstitute that project is to put it in the following year's Capital Budget, which is 2008.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right and that -- to answer your first question, all of the items that were vetoed, plus some others that were not, all of the items that were vetoed plus some that were not were proposed as offsets in the December 5th legislation. And if you recall, in the spirit of compromise we worked with Legislators and certain offsets were pulled out because we wanted to get a bill that would approve a 23 million. We would have happily gone with the original proposal for the 23 which included items like the 500,000 here, the \$550,000 at Vanderbilt, the \$3.9 million for the road project in Legislator

Eddington's district, there were a whole variety of projects but in the spirit of compromise we said we wanted to come together, find a common ground to move the land projects forward, and we did that.

So what you're seeing today, though, is that we're being consistent because we're saying these were items that were eligible as offsets in the beginning of December, we still believe that they're eligible and, in effect, we don't want to -- we don't want to double appropriate those monies because we know, based on historical experience -- and I'm not criticizing BRO, but they rightfully, correctly write these reports every May talking about pipeline debt is increasing experientially and it's an implicit criticism of all of us that somehow we've lost control of the Capital Budget process and we're just trying to put a hold on that. Plus, number two, there is a new referendum in place with new stringent requirements and, in effect, to say we're going to postpone this \$500,000 in to the upcoming year to free up an offset, we believe kind of circumvents what the purpose of the statute was.

P.O. LINDSAY:

The legislation you're alluding to doesn't address this at all, it talks about using sewer projects as an offset for general construction projects; you're talking about apples and oranges, Paul.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, it's not apples and oranges because --

P.O. LINDSAY:

Yes, it is. I beg to disagree.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The whole goal of the referendum is to make it more difficult to increase the Capital Budget during the course of the year.

P.O. LINDSAY:

I'm the one that proposed the referendum, so I should know what I proposed.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I know, and we worked --

P.O. LINDSAY:

It had nothing to do with the general obligation of our construction debt, it had to do with using offsets from sewer projects that weren't the obligation of the general taxpayer or the obligation of the sewer district taxpayer to fund, or to find an offset to fund a general obligation debt.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Right, and the net effect of that would be to be able to drive up the Capital Budget by more than otherwise would be the case. If you try to take an unnecessary 2006 Capital Budget appropriation to free one up in 2007, you're getting to the same place.

P.O. LINDSAY:

I guarantee you, before 2007 is up you guys will be looking for an offset for something and you had valuable offsets here that you don't want to use. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I need to ask BRO, I guess, just some procedural questions here. We just got the Capital Budget handed out to us and I'm looking at 5014 and it references this 10.5 from 2006, correct? All right, so that was a Capital Fund that was established. If -- I recall working with the chair when we went through this whole Capital Program and that is for road resurfacing.

MR. REINHEIMER:

Correct.

LEG. KENNEDY:

And we had indicated that there was an inability with prior year appropriations which usually went in the amount of 500 million.

MS. VIZZINI:

Five million.

LEG. KENNEDY:

Five million, I'm sorry. Did we do any road resurfacing this year? In 2006, for all intent and purposes, DPW was rendered inoperable for about seven or eight months due to the asphalt cartel litigation, I believe, and we let no contracts and did not paving; is that correct?

MS. VIZZINI:

Unfortunately, we were involved with the asphalt cartel, so that stopped whatever normal progress we might have had which would have at least historically been three or \$4 million.

LEG. KENNEDY:

So what, if anything, was done out of this amount at this point?
What of the 10.5 has been expended at all, or committed?

MS. VIZZINI:

We'll check it.

LEG. KENNEDY:

Do we know?

D.P.O. VILORIA-FISHER:

She said they're checking it.

P.O. LINDSAY:

I think it's like five million.

LEG. KENNEDY:

Is it five million?

P.O. LINDSAY:

About half of it is expended.

LEG. KENNEDY:

Okay. There's another five million in this for '07, if I'm able to read this thing properly; is that correct?

MS. VIZZINI:

In 5014, yeah, strengthening and improving County roads. There's two projects, there's the resurfacing, strengthening and improving County roads which is the 10 million that you're talking about. In '07 there is five million, 5.5 million for that. One of the things that is included in that is drainage and curbing, but it's primarily resurfacing. There's a separate -- and has always or in most recent years been \$500,000 exclusively for drainage.

LEG. KENNEDY:

That's got nothing to do with roads or that is --

MS. VIZZINI:

Well, it's drainage on roadways, but it's specific for drainage.

LEG. KENNEDY:

The veto in front of us and the funding that's in front of us, if we were to override the Exec's veto and DPW was in the position to go ahead and do the work -- and I think similar to what my colleagues are saying, one of the issues in the elements here is we adopt these amounts and we speak about this natural course of projects in their lifetime. Projects have a life because they have the resources committed in the first instance; the engineering, the surveying and all the spec work that's necessary. If we pass this, will the department then embrace that mission to allow it to go forward; that's the question.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

That's not the question. The first question is you're mad at -- you know, be mad at the cartel if the work didn't get done, but don't be mad at me because work didn't get done because there was bid-rigging scheme out there, number one. Number two --

LEG. KENNEDY:

It's not an issue of mad or not mad, Paul, it's an issue of asking or finding out what, in fact, has occurred with the '06 appropriation and in the '07 and as far as what funding is available to do this work that the Exec says can be done in here. But the more fundamental question is is there a willingness or the resources or the direction to the department to do the missions that we pass in the first instance?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

But the work's going to go -- that's not -- the work is going to go forward. I mean, implicit in your comment was that somehow I'm responsible for the cartel holding up the projects.

LEG. KENNEDY:

Not at all. Not at all.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Fortunately, we've put that behind us.

LEG. KENNEDY:

I didn't imply anything to you at all.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I just want to clarify the record on that, and we are going to progress and go forward. But Public Works, the experts, the engineers, the guys that we have to rely on for their technical expertise are telling us that they can do the projects, they've got the \$500,000 that's covered in the \$10.5 million, we don't -- it's basically an unnecessary appropriation.

I understand, in a perfect world you like to appropriate everything, but we live in an imperfect world and part of the imperfect world is that we can't have everything all the time at the same time. Number two, I repeat -- and again, it's not a criticism -- but every year we get the report and it says, "Pipeline debt is going up experientially in Suffolk County." It makes us look bad in the credit markets, it has some kind of an impact on the issuance of our bonds. If our experts are telling us they don't need the \$500,000, why would we appropriate it and take on that additional burden of having another \$500,000 in the pipeline when we're not going to need it?

You know, the same thing applied to the other vetoes. And again, it's not a criticism, but the Vanderbilt Project is going to happen in 2008, it would be put in to the Capital Project if the veto had been sustained for 2008, but you've got to time your appropriations. You've got to time your expenditures, you've got to time your work in accordance with what the reality is in the workplace. And if a project is not going to happen until 2008 but the intermediary steps are happening in 2007, you don't need to appropriate the additional money that you don't need until 2008 in 2007. This is

just like -- it's like a logical, smart management, incremental approach to implementing a Capital Budget. And quite frankly, prior to three or four weeks ago, it was really never considered to be a debatable point because lots of Capital Projects didn't get appropriated at the end of the year and the world didn't end, that just happens to be historical reality.

LEG. KENNEDY:

Mr. Chair, I'm going to yield after I reply, just to a couple of points. A, I don't like to appropriate everything; B, I took issue with the jail grab two years ago, so I don't look to go ahead and participate in the end of the year sweep at all; and C, I agree if there's a logic to go ahead and veto this, but I question the resolve or the wherewithal of the department to go ahead and implement anything that we go ahead and adopt. I'll yield.

P.O. LINDSAY:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, but that's a gratuitous comment that's not based on any kind of a solid foundation because, again, you're using the cartel as the predicate for why the project didn't happen.

P.O. LINDSAY:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I don't control the cartel.

P.O. LINDSAY:

Paul, let's -- before I recognize Legislator Romaine, I should point out to my colleagues that Counsel has pointed out that this is a 14 vote because it was 14 votes initially because it was changing the funding. Legislator Romaine.

LEG. ROMAINE:

Yes. The original resolution was to appropriate money for Capital Project 5024. We all have our Capital Projects in front of us today, fortunately, and on page 112 it spells out the funding and it also talks about the program description. "Numerous drainage structures and culverts on County roads have severely deteriorated. This magnitude of the problem is beyond the capability of in-house personnel to repair, therefore, the project will require continued funding. Operating Budget impact; there is a positive operating budget impact as maintaining County drainage systems helped to mitigate costly reconstruction at a later date." And then you go and take a look and in 2006 there's \$500,000 in the Capital Budget; planned for 2007, 500,000 more; in 2008, \$500,000 more; 2009, \$500,000 more; subsequent years, \$500,000 more.

It seems and maybe -- and I'm addressing my comment at Paul because he's very knowledgeable, but it would seem that every year where we've decided in our Capital Program we need about a half of million dollars to take care of drainage on County roads. Now, the County Executive vetoed the Presiding Officer's motion or resolution to appropriate the 2006 money because it came at the end of the year and the feeling -- actually, I thought taking it from the ten and a half million probably wasn't a good idea. Probably what you could have said is, "We didn't get to it in 2006, come forward with a resolution to appropriate the 2007 money and we'll spend the 500,000 in 2007, and okay, we didn't get to it in 2006"; I thought that might have been a better argument, but I'll listen to your response.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I think what you're pointing out kind of strengthens the argument I'm making which is that the world changes. In general, it's nice to have \$500,000, you know, allocated on a per year basis, but intervening events occur. I mean, for example, we appropriated a lot of money, I think 12 or \$13 million for a juvenile detention facility years ago and the project couldn't materialize because of

some intervening event. Should we now be criticized because, you know, we're not going to use the \$13.7 million and want to cancel it? Well, the same situation occurred here. For reasons that were outside of our control, we were unable to expend the full \$10.5 million during the course of the year. Our Public Works people come to us at a time when we're trying to expand funding for land acquisition but without having an adverse impact on our overall debt service by trying to find offsets that can match it dollar-for-dollar, we were trying to stay away from the sewer district offset as much as possible. But again, we had to work out a compromise in between, so the world changed a third time.

LEG. ROMAINE:

Paul, I understood all your arguments.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

But -- let me finish. But the fourth -- so in the fourth shot we still have a chance, though, to do the right thing which is to try to drive down the amount of that sewer district offset that we used for land, and based on Public Works saying, "The world changed, we don't need the 500,000," it's a legitimate offset and we would encourage you to sustain the veto and not put that money in to the pipeline debt that we talked about before.

LEG. ROMAINE:

I hear you, but there was also \$500,000 in 2007 for drainage improvements. So if we didn't appropriate this money, if we sustained the veto, it doesn't mean that that 500,000 that's budgeted for 2007 won't be spent; is that correct?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, what it's saying to you is that if you sustain this veto, that \$500,000 will be potentially available if it becomes necessary, okay? If you sustain the veto it will be available. Can I guarantee you that we'll have to use it? I don't know.

LEG. ROMAINE:

Thank you. That's all I need. I'm concerned about overhead debt, like you and --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We're on the same page on that, absolutely. That's the only reason we vetoed the bill.

LEG. ROMAINE:

You made the argument. Thank you.

P.O. LINDSAY:

Okay. Legislator Alden, is there anything more to be said?

LEG. ALDEN:

Well, I just find this interesting because I wish I had brought it, I have it laying on my desk because I went to a meeting of this Legislative body, it was a Special Meeting right before Christmas, 19 -- oh, 2005, where the exact opposite was put on the record by the same person that was just up here about why we should actually appropriate \$100 million that we weren't going to spend in '05 and we didn't spend it in '06 and it's questionable that we're going to spend it in '07. So I just -- I find it interesting. What I'd like to do is maybe at the next meeting I'll bring it and read it into the record or something.

P.O. LINDSAY:

Okay. Mr. Clerk -- would all Legislators come back to the horseshoe, please, for a roll call? Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. LOSQUADRO:

Present.

P.O. LINDSAY:

No, no; yes or no.

LEG. LOSQUADRO:

I thought you were waiting for people to come back in.

P.O. LINDSAY:

No, no.

LEG. LOSQUADRO:

Yes to override.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Pass.

LEG. EDDINGTON:

(Not Present).

LEG. MONTANO:

Pass.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No to override.

LEG. COOPER:

No to override.

D.P.O. VILORIA-FISHER:

No.

LEG. SCHNEIDERMAN:

No.

LEG. CARACAPPA:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

MR. LAUBE:

Six.

D.P.O. VILORIA-FISHER:

Mr. Clerk, change my vote to a yes, please.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay, the override fails and it negates the bonding veto, so there's no sense of taking a vote on that. ***So 1529, the veto is also sustained.***

Okay, ***1530-06 - Amending the 2006 Capital Budget & Program and appropriating funds in connection with traffic signal improvements (CP 5054).*** How many votes on this?

MR. NOLAN:

Fourteen.

P.O. LINDSAY:

Fourteen as well. I'll make a motion to override. Do I have a second?

LEG. KENNEDY:

Yes, I'll second.

P.O. LINDSAY:

Second by Legislator Kennedy. Any discussion? Roll call.

(*Roll Called by Mr. Laube - Clerk*)

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Pass.

LEG. CARACAPPA:

No.

LEG. LOSQUADRO:

Yes to override.

LEG. EDDINGTON:

Pass.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes to override.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. EDDINGTON:

No.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay, the override motion fails, *the veto has been sustained which --*

MR. LAUBE:

That's six on that vote.

P.O. LINDSAY:

-- negates the vote on 1531 which is the accompanying Bond Resolution, so that's sustained as well.

1532-06 - Appropriating funds in connection with the construction of sidewalks on various County roads (CP 5497). Again, 14 votes?

MR. NOLAN:

Twelve.

P.O. LINDSAY:

Twelve votes, okay. I'll make a motion to override.

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

Second by Legislator Kennedy. Any discussion?

LEG. CARACAPPA:

This is 1532, Mr. Chairman?

P.O. LINDSAY:

Yes. Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Pass.

LEG. LOSQUADRO:

Yes to override.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. CARACAPPA:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay, the override motion fails, *the veto has been sustained which negates the need to address 1533 veto, the accompanying Bonding Resolution.*

I believe that concludes the vetoes?

MR. NOLAN:

That's it.

P.O. LINDSAY:

Okay. The next thing is late starters. I'll make a motion to waive the rules and lay on the table --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro, the following resolutions; 1008 to Public Safety; 1009 to Ways & Means; 1010 to Health & Human Services.

LEG. ROMAINE:

Mr. Chairman? Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Could I be listed on that? I think we had a discussion listing me as the cosponsor with you as the sponsor on that?

LEG. SCHNEIDERMAN:

Myself as well, too.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Mr. Clerk, would you please --

MR. LAUBE:

That's IR 1010?

P.O. LINDSAY:

1010, Legislator Romaine and Schneiderman.

D.P.O. VILORIA-FISHER:

Oh, me, too.

P.O. LINDSAY:

And Viloría-Fisher. IR 1011 to Ways & Means; 1012 to Public Safety; 1014 to Budget & Finance; 1015 to Parks; 1016 to Ways & Means; Procedural Motion 1-2007 to Economic Develop, Education & Energy.

MR. NOLAN:

You missed this one.

P.O. LINDSAY:

And I missed one like I always miss one, 1013 to Budget & Finance.

Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. MYSTAL:

Motion to adjourn.

P.O. LINDSAY:

We have no other business. I will be happy to entertain a motion to adjourn.

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern and I'll second the motion. All in favor? Opposed? Abstentions? We stand adjourned.

*(*The meeting was adjourned at 4:15 PM*)*

{ } Indicates spelled phonetically