

**FINANCE & FINANCIAL SERVICES COMMITTEE MEETING
of the
Suffolk County Legislature**

Minutes

A regular meeting was held in the Rose Y. Caracappa Auditorium in the William Rogers Legislative Building, Veterans Memorial Highway, Smithtown, New York on **May 2, 2001** at 11:30 a.m.

MEMBERS PRESENT:

Legislator Michael Caracciolo, Chairman
Legislator Maxine Postal, Vice Chair
Legislator Martin Haley
Legislator Cameron Alden
Legislator William Lindsay

ALSO IN ATTENDANCE:

Paul Sabatino, Legislative Counsel
Jim Calkins, Forensic Scientist, Suffolk County Medical Examiner's Office
George G. Krivosta, Supervising Forensic Scientist, S.C. Crime Laboratory
Phyllis Garbarino, AME
Nancy Manteiga, AME
Jack Weismann, SCDIPBA
Todd Johnson, County Executive's Office
Terrance Pearsall, Aide to Legislator Lindsay
Mea Knapp, President, OTB
Dominick Baranello, Vice President, OTB
Christina Capobianco, Comptroller, OTB
Linda Burkhardt, Presiding Officer Tonna's Office
Ken Knappe, Budget Office, County Executive's Office
Charles K. Stein, SCCC
David Greene, Director of Labor Relations
Robert E. Draffin, Deputy Director of Labor Relations
Norman Novick, Detective Investigator PBA
Fred Richman, Counsel, AME
Ed Flaherty, District Attorney's Office
Fred Pollert, Director of Budget Review
Victoria Siracusa, Budget Review Office
All Interested Parties

Minutes taken and transcribed by Irene Kulesa, Legislative Secretary

(The meeting came to order at 11:40 a.m.)

LEGISLATOR POSTAL:

Will the meeting of the Finance Committee come to order. Legislator

Caracciolo who is the Chair of this committee has asked me to call the meeting to order and ask everyone to rise for the Pledge of Allegiance led by Legislator Lindsay.

SALUTATION

LEGISLATOR POSTAL:

Thank you. The reason that Legislator Caracciolo has asked me to do that is that he has the most terrible case of laryngitis. Okay, Legislator Caracciolo has asked the Directors and the Board of OTB to come to the committee and make a presentation. So will Mea Knapp, Dominick Baranello -- no, no, no, I'm trying to think of -- I don't know whether it makes sense for all three members of the board but oh, sure what the heck. So if we could have the board members who are present. Thank you very much.

MS. KNAPP:

You have with you today the President, Vice President, Comptroller and the Legislative Representative. I apologize we did not invite our board members. I'm not sure if that was an oversight on my part. We have a very short presentation we'd like to start with and I'm going to turn it over to our Vice President, Dominick Baranello.

MR. BARANELLO:

Good morning. I have reached the point in my life where people call upon me to remember something that everybody forgot. And a crises developed yesterday when somebody asked me what Alexander Hamilton said a thousand years ago to the acting Congress at that time. So I'm going to try to remember some of the things that happened with OTB. A long time ago, when I was younger and the world was younger, I met with Buzz Schwenk, one of your people, a good guy, with Sid Askoff and a number of representatives from the County of Suffolk and we talked about OTB for the very first time. And it was one of those rare occasions where Democrats and Republicans agreed. They thought it would be good for the County of Suffolk. They thought it would be good for those of us who participated. We thought it would be good for people in the County of Suffolk who would be interested in participating in that.

Now, my job here is to give you a brief history and background of Suffolk OTB. The State Legislation authorizing the establishment of regional Off-Track Betting Corporations was enacted almost 30 years ago for the purpose of curtailing illegal gambling on horse racing providing a revenue stream to the Counties and providing employment to County residents. Suffolk OTB enters it's 26th year with fourteen attractive comfortable branches. Suffolk OTB has embarked upon a program of building branches that are a real credit to the communities in which they are located. Corporation owned branches like Airport, Sunrise and the new Racing Forum in Happaugge are state of the art facilities. Some of our leased branches have been recently renovated, like the Riverhead branch and the upcoming Farmingdale enhanced branch. In addition to the remote branches, OTB has a fast growing telephone branch that will provide a significant future revenue stream.

With this brief factual background, I'm going to turn over the microphone to our President and before I tell you her name, let me say this and I don't flaunt and flatter anybody. I don't have to do that. She is probably the best appointment that could have been made for this particular job. She's interested in diligent application to task and she does that job very, very well. Ladies and gentlemen, Mea Knapp, the President of OTB.

MS. KNAPP:

Thank you for those very kind words Dominick. Because this is the Finance Committee, we thought we would spend most of our time here in the presentation dealing with the revenue aspects of OTB. We've given you a packet and in that packet you'll find, I think, on the top of it, a pie chart showing our 2000 revenue allocations. So you can have some background in the monies that OTB receives and where those monies go. The 2000 revenue allocation shows that sixty three percent of our revenue goes back into the racing industry. New York State gets nine percent; other local governments get six percent and the remaining twenty two percent goes to Suffolk County. If you compare that to the handout behind it, the 1990 revenue allocation and then beyond that you'll see the 1980, you can compare all three but I would just point out to you that among the major changes you see, the racing industry went from thirty two percent in 1980 to sixty three percent in the Year 2000, the last twenty years. And Suffolk County, back in the '80's, got forty six percent of our revenue compared to only twenty two percent now. Now those are major changes and they are obviously the result of changes in law.

The racing industry consists of NYRA, the New York Racing Association that we make statutory payments to, in addition to which we're permitted to simulcast and we pay NYRA a fee for the simulcasting, which is a negotiated contract. Again, by statute, we give money to both the thoroughbred and the harness breeders funds. We give fifty percent of our breakage to the breeders fund and Finger Lakes gets one percent of all of our out of State racing. Yonkers and Monticello get a percentage of harness out of State racing, in addition to the payments that they're entitled to, the commissions that they're entitled to under the Statute. New York State nine percent. It's basically para-mutual tax and our un-cashed winning tickets, which I will mention a little bit later, when we talk about the future and our wish list for legislation.

We see other local governments. Basically that is -- that's a split that we give to the other jurisdictions that have tracks. Suffolk Regional Off-Track Betting is the only Off-Track Betting Corporation in the State that doesn't have its own track. When I refer to regionals, by the way, I basically mean the five regionals that include Nassau, Suffolk, Western, Catskill and Capital. New York City is the sixth and by far the largest. New York City represents one half of all the Off-Track gambling on horses in New York State and the other five make up the other half.

We have had some changes at OTB very recently and I'd like to touch on

them very briefly. We have reduced our staff in headquarters, basically a net reduction of six positions. I have Christina Capobianco sitting next to me on our right and she is the Comptroller of OTB. In Christina's department, accounting, she lost six full time people and they were -- I'm sorry, three full time people and they were replaced by two part timers. So we are trying, as I know the County is to make do with less. The changes in personnel were a result of both layoffs and retirements. We have attempted to save money on a long-term basis by changing a policy that existed that the corporation used to buy back certain unused vacation and personal time. We have eliminated some reliant, some consultants and we've achieved some savings in that way. In addition, in response to some of the criticisms that have been leveled against OTB, we have directed a change in certain policies including a nepotism policy that mirrors the Counties, in that to the extent that the President wishes to hire any relation as defined in the County Code that hiring or promotion would need the approval of the board. We also require board approvals now for any hiring of consultants or any other contracts that we enter into.

Without dwelling too much on the past, we prefer to look to the future. There is in your handout a picture rendering of our new Racing Forum that is being built on Motor Parkway. This building is, to call it state of the art is probably an understatement. We expect that when it opens, we'll see a substantial revenue increase. We think it should make all of us in Suffolk County very proud. We are very proud, as Dominick Baranello mentioned our new branches in Airport and Sunrise. It used to be that communities had very mixed feelings about having an OTB branch in their midst. I have been solicited by developers, who have seen our new branches, who have asked me if we would consider building in their industrial development or in their business area that they were developing. So we have gone from being somewhat shunned to being in some demand and I think with good reason.

I mentioned un-cashed tickets before. A half million dollars goes to New York State from un-cashed tickets. That's money that our customers put forward and for one reason or another they fail to cash these winning tickets. These things cost OTB money. That is money to our {totalizer}, money for paper, money for use of our machines, personnel time and yet every dime of that is turned over to New York State. We've repeatedly asked the State to consider allowing us to keep un-cashed tickets or at least to keep a percentage of it that would represent our investment. But we've been unsuccessful in that and to the extent that this Legislature wishes to help OTB at some point in the future, we would ask for that kind of help from you.

We face many challenges in the future. I think that Internet betting is going to be something that we all are going to have to deal with as time goes on. Just this week, you'll see in your packet an article from the daily Racing Forum, NYRA has announced that it's going to begin a very vigorous campaign to change the takeout and by takeout, that means how much is retained from the para-mutual pool. I should back up a little bit. Approximately a hundred and seventy six million dollars was bet in Suffolk County. Out of that hundred and seventy six million dollars, eighty percent

of it basically went back to the bettors. That percentage varies depending on the type of the bet but eighty percent is a good number to use. NYRA has recently proposed changing that number to give more money back to the bettors, which means that we'll retain less of it and while it may be good for the long term for New York State bettors in New York State Racing Industry, we will have a short term shortfall. We're working on the numbers right now, so that that some -- that is a change in legislation that we anticipate that will happen. That will affect our revenues.

And I'll just touch briefly on OTB as a public benefit corporation. We are very closely regulated by the State, New York State Racing and Wagering. In your packet, you'll see an example of a promotion that we're going to be doing for Kentucky Derby Day. In it you see that we're promotionally giving away free two-dollar bets for people who come to our new facility during a very limited period of time. Before we can consider doing something like that, we must have approval from the New York State Racing and Wagering Board. All of our board members are investigated and are approved by the Racing and Wagering, as are the officers, Dominick and myself. We are a very closely regulated business. In the future, you're going to read more and more about privatization efforts and claims that privatization may be more economical than having a public benefit corporation. I obviously have strong feelings to the contrary. We are a governmental agency. We are subject to the open meeting's law. We're subject to freedom of information and we are very much accountable, both to you, as our Suffolk County Legislature, our sponsoring agency and to our State regulators. I think that that level of accountability will be either lost or severely diminished if Off-Track Betting is allowed to fall into private hands. We are the basically only form of legalized gambling in New York State and I think for the integrity of the operation, it's important to keep it in governmental hands.

All right, you have a number of handouts including our monthly analysis. This is sent to the Legislature monthly, in addition to which -- Ron Cohen who is here with us today, attends all of our board meetings and reviews that handle analysis. We have some charts that we've included for you that talk about our revenues and we'd like to just use the rest of our time with you to answer your questions and to elaborate on anything that I may have said. Oh, I've also included excerpts from the Racing and Wagering Board Report. This is one of my favorites because it summarizes how much is bet at New York State OTB's as compared to how much is bet at the tracks. The most interesting part for me is that if you look at these charts, you'll see that the OTB's have been almost rock solid. In 1990, it was one billion, nine hundred and twenty three million and in 1999, it was one billion, nine hundred and forty two million. So the OTB's have remained a fairly constant operation and basically at the same time the tracks have diminished to almost half of their 1990 level.

LEGISLATOR POSTAL:

Thank you. Chairman Caracciolo obviously has -- does not have the ability to ask several questions that he had, verbally today. So that in the interest of whatever little voice remains, he's going to submit to the board his questions

and ask for a written response. Are there other members of the committee who have questions?

LEGISLATOR ALDEN:

In your report, does it speak to anything about what's going on with the property in Patchogue?

MS. KNAPP:

No, it doesn't and I'd be happy to answer any questions. I realize that that's been the subject to some media attention. The article that appeared in Newsday basically focused on past events and you had to read to the end to find out about what we're doing right now, for those people who didn't bother to read to the end. The board of directors has instructed me to put together a committee, which I did. The committee consists of seven members, in addition to the Vice President and myself; there is a member of the community Brian Weeks, who is a Deputy Mayor. We have an architect, a man by the name of Bill Miller who happens to have his office in Patchogue. We have an engineer Alfred Angello, partner in Chasin and Associates. We have a finance person who -- Kevin Hoey from EAB bank and a real estate appraiser, Tim Barnes from one of the huge accounting firms and I apologize, I'm losing it. One of the very big -- Price Waterhouse, thank you. This seven-member committee has already started its work. They are putting together a fairly long list of scenarios, which they intend to study and eliminate, so that at some point in time and hopefully, within the next forty-five days, they will rank the options available to OTB. We'll present it to the board of directors and we anticipate that they'll make this as to where we should go. Do you have specific questions about this?

LEGISLATOR ALDEN:

Actually, I just wanted to see what process you're in right now and that's good. Legislative agenda, you said before, you mentioned one specific thing. You have anything else that's on your legislative agenda that either we can help with or that you would like us to send up to New York State?

MS. KNAPP:

I think that the issue of the sale of possibly New York City OTB and the privatization of OTB is going to be an issue that the State Legislature will deal with. I think it's something that given the history of revenues and I haven't specifically pointed it out to you but if you see that last year, we delivered over five million dollars, as historically we have since we started, even though there have been changes in legislation that have reduced the revenue share to Suffolk County. We do continue to be a source of revenue. I think that for that reason that it's not an issue just to State interest, it's an issue of local interest and I would urge the Legislature, if it becomes a piece of legislation that the State is going to consider, I would urge the Legislature to look at it carefully and perhaps, you know study it and take a position on it.

LEGISLATOR ALDEN:

Thank you.

MS. KNAPP:

Thank you.

LEGISLATOR POSTAL:

Thank you. Any other questions from members of the committee? Thank you very much. The second presentation on the committee's agenda will be a presentation by Phyllis Garbarino, President of the Suffolk County Association of Municipal Employees. Phyllis, will you come to the table with any other resource people you'd like to have join us?

LEGISLATOR ALDEN:

While Phyllis is coming up, I'd just -- Mea? I just have one other question. What's this mean? Hayburner in the sixth? What's that? All right.

MS. GARBARINO:

Okay. Good morning. I'm here this morning with several of our members from the Crime Lab, from the Medical Examiner's Office on a resolution issue that we're looking for. Back in 1980, this body passed a law, a Local Law 1888 '80 that directed the hiring of Forensic Scientist to be at the then top step of the collective bargaining agreement. That hiring continued for all of 17 or 18 years, whatever the top step and many of you are familiar with our collective bargaining agreements, it depends on what agreement the top step changes from time to time. It could be seven. It could be ten. It could be twelve and so on. But the same intent went on for 18 years. In 1988, 1998, I'm sorry that changed, for what reason, I don't know. And they went to the hiring of what the top step was in 1980, which was four steps short of what the current top step is, therefore, creating a problem in hiring and we believe dissolving the intent of this, the Legislative Law, the law that I should say the County law that the Legislature put in place in 1980. The County took the position that they should be paid at what was the step eight and at that time and at present, our top step is step twelve. We're talking about a very little amount of money for only a handful of people. The difference in hiring at that is like a hundred dollars a week for maybe anywhere from three to eight people at this point, because there was just recent changes due to the auditing of the Health Department.

So the rationale behind the resolution that we would like to be adopted, at this point, is the same rationale that this body agreed to in 1980. Simply put, the salaries of the Forensic Scientist should equitably reflect the responsibilities of their positions. We need to have this again for the law to be adopted with the correct language in it that needs to say whatever the top is or, however, the legal presentation would be. For further explanation, two of our Forensic Scientists have come with me today and I would like them to be able to explain to you some of the intent. We have Jim Calkins, who will speak to you first and George Krivosta, who will elaborate more on how this has decimated the handling of crime cases in the Forensic Lab when they cannot get qualified people. So at this point, I'd like to introduce you to Jim Calkins, who is one of our Forensic Scientists.

MR. CALKINS:

Good morning. My name is Jim Calkins. I'm a Senior Forensic Scientist in the Suffolk County Medical Examiner's Crime Laboratory. I've had approximately fourteen and a half years of County service and I would like to stress that the results of today's decision one way or the other have no financial impact on me as I'm already on top step. What do we do in Forensic Science? We perform scientific analysis on submitted evidence in criminal cases. We testify on these results. We testify at murders, rapes, child abuse, narcotic trafficking and environmental crimes, to name a few. Also, our results have saved the County large sums of money. I don't know if its hundreds or thousands or millions but it's been large sums of money.

The Police Department uses our results to defend itself against false arrest cases from losses resulting in shooting deaths, i.e., the recent Manorville case with the person barricaded in the house. Our results are used to obtain drug forfeiture money. Our Environmental Crimes Unit, the data there is used to enable the Environmental's Crime Unit of the Suffolk County District Attorney's Office to be self-sustaining. Our data is currently being used in federal court to recoup monies for faulty fume hood installation in the Medical Examiner's Office. Additionally, in order to maintain our level of expertise, we must continually receive new training and new education. With little or no financial support, we spend our own money. Today, we are requesting the change of two words, from step eight to top stop to reflect the original intent of the Legislature when it passed Local Law 1880-80. Thank you.

LEGISLATOR POSTAL:

Thank you.

MS. GARBARINO:

With your permission, George Krivosta will give you some technical details on this now. And I believe you all have handouts now, which he has prepared to explain exactly what this office does.

MR. KRIVOSTA:

My name is George Krivosta. I'm the Supervising Firearms Examiner at the Suffolk County Crime Laboratories Firearms Unit. I've been employed by the Suffolk County Crime Laboratory since the Year 1974. Originally, when I was there, it was the Suffolk County Police Laboratory and I was hired as a Police Chemist after, which in 1977, we came under the jurisdiction of the Suffolk County Medical Examiner's Office, which is under the Health Department. During that time, the Firearms Unit has been involved in a great number of cases and the experience of your firearms examiners has made a difference. Right now there are nine Firearms Units within the State of New York and Suffolk County has long maintained one of the most experienced units in the State. That was best demonstrated where in 1994, all of the others can still remember the dark days of the Suffolk sniper. You can still see hints of that time period when you go to restaurants and you now find all the restaurants have blinds on them. Something that didn't exist prior to that, because the restaurant trade was devastated when an individual perched himself up on a hilltop and decided to throw shots into a restaurant killing an individual. That

trajectory reconstruction that determined that it wasn't a mere random shooting, it was determined by the members of the Firearms Unit. The information that was provided to the homicide squad immediately thereafter that the weapon they were searching for was a Remington bolt action 35 caliber rifle manufactured between the years 1958 and 1963 or 1987, was generated by individuals who have a high degree of experience. Beginning -- there's all types of individuals who can fill a job, right? I've passed a copy of my resume around and you can see the amount of experience and the timeframe that takes for a fully competent firearms examiner to be generated, who can make those sort of determinations, rather than somebody who just fills a position.

Prior to my coming into the Firearms Unit, the unit, even under the -- when it was under the Health Department; it originally had been staffed by police officers. When we went to hire the first civilian firearms examiner, right, a nationwide canvas was done. This was approximately fourteen years ago and that nationwide canvas turned up no individuals interested in taking the position at the salary offered. We were able to obtain a retired New York City Police Officer who took the position. In order for him to take the position, what was necessary to be generated is what's referred to as a 211 waiver. That's a waiver that allows an individual to take a position and still collect his pension. In New York State, you cannot work for a municipality and then retire and take another job without this waiver and collect your pension at the same time and that waiver has to be renewed every two years, after a canvas is done to fill the position.

The individual Mr. Reese served us for a number of years. At a later point in 1994, the remaining police officer in the Firearms Unit, Detective Sergeant Alfred Dellapena then chose to retire. At that point, I was promoted. I took over the position as Supervisor of the Firearms Unit and we once again did a nationwide search, in attempt to find a fully trained firearm's examiner. We were unable to do that without issuing another 211 waiver. We received a fine individual from New York City. He retired. He was induced to retirement and he came to work with us, a fellow by the name of Charlie Hopkins and he still serves our office. Several years ago, the individual George Reese then elected to leave County service. We once again did a nationwide search and were unable to find an individual, right? This time, the opportunity of giving a 211 waiver still did not draw any individuals who were qualified to take the job. So we now had to start with a Forensic Scientist trainee. We would have to train an individual right from scratch. This becomes a burden on our Firearms Unit significantly. Because three firearm's examiners is the same number we've had in the unit since 1967. What portion of Suffolk County government has not grown in that period of time? Going down to two firearms examiners, brought us down to the same levels we had in 1963; just three years after the Suffolk County Police Department itself was formed. The individual we trained came from County service, right? Why did he come from County service? Initially, we had individuals, interns who had volunteered at the laboratories, part of their educational process. Some of them had spent as little as three months; others had spent as much fifteen months working there a full forty-hour week. Of these six individuals, not

one of them would come to work for Suffolk County because they were capable of getting employment elsewhere.

The second document, I asked is just a random sampling of job opportunities and the salaries that are offered. If we were to attempt to hire an individual now, in what would be considered FS1, his entry salary would be forty six thousand dollars. If they hired him at top step, it would be fifty three thousand dollars. Two documents I have for you are for entry level positions. You can see we have Mission, Kansas offering between forty seventy and sixty eight thousand dollars for that sort of individual. The second is for the City of Los Angeles, is sixty one thousand to seventy six thousand dollars. Now, if you recall the CV I gave to you earlier, shows my credentials are much higher level of experience. What kind of salary would that command? If you look at the third one, you see a notice I received from the State of Mississippi offering between top salary of eighty four thousand dollars. I'm currently making seventy-one, okay!

The last document is from the Georgia Bureau of Investigation; you will see the sum of eight thousand dollars monthly. That's ninety six thousand dollars, all right! In the darkest financial days of 1991, I was working at the laboratory and we went through a period where we were on a lag payroll and I elected to consider whether I should leave. I was offered the job as Supervising Firearms Examiner for the Bureau of Alcohol Tobacco and Firearms Laboratory in Atlanta, Georgia. At that time, I elected to offer myself as a private consultant rather than take that job. Some day I'll decide whether that was a proper decision or a mistake because that offering is now a six-figure job. The individual we took, a fellow by the name of Mr. Roy Sineo was working in our building in the Public Health Laboratory. When he had taken the job, he was told that's taking in a trainee that he would be receiving a lateral transfer.

The third document that I've given you, will show you exactly what happened. Three months after he took that position, he was informed that, in fact, he was going to take a two grade pay cut because he had been now deemed a trainee. He was brought to the office. They talked to him and he waited out saying okay, at the end of my two years, I'm going to go to top step, so I'll make it back in the long run. Well, as it turned out during that time period, this change that was in existence for eighteen years now took place, in effect, he didn't get top step. Where is he? Exactly where he would have been if he stayed in his current position. I too am receiving -- would receive no benefit for this. So why am I here? Because I believe in the employees that we have, I believe they need to be treated fairly, all right?

The last document I have is a memo that I gave to the Chief of the Laboratory predicting the future. We had received a complaint from the Homicide Squad Commanding Officer, Lieutenant Gierasch that a number of the cases -- suicide cases that he wanted done were not being dealt with properly. Getting to him two years later was not appropriate. But the mere fact is with only three individuals, you're only going to get to it so far. But at the same time, in the end of my memo, I predicted the future, if you choose

not to deal with the hiring situation. If you choose to put individuals at risk to seeking employment elsewhere, the consequences will be grim in the future. I thank you for your time.

LEGISLATOR POSTAL:

Thank you. Legislator Alden.

LEGISLATOR ALDEN:

I didn't get a chance to read all this because it just got to us but I will. I'm going to probably, if its okay with you be contacting you because I think a number of questions could come up out of this. Mainly, you compete for these job titles; it's just municipalities competing against municipalities? There's no -- like private employment that you'd be able to go to?

MR. KRIVOSTA:

It's municipalities competing against the municipalities. When you deal with private employment, you're talking about individuals who have enough experience to be a consultant. When we're talking about those individuals who have enough experience to be a consultant, they're making anywhere from sixteen hundred to outwards of thirty two hundred dollars a day.

LEGISLATOR ALDEN:

Now, I'll throw this out to any of you that can answer it. I guess, Phyllis first outlined this resolution, the original resolution that goes back to 1980, you said? Okay when was the last time somebody was hired on that resolution?

MS. GABARINO:

At the top step? Was it 1997? It was just prior to 1998.

LEGISLATOR ALDEN:

Okay.

MS. GABARINO:

So as I said, it was almost 18 years of hiring at with that resolution.

LEGISLATOR ALDEN:

And then the last person was in 1990's?

MR. KRIVOSTA:

In 1988, what they've done since then is we've had several people. We had filled in with trainees. They were taking them from technicians that were on the list for that type of thing. Most recently, we hired a DNA Specialist who refused to come to Suffolk County from New York City unless she got top step and she was given top step. It's called in-step hiring.

LEGISLATOR ALDEN:

So then it goes back to '97 and '98 was the last time that anybody was hired?

MR. KRIVOSTA:

Well, promoted at top step or hired at top step without calling it in-step hiring and this was done in 1998.

LEGISLATOR ALDEN:

Now just --

MS. GABARINO:

Maybe if you just elaborate a little? Legislator Alden is the fact that what's happened now has created an inequity in the lab there. Because people were previously hired at whatever the top step was and then it stopped in 1998. Now because they couldn't recruit, had to hire somebody at top step, so you have somebody who is new earning more than somebody who is there three or four years. So it's creates, as I said, we're not -- we're talking about small numbers of people, so the financial impact is not -- certainly not significant but the operation of the department is certainly significant. And this, what we're here for is to show, to prove and ask this body to do what they did in 1980 and I believe the intent was to do it for the future. Because it did go on for eighteen years.

LEGISLATOR ALDEN:

So just to summarize and correct me if I misstate it. You've asked us to take a policy that we established in 1980 of hiring at a top step.

MS. GABARINO:

Correct.

LEGISLATOR ALDEN:

And continue that into up to today.

MS. GABARINO:

And as Mr. Caulkins asked before, he said all it needs is the resolution to change from step eight to top step. That's all that's needed. The resolution itself, the wording was proper and correct and it did work for a long time and it was just that thing that -- some other titles that would be added that are in that group.

LEGISLATOR ALDEN:

I'm just going to thank both the Chairman and Maxine, who is running the meeting now, I guess.

LEGISLATOR POSTAL:

We're doing this as a tag team.

LEGISLATOR ALDEN:

I like that.

LEGISLATOR POSTAL:

We're going to take the show on the road, right? Legislator Lindsay.

LEGISLATOR LINDSAY:

Phyllis, I'm a little bit confused. You're saying we passed a resolution that would satisfy this need in 1980. It was never changed. How was it changed, by policy?

MS. GARBARINO:

It was changed. The County took the position in 1998, to use the verbatim language, which said step eight. For eighteen years, they used the intent of the resolution, which was top step. In 1980, step eight was top step. So that's why the resolution was drafted. At that time, it said step eight. It was top step. But for eighteen years, they hired, if top step was eleven, they hired at eleven. Top step was twelve from '96 on; they hired at top step. And then in 1998, for reasons unknown to us, the County took the position that we'll use the actual verbatim language and it says step eight and we'll hire at step eight, even though that's four steps below the intent of the 1980 resolution.

LEGISLATOR LINDSAY:

I didn't get a chance to review all this paperwork. Is there a sample of that resolution in here?

MS. GARBARINO:

I don't believe so, no. That would have to be I believe, probably Legislative Counsel would know about that and would also be able to provide that.

MR. SABATINO:

I just had my secretary bring out a copy of the resolution. The resolution in 1980, concluded with a clause that all persons currently serving in the titles and they are all listed, the Forensic Science titles, who are not in step seven of the salary grade be moved to step seven beginning with the first effective payroll. So it specifically made reference to step seven.

MS. GARBARINO:

And apparently as he said, for some reason in 1998, the County decided to go to the exact verbatim language where for eighteen years they used the intent of it, which was top step. There were eight steps at that point, even though it was called step seven, there was a zero step or some other.

LEGISLATOR POSTAL:

Phyllis, can I interrupt you and ask Mr. Greene to please join us? I don't know, Legislator Lindsay, can I -- while David Greene is coming to the table, no that's because he can't speak. He wants you to feel welcome. Come to the table. I understood what you said that -- can I assume that prior sometime prior to 1998, the top step was a step beyond step eight.

MS. GARBARINO:

Yes.

LEGISLATOR POSTAL:

So that people were being paid, well beginning work at a step higher than step eight, be on the top step.

MS. GARBARINO:

Absolutely.

LEGISLATOR POSTAL:

Okay.

MS. GARBARINO:

Yes and also when they were promoted, if they came from a lower title and promoted into that, they automatically went to the top step, no matter where they were in their previous title.

LEGISLATOR POSTAL:

Mr. Greene?

MR. GREENE:

Yes.

LEGISLATOR POSTAL:

Why did the policy change in 1998?

MR. GREENE:

It's my understanding that '97 and '98, Civil Service made the determination that they should go to the literal intent of the language. The union then grieved the arbitration and grieved it. We went to arbitration and we were successful at arbitration. We had an arbitrator issue an award that saying our interpretation was correct. So, therefore, that's why it's back on your plate. But that was the decision made by Civil Service.

LEGISLATOR POSTAL:

Legislator Alden, I think you --

LEGISLATOR ALDEN:

Yes, the follow-up on that. Did the arbitrator look at the way we executed the policy by every time a top step went up we had a --

MR. GREENE:

I wasn't prepared for this. I didn't re-read the arbitration but the long and short of it, the arbitrator found for the County and if the arbitrator hadn't found for the County, we all wouldn't be here today, I guess.

LEGISLATOR ALDEN:

And has this come up in the current negotiations?

MR. GREENE:

Not this particular title.

LEGISLATOR ALDEN:

This issue hasn't come up?

MR. GREENE:

No.

LEGISLATOR ALDEN:

Okay.

LEGISLATOR POSTAL:

Did I see somebody? Legislator Lindsay.

LEGISLATOR LINDSAY:

Yes, so in other words, the County won the arbitration.

MR. GREENE:

Correct.

LEGISLATOR LINDSAY:

And the award creates such a low barrier that we can't fill the position?

MR. GREENE:

That appears to be the case.

MS. GARBARINO:

May I just add to that? What the arbitrator did is -- basically said this is a resolution, which would bring us back to you, looking for a resolution to handle it. Use the exact wording of the resolution, so that's why we're saying we need that wording corrected.

LEGISLATOR POSTAL:

Can I -- the question that comes to mind is that was in 1998? Or did that happen after?

MS. GARBARINO:

The arbitration was in 2000. The arbitration was it '99? Late '99, was the arbitration.

LEGISLATOR POSTAL:

Okay. I mean, why are we hearing about it now?

MS. GARBARINO:

I have been in contact with the Presiding Officer's Office for some time on this and just trying to move this forward. We had drafted a resolution but he felt he wanted it to come before this committee for any clarification, any questions you would have and that's why I'm here today. We have been trying to move this along, you know with procedures.

LEGISLATOR POSTAL:

If I could ask the Director of Labor Relations whether Labor Relations has a position on this issue?

MR. GREENE:

We weren't aware this was on the table. We have no comment at this point in time. We were not prepared to really address this issue.

LEGISLATOR POSTAL:

Legislator Lindsay.

LEGISLATOR LINDSAY:

Yes, Phyllis. I think we need to look at the resolution that you have drafted now.

MS. GARBARINO:

Absolutely, be glad to provide you with that.

LEGISLATOR POSTAL:

I would ask our Counsel, it sounds to me that like there was a policy adopted by resolution of the Legislature back in 1980 and that without a subsequent resolution, the arbitrator has said that is the policy, step eight is the policy. But if the Legislature were to adopt a resolution either moving that up to the current top step or just in some way having wording that would express the policy that it would always be at the top step of whatever salary schedule was in effect that we could resolve the situation. Is that accurate?

MR. SABATINO:

It's a little more complicated unfortunately. The resolution in 1980 was really of a limited impact. I think it's been overstated in terms of what it did. It just took the positions that were clearly delineated in the resolution, a whole slew of titles and it said all these titles will be at top step, which at that particular time was step seven. Between 1980 and the current date, nobody was precluded from hiring somebody at top step. This resolution didn't say you had to limit yourself to seven or that you had to hire at top step. So during that time period of time, through an exercise of discretion, people could have been hired at top step but you didn't have to do it. So that's the first issue to put on the side.

The second thing is that in 1982, the predecessor labor union brought an action against the County Legislature based on a 1982 resolution in a different matter saying you cannot unilaterally change grades and/or steps and PERB ruled against the County. So since 1982, the ruling under PERB is being -- the Legislature cannot unilaterally modify the change. And as recently as January of this year, in a different proceeding, in a different context, you know the current labor union raised the exact same argument against the County of Suffolk. I mean, they used language about PERB has long held that the County Legislature, which in this case was the very same County Legislature from 1982, violates Section 209-A of the Taylor Law when it passes resolutions that increase the wages of employees above the level of establishment and collective bargaining agreements. So right now, in matters being briefed against the County of Suffolk, they're taking the same position that the Legislature cannot unilaterally change a step or a grade. So even if you wanted to consider this other resolution, which I don't think is

necessary but if you did want to consider the resolution, you've currently got AME saying it's illegal to do that.

Thirdly, it would seem to me that the issue could be addressed through the collective bargaining process if there's a desire to have all of these titles treated as being hired at top step, you know in each and every circumstance. But it's really -- it's really kind of a -- it's a little bit convoluted but it's really not a legislative matter not because the Legislature may not want to do something but because you've got the PERB ruling and you've got AME making the very same PERB argument against the County Legislature.

LEGISLATOR POSTAL:

It seems to me that even if we go to the step eight that was not a negotiated agreement. That was based on that 1980 legislation.

MS. GARBARINO:

Correct.

LEGISLATOR POSTAL:

So if we accept the premise that it is a valid labor practice according to PERB to pay starting Forensic Scientists at step eight, then why would there be a distinction if it was step eight or step twelve or whatever the current top step? You know it seems to me if it's wrong, it's wrong for step eight according to a PERB decision.

MR. GREENE:

Actually, if I may? When Civil Service made the decision, it generated an arbitration. And the arbitrator basically said the County is correct in how they apply the rules and the laws. So I think what your Counsel is suggesting is while everyone may want to go -- meaning the department and I don't know this to be true but the department may very well want to get to where the union wants to get to on that issue. I haven't discussed it with the department. We may be more in a situation where everyone knows where we want to get to; we've just figure our the right way to get there. And what Counsel may be suggesting is this road may not get you where you want get to other than some other legal problem. So perhaps the best thing for the moment is for us to sit down with the union, talk to the department and see if we can find a solution that everybody can to agree to. I just throw that out for discussion purposes.

MR. SABATINO:

Just to clarify that. When the matter came to Presiding Officer Tonna, last November, the reason we didn't do the resolution on that date was because all these issues and I had suggested that it would be better to get in front of the committee, get a full airing of what's really going on and maybe it could be worked out that way. Because I don't think the resolution is going to work. That was the point of my previous discussion.

LEGISLATOR POSTAL:

Phyllis?

MR. GARBARINO:

My question to Counsel would be if the citing the arbitrator's decision, it referred to County law that's why they said the department, the County was upholding the law, why would a resolution to just amend the language in that law not be the proper procedure if you have been following the law.

MR. SABATINO:

Because your Counsel has gotten PERB to rule that the County Legislature can't unilaterally make changes. The 1980 resolution that occurred predated the challenge you made, your predecessor made in 1982. So the reason the resolution, whatever it is of 1980 happened to get into place was -- it was done at a time when nobody objected to the Legislature acting in a unilateral capacity. But since 1982 --

MS. GARBARINO:

But regardless of the 1982, if 1982 there was that decision, the County still upheld a 1980 law that said to hire at top step until 1998. So you're still talking about sixteen years that the County continued to follow the 1980 law. What changed in 1998?

MR. SABATINO:

It didn't say to hire at top step. What it said was that those particular titles --

MS. GARBARINO:

No. It said --

MR. SABATINO:

It didn't say that. The resolution didn't say that.

MS. GARBARINO:

That's step eight.

MR. SABATINO:

That's why Civil Service -- I thought it was Labor Relations but Civil Service did the interpretation, Civil Service was absolutely correct. It's not like they did something wrong.

MS. GARBARINO:

Well for sixteen years why was it different?

LEGISLATOR POSTAL:

Can I ask if -- I may be -- I hope I can settle that. If I could ask Mr. Greene? The arbitrator's decision? In that decision was there reference made to the previous resolution adopted by the Legislature?

MR. GREENE:

Earlier, I wasn't anticipating this. I would have re-read the arbitrator's award but the long and short of it, they found for the County.

LEGISLATOR POSTAL:

Right.

MR. GREENE:

So we have a situation that needs to be addressed. As I said before, we'd be prepared to talk to the Commissioner, be prepared to find out what or if the department would like us to do in this particular situation and if there are other factors that may mitigate the decision. As I said, I'm talking in an absence of knowledge and in a vacuum. So I don't want to take a firm position in the absence of knowledge.

MS. GARBARINO:

May I ask --?

LEGISLATOR POSTAL:

Phyllis, just one minute. First of all, David if you could do that? If you could go back and --

MR. GREENE:

Go back and research that?

LEGISLATOR POSTAL:

Research, yes. I mean, I know that we have a great many questions. I mean, one of the questions I have has to do with the specific language that the arbitrator used.

MR. GREENE:

I would be glad to go back and re-read it and provide you with copies and we'd be glad to speak to the Commissioner and glad to speak to the union to see if some understanding can be fashioned to bring everybody a higher comfort level.

LEGISLATOR POSTAL:

And I'm sure that the Chair would be really grateful if you could come back before this committee at the next meeting. I know you wanted a -- I have one question for Paul Sabatino. The PERB decision that you're reading, explain to me because I don't know if I understand this fully? Is that different from the arbitrator's decision?

MR. SABATINO:

There's an overarching PERB ruling out there that goes way back to 1982.

LEGISLATOR POSTAL:

Eighty-two.

MR. SABATINO:

The Legislature used to, on a regular basis, in the 1970's up to 1982 would just pass resolutions to deal with a whole series of County employees, where they would unilaterally increase a grade and/or a step for either -- groups of individuals or actual individuals. Since that ruling, we haven't been doing that and in fact, it continues to be cited by AME every time there's any kind of a legal dispute with the County. So my only point is that even if you wanted to go into this resolution and try to do the step or the grade, you can't do it.

LEGISLATOR POSTAL:

So that was from 1982 and in 1982 PERB said, we couldn't do this but we can continue to do that because nobody raised the issue.

MR. GREENE:

I've seen -- also I think there was a lawsuit.

MR. SABATINO:

No, no. Since 1982, the Suffolk County Legislature has adhered to that ruling and has not since 1982 been unilaterally passing -- when I say unilaterally --

LEGISLATOR POSTAL:

Well, others -- we haven't been passing other resolutions. But we've continued to pay Forensic Scientists.

MR. SABATINO:

Yes but my point there is -- that's an exercise in discretion. The County Executive this morning, okay, could wake up and decide he wants to hire people at top step. It's not because of a resolution from 1980. He doesn't need this resolution. He could wake up tomorrow and say I want to hire three people in a department at top step and he can do it.

MR. GREENE:

I think Maxine, if you look back --

MR. SABATINO:

What's happening here is I think Civil Service is telling him that it was proper to do this at step eight and they are absolutely right. But this resolution doesn't say you must do this, you must not do that. It just says --

LEGISLATOR POSTAL:

Right, I understand what you're saying. Legislator Lindsay and then we'll go to Phyllis.

LEGISLATOR LINDSAY:

Yes, the problem still is the same though -- is that you know we won an arbitration decision. We can't hire. We can't attract people at the rates that the arbitration decision mandates unless we give them a waiver and if you give them a waiver, bring them in at a higher rate, then you have discontent within the department because you have people there longer making less money than people you just hired. So folks somewhere along the line, we've

got to find a solution to this problem and you know, I'm still of the opinion, Phyllis that you should submit the legislation and let's put it in the hopper and mix things up and see what happens with it and see where we go from there. If it can be resolved in another way, in the meantime that's wonderful.

MS. GARBARINO:

Okay, thank you. What I would just like to ask, I have AME Counsel here Fred Richman, who has signed in, if he can clarify that arbitration award for you.

LEGISLATOR POSTAL:

David --

MR. GREENE:

Just one thing?

LEGISLATOR POSTAL:

Yes, if he would come up and while he is -- David?

MR. GREENE:

Yes, there's just one thing. There was also a court case AME versus LoGrande, which was black letter law on the parameters, the County Executive can exercise in collective bargaining as well as the Legislature and it pretty much set aside salary, terms, conditions as a purview of the executive branch. So while I respect Legislator Lindsay's approach, protracted legal battles that would naturally result, whether it be in PERB or in court, is very interesting, esoteric and it's very exhilarating. But will the end product be what we all seem to want or is a solution. So sometimes we go down a path we may regret. I'm still suggesting, perhaps the best approach is let's talk to the department, talk to the union and see if we can find a solution. And we have to find out whether or not how many people are below the top step and they would have to be elevated to the top step. You have to look at the total financial cost because as it had been pointed here, they did bring a DNA expert, I believe, in from New York City at top step, which caused some of this rift. How many people are at step eleven, ten, nine, eight, whatever it may be and what the total package would cost. So at least we'd have all the facts in front of us. We make an educated decision and we'd all be comfortable on how we handle it. That's all I'm suggesting.

LEGISLATOR POSTAL:

Okay, again, you said that Mr. Richman is here?

MS. GARBARINO:

Yes.

LEGISLATOR POSTAL:

David, just to repeat, if you could research that and come back to the next

meeting of the Finance Committee prepared to address this issue? Yes.

MR. RICHMAN:

Good morning. My name is Fred Richman. I represent AME and I was the attorney at the arbitration itself and we'll supply you copies of the arbitration decision.

LEGISLATOR LINDSAY:

Mr. Richman, could you step closer to the mike?

MR. RICHMAN:

Yes.

LEGISLATOR LINDSAY:

Thank you.

MR. RICHMAN:

In essence, there was no clause in the AME Contract that provided for these individuals to get paid at top step, because they were being paid at top step in accordance with the legislative intent. There was no clause in the contract for the arbitrator to rule on and in essence, she said this is your piece of legislation that you're making a case on. I can't make my decision on that. I'm ruling that there's nothing in the contract for these individuals and that's why AME has brought this matter before this body.

LEGISLATOR POSTAL:

Thank you. Phyllis? Okay. At the next meeting of the Finance Committee, we'll expect a response from Mr. Greene and additional information, so that we can have an idea about how we can proceed. I think there's a -- you know there's an intent on the part of members of the committee to meet an obvious need here.

MS. GARBARINO:

Thank you very much.

MR. RICHMAN:

Thank you very much.

LEGISLATOR POSTAL:

Thank you. Legislator Haley, did you --?

LEGISLATOR HALEY;

Are we going to the agenda?

LEGISLATOR POSTAL:

Okay, can we -- Fred, the Budget Review Office has prepared a report on the contract. Can you share that with us?

MR. POLLERT:

Yes, the Budget Review Office prepared a report. On April 30th, we distributed to all the Legislators with respect to the Detective Investigator proposed agreement. We find that the funding that is provided in the agreement can be met through current available appropriations in the District Attorney's Office. What's important to bear in mind with respect to this particular agreement is that it was not intended to be funded with funds that were included in the contingency account for salary adjustments. The salary increases were budgeted directly in the District Attorney's 2001 Operating Budget. The problem is that with the contract coming in at three point nine five percent, as well as some additional benefits, there are just barely sufficient appropriations in the District Attorney's Office and it presupposes that the District Attorney will not fill vacancies for the remainder of the year.

In that way, he will have sufficient appropriations to be able to fund the contract. In addition to that, the call letter they run out from the County Executive's Office with respect to the 2002 Operating Budget, places the responsibility of the onus on departments to submit a budget for 2002, which has no increase from that adopted in 2001. So adoption of the contract really requires agreement from the District Attorney's Office that he will not hire titles for the remainder of the year. And there will also be a fallout to the 2002 Operating Budget if the call letter from the County Executive's Office is followed. Therefore, we had made the recommendation that the District Attorney's Office be present to indicate whether or not they could fund the terms of the agreement through their Operating Budget.

LEGISLATOR POSTAL:

Ed Flaherty, can you join us please? You knew this was coming. No but I mean, once you heard Fred begin. Thank you. Obviously, what we would like to hear is what the District Attorney's plans are with regard to filling those vacancies and being able to fund the contract and remain within appropriations for this year and what the plans are for 2002.

MR. FLAHERTY:

My understanding prior to about two and half minutes ago was that the contract would not be funded under the 2001 appropriations. When I heard this, this is an entirely new development for the District Attorney's Office and although, right now, I'm not prepared to speak for the District Attorney, I suggest that we cannot make that assurance that we will not make additional appointments during the course of the year at all. We can't even come close to that. But I, again, caution you that I'm not speaking for the District Attorney at this point. I have to confer with him on this development if, in fact, that is the fact.

LEGISLATOR POSTAL:

Ed if we were to just discharge the resolution, could you respond to us prior to Tuesday's meeting or by Tuesday morning at, you know at the meeting?

MR. FLAHERTY:

Absolutely.

LEGISLATOR POSTAL:

That would be helpful.

MR. FLAHERTY:

Absolutely and I will pose it to the District Attorney, I guess, on our position on the contract, if I understand it correctly. That for the contract to be funded, the District Attorney would be precluded from making any additional appointments for the balance of the year. Is that --?

LEGISLATOR POSTAL:

Well that would be, yes, that would be the first issue and then with regard to 2002, what the District Attorney's plans would be, in terms of budget requests, I would imagine, with keeping in mind this contract. Yes, Legislator Alden.

LEGISLATOR ALDEN:

Fred, did you give a copy of your report to the D.A.?

MR. POLLERT:

A copy is in the mail. We did contact the District Attorney's Office numerous times prior to issuing a report. The report was also reviewed by Labor Relations prior to us issuing a report.

LEGISLATOR ALDEN:

I would just make a suggestion; you know that I'd leave here with a hard copy today.

MR. FLAHERTY:

We'll get a hard copy.

LEGISLATOR ALDEN:

Good, okay.

MR. FLAHERTY:

Thank you.

LEGISLATOR POSTAL:

Any other questions? Okay. Fred, if I can? Legislator Caracciolo is asking what's the year over year additional cost?

MR. POLLERT:

The contract calls for a three point nine five percent increase from 2000 to 2003 in addition to previously negotiated annual type increases. If employees relatively were to move through the steps on that rate of increase does exceed what we are forecasting for the consumer price index, which is forecasted to increase two point nine six percent. This year two point seven three percent. Next year, three percent in 2003. The total cost of the contract would be approximately two hundred and twenty two thousand dollars for 2000. A hundred and eighty five thousand dollars incremental on top of that for 2001. One hundred and fifty eight thousand dollars in 2002

and a hundred sixty five thousand incremental cost in 2003. The total cumulative cost is approximately one point nine million dollars, which is slightly higher than the amount, which was calculated by the County Executive's Office. The cost in percentage increases compound, it provides approximately a sixteen point seven six percent increase exclusive of steps for salary adjustments, so that the term, if employees are moving through the steps, it would grant approximately an increase of approximately thirty three point seven percent for the fourteen of the thirty nine members, which will also receive step increases as well as the percentage increase.

LEGISLATOR POSTAL:

Which -- Fred, is three percent the totals? Three percent less than the police? More than three percent?

MR. POLLERT:

The contract compares favorably to what was granted in arbitration with the Police Department. The police arbitration award, the cost was four point six percent in 2000, four point seven five in 2001. In 2002, it was four point five and four point five in 2003. So it compares favorably with respect to the police arbitration.

LEGISLATOR POSTAL:

And the Detective Investigators also have binding arbitration?

MR. POLLERT:

They do.

LEGISLATOR POSTAL:

Not in a negotiated contract?

MR. POLLERT:

That's correct.

LEGISLATOR POSTAL:

Thank you. Any other questions? Okay, thank you Ed. You'll respond to us by Tuesday morning? Thank you. Okay, let's see. There's a motion by Legislator Caracciolo to take that resolution, which is introductory resolution 1384 out of order and discharge it without recommendation pending approval of the information from the District Attorney's Office. I'll second that. All in favor? Any opposed? I believe Legislator Haley is here and he was interested in -- Legislator Haley? Just ask him to come because I know he was asking about the agenda. We have a motion to take 1384 out of order and discharge it, made by Legislator Caracciolo, seconded by myself. All in favor? Any opposed? 1384 is discharged.

I.R. NO. 1384 (P) Authorizing the County Executive to execute an agreement with the Suffolk County Detective Investigators Police Benevolent Association, Inc., covering the terms and conditions of employees covered under Bargaining Unit #12 for the period January 1, 2000 through December 31, 2003. ASSIGNED TO FINANCE & FINANCIAL SERVICE AND LEGISLATIVE & PERSONNEL (County

Executive)

VOTE: 5-0-0-0 DISCHARGED WITHOUT RECOMMENDATION

LEGISLATOR POSTAL:

Now going to the beginning of the agenda. Tabled Prime Resolutions I.R. 1261, which is a Charter Law to stabilize real property taxes by optimizing use of the tax stabilization reserve fund. I don't know whether that hearing was closed. Does anyone remember? It was closed? I would make a motion to table this, seconded by Legislator Caracciolo. All in favor? Any opposed? 1261 is tabled.

TABLED RESOLUTIONS - PRIME:

I.R. NO. 1261 Adopting Local Law No. -2000, A Charter Law to stabilize real property taxes by optimizing use of the Tax Stabilization Reserve Fund. ASSIGNED TO FINANCE & FINANCIAL SERVICES (*County Executive*)

VOTE: 5-0-0-0 TABLED

LEGISLATOR POSTAL:

1262, which is a Charter Law to streamline Suffolk County 5-25-5 debt policy. I would make a motion to table 1262, seconded by Legislator Caracciolo. All in favor? Any opposed? 1262 is tabled.

I.R. NO. 1262 Adopting Local Law No. -2001, A Charter Law to streamline Suffolk County 5-25-5 debt policy. ASSIGNED TO FINANCE & FINANCIAL SERVICES (*County Executive*)

VOTE: 5-0-0-0 TABLED

LEGISLATOR POSTAL:

1264 amending Section 719-6 of the Suffolk County Code. Should we skip over? Motion to table by Legislator Caracciolo, seconded by Legislator Alden. All in favor? Any opposed? 1264 is tabled.

I.R. NO. 1264 Amending Section 719-6 of the Suffolk County Code. ASSIGNED TO FINANCE & FINANCIAL SERVICES (*County Executive*)

VOTE: 5-0-0-0 TABLED

LEGISLATOR POSTAL:

We have addressed 1384. I.R. 1394. Actually, do I have a motion to approve and put on the consent calendar I.R. 1394, 1395, 1396, 1397 and 1399. Motion Legislator Alden, seconded by Legislator Caracciolo. All in favor? Any opposed? 1394, 1395, 1396, 1397, 1399 are approved and placed on the consent calendar.

I.R. NO. 1394 To readjust, compromise and grant refunds and charge-

backs on real property of errors by: County Legislature Control #671-2001. ASSIGNED TO FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 APPROVED PLACED ON CONSENT CALENDAR

I.R. NO. 1395 To readjust, compromise and grant refunds and charge-backs on correction of errors/County Treasurer by: County Legislature #127 ASSIGNED TO FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 APPROVED PLACED ON CONSENT CALENDAR

I.R. NO. 1396 To readjust, compromise and grant refunds and charge-backs on correction of errors/County Treasurer by: County Legislature #128 ASSIGNED TO FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 APPROVED PLACED ON CONSENT CALENDAR

I.R. NO. 1397 To readjust, compromise and grant refunds and charge-backs on correction of errors/County Treasurer by: County Legislature #129 ASSIGNED TO FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 APPROVED PLACED ON CONSENT CALENDAR

LEGISLATOR POSTAL:

1413 opposing -- let's see. This was addressed was it not? No. This is the companion. You're right. This was laid on the table. I.R. 1413 imposing an additional one percent sales and compensating use tax for the period beginning June 1, 2001 and ending December 31, 2003, pursuant to authority of Section 1210 of Article 29 of the Tax Law of the State of New York. This is the resolution; this is the third step in a process that we began on Friday, when we approved a memorializing resolution. Motion to table by Legislator Caracciolo, second by Legislator Alden. All in favor? Any opposed? 1413 is tabled.

I.R. NO. 1413 Imposing additional one percent sales and compensating use tax for the period beginning June 1, 2001 and ending December 31, 2003, pursuant to authority of Section 1210 of Article 29 of the Tax Law of the State of New York. ASSIGNED TO FINANCE & FINANCIAL SERVICES

VOTE: 5-0-0-0 TABLED

LEGISLATOR POSTAL:

Prime Sense Resolution. Sense 31 memorializing resolution requesting the

State of New York to ban all future unfunded mandates via a constitutional amendment. I'll make a motion to approve that, seconded by Legislator Alden. All in favor? Any opposed? Sense 31 is approved.

SENSE - PRIME:

Sense 31-01 Memorializing resolution requesting State of New York to ban all future unfunded mandates via constitutional amendment. (Legislator Ginny Fields) FINANCE & FINANCIAL SERVICES

VOTE: 5-0-0-0 APPROVED

LEGISLATOR POSTAL:

Sense 34 memorializing resolution requesting State of New York to allocate a portion of the 911 cellular telephone surcharge to municipalities. Motion to table by Legislator Caracciolo. Is there a second?

LEGISLATOR ALDEN:

I'll make a motion to approve.

LEGISLATOR POSTAL:

Motion to approve by Legislator Alden, seconded by Legislator Lindsay. All in favor? Any opposed? Sense 34 is approved and Legislator Caracciolo abstains.

SENSE 34-01 Memorializing resolution requesting State of New York to allocate portion of 911 cellular telephone surcharge to municipalities. (Presiding Office Paul Tonna) FINANCE & FINANCIAL SERVICES AND PUBLIC SAFETY & PUBLIC INFORMATION

VOTE: 4-0-1-0 APPROVED

LEGISLATOR POSTAL:

Introductory Non-Prime Resolutions. I.R. 1366 appropriating funds in connection with -- defer? Okay. 1366 appropriating funds in connection with the improvements to the H. Lee Dennison Building, Hauppauge. Is there a motion to defer to prime? Motion to defer to prime, Legislator Alden, seconded by myself. All in favor? Any opposed? 1366 is deferred to prime.

INTRODUCTORY - NON-PRIME:

I.R. 1366 Appropriating funds in connection with the improvements to the H. Lee Dennison Building, Hauppauge. (CP 1659) ASSIGNED TO PUBLIC WORKS & TRANSPORTATION AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1367 same motion, same second, same vote.

I.R. NO. 1367 Amending the 2001 Capital Budget and Program and appropriating funds in connection with the replacement of Caumsett Radio Tower at Caumsett State Park, Town of Huntington. (CP 3215) ASSIGNED TO PUBLIC SAFETY & PUBLIC INFORMATION AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1368 same motion, same second, same vote.

I.R. NO. 1368 Appropriating funds for the acquisition of certain environmentally sensitive parcels of land under the Suffolk County Open Space Preservation Program. (CP 7144) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1369 same motion, same second, same vote.

I.R. NO. 1369 Authorizing the transfer of funds to Long Island Cares, Inc. to provide additional funding for the Food Commodities Program and authorizing the Commissioner of Social Services and the County Executive to amend the contract. ASSIGNED TO SOCIAL SERVICES AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1370 same motion, same second, same vote.

I.R. NO. 1370 Appropriating funds in connection with the Land Preservation Partnership with the Suffolk County Towns (CP 7174) ASSIGNED TO ENVIRONMENTAL, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1371 same motion, same second, same vote.

I.R. NO. 1371 Appropriating funds in connection with the acquisition of Farmland Development Rights by Suffolk County Phase V (CP

8701) ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1372 same motion, same second, same vote.

I.R. NO. 1372 Accepting and appropriating 100% Federal Funding for the implementation of a College Bound Senior Merit Incentive Program. ASSIGNED TO EDUCATION & YOUTH AND FINANCE & FINANCIAL SERVICES AND SOCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1373 same motion, same second, same vote.

I.R. NO. 1373 Accepting and appropriating 100% Federal Funding for the implementation of a sanctions Research Project in the Department of Social Services and authorizing the County Executive and the Commissioner of Social Services to execute a contract. ASSIGNED TO SOCIAL SERVICES AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1374 same motion, same second, same vote.

I.R. NO. 1374 Accepting and appropriating 100% Federal Funding for the implementation of an enhanced supervised visitation - Family Connections Program in the Department of Social Services and authorizing the County Executive and the Commissioner of Social Services to execute a contract. ASSIGNED TO SOCIAL SERVICES AND FINANCE & FINANCIAL SERVICES

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1375 same motion, same second, same vote.

I.R. NO. 1375 Accepting and appropriating 100% Federal Funding for the implementation of an IV-D Target-TANF Program in the Department of Social Services. ASSIGNED TO SOCIAL SERVICES AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1376 same motion, same second, same vote.

I.R. NO. 1376 Accepting and appropriating 100% Federal Funding for the implementation of a Federation Employment and Guidance Service (FEGS) Program in the Department of Social Services and authorizing the County Executive and the Commissioner of Social Services to execute a contract. ASSIGNED TO SOCIAL SERVICES AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1377 same motion, same second, same vote.

LEGISLATOR POSTAL:

1379 same motion, same second, same vote.

I.R. NO. 1379 Accepting and appropriating additional 100% Federal Grant Funds from the New York State Department of Health to the Department of Health Services, Division of Patient Care Services to pay for site alterations needed to implement the mandated new computer network for all WIC sites. ASSIGNED TO HEALTH AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1380 same motion, same second, same vote.

I.R. NO. 1380 Accepting and appropriating a 100% Funded Grant from the New York State Department of Labor to fund a Local Skills Assessment Program. ASSIGNED TO WAYS & MEANS AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1381 same motion, same second, same vote.

I.R. NO. 1381 Accepting and appropriating grant funds in the amount of \$29,500 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department to continue the sexual assault nurse examiner (SANE) Program with 75% support. ASSIGNED TO PUBLIC SAFETY & PUBLIC INFORMATION AND

FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1382 same motion, same second, same vote.

I.R. NO. 1382 Accepting and appropriating grant funds in the amount of \$12,000 from the State of New York Governor's Traffic Safety Committee for the Suffolk County Police Department to purchase breath test instruments with 69.5% support. ASSIGNED TO PUBLIC SAFETY & PUBLIC INFORMATION AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

1385 same motion, same second, same vote.

I.R. NO. 1385 Appropriating funds in connection with the replacement of mammography van (CP 4076) ASSIGNED TO HEALTH AND FINANCE & FINANCIAL SERVICES (County Executive)

VOTE: 5-0-0-0 DEFERRED TO PRIME

LEGISLATOR POSTAL:

And a Non-Prime Sense. Sense 29 memorializing resolution requesting State of New York to repeal gross receipts tax on energy. Motion to approve by Legislator Caracciolo, seconded by Legislator Alden. All in favor? Any opposed? Sense 29 is approved.

SENSE -NON-PRIME:

Sense 29 Memorializing resolution requesting State of New York to repeal gross receipts tax on energy. (Legislator Michael Caracciolo) ECONOMIC DEVELOPMENT & ENERGY AND FINANCE & FINANCIAL SERVICES

VOTE: 5-0-0-0 APPROVED

LEGISLATOR POSTAL:

Home Rule Message 1, motion to approve. I'll second that. All in favor? Any opposed? Home Rule Message 1 is approved.

HOME RULE MESSAGE - NON-PRIME:

Home Rule Message 1-01 Home Rule Message requesting New York State Legislature to grant retirement service credit to Suffolk County employee (Eileen F. Kelly) (Legislator Michael D'Andre) HUMAN RESOURCES AND FINANCE & FINANCIAL SERVICES

VOTE: 5-0-0-0 APPROVED

LEGISLATOR POSTAL:

Sense 15 motion to table by Legislator Caracciolo, seconded by myself. All in favor?

LEGISLATOR ALDEN:

I'm opposed.

LEGISLATOR POSTAL:

Legislator Alden is opposed. Sense 15 is tabled.

TABLED - SENSE - PRIME:

Sense 15-2001 Memorializing resolution requesting United States Congress to enact Bush Tax Cut Plan. ASSIGNED TO FINANCIAL & FINANCIAL SERVICES (Legislator Allan Binder)

VOTE: 4-1-0-0 TABLED

LEGISLATOR POSTAL:

Thank you. Motion to adjourn, Legislator Lindsay. Thank you. Hope you feel better, Legislator Caracciolo.

(The meeting was adjourned at 1:00 P.M.)

{ } Denotes spelled phonetically