SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

January 2, 2008

THE ORGANIZATIONAL MEETING WAS HELD AT THE

WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM,

725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

Minutes Taken By:
Lucia Braaten & Alison Mahoney - Court Stenographers

Minutes Transcribed By:
Kimberly Castiglione & Alison Mahoney

(*The following was Taken by Lucia Braaten - Court Stenographer & Transcribed by Kim Castiglione - Legislative Secretary*)

(*THE MEETING WAS CALLED TO ORDER AT 1:28 P.M.*)

ACTING CHAIRMAN LINDSAY:
Mr. Clerk, are you ready to the call the roll?

MR. LAUBE:
I am.

ACTING CHAIRMAN LINDSAY:
Call the roll.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)

LEG. ROMAINE:
(Not present).

LEG. SCHNEIDERMAN:
Present.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
I am 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.

LEG. ROMAINE:
Present.

MR. LAUBE:
18.

ACTING CHAIRMAN LINDSAY:
Thank you very much. Could everyone rise for the Presentation of the Colors? The colors are being presented today by the Holbrook Fire Department.

(*PRESENTATION OF THE COLORS*)

The Colors were brought in by Chief {Vedder} of the Holbrook Fire Department. Now I'd like to ask Phil Lorito from the Veterans
of Foreign Wars, the Taylor Post 9486 in Ronkonkoma, who is the past commander to say the Pledge of Allegiance.

SALUTATION

Thank you, Commander Lorito. And if you would remain standing for our Star Spangled Banner by the daughter of Legislator Kate Browning, Aoife Browning from Fort Collins, Colorado.

(*THE STAR SPANGLED BANNER WAS PERFORMED*)

Thank you very much, Aoife. Isn't it great to have that kind of talent in your family? My kids are lucky if they can hum. And if you'll remain standing for our visiting clergy. I know today is a day that's filled with dignitaries in our audience, but our clergy is also a dignitary as well. It's Rabbi Steven Moss, who we all know for his work in the County. He is certainly the head of our Human Rights Commission and the Antibias Task Force and a chaplain to our Police Department and has been long time the spiritual leader of B'nai Israel Reform Temple in Oakdale. That's in my district.

But what some of you might not know is this year, Rabbi Moss was named Rabbi of the Year by the New York Rabbinical Council, which is a very prestigious position. And I can't think of anybody who deserves it more than Rabbi Moss.

APPLAUSE

RABBI MOSS:
Thank you, Bill. Let us join together in prayer at this very significant and important moment. At the beginning of the New Year, 2008, we ask your blessings, Dear God, upon all gathered here. May

2008 be a year when the dark clouds of war, terrorism, fear, poverty, devastation that hang over so many places throughout the world be dispelled so that people can have the hope that tomorrow can be better than today. Guard the many men and women who serve in the Armed Services throughout the world, and may we be blessed to know that with peace some day, God willing, that they will return to us.

May this be a year when we here in Suffolk County can see all people regardless of race, color, gender, religion, religious practice, sexual orientation, national origin or ethnicity join together to identify problems and work as a united front to bring about solutions. And as this day we have gathered to inaugurate this new Legislative year here in Suffolk County, we surely ask your blessings upon these 18 Legislators. We pray that these men and women as they deliberate in this room and in their committees always be mindful of the quality of life of the residents of Suffolk County, and may all that they do be done to affect it in a positive way.

May they be imbued with wisdom for the decisions that they will make this day and everyday, may their hearts be filled with the sensitivity and care for all the citizens of our County, their needs, their hopes, and their dreams. And may their souls always be open to your ultimate law, Dear God, a law that transcends all the separateness that can divide us and unites all in a oneness, the oneness of humanity through the oneness of God.

And surely we ask your blessings upon this soon to be elected Presiding Officer, Bill Lindsay. During his previous term as Presiding Officer, he has shown an innate talent to bring all parties together to tackle the many issues that come before this body. He has shown wisdom, compassion and strength. And may he continue to be blessed with these qualities as the work is surely not over, for there is much more to be done. Bless him and the Deputy Presiding Officer with success, for their success is ours as well.

Dear God, we open our hearts and souls to you, the source of all life. Sustain us and bless each one of us, our families, loved ones and communities with health, happiness, peace and surely love that is eternal. And let us Amen.

AMEN SAID IN UNISON

ACTING CHAIRMAN LINDSAY:
Thank you very much, Rabbi Moss, I appreciate it. And I am going to ask your indulgence for -- to remain standing just for a few more minutes for a moment of silence for all of our former Legislators who have passed away, and especially for our former Presiding Officer, Joe Rizzo, who passed away in November, and some special prayers for those former Legislators who are ill, including Herb Davis, Anthony Bivona and Sid Askoff, and our continued prayers for both those who are now serving in our military and those who have lost their lives serving our country.

MOMENT OF SILENCE OBSERVED

You can be seated. It's my pleasure to introduce the Honorable Suffolk County Clerk, Judith A. Pascale for the purpose of giving the Oath of Office to all Legislators.

MS. PASCALE:
I'd ask you all to stand.

LEG. ALDEN:
He just said we could sit down.

MS. PASCALE:
He said you could sit. I'd just like to add my congratulations to each of you and thank you for the support you've given the Clerk's Office during my first year as Suffolk County Clerk. So I'm going to ask you to raise your right hand and repeat after me.

(*OATH OF OFFICE ADMINISTERED TO ALL LEGISLATORS BY SUFFOLK COUNTY CLERK JUDY PASCALE*)

Congratulations.

APPLAUSE

ACTING CHAIRMAN LINDSAY:
You'll just have to bear with us for a minute to sign the book that makes it official, and then Judy is going to give us a report on who said, "Where you state my name, say my name instead of your name."

Okay. I think everybody signed, Madam Clerk. And Legislator Kennedy was the last one to sign; how did I know that?

Okay. Mr. Clerk, would you please read the Special Meeting notice?

MR. LAUBE:
Please be advised that the 38th Annual Organizational Meeting of the Suffolk County Legislature will be held on January 2nd, 2008, at 1:30 p.m. 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 purpose. One, administration of the Oath of Office to the County Legislators; two, election of the Presiding Officer; three, administration of the Oath of Office for the Presiding Officer; four, election of the Deputy Presiding Officer; five, administration of the Oath of Office to the Deputy Presiding Officer; adopting of the Rules of the County Legislature; seven, appointing the Clerk of the County Legislature; eight, appointing the Chief Deputy Clerk of the County Legislature; nine, appointing the Deputy County Clerk of the County Legislature; ten, appointing Counsel to the Legislature; eleven, appointing Director of the Legislative Office of Budget Review; twelve, adopting a schedule for regular meetings of the County Legislature; thirteen, designating depositories pursuant to Section 212 of New York County Law; fourteen, designating an official County newspaper; fifteen, designating an official County newspaper; sixteen, designating official local County newspapers -- local newspapers; seventeen; presentment of veto messages and consideration of same, if necessary; and eighteen, to lay bills on the table.

ACTING CHAIRMAN LINDSAY:
Thank you, Mr. Clerk.

MR. LAUBE:
You're welcome.

ACTING CHAIRMAN LINDSAY:
Now that the meeting notice has been duly read and we've been sworn in for another term, I'll call this meeting officially to order. And I want to welcome all of our past Legislators in the audience. It's really nice that you could take the time to spend the afternoon with us.

APPLAUSE

I know some of you are still very busy people, so early in our program today we're going to have a picture of the old Legislators as well as the new Legislators.

LEG. NOWICK:
Former Legislators.

ACTING CHAIRMAN LINDSAY:
Former Legislators, not old. Thank you very much, Legislator Nowick. I appreciate that. I

appreciate those words. The first order of business is to elect a Presiding Officer for the next year. And, no, you can't elect Lou Howard. I recognize Legislator Browning for the purpose of a nomination.

LEG. BROWNING:
I would like to nominate Legislator Bill Lindsay for Presiding Officer. Would you give me a second on that?

P.O. LINDSAY:
Thank you very much.

LEG. NOWICK:
I would like to make a second. If I may have your indulgence for a minute.

P.O. LINDSAY:
Sure.

LEG. NOWICK:
Throughout the Legislative sessions, we will make hundreds and hundreds of seconds to many, many different pieces of -- many pieces of resolutions. Today, I would like to second a motion that will set a positive tone for the entire year. Bill Lindsay is one of the hardest working Legislators that I have had the privilege to work alongside. He attends countless committee meetings. He's a powerful presence at the horseshoe, devotes incredible energy to his constituents, and even finds time to play a round or two of golf with fellow Legislators in the summer. And, of course, being a politician, he almost let me win once. Wait. Or is it I'm the good politician, and I almost let him win once?

As Presiding Officer, Bill has brought a true sense of democracy and bipartisanship as leader. Where once the Suffolk Legislature was referred to as the "Wild Wild West," it is more now the mild, mild, best. If you have a cause, Bill works right alongside of you, and if a stand needs to be taken, Bill epitomizes the role as leader as he speaks from his heart on issues that are important to this body. And I guess what I value most about Bill is his sense of decency, and of course, his friendship. It is my honor to second the nomination of Bill Lindsay to serve as Presiding Officer for another term.

APPLAUSE

P.O. LINDSAY:
Thank you very, very much. That was very nice. I recognize Legislator Stern for the purpose of a second.

LEG. STERN:
Thank you Mr. Presiding Officer. This is really a pleasure for me to second the nomination for Legislator Lindsay to serve as our Presiding Officer once again. Not only is he an outstanding colleague to all of us, but so many of us consider him a mentor and most importantly a friend. He is a true example of an outstanding Legislator and representative, not only for his Legislative District, not only for this body, but for all of us who reside in Suffolk County. It is my great privilege to second the nomination for Bill Lindsay to serve once again as our Presiding Officer.

P.O. LINDSAY:
Thank you very much.

APPLAUSE

I recognize Legislator Browning.

LEG. BROWNING:

I would like to tell you why I'm nominating Bill Lindsay to continue serving as the Presiding Officer of the Suffolk County Legislature. Two-and-a-half years ago, when I was campaigning for the first time, a very wise man told me, a bus driver at that time, "Don't let them intimidate you." That man was Bill. And Bill, I don't, and I'll thank you for that advice.

Over the past two years, Bill has been a mentor, a friend and a true leader. There's many things I like about Bill Lindsay; I respect that he was once a union leader who fought hard for the membership of Local 25, he understands the struggles to make ends meet among working families, and consequently, he knows the need to fight for working families here in Suffolk County. Suffolk County residents need to know the Legislature is made up of many different people, not just professional politicians who are out of touch. Bill Lindsay's in touch and brings that working class perspective to Suffolk County Government.
Presiding Officer Bill Lindsay has displayed professionalism, working in a bipartisan fashion, and has maintained and protected the independence of the Suffolk County Legislature.

Finally, the most important thing that everyone should know about Bill is what you see is what you get. He is a real down to earth guy who's a very strong leader. Bill, I'm proud to nominate you for Presiding Officer again. And thank you for being you.

APPLAUSE

P.O. LINDSAY:
Thank you very much, Legislator Browning. Does anybody else wish to be recognized? Mr. Clerk, seeing none, would you please call the roll?

(THE ROLL WAS CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

P.O. LINDSAY:
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.

MR. LAUBE:
18.

APPLAUSE

P.O. LINDSAY:
Thank you very much. I really appreciate the vote of confidence. Thank you.

APPLAUSE

The Oath of Office to the Presiding Officer is going to be given by our former colleague and currently a Suffolk County Judge, Andrew Crecca, the Honorable Andrew Crecca. And I'd like my family to join me.

(*OATH OF OFFICE ADMINISTERED TO PRESIDING OFFICER WILLIAM LINDSAY BY SUFFOLK COUNTY CLERK JUDY PASCALE*)

HONORABLE CRECCA:
Congratulations, Bill.

P.O. LINDSAY:
Thank you very much.

APPLAUSE

P.O. LINDSAY:
Before we continue with today's agenda, I just wanted to make a few comments. First of all, I'd like to thank you all very much for the warm reception in this auditorium and for the show of support from my colleagues. I can't adequately express the gratitude I feel towards my fellow Legislators for the trust you've placed in me for the third year in a row.

I'm truly humbled and am very thankful by this great honor. As you just witnessed, my family is in

the audience and I want to thank them for sharing this day with me and for being such a huge part of my life. Much of who we are in life is defined by our families and the values that we share, and this is certainly true in my case. Thank you very much, family, for being with me today.

APPLAUSE

In addition to today being our Organizational Meeting, it's also Legislative Appreciation Day. And we have several former Legislators in the audience. In a few minutes I'm going to call on them and give them a small momento from this Legislature for their years of service to the citizens of this county. Don't worry, it's not a proclamation. We all owe a great deal of thanks to the Legislators that preceded us for not only the landmark legislation that started in this chamber and has been emulated around the State and the country and really around the world. I read with interest yesterday that the Nation of France yesterday implemented a smoking ban in restaurants. That started in this chamber. But also for the traditions of this institution that truly make it unique.

I'm very proud to be a Suffolk County Legislator and the Presiding Officer of this august Legislative body. It's quite amazing how time marches on and the people and the party affiliations change around this horseshoe. But the innovative legislation continues from generation to generation; from the bottle bill that really started the recycling era around the world to the Land Preservation Program, to the cell phone ban, right up to the present time. We are currently in negotiations with some of the major oil companies over the MTBE lawsuit. It's my hope that we can bring that to a successful conclusion soon. I guess it was six-and-a-half years ago, when the lawsuit was proposed by Legislator Alden and we were taking public testimony about the bill. And I remember quite vividly one of the speakers who testified mocking this body for thinking we could take on the oil industry. They're not mocking us now. Since we started this lawsuit, we've been joined by counties and cities and states around the country. And they are at the table wanting to settle this.

This Legislature is really quite different from many other Legislative bodies. We're certainly different from the Nassau Legislature to our west and our State Legislature. We've been described with adjectives like crazy and wild and independent and a few others that I wouldn't want recorded on the transcript. Sometimes this body votes along party lines, sometimes the divide is between the Legislative Branch and the Executive Branch. More often than not, coalitions form around issues and are bipartisan in nature. Are we wild and unpredictable at times? You bet. It's called democracy, and I repeat I'm proud to be part of it. And we'll defend it against all critics, and I'll thank our Forefathers for this great heritage that you've left us.

Now, if I could turn the page, there we go. Before being elected Presiding Officer two years ago, I served under three other Presiding Officers. And it's interesting to see how some of them view their roles as the head of this body. Some tried to promote an agenda that was based on their own beliefs. I have a different view, although I certainly have my own agenda as an individual Legislature -- Legislator. But as the Presiding Officer, I feel my job is to put in place the policies that are the will of the whole.

2007, in my opinion, was a good year. We worked together as a group. We continued the heritage of producing landmark legislation with a limited number of partisan squabbles. It was also a good year in terms of our relationship with the Executive Branch. 2007 was memorable in a number of different areas. On the environment, we passed the largest environmental bond issue in the history of this County. It was spearheaded by the County -- by County Executive Levy, and Legislator Cooper was the prime sponsor in this body. Legislator Horsley sponsored legislation that for the first time created a recycling program for plastic bags that you get in supermarkets. Legislator Losquadro sponsored legislation requiring County vehicles to use biodiesel fuels. And just two weeks ago, we passed a County Executive sponsored bill which relied heavily on input from months of work by the Legislature's Homestead Assist Task Force chaired by Vivian
Viloria-Fisher to reduce the amount of fertilizer that goes into our groundwater.

In terms of child protection, Legislator Nowick sponsored first-of-its-kind legislation that prohibits

the sale of cough medicine with DXM to minors. Legislator Browning continued her quest to monitor and restrict sex offenders in our communities with the passage of legislation that allows our Police and Sheriff's Department to continue to monitor the whereabouts of sexual predators. And the legislation we just passed two weeks ago, that would prevent sex offenders from being housed in general population emergency shelters in case of a disaster in our County.

Also, at the last session, Legislator Montano sponsored a Social Host Law in our County that was just signed into law by the County Executive. And about six months ago, Legislator Eddington sponsored a bill that was signed into law that required motor vehicle dealers to release vehicles only to licensed drivers. 2007 marked the first time that the Legislative Branch administered the member items, which are now referred to as Community Support Initiatives. We processed 275 Legislative grants successfully with existing staff and valuable staff in the Executive Branch, thus saving the County hundreds of thousands of dollars. In 2007, we implemented legislation that was sponsored by Legislator Binder more than seven years ago to audio stream Legislative meetings in real time on the internet.

As we look to 2008, at the February 5th Meeting, we'll be hearing a report from the Clerk's Office and Budget Review on the costs and assessment of videoing our meetings to our citizens. That will be up to us to decide if we want to go forward with this initiative. The legislation to advance the report was sponsored by Legislator Romaine. The long awaited Charter Revision Commission is ready to start their work.

Also in 2008 I will push an initiative to reduce the amount of paper that the Legislature uses. In the 2006-'07 session, this body used 4.7 million pieces of paper. Effective immediately, I've directed the Clerk to transmit electronically the past session report, vetoes and corrective copies to all Legislators and other interested parties. In a few minutes we'll be dealing with our rules. It will be proposing a rule change that will allow Legislators to opt for electronic copies of all proposed bills or what we commonly refer to as "the packet," Certificates of Necessity, CN's and late-starters. I hope you'll vote for the rule change and opt for the electronic transmission. Over the last two years, just an observation, almost everyone now follows the agenda and subsequent bills on the laptop computers rather than the old looseleaf binders.

Our goal over the next two years is to cut the amount of paper we use in half, saving 600 trees and an estimated tens of thousands of dollars. And while we reduce our paper use, we will simultaneously begin an aggressive paper recycling program here in the William H. Rogers Legislative Building. For every ton of paper that we recycle, 17 trees will be saved, 460 gallons of oil will be conserved and eight cubic feet of landfill space will be saved. We'll participate in the Save The Office Paper or STOP Program first introduced in Suffolk by County Executive Levy in the Dennison Building. We're all set to collect and recycle copied paper, envelopes, pamphlets, brochures etcetera, and in the year ahead we will work to expand the program to the district offices.

We just finished a very hard-fought election process that unlike two years ago returned 17 of the 18 incumbents, incumbent Legislators. The one missing face, just at the horseshoe, he's in the audience, is Joe Caracappa, who was term limited. This marks the first time in 25 years that there is not a Caracappa at this horseshoe. We wish Joe well and we know that he'll be a frequent visitor again as a representative of the Sheriff's Department. And -- but we'll miss his leadership here.

I welcome a dynamic young man as our newest member, Brian Beedenbender, and they spelled the name right in my copy, by the way. Brian is not a stranger to us. He has been in our presence for the last three years as the County Executive's representative. The message today to the 18 of us is that the elections are over, and it's time to put aside the partisan election battles and get down to the people's business, which I know we will.

In conclusion, I would be remiss if I didn't recognize and thank all the people behind the scenes that make this place work; the Counsel's Office and George Nolan to my right, some very capable hands on his staff. In 2007, we introduced 411 pieces of legislation, that doesn't count the legislation that

came from the County Executive's Office, that was just introduced here that they drafted. Gail Vizzini, the Director of Budget Review and her staff for all their hard work over the year. Allan Fung and the technicians for dragging us into the twenty-first century. Tim Laube and Renee Ortiz in the Clerk's Office and your staff. I think we are only one of two counties in the State out of 63 counties that make verbatim minutes available to the public. Two years ago there was a bit of a backlog, but they've cleared that up. Tim has done a great job to modernize the Clerk's Office and Tim and Renee are the ones that developed the paper reduction program.

And last, but certainly not least, I want to thank my staff in the Presiding Officer's Office for keeping things running smoothly here, as well as my district office staff and keeping my constituents satisfied while I get bogged down in Hauppauge. Now that I've thanked everyone, let's go to work.

APPLAUSE

P.O. LINDSAY:
The next order of business is to elect a Deputy Presiding Officer, and I recognize Legislator Cooper for the purpose of a nomination.

LEG. COOPER:
Thank you, Presiding Officer Lindsay. I would like to nominate Elie Mystal for the position of Deputy Presiding Officer. Legislator Mystal may be known mostly for his reserved demeanor and his sometimes extremely dry sense of humor. I, however, have come to know Elie over the years for his compassion, his deep dedication to his constituents, and his broad institutional knowledge of the workings of the Suffolk County Legislature. I'm honored to consider Elie as one of my good friends, and I'm proud to nominate him for the position of Deputy Presiding Officer.

I also know that Elie's dearly departed life partner, former Legislator and Presiding Officer Maxine Postal, is looking down on him today with tears of joy in her eyes. So it's with my great pleasure and honor that I nominate Elie for the position of Deputy Presiding Officer.

APPLAUSE

P.O. LINDSAY:
I just would like to add something to that. Not only tears in her eyes, but a finger wagging at him, too.

LEG. COOPER:
Touché.

P.O. LINDSAY:
Next I'd like to recognize Legislator Montano for the purpose of a second.

LEG. MONTANO:
Thank you. Mr. Presiding Officer. I would like to second the nomination of Legislator Elie Mystal for the position of Deputy Presiding Officer. I have known Legislator Mystal, Elie, for many years. I've worked with him. We've agreed on many issues and we've done battle on other issues, but at the end of the day Elie brings to this Legislature years of experience, some as a Legislator, but many years working behind the scenes and as Chief of Staff to Legislator Postal. He represents a district like mine, which is diverse in population and character and issues and he understands and appreciates the many issues that confront him as a Legislator in that district, and I'm confident that he will fulfill the duties of Deputy Presiding Officer in a distinguished and proper manner that will bring further honor and respect to this institution. So I am pleased to second the nomination for Legislator Mystal.

APPLAUSE

P.O. LINDSAY:
Is there anyone else who would like to be recognized? Seeing none, in front of you is **Introductory Resolution No. 1, Appointing the Deputy Presiding Officer of the County Legislature.** Mr. Clerk, would you call the roll?

(*Roll Called by Mr. Laube - Clerk of the Legislature*)

LEG. COOPER:
Yes.

LEG. MONTANO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
No.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

P.O. LINDSAY:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
For Babylon, yes.

LEG. MYSTAL:
Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:
Yes.

MR. LAUBE:
17.

APPLAUSE

P.O. LINDSAY:
Congratulations. Would you please come forward for the Oath of Office.

HONORABLE CRECCA:
Legislator Mystal, if you'd raise your right hand.

(*OATH OF OFFICE ADMINISTERED TO LEGISLATOR MYSTAL BY THE HONORABLE ANDREW CRECCA*)

HONORABLE CRECCA:
Congratulations.

P.O. LINDSAY:
Just so we don't ruin our impression with our former Legislators here that think everything is smooth as silk, we're going to go into a ceremony for Legislative Appreciation Day before we continue with our agenda. And as I call off your name maybe you could just stand and then what we're going to try and do is get a photo of everybody in front here, which is a real challenge to Steve, but I know he can do it.

First is the Honorable Gregory J. Blass, Esquire. Greg was a Suffolk County Legislator from the 1st District from 1980 to 1989, and again from '94 to '95. He's a former Presiding Officer of the Suffolk County Legislature in '86, '87 and '89, and is a former Suffolk County Family Court Judge from '96 to 2006.

APPLAUSE

He's currently the Chief Deputy Commissioner of the Suffolk County Department of Social Services. If you could start the parade, if you could come forward, Greg, we'd appreciate it.

Next is the Honorable Joseph T. Caracappa, a Suffolk County -- a former Suffolk County Legislator from the 4th Legislative District from 1995 to 2007. In a special election he was elected to replace his mother, Legislator Rose Caracappa, who passed away in May of 1995. Legislator Rose Caracappa served a Legislator from 1982 to 1995. Legislator Joseph Caracappa served as the Presiding Officer from 2004 to 2005. In January of 2008, Legislator Caracappa became the Undersheriff in the Suffolk County -- for the Suffolk County Sheriff's Department. If you would please come forward, Joe.

APPLAUSE

Also with us is the Honorable William Carney. Thank you, Bill for being with us. Bill is a former Suffolk County Legislator from the 6th Legislative District from 1976 to 1978. He's a former United States Congressman from the First Congressional District from 1979 to 1986, and he's currently a lobbyist in Washington, D.C. Please come forward, Bill.

APPLAUSE

Next is the Honorable Angie M. Carpenter. Suffolk County Legislator from the 11th Legislative District from 1993 to 2005 and is currently the Suffolk County Treasurer since 2006. Please come forward, Angie.

APPLAUSE

Next is the Honorable Andrew A. Crecca, Esquire. Andrew is the former Suffolk County Legislator from the 12th Legislative District from 2001 to 2004, and is currently the Suffolk County Court Judge.

APPLAUSE

Next is the Honorable Michael M. D'Andre, who's a former Suffolk County Legislator from the 13th Legislative District from 1982 to 2001. And he's currently a horticulturalist and a nursery owner. Please come forward, Michael.

APPLAUSE

Next is the Honorable Jane Devine, who's a former Suffolk County Legislator from the 18th District from 1978 to 1987, and a former Suffolk County Commissioner of Consumer Affairs, and is currently a member of the Suffolk County Water Authority.

APPLAUSE

Next is the Honorable Ginny Fields, who served this body as a former Legislator from 2000 to 2003 for the 9th District, and is currently a State Assemblywoman. If you'd please come forward, Ginny.

APPLAUSE

Next is the Honorable Thomas R. Finlay, a former Suffolk County Legislator from the 10th Legislative District from 1990 to 1997. And he presently is the owner of two family businesses in Islip, the Elite Parking Area Maintenance and the Textile Mill End Shop. Please come forward, Tom.

APPLAUSE

Next is the Honorable John J. Finnerty, Jr., Esquire, former Suffolk County Legislator from the 11th Legislative District from 1978 to 1981 and he's currently practicing law in Bay Shore.

APPLAUSE

Next is former County Legislator Brian X. Foley from the 7th Legislative District from 1994 to 2005, and is currently the Supervisor of the Town of Brookhaven.

APPLAUSE

Next is the Honorable John J. Foley, a Suffolk County Legislator from the 7th Legislative District from 1976 to 1993. He was a Brookhaven Town Councilman from 1960 to '67, a Blue Point -- Bayport/Blue Point School Board member, New York State School Board Association Chairman, Nassau/Suffolk School Board Association Chairman, and a White House delegate for the Conference on Aging. John, if you are with us -- he's here in spirit, okay.

APPLAUSE

The next is the Honorable Martin W. Haley, former Suffolk County Legislator from the 6th Legislative District from 1996 to 2003, a former Suffolk County Deputy Treasurer, Suffolk County Senior Deputy

Clerk, and a Suffolk County -- and he's currently the Suffolk County Federal Credit Union Board of Directors Chairman. Marty, if you come forward.

APPLAUSE

The Honorable William Holst, former Suffolk County Legislator from the 12th Legislative District from 1997 to 1999, and the Suffolk County -- he's currently employed at the Suffolk County Attorneys Office.

APPLAUSE

The Honorable Louis Howard, Sr., former Suffolk County Legislator from the 14th District, 1970 to 1978, and from 1982 to 1987. He's a former Suffolk County Presiding Officer from 1983 to 1985, former Mayor of the Village of Amityville, former New York State Assemblyman, Professor Emeritus, retired Chairman of the Aerospace Technology Department at SUNY Farmingdale. Please come forward, Lou.

APPLAUSE

The Honorable Bill Jones, former Suffolk County Legislator from the 2nd Legislative District from 1992 to 1993, former Suffolk County Offices of Intergovernment Unit, former Suffolk County Deputy Commissioner of Social Services, and currently Southampton Town Director of Human Services. Please come forward, Bill.

APPLAUSE

Here's a familiar name. The Honorable Steven A. Levy, former Suffolk County Legislator from the 8th Legislative District from 1986 to 2000, former New York State Assemblyman from the 5th Assembly District from '01 to '03, and is currently our Suffolk County Executive.

APPLAUSE

The Honorable James Morgo, former Suffolk County Legislator from the 8th Legislative District from 1984 to 1985. He was the first Democrat elected in the 8th Legislative District. He is Deputy -- former Deputy of Suffolk County Executive for Housing in 1986, former New York State Assembly Regional Long Island representative in 1987, Long Island Housing Partnership Chairman from 1988 to 2004, Suffolk County Department of Economic Development and Workforce Housing Commissioner, and currently is the Suffolk County Executive's Office -- he's the Chief Deputy to the County Executive.

APPLAUSE

The Honorable George M. Nolan, former Suffolk County Legislator from the 10th Legislative District from 1988 to 1989 -- George, you got to go. He was with the Suffolk County Attorneys Office, the Bureau Chief of Municipal Law and presently is the Counsel to the Suffolk County Legislature.

APPLAUSE

The Honorable Philip C. Nolan, Jr. -- I need a mouthful of water. Phil Nolan, who is a former Suffolk County Legislator from the 10th Legislative District from 1982 to 1987. A former Deputy Commissioner of Suffolk County Department of Public Works, Chief of Staff for the Mayor of Yonkers, former Town of Babylon Commissioner of Public Works, former Town of Huntington Director of Environmental Waste Management, and currently the Town Supervisor for the Town of Islip.

APPLAUSE

The Honorable Anthony Noto, former Suffolk County Legislator from the 12th Legislative District from 1974 to 1981, appointed to Legislator by Governor -- by Governor in 1974, was elected 1975. First aide to ever become a Legislator. There's a distinction. Former Suffolk County Presiding Officer in 1978, '79 and '80. Former Supervisor of the Town of Babylon from 1982 to 1988, and presently is -- works in the private sector. Please come forward, Tony.

APPLAUSE

The Honorable Michael D. O'Donohoe, former Suffolk County Legislator from the 18th Legislative District from 1986 to 1993, and is currently the Suffolk County Commissioner of Jurors.

APPLAUSE

The Honorable Peter O'Leary, former Suffolk County Legislator from the 3rd Legislative District, former President of the Suffolk County Detectives Association.

APPLAUSE

The Honorable Richard H. Schaffer, Jr., former Suffolk County Legislator from the 13th Legislative District from 1988 to 1992. Former Supervisor of the Town of Babylon from '92 to '99. Currently the Suffolk County Democratic Leader.

APPLAUSE

The Honorable John Sorli, former Suffolk County Legislator from the 4th Legislative District, served in this body in 1980 and 1981. Mr. Sorli, would you please come forward?

APPLAUSE

I think this is the last one unless I forgot somebody, is the Honorable John C. Wehrenberg, Jr., Suffolk County Legislator from the 8th Legislative District from 1970 to 1983. Former Suffolk County Presiding Officer in 1982, and former Suffolk County Police Department Deputy Commissioner from '84 to '88.

APPLAUSE

If I forgot somebody, yell, because I can't see you. If I could invite our current Legislators to join the former Legislators for a photo. I've been just told that the current Legislators are to stay behind the horseshoe and Steve is going to figure this out somehow.

I just want to make an observation. Legislator Romaine was both a former and current Legislator, and he didn't know whether to stay behind the horseshoe, in front of it. He was literally on the fence.

(*The following was Taken & Transcribed by Alison Mahoney - Court Stenographer*)

P.O. LINDSAY:
Okay, could I have Legislators back at your station at the horseshoe? The next item on the agenda is the Rules for 2008, and there's two documents; one is Resolution No. 2 which is the current rules and there is a side memo with -- I think it's eight proposed rule changes.
And what I'm going to do --

LEG. ROMAINE:
I make a motion to approve Introductory Resolution No. 2.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Okay, we have a motion to approve Introductory Resolution No. 2.

MR. NOLAN:
You want to make a motion to amend the rules.

P.O. LINDSAY:
Okay. We have a motion and a second to approve the rules, Introductory Resolution No. 2, but I know that we're going to have some amendments to them and that's the eight pieces that have been proposed. Did --

LEG. ROMAINE:
Call the question.

P.O. LINDSAY:
Okay. First, Legislator Alden, did you want to pass -- make a comment?

LEG. ALDEN:
No, no, you explained it, this is the old set of rules.

P.O. LINDSAY:
Okay. We have a motion to approve the old set of rules, and I want to make a motion to amend the proposed rules which would be listed in the memorandum under ***1*** and it's ***Rule 5(B)*** to read as follows; ***"Immediately upon assignment of an Introductory number to legislation, the Clerk shall make available to the Presiding Officer a copy of such legislation. The Clerk shall deliver copies of such legislation, including backup material, to all Legislators at the commencement of the meeting at which said legislation is to be laid on the table. The Clerk shall also electronically deliver copies of legislation to be laid on the table with backup material to each Legislator's electronic mailbox and to the County Attorney, the County Executive and to Legislative Counsel. Any Legislator may waive his or her right to receive hard copies of legislation for the purposes of complying with the seven day rule, where applicable, as set forth in Section C2-12(A) of the SUFFOLK COUNTY CHARTER by issuing such a waiver in writing to the Clerk of the County Legislature."***

LEG. ROMAINE:
I will second that amendment.

P.O. LINDSAY:
Okay, we have a second by Legislator Romaine. Is there any other discussion about it? Legislator Alden.

LEG. ALDEN:
And this is more directed towards George as far as a question. It's always been my understanding, though, that the only way in Suffolk County, according to our Charter, that a Legislator is served with notice that he's got a piece of legislation in front of him is by laying it on the table and you couldn't -- it was a non-waivable right because it's a Charter law.

MR. NOLAN:
All legislation has to be laid on the table, it's under the Municipal Home Rule Law, which really doesn't state that it has -- it specifically has to be in paper so forth. Our rules for the last several years have allowed Legislators to waive the right to receive a hard copy of the packet, that's in our current rules, but the way that a Legislator could waive it was he would have to be to do it before

each meeting of the Legislature.

LEG. ALDEN:
Right.

MR. NOLAN:
What this rule change would do would allow a Legislator to do a waiver at any point of the year which would be good for all subsequent meetings, we just would not have to do a waiver before each meeting in order to effectuate a waiver of getting the hard copy. All Legislators are going to continue to get electronic copies sent to their office, this just goes to the packet. And like I said, it's already in the rules that Legislator can waive it, and I believe that's been in the rules for quite a number of years, this just goes to what type of waiver we're going to have.

LEG. ALDEN:
Okay. At the last meeting it was alive for us to vote on it but I withdrew it. I had a piece of legislation that would actually change the Charter and make service of a piece of legislation upon a Legislator, make that effective upon electronic service; I refiled that and it should be in the packet today. So that would be something different than what we're looking at today?

MR. NOLAN:
That is actually different; that goes to the original filing of the legislation.

LEG. ALDEN:
Right.

LEG. BARRAGA:
Your bill basically said you could file a bill either by a hard copy or electronically, so that's a different issue in terms of the filing of the legislation initially.

LEG. ALDEN:
Okay. But my intent was to reduce or to eliminate that packet that we get, that was the intent.

MR. NOLAN:
That would -- really didn't go to the packet. The packet -- what your bill did was address the filing of legislation, when it's actually filed with the Clerk of the Legislature; this rule change has to do with what happens after legislation is filed with the Legislature and how it's going to be treated and are we going to allow Legislators to execute a single waiver which says you don't have to give me the packet for the rest of the year. The Legislator can decide later, "You know what, I do want my hard copy, withdraw that," and then the Clerk would have to provide a hard copy.

LEG. ALDEN:
Okay. This is going to be a little bit of a complex issue then, and I hope that we're up to or open to the suggestion later on that if we have to make another one or two rule changes to accomplish this, because I think there's a great, you know, step forward that we're taking by eliminating the paper use. And also, I would like to see us eliminate the fact that the only way to serve notice on a Legislator is to throw a packet like this in front of them at a Legislative meeting. So as long as we might be open to further legislation or rule changes to accomplish our goal, I think then this is a real good step in the right direction and I'd support it for you that reasoning.

MR. NOLAN:
I would also just point out one other thing, that under our current rules the County Executive, the County Attorney, my office is supposed to get a hard copy, this would allow the Clerk to deliver that to us electronically as well.

LEG. ALDEN:
Okay, good.

P.O. LINDSAY:
I would just like to point out two things to Legislator Alden. Number one, the purpose of this rule change, there's no doubt about it, that your bill that you introduced last year brought it to mind. And the second thing is that just if this does pass and you waive your right to the packet before you and take it electronically, if for any reason, either when the session starts, committee meetings or whatever, my staff will be available to give you a hard copy in front of you simply by printing it out from the electronic version.

LEG. ALDEN:
And Bill, you guys were working on this, so I really gave you credit to do that. And the other thing, though, I wanted to try to clear up, and this goes back to basically my objection to all these late starters that we have, and if we could do something a little bit different with the way we do file a bill, even originally. Because we're pulling George out of meetings a lot of times just to get him to do legislation for us so that we can print it up and put it -- lay it on the table, waive our rules and lay it on the table at the end of the day.

If we change our date that it would be effective to maybe sometime just before a committee meeting and that would be the cutoff, I think it might eliminate a lot more paperwork and a lot of work at the Legislature and the Legislative sessions that we've been doing. And it's just a suggestion, I'd like to try to work on some clean way of doing it, which I'm a hundred percent how, but I'm sure that the Clerk's Office can give us a little bit of guidance how to clean it up. Because that's really no way to do business, the way we've been doing business, every session we waive our rules, lay on the table and it's been pretty much a mess to do that.

P.O. LINDSAY:
The only comment that I want to make is that, you know, I asked everybody for any rule changes in advance so they could be distributed so everybody could look at them before we came here today. And if, you know, you wanted to go forward with the rule change during the middle of the year, consult with the Clerk and come up with some language, I'd be happy to entertain it, all right?

LEG. ALDEN:
That's something I'll think about doing.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Thank you, Mr. Chair. I just have a question; I don't know whether it's for the Clerk or for Counsel. When we're at the General Meetings, sometimes I look up a bill on-line, on the laptop and I don't have the backup material to that. What will happen with this, with this format; will we have backup -- the backup and the financial disclosure as well?

MR. LAUBE:
You'll have the complete backup. Even if it's something that's not a traditional eight and a half by eleven piece of paper, we're going to make the effort, like if it's a map or something, we'll have that scanned in, so you'll be able to access that electronically.

LEG. VILORIA-FISHER:
Okay, good, that's very helpful, because that has been a problem, sometimes we've been carrying the big notebook to the horseshoe because I've often needed to refer to backup material that wasn't available on-line.

MR. LAUBE:
I don't know if -- the last meeting that we had when I did the experiment and I sent to you all the CN's; one of those CN's was quite extensive, it was probably upwards of 28 pages.

LEG. VILORIA-FISHER:
Well, that one I didn't check on. Thank you.

MR. LAUBE:
Well, normal procedure would have been that you only would have gotten about I think 18 pages of it and the rest of it was backup that we would have held on file for you to review. With this new -- with the new scanning -- with the new scanner that we have now, we can just quickly put it on, scan it all and give it to you.

LEG. VILORIA-FISHER:
Okay.

MR. LAUBE:
So there's no --

LEG. VILORIA-FISHER:
And so that would hold true also for land acquisition where you have backup with the maps?

MR. LAUBE:
Any type of document we can scan --

LEG. VILORIA-FISHER:
Terrific, okay.

MR. LAUBE:
-- and we can supply to you on-line.

LEG. VILORIA-FISHER:
Excellent. Thank you.

P.O. LINDSAY:
Anybody else wish to be recognized? Okay, then we're going to take a vote just on Amendment No. 1. Keep in mind, if this passes then we have -- you know, it will only be applicable if the whole bulk of the rules change as well. Okay, I don't see any opposition, so I'm just going to say all in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Amendment No. 2, again, I'm going to recognize myself, and it's to amend ***Rule 6(C)*** to read as follows; ***"Legislation may be discharged from the assigned committee by written petition to discharge being presented to the Clerk of the Legislature, signed by at least ten members of the Legislature. A petition to discharge shall be delivered to the Clerk of the Legislature no later than 12 noon on the day immediately preceding a regular meeting. The Clerk shall notify all Legislators electronically that said legislation will be eligible for consideration at the next regular meeting."***

The purpose of this rule change is to eliminate discharges on the floor. It moves up the petition process to the day before, and by doing this we can have written copies in everybody's hands before we meet on that -- during that session and we'll all know what will be facing us that day.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Seconded by Legislator Montano. And a lot of people -- Legislator Romaine.

LEG. ROMAINE:
Yes. I believe the ability to discharge a motion on the floor is critical to hearing a voice of the minority. It's critical to getting those issues out there that are sometimes embarrassing to the majority.

We had the opportunity to vote to cap the sales tax on gas and the only reason that eight Republicans in the last session was able to bring that issue to the forefront was because of our ability to discharge by motion, to have a vote on discharge. Unfortunately, as a supporter of that, that failed on a straight party line vote, but at least gave us the opportunity to bring that issue forward.

The same was true about ridding this County of the energy tax, the 2 1/2% energy tax that only Suffolk imposes on every amount of fuel, from cord wood to propane to natural gas to home heating fuel, etcetera. The only ability we had was through a discharge motion, to argue our case, to let the voters of Suffolk County know. And that, again, unfortunately was defeated on a straight party line vote.

If we lose the ability to have a motion to discharge on the floor, we lose our ability to have a voice. It is almost as if it is the tyranny of the majority and the impression of a minority point of view which I think this Legislature would like to have. You retain the right to defeat every motion to discharge, that's the right of the majority of the Legislators, but at least the right to discharge on the floor should be preserved so that contrary opinions can be heard from time to time. Thank you very much.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. To follow-up on what Legislator Romaine was discussing, I feel it is critical that the right for any Legislator be maintained to be able to discharge a bill on the floor regardless of what action has been taken in the committee process. This is not just about a minority/majority issue, although we have seen many instances where that has happened, most recently with the continuation of the DARE Program through the end of this school year.

But to the members of the majority, you will be faced with situations yourself where you may be in disagreement with some of the members of your own caucus. Legislator Lindsay pointed it out earlier in his speech about the history of this body, that on many issues coalitions are formed and that issues go beyond party lines. I think the ability, as information develops, as it arrives, to be able to act on something with up-to-the-minute information, not the day before. A new letter comes from someone who opposed something that now they're in agreement with the changes that you made and now they support it and that was what was holding this up from getting out of committee; to not then have the ability to make a motion to discharge that bill on the floor, to not be able to act on it in a timely fashion. We don't know what those issues could be; you know, we could hypothesize that it could be something very important to public safety or to public health, we just don't -- the point is we don't know. So to preserve the ability to be able to act on a piece of legislation with up-to-the-minute information is imperative for this body to act responsibly. I am steadfastly opposed to removing this right.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
I agree with the points just made by Legislator Losquadro. And I would like to point out that one of the arguments that has been posited regarding this particular amendment is that once a motion is -- a piece of legislation is discharged to the floor, people are loathed to vote against it. And my contention is that one needs to pay attention at General Meetings and vote according to what one believes, and if you are opposed to something, pay attention and vote against it if you don't think that it should pass. There should not be an a priori decision that if something is discharged on the floor that it will be automatically passed by this body, everyone should be given an opportunity, every single member of this body should be given an opportunity to take a look at a piece of legislation, hear the debate, hear the arguments and vote it yea or ney. I don't believe that this amendment is a good change in our rules.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I'll be brief since I'm basically echoing what's been said by my colleague to the right. Certainly this bill stifles debate, therefore it can't be good for the democratic process, it doesn't -- this bill goes against the minority so, therefore, can't be good for the democratic process.

And as Legislator Losquadro pointed out, this actually weakens the powers of this body, in essence, by taking our ability to pass a bill that was not discharged from committee away on the day of the Legislative meetings, putting more power in the hands of the County Executive who's the only one who has the ability to do a Certificate of Necessity.

And we had this debate last year, this was proposed last year. After a discussion like this, I think people came to their senses and realized this was not good government, this was bad government to take this power away, I implore you to do the same today. Let's keep the rules as they were, let's allow this debate. If you don't want to vote for something don't discharge it, but allow these issues to be heard and vet it with the full body. Thank you.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Thank you. I would take the contrary position. We've seen -- I've been here four years now, I actually think this rule change is good. It's not really a rule change because Rule 6(D) of our rules provides for the discharge motion by petition which I think is the better route. This change would eliminate Rule 6(C) and change it with the language in Rule 6(D), but it would also move back the timeframe by which a Legislator has to secure the ten votes necessary to discharge.

One of the things that -- you know, we're talking about making motions on the floor, but one of the things that disturbs me about the present rules is that there have been situations where there have been many members of the public that were interested in a particular bill. We publish our agenda before our public meeting so that we're notifying the public what bills are on the agenda and what we're going to be voting on. I think it's only fair to put on an agenda the day before, it's less than 24-hours notice, to give the public an opportunity to read our agenda and to know what bills are going to be presented for a vote and for a discussion.

So I look at this rule change as a way of notifying the public, giving them an opportunity to say tomorrow's agenda is going to contain -- is going to have a vote on this particular bill and I have an interest in this bill and I'm going to come forward, I'm going to come forward and make my position known and allow the Legislators to move on that. If there is a bill that is not out of committee, there's a committee process where people can come forward and make comments before the various committees. So we're not -- I don't see it is as stifling anything, I see it as allowing the public an opportunity to know what our agenda is before we get in there and then allowing other Legislators

who want to vote on a bill, may have been contacted by people that are interested in a bill an opportunity to call up. Because this is a simple -- it's a simple procedure; you file the petition with the Clerk twelve o'clock, the Clerk notifies the Legislators and the Legislators, individual Legislators are then in a position to notify those interested members of the public to come forward at the next day's meeting, I think the very least we can give them is less than 24-hours notice that something is going to be voted on.

So I think that we should move on this and I would imagine that this change would then delete Rule 6(D) as it currently stands. What about Rule 6(D)1, would that remain?

MR. NOLAN:
Actually I just, in discussion in my office, realized there's a typo and that the amendment -- and I apologize for this.

LEG. MONTANO:
That's okay.

MR. NOLAN:
That what we're doing really is eliminating Rule 6(C) and amending Rule 6(D), so 6(C) -- 6(C) is the section that allows a motion to discharge on the floor. So what this amendment to the rules would do would eliminate Rule 6(C) and amend Rule 6(D) to what was read by the Presiding Officer which lays out that the motion to discharge or the petition to discharge could be submitted to the Clerk the day before the meeting at twelve noon.

LEG. MONTANO:
Okay.

LEG. ROMAINE:
Point of order.

LEG. MONTANO:
I would ask that we move forward on this. I think it's a good rule, I think it helps the public and it makes sure that the public is aware that our agenda is what's going to be followed at the next day's meeting. Thank you.

LEG. ROMAINE:
Point of order.

P.O. LINDSAY:
I recognize Legislator Romaine for a point of order.

LEG. ROMAINE:
Would that constitute a scrivener's error or would that constitute a flaw that's fatal to the motion that you made?

MR. NOLAN:
Well, what you have Elie is -- what is being read is the amendment. We prepared this written document to assist the Legislators so they could see the language and unfortunately in this particular case it didn't quite work out that way. So the amendment to the rule should be clarified, which I just did, that the rule would eliminate what was the old 6(C), revise what was Rule 6(D) and that would become the new Rule 6(C) if we approve this.

LEG. MONTANO:
And then I guess we would take the other letters and move them up accordingly.

MR. NOLAN:

That would be done automatically.

LEG. MONTANO:
Okay.

LEG. ROMAINE:
Unfortunately, I didn't have the 24-hours notice of this change.
Thank you.

LEG. HORSLEY:
That was good.

P.O. LINDSAY:
I would like to point out to Legislator Romaine, in the past you've never had the ability to see the changes coming that were made on the floor, and this meeting is open in terms of rules to make any other rule changes that you might propose off the top of your head.

LEG. ROMAINE:
You make an excellent point, Presiding Officer. But I come prepared to vote on anything that is put before me today, as I would hope my colleagues would on things that are tabled in committee repeatedly, repeatedly, repeatedly tabled in committee, with discharge being the only way to get it out.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Mr. Chair, I'm going to join with some of the comments in opposition to this rule change. Although Legislator Montano and I often times see matters very similarly, I'm going to disagree with this one in that I believe each and every one of us is elected by our constituents to go ahead and come to vote, much as my colleague Mr. Romaine has said. And I think -- I'll go to what you've spoken about in your opening comments, that we are a body that is somewhat unique here in New York and in the country and perhaps even in the nation. And in that, we very much need to be able to promote not only the ability for the minority to be heard, but for an individual Legislator to be heard on a matter and to be able to bring it forward before the whole body and to have the ability to go ahead and have discourse. And sometimes in the process of being able to advocate, it can only occur at that time that we all join and meet.

So I think that it is a tool that's an important tool, perhaps one that's not frequently used but nevertheless one that each one of us as individual Legislators should be able to have at our discretion to be able to make the argument to our colleagues so that we can put forward a matter that's important collectively or even within our districts.

And finally, I will say that I see this as a further diminution of our ability as individual Legislators to govern. I think it's incumbent on us to preserve and enhance our strengths not diminish them.
Thank you, Mr. Chairman.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I have to agree with the statements that were made prior to this, that this is a taking away, it's not an adding to, so it's a taking away from individual Legislator's ability to even discuss issues.

The problem is that right now, as our current rules exist, the minority is just that, a minority and it's a silenced minority. Because the way our current system operates even in the committees, the

make-up of the committees has always been the majority puts the majority of the members on the committee, the minority has a minority challenge at this puts the majority of the members on the committee, the minority has the minority number of members on the committee, so the minority's views and legislation very rarely, if it's controversial, can actually move forward. So this actually provides one more opportunity to silence those that would try to move an issue forward if it stalled in the committee process.

But there's ways that this can be fixed. We can, number one, not -- I've actually put forward this idea since I got elected ten years ago that would do away with the committee system and have each and every piece of legislation addressed by this body. And it's not precedent setting because if you go back, and there's some of our former colleagues and former members of this body who were here, years ago they did business a lot different than we do it today, they meet every other week and they actually dug in to each piece of legislation. And there's some shortcomings the way we do it. For instance, not everyone on this body sits on every committee, so if something is introduced in the Parks Committee, at least two-thirds of us or a third of us or half of us are not going to have anything to do with the discussion of that bill, which I think is unfair to the people of Suffolk County.

So if you want to do it the correct way, do away with the committee system. Otherwise, you're going to have to provide some kind of mechanisms for the minority to actually get their voice to be heard. Because it's a very slim minority in Suffolk County, and if you look at the results of the last election, you're not looking at an overwhelming sea-tied of change or any of us have any kind of edict to even come in here and say that, "I was elected with 100%" -- although I can say that, I was elected with 100% and so can -- Rick Montano can say that. We were elected with 100% of the votes cast in our two Legislative Districts, but that's not a fair comparison to everyone else. But since there is such a small balance and a lot of these elections turned on a few votes, maybe a few hundred votes, that the minority view in Suffolk County still has to be taken up and has to be taken into consideration.

So if we're going to go forward with something like this, then I would say that the only fair way to do it would be to eliminate the current way that we do business in the committees and just each piece of legislation would be discussed on the floor in the whole in the entirety, by the entirety of this body, and that way I think you're going to see a lot more participation from the people in Suffolk County and you'd probably see a little more participation even from those on this Legislative body and it would end the double presentation of evidence. For instance, if I have to vote on something and I'm not on that committee, I'm going to have to ask a whole bunch more questions than I would have to ask if I had been on that committee, or if it had been presented to the committee as a whole. So without that, though, this is just one more way of stifling the minority people of Suffolk County.

P.O. LINDSAY:
Anyone else? Legislator Losquadro.

LEG. LOSQUADRO:
I will just point out a historical fact for those who were here during the last -- well, actually the cycle before last now and the great ranker had ensued with the creation of a Rules Committee.

P.O. LINDSAY:
Hallelujah; I was going to bring that up, as a matter of fact.

D.P.O. MYSTAL:
I was going to bring that up, too.

LEG. LOSQUADRO:
And the ability now or the lack of ability now for an individual Legislator, and I think Legislator Kennedy, you know, really furthered the argument that I was making, that this is not necessarily about party lines. This is about having a particular issue that may be of importance to you and

being able to adequately represent your constituency when, quite frankly, none of the other individuals may care enough to see it put forward for full debate; it may be something that would be easier for the other members of the body to not have brought forward. So I think this is something that is very important, be it an issue of a high water table and flooding in a community --

LEG. KENNEDY:
You got it.

LEG. LOSQUADRO:
-- or any other issue that may present themselves that you may not have the foresight to think of at the moment. That was my point earlier, we don't know what the issue could be or who it could effect, but it may only effect one district and it may be easier for people in your own caucus, be it the minority or the majority or the full body for that matter to not want it brought before this body to have it discussed, it may be easier for them to ignore it. And for Legislators to remove that ability to have this brought forward for full public discussion I think is a serious mistake.

P.O. LINDSAY:
Anybody else? No? Seeing none --

LEG. ROMAINE:
Roll call.

P.O. LINDSAY:
I was going to do that.

LEG. ROMAINE:
Just in case.

P.O. LINDSAY:
Mr. Clerk, could you call the roll, please?

MR. LAUBE:
Yes, sir.

P.O. LINDSAY:
This is to approve amendment which is letter two. And again, if this is approved, the whole -- it doesn't go into effect unless all the rules are approved as well, all right? It's an amendment to the rules. Mr. Clerk, please call the roll.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)

P.O. LINDSAY:
Yes.

LEG. MONTANO:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. MYSTAL:
Yes.

MR. LAUBE:
Ten.

P.O. LINDSAY:
Okay. Proposed rule change that's titled ***3, replace the present Rule 6(E), Subsections (2) and (3) with the following; "On the same date that an amended version of the proposed legislation is filed with the Clerk of the Suffolk County Legislature, the Clerk shall deliver a copy of such amendment to each Legislator's box in the William H. Rogers Legislative Building in Hauppauge with a copy of the cover letter which accompanies and explains the changes in the amended version and, on the same date, shall deliver the same to each Legislator's electronic mailbox. Any Legislator may waive his or her right to receive hard copies of the amended legislation for the purposes of complying with the seven (7) day rule, where applicable, as set forth in section C2-12(A) of the SUFFOLK COUNTY CHARTER, by issuing such a waiver to the Clerk of the County Legislature."*** This is companion to 1; how does it differ, Counsel?

MR. NOLAN:

The difference is this just -- this rule change would apply to the amended versions that are now distributed by hard copies placed in each Legislator's box. This, again, would allow Legislators in writing to waive their right to receive the hard copies and to accept an electronic copy in lieu of that.

P.O. LINDSAY:
Okay. So I'll make a motion for that rule change. Do we have a second?

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. Is there any discussion on that one? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Legislator Montano, do you want to read the next one, being that you're the sponsor?

LEG. MONTANO:
Yes, I'd like to offer an ***amendment to existing Rule 7(A)4***, the amended rule to read as follows; ***"4, Tabled. Any legislation that is tabled by a vote of the full Legislature shall remain tabled unless the sponsor or any Legislator notifies the Clerk of the Legislature no more than 12:00 noon --*** no later, I'm sorry -- ***no later than 12:00 noon on the day immediately preceding a regular meeting that he or she intends to call for a vote to approve legislation. The Clerk shall notify all Legislators electronically that said legislation will be eligible for consideration at the next regular meeting."*** I propose this change and the reason I've proposed the change is that we have resolutions that once they're approved by committee are then subsequently tabled by the full Legislature and they remain on the agenda and they've tabled every month. I've had situations, again, where members of the public have had an interest in particular legislation that has been tabled and before the meeting they will call and say, "Are you going to vote on that legislation tomorrow?", and I say, "I can't honestly tell you. I think it's going to be tabled." Their response is, "Do I need to be there, should I be there?"

A lot of people, unlike us that are getting paid to be at the Legislative meeting, members of the public sometimes have to make a sacrifice to get to the meeting so that they can present their position. All this resolution -- all this amendment does is simply require that if a Legislator is going to move or call for a vote on the resolution, that they notify the Clerk and that can be done electronically with an e-mail simply stating, "I wish to or I intend to call for a vote on Resolution XYZ tomorrow"; that has to be done 12 o'clock noon preceding the day of the vote. In turn, the Clerk will notify the other Legislators that a vote is to be taken on that particular resolution and then we as individual Legislators can notify the public or those members that have expressed interest to our office and let them know for certain that this resolution will be eligible for a vote the next day.

P.O. LINDSAY:
Okay. Do I have a second to that motion?

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. On the motion, Legislator Alden wishes to be heard.

LEG. ALDEN:

I see a little problem here deceiving the public. And actually, it's a convoluted, I'm not sure, solution to a problem. If you went to a Legislative meeting and you testified you're for or against a piece of proposed legislation and it was tabled, you can logically assume that they would take that up at a future date. Well, under this rule or this rule change, proposed rule change, you would then have to check to see if it was on the agenda again and then further check to see if it was going to be activated or not activated. I think you're putting a lot more pressure on people than the public wants to have that pressure on them. And if they've showed up four or five times on something that they were very passionate about one way or the other, so be it, they're passionate, they showed up that way. This doesn't add anything to the public, they couldn't go away and say, "Oh, now I know for sure that a piece of legislation is either going to be voted on or not voted on." Anything on our agenda could get tabled, so would we have to notify the public in advance that, "Hey, guess what? I'm the sponsor of that and I think that I might table it", or, "No, I'm not even the sponsor of it, I think that I'm going to try to get together and make a speech to table it"; but do I have to notify the public that it might get tabled at that point? I think we're just --

LEG. MONTANO:
No. Can I answer that?

LEG. ALDEN:
We're making a really convoluted solution to a non-problem.

LEG. MONTANO:
Actually, I think you're misreading the rule, it's actually a lot simpler than that. No, you don't need to notify someone that you're going to table a resolution, it's quite the opposite. If a resolution has been tabled by the full Legislature, this simply allows someone to know that it's going to be voted on at the next meeting. What it would do is automatically table the resolution for the next meeting unless you make an affirmative statement, you as the sponsor or any Legislator says, "I'm going to call for a vote." This way the person that has an interest doesn't have to show up for five or six meetings.

LEG. ALDEN:
But Rick, that vote can be to further table it.

LEG. MONTANO:
Yes, it can.

LEG. ALDEN:
So they might end up showing up five or six meetings in a row --

LEG. MONTANO:
Absolutely.

LEG. ALDEN:
And then what have we accomplished then, except maybe mislead some public. I think it's just, like I said, convoluted.

LEG. MONTANO:
No, you're absolutely right, the result of the vote could be to further table. But again, if something is going to be considered possibly for a vote and people want to know that it's on the agenda, this is -- I see this quite contrary to the way you see it. This is an opportunity for people to see our agenda and know which votes are going to be called for on a particular day. This does nothing to diminish the rights, it's a simple e-mail, one sentence to the Clerk less than 24-hours notice that on the next meeting we're simply going to call for a vote on this particular bill, that's all this amendment offers.

LEG. ALDEN:

Otherwise it's dead.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Once again, I'm going to disagree with Legislator Montano on this one. I admire his effort or attempt to go ahead and promote notice, I guess, for the public and to be cognizant of the time that the public invests when they show up. They're often taking hours off from work or making arrangements and I don't think any of us want to go ahead and cause them to needlessly have to continue to reappear. But I would almost go to Counsel on this one in that I think -- I would be, all of us would be diminishing the actual roll of the office. We're elected and as elected we're given the authority to go ahead and cast a vote, cast a vote at any given time in favor, against or to abstain, but I don't think that I've ever seen something that's a prerequisite to our ability to cast a vote which, in essence, is what we would be creating here. I don't see this as one that's really going to ultimately be beneficial at the end of the day, plus which I think it may be flawed.

P.O. LINDSAY:
Legislator Stern?

LEG. STERN:
No.

P.O. LINDSAY:
No? Legislator Romaine.

LEG. ROMAINE:
Yes. While I admire the intention of the sponsor to better inform the public, Elie what you're doing is taking Robert's Rules of Order and throwing it out the window. When we table on the floor as a body a resolution presented to us, we are tabling it to a time certain which is the next regularly scheduled meeting. For us to now take that off the agenda unless someone calls and says they're going vote on it, we're Elie changing that resolution that was tabled to one that was tabled subject to call, and that's the call that has to be made to say, "No, I want to vote on that. I'm going to bring that up for a vote," and that doesn't prevent anyone else from tabling it. So it really doesn't serve the public because even though the sponsor may not want it tabled, other members may. So you don't accomplish your objective in any event, you just create a rule that in my opinion is a further diminution of legislative power which we've seen repeatedly time and time and time again. I'm going to oppose this rule.
Thank you.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. I think that is an excellent point that Legislator Romaine makes, I think procedurally you are Elie creating something that is tabled subject to call. But beyond that, as I was listening to this argument, I think that by not having it on each agenda, that if an individual -- and I do respect the fact that this apparently is an attempt to streamline the process and inform the public and I appreciate that it says that any Legislator, not just the sponsor, could call to say they wanted it voted on. But I think by doing that, if it's not on every agenda, if someone does call and say, "We're planning on moving this," I think it would create an expectation of passage. I think Legislator Alden was really on the right track with that; that if you called to say, "I want this on the agenda, we're going to move it," that it could just be to have it tabled again.

I think it would create a misinterpretation or a misexpectation on the part of the public and I think it

really is a solution to a problem that doesn't exist.

P.O. LINDSAY:
Legislator Montano, if you want, how about if I give you the last word?

LEG. MONTANO:
Yeah. Well, I just want to clear --

P.O. LINDSAY:
Okay? Go ahead.

LEG. SCHNEIDERMAN:
Well --

LEG. MONTANO:
I don't want to debate this --

P.O. LINDSAY:
I have you on the list, Legislator Schneiderman, I didn't forget you.

LEG. SCHNEIDERMAN:
Oh, okay. Well, then it's not the last word, that's all.

LEG. MONTANO:
All right. Well, I might take the last word, but --

P.O. LINDSAY:
No, what I was going to say, I had some questions as well, but go ahead.

LEG. SCHNEIDERMAN:
Okay.

LEG. MONTANO:
All right. No, I just want to clear a mis -- what I think is a misimpression. This resolution -- this amendment does not, in fact, knock the resolution off the agenda, the resolution would stay on the agenda, people would know that it's on the agenda. The difference would be that without the affirmative notice by a Legislator that they intend to call a vote, the public will presume that and will know that under our rules it's automatically tabled to the subsequent meeting and at that time the Legislator can make an affirmative statement that they intend to call for a vote. But it's a misimpression and a misstatement to say that this item will not be on the agenda.

P.O. LINDSAY:
I put myself on the list, just so I'm not trumping you, all right? My question is if you don't give an affirmative phone call or written the day before, then you can't revive it on the floor, you can't deal with a tabled motion on the floor?

LEG. MONTANO:
Well, it would be automatically tabled. In other words, a Legislator would forfeit their ability to call for a vote without notifying the Clerk 12 o'clock the day before. So if you're not going to -- if you're going to call for a vote or you're unsure as to whether or not you want to call for a vote, then you would simply notify the Clerk that you intend to call for a vote. That doesn't obligate the Legislator to call for the vote, they can simply turn around and retable it. So you don't lose anything. The only extra work that this would require is that a Legislator notify the Clerk with a one-sentence e-mail saying, "I think tomorrow, I'm going to call for a vote on this tomorrow," and that vote could be to approve or to further table, as Legislator Alden indicated.

P.O. LINDSAY:
But without that one sentence you could --

LEG. MONTANO:
Without that one sentence, you've blown your opportunity to call for a vote. So if someone is unsure, what they should do is they should simply state to the Clerk that they intend to call for a vote; they're not obligated, but at least then the public is aware that this is going to come up for discussion and if they want to make it their business to be there, they will come to the next meeting -- the meeting the next day.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I think we all know the expression if it ain't broke don't fix it. I think this is not a problem in the past, it's never been a problem and it sounds like we're creating a very complicated procedure here.

Also, it seems to me we're changing the definition of the word tabled. If we're tabling something it just goes to the next meeting and we should be able to vote on it. Now we're creating a completely different meaning where tabled means it's not eligible for a vote at the next meeting unless something else happens. And although Legislator Montano says it will be on the agenda, it actually, I think, for the public, if they see it on the agenda, they believe it's eligible for a vote and it won't be eligible for a vote so there's not going to be any simple way for them to know which of the tabled resolutions is eligible and which is not eligible.

And maybe Legislator Montano can correct me here, but if the Legislator has to do this procedure a day in advance in order to vote on his or her legislation that's been tabled, what about another Legislator, can another Legislator call for a motion to approve a different Legislator's bill that's been tabled? So I'm not sure what it does, but it seems to create a lot of confusion here and confusion that is not solving a problem but creating a problem in and of itself.

LEG. MONTANO:
All right. You want me to answer your question?

LEG. SCHNEIDERMAN:
Sure.

LEG. MONTANO:
Actually, I don't know why there's confusion, it's a straight-forward amendment. And yes, a Legislator other than the sponsor can call for a vote, and that's why the amendment says "the sponsor or another Legislator can call for a vote," but that Legislator would also, you know, duly respectfully notify the Clerk that they intend to call for the vote. The other comment you made is that if it ain't --

LEG. SCHNEIDERMAN:
So no Legislator could call for a vote on a tabled resolution unless they in advance --

LEG. MONTANO:
That's correct.

LEG. SCHNEIDERMAN:
-- ask for it.

LEG. MONTANO:
That's correct. And let me -- may I?

P.O. LINDSAY:
Go ahead.

LEG. MONTANO:
The second part, you make a good point, if it's ain't broke don't fix it. The problem is that it is broke and it's been broke with respect to the constituents that I have in my district, because a lot of them are not able to come to every meeting, they don't have the kind of job that gives them the flexibility to come here at nine o'clock in the morning. And what's happened is that on bills that are of importance to them, I have had situations where they have said, "Legislator Montano, I'm interested in this particular bill. What's going to happen tomorrow?" "I don't know, come to the meeting and we'll see." The bill has come out of committee, now it's tabled. The second meeting comes up and they say to me, "What's going to happen?"
"I don't know. I don't know if there's going to be a motion to approve. Come to the meeting and we'll see what happens." They come to the meeting and it gets tabled. The third time they call me and they say, "Legislator Montano, what's going to happen?" I say, "I haven't a clue. Come to the meeting," and they say, "Listen, I can't. I've already been to two meetings and nothing has happened, I can't afford to take another day." This rule fixes that particular problem. It allows me to say, "Tomorrow, I just got a notice, call me after 12." After twelve o'clock they call me, I can tell them, "I just received a notice from the Clerk that we are going to entertain a motion or a discussion on this bill, it will either be approved, retabled or defeated. Make sure you're there or you're going to miss the discussion."

And that's why I say there is something broke with the rule and that's why this is a minor fix which is very -- in my opinion, very minor inconvenience to the Legislator that wants to move the motion by simply, you know, transmitting one sentence to the Clerk and allowing the Clerk to notify us. It also gives me as a Legislator an opportunity to know that this is bill is going to be moved forward and maybe I want to study it a little more before I cast my vote. So that's what it's intended to do. It's not intended to stifle any minority or to diminish any power of any Legislator, it's simply to provide notice to us as Legislators and primarily to the public.

P.O. LINDSAY:
Legislator Mystal. I still have two people on the list. You're on.

D.P.O. MYSTAL:
Let me see if I can get this straight. On Wednesday after the meeting I call my aide and I say, "DuWayne, send a piece of letter to the Clerk listing all the tabled resolutions."

LEG. MONTANO:
You can do that.

LEG. ROMAINE:
That's it, you got it.

D.P.O. MYSTAL:
And that's done.

LEG. MONTANO:
That's done.

D.P.O. MYSTAL:
So what does this bill do?

LEG. MONTANO:
Well, if you want to do that you can do it.

D.P.O. MYSTAL:

I mean, I'm saying that --

LEG. ROMAINE:
I'm going to do it.

D.P.O. MYSTAL:
I'm not dismissing, I'm saying Legislator Romaine gets one of his aides and says -- he's going to have a standing memo. He's going to have a standing memo from his aide, his aide is going to say, "Okay, my job on Wednesday morning is to file -- take that memo, replace a few numbers that I'm missing from that bill that was passed or gone and then send it to the Clerk and then every tabled resolution will come up for a vote.

LEG. MONTANO:
Yes. Elie, can I answer that?

D.P.O. MYSTAL:
No, no, I'm -- so what does --

LEG. MONTANO:
Is that a question?

D.P.O. MYSTAL:
Yes.

LEG. MONTANO:
All right. Well, yes, you're absolutely correct. A Legislator can do that, but I would presume that if the rule were passed it would be carried out in good faith. And you know, if a Legislator wants to entertain that and say, "I'm going to get around the spirit of this amendment by simply saying I may call for a vote on every tabled resolution," then be my guest.

LEG. ROMAINE:
I will.

D.P.O. MYSTAL:
Well, see --

LEG. MONTANO:
You'd be entitled to.

D.P.O. MYSTAL:
Rick, what I'm envisioning, what I'm envisioning the Minority Aide that sits right here -- where's Linda? The Minority Aide that sits right there in that room -- thank you. Right here, the Minority Aide that sits right there is going to walk with a piece of paper every Wednesday morning, across the hall to Tim Laube and say, "Okay, this is the request from Legislator Romaine or Schneiderman or Losquadro, we're going to vote on every tabled bill."

LEG. MONTANO:
Yeah, if you want to do that, if the rule passes and somebody wants to do that, they're free to do it.

D.P.O. MYSTAL:
End of story, okay. All right.

P.O. LINDSAY:
Okay, Legislator Losquadro.
LEG. LOSQUADRO:

Thank you. Aside from the fact that that standing order may have already been given or it might not have, it's really -- anyway.

Well, number one, I don't think we can do it. I was a little unclear on this. If the item is on the agenda, I think we have to vote on it. I don't see what mechanism the public would have to be notified, some sort of asteric or an E for eligible next to it on the agenda, I think that would be highly confusing to the public; if it's on the agenda, I think they expect us to vote on it.

But more importantly, if someone comes now -- let's use for example a public hearing. If someone comes and speaks on the record at a public hearing, they have the expectation that anything that's said on the record is going to become a permanent part of our proceedings and we are going to take it into consideration throughout the deliberation of the bill. They might not be able to come back right now for the deliberation of that bill, but they spoke at the public hearing and they have the expectation that because their comments are on the record and they're part of our proceedings, we are going to take those into account. So if someone comes the first time a bill is tabled, they speak their mind, they put their comments on the record, we listen to that, that becomes part of our deliberation process. I don't think it's any more onerous on a person. They may feel better that they come each time and reinforce their position, but the fact of the matter is it's part of our permanent proceedings and if a member of the public comes even once, then I think that they have the right to expect that we are going to take those comments into consideration throughout the entire deliberation process. I think this is wholly unnecessary.

P.O. LINDSAY:
I'm going to -- I know Legislator Alden is on it, but Legislator Montano, I think you've made some --

LEG. MONTANO:
Yeah. You know, I think that we've gone far afield and I think that some of the examples are way off what this amendment proposes. But we've been debating this and, you know, I don't even know where it's going, but that's not certainly my intent. So rather than continue to debate this to the point of whatever, I'm simply going to withdraw it and we'll deal with it at another time. So I'd like to withdraw the amendment and move on to the rest of the agenda.

D.P.O. MYSTAL:
You are a good man.

P.O. LINDSAY:
The amendment has been withdrawn.

Okay, ***5,*** I guess, has been requested by me, it's ***amend Rule 7(A)(6) to read as follows: "Tabled subject to call. Legislation that's placed on the agenda for consideration by the full Legislature and remains tabled for six (6) months shall be deemed tabled subject to call."*** Do I have a second to that?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:
Just a question. How does this -- to Counsel, how is this different from what we are -- where we are now? Something can remain tabled --

LEG. VILORIA-FISHER:
Indefinitely.

LEG. LOSQUADRO:
-- in perpetuity, or at least until the end of the legislative session, correct?

MR. NOLAN:
That's correct.

LEG. LOSQUADRO:
Okay, thank you.

P.O. LINDSAY:
Anybody else? Anybody else? I think you're missing the intent here. Okay, you got it?

LEG. VILORIA-FISHER:
Yeah, we got it.

LEG. LOSQUADRO:
No, it's there.

P.O. LINDSAY:
Oh, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
6, it's again requested by me, to ***amend Rule 7(C),*** and this is really some housekeeping because we passed legislation for this earlier in the session: ***"If the County Executive disapproves a Local Law, Charter Law resolution, the County Legislature may within 30 days after said legislation and statement of reasons for non-approval are presented to it by the Clerk pursuant to section C2-15 of the SUFFOLK COUNTY CHARTER, reconsider and repass (by veto override) such legislation by an affirmative vote of at least two-thirds (2/3) of the entire membership of the Legislature. It shall then be deemed adopted notwithstanding the objections of the County Executive. Only one (1) vote shall be had upon such reconsideration."***

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. Is there any discussion?

LEG. ALDEN:
Just a point of clarification.

P.O. LINDSAY:
Go ahead.

LEG. ALDEN:
This expands the amount of time that we have --

P.O. LINDSAY:
We passed a bill earlier in this session that allows us, in effect, to address a veto at our next meeting.

LEG. ALDEN:

Right.

P.O. LINDSAY:
So that we -- it would eliminate the necessity in times when we have maybe a stretch between meetings or the veto is timed, the only way that we could address this is to go into special session and I have to call people back from vacations and whatever. This allows us really to the next meeting.

LEG. ALDEN:
So this just codifies what we passed.

P.O. LINDSAY:
Yes.

LEG. ALDEN:
Good.

P.O. LINDSAY:
Counsel, do you want to expand on that explanation?

MR. NOLAN:
That's all this rule change does is bring us into conformity with the Charter change we did last year.

LEG. KENNEDY:
Mr. Chair?

CHAIRMAN EDDINGTON:
Legislator Kennedy.

LEG. KENNEDY:
Yeah, my question is just procedural as well. And as a matter of fact, I anticipate being able to make use of this rule very shortly, based on what we've seen in local correspondence. But the very last line of the change, "only one vote shall be had upon such reconsideration."

MR. NOLAN:
That's always been in the override rule. So that we take one crack at the override, if it fails it's won and done.

LEG. KENNEDY:
However, this very rule that we used last year was passed, vetoed and then we did not convene and so subsequently it was reintroduced and passed and overridden, right? I mean, is this -- I don't understand.

P.O. LINDSAY:
You're absolutely right, the bill that we passed initially last year --

LEG. KENNEDY:
Yes.

P.O. LINDSAY:
-- to correct this problem.

LEG. KENNEDY:
Yes.

P.O. LINDSAY:

-- was vetoed in the month of July, then we didn't have a meeting available, the timing of it so that we wouldn't meet in time to do it. And rather than call everybody back in special session to address the veto, I just let it die, reintroduced the bill in August, we repassed it in August or early September and it was vetoed again and we overrode the veto.

MR. NOLAN:
I think I understand your question, Legislator Kennedy. It wouldn't stop a Legislator from reintroducing a bill. All I'm saying is once it gets here and it's been presented to us and there's a vote to override, we only have one vote on the override of that particular IR.

P.O. LINDSAY:
You only have one shot at overriding, but you can reintroduce any bill you want.

MR. NOLAN:
Then you can reintroduce the bill.

LEG. KENNEDY:
Fine.

LEG. ALDEN:
But it would eliminate the reconsideration; you couldn't make a motion to reconsider.

MR. NOLAN:
Right, but that's always been in the rule on veto overrides.

P.O. LINDSAY:
Yeah, you never got a second bite.

LEG. KENNEDY:
Okay. No, that's fair enough, as long as we still preserve the right to reintroduce, that's fine.
P.O. LINDSAY:
Absolutely.

MR. NOLAN:
Yes.

LEG. HORSLEY:
On the motion?

P.O. LINDSAY:
On the motion, Legislator Horsley.

LEG. HORSLEY:
Just quickly --

P.O. LINDSAY:
In the mike, in the mike.

LEG. HORSLEY:
Is 30 days enough considering that July -- the July timetable?

P.O. LINDSAY:
But you're -- go ahead, you explain it.

MR. NOLAN:
Yeah, 30 days will be plenty because what we're saying is is that if the County Executive vetoes a

bill and we're on a break --

LEG. HORSLEY:
Right.

MR. NOLAN:
-- and he sends it over to the Clerk, at our next regular meeting the Clerk will present the veto to us and the 30 day clock will start to run at that particular time.

P.O. LINDSAY:
Right. So we can override it when it's presented to us at that meeting or we can wait 30 days for the next meeting.

LEG. HORSLEY:
Now I understand. That's fine.

P.O. LINDSAY:
Okay. Everybody understanding now? Okay, all in favor? Opposed? Abstentions for No. 6?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
7, amend Rule 11(F) to delete reference to the discharge motion, and this goes back to 2; am I correct on that?

MR. NOLAN:
Correct. Having adopted the earlier amendment, this is just a straight reference in our rules to a discharge motion. Having passed the earlier amendment, for consistency sake, we probably should get the reference, this reference to a discharge motion out of our rules to avoid confusion.

P.O. LINDSAY:
Okay. I'll make a motion on this. Do I have a second?

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. Legislator Romaine.

LEG. ROMAINE:
Brief comment. Again, I believe it's a mistake to eliminate from the powers of this body the ability to discharge a motion on to the floor. We've seen many resolutions tabled in committee repeatedly. Again, it silences the voice of the minority, which may be the majority if it's voted out on the floor. People have an interesting way, when the spotlight is put on them, of voting the way their constituents sometimes would want them to vote and that's what a discharge motion allows us to do, it allows us to get the popular view heard, out on the floor and then we can all decide. I'm opposed to this. Thank you.

LEG. LOSQUADRO:
Mr. Chairman?

P.O. LINDSAY:
Okay, Legislator Losquadro.

(*The following was Taken by Lucia Braaten - Court Stenographer

& Transcribed by Kim Castiglione - Legislative Secretary*)

LEG. LOSQUADRO:
I just wanted to ask that a roll call be called for this.

P.O. LINDSAY:
I intended to. Legislator Alden.

LEG. ALDEN:
Actually, more than two years ago if this had been proposed the minority would have screamed and held all kinds of press conferences and all kinds of critical procedures to say that we as the majority, or the majority at that time, was stifling the voice, and actually did because there was similar rule proposals that were defeated because of just that, it actually unfairly just took minority and really squashed them. And it's interesting because if Legislator Barraga gave us his perspective of what happened up in the Assembly, and there is a huge difference between the minority people in the Assembly, the majority had the good sense to leave that ability in there for the minority because they were afraid that I guess they would look too unpatriotic.

LEG. ROMAINE:
Undemocratic is the word.

LEG. ALDEN:
Undemocratic, there you go.

P.O. LINDSAY:
I guess you were referring -- comparing this to the creation of the Rules Committee? Is that what you were --

LEG. ALDEN:
A little bit, yes, because there was similar debate on that.

P.O. LINDSAY:
Okay. Legislator Barraga.

LEG. BARRAGA:
You used that term twice now, Rules Committee. You never, never want to go down the road of a Rules Committee.

LEG. VILORIA-FISHER:
We did.

LEG. BARRAGA:
Well, I wasn't here. I can tell you pretty much the way the Rules Committee was Albany. After about 15 years in the State Assembly, they called me in and only the more experienced senior members ever became part of the Rules Committee because it was the largest committee in the State Legislature, with 45 to 50 members. So they said Tom, you're going to be on the Rules Committee. I said well, that's great. Well, I was on that Rules Committee for eight years. It even had a dinner. The Rules Committee had a dinner. And I can tell you how many times that committee met. It met once in eight years. Because as bills go through committees in the State Legislature, especially a bill that has a fiscal impact, no matter where it starts it eventually wound up in my committee in Ways and Means, and up to April 1st more than likely we could bring it directly to the floor. But after April 1st, that's when the Rules Committee got all bills that came out of committees.

Every single bill that got approved out of a committee went to the Rules Committee and the Rules Committee never met. The Rules Committee was the Speaker and his Counsel. The Speaker and

his Counsel, and they determined what bills made it to the floor of the New York State Assembly. And the motion to discharge, the majority always let us have it being in the minority, because -- in fact, I was the person -- always who would come to me and make the motion to discharge on a particular bill, and the reason you'd do it, you'd get up there, at least you had a chance to explain the bill. Then they would take the vote and kill the bill. That's the end of it. Then you would have a chance to explain the bill again, and then you would sit down and it was over. That's the way they worked up there.

LEG. ROMAINE:
We don't even have that chance.

D.P.O. MYSTAL:
One question for Legislator Barraga. Did the Republican do the same thing in the Senate?

LEG. BARRAGA:
They were worse in the Senate. That's just the nature of the beast up there. This is a much more democratic system. I don't agree with -- frankly, I don't agree with what we did today with reference to the motion to discharge, but, you know, you have a much more democratic process. But don't ever use them as the guiding light for things you want to do in the future.

LEG. ROMAINE:
Disgraceful.

P.O. LINDSAY:
Anybody else want to comment on this? No? Roll call.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)

P.O. LINDSAY:
Yes.

LEG. STERN:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yep.

D.P.O. MYSTAL:
Yes.

LEG. SCHNEIDERMAN:
Tim, change mine to a no, please.

MR. LAUBE:
Sure. 11.

P.O. LINDSAY:
Okay. Eight, I really feel kind of funny with my name on this one, **to amend rule 264(b)60, 17 and 19 to delete references to memorializing resolutions.** Legislator Cooper, would you like to second this?

LEG. COOPER:
Yes, please.

P.O. LINDSAY:
Okay. Got a second by Legislator Cooper. On the motion? Anybody want to talk on the motion?

LEG. ALDEN:
Yeah.

P.O. LINDSAY:
Yes, Legislator Alden.

LEG. ALDEN:
Except for Legislator Barraga's explanations, why wouldn't you want to keep the ability to let other bodies of government, whether they be higher than ours or lower than ours, to let them know what we feel as Legislators. We're probably the closest to the people in Suffolk County definitely as far as availability, so that our constituents, which are their constituents also, can walk into our offices and express a desire to have us either say yay or nay to an idea. I don't see why you would want to

limit yourself to not considering legislation or even asking other bodies to propose legislation that affects our constituents.

It's our job, we were elected by the people and whether we have to put in 15 hour days here, 27 hour days here or whatever number and in between or less than 24, more than 24, then you know what, that's too bad. And I know that that's been one of the reasons why it was said before let's kill this, because we're spending too much time on things that really we haven't got the final say on. Well, you know what? It's the people's business, so if it takes us all day and all night to work on the people's business, I think that's what we were elected for, and some people if they just don't want to do that, just get up and walk home if you don't like discussing the people's business.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
In response to that, you sort of passed over of the concerns that were expressed by Legislator Barraga and that is indeed the rationale for ending memorializing resolutions. It's very clear, I think, that they have no impact whatsoever. They're completely disregarded by the other levels of government, whether they be higher levels, State or Federal, or lower levels, town or village. It's a waste of our time, it's a waste of time of Legislative Counsel in drawing up the resolutions because it probably takes as much work to draft a memorializing resolution as a regular resolution. It's a waste of time of the Clerk's Office, and I think that the people of Suffolk County, our constituents, are paying us to do the people's business, but this is not the people's business, it's another level of government.

We have no impact on how they will vote at the State level or the Federal level, and as Legislator Barraga mentioned, these memorializing resolutions, when they're sent up to Albany, end up in the circular file. So it's a complete waste of time and I think that we would be better off spending our time voting on and debating legislation that has a direct impact on the lives of our constituents.

P.O. LINDSAY:
Legislator Mystal.

D.P.O. MYSTAL:
The main objection I have with memorializing resolution is that I'll wind up voting on a bill number and a bill title. We know very, very little, if you've ever seen a bill it's about that thick, or a bill from the Assembly is also about that thick, and what I'm voting on is a number and a title. Most of the time I don't even know what the bill really is. We get a very small synopsis, a one line sentence, and I don't think that's the way for us to vote. We are better informed when we vote on our legislation. We get a stack of thing that we have. This is just a number and a title.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. And I've said in the past that I know I for one in speaking with many of my colleagues, when I get a resolution from one of the townships or the villages throughout Suffolk County, I read it. I take it into consideration. So I'm listening to Legislator Cooper's argument, but if the Town of Huntington passes a resolution and sends it to his office I guess what he's telling the Town of Huntington is I'm throwing away your piece of legislation and I'm not paying any attention to what you're saying. So you know, I think Legislator Alden is exactly right here. We're here to do the people's business and when other levels of government send me information or they send me a resolution that tells me that they as a body have decided to stand behind something or against something I take that into consideration. And I would like to think that when we do the same that we would be given the same consideration by another level of government.

There may be some Legislators or some levels of government where they're inundated with these and it's not given due consideration, but I would like to think that on many levels it is, and I certainly don't want to remove our ability to be able to act on these pieces of legislation and have our voice heard. We are a County of a million and a half people. When we say something, another level of government better listen.

P.O. LINDSAY:
Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:
(Shook head no).

P.O. LINDSAY:
No? Okay. Legislator Browning?

LEG. BROWNING:
Okay.

P.O. LINDSAY:
I got a long list yet. Legislator Browning.

LEG. BROWNING:
I know Tom has said many times about these memorializing resolutions and what happens to them, and if you really want to make an impact you can still have your press conference without a memorializing resolution, you can write letters of support, you can call people from your community if you want to have a press conference to say I support what the State's doing on this. The opportunity is still there to grandstand or whatever you want to do with it.

I have to tell you that, and I know I've done a couple of memorializing resolutions, and the one thing that bothers me is we have spent so much time debating a bill that we have no control over. So why are we wasting our time and the taxpayers time. We have people that sit here and listen for over an hour about a bill that we can do nothing about.

I've also had people in my district call me and say, you know, I heard about this bill and you guys passed that bill. It's a memorializing resolution and they don't -- sometimes they don't understand the difference between a memorializing resolution and an I.R. that we do. So I don't want to confuse the public that we passed it here and then maybe a few months down the road it doesn't pass on the State level or the Federal level. So I'm going to support this.

P.O. LINDSAY:
Okay. I put myself on the list. I just wanted to make a statement to the body is that if this should pass, that my office will make available to any Legislator, if they want a letter to send to a different body and help with the circulation of that letter, because I do think it's important that other bodies, other layers of government know how we feel about something, whether they read it or they don't. Legislator Alden.

LEG. ALDEN:
Just as a final word. Then I'm going to ask you to be consistent. If you vote for this, then be consistent. Do not require other levels of government, which is right now in our Charter, do not require other levels of government to give us memorializing resolutions. So be consistent.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Mr. Chair, the offer that you make out of your office I think is important. I was just going to speak

to some kind of a mechanism, again, for us to go ahead and advance the issue. But that offer there, if there's ability to go ahead and circulate a letter from the body, maybe we can, you know, effect the same outcome that we're seeking to do. I do think that there are matters, you know, at federal or village or any other level of government in between, where not only is it important, but I think it's critical that we weigh in at our level for our agreement or our support. So I'll leave that from my perspective with your offer, which hopefully we'll use.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yes. I want to just comment that I know I've heard Legislator Barraga talk about the circular file, and I have checked out with other Legislators up there and that is often the case. However, I did put a memorializing resolution, MR 40, that was going -- and I made the statement that I didn't think that licenses should go to non-citizens. And my problem was that a number of the Legislators failed to vote. They left the room rather than vote on that. And I think that was heard because I happen to know that that was distributed to the Black and Hispanic Caucus in the Assembly moments after I sent it to here and then it was walked over to Legislator Eddington saying are you aware of what Suffolk County is doing? So I know some of them are heard, distributed and seen. And of course, when our foresighted Governor did his thing, or maybe I should say shortsighted, it became big time.

So I do think that memorializing resolutions could be effective. However, I do agree with Legislator Browning, that I don't think that the citizenship really got the notice as I would have liked to, not until the Governor did his thing. So I for one think that maybe what Legislator Browning is saying about having a press conference and Legislator Lindsay about getting the notice out to my constituents is maybe more important than asking people around this circle to support it or vote for it.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
You know, when we talk about these memorializing resolutions I can't help thinking we sit here and we decide as Legislators what we're going to support and what we're not going to support. But we're elected in our district to represent our constituents, and I don't know that when I vote, whether it's in favor or not in favor of a memorializing resolution, if it's really representing what my constituents want, because, quite frankly, I never hear from them on these memorializing resolutions. I don't hear from anybody. But I think if I did I would tell them simply this is a very important matter. Now, knowing what Legislator Barraga has told us time and time again, that these things go in the garbage, I would simply tell my constituents if it was a big deal and they did call me up, I would say look, I'll stand behind you, but you must contact your State representative or Federal representative, whatever applies.

I think a letter, an e-mail, an e-mail campaign, would certainly not go by unnoticed with our State or Federal representatives. Therefore, what Legislator Browning was talking about, press conferences, we have newsletters. We can get the message out, but memorializing resolutions we're voting yay or nay most of the time.

Yes, that piece of legislation, that was a hot issue, the licenses. Most of the things that we spend a long time debating, which go in the garbage pail, I don't know if I've ever gotten, other than the licenses, I don't think anybody in my district has ever written to me or called, and if they do, I would simply say to them, I'll stand behind you, we'll go talk to the State representatives. I'll write a personal letter, which I don't think would go in the garbage, and I don't think their letter would go in the garbage either because I don't think -- I'm sure my State representatives would respect their

constituents, so.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
On this issue, I know that all of you would like to feel that if you send a memorializing resolution up to the State Assembly or the Senate, it is going to be read. I mean, why shouldn't you feel that way. I mean, you put your effort into it, you feel committed to it. But the reality is between January and June of this coming year over 20,000 bills will be submitted in the Assembly and the Senate. And their system is not as advanced as your system. We sit here, we have computerization. Theirs is a paper system. All paper, all bills. Those bills have to go through committees. Those members don't have the time, even if they wanted to, to look at memorializing resolutions. They just don't look at them.

And it isn't as if you can't contact the person. If you feel strong about an issue pick up the phone, call the Assembly person or Senator. You can fax, you can e-mail, you can put together a group letter. That's the most effective means I've seen in the years I was up there, when eight or nine or ten County Legislators sign off on a given letter, at least those from the respective County, Democrat or Republican, will read that letter. But to send up memorializing resolutions, they don't make it to the member. They just don't. They're not read.

Even at times when a home rule message is needed before a bill passes on the floor, most members don't even know if the home rule is there until they get to the floor and the bill is before them and somebody will get up and say Mr. Speaker, do we have a home rule. That's the first time they realize there's a home rule. In some counties they send copies of the home rules to all the members. It's a paper intensive, bill intensive system. And believe me, if they read the memorializing resolutions I wouldn't have a problem with this, but they don't. What you're doing is you're putting a lot of time and effort -- you are kind of wasting your time. There are other means of doing this.

And as was pointed out, in one or two instances we had here in the last year or so, we had, I think there were husbands down here, fathers who wanted legislation, it was a memorializing resolution dealing with giving them greater access to visitation rights. Right church, wrong pew. We we sat here for an hour-and-a-half, two hours listening to those folks and we could do nothing, absolutely nothing, except sending up a memorializing resolution and that issue's been bogged down up there for years with no solution. And those people knew it but they came in here. It was just another avenue for them, but the reality is what could we do? So, you know, there are other ways of doing this, but I just think you really ought to move away from this memorializing resolution. It's just not effective. It just doesn't work.

P.O. LINDSAY:
Thank you Legislator Barraga. Legislator Stern.

LEG. STERN:
Thank you, Mr. Presiding Officer. You know, the lesson that I keep coming back to over and over again is that any time there's an important issue, something of regional significance, that the only way we're able to make meaningful change is through cooperation among all levels of government. We keep coming back to that regardless of what the issue is. Every time we have a session there is one issue where we all need to come together with a common voice when we reach out to those other levels of government, whether it's above us, whether it's below us, to do anything meaningful here in Suffolk County.

And Legislator Losquadro was absolutely right. I mean, the population of Suffolk County makes us larger than over a dozen states, and when we speak with a voice if it is tossed in the trash well, that's not right and we have to speak a little more loudly. But the fact is that we have a

constituency that deserves to be heard at every level of government.

Legislator Alden, I think, does a very good job, certainly on the committees that I serve on with him. When there's a memorializing resolution that comes up he'll ask the question. He'll say what does the Assembly bill say, what does the Senate bill say. Explain this to me a little more so I can have an idea as to what I'm voting on. That's something that we should all be doing and not just voting on something that goes by a number or goes by a certain member of a party that's made the introduction or, you know, goes by a title. It's something that we should all take the time to at least read a bill summary that's easy to get on the internet at any level of government. We should know what it is we're voting on, even when it comes to our memorializing resolutions.

It is a voice. It's another way for us to voice how we feel to all those levels of government, and I'm sure, because I've seen this myself, for any Legislator in any level of government that tosses them in the trash, there's one that I've spoken to that says they read it. They read it and they read the letter that accompanies it and it is something that they are going to take into account if it is something that will affect their constituents through all of this overlapping level of government, it's something that they're going to be a part of, it's something that they're going to listen to.

And I go back to one of the -- I think the best examples of what a memorializing resolution did for us and most importantly did for our constituents. It was the memorializing resolution that had to deal with the voting machines. And we certainly didn't have the jurisdiction over which voting machine method of voting was going to be chosen. We all knew that and anybody that came to be heard on that memorializing resolution knew that as well. But because it was before us, Legislator D'Amaro as the Chairman of the Ways and Means Committee set up, you know, a wonderful program out here in our vestibule. It had some of the companies come down and had all the different methods of new voting and there was a tremendous turnout and it was a great service to our constituents. To me that's what a memorializing resolution and the effort behind it is all about.

P.O. LINDSAY:
Okay. Last word, Legislator Mystal.

D.P.O. MYSTAL:
I think we just proved the point about memorializing resolution. We just spent more time discussing it than any other amendment we had.

P.O. LINDSAY:
Anybody else want to talk? Okay. We have a motion and a second. I'm calling for a roll call because of the controversy on this.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)

P.O. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
No.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
Yes.

D.P.O. MYSTAL:
Yes.

MR. LAUBE:
11.

P.O. LINDSAY:
Okay. Amendment number eight passes. And we have a motion and a second to approve Introductory Resolution No. 2 as amended, am I correct?

MR. LAUBE:
You are correct.

P.O. LINDSAY:
All in favor?

LEG. ROMAINE:
Roll call.

LEG. ALDEN:
Opposed.

P.O. LINDSAY:
You want a roll call?

LEG. LOSQUADRO:
Yes, please.

P.O. LINDSAY:
Okay, roll call.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)

LEG. ROMAINE:
No.

LEG. VILORIA-FISHER:
Yes.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. MYSTAL:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
11.

LEG. ALDEN:
Good thing this isn't Russia because the oppressed minority would rise up and --

P.O. LINDSAY:
Oh stop, will you, stop.

Okay. Back to the agenda. Next thing on our agenda is **Introductory Resolution No. 3, Appointing the Clerk of the County Legislature** in Timothy Laube. I'll make the motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

LEG. VILORIA-FISHER:
Mr. Clerk, on the motion. I'm sorry, I know we had the vote. I just wanted to thank Tim. Any time I've ever called his office he's been so helpful and really so well informed. So I just want to publicly thank you, Tim.

MR. LAUBE:
Thank you.

P.O. LINDSAY:
Next **Introductory Resolution No. 4, Appointing Chief Deputy Clerk of the County Legislature** in Renee Ortiz.

D.P.O. MYSTAL:
Motion.
P.O. LINDSAY:
I'll make a motion, seconded by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:
17.

P.O. LINDSAY:
The next is **Introductory Resolution No. 5, Appointing Deputy Clerk of the County Legislature,** Barbara LoMoriello. I'll make a motion.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:
17.

P.O. LINDSAY:
Okay. Could I ask the three -- the Clerk positions to come forward for the Oath of Office?

(*OATH OF OFFICE ADMINISTERED TO TIMOTHY LAUBE, RENEE ORTIZ, AND BARBARA LoMORIELLO BY SUFFOLK COUNTY CLERK JUDY PASCALE*)

P.O. LINDSAY:
Okay, we're all set. The Clerk's are back. Congratulations to the three of you.

APPLAUSE

Next is item number ten, **Appointing a Counsel to the Legislature** and it's Resolution No. 6, in George M. Nolan. I'll make a motion.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
18.

LEG. ALDEN:
Congratulations, George.

APPLAUSE

(*OATH OF OFFICE ADMINISTERED TO GEORGE NOLAN BY SUFFOLK COUNTY CLERK JUDY PASCALE*)

APPLAUSE

P.O. LINDSAY:
Congratulations, George. Okay. Moving right along. **Resolution No. 7, Appointing Director of Legislative Office of Budget Review** in Gail Vizzini.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:

I'll tell you what.

LEG. LOSQUADRO:
Sorry.

P.O. LINDSAY:
That's okay. I'll let Legislator Montano make the motion and Legislator Losquadro second that.

LEG. MONTANO:
Yeah, I was going to second, but since we --

LEG. LOSQUADRO:
My apologies.

LEG. MONTANO:
That's okay.

LEG. VILORIA-FISHER:
They're jumping all over each other here for you, Gail.

LEG. MONTANO:
Well, Gail, I just -- we've worked together, you know, in my role as Chairman of the Budget and Finance Committee. I think you've done an excellent job, and I'm sure that everybody here agrees with me. I'm very happy to move your nomination.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
I'm happy to second the nomination for Gail Vizzini. I've had the pleasure of working on many of our budget working groups and having very complex issues laid out in a very easy to understand manner and with a budget of our size, the number of items included, it's a daunting challenge for any Legislator, and I would just not only like to compliment Gail, but her entire staff. She does a wonderful job with all of them. So thank you, and it's my pleasure to second the nomination.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
18. Congratulations, Ms. Vizzini.

APPLAUSE

(*OATH OF OFFICE ADMINISTERED TO GAIL VIZZINI BY SUFFOLK COUNTY CLERK JUDY PASCALE*)

APPLAUSE

P.O. LINDSAY:
Congratulations, Gail. Okay. Next, **Resolution No. 8, Fixing the time of meetings of the County Legislature.** I believe you have a list in front of you.

LEG. VILORIA-FISHER:

Mr. Chair.

P.O. LINDSAY:
Yes. Let me just get a motion first.

LEG. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
I'll make a motion.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Second by Legislator Beedenbender. Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Mr. Chair, when I received the original memo indicating what the draft calendar would be, I immediately sent a notice to your office that I would be away, that I've already paid for a trip that I would be taking on June 22nd and I asked if that date could be changed. And I'm wondering if we could amend the calendar to make that meeting on June 17th rather than the 24th.

P.O. LINDSAY:
I think what you'd have to do is move the meeting for the 10th as well, and the reason why is because the prior week is committee week.

LEG. VILORIA-FISHER:
Right, okay.

P.O. LINDSAY:
And the reason we have two meetings in June is because of the Capital Budget, one is to pass the Capital Budget and the other is to give us time to, you know, to address --

LEG. VILORIA-FISHER:
Can we make June 10th June 3rd?

P.O. LINDSAY:
-- any vetoes.

LEG. VILORIA-FISHER:
Can we make it June 3rd and June 17th.

P.O. LINDSAY:
I don't have any problems with that.

LEG. VILORIA-FISHER:
May I make that motion?

LEG. ALDEN:
No, it's amending motion.

LEG. VILORIA-FISHER:
It's an amending motion.

P.O. LINDSAY:

What Counsel is saying is that it's a problem with the Capital Budget.

LEG. VILORIA-FISHER:
Would the 17th be too late, Counsel?

P.O. LINDSAY:
Mr. Lipp, is there -- does that present a problem for you guys? We'd have to pass the Capital Budget on June 3rd and address the vetoes on the 17th. Does that create any kind of logistical problem? Here comes Ms. Vizzini.

LEG. ALDEN:
Also, can --

P.O. LINDSAY:
Yes, Legislator Alden.

LEG. ALDEN:
Through the Chair. There was some talk of flipping the Capital Budget and the Community College budget?

P.O. LINDSAY:
It was one of the things that we were suggesting that the Charter Commission take a look at because it's by Charter.

LEG. ALDEN:
Right.

MS. VIZZINI:
I think we could accommodate the schedule.

LEG. NOWICK:
Good.

LEG. VILORIA-FISHER:
Oh, good. So may I make a motion to amend the calendar to have the June dates as June 3rd and June 17th?

P.O. LINDSAY:
Do I have a second to that?

LEG. LOSQUADRO:
Second that.

P.O. LINDSAY:
Second by Legislator Losquadro. Is there anyone else on the question?
What Counsel is asking me to do before we take a vote on that, if he could -- if we could pass over that because he just wants to check the Charter to make sure it's in compliance.

LEG. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
So I'm going to go to item 13 the agenda, **Designating depositories pursuant to Section 212 of the County Law.** It's **Resolution No. 9** and it lists the depositories there. You know, does anybody got any problem with any of that?

LEG. HORSLEY:
Say it again, Bill.

P.O. LINDSAY:
We're on Resolution No. 9, designating depositories. All right? I'll make a motion. Do I have a second?

LEG. MONTANO:
Second.

P.O. LINDSAY:
Second by Legislator Montano. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Abstain.

LEG. BEEDENBENDER:
Abstain.

P.O. LINDSAY:
One abstention -- two abstentions.

D.P.O. MYSTAL:
Three abstentions.

P.O. LINDSAY:
Who is the third? Third abstention?

LEG. ALDEN:
Actually you are going to have more than that. Maybe you should do a roll call because I have to abstain.

P.O. LINDSAY:
Okay. Roll call.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)

P.O. LINDSAY:
Yes.

LEG. MONTANO:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Abstain.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Pass.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. MYSTAL:
Abstain.

MR. LAUBE:
Abstain?

D.P.O. MYSTAL:
Abstain.

LEG. MONTANO:
I can't hear you.

D.P.O. MYSTAL:
Pass.

MR. LAUBE:
You're the last one.

P.O. LINDSAY:
Did I vote yet? I didn't vote.

MR. LAUBE:
Yeah, you made the motion.

LEG. BARRAGA:
Yes.

D.P.O. MYSTAL:
Abstain.

MR. LAUBE:
13.

P.O. LINDSAY:
Okay. That passed. Item 14, designating official County newspaper, this one is the Smithtown News. Yeah, I'll make a motion on **Resolution No. 10 --**

D.P.O. MYSTAL:
Second.

P.O. LINDSAY:
Designating the Smithtown News, of Smithtown, New York, as one of the official newspapers of the County of Suffolk. Second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
Item 15, designating an official County newspaper, which is **Resolution No. 11 --**
LEG. LOSQUADRO:
Mr. Chairman, I make a motion to table.

LEG. KENNEDY:
I'll second.

P.O. LINDSAY:
Legislator Losquadro wants to table Resolution No. 11 and it's seconded by Legislator Kennedy. And I'll support that. All in favor of tabling? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
I just want to go back. So we tabled item 15, and I guess we'll deal with that at the February meeting?

LEG. LOSQUADRO:
Yes.

P.O. LINDSAY:
But going back to item number 12, Counsel just gave me a quote from the Charter, and I don't have total reference numbers, just (D), but it says the County Legislature shall not schedule any regular meeting of the entire County Legislature during the first week of June of any year or the last week of October of any year, so that additional time will be available for the County Legislature to consider and act upon the County Capital Budget and Program and the County Operating Budget respectively.

LEG. NOWICK:
That's the Charter?

P.O. LINDSAY:
Yeah. I don't think we could work on the amended copy. All right. The only thing that I could suggest is that --

LEG. VILORIA-FISHER:
I'll be gone the 22nd.

P.O. LINDSAY:
-- I'm hoping that the Charter Commission will, I don't know whether they'll get their work done before -- we'd have to change the Charter.

LEG. ALDEN:
But Mr. Presiding Officer.

P.O. LINDSAY:
Yes, Legislator Alden.

LEG. ALDEN:
You could still designate the June 3rd meeting or proposed June 3rd meeting as Capital Budget, and then the June 17th meeting would be a general session.

P.O. LINDSAY:
No, it says that -- the Charter says you can't have a meeting the first week in June.

LEG. ALDEN:
Unless it's a Capital Budget.

MR. NOLAN:
No.

LEG. ALDEN:
Shall not schedule any regular meeting during the first week of June and the last week of October of any year so that additional time will be available for the County Legislature to consider and act upon the County Capital Budget and Program. So you could schedule a Capital Budget Program without a regular scheduled meeting. I think you're okay.

P.O. LINDSAY:
Did the County Attorney want to add something to this? No?

MR. CHAMBERLAIN:
No one's here.

LEG. ALDEN:
It just can't be a regular meeting. It can be a Capital Budget meeting on the 3rd.

P.O. LINDSAY:
Counsel.

MR. NOLAN:
Well, what we are doing is we're setting the meetings -- we're setting the schedule of our regular meetings now. I suppose it's theoretically possible that the Presiding Officer could call a Special Meeting of the Legislature for the first week of June at a later date so we'd end up with three meetings in June. Yeah, but I would also point out that, you know, the theory underlying this Charter provision is to give the Legislature adequate time to consider the Capital Budget and pass amendments.

LEG. NOWICK:
Maybe we should wait for the County Attorney to weigh in. Or actually, how different can it be.

LEG. ALDEN:
You can read the language yourself. It just said you can't have a regular scheduled meeting in the first week so that you could accommodate the Capital Budget. So you just eliminate the June 10th meeting, let Bill at a later date call it, the June 3rd meeting, a Capital Budget meeting, and you can move the 24th to the 17th to accommodate Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Thank you, Cameron.

P.O. LINDSAY:
I didn't hear that. The 10th and the 17th?

LEG. NOWICK:
No, not the tenth.

LEG. ALDEN:
No. You would eliminate the 10th and then you could call a special Capital Budget meeting on the third if we're prohibited from calling these regular scheduled meetings, including capital meetings, and then you just move the 24th to the 17th.

LEG. NOWICK:
It's the same effect with a different name. We can do anything we want with --

LEG. ALDEN:
No, no, no. The Charter said --

LEG. NOWICK:
No, I'm only kidding.

LEG. ALDEN:
I mean, we have done anything we want.

LEG. NOWICK:
But I like your interpretation and I think that's a good idea.

LEG. VILORIA-FISHER:
I think Cameron's idea is a good idea.

P.O. LINDSAY:
What I would ask -- what I would ask my fellow Legislators is if we could adopt the schedule as passed out on the resolution number eight and give my staff a chance to look at what we can do in terms of rescheduling. You know, we might have to do this, meet on the 10th and then have committee meetings the 11th, 12th and 13th, jam all the committees into three days to meet on the 17th -- I don't know, I just need a little more time to look at it to see what kind of problems. But we did change the schedule midstream last year, if you remember, by resolution because there was a problem with Election Day.

LEG. KENNEDY:
Absolutely, Mr. Chair. I remember.

P.O. LINDSAY:
So if you could just give me the latitude of passing the schedule as is and I promise you over the

next couple of weeks we'll look at it, and if we can change something we'll bring it back to you at the February meeting.

LEG. VILORIA-FISHER:
I appreciate the consideration.

LEG. ALDEN:
I'm a little heartbroken noticing that there are no more meetings in Riverhead anymore. It saddens me greatly.

P.O. LINDSAY:
No, that's because the building is under renovation and we're not sure when it's going to be done.

LEG. ALDEN:
I know that. It makes me very sad.

P.O. LINDSAY:
Well, when we reconsider, if you'd like to amend it to move some of the meetings to Riverhead as soon as that auditorium is done.

LEG. ALDEN:
No, 2010.

LEG. LOSQUADRO:
Through the Chair. If Legislator Alden is that concerned, I'm sure we could accommodate those meetings out at Suffolk Community College at the Eastern Campus.

LEG. ROMAINE:
Absolutely.

LEG. SCHNEIDERMAN:
Absolutely.

LEG. LOSQUADRO:
I'd be happy to do that to be able to properly give the residents on the east end a chance to see government in motion.

LEG. SCHNEIDERMAN:
I second that.

D.P.O. MYSTAL:
Thank you, Dan.

LEG. ALDEN:
Anytime after 2010.

LEG. ROMAINE:
Let's hear it for the east end.

P.O. LINDSAY:
Going book to Resolution No. 8. Yes, I'm sorry, Legislator Barraga.

LEG. BARRAGA:
Just one question to the Counsel, because it's sort of related but not related. Let's say an individual member misses a regular Legislative meeting, misses the votes and -- because of sickness or whatever it may be. Is there any provision at the County level like exists at other levels of

government where a person can come back and get a form and put down the bills that actually passed and indicate on that form that if I had been present I would have voted in the affirmative or negative? Other levels of government do that.

MR. NOLAN:
No, we do not have that in Suffolk County government.

LEG. BARRAGA:
Because, you know, someone could have an accident or be ill and they miss, you know, they legitimately miss the vote but it is a provision so that at least they're on record somewhere indicating that they would have voted in the affirmative or negative against legislation if they had been there.

D.P.O. MYSTAL:
Mr. Presiding Officer. This would work for me.

LEG. HORSLEY:
That's our Deputy.

P.O. LINDSAY:
Okay. But going back to resolution, it's item 12, Resolution No. 8, the calendar. Again, we have a motion and a second.

MR. LAUBE:
Correct.

P.O. LINDSAY:
And I would ask again if everybody would vote for this now and we'll take a look and see what we can do to reschedule the meeting in June. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. Item 16, designating more official local newspapers. It's **Resolution No. 12** in your packet, **To Designate local newspapers in which County notices may be published.** I'll make a motion. Is there a second?

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

LEG. ROMAINE:
Point of information, Mr. Presiding Officer.

P.O. LINDSAY:
Yes, Legislator Romaine.

LEG. ROMAINE:
I don't want to put Counsel on the spot, but I believe there's an obligation that some of our Legislative meetings be held in the eastern portion of this County.

LEG. ALDEN:
Not in the eastern portion. I can answer that.

LEG. ROMAINE:
Okay.

LEG. ALDEN:
Not in the eastern portion.

LEG. LOSQUADRO:
Microphone. Microphone, please.

P.O. LINDSAY:
Counsel, do you want to answer that?

LEG. ROMAINE:
I believe it's in the Charter.

MR. NOLAN:
You could have given me, you know, five minutes warning, I mean, to look for that. It's all right. I don't know the answer. If you'd like I'll take a quick read through the Charter.

LEG. ROMAINE:
I would like to do that because I do believe that there are facilities in the eastern campus that would facilitate Legislative meetings.

LEG. BARRAGA:
May I suggest you send a memorializing resolution to Fred Thiele?

P.O. LINDSAY:
Legislator Romaine, if the auditorium is done in Riverhead earlier than anticipated I would be very happy to reconsider the schedule as far as moving the meetings.

LEG. ROMAINE:
Thank you.

P.O. LINDSAY:
And I did just check on the auditorium. Just a couple of weeks ago I was out there to see what kind of progress they were making.

LEG. ALDEN:
That would require 18 votes, though, to pass.

P.O. LINDSAY:
Item 17 on the agenda is veto messages and we do not have any veto messages.

APPLAUSE

P.O. LINDSAY:
And Item 18 is I'd like to make a motion to waive the rules and to lay on the table resolutions 1000 through 1036, which is the packet. Okay?

LEG. ALDEN:
To be signed at a later date.

P.O. LINDSAY:
And the assignments are on that and save me the breath of reading them all, if that's agreeable with everybody. Do I have a second to that motion?

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
I'll be very happy to take a motion from Legislator Beedenbender to adjourn.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Seconded by Legislator Barraga.

LEG. ALDEN:
Sure, the new guy gets to get out of here early.

P.O. LINDSAY:
All in favor? Opposed? Abstentions? We stand adjourned.

MR. LAUBE:
18.

(*THE MEETING WAS ADJOURNED AT 4:40 PM*)