

**GOVERNMENT OPERATIONS, PERSONNEL, HOUSING
& CONSUMER PROTECTION COMMITTEE**

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A meeting of the Government Operations, Personnel, Housing & Consumer Protection 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 August 16, 2012.

MEMBERS PRESENT:

Leg. Robert Calarco, Chairman
Leg. William Spencer, Vice Chair
Leg. Kate M. Browning
Leg. Thomas Cilmi
Leg. Edward P. Romaine

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Commissioner Margiotta, Labor Department/Suffolk County
Commissioner Meguin, Consumer Affairs/Suffolk County
Barbara LoMoriello, Deputy Clerk
Gail Vizzini, Director/Budget Review Office
Benny Pernice, BRO
Ben Zwirn, County Executive's Office
Gina Kramer, County Executive's Office
Maria Barbara, Aide to Leg. Cilmi
Paul Perillie, Aide to Leg. Gregory
Lora Gellerstein, Aide to Leg. Spencer
Amy Keyes, Aide to Leg. Calarco
Ali Nazir, Aide to Leg. Kennedy
Lisa Keys, Aide to Leg. Romaine
Lora Gellerstein, Aide to Leg. Spencer

MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer

MINUTES TRANSCRIBED BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 12:42 PM

CHAIRMAN CALARCO:

If we could all rise for the Pledge of Allegiance led by Legislator Spencer.

SALUTATION

Okay. Good afternoon, everyone. We're going to get started with the Government Operations Committee. I do not have any cards. Is there anybody in the audience that would like to address the Committee before we get started? Seeing none, we're going to move on.

At the request of Legislator Romaine, I asked Paul Margiotta from our Labor Relations to come down. He had a few questions regarding a Health Waiver Committee. And, so, Paul, if you could just come to the front. And when this came to my attention, and I thought I had seen most of the stuff that goes on in the County, I had no clue -- you could sit in the front.

So, if you could just maybe enlighten the Committee first about what this Committee actually is, why it was established, what it does and then we'll take it from there.

MR. MARGIOTTA:

Sure. I spoke with Jeff Tempera, who was the Director of Labor Relations at the time this occurred. And it appears that back then in 2008, there were savings that the County unions were to come up with through EMHP. And they did not have the savings. And there was an agreement made that they would extend the time you had to be a County employee to get your health care paid in retirement for the rest of your life from five years to ten years. That was done by MOAs with the individual unions. The PBA was the only union that did not sign that MOA.

The next year, several people had put in for retirement or were pending putting in for retirement. And they made an agreement, an addendum to the MOA, that said that they would create a Committee that would be able to waive the requirements of ten years to get the free health care for life. That Committee would consist of two people appointed by the County Executive, one member of the unions' representative from the public safety Unions, which I read to mean the Police Unions; and a second from one of the civilian unions, which would be AME or the college unions.

They formed this Committee. And they -- they acted on several applications back then. When I was appointed, very early in my appointment, I was approached by Mr. Sawicki's office being questioned about that Committee and what they did. I told him I didn't know and I would look into it. They had said they were requesting records and they were never given those records. They even said something about they were getting to the point where they were going to subpoena the records. And I told them they could have whatever records they wanted. And I turned over those records.

People were granted free health care for life that were not entitled to it under the terms of the collective bargaining agreements based on this side agreement that this Committee would be created. That was the last time that Committee met, was in 2009, when they took action.

CHAIRMAN CALARCO:

Do you know how many people they granted waivers to?

MR. MARGIOTTA:

I don't know exactly, but it was quite a few. I believe it was more than 20.

CHAIRMAN CALARCO:

More than 20? And then these -- those individuals were all apparently individuals who at that time that the collective bargaining agreement was reached that extended it out to ten years to vest in the County health care system, they were basically ready, prepared for retirement. And this was kind of a change in their -- clearly a change in what they were expecting. And so it kind of teed them off. And that seems to be the reason that the Committee was formed to grant a number -- a limited number of waivers?

MR. MARGIOTTA:

Yes, that's what Jeff Tempera told me. He told me there's no reason to convene it again. Everybody now knows what it is, and that there were people taken by surprise. And they felt back then they had to address it.

CHAIRMAN CALARCO:

Do we have anybody who are pending -- who have put in applications for this currently?

MR. MARGIOTTA:

There are six people that are currently pending, two part-timers, four full-timers.

CHAIRMAN CALARCO:

And are their waiver applications recently filed or were these waiver applications that were filed back in 2009 when the deal was struck?

MR. MARGIOTTA:

There were several back then as well, which are now retired. So the sheet is marked retired. So I don't know when they put them in, but there are only six active employees on the list now. Two of them are part-time crossing guards. I know that. And the other ones are full-timers.

CHAIRMAN CALARCO:

Okay. And they would not regularly be entitled to the health care benefit? They're not vested, so to speak, and they're looking to have that waived?

MR. MARGIOTTA:

That's correct.

CHAIRMAN CALARCO:

And they're recent files?

MR. MARGIOTTA:

To the best of my knowledge they are. I believe they're within this year.

CHAIRMAN CALARCO:

Okay. Legislator Romaine?

LEG. ROMAINE:

Yes. The reason I raised this is, first of all, when the County changed its policy through agreements with the unions, what it was is if you had ten years of service, you were entitled to health care. County Executive Levy changed that policy and then negotiated those changes with the various unions and he eventually negotiated that with the PBA, Mr. Margiotta?

MR. MARGIOTTA:

The 10 years or the Waiver Committee --

LEG. ROMAINE:

Ten years with the County.

MR. MARGIOTTA:

I believe he did.

LEG. ROMAINE:

He did. So what it was, was ten years of municipal service. So you would have people that worked in Town government. And then you had people that came and -- or worked in State government, or whatever, and then they would work for the County and cumulatively they would have ten years, they would retire and they would be entitled to health benefits. That got changed. We're now -- all ten years would have to be in County service without a break in County service; is that correct?

MR. MARGIOTTA:

I don't believe so. I believe the last five years have to be continuous in County service.

LEG. ROMAINE:

So it's ten years cumulatively?

MR. MARGIOTTA:

Yes.

LEG. ROMAINE:

Okay. So it's ten years cumulatively. Now, this Appeals Committee or Waiver Committee, or whatever you wish to call it, that was set up, how was that established? Was that established amongst agreement between the County Executive and the various unions?

MR. MARGIOTTA:

It was established between the Director of Labor Relations and the unions.

LEG. ROMAINE:

And what part of County law, Administrative Code, or whatever, authorized the establishment of this Committee?

MR. MARGIOTTA:

I don't know that any did.

LEG. ROMAINE:

In your opinion, has this Committee, when it acted, acted ultra vires, outside the law? Did it have a legal basis to exist? And did it have a right to make decisions?

MR. MARGIOTTA:

The answer to that is going to turn on whether or not it required Legislative approval. Because giving the people free health insurance for life, in my opinion, would be considered an appropriation. And I would think that would have to come before the Legislature.

LEG. ROMAINE:

I don't recall, and perhaps my colleagues, our learned Counsel, or our Budget Review Director can correct me, I don't recall any of those appropriations coming before this Legislature. So there is no legal basis for this Waiver Committee.

And the reason I ask this is because I had a number of constituents that made inquiry to me. They

were people being laid off. I have someone that lives around the corner from me. The guy worked nine years and 7 months for the County of Suffolk, and he was getting laid off. And he said, "you know, it's bad enough" -- because he was in his late fifties "that I'm getting laid off. I came to the County late in life. I only have nine years and 7 months. But it's my health benefits that I'm very concerned about for a variety of medical ailments."

And I said "well, I think the County had a Waiver Committee, if I'm not mistaken." And I don't think he ever applied, but he inquired about that. And that's what got me thinking about the Waiver Committee. And I began to take a look at that. And I said, "wow, there is a Committee that could address these issues." Then I found out it didn't meet in 2010 and 2011. And according to your e-mail this Committee has no scheduled meetings for 2012.

So what I would like to do, and I would like to find out from yourself or a member of the Law Department, whether, in fact, this Committee was legally established; and if so, under what codes, whose laws, what section of law was it established? I want to know if there's minutes for these meetings. I'd like those minutes made available to myself and any other member of this Committee that would request that. And I'd like to take a look at that.

Clearly, I don't think a Waiver Committee is a bad idea because sometimes when you come out with a deal like this, you catch people short. And maybe it's appropriate. But, you know what, there's a way to do it. I don't believe this Committee was legally established because they did not come to this Legislature. And the one thing that I've noticed repeatedly in my tenure of office, particularly since I returned to the Legislature, because I served here in the '80's as well, is the willingness for -- this is not a criticism of anyone specific, but the willingness of the Executive Branch to take actions without seeking approval of a Legislative body, without understanding that in a -- in a constitutional government, there are two branches of government that have to give their consent before things happen.

And I am concerned that this Waiver Committee acted without authority, because the Executive, or whoever established the Committee, did not seek Legislative approval or Legislative approval for the actions that they took regarding appropriations concerning health care. In fact, I believe under the State Constitution, it's illegal to offer a gift. Correct me if I'm wrong.

MR. MARGIOTTA:

That's correct.

LEG. ROMAINE:

Is the Comptroller actively looking into this situation?

MR. MARGIOTTA:

Last I spoke with them, they were, and they seem to be pursuing.

LEG. ROMAINE:

Okay. What I would appreciate, unless you have something else to elaborate before the Committee --

MR. MARGIOTTA:

(Shook head in the negative)

LEG. ROMAINE:

-- I would appreciate if you would continue to look into this matter to the questions that I raised here today; and if you could report back to this Committee and see if we can get answers to those questions.

MR. MARGIOTTA:

Absolutely.

LEG. ROMAINE:

Because -- and I want to say this loud and clear. As long as I sit in this seat, I am going to look at the actions of the Executive Branch to make sure that they are in concert with the Legislative branch. And when they act unilaterally and possibly -- possibly, because I don't know, ultra vires, outside the law, then I'm going to raise concerns and it will have my immediate attention. But I appreciate you coming here today, sir. Thank you very much.

MR. MARGIOTTA:

You're welcome. I'll get back to you guys.

CHAIRMAN CALARCO:

Yeah, if you could let us know maybe how many people were granted the waivers and how many are pending; and if or what legal basis the Committee was formed, if you can determine, would be greatly appreciated. And I think we'll reach out as well to the Comptroller's Office and ask them if they are following up with some sort of investigation on that.

Does anybody else have any questions for Mr. Margiotta? Okay. Thank you very much for coming. We appreciate it.

CHAIRMAN CALARCO:

Okay. We're going to move on here. We're going to start the agenda. I have no other issues in front of us, so we're going to go to the tabled resolutions. Where is Legislator Spencer? Okay.

TABLED RESOLUTIONS

IR 1340, Designating Individual Agents of the Suffolk County Society for the Prevention of Cruelty to Animals as Volunteers of the County of Suffolk for the Purposes of Indemnification. (Romaine) I'm going to make a motion to table.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Second by Legislator Spencer.

LEG. ROMAINE:

I think Mr. Zwirn is -- are you coming to speak on this?

MR. ZWIRN:

I was just going to work the gate, see if I can pick up some extra money.

*(*Laughter*)*

LEG. ROMAINE:

Hey, in these days not a bad idea.

MR. ZWIRN:

More people going out.

LEG. ROMAINE:

Faster than you know.

MR. ZWIRN:

Everybody's paying to get in.

CHAIRMAN CALARCO:

Mr. Zwirn, you have comments you'd like to add regarding our friends at the SPCA?

MR. ZWIRN:

Yes, we have a meeting scheduled. We've had several meetings and I mentioned to Legislator Cilmi yesterday that we have a meeting scheduled for tomorrow morning at the Dennison Building so we can try to resolve this. I know that that -- I think the Administration is leaning towards doing what the Legislature had done in the past, was giving them an amount of money to purchase insurance. But that has not been resolved yet. And we will have those conversations again tomorrow. So by the next meeting we should be able to take some action on this. And hopefully we'll have some sort of agreement hammered out.

CHAIRMAN CALARCO:

Okay. Legislator Romaine.

LEG. ROMAINE:

Yes. If I'm not mistaken, this legislation was laid on the table at the first meeting of this year by myself. And the issues surrounding this legislation arose, I would say, in February, at the beginning of February when we had committee meetings and we dealt with this.

It is now August. People in the SPCA tell me that the Administration had promised them that there would be some form of a contract in place. The SPCA provides a service; the SPCA are volunteers. If they're not providing a service, then, what we need to do as a Committee is focus on who will provide that service and notably police officers would be providing that service. And then I'll be asking whether we're adequately staffed to address all the animal abuse mistreatment cases that come our way.

My understanding is there's about 3,000 cases that are open. Obviously some require greater scrutiny like the person that threw the puppy out of the window in Brentwood last week that they're looking for -- that had been used -- this puppy had been used to go after pit bull dogs because he had bite marks all over him, to work them up to do dogfights. And this puppy also was thrown out of a car. He survived. They took him to West Islip Animal Hospital, but the SPCA is pursuing this actively.

This is the type of thing that the Police Department would do if they weren't involved. And obviously there's a cost to the Police District and, of course, cost to all the other police -- I think there's 14 other police jurisdictions in Suffolk County. And that would have to be accounted for. Because to say that we're not going to give careful attention to animal abuse or animal mistreatment, I think, you'd have a lot of people here who are concerned about the treatment of animals and the prosecution of those who mistreat, torture, or kill them. I think you'd have a lot of people to fill this auditorium to ask this Administration exactly what was happening.

This is not an issue -- I know you're going to table and I'm going to vote against it, just so you know. But this is not an issue that's going to go away. So unless this contract is forthcoming shortly, and I've given the Administration a lot of time regarding this issue, and I haven't tried to rally the supporters in terms of animal mistreatment, but I think we all remember the puppy mill bill. This bill will probably be even more compelling.

We need a contract. So we need an agreement of some type. Now my Aide, Bill Faulk, will be attending tomorrow. I just hope that we can come to a conclusion, because this cannot drag on. There is a finite time for this to get resolved. This is -- we're in the eighth month of the year. This

has been going on for almost eight months. My only message is this is a finite type of thing. And pretty soon I will have to rally people to come up with a solution if the Administration is not prepared to come up with a solution. Thank you.

MR. ZWIRN:

Mr. Chairman, if I may just respond a little bit, I appreciate everything that Legislator Romaine has said. One of the issues that we had to take into account is the new pending PBA contract where they are guaranteed, you know, exclusive control over things that they handle. We want to make sure we don't start off the bat by giving out a responsibility that they otherwise would have to another organization. That's not even in the employ of the County.

I don't think there's an issue when the County calls them out to do a project, if they need their help, like in the Manorhaven -- Manorville -- Manorhaven, go back to my old days in Port Washington -- - the Manorville wildfires. I know they set up a command post at the -- I think the Riverhead Shelter to take care of any pets that had to be taken care of during the fire. The County asked them to respond.

When the County asks an organization to respond, and they do, I think that there's -- that's not the issue. It's when they have -- they go off on their own to answer complaints that they have. We just want to make sure it doesn't conflict with any provisions in the new contract. And to see how best we can handle it.

There is -- you know, we're a little bit concerned because this volunteer organization, they are volunteers, they're not in the County service -- they have Peace Officer status so they're carrying weapons. So if there's a mistake, it could have grave consequences for everybody involved. So we're trying to do this carefully, but we are definitely moving forward. As I said Lisa will be there tomorrow from your office in the Dennison Building. We'll discuss it again. And Ms. Keys can come in there and put your comments on the record at the meeting as well. I'm sure she'll bring it back.

CHAIRMAN CALARCO:

Legislator Cilmi has --

LEG. CILMI:

I'll defer to --

LEG. ROMAINE:

I just have one question. I want to go back to that. First of all, I see my good friend Paul LaRocco there, Newsday does a great job explaining things.

MR. ZWIRN:

That's not what he said yesterday.

LEG. ROMAINE:

Yeah.

(LAUGHTER)

LEG. ROMAINE:

No, he does. However, the articles that they write usually touch on general topics. What I know about the PBA contract is what I've read in Newsday. And you know why? Because this administration has yet to provide me as a member of this Legislature with the PBA contract; a contract that I'm going to be asked to vote on and yet I have not seen the provisions in that contract except what's been explained in Newsday. Okay? And I've had to make evaluations,

because as a public official, as all of us are, we get called all the time.

CHAIRMAN CALARCO:

Legislator Romaine, I don't see the relevance --

LEG. ROMAINE:

The relevance --

CHAIRMAN CALARCO:

-- of the PBA contract to the SPCA.

LEG. ROMAINE:

Mr. Zwirn raised that issue. He said that this is contingent on the PBA contract. And I said that's great. Too bad I don't have a copy of it as a County Legislator. I would like to get a copy of the PBA contract as soon as I possibly can in my hands so I can better understand your comment. Because you're saying it may affect the SPCA. I have no idea what it affects. I have no idea what's in that contract. The only thing that I know is what I read in Paul's informed articles. But I have a fiduciary responsibility. I need a copy of that contract as quickly as I possibly can, not only for the SPCA, but for all the other ramifications that that contract portends for this County, particularly since the contract seems to change on almost a daily basis.

CHAIRMAN CALARCO:

Legislator Romaine, I think we're getting slightly off topic.

LEG. ROMAINE:

I didn't raise the issue.

CHAIRMAN CALARCO:

We'll move back to the SPCA. Legislator Cilmi.

LEG. CILMI:

Question for Counsel. IR 1340 -- 1340 and 1349, when do each of those bills expire?

MR. NOLAN:

1340 was laid on the table on 3/27, so I guess that's 9/27. And same with 1349. So the end of September it will expire.

LEG. CILMI:

Okay. And you said you're meeting tomorrow. You have some thoughts about what is going to be discussed?

MR. ZWIRN:

Yes.

LEG. CILMI:

I mean, I would make a motion to discharge this resolution and the subsequent resolution -- Legislator Spencer's resolution. Because at that point, then, the County Executive's Office can come to us on Tuesday and talk to us about what was agreed upon, what was not agreed upon, and then we could possibly act then, if necessary, on either one of these resolutions. So, I'll make that motion. Motion to discharge.

LEG. ROMAINE:

Second.

CHAIRMAN CALARCO:

Okay. I have a motion to table and a second by Legislator Spencer. And a motion to discharge by Legislator Cilmi and a second by Legislator Romaine. Let's just call the vote on this unless somebody else has anything they'd like to add? Legislator Spencer, sure, go ahead.

LEG. SPENCER:

Well, I guess, the question is the difference between the two resolutions was, I think, Legislator Romaine's provides the indemnification, and I think my resolution has asked that they maintain a base level of insurance. And then the County would act as a kind of a secondary. And I saw that as a checks and balance.

But with regards to the substance of this debate, whether or not to discharge or not, I'll just ask Ben, although we'll ultimately have a vote, would you be opposed or would the Executive's Office be opposed to us discharging this?

MR. ZWIRN:

It's certainly up to the Legislature on how they want to proceed. We would not ask for it to be approved certainly at the full meeting of the Leg. And as I said earlier on Tuesday, there's a lot of stuff on the agenda. I mean, it's just going to be -- you're going to have the confirmation of Commissioner Webber; you've got the Yaphank land sale hearing; you've got the Foley hearing. I mean, I don't -- there's not going to be enough room for everybody. If we tabled it one more cycle that would probably, I think, be helpful. But whatever the Legislature wants, we'll make a presentation at the full meeting. We may have some more information by that time. Whatever the pleasure of the Legislature is, you know, we'll back accordingly.

LEG. SPENCER:

I feel that we need to come to some sort of disposition. It is a short cycle. But I would imagine that the votes would be very divided fairly evenly. But if we discharge it or if we table it, we would be really coming back to it in a short cycle. So I would support tabling at this time.

CHAIRMAN CALARCO:

Okay. I have a motion to table and a motion to discharge without recommendation. Tabling goes first?

MR. NOLAN:

Sure.

CHAIRMAN CALARCO:

All those in favor of the table? Opposed?

LEG. ROMAINE:

Opposed.

LEG. CILMI:

Opposed.

CHAIRMAN CALARCO:

Abstentions? Motion is tabled. **(VOTE: 3-2-0-0).**

IR 1349, Designating Individual Agents of the Suffolk County Society for the Prevention of Cruelty to Animals as Volunteers of the County of Suffolk for the Purposes of Providing Reasonable Indemnification. (Spencer)

LEG. SPENCER:

Motion to table.

CHAIRMAN CALARCO:

Motion to table. I'll second the motion. On the motion? Legislator Browning.

LEG. BROWNING:

Yeah. You know, this has been going on too long. And I agree with both Legislators in what you're doing. I do believe that Legislator Spencer, what your -- your bill basically mirrors what they've been doing in the past, what the SPCA has been doing. So I would be more likely to support that. But I keep hearing, you know, *we're meeting with the SPCA*. And I think that we should maybe consider a timeline and say "by a certain date, if you cannot come back", if the County Executive's Office cannot come back to us and say they've resolved the issue, then, we have to pass one of these.

CHAIRMAN CALARCO:

Yeah. I think Ben's made it clear that they're meeting tomorrow with the SPCA and hope to have these cleared up at that point in time. But both these resolutions would time out by the time our next Committee comes through. So unless they don't have something resolved by then, I think, we're going to have to act at that Committee meeting. We have one more Committee before they're timed out.

So we will have to -- if they're not able to reach some sort of agreement, we'll do it then. If we want to continue on the issue, I've got to put on the record, I'm sure all of you have seen the multiple letters that the SPCA leadership has sent out to the County Executive and to many of you. And the tone, and the attitude in those letters are just inappropriate. And I voted in the original resolution to grant them indemnification. And they've lost much of my support because of the tone and attitude of those letters. It is just not appropriate behavior when you're coming to the County looking to have us assist you and continue your operations. And it's a very, very good program, a very good service they provide. To take that attitude and then ask for indemnification, it calls into question the leadership of the body of that organization.

So that's my opinion on the issue. Anyway, we have a motion and a second. All those in favor? Opposed? Abstentions? Motion is tabled.

(VOTE: 5-0-0-0)

IR 1470, Imposing a Moratorium on Wage Increases for County Management Personnel (Excluding Employees at the Suffolk County Community College and the Board of Elections). (County Executive) I'll make a motion to table.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Second by Legislator Spencer. All those in favor? Opposed? Abstentions? Resolution is tabled

(VOTE: 5-0-0-0)

IR 1472, Adopting Local Law No. 2012, a Local Law to Ensure Honesty in Gas Price Advertising. (Presiding Officer) I think that the Presiding Officer is still working on this. I will make a motion to table.

LEG. CILMI:

Second.

CHAIRMAN CALARCO:

Second by Legislator Cilmi. All those in favor? Opposed? Abstentions? Resolution is tabled. IR 1479 is tabled. **(VOTE: 5-0-0-0)**

IR 1479, Authorizing a Voluntary Lag Payroll for Elected Officials in 2013. (Barraga)

LEG. SPENCER:

Motion to table.

CHAIRMAN CALARCO:

Motion to table by Legislator Spencer. I'll second the motion. All those in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

CHAIRMAN CALARCO:

Motion to table passes. **(VOTE: 4-1-0-0)**

IR 1480, Adopting Local Law No.-2012, A Local Law establishing registration requirement for Health Department expeditors. (Browning)

LEG. BROWNING:

Motion to approve.

CHAIRMAN CALARCO:

I have a motion to approve.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Second by Legislator Spencer.

LEG. CILMI:

On the motion.

CHAIRMAN CALARCO:

On the motion, Legislator Cilmi.

LEG. CILMI:

I think this has gone through a couple of revisions and iterations. Could either the sponsor or Counsel explain where we're at now with this, what the impetus behind this is and who it's going to affect?

LEG. BROWNING:

I mean, I can give you a little bit of information. You know, a lot of our legislation is a bit driven and based on complaints that have come to my office, in fact, there was four just since January, about expeditors who were paid -- there was two different expeditors, paid for a service. And when I contacted -- actually one was through the Health Department; another one was with the Town of Brookhaven. When we checked with the Town of Brookhaven to find out where the expeditors who made the applications were, there was no applications to be found. These people have paid up to -- around \$2,000 each for that service.

I checked with the Health Department on the other one. It was about \$2,200 that was paid to the individual for the service and no applications were provided.

So I think that this is something that there is absolutely no oversight. You know, we look at our contractors that, you know, do have to file and get a license with the County through the Consumer Affairs. I have chosen at this time, being that the Health Department in the County is the only place that the expeditors go. I think it's up to the individual towns if they want to do it, to do it. And I have encouraged them to do it. I've called my Councilman. He is very familiar with this issue. And the Supervisor. And I can say I've encouraged them to look into it, because these people are paying for a service and they're not getting the service they're entitled to.

This is basically requiring them to register. I think it's a pretty small fee. It's a hundred dollars for the year. And I did actually speak with an expeditor in my District. And he is very supportive of it, because he knows that there are people who are being taken advantage of. He doesn't even charge as much as some of these people are being charged.

So, you know, it's going to weed out the bad ones from the good ones. And I think that, you know, again, if they're doing the job and they're providing the service, it's not going to hurt them. But it will affect the ones who are not doing the job.

LEG. CILMI:

So you said the -- through the Chair, if I may continue?

LEG. BROWNING:

Let me also add basically this is the New York City Law. This one was provided to me from someone that -- that that's what's being done in the City. So basically we're just mirroring a law that exists elsewhere.

LEG. CILMI:

That doesn't convince me, but that's besides the point. So I'm just trying to understand this. You said that some money was paid to expeditors and no application was filed. What exactly do you mean by application?

LEG. BROWNING:

Well, what happens is, if you have to apply for, you know, a permit application, say, if you have a restaurant and you're expanding your seating and you have to go through the Health Department, you know, that application process -- and basically if you go to the Town of Islip, you -- you know, actually I spoke with -- Oh, my God I'm -- Steve Flotteron, I had a conversation with him about it. And expeditors are used in all the Towns and in our Health Department. Basically these are people who know how to maneuver through the process.

LEG. CILMI:

Right, right. But the expeditors are not filing the application. The applicant is filing the application.

LEG. BROWNING:

Oh, no, they do it on behalf of the applicant.

LEG. CILMI:

They actually file the application.

LEG. BROWNING:

Yes. They go through the entire process for the applicant. The applicant pays them to go through that process.

LEG. CILMI:

So in these cases that you're referencing, money was paid for a service which was not provided.

LEG. BROWNING:

Correct.

LEG. CILMI:

So don't we have any other laws -- I mean, isn't that theft? Don't we have any other laws on the books that address that?

LEG. BROWNING:

They can go to -- I checked with the District Attorney's Office and there's a five-year statute of limitations based on -- I think it's over -- over a thousand dollars, it's considered a felony.

LEG. ROMAINE:

It's covered.

LEG. CILMI:

Okay. George, can you also comment on that please?

MR. NOLAN:

Yeah, I'm sure there are other statutes that would apply to that type of situation where somebody provided -- promised to provide a service, took the money, didn't provide the service. So, yeah, there are other laws that a person could go in to try to seek, either that a person be penalized or get their money back.

LEG. CILMI:

So let me then just ask again to the sponsor. So, in this case, if this law were to pass, we're now registering and collecting a fee from expeditors. And, if an expeditor wanted to do business in Suffolk County alone, not in the Town, but rather with Suffolk County government, they would have to be part of this registered -- this list of approved expeditors, correct?

LEG. BROWNING:

Right. We have a number of expeditors right now that -- there is a list of expeditors that come to the Suffolk County Health Department. And it would only be the Health Department.

LEG. CILMI:

Okay. And so if somebody -- if somebody either did something wrong or -- yeah, let's go with that. If somebody did something wrong, then they could effectively be removed from this approved list?

LEG. BROWNING:

Correct.

LEG. CILMI:

And who would make that determination? And when would that determination be made?

LEG. BROWNING:

Actually Mr. Meguin is here from Consumers. And we will be doing it through Consumers, because they're the ones that are familiar with registering. And I guess they would handle it in the same way as any contractor of any kind.

LEG. CILMI:

If we could come up and discuss that, and while he's coming up, let me just share a thought. I find

it utterly absurd that because of government inefficiency, that this whole industry of expeditors has been created. And now we're going to charge expeditors a registration fee, which they will then pass onto their customers, because of our own inefficiency.

LEG. ROMAINE:

Convenience fee.

LEG. CILMI:

If nothing else, that is the most remarkable thing I have ever, ever heard recognizing that your intent is valid.

LEG. BROWNING:

Well, I think what's remarkable is someone getting paid 20 something hundred dollars to do nothing.

LEG. CILMI:

And not doing it. Well, that -- I mean, all for punishing the criminals. But I just think that this makes a statement that is just remarkable. And I would ask before the Commissioner speaks to the issue, I would ask why the need for a fee, Legislator Browning? Why the need for a fee? Why can't we just do this?

LEG. BROWNING:

I guess Mr. Meguin, would you -- obviously there's paperwork that, you know, the filing of the application has to be done.

LEG. CILMI:

But we have taxes that are supposed to account for that. And, you know, we have all kinds of things that we do in government. We don't collect fees for doing them.

CHAIRMAN CALARCO:

Well, why don't we let the Commissioner speak to what his role would be.

COMMISSIONER MEGUIN:

You would have a registration application. Once that's filed, really the responsibility, is twofold: to determine that the applicant has quote good character; and obviously second element being financial responsibility. Now I realize those are subjective words, but what we typically do for any occupational licenses would be run judgment searches, obviously review and scrutinize the materials, information that's supplied in the application, and, you know, in that regard as far as granting the registration certificate.

Insofar as enforcement, if there's a complaint filed, Consumer files the complaint, we investigate that, and it's twofold. Either we try to mediate the consumer dispute in a civil administrative forum. And if there are violations of Suffolk County Code, obviously, there are notices of violation issued. That individual would be entitled to a hearing. And based upon the hearing, the violation might be sustained, deemed to be unfounded. And, of course, depending upon what this body does, they may impose certain financial sanctions or penalties as a result of those violations. That's pretty much what the process is in most instances.

LEG. CILMI:

Okay. So, it sounds like an entire structure has to be created, and, hence the fee.

COMMISSIONER MEGUIN:

The structure really is in place. What's new is obviously -- generate an application and promulgate some rules and regulations. Because as clear-cut as some of the legislation is, there's always

requirements of rules and regulations to implement that, because it's -- it becomes an evolving process. I'm kind of amazed every day where you hit a different certain set of circumstances that might just not fit.

LEG. CILMI:

But there are many consumer protection regulations that your Department is charged with enforcing. And my understanding is that we don't really have the resources to enforce those laws that we currently have on the books effectively.

COMMISSIONER MEGUIN:

I'd say that's accurate. That's an accurate description.

LEG. CILMI:

So, I mean, how many expeditors are there in the world that we would collect this \$100 fine or fee from? And certainly that's not going to allow us the additional personnel to, you know, to accomplish the goals of this. And I really -- I have to say, I think the goals of this legislation are laudable. But I don't -- I don't agree, one, with punishing people who aren't criminals. I agree with punishing criminals. And if there are laws in place to do that now, then fine, let's find out why they're not being enforced, if they're not, and let's vigorously enforce them.

And, two, let's not create another level of oversight. We can't afford the levels of oversight that we currently have. I just don't -- and to charge the fee for it it seems menial. I don't -- I may have something else. My -- I'm done for the moment, though, unless you have anything else to add, Commissioner.

COMMISSIONER MEGUIN:

No, I don't. No.

CHAIRMAN CALARCO:

Legislator Romaine:

LEG. ROMAINE:

Yeah, I had a couple of questions. Someone applies for an expeditor license or whatever it is.

COMMISSIONER MEGUIN:

It would be a registration. It's something --

LEG. ROMAINE:

Someone registers to be an expeditor with the County. You tell me you do a litigation, or at least a judgment and lien search; is that correct?

COMMISSIONER MEGUIN:

That's correct.

LEG. ROMAINE:

And suppose he comes up with a judgment. Do you have the authority to deny this person the right to become an expeditor in Suffolk County?

COMMISSIONER MEGUIN:

Well, frankly, that pretty much falls within the realm of ensuring that the individual has appropriate financial responsibility. And naturally I think in all of the occupational licenses and renewals, we do. We do look at --

LEG. ROMAINE:

So you're going to deny everyone in this County who in the last seven years got a judgment of foreclosure because they couldn't pay their mortgage and is trying to make a living by expediting, you're going to deny them the right to expedite in this County?

COMMISSIONER MEGUIN:

No, absolutely not. And frankly --

LEG. ROMAINE:

That's a judgment, sir.

COMMISSIONER MEGUIN:

Yeah, that's a judgment of foreclosure. I'm talking about monetary judgments.

LEG. ROMAINE:

That's a monetary judgment that a bank brings against someone who hasn't paid their mortgage.

COMMISSIONER MEGUIN:

And I could --

LEG. ROMAINE:

And it lasts for seven years on your record. And there's a lot of people on very tough times in this County who have been foreclosed that are looking to make a living that knows a little bit -- learns a bit about expediting, helping people get permits, because it takes so long to get these permits through the Health Department. And you're going to say, unless you have sterling credit, we're not even going to look at you. Now we're going to make credit decisions about people and determine what business they can be in and not be in.

COMMISSIONER MEGUIN:

No, absolutely not. That's not the case. I said I would investigate the nature of the judgment. The judgment might be a monetary judgment. It might be a result of medical expenses. It might be a result of prior business transactions. There's all sorts of judgments. And frankly, since March 20th when I had this job, I have yet to see a monetary foreclosure judgment surface. I have had applicants that have come in that have told me, yeah, I fell on hard times and this and that and I listened to them. That's part of the investigative process. But frankly as I sit here today, I cannot think of one individual that has been denied a renewal or a license simply on the basis that he or she's home, has been recently foreclosed or foreclosed in the past.

LEG. ROMAINE:

I'm happy to hear that because --

COMMISSIONER MEGUIN:

That's not the sort -- that's not the sort of -- it's not a black and white situation by having -- just simply having a judgment. It's part of the investigative process to determine, as this Legislative body has said, investigate financial responsibility.

LEG. ROMAINE:

And I would say this, and I'm sure you do an excellent job at it, here's the problem from a governmental standpoint of view: You allow so much discretion. You have to have standards. What gives you the ability to say *this guy's hard luck story is more compelling than that guy's hard luck story*? In other words, when you introduce discretion into the law, then you weaken the standards by which that law is enforced. That's my concern.

But let me ask legal Counsel, because I'm looking at this. And it says a couple of things that an applicant has to be. First, it has to be 18-years of age. It cannot have been convicted of a criminal offense related to giving or receiving a bribe, or giving -- receiving unlawful gratuities, or official misconduct or other corruption-related deeds. Can a person commit murder and still apply under this law? Would that apply? Because they seem to select a certain criteria of certain violations, but not other violations. Would this apply to murder?

MR. NOLAN:

Well, those -- the latter part of what you read are public corruption crimes. But the first sentence is the person has to be of good character, so if somebody --

LEG. ROMAINE:

Consistent with Article 23 of New York State Correction Law. What does Article 23 (a) New York State Correction Law provide?

MR. NOLAN:

Generally, it provides that just because you've been convicted of a crime, you can't be denied licenses and things like that on the basis of that; unless there's a connection between the crime you committed and the license you are seeking.

LEG. ROMAINE:

But then the -- but the proposed resolution then goes forward and specifically segments certain crimes and not other crimes. To me that seems to be a weakness in the construction of this.

MR. NOLAN:

I think the law is saying that if you've been convicted of a crime involving public corruption, it would be consistent with the State law to say you should probably not get a license to be an expeditor where you are interfacing with government officials looking for a license.

LEG. ROMAINE:

Okay. Thank you, Counsel. Thank you, Commissioner. I appreciate it.

CHAIRMAN CALARCO:

Commissioner, before you go, I just want to go back to something that we were discussing that Legislator Romaine brought up regarding the discretion that is had in licensing these individuals and looking at their financial background. This is basic language that we use in all the licensing laws we have on the books right now for Suffolk County.

MR. MEGUIN:

That's absolutely correct.

CHAIRMAN CALARCO:

So this is the basis that you use when you look at licensing plumbers, contractors, electricians, anybody else that comes through Consumer Affairs.

COMMISSIONER MEGUIN:

Precisely.

CHAIRMAN CALARCO:

You already have certain standards and protocols that are basically the way you follow that are based on a history of providing licenses by this County for however many areas we've been doing that.

COMMISSIONER MEGUIN:

Yeah. Well, frankly, I'm in the process of trying to draft very more -- more concrete rules and regulations so to make it very clear not only in terms of how -- my thinking and the spirit of what's intended by the legislation, but promulgating rules and regulations. So it's very clear to try to eliminate as much -- much of that discretion. But, yes, I'm trying to develop --

CHAIRMAN CALARCO:

There's a whole history there that you're actually trying to go through and tighten up and clean up the language to make sure that it's very well defined. So that in certain circumstances, like the electrician who fell on hard times because the economy is not very good, he's not getting very many jobs, so he fell behind on his home mortgage, isn't going to be affected by that and his ability to continue to do the work that he did to be able to make a living on -- or attempts to make a living on.

COMMISSIONER MEGUIN:

That's absolutely collect; correct.

CHAIRMAN CALARCO:

And it would be no different with this particular license.

COMMISSIONER MEGUIN:

That's correct. And we've done in the past, even where we to try to, I guess, not eliminate discretion -- I will occasionally refer a particular applicant to one of the advisory boards and let them speak and interview the individual and whatnot and take part of their recommendation. For example, a home improvement license, if I have some sort of uncomfortable -- about either the person's character or that -- typically unless it's a very egregious situation, I will deny outright. But typically I refer and ask that the applicant come before that body and speak to them.

CHAIRMAN CALARCO:

And really what you're looking at in a financial background is their business practices and their ability to operate their business and see that they don't have judgments against them for failure to continue to work that they were supposed to be providing, those kind of instances where they seem to be defrauding the consumers.

COMMISSIONER MEGUIN:

Well, that's clearly one of the criteria; the nature of the judgment. I pointed out some people have medical judgments for --

CHAIRMAN CALARCO:

Thank you. Thank you, Bob. Legislator Browning. You have to stay up here, Bob, because there might be more questions.

LEG. BROWNING:

Yeah. Not so much of a question but a comment. Because, you know, I agree with you, Legislator Cilmi, that it really is a shame that the process is so problematic for the private individual to be able to do it themselves. I would like to see that change so we don't have people having to pay \$2,000 to get an expeditor. But also to let you know, we have tax grievances, when people go for -- filing tax grievances and you know that -- I mean, my husband and I, we did our own. It's really not that complicated, but for some reason people feel to go to some private company that does it, and obviously they know how to go through the process and get it done, people will pay them to do that. Those people -- actually the tax grievance companies, they are regulated in Suffolk County also so -- yet, they don't come to -- anywhere in Suffolk County government for the tax grievances. They go to the individual towns.

And, like I said, the one thing that I'm doing right now is the expeditors go to the Health Department in Suffolk County. That's the only place. I've already had complaints about an expeditor going to the Town of Brookhaven, taking their money and walking away and doing nothing. I have brought this to the attention, and like I said -- and I spoke with Steve Flotteron, brought it to his attention, maybe he could be looking into that in Islip.

I spoke with the Town of Brookhaven, the representatives in the Town of Brookhaven, and I said "maybe you guys should be looking at this." Maybe somewhere down the road -- if I continue to get complaints, and I can tell you I've had a number of complaints, and for whatever reason, some of them are afraid to pursue it. And so they're out the money. And I think that's a shame.

So what I'm saying is, if there is a need, and I continue to get as many complaints as I've received so far this year, I may pursue it and make a countywide law, just like it is with the tax grievances. But at this time I think with our Health Department, that's where I want to start.

CHAIRMAN CALARCO:

All done? Legislator Cilmi.

LEG. CILMI:

Thank you. So I see a bit of a difference in the two scenarios. Because on the one hand with regard to tax grievances, you're dealing with external situations that, you know, may not be within the control of the government. On the other hand, the purpose of the expeditor is precisely due to government inefficiency. So, the two don't really equate.

That being said, if there was no fee attached to this, and if there was a more definitive list of criteria for when an expeditor, you know, violates some sort of a law that would have that expeditor thrown off the accepted list, if that existed, I would be more -- much more comfortable. Because, frankly, this whole discussion is somewhat frightening to me. Because what we're seeing or hearing here is that we're going to pass a law that's going to allow our Consumer Affairs Department, with all due respect, to promulgate rules that will determine whether or not somebody is worthy of operating a business here in Suffolk County. And -- without any oversight on our part, on the elected representatives of the County whatsoever, which is exactly why I sponsored a bill that would require departments, when we -- when we direct them to promulgate rules and regulations, to do certain things, would require them to come back before us for authorization, or at the very least in its latest revision, would reach out to the folks who were affected by those laws and have public comment come in, which would be available to us prior to the promulgation of rules.

Because, to have our department heads running around promulgating rules that we don't get a second bite of the apple to see is frightening. Because in this case you could basically deprive somebody of their livelihood. And that's -- you know, that's a frightening thing to have an unelected official be able to come up with certain rules that would do that in Suffolk County. So, I'm not in favor of this version of the law. I'm open to, you know, to looking at an alternative. But, in this version, I'm not going to be supportive of it.

CHAIRMAN CALARCO:

Okay. Anybody else? All right. I have a motion to approve.

MS. LOMORIELLO:

To approve and a second.

CHAIRMAN CALARCO:

And a second.

MS. LOMORIELLO:

Yes.

CHAIRMAN CALARCO:

All those in favor of the motion? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

LEG. CILMI:

Opposed

CHAIRMAN CALARCO:

Motion is carried.

IR 1492, Implementing a Scale for Health Insurance Contributions by Exempt Employees. (Romaine). I'll make a motion to table, second by Legislator Spencer.

LEG. ROMAINE:

If I may on my bill?

CHAIRMAN CALARCO:

Sure, Legislator Romaine.

LEG. ROMAINE:

I introduced this bill because I believe that all employees should be treated equally. I think that's a concept we all buy into, I would hope. And interestingly enough what this bill says is that the exempt employees, who we singled out, essentially to send a message that everyone had to contribute to health care, we now discover that County Executive cut a deal and said, "guess what? Just new employees."

And what this bill says is exactly what he said. So why would you not support Mr. Bellone and endorse my bill? Because my bill is exactly what Mr. Bellone said. That's exactly what it does. It says the exempt employees will not pay except for what other agreements are made, specifically the AME agreement, because that's the agreement that all exempts have followed in the past. It's historic. And although Mr. Bellone had said this, this codifies it. So here I am working hand in glove with the County Executive to reflect his thoughts. And I see members of his own party tabling this and I am shocked and dismayed.

*(*Laughter*)*

CHAIRMAN CALARCO:

Thank you, Legislator Romaine. I have a motion and second. All those in favor? All those in favor? Opposed? Abstentions?

LEG. ROMAINE:

I'm opposed to tabling this.

LEG. CILMI:

Opposed as well.

(VOTE: 3-2-0-0)

CHAIRMAN CALARCO:

IR 1522, Adopting Local Law No. -2012, a Local Law to Enhance Provisions for Enforcement of Certain Consumer Protection Laws (County Executive) I am going to make a motion to table. I think the County Executive is still working on this.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Second by Legislator Spencer. All those in favor? Opposed? Abstentions? Motion's tabled.

(VOTE: 5-0-0-0)

IR 1580, Authorizing elected officials to make immediate contribution for health

insurance. (Cilmi) I think we're in the same place we were before. I'm going to make a motion to table, second by Legislator Spencer. On the motion.

LEG. CILMI:

On the motion, please. Thanks. Have we heard from the Comptroller's Office as to where we're at with this?

CHAIRMAN CALARCO:

They are not prepared.

LEG. CILMI:

They're not prepared.

CHAIRMAN CALARCO:

Basically the Comptroller's Office in the time which this needs to be -- has to be done ahead, ah, we're working on a timeframe of November, which was in line with the legislation that was passed with the exempts, which is now going to be altered. And I think that, you know, in keeping with Legislator Romaine's comments before, we're looking to make sure all employees are treated equally.

LEG. CILMI:

I'll reach out to the Comptroller's Office. Thank you.

CHAIRMAN CALARCO:

Thank you. All those in favor? Opposed? Abstentions? Motion's tabled. (VOTE: 5-0-0-0)

IR 1602, Adopting Local Law No. -2012, A Local Law to update and strengthen the County's Responsible Bidder Statute. (Spencer)

LEG. SPENCER:

Motion to approve.

CHAIRMAN CALARCO:

I have a motion to approve. And I'll second the motion. All those in favor? Sure, Legislator Romaine.

LEG. ROMAINE:

Could I ask Counsel briefly what this does?

CHAIRMAN CALARCO:

Sure thing.

MR. NOLAN:

In substance, what it does is it adds a provision to the Responsible Bidder Statute. Right now, persons can be disqualified for bidding on contracts for prior convictions of numerous crimes. This would just add a provision that they could be disqualified if they've been cited by the Consumer Affairs Department for operating without a license or had their license revoked and continue to operate their business in violation of County Licensing Law. So, that would be a basis for disqualifying someone for bidding.

LEG. ROMAINE:

I think that's a good idea. Could I suggest something else? We seem as a County to be moving away from doing RFP's and bids and doing waivers instead. In fact, we've done more waivers this year to hire contractors in this County than in any other year that I can remember in my 27 years of County government. It seems that bidding has become archaic, and RFP's have become archaic. And instead we are relying repeatedly on waiver committee to self direct, even -- not only in getting bidders, but even getting -- selling property. We don't need to do RFP's or bids. We can just, you know, do direct sales. I'm concerned if it also included waivers, I think it would strengthen the provision. Suggestion to the sponsor. But I obviously think it's a good bill and support it because it makes sense but we might want to include waivers since we do tend to do more waivers these days sometimes than bids or RFP's.

CHAIRMAN CALARCO:

Okay? Okay. Thank you very much. We have a motion and a second. All those in favor? Opposed? Abstentions? Resolution is carried. **(VOTE: 5-0-0-0)**

IR 1698, Adopting a Local Law No. -2012, A Local Law to amend post-employment restrictions. (Schneiderman)

LEG. SPENCER:

Table for public hearing.

CHAIRMAN CALARCO:

Table for a public hearing, motion by Legislator Spencer. I'll second the motion. All those in favor? Opposed? Abstentions? Resolution is tabled. **(VOTE: 5-0-0-0)**

INTRODUCTORY RESOLUTIONS

Moving onto **Introductory Resolutions IR 1756, Approving the criteria for the County's Pet Store Rating Program. (Spencer)** Legislator Spencer?

LEG. SPENCER:

I'd like to invite Commissioner Meguin to come forward and help us on this a little bit. We've been working on this for the past eight months. I actually, again, out of, I guess, respect and just really to Legislator Cooper, who really was a champion of pets and animal rights, this legislation came out of the idea that animals were being sold or -- bought from puppy farms and being -- kept and sold in deplorable conditions in some cases. And this was -- this legislation was a way of being able to help address that particular issue by bringing a -- kind of a voluntary system together where we would invite the Consumer Affairs and the pet stores to participate to say that they had a standard that was humane, that when people -- when our constituents purchased from these particular vendors, that they could be assured that they were getting an animal that had been purchased and handled and cared for in acceptable humane conditions.

So it is voluntary. It would allow that store to place in its window just kind of some indication that they had undergone this scrutiny and that the consumer could be assured that they were getting an animal that was in great condition.

So that's -- we've been working on the criteria for a longtime, inviting members of the Consumer Affairs Department and various animal rights groups throughout the County to have a seat at the table to formulate these criteria. And so we've put a lot of thought into it and now we're ready to bring it before this Committee. And I invite -- I know the Commissioner is also looking at it. And they may have just some feedback. And so I would like to ask if he could give us his concerns and where we could -- where you would be in a position to feel comfortable with this legislation.

COMMISSIONER MEGUIN:

While a member of the Consumer Affairs was a participant in the criteria committee, I've reviewed the documentation, the various memorandums went back and forth. But as you rightly point out, it's strictly a voluntary program. It's -- in terms of the ability to enforce this, I don't know that Consumer Affairs has any ability to enforce this thing.

My initial concern really was whether or not the particular factors that were -- or the criteria established the factors were objective as opposed to subjective, which naturally would make it a difficult -- we're all trying to get an objective basis so that, you know -- and part and parcel of that, frankly, I'm not so sure I would be in favor of a rating system. Originally envisioned there was a rating system of 1 through 5. I don't know that, at least in my mind, to make those gradations between 1 and 5 is problematic to me.

And second of all, it seems to me it becomes an endorsement, an indirect or implied endorsement by Suffolk County that the pet store that carries, say, a higher rating than of 5 as opposed to 1 is the better place. That to me becomes problematic. And I don't know how that can frankly be enforced. And that's pretty much my -- my concern when I look at this entire process.

LEG. SPENCER:

Well, I definitely appreciate that. I mean, what we'll do, just in terms of consideration for my colleagues in this particular Committee, I'll address in 20 seconds the cliff notes version. And we tried to keep it where it wasn't kind of like an arbitrary 1 to 5 gradation or 0 to 100, or whatever, by dealing with affirmatives such as yes, not outstanding or anything -- yes, needs improvement, no, or automatic failure.

And I guess we did have a lot of back and forth internally as I seen these. And we tried to stick to things such as condition of the animal, housing, store operations where we look at food, water. And again there's -- you're right. That was my concern also, as I worked with the Committee, was to try and eliminate as much arbitrary criteria as possible to make it objective and to -- and not to be where, if it's subjective where some could get favor ability over others.

I think the need is there, because this was also part of -- kind of preceded you and me, when -- I guess the puppy mill legislation had come through, this was one of the ways that we were going to work with the legitimate pet advocates within the County to come up with the system, and that's where the enforcement comes in. And it's kind of like if we go to the city and visit a zagat rated restaurant, you know, there's no obligation there. But we're more comfortable having a meal at a zagat rated restaurant. And we want -- the enforcement comes from the consumer; the consumer being able to look and see that these stores have been endorsed by the animal rights groups within the County, and that they are someone that's providing quality service.

So I do think the need is there, because it otherwise stops the other side where we are affecting

prohibitive legislation that could make it difficult for some reputable vendors to perform business. So I look forward to working with you. And in interest of just your remarks, I'll make a motion to table at this time.

CHAIRMAN CALARCO:

Okay. Legislator Spencer has withdrawn his approval motion and made a motion to table. I'll second it. Legislator Cilmi you had a question?

LEG. CILMI:

With the tabling motion, I'm fine.

CHAIRMAN CALARCO:

Okay, very good. We have a motion and a second. All those in favor? Opposed? Abstentions? Resolution is tabled. **(VOTE: 5-0-0-0)**

LEG. SPENCER:

I look forward to working with the Commissioner.

CHAIRMAN CALARCO:

Thank you, Legislator Spencer.

IR 1803, Adopting Local Law No. -2012, A Local Law to eliminate item pricing fee. (Cilmi)

LEG. CILMI:

Motion to table for Public Hearing.

CHAIRMAN CALARCO:

Motion to table by Legislator Cilmi. I'll second that motion. All those in favor? Opposed? Abstentions? Resolution is tabled. **(VOTE: 5-0-0-0)**

IR 1815, Establishing County Policy to maximize savings through Early Retirement Incentive Program. (Kennedy)

LEG. CILMI:

Motion to approve.

CHAIRMAN CALARCO:

I have a motion to approve by Legislator Cilmi.

LEG. ROMAINE:

Second.

CHAIRMAN CALARCO:

I'm going to make a motion -- second by Legislator Romaine. I'm going to make a motion to table.

LEG. SPENCER:

I'll second it.

CHAIRMAN CALARCO:

Okay, Legislator Spencer will second the tabling motion for the purpose of discussion. And perhaps we'll start with Counsel. Legislator Browning was asking for an explanation of the resolution and then I have some questions for BRO.

MR. NOLAN:

The resolution states that no County department will fill any position that is made vacant as a result of a voluntary retirement that is subject to the County's Retirement Incentive Program that we -- or the County Executive just carried out. The resolution only applies to exempt positions and positions that are in the AME Collective Bargaining Unit. And further, the resolution does not apply to the positions in departments that are headed by an elected official.

CHAIRMAN CALARCO:

So this is only affecting exempts and AME employees who are employed under the discretion of the County Executive through his Administrative functions?

MR. NOLAN:

It applies to exempts and positions that are AME collective bargaining agreement positions. And only to those positions that are made vacant as a result of the recent Early Retirement Incentive.

CHAIRMAN CALARCO:

But it doesn't affect any -- the ability of the County Clerk or the County Treasurer or the County Sheriff to hire back anybody who left.

MR. NOLAN:

It exempts those departments.

CHAIRMAN CALARCO:

Okay. BRO, how many people got the incentive? Total?

MS. VIZZINI:

Actually the resolution would apply to 136 positions, of which 94 are in the General Fund.

CHAIRMAN CALARCO:

But how many people target total?

MS. VIZZINI:

196.

CHAIRMAN CALARCO:

196 people. So you said this would apply to 136 people?

MS. VIZZINI:

Right, because you have to take out the ones who work in the departments headed by an elected.

CHAIRMAN CALARCO:

How many are those? That's 50?

MS. VIZZINI:

And we have to take out every other bargaining unit except the AME and the exempts; and even if they're AME and they're working in the departments of the elected officials.

CHAIRMAN CALARCO:

But that number you just gave me doesn't include the probation or the police, the PBA unions, right?

MS. VIZZINI:

Correct. AME and exempts.

CHAIRMAN CALARCO:

196 people who took -- how many people took the Early Retirement Incentive other than PBA?

MS. VIZZINI:

I'll get it.

CHAIRMAN CALARCO:

But you said there's 196 people who took an early incentive; their early retirement, correct?

MS. VIZZINI:

Checking.

(SIDEBAR CONVERSATION)

CHAIRMAN CALARCO:

How many people took the Early Retirement Incentive? Everybody excluding the PBA; excluding the Police?

MS. VIZZINI:

We're getting that.

CHAIRMAN CALARCO:

Okay. How many people are eligible under this resolution?

MS. VIZZINI:

No PBA? Did you want SOA and detectives or do you want the sworn completely out?

CHAIRMAN CALARCO:

Just take out all police personnel. Just AME --

MS. VIZZINI:

It will take a minute or so. We have --

CHAIRMAN CALARCO:

I guess some of the college unions.

MS. VIZZINI:

College did not do --

CHAIRMAN CALARCO:

Who took the -- who were eligible for this incentive? Just AME, that's all, right?

MS. VIZZINI:

All bargaining units. I spoke to Mr. Margiotta earlier. I don't know if he's still here.

CHAIRMAN CALARCO:

No, he's gone.

MS. VIZZINI:

All bargaining units were offered the Early Retirement Incentive. The College as a separate employer did not sign off on it.

CHAIRMAN CALARCO:

Okay. So, all bargaining units were eligible to take the incentive. So we had Probation Officers go?

MS. VIZZINI:

Yeah.

CHAIRMAN CALARCO:

Okay. Interesting. How many people totally went total?

MS. VIZZINI:

Did you want -- you wanted PBA excluded, correct?

CHAIRMAN CALARCO:

You can give me the number including them at first, I guess. We'll whittle it down from there.

MS. VIZZINI:

196.

CHAIRMAN CALARCO:

196, that includes the PBAs?

MR. PERNICE:

Yes.

CHAIRMAN CALARCO:

Not delay, but did the seven {inaudible} affect police officers that took the incentive?

MS. VIZZINI:

I couldn't understand the question. What?

CHAIRMAN CALARCO:

196 is every -- every employee who was asked is that 196 number?

MS. VIZZINI:

Correct.

CHAIRMAN CALARCO:

How many are AME employees?

MR. PERNICE:

AME had 147. You want me to just go through the list?

CHAIRMAN CALARCO:

Sure, please.

MR. PERNICE:

AME had 147; the Correction Officers had 8; the Deputy Sheriff had 4; exempt 5; 2 Park Police, 11 PBA, 6 Probation Officers, 8 AME -- considered AME, crossing guards, 1 Suffolk Detective and 4 SOA.

MS. VIZZINI:

This is the June, July incentives. Not the initial April incentive.

CHAIRMAN CALARCO:

So we had extended the Early Retirement Incentive to the PBAs in addition to the incentive they had in April.

MS. VIZZINI:

Yes.

CHAIRMAN CALARCO:

Okay. I seem to remember that we usually do a 20% backfill provision with Early Retirements to ensure that we had -- we actually see some sort of savings out of the program. It's usually -- I think that Mr. Lipp at one of my committees earlier in the year had testified that it's basically a 1 to 5 ratio in order to make sure that you're getting savings from a program. So this resolution specifically applies to how many individuals?

MS. VIZZINI:

136.

CHAIRMAN CALARCO:

136. So that means there's roughly 60 individuals that are -- 60 positions that could theoretically be filled if this resolution were to be passed?

MS. VIZZINI:

Theoretically, anything outside AME and exempt.

CHAIRMAN CALARCO:

And what would that do to any of the savings that we have received through this incentive? How much money have we saved from these people going?

MS. VIZZINI:

Yeah, we're -- as we indicated to the Budget and Finance Committee, we were -- we are in the throes of preparing a memo for all Legislators to address just that. So I would -- that will be available early next week.

CHAIRMAN CALARCO:

If 60 people out of those 196 are rehired, especially considering that a number of them are Police Officers or SOA or Probation who are likely to -- especially Probation and CPS workers, if those 60 individuals are rehired, does that erase any of the savings -- all the savings that we got? I mean, that's more than 20%, right? It's more like 25% of the people? A little more than that?

MS. VIZZINI:

The memo is going to address the gross savings, in other words, you know, after we paid out all the terminal pay and all -- you know, how much, if anything, we saved in 2012. But how much we don't have to budget and salaries and benefits in 2013, if nothing was filled. Then, you know, in typical Budget Review fashion, some of these people would have left anyway. So, there'll be a brief discussion of how realistic was it that these people only left because of the Early Retirement Incentive.

So, since you're curious about all the numbers, we want to give it to you both ways. But that will be in the short run. These 136 positions do span, you know, the 100% Medicaid Fund. They do span 477 Fund. They do include certain positions in Social Services that involve Child Protective Services and this and that and the other thing. The way we did the Fiscal Impact Statement, if I may, is based on the likelihood that none of them are going to be filled tomorrow. What we did is we assumed that the highly reimbursed would be filled first, that there would be some priority to

public safety and public health positions. And those filling of those positions would occur over the course of the remainder of '12 and '13.

To that end, we have a -- if you didn't do that, if they weren't -- they were to be filled, we estimate a potential savings in 2012 of 598,000 and 2013 of 5.6 million. It does not necessarily mean that the County Executive, through Administrative control, could not have achieved that savings either.

CHAIRMAN CALARCO:

Of the hundred -- that's provided the 196 individuals who left this June do not get rehired in anyway; we don't fill those spots.

MS. VIZZINI:

This pertains to the 136.

CHAIRMAN CALARCO:

In this resolution.

MS. VIZZINI:

In AME and exempt who -- the positions would basically be abolished.

CHAIRMAN CALARCO:

Do we have anybody from --

MS. VIZZINI:

Not abolished. I'm sorry.

CHAIRMAN CALARCO:

You said there was some Medicaid 100% eligible positions in there. I'm assuming these are people in DSS --

MS. VIZZINI:

There are some --

CHAIRMAN CALARCO:

-- who are caseworkers so are behind and being sued because we haven't processed these applications in a timely fashion?

MS. VIZZINI:

Yes, we would be happy to distribute a copy of the specific positions.

CHAIRMAN CALARCO:

And this resolution would prohibit us from filling those positions?

MS. VIZZINI:

Yes, that's the intent.

CHAIRMAN CALARCO:

So we're likely facing a court order to hire more people to make sure we're processing food stamps and Medicaid applications, but we're going to have people take an early retirement in those positions, which was my concern in the first place with an Early Retirement Incentive and we'll have retirees that go back anyway. So we'll have a law on the books that says you can't hire someone back -- rehire a position and then we're going to get a court order saying we need to hire more people.

MS. VIZZINI:

Plausible.

CHAIRMAN CALARCO:

So it sounds like this resolution needs a little work and refinement.

LEG. CILMI:

Question.

CHAIRMAN CALARCO:

Legislator Cilmi.

LEG. CILMI:

Did I hear either the Chair say or Budget Review say that some of the positions that this would preclude us from rehiring are funded from other levels of government?

CHAIRMAN CALARCO:

Yeah, that's correct.

LEG. CILMI:

Is that accurate?

MS. VIZZINI:

What I said was --

LEG. CILMI:

Well, the Chair said that. Is that accurate or --

CHAIRMAN CALARCO:

I heard wrong?

MS. VIZZINI:

You said it in a different way. You know, the 360 is the 100% State Aided Medicaid Fund. So I think that's what the reference was.

LEG. CILMI:

And the payroll -- the payroll expense is funded by that fund?

MS. VIZZINI:

Yes. There are seven positions in Medicaid. There are five positions in the Southwest Sewer District. There are positions in the sewer funds. And there are positions in -- 102, which is the 911, which is funded from revenue.

LEG. CILMI:

Okay. So there are most certainly positions that this resolution would preclude us from rehiring that are funded by funds other than the General Fund and/or by other levels of government?

MS. VIZZINI:

Correct.

LEG. CILMI:

Okay. You know, for the time being, I'll withdraw my motion to approve then. Thank you.

CHAIRMAN CALARCO:

Great. Anybody else? Okay. I have a tabling motion and a second. All those in favor? Opposed? Abstentions? Resolution is tabled. **(VOTE: 5-0-0-0)**

IR 1824, Establishing a new policy requiring health insurance contributions by exempt employees. (Presiding Officer) I'll make a motion to approve.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Second by Legislator Spencer. I think this is the Presiding Officer's resolution that will bring all the exempts into alignment with what's been reached with all the other bargaining units. I have a motion and a second. All those in favor? Opposed? Abstentions? Resolution is carried. **(VOTE: 5-0-0-0)**

IR 1830, Authorizing health benefit cost sharing. (County Executive)

LEG. SPENCER:

Motion to table.

CHAIRMAN CALARCO:

I have a motion to table by Legislator Spencer, second by Legislator Browning. All those in favor? Opposed? Abstentions? Resolution is tabled. **(VOTE: 5-0-0-0)**

That's all I have on the agenda. Seeing no other business --

LEG. CILMI:

Just a quick question.

CHAIRMAN CALARCO:

Sure go ahead. Legislator Cilmi.

LEG. CILMI:

Question either Budget Review and/or the Administration -- or actually a question for both. Mr. Zwirn, just a quick question for you and for Budget Review. Sometime ago, about -- maybe a month, maybe more ago, I sent over to both the Budget Review Office, as well as to the County Executive, a report detailing or summarizing a list of 140 some odd suggestions that were brought to us by our employees in a public hearing; and prior to and after a public hearing that we held to gain some ideas on how to make Suffolk County work a little bit smarter. I was wondering if anybody had any update on a review of those suggestions?

MR. ZWIRN:

I know that we received them and I know that the Budget Office has reviewed them. After that, I don't know if they had taken anything from that to work into the 2013 Budget. I could find out for you, but I know we did receive it. And thank you for the effort and the hearings that you had and all of the suggestions. I mean we're looking for ideas that are out of the box and any good suggestion will be considered.

LEG. CILMI:

Yeah. If you could by our next committee cycle -- you know, that public hearing lasted about three hours. We had 50 employees or so come out and speak with their suggestions. I received hundreds of e-mails from employees with suggestions. It took sometime to put that report

together. And you know, I think it's worthy, certainly of, you know, of a careful look and a presentation from the Executive Office and from Budget Review eventually prior to the budget process, you know, come to us and say where -- you know, how -- whether or not any of those suggestions were worthwhile.

MR. ZWIRN:

I will do that, Legislator Cilmi.

CHAIRMAN CALARCO:

Perhaps you can have Mr. Melito come to the next Committee meeting. He can address us and let us know if there's anything in that report which Legislator Cilmi took great pains to go through and put together for us. There are certainly some recommendations that are doable maybe in there; some that are definitely not doable, but it's certainly all worth taking a look at.

MR. ZWIRN:

Yeah, no, we figured it was a good exercise to have people come in. Look, it's always good to have an opportunity not only vent, but to be able to make suggestions that could be out of the box, somebody had not thought of before. But I'll ask at your request, Mr. Chairman, that Tom Melito be here at the next meeting.

CHAIRMAN CALARCO:

I guess if he could as well when he comes any of the other budgetary saving measures that he looks like he may be able to put in place -- I know he's been working at Probation. He's been working at the Fire Academy. He's been doing quite a bit of different types of things trying to deal with saving funds. And I'm sure that a lot of those recommendations are going to come out in the budget. So, anything that they're working on, cooking over there, you know, we'd like to hear about it.

MR. ZWIRN:

I will have him come here and be prepared to talk about some of his efforts and the efforts of the Performance Management Team and where they are as we go into the budget process.

CHAIRMAN CALARCO:

Good. Thanks, Ben. One more quick comment, Legislator Browning.

LEG. BROWNING:

Yeah, I know that the County Executive, they're working on the State mandates. And I would be curious as to what those mandates are that they are asking for some relief on. I think that would be important, because we all know that we're over burdened by \$700 million in state mandates.

But on a second note, Mr. Meguin, I'd like to say thank you. I have a constituent for three years who was basically taken to the cleaners. And I want to say thank you, because since you've been there, I've heard some very positive responses. And my constituent received a nice restitution, which was definitely deserved. And I just want to say thank you, because it was from you and your office that she's a very happy constituent today.

MR. ZWIRN:

On behalf of the Administration, it proves one thing: You can't lose them all. So thank you very much for those kind words.

*(*Laughter*)*

CHAIRMAN CALARCO:

Okay. Thank you very much. Seeing no other business, we're going to adjourn. Thank you.

**THE MEETING CONCLUDED AT 2:08 PM
{ } DENOTES SPELLED PHONETICALLY**