

**GOVERNMENT OPERATIONS, PERSONNEL,
INFORMATION TECHNOLOGY & HOUSING**

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Government Operations, Personnel, Information Technology & Housing 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 March 16, 2016.

MEMBERS PRESENT:

Legislator Robert Calarco - Chairperson
Legislator William J. Lindsay III - Vice Chair
Legislator Kara Hahn
Legislator Leslie Kennedy
Legislator Kevin J. McCaffrey

ALSO IN ATTENDANCE:

George M. Nolan - Counsel to the Legislature
Sarah Simpson - Assistant Counsel/Legislature
Amy Ellis - Chief Deputy Clerk/Legislature
Benny Pernice - Budget Review Office
Katie Horst - County Executive's Office
Lisa Santeramo - County Executive's Office
Amy Keyes - Deputy Commissioner/Economic Development
William Shilling - Aide to Legislator Calarco
Jennifer Hann - Aide to Legislator Lindsay
Zachary Baum - Aide to Legislator Hahn
Ali Nazir - Aide to Legislator Kennedy
Greg Atherton - Aide to Legislator McCaffrey
Rick Brand - Newsday
Lou Tutone - First VP/PBA
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher - Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione - Legislative Secretary

(*The meeting was called to order at 10:02 a.m.*)

CHAIRPERSON CALARCO:

Okay, good morning. Welcome to the Government Operations, Personnel, Housing and Information Technology Committee. If we could all please rise for the Pledge of Allegiance led by Legislator McCaffrey.

SALUTATION

Okay, thank you. We're going to move into our agenda. I have no correspondence so we'll go right to the Public Portion. I do not have any cards at this time. Is there anybody in the audience who would like to address the committee? Going once, going twice, okay. We're going to move right on then. I do not have any presentations today, so we'll go right to our resolutions.

TABLED RESOLUTIONS

Tabled Resolution ***IR 1149 - Adopting Local Law No. -2016, A Local Law to amend Chapter 42 of the Suffolk County Code to authorize the indemnification and defense of hearing officers appointed by the County(Co. Exec.)***. Motion by Legislator Hahn. I'll second that. All those in favor? Opposed? Abstentions? ***IR 1149 is approved. (VOTE: 5-0-0-0)***

INTRODUCTORY RESOLUTIONS

IR 1161 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Social Services (Chief Division Administrator of Social Services)(Co. Exec.). The Administration has indicated to me they'd like this tabled, so I make a motion to table. Second by Legislator Lindsay. All those in favor? Opposed? Abstentions? ***IR 1161 is tabled. (VOTE: 5-0-0-0)***

IR 1170 - Authorizing a voluntary lag payroll for elected officials in 2016 (Stern). I will make a motion to table.

LEG. LINDSAY:

Second.

CHAIRPERSON CALARCO:

Second by Legislator Lindsay. On this, just for clarification, there has been notice brought to us that there has been a deal between the union and the Administration that will be brought to us at the next Legislative meeting for approval by us and sent out to the members for approval by their members, and pending that we will hold off on any other action on lag payrolls.

So we have a motion and a second. All those in favor? Opposed? Abstentions? ***IR 1170 is tabled. (VOTE: 5-0-0-0)***

IR 1181 - Instituting a lag payroll in Fiscal Year 2016 for employees within the Suffolk County Board of Elections in Bargaining Units 21 and 24 (Co. Exec.). I'll make a motion to table. Second by Legislator Lindsay. All those in favor? Opposed? Abstentions? ***IR 1181 is tabled. (VOTE: 5-0-0-0)***

IR 1182 - Instituting a lag payroll in Fiscal Year 2016 for employees of Bargaining Units 21 and 30 (Management and Confidential Employees, respectively and exclusive of Suffolk County Community College and Employees of the Board of Elections)(Co. Exec.). I'll make a motion to table. Second by Legislator Lindsay. All those in favor? Opposed? Abstentions? ***IR***

1182 is tabled. (VOTE: 5-0-0-0)

IR 1208 - Approving the appointment of William Neubauer to Deputy Chief in the Suffolk County Police Department. (Co. Exec.). I will make a motion to approve.

LEG. LINDSAY:

Second.

CHAIRPERSON CALARCO:

Second by Legislator Lindsay. Any questions on the issue? We are all aware of Deputy Chief Neubauer and the work he does in our department. He does great stuff for us. All those in favor? Opposed? Abstentions? **IR 1208 is approved. (VOTE: 5-0-0-0)**

IR 1222 - Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the Development of Affordable Housing in Medford (Co. Exec.). I will make a motion to approve.

LEG. HAHN:

Second.

CHAIRPERSON CALARCO:

Second by Legislator Hahn. Perhaps somebody can tell me where this is since it's in my district.

MS. KEYES:

Hi. Amy Keyes from Economic Development and Planning. This is in Medford on Granny Road right -- Fairview Avenue is the cross street. It's vacant land. This is a three lot subdivision. One unit will be affordable.

CHAIRPERSON CALARCO:

And who's building this?

MS. KEYES:

Robert Gudger and Corey Lefkowitz.

CHAIRPERSON CALARCO:

Okay. And who is going to administer the workforce housing?

MS. KEYES:

They're doing it in-house.

CHAIRPERSON CALARCO:

They're doing in-house.

MS. KEYES:

It's one unit. The initial sale price has to be at or less than 250,000 to at or below 120% AMI.

CHAIRPERSON CALARCO:

And what's the size of the parcels?

MS. KEYES:

I don't know that off the top of my head. The developer's Counsel was supposed to be here. He hasn't arrived yet, but that's an answer I can get for you.

CHAIRPERSON CALARCO:

He's on his way?

MS. KEYES:

I don't know, honestly. He was supposed to be here at ten o'clock, so.

CHAIRPERSON CALARCO:

Okay. Well, we'll hold off on this and we'll pass over it and come back to it and hopefully he'll come.

MS. KEYES:

Same thing with 1223.

CHAIRPERSON CALARCO:

Okay. So we'll pass over 1223 as well, although there's not much left after that.

1224 - Declaring intent not to exercise County-imposed reverter clause contained in deeds for certain properties in the Village of Southampton transferred pursuant to the 72-h Affordable Housing Program (SCTM Nos. 0904-001.00-01.00-028.000, 0904-001.00-01.00-029.000, and 0904-001.00-01.00-030.000) (Co. Exec.). I'll make a motion to approve. Seconded by Legislator McCaffrey. Ms. Keyes, can you explain this one for us?

MS. KEYES:

Sure. This is similar in its intent to extensions to 72-h transfers that the Legislature has passed before. In this case, by the time the request for the extension came to our office, the houses had actually already been built and were occupied, so it wasn't prudent at that point to request an extension for the construction since the construction was already completed. However, in order to satisfy the title companies when they were closing with these homeowners, they needed assurances from us that we didn't intend to exercise the existing reverter clause in the deed, so we informally assured them that that was the case, that we intended to come to the Legislature to confirm that intent so that the folks could close on their houses.

CHAIRPERSON CALARCO:

This is basically to clear up the title.

MS. KEYES:

Exactly.

CHAIRPERSON CALARCO:

Okay. Any questions? All those in favor? Opposed? Abstentions? **IR 1124 is approved.**
(VOTE: 5-0-0-0)

IR 1233 - Amending the Classification and Salary Plan to add several new titles to the Board of Elections, make certain deletions and change salaries within current appropriations (McCaffrey).

LEG. McCAFFREY:

Motion.

CHAIRPERSON CALARCO:

Motion by Legislator McCaffrey.

LEG. LINDSAY:

Second.

CHAIRPERSON CALARCO:

Second by Legislator Lindsay. On the motion, Legislator Hahn.

LEG. HAHN:

Can you explain this for us?

MR. NOLAN:

Well, at the Board of Elections it's abolishing certain titles and then creating in their stead a bunch of new titles, which you can see in the resolution. This was requested by the Board of Elections. My understanding, they want to create additional titles, I believe, to have more flexibility in terms of, you know, the way they administer personnel and the pay. That's the resolution.

LEG. HAHN:

Is there anyone from the Board of Elections here?

LEG. McCAFFREY:

If I can add. The simple explanation, as it was explained to me, is that it gives them, as George said, it gives them more flexibility in the way they give out those increases. It was generally bigger step increases that they got, and this gives them the ability to give smaller step increases to more people as opposed to bigger increases to just a few people.

LEG. HAHN:

Is that all it lets them do?

MR. NOLAN:

Well, it's budget -- you know, they get a certain amount of money from -- in the budget from us, and that doesn't change. It's within that total appropriation that they have more flexibility in terms of, you know, where they assign people and what they pay people.

LEG. HAHN:

But I imagine, if this is okay with the Chair, to Legislator McCaffrey, that on one hand you could assign smaller raises to more people, but on the other hand if it's equally flexible, you could assign much, much, much larger raises to a very few number of people. Is that true?

LEG. McCAFFREY:

Yeah, and that is possible. There's also a belief that, and some will say it is and some will say it isn't, that the Board of Elections has the ability, and there's case law that backs them up, to say that they have the ability to appropriate the salaries within their budget regardless of what the Legislature says. So we're just trying to clean this up, and we've asked them instead of doing it in the way that they thought that they could, that they came before the Legislature to do it in this manner.

LEG. HAHN:

I had heard that. And so, George, can you speak to whether or not, or if there was someone here from the County Attorney's Office who would like to chime in, I don't know who would prefer, but can you speak to the necessity for this bill?

MR. NOLAN:

The Election Law does give the Board of Elections a lot of authority in terms of their personnel within the total appropriation that we provide to them in the budget. So the Election Law does talk about

them fixing titles and salaries. So it's not completely clear to me that, you know, that we're legally forced to do this, but I would only say they have a lot of authority. There are some cases that generally side with Boards of Election in terms of fixing salaries and titles and grades and so forth within that appropriation that we give them. Our power here at the Legislature is setting the total appropriation for the Board of Elections and then beyond that, the Board of Elections has a lot of authority to work with that.

LEG. HAHN:

Did we request that there were representatives from the Board here?

CHAIRPERSON CALARCO:

We didn't request it through the Chair's Office.

LEG. HAHN:

I know that there's been a lot of scrutiny recently on Board of Elections and this is concerning to me, and I apologize that I didn't ask you sooner, Legislator McCaffrey. So I'm hoping that -- is there a reason why this may have to be passed now? Maybe we can have them in at the next committee meeting?

LEG. McCAFFREY:

Well, they were -- part of this bill is to make the increases, I believe, the increases may -- have not been given, but it's stipulated that it be retroactive. I mean, they want to give these increases and they want it to have already started. And they're willing to pass it on this committee cycle or just go ahead and do it on their own, and so we'd like to try to do it within what we feel is the method in which we've done it historically in terms of salary and salary steps.

LEG. HAHN:

So we gave them money for increases that, I mean -- we gave them a budget that included increases according to a step, like according to the union schedule. Is that --

LEG. McCAFFREY:

I think almost everybody -- they traditionally, and I may not be 100% sure on this, from what I'm told is that they've traditionally got the increases that say the AME has gotten, but in terms of the step increases, these different titles, this is something that's also in there as well. And that is all calculated in their total budget and they've got to fit within that budget line.

LEG. HAHN:

Yeah. I'm just not sensing the urgency. Benny, we budgeted for what kinds of raises?

MR. PERNICE:

Well, across all departments there was an issue, and I think you were on Working Group so you'll remember, is where salaries for all departments were for the most part not adequate for currently filled positions for the current year, so they all assumed a level of turnover savings. So that's the case in BOE as well.

The other thing as far as the AME increases, yes, I do believe it's in the Charter that exempts, or maybe the Code, and BOE employees automatically get the same raises as AME, which is going to be a 3% increase on July 1st.

LEG. HAHN:

Right. So right now passing it this cycle, how does that affect that, if at all.

MR. PERNICE:

Well, this wasn't contemplated at the time the budget was put together. So, you know, it gives the Commissioners a wide degree of discretion so it's hard for us to say exactly what the impact could be. The titles are created -- so right now there is just -- there is a handful of titles and there is one salary attached with each title. This creates much more positions. So, for instance, there is an assistant election clerk now, and they would create a new title series of assistant election clerk one through nine. And then there is an election clerk now, and then it would be election clerk one through 13 or one through 12, with the existing position at the bottom level of that new salary schedule. They would not move through those as a step system. Each one is its own individual title, and those will have to be, you know, created.

The resolution does not increase the number of positions. It just creates more titles for the Board of Elections to fill. So theoretically they could move everybody in the titles that they are in now into the new classification system without increasing salaries this year. That's a possibility. It's not likely, but that is a possibility. If they were to move everybody up into a higher position I think we'd have a problem with the budget.

LEG. McCAFFREY:

They could also move people into lower positions, correct?

MR. PERNICE:

They would have that discretion, correct. They did create a new title series that is below -- the current entry level position is assistant legislative clerk. They did create some positions below that.

LEG. HAHN:

Well, I'm going to make a motion to table, because I'd really like to hear an explanation from the Board of Elections. You know, I understand if I don't have that support, otherwise I'd like to see a, you know, discharge without recommendation. But I'd like to -- I'm going to make a motion to table and see what happens.

CHAIRPERSON CALARCO:

Okay. So I have a motion to table and I have a motion to approve. Is there a second to the tabling motion? I think what I'll offer as a compromise is a discharge without recommendation, motion to discharge without recommendation. Legislator Lindsay withdraws his second to the approval, and seconds the table -- to discharge without recommendation.

And just to be clear, this particular resolution doesn't give them any extra money or any extra positions, so should either of the Commissioners choose to exercise the authority we're giving them under this, they're basically going to have to move somebody down in order to move somebody up and juggle titles in that fashion in order to stay within the budget line. Is that correct, BRO?

MR. PERNICE:

I believe that's the intent of the legislation.

LEG. HAHN:

Wait. But to that point, is it possible -- can they -- well, they have to be equal on each side, right, so one side can't choose to hire more people and pay less.

MR. PERNICE:

Well, they have very few vacancies. They only have three vacancies, so I think -- we were talking mostly about moving existing people.

CHAIRPERSON CALARCO:

Benny, to make it clear, I guess, there is a requirement that there's equal amount of people from -- representing each major party line in that Board; correct?

MR. PERNICE:

I'm not sure if it's salary equity is required, but there is a number thing, there's one --

CHAIRPERSON CALARCO:

I think there's supposed to be a position equity there. And so while what this does is allow for the creation of, as you said, an examiner one, that one party may choose to have an examiner five, the other party may choose to have -- and that creates your position equity.

MR. PERNICE:

Yeah, I'm not real sure about that. I just know that it gives more option.

CHAIRPERSON CALARCO:

Counsel?

MR. NOLAN:

I believe it talks about equal representation of both parties. I didn't research that question, but I believe it means bodies, persons.

LEG. HAHN:

But they could be unequally provided for is what this would allow, right, is that one side could choose, you know, employee under the same title to be paid differently from the other side?

MR. NOLAN:

They're both utilizing the same titles, Democratic or Republican, so the new titles that are created, Democrats are going to have to slot their people within those titles. It doesn't change us from one side. It changes for all positions at the Board of Elections.

LEG. HAHN:

Okay.

CHAIRPERSON CALARCO:

Okay. I have a motion and a second for a discharge without recommendation. And perhaps it would be wise for at least one of the two Commissioners to come over next Tuesday to kind of give us some more information about exactly how they plan to implement this. All those in favor? Opposed? Abstentions? **IR 1233 is discharged without recommendation. (VOTE: 5-0-0-0)**

We are going back to **1222 (Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the Development of Affordable Housing in Medford.) (Co. Exec.)**. Is their Counsel here?

MS. KEYES:

They're not here. I haven't been able to get in touch with them. Is it possible to get them discharged without recommendation, and if they don't come on Tuesday, to table them? I apologize.

CHAIRPERSON CALARCO:

Sure. I will withdraw my motion and I'll make a motion to discharge without recommendation on IR

1222; second by Legislator McCaffrey. All those in favor? Opposed? Abstentions? **IR 1222 is discharged without recommendation. (VOTE: 5-0-0-0)**

IR 1223 - Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the Development of Affordable Housing in Center Moriches. (Co. Exec.). Ms. Keyes, maybe you could at least give us a quick rundown on what this one is and then we'll do the same thing.

MS. KEYES:

Yep, sure. This is a seven lot subdivision in Center Moriches. It's the same -- one of the lots will be affordable, initial sale price of \$250,000 and then sold to somebody at or below 120% AMI, and then that affordability component remains in the deed into perpetuity, as is the case with all development right transfer parcels.

CHAIRPERSON CALARCO:

And who is the developer?

MS. KEYES:

This is {Gruehill}, Robert {Gruehill}.

CHAIRPERSON CALARCO:

Okay. And is he doing this in-house or is he going to use --

MS. KEYES:

Same thing, in-house.

CHAIRPERSON CALARCO:

Okay. I would recommend that they reach out to the appropriate Legislator here, I think it's Legislator Browning's district, before Tuesday as well.

MS. KEYES:

Yes.

CHAIRPERSON CALARCO:

I'll make a motion to discharge without recommendation. Second by Legislator Kennedy. All those in favor? Opposed? Abstentions? **IR 1223 is discharged without recommendation. (VOTE: 5-0-0-0)**

I have no other items on my agenda. If nobody has anything else they'd like to address on the committee? We are adjourned.

(*The meeting was adjourned 10:22 a.m.*)

{ }Denotes spelled phonetically