GOVERNMENT OPERATIONS, PERSONNEL, INFORMATION TECHNOLOGY & HOUSING COMMITTEE OF THE

MINUTES

SUFFOLK COUNTY LEGISLATURE

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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 April 19, 2017.

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MEMBERS PRESENT:

Leg. Robert Calarco, Chairperson

Leg. William J. Lindsay, III, Vice Chair

Leg. Kara Hahn

Leg. Leslie Kennedy Leg. Kevin J. McCaffrey

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ALSO IN ATTENDANCE:

George M. Nolan, Counsel to the Legislature Amy Ellis, Chief Deputy Clerk/Legislature Robert Lipp, Director/Budget Review Office Laura Halloran, Budget Review Office Benny Pernice, Budget Review Office Katie Horst, County Executive's Office John Marafino, County Executive's Office Jen McNamara, Director/Labor Relations John Becker, President/Deputy Sheriff's PBA Michael Sharkey, Chief Deputy Sheriff William Shilling, Aide to Leg. Calarco Brian Sapp, Aide to Leg. Lindsay Alyssa Turano, Aide to Leg. Hahn Ali Nazir, Aide to Leg. Kennedy Zachary Giglio, Aide to Leg. McCaffrey And all other interested parties

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MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

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THE MEETING WAS CALLED TO ORDER AT 10:08 AM

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CHAIRPERSON CALARCO:

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Good morning and welcome to the Government Operations, Personnel, Housing and Information Technology Committee. If we can all please rise for the Pledge of Allegiance led by Legislator Kennedy.

SALUTATION

10:08AM 10

Okay. Thank you everyone. We have no correspondence this morning and I have no cards for the public portion. Is there anybody in the audience who'd like to address the Committee this morning? Seeing none, we're going to move right into our agenda. I have no Tabled Resolutions. That can't be right.

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TABLED RESOLUTIONS

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Yeah, I believe 1179 is a Tabled Resolution. (1179 - Adopting Local Law No. -2017), A Local Law to improve the County's affordable housing programs. (Calarco) I'd like to make a motion to approve.

10:09AM 20

LEG. LINDSAY:

Second. 24

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CHAIRPERSON CALARCO:

Second by Legislator Lindsay.

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LEG. KENNEDY:

10:09AM 30

On the motion.

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CHAIRPERSON CALARCO:

On the motion, sure, Legislator McCaffrey or would you like me to explain what this does first?

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LEG. McCAFFREY:

That's exactly what --

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CHAIRPERSON CALARCO:

10:09AM 40

Sure. So what this is doing is trying to create a unified definition of what affordable housing is across all the County's various affordable housing programs whether it's related to the expanded Sewer Connection Program that we passed late last year or our other programs where we provide infrastructure funds or land acquisitions funds for developers to do affordable housing programs.

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10:10AM 50

And what it is related specifically to is rental properties. are not touching the definition as it applies to homeownership, which is making properties available to people who make up to 120% median income. When it comes to the rental properties we are still going to allow those properties to go to people who make up the 120% median income but we're going to say that those properties have to be rented at either the HUD fair market value that they establish every year, which current year is around \$1500 for a one-bedroom unit; or alternatively a local municipality can adopt a

^{*} Index Included at End of Transcript

different structure as long as that structure does not exceed a rent that would cost a -- the tenant 30% of their income based on 80% of median income for the area.

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What that would translate to is that a one-bedroom unit could rent for around 1625. So it's a little bit higher than the fair market rates are, as established by HUD and it gives a little bit of flexibility; but at the same time it ensures that when we are making an investment in terms of creating affordable housing that we are actually getting affordable housing. If you just went by the HUD standard of 30% of someone's income based on the 120% area median income number for the higher-end folks that the program applies to, you can get rents that are in excess of 2,500 for a one-bedroom, which really isn't affordable rent; somebody going into that unit isn't going to be able to save up any money to eventually buy their own place.

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10:11AM 10

So that's the intention of this, is to make sure that when we're making an investment to get affordable housing, we're actually getting affordable housing.

10:11AM 20

LEG. McCAFFREY:

Can you just explain a little more about the, you know, it can't exceed 30% of their income. I mean, is there a --

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CHAIRPERSON CALARCO:

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10:12AM 30

So basically the standard that HUD has always used as defining affordability is 30% of your income should go towards your housing costs. And if it exceeds that 30% number, your housing costs are no longer really affordable to you. So what we have established is saying that on rental properties, we want that cost to not exceed 30% of what would be 80% of area median income.

So that means for a single individual area median income, I think, 80% is around \$50,000 a year for the current numbers, or at least for the '16 numbers, we don't have the '17 numbers in yet. And it would mean that that person would only be paying 30% of their income towards their housing cost. So we are trying to make sure that those housing costs really don't exceed it.

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Now, if a developer decides that they want to rent to people who make up to 120%, now those incomes that -- that 30% gets bigger, right, because 120% area median income is higher, it's \$80,000 for a single individual. And you start getting rents that are pretty high and are actually are very exceeding by quite a bit fair market rates for the area. And it actually creates a problem that's twofold: One, we're not getting affordable housing. But, two, we're actually providing incentives to create housing that then developers are going to provide that are as higher than what fair market rates are and, therefore, the people who are supposed to be going into those units are going to go someplace else because they could get it cheaper without having to go into a program -- into a unit that we provide an incentive for.

10:13AM 50

And so it's -- the intention here is to make sure that our program creates housing that people can get into.

LEG. McCAFFREY:

So that 50,000, which is -- that's 80% of the area median income, 2 is that for a single person?

CHAIRPERSON CALARCO:

That's a single individual, yeah.

LEG. McCAFFREY:

And what about for, like, when you go to, like, say family of four 9 and things like that, what do --10:14AM 10

CHAIRPERSON CALARCO:

I have to -- I have to get the chart in front of me. Give me a minute, I'll try to pull it up. Is that all you have, Legislator McCaffrey? I'll have to pull the chart up for you if you give me minute, I'll try to find it, but we'll do other debate while we're waiting.

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LEG. McCAFFREY:

Yeah, sure, sure. 20

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CHAIRPERSON CALARCO:

Legislator Kennedy.

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LEG. KENNEDY:

I understand what the point of this bill is, Rob, and it really is fair and equitable. But are we only talking about apartment complexes that have taken HUD monies, will the Fairfields have to

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CHAIRPERSON CALARCO:

No, no, no, this is only -- these are -- these are -- HUD --HUD establishes these numbers for us to utilize. That's their only, like, activity here. When we're talking about the programs, it's only programs that the County has made investments in. So when we do this -- when we give a waiver of connection fees for a sewer connection to an out-of-district connection or when we provide funding for infrastructure or land acquisitions so we can get affordable housing, those are the programs we're -- those are the projects that this would apply to.

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LEG. KENNEDY:

43 So it's basically new builds in some areas.

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CHAIRPERSON CALARCO:

Yeah, it's going to be basically new construction. It's not going to be retroactively applied to any of the programs or projects that have been approved through our programs in the past, though.

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LEG. KENNEDY:

Do you know of any towns or villages that set a standard? 51

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CHAIRPERSON CALARCO:

Sure. So in Patchogue when we did -- when they did the New Village 54 project, the Village of Patchogue, the way the code is written right now, local municipalities can adopt their own standard. And

there's no limit on that standard. So the Village of Patchogue adopted the standard for the New Village project of 30% of 180 -- 120% of median -- area median income.

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So what that means is that their affordable units within that building, and there's about 65 of them out of the 300 that are in the building, a one-bedroom unit goes for \$1900 under the Affordability Program; whereas the -- their market rate units that they're -- that they're renting in that building are \$2000.

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So you're not getting really a substantial savings for somebody to decide to take it. And as a result amazingly the whole building fills up but the units they have the most difficult time filling are the affordable units. Because people who qualify are going to go to the Fairfield apartments that are just a block away where the one-bedroom unit goes for \$1600. So you're not getting affordability out of it. And so that's why I'm putting these limits in place so that we make sure we get affordability out of it. To your -- does that answer your question, Legislator Kennedy?

10:17AM 20

LEG. KENNEDY:

I'm happy that it's only projects that the County has assisted --

CHAIRPERSON CALARCO:

It's the only place we have a role.

LEG. KENNEDY:

Does it have access to sewer hookup? That --

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CHAIRPERSON CALARCO:

We have three -- actually we have four different types of programs where we do affordable housing. We have the 72-h Program. We have our -- we have the two capital programs, the one that provides funding for infrastructure and one that provides funding for land acquisition. And then we have the sewer -- the out-of-district Sewer Connection Program. So this provision what I do -- what I've done is I made sure that it's very clear that the Sewer Waiver Program for out-of-district connections relates back specifically to the language used in the other program so that we have one language for all of the programs the County has. And then it speaks to those rental levels for all those programs.

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LEG. KENNEDY:

Sewer connections -- everything else is fine but the sewer connections is a little bit troubling.

CHAIRPERSON CALARCO:

10:18AM 50

This is -- it's just keeping -- and this was actually one of the criticisms when we passed the Sewer Connection bill last year that I received was that there -- it wasn't clear what was affordable because the way that law was written in the past, it just spoke -- making surely that the units were available to people who made 120% of area median income so it didn't speak to the affordability of the units themselves. And one of the things that has been emerging -- and Brookhaven Town actually adopted a similar code recently for defining affordable housing within the Town of Brookhaven. And

they limit rental units to being only for people who make 80% of area median income because they wanted to -- to speak to that, making sure affordable housing was affordable housing. actually Huntington is doing some similar stuff.

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So this is really just speaking to the issue that rentals have gotten to a point where if we don't be a little more definitive of what affordable housing is on the rentals, they are getting to points where they're exceeding fair markets in other areas and it's not accomplishing the goal.

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LEG. KENNEDY:

Oh, yes they are, our affordable housing is not affordable.

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CHAIRPERSON CALARCO: And that's the issue.

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LEG. KENNEDY:

Yeah.

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CHAIRPERSON CALARCO:

So that's trying to make sure it is on all of these programs. when we're making an investment, whether we're giving a waiver on a connection fee for a sewer district connection or even if they're just going to do the minimum amount of construction and just -- but they're still doing that out-of-district connection, so they have to do some level of affordable housing, that we're actually getting it; that we're getting something for what we're investing.

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LEG. KENNEDY:

Okay, thank you.

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CHAIRPERSON CALARCO:

And I pulled up the chart, Legislator McCaffrey. So for the '16 numbers, and again, the '17 numbers come out usually -- usually in May they come out with the new numbers -- 80% of area median income for a single individual is 59,450. For a family of four that number is 84,950. That's the 80% number. 100% of area median income for a single individual in 2016's numbers was 74,350. For a family of four it was 106,200. And that 120 number is 89,200 for a single individual. And a family of four is 127,450.

10:20AM 40

So if you're doing 30% of that -- that 127,450 for three -- a family of four, that would get you a three-bedroom unit that would run you well in excess of \$3,000 a month. And is that affordable? I mean, that's -- I think quite honestly my mortgage and taxes on my home are less than that. So it's not -- you know, are we really getting something for that investment is why -- and that's why I scaled it back. And this is something that both advocates in the affordable housing industry support. And it's something that the folks who are doing the construction of these units support. fact, I think LIBI sent a letter of support for this resolution so it's -- it's something that I'm trying to do to make sure we get something for our investment; and it's also something that everybody out there who have -- who would be impacted are supportive of.

10:21AM 50

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LEG. McCAFFREY:
          So did -- explain to me this again, that you're saying that it's --
          I'm looking at the median income Suffolk County for 2017.
          CHAIRPERSON CALARCO:
          Do they have the new numbers up?
          LEG. McCAFFREY:
          I think I -- I have them.
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          CHAIRPERSON CALARCO:
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          Okay.
          LEG. McCAFFREY:
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          It says income limit summary, if I'm on the right place. And it
          says persons in a family, one, income limits is 388. Am I looking
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          at the right thing?
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          CHAIRPERSON CALARCO:
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          That's poverty level.
10:22AM 20
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          LEG. McCAFFREY:
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          I'm looking -- this is the Income Limits Documentation System.
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          CHAIRPERSON CALARCO:
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          I don't know what that is. I can send you the '16 HUD income
                    It's not income limits. This HUD -- it's what they have
          established as median income for the area. And that's what most of our programs work off of, is using that area median income. And
          that's not just our programs, but the towns and the programs that
10:22AM 30
          they have use those same numbers. The State uses those same
          numbers. It's just you have to have some benchmark and this is the
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          benchmark everybody relies upon.
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          LEG. McCAFFREY:
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          So using that single person --
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          CHAIRPERSON CALARCO:
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          Uh-hum.
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          LEG. McCAFFREY:
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          -- what would their rent be? You said it's 80% of --
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          CHAIRPERSON CALARCO:
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          So at that 80% level, if you did 30% of that, you know, 30% of
          59,450 and divided that by 12 months, you're going to come out with
          a monthly one-bedroom rental rate of around $1600. And the '17 numbers, hold on, I'll tell what you it is exactly, I believe the
          '17 numbers for a one-bedroom unit right now are 1500 for what HUD
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          has established as the fair market rate for the region.
10:23AM 50
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          LEG. McCAFFREY:
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I thought you got like 1200 at that number. Is that right? 53

CHAIRPERSON CALARCO:

No, I don't think so. 30% 49 -- 59,450 is 17,835 divided by 12 you

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come up with 1486.
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           LEG. McCAFFREY:
           So it'd be 47,560 is 80% of the -- of the area median income;
           Correct?
           CHAIRPERSON CALARCO:
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           No.
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           LEG. McCAFFREY:
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           No. I thought it was 59,450.
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            CHAIRPERSON CALARCO:
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           That's 80%.
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           LEG. McCAFFREY:
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           Oh, that is 80%.
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           CHAIRPERSON CALARCO:
           That's the 80% number.
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           LEG. McCAFFREY:
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           That is the 80%.
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           CHAIRPERSON CALARCO:
       2.5
           Yeah, the 100% number -- median income right now for a single
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            individual in Suffolk County is 74,350.
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           LEG. McCAFFREY:
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           Okay, thank you.
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           CHAIRPERSON CALARCO:
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           I mean, we're not talking low-income folks --
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           LEG. McCAFFREY:
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           No, no.
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           CHAIRPERSON CALARCO:
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           -- that may qualify for our programs. You could. Some - some, you
           know, some developers do decide to go to the 50% mark or the 30%
10:25AM 40
           mark but -- and, you know, even think about it, the 50% mark is
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           37,200. I see the guys over in the Deputy Sheriff's Office kind of giggling because, you know, we're going to be bringing them up for their contract and we're going to be holding starting salary for
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           their employees at $30,000. Think about what, you know, what that
           means. So -- and it's going to take them 12 years to get to that median income mark, to get to $77,000 under this contract. And I'm
           not speaking ill of the contract. I know that they worked very hard to get a contract and I know that their members ratified it
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           and I intend to support it. But I'm just saying that, you know,
10:25AM 50
           we're talking about our workforce here.
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           LEG. McCAFFREY:
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           Yeah, no, I'm okay, I just wanted to make sure I had the right
           numbers.
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* Index Included at End of Transcript

CHAIRPERSON CALARCO:

Okay. Any other questions? Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? IR 1179 is approved. (VOTE: 5-0-0-0)

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INTRODUCTORY RESOLUTIONS

IR 1201, I believe this is an Introductory Resolution (Adopting Local Law No. -2017,) A Local Law to improve the Anti-Nepotism Statute. (Pres. Off.) We need to make a motion to table for the public hearing. Motion by Legislator Hahn; second by Legislator Kennedy. All those in favor? Opposed? Abstentions? IR 1201 is tabled. TABLED for PUBLIC HEARING (VOTE: 5-0-0-0)

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10:26AM 10

IR 1260, Authorizing the County Executive to execute an agreement with the Suffolk County Deputy Sheriffs Police Benevolent Association covering terms and conditions of employment for the period of January 1, 2011 through December 31, 2018. (Co. Exec.) I'll make a motion to approve for the purpose of discussion.

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LEG. McCAFFREY:

Second.

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CHAIRPERSON CALARCO:

Second by Legislator McCaffrey. I do see John Becker here who's the President of the Deputy Sheriff's PBA, if you want to come up, John. And I don't know, Chief Sharkey, if you want to come up for this at all; and Jen McNamara from Labor Relations.

29 10:27AM 30

First, let me say congratulations. This is a very longtime coming. Hopefully -- I don't perceive that we're going to have any issues here but we just want to make sure we get some of the facts on the record for the Committee today. So, as I said, my understanding is that the contract has been ratified by your membership at this point; is that correct, John?

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MR. BECKER:

Yes, that's correct.

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CHAIRPERSON CALARCO:

Okay. So maybe either you or Jen can give us just a quick rundown of some of the -- what the contract contains, it's length and what it means for your members.

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MS. McNAMARA:

Good morning. I'd be happy to do that. The term of the contract is eight years. It runs from January 1st, 2011 through December 31st of 2018. We've created a new salary scale, which consists of 24 steps, 12 years to top step. It was previously six. The salary scale is frozen for the length of the contract. There are 23% cumulative in raises including but not limited to productivity-pay, education-pay and special-section pay. There are zeroes in 2011 and '12, effectively zero in 2013 as well since those raises are not effective until 2014.

10:28AM 50

Raises in 2014 and '15 have been deferred until separation. That's

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an approximate $3 million deferral. The contract importantly
          settles all the highway litigation that is outstanding. Moreover, it provides that the raises in 2016, '17 and '18 are given in June
          rather than in January, which provides for additional savings. The
          only retro we expect to see in this contract is for 2016 and
          assuming an April 25th adoption there would be some retro for 2017.
          Longevity has been increased.
                                           There has been a 50% decrease in the
          annual uniform allowance. And then there are provisions similar to
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          the other contracts such as no layoffs, the EMHP agreement, and the
10:29AM 10
          supplemental disability payment has been added.
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          CHAIRPERSON CALARCO:
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          Okay. Legislator McCaffrey.
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          LEG. McCAFFREY:
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          Thank you. Although I've had a chance to speak to almost everybody
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          about the contract, most of my questions are answered. I just want
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          to clarify something. And, Jen, I know we spoke about this, the --
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          so the amount of money that's being deferred in later years beyond
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          the length of the contract is that $3 million?
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          MS. McNAMARA:
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          Yes.
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      2.5
          LEG. McCAFFREY:
          Okay. And is there a provision there that allows for, in the event
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          that the County is ever in the financial position to pay that
          before -- before it's stipulated in the agreement, do we have the
          ability to do that?
10:30AM 30
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          MS. McNAMARA:
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          Yes, we would have the ability to pay back at the County's
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          discretion in 2020.
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          LEG. McCAFFREY:
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          Very good, thank you.
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          CHAIRPERSON CALARCO:
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          Legislator Lindsay.
10:30AM 40
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          LEG. LINDSAY:
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          Jen, can you just give us the percentage for the raises in '16, '17 and '18.
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          MS. McNAMARA:
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          Do you have the -- oh, the -- you mean the individual
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          percentages --
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          LEG. LINDSAY:
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          Yes.
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          MS. McNAMARA:
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          -- for '16, '17 and '18? Yes, for June 1st of '16 it's 3.25; for
          June 1st of '17 it's 3.25; and it's the same for June 1st of '18.
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LEG. LINDSAY:

Thank you.

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MS. McNAMARA:

You're welcome.

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CHAIRPERSON CALARCO:

8 Legislator Kennedy.

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LEG. KENNEDY:

I just want to congratulate you all for working hard, getting this done. I feel like singing that song Finally. The two things -- I realize it's ratified so I will vote for this. The two things that are a little disturbing to me are the kicking the can down the road and the lower salaries for the newbies, but it was ratified by the group so I'm all in. Thank you again for working together. Good job.

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MS. McNAMARA:

Thank you.

10:31AM 20

CHAIRPERSON CALARCO:

So I just have a couple of other quick questions to get on the record. The contract is also going to address litigation over the highway issue. And that is going to be resolved as part of the contract?

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MS. McNAMARA:

Yes.

10:31AM 30

CHAIRPERSON CALARCO:

Okay. And maybe this is for Dr. Lipp, what is the total cost that we anticipate from the contract; and also for the retro pay, do we have enough money in our contingency accounts to cover that for that the current year, which is my understanding.

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MR. LIPP:

10:32AM 40

Okay, so we just finished our memo. And it's in the middle of being distributed as we speak by e-mail. That being said, what you see on the screen now is the total cost, which if you go through 2020 and look at the bottom three rows, the cumulative cost would be 41.5 million. That compares to what the Executive's fiscal impact statement was 44.98 million. So ours is a little bit lower, 3.4 million. There are a lot of factors; there are a lot of assumptions that need to be made. So I would say that as a rule we were pretty close to their number and we present a lot of detail here.

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So in terms of then the affordability in the budget for this is, well, even though there was some money in the budget for contracts, a little over 4.4 million, that went toward retro pay -- it approximately equals the retro pay. So the overall 2017 cost of \$7.3 million there is no money in the budget for that. So that would have to be funded with additional monies. I could go on but I think I will stop for now.

CHAIRPERSON CALARCO:

I see a puzzled look coming. Is that not accurate? Jen, is it the administration's perspective that there is financial -- there is enough money in the budget this year to cover these costs?

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MS. McNAMARA:

Yes, I believe that -- that they just went outside to go get someone who could discuss that very issue.

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CHAIRPERSON CALARCO:

Okay.

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MS. McNAMARA:

Because it is my understanding that there was sufficient money put into the budget that would cover the raises because we did anticipate the settlement.

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CHAIRPERSON CALARCO:

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So there's no -- there's no -- let me just put it this way: There's no -- we're not going to be looking to bring a resolution for bonding out this payment where we're we going to -- even if there's not funding in the budget, we're going to find the money in the budget to pay for these guys all out of cash?

MS. McNAMARA:

Correct.

CHAIRPERSON CALARCO:

10:34AM 30

Okay. Does anybody else have any other questions? All right. I'm okay we're supporting this. And, like I said, I think this is a very long overdue. These guys have been working for a long time without a contract. It's about time that we get them something that they can, you know, feel a little bit more secure in their jobs, know what's going on, get their raises as they're entitled to them and, you know, at least get some breathing room for a year-and-a-half before they got to get at it again. So I think we have a motion and a second. All those in favor? Opposed? Abstentions? IR 1260 is approved. (VOTE: 5-0-0-0)

39 10:34AM 40

And perhaps just maybe between now and Tuesday if the administration can kind of get back to us, I don't know where they think they're going to take the money from to cover that cost, that'd be great, otherwise congratulations, John, and, you know, I anticipate we'll have a good meeting for you on Tuesday next week.

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Okay, I have no other items on the agenda before us. Seeing none we will adjourn.

48 49 THE MEETING CONCLUDED AT 10:34 AM { } DENOTES SPELLED PHONETICALLY

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[Occurrence of Word] - Page Number:Line Number

\$1800g - 5:16, 7:47 \$200g - 10:34, 11:41 \$A\$ \$A\$ \$200g - 5:16 \$	\$ \$1500 [1] - 2:55	2016's [1] - 6:39 2017 [6] - 1:16, 2:19, 7:3, 9:9, 10:6, 11:52	8:23 84,950 [1] - 6:38 89,200 [1] - 6:40	almost [1] - 10:17 ALSO [1] - 1:29 alternatively [1] - 2:56	between [1] - 12:40 beyond [1] - 10:20 bigger [1] - 3:42
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