SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

January 4, 2010

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:
Kim Castiglione - Legislative Secretary
(The meeting was called to order at 11:05 A.M.)

ACTING CHAIRMAN LINDSAY:
Okay, could everybody have a seat, please? Thank you very much.
Mr. Clerk, would you call the roll, please.

MR. LAUBE:
Will do. Good morning.

(Roll Called by Mr. Laube - Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Present.

LEG. BROWNING:
Here.

LEG. MURATORE:
Present.

LEG. VILORIA-FISHER:
Present.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

ACTING CHAIRMAN LINDSAY:
Here.

LEG. MONTANO:
Present.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.
LEG. STERN:  
Here.

LEG. D’AMARO:  
Here.

LEG. COOPER:  
Here.

MR. LAUBE:  
Eighteen.

ACTING CHAIRMAN LINDSAY:  
Thank you, Mr. Clerk. Would everybody rise for the presentation of the colors by members of the VFW Post #433 in Sayville.

(Presentation of Colors)

Okay. And could Frank Schuller from the Smith-Weaver American Legion Post #651 in Sayville come forward? Come on over, Frank, and lead us in the Pledge of Allegiance.

MR. SCHULLER:  
Good morning, Bill. Thank you.

(Salutation)

ACTING CHAIRMAN LINDSAY:  
Thank you, Frank. And if everyone would remain standing for our Star Spangled Banner. Judy; where's Judy? Oh, hi, Judy. Okay, the Star Spangled Banner is going to be performed by Judy Ann Montemurro, who is the Music Director at Good Shepherd Church in Holbrook, and she's also a recipient of our Hometown Heroes Award here in Suffolk County. Judy?

(Star Spangled Banner Performed by Judy Ann Montemurro)

(Applause)

Thank you, Judy. That was beautiful. And if you would remain standing for our Invocation, which will be given by the Reverend Canon Edward A. Wisbauer, Jr., who is the Chief of Chaplains for the Suffolk County Police Department.

REVEREND WISBAUER:  
Oh Spirit of God, bestow the power of your grace upon us that our County Legislators and Executive may receive courage to follow their consciences, power to preserve the welfare of the least powerful they each represent, to steadfastly surrender to truth and forget not those who have no other voice than theirs. All this we ask in your name who came not to be king, but a servant to all. Amen.

"Amen" said in unison

ACTING CHAIRMAN LINDSAY:  
Thank you, Father. Would -- could you gentlemen retire the colors, please.

If everyone could remain standing. Unfortunately, since we last met we've lost a couple of our
citizens, and I'd like a moment of silence for Robert Crecca, who is the father of Judge Andrew Crecca, who passed away last week. Andrew was a former colleague of ours here and normally swears a lot of us in at our opening ceremonies, but unfortunately Andrew's Dad died last week.

Also, Jim Ryan, a Kings Park father of three who achieved a life-long dream when he became a New York City Firefighter, died Christmas morning of pancreatic cancer, an illness believe was caused by -- was caused by his months of service in the toxic dust at Ground Zero. Jim was 48 years-old.

Monsignor Jim Kissane, a Pastor for --

LEG. MONTANO:
St. John of God.

ACTING CHAIRMAN LINDSAY:
St. John?

LEG. MONTANO:
Of God.

ACTING CHAIRMAN LINDSAY:
Of God --

LEG. MONTANO:
In Central Islip.

ACTING CHAIRMAN LINDSAY:
-- in Central Islip. He passed away from cancer at the age of 42, Monsignor Kissane. And as always, let us remember all the men and women who put themselves in harm's way every day to protect our country at home and abroad, and as we speak and have this ceremony today they are, in fact, in harm's way.

(Moment of Silence Observed)

Please be seated. Okay, the first order of business is we have two new Legislators to our body this year, and could I ask Tom Muratore and Tom Cilmi to come forward for the swearing in?

MR. NOLAN:
You all get sworn in, Bill.

ACTING CHAIRMAN LINDSAY:
Oh, okay. You guys come forward because you're the two new guys, you could stand in front and the rest of us rise and we'll all be sworn in together. Would all Legislators rise?

Oath of Office Administered to all Legislators
By Suffolk County Clerk Judy Pascale

(Appause & Standing Ovation)

ACTING CHAIRMAN LINDSAY:
If all Legislators could stay standing and when your turn comes, go and sign the book and return to your seat.

Okay. Could I have all Legislators back to the horseshoe, please? Before we go on with the additional Oaths of Office to our other elected, County-wide elected officials, I want to apologize to Legislator Muratore. I understand we spelled your name wrong. If I recall correctly, we did it to the
guy preceding you as well, so there must be something with that district. I think we forgot a "B" in the last guy’s name, so we forgot an "A" with you.

LEG. MURATORE:
Well, I was hoping to buy a vowel with that.

(Laughter & Applause)

ACTING CHAIRMAN LINDSAY:
I am assured by Public Works, before we leave here, before we leave here your new nameplate will be here.

LEG. MURATORE:
Thank you.

ACTING CHAIRMAN LINDSAY:
With that being said, I’d like to call our District Attorney to the front of the room to be sworn in by our County Clerk, Judy Pascale.

Oath of Office Administered to District Attorney
Thomas Spota by Suffolk County Clerk Judy Pascale

(Applause & Standing Ovation)

Next, if I could have our Sheriff, Sheriff Vincent DeMarco, if he could come to the front of the room to be sworn in by our County Clerk, Judy Pascale.

Oath of Office Administered to Sheriff Vincent DeMarco by Suffolk County Clerk Judy Pascale

(Applause & Standing Ovation)

Okay. Next up is our County Treasurer, Angie Carpenter. If you would come to the front of the room to be sworn in by Judge James Hudson.

Oath of Office Administered to County Treasurer Angie Carpenter
By The Honorable James Hudson

(Applause & Standing Ovation)

ACTING CHAIRMAN LINDSAY:
Okay. Now to the agenda of our meeting today, and the first order of business is to elect a Presiding Officer. The floor is open for nominations.

LEG. EDDINGTON:
Mr. Presiding Officer?

ACTING CHAIRMAN LINDSAY:
I recognize Legislator John Eddington.

MR. NOLAN:
Jack.

ACTING CHAIRMAN LINDSAY:
Jack Eddington.
LEG. EDDINGTON:
You could call me Jack.

(Laughter)

Yes, I'd like to make a nomination for the Presiding Officer of the Suffolk County Legislature for the 2010 year. This person is the one who exhibited leadership qualities, has provided guidance and direction for this Legislature, has personal integrity and honesty, has open communication, manages staff effectively and efficiently, can resolve problems, as we've seen. Most importantly to me, his word is his bond and it never has to be checked, it's always consistent. And I would like to nominate Presiding Officer right now, Bill Lindsay, for another term.

(Applause)

Thank you very much, Jack. Don't throw that speech away, I could use it at home.

(Laughter)

I recognize Legislator Schneiderman for the purpose of a second.

LEG. SCHNEIDERMAN:
Thank you. I'd be honored. In January of 1970, exactly 40 years ago, this Legislative body was created ending 200 years of governance by a Board of Supervisors. This body was established as a coequal branch of government with 18 distinct legislative districts.

This important body provides oversight in all matters of County government. When this body is strong the public is well served. When this body is weakened by partisanship the balance shifts to the County Executive and we lose our ability to provide that important oversight, and perhaps more importantly, we no longer serve as a representative body fully reflective of our diverse needs.

I have served at this Legislative horseshoe for six years now. For a while I was deeply concerned that we as a body were losing our coequal status, but events over the past few years have brought this body together. The battle to save the John J. Foley Nursing Home from privatization was the turning point in my mind. Presiding Officer Lindsay showed leadership in preserving the institution as a County run nursing facility, setting this body at odds with the County Executive. Then there were the proposed 400 plus layoffs. Again, the Presiding Officer helped us navigate the choppy waters by working with labor representatives on concessions. And, of course, a very challenging budget with sales tax revenues falling precipitously. The Presiding Officer led this body to cut millions of dollars from what was already a very tight budget.

Bill Lindsay has earned my vote by standing up to this institution by making difficult financial decisions and by bringing a compassionate voice to all of our deliberations. Bill Lindsay has helped to build consensus on major decisions. He has put good government before partisanship and has set a tone of tolerance and caring.

There are many challenges ahead. Our economy shows no signs of recovery, at least in the recovery that the budget optimistically anticipates. Violent crimes continue rise. We need strong leadership to restore public confidence and we need to send a clear message that acts of hate will not be tolerated in Suffolk County and that this County is a safe place to live and work and play.

I believe that Bill Lindsay is the right individual at this time to lead this body, and I am honored to provide a second to his nomination for another term as Presiding Officer.
(Applause)

**ACTING CHAIRMAN LINDSAY:**
Thank you very much, Jay. Is there any other nominations? Is there any other nominations? Is there any other nominations? Seeing none, Mr. Clerk, would you call the roll please.

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

**LEG. ROMAINE:**
Abstain.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. BROWNING:**
Absolutely yes.

**LEG. MURATORE:**
Abstain.

**LEG. VILORIA-FISHER:**
Yes.

**LEG. LOSQUADRO:**
Abstain.

**LEG. EDDINGTON:**
Yes.

**ACTING CHAIRMAN LINDSAY:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CILMI:**
Abstain.

**LEG. BARRAGA:**
No.

**LEG. KENNEDY:**
Pass.

**LEG. NOWICK:**
Pass.

**LEG. HORSLEY:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.
LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

MR. LAUBE:
Thirteen.

(Applause and Standing Ovation)

P.O. LINDSAY:
Thank you very much.

Oath of Office Administered to Presiding Officer Bill Lindsay
By Suffolk County Clerk Judy Pascale

P.O. LINDSAY:
Before we go any further, I'd like to recognize Legislator Lynne Nowick for a point of personal privilege.

LEG. NOWICK:
Good morning, everybody. And congratulations, Presiding Officer Lindsay. You know, a couple of times a year we heard a Long Island based newspaper, a couple of years ago, refer to the Suffolk County Legislature as being a throwback to the wild, wild west. That was an overstatement because it was. Over the past few years this Legislature has worked cooperatively, collegiately and responsibly. This, I believe, is a tribute to the man who's sitting in the Presiding Officer's chair, the Honorable Bill Lindsay.

During his tenure as Presiding Officer meetings are run efficiently. All Legislators are kept informed and prepared for meetings and all of us are given equal access to the floor and all items related to the Legislature. Truly this body functions as a true democracy. I don't believe that you would see that all over, whether it was in the United States Congress or Upstate New York, but in this body today and every day we work together as one of the -- for one of the -- for the residents of Suffolk County, excuse me. It doesn't matter whether we're registered as Democrats, Republicans, Working Families or Independents. We are all treated the same, we are met regularly without rancor and every day we do what is best, I believe, for the residents of this great County.

The man who leads us by example is the epitome of what a politician should be; accessible, fair, honest, trustworthy and sincere. To me, this is the meaning of a leader. Someone who does the right thing, someone who does the right thing all the time, thinks with his conscience and takes charge and guides by example. This is Bill Lindsay and this is his legacy. Congratulations, Bill.

(Applause)

P.O. LINDSAY:
Thank you, Legislator Nowick, for those very, very kind words. And I just want to take a moment, before we continue with our business, to make some remarks of my own.
First, I want to congratulate our two new members. I still very vividly remember my first day as a Legislator, the confusion, the acronyms. They didn't tell me anything; I mean, I didn't even know where the men's room was. So hopefully we'll give you a lot more knowledge to start your career as a Legislator with than I had. So welcome and good luck to both of you.

I want to thank all that voted for me, and it's unfortunate that some chose to abstain. This is the fifth time that you, my colleagues, voted for me to head this Legislature. It's without a doubt the highlight of my long work life. In my opinion, this Legislature is the premier Legislative body in this country. It's the birthplace of legislation that has been emulated around the State, around the nation and, in fact, around the world. The key to our success is the lack of partisan politics at this horseshoe. We're all political by our occupation, but when the elections are over the issues of the people take precedent and coalitions are formed and dissolved around issues that are important to our citizens. It's my hope that the style of governing continues and that the political leaders stick to what they do best and that's the election process.

In 2009 was the most difficult year probably in the history of this County. We, along with the County Executive, plugged a massive hole in our budget without laying anybody off, without selling our nursing home, without privatizing our parks and without shuttering our museum. This is no small feat, and it is my hope that the effectiveness of this Legislature continues.

With that being said, it's time to roll up our sleeves and go to work. I'm very proud of this body and I'm proud to be its Presiding Officer. Thank you very much.

(Applause)

Next, Introductory Resolution No. 1 is the election of the Deputy Presiding Officer, conducted by the Presiding Officer, and the administration of oath by the Clerk of the County.

I would like to put into nomination my partner for the last couple of years here, Legislator Viloria-Fisher. Do I have a second?

LEG. GREGORY:
Mr. Presiding Officer, I would like to second that nomination.

P.O. LINDSAY:
And Legislator DuWayne Gregory is seconding the nomination. Is there any other nominations? Is there any other nominations? Is there any other nominations? Hearing none, Mr. Clerk, would you call the roll.

MR. LAUBE:
Will do.

(Roll Called by Mr. Laube - Clerk)

P.O. LINDSAY:
Yes.

LEG. GREGORY:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMANN:
Yes.
LEG. BROWNING:
Yes.

LEG. MURATORE:
Abstain.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
Abstain.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Abstain.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Eleven.

(Applause)

Oath of Office Administered to Legislator Vivian Viloria-Fisher
By Suffolk County Clerk Judy Pascale

(Applause)

P.O. LINDSAY:
Okay. Madam County Clerk, you're done, right?

MS. PASCALE:
No.

P.O. LINDSAY:
No, we got one more? Oh, yeah. I forgot. Thank you very much. Next on the agenda is Introductory Resolution No. 2, Adopting rules of the Legislature of the County of Suffolk. The rules are in your packet in full. There is two changes that are being proposed. One is a new rule, 7K, which will read as follows: "Omnibus Budget Amendment. A resolution which seeks to amend the proposed operating budget in an Omnibus fashion must be sponsored by at least five Legislators before it may be considered by the full Legislature." This rule codifies what has been a long standing practice during our budget process.

And the second change is a new rule, 14C, which will read as follows: "The chairperson of the standing committee shall have the authority subject to the approval of the Presiding Officer to change the date and/or time of a scheduled committee meeting or to call a special meeting of the committee. The chairperson of a committee shall provide notice of a rescheduled or special meeting in written or electronic form to each member of the Legislature at least two days prior to the date of the rescheduled special committee meeting. In the case of a special meeting, the notice shall also describe the purpose of such meeting."

So they are the only two changes. Is there any questions about either one of them?

LEG. MONTANO:
Yeah, I have a question.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Gail, with respect to the first change. I believe we had this conversation during the budget process. This rule does not affect -- I just want to be clear and put it on the record, this rule does not affect the ability of any Legislator during the Omnibus process to introduce stand alones. Am I correct on that?

MS. VIZZINI:
That's correct. A stand alone is usually regarded as a single purpose resolution in the sense that it may change a line item or two. An Omnibus, as you know, is a more extensive multi-lined, multifaceted change budget amendment.

LEG. MONTANO:
So how many changes or how would this affect stand alones in the budget process? In other words, if you are changing one item, you are saying that this rule does not apply, but how many items would you have to change for this rule to kick in?

MS. VIZZINI:
I don't know that we can specify how many items, but if you are doing a major and comprehensive change to the recommended operating budget, such as we do in the Omnibus, reducing sales tax by 1% or eleven million dollars, you know, including a police class, reducing expenditures to accomplish certain things, that is your -- that is considered an Omnibus.

LEG. MONTANO:
Right.

MS. VIZZINI:
Something like, you know, increasing funding for X and offsetting it by reducing Y, that is more of a straightforward stand alone.

LEG. MONTANO:
So this rule speaks to a competing Omnibus resolution?

**MS. VIZZINI:**
Practically speaking, yes.

**LEG. MONTANO:**
And that's what I'm asking you. What are -- what would constitute major versus minor changes to the Omnibus aside from the stand alone?

**MS. VIZZINI:**
In years past we have had competing Omnibuses where although perhaps the core of the Omnibus might be the same, they -- they conflict in the sense that there's different offsets, there's different objectives, there's different priorities.

**LEG. MONTANO:**
Right, I understand that.

**MS. VIZZINI:**
So the sense here is if we are going to go through the preparation of something of the magnitude of an Omnibus, that the sponsor at least have five cosponsors of the legislation.

**LEG. MONTANO:**
Right, but you're not -- but I'm not hearing you quantify what constitutes a significant change to make this bill a competing Omnibus. That's what I'm trying to get at.

**P.O. LINDSAY:**
Could --

**LEG. MONTANO:**
But the bottom line is that the stand alones, if you introduce one or two or ten or 15 stand alones, they remain as stand alones and they don't violate this rule. Is that correct?

**MS. VIZZINI:**
No, you just need one sponsor for a stand alone. But a comprehensive change -- and I'm reluctant to quantify it because you could do something like --

**LEG. MONTANO:**
You can do a mini stand alone and then the question is at what point do you need five sponsors. That's really what I'm trying to get at.

**MS. VIZZINI:**
No, when you're making probably, you know, three, four or more major policy changes, I want to stay away from line items because you could, you know, want to increase funding to a health center and, you know, you're going to do it by reducing everything else by 1% so you can have another line item. I'm going to stay away from line items. But conceptually it's of the magnitude of an Omnibus. Many -- several policy changes, many line item changes, pages and pages.

**LEG. MONTANO:**
Okay. Thank you very much.

**P.O. LINDSAY:**
What I was going to say, just to help with the clarification, is a stand alone should be a single purpose bill, but there's nothing to prevent a Legislator from putting in 15 stand alones.

**LEG. MONTANO:**
Okay. That's all I wanted to clarify.
LEG. KENNEDY:  
Mr. Chair?

P.O. LINDSAY:  
Okay. Let me -- I didn't get a motion on this yet, so I'm going to make a motion to approve.

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

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

LEG. KENNEDY:  
Thank you, Mr. Chair. I have questions for Counsel on Rule 14C, the new rule. And having just seen this at this point I'm a little concerned, to be quite candid with you. As we go through the balance of our agenda today we'll be adopting many of the other rules and we'll be looking at a committee schedule, or I'm sorry, a general meeting schedule, which by generally by default will set committee cycles immediately before it. But it appears to me that by creating this or embracing this then chairs are going to have a power far beyond anything that they've ever had before, and I just want to make sure that I understand. Prior to this being adopted, no chair can convene a meeting beyond what our adopted schedule is right now. Is that correct?

MR. NOLAN:  
The rules have been silent on the issue of rescheduling meetings or special committee meetings, and the issue came up a couple of times in 2009 and there was -- it was not clear what the proper procedure was. So it was determined that it would be good to establish in our rules a clear procedure for rescheduling meetings, for setting special meetings of committees. Because it wasn't really covered in the rules, Robert's Rules basically says the Presiding Officer has the authority to call special meetings of committees. That was my opinion. But there have been, in terms of rescheduling meetings, I think there have times of practice of committee chairs to move meetings around, to change the dates and times to accommodate people. This just clarifies what the procedure is, what the rule will be going forward. A committee chair can do this but has to get the approval of the Presiding Officer to make sure that the overall schedule still works for everybody.

LEG. KENNEDY:  
Then, you know, maybe I'm having just seen this now, maybe I need to take some more time to be able to better understand it, because up to this point -- and I understand any chair on occasion needs the ability, based on perhaps a scheduling conflict or even weather issues or things like that, or to talk about a very limited specific item. But my understanding was that was always done by and through our Presiding Officer. My understanding was that was always done by and through our Presiding Officer.

P.O. LINDSAY:  
It was silent, as Counsel has said, and we ran across this problem a couple of times and I can think of one or two instances where a committee chair rescheduled a meeting to a different location or something like that. I didn't know about it. So we just thought it would be -- it would be best to clarify it. You read it, what it says is that the committee chair can reschedule or whatever with the approval of the Presiding Officer, so everybody is in the loop. Everybody is in the loop.

LEG. KENNEDY:  
Which is -- that's my primary concern. Having just taken the vote to once again have you be our Presiding Officer, I very much want to make sure that anything that would occur outside of the norm that we adopt would be done not only with your knowledge, but with your consent. We just ceded to you to lead us.

P.O. LINDSAY:  

And it has a more practical sense. If the committee chair moves the committee to a different location and I don't know about it and we don't have a stenographer to take the minutes, it becomes an exercise in futility. So this is just to keep everybody in the loop. It isn't meant to undermine me or the committee chair or whatever. It's just a practical step that -- and things happen during the course of the year. For numerous, numerous reasons I can remember committees moved to a different location because of a presentation that that committee has jurisdiction over.

LEG. KENNEDY:
Sure.

P.O. LINDSAY:
I can remember committees moved because of weather.

LEG. KENNEDY:
Sure.

P.O. LINDSAY:
I can remember committees moved because for whatever reason a number of the committee members couldn't attend because of personal business or professional business or whatever. So it was just to keep everybody in the loop that the purpose of this change was.

LEG. KENNEDY:
Okay. But just so that I understand, and I'm going to read it again, but what you are telling me verbally, then, is no independent committee chair can set a committee meeting on their own absent your knowledge and consent. Is that what it says in the rules?

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

LEG. KENNEDY:
Okay. I'm going to take --

P.O. LINDSAY:
The chairperson of a standing committee shall have the authority subject to the approval of the Presiding Officer.

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
Okay. And I apologize, Legislator Kennedy, I believe -- I thought that these rules went out a couple of days ago.

LEG. MONTANO:
They went out December 29th.

P.O. LINDSAY:
Okay. Legislator Romaine.

LEG. ROMAINE:
Yes, I have no problems with all the rules, with one or two exceptions, and the one exception that I particularly want to speak to today is the same exception that I spoke to last year. When I was in this body in the 1980's, when I was first returned to this body in 2005 and sworn in in 2006, I could bring an issue before this body. I could bring it before this body to have that issue debated. That right was taken away from me last year. Now I am not allowed to present discharge motions. Now I must get ten signatures from my colleagues before, which means that the majority denies the bait
to the minority on issues of concern.

In my four years here in the Legislature, I think the discharge motion was used once, maybe twice at the very most, so it's not an abused situation. But it was an opportunity for the minority, which I represent, and hopefully one day I'll be in the majority, and others will be in the minority, and will benefit from this rule. It would allow us to bring issues up that are blocked in committee along party line votes, and the one discharge motion that was exercised back, I believe it was in 2006 or seven, was on the energy tax. We were able to have a debate. We would lose that debate because we didn't have the majority and that's understandable in a democracy, but at least we had the opportunity to present that. I know of no democratic legislative institution that is denied the opportunity to discharge. And I think even Mr. Barraga coming from the Assembly where it's so lopsided will tell you that they do have the right to discharge.

The fact that that is not included in this rule denies legitimate debate on issues that I think should be debated and should be discussed. When voters cast votes, they cast votes on how we guide, how we vote, how we articulate the issues of the day. To be denied that opportunity I don't think is right, and for that reason I will not be voting for these rules. Thank you.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. I, too, have serious concerns about not having the ability to have discharge motions made on the floor of the Legislature. I believe that there are many situations, regardless of what side of the aisle an individual elected official happens to be affiliated with. I remember an instance just last year where my former colleague, Legislator Beedenbender, wound up bumping up against a time sensitive situation where having that discharge motion would have been very beneficial to him, and unfortunately he, too, was denied that opportunity. And it denied his constituents and constituents of Suffolk County the ability to have that heard at that meeting.

It is imperative, I believe, for a multitude of reasons, some of which Legislator Romaine stated, others that I feel are more about information coming to the forefront in a time sensitive fashion that require or necessitate the need of having a discharge motion being made on the floor. So I would like to make the motion to reinsert the language. I believe, Counsel, the last time it was included was in the 2007 Rules to allow for a discharge motion on the floor. I'm sorry, second.

P.O. LINDSAY:
I didn't hear Legislator Romaine make a motion on that. If I --

LEG. ROMAINE:
I didn't make a motion because we have a motion on the floor which would have to be dealt with first under Robert's Rules of order. So it's hard for me to make a motion while there's a pending motion out there. That's why I just expressed my opposition to this rule.

P.O. LINDSAY:
But I believe you're amending the rules.

LEG. LOSQUADRO:
Yeah.

LEG. ROMAINE:
I'll make a motion, then, to amend the rules if that's permissible.

P.O. LINDSAY:
I believe we would vote on the amendment first and then the whole --.
LEG. ROMAINE:  
I'll make that motion, then.

LEG. LOSQUADRO:  
I'll be the second.

LEG. MONTANO:  
Question.

P.O. LINDSAY:  
Legislator Montano.

LEG. MONTANO:  
So at this moment we have -- how does this work? I'm asking this of Counsel. We have three proposed changes. Are we going to vote on these individually? In a package? What is the process to deal with this?

LEG. ROMAINE:  
One vote on the rules.

LEG. MONTANO:  
But we don't know -- we have existing rules which I guess expire or have expired.

MR. NOLAN:  
They have.

LEG. MONTANO:  
So now we need to vote on new rules. So what we have in front of us is the old rules with two added -- two added sections.

MR. NOLAN:  
Right. The resolution before you is basically the rules for 2010, which is essentially the old rules plus the two rules that the Presiding Officer discussed. They have been folded into the resolution.

LEG. MONTANO:  
So the resolution is to adopt the rules with --

MR. NOLAN:  
With those changes.

LEG. MONTANO:  
-- one and two.

MR. NOLAN:  
Exactly.

LEG. MONTANO:  
And now we have an amendment to --

MR. NOLAN:  
Right. Normally the way we have done in the past for years, when a Legislator proposes an amendment to the proposed rules we vote on the proposed amendment. If the amendment passes we adopt the rules as amended. So what we'd be voting on now is a motion to amend the rules to include a motion to discharge on the meeting day where a Legislator can make the motion, be seconded, be voted on. If it was approved it would have to age for an hour and then would be eligible to be voted on by the full Legislature. So that's the amendment we're going to be voting on.
first.

**LEG. MONTANO:**
And we're not going to vote on one and two individually.

**MR. NOLAN:**
No.

**LEG. MONTANO:**
Okay. I got you.

**P.O. LINDSAY:**
Okay. Is there any more discussion? Yes, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
Yes, on the new amendment. Earlier today I spoke about the importance of this legislative body as a coequal branch of government and, you know, we all know the County Executive has the ability to introduce Certificates of Necessity on to the floor and we are forced to vote on those Certificates of Necessity. Right now we have don't have that ability to do something that's time sensitive, as Legislator Losquadro said, and the only thing that remotely mirrors that ability would be to do a discharge petition or a discharge motion on the floor. So I think it's an important power of the minority and I think it should be part of the rules. I objected when it got removed and I would concur with the motion and the second to see this added to the rules.

**LEG. MONTANO:**
If I may?

**P.O. LINDSAY:**
Legislator Montano.

**LEG. MONTANO:**
Just with respect to the discharge motion. I actually was the original sponsor of that. Just so we're clear, what that section provides simply is that a discharge petition be filed, I believe it's the Friday or is it the Monday one o'clock before the meeting, and it was not introduced and passed to stifle debate and to suppress the minority. It was introduced so that we wouldn't have grandstanding and we wouldn't have discharge motions by ambush where people that had an interest in a particular item were not notified that their item of interest was going to be voted on that day. So this was an opportunity to provide the public with notice that we would be debating a bill that they had an interest in, and that's why it was passed. So the comments about, you know, suppressing the minority, that's not the purpose nor was it the purpose of the bill. I just want to put that on the record.

**P.O. LINDSAY:**
Legislator Losquadro.

**LEG. LOSQUADRO:**
Thank you. Legislator Montano, I recall your being the initial sponsor of that and I know your intention. But if a particular elected official decides to engage in those guerilla tactics and denies the public the ability to be heard on a particular piece of legislation, he or she will then be held accountable by that voting public in the next election process. I think the responsibility lies with the individual elected official as to how they choose to use that authority given to them. I think it's an important rule to have in our arsenal, so to speak, and I think that Legislator Schneiderman brought up a very good point about keeping our powers at least remotely equal as we are a coequal branch of government.

**LEG. MONTANO:**
Well, you know, I don't want to belabor the point, but it seems to me unfair that the public that we serve would be in the unfortunate position of having to wait two years and not be part of a debate simply because they weren't notified. That doesn't seem to be the purpose of why we're here. We should pass bills with full knowledge of the public and their input, and that's what this rule does. So without debating it further, just, you know, we have our contrary points on that.

P.O. LINDSAY:
Anybody else?

LEG. NOWICK:
We're discussing --

LEG. MONTANO:
Discharge motion.

P.O. LINDSAY:
We're discussing the amendment to the rules.

LEG. NOWICK:
All the amendments.

P.O. LINDSAY:
No, just the amendment that Legislator Romaine made.

LEG. NOWICK:
Okay.

P.O. LINDSAY:
And seconded by Legislator Losquadro.

LEG. MONTANO:
No, Schneiderman.

LEG. SCHNEIDERMAN:
No, I support it.

P.O. LINDSAY:
And just to the clarify everything, the amendment would have to pass and then the rules would have to pass for this to become effective. Okay?

I'm just going to make maybe the last comment on this. I certainly sympathize with the point of the minority about getting their voice heard and their position heard. And why I sympathize, because I was in the minority for a number of years, and I was here when the majority instituted a Rules Committee and I couldn't even get a bill to committee because it was stifled by the majority. So I understand what you are going through and I really don't think this is too onerous. If you get ten people to agree and sign a petition it comes before body and bypasses the committee process.

And with that, we have a motion and a second on the amendment. This is the amendment to amend the rules to allow discharges on the floor and the language will be taken if it should pass from this 2007 Rules. Am I correct about that, Legislator Romaine? That's your wish?

LEG. LOSQUADRO:
Yes.

P.O. LINDSAY:
Legislator Romaine.
LEG. ROMAINE:  
Yes.

P.O. LINDSAY:  
That's your wish.  Okay.  Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. ROMAINE:  
Yes.

LEG. LOSQUADRO:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. BROWNING:  
Pass.

LEG. MURATORE:  
Yes.

LEG. EDDINGTON:  
No.

LEG. MONTANO:  
No.

LEG. CILMI:  
Yes.

LEG. BARRAGA:  
Yes.

LEG. KENNEDY:  
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.

LEG. BROWNING:
No.

MR. LAUBE:
Eight.

P.O. LINDSAY:
The amendment fails. And now to Resolution No. 2. We have a motion and a second.

LEG. NOWICK:
Bill?

P.O. LINDSAY:
Yes, Legislator Nowick.

LEG. NOWICK:
Just to the issue of Legislator Kennedy with committee, changes in committee. John, just so you know, over the year some of us have had to make changes in committees and it was just -- I think it was just a matter of course that before we did it -- I changed a meeting and I would go to the Presiding Officer not necessarily for permission, just to tell him this is what I need, can we arrange a court reporter, can we have the building at that particular time. I think it just makes things flow a little bit better and I don't believe any of us, when we wanted a change, were ever rejected on that. I think it just makes things flow a little better.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
And I appreciate that very much so, as a matter of fact, and I know throughout the time that I have been here and the committees that I've served, all of the things that we just spoke about, Mr. Chair, whether it was meetings at Suffolk Community College for different presentations. As a matter of fact, I'm a firm believer that we should conduct more of our business out of this chamber and in the community and go another step towards bringing government to our constituents.

That being said, I'm very concerned where a particular Legislator might have the ability to convene something not under the auspices of the Presiding Officer's office. We begin our term with the first vote that has all procedural, administrational control flow out of our Presiding Officer. I want to make sure that when it comes to even some of these housekeeping items it's done not only with his knowledge, but with his consent.

So that was the purpose of the questioning. It's been clarified that that language in the clause is not just permissive, but is actually mandatory based on the fact that it is subject to, and so therefore there will not be a committee that convenes outside of the schedule that we adopt that's not been done with the Presiding Officer's knowledge and consent. Is that correct?

P.O. LINDSAY:
That's correct.

LEG. KENNEDY:
Thank you.

**P.O. LINDSAY:**
And one step further, that every Legislator will be notified of the change of that meeting, whether you're on the committee or not.

**LEG. KENNEDY:**
Good. Good. Thank you.

**P.O. LINDSAY:**
Okay. With that we have a motion and a second. Roll call.

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

**P.O. LINDSAY:**
Yes.

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

**LEG. ROMAINE:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
No.

**LEG. LOSQUADRO:**
No.

**LEG. EDDINGTON:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
No.

**LEG. KENNEDY:**
No.

**LEG. NOWICK:**
Yes.

**LEG. HORSLEY:**
Yes.
LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Fourteen.

LEG. ROMAINE:
Would the Clerk change my vote to a no, please.

MR. LAUBE:
Yes, sir. Thirteen.

P.O. LINDSAY:
Next is *Introductory Resolution No. 3, Appointing the Clerk of the County Legislature and the administrative oath of office*. Tim Laube is in the resolution to be our Clerk, to resume the duties as our Clerk. I'll make a motion to accept Resolution No. 3.

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

LEG. COOPER:
Second.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Seconded by Legislator D'Amaro. Roll call.

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

P.O. LINDSAY:
Yes.

LEG. D'AMARO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

**LEG. LOSQUADRO:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. COOPER:**
Yes.

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

**MR. LAUBE:**
Eighteen.

(Applause)

**P.O. LINDSAY:**
Congratulations, Mr. Clerk.

**MR. LAUBE:**
Thank you.

**P.O. LINDSAY:**
Please come forward to be sworn in.

**MR. LAUBE:**
You do all three at once.

**P.O. LINDSAY:**
Do you want to do all three? Do all three, okay. We're going to do all three together. Next is
Introductory Resolution No. 4, Appointing Chief Deputy Clerk of the County Legislature, Renee L. Ortiz.

**LEG. MONTANO:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Montano, seconded by Legislator Viloria-Fisher. Roll call.

(Roll Called by Mr. Laube - Clerk)

**LEG. MONTANO:**
Yes.

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

**LEG. ROMAINE:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. MURATORE:**
Yes.

**LEG. LOSQUADRO:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
Yes.
LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Eighteen.

(Applause)

P.O. LINDSAY:
We're moving so swiftly we might be out of here before one, Resolution No. 5, Appointing Deputy Clerk of the County Legislature, Barbara LoMoriello. Motion by Legislator Cooper.

LEG. GREGORY:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. COOPER:
Yes.
LEG. D'AMARO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.
LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Eighteen.

(Applause)

P.O. LINDSAY:
Okay, could the three Clerks come forward to be sworn in.

Oath of Office Administered to Tim Laube, Renee Ortiz and Barbara LoMoriello by Suffolk County Clerk Judy Pascale.

(Applause)

Okay, the next order of business is Resolution No. 6, Appointing a Counsel to the Legislature, and it's Resolution No. 6, George M. Nolan. Motion by Legislator Stern, second by Legislator D'Amaro. Seeing no one else, roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Eighteen.

(Applause)

Oath of Office Administered to George Nolan
By Suffolk County Clerk Judy Pascale

(Applause)

P.O. LINDSAY:
Thank you, Madam Clerk, for your patience with us all.

MS. PASCALE:
I wish you all a happy, healthy New Year.
P.O. LINDSAY:
Okay. Next is Resolution No. 7, Adopting schedule for regular meetings of the County Legislature. And I'd like to just make two comments. First, that I believe this was sent out to you folks well in advance so I assume the schedule works for everybody. And that as you might note, Legislator Romaine, there is a number of meetings in Riverhead. I visited Riverhead last week, or two weeks ago, and it's done. The new auditorium is beautiful and much more roomy than the old auditorium. So I look forward to meeting there.

LEG. ROMAINE:
If I may. Thank you, Presiding Officer. Having six meetings in the year at the County seat is going to be well worth it. I think that comfort is going to be there. There's enough room for a lot of people to sit there. The beam is not behind Legislator Browning's chair any longer.

(Laughter)

LEG. LOSQUADRO:
It's behind mine, then.

LEG. ROMAINE:
No, no. They have worked it out so none of us have beams behind our chairs. There's two large screen TV's. They really did an excellent job and they finished that well ahead of time and I look forward to our first meeting there. Thank you.

P.O. LINDSAY:
Well ahead of time. It's been three years.

(Laughter)

LEG. ROMAINE:
Look at the rest of the building. They don't even have ceilings in. I don't want to get into the criticism of the pace of construction.

LEG. NOWICK:
I think maybe we shouldn't take a chance with the ceiling.

LEG. ROMAINE:
That's the rest of the building. Our part of the building look great. They finished the legislative wing.

LEG. NOWICK:
You never know when there's going to be a leak. I think we ought to think about it.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
The County Center is getting closer to the center again. I'm happy about that. I have never seen a schedule with this many meetings in Riverhead so I am very pleased, Mr. Presiding Officer, that we are raising Riverhead back to the prominence that it had been in terms of County governance. I hope this continues, this isn't just making up for lost time, but we continue this practice of having at least a third of the meetings in the Riverhead area.

P.O. LINDSAY:
Just to make an observation. It's no longer a horseshoe; it's very much of a U.

LEG. ROMAINE:
Right.

**P.O. LINDSAY:**
So that Legislator Romaine could probably hit Legislator Cooper with a wad of paper or something.

*(Laughter)*

**LEG. LOSQUADRO:**
Spitballs.

**P.O. LINDSAY:**
Okay. We have a -- no, we don’t have a motion. Do we have a motion on adopting the schedule?

**LEG. ROMAINE:**
Motion.

**LEG. SCHNEIDERMAN:**
Second.

**P.O. LINDSAY:**
Motion by Legislator Romaine. Seconded by Legislator Schneiderman. Any discussion? Any amendments? We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
Okay. *Introductory Resolution No. 8, Designating depositories pursuant to Section 212 of the County Law.* I believe it is in your -- a number of different banks. Does anybody have any comments? I need a motion.

**D.P.O. VILORIA-FISHER:**
I’ll make a motion.

**P.O. LINDSAY:**
Motion by Legislator Viloria-Fisher.

**LEG. BROWNING:**
Second.

**P.O. LINDSAY:**
Second by Legislator Browning. Any comments? All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
The sticky issue of newspapers, *Resolution No. 9, Designating the Port Times Record of Setauket, New York, as one of the official newspapers of the County of Suffolk.***

**D.P.O. VILORIA-FISHER:**
I’ll make a motion.

**P.O. LINDSAY:**
Motion by Legislator Viloria-Fisher. Do I have a second? I’ll make -- I’ll second it. All in favor?
Opposed?  Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Resolution No. 10, Designating two (2) alternating newspapers as one of the official newspapers of the County of Suffolk.

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Motion by Legislator Losquadro, seconded by Legislator Kennedy.  All in favor?  Opposed?  Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Resolution No. 11, To designate local newspaper in which County notices may be published.  There's a list of them there.  I'll make a motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. SCHNEIDERMAN:
On the motion.

P.O. LINDSAY:
All in favor?  On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
First, if I could ask BRO, I don't know how often notices are made to these local newspapers.  Do you have a sense of how much, in terms of income, goes or revenue goes to these papers through this bill?

MR. LAUBE:
I have it, just not on me.

MS. VIZZINI:
Actually that expense comes from the Clerk’s Office.  We can probably get that for you, but not right now.

LEG. SCHNEIDERMAN:
I would ask that this be tabled.  I have multiple newspapers in East Hampton.  It’s only one newspaper historically has been getting the assignment here, and I’d like an opportunity to at least
explore possibly some either sharing, rotating or have some discussion. So I'll make a motion to table or pass over it until I have that information.

**P.O. LINDSAY:**
We have a motion to table. Is there a second to that motion?

**LEG. KENNEDY:**
Yeah, I'll second that motion for purposes of discussion.

**P.O. LINDSAY:**
Seconded by Legislator Kennedy. Anybody want to talk on the issue? The only question I have of the Clerk, will this inhibit our advertising ability if we, it shouldn't right, until the next meeting?

**MR. LAUBE:**
No. The major newspapers we use for County-wide are the ones we use consistently. The town ones, the individual ones for the towns we don't use as much, so I sincerely doubt it.

**LEG. SCHNEIDERMAN:**
Until the new resolution is passed, would the old ones continue on?

**MR. LAUBE:**
Yes, that's traditionally what we do.

**P.O. LINDSAY:**
Okay. We have a motion and a second. Legislator Browning, do you want to say something?

**LEG. BROWNING:**
Yeah. I was wondering if we were to go ahead and pass it, I know he has some concerns, but could we go ahead and pass it and do a later amendment and change the papers that he'd like to change.

**P.O. LINDSAY:**
If you recall, we've had disputes about newspapers before. It took us six months, was it, last year to get it resolved.

**LEG. LOSQUADRO:**
Only four.

*(Laughter)*

**P.O. LINDSAY:**
Four months, okay.

**D.P.O. VILORIA-FISHER:**
A long time.

**P.O. LINDSAY:**
And of course I'll throw out for conversation purposes I had a solution to this problem. Everybody would sign on and ask the State to pass a law that we could do away with advertising in newspapers and do it on the Internet. It would save a lot of money, but nobody seems to want to do that. Okay. We have a motion to table and a second. It's the only motion we have. Am I correct?

**MR. LAUBE:**
No, you have a motion and a second to approve and now you have a motion and a second to table.

**P.O. LINDSAY:**
Okay. So the tabling motion goes first. All in favor of tabling? Opposed? You want to do a roll call?
(Roll Called by Mr. Laube - Clerk)

**LEG. SCHNEIDERMAN:**
Yes to table.

**LEG. KENNEDY:**
Yes.

**LEG. ROMAINE:**
Yes.

**LEG. BROWNING:**
No.

**LEG. MURATORE:**
Yes.

**LEG. LOSQUADRO:**
Yes.

**LEG. EDDINGTON:**
No.

**LEG. MONTANO:**
No.

**LEG. CILMI:**
Yes.

**LEG. BARRAGA:**
No.

**LEG. NOWICK:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. STERN:**
No.

**LEG. D'AMARO:**
No.

**LEG. COOPER:**
Yes.

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

**P.O. LINDSAY:**
Yes.

**MR. LAUBE:**
Twelve.

**P.O. LINDSAY:**
Okay. It stands tabled.

**MR. LAUBE:**
Just for the record, I could have probably have those numbers for Legislator Schneiderman in about 10 or 15 minutes.

**LEG. LOSQUADRO:**
We'll address it at the next meeting.

**P.O. LINDSAY:**
Okay. That completes our procedural resolutions. We do have some other business. We have two CN's in the packet, *IR 1032, Amending the 2010 adopted budget to provide funding for the MI-HEAP Program within the Department of Social Services*.

**LEG. HORSLEY:**
Motion to approve, those of little faith.

**D.P.O. VILORIA-FISHER:**
Second.

**P.O. LINDSAY:**
Motion by Legislator Horsley, seconded by Legislator Viloria-Fisher. Is there any discussion on the motion?

**D.P.O. VILORIA-FISHER:**
Some heat in this cold weather.

**P.O. LINDSAY:**
Okay. Seeing none, we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
*IR 1033, Authorizing the execution of a grant agreement with the Federal Aviation Administration and the New York State Department of Transportation in connection with the pavement management rehabilitation at Gabreski Airport (CP-5739).* I'll make the motion.

**LEG. SCHNEIDERMAN:**
Second.

**LEG. LOSQUADRO:**
On the motion.

**P.O. LINDSAY:**
Second by Legislator Schneiderman. On the motion, Legislator Losquadro.
LEG. LOSQUADRO:
This is the County match or first instance funding? Is this matching funds? Matching funds correct, Counsel?

MR. NOLAN:
Eighty-five thousand dollars of County funds and the grant amount is just under three million.

LEG. LOSQUADRO:
Okay. Thank you very much. I just wanted to put it on the record. Thank you.

LEG. SCHNEIDERMAN:
It's FAA.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
And we have one veto in the packet and it gets a little bit confusing because we have several other vetoes, but they're local laws, and we changed the process on that during the course of ’09 where we can vote on them at the next regular meeting. Maybe Counsel could explain why we have to address this now.

MR. NOLAN:
Well, under the Charter if a resolution, a mere resolution is vetoed it has to be presented to the Legislature at its next meeting, whether it be a special or regularly scheduled meeting. So it's before us today. We have 30 days to act on it. Local laws can only be sent to us at a regularly scheduled meeting, so there were two or three local laws that were vetoed. They'll be presented to the body at the next meeting in February and we will have 30 days from that date to vote on those.

LEG. HORSLEY:
Motion to approve.

P.O. LINDSAY:
Okay, so we have a veto. Legislator Browning, what is your wish?

LEG. BROWNING:
I would like to make a motion to override the veto.

P.O. LINDSAY:
Okay. We have a motion to override and I'll second that. And if I might speak on the subject. This was something that was -- became quite a sticky issue in the Parks Department and this we worked out a compromise I thought with the Parks Commissioner where we would appropriate the funds for the Southaven dog park, and the Commissioner agreed not to move forward on it until the fall, until September. And the reason for that is there is a pilot program at the Robinson Duck Farm. Am I correct?

LEG. BROWNING:
Right.

P.O. LINDSAY:
That will run through September for a dog park. And if that works, there will be no need for this appropriation or a second dog park, which is literally across the street from each other. And the
Parks Department seemed okay with that. The sponsor, Legislator Browning, seemed okay with it. That's why we passed the resolution. But the intent is not to build two dog parks side by side, it would just be one. If the pilot program doesn't work then this one would go forward. Legislator Losquadro.

LEG. LOSQUADRO:
I agree with you, Mr. Chairman, which is the reason why I don't think we should move forward with this until such time as we do have a higher degree of certainty.

P.O. LINDSAY:
A higher degree of certainty in what respect?

LEG. LOSQUADRO:
As to whether or not they're going to put it in Southaven or not.

P.O. LINDSAY:
Well, if we appropriate the money, the money is there to move forward in 2010. We have a verbal understanding with the Commissioner that he won't move forward on the construction or spending any of this money until the pilot is complete on whether it passes or fails.

LEG. LOSQUADRO:
True, but adding to our authorized unissued I don't think for something that we don't have any degree of certainty as to whether or not it's going to happen I just don't think is the right course of action for us right now. I think we should wait, and once we know if at that point, you know, we decide we want to add to that debt service, then we make that decision then.

P.O. LINDSAY:
In all due --

LEG. LOSQUADRO:
But with not having a degree of certainty on that, adding to that unauthorized issued I don't think is the right course of action.

P.O. LINDSAY:
In all due respect, its $90,000. At the last meeting you appropriated $15 million for the Legacy Fund that there's no degree of certainty that money will be spent either. That's just my opinion. Legislator Browning.

LEG. BROWNING:
The money is in the budget and, you know, there are some other Legislators around the horseshoe, I don't know about the rest of you, but it's a very popular thing with our constituents that they want somewhere to take their dogs. I know it's kind of crazy in this economy to be even talking about it. However, it's not money that's being spent. It was money that we appropriated, and if we don't keep this in the budget, it's gone. For any of you who may want to consider, I know Legislator Stern, Legislator D'Amaro, I think you've both worked on dog parks, Legislator Eddington and Legislator Lindsay have all worked on dog parks in their districts. I think this is serving our constituents. And also a correction, it's not $90,000, it's $50,000.

So this is -- we're not spending it. You know, it's like having a credit on your credit card but you haven't spent it. So I think we need to keep the money in place and this is a pilot program at the Robinson Duck Farm and he says we can do it for $6,000 at the Robinson Duck Farm. Well, then why can't we do it at Southaven Park for the same amount of money. I do want to get the support to override this veto and maybe some of the rest of you may be able to use that money also.

D.P.O. VILORIA-FISHER:
Do you want to speak, John?
LEG. KENNEDY:
Yes.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. I have some questions about the cost factor. I will say that I concur with Legislator Browning about the popularity of dog parks, having been able to host the dog park in Blydenburgh, and actually having been at a press conference with my colleagues, Legislator Cooper and Stern, where we joined with the County Executive announcing the five additional sites that were going to be developed.

But my recollection is that the resolution, as a matter of fact, I checked just before we came in and convened, in 2005 we passed the resolution authorizing the creation of the dog park at Blydenburgh, and I believe it was in 2007 that I believe it was the $40,000 was finally authorized or appropriated to construct the fencing and the water connections. So I'm somewhat mystified to see in this veto message that we're now -- the Executive estimates $90,000. I mean, I know the cost of materials has gone up, but I don't think fencing has quadrupled in the last three or four years. Does BRO have any sense with this? Do you know any of the particulars about hard costs to implement this? What will we take from this message that's fact or fiction?

MR. REINHEIMER:
From discussions we've heard from the Commissioner of Parks, it varies from location to location, the size, the amount of fencing. He outlined the types of things, water fountains, fencing, gates, things like that, so it does vary from location to location. We wouldn't have exact numbers on Southaven.

LEG. KENNEDY:
But the variables, Lance, are really just footage of chain link fence, isn't it? We buy fence at a set price, don't we?

MR. REINHEIMER:
Yeah, for the most part you are correct there. We can't speak to --

LEG. KENNEDY:
Okay. I don't think we're fencing in all of Southaven with this, are we?

MR. REINHEIMER:
No. And we can't speak to the County Executive's estimate of $90,000. That wasn't brought up by the Commissioner of Parks when he was here before the committee that it would cost that much.

LEG. ROMAINE:
Probably a guesstimate.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
I'll yield on this, Mr. Chair.

P.O. LINDSAY:
It looks like we're getting hung up on dogs again. This is the second meeting in a row. I have a
LEG. CILMI:
Thank you, Presiding Officer. A couple of questions for either Legislator Browning or Budget Review or maybe the County Executive's Office. What is the reason there's such a significant difference in the cost between the property or the dog park at Robinson and the budgeted amount for the dog park at Southaven Park, first of all. And second of all, what is the harm in waiting on this resolution and resubmitting it when we determine whether or not the park at Robinson works?

P.O. LINDSAY:
Legislator Cilmi, I'm going to let the County Executive's representative, who has been waiting patiently, to answer that question for you and make any other comments that he might want to make because he is an expert on dogs.

(Laughter)

LEG. HORSLEY:
He's got a title.

MR. ZWIRN:
Thank you, Mr. Presiding Officer, and let me first wish everybody a Happy New Year and congratulations on having everybody here at the horseshoe today.

With respect to the dog park, the County Executive's veto, it's not -- it recognizes the fact that dog park are very popular, extraordinarily popular, with the constituents in Suffolk County. It's just the question of whether it's going to be a dog park or a dog spa, and it becomes very expensive.

(Laughter)

The biggest problem is fencing is very expensive. They have to bring in special soil, special bark chips that can, you know, because dogs, you know, use the facilities at these parks, and also bring in the water. And that is -- that's an expensive proposition, running the water lines depending upon where the water source is, and you have to run pipes through that. So the County Executive said look, if we can do it at Robinson, Robinson works and it's $6,000, but we start spending $50,000 and upwards for a dog park, and that's what the Parks Commissioner has -- they've examined this carefully and it surprised all of us at the cost of some of these facilities. But if we can keep the costs down, if the expectations are lower that they are more bare bones, fenced in areas where people can let their dogs run without getting -- running off into the distance, that would preferable. And it is a question of finances in a very tough economic time.

It's not to say that dog parks aren't popular and that they're not useful and helpful to the people of Suffolk County, it's just that the costs have become extraordinary in tough economic times and can't be justified. But if we can do it for less, then that's the way we think we should proceed.

P.O. LINDSAY:
But there's not a section that -- to train bomb sniffing dogs or anything like that.

MR. ZWIRN:
I won't go there.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
If I could redress it. It still doesn't answer really either of my questions, and I would also just would
like to say that -- Gail's got an answer?

MS. VIZZINI:
In terms of the timing of this legislation, there was $50,000 included in the 2009 adopted Capital Program and that's the issue before you. If the veto is sustained it would simply mean that we do not authorize that 50,000. There is no specific dollar amount in the 2010 Capital Budget, so if you were to delay and reconsider moving forward later with another resolution it would -- you would have to provide an offset. You would have to come up with the 50,000 from another project.

P.O. LINDSAY:
Legislator Browning and Dan -- Legislator Browning and then Schneiderman.

LEG. BROWNING:
And we talk about the economy and I think coming up with another 50,000 as an offset from somewhere in our budget is going to be very, very hard this year. You talked about the cost. I did say Robinson Duck Farm was $6,000. It was a snow fence and I can tell you, I've driven past it, a lot of people are using it. It can be done, like Ben said, it could be the spa or a simple dog run. And that's all we need, is a simple dog run.

I spoke with the Commissioner, you know, they were the ones who talked about putting all this stuff on the ground and putting in water. Actually there's an equestrian, used to be an equestrian building there and there is water already there. Personally, you know, I think this whole nonsense of trying to make fancy dog parks with all kinds of expenses --

LEG. MONTANO:
Right, exactly.

LEG. BROWNING:
You know, putting water through is just absolutely -- you know, I think people just want somewhere to take their dogs first. Throw in a garbage can for them to put their garbage and throw up a snow fence. It's not going to take a lot. And I will tell you that also with the Southampton dog park, in order to do that it will have to go through the Pine Barrens Commission because it is in the core of the Pine Barrens. So there is a lot that has to be done and I'm sure SEQRA has to be done before we can even do anything. But in the event Robinson Duck Farm fails, for whatever reason, we want to have that alternative location.

P.O. LINDSAY:
Okay. Legislator Schneiderman and then Cilmi and then Losquadro.

LEG. SCHNEIDERMAN:
It seems to me if you can do it for $6,000 then it would be completely irresponsible to do it -- instead do it for 50 or for 90,000. Even to have a plan B suggests that you have no confidence in this first approach. You know, we are -- in terms of the money, I assume, Gail, this is borrowed money, right, so we would have to do a bond at some point to cover this?

MS. VIZZINI:
Yes, that's correct. And the debt service would be approximately half the total amount over the 20 years.

LEG. SCHNEIDERMAN:
So meanwhile we are going into this year where we have got a budget that anticipates I think 5% growth in sales tax, yet the numbers that are coming in, at least what I've seen, is showing no growth, so we're in for very, very difficult year ahead. We've got, you know, we got a lot of priorities and dog parks are not one of them as much as people love them. I just think we need to
send the right message. If we can do it for $6,000 we should be saying let's give that every effort
and not even have an alternative for 90,000. I'm going to support the County Executive here.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Just to quickly follow-up. Jay, you kind of summed up my sentiments perfectly. I opt for the
$6,000 dog park and give the rest of the money to the homeless veterans in our County instead.

P.O. LINDSAY:
Legislator Nowick and then Barraga.

LEG. NOWICK:
Just a quick comment on the dog park and saving money. Actually, if we want to save money we
could shut the air-conditioning off in January.

D.P.O. VILORIA-FISHER:
That's right.

LEG. NOWICK:
This is good. It's January, it's 20 degrees but we got the AC on. But be that as it may, I believe
Legislator D'Amaro at one point, didn't you have legislation that would help defray the cost of these
dog parks? I don't know if we've done anything about it, but I can't imagine that it would be so hard
to go to the different Petcos, Costcos, Walmarts, and have them sponsor, have them sponsor
different parts of the dog parks? They do it all over. They do it in Florida. Legislator D'Amaro,
didn't you have that kind of legislation? And I don't believe we have talked about it and it seems
like it goes on deaf ears. Am I correct?

LEG. D'AMARO:
Yes, you are. That legislation was passed about a year ago and it would -- have the Parks
Department designate certain areas suitable for naming, including County dog parks, and the Parks
Department is supposed to report back to us shortly I would expect, I'm hoping in February, coming
up with a list of sites where there would be suitable areas for naming. So the short answer to your
question is yes.

I just also want to point out the dog park that's in my legislative district was done for a lot less than
the cost we're talking about here. I agree with Legislator Browning that although we might be
authorizing the debt service, the debt from the Capital Budget, I think they're usually done for a lot
less than the amount that we're authorizing here.

LEG. NOWICK:
And just to finish what I was saying, also we could tell people if you are bringing your dog, bring
water for your dog.

LEG. BROWNING:
Right.

LEG. NOWICK:
We don't have to supply -- maybe we should supply bottled water, I'm not sure.

D.P.O. VILORIA-FISHER:
No, my law prohibits that.

LEG. NOWICK:
No, I'm sorry, we had a law prohibiting that, too.
P.O. LINDSAY:
Yeah, I've got Legislator Barraga and then I'll recognize you, Legislator D'Amaro. But I'm in the middle of this and I'm just confused by the numbers.

First of all, we put 50,000 in the Capital Program, which was a high number when we put it in. We didn't think it would actually cost that much. The County Executive has bumped that up to 90, but yet across the street we only spent six. The numbers don't add up to me. Legislator Barraga.

LEG. BARRAGA:
I'm not too concerned with reference to the numbers, the dollar amount associated with the dog park. The more fundamental question to me is whether or not this Legislature at this time from an economic perspective should even be discussing dog parks. I mean, I've got senior citizens who can't pay their oil and gas bills. They don't want to hear that we're sitting here talking about dog parks. I've got people in my district who can't pay their mortgages. They don't want to hear that we're sitting here talking about dog parks. I've got people who have credit card bills of 8, 10 and $15,000, who are looking for the law to change. They don't want to hear we're talking about dog parks.

This is an issue that should have been cast aside years ago. As people are leaving Suffolk County, maybe I'll just drive them over to a dog park and say well, this is where your tax dollars went. I mean, this is a body of 18 people, it's a two-and-a-half billion dollar budget. We can do much more with our time than discussing dog parks.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Well, I'll use a little more of that time and continue the discussion. I just wanted to, to the Presiding Officer, Legislator Lindsay, you had mentioned that there was -- or maybe more appropriate to Mr. Zwirn, that there -- or the sponsor -- that there's a suitable area very close that the Parks Department is looking to put a dog park into now?

LEG. BROWNING:
Uh-huh.

LEG. D'AMARO:
And if that's done successfully this would not go forward?

LEG. ROMAINE:
It's already there.

P.O. LINDSAY:
It opened last month. It's the Robinson.

LEG. D'AMARO:
That's the Robinson -- that's what's referred to in the veto message?

P.O. LINDSAY:
But it borders an environmental area that there's some concerns.

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

P.O. LINDSAY:
Yeah. And that's what the pilot is about, to see if the dog park will interfere with the environmental sensitivity of the adjoining property.
LEG. D'AMARO:
I see. When, if anyone knows, when would we have the results of that pilot park?

P.O. LINDSAY:
September. September.

LEG. D'AMARO:
September.

P.O. LINDSAY:
Yep. That's why, you know, the agreement was this would be appropriated, we wouldn't move forward on it until September. If the duck farm worked then this would be scrapped.

LEG. D'AMARO:
So we would just be appropriating the funds today, but the commitment is to let the pilot program run its course and then make the determination whether or not we need to go forward with the new center.

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

LEG. D'AMARO:
Okay. Thank you.

P.O. LINDSAY:
Anybody else? Nope? Mr. Zwirn, would you like the last word?

MR. ZWIRN:
Thank you very much. It's the amount of money that's involved here and I think a lot of the Legislators have mentioned it, Legislator Barraga. When you go out and you talk to the taxpayers today who are struggling so hard, and we look at capital projects that are so important to the County, that this one is hard to justify. The County Executive said he will support it, he's already supported one nearby, but he wants to do it on a scale, a cost, that is commensurate with the facility that we're building. And when you say you're spending 50,000 and the Parks Commissioner said he thought it would be upwards towards $90,000 to build the kind of dog park that we have built in the past, bringing in water and the different kind of fencing, the chain link fencing, that it's just the wrong time and the wrong message. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:
You're welcome. Okay. No more discussion on this. I'm going to call the roll. This motion is to override.

(Roll called by Ms. Ortiz - Chief Deputy Clerk)

LEG. BROWNING:
Yes.

P.O. LINDSAY:
Yes.

LEG. ROMAINE:
No to override.

LEG. SCHNEIDERMAN:
No to override.
LEG. MURATORE:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
No.

LEG. CILMI:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
No.

LEG. GREGORY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

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

MS. ORTIZ:
Six.

P.O. LINDSAY:
Okay. The override fails. The only other business before us is I want to set the date of February 2nd at 2:30 PM in Hauppauge at the William H. Rogers Building for the following public hearings: IR 1004, A Charter Law to strengthen the independence of the Ethics Commission; IR 1029, A Charter Law to provide a fixed five year term for the Police Commissioner; IR 1030, A Local Law to exempt properties in the Town of Brookhaven from requirements of Local Law No. 3 of 2009; IR 1034, A Charter Law to provide notice of appointments through commissions and boards; IR 1037, A Charter Law to expand the functions of the Council on Environmental Quality to include advising Suffolk County on bicycle routes; IR 1038, A Local Law amending the Suffolk County Empire Zone
boundaries to include Bren-tronics, Incorporated; IR 1048, A Local Law to strengthen the enforcement of clothing bin identification requirements; and IR 1051, A Local Law to regulate the distribution of mortgage tax revenues to towns and villages. IR 1052, A Charter Law to provide flexibility in the membership of the Council on Environmental Quality; and IR 1024, A Charter Law to implement a cost saving measure to help mitigate budgetary shortfall by purchasing 5000 Corporate Court, Town of Islip.

With that, I'll make motion on setting those public hearings, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Before we adjourn, I don't see him now, but a former Legislator, Phil Nolan, who is the Supervisor of Islip, couldn't stay away from here and joined us for a while and I appreciate that. And with that I accept --

D.P.O. VILORIA-FISHER:
Just one more thing.

P.O. LINDSAY:
One more thing, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
I just want to congratulate Mr. and Mrs. Bill Faulk on their marriage.

(Applause)

Okay. With that, Legislator Romaine made a motion to adjourn. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

(The meeting was adjourned at 1:01 P.M.)