

LABOR, HOUSING & CONSUMER PROTECTION COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A regular meeting of the Labor, 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 Thursday, April 21, 2011.

MEMBERS PRESENT:

Legislator Jon Cooper - Chairman
Legislator Kate M. Browning - Vice-Chair
Legislator Thomas Cilmi
Legislator Jack Eddington
Legislator DuWayne Gregory

ALSO IN ATTENDANCE:

George Nolan - Counsel for the Legislature
Sarah Simpson - Assistant Counsel
Renee Ortiz - Chief Deputy Clerk
Paul Perillie - Aide to Majority Leader
Dot Kerrigan - AME Aide
Eric Kopp - County Executive's Office
Dennis Brown - County Attorney's Office
Steve Laton - Suffolk County SPCA
Roy Gross - Suffolk County SPCA
Gerald Lauber - Suffolk County SPCA
Paul Llobell - Suffolk County SPCA
Elizabeth Geary - Community Program Center of Long Island
Nicole Andreassi - Early Discoveries Center
And all other interested parties

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 1:10 P.M.*)

CHAIRMAN COOPER:

Good afternoon, everyone. I would like to welcome everyone to the meeting. I would ask Legislator Eddington to please lead us in the Pledge.

SALUTATION

Thank you very much. Before we get to the agenda, we have a number of speaker cards filled out. First I would like to invite up Nicole Andreassi. And, Nicole, for the record, if you can state your name and address, please.

MS. ANDREASSI:

Good afternoon. My name is Nicole Andreassi. I am here to speak about the hardship -- living wage hardship, I'm sorry. Good afternoon, Members of the Committee. I'd like to thank you for the opportunity to explain to you how the living wage made it possible to obtain and achieve things in my life which would not have otherwise been possible.

For starters, allow me to give you some background on myself. My name again is Nicole Andreassi, and I have been a staff member of the Early Discovery Center which is also know as the Community Program Center, for eight years now. I was originally hired as a summer camp counselor and continued as a float/per diem employee during the school year. I worked around my school schedule at Suffolk Community College and had always been very grateful for the company's flexibility and cooperation.

When I originally started, my hourly rate was approximately \$7.50 an hour. It was extremely stressful trying to struggle my course schedule and still maintain a schedule at work that allowed me to pay for my books, gas, maintenance on my car and also everyday life. Then, as if a saving grace, we received a letter in our employee mailboxes. This letter stated that due to the living wage being granted to us by Suffolk County, the company would be able to raise my hourly rate from the 7.50 we were receiving to \$9 an hour.

That initial living wage increase was my first sigh of relief. I was now able to afford my books and other expenses and not struggle. I could concentrate on my studies and create a future for myself. The living wage increases that followed only amplified this feeling. I was able to stay in a field that I love, go to work with a smile on my face and continue my education.

Since that time, I have graduated from Suffolk Community College and gone on to St. Joseph's College to complete my Bachelor's Degree in child Study. I am currently still employed at the Early Discovery Center, however, I am now head classroom teacher for their universal prekindergarten program through which we are partnered with the Connetquot and Middle Country School Districts. It amazes me to think of how my life might have been different at this moment in time if I had never received the living wage increase. I may have only been able to afford to attend school part time, I may have had to leave the field of early childhood education and go on to something else, perhaps I may not have even finished school. But thanks to living wage, I am on my way to obtaining my Master's Degree and building my future.

In closing, I'd like for you to stop and think of how many stories similar to mine there may be and how many of those stories are still to come. Many young American men and women have worked to put themselves through school. I hope for the sake of our future, that others have the same opportunities that was fortunate enough to have. And I also hope that for the sake of our children and facilities that facilities such as the Early Discovery Center continue to offer hourly rates which include the living wage in order to ensure that we retain a highly qualified and responsible staff.

Thank you for your time.

CHAIRMAN COOPER:

Thank you very much, Nicole. Next speaker ask Paul Llobell.

MR. LLOBELL:

Thank you for hearing the Officers and Chiefs from the SPCA today. I'm a Detective with the Suffolk SPCA. And I'd like to first thank Tom Cilmi, Jon Cooper, Kate Browning, Ed Romaine for helping us with our indemnification issues. As you know, we've had an issue with obtaining insurance. The insurance is handled, we have our insurance covered. We're here today to speak about continued indemnification for our peace officers. As a Peace Officer with the Suffolk County SPCA, you know, we, on a routine basis, go out and we investigate cases. Some of these cases turn into a violation and misdemeanor or felony, and we are forced to make an arrest. We make these arrests based under the laws that we are allowed to enforce, the Agricultural Markets Laws Article 26, and we process every one of our clients through the Suffolk County system, whether it be the District Court System or possibly an East End Town.

When our peace officers go out and make these arrests, although we have underlying coverage, business operating insurance from the SPCA, we have no indemnification should the arrest be challenged. If that arrest is challenged, it's a burden on the Peace Officer to have to invoke his own personal liability insurance, his homeowner's insurance or what have you.

When you really come down to think about it, you know, us as volunteers with all the good things we do -- and I'm couple of the other gentlemen when they get up to speak today, they will tell you the other issues that we're handling. But when we go out as a volunteer Peace Officer and make an arrest, and if we're taken to task and we get in a litigious situation, we need the indemnification from the County to help defend us.

I'm hoping that the resolution, I believe it's 155 -- 1255, will be passed to afford indemnification to the Peace Officers in the Suffolk County Society for the Prevention of Cruelty to Animals. We make the same arrest a Bay Constable would make, a same arrest a Police Officer would make, a Suffolk County Sheriff, a Fire Marshall. We can issue field appearance tickets where we can actually take the subject in and have him processed by the courts.

So I'm hoping we'll have all your support and we can get this passed. We have had this indemnification since, God, I don't know, 2005, and we hope it continues. It currently expires 12/31. And we'd like to have a full indemnification. It was a limited indemnification, by the way. We'd like to have a full indemnification for all of our Peace Officers while acting pursuant to their duties. We generate a lot of revenue for the County. All of the fines and all of the penalty money that comes in goes to the County of Suffolk, it doesn't come to the SPCA. So we are a good viable working agency. We either need to be considered official volunteers, or they have to somehow recognize us maybe as a County employee while we're conducting business as a Suffolk County Peace Officer. All right. Thank you very much.

CHAIRMAN COOPER:

Legislator Cilmi has a question.

LEG. CILMI:

Paul, how are you? It's good to see you, good to see you guys. Just a question, and I'm not sure if you know the legal answer to this. It would seem to me that if you're insured against, you know, for liability purposes, that -- and you're -- rather, if the SPCA is insured for liability purposes that the Detectives shouldn't be at least personally responsible for anything that you do in the course of your work with the SPCA. Do you know for a fact that you would be, in fact, personally liable?

MR. LLOBELL:

Absolutely. We only have limited coverage with our professional liability and our liability policy. You know, you have to remember, we're talking about two different issues here; we're talking about insurance for the business, which is the Suffolk County SPCA, Inc., all right, that's business insurance that every businessowner has to have -- and you guys all know, because you come out of businesses; and then there's indemnification.

I mean, we only have a limited policy. It only covers us up to a certain amount of money. And you know, if we got into a situation performing an operation for the County of Suffolk, we feel and I truly believe and our insurance company believes that there should be an ample level of indemnification provided by the County because of the services we are providing. You know, you wouldn't let a contractor come and work for the County without providing insurance, all right? We wouldn't let the County come and ask us to do some work without providing insurance. That's really what we're asking for.

You know, we get calls everyday. I mean, I'm the duty officer today, I had seven or eight phone calls today, a few of them from the Suffolk County Police Department asking us to respond and take care of some issues. This is the County of Suffolk asking us to come out and take care of problems besides all of the other good things we do, which the guys will get into in a little while. I mean, you know, we do such great, great, great programs. Back to the point, we only have a limited amount of coverage.

LEG. CILMI:

Which is what?

MR. LLOBELL:

I don't feel like sacrificing -- I'm not sure the exact amount.

LEG. CILMI:

Is it \$3 million?

MR. LLOBELL:

Three million dollars, yes. I don't feel like putting my house or my home and my kids' futures on the line because I went out and arrested somebody and they don't think they should have been arrested and they want to take us to task.

Now, listen, we have been in business since 1972. We have never ever lost a lawsuit. We've had a few lawsuits imposed upon us. There's never been a payout. The only payout we've ever had, ever had in our agency that I'm aware of was \$3300 for -- somebody backed into one of our vans when it was parked at the 4th Precinct here. We've never had a lawsuit go the wrong way. Even though the SPCA is considered a not-for-profit organization, it's very, very different, because it is a law enforcement organizations as well. It's totally unique to any other organization that does business with the County or the State or local townships.

So it's just a matter of having adequate coverage. Tom, I know if you folks were sitting here certain and you didn't have certain levels of indemnification provided by the County, who would run for this office? I mean, we'd be out of our minds, wouldn't we? Well, I'm a volunteer of the SPCA, I must be out of my mind to think I'm going to go out there and enforce these laws and put handcuffs on somebody and take them in and process them to know there's a possibility I might get taken to task down the road. The chances of somebody winning those lawsuits if we do everything properly, it's very slim.

You have to remember, everything we do, we consult with the Suffolk County District Attorney's

Office with an ADA. Usually when we get a warrant, it's signed by a County District Court Judge. We usually serve the warrant with a Suffolk County Police Officer. I mean, so all in all, everything we do is a County function. And the County is well involved in everything we do anyway. You know, it's just a level of the insurance and it's the comfort level that we can go out there, perform our duties the way we should do them and not have to worry. You know, I'd hate to go home and say to my wife, "Honey, you know, we're going to have to sell everything because we have this lawsuit here because I went out and found a guy that strangled his dog and we sued him and he is suing us and the County is not going to do anything to help me." I mean, that's not the way it's supposed to be.

LEG. CILMI:

Let me just make sure I understand the process though. If that were to happen, if you were to go into a house and get sued by somebody personally, because of the insurance policy that the SPCA has, the insurance company would have to defend that lawsuit and then would be, in turn, liable for up to the per incident maximum, correct? But the insurance company would defend, you know, the case. And then if they lost the case and if the award was greater than \$3 million, that's when you would be personally liable, correct? I just want to make sure I understand from a legal perspective how that would work.

MR. LLOBELL:

That's correct. So a proper indemnification should read, obviously to the extent permitted by law, but it should read, you know, above and beyond any underlying coverages that we have. You know, hey if a guy sues me for \$50 million and God forbid he's successful, how would that ever happen? Not that it would ever happen. But, you know, I'm out there performing a service for the County of Suffolk. I get no personal gain out of this. This is a thing that we do and it's a service that each County has their own SPCA. And, you know, if you didn't have the volunteers, you'd have to find another way to get all these cases handled. And we handle 3,000 plus cases a year. I mean, we had seven today already, so, you know -- - and what time is it, one o'clock? You know, everybody is not home, they haven't called us yet. But we'll probably end up with ten cases today or so. So you need to provide some sort of level of comfort and indemnification for the Sworn Peace Officers, the people that are out there enforcing the laws.

CHAIRMAN COOPER:

Paul, Legislator Browning has a question for you.

LEG. BROWNING:

You know, New Year's Day there was a gas leak in Mastic, who called you guys to come? Because I know you guys spent 16, 17, 18 hours outside the William Floyd School District. Who called you to come to do that?

MR. LLOBELL:

The County of Suffolk called us to appear. I was -- fortunately I was working in the command post anyway as a member of FRES, Fire Rescue as a County Coordinator, but the rest of our personnel was dispatched to the high school. And we were called out by the County of Suffolk.

LEG. BROWNING:

So also, hurricane evacuations, you guys participate in all of that with the County, right?

MR. LLOBELL:

We have a whole list of services we're providing and the County demands -- not demands -- requires of us, including Legislator Cooper's -- the new Pet Offender Registry is coming out. I mean, that's a big monumentus (sic) task in itself. And you know, I don't know if I really want to stick my neck out on the line if I don't have some sort of level of indemnification or some comfort level that I'm not

going to be litigated upon and have to defend it myself.

LEG. BROWNING:

You know, I'm just curious, because who is going to do if you don't? You know, when the gas leak happened and you were there to take the pets because they couldn't take them into the school, you know, because of various people's allergies and what not, who else is going to do it if you are not there?

MR. LLOBELL:

Well, it's strange you should ask that. You know, we actually teach the Animal Cruelty Laws, Article 26 at the Police Academy to all the new recruits coming in, and we have an annual refresher. We teach the PD. All of our people are trained, they're State certified. They go through the same training that any other Peace or Police Officer would in the County of Suffolk or in the State of New York. We have weapons training, laws of arrest, search and seizure, how to obtain and warrants. I mean, we train on a monthly basis continually at the Police Academy, by the way. You know, we use all the County resources; County radio systems, we process the prisoners at the Precincts or the Sheriff's Office, the County transports the prisoners for us. So it is truly a County function. There's no question in my mind.

LEG. BROWNING:

It sounds like we're getting a good bang for our buck for volunteers. Thank you.

MR. LLOBELL:

You are welcome.

CHAIRMAN COOPER:

Thank you, Paul.

MR. LLOBELL:

Thank you.

CHAIRMAN COOPER:

Next speaker is Steve Laton.

MR. LATON:

Good afternoon, members of the Legislature. My name is Steve Laton, I'm Chief of Operations for the Suffolk County SPCA. I'm just going to speak briefly with you about my function. I'm the coordinator of the pet-friendly shelters that you are all aware that we have. A few years back, County Executive Steve Levy asked us to work with his office to put together this program, and we put it together. And now we have this pet-friendly shelter program where people in the event of an evacuation or a major disaster in Suffolk County can bring their pets and stay with their pets in a shelter in Suffolk County.

We have the main shelter in Yaphank and we have some shelters throughout the County that we would use in the event that we would need them, overflow shelters. It just so happens that tonight we are speaking at Suffolk Community College in Riverhead on this particular topic on pet-friendly shelters. And that is one of the spare locations. If there is a disaster, we would utilize that. Our Peace Officers provide all of the services for the pet-friendly shelter and they provide security at the pet-friendly shelters too. And this is another reason why we would need the indemnification. Any questions? Okay. Thank you.

LEG. CILMI:

Thank for your service.

CHAIRMAN COOPER:

Thank you very much. Next speaker is Roy Gross.

MR. GROSS:

Ladies and gentlemen, thank you for having us here today. I want to thank, of course, all the Legislators for their continued support over all these years. I know Paul had mentioned -- he had the date wrong -- 1972, I think he said -- it was actually 1984, so it's 27 years that we're providing these services to the County of Suffolk. I just wanted to clarify that.

I just want to talk about some of the other programs and some of the other things that we do for the County. We've been doing this, like I said, since 1984, 27 years. Started off as a small agency and grew into probably one of the largest SPCAs in the state. We handle numerous calls daily from the Police Department, DEC, Department of Environmental Conservation, the Sheriff's Office, calls referred from the County Executive quite often that we get as well, calls from the Health Department, OEM, which is Office of Emergency Management, Fire Marshall, fire departments, building department, we get calls from Social Services, Child Protective Services and Adult Protective Services.

The pet-friendly shelter as Steve had mentioned -- and I should also mention that we provided, we paid for a trailer to keep at the Yaphank location, and we pay insurance for that trailer. The SPCA pays for that. Materials are supplied by the Suffolk SPCA at no cost to the County as well as storing material in there that is County property. We maintain a Dog Bite Registry for the last several years. The Animal Abuser Registry, as Steve had mentioned. The MASH Unit uses as Kate Browning has mentioned as well, not only there, but in other locations; in Huntington when they blew out the gas lines where animals had to be evacuated from that area, we were there.

The animal shelters -- I'm sorry. When the Police Department calls for us for dangerous reptiles, how many times have we gone into houses where we were called by the Police Department where there's dangerous reptiles and snakes? All too many times. We're trained. We have a special unit that's trained just to handle these types of reptiles and snakes. As a matter of fact, we actually trained -- we offered training to the Police Department and other law agencies and animal shelter workers on how to handle these dangerous reptiles.

As Steve had mentioned, police recruits, Emergency Services that we work with, the free rabies clinics for the past, I believe, 21 years that we're providing free rabies clinics. Just in Islip alone, we inoculated, what was it, 3000 animals? At no cost to the taxpayers.

We would like to do more. You know, we would like to do more, but again, we need this indemnification to protect our Peace Officers. The rest of the insurance, obviously we'll pay for the other business that we do, but we really need that indemnification. Just think, the added exposure of doing all of these services that we're providing is additional risk. What we have been through in the last two months, you can't imagine, trying to obtain this insurance. I had black hair a couple of months ago and look at me now.

The point is that it was really down to the wire. It was just last Friday when we were finally able to secure some insurance. We don't want to have to do that each year. Where and it does run into situations where we do -- where the insurance expires, we have to try to get another insurance company. And this time, it was quite difficult. Obviously, you know about the lawsuit. I think basically, that's it. We're just asking for your support to do these valuable services that we provide to the residents and to the animals of Suffolk County.

CHAIRMAN COOPER:

Thank you, Roy. Legislator Gregory has a question.

LEG. GREGORY:

Thank you for coming. So that I'm clear, you have indemnification now, but it's due to expire?

MR. GROSS:

The indemnification we have now expires December 31st.

LEG. GREGORY:

Right. Right. But that was from 2005.

MR. GROSS:

2005, again, with no issues. We're asking -- and never had an issue. By the way, I'm knocking the wood as I'm saying this, in 27 years, we never lost a case. Never lost a case. Zero payouts. So even though we had insurance, we had the indemnification, zero payouts in 27 years.

LEG. GREGORY:

Prior to 2005, was there a previous indemnification?

MR. GROSS:

We did have indemnification, laps and at some point it lapsed. And that's another thing I want to bring out; there is a date on this thing -- on this indemnification. I would ask that there is no date. There should not be an expiration on it, just -- as long as we're providing these services to the County, we would like this indemnification to just continue. It should not have an expiration date.

LEG. GREGORY:

Because what I'm seeing is it extends through this year, but what about December 31st of this year for next year?

MR. GROSS:

That's why we need the indemnification. And we're asking for full indemnification as we already have explained.

LEG. GREGORY:

Right. And you have limit indemnification under the previous agreement?

MR. GROSS:

That's correct. It was limited.

LEG. GREGORY:

And that was to \$3 million.

MR. GROSS:

I believe it was one million.

LEG. GREGORY:

One million. Okay. Thank you.

CHAIRMAN COOPER:

Thank you very much, Roy.

MR. GROSS:

Thank you.

CHAIRMAN COOPER:

Final speak on this subject is Gerald Lauber.

MR. LAUBER:

Thank for the opportunity to address you again. This button really creates a problem because it limits half of my speaking ability, because I can't use my other hand also. So maybe we would address that at some point in the future.

I'm going to talk about the personal aspects of being a volunteer for the Suffolk County SPCA. I and know that a couple of questions were addressed by members of the Legislature with the insurance process. And just to clarify, if we're served with notice of a lawsuit, not only does the agency's insurance company need to be notified, but I have to notify my own personal umbrella insurance carrier, which they have a provision that within a certain date of notification, you need to let them know, otherwise you're not covered. For each case that comes in, we have \$5000. So although there's \$25,000 appropriated by prior agreement by the Legislature, that \$25,000 and doesn't even cover the cost of insurance, which this year is \$31,000. So we are already in the hole \$6000.

LEG. CILMI:

I just have to interrupt you. The \$25,000 that the Legislature approved is not a blanket, "Here's \$25,000." It was to cover the cost of your professional policy up \$25,000 premium. My understanding is that your professional policy is -- the cost -- the annual cost of that is just under \$10,000. So I just want to make sure you understand that your reimbursement from the County for the cost of your insurance will only be to the extent that the cost -- to the extent of the cost of the premium for the professional portion of your policy. I just want to make sure you understand that, Gerry.

MR. LAUBER:

That further makes my point. I do. And I appreciate the clarification. But for each case that comes up, we have a \$5000 deductible. Three or four cases that come up, whether we win them or lose them, the 15 or \$20,000 just off the bat, that has to come out of resources that we would use to protect the pets and the animals in the County.

Who will do the job if we don't do it? It's a great question. Maybe time should be spent to look at who would cover those cases. If you had one hour for 3000 cases, that's 3000 man hours. I don't know what the man hours would cost for you to replace it. But that's just an average. Some cases we spend over 100 man hours in a given day responding to some horrendous situation.

Detective Llobell pointed out that -- he asked himself a rhetorical question, "What am I an idiot for doing this?" Well, my wife asked me the same question. When the Towers fell on 9/11 and we were called to come down to the City with the MASH Unit that you guys provided us with and we were there for 40 days. My wife was standing in front of the door and saying, "What are you an idiot? All these people are running out of the City and you're going in. Why are you doing it?" And my answer was, "Because I have a commitment to do it." And that's how it is with all of the volunteers in our agency who pay out of their own pocket for their equipment, for their own insurance, for the gas for their cars. I think to leave these people stripped without the protection of indemnification above that \$3 million is really sinful and sort of a slap in the face to those people who dedicate so many, many hours in service to the residents of our County. Thank you.

LEG. CILMI:

Gerry, question for you. You made reference to paying for your own insurance to cover the umbrella -- some umbrella liability. I guess I have really two questions. The agency has an umbrella policy through the same carrier that your professional and your other policies are with, what is the extent of that -- and I'll ask all the questions together and then you can answer. What is the extent of that umbrella coverage, first of all? Second of all, what was your per incident deductible with your previous carrier? And last, are all of the detectives with the SPCA, do each of them take out their own insurance policies to cover them for whatever additional liability that may exist for your activities?

MR. LAUBER:

Zero. I believe there was no deductible with the prior policy. Our own detectives, we strongly encourage them to do this, but we don't require proof that they do it, and we do it almost at every meeting, that they're putting their own homes in jeopardy if they don't spend the extra 250, \$300 a year for a multi-million dollar coverage policy. And the first part was -- first question, I'm sorry, I forgot.

LEG. CILMI:

The SPCA's umbrella policy.

MR. LAUBER:

I think it's an additional three million.

MR. LAUBER:

We will get that back to you. I don't want to give you inaccurate information.

LEG. CILMI:

Because, I mean, that could theoretically cover the entire -- the entire thing. I mean, if you have an umbrella policy that's, you know, ten, 20 whatever million dollars.

MR. LAUBER:

It's not that high. It really isn't. And we're foolish for taking this responsibility. I mean, we've worked years to accrue some type of personal, you know, wealth. And to put that on line for something that we're doing as a volunteer. It's not something we're getting paid for, I can understand taking a risk for that. But our volunteers are people that work 40-hour weeks, they're mostly blue collar workers in their 40s and 50s who above and beyond their regular work week volunteer to do this. And to expose them to anything above that \$3 million coverage, to me, it's just not acceptable.

LEG. CILMI:

Well, I mean, to be fair, there are tens of thousands of volunteers in Suffolk County who do all kinds of great work with senior citizens, with kids, with veterans, with -- and in doing so, they risk liability as well. I mean, God forbid something were to happen, they could get sued, they could lose a lawsuit. And, you know, it's incumbent upon each and every one of them to make sure that they're covered from an insurance perspective, if, in fact, that happens. Having been a volunteer myself from a number of different organizations, I know that full well.

So while, you know, I certainly appreciate -- and all of you do great work. While I certainly appreciate that point of view, you know, we certainly can't indemnify everybody who does great work on volunteer basis for folks in Suffolk County.

The other thing I would like to sort of explore -- and I'm not -- you know, not necessarily with you, Gerry, but just in general is you have 60 or so detectives, if I'm not mistaken.

MR. LAUBER:

Twenty nine.

LEG. CILMI:

How many?

MR. LAUBER:

Twenty nine.

LEG. CILMI:

Twenty nine, sorry. The cost of your personal umbrella policy is how much?

MR. LAUBER:

About -- a little under \$300.

LEG. CILMI:

So let's say \$300 annually. Let's say it's 30 detectives. So 300 times 30 is 9000, nine grand. I mean, you know, from a cost effectiveness point of view, it almost may make sense to just spend the nine grand a year and take care of the umbrella policies. I'm not suggesting that we do that, I just bring it up for a topic of conversation. That's all.

MR. LAUBER:

With all due respect, we're not the same as other volunteer agencies. And other volunteer agencies are excellent, and they put in a lot of hours. Our folks are exposed to risks that other volunteers are not exposed to, all right? And when you're taking away someone's civil liberty and making an arrest, that's not the same thing as walking a senior citizen down the hall. I mean, both are important functions, but our liability risk is far higher than other volunteers. And the County has recognized this with a group like FRES. They pay them pay one dollar a year for their services and fully indemnify them. Certainly, the risks are parallel in terms of what services FRES provides and what we provide. So we are not asking for anything special. We're saying compared line by line to the duties that we provide and services that we provide for the County, we would like parallel protection. Thank you.

CHAIRMAN COOPER:

Thank you. And just before we leave this subject, I received, a couple weeks ago, a call from a Police Official that shall remain unnamed, but he called me privately just to tell me that he thought it was extremely important that we find some way to keep the SPCA as an ongoing operation, because he said, "Jon, we can't do what they do. We don't have resources that they have. Where we don't have the skill set."

So the question is whether what has already been done is sufficient or whether we need to go beyond that and exactly how. So when we get to the agenda, I am going to make a motion to table this resolution. Our next meeting is in just two weeks. And at the very least, we have to make some technical corrections to the reso per Legislative Counsel. So we will be tabling this bill. We have one more speaker, Elizabeth Geary. Good afternoon.

MS. GEARY:

Good afternoon. I've spoken before the committee on other occasions, and so I apologize if for some of you it's the same information. However, with new members, I thought it was important to take a look at some of the research that has been done on how an investment in early childhood education yields a return that far exceeds investments in perhaps some other areas.

And today I'm reading a little bit from a report that was issued by the Institute for a Competitive Workforce, and that is program of the United States Chamber of Commerce. This reports states that they believe that investment in high quality early learning programs for children from birth to age five yields high returns. In fact, research shows that for every dollar invested today, savings range from two-fifty to as much as \$17 in the years ahead.

Arthur Rolnick, Vice-President of the Federal Reserve Bank of Minneapolis calculated that an annual inflation adjusted rate of return of 16% for high quality prekindergarten for disadvantaged three and four-year olds. These returns are based on long term educational, social and economic benefits, including increased earnings for these children and tax revenues and decreased use of welfare and other social services resulting in lower expenses for states and communities in the long run. We contract with the County of Suffolk in order to be able to provide services to children that are subsidized by the Department of Social Services. It's as a result of that contract that we are obligated to meet the terms of the Living Wage Law. And as a result of being committed to the Living Wage Law, we have requested subsidy assistance and received that from the County.

I just wanted to underscore the importance today of really looking at some of the research that does demonstrate that in the long run, this is money that is well spent. There are many other economic kind of university-based people that would speak to this, but James Heckman is a winner of the Nobel Prize in economics. His groundbreaking work has proven that high quality early childhood education makes a tremendous difference for children from low income families. So by subsidizing and supporting the wages for childcare workers, the result is that we have people like Nicole Andreassi who stay in the workforce, remain committed to early childhood education, deliver a product that is absolutely worth the investment. And so we ask you to continue to support the subsidy -- the living wage hardship assistance.

CHAIRMAN COOPER:

Thank you, Elizabeth. Legislator Cilmi has a question for you.

LEG. CILMI:

It's more of a statement really. I just wanted to make it clear for the record and for the community that's engaged in this business that I am not opposed to the living wage as it relates specifically to this -- to your services. But what I do disagree with is the uneven subsidy of some of the childcare agencies in Suffolk County to help pay for that living wage.

There are a vast majority of the childcare providers in Suffolk County that contract with the County and that are, therefore, under the same living wage obligations as those who do receive the subsidy, do so without the subsidy. And, you know, maybe you can comment on the quality of those agencies and the childcare they provide compared to the quality that the agencies, the six or seven or so agencies that do receive the subsidy provide. I'm sure that if they were here, they would argue that their quality is equally -- you know, is equal to every other childcare agency in the County. Do you have any comment on that, Elizabeth?

MS. GEARY:

No, I don't really have any comment quality on the quality of the product being offered by other providers. I can only say that the investment in the staff in the Early Discovery Center, the Children's Community Head Start has made a tremendous difference and that our ability to offer the living wage had been subject to receiving the hardship assistance since that was the deal from the beginning; if we offered it, we would receive the hardship assistance. So we continue to work to reduce the amount that we are asking. And I do anticipate that over time we will not need the subsidy, but at present, I continue to say we do. So I thank you for listening.

LEG. CILMI:

Thank you.

CHAIRMAN COOPER:

Thank you very much.

MS. GEARY:

Thank you very much. Legislator Browning has a follow-up question.

LEG. BROWNING:

I guess did Liz Pearsall leave the room? I think she might have. Okay. I know that -- I just want to mention, there was -- a committee was form. We put in a request for them to get back together. I don't think they've ever actually met. And I was going to take Liz Pearsall to take a take a message back -- Liz.

CHAIRMAN COOPER:

Perfect timing, Liz.

LEG. BROWNING:

She's here. Liz, if you could just take the message back. I know it's Brenda Rosenberg deals with the Living Wage Law. Just take the message back that, you know, we would like to know that -- the committee was -- Presiding Officer sent a letter requesting that they meet again. And obviously, this is not an issue that's going away, but if she could get back to us and let us know what the update is with the committee if they are meeting on the Living Wage.

MS. PEARSALL:

I called and her asked to come over right away.

LEG. BROWNING:

Okay. I'd just like to know what they've done, because I know that letter went out quite some time ago.

CHAIRMAN COOPER:

Thank you. Thank you, Liz. If there are no further speakers, we can move to the agenda. Starting with Tabled Resolutions.

2218, Adopting Local Law No. -2011, A Local Law requiring the posting of "Cash Only" signs at restaurants. (Co. Exec.)

I'd like to make a motion to table subject to call.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

All those in favor? Opposed? IR 2218 is **TABLED SUBJECT TO CALL (VOTE: 5-0-0-0)**

2219, Adopting Local Law No. -2011, A Local Law requiring store closure on Thanksgiving Day. (Co. Exec.)

Again, I'd like to make a motion to table subject to call.

LEG. EDDINGTON:

Second.

CHAIRMAN COOPER:

All in favor? Opposed? IR 2219 is **TABLED SUBJECT TO CALL (VOTE: 5-0-0-0)**.

1103, Adopting Local Law No. -2011, A Local Law to amend chapter 152 of the Administrative Local Laws exempting the Health Commissioner and the Chief Medical Examiner from certain salary caps. (Co. Exec.)

I believe that this was tabled at the last meeting at the request of the County Executive, the sponsor. But I was told that we're ready to move forward at this point, so I will make a motion to approve. Do we have a second?

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

We have a second.

LEG. EDDINGTON:

On the motion.

CHAIRMAN COOPER:

Yes, please, Legislator Eddington.

LEG. EDDINGTON:

I don't understand. There is a cap right now on certain salaries, I guess that's the assumption to be made.

MR. KOPP:

Yes. There was a cap on County salaries that County employees make less than the County Executive. In this particular instance, we're seeking to have the cap removed from the Health Commissioner and the Chief Medical Examiner.

For sometime, dating back at least to the 1970s when Dr. David Harris was Health Commissioner, Stony Brook had recognized that it's in the community interest to have very qualified individuals in these two roles and had provided a subsidy, which had gotten up to \$30,000 a year most recently. And Dr. Tomarken accepted the position with that in mind in addition to his salary. And unfortunately, due to budget constraints, the subsidy is no longer available from Stony Brook University.

LEG. EDDINGTON:

I guess I'm confused, because what you are basically saying is that money is a motivator to get the most qualified staff. And yet, that's not what I've heard for five and a half years. In the Legislature, we have cut salaries, we have reduced them. The County Executive has been very proud to say, "That I've bought people on board and gave them less money." So what we have been doing, getting less qualified people for less money and now we want to look at these two positions?

MR. KOPP:

No. I think specifically we're stating in this instance, Dr. Tomarken came down here and took the position based on the County salary and a subsidy from Stony Brook, and then when he got here,

the Stony Brook subsidy was no longer available. We're trying to make that right for him.

LEG. EDDINGTON:

Okay. Thank you.

CHAIRMAN COOPER:

Thank you very much. Legislator Cilmi.

LEG. CILMI:

I think I've spoken more during this committee than any other committee last year. Anyway, you know, I want to make it clear that my vote on this resolution has -- is in no way reflective of the job that I think Dr. Tomarken is doing. I think he is doing a fine job. The -- I guess the question I have is in light of -- in light of what -- you know, the circumstances by which Dr. Tomarken took this job and now the understanding that the money is not coming from Stony Brook University, it is -- it is more prudent to sort of make an exception specifically for Dr. Tomarken rather than to remove the caps in general for both of these positions.

LEG. BROWNING:

(Inaudible).

LEG. CILMI:

That's my question, Kate. The County Executive's assertion here is that Dr. Tomarken took the job based on the understanding that he would receive the County salary as well as an additional \$30,000 from Stony Brook University. Now, all of a sudden, you know, having done the job for however long, he's -- I am sure he's been hoping and trying to get that \$30,000 unsuccessfully. So my question is rather than -- this bill would remove the cap for the Health Commissioner and the Chief Medical Examiner in perpetuity, correct? So my question is wouldn't it be better if we -- if we feel a need to make Dr. Tomarken whole, wouldn't it be better to sort of do something specifically for Dr. Tomarken in this circumstance rather than to perpetually remove caps?

CHAIRMAN COOPER:

Before you answer that, you've explained why you feel that we need to do this for Dr. Tomarken. What is the rationale for the Chief Medical Examiner?

MR. KOPP:

Actually, I was just speaking to the Chief of Staff to the Presiding Officer, and he was on the search committee for the ME, and they have a similar circumstance as well.

CHAIRMAN COOPER:

I don't want to make the case for the County Executive, but I'm assuming that this goes beyond the two individuals currently holding these positions. But their concern is if we're not able to offer competitive salaries, which are in excess apparently of \$170,000, we won't be able to attract people to fill these positions in the future. So I understand the point you are making. But that must be their rationale. Whether they did a national search or regional search --

MR. KOPP:

These are highly specialized positions. I mean, the Health Commissioner is not an MD just fresh out of medical school. It's somebody with an extensive background in public health who can make the appropriate decision should there be an epidemic or some other public health crisis right here in Suffolk County. And the Medical Examiner needs to have a certain skill set. And over the years, we've been able to attract many superior Medical Examiners in Suffolk County thinking back to Dr. Weinberg and Dr. Baden, people who have national recognition for their skill set. And that requires certain skills, not somebody fresh out of medical school either. And people with this skill set cost a

little bit more.

CHAIRMAN COOPER:

Legislator Eddington, then Legislator Gregory.

LEG. EDDINGTON:

I hear your argument. And I want to echo what Legislator Cilmi said. This is, not for me, about individuals. But we have -- you know, a Commissioner of Police and a Commissioner of DPW, we have attorneys that work for the County, and they are not fresh out of law school and they are not, you know, new to the business. They've spent a lot of time -- and we know that most of them in the private sector could make a lot more money. So I don't really buy that argument.

If you say to me that for these two individuals at this time, like Legislator Cilmi said, that they came under an agreement and it hasn't been honored -- and I believe we should honor commitments -- I would vote for that. But like this, to reduce caps for a couple of people when I think a lot of people are underpaid, I'm not going to support it.

CHAIRMAN COOPER:

Legislator Gregory, do you have a question?

LEG. GREGORY:

My question is -- and I don't have the bill in front of me -- so this asks for an exemption from the current cap, but I would feel more comfortable with establishing a cap with the \$30,000 if we feel that's a reasonable salary, because if this were to pass, there wouldn't be any cap; am I right, Counsel?

MR. NOLAN:

That's correct.

LEG. GREGORY:

So \$210,000, \$209,000 now. You know, this would make it possibly that we could hire someone for \$250,000 down the road. I don't think that's appropriate either. So if there was legislation to establish a new cap included in with the \$30,000 stipend or whatever from Stony Brook, I think that would be appropriate. But to have an open-ended salary, I don't think that's appropriate. I don't mind -- I get that it's difficult to find people for these positions. You know, it's difficult to attract qualified quality people from the private sector at a public sector salary. But I think there should be a cap, whatever that cap is.

CHAIRMAN COOPER:

Well, Eric, I think -- there seems to be a consensus here that there's agreement that we need to do something to make it right with these two individuals because of commitments that were made, but there's less of a consensus about removing the cap for future hirees.

So we have another committee meeting in two weeks. My suggestion -- and, Legislator Browning, you may still have a question -- but my suggestion would be to amend this resolution so that it applies only to these two individuals, and we could punt to a later date. The issue is to whether the caps should be permanently either waived or lifted. But I think that if you were to rewrite this to pertain to the two individuals currently holding these positions, the bill should breeze out of committee.

MR. KOPP:

I appreciate your time and your suggestions. Thank you.

CHAIRMAN COOPER:

Okay. Well, thank you very much. So considering this discussion, I will make a motion to table IR 1103.

LEG. EDDINGTON:

Second.

CHAIRMAN COOPER:

We have a motion to table and a second. All in favor? Opposed? IR 1103 is **TABLED (VOTE: 5-0-0-0)**.

Next up, **IR 1222, Adopting Local Law No. -2011, A Local Law to sunset living wage subsidies. (Cilmi)**

LEG. CILMI:

Motion to approve.

CHAIRMAN COOPER:

Motion to table.

LEG. BROWNING:

Second to table.

CHAIRMAN COOPER:

Do we have a second on the motion to approve? There being none, we have a motion and a second for a tabling motion. All in favor? Opposed?

LEG. CILMI:

Opposed.

CHAIRMAN COOPER:

One opposition. IR 1222 is **TABLED (VOTE: 4-1-0-0; Opposed - Legis. Cilmi)**.

Moving on to **1255, Resolution No. -2011, Designating individual agents of the Suffolk County Society for the Prevention of Cruelty to Animals as volunteers of the County of Suffolk. (Cooper)**.

I will make a motion to table that so we can modify the resolution before the next committee meeting, do we have a second?

LEG. GREGORY:

Second.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

Seconded by Legislator Gregory. All in favor? Opposed? IR 1255 is **TABLED (VOTE: 5-0-0-0)**.

There being no further business before this committee, I make a motion to adjourn.

LEG. EDDINGTON:

Second.

CHAIRMAN COOPER:

Thank you. All in favor? Opposed? This meeting is adjourned. Have a good afternoon.

(*THE MEETING WAS ADJOURNED AT 2:05 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY