

**BUDGET & FINANCE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Budget & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Monday, **April 5, 2004**.

MEMBERS PRESENT:

Legislator Andrew A. Crecca, Chairman
Legislator William J. Lindsay, Vice-Chairman
Legislator Allan Binder
Legislator David Bishop
Legislator Daniel P. Losquadro
Legislator Lynne C. Nowick

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to the Legislature
Jim Spero, Director of Budget Review
Linda Bay, Presiding Officer's Office
Anthony Manetta, Aide to Legislator Crecca
Kevin LaValle, Aide to Legislator Losquadro
Kenneth Knappe, County Executive's Office
Lynne Bizzarro, County Attorney's Office
Ben Zwirn, Assistant Deputy County Executive
Richard Johannesen, Suffolk County Ethics Commission

MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 12:38 P.M.]

CHAIRMAN CRECCA:

Good morning, everyone, or -- yeah, it's still morning, I guess, we're still safe. If everyone would please rise for the Pledge of a Allegiance, led --

LEG. NOWICK:

That clock is wrong.

CHAIRMAN CRECCA:

Oh. Oh, yeah, it's afternoon, sorry. Led by Legislator Losquadro.

(* Salutation *)

I thank everybody for being here. I know we changed it. We had problems Thursday getting most of the members here, so in juggling things around, this seemed to be a time that most everyone could be here. It looks like everyone is here, so with that said, we'll proceed.

We do have a speaker today and that's Rich Johannesen from the Ethics Commission. Rich, do you want to come up and have a seat at the table there? I thought you were asking me something, apparently, you weren't, so I apologize. Rich, please proceed.

MR. JOHANNESSEN:

Mr. Chairman, Members --

CHAIRMAN CRECCA:

Rich is going to speak on the Executive -- the proposed Executive Director position for the Ethics Commission, which is I.R. 1212.

MR. JOHANNESSEN:

Mr. Chairman, Members of the Commission, my name is Richard Johannesen, I am Chairman of the Suffolk County Ethics Commission. I'm here speaking today on behalf of the Commission, which includes Steve Gittelman and John { Armentano }, and we are appealing to you to pass Resolution 1212.

Quite frankly, the Ethics Commission, which has a very broad charge has been unable to fulfill its obligations since its been enacted in 1988, in large part because we just haven't had the staff to do the work that needs to be done. I've actually copied the Ethics Statute for each of you, and I've tabbed the section that describes the charge of the Ethic Commission. And, quite frankly, our job has been -- our job has not been fulfilled in large part, as I said, because we haven't had the staff.

It's been our responsibility to confidentially evaluate whether or not there are any conflicts of interest between the actions of elected officials and those who are making administrative decisions. There are about 525 people that have to file their reports between their public duties and private duties and, quite frankly, we haven't been able to do it. We haven't been able to read through all of the financial disclosure forms. We haven't been able to conduct adequate investigations. We haven't been able to do any of what we've been charged with doing. And with an Executive Director we believe we will be able to do that job and do it well. So, we are here to appeal to you to pass this resolution to give us a staff that we need to do the work that needs to be done.

I should point out to you that we have been rendering opinions, and that is all that we've been able to do, and there have been so many opinions coming in during the last two months that our counsel is not going to be able to complete them all, quite frankly, for several months. So, even that very basic task has become very difficult to perform, simply because we don't have the staff to conduct the basic background research we have to do to render these opinions.

CHAIRMAN CRECCA:

Rich, if I can ask you while you're on the topic, where are these questions coming from, like not specifically who, but are they coming from elected officials, from the public, from the County Executive's Office?

MR. JOHANNESSEN:

Unfortunately, the confidentiality provisions of the statute don't permit me to share that with you, but they're coming from various sources, and I can't say more than that. And one of the things that I want you all to be very comfortable knowing is that the confidentiality provisions of the statute are very strong. So, you don't have to worry about some of the difficulties you may be having with other commissions and other folks, because we have to maintain the confidences of the folks who are either before us because of their request for opinions, or because of

concerns that we have that show up during our reviews of the financial disclosure forms, or reviews that we conduct because of information that we receive from other sources.

So, the Executive Director -- our vision for an Executive Director will be somebody who will be -- somebody who is very discreet, somebody who will not be before you, probably ever, someone that you're not going to have any difficulties with. This is just going to be a person who's going to be doing the leg work that this statute envisions, and we desperately need this person. The person who is doing most of the work for us now is our counsel, John Holownia, who is, quite frankly, not acting as an attorney, he's really doing a lot of administrative work and investigative work, and it's really not what he should be doing. He really should be counseling us and he should be writing our opinions, not, you know, calling up a certain person to get some information that we need in order to evaluate an opinion that's before us, for example.

CHAIRMAN CRECCA:

Legislator Nowick has a question.

LEG. NOWICK:

Yes. I just would like to know, this position, I assume, is going to be a paid position?

MR. JOHANNESSEN:

Yes.

LEG. NOWICK:

Could we know how much that is? It probably says it in the --

CHAIRMAN CRECCA:

It's about 54,000.

MR. JOHANNESSEN:

It's between -- I think it's between 50 and \$70,000.

CHAIRMAN CRECCA:

Is that --

LEG. NOWICK:

Between 50 and 70?

CHAIRMAN CRECCA:

You know, actually, Budget Review, could you answer that question, so we have a -- that's a pretty broad range, that's why.

LEG. NOWICK:

Yeah, that's good. Yes, Ken.

MR. KNAPPE:

In the resolution, it's in the management salary scale, it's a Grade --

CHAIRMAN CRECCA:

Odd, you don't look like Jim.

MR. KNAPPE:

I'm sorry.

CHAIRMAN CRECCA:

That's okay. Thanks, Ken.

MR. KNAPPE:

It's a Grade 25. The opening salary range starts at about 1974 bi-weekly, so the range is kind of -- is exactly what the gentleman said. It will range -- it's about 35,000 estimated for the remainder of this year.

LEG. NOWICK:

So, it's about 70,000 for a full year?

MR. KNAPPE:

A little bit less than that, probably more in lines of the -- in the mid fifties, I would say, doing the quick math in my head.

CHAIRMAN CRECCA:

When you say a range, you're saying 55 to 70.

MR. KNAPPE:

Well, there is -- with every management position, they have steps from 4 to 12, and it is my understanding that this individual would be coming in in the lower steps, which would start off at about nineteen seventy-four --

CHAIRMAN CRECCA:

Okay.

MR. KNAPPE:

-- which would be the bi-weekly.

LEG. NOWICK:

What's the bi-weekly?

MR. KNAPPE:

Nineteen hundred and seventy-four dollars.

CHAIRMAN CRECCA:

Lynne's thinking about applying, that's why. I'm thinking about it myself, too. Can I get an opinion, though, can I serve as a Legislator and as the Executive Director of the Ethics -- no, I'm kidding.

MR. JOHANNESSEN:

You cannot.

CHAIRMAN CRECCA:

Rich, one more quick, or I have one more quick question for you and that is who hires this person?

MR. JOHANNESSEN:

The Ethic Commission hires the individual, who would be serving as Executive Director pursuant to the statute.

CHAIRMAN CRECCA:

Okay. Legislator Lindsay.

LEG. NOWICK:

No. I just wanted to continue your line of questioning.

CHAIRMAN CRECCA:

Oh, I apologize. Legislator Nowick.

LEG. NOWICK:

Just to continue the line of question, the Ethics Commission hires this person. The Ethics Commission chooses this person, or does the Legislature approve this person?

MR. JOHANNESSEN:

We choose this person. I think, as I pointed out, and I just want to introduce one of my colleagues, this is Steve Gittelman. We, unfortunately, only received notice of this meeting this morning. We were planning to come together on Thursday, and Mr. Gittelman, because of the holidays, didn't think he was going to be able to make it, so I really appreciate Steve making it on such short notice. But the statute provides for the three Commissioners to hire the Executive Director, and you do not approve that person. However, it's important for you to note that two of the three Commissioners are appointed by the Legislature and that's how you get your input into the process. The Legislature as a whole appoints one Commissioner and the Presiding Officer appoints the second Commissioner.

LEG. NOWICK:

Is this a full-time position?

MR. JOHANNESSEN:

It would be.

LEG. NOWICK:

Thank you.

CHAIRMAN CRECCA:

Legislator Lindsay.

LEG. LINDSAY:

Budget Review, the offset for the position?

MR. SPERO:

I'm going to call the resolution up.

MR. KNAPPE:

Could I? Legislator Lindsay, in the County Attorney's Office, in 1420, there is projected to be a very large surplus in their permanent salary account in their turnover savings. That savings, because the County Attorney herself and her Chief Deputy and the Deputy have taken a lower salary than what was budgeted, as well as other people on the staff, there is a savings in their 110 salaries, there is no need for an offset to go to the County Attorney's Office for this position.

LEG. LINDSAY:

So, it's already budgeted in the account, really.

MR. KNAPPE:

It wasn't necessarily budgeted, but there was funding available in their permanent salary account.

LEG. LINDSAY:

Thank you.

CHAIRMAN CRECCA:

Legislator Binder.

LEG. BINDER:

I guess my question is why couldn't Mr. Halownia be the Executive Director and your counsel and have staff for him? My thought is this. As you said, it's not good for him to be making the calls, and I agree with that. Would it make more sense for us to have a guy who's now ensconced in this, knows it, could run it, and give him the help to do the day to day, the calls, give him someone -- so, now it would cost us less, because we can get someone who's more like a secretary or clerk, and so he would get the help, but he would be an attorney. And I think it might be a good thing to have an Executive Director who's an attorney. He has his salary, so

we can just move him over, separate him from the County Attorney's Office, move him over. He's got the background. As I said, you know he's an attorney already, so he's at a certain level, which I think an Executive Director, having him and -- so, as I said, wouldn't it be better if we gave him the help to do things he shouldn't be doing, the more day to day, clerk, secretarial, that kind of thing? So, I'm kind of curious about why that might or might not work.

DR. GITTELMAN:

I'd like to answer the question. First, I'd like to apologize for being a little bit late.

LEG. BINDER:

Well, I'm leaving in a few.

DR. GITTELMAN:

My understanding is Mr. Halownia just has recently received additional responsibilities that will draw him away from the Ethics Commission.

LEG. BINDER:

Well, I would actually want to separate him out from the County Attorney's Office. He'll have to lose those additional responsibilities, and the County Attorney would have to find someone else to do those things, and to make him -- my concern -- my thought is this. You've got someone who's ensconced in it, who's done a very good job, and really a hard job, because he's been pulled, as you say, 20 ways. He knows the job. No one -- you can't go out and find someone who's as good as him to do his job. He's an attorney, so he can give you legal counsel. As he would be an Executive Director, he can also provide you legal counsel, because he is an attorney. The thing you don't want him to do is you don't want him to be doing the day to day, the calling, the investigations. We should give you someone to assist him to do that, but it seems kind of nuts to go out to get someone cold who doesn't know this. You're not sure of their ability to keep the confidences, we know his. He is -- he's someone we can all trust and be comfortable with. So, it kind of seems -- and his salary level, because if he moves over, it doesn't matter what his salary. What it is now, they're not going to knock it down because of him becoming the Executive Director, he gets a lateral transfer. So, the salary is what it is.

You've got yourself a first class person, and the additional cost to us would only be that of someone to help him, which would be at a -- that next level down. It would save us a little money. But moreover, you've got someone who's got, I think, the confidence of everybody in

the Legislature, he's got the confidence, I know, of you guys on the Commission. I mean, you've got the right person. So, what we would need to do is talk to the County Executive and say, "Look, you know, please don't heap more stuff on him." In fact, let someone else do those jobs, move him over, make him the Executive Director, as we're doing this, and let us give you -- and I don't know how we would work it out in the legislation through the budget. Let us give him the assistance he needs to be able to do the job he should be doing. So, that's my thought on how to do that.

CHAIRMAN CRECCA:

Would you mind just deferring to me for a moment?

LEG. BINDER:

Sure, Mr. Chairman.

CHAIRMAN CRECCA:

Because you're still going to be faced with -- Allan just made me think of something, and that is --

LEG. BINDER:

Oh, my gosh.

CHAIRMAN CRECCA:

-- if we approve this Executive Director today, which I agree that given the responsibilities and looking at the statute, it says that you will -- shall appoint an Executive Director, and, apparently, there are -- and thank you, Rich, for enlightening me on that there are responsibilities that the Ethics Commission is not carrying out now that it should. But you're still going to need a lawyer. You're still going to have a ton of those opinions to write.

Here's one of my concerns that just came to my head. You know, the Commission, and we talked about this a little bit before, Rich, is independent of the County Attorney's Office, per se. And wouldn't it be an ideal situation for the Ethics Commission to have their own independent counsel who could render opinions without --

LEG. BINDER:

Connections.

CHAIRMAN CRECCA:

A connection to the County Attorney's Office.

DR. GITTELMAN:

It would be wonderful to have John Halownia full-time. He's an extremely talented, tactful trustful person, okay, I have no question about that. But if you want this Ethics Commission to serve the function that I believe all of you seek, you need John Halownia and you need a Director.

Part of the problem is, is that the Ethics Commission works in a cloak of confidentiality, and we all seek people that we can trust, and John is one of those people. John has done a terrific job advising the Commission in years past. One of the -- my concerns is that if you give us an Executive Director, I believe that we will have more decisions to respond to, and that John Halownia's time will be in demand as counsel. But I believe that the role of an Executive Director is different from the role of counsel. I would prefer to see two separate people doing it, and I think we will need more in the way of counsel. Right now --

LEG. BINDER:

Let me follow up on what the Chairman was saying. Do you see a concern, and he raises I think an important point, do you see a concern that you have a counsel counseling the Commission whose job is tied to the County Attorney's Office, which is tied to the County Executive's Office, and elected official --

CHAIRMAN CRECCA:

And the Legislature, too.

LEG. BINDER:

-- who you're over seeing, and to the Legislature? Wouldn't it be better to have a counsel to protect his ability to be confidential and independent and to --

DR. GITTELMAN:

You'd have to know John.

LEG. BINDER:

No, no, but I understand.

CHAIRMAN CRECCA:

No.

LEG. BINDER:

But this is also for the future. This is --

DR. GITTELMAN:

In the future --

LEG. BINDER:

Let's remember, what we're talking about is something that should we be creating, and as we're exploring this now, should we be creating a counsel position to you that is not a County Attorney position, that is a counsel to the Commission?

CHAIRMAN CRECCA:

Let me give you a scenario, Allan, if I can interrupt.

LEG. BINDER:

Sure.

CHAIRMAN CRECCA:

Let's say I know that Steve's been very supportive of this, and that's -- but let's take a scenario four years or eight years from now, or 12 years from now, depending on how long Steve is there. But the question is what if you have a County Executive who is butting heads with the Ethic's Commission; okay? You're reliant on the County Attorney to assign somebody to help give you legal opinions and all that.

DR. GITTELMAN:

We have used special counsel under circumstances where there could be, shall we say, a political involvement. One such circumstance was when we dealt with Mr. Neppell. And we did use outside counsel and that seemed to work well. The only role that Mr. Halownia played was as liaison with outside counsel.

CHAIRMAN CRECCA:

Let's forget about Mr. Halownia, though, because he's really not the issue. We all think he's great and he can do that. My question is --

DR. GITTELMAN:

I think that we'll be coming back to you.

CHAIRMAN CRECCA:

For independent counsel?

DR. GITTELMAN:

For independent counsel sometime in the future. I do not believe that the two roles should be blended. You need an Executive Director. You need someone who can -- there's a tremendous amount that this commission could be doing that can't do now because of a tremendous shortage of staff. One of those things is a person who knows how to handle the data that we receive and organize that data in a fashion that gets it, shall we say, compared with other data bases within the County. What we're doing now is a visual review of the forms that are submitted. We're not comparing it to any other data, for example, of transactions that people are known to have been involved in. They send in their form, we go based on just the form. We're not comparing, for example, a Real Estate Director's transactions and the people that the Real Estate Director lists on his form as people he's doing business with. There is no connection.

LEG. BINDER:

Would you support, if this committee were to introduce legislation, to create an independent counsel? Do you think that -- I think there's only one more member that isn't here, so at least would the majority of members be supportive of creating the position of independent counsel to the Commission?

DR. GITTELMAN:

Some of this is expediency. Right now we need an Executive Director.

LEG. BINDER:

I understand. I didn't ask about that.

DR. GITTELMAN:

Yes, I would support it, but I would support it after getting an Executive Director, so that the Commission can function. Right now, the Commission --

LEG. BINDER:

I understand. I'm not saying to hold up one to get the other.

DR. GITTELMAN:

Okay.

LEG. BINDER:

I'm saying, would you, if we were to introduce this bill, which, obviously, is behind this, it would be -- it would be a follow-on, would you support that concept, and, obviously, Mr. Gittelman -- Dr. Gittelman, you would.

MR. JOHANNESSEN:

Legislator Binder, the answer is yes. And I think one of the things that would be interesting to put before you is the findings of the Levy Transition Team as it relates to reform in ethics. One of the recommendations that the Transition Team made was that we seek independent counsel. And when I joined the Ethics Commission, I felt I was charged with bringing forth all the recommendations that was put together by that very interesting bipartisan group of people who made recommendations such as independent counsel. I didn't move forward with recommending that that bill be put before either this committee or the full Legislature, because I wanted to deal with each issue one at a time.

You have never, you, as a body, have never put a penny into the Ethics Commission, despite having the duty under the statute to do that, and we had to pick and choose what came first. Quite frankly, the Executive Director is more important, and that's why we were asking you to consider that bill first. I do think it -- I do think it would be appropriate to pass a bill that would appoint independent counsel. I think because we have John Halownia, and he is really good, he's very bright, very hard working, he has the institutional memory that you've already talked about, Legislator Binder, so I think because we have a unique situation with Mr. Halownia, we haven't been as aggressive about pushing that, and we may not be aggressive about pushing that bill. But, if it's something that you think is important, it's certainly something that we

would support.

LEG. BINDER:

So, I would -- I think the Chairman and I have had a bit of a side-bar discussion, but I would hope that Counsel could put that together, and I'm sure members of the committee, I don't know of all, but I know at least some of us would definitely support that.

MR. JOHANNESSEN:

The concern, if I may, Legislator Crecca, I think we have to -- we have to be cautious about how much you're willing to economically dedicate to these positions. If you're not going to give us enough money to hire an Executive -- you know, an Executive Director, we're just not going to get a competent person and we're not going to be able to do the job that the statute envisions.

CHAIRMAN CRECCA:

Are you satisfied with 1212 the way it is now?

MR. JOHANNESSEN:

I am.

CHAIRMAN CRECCA:

Okay.

MR. JOHANNESSEN:

I am. But, likewise --

CHAIRMAN CRECCA:

It's the intention -- I believe it's the intention of most Legislators here, despite -- I didn't expect us to be questioning our Counsel, but it came up and I think it's been a good, healthy discussion. I think the intention among most of us at the horseshoe here now is to pass 1212 and to follow your request. We like the work that you have been doing and intend to do. You present very valid arguments as to the need for an Executive Director, and I don't think anyone here at the horseshoe -- I can't speak for others, but, certainly, it's my intention to move the bill forward today. I just think that this other issue regarding independent counsel, it just seems to make sense, and, you know, if that -- if that involves an expense of, you know, whatever it

costs, you know, there are some things in the grand scheme of things which you have to say, you know, you just got to do. And if this is what we have to do to make sure that we have, you know, an Ethics Commission that's working properly and independently, then we'll do it. You know, you can't put a price tag on it.

MR. JOHANNESSEN:

Okay. We'd like to have some input into how much you're going to be willing to pay the independent counsel as well, because we're going to want to hire somebody that is as competent as the person we have now, and that will require you --

LEG. BINDER:

I think our intent to, it would be John Halownia. That would be the hope, and maybe he might need a couple of more dollars to {incentivize} him to move over, but I would hope that he would do that. That would be a great position and you'd still have the same counsel you're getting.

CHAIRMAN CRECCA:

Bill, Mr. Lindsay.

LEG. LINDSAY:

The question of how much resources, I think we'll really be looking to you. And the biggest question is do you need that second position a total -- a full-time position? If you want to hire independent counsel, you know, maybe you should just look at law firms out there. Is there enough work for a second full-time position? I mean, that's some of the questions we're going to look at. And, you know, again, you guys have the prerogative to appoint, you know, who you want once we go forward with this resolution, but I -- you know, truthfully, looking at the salary here, you know, my comment was I think it's a great idea to try and combine both positions, but I don't think you're going to find anybody at that salary range that's an attorney and an Executive Director. You know, if you did want to follow up on Legislator Binder's idea, I think we'd have to look at the salary structure here. But, if you're satisfied to go forward with this, you know, I'm satisfied with that. But as far as what kind of resources are we going to identify for the attorney involved here, we have to know whether it's a full-time position or whether you intend on farming out the work.

CHAIRMAN CRECCA:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Just to build on what Legislator Lindsay was saying a bit. We're trying to hash out details of a bill that doesn't even exist yet. I think we're putting the cart before the horse a bit here. We've discussed 1212. We will look to the Commission for recommendations on any further positions, the need for funding, staffing, what have you, and I'm sure they will be forthcoming once they have the staff such as an Executive Director to right their ship, so to speak. So, I'm sure we'll work out those details very shortly.

DR. GITTELMAN:

Excuse me, but I hope you understand that our secretary also comes from the County Attorney's Office, and we are working now without a secretary, or has one been appointed?

MR. JOHANNESSEN:

One has been appointed.

DR. GITTELMAN:

One has been appointed, okay. There is an enormous amount of work that is going undone, and I think that I would like to speak out of turn and point it out to you. There have been a tremendous number of Executive Orders, standard operating procedures that have been put on the table, and these standard operating procedures are -- to my knowledge, there is nobody that oversees the -- whether or not the standard operating procedures are being followed. So, for example, someone within County government could breach a standard operating procedure, which would be viewed as an unethical behavior, and those standard operating procedures cannot be referred to the Ethics Commission. And I would like to explain why.

The Ethics Commission deals in complete confidentiality, that's why we're so quiet. That's why I was -- the remaining two folks on the committee were accused of being laid back. We're not laid back at all, just quiet. Okay? And anybody who ever calls me laid back, I would like to have a private discussion with them at their convenience. The reality of it is, is that Mr. Levy has put in place a number of Executive Orders, standard operating procedures, which require ethical behaviors at different levels, and the Ethics Commission, because it takes only confidential information, is unable to review this. So, imagine for a moment that we have standard operating procedures that are followed by employees, and the employees follow them,

but nobody's reviewing them, nobody is keeping them administered. So, this County Executive is exposing himself to a set of regulations that are not enforceable by the Ethics Commission. I do not know what body oversees them, so an employee could potentially breach an SOP and could have disclosed information that the County Executive has requested. It could be in written document, which gives the employee cover. The fact that it wasn't reviewed does not -- it puts the onus on government, not the onus on the employee. The employee discloses, which is a great part of the defense, and now the -- because it was never reviewed, the conflict might have been mentioned, or the behavior might have been disclosed, the employee is to some extent scot-free. And I believe that Mr. Levy is hoping that the Ethics Commission will assist in the process of reviewing them.

What I wish to bring forward in this, and I realize it's somewhat off the track, is the colossal amount of work that that would entail, number one, and two, the conflict that that would create in that SOP's are reportable to the County Executive, and nothing that the -- at the Ethics Commission is disclosable to the County Executive. So, what we have is a County Executive, who I believe with the best of intent, has now created a catch 22 for himself, which potentially could unravel his administration.

It is my heart felt wish that no County Executive, no Legislature, no body or government is derailed on its mission because it hasn't planned properly for administrating, shall we say, ethical conflicts, that instead of -- and it's created a paper trail that nobody looks at, for example. I do not want to see an administration set aside because of improper management of ethical disclosure, or incomplete ethical disclosure. And I ask you to put -- to tuck that in your mind and to give it great consideration, because this is not something that could happen, this is something that did happen and is happening.

CHAIRMAN CRECCA:

I'd like to get to the agenda. Go ahead, Bill.

LEG. LINDSAY:

Just in all due respect, Mr. Gittelman, you talked about the Ethics Commission being quiet. You have a consensus on 1212, be quiet. All right? Get this passed, then come back and tell us what you need.

DR. GITTELMAN:

Great advice.

CHAIRMAN CRECCA:

Thank you, Gentlemen.

MS. BIZZARRO:

If I could just make one small comment on the immediacy of this --

CHAIRMAN CRECCA:

Yeah.

MS. BIZZARRO:

-- and a budgetary concern.

CHAIRMAN CRECCA:

Ms. Bizzarro.

MS. BIZZARRO:

Thank you. Just that John Halownia, if he were to move over and just be counsel, he is the current Family Court --

CHAIRMAN CRECCA:

Bureau Chief.

MS. BIZZARRO:

-- Bureau Chief. We would have to bill that slot. So, moving him over and then hiring someone under him, unfortunately, would require more funds rather than a savings of funds. And I'm just talking immediacy, and I just wanted to make that clear.

CHAIRMAN CRECCA:

Thank you.

MS. BIZZARRO:

Thank you.

CHAIRMAN CRECCA:

Let me ask a question. Does the County Attorney have a position regarding whether or not, forgetting about the monetary issue, counsel to the Ethics Commission should be independent?

MS. BIZZARRO:

I don't have an opinion on that, and we would defer to the Commission on that.

CHAIRMAN CRECCA:

Very good thank you. Thank you, Gentlemen. I would say we'll take it out of order, but we're going to buzz through the agenda so quickly, I think, I would hope, so I'll leave that as an incentive. Let's turn to the agenda, because I did represent that the whole meeting would be about a half hour, so.

TABLED PRIME RESOLUTIONS

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Tabled Prime Resolutions. ***I.R. 1034 (Amending the 2004 Capital Program and Budget and appropriating funds for the construction of a skate park at Smith Point County Park, Town of Brookhaven (CP 7162) (O'Leary).*** That's -- there's been a request by the sponsor to table that. I'll make a motion to table, seconded by Legislator Losquadro. All those in favor? Opposed? **1034 is tabled. (Vote: 6-0-0-0).**

1130 (To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #714-2204.) (Co. Exec.). Counsel, do you know why this was tabled previously, because I don't have a note, or Budget Review? Budget Review, you don't recall; correct?

MR. SPERO:

I don't.

CHAIRMAN CRECCA:

Does anybody on the committee?

MS. KNAPP:

My notes simply indicate that it was tabled on 3/9. However, I do have also in my notes that the backup didn't include the total dollar amount to be refunded, is that -- that's the only possible reason I could think of.

CHAIRMAN CRECCA:

Ken, do you have anything on this?

MR. KNAPPE:

My notes, as well, are incomplete. If I could request from the committee, if we could discharge this without recommendation, and if it's not resolved, I'll bring it to the committee's attention on the 20th, and we'll table it live at the floor at the Legislature.

LEG. LINDSAY:

I'll make a motion.

CHAIRMAN CRECCA:

Second. Motion to discharge without recommendation by Legislator Lindsay, seconded by myself. All those in favor? Opposed? **1030 is discharged without recommendation. (Vote: 6-0-0-0).** And, Ken, if you would do that either and get back to us.

MR. KNAPPE:

I'll personally, yeah, let you know.

CHAIRMAN CRECCA:

Thank you, I appreciate that.

MS. BIZZARRO:

Excuse me. I had -- I'm sorry. I didn't know what number you were up to. Were you talking about Resolution 1130?

CHAIRMAN CRECCA:

Yeah. You have to speak on the mike, though, just so that it gets recorded.

MS. BIZZARRO:

Sorry.

CHAIRMAN CRECCA:

That's okay.

MS. BIZZARRO:

Hi. Sorry about that. I'm here if you have any questions, because the County Attorney's Office looked into this and this was all resolved.

CHAIRMAN CRECCA:

What, on 1130?

MS. BIZZARRO:

Yes.

CHAIRMAN CRECCA:

I don't even recall what the problem was.

MS. BIZZARRO:

It had to do with PILOT monies and whether or not there was going to be a refund on any taxes paid on this particular property.

CHAIRMAN CRECCA:

Okay.

MS. BIZZARRO:

And everything's been worked out. There's a PILOT agreement in place. We're going to refund any monies. I mean, this resolution would refund any monies already paid.

CHAIRMAN CRECCA:

Okay.

MS. BIZZARRO:

But then those monies would be paid by -- I think it's LIPA that -- who owns the property, ultimately.

CHAIRMAN CRECCA:

So why don't we discharge without recommendation, it will be live before the floor. We'll still -- Kenny, if you'd still get back to us, speak to the County Attorney and see if that's what it was. Okay?

MR. KNAPPE:

Certainly will.

CHAIRMAN CRECCA:

Thanks. ***1140 - Adopting Phase I shared responsibilities (comprehensive no frills budget plan to protect taxpayers against fiscal crisis and ensure affordable County Government (County Policy Component)***

(Co. Exec.) This was the -- one of the budget bills. I think it's sort of moot at this point. Is there a motion on it? All right. There being no motion, it **fails for lack of a motion.**

1141 (Adopting Phase I shared responsibilities comprehensive no frills budget plan to protect taxpayers against fiscal crisis and ensure affordable County Government (County Policy Component). Same thing. It's also one of the budget bills, I think it's already been resolved.

MR. KNAPPE:

Could I request 1141 to be tabled? There are some issues in 1141 that was not a part of the comprehensive plan, and I would just request a motion to table at this point, rather than a defeating motion, to keep it on the agenda.

CHAIRMAN CRECCA:

I'll make a motion. Motion to table subject to call I.R. 1141, so that it can be recalled up, if need be, seconded by Legislator Lindsay. All those in favor? Opposed? **1141 is tabled subject to call. (Vote: 6-0-0-0)**

1142 (Adopting Phase I shared responsibilities comprehensive no frills budget plan to protect taxpayers against fiscal crisis and ensure affordable County Government (State Component) (Co. Exec.). This is -- I don't -- actually, this one is -- hold on a second. This was also one of the budget ones, but I think this one was already resolved, too, this issue.

Let me just double check. This one would be duplicative, wouldn't it, Ken?

MR. KNAPPE:

Once again, I think there might be a component or two --

CHAIRMAN CRECCA:

Okay.

MR. KNAPPE:

-- encompassing 1142 that was not a part of 1228.

CHAIRMAN CRECCA:

Same motion, same second, same vote. **1142 is tabled subject to call. (Vote: 6-0-0-0).**

1184 - Amending the 2004 Operating Budget and transferring funds for Family Service League (Social Service and Youth Program) (Co. Exec.). It is my understanding from the sponsor that there are amendments being made to the bill. It is my intention at the end of this meeting to recess the meeting to the day of the General Meeting, so that it -- this bill is being changed, the funding is being changed and offset, so --

LEG. BISHOP:

What is this bill?

LEG. BINDER:

Mr. Chairman, if it's just the offset that's being changed, I think what we can do is pass -- discharge it without recommendation on the floor, and if in the event --

CHAIRMAN CRECCA:

The funding's not there. I mean, you know --

LEG. BINDER:

Or in the event that the offset's not -- we're not comfortable with it, then we won't pass the bill. But, I mean, the concept is -- the concern is for the -- it's a programmatic concern for Family Service League.

CHAIRMAN CRECCA:

I understand that, but, you know, I've got the sponsor working on it with Budget Review and Counsel. They're pretty close to doing it. I understand yours, but I'm not going to discharge it without knowing what those changes are, so I just don't feel comfortable. And I'm not saying I won't support it, Legislator Binder, that's why I thought I could resolve it. We could meet at 9:15 the day of the meeting, or, you know, a few minutes before the day of the meeting to vote it out.

LEG. LINDSAY:

So, what, do you want a tabling motion?

CHAIRMAN CRECCA:

Yeah, I'm going to make a motion to table 1184, seconded by Legislator Lindsay. All those in favor? Opposed?

LEG. BINDER:

Opposed.

CHAIRMAN CRECCA:

List Legislator Binder as opposed. **1184 is tabled. (Vote: 5-1-0-0).**

I.R. 1200 (Amending the 2004 Operating Budget and the Salary and Classification Plan to establish a compliance officer to insure accountability) (Caracciolo). There's a -- this is amending the Operating Budget. There's a request from the Comptroller to table this bill. All those in favor? I'm sorry. I'll make a motion to table, seconded by Legislator Losquadro. All those in favor? Opposed? ***I.R. 1200 is tabled. (Vote: 6-0-0-0).***

1212 (Amending the adopted 2004 Operating Budget and transferring funds and creating the position of Executive Director of the Suffolk County Ethics Commission) (Co. Exec.), is amending the 2004 Operating Budget, creating the position of Executive Director of the Suffolk County Ethics Commission. There's a motion by --

LEG. BINDER:

I'll make the motion.

CHAIRMAN CRECCA:

By Legislator Binder, seconded by Legislator Nowick. All those in favor? Opposed? **1212 is approved. (Vote: 6-0-0-0).**

PRIME INTRODUCTORY RESOLUTIONS

Going to prime Introductory Resolutions. **1246 - Amending the 2004 Capital Budget and Program and appropriating funds for (site) improvements to Sixth District Court in Patchogue, (Town of Brookhaven) (Sponsor: Cooper).** This is -- involves the issuance of serial bonds in the amount of \$120,000. Budget Review, before we vote on this, is there anything we should know about this bill? Why is this in front of us?

MR. SPERO:

No. The offset of \$120,000 was taken from the capital project we have for that purpose in the Capital Budget.

LEG. LINDSAY:

Then wait a minute. Wait a minute.

CHAIRMAN CRECCA:

Why is --

LEG. LINDSAY:

Jim, if I may.

CHAIRMAN CRECCA:

Yeah, please.

MR. SPERO:

This is for site improvements and parking at the Sixth District Court.

CHAIRMAN CRECCA:

Legislator Lindsay.

LEG. LINDSAY:

But the offset came from the same project?

MR. SPERO:

No. We have a project. We included funding in the Capital Budget that we use for offset purposes.

LEG. LINDSAY:

I see, it was that catchall. All right.

CHAIRMAN CRECCA:

What -- I know this may seem like a silly question. Why is Legislator Cooper sponsoring this?

LEG. LINDSAY:

Yeah, I had the same question.

CHAIRMAN CRECCA:

He's in Huntington, this is a District Court in Patchogue. And I have to say, when you say parking improvements, it raise a question, because there's -- I've been to this court, maybe not recently, but there's more than adequate parking.

MR. SPERO:

This is at the request of Legislator Foley. The copy I have has Legislator Foley's name on it.

LEG. LINDSAY:

Maybe the sponsor.

CHAIRMAN CRECCA:

Well, that makes sense. It probably is -- it's not Cooper, he's saying, it's Foley. That would make more sense. And is anyone aware of the parking improvements that are needed here? I'm going to make a motion to discharge without recommendation. I just want make sure that we're -- I'm sure it's not a problem, but I just want to make sure that this is an appropriate -- that it's a needed capital project.

LEG. LINDSAY:

We'll see the sponsor --

CHAIRMAN CRECCA:

Very good, yeah. So, I'll make a motion to discharge without recommendation, seconded by Legislator Lindsay. All those in favor? Opposed? **1246 is discharged without recommendation. (Vote: 6-0-0-0).**

1270 - To readjust, compromise, and grant funds and chargebacks on correction of errors/County Treasurer by: County Legislature #187. (Sponsor: Presiding Officer on request of the County Executive). This looks like it's in order, to Budget Review?

MR. SPERO:

Yes.

CHAIRMAN CRECCA:

Yes?

MR. SPERO:

Yes.

CHAIRMAN CRECCA:

Motion by Legislator Nowick, second by myself. All in those in favor? Opposed? **1270 is approved. (Vote: 6-0-0-0).**

1271 (To readjust, compromise, and grant refunds and chargebacks on real property correction of errors by: County Legislature (Control #715-2004) (Sponsor: Presiding Officer on request of the County Executive). Same type of resolution. Budget Review, have you taken a look at this?

MR. SPERO:

(Nodded head yes).

CHAIRMAN CRECCA:

Motion to approve by -- same motion, same second, same vote. **1271 is approved. (Vote: 6-0-0-0).**

1272 (To readjust, compromise, and grant refunds and chargebacks on real property correction of errors by: County Legislature (Control #716-2004) (Sponsor: Presiding Officer on request of the County Executive)). Same motion, same second, same vote. And Budget Review -- got the nod from Budget Review on that one, also.

1274 is a Charter Law to establish early retirement incentive program reform policy that ensures real cost savings. (Sponsor: Presiding Officer on request of the County Executive). This is the bill that -- very similar to the bill I withdrew at the last Legislative meeting, except it's three years instead of six years. Do I have a motion on 1274?

LEG. LINDSAY:

I'll make a motion.

CHAIRMAN CRECCA:

Motion to approve?

LEG. LINDSAY:

Uh-huh.

CHAIRMAN CRECCA:

Is there a second on 1274?

LEG. BISHOP:

Second.

LEG. LINDSAY:

This is the early retirement bill. It just cuts down the amount of time before we would go into an early retirement program.

CHAIRMAN CRECCA:

Right.

LEG. BISHOP:

The last one was -- what, it was --

LEG. LINDSAY:

Six years.

LEG. BISHOP:

-- 12 years, this is two years.

CHAIRMAN CRECCA:

Six years. Six years, this is three years. But I don't know if you -- Well, I'll let it go. There's a motion by Legislator Lindsay.

LEG. BISHOP:

How can you enlighten me?

CHAIRMAN CRECCA:

Motion by Legislator Lindsay, seconded by Legislator Bishop. All those in favor? Opposed? Roll call.

LEG. BINDER:

You call the roll.

(Roll Called by Legislator Crecca)

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. LINDSAY:

Yes.

CHAIRMAN CRECCA:

Myself, no.

LEG. NOWICK:

No.

LEG. LOSQUADRO:

No.

CHAIRMAN CRECCA:

1274 fails. (Vote: 2-4-0-0)

LEG. LINDSAY:

Beat up pretty good there.

CHAIRMAN CRECCA:

1275 - A resolution rescinding -- I guess I didn't have to. I wasn't trying to do anything with the roll call, I just wanted to have the vote on the record.

LEG. BINDER:

I just thought it was over an embarrassment.

CHAIRMAN CRECCA:

No, really, I didn't mean it that way, so -- but, if it came out that way, so be it.

1275 - A Resolution Rescinding Bond Resolution Number 1190 of 2002 (adopted December 17, 2002, and repealing the authorization of the issuance of \$3,650,000 serial bonds of the County of Suffolk, New York, to cover the cost of the State share of grant funds for the Suffolk County Farmland Preservation Program for the acquisition of agricultural development rights (CP 8701) (Sponsor: Presiding Officer on request of the County Executive). Explanation. I'll make a motion to approve for this and Legislator Nowick will second for the purpose of an explanation from Ken.

MR. KNAPPE:

I have to apologize. Let me read this quickly in about ten seconds. We were going to have a gentleman from our office here at the Thursday meeting to go over in great detail with this, but they're currently working on the Capital Budget as we speak, which is due in a week-and-a-

half. It's correcting -- it's rescinding a bond resolution from the end of 2002. If I could ask the Committee's leniency to table this without -- to discharge this without recommendation. I'll be fully briefed maybe at the 9:15 time before that Tuesday.

CHAIRMAN CRECCA:

Yeah. Why don't I do this. Rather than discharge it, we'll table -- we'll table this one and 1276. We are going to meet before then briefly, so we can address it at that time. Kenny, you can get back to us.

MR. KNAPPE:

In addition to that, I will send out maybe a memo to every member on the meeting, so you're not walking into -- blind Tuesday morning.

CHAIRMAN CRECCA:

That would be great. I'll withdraw my motion to approve on 1275. I make a motion to table, seconded by Legislator Nowick. All those in favor? Opposed? **1275 is tabled. (Vote: 6-0-0-0).**

1276 (A resolution rescinding Bond Resolution 1043-2003, adopted December 2, 2003, and repealing the authorization of the issuance of \$1,870,000 serial bonds of the County of Suffolk, New York, to pay the cost of the acutorsion of land for the reconstruction of CR 35, Park Avenue in the vicinity of Old County Road to CR 86 Broadway - Greenlawn Road, Town of Huntington (CP 5519). (Sponsor: Presiding Officer on request of the County Executive). Same motion, same second, same vote. (Tabled - Vote: 6-0-0-0).

1313 - Accepting and appropriating excess revenues received from Hotel/Motel Tax (Sponsor: Presiding Officer on the request of the County Executive). This involves \$251,000 in excess revenue appropriated. I just have a -- I'll make a motion to approve, second by Legislator Bishop, for the purpose of discussion. Budget Review, I had a question on this. I know that by statute, a certain amount has to go to the LICVB, our designated tourism agency. I'm not so sure about the other two on this one.

MR. SPERO:

It's two-thirds to the LICVB, and the remaining one-third is distributed equally for historic

preservation.

CHAIRMAN CRECCA:

Is that what those budget lines are?

MR. SPERO:

Yeah, these are the lines.

CHAIRMAN CRECCA:

Oh, that's the --

MR. SPERO:

The appropriate lines are included in the resolution.

CHAIRMAN CRECCA:

Okay. That's why I wasn't sure about the other lines, so --

LEG. BISHOP:

How much extra money did we generate?

CHAIRMAN CRECCA:

Two hundred and fifty-one thousand a hundred and ten dollars.

LEG. BISHOP:

What did we anticipate?

CHAIRMAN CRECCA:

1.2 million. It came out to 1.4 1/2 million, 1.45.

LEG. BISHOP:

So, that's why you want to raise it?

CHAIRMAN CRECCA:

What's that? Well, you have to -- to accept the revenues, you have to have a place for it to go in the budget. By statute, it goes two-thirds to -- is it two-thirds to LICVB?

MR. SPERO:

(Nodded head yes).

CHAIRMAN CRECCA:

Two-thirds to LICVB and one-third to -- what?

LEG. BISHOP:

You're missing my barb.

CHAIRMAN CRECCA:

Oh.

LEG. BISHOP:

I said that's why you want to raise it, because it's doing so well?

LEG. NOWICK:

He's on a roll.

CHAIRMAN CRECCA:

Oh, yes. I'm sorry, I didn't get the barb. I'm a little slow. All those in favor? Opposed? **1313 is approved. (Vote: 6-0-0-0).**

1334 - Authorizing action, lots of action, to obtain State reimbursement for out of County tuition chargebacks (Sponsor: Bishop). This is sponsored by Legislator Bishop, so I would just warn everybody to proceed at your own risk. Legislator Bishop, do you want to move this?

LEG. BISHOP:

Yeah. I have to put my jail rider on here. No. Actually, I have a question of Counsel. The County Attorney has brought to my attention that one of the resolved clauses, which authorizes the Legislature to select counsel for the County, might be inappropriate, because the Legislature may not have the power to select counsel for the County. We have the power to select counsel for the Legislature, but do we have the power to select counsel for the County?

CHAIRMAN CRECCA:

Why not? I mean, I would ask why, why wouldn't we?

LEG. BISHOP:

Why not? Why not, Ms. Bizzarro, huh?

MS. BIZZARRO:

I'll tell you why. Charter Law 16-1(C) states that in the event that the County Legislature retains special counsel on behalf of the County Legislature, then such special counsel may prosecute. It doesn't indicate, does not set forth that the Legislature can appoint counsel to the County.

CHAIRMAN CRECCA:

But it doesn't say that we can't.

MS. BIZZARRO:

It's permissive.

CHAIRMAN CRECCA:

I'm just asking.

MS. BIZZARRO:

It's a permissive, right. Well, in reading C16-1(A), it states that within the appropriations, therefore, and when authorized by the County Executive, the County Attorney may employ such special counsel as may be necessary.

CHAIRMAN CRECCA:

That's permissive also.

MS. BIZZARRO:

Absolutely.

LEG. BISHOP:

You know, I'm going to suggest we join this battle at a later date, because it's probably not

necessary, because --

CHAIRMAN CRECCA:

Yes.

LEG. BISHOP:

-- that provision only kicks in if the County Attorney doesn't plan to file the suit. But you plan to file the suit, right?

MS. BIZZARRO:

Correct.

LEG. BISHOP:

So, what I will do --

CHAIRMAN CRECCA:

Is table it.

LEG. BISHOP:

No. I want to pass it, so that the Legislature --

CHAIRMAN CRECCA:

That's fine. Do you have a motion, then?

LEG. BISHOP:

But I want to amend it to take out that clause, and so we'll deal with that later on, if we come to that.

CHAIRMAN CRECCA:

Why don't you just leave it in there, then?

LEG. BISHOP:

Because I lose a cycle on it. We want to --

CHAIRMAN CRECCA:

But why don't you just move it the way it is --

LEG. BISHOP:

Discharge it without recommendation.

CHAIRMAN CRECCA:

You don't have to -- that provision never comes into effect, unless they don't do it -- they don't do it, so --

LEG. BINDER:

Let him discharge it.

LEG. BISHOP:

Okay, if that's the only way you're going to pass it. I was going to --

CHAIRMAN CRECCA:

Oh. I'll do it however you want to do it.

LEG. BISHOP:

Either way, it works. It doesn't --

CHAIRMAN CRECCA:

However you want to do it, Dave.

LEG. BISHOP:

It's going to end up being moot, right, they're going to do the lawsuit?

CHAIRMAN CRECCA:

Yes. Whatever you want to do, the floor is yours, Mr. Bishop.

LEG. BISHOP:

I want to discharge it without recommendation. Then I will --

CHAIRMAN CRECCA:

Motion to discharge without recommendation by Legislator Bishop, seconded by Legislator Binder.

LEG. BISHOP:

And I will not concede the point, because I think the Legislature can appoint counsel for the County, but it's not an issue we need to have a fight about now.

CHAIRMAN CRECCA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'm confused by that, too, because I know in the past, I mean, we've selected counsel for the MTBE lawsuit and a number of other lawsuits while I've been here.

LEG. BISHOP:

When Paul was here, it was allowed.

CHAIRMAN CRECCA:

I think that's what it has to do with. I think it has to do with the new Deputy County Executive, but we'll leave that for another day.

LEG. BISHOP:

It depends on where Paul sits.

CHAIRMAN CRECCA:

There's a motion and a second. All those in favor? Opposed? **1334 is discharged without recommendation. (Vote: 6-0-0-0).**

I will recess the meeting to -- when's our next General Meeting?

MS. BURKHARDT:

April 20th.

CHAIRMAN CRECCA:

April 20th? Is it at 9:30?

MS. BURKHARDT:

Yes.

CHAIRMAN CRECCA:

So, I'll recess the meeting to 9:15 on April 20th. I don't need a motion for that, I think, do I?

LEG. BINDER:

Yeah, recess, motion to recess.

CHAIRMAN CRECCA:

All right. I'll make a motion to recess, second by Legislator Binder. All those in favor? Opposed? Meeting is recessed to 9:15, April 20th. Thank you.

[THE MEETING WAS RECESSED AT 1:25 P.M.]

{ } *Indicates Spelled Phonetically*