

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 August 11, 2011.

MEMBERS PRESENT:

Leg. Jon Cooper, Chairman
Leg. Kate M. Browning, Vice Chair
Leg. Thomas Cilmi
Leg. Jack Eddington
Leg. DuWayne Gregory

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Barbara LoMoriello, Deputy Clerk
Joe Muncey, Budget Review Office
Craig Freas, Budget Review Office
Jill Rosen-Nikoloff, Director of Affordable Housing
Paul Perillie, Aide to Majority Leader
Charles Gardner, Director of Government Affairs
Dot Kerrigan, AME, 3rd VP
Mike DePaoli
Jack Caffey, Aide to Presiding Officer
Ali Nazir, Aide to Leg. Kennedy
Jason Richberg, Aide to Leg. Gregory
Eric A. Kopp, County Executive's Office
Ed Hennessy, County Executive Aide
Len Marchese, Department of Health Services
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

[THE MEETING WAS CALLED TO ORDER AT 1:05 PM]

CHAIRMAN COOPER:

I'd like to welcome everyone to the August 11th meeting of the Labor, Housing and Consumer Protection Committee. Legislator Gregory, if you could please lead us in the Pledge.

SALUTATION

PUBLIC PORTION

Thank you very much. We have one speaker. Mike DePaoli, if you could please come up. Hey, Mike, how are you doing?

MR. DePAOLI:

Good afternoon. My name is Mike DePaoli, I'm a resident of Suffolk County. I'm here today as a consumer; also, too, as a veteran; and also, too, as a American relative to today's economy to speak out on consumer protection, labor and housing.

Just to make you aware that, if you are a big-box store cardholder, BJ's, Price, Costco or any of the other larger box-stores that offer consumer goods at certain prices, a lot of the local retail stores, although they don't list it, and they indicate that they do price compare, automatically do not recognize price comparisons from these stores. And it is a matter of concern because as gasoline prices and transportation prices start to go up, smarter shoppers are out there. And they're only deterred now from using the comparative pricing advertised by the retail stores, which they don't stand by.

Somewhere along the line they have to be reminded, these retail stores, that if they have a policy, that it must be posted. And it's not just an internal administrative policy or an in-house administrative detail. *My manager told me not to honor this;* it should either be posted or not. It's either a violation of the law or it's not.

So in these difficult times where the economy and every dollar and every cent makes a difference, somebody should be out there, an association to making the public know that these retailers should be held accountable. And it comes down to the need to more public announcements. There's not enough public announcements indicating what consumers should do and how they can use the internet if that's available or what means they can use to make a complaint. And very often they don't have that on a continual basis. We have a lot of transient individuals, a lot of different ethnicities coming into the County; perhaps in multiple languages also, too, it would also be a help.

In the items of labor and housing, I'd like to just bring to your attention the idea of homelessness. There's a lot of homelessness out there, especially with veterans. And the problem comes in, it's a multiplier effect, labor and housing. If I don't have housing, I can't get labor. If I don't have housing, I don't have an address. If I don't have an address, I can't vote. I do not exist. So I could be a millionaire, if you will, and be on the streets and be homeless and be discounted from seeking jobs, transportation, etcetera, etcetera. Somewhere along the line this has to be a consideration, especially with the upcoming next year County Executive race and other Legislative races, it should be a public issue. In other words, housing and labor and all the other support mechanisms are all tied together but through public announcements also. The public doesn't know which and how to travel. And if you're homeless, you're out of the loop.

So just bringing the attention to this Committee and not only Consumer Protection but Labor and Housing we face tough issues. But if we do not and cannot communicate with the public, it brings on another annoyance, if you will, of tragedy especially with the cold winter months coming ahead. If you're homeless, you do not exist.

So just that consideration. I thank you.

CHAIRMAN COOPER:

Perfect timing. Thank you very much, Mike. I appreciate your input. There being no further speakers, we can move onto the agenda.

TABLED RESOLUTIONS

First we have **IR 1222-2011 Adopting Local Law No. -2011, A Local Law to sunset living wage subsidies. (Cilmi)** Motion to table.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

We have a second by Legislator Gregory. All those in favor? Opposed?

LEG. CILMI:

Opposed.

CHAIRMAN COOPER:

And one opposition. **IR 1222 is tabled. (VOTE: 3-1-0-1. LEG. CILMI OPPOSED. LEG. BROWNING NOT PRESENT)**

IR 1255-2011 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 for the purposes of indemnification. (Cooper) I'll make a motion to table.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

Second by Legislator Gregory. All those in favor? Opposed? **IR 1255 is tabled. (VOTE: 4-0-0-1. LEG. BROWNING NOT PRESENT)**

IR 1478-2011 - Adopting Local Law No. -2011, A Local Law to require occupational licensees to utilize the Social Security Number Verification Service (SSNVS) and the E-Verify System. (Co. Exec.)

This has to be tabled for a public hearing on November 19th so I will make that motion.

LEG. GREGORY:

Second.

CHAIRMAN COOPER:

And a second. All those in favor? Opposed? **IR 1478 is tabled. (VOTE: 4-0-0-1. LEG. BROWNING NOT PRESENT)**

Next up, **IR 1604-2011 - Adopting Local Law No. -2011, A Local Law to ban the sale of fuel gel in Suffolk County ("Michael's Law"). (Romaine)** Was that public hearing closed?

LEG. GREGORY:

I believe so.

CHAIRMAN COOPER:

The public hearing was closed. I will make a motion to approve.

LEG. GREGORY:

Second, but on the motion.

CHAIRMAN COOPER:

We have a second, but on the motion.

LEG. GREGORY:

Counsel, can you please just define what is applicable in this? I believe there was some questions at the public hearing as to like citronella candles or was that some other venue, I'm not sure, maybe in caucus. Someone had brought it up.

CHAIRMAN COOPER:

The question is to whether it included covered Sterno.

LEG. GREGORY:

Sterno, right, right.

CHAIRMAN COOPER:

Sterno, right. And Counsel can address this, but I was told that it does not include Sterno.

MR. NOLAN:

Right, because the product has to be portable, which, I am told, Sterno is not. Sterno is a solid. So it would not apply to Sterno that people use at their parties to heat food and so forth. So, no, it wouldn't apply to Sternos.

LEG. GREGORY:

Okay. That was all that I had.

CHAIRMAN COOPER:

All right. If there are no other questions, we have a motion to approve and a second. All those in favor? Opposed? **IR 1604 is approved. (VOTE: 4-0-0-1. LEG. BROWNING NOT PRESENT)**

INTRODUCTORY RESOLUTIONS

Next up is introductory resolution **IR 1635-2011 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM 0200-603.00-05.00-008.001). (Co. Exec.)** Okay. I'll make a motion to approve.

LEG. GREGORY:

I'll second.

CHAIRMAN COOPER:

All those in favor? Opposed? **IR 1635 is approved. (VOTE: 4-0-0-1. LEG. BROWNING NOT PRESENT)**

IR 1637-2011 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM 0200-967.00-03.00-042.000). (Co. Exec.) If it's all right, same motion same second. All those in favor? Opposed? **IR 1637 is approved. (VOTE: 4-0-0-1. LEG.**

BROWNING NOT PRESENT)

IR 1641-2011 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purpose (SCTM 0200-973.80-02.00-018.000) (Co. Exec.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

We have a motion and a second. This is for IR 1642, 72-h, Brookhaven.

MR. NOLAN:

We just did 1641.

CHAIRMAN COOPER:

Oh, sorry, 1641. They all look the same.

IR 1642-2011 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM 0200-701.00-01.00-034.000). (Co. Exec.) I'll make a motion to approve.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

Legislator Browning seconds. All those in favor? Opposed? **IR 1642 is approved. (VOTE: 5-0-0-0)**

IR 1694-2011 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services: Special Education Coordinator (Spanish Speaking). (Co. Exec.) I'll make a motion to approve.

LEG. GREGORY:

I'll second but I have a question.

CHAIRMAN COOPER:

Please, on the motion.

LEG. GREGORY:

Okay. Now, this is a new position and what exactly is the -- will this person be doing?

MR. FREAS:

This is a position within the Department of Health Services Division of Children with Special Needs. It's one of the -- people who coordinate the special early intervention services or preschool early intervention service, depending on the age of the child with -- between the Department and the various services providers. There are currently special education coordinators. There's no Spanish speaking position. The title had to be created because they identified a need for Spanish speaking special education coordinators so they can't hire -- they can't have as a qualification that you need to be Spanish speaking unless the position is Spanish speaking.

LEG. GREGORY:

So how is this service -- not being familiar with the practice and the process, how is this service obtained? *I'm a parent, I have a special needs child; then what?*

MR. FREAS:

Either your physician or your school district will identify a need for some sort of early intervention

service along the spectrum you -- and refer you to Division of Children with Special Needs. This is my understanding of how it works. That special education coordinator helps get you the test -- the additional testing you might need to decide what other services you might need: Speech, physical therapy, etcetera.

LEG. GREGORY:

So the school district doesn't do that or they work with the school district?

MR. FREAS:

They work with the school districts.

LEG. GREGORY:

Okay, all right. Thank you.

CHAIRMAN COOPER:

Legislator Browning has a question.

LEG. BROWNING:

Maybe you can or can't answer it; how are we paying for this? Is there any kind of reimbursement for this position?

MR. FREAS:

This falls under the -- as you know, the Division of Children with Special Needs is a mandated service. And most of the money in that particular division is pass-thru. However, in the State's new budget, the administration of early intervention services, which was covered under Article VI of the Public Health Law, is no longer covered under the Article Health Law. So there's a revenue loss associated. These positions are funded. Basically what they'll do is they'll have two civil service lists. I believe this is an education and experienced list; I'm not a hundred percent sure. So you'll have a civil service list with special education coordinator and a list with the Spanish speaking version of the title. And depending on what they need, they'll hire from either of the two lists.

But the positions -- we're not creating any -- we're not -- we don't -- there's no fiscal impact or financial impact to the position. The positions, as needed, are already funded. Basically what you're doing is *I'm going to hire either one or the other*. We're not -- it's not an extra position within the division.

LEG. BROWNING:

How many positions do we currently have that say -- so I'm trying to figure out, we have positions where they only speak English. And now we're taking one of those positions that maybe isn't filled and we're changing it to a Spanish speaking position? Is that --

MR. FREAS:

What they can do is, if it's a vacant position as long as the position exists, they can earmark against it. So then once the position's filled in the Spanish speaking, if that's necessary, that position would then become a Spanish speaking position. If the next time they go to hire, if that position was filled again but they didn't need the Spanish speaking, they could then hire off either list depending on what they needed. And then it would earmark -- it would either remain a Spanish speaking position or earmark back to a non-Spanish speaking position.

LEG. BROWNING:

Okay. I think I understand. I may or may not, yet, but that's okay.

CHAIRMAN COOPER:

Not sure who was up first? Legislator Eddington.

LEG. EDDINGTON:

I'm not clear if you basically said that this is a -- it's not an unfunded mandate because it's always been funded from the State?

MR. FREAS:

There are fees associated with it. There are also -- there was also reimbursement associated with it. Len?

MR. MARCHESE:

Good afternoon. Currently we have these special education coordinators in our Department; probably about 30 of them. Most of them are filled, actually, in this area most of them filled. We don't have too many vacancies because we need the services. And unfortunately, on the west end what happened was -- well, as you know, the population and the needs of the population required us to really get focused on Spanish speaking. So basically what we did was we took a normal service coordinator position that we would have normally filled, because we have to keep filling these, we have a mandate to see these children. And we just flipped it to a Spanish speaking so that it would allow us to use Spanish speaking as a criteria when we interviewed the teachers because we felt that that was such an important component of the job.

LEG. EDDINGTON:

Right, you mentioned a mandated position. But is it unfunded by the State? It's mandated by the State. Are they giving us money?

MR. MARCHESE:

Well, that's a funny thing. They actually give us money to pay for the program, which is when we authorize services with regard to, you know, if they have to go to a special therapist, etcetera. They give us the program money at pretty much 50 to 60% reimbursement. But the administration of the program, which was previously reimbursed under Article VI of the -- is something that they kind of backed off on.

LEG. EDDINGTON:

Okay. Thank you.

CHAIRMAN COOPER:

Legislator Cilmi.

LEG. CILMI:

Yes, thanks, Mr. Chairman. Does this require a separate test; a separate civil service test?

MR. FREAS:

This is an education experience or a written test?

MR. MARCHESE:

I think the way it works when you do a Spanish speaking title is you have the same civil service test, but then there's a second test just for Spanish that you take. So the core test is the same. And then they add a second test to test your Spanish proficiency.

LEG. CILMI:

Okay, all right. I mean, it seems to me that these types of positions sort of perpetuate a segregation in our society that I don't approve of so I'll be voting against it. Thank you.

CHAIRMAN COOPER:

Thank you very much for those clarifications. If no further questions, we have a motion to approve

and a second. All those in favor? Opposed?

LEG. CILMI:

Opposed.

CHAIRMAN COOPER:

One in opposition. **IR 1694 is approved. (VOTE: 4-1-0-0. LEG. CILMI OPPOSED)**

And last up, **IR 1720-2011 - Adopting Local Law No. -2011, A Local Law to increase the number of residents eligible for first time homebuyer auctions in Suffolk County. (Browning)** That has to be tabled for a public hearing so I'll make that motion.

LEG. BROWNING:

Second.

CHAIRMAN COOPER:

And a second. All those in favor? Opposed? **IR 1720 is tabled for a public hearing. (VOTE: 5-0-0-0)**

Would anyone else in the auditorium like to address this Committee? There being none, I'll make a motion to adjourn. Second. All those in favor? Opposed? Have a nice afternoon.

**THE MEETING CONCLUDED AT 1:24 PM
{ } DENOTES SPELLED PHONETICALLY**