

SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

January 5, 2009

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

Minutes Taken By:

Alison Mahoney - Court Stenographer

Minutes Transcribed By:

Alison Mahoney and Kim Castiglione

*(*The meeting was called to order at 1:00 P.M. *)*

ACTING CHAIRMAN LINDSAY:

Could I have all Legislators to the horseshoe, please? Mr. Clerk, could you call the roll, please?

MR. LAUBE:

Sure.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

(Not present).

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not present).

ACTING CHAIRMAN LINDSAY:

Here.

LEG. VILORIA-FISHER:

Present.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

*(*Legislators Schneiderman, Browning & Alden entered the auditorium*)*

MR. LAUBE:

Sixteen. (Not Present: Legislators Losquadro & Kennedy)

ACTING CHAIRMAN LINDSAY:

I have kind of -- first of all, I'd like to welcome everybody to our Organizational Meeting, and I have a rather unique circumstance here today. As you can see, we have a houseful of Correction Officers and we had a request from the President of the Correction Officer's Union to speak under the public portion. The Organizational Meeting is the one meeting a year where we don't have a public portion, so we don't have legally an opportunity for the public to address us. So I'm not opening the meeting yet and I'm going to ask if Vito Dagnello could come to the microphone and make a statement so I uphold the words of the Charter, but at the same time give the Correction Officers a voice.

MR. DAGNELLO:

Thank you. I just want to start, yesterday afternoon one of our officers, Ralph Vuolo, had a massive heart attack and passed away.

That happens to be the seventh officer in the last six years that has died, active employee.

I want to start my remarks by thanking Presiding Officer Lindsay and the rest of the Legislative Body for allowing me to speak today. And while I'm the one here at the podium, you see behind me the County employees that I represent and their families whom they work so hard to provide. We believe every last man and woman who serves as a Suffolk County Correction Officer must now be heard. You see, we've been without a contract for six years. Six years we have given our best at a dangerous and important job. For six years we've watched prices for essential goods and services rise. For six years we have all been struggling and belt-tightening to keep afloat. We're finally at a point where many of us fear that we will soon sink into financial ruin.

We've never asked for anything outrageous, despite what our County Executive claims. We've only asked for a fair contract, to negotiate in good faith. We've only sought fair increases in our salary. We've only requested safe working conditions. We've only requested -- each step of the way, we've been blocked and denied by the County Executive using workers who make this County run as fuel for his sound bites and for his advancement in his political career. Six years without a raise is not good fiscal management. Demoralizing and abandoning your employees is not the way to provide our citizens with efficient and competent services, yet despite my members' growing financial concerns, they continue to give their all for the people of this County.

I would like to take a few moments to describe how we came to this untenable situation. I made my first request to start negotiating a contract in 2003, and again in 2004 when Mr. Levy first entered office. Mr. Levy's office was very unresponsive and hesitant to give dates. We were up-front and made ourselves available any time, wherever and whenever they wanted to meet. It was 2004 before the first negotiating meeting took place, and let me tell you, I'll use the word negotiate very loosely. Over a two year period of scattered meetings that themselves were hard to come by, no negotiations took place. The County came in, not to work with us, but to dictate at us. It was "take

it or leave it" from the County with no interest in hearing or discussing our proposals; they never deviated from this approach. They never listened, they never compromised, they never negotiated. It was clear the County was not taking negotiations lightly -- seriously.

With the time passing, no results came, we came before you and asked for Home Rule approval for binding arbitration. You granted it to us and the Governor signed it into law. At last, we put the faith in the system. We were happy to allow the process to determine a fair wage for us to take all the parties into account, both the people who work for the County and the citizens who employ them. Others have done this and it has worked. Our first binding arbitration conference to settle our 2004 and 2005 contract, after an arbitrator was chosen, took place in May of 2007. I remember that clearly because this meeting was a big argument of when the County was available to give us dates to start the process. I want to make it clear again, we made ourselves available 24/7. The County wasn't available at all.

Finally, after a struggle to get the County to the table, we started the process in September of 2007. Delays on the part of the County seemed never ending, but still we finished presenting our case and the County did theirs on December 7th of 2007. And we stand here before you, it's January 5th, 2009, over a year after closing arguments and no decision has been rendered. The system we put so much faith in seems to now be flawed. This flaw in the system has never happened in Suffolk County and anywhere else that I can find.

Prior to this current County Executive, coming into power, this system worked smoothly, fairly and efficiently. One seems to think, given his arrogance and inflexible position, it would not be beyond him to tamper with the process. We wondered if this County Executive can be fair and efficient. We did not think he could, but it turns out we were wrong, he was fair and efficient to himself. You see, each year Mr. Levy has been in office he has averaged a 3.75% pay increase for himself. He's also tried to give salary upgrades to hand-picked management personnel. He's also tried -- I believe all the elected officials have received a similar pay increase over this time period, and we fully support fair wage increases for Suffolk County employees and those elected officials who work so hard to manage this County. Given Mr. Levy's rhetoric, I can only assume that he believes that 3.75% pay raise is fair. We believe in fairness; by definition, it applies to everyone. Yet you hear from Mr. Levy that we have to do more with less. He has turned down some pay increases he was slotted for, but kept enough of them to be the highest paid elected official in the State, and next year his salary will rival that of the Governor of the State of New York.

Correction Officers, on the other hand, in fact, have done more with less than nothing. You see, the arbitration decision we are waiting for is 2004 and 2005. We've recently started again to try to negotiate for 2006 and 2007. And again, it appears the County has come to the table with no intentions of honest negotiations. I ask this body to look at this tactic of negotiating with the employees of this County, and if you find it flawed or broken, as I believe you will, establish legislation to fix it. No County employee should be subject to the process that is so unfair. I believe that with your support the system can work again. And I would like to say this to Mr. Levy. Bullying is not leadership, cruelty is not a management style, and a house divided against itself can't stand.

I want to thank you for allowing me to speak on behalf of the 830 Correction Officers and their families. We've waited quietly and patiently long enough, now we're going to be heard. And you will see us at every meeting you have, whether it's a committee meeting or it's a regular meeting. Thank you.

Applause & Standing Ovation

ACTING CHAIRMAN LINDSAY:

Thank you, Vito. With that statement, I am going to officially open the Organizational Meeting for 2009, and I'd like to start off by introducing some guests I have here for the salute to the flag.

In our home districts, we all get a chance from time to time to attend Eagle Scouts ceremonies, which is a rarity. A very small percentage of all the young men that go into scouting become Eagles. Today I have with me the Bott Family that don't have one Eagle Scout in the family but three. They are William, Raymond and Robert. They're the proud sons of William and Brenda Bott, and I think probably they're the only family on Long Island that can support three Eagle Scouts. And with that, if everybody would rise. Step forward, fellas.

Salutation

ACTING CHAIRMAN LINDSAY:

Thank you very much, guys.

MR. BOTT:

Our pleasure.

Applause

The true hero in the family is Brenda Bott, who's in the front row, and probably knows more about Eagle projects than anybody alive. Thank you.

With that, I'd like to introduce our guest Clergy, Pastor Scott Rees of the New Life Community Church of Sayville. New Life has been in existence since 1866, formerly located in West Sayville. Pastor Rees is a recent Long Island resident from Indianapolis, he is married for 25 years to his wife Patricia and has two children in college and two in high school. He's a graduate of the Fuller Seminary in Pasadena, California and Northwestern Iowa. Please, Pastor Rees?

PASTOR REES:

Thank you for the invitation. And thank you for the patrol officers who take care of us and for the Legislators who make decisions and wrestle with it. I lead a consistory of a church and I've learned over the years that when you add the number of people having to make decisions, the problems get exponential in solving; even though they could be very simple, they're much more difficult. And so I do truly want to pray for everyone in this room. And we all represent this County, from Legislators to citizens, and so let's pray.

Dear God, you have given us life. You've given us great opportunity in this land to live. You've given us the freedom to pursue life and liberty and happiness. And you have given to us each our assigned roles in life. You have given us labor, management, ownership, various levels of leadership. You've given to these Legislators serving hearted roles of leading and caring for the people in this County. We have responsibility for children and for aging parents and everyone in between, and we're glad to bear the burden of all of it because it is life and it is good.

We ask your blessing upon this citizenship represented here. We ask your blessing upon this Legislature, that as they wrestle with decisions for the good of all the people combined, that you would give them health and strength, you'd give them wisdom and insight, you'd bless them, their families, their coworkers, their conversations that it would go well. And we would ask for your protection upon us as well. Keep us safe so that we might live well, but help us to live well that we might bless others. Thank you for this day, bless it with your presence and power. And we ask it in your authority. Amen.

****Amen said in unison****

ACTING CHAIRMAN LINDSAY:

Thank you, Pastor. If you could remain standing. We have a real treat today, we're going to have the National Anthem sung by Long Island's inspirational artist Frank Rendo. Frank is a professional recording artist and does concert tours. He's a Long Island native since he's four years old from

Central Islip, he studied music at Stony Brook University and Theology at Oral Roberts. Frank, if you could come forward.

****National Anthem Sung by Frank Rendo****

Applause

ACTING CHAIRMAN LINDSAY:

Thank you. That was beautiful. And before we sit down, I would just like a moment of silence for Correction Officer Ralph "Skip" Vuolo of East Islip who passed away yesterday after suffering from a heart attack. And as we do at every meeting, if we could keep in our minds and our prayers all of our young people that are overseas in harms way fighting for the freedom that you'll see exhibited here today.

Moment of Silence Observed

ACTING CHAIRMAN LINDSAY:

Okay. Again, welcome, everybody, to the first meeting of 2009 which is the Special Organizational Meeting. Mr. Clerk, has the meeting been properly advertised?

MR. LAUBE:

Yes, it has.

ACTING CHAIRMAN LINDSAY:

Okay. The first order of business on the agenda is the election of Presiding Officer. I would like to call on Legislator DuWayne Gregory for the purpose of a nomination.

LEG. GREGORY:

Thank you. The opportunity to submit the name of Bill Lindsay for nomination as Presiding Officer is truly an honor for me. Having watched Bill, and now having worked with him, I could think of no one else who has served this body better as our Presiding Officer.

Under Bill's leadership, this body has held the line on taxes, fought to put more Police Officers in our neighborhoods, filled vacancies where needed, among other important initiatives. But more importantly, Bill's leadership has been in the area of preserving the strength of this body as a separate but -- and coequal branch of government. His actions in that regard ensure that the people of Suffolk County have a better government serving them each and every day.

Bill Lindsay is a man of integrity. He will not sacrifice his reputation nor the reputation of this body. Moreover, he's a man of his word who works diligently to manage the various interests and, I must say, personalities of this body which can be a daunting task to say the least. But perhaps what I like most about Bill is his sense of bipartisanship and his ability to reach across the aisle to build a consensus. The residents of Suffolk County do not want partisanship, they want to know that their priorities are our main concerns and not -- and do not take a back seat to political bickering.

Lastly, I was very much impressed with the way Bill conducted himself during the past year, a year economically that many of us have never seen in our lifetime. Bill provided a steady leadership that we needed to keep this body focused on the task at hand and to assure that we continue to provide the services that our residents need. It is for those reasons that I've stated before you that I submit the name of Bill Lindsay for nomination as Presiding Officer. Thank you.

ACTING CHAIRMAN LINDSAY:

Thank you very much, Legislator Gregory. Legislator Gregory is our newest Legislator to this body and I'm going to call on -- I shouldn't say the oldest -- the longest serving Legislator --

LEG. ALDEN:

That's better

ACTING CHAIRMAN LINDSAY:

-- to second it; Legislator Cameron Alden.

LEG. ALDEN:

Thank you, Mr. Presiding Officer. And to Mr. Gregory, although you are the newest serving, you're also a very young man, nice young man. And unfortunately, in my lifetime I have seen many ups and downs in the economy and I've seen it crash a number of times, similar to what we're going through now. This is a terrible time and we face many, many challenges. Our government faces many, many challenges.

In the past year, and it's been my honor to witness this, and this is the last time I'll actually be a part of an Organizational Meeting because I'm term-limited out now and I'll serve out my last year. But I've witnessed in the past year someone that has stood up for this body -- and this is a prestigious body, even though there are those that would criticize us and belittle us, we do important work here and we take a very serious attitude. We've been elected by the people to protect mainly the health and welfare and the lives of those people who live in the County of Suffolk. And this body, I'm proud to say, I've served on it now, this will be the 12th year, we take that very, very seriously. And even in the face of the other branch of government, who would rather rule by snippets and maybe press releases and press conferences and not do the hard work that we do over here, this body has taken on those responsibilities very, very seriously.

And it's been my honor to serve under Mr. Lindsay as the Presiding Officer for the past few years. And again, it wasn't easy because this is a separate, coequal branch of government and sometimes we lose, or people can lose track of that. And the Executive Branch would actually love to see this branch fold in and just give in to whatever whims that he came up with, but we didn't do that under Bill's leadership. And it's been a proud year for me that we stood up and tackled some tough jobs. We've got a lot of tough decisions and jobs to do in the future. But as I've said before, it's been an honor for me to serve under Bill Lindsay, so it's an honor for me today to sit here in my last Organizational Meeting and second the nomination of Bill Lindsay.

ACTING CHAIRMAN LINDSAY:

Thank you very much. Are there any other nominations? Are there any other nominations? Are there any other nominations? Rather than call the roll, I'm just going to call a voice vote. All in favor?

*(*Aye said in unison*)*

Opposed? Abstentions?

MR. LAUBE:

Eighteen.

ACTING CHAIRMAN LINDSAY:

Thank you very much.

Applause & Standing Ovation

P.O. LINDSAY:

Thank you very much. I've asked our former colleague and Judge, Andrew Crecca, to administer the Oath of Office to myself.

HONORABLE JUDGE CRECCA:

With pleasure. Raise your right hand and place your other hand on the Bible. Repeat after me.

***Oath of Office Administered to Presiding Office
William J. Lindsay by the Honorable Andrew Crecca***

Applause

P.O. LINDSAY:

Okay. Could you close the doors in the back? We've got a lot of business to transpire.

First I'd like to say to my colleagues, I want to thank you for this humbling and distinguishing -- distinguished honor of electing me to the fourth year and the role to be this body's Presiding Officer. I love this job and I love this institution. I honestly believe that we serve in the most unique Legislative Body in the country.

Over the years, the Suffolk County Legislature has been called all sorts of names, from wild to independent, unpredictable, innovative and sometimes just crazy. At times, all of those adjectives were correct, but its independence and unpredictability are what makes this body great. It's the truest form of democracy that I know of. Coalitions around here come together and dissolve just as quickly around issues, not over partisan politics but over issues that are important to our constituents.

There's no doubt about it, and it was alluded to already, that 2008 was a very, very tough year. And overall, I was very proud of our performance as the coequal branch of government. Special recognition should go to the Budget Working Group which was not bipartisan but multi-partisan, which held the line on taxes but protected our core services for our citizens.

The passion that many of you inject into your assignments is both notable and noble, and I'd be remiss if I just didn't offer a couple of examples. To Legislator Barraga, whose consistent position on the importance of being frugal is one that I think we all respect and need to be reminded of. To Legislator Browning, embracing the Chairmanship of the Health & Human Services Committee and sticking up for the people that can't afford to speak for themselves, the ones that need our help the most. To Legislator Nowick, who sponsored the ban on Salvia Divinorum, which I never knew existed until she introduced the resolution, and then found out what a horrible problem it was in our community. To Legislator Horsley, sponsoring Natalie's Law, which we just debated last month and heard the horrible tragedies that are going on in every one of our communities. And to Legislator Gregory, for his first six months in office that he's absolutely distinguished himself and stepped into a leadership position immediately.

Two-thousand and nine is shaping up as an even more difficult year, primarily because of the world-wide recession. When times are good there's plenty of money to solve problems, but in times like these you have to say no. In the coming year we'll be challenged in many ways. We'll be asked to exercise a leadership role as a coequal branch of government in this County.

Just a few minutes ago we saw the auditorium filled with Correction Officers and we heard the President of the Correction Officers talk about their contract problems. It expired five years ago and they haven't had a raise in six years for a job that is probably the most difficult job in the County. The dredges of our society are put into a facility that in the one case is more than 50 years old and is vastly overcrowded, and we ask these men and women to literally put their life on the line with every tour of duty to keep them in line. Money for their raises has been in a reserve account; we're not asking anybody to break the bank. But I think when a contract dispute goes on that long, unfortunately it's a failure of the collective bargaining system. A system that I lived with for 25 years and believe in, believe that reasonable people come to a table, they can find reasonable solutions to the problems of life. But unfortunately, even with mandatory arbitration, this problem, contract dispute, has not been resolved.

I am going to be directing the Chair of the Labor Committee to, at their first meeting, committee

meeting at the end of this month, to have the parties at the table to give us an idea, a report of why this process is taking so long and why is it so encumbered with obstacles when it should have been solved a long time ago. And if the problem doesn't get resolved, I will propose legislation to fix the system because obviously it's broken.

We'll be asked to be frugal, but at the same time to protect and preserve the infrastructure that provides vital services to our citizens as 2009 progresses. Programs that we funded in the past might have to be eliminated. I'm sure before the year is out, issues like our nursing home, our health centers, the number of Police that are needed to protect us, will all be before this body. Although it is -- although it's symbolic, I, too, will be rejecting my cost of living increase, as several of my colleagues have already done, and hopefully we get through this very tough year.

As the year progresses, unless things improve dramatically, we will have some very tough decisions to make. We're going to be looking to both the State and the Federal Government for help in us surviving this year. In the early part of the year, the State will be negotiating their budget. With a multi-year deficit of over \$15 billion, I don't think any of us should count on the State to come to our rescue. But what I would like to see the State do is really some simple things, basic things, don't cut funding to local programs that are mandated on local government; that simply isn't fair.

Applause

If you're going to make cuts, cut the mandates along with the funding and untie our hands and lift the impediments to us solving our own problems. There's a multitude of things that we can do locally to help our financial situation, but are curtailed from doing because of existing State legislation. In our audience is our Treasurer, Angie Carpenter. She just called me two weeks ago and I'll give you just one example. We're not allowed to invest our short-term tax receipts in credit unions because of State legislation. Angie assures me that if that restriction was lifted, we would probably be able to earn as much as another million dollars a year in interest payments because the credit unions pay more in interest than our banks do, and they're all Federally insured, just as the banks are. But that's just one small example of if some of the restrictions were lifted off of local government, we could solve our own problem without asking the State for any more money.

On a Federal level, they're the people that print all the money and I think ultimately they have the solution to our economic demise, and it's the stimulus package that we've all heard so much about. We need jobs, we have the work to be done, we certainly can use the revenue. If we could hold the line on unemployment to a minimum, if we're going to come out of this economic malaise, our consumers are going to be the ones that carry us out of it. But they need a job and to believe in this country, and I think the Federal stimulus package would go a long way into making 2009 much more manageable.

Medicaid is something else that's been talked about on both the State and Federal level, and part of the economic stimulus package is aid to the States along Medicaid relief; that would help us significantly as well. We debated probably a good part of the year what we're going to do with our nursing home, and with your help and approval, we've created a Nursing Home Oversight Committee that has been meeting the last month or so. And I'm happy to report that the new management at the nursing home has made significant progress, and the bottom line is it's really starting to look better; that's the good news. The bad news is the initial -- if the initial Medicaid cuts are put into place, all the progress we've made will be lost. So if we can get help on Medicaid from the County level and the cuts don't come down, it will really mean a very significant improvement in our nursing home finances.

And in conclusion, this government has been involved with many Legislative nuances -- for better, worse -- that define who we are, and one of them is, of course, our term limits provision that's in our Charter. When it first kicked in about four years ago, I had tremendous trepidation about the brain drain and the loss of institutional knowledge that we'd incur, but we survived; and we more than survived, we really prospered. The new Legislators that have come on board over the last four

years have made a significant difference in this body, have brought about new ideas and a new energy that has really enhanced the ability of this Legislature to act. Two years ago Brian Beedenbender replaced Joe Caracappa --

LEG. BEEDENBENDER:

It's only been one, Bill. I know it feels like a lot longer.

P.O. LINDSAY:

Oh, one year ago, okay. Well, that just shows you, you've already made an impact, Brian. And six months ago we were joined by DuWayne Gregory, and I salute both of them in their first term of office and you really have made a difference.

Two-thousand and nine, which I've already mentioned, will mark the last year of our colleague Cameron Alden. I could honestly say that over the years I've probably disagreed on more issues with Cameron than I've agreed on, but I have gained a tremendous amount of respect and openness for his passion and his thoroughness on a whole host of issues. And going into the new year, I promised myself to be more tolerant in our almost guaranteed passionate debates.

And with that, let's roll up our sleeves and go to work. We've got a lot of work to do. Thank you.

Applause

Next on the agenda is the election of Deputy Presiding Officer and I would like to recognize myself. It's my pleasure to put into nomination the name of Vivian Vilorio-Fisher to be our Deputy Presiding Officer for the 2009 term. Do I have a second?

LEG. BARRAGA:

Second.

LEG. GREGORY:

Second.

P.O. LINDSAY:

We have a resolution in the packet. It's ***Resolution No. 1-2009, Appointing the Deputy Presiding Officer of the County Legislature***, and it's been seconded by Legislator Thomas Barraga. Is there any other nominations? Is there any other nominations? Is there any other nominations? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Congratulations.

***Oath of Office Administered to Deputy Presiding Officer
Vivian Vilorio-Fisher by The Honorable Andrew Crecca***

Applause

The next order of business is adopting the Rules of the County Legislature. In your packet is ***Resolution No. 2-2009, Adopting rules of the Legislature of the County of Suffolk***. There's very few changes recommended. I'm going to ask our Counsel to explain the changes and where they are in the packet.

MR. NOLAN:

We actually did circulate this by e-mail last week, the proposed Rules for 2009. As Presiding Officer

states, they are almost identical to the rules as they existed at the end of 2008. There are only two minor substantive changes.

One issue that came up last year was in the situation where the Legislature has a resolution before it, the full body has a resolution before it and recommits a bill to committee, does that start the six month clock running anew for action in committee. That was always my interpretation. We've made that explicit, that if the full body recommits a resolution to committee the six month clock for action before it is stricken starts to run again. So we've made that explicit.

LEG. LOSQUADRO:

What page?

MR. NOLAN:

That would be 6-1, at the end of 6-1.

LEG. BEEDENBENDER:

It's on page eleven.

MR. NOLAN:

And the other change is that in our rules in the past there was a rule that stated that if at a public hearing a person spoke at the original public hearing for five minutes and that the hearing was recessed to a subsequent meeting and the same person wanted to speak again, they would be limited to three minutes. It was determined or felt that that was a rule that was almost impossible to enforce, so it's just been eliminated entirely. So if somebody does come back to a subsequent public hearing they will get the full five minutes. Those are the only two changes in the rules

P.O. LINDSAY:

Okay. I will make a motion to approve the rules with those changes.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. I just want to point out a couple of things. Under Rule 6, Discharge of Legislation, Section B, and I want to read. "For the purposes of this rule, the term the entire membership of the Legislative Committee shall mean the members appointed to the committee by the Presiding Officer and shall not include the Presiding Officer acting in his ex-officio capacity. The entire membership of the Legislative committee shall not increase when the Presiding Officer votes at the committee meeting in his or her ex-officio capacity. For the purposes of this rule, the term members present in voting shall include members casting the abstentions."

My question is this goes back to an issue that was raised earlier this year, an issue that I believe the Committee on Open Government, Bob Freeman, weighed in on, an issue on which the Supreme Court had a ruling on where, with all due respect, the Presiding Officer if he chooses to vote at a committee meeting in his ex-officio capacity, the membership of that committee by virtue of just head count has to increase. This rule I believe would say you can be present, your presence will be ignored, but your vote will be counted. And I think even the court found some degree of credulity with that issue. For that reason, I intend to vote against the rules.

The second reason I intend to vote against the rules is I'm a member of the minority, a member of the Republican Caucus. We have six members out of the 18. Our ability to get signatures on a discharge petition rarely will rise to the issue of getting ten signatures. That does not allow us to in any way bring forward issues to this Legislature that we would like to. A motion to discharge is so

fundamental it is included in Robert's Rules of Order, in every free Legislative body that I am aware of has a motion to discharge. By denying the members of the minority the opportunity, or anyone else in this body, an opportunity to make a motion to discharge, something that has been tied up in committee by being tabled meeting after meeting after meeting, is something that I view as anti-democratic, something that goes against the grain of most free reelected legislative institutions.

I appreciate the Presiding Officer, but again, I think that these lack of a discharge motion and the fact that we can count the Presiding Officer's vote but not his presence in the total membership of the committee after the Supreme Court has ruled, after the State Committee on Open Government has commented, I think would be a mistake. So I intend to vote no. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I won't echo all of Legislator Romaine's comments, but I think they are very important. A number of individuals on both sides of the aisle have been very concerned about the change in that particular rule since it took place. I think it is a fundamental change in the way this body does business and there have been occasions when those on -- well, I can't even say both because I think we have four sides of the aisle currently, have been very, very concerned, disturbed, that they have not had the opportunity to bring issues forward in a timely manner that a discharge motion will allow.

For that reason, I would like to make a motion to approve these rules with a change to add allowing a motion to discharge as had been previously allowed, I believe, in the 2007 Rules.

P.O. LINDSAY:

So you're making a motion to change the rules as submitted?

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

I'll second that motion.

P.O. LINDSAY:

Legislator Kennedy seconds it. George.

MR. NOLAN:

I think, you know, procedurally perhaps the best way to do it is to make a motion to amend the rules, to just add to the rules as proposed, a motion to discharge as it existed prior --

LEG. LOSQUADRO:

Whatever the cleanest way that we can do it is. I would like to add to these rules to allow the motion to discharge as was included in our 2007 Rules. We have made these changes on the floor before, I remember, during my tenure.

P.O. LINDSAY:

No, I'm not disputing that, all I'm saying is the exact verbiage of the change, it would be helpful if we had that.

MR. NOLAN:

If the Legislators would like, we could probably pull up the rules as they existed in 2007 and get the exact language that we used to have for a motion to discharge if the entire body would like to see that language to know what they are voting on.

P.O. LINDSAY:

I think it would be very helpful.

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

What I'm going to suggest to everybody is to skip over the rules and we'll come back to it and after that language is pulled up and printed and everybody has it in front of them we'll address it then, okay? Is that all right with everybody?

LEG. LOSQUADRO:

Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Do you still want to talk, Legislator Kennedy?

LEG. KENNEDY:

No, that's fine, Mr. Chair.

P.O. LINDSAY:

Okay. I'm being told that I can't skip over it, so we're just going to have to have a hiatus for a few minutes until we get the language in front of you.

LEG. LOSQUADRO:

My apologies for the delay, Mr. Chairman, but I feel this is very important.

P.O. LINDSAY:

Would it be all right if George reads you the exact language or do you want it distributed to see it?

LEG. LOSQUADRO:

Read into the record would be fine with me. I don't know if that's fine with my colleagues.

P.O. LINDSAY:

Is that all right with everybody? Okay. Mr. Counsel, please.

MR. NOLAN:

This would be the language that Legislator Losquadro is proposing that we add to the rules. It would read, "Legislation which is not otherwise discharged with or without recommendation from its assigned committee may be discharged from assigned committee and eligible for a vote by the full Legislature by a successful legislative motion to discharge at any meeting of the Legislature. A motion to discharge shall require an affirmative vote of ten members of the entire membership of the Legislature. Legislation discharged from assigned committee following the adoption of a motion to discharge the same made at any regular meeting of the Legislature or any special meeting at which the resolution to be discharged is not specifically identified under special meeting notice shall not be acted upon by the County Legislature until at least one hour has lapsed after the approval of the discharge motion and the distribution of a copy of said legislation to each member of the Legislature present at the time of such discharge motion."

LEG. LOSQUADRO:

That was the language to which I was referring. Thank you, Counsel.

MR. NOLAN:

That used to be in the rules in years past.

P.O. LINDSAY:

Okay. I was just clarifying we're treating that as an amendment to the rules.

LEG. LOSQUADRO:

Very well.

P.O. LINDSAY:

Now, does anybody -- we have a second, right? Legislator Kennedy seconded it, right?

LEG. KENNEDY:

Yes, Mr. Chair.

P.O. LINDSAY:

Anybody else want to speak on this? Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. If my memory serves correct, a year ago this time Legislator Montano made a motion to -- I think it was in reference to the discharge petition. I'm sure he can speak for himself, but just speaking from my recollection, his thoughts were that he recommended the Friday deadline for discharge petition so that those people that supported or the interest that supported a particular bill would have the due time to come before the legislative meeting so they could have their voices heard. My feelings would be similar to the discharge motion.

I think the discharge petition serves a good purpose; a discharge motion wouldn't allow those who are of interest for any particular piece of legislation to be forward or present at the meeting. A discharge petition would give them the opportunity to get the notice and to, I don't want to say gather their forces, if you will, but at least be -- get a head's up or a warning that their piece of legislation that's of interest to them will be voted on at a particular meeting as opposed to just coming up at any point in any meeting so that they don't have the proper support or opposition or whatever the case may be against a particular bill. So I will not be supporting the amendment as being proposed.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I certainly don't want to belabor the point, and everyone is obviously free to vote as they feel on this amendment. But as we've seen, those who have been here a short period of time, those that have been here a long period of time, things can change very quickly in this body. Things are very fluid at times with new information coming from other levels of government, coming from the public, various sources. And there are times when it is in the best interest of the public to act in a manner that is expeditious.

We are not like State or Federal government where we're in session for weeks in a row. We generally have one meeting, sometimes two meetings a month, but that's rare, and our cycles can be long as a result. So to be able to act in this manner, not in a partisan fashion -- those who choose to use that as that sort of tool, well, we need a majority vote to discharge something. And those here are free to vote against those discharge petitions on the floor if they feel that someone is just doing something for partisan reasons. But this is about good government, this is about being able to act on the concerns and the needs of our constituencies in an expeditious manner that without this rule, with the removal of this rule, we no longer have the ability to do. That is why I am proposing this amendment.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Just to add a little background as to why I feel compelled to support this. I think it's something that is -- we deal with this matter on occasion when we look at Certificates of Necessity. They are brought to us by the County Executive, they're always format as of extreme urgency, but nevertheless we are presented with the opportunity to make a decision at that moment without having had the opportunity to go ahead and vet to natural constituency groups or other parties who might have interest. So I don't see this as something that's necessarily disenfranchising those with the particular perspective on a matter. Each of us as we advocate know the groups that we would work with in particular. We know in a larger sense who may or may not have a particular voice that they'd like to share, and I think it is something that, as we've heard, is very elemental about us as a Legislative body where they're all of a majority and a minority. I think it's an important tool that gets brought forward and that's what's compelled me to second it. Thank you.

P.O. LINDSAY:
Anyone else? No? Okay, roll call on the amendment.

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

LEG. LOSQUADRO:
Yes.

LEG. KENNEDY:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
No.

LEG. BEEDENBENDER:
Yes.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay, on the rules we have a motion and a second. Any other discussion on the rules? Okay, roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yep.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Abstain.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. Next on the agenda is appointing the Clerk of the County Legislature. I would -- we have a resolution in the packet, ***No. 3-2009 - Appointing the Clerk of the County Legislature, Timothy Laube*** to continue in that role. I will make that motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question?

LEG. ROMAINE:

Just scriveners error. Mr. Laube lives, I believe, in Hampton Bays and not in Westhampton.

MR. LAUBE:

That is correct.

D.P.O. VILORIA-FISHER:

Oh, good catch.

P.O. LINDSAY:

Boy, I tell you.

LEG. BEEDENBENDER:

How do you know that?

MR. LAUBE:

Legislator Romaine and I have been hanging out on weekends and watching football.

LEG. SCHNEIDERMAN:

Change my vote.

MR. LAUBE:

He's a Jet fan, he's been struggling like me.

P.O. LINDSAY:

Where were you last year, Ed? Elie could have used you.

LEG. ROMAINE:

I have that answer, too.

P.O. LINDSAY:

Okay, I have a motion and a second. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. I just want to take a moment to thank the Clerk, Mr. Laube, for all his work for this Legislature throughout the last couple of years, and especially last year. Tim, you have been very responsive, very responsible, very professional in the job that you do and I think I'm speaking for all of us here when I say thank you and you are doing a great job and keep it up.

MR. LAUBE:

Thank you.

Applause

P.O. LINDSAY:

Thank you very much, Legislator D'Amaro. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Tim, I would like to echo those sentiments. And I think in particular I would like to underscore your really powerful presence during the tax warrant issue where you were here and working hard to make sure that the people of Suffolk County did get their tax bills on time. I'm sure they're all very grateful to you for that. But I know how hard you worked and how you had to persevere to make sure that Suffolk County had the level of professionalism that people have come to expect. So thank you very much.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

Okay, we have a motion and a second. I'm not going to call the roll. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Congratulations.

MR. LAUBE:

Thank you.

Applause

P.O. LINDSAY:

Okay, we're going to do all three at once. Ms. Pascale has reminded me she has another appointment that we're interfering with, and I'm sorry about that.

Next up is the appointing of the Deputy Clerk, or the Chief Deputy Clerk. It's ***Resolution No. 4 - 2009, Appointing Chief Deputy Clerk of the County Legislature, Renee Ortiz*** and it's my great pleasure to make that motion.

LEG. VILORIA-FISHER:

Second.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Any other? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Congratulations.

Applause

P.O. LINDSAY:

And ***Resolution No. 5-2009 - Appointing the Deputy Clerk of the County Legislature, Barbara LoMoriello***. I will be very happy to make that motion to appoint -- to reappoint Barbara LoMoriello as our Deputy Clerk.

LEG. COOPER:

I would like second that motion.

P.O. LINDSAY:

Legislator Cooper has the pleasure of seconding that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

With that, if all three of you could come forward and take the Oath of Office.

Applause

*Oath of Office Administered to
Timothy Laube, Renee Ortiz and Barbara LoMoriello*

P.O. LINDSAY:

Okay. Next is ***Resolution No. 6-2009, Reappointing as Counsel to the Legislature George M. Nolan*** and I would be very happy to make that motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Congratulations.

Applause

P.O. LINDSAY:

I think it's the last one. Judy, I apologize for messing up your schedule. While Counsel is signing the big book, in the packet is ***Resolution No. 7-2009, Establishing the calendar for 2009.*** Any questions on it? I will make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. On the question, Legislator Beedenbender.

LEG. BEEDENBENDER:

Mr. Chairman, why is June 23rd bolded; is that not a Tuesday? I was just wondering if there is a particular reason.

LEG. BARRAGA:

We changed the date.

LEG. BEEDENBENDER:

Oh, you changed that one. Okay, never mind.

LEG. ALDEN:

I'm appalled to only see two Riverhead meetings there.

LEG. NOWICK:

Cameron, don't make trouble.

P.O. LINDSAY:

Okay. Mr. Clerk, we're ready. We have a motion and a second?

MR. LAUBE:

That is correct.

MR. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

All in -- oh, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I think we can all anticipate my comment. Obviously as one of the two East End Legislators I understand the circumstances with the renovations at the County Center in Riverhead. It's unfortunate that we only have scheduled two meetings out on the East End and I wondered first,

procedurally, since our rules require a certain number of meetings on the East End if we have to do something to modify our own rules to allow less than two meetings in our schedule. But, just again, I just -- as soon as, you know, we are able, I hope we can get back to our traditional schedule in having I think it is a third or a quarter of the meetings by law must be on the East End.

P.O. LINDSAY:

The only thing that I could say is that we were just out at the Riverhead Center a couple of weeks ago to check the progress, and I've had some discussions with Public Works because I wanted to know, especially at the end of 2009, if the auditorium would be ready, that we could schedule more meetings there. They couldn't give me the assurance that the auditorium would be ready. If it is ready, I'll be happy to bring before you a motion to reschedule some of those meetings as opposed to I think it was last year we scheduled meetings assuming that the auditorium would be ready and had to change it. So I will be happy to reschedule if the auditorium is ready. Legislator Romaine.

LEG. SCHNEIDERMAN:

Before we go to Legislator Romaine, on the technical aspect of my question, Counsel?

MR. NOLAN:

There's no requirement in our rules or in the Charter, the Administrative Code, that a certain amount of meetings be held on the East End. I know that Legislator Romaine had proposed a Local Law last year that would have set a minimum number, but that law was not enacted.

LEG. ROMAINE:

It was tabled, without the ability to discharge.

P.O. LINDSAY:

Legislator Romaine, would you like to discharge?

LEG. ROMAINE:

I would simply echo the comments of my colleague and I would also echo the sentiment of the past. I served in the Legislature in the 80's, and that Legislature -- I see our next one is before us a resolution of meetings. We met every two weeks, every two weeks. We had a minimum of 26 meetings a year. I see we only have 14 this year. I'm not suggesting that we add to our schedule, that's desire of the membership, although I had originally had done that when I first came here. But every meeting you knew you were either in Hauppauge or you were in Riverhead.

And why would we have meetings all the way on the East End. After all, there's only two legislative districts, mine actually takes in parts of Brookhaven, that encompass the East End. We have that in Riverhead for one simple reason. Riverhead was designated as our County seat when this County was formed and even before the County was formed, when under British rule we would meet. Those meetings used to vary between the Town of Southold, the Town of Southampton and finally they settled on Riverhead. When the County came into being in 1783, Riverhead has and continues to be by all official designation, the County seat, not Hauppauge, of this County. That's why at least half of all those meetings, 13 of the 26, each of the years I served, were held in Riverhead. I would simply point that out that it is our County seat, we should think very carefully.

And I, like you, took a tour again, as I had 14 months before, and the progress was none at all that I could see in the 14 months other than the steel beam being installed to the -- it's moving very slowly the renovations of the County Center. So I just would point that out and remind people that Riverhead is our County Seat. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I, too, find it troubling that the number of meetings we have, there are a very small number, and

the number of meetings that we have out on the East End is very small. I would hope that after 2009 we could rectify that situation and increase the number of meetings, and especially increase the number of meetings out in Riverhead and the East End. Thank you.

P.O. LINDSAY:

I'm not going to get in the middle of that. Okay, we have a motion and a second; am I correct, Mr. Clerk?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Next is resolution --

LEG. SCHNEIDERMAN:

Tim, mark me as an abstention.

LEG. ROMAINE:

And mine also.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Next is *Resolution No. 8-2009, Designating depositories pursuant to Section 212 of the County Law*. This is the one about the bank depositories. I'm going to make a motion that we table this.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

The reason why is some of our depositories have not filed the proper paperwork to comply with the resolution about credit counseling that was passed by this body. I'm hoping within the next month or so that will get straightened out and we'll continue the depositories from our wait into the new year.

LEG. ROMAINE:

Second.

LEG. ALDEN:

Just the final word on that.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

I'll address this through the Chair to Legislative Counsel, Mr. Nolan. We're okay as far as allowing the deposits to remain where they are now as a holdover or a carryover?

MR. NOLAN:

As a holdover from last year's resolution. Until we adopt a new resolution those depositories can continue, just as we did with the official newspapers last year.

LEG. ALDEN:

Okay. And they still have to comply with all the rules, regulations?

MR. NOLAN:

Right, the ones that are set forth in the State Law, yes.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Gregory, you want to comment?

LEG. GREGORY:

I just want to say to Cameron I have no objections if they want to put the money in my account

LEG. BEEDENBENDER:

DuWayne.

LEG. ALDEN:

Actually, you might want to just strike that.

LEG. GREGORY:

I'm only kidding.

P.O. LINDSAY:

Okay. We have a motion and a second to table the designating and depositories. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Next is designating an official -- ***Resolution No. 9, 2009, Designating the Smithtown News, of Smithtown, New York, as one of the official newspapers of the County of Suffolk***, and this is only for the first half of year. I'll make a motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Next is Resolution number ten and this is revised. ***Resolution No. 10-2009, Designating two (2) alternating newspapers as one of the official newspapers of the County of Suffolk***. And they are the Smithtown Messenger and the South Shore Press. It's a revised version. Look for the revised copy. Do I have a motion?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Resolution No. 11-2009, To designate local newspapers in which County notices may be published. It's in your packet. There's one for each of the ten towns.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, seconded by Legislator D'Amaro.

Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Now to the vetoes. All right, I'm going to take ***Resolution 1167-2008, Amending the 2008 Operating Budget to authorize the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Colonial Youth and Family Services under contract with the Youth Bureau.***

Do I have a motion?

LEG. BROWNING:

I'd like to make a motion to override.

P.O. LINDSAY:

Motion by Legislator Browning to override the veto of 1167. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Seconded by Legislator Romaine. Is there anybody that wants to speak on this issue?

LEG. BROWNING:

Bill?

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I did see the message and I did speak -- it does mention that the agencies are contacted, they had training. When I spoke with Colonial Youth they said they were never invited to come to any kind of training, were given any information prior to putting in for the hardship money. So, you know, and again, this was made very clear that this would be one time and one time only. They are going to have to work on something for next year, and we do need to come up with some kind of a plan so these agencies know whether they're eligible or not and what makes them eligible or not, so I think that's about it.

P.O. LINDSAY:

Anyone else? Legislator Alden.

LEG. ALDEN:

To put on the record that I guess the reason why -- not guess, but he sets it down in his veto message, the precedent that this could set because these people paid over and above what the living wage requires.

So have we had other applications for people to get supplemental or reimbursed for money that they have paid over and above?

LEG. BROWNING:

You're talking about the 25 cents over the 10.50?

LEG. ALDEN:

Yeah. There are strict guidelines.

LEG. BROWNING:

Their employees are currently earning about 8.60, I think 8.68 or something like that an hour. And, you know, we talked at length about this and they said that, you know, they're using other discretionary money, cutting some other things, for three year employees who have never received anything over the 10.50. You know, Bill spoke earlier about mandates. This is a mandate that's been put on them that they can't afford and couldn't afford and, you know, they do have other programs that they're going to have to cut into to provide that 25 cents because they're afraid of losing -- these are valued employees who have been there for over three years who say, you know, I have to go somewhere else if I can't get a raise.

LEG. ALDEN:

Just for clarification, then, through the Chair. They are still paying people over the amount? So we're running the risk that they're going to come back to us for more supplemental payments next year?

LEG. BROWNING:

No, they're only getting paid the difference up to 10.50. They're not getting paid -- there's other discretionary monies that they have for other programs that they're going to use to make up that twenty-five cents.

LEG. ALDEN:

For this year going forward.

LEG. BROWNING:

For this year, yes. And next year, you know, this is not a guarantee to them next year that they're going to get it next year. You know, we have talked about that.

LEG. ALDEN:

Do you anticipate them coming to us in the same circumstances next year?

LEG. BROWNING:

No, we've made it very clear to them that they have to figure out how they're going to do this next

year.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I actually have a question for BRO, if I can, about the Living Wage Program. I scan this and I see that the County Executive makes reference to this question as far as what may happen in '09. Does the living wage thresholds get adjusted each year or are we looking at a fixed dollar amount that these entities work off of?

MS. VIZZINI:

It's not a fixed dollar amount. Each year the County Executive recommends a particular amount and the Legislature either accepts it or changes it. My recollection is this year it was reduced. For 2009 it's \$500,000.

P.O. LINDSAY:

I don't think that's what the question was. The question was the wage itself, and I think to answer that is there's two -- there's living wage that does have an escalator clause and then there's the child care providers that are frozen. Am I not mistaken? The rate for the child care providers? They don't have an escalator.

MS. VIZZINI:

We think so, but we don't know for sure.

P.O. LINDSAY:

I'm almost sure of that.

LEG. KENNEDY:

Okay. In any event, we're talking about 10.50 with benefit; is that my recollection? Or was that 10.50 straight? It's small amounts of money and it doesn't sound like it's imprudent to assist them.

LEG. BROWNING:

I could be wrong, but I think if it's under 10.50 -- it's under 10.50 if there's no benefits.

LEG. KENNEDY:

Okay.

LEG. BROWNING:

If they get benefits, I'm sorry, you get less than 10.50.

LEG. KENNEDY:

All right. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second to override. Roll call.

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

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Okay, next is ***Resolution 1162-2008, Directing the Department of Labor to develop criteria for Living Wage Hardship Funding.***

LEG. BROWNING:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Browning.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

This is a question, I guess, to the sponsor. Assuming this gets overridden and the Labor Department does develop some criteria, is that going to come back to us for approval or will they develop it and enact it?

LEG. BROWNING:

It does come back to us, yes.

LEG. KENNEDY:

It will subsequently be presented for us to review.

LEG. BROWNING:

Yes.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Okay, roll call.

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

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Resolution No. 1121-2008, Appropriating funds in connection with construction of noise abatement structures on CR 83 North Ocean Avenue (CP 5556). It's been vetoed surprisingly. Do I have a motion on this?

LEG. BEEDENBENDER:

Motion to override, Mr. Chairman.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Beedenbender, seconded by Legislator Eddington. On the question?

D.P.O. VILORIA-FISHER:

Just vote.

P.O. LINDSAY:

Roll call.

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

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Okay, *1036-2008, Creating a Vanderbilt Museum Oversight Committee*. Do I have a motion?

D.P.O. VILORIA-FISHER:

Jon, do you want to make a motion?

LEG. COOPER:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Cooper, seconded by Legislator Viloría-Fisher. Any dialogue, Legislator Viloría-Fisher?

D.P.O. VILORIA-FISHER:

Yes, I would just like to comment on the language of the veto message, which I found unnecessarily harsh, aimed at the Chair of the Parks & Recreation Committee, who this year happens to be me.

You know, the Vanderbilt Museum is in a very -- in a very difficult situation and that's not because of the lack of work by myself or the previous Parks Chair. We have both -- I know that when I was part of the Parks Committee and Lynne was the Chair we would have briefings by the financial institution, we paid very close attention to it. I know that BRO has worked very, very diligently in its oversight capacity and so this is really an unfair, left-handed slap at us and I just don't think it's appropriate in a veto message. So I just want to put that on the record as, you know, just point of personal privilege. It was unnecessary.

P.O. LINDSAY:

Okay. Anybody else?

LEG. ALDEN:

On the record.

P.O. LINDSAY:

On the record, Legislator Alden

LEG. ALDEN:

I want to agree with the comments that Legislator Viloría-Fisher put on there. The one thing, though, I'm troubled by is that we do have a Board of Trustees that each one of us participates in the appointment to this Board of Trustees. And I think it would actually behoove us to make them more responsive to us, come down to the Parks Committee meeting more often, and I don't know if it's -- I go to the meetings once in a while of the Vanderbilt Museum, but I don't know if it's our responsibility to go there or if it would be their responsibility to come and meet more in front of us and report and be a little bit more open to reporting what's going on and telling us what their plans are, especially now. So I think that through the Trustees that already exist through the Parks Committee, which I think we're going to be taking up this issue a lot more in the coming year, I

think we might have enough oversight right there.

As you mentioned before, we have Budget Review. They really have been very, very diligent. They have been warning us for years, as I have, that taking the money out of the endowment can lead to financial distress and disaster. So I think through the Parks Committee and by making the Trustees more accountable to us at the Parks Committee meeting, I think that's the solution to it rather than another layer of oversight which --

D.P.O. VILORIA-FISHER:

May I just say something?

LEG. ALDEN:

-- might get lost and might not get lost in the shuffle.

D.P.O. VILORIA-FISHER:

Legislator Alden, I agree with you. In the best of circumstances I think that that's how it should be working. Unfortunately, I think we have fallen into a kind of -- having one person from the Park's Trustees come and speak with us so we've heard all of the information filtered through just one person and we've relied on that. And during this difficult period of transition when we're asking the role of the Museum Trustees to really change, this would be a helpful group to have as liaison and helping to advise them on how to go, and bringing back to us everything that's going on there. I don't see it as a permanent group, but I think that for the time being when we're asking so much of the Trustees in revamping how the Vanderbilt raises money, bring new ideas, bringing in a whole new structure, it might be helpful for them to have that extra help and for us to have that extra help in understanding what's going on there. Just temporarily at least.

P.O. LINDSAY:

Anyone else? Okay, we have a motion and a second to override. Roll call.

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

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

No.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Okay. And the last veto is *Resolution 1139-2008, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the restoration of the Boat House at the Vanderbilt Museum (CP 7438)*.

LEG. COOPER:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Cooper. Do I have a second?

LEG. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. On the question, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I guess I would pose this to the sponsor. Jon, is there a way to tell with this Capital Project at this point a difference between work that's being done to stabilize the structure or to fully open a structure up and make it usable? My concern here is that that is not a working

building in the campus at this point, is it?

LEG. COOPER:

Yes, that was actually the point I was going make. First of all, the County has already spent, and I'd actually like BRO to confirm this, but I think that we have already spent about \$500,000 plus in this restoration project before DPW ran out of funds and they had to stop. Can you clarify that for me?

MR. REINHEIMER:

Yeah. The purpose of these funds are to stabilize the building. The building is in a position now where it is crumbling, there is a danger of it falling beyond repair. DPW has sufficient funds to monitor the building. Their plan is if these funds are not appropriated that they would monitor the building every other month. They have enough funds to monitor it for 28 months. So this is according to testimony from Public Works that they are concerned about the integrity of the building and this is to stabilize the building. It is not intended to use the building or to renovate it to such a point that it's part of the active museum campus, to use a phrase that Legislator Cooper used. This is just to the stabilize the building and maintain it.

LEG. KENNEDY:

Is there a contractor that's actually undertaking -- I'm looking, I guess, now this must be this boathouse that was handed out to us?

MR. REINHEIMER:

I didn't see the pictures, but I assume that's correct, yes.

LEG. KENNEDY:

So there's a contractor there who is actually in the midst of doing this work? It looks like steel bracing and temporary wiring and things?

D.P.O. VILORIA-FISHER:

They have that to shore it up.

MR. REINHEIMER:

Yeah, this is for structural modifications to the crumbling walls on the outside and to the structure integrity, structural integrity. They have spent about 430,000. At this point they have got \$30,000 in unappropriated funds that they are going to use to monitor it over the next 28 months, so they have no more funds to do additional work on this building.

LEG. COOPER:

Bill, if I may. I also wanted -- there's one major factual error in the County Executive's veto message.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

He said that the boathouse, because of its location, is not a revenue enhancer for the Vanderbilt Museum and will not help during the current fiscal crisis. That's really being disingenuous. Before it fell into disrepair Cornell Cooperative operated programs out of the boathouse and I believe, and again, BRO or maybe Carol Hart could confirm this. I believe that they generated close to \$100,000 in revenue over the summer for their program, but the County threw them out of the building because it became unstable. So now we're trying to stabilize the building and once that's done we can bring programs back in there that will generate revenue. And so the County Executive's statement is not factually correct.

P.O. LINDSAY:

Okay. Let me just go back to Legislator Kennedy. I apologize about that. Did you want to ask Ms.

Hart something?

LEG. KENNEDY:

I would like to, Mr. Chair, just if for no other reason then to find out if this 200,000 will keep the building from falling down but it won't get it to the point where it can get opened and have Cornell back in or I know there were skulls stored there at one point. There were a variety of different things. What will this 200,000 achieve?

MS. HART:

The full appropriation, which is 400 --

LEG. ALDEN:

Seventy-five.

MS. HART:

-- seventy-five thousand dollars would stabilize the building. The photographs you are looking at were taken on Saturday, so that is the workers stopped their work. There are forms there ready for cement to be poured and they left. The full appropriation would stabilize the building and enable us to get back and at least to have access to the beach, which is the critical thing for being able to generate revenue for a summer program, and to use the building in some way. Maybe not get us up to full public, but at least have access to the beach. So it's a stabilization plus it would be able to be used at least in some capacity.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Okay?

LEG. KENNEDY:

Fine, yeah.

P.O. LINDSAY:

Anybody else? Legislator D'Amaro.

LEG. D'AMARO:

Yes. Hi, Carol. You're asking us to make a continuing and substantial sizeable commitment to the renovation on this Capital Project.

MS. HART:

Uh-huh.

LEG. D'AMARO:

I have to couple that with just asking you how's it going? I need to know that, you know, there's maybe a glimmer of light at the end of the tunnel and we're not just putting this money into a structure that ultimately is not -- the museum is not going to survive.

MS. HART:

Right. There's a lot of hope here. We've had some very successful fundraising in the last two weeks. Presiding Officer's Lindsay's cocktail party raised over \$17,000. We had over 8,000 people come on Arrow Week, many of whom went to the planetarium and bought tickets and we've had a lot of interest coming off of that. Small donations, many of them, but people saying how can I help. The word is spreading out. We have meetings this week. We're looking at every possible option, partnerships, grants and --

LEG. COOPER:

Bank of America grant.

MS. HART:

We got a Bank of America Grant for education programs for \$12,000. We got the check a couple of weeks ago. The word is out there that we need help and we're looking to partner with everybody that we can. This building will fall down eventually. It's saving the structure. The money that's left is just to monitor it for 10 more visits to see how bad it gets. So this is not a matter of restoring, fixing up, even putting on a new roof. This is actually stabilizing it so it doesn't fall down the hill.

LEG. D'AMARO:

Okay, thanks.

P.O. LINDSAY:

And if it fell down the hill we would have to pay to scrape it up.

MS. HART:

Take it away.

P.O. LINDSAY:

All right, anybody else? Legislator Alden, I keep forgetting.

LEG. ALDEN:

That's all right. Through the Chair. Carol, the program that Cornell operated out of there actually paid us or paid the museum?

MS. HART:

Not significant amounts.

LEG. ALDEN:

Okay.

MS. HART:

We were working on -- we were working on a more equitable arrangement and then they had to leave very quickly in June, but they had sold out their programs and we had looked at -- their gross figures were very, very high.

LEG. ALDEN:

Their gross figures.

MS. HART:

Right.

LEG. ALDEN:

Not what they paid us, though.

MS. HART:

No. But we would be doing those programs now ourselves.

LEG. ALDEN:

But they had like five -- when I went there and they were clearing out, they had five or six people that actually were working on those programs.

MS. HART:

Those were the researchers and they're gone. Everyone is gone now,

LEG. ALDEN:

So for us to get that revenue stream we would actually have to invest heavily in skilled people.

MS. HART:

We have skilled people. We have a really wonderful education department. We have the administration to go. We probably would hire some part-time people if we can fill up a number of classes. But we have the structure.

LEG. ALDEN:

Okay, but correct me if I'm wrong. Cornell's, when their presence was there, it was full-time. They had people on staff that were there pretty much monitoring --

MS. HART:

Not for the education programs. They had one full-time and they hired part-time help in the summer, as we would. Counselors, camp people.

LEG. ALDEN:

Okay. So when you present a modified plan to us, it's going to include the management of that --

MS. HART:

It's going to include a summer camp, yes. Which we will do with or without.

LEG. ALDEN:

Run out of the boathouse?

MS. HART:

I can't put that forward until we know if we'll have the boathouse, but we'll have a summer camp if we can promise water.

LEG. ALDEN:

No, but I mean ideally -- ideally you would say you would like to run the summer camp out of the boathouse.

MS. HART:

Ideally we'd like to have water access for a summer camp, yes.

LEG. ALDEN:

All right. And I was there, and that building, you are never going to be allowed to let the public in there as far as I can see. The staircases and the other -- there are some dangerous things there --

MS. HART:

Uh-huh.

LEG. ALDEN:

-- if it was in pristine condition. And the other thing that I'm just going to point out, and I don't know who is running the job, but you pour concrete and it freezes, you got problems. And when you put antifreeze in the concrete and pour it and it freezes you still have problems. And as a matter of fact, the antifreeze attacks the structural integrity of any concrete that you are going to pour there. So concrete work in the wintertime is not the ideal thought in my mind as far as a long-term solution to this.

We also heard testimony from, I think it was Gil Anderson came down, and told us that it's stabilized right now to the point where he's confident for the next couple of months that there's no challenge to the building as far as it falling into the water or falling down. And it's at the bottom of the hill so it's not going to fall down the hill anymore. It could collapse into the water. He's pretty much assured us that for the next three, four, five, six months they weren't going to get to this work anyway. If that's wrong --

MS. HART:

Yeah. I mean, DPW is handling this project, and you are probably right, for the next three months, but then they want to get going.

LEG. COOPER:

But if the money is not appropriated now, if we don't override this, we're going to lose the money for the entire year. So you're right, maybe they can't start --

LEG. ALDEN:

You don't lose the money, Jon, just as a point of whatever, information. We would actually have to take this up in a budget deliberation for next year and make this a top priority, if that's what we wanted to do. And you know what? I'm not so sure what we have been doing is prioritizing the amount of money that we have been borrowing for these projects, because we have got a ton of debt out there. And a ton of debt translates into big problems into the future. And again, if this recession, depression, whatever you want to call it, continues into '09 and maybe into 2010, we've got some major problems if we're not in a good cash position. And by borrowing and owing that money you have to pay it back out of current -- really current revenues, which is going to be challenging for us in the future. So I think we've got to really get a good solid plan from the Vanderbilt and then prioritize where we want to put the money in there. Because when does the GOTO come on whatever?

D.P.O. VILORIA-FISHER:

2010.

MS. HART:

I'm hoping probably realistically the end of the first quarter of 2010.

LEG. ALDEN:

End of the first quarter?

MS. HART:

Uh-huh.

LEG. ALDEN:

So you are talking about March, April, of 2010?

MS. HART:

Yeah, best case right now.

LEG. ALDEN:

That's with your fingers crossed. So more, you know, realistic probably second half of 2010 we'd see revenues from that?

MS. HART:

May 1st right now is my, you know -- April, May.

LEG. ALDEN:

We're going to be severely challenged to keep the Vanderbilt open for '09, and then the first half of 2010. With the GOTO projector coming online there's a good substantial type of revenue that can be anticipated from, you know, future programs and things like that. This is really not going to generate the type of revenue that's going to keep you alive through 2010, 2011. Not you personally, the Vanderbilt.

MS. HART:

Yes. This is a preservation to keep the building from falling down. That's why we put it out there.

LEG. ALDEN:

All right. Thank you

MS. HART:

Okay, thank you.

P.O. LINDSAY:

Yes, Legislator Gregory.

LEG. GREGORY:

I just had a question. Carol, is it?

MS. HART:

Yes.

LEG. GREGORY:

Okay. This resolution is to, as you stated, to stabilize the building. Is there a cost estimate on how much it would cost to bring the building up to par so you can run programs out of it?

MS. HART:

I know that with another, and I'm looking for some grants, with another 300,000 to get the restoration part going, but I believe with this if this was funded that we would be able to at least get in and use the building. If it's safe enough that we can get in to use the building. So, that's what I'm told. I'm pretty sure.

LEG. GREGORY:

Okay. And again, what programs are run out of there?

MS. HART:

We would have the opportunity to run marine programs by having access to the beach. Currently there is no beach access from our campus. That's a big draw for classes as well as individual students in the summer.

LEG. GREGORY:

Okay. And an estimate of how much in revenue would be generated?

MS. HART:

Our summer camp we're estimating, and then we're working on the plans, should generate about \$100,000 if we can sell it with a beach access. You know, we're going to be doing this anyway, but it would be really nice to have beach access.

LEG. GREGORY:

So that's your projection. I'm talking about in past history what was -- what do we --

MS. HART:

In past history Cornell was in there and they generated, gross at least, well over that.

LEG. ALDEN:

You've got to control that poison ivy, though. It's a dangerous thing.

MS. HART:

Yes, you're right.

LEG. ALDEN:

It's a dangerous thing, right, Brian?

LEG. BEEDENBENDER:

Yes, Legislator Alden.

P.O. LINDSAY:

Okay. Anybody else? No? All right. We have a motion to override and a second. Roll call.

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

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

No.

LEG. BEEDENBENDER:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. We have -- we don't have any Late Starters, but we have a number of bills that have been laid on the table that I don't have to read.

MR. NOLAN:

You don't have to take any action.

P.O. LINDSAY:

But we have two public hearings that I have to set the public hearings. Okay. I want to set the date for the following public hearings for February 3rd, 2009 at 2:30 P.M. in Hauppauge. **Resolution 1000, A Charter Law to enhance budgeting flexibility and responsiveness**, and **IR 1017, A Local Law establishing Toxin Free Toddlers and Babies Act**. I'll make a motion. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We'll adjourn in a second. We're just making sure that there wasn't an accompanying bond. We have the bond yet on the veto on the boathouse.

LEG. LOSQUADRO:

The bond didn't pass.

MR. NOLAN:

Okay. Never mind. The bond failed.

LEG. ROMAINE:

We didn't pass the bond.

LEG. ALDEN:

It failed.

P.O. LINDSAY:

Okay. I'll accept a motion to adjourn.

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Thank you again.

*(*The meeting was adjourned at 2:48 P.M. *)*