

SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

January 2, 2014

***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 Reporter

*(*The meeting was called to order at 1:04 P.M. *)*

ACTING CHAIRMAN SCHNEIDERMAN:

All Legislators please report to the horseshoe, we're about to begin.

Good afternoon. I'd like to call this meeting, this Organizational Meeting of the Suffolk County Legislature to order. Happy New Year to all of you. I will be serving, at least for the initial part of this meeting, as Chairman. Our rules provide that the senior member of the Legislature chairs the meeting in the absence of a Presiding Officer or a Deputy Presiding Officer. At this point, I'd like to ask all of you to rise and join us for the Pledge of Allegiance, which we will do together.

Salutation

Please remain standing. I would now like to call upon Legislator Browning's eldest daughter Aoife Browning, who will lead us in our National Anthem. Aoife?

National Anthem Performed by Aoife Browning

Applause

ACTING CHAIRMAN SCHNEIDERMAN:

Thank you, Aoife. Please remain standing. Please remain standing, I'd like to introduce our clergy for today. Reverend Charles Carey has been a long-time resident and a community member of Suffolk County.

He was the Pastor of the West Hampton Presbyterian Church from 1985-99. Reverend Carey left the Presbyterian Church to teach at {McCormick} Seminary in Chicago for a time, and also served the churches in Huntington and Naples, Florida, before returning to serve again at the West Hampton Presbyterian Church in 2010.

Reverend Carey has served the community by donating his time to numerous charitable organizations which include the Long Island Interfaith Council, Habitat for Humanity and the Southampton Town Anti-Bias Task Force. Reverend Carey chairs the Long Island Council of Churches which is an organization that seeks to build bridges between 13 different faith groups. The East End Hospice honored Reverend Carey with its 14th Annual Good Samaritan Award last June. Reverend Carey and his wife Milly raised three children; Abram, Ben and Leah, all of which went to West Hampton Beach School District. They have been blessed with two grand-daughters. Please welcome Reverend Charles Carey.

Applause

REVEREND CAREY:

Jay, thank you very much. Only a wonderful place like Suffolk County could get us to move back to New York State from Naples, Florida, especially at this time of the year. I bring greetings from people from the West Hampton Presbyterian Church, from the 13th faith communities that are represented in our wonderful County. I'm proud to be part of and proud to be a citizen, a fellow citizen with you and to pray for you and the well-being of all of our people. Join me now as we pray together.

Oh, God, of all nations, races and people, here we are at the on-set of a new year. We ask that you would bless your people here with the civility that debates significant ideas, not the rights of persons to be different. We ask that you would grant us a prosperity; a prosperity here in Suffolk County and beyond that reaches the poorest of the poor and helps all of us with freedom and justice. We pray for a unity that weaves together citizens of a very diverse community, helps us to realize that

we have more in common and more than what divides us. Help us to forge a partnership amongst all levels of government which promotes the welfare of all. And grant us, perhaps most of all, a humility which equates leadership with service, which keeps our egos in check and helps us always see what we can do together, realizing that we are stronger thereof. We ask this in your holy name, amen.

"Amen" said in unison

ACTING CHAIRMAN SCHNEIDERMAN:

Thank you, Reverend. Again, please remain standing for a moment of silence; a moment of silence in honor of all those who we loved, who we lost in 2013, the prior year, including our own beloved Presiding Officer, William Lindsay. And of course, as our tradition, we say a moment of silence for all the men and women of our military who are serving this country, basically to hold them in our hearts, in our prayers so that they can return safely home. Please join me in a moment of silence.

Moment of Silence Observed

Thank you. You may be seated.

All right. We are honored to have several guests in our presence who would like to offer some remarks. At this point -- I see the Clerk is looking at me for a roll call; we're going to do that after the remarks. Okay?

So we have several guests. I'd like to first call upon the great Senator from the great State of New York, Senator Charles Schumer, who would like to wish us a Happy New Year and offer some comments

Applause

SENATOR SCHUMER:

Well, thank you -- I guess you are Presiding Officer Schneiderman.

ACTING CHAIRMAN SCHNEIDERMAN:

For the moment.

(*Laughter*)

SENATOR SCHUMER:

For the moment. But it is great to be here. And first I want to congratulate all of our office holders. Those who have been reelected, you've been through it before, but believe me, as somebody who has stood for election -- I don't even remember how many -- since 1974; let's see, three for the Assembly, nine for Congress and three for the Senate, so 15 times -- it never loses its thrill to be sworn in.

But it is a particularly great first day for the four new Legislators, I'd like to congratulate them. I know some of you, not all of you. Obviously, Bill Lindsay III; where's Bill? Right there. And I, too, want to just say to the Lindsay Family, I don't know if any of your -- if your Mom or brothers or sisters are here, but Bill is a guy we miss very, very much. I campaigned with him. I remember when he first ran and politics was all new to him, we were outside, I can't remember the supermarket, King Kullen or somewhere.

LEG. LINDSAY:

K-Mart.

*(*Laughter*)*

SENATOR SCHUMER:

K-Mart. You were there, huh? And what a loss he is. What a genuinely decent, honorable, do-the-right thing type of man he is. I guess if I had a wish for this session of the Suffolk County Legislature, it's just continue with the wonderful path that Bill Lindsay laid out for all of us. We miss him.

But I want to congratulate Bill III. I want to congratulate Robert Trotta, Kevin McCaffrey and Monica Martinez particularly for being here. I want to promise all of you, we will continue to work together.

I'm a U.S. Senator, as you know, but I love the local stuff, from the days I was Assemblyman. I can probably think of an issue that I've worked with each of you on in your communities. There is so much to do. I even worked with McCaffrey before he became a State -- where did he go?

LEG. McCAFFREY:

Right here.

*(*Laughter*)*

SENATOR SCHUMER:

There he is, right there, before he became a County Legislator on a number of issues affecting his district. But things like working with Legislator Gregory on the homeless veterans housing in Amityville; Legislator Kennedy on the FEMA grant for hazard mitigation for the Village of Branch; with many of you, led by Sarah Anker, when she started as a civilian, about helicopter noise. We work on all of these issues together, and I promise you I will continue to work with each of you.

We have some larger issues, for those of you who represent the south shore. Congressmen Bishop and King and I are working very, very hard to make sure that the FIMP gets implemented and implemented quickly so that if, God forbid, there's another Sandy -- I shouldn't even say if -- when, God forbid, there's another Sandy, that we make sure that the damage is not as great as it has been this time, and that's moving forward very, very well.

To Legislator Krupski, where are you?

LEG. KRUPSKI:

(Raised hand).

SENATOR SCHUMER:

Down there. We're going to make sure those helicopters go all the way around Orient Point.

*(*Laughter*)*

Tell your friend Romaine --

*(*Laughter*)*

-- *(laughter)* that that's very high on our agenda. And to Schneiderman, we're going to make sure when they go to the south shore they're not in any difficult place either.

ACTING CHAIRMAN SCHNEIDERMAN:

I appreciate it.

SENATOR SCHUMER:

And don't make that kind of noise. So, in any case, one of the points I wanted to be here for is to continue to pledge to work with you. We also are making good progress on having the second track go between Farmingdale and Ronkonkoma, which I know effects a good number of your districts as well, it should increase property values in all of those areas.

Finally, I just want to say this, two things. First, to the families who are here, thank you. To the parents, I see some parents. Raise your hands if you're a parent of one of the people being sworn in. That is so nice. And we all know the values that these fine men and women have were given to them by you. Our parents -- the greatest gift, the greatest challenge you have as a parent is to install the right values in your children, and you have done that over the years and that is, I think, your children would be the first to say that's why they're successful.

To the husbands and wives and spouses and children of the Legislators, I think I speak for all 18 of us here, we know the sacrifice you make. I'll never forget all the times. You know, there was one time, my daughter's 7th birthday party, and a local church was ready to have its Sunday afternoon service and the electricity company -- Con Ed in New York City -- cut off the electricity and they couldn't have the service. So I had to leave her birthday party and rustle up the Con Ed executive, I knew where he lived, and got him to go down there and turn on the electricity. But it was a great sacrifice for my daughter and all her friends, and of course my wife. And our families put up with so much, and at the same time our families have our back. Things could go wrong, it could seem everybody else doesn't protect you and in the end you're there. I remember a few months ago, actually, I was speaking to a gentleman, I didn't quite recognize who he was and I feel a tug at my suit jacket and it's my wife. I said, "*What's the matter? I'm talking to this guy*", she says "*He insulted you 15 years ago.*"

(*Laughter*)

So to our families, we thank you as well for the sacrifice you make.

And finally, let's not forget the augustness of this day. It was really appropriate to remember our soldiers overseas, protecting our right to have elections. It's an amazing thing in America. On a quiet November evening, we don't transfer power by bullets, by protest and by picketing and screaming and yelling and fighting; on a cold November evening every year, the voters line up in dignity at the polling place. You may want to go home and put dinner on the table for the kids, or it's been a hard day at work, put your feet up and watch your favorite football game or TV show, but instead people wait, quietly and in dignity, everyone goes into the booth and does their duty and comes out. The next day, whoever wins, amazingly enough, for 230 years, we abide by that decision peacefully. It's a beautiful thing. It's a beautiful thing when it happens for the highest office in the land, the President of the United States, but it's equally beautiful, maybe even more important, when it happens at the local level.

So let's not forget the duty, the burden we all carry to continue that peaceful tradition of coming together, both parties, to work for the good of the people we represent, and how lucky we are to live in these United States of America.

So congratulations to each of you. It's an honor and thank you for the opportunity for briefly addressing you, and I looking look forward to continue to working with each of you to make your districts in Suffolk County an even better place than the great place it already is. Thank you.

Applause

Am I introducing Steve?

ACTING CHAIRMAN SCHNEIDERMAN:

Yes, sure.

SENATOR SCHUMER:

So you have a great County Executive who I've had the pleasure of working with. And, you know, he's just a hard worker and a charger, but with that nice smile --

*(*Laughter*)*

-- and a nice way about him, he's a pleasure to work with. And I have 62 counties, only 19 County Executives because the little ones have County Legislatures, so I get to know -- and when you have a County Executive who's as hard working as he is, as informed as he is and as nice as he is, it makes you want to do a little extra for that area. And that's how I feel about Suffolk County and I think how we all feel about our great County Executive, Steve Bellone.

Applause

COUNTY EXECUTIVE BELLONE:

Thank you, Senator. How about a nice round of applause for a great United States Senator --

Applause

-- who has been with us through the most difficult of times, Superstorm Sandy, and every day. And I want to thank the Senator for letting my colleagues know about those Counties that do not have County Executives; I'm sure that some would be very happy --

*(*Laughter*)*

-- with that kind of set up. So thank you, Senator.

*(*Laughter*)*

But truly, I want to thank Senator Schumer. He has been absolutely phenomenal to work with. You know, the fact that he represents a state of 20 million people and he's at the top of the leadership in our country, dealing with global issues, and yet he still takes the time and has the knowledge not only to come out on a day like this, but to be intimately familiar with the issues and the challenges that we face here on the local level. We are extraordinarily lucky to have someone like Senator Schumer representing us in Washington and I want to thank him for his leadership and thank him for being here today.

Applause

It's an honor to be here in this Legislative chamber. It's an honor to stand behind the dais, I normally will address the Legislature when I'm here from the podium. It's an honor to be here in the heart of the William J. Lindsay County Complex where we stand today. And I'm always reminded of -- especially on days like today, of what Bill said to me before I took office, and that is that he was looking forward to working together with the County Executive to move the County forward.

And as we begin the new year, you know, the new year is a time for new beginnings and to look to the future and to put the past behind you. It's a time to come together to say we all have a common purpose and a common mission, and that is to work together to serve the people of this County. That's the legacy that Bill left us, a strong legacy of the importance of putting aside our own personal issues and predilections to come together, to work together across the aisle and work

together on behalf of the people, and I'm constantly reminded of that each day. Right after this I will be changing out of this suit and getting on jeans and work boots and we're preparing for another storm here that will bring blizzard-like conditions tonight. I'm constantly reminded every day that the problems we face are not Republican or Democratic problems, and neither are the solutions. Mostly what we deal with here on the local level, most of the challenges that we face, are common sense, that's why it's so important for us to come together. That's why I'm proud to be here today as we elect a new Presiding Officer.

Now, the election hasn't happened yet; is that right?

MR. NOLAN:

That's right.

COUNTY EXECUTIVE BELLONE:

Okay. So --

ACTING CHAIRMAN SCHNEIDERMAN:

Spoiler alert.

*(*Laughter*)*

COUNTY EXECUTIVE BELLONE:

(Laughter) spoiler alert. Knowing the past history of this body, as it's been told to me, I'm always loathe to talk about these things in advance, but, of course knocking on wood, I think I can safely talk about the Presiding Officer, the incoming Presiding Officer.

He's somebody that I have worked closely with for many years. He was part of my administration, a key part of my administration in Babylon. I was proud to support him for his run for Suffolk County Legislature, and I'm even more proud to be here today, on this historic occasion, to see this gentleman, the first African-American in the history of this body, to lead the Suffolk County Legislature; my good friend, DuWayne Gregory.

Applause

I am looking forward to working together with him. And I can tell you that in Legislator Gregory as Presiding Officer, you have somebody who has the wisdom, the vision, the dedication to help lead our County through what are still difficult times. And so I'm excited about the opportunity. It is a great day for him and for his family, but truly it is a great day today for Suffolk County and I want to congratulate him and thank him for his leadership.

Applause

Where's Jay? Jay, are you technically Presiding Officer right now?

ACTING CHAIRMAN SCHNEIDERMAN:

Not technically, just the Chairman.

COUNTY EXECUTIVE BELLONE:

Okay.

ACTING CHAIRMAN SCHNEIDERMAN:

I don't get my picture on the wall.

*(*Laughter*)*

COUNTY EXECUTIVE BELLONE:

Well, I want to congratulate our incoming Deputy Presiding Officer, somebody I've worked very closely with and a great leader, and I look forward to working together over the next year. Congratulations, Jay.

Applause

I also want to recognize a good friend from the audience here today, somebody I've worked with for many years and somebody who stepped up in a big way to help lead this body during a very difficult time, that's our former Legislator, Wayne Hurlsey, and former Presiding Officer.

Applause

I also want to recognize a young Legislator who is joining the leadership team, who has already accomplished incredible things in a very short period of time, Rob Calarco. Congratulations, Legislator Calarco.

Applause

And I want to acknowledge and recognize my colleagues across the aisle; Minority Leader John Kennedy and all of the members of the Republican Caucus.

Applause

I look forward to working together, to continuing to work together on the challenges that we face.

And to all the members of the Legislature who have been reelected, I look forward to working with all of you once again. And to the newest members of the Legislature, Legislator McCaffrey, Legislator Trotta, Legislator Martinez.

(Unknown Audience Member Applauded)

That's okay *(laughter)*. And I'm very proud to welcome Legislator Bill Lindsay. Let's give them all a round of applause.

Applause

I know they're going to do great things for our County as well.

And finally, I wish us all the best of luck. The challenges we face remain great in this County, but we have made a lot of progress and we are coming out of some very difficult times, but there's a lot of work ahead. And I know that this body stands ready to work with me, and I do so in return to meet all those challenges head-on.

Congratulations today. Happy New Year to everyone. Thank you.

Applause

ACTING CHAIRMAN SCHNEIDERMAN:

Thank you, Steve. This Legislature has had a great working relationship with our County Executive. I know it's unusual to have him on this side of the horseshoe, but ultimately we are both on the same side --

COUNTY EXECUTIVE BELLONE:

Yes.

ACTING CHAIRMAN SCHNEIDERMAN:

-- to further the needs of our constituents. And it's been great. I think only maybe one veto in two years, which is -- that alone --

COUNTY EXECUTIVE BELLONE:

Maybe two.

ACTING CHAIRMAN SCHNEIDERMAN:

Or maybe two?

COUNTY EXECUTIVE BELLONE:

One was technical (*laughter*).

ACTING CHAIRMAN SCHNEIDERMAN:

A fairly historic working relationship.

The County Executive mentioned a few of the guests who are here. I also want to point out, Scott Martello is here from the Governor's office, and also -- yes, you can applaud for Scott, absolutely.

Applause

And former County Executive Pat Halpin is also with us.

Applause

All right. At this point, I'd like to ask our Clerk, Tim Laube, to call the roll.

MR. LAUBE:

Good afternoon, Mr. Chairman.

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

LEG. KRUPSKI:

Here.

ACTING CHAIRMAN SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

MR. LAUBE:

Eighteen.

ACTING CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Clerk.

Okay. All of the individuals at the horseshoe were just recently elected; some were elected in the past and they're serving additional terms and some are brand new. So certainly congratulations to all of you, and welcome to the new Legislators.

It is time for each of us to be sworn in, so I'd like to ask all of us to stand up at our seats and I'll ask Judge Hendricks if he'll come over. First we're going to do a ceremonial Oath of Office and then we'll do an official Oath. So Judge Hendricks, if you'll come around? Thank you.

Judge, I'm going to pass you the mic.

HONORABLE JUDGE HENDRICKS:

Okay, great. Thank you.

First, let me also give my congratulations to all 18 of you here. And I would just like to say what an absolute privilege it is to be with 18 people that have such a true commitment to public service and wish you all the best in your terms and thank you very much for that service.

If you could all please raise your right-hand and repeat after me.

***(Ceremonial Oath of Office Administered to
All 18 Suffolk County Legislators by
Judge Randall Hendricks)***

Congratulations to all of you. Congratulations.

Applause

ACTING CHAIRMAN SCHNEIDERMAN:

All right. Thank you, Judge.

Next I'd like to bring up our esteemed Clerk, Judy Pascale, forward to do the official Oath of Office. I think we're going to do this collectively as well, and then we'll sign, obviously, individually. Judy, would you like the microphone?

MS. PASCALE:

I don't need the mic. Please raise your right-hand and repeat after me.

***(Official Oath of Office Administered to
All 18 Suffolk County Legislators by
Judy Pascale, Suffolk County Clerk)***

Applause

ACTING CHAIRMAN SCHNEIDERMAN:

Okay. So each Legislator will now sign the official book.

*(Brief pause in meeting for official book signing by all
18 Suffolk County Legislators)*

All right, thank you we would like to begin. All right, everybody, we're going to begin. Our next course of action is to swear in our District Attorney.

All right, thank you. We'd like to begin again. Our next order of business has to do with the swearing in of our **District Attorney**. We've been blessed with an extraordinary District Attorney for a number of years now, **Tom Spota**. Welcome, Tom.

Applause

Judge Hendricks, are you available --

MR. NOLAN:

No, she's just going to do it.

ACTING CHAIRMAN SCHNEIDERMAN:

Okay, just the one, okay. So at this point I would like to ask our Treasurer -- I mean, I'm sorry, our -- did I get that right?

MS. PASCALE:
Clerk.

ACTING CHAIRMAN SCHNEIDERMAN:
Our Clerk, sorry. Our Clerk, Judith Pascale, to swear in our District Attorney, Tom Spota.

*(Official Oath of Office Administered to
Tom Spota, District Attorney, by
Judy Pascale, Suffolk County Clerk)*

Applause

Okay, the next course of business is to swear in our Suffolk County Treasurer. If I could ask, while District Attorney Spota is signing the book, if Angie Carpenter could come forward. And would the Honorable Richard Berman also come forward? First a warm welcome for our returning Treasurer, Angie Carpenter.

Applause

Congratulations. Judge Berman, I'm going to pass you the microphone.

HONORABLE JUDGE BERMAN:
So a lot of you have come up to me, and really I know it's in respect for Angie Carpenter, and thanked me for coming from New York, the Southern District of New York where I serve as a Federal Judge. And let me say you've got it backwards, the pleasure is all mine.

I used to come here back in the day with the Honorable Senator Jacob K. Javits; I had the pleasure of being his Executive Assistant. And he always used to say, "*Richard, this is where it all happens,*" and had the utmost respect, as do I, for this Legislative body. So thanks again for having me, and it is my pleasure to be here to swear in Angie Carpenter.

*(Ceremonial Oath of Office Administered to
Angie Carpenter, Suffolk County Treasurer, by
Judge Richard Berman)*

Applause

ACTING CHAIRMAN SCHNEIDERMAN:
Congratulations, Angie. And we're also going to do one more official oath with the Clerk, Judith Pascale.

*(Official Oath of Office Administered to
Angie Carpenter, Suffolk County Treasurer, by
Judy Pascale, Suffolk County Clerk)*

Okay, we will continue with the agenda.

I must say, I've enjoyed my brief stint as the Chairman of this esteemed body, but it now is time to officially elect a Presiding Officer who will chair this Legislature for the next year. And to that end, I would like to make a nomination of Legislator DuWayne Gregory.

I have known Legislator Gregory for seven years when he first came here as an Aide, Legislative Aide to Elie Mystal, who then was the Legislator for the 15th Legislative District. But DuWayne's commitment to this County, to his community and to his country goes back more than two decades.

In 1993, DuWayne enlisted with the U.S. Army and rose to 2nd Lieutenant. Then he came back, worked for the Town of Babylon as a Citizens Advocate. In 2008, in a special election, became Legislator for the 15th District. He then was assigned by Presiding Officer William Lindsay to Chair the Budget & Finance Committee, and that is particularly important because in 2008 was when the recession was just beginning and it really was a perfect storm for this County where we overnight found a \$200 million hole between our revenues and our expenses, and they were really just extremely challenging time. But that was not the only perfect storm that Legislator Gregory faced. Hurricane Sandy hit leaving his district in shambles. It was just a terrible catastrophe throughout the County, but particularly in the western portion of the County, and DuWayne spent much of his time addressing the needs of the victims of Hurricane Sandy.

Service has been central to DuWayne's leadership, whether it was reducing crime, improving public transportation, creating job opportunities, building community or supporting not-for-profits, particularly our day-care providers, as well as our domestic violence prevention groups, those groups that work to reduce gang violence and many other not-for-profit who work, do important work in our County.

When we in the majority got together to talk about leadership in the coming year, we talked about many qualities. We wanted someone who would defend this institution as a coequal branch of government, but also be able to work with the County Executive, County Executive Bellone. One who would build consensus and work across the aisle, one who could speak on behalf of the Legislature and on behalf of Suffolk County.

My support for Legislator Gregory was not based on race, but I think race is a factor. My decision was based entirely on the merits. But if you look around the walls of this building and you see the Presiding Officers here, and Wayne's picture isn't up yet, but you'll notice there is no individual of color who has ever served this body, and so this becomes a historic moment for Suffolk County. We have been through some turbulent times and I think it sends an important message, that Suffolk County is an inclusive place, that we honor culture, we celebrate diversity. And so with history in mind, and this body has made history many times, usually legislatively, but with the nomination of DuWayne Gregory to be our next Presiding Officer, I would like to make that nomination official.

Applause

I now would like to call upon Legislator Doc Spencer for a second.

LEG. SPENCER:

Thank you, Mr. Chairman, and thank you for those words regarding Mr. Gregory. I would -- I am honored to second the nomination.

DuWayne is someone that is a true representative of the people. He is a veteran officer of this country's Armed Forces, so we know that he has bravery, he's a leader, he has determination. But he's also served in a number of different roles that he has -- he understands the workings of this body, he understands Suffolk County, and he has the confidence of his constituents where he, for the last two terms, has been able to run unopposed, which is no easy matter to do.

DuWayne offers a steady hand. He has an even temperament, he offers us continuity with regards to our leadership in this body. We never thought there would be a day that this body would not be led by Bill Lindsay, and Bill Lindsay is someone that will always be a role model to me and that is the way that I feel about DuWayne also. He has been able to advise me both privately, and I was just elected to serve my second term and coming through a freshman year, a freshman term, it was made a lot easier because of DuWayne's friendship.

He is an individual who will serve us well during these difficult times and he's shown the ability to stand firm as an individual and to represent us, but he also has shown the ability to work well with others. I've never seen him get angry, never seen him raise his voice, but I have seen him stand his ground. So it's with great honor that I second the nomination of DuWayne Gregory as our Presiding Officer.

Applause

ACTING CHAIRMAN SCHNEIDERMAN:

Are there any other nominations? Any additional seconds? Okay, as my last act as temporary Chairman, I will call the vote. This is to elect DuWayne Gregory as Presiding Officer of the Suffolk County Legislature. All in favor? Any opposed? Any abstentions?

LEG. CILMI:

Abstain.

LEG. KENNEDY:

Abstain.

LEG. TROTTA:

Abstain.

LEG. McCAFFREY:

Abstain.

ACTING CHAIRMAN SCHNEIDERMAN:

Four abstentions, Mr. Clerk.

MR. LAUBE:

Fourteen (Abstentions: Legislators Cilmi, Kennedy, Trotta & McCaffrey).

ACTING CHAIRMAN SCHNEIDERMAN:

Congratulations, Mr. Gregory.

Applause & Standing Ovation

I will now ask Judge Hendricks to officially swear in Legislator Gregory as Presiding Officer.

HONORABLE JUDGE HENDRICKS:

First let me echo the congratulations of everyone else here. Mr. Gregory, it's a true honor to administer this oath to you here. You have the support of your colleagues and I know your background, your experience makes you incredibly well-suited for this position. I wish you nothing but the best in this position. And if you could please raise your right-hand, please.

***(Ceremonial Oath of Office Administered to
Legislator DuWayne Gregory, Presiding Officer, by
Judge Randall Hendricks)***

Applause & Standing Ovation

ACTING CHAIRMAN SCHNEIDERMAN:

We have one more swearing in for Presiding Officer Gregory to be performed by our Clerk, Judith Pascale, and then DuWayne will sign the book as Presiding Officer. Let's make this official.

P.O. GREGORY:

Oh, okay.

MS. PASCALE:

Repeat after me; "I", state your name.

LEG. GREGORY:

I, state my name.

*(*Laughter*)*

ACTING CHAIRMAN SCHNEIDERMAN:

At least he's got a sense of humor, that's a good sign.

P.O. GREGORY:

Oh, sorry.

*(Official Oath of Office Administered to
Legislator DuWayne Gregory, Presiding Officer, by
Judy Pascale, Suffolk County Clerk)*

Applause

LEG. SCHNEIDERMAN:

Legislator Gregory, you'll need to sign the book for the official record, and then I'm going to hand the gavel off to you and let you take over.

P.O. GREGORY:

Thank you. It is truly a pleasure to be here. I would be remiss if I didn't thank Senator Schumer for dropping by and for his kind words to all of us and his support for this body. County Executive Steve Bellone, I look forward to working with him.

It's truly a special day, as you can imagine, for myself and my family, and I couldn't imagine a better group of people to share it with. So thank you all for being here.

Applause

I am honored to be elected Presiding Officer of the Suffolk County Legislature. I will work every day to make sure our County continues on on the path to fiscal security while ensuring that we provide the critical public services our residents rely on. I have many, many people to thank today. First and foremost, of course, I thank my family. Without those who love and support, none of is would have been possible. Joining me here today, as you've seen, is my wife and my Mom. My kids are -- one's almost going into the hospital with tonsils in Pennsylvania, but they're here in spirit. I certainly love them and share this moment with them as well. And for all of my friends, too many to mention but you know who you are, and your support during this process I truly, truly appreciate very much. And I look forward to continuing to work together in our relationship and our friendship.

I also would like to thank my colleagues on the Legislature for this honor that they have bestowed on me. You are not just my colleagues, you are my friends and I apprise that friendship. I will work with all of you to address the many serious issues we grapple with every day. We sometimes disagree on issues, but we always do so respectfully, and more often than not we are able to reach a consensus we can all live with. I believe the Suffolk County Legislature is the most effective governing body in New York State, and all of my colleagues sitting here are the reason why that is true.

And finally, I would like to thank God for leading me into a career of public service, helping others especially less fortunate is the basis of all that is good. And as the central part of the message of all religions, I will work with the Bellone Administration to make sure Suffolk County -- to make Suffolk County responsive to all County residents, transparent and above-board and fiscally sound. And again, thank you all for all your support. It's truly, truly an honor to serve you in this capacity. And thank you and Happy New Year.

Applause

Okay, at at this time we're going to accept **nominations** for the **Deputy Presiding Officer**. We have -- for that motion, I will recognize Legislator Krupski.

LEG. KRUPSKI:

Thank you, Mr. Presiding Officer. You know, being here for a year, you really -- you get to know the person who sits next to you. And for a year --

LEG. BROWNING:

(Laughter).

LEG. KRUPSKI:

(Laughter), but we didn't sit next to each other for a year. I got to sit next to Jay Schneiderman for a year and, you know, we got to talk a lot. And I had known Jay somewhat from East End issues, mostly dredging issues, but he's someone who impressed me as someone who could work with everyone on the horseshoe. He's someone that I know recognizes the differences between the East End and the West. It's a big County, it's a diverse County. There are also differences between the North Fork and the South Fork. And so -- but seeing that and knowing that Jay has a lot of experience, not only as former Supervisor in East Hampton, but also his many years working in the County. I know his willingness to work across the aisle with all members of his colleagues and his ability to work with the County Executive and his people on all different issues and his knowledge of things from, you know, a wide range of issues, from the bus service to dredging. And so he's got a lot of experience and he's got a lot of knowledge and, having said that, it's my honor to nominate Jay Schneiderman for Deputy Presiding Officer.

Applause

P.O. GREGORY:

For the purposes of a second, I'm going to recognize Legislator Lindsay.

LEG. LINDSAY:

It's my honor to second the nomination of Jay Schneiderman as Deputy Presiding Officer and it's my belief he would be the best choice for this position.

Jay has been a member of this Legislature since 2003 and throughout his tenure he has shown independence, innovation and the ability to facilitate positive outcomes for community issues. Jay has taken aggressive steps towards increasing affordable housing opportunities, preserving open space, reducing traffic congestion. Keeping our communities safe and working to help our seniors and working families deal with the rising costs of living.

Jay's independence and ability to work with all members of the Legislature regardless of their party affiliation is one of his greatest attributes. I'm confident that he will be a strong advocate for keeping the Legislature independent from the Executive Branch, but at the same time be able to work with the County Executive towards the betterment of the County. I have no doubt that Jay will work tirelessly to assist the Presiding Officer and be a source of strength and leadership for all members of the Legislature. For these reasons, I second the nomination of Jay Schneiderman as

Deputy Presiding Officer.

Applause

Are there any other seconds? Are there any other nominations? Are there any other nominations?
Are there any other nominations? Mr. Clerk, please conduct a roll call.

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

LEG. KRUPSKI:

Yes.

LEG. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Abstain.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. McCAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. LAUBE:

Twelve (Opposed: Legislators Cilmi, Barraga, Kennedy, Trotta & McCaffrey - Abstention: Legislator Muratore).

Applause

P.O. GREGORY:

Judge Hendricks is going to swear in Deputy Presiding Officer Schneiderman.

HONORABLE JUDGE HENDRICKS:

First, congratulations on your election for Deputy Presiding Officer. If you could please raise your right hand.

***(Ceremonial Oath of Office Administered to
Legislator Jay Schneiderman, Deputy Presiding Officer, by
Judge Randall Hendricks)***

Congratulations and good luck.

Applause

***(Official Oath of Office Administered to
Legislator Jay Schneiderman, Deputy Presiding Officer, by
Judy Pascale, Suffolk County Clerk)***

D.P.O. SCHNEIDERMAN:

Well, I'm honored to serve as Deputy Presiding Officer. I look forward to working with our newly elected Presiding Officer, DuWayne Gregory. And as a senior member of this Legislature, this is going into my eleventh year here and it's been a great tenure working on really important issues. These were challenging times and I look forward to my final two years here, because of term limits, and continuing to address critical issues, but also in working with this Legislature as the Deputy Presiding Officer. So I thank you all for your support and I look forward to the upcoming years.

Applause

P.O. GREGORY:

Next on the agenda we have ***Introductory Resolution No. 2-2014, Regarding Adoption of the Rules of the Suffolk County Legislature***, and for that purpose I'm going to call on Legislative Counsel, George Nolan.

MR. NOLAN:

Everybody should have before them proposed the rules, it's Intro Resolution No. 2-2014. They were distributed to, I believe, all Legislators on New Year's Eve, and I included a memo with that that explained really some relatively minor, what I consider minor technical housekeeping type of changes to the proposed rules.

In addition, before we adopt this resolution, Legislator Kennedy has proposed two amendments to these rules. They are outlined in a memo that I distributed today, January 2nd, and I'll just -- I'll summarize what those proposed rule changes are from Legislator Kennedy.

The first one has to do with the discharge of legislation from committee. As everyone knows, a bill can come out of committee two ways; by a committee vote or by a discharge petition signed by ten Legislators. Legislator Kennedy is proposing that a discharge petition cannot be circulated and signed until such time as the committee has acted on the legislation one way or the other. So that will be the first proposed change from Legislator Kennedy.

And the second proposed change has to do with public hearings. Specifically what Legislator Kennedy is proposing is that if a Charter Law, a Local Law, which is subject to a public hearing, is amended closer than two business days prior to its scheduled public hearing, then that law, the public hearing on that law cannot be closed at that meeting. It would have to be recessed, go over to the next meeting, at which time if there are no additional changes, the Local Law or Charter Law or public hearing could be closed.

So those are the two proposed amendments we'll be voting on prior to the final adoption of the rules.

LEG. KENNEDY:

Mr. Presiding Officer, if I can. First of all, I want to thank Counsel. And by the way, I want to extend my congratulations to you on being elected Presiding Officer.

I'll be happy to go ahead and explain my rationale for putting forward the two changes. Counsel has summarized it pretty well. But before we move to that, if I can just return to the basic set of rules and talk, George, about what was characterized as de minimus changes, but nevertheless, I think something that I want to make sure that I understand, that I think is somewhat important and, quite frankly, I'm going to ask my colleagues to consider.

Is it de minimus, George, that we're moving from a super majority down to a simple majority for invocation of the Cinderella Rule?

MR. NOLAN:

Maybe I should have, for the sake of discussion, to talk about those changes that I considered relatively routine and minor, maybe people disagree with that characterization. But let me just get through --

LEG. KENNEDY:

Well, I think it's important that all of us hear.

MR. NOLAN:

Sure. Presently, under our current rules, during Legislative meetings we require super majority votes for certain actions: To extend Legislative meetings beyond midnight, a two-thirds vote is required; to extend or shorten the one-hour public portion at our Special Meetings, three-quarters vote is required; and to extend public hearings on proposed legislation beyond three hours, two-thirds vote is required. The resolution you have before you would take all of those things and make those subject to simple majority votes. So that if a majority wanted to extend a meeting beyond midnight, that's what would happen.

Secondly, rule 6F of our rules states that Home Rule Messages and Procedural Resolutions are not subject to the seven-day aging rule. The resolution before you amends that rule to incorporate within the exemption budget resolutions, tax Levies and tax warrant resolutions resolution accepting grants, which is consistent with the Charter. So that is truly a housekeeping change.

Thirdly, we amend 15 Rule B to clarify that if the Legislature needs to reschedule a regularly scheduled meeting, we do that by a Procedural Resolution; it doesn't have to be a resolution that goes through committee.

So those are the changes that are built into the rules, Resolution No. 2 before you. And then as I said, they are the changes you are proposing.

LEG. KENNEDY:

If I can, Mr. Presiding Officer, I am going to ask -- my own opinion, and I guess I'll ask my colleagues to go ahead and weigh. My own opinion is that the super majority for the extension of those particular functions that we do, particularly as you and I have been here oftentimes as we approach midnight, it's always kind of a challenge as far as what's going to go on or not after midnight.

So I think that there's some merit, there's some validity. I really do feel that we should keep that extension to keep us in place into the next calendar day as a vote of the super majority. And at the very least, I guess what I would ask is, is vote on that separately rather than having that be incorporated with the whole balance of the rest of the rules we adopt.

And to Counsel; George, do we have to consider the two that I've put forward separately? What are we going to do; we vote on the rules and then those two changes, or maybe we can make it three changes?

MR. NOLAN:

If you want a third change. But I would suggest that we vote on the proposed amendments; if they're adopted, then we'll vote on the rules as amended.

LEG. KENNEDY:

Okay.

MR. NOLAN:

Okay?

I just would like to ask, so we get the process right; do you want to maintain the super majority just for the midnight rule in terms of the meetings, or for all of those things?

LEG. KENNEDY:

I would keep it in place for all of those items. Because likewise, for any of us who have been here for a three-hour long public hearing, it is a long process, it's a deliberative process. But then again, we have had sometimes upwards of a hundred speakers that want to come to speak to us. And quite frankly, as we've heard from, you know, Senators and our County Executive and everybody else, this is the people's house, we should basically, based on the significance of the matter before us, be able to come in a form of a super majority to go ahead and agree to extend or to allow the rules to go into effect and move to the next time period. I think it's got significance in all three areas; that's my own personal opinion.

MR. NOLAN:

All right. Then what I would suggest is voting on the first two amendments that were included in my memo, and when we're complete with those votes, then you would make a motion to amend the proposed rules to maintain the super majority requirements. But we'll get to that third?

LEG. KENNEDY:

Okay. Do you want me to speak on the other two items that I've asked for modification on?

P.O. GREGORY:

Well, how about we -- you speak on them as we call them; how about that? Because I know Stern, Legislator Stern and Legislator Krupski want to weigh in.

LEG. KENNEDY:

Of course.

P.O. GREGORY:

So maybe we'll come back to you if there's no others and then have you explain yours?

LEG. KENNEDY:

Absolutely.

P.O. GREGORY:

Okay. Legislator Stern?

LEG. STERN:

Thank you, Mr. Presiding Officer. George, for you, or perhaps, through the Chair, to Legislator Kennedy. My question goes to, I guess, we'll call it the second proposal, Legislator Kennedy, Rule 9-B.

You know, here we're -- you're addressing amendments. Depending on where we are in the process with our proposals, sometimes there are standards as to whether or not we have the ability or the opportunity to make changes; sometimes we can, sometimes we can't, based on whether they are substantive changes or fundamental changes depending on the circumstances. Here in the language of the proposal, I think the operative language that's used here simply *is amended*. So my question to you is does that language, would your vision here be that that language would apply to every change of whatever nature, or would you read that language in conjunction with other provisions which would require that the changes be substantive or fundamental or of some other -- a greater nature than just simply a technical change?

LEG. KENNEDY:

My sense with this when I asked for it to be put forward was that, you know, a minor modification -- again, we've sat through many, many public hearings, and as a matter of fact that's why we have public hearings, because we look to go ahead and get the input from the public. We start out with a particular bill and there may be many different comments that come forward that enhance it, improve it, make it better.

The converse or the thing to balance is, if you will, because the Local Law is significant, we go through the publication process, we encourage the public to come to speak to us. They have a particular bill in hand and when they get to the podium, if any of us or the County Executive's office has elected to change, then, in fact, in some cases the comment is almost moot or superfluous. So it really does get down to what we would talk about.

I am not enamored of the term *fundamental*. I would almost look at something like -- I don't want to say a scrivener's, but, you know, if there was something that came forward and talked about -- oh, I don't know. You know what? A minor change, you know, locations, physical locations, things like that, clearly that ought to be embraced. But anything that goes to a substantive change, really we should then not close the hearing because, in fact, the public should have the opportunity to come forward, cognisant of what that significant change was.

And quite frankly, what comes to mind is the bill that would have merged the Treasurer and the Comptroller. If you recall, we had quite a significant change 15 minutes before our public hearing began. And so how best do we try to make sure that we give the public the opportunity to know

that what they stepped to the podium about is actually what is before us? And that's the -- that was the purpose for putting it forward.

LEG. STERN:

And so the underlying purpose behind the change is certainly understandable, but in your explanation, I mean, you yourself just used the term *significant*, whether it's significant or substantive or whatever --

LEG. KENNEDY:

Right.

LEG. STERN:

-- whatever definition we choose to use, any change of that magnitude, for lack of a better word, would be, I'm assuming, the type of change that you're envisioning here.

LEG. KENNEDY:

Yes.

LEG. STERN:

The language here simply says *is amended*. So I guess, Mr. Presiding Officer, through you, to our Counsel; George, the language here, the proposed language here being very simply *is amended*, to you legally what does that cover and what does it not?

MR. NOLAN:

Well, right now the language that's before you is *amended*, which means any amendment, substantial or not, would require that the public hearing be recessed. If Legislator Kennedy wants to change that writing to be something else --

LEG. KENNEDY:

Well, I would be happy to go ahead and put forward something that all of us, I guess, can work with, but most importantly that you as Counsel have the ability to be comfortable in interpreting. You know, it almost talks about like, you know, what's the reasonable man? We don't want to go to that. But a significant change, can you differentiate between what would be simply something that's ministerial and a significant change?

MR. NOLAN:

I think I can, but I'm sure people might disagree with what I come up with because it's subjective. But I do that now because we have a law that says if a law is changed in a substantial way after the public hearing is closed, then we have to reopen the public hearing. So a lot of times I have to -- I make that determination, it's subject to what the Legislature thinks, they could override my judgment. But, you know, certainly I would feel comfortable doing that if that's the type of change you want to your proposed rule change.

LEG. KENNEDY:

Well, through the Chair, then, to Legislator Stern. I mean, do you think the rule becomes improved as far as operational perspective if we insert that additional word and we make it *significant change*.

LEG. STERN:

I think in order to accomplish your vision, I think it would have to. Because here, as drafted, I don't necessarily -- I'm not going to speak for you, it's to what you think, but I don't believe that it would accomplish your goal which is to require the type of transparency --

LEG. KENNEDY:

Yes.

LEG. STERN:

-- that you're looking for, an opportunity for the public to be heard when we're talking about language here that, very simply, says that if you're going to change the language *is amended*, because that type of requirement would apply to any type of change, whether it's a scrivener's error or a misspelling --

LEG. KENNEDY:

Sure.

LEG. STERN:

-- or just whether it should be a capital B or a lower case B, and I don't necessarily think that's what you're looking for.

LEG. KENNEDY:

Absolutely not. As a matter of fact, and I appreciate the suggestions, the comments. And so through the Chair, I'll ask Counsel, modify it and add the word *significant*.

MR. NOLAN:

I would suggest, because we use the word *substantial* for the post public hearing whether or not a law has to be reopened.

LEG. KENNEDY:

Yeah, okay, fine.

MR. NOLAN:

Then I think *substantial* --

LEG. KENNEDY:

All right, keep consistent, then. Yeah, make it *substantial*.

MR. NOLAN:

So that if a law is amended in a substantial way --

LEG. KENNEDY:

Okay.

MR. NOLAN:

-- two business days prior to a meeting, then the hearing has to remain open.

LEG. KENNEDY:

Sounds -- that's -- I'd be happy. Thank you. Thank you, Legislator Stern. What are we going to do now, Mr. Chair?

P.O. GREGORY:

Legislator Krupski wants to be recognized.

LEG. KRUPSKI:

Thank you. And Mr. Presiding Officer, through the Chair, if I could address Mr. Kennedy? The -- you had an objection to the rule change from a super majority to a straight majority to extend Legislative meetings and extend public hearings and the one-hour public portion.

LEG. KENNEDY:

Yes.

LEG. KRUPSKI:

Now, in my experience as an elected official, the last thing you want to do to a democracy that we live in is make it -- make ourselves inaccessible to the public.

LEG. KENNEDY:

Uh-huh.

LEG. KRUPSKI:

And wouldn't it be easier just to have a simple majority vote on those things in order to extend the public's right to speak or to be heard?

LEG. KENNEDY:

Well, I -- having done this for ten years and you having done it in your capacity at a town level, it's not a matter of wanting to try to make it more difficult to go ahead and accommodate the public. I think it's the acknowledgement, if you will, of the magnitude of issues that come before us sometimes. I can think of public hearings that we had that actually were approaching the next day. We've had anti-loitering bills that have been before us that have been very charged. My former colleague put forward a bill about chem-trails and it was --

*(*Laughter*)*

-- it was very, very, very significant. As a matter of fact, we attracted people from all over the country that came to talk to us about that.

You know, I think, to be honest with you, if we're going to go that extra ordinary step to extend, I think it's important that we have a -- the super majority. We go above and beyond what the normal course of business is. It's also a recognition that we are a body of a majority and a minority. And not that hearing the public is a political decision, but it does mean that if we only go with a simple majority, if there's some particular issue where we differ significantly, it will never be something that is -- the voice of the minority will not necessarily be heard with it.

I think that it's important that we keep it at the super majority level, and that's the basis of my objection.

LEG. KRUPSKI:

Thank you. And then -- although I do disagree with you, thank you.

LEG. KENNEDY:

Okay.

LEG. KRUPSKI:

I think it would be -- anything you can do to make it more -- make us more accessible to the public and their comments and concerns is the better.

LEG. KENNEDY:

Okay.

LEG. KRUPSKI:

And then on your proposed change for the Local Law, for Rule No. 9, I'm not -- I'm not sure if we should be -- that this maybe should have more debate. You know, I've talked to some of my colleagues about this and it's -- the more you look at it, you know, the more nuance it gets and then you think of this example, you think of that example. Sometimes you need to act quickly, sometimes we would all agree unanimously to act quickly, and sometimes maybe because of different divisions, maybe you would want to delay things.

So I'm not sure, no matter how we word it, you know, someone's going to be able to dispute it and say, *No, that's a significant change. No, that's --* and I'm going to look at the wording here. Because what it comes down to in any legislation is intent. And so if you change the intent, then in my opinion it becomes significant. If you don't change the intent, you can change some of the details and it's still what we intended to do. So I'm not -- I would rather see more debate on this and rather it not be voted on today. I'd rather everyone think about this, because this is -- you know, this is a serious matter.

LEG. KENNEDY:

Well, thank you, Legislator Krupski. And again, through the Chair then, I -- Legislator Krupski presents a request that I don't know that we've ever necessarily entertained. Have we held a rule change or a rule modification over beyond Organizational Day?

MR. NOLAN:

No, I think we -- we've got to give it an up or down vote. But certainly we can amend the rules in the middle of the year, we've done that previously, so it could be revisited later in the year.

LEG. KENNEDY:

Okay.

P.O. GREGORY:

All right?

LEG. KENNEDY:

We did not talk at all about the discharge petitions.

P.O. GREGORY:

Why don't you do that now?

LEG. KENNEDY:

Okay, good. The discharge petition request is similar to -- similar to, I guess, the work that we do as a body, if you will. It's a structural thing. Every one of us knows what the committee process is, we all serve on committees. Quite frankly, we all give a lot of our time and our energy and our areas of personal interest to what comes before us in a particular committee.

It seems to me if what we can do is, is bypass whatever the particular committee's charge is on a particular resolution through circulation of the discharge petition, it almost undermines the structure. Now, Legislator Spencer pointed out a good point, that the way the calendar lays or has laid in the past, I don't know how it's going to be now, Mr. Presiding Officer, but resolutions assigned to committees later in the week would be at a disadvantage when it came to attempting to try to get the ten signatures required. And, you know, there again, I -- my reason in putting this forward was I did not want to undermine the committee process. As a matter of fact, what I wanted to do is reinforce or bolster the committee process, whether its a discharge petition circulated by us or if it's a resolution that's been introduced by the County Executive.

So I don't know. Is there a way to address that, George, or is it just we've got to run the calendar with however the resolutions get assigned?

MR. NOLAN:

Yeah, I can't think of a way to deal with that particular problem you just mentioned. That a committee on Thursday that meets, it's going to be a shorter window for people to circulate a discharge petition; I don't know how you address that, I really don't. I think you're going to have to go with it the way it is and recognize that may be an issue for some people and -- but I can't think of a way.

LEG. KENNEDY:

What if we backed up from the -- and we just looked at -- you know what? Through the Chair, let me ask Legislator Spencer. Legislator Spencer and I had a quick conversation. You talked about an alternative, maybe seven calendar days, what, back from the General Meeting?

LEG. SPENCER:

Yes.

LEG. KENNEDY:

So that would mean Tuesday to Tuesday, but we would still -- so Wednesday and Thursday you would be able to circulate, notwithstanding the fact that we may not have heard the matter yet. You know what? I appreciate that. I know what the calendar issues are, but I think I'm going to leave it the way it is for now, as I put it forward.

P.O. GREGORY:

Okay. Legislator Cilmi wants to be recognized.

LEG. CILMI:

Thank you, Mr. Chairman. Just a couple of questions. Deputy Presiding Officer Schneiderman whispered a minute ago about the fact that we can waive the rules on occasion when necessary. I wanted to ask, maybe through you to Counsel, what is the procedure to do that? What type of vote is necessary to waive the rules?

MR. NOLAN:

Yeah, almost all of our rules are waivable by a simple majority vote.

LEG. CILMI:

Okay.

MR. NOLAN:

That's been that way -- that's always been our rules as far as I'm concerned, going back a long time.

LEG. CILMI:

Okay. So to Legislator Krupski's concern with regard to stifling debate and making it easier for the public to come -- and to Legislator Kennedy's point about all of the proposed changes; all of those rules could be waived by a simple vote of ten.

MR. NOLAN:

Yeah, that's true. But, you know, like let's say with a discharge petition, that happens all before our General Meeting. So in an a practical sense, I'm not sure how you could waive that particular rule.

LEG. CILMI:

Okay. The other question I have is with respect to -- geez, it just went out right out of my head. Anyone else need speak?

*(*Laughter*)*

I'll have to come back. I had another thought, but it went right out of my head. Thanks.

P.O. GREGORY:

Okay. Anyone else? Oh, I'm sorry, Legislator Spencer.

LEG. SPENCER:

With regards to the discharge petitions, this is something that I think we've also debated quietly amongst our colleagues. And I'm surprised to see the Minority Leader bring that particular rule forward, because I think that one thing that was brought, was demonstrated was that when you look at the makeup of the committees a lot of times where the majority party would have a majority on that committee, it is possible that a lot of minority legislation could just be bound up in committee. And I think that my understanding is that the discharge process came along was to kind of give the minority some power, some leverage.

I do think that changing that when you have a Thursday committee for a General Meeting on Tuesday where you have an extremely short window, I've always been of the feeling, and I know Legislators differ on this, is that, you know, I will sign discharge petitions even if I don't agree with the legislation. And I think my understanding of the committee process is that it allows a thorough vetting and research that we may not be able to do in our general body, but I also think that each of the Legislators here have a right to bring a particular issue, especially important pieces of legislation, to the floor and the discharge process can't allow the politics to be bypassed. I think that, one, they have to get the signatures, and I think that a Legislator can choose not to sign that. But I think that even if it's brought to the floor, that if it's felt -- Legislators feel that it hasn't been vetted appropriately, that they can vote against it. But I do think that it does empower the minority to be able to get important pieces of legislation to the general body. So I'm actually feeling I'm defending the minority's rights by opposing this.

LEG. KENNEDY:

(Laughter) Well, through the Chair, thank you for that perspective.

Nevertheless, again, I'll go back to, as I had said, even in your time here now as a second-term Legislator, we can talk about different pieces of legislation that may have been controversial, may have been, for whatever reason, either tabled in committee or just, you know, didn't -- we didn't necessarily feel it was ripe, and low and behold a sponsor shopped it and, you know, had the opportunity to kind of circumvent or bypass the committee process.

I -- look, we all spend the time here, we all put the hours in, we all try to do the best that we can to go ahead and understand all the nuances of the resolutions that are put forward. I think there's validity and merit in what we do and I think process counts. So that's the reason I put it forward.

P.O. GREGORY:

Okay. If I may interject, I know we're arguing over a majority and super majority, but I think there would be a unanimous decision that there's a snow storm pending and I would like to get out of here as soon as possible. We still have some business, so I'm going to recognize Legislator Cilmi and Legislator Calarco and hopefully we can move this along. We have the Clerk, the Deputy Clerk and the Counsel, we have lot of business to be done. Okay?

LEG. KENNEDY:

Okay, fine.

LEG. CILMI:

So just very quickly, I remembered what I had to ask. When we discussed the rules with respect to the super majority, as I recall, George, you said that there are two different, I guess, definitions of what a super majority is, depending on which of those rules we're talking about; one was three-quarters, one was two-thirds?

MR. NOLAN:

Correct.

LEG. CILMI:

Could you define again which is which?

MR. NOLAN:

To extend the meeting beyond midnight, two-thirds; to extend or shorten the one-hour public portion at Special Meetings, three-fourths; to extend public hearings on proposed legislation beyond three hours, two-thirds vote required.

LEG. CILMI:

So I suppose it's likely that from time to time, as we've evolved, those rules have been inserted sort of, I don't want to say half-hazardly, but as they come up. And I'm wondering what the reasons for them were. I don't know when they were instituted.

MR. NOLAN:

They predate my tenure as Counsel, so I, for the life of me, can't figure out why those became super majority votes, I really don't. To me, those are, you know, being procedural. I just believe a majority vote should be required, how they became super majority votes I don't know. What you guys want to do ultimately is obviously up to the Legislature.

LEG. CILMI:

It occurs to me that something must have -- something must have generated those rules. There must have been some situation that maybe we're not contemplating.

MR. NOLAN:

I would think with the midnight rule, those long meetings used to be very, very common back in the 80's and 90's. And perhaps, you know, some of those meetings went deep into the morning, the following morning, and there was a thought like we shouldn't do that as a normal practice. But since I've been here, I don't think with a day meeting we've ever got close to midnight, and even with our evening meetings. I don't think we've come close to midnight. So it's somewhat academic, I think the argument we're having, but --

LEG. CILMI:

All right, I accept that. I think on balance, most of those rule changes are okay. I do support Legislator Kennedy's proposed change in terms of requiring longer for when there are changes to proposed legislation, keeping public hearings open. Because I myself have myself on the end of a feeling that when folks came to the Legislature to speak at a public hearing and things were sort of changed, that they really didn't have enough time to prepare what they wanted to say based on those changes. And when there is a substantive change to a resolution, I think that -- I mean, that may impact whether or not somebody actually comes to speak in favor of or against a particular resolution and it may impact what exactly it is they say. So I support Legislator Kennedy's change. And as far as the other changes go, I think they seem reasonable to me.

P.O. GREGORY:

Okay. Legislator Calarco.

LEG. CALARCO:

Thank you. I just had two points I wanted to make quickly, and both regarding the proposed rule amendments by Legislator Kennedy. First, I'd like to echo what Legislator Spencer had mentioned about the first rule change here on the discharge petitions and that is exactly that. Being the new Majority Leader, I wouldn't want to make this position, but I think that the discharge petition is most certainly a tool that should be implemented and would be useful to the minority party in the Legislature to get their bills forward. And while we had a confluence last year where certain committees didn't seem to be controlled by the majority, I think it certainly is a useful tool and you would, I think, be doing harm to yourself if you looked to make it more constrained.

But I also wanted to mention -- bring up the second rule change which is Rule No. 9 on the public hearings and when we can act on a resolution. And I think we've all sitting around this horseshoe, or at least those of us who have been here, worked on a Local Law of some sort or another that we've held over from time to time in order to make amendments and work on it and get it right and that's part of the public hearing process. But my question actually goes to Counsel here on this, because it sounds to me what you are saying is when we have a substantive change, a substantial change through a resolution, that we can't just simply close a public hearing without advertising it. And if memory serves me correct, and I guess I want to understand the advertising process better, when we have a Local Law, do we -- what are our requirements in advertising it? How many days prior to the public hearing must we advertise?

MR. NOLAN:

I'd have to punt to the Clerk on the specifics, he does the advertising of the public hearings.

LEG. CALARCO:

Okay. Mr. Laube?

MR. LAUBE:

How many days before?

LEG. CALARCO:

Sure. When do you send out the advertisement? What's the golden rule, so to speak, that we try to follow?

MR. LAUBE:

We send out all advertisements for Local Laws on Friday before publication of that newspaper. So if our -- if our General Meeting is on a Tuesday, the first available paper to come out before that Tuesday is the Thursday before, the two weekly papers, one comes out on a Wednesday and one comes out on the Thursday before. We need to send our advertising to that paper that Friday usually is their deadline; we have gotten them in as late as Monday morning, but typically that is the case.

LEG. CALARCO:

So we try to make sure that any public hearing is advertised a week prior, or in the paper, the weekly paper prior to the Legislative meeting where the public hearing is held.

MR. LAUBE:

That is correct.

LEG. CALARCO:

Okay. And so when we make amendments to these bills, and certainly we've all kept resolutions, public hearings recessed so that we can make amendments under the understanding that it may be substantial of an amendment, that if we close the public hearing we'd have to reopen it. What is our guideline there in terms of being able to do that? Do we advertise every one of those substantial changed resolutions if it's a recessed bill?

MR. LAUBE:

If I'm directed to readvertise a Local Law, we do it.

LEG. CALARCO:

And who directs you, Counsel?

MR. LAUBE:

That will come from Counsel's Office.

LEG. CALARCO:

So to Counsel, then, and through the Chair, what is the standard you utilize to say we must readvertise this bill?

MR. NOLAN:

It really would only be that situation where there's a substantial change after we've closed the public hearing and we are reopening the public hearing. Changes before the public hearing, we don't advertise those.

LEG. CALARCO:

Have we ever in the past actually not closed a public hearing because a substantial changed amendment was filed after the advertising deadline?

MR. NOLAN:

No. No, that's -- the policy and the process always has been you can make changes up until the public hearing, any type of change.

LEG. CALARCO:

Okay. Thank you.

P.O. GREGORY:

Okay. Anyone else? Okay, where do we stand, Counsel? We have -- we're going to pull out the one section of the -- with the super majority?

MR. NOLAN:

I think the first vote we should take is on -- we'll go in the order that -- look at the January 2nd memo I gave to you. The first proposed rule change by Legislator Kennedy having to do with the discharge petition, and Legislator Kennedy or somebody else should make a motion to approve that amendment.

LEG. KENNEDY:

I'll make a motion to approve, I guess, whatever the first recommendation is; what is it, item one? And then --

MR. NOLAN:

This is in regards to discharge petition.

LEG. KENNEDY:

Right, discharge petition with signatures and dated, as well as then to be circulated prior to committee action.

LEG. BROWNING:

I'll second that motion.

P.O. GREGORY:

Okay. Mr. Clerk, do a roll call.

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

LEG. KENNEDY:

Yes.

LEG. BROWNING:

Yes.

LEG. KRUPSKI:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No.

MR. LAUBE:

Eight.

P.O. GREGORY:

Okay. Now the second amendment.

MR. NOLAN:

The second amendment involves public hearings on Charter Laws and Local Laws, Legislator Kennedy's proposal that they may not be closed if the subject law is amended in a substantial way, two or less business days prior to the scheduled public hearing. So we need a motion on that.

LEG. KENNEDY:

I'll make a motion on that rule as put forward, as amended from the language that we see with the inclusion of the word *substantive*, is that okay?

MR. NOLAN:

In a substantial way.

LEG. KENNEDY:

Right, okay, *in a substantial way*.

LEG. BARRAGA:

Second.

LEG. CILMI:

Second.

P.O. GREGORY:

Second by Legislator Barraga? Roll call.

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

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:

No.

MR. LAUBE:

Ten.

LEG. KENNEDY:

Thank you.

MR. NOLAN:

And it's not in the memo, but Legislator Kennedy on the floor has the right to propose another amendment, and this would be to maintain the super majority vote requirements, to extend Legislative meetings beyond midnight, to extend or shorten the one-hour public portion at Special Meetings, and to extend public hearings on proposed legislation beyond three hours. So that would -- we need a motion.

LEG. KENNEDY:

Through the Chair, I will make a motion to go ahead and maintain the continuance on those three items, as Counsel just articulated and, in fact, not to adopt the simple majority that is now contained in the rules as put before us.

LEG. BARRAGA:

Second.

P.O. GREGORY:

Okay, we have a motion and a second. Roll call.

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

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

Yes.

LEG. TROTTA:

Yes.

LEG. McCAFFREY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

No.

D.P.O. SCHNEIDERMAN:

No.

P.O. GREGORY:
No.

MR. LAUBE:
Eight.

LEG. KENNEDY:
One out of three.

P.O. GREGORY:
At this point, I'll make a motion to approve the rules as amended.

D.P.O. SCHNEIDERMAN:
Second.

P.O. GREGORY:
Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. GREGORY:
Okay, the rules are adopted.

Now back to the agenda.

Introductory Resolution No. 3-2014 - Appointing the Clerk of the Legislature, Tim Laube.
I make a motion.

LEG. HAHN:
Second.

P.O. GREGORY:
Second by Legislator Hahn. All in favor? Opposed? Abstentions? Congratulations.

MR. LAUBE:
Eighteen. Thank you.

Applause

P.O. GREGORY:
Next on the agenda is ***Introductory Resolution No. 4-2014 - Appointing the Chief Deputy Clerk.*** I'll make a motion.

LEG. BROWNING:
Second.

P.O. GREGORY:
Second by Legislator Browning.

MR. NOLAN:
Say the name.

P.O. GREGORY:

Oh, I'm sorry; **Chief Deputy Clerk, Renee Ortiz**. I have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

All right, congratulations.

Applause

Both of you please come forward to be sworn in by the Clerk.

MS. PASCALE:

You want to do Counsel, too?

P.O. GREGORY:

All right. **Introductory Resolution No. 5-2014 - Appointing Counsel to the Legislature, George Nolan**. I will make a motion.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MR. LAUBE:

Eighteen.

Applause

P.O. GREGORY:

All righth. Motion carries, congratulations.

Applause

MS. PASCALE:

I would just like to add my congratulations to each of you. On behalf of my office, and I know some of the other elected officials, I would like to thank you for the cooperation and support you have given us in the past and we look forward to working with all of you again. Happy, Healthy New Year.

**(Official Oath of Office Administered to
Tim Laube, Clerk of the Legislature,
Renee Ortiz, Chief Deputy Clerk of the Legislature,
George Nolan, Counsel to the Legislature, by
Judy Pascale, Suffolk County Clerk)**

Applause

P.O. GREGORY:

Next we have **Introductory Resolution No. 6-2014 - Adopting a schedule for regular meetings of the County Legislature**. I must admit that we did consult with Leslie Kennedy, we tried to figure out every date that Legislator Kennedy's out of the State.

(*Laughter*)

Keep our meetings short, but (*laughter*). So I will make a motion to approve. Seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Okay. ***Introductory Resolution No. 7-2014 - Designating Depositories.***

LEG. SPENCER:

Motion.

P.O. GREGORY:

I'll accept a motion from Legislator Spencer. Seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. GREGORY:

Introductory Resolution No. 8-2014 - Designating an Official County Newspaper.

LEG. ANKER:

On the motion?

P.O. GREGORY:

I will make the motion. Seconded by Legislator Schneiderman. On the motion.

LEG. ANKER:

On the motion. I will not be voting to approve this. I have an issue with the fact that it's political papers, we're paying taxpayer money for these papers to advertise, that's half a million dollars and, you know, I just don't personally feel it's right. So I will be not voting for this resolution.

P.O. GREGORY:

Thank you, Legislator Anker. Anyone else? I'm going to call the vote. All in favor? Opposed? Abstentions?

LEG. ANKER:

Opposed.

MR. ORTIZ:

Seventeen (Opposed: Legislator Anker).

P.O. GREGORY:

Introductory Resolution No. 9-2014 - Designating an Official County Newspaper.

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore. Second by Legislator Kennedy. On the motion, Legislator Anker.

LEG. ANKER:

And again, I feel this -- again, we're putting almost a half of million dollars of taxpayers' money to pay for, you know, political business which is a newspaper in many circumstances. So I will not be supporting this resolution.

P.O. GREGORY:

Okay. Anyone else? Okay. All in favor? Opposed? Abstentions?

LEG. ANKER:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Anker).

P.O. GREGORY:

Okay, all right, motion passes.

Introductory Resolution No. 10-2014 - Designating Official local newspapers. I'll make a motion.

LEG. SPENCER:

Second.

P.O. GREGORY:

Second by Legislator Spencer. Legislator Anker, to be recognized.

LEG. ANKER:

On the motion. And again, I feel that we can now put many of these legal advertisements on the Internet. We have -- in fact, we have been doing that here in the Legislature. I think we should be more proactive in saving taxpayers money. And, you know, again, we're not here to support, you know, the profits of media, we're here to get the word out to our constituents. And we don't need to be using, again, taxpayers money to support basically political papers. I think in this one we have Brookhaven. I live in the Town of Brookhaven, you know, we're designating the Long Island Advance; that paper is not in my district. Why in the world are we paying, you know, legal ads tens of thousands of dollars, if not more, to run legal advertisements when it doesn't even go to my district. So I will not be supporting this resolution.

P.O. GREGORY:

Legislator Muratore to be recognized.

LEG. MURATORE:

Thank you. Is it that we need -- do we need State approval not to do this? I mean, is it something we can do on our own or do we need State approval? So if we need State approval, I ask my learning colleague, have you spoken to the State about this?

LEG. ANKER:

Yes, we are working on a resolution to go forward and seeing if the County can decline the advertisements in paper editions.

LEG. MURATORE:

Okay. Well, that's good, so now the rest of our colleagues know that the State has to do this before we can do it.

P.O. GREGORY:

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

MR. LAUBE:

Seventeen (Opposed: Legislator Anker).

P.O. GREGORY:

Next we have to set the date for the following public hearings. I'd like to make a motion to set the date for public hearings for the following resolutions on September -- wow, February 4th of 2014 at 2:30 pm in Hauppauge. *(Corrected Date of General Meeting: February 11, 2014)*

MS. ORTIZ:

1027.

P.O. GREGORY:

IR 1027, Adopting a Local law to amend Section A13-10 of the Suffolk County Administrative Code to authorize donation of property held by Police Property Bureau; as well as IR 1039, Adopting a Local Law to increase the age for purchasing tobacco products in Suffolk County to 21.

Motion by Legislator Muratore. I will second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. GREGORY:

Okay. We have no other business. We stand adjourned. Thank you. Please get home safely.

(*The meeting was adjourned at 3:07 P.M. *)