LABOR, WORKFORCE & AFFORDABLE HOUSING COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Labor, Workforce and Affordable Housing Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on October 6, 2008.

MEMBERS PRESENT:
Leg. Jon Cooper, Chairperson
Leg. Ricardo Montano, Vice-Chairman
Leg. Daniel Losquadro
Leg. Jay H. Schneiderman
Leg. Brian Beedenbender

ALSO IN ATTENDANCE:
Leg. Kate M. Browning, Third District
George Nolan, Counsel to the Legislature
Barbara LoMoriello, Deputy Clerk
Dennis Brown, County Attorney's Office
Lance Reinheimer, Assistant Director of Budget Review Office
Joe Muncey, Budget Review Office
Jill Moss, Budget Review Office
Ben Zwirn, Deputy County Executive
Jill Rosen-Nikoloff, Director of Affordable Housing
Skip Heaney, Commissioner of Economic Development
Joe Sansavarino, Community Development Director
Bob Martinez, Aide to Leg. Montano
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Catherine Stark, Aide to Leg. Schneiderman
Adam Santiago, Aide to Leg. Beedenbender
Debra Alloncius, AME Legislative Director
Judy Pannullo, Suffolk Community Council
Dan Andersen, Labor Department
Deborah Harris, Aide to Leg. Stern
April Ortiz, County Exec's Office
Lori Gellerstein, Aide to Leg. Cooper
Rick Brand, Newsday
All other interested parties

MINUTES TAKEN BY:
Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:
Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 11:38 AM

CHAIRMAN COOPER:
Good morning. I'd like to welcome everyone to the October 6th meeting of the Labor, Workforce and Affordable Housing Committee. Legislator Beedenbender, if you can lead us in the Pledge, please.

SALUTATION

Thank you. We have two speakers cards. First, Judy Pannullo, Suffolk Community Council. Good morning, Judy.

MS. PANNULLO:
Good morning. My name is Judy Pannullo. I'm the Executive Director of the Suffolk Community Council. The Council's 75 years of working with the more vulnerable population and with agencies that serve this population has put us in a very good position to recognize the emerging needs of many of our neighbors.

When the Suffolk Community Council took a look at the changing demographics of Long Island and saw that one-third of our population is either a senior or a Baby Boomer and that there are over 175,000 veterans, 300,000 people that self-identify as having a disability, we knew it was time to take action in the planning for people to be able to age in place.

I'm delighted to be here this morning to support IR 1815 to add visibility requirements to the Affordable Housing Program. This forward thinking of Legislators Stern and Romaine on behalf of the Suffolk County Legislature is what we need in Suffolk County to be better prepared for people to age in place, live independently and allow people with disabilities to be able to visit them.

Should this resolution pass that Suffolk County will now be joining three other Suffolk County towns that have passed legislation for Universal Design and that gives incentives to people that use Universal Design principals; Southampton, Riverhead and Huntington. It is our hope that every town in Suffolk County as well as Nassau County will pass Universal Design legislation and ultimately New York State will also have legislation, which allows full access to homes regardless of peoples' abilities or disabilities.

When I came before the Health and Human Services Committee and the Senior and Veterans Committee back in June to discuss Suffolk Community Council's Accessible Long Island project, which promotes Universal Design and visitability, I did not know how fast this would move and so I sincerely thank both Legislators Romaine and Stern for moving this forward so quickly and it's a very important piece of legislation.

I've also been asked to talk the about the cost. Some people are concerned that the cost of the visitability will make it prohibitive because it's affordable. The cost to add four Universal Design features is no more than $700.

Now our Accessible Long Island project has on it builders, realtors, architects. We also have AARP and these are the prices. It doesn't cost that much more to make the doors wider, to put backing on the wall for future grab bars and so on. So there does seem to be a little bit extra in here that I would be glad to work with to make it a little bit less prohibitive, but, you know, the four features we're talking about and have been promoting is a stepless entry, 36 inch doors and hallways. A bathroom that has a 60 inch turning radius and backing for grab bars. And a bedroom on the first floor whether it's a, you know, a room that can be later converted. And I know I'm out of time.

CHAIRMAN COOPER:

Thank you, Judy. Does anyone have any questions? Please.

LEG. MONTANO:
Good morning. How are you?

MS. PANNULLO:
Good morning.

LEG. MONTANO:
Good. Where do you get your $700 figure?

MS. PANNULLO:
From the builders and from AARP.

LEG. MONTANO:
Which builders?

MS. PANNULLO:
Well, we're working with LIBI, The Long Island Builders Institute.

LEG. MONTANO:
Was that a study that they did?

MS. PANNULLO:
Yes.

LEG. MONTANO:
Okay.

MS. PANNULLO:
I can get you copies of it.

LEG. MONTANO:
Because I'm looking at a report here and just very quickly it talks about other jurisdictions and it has different figures for implementation like Pima County Arizona, it says 15,000, San Antonio, 7000. Why are your numbers --

MS. PANNULLO:
For four features? I'm looking for the legislation.

LEG. MONTANO:
It says visibility -- visible --

MS. PANNULLO:
Visitability.

LEG. MONTANO:
-- homes resulting from a mandatory ordinance.

MS. PANNULLO:
That's the number of homes.

LEG. MONTANO:
Oh, that's the number of homes? Oh, okay.

MS. PANNULLO:

A little different. Okay. Why don't I get this --

LEG. MONTANO:
That's why I'm asking you.

MS. PANNULLO:
Okay.

LEG. MONTANO:
I'm looking at this quickly, it was put on my desk.

MS. PANNULLO:
Why don't I get you that information because I do have it in writing.

LEG. MONTANO:
Yes. Because $700 seems like a very seems like a very nominal for --

MS. PANNULLO:
You're not going to notice it, really.

LEG. MONTANO:
No, I don't -- you know.

MS. PANNULLO:
Yeah, and that's why it doesn't make sense not to do it.

LEG. MONTANO:
I'm doing some work on my house, $700 doesn't get you anything.

MS. PANNULLO:
But if you do it later, it's much more money.

LEG. MONTANO:
Yes, it is.

MS. PANNULLO:
Yeah.

LEG. MONTANO:
It is. So the four features that you indicated were what? The wider doors?

MS. PANNULLO:
Stepless entry anywhere, front door, side, back door. Wider doors, 36 inch doors, which are pretty standard nowadays.

LEG. MONTANO:
As opposed to the 30. Yeah, 36 as opposed to 30.

MS. PANNULLO:
Thirty-two. And then a -- and door -- and hallways that are 36.

LEG. MONTANO:
Okay.

MS. PANNULLO:
A bathroom that's accessible has a 60 inch turning radius. Should a person be in a wheelchair,

they'll need that turning radius.

LEG. MONTANO:
Okay.

MS. PANNULLO:
And a bedroom on the first floor whether it's a room that's there now or it could be a study or, you know, a den or something. It could later be converted into a bedroom. And those are the four Universal Design features that Accessible Long Island's been promoting.

LEG. MONTANO:
And those are the four features that are incorporated in this bill?

MS. PANNULLO:
Well, I'm seeing a little extra in here.

LEG. MONTANO:
All right. I got to be honest with you, I'm not too familiar with it. What are differences between what you say LIBI is doing and what's in the bill?

MS. PANNULLO:
Well, I'm just, you know, there's something about lower -- where was it? I just saw this really quickly now, I'm sorry. There was something about sinks and different levels of sinks and so on.

LEG. MONTANO:
Okay.

MS. PANULLO:
We're just promoting four. The Accessible Long Island and working with LIBI and others, we're just promoting those four. But there are many Universal Design principals; there's over a hundred. And it all depends on peoples' specific needs for their disabilities.

LEG. MONTANO:
All right. And the other towns on Long Island, do you know if they're considering this also? Because it seems to me that this is a town issue.

MS. PANNULLO:
They're all considering it. I have visited every town on Long Island, Suffolk and Nassau County to talk about Universal Design principals and every single town is considering it. We've been successful with three.

LEG. MONTANO:
Okay. Just to Counsel then, I imagine, correct me if I'm wrong, that this bill would require that when we turn over property for -- under 72-h that the town agree that if they're going to build on it, that they would incorporate these features. That's all this bill says. Am I correct, Counsel?

MS. PANNULLO:
That's my understanding, but I would ask your attorney.

MR. NOLAN:
Correct.

LEG. MONTANO:
Okay. Thank you.

MS. PANULLO:

Okay. Thank you.

MR. NOLAN:
And if we help fund, you know, infrastructure improvements or anything like that, if we -- if money is used, County funds, to create the affordable housing, again these visitability requirements would have to be followed. So it's not just the 72-h Program, but also where County dollars are used to create the housing.

MS. PANNULLO:
All public, yeah.

LEG. MONTANO:
There's a difference between the 72-h, though, and monies that we would allocate for housing. Am I correct? In other words, the 72-h we would give a deed to the -- we would give the property to the town. Am I correct, Counsel?

MR. NOLAN:
Correct.

LEG. MONTANO:
And in that transfer we can impose conditions on how they're going to use the property.

MS. PANULLO:
Okay.

LEG. MONTANO:
So that -- that situation I understand. What about -- explain to me better this concept where we're funding development. Is it any development that we would fund?

MR. NOLAN:
Under the Affordable Housing Program, there are two -- actually a couple of different programs under our Article 36 and one is 72-h Program where we give the land to municipality for the purpose of creating affordable housing. There are other instances where we actually funnel County tax dollars to help create housing usually with infrastructure improvements and things of that nature.

In all of those situations whether it be a municipality, a developer, they have to make assurances to the County that they're going to comply with the visitability requirements that are in the law. The Workforce Housing Director is empowered to take the steps necessary to promulgate the rules that are necessary to implement the section and ensure compliance with the visitability requirements.

LEG. MONTANO:
Then quick question. I see that Mr. Heany is here. I don't know how to do this problem. Do the figures of 700 correspond to -- and I know you're not testifying so I don't -- are you going to testify?

MR. HEANEY:
I'm going to come up.

LEG. MONTANO:
All right. So, I'll wait. Thank you very much, Judy.

MS. PANNULLO:
Thank you.

LEG. MONTANO:
I appreciate that.

CHAIRMAN COOPER:
Thank you, Judy. Next speaker is Dan Andersen. Dan, please come up. Good morning.

MR. ANDERSEN:
Good morning. I'm here taking my three minutes during the public portion to again continue to speak on the issue of bringing about a Temp Employment Program within the County Labor Department. This currently does not exist. And everybody I've spoken to over the last two years, polling the business community and the taxpayers a hundred percent agree that it should be the mainstay of a Labor Department over everything else in whatever economy is happening at the moment, a good or bad economy. The ability to provide a minimum one day's labor reaching out to your existing business community is like a no-brainer, but this does not exist.

What does exist is really in my view worthless internet icons planted on the page in the Labor Department, which upon examination are all severely defective and produce nothing. I've looked. I've done my homework here. There are commercial entities in the business of taking profit for their own purposes and the last thing they're concerned with is producing real employment in this County. So it doesn't happen.

Early on I spoke to administrator {Pinino}. I've held discussions over three months. He's now retired. He was the one administrator that appeared to be very strongly supportive of this and took steps, but then he retired. But he directed me to communicate with the business manager in that agency. I have three calls into the administrator, the top administrator and the business manager; none of them have been returned. So much for your public servants.

So I have drafted a temp employment three page document, which describes in my view the program that should be put in place. The program does not require any budget, manpower or equipment and just simply uses existing resources that are already being funding by the taxpayer. And I've submitted this through my Legislator.

The response that she received was, in my view, an insult because the response in part described those four internet icons as the answer for that. And I examined them and they are worthless. And now I understand that others have looked and they agree. It was, you know, designed to get over, but it's not going to get over. And I have done my homework here. And I've polled business community and citizens over two years so I've got a fat file and I've got a hundred percent support for this needed program.

And now, and make no mistake, our economy is going down, everybody's economy is going to go down. The bailout is not going to work. And we're going to be in deep trouble. And -- but even in the good economy, the citizens need this ability to hold their line. And they'll be able to do that if they can secure a day's labor here and there. It could be the difference between paying the mortgage and not. And it would just allow them to hold the line. There's been 4000 foreclosures in the six months that I've been -- started discussions with administrator {Pinino}, 4000 foreclosures in this County.

So this is what I wanted to tell you in my three minutes. And I'm going to continue. My next appearance I would hope I'd be able to fully describe the program itself and the details of the program I've described in my three page document and submitted it to my Legislator and the Chairman, Honorable Jon Cooper.

CHAIRMAN COOPER:
Thank you, Dan. I did want to say I am in possession of your proposal. I will be meeting with the Department of Economic Development and Workforce Housing. And this is one of the issues that I will be discussing with them. So feel free to follow-up with my office again. If you'd like to come to the next meeting to testify, we would welcome that. But I am going to outreach to the department. Give me a couple of weeks to try to sort through this.

MR. ANDERSON:
Yes, sir.

CHAIRMAN COOPER:
But I appreciate your input.

MR. ANDERSON:
Thank you.

CHAIRMAN COOPER:
There being no further speakers, would anyone from the department like to make a presentation before we move to the agenda?

MR. HEANY:
Do you want us to come up there, Jon?

CHAIRMAN COOPER:
Please, please.

MR. HEANY:
We're preparing to come up on two.

CHAIRMAN COOPER:
Sure. Good morning.

MR. HEANEY:
Good morning, Legislator Cooper and members of the Committee. Am I good? I need to project, is that it? Okay. We'd like to offer some comment on introductory resolution 1815 introduced by Legislator Stern, that would impose visitability requirements for the Affordable Housing Program. And as an adjunct to that the -- any new construction that flows from the 72-h Transfer Program as well.

On Friday, we three along with representatives from LIBI, representatives from Pulte Homes and others who are actively involved in construction, residential construction, poured over the proposed law as presented. And we have concluded that we really need an opportunity to work with the Legislator to help shape the final form of a law that would be then considered by the full Legislature at some point in the future.

The law is so specific that it even designates how many electrical outlets will be installed. It attempts to indicate at what height above the floor. It's speaks to switches, it speaks to hallways, it speaks to doorways, it speaks to ramp ways coming into the structure.

And I should perhaps preface any comment that I have further by saying that as a member of the South Hampton Town Board I was part of the board that actually adopted a visitability code. But we made provision for not imposing large costs. And even when we made an effort to control how many core issues would be addressed, the figures that we got certainly weren't six or seven hundred dollars; they were significantly more than that.

On Friday representatives from Daytree Homes indicated that there's absolutely no way, and that's their business, they build small affordable units, they said there's just no way you're coming in with this law, it being imposed, at six to seven hundred dollars.

I also have a concern that because the law is so specific it really delves into areas that are more properly addressed by chief building inspectors under New York State Town Law. They're the one's charged with implementing the New York State building code, fire prevention codes. And it is the

towns that have the authority to zone.

So, you know, on its face because it has so much specificity and goes to items that we certainly don't have people available to inspect and determine whether or not it's done to code, these are matters that are properly addressed at the town level, whether or not the town has a visitability code in place. I will say that the American Disabilities Act has us dealing with a number of these issues already with regard to access or egress.

I would like to point out that we have some concern in the 72-h transfer area where it does speak to new construction that flows from the program, the transfer of vacant land. But it doesn't speak to what happens when we transfer a dilapidated building that might be remodeled. And there are a number of organizations out there, not-for-profits that want to get into that business of remodeling in order to provide housing. I will tell you that if the law as written were approved, and it had an impact on a dilapidated house that would be remodeled, we'd have to first rip out in order to put back in. So the cost would be dramatically increased.

Just forget any notion that we're talking about six or seven hundred dollars here. We're not. If we're talking about the 60 inch clearance in a turnaround clearance, in a bathroom, it was described to us that the door actually has to be a very odd -- it'll have to be a custom sized door based on the hinge swing that is proposed in this law as it's written. So that's not coming off the shelf.

And then there's a curious ending to the proposed law that basically says you have to build a ramp, unless of course there's no driveway in which case you don't have to build a ramp. So it kind of undermines the purpose for providing accessibility into a structure for someone who is disabled.

I've spoken to Legislator Stern. I've asked for an opportunity to assemble a work group to address the law and come up with core number of components that we'd like to see put into the law, but we'd like to see a heck of lot more flexibility than what is proposed, you know, off the starting gate.

CHAIRMAN COOPER:
Thank you, Skip.

MR. HEANEY:
Okay.

CHAIRMAN COOPER:
As you know, as a local law this resolution has to be tabled for a public hearing in any case.

MR. HEANEY:
Yeah.

CHAIRMAN COOPER:
So we can't vote on it today. But I'm glad that you have reached out to the sponsor. And hopefully in consultation with him we can come up with a law that everyone can live with. But Legislator Montano has some questions.

MR. HEANEY:
Sure.

LEG. MONTANO:
Yes. In light of the fact, Skip, that it's going to be tabled for public hearing anyway --

MR. HEANEY:
Yeah.

LEG. MONTANO:

-- I'll make it very brief. What are the cost figures that you estimate in terms of new construction if we adopt this resolution or have you come up with any figures?

MR. HEANEY:
We just have heard a range. And it really depends on --

LEG. MONTANO:
Size of house and all that.

MR. HEANEY:
-- to what degree we have to provide Universal Design. If -- it's one thing to say you construct the bathroom and you pre-think the need for backing so that if in the event someone becomes disabled and requires special rails, then that adaptability has been put in place. That's one cost, that's pretty easy to deal with. Okay?

But if in fact we're compelled to design showers that are walk-in showers in bathrooms spaces, and then custom sized doors, the cost is going to just jump dramatically. I mean the cost between a tub that's a, you know, a few hundred dollars and a walk-in shower stall, that could go into thousands of dollars. It's just -- one appliance would really dramatically increase this cost.

So I don't think we have issue with providing access to the front door at a at grade entry where that's feasible. And I don't think that there's a problem with providing wider doorways inside the home. The typical bathroom door in a normal home is only 24 inches. That really creates a problem for somebody who's in a wheelchair or not but finds it great difficulty in getting about. So having a 36 inch wide door in a bathroom makes perfect sense and meets ADA requirements. But if we suddenly have to achieve certain clear space within the bathroom with the door at 90 degrees from any point of a sink or a corner of a stall, suddenly -- especially if it happens to be falling under Jill's area where we have infrastructure or acquisition money, and these are a small number of components within a larger number of total dwelling units that are being constructed, it causes a design and creates -- that creates an awkward living space. And so that's what we've heard from the multiple housing builders. And we definitely think that there's a need for us to work together to come up with an orderly response that would be acceptable to the sponsor the law and the Leg.

LEG. MONTANO:
Yes. You indicated -- and I'll go through this quickly I don't want to take up time.

MR. HEANEY:
Sure.

LEG. MONTANO:
You indicated that there's a -- you were on the board in Southampton when they passed their law.

MR. HEANEY:
Right.

LEG. MONTANO:
How does their law differ from this law?

MR. HEANEY:
It doesn't have the specificity that this does. This even talks about 39 outlets being located on the ground level of such a dwelling unit. I mean --

LEG. MONTANO:
Could you get us a copy of the town -- could you get me a copy of the --

MR. HEANEY:

It's on town -- it's on the internet.

LEG. MONTANO:
Internet. We'll look it up.

MR. HEANEY:
Your staff can download that.

LEG. MONTANO:
And lastly, this bill you said doesn't have a -- an exemption for preexisting properties under the 72-h Program. Is that what you alluded to earlier?

MR. HEANEY:
It's silent on it. So we don't know what it means.

LEG. MONTANO:
So if we pass this law as written and we transfer a 72-h property, they would have to make the conversions under these laws?

MR. HEANEY:
The way this is presented, I interpret it to mean, if it's vacant land the land would have to be constructed to comply with this law, all right.

LEG. MONTANO:
What about a preexisting house? That's what I thought you said.

MR. HEANEY:
That's where it's silent.

LEG. MONTANO:
What was that?

MR. HEANEY:
And we don't -- it's silent. The law is silent on dilapidated buildings and property that it transferred under the 72-h Program. So we don't know how they should be treated. Logically, one would think that they should be retrofitted to meet the spirit of this law. But the law doesn't say that. So there's a double --

LEG. MONTANO:
All right. Not all the homes -- just to be clear, not all the homes that are transferred under 72-h or all the properties are dilapidated. Are they?

MR. HEANEY:
No.

LEG. MONTANO:
I mean, some of them could be in fairly decent condition. Am I correct?

MR. HEANEY:
Yeah, I don't know if --

MS. ROSEN-NIKOLOFF:
They have -- excuse me, they have to be uninhabitable.

MR. HEANEY:
Yeah.

LEG. MONTANO:
Uninhabitable. That's the term, okay. Thank you.

LEG. LOSQUADRO:
Just, if I may.

LEG. MONTANO:
I'm done.

LEG. LOSQUADRO:
On that same vein, even if the building is in -- it may be uninhabitable but it's still structurally may be sound, to make some of these changes houses are designed around the size and shape of rooms. If you had to expand the size of a bathroom you may run into load bearing walls, you may have to change floor joist. You could run into any number of sizeable costs associated with making what would seem on the surface to be fairly minor changes.

MR. HEANEY:
That's correct.

LEG. MONTANO:
All right. Yeah. Just to follow-up, for instance you said that the average home has a bathroom door of 24 inches?

MR. HEANEY:
Twenty-four inches.

LEG. MONTANO:
I always thought they were 30, but in any event --

MR. HEANEY:
Some might be.

LEG. MONTANO:
The ones I've seen, the more recent ones are 30 inches standard and I'm not sure under the Rehabilitation Act, what do you need, 36 inches?

MR. HEANEY:
I think the minimum is two-eight's so that would be 24, 32 inches.

LEG. MONTANO:
Two-eight?

LEG. MONTANO:
Two-eight, twenty-four and --

LEG. MONTANO:
Twenty-four, thirty-two. Okay. All right. We'll take this up another time. Thank you.

MR. HEANEY:
You're welcome.

CHAIRMAN COOPER:
Thank you, Skip. Did you want to comment on another resolution or was that it?

MR. HEANEY:

There's a lot that could be commented on the other resolution.

LEG. MONTANO:
Which one is that?

MR. HEANEY:
That's IR 1852. It's the Federal Housing and Economic Recovery Act funding application to rollback County foreclosures, abandonments via conversion into workforce housing projects in Suffolk County. Myself, Jill and Joe have met and gone over the various sections of the law as proposed. And have come up a number of very practical difficulties that we would be confronted with both on the community development side of the department and on the workforce housing side of the department.

CHAIRMAN COOPER:
Could you give us a synopsis, perhaps.

MR. HEANEY:
Sure. I'm going to at this point ask Joe Sanseverino to weigh in on some of the programatic concerns that we have based on the fact that we already have a federal set of guidelines and program in place that would be altered by this legislation. Joe?

MR. SANSEVERINO:
Good morning. The legislation that's being proposed is rather broad in scope. It talks about several different programs, A couple of which we as a County probably are not eligible to even apply for; okay. The one that we are eligible for is the -- what they're calling The Neighborhood Stabilization Program. And that really is an increased allocation of community development block grant funds that we are receiving here at the County. We've been informed by HUD that that number is going to be about $5.7 million and that money is to be directed at acquisition and rehabilitation of foreclosed and abandoned homes.

Now the legislation does several things with that program, one of the which it gives us the authority to apply for those funds. Quite honestly, we already had that authority. These are community development funds that we've been applying for for the last 28 years so we don't really see the need so there's somewhat a redundancy there.

We also -- it also comes up with a listing of, I guess, guidelines. Quite honestly what's going to happen there is that HUD has already issued a 65 page notice as to how we're supposed to proceed in developing this program. So that's really what the County is going to be following in order to implement the programs under this legislation.

The program -- the legislation also appears to combine the workforce housing funds that this Legislature has appropriated or set aside for many of Jill's program to develop housing with the Neighborhood Stabilization Program, this new funding. That creates additional problems for us in a couple of areas. The regulations don't necessarily line up with eligibility requirements and things of that nature as well as the funding that we receive for this Stabilization Program of $5.7 million, that does not include funding for the towns of Islip, Huntington or Babylon. They, in effect, get their own funding for this program. So you're kind of adopting a policy it appears that you're trying to apply to the entire County when we don't really have jurisdiction over the neighborhood stabilization funds that those other towns will be receiving. And I think this also creates some problems then for Jill as to how she can implement the Workforce Housing Programs. And I guess, Jill, you want to pick up on that a little bit.

MS. ROSEN-NIKOLOFF:
Yes, sure. I'm basically -- when I read this bill, I think of it as hijacking the Workforce Housing Program because the essential mission established by Workforce Housing Commission was to increase the number of units of affordable housing through smart growth not by buying up individual

single family foreclosed homes. In fact, the legislation specifically says that I'm to give preference to developments with ten or more units. So clearly it's designed to build multi-family developments. That's the first thing.

Secondly, when I came on I was charged with putting together transactions to build workforce housing. And we've been successful in doing that and I've got numerous projects in the pipeline from East Hampton to Amityville. And in fact, I already have legislative approval to build two workforce housing developments, one of which ironically is in Romaine's district, the other one is in Chairman Cooper's district. And if I'm required to do what's suggested in Romaine's legislation, then I have to redirect all that money into buying up foreclosed properties. If that happens most of the developments I'm working on will be in jeopardy because they're counting on the County dollars.

Thirdly, it's not the best bang for the buck. Even if we could pick up these houses at 150,000 per house, if you divide that by the $10,000 I have in acquisition funds, you're talking about developing 67 homes. If I fund the deals I've been working on, we get 451 homes at a cost of 22,000 per unit. That's a huge difference and a much better bang for the buck.

Lastly, the Workforce Housing Program is a Countywide program. If I use it to buy up foreclosed homes, I'd be directing the money to a handful of small communities that have been the most impacted by the foreclosure crises and the rest of the County doesn't get the benefit from the program. Now, I'm not saying that we can't do that. We've been working closely with Legislator Browning on developing a pilot program to target specific areas in these blighted communities with foreclosures that have a number of houses. And we're going to see what we can do there. But to suggest that the whole Workforce Housing Program should go to buy up foreclosed homes just doesn't seem to be the best policy and really does eviscerate the Workforce Housing Program.

CHAIRMAN COOPER:
Are there any questions? Thank you. All right.

MR. HEANEY:
Okay.

CHAIRMAN COOPER:
We can proceed to the agenda.

IR 1811-2008, To establish a health plan for -- I'm sorry, we have one tabled resolution.

TABLED RESOLUTIONS

IR 1435-2008, Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (SCTM No. 0600-105.00-01.00-002.00) (Romaine) Make a motion to table. Is there a second? Waiting for a second.

LEG. SCHNEIDERMAN:
Second.

CHAIRMAN COOPER:
All right. Thank you. Okay. We have a motion and a second. All those in favor? Opposed? **IR 1435 is tabled. (VOTE: 5-0)**

INTRODUCTORY RESOLUTIONS

Moving onto **IR 1811, To establish a health plan for volunteer firefighters and ambulance workers. (Browning)** Make a motion to approve. Is there a second?

LEG. LOSQUADRO:

I'll second. I just have a question.

CHAIRMAN COOPER:
Sure.

LEG. LOSQUADRO:
I'm assuming if this is before us we know this doesn't require any sort of state enabling legislation or anything? No? Okay. I just wanted to double check.

LEG. MONTANO:
Well, let me ask -- I have a question.

LEG. BROWNING:
Actually it did have state enabling legislation. Yes, can I? Jon, for a --

CHAIRMAN COOPER:
Yes.

LEG. BROWNING:
I know I'm not on the committee anymore. However, there was state legislation that was approved. And so this is to look at the feasibility and if it would be possible for our EMS workers, fire department volunteers, to be able to come into the Suffolk County Health Plan.

LEG. LOSQUADRO:
This would be -- and just looking at this, this would be at the annual COBRA premium rate?

CHAIRPERSON BROWNING:
Not necessarily. But the intent is that it would not cost Suffolk County money. It's allowing them to buy into the Suffolk County insurance like the County employees have. That's what the state legislation said. If George would like to step in, he's probably better versed on that.

MR. NOLAN:
It doesn't really say that. But no, recently there was new state legislation which gives municipalities the option, the ability to let their volunteer fire fighters and EMS workers access the health plan. What this resolution is doing is it's directing the Director of Labor Relations to take this to EMHP committee and ask them to look at the feasibility of doing this of allowing these people to access the plan, to look at the various options and report back to us as to what they found.

LEG. SCHNEIDERMAN:
It's just that the title is a little bit misleading. The title makes it sound like we actually are establishing a health plan when we're really just looking at the feasibility of establishing a health plan.

MR. NOLAN:
You're correct. I -- that's on me. It's not the greatest title. But it basically is a feasibility study. That's what it's doing.

LEG. MONTANO:
So there is -- if I may, there is no fiscal impact at this point because it's merely a study. Is that what we're saying?

MR. REINHEIMER:
Yes, that's correct. And the rates of premiums was just illustrative purposes on the possible premium if the employee -- if the fire and ambulance workers were to be buy into our plan as it currently exists under the same provisions and benefits that the County employees had. I used the COBRA rates because that's what we charge people that are not -- that have to pay for the plan

themselves. The rates that we pay for County employees, the inter fund transfer rate is contingent on prior years' surpluses and deficits and does not reflect the actual cost for benefits in any one given year; because the surplus or deficit is used to offset the inter fund transfer rate.

So the COBRA rate is a good rate to use as a benchmark. There may be a provision, and I'm not sure that they modify the plan and have a menu and an optional plan where these members, these ambulance and fire department numbers could piggyback onto our plan perhaps and get discounts in hospitals and drugs, but not have the same level of benefits as County employees. Such they could have higher deductible plan where they could have a deductible of say four or $5,000, that would impact their premium. They'd result with lower premium. But that's, you know, conjecture.

LEG. MONTANO:
So say -- just so I'm clear, they would pay the premium based on the rate that either is negotiated or based on the rate that's determined by the carrier on prior claims or the year before. Is that what you're saying?

MR. REINHEIMER:
I would assume they would pay a rate that would be determined by the consultant to the EMHP committee that determines each year for that committee what a premium rate would be. In other words, what the expected cost would be for that level of coverage in that given year.

LEG. MONTANO:
What I'm getting at is, we pay a certain rate based on coverage or based on whatever is, you know, however they arrive at that formula.

MR. REINHEIMER:
Correct.

LEG. MONTANO:
If another group came in, then it's conceivable from what you're saying that the following year our rates could go up based on the number of claims that come in the prior year?

MR. REINHEIMER:
Well, they look at the experience of the whole group.

LEG. MONTANO:
Right.

MR. REINHEIMER:
So they look at group experience. Generally, the larger the group, we have 45,000 lives, the more smooth your increases are. So assuming that this group comes in is no better or no worse then current groups, it should not adversely impact the experience in the whole plan. So they would pay their fair share. They would pay a premium based on the experience of the whole group that would -- should cover their expected cost for coverage.

LEG. MONTANO:
So our rate the following year could go up or down depending on the experience and the number of enrollees; is that what you're saying?

MR. REINHEIMER:
Well, that's group wide.

LEG. MONTANO:
Group wide.

MR. REINHEIMER:
It wouldn't be specific to this group.

LEG. MONTANO:
I'm sorry?

MR. REINHEIMER:
So it wouldn't be specific to the --

LEG. MONTANO:
Right. The rate was -- the rate is set for everybody including this group once they're in there. Is that accurate?

MR. REINHEIMER:
That's correct. And it -- right, the experience of the group.

LEG. MONTANO:
All right. And then once they're in there, what I'm asking is that based on how the rate is determined, it can either go up or down depending on the number of claims that are filed in a given year. Is that what you're saying?

MR. REINHEIMER:
That's correct.

LEG. MONTANO:
Okay. Thank you.

CHAIRMAN COOPER:
Okay. Thank you. I don't recall what -- do we have a motion?

LEG. MONTANO:
I think we have a motion, do we not?

MS. LOMORIELLO:
You have a motion and a second.

CHAIRMAN COOPER:
Okay. All those in favor? Opposed? **IR 1811 is approved**. **(VOTE: 5-0)**

LEG. SCHNEIDERMAN:
Would the Clerk list me as a cosponsor on this.

MS. LOMORIELLO:
Excuse me, I'm sorry.

LEG. SCHNEIDERMAN:
Can I be listed as a cosponsor on this.

CHAIRMAN COOPER:
And, Barbara, me as well. Rick?

LEG. MONTANO:
Yeah, this is a study. You can list me as a cosponsor.

MS. LOMORIELLO:
Does everybody want to be cosponsor?

CHAIRMAN COOPER:
We all want to be cosponsor.

LEG. MONTANO:
Yeah, Jay said it first.

MS. LOMORIELLO:
Okay.

CHAIRMAN COOPER:
George, cosponsor? Okay. Moving on.

IR 1815, Adopting Local Law No -2008, A Local Law to add visitability requirement to the Affordable Housing Program. (Stern) This has to be tabled for public hearing. Make a motion to table.

LEG. BEEDENBENDER:
Second.

CHAIRMAN COOPER:
All those in favor? Opposed? **Resolution is tabled. (VOTE: 5-0)**

IR 1840, 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. (Co. Exec. Levy) Make a motion to approve.

LEG. LOSQUADRO:
Second.

CHAIRMAN COOPER:
All those in favor? Opposed? **1840 is approved. (VOTE: 5-0)**

1844, Accepting and appropriating additional funds for 100% State funded grant for a Summer Youth Employment Program. (Co. Exec. Levy)

LEG. LOSQUADRO:
Motion to approve and place on the consent calendar.

CHAIRMAN COOPER:
I second that motion. All those in favor? Opposed? **IR 1844 is approved and placed on the consent calendar. (VOTE: 5-0)**

IR 1852, Authorizing Federal Housing and Economic Recovery Act funding application to roll back County foreclosures/abandonments via conversion into workforce housing projects in Suffolk County (Romaine) I make a motion to table.

LEG. SCHNEIDERMAN:
It's a public hearing. Right?

CHAIRMAN COOPER:
No.

LEG. MONTANO:
Second.

CHAIRMAN COOPER:
All those in favor?

LEG. MONTANO:
I just want to get an explanation from Counsel. Brief explanation.

MR. NOLAN:
Well, this is the resolution that Joe Sanseverino was just speaking of. I think the biggest issue that they raised is this is going to be a federal block grant monies. Apparently HUD has very detailed regulations as to how the money can be used. Probably should look at the issue whether or not what's in the bill as to how we're going to use the money, is it consistent with that.

LEG. MONTANO:
But what I'm asking is what's in the bill? What does the bill do? Just want to get that.

MR. NOLAN:
Well, it basically states that we're going to apply for grant monies that are available under a couple of different federal statutes, which I think the County is -- has already done. And then it lays it out in fairly detailed programatic terms and conditions as to how we are going to use the money. It goes on for a couple of pages.

LEG. MONTANO:
Okay.

MR. NOLAN:
That's what it does.

LEG. MONTANO:
All right. Thank you.

LEG. LOSQUADRO:
Through the Chair, this is a sizeable amount of money we'd be seeking to get to benefit the residents of Suffolk County who are in tough financial times; correct?

MR. NOLAN:
Correct. But I'm if I'm not misunderstanding, I believe the federal government has already told us how much money we're going to get for the purposes of this program. I thought I heard Joe Sanseverino say that the money supposed to used to buy foreclosed properties under that program. But I'll --

LEG. MONTANO:
If I may speak, Chairman, before you start, Joe, I see Mr. Brown at the podium and I think he wants to answer -- no sit down, by all means. What I meant was, before you say anything I -- Dennis indicated that he had a response to my question.

MR. BROWN:
Yes.

LEG. MONTANO:
So could we hear that?

MR. BROWN:
Just to address some of your questions and concerns, you know, we looked at the bill ourselves. We looked at it from a drafting perspective. This is the bill. And the bill itself, the summary is approximately --

LEG. MONTANO:
The whole package is the bill?

MR. BROWN:
Yes, yes.

LEG. MONTANO:
Who drafted the bill?

MR. BROWN:
This is the federal bill.

LEG. MONTANO:
Oh, the federal bill. Okay.

MR. BROWN:
This is the federal bill.

LEG. MONTANO:
I thought that was our bill.

MR. BROWN:
So just to try and address your question about what does the -- what does the laid on the table bill do?

LEG. MONTANO:
Yes.

MR. BROWN:
I's a difficult question to answer. Because many of the terms that are in the local bill are terms which are in the federal bill. But nowhere does it say in the local bill what the definitions of the terms are.

LEG. MONTANO:
Are the definitions in the federal bill?

MR. BROWN:
Pardon?

LEG. MONTANO:
Are the definitions in the federal bill?

MR. BROWN:
The definition --

LEG. MONTANO:
Because they generally would be included.

MR. BROWN:
In various places in the bill, yes. But it's difficult to analyze the bill and determine exactly what the bill does because it's not -- because terms are lifted out of the federal bill, which are not defined in the local bill and which do not even say that the terms which are in the local bill are to be as defined in the federal bill.

LEG. MONTANO:
Okay, we can assume that. But can you succinctly tell me what the bill does because I've listened

but I'm not really clear, you know, succinctly. I don't want to get into a long -- is there motion to approve or a motion to table? To table, yeah. Since it's going to probably be tabled just real succinctly, what does the bill require the Legislature or the County to do?

MR. BROWN:
One thing for example would be to purchase foreclosed homes. And definitely Joe or Jill could --

LEG. MONTANO:
Sort of like a bailout.

MR. BROWN:
To purchase foreclosed homes and to use the federal funding to rehabilitate those homes and put them on the market. I think that captures the essence of it.

LEG. MONTANO:
Who would -- is that accurate, succinctly, Joe?

MR. SANSEVERINO:
That's one of the aspects of the program, yes.

LEG. MONTANO:
Now in purchasing these homes, what money or what source of funding would be used to purchase these foreclosed properties? Because I'll tell you, I have more foreclosed properties in my district than anyone else.

MR. SANSEVERINO:
Yes, you do.

LEG. MONTANO:
So if you want to -- if you want to buy some foreclosed properties, I have no problem with that whatsoever. What funding are you going to use?

MR. SANSEVERINO:
Okay. The way this is set up, Legislator, is Suffolk County Community Development Program has been allocated 5.8 -- $5.7 million approximately for the express purpose of acquiring and renovating foreclosed properties. We are being required to go out --

LEG. MONTANO:
That's Countywide.

MR. SANSEVERINO:
No. That is just in the Community Development Consortium. Does not include Islip.

LEG. MONTANO:
Oh, the three towns are not included?

MR. SANSEVERINO:
Right.

LEG. MONTANO:
Okay.

MR. SANSEVERINO:
Islip has their own --

LEG. MONTANO:
Community Development Agency, gotcha.

MR. SANSEVERINO:
-- funding source and they're going to be doing basically the same thing. Okay. So we would be working with the financial institutions to purchase the homes. The way the program is operated you're going to be required to purchase those homes at a discount, renovate them and then sell them, all right, at the cost of acquiring and renovation.

LEG. MONTANO:
All right. But none of these homes would be in my district because I'm covered by Islip not by Suffolk County.

MR. SANSEVERINO:
That's correct, yes.

LEG. MONTANO:
Thank you.

MR. SANSEVERINO:
I can't go into Islip.

LEG. MONTANO:
Thank you.

LEG. SCHNEIDERMAN:
I'm just -- I'm not clear what the downside of this bill is, I mean, it just gives you a tool. You're saying you already have the tool or --

MR. SANSEVERINO:
Well, basically we -- we've already been told by HUD what our allocation is. So we know how much money we're getting. We already have the authority or the -- to apply for this. It's an increased allocation of community development block grant funds, which we get each year.

LEG. SCHNEIDERMAN:
So what is the bill? Does the bill tell you to do -- go beyond that?

MR. SANSEVERINO:
What the bill does in a couple of places, number one, it talks about applying for two different programs here that we're not eligible to apply for under the second resolved, a and b. Those funds are going to be going to New York State, for instance, as to creating a state housing -- through the -- a state housing trust fund.

LEG. SCHNEIDERMAN:
Okay.

MR. SANSEVERINO:
The other is funding that would go through community development financial institutions of which the County is not one so that we wouldn't even apply through those programs at this point. As well as the way that program is going to established, was going be through using Fannie Mae and Freddie Mac revenues, which this was written before they were taken over by the federal government. So whether there's any proceeds even to go into this program, we don't even think there's going to be any at this point.

LEG. SCHNEIDERMAN:

Okay.

MR. SANSEVERINO:
So that aspect of the program doesn't really apply to us.

The other thing it does is that it takes the Workforce Housing Program that is administrated by Jill and it says those funds now, these current funds plus future funds from that program would have to be combined with these foreclosure funds, these Neighborhood Stabilization Program funds, which totally changes the impact and the requirements of the Workforce Housing Program because now you're going to be directing your funding to going out and acquiring single-family homes primarily for renovation as opposed to developing new workforce housing throughout the County. You're going to be limited as to where you can actually do this program. That's our concern with the program, with this legislation.

LEG. MONTANO:
I have another question. You're done?

LEG. SCHNEIDERMAN:
Yeah.

LEG. MONTANO:
Joe, just so I'm clear, the money to purchase these homes under this legislation would that come from the community development block grant money that you receive or would it come from the General Fund and then we would use the community development money to renovate?

MR. SANSEVERINO:
No, we never do that. The money would come all from the community development funds. The acquisition and the renovation all comes from the community development grant that we're receiving here, this $5.7 million.

LEG. MONTANO:
Okay. And Jill had indicated that that money's already allocated for different programs or is to be allocated?

MR. SANSEVERINO:
Well, what this legislation also does it brings in Jill's other funding, which is the County funds that you use for workforce housing. It's a separate allocation of funds that you've put aside for workforce housing.

LEG. MONTANO:
Is that the $5 million that was in the budget?

MR. SANSEVERINO:
Yeah, that's correct.

LEG. MONTANO:
Okay.

MR. SANSEVERINO:
So that -- this legislation seems to tie the two together.

LEG. MONTANO:
So this legislation would use the $5 million for the purchase of abandoned or foreclosed properties in the seven towns other than those three that are by covered by their own CDA?

MR. SANSEVERINO:

That's correct.

LEG. MONTANO:
Thank you. Okay.

CHAIRMAN COOPER:
No further questions? Okay. So we have a motion to table and a second. All those in favor? Opposed? **IR 1852 is tabled. (VOTE: 5-0)**

And lastly, **IR 1874, Amending the Suffolk County Classification and Salary Plan to update an existing title for use in the Consumer Affairs Division of the Office of the County Executive (Director of Consumer Affairs). (Co. Exec. Levy)** I'm going to make a motion to table and then I had a question.

LEG. LOSQUADRO:
Is there someone here to discuss this? Is this someone here to discuss the explanation for this, why is this being requested, what titles?

CHAIRMAN COOPER:
I think that Ben could explain.

MR. ZWIRN:
Thank you very much.

LEG. MONTANO:
Do we have a -- before you start, we have a motion and a second on the table.

MS. LOMORIELLO:
We have a second. Legislator Schneiderman --

LEG. MONTANO:
Did we get a second?

LEG. SCHNEIDERMAN:
No. I'll hold off. I want to hear what Mr. Zwirn says.

LEG. MONTANO:
Okay. So we don't have a motion on the table. Am I correct?

LEG. SCHNEIDERMAN:
All right. I'll second for the purposes of allowing Mr. Zwirn to speak.

LEG. MONTANO:
Okay. No, I'm just curious. Do we have a motion or not?

CHAIRMAN COOPER:
Now we do.

LEG. MONTANO:
Now we do. All right. We have -- all right. And it's to table.

MR. ZWIRN:
That might be a good reason not to second the motion, give me a chance to speak.

Thank you very, much Mr. Chairman. And I'd like to just recognize that Legislator Losquadro's here after surgery on his shoulder and he -- it's painful enough to have to sit here then have to listen to

me. It's a double whammy.

The County Executive is putting this in. As you know, Charlie Gardner who was the former head of Consumer Affairs retired in the early retirement incentive that we recently had. Charlie was also the Director of Weights and Measures. He was a civil servant. He had a Civil Service title. He had a competitive title. And one of the things that he had suggested before he left and had even -- when he was thinking about leaving was that he thought that his replacement should have a legal background because of the laws that are involved.

The County Executive's of the feeling that, look, we should have a Director of Weights and Measures because we have to have one by law, but that person doesn't necessarily -- should be the one who should be the head of the Consumer Affairs Department. So he would, you know, respectfully ask the Legislature to go along so that we could pick somebody who is -- got a little more qualifications in the legal area as opposed to just leaving it as the woman -- man or woman who is the head of the Weights and Measures Division because that's what it has been currently and during Charlie Gardner's term. That really was his title, was Director of Weights and Measures even though we all assumed that he was the Director of Consumer Affairs.

CHAIRMAN COOPER:
If I can, I just, I don't understand the logic of requiring a law degree for this position as opposed to all the other directors and commissioners in Suffolk County. Why for this position?

MR. ZWIRN:
Because there are a number of laws that have -- that are involved and he thought somebody with a legal background would be better able to handle some of the nuances of the laws under Consumer Affairs as opposed to somebody whose background was minimal with respect to that. Charlie's credentials were in the Weights and Measures competitive area, not really with anything else except what he garnered over the years in that department.

LEG. MONTANO:
If I may?

CHAIRMAN COOPER:
All right. Legislator Montano.

LEG. MONTANO:
This is replacing -- just so I'm clear, this is replacing the Director of Weights and Measures?

MR. ZWIRN:
No, no. It's creating --

LEG. MONTANO:
The Director of Consumer --

MR. ZWIRN:
It's creating a new --

LEG. MONTANO:
-- and that position is vacant?

MR. ZWIRN:
I think there -- I think it is vacant at the present time.

LEG. MONTANO:
It's vacant. Is it a Civil Service position?

MR. ZWIRN:
Yes.

LEG. MONTANO:
Is there a list for that position?

MR. ZWIRN:
I don't know, but they'll canvas for that. It will be -- somebody will have to take a test and be -- I mean, I suppose they could put somebody provisionally there.

LEG. MONTANO:
Well, the new position that you're going to create is going to be an exempt position.

MR. ZWIRN:
Correct.

LEG. MONTANO:
Okay.

LEG. SCHNEIDERMAN:
And so just to understand this completely, because the new position, which will end up being the person who replaces Mr. Gardner, so it'll be a higher pay grade because it'll have a higher requirement?

MR. ZWIRN:
Not necessarily, no.

LEG. BEEDENBENDER:
But, well it's a lawyer.

LEG. MONTANO:
It's the same grade.

LEG. SCHNEIDERMAN:
What I guess is confusing me because we have -- we've had this conversation before with other commissioners and I have often argued for more qualifications being built into the Charter. And your response has always been, well, look, if you don't think somebody's qualified, don't, you know, don't approve them. I said, well, you know, you have a point there, we don't have to approve somebody we don't think is qualified so I -- that gives you or the County Executive the most flexibility in choosing people. Here you're basically making the opposite argument and raising the threshold for qualification ultimately for a commissioner position. Lance?

MR. REINHEIMER:
Can I -- if I could just correct. This kind of evolved, Charlie Gardner was the Director of Weights and Measures for many years. Under his -- during his tenure as Director of Weights and Measures there was a Commissioner of Consumer Affairs and there was a Director of Consumer Affairs.

LEG. SCHNEIDERMAN:
A Director of Weights and Measures?

MR. REINHEIMER:
No, no, no. He was in as Director of Weights and Measures. That's a grade 32 competitive title. There was at the same time at one point a Commissioner of Consumer Affairs. The office was put under the County Executive's Office many years ago and they made it the Director of Citizen Affairs, which was a competitive title.

When that person left, rather than filling that position, because of Charlie's long tenure in the department and knowledge, institutional knowledge, it was felt that he could run the department while being -- continuing on as the Director of Weights and Measures. So he was wearing two hats.

Upon his retirement what the County Executive wants to do is reestablish the Director of Consumer Affairs; however, make it a noncompetitive title rather than a competitive title. The Director of Weights and Measures is still in the department and still will be a competitive title.

LEG. SCHNEIDERMAN:
Okay. So there'll be two individuals.

MR. REINHEIMER:
That's correct. And that's the way it was in the past. It really was a --

LEG. SCHNEIDERMAN:
One competitive and one noncompetitive.

MR. REINHEIMER:
Right. Director of Weights and Measures is a competitive.

LEG. SCHNEIDERMAN:
The one that's noncompetitive will not have to be a lawyer, but the one that --

MR. REINHEIMER:
I don't -- yeah. I mean that --

LEG. SCHNEIDERMAN:
Or will.

MR. REINHEIMER:
-- an exempt position is up to --

LEG. SCHNEIDERMAN:
The competitive one will have to be a lawyer.

MR. REINHEIMER:
Oh, will. Okay, I see, yes. Okay.

LEG. SCHNEIDERMAN:
So the competitive one will have to be a lawyer. And the noncompetitive one, which will be the Weights and Measures person, won't.

LEG. BEEDENBENDER:
But how could that be? Because Charlie wasn't a lawyer and he was the Director of Weights and Measures.

MR. REINHEIMER:
He just stayed --

LEG. BEEDENBENDER:
Do you have to be a lawyer to be the director?

MR. REINHEIMER:
No, no, no.

LEG. BEEDENBENDER:

No.

LEG. SCHNEIDERMAN:
You will now.

MR. REINHEIMER:
He just stayed on. He was there as Director of Weights and Measures.

LEG. BEEDENBENDER:
Right. But that's what I'm just --

MR. REINHEIMER:
In the past when the previous director was there --

LEG. BEEDENBENDER:
Right.

MR. REINHEIMER:
-- and left --

LEG. BEEDENBENDER:
That's what I'm saying.

MR. REINHEIMER:
-- they just abolished that position in the budget. Charlie assumed the responsibilities --

LEG. BEEDENBENDER:
No, I understand.

MR. REINHEIMER:
-- because he had -- he's been there for a long time.

LEG. BEEDENBENDER:
Right.

MR. REINHEIMER:
So he knew the runnings of the department. He was a unique -- that was a unique situation and title at that point.

LEG. SCHNEIDERMAN:
Under this change, though, the Director or the Commissioner of Consumer Affairs that will be a noncompetitive and will have to be a lawyer.

MR. REINHEIMER:
Right.

LEG. SCHNEIDERMAN:
And the Director of Weights and Measures will be competitive and won't have to be a lawyer.

MR. ZWIRN:
Will still be a competitive title. Correct.

LEG. SCHNEIDERMAN:
Okay. So answer -- to answer the question, well, obviously the fiscal impact, now we're going to have two people doing one. But the commissioner post is going up in -- because now you have to have a lawyer there, that salary will go up from what it was?

MR. REINHEIMER:
No. They're keeping the --

LEG. SCHNEIDERMAN:
The noncompetitive post.

MR. REINHEIMER:
Well, the Director of Citizen Affairs previously was a grade 31 in -- and was a competitive position. And that was under collective bargaining, you know, under AME.

LEG. SCHNEIDERMAN:
Right. So now it becomes noncompetitive.

MR. REINHEIMER:
Now the County Executive's proposing to make that an exempt position, same grade. It's a different pay scale though. So there is a difference in pay. Which one's higher or lower --

MR. ZWIRN:
They're also taking a position out.

MR. REINHEIMER:
Yes. And they're abolishing a position. In addition just so we've --

LEG. SCHNEIDERMAN:
We don't know the salary of one versus the other? I'm assuming it's going up a little bit.

MR. REINHEIMER:
Yeah, we can look that up. In addition to this though, the recommended budget reflects this change and has the new position in the budget. So the recommended budget reflects this resolution.

CHAIRMAN COOPER:
All right. Jay, are you done?

LEG. SCHNEIDERMAN:
Yeah.

CHAIRMAN COOPER:
So there are really two questions before us. I have no problem with reestablishing the position of Director of Consumer Affairs. But the other outstanding question is whether that person should have a law degree and I'm not sure that a case has been made for that. I'm also concerned that it might make it that much more difficult to hire someone for this position if there's an additional requirement but I'll leave it to the Committee. So I made a motion to table. We have a second. Does anyone want to make a motion to approve?

LEG. SCHNEIDERMAN:
I'm going to withdraw my motion to table.

LEG. MONTANO:
I'll second.

CHAIRMAN COOPER:
So we have a motion to table and another second.

LEG. SCHNEIDERMAN:
Motion to approve.

LEG. LOSQUADRO:
I'll second the motion to approve.

CHAIRMAN COOPER:
Motion to table goes first. All those in favor?

LEG. LOSQUADRO:
Opposed.

LEG. SCHNEIDERMAN:
Opposed.

LEG. MONTANO:
You got three, right?

CHAIRMAN COOPER:
We have three votes to table. Motion carries. **IR 1874 is tabled**.
(VOTE: 3-2-0-0 Opposed: Leg. Schneiderman and Leg. Losquadro).

And that's all the business before us. Thank you very much. Have a nice day.

THE MEETING CONCLUDED AT 12:38 PM
{ } DENOTES SPELLED PHONETICALLY