

SUFFOLK COUNTY CHARTER REVISION COMMISSION

MINUTES

A Public Hearing of the Suffolk County Charter Revision Commission was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on May 15, 2008.

MEMBERS PRESENT:

Sondra M. Bachety, Chairwoman
Dennis McCarthy, Vice Chair
Roger Clayman
Arthur J. Cliff
Ronald F. Devine
Saul R. Fenchel
Victor Fusco
Kathy Giamo
Jacqueline Gordon
Marlene B. Israel
Steven T. Kenny
Maureen Liccione

ALSO IN ATTENDANCE:

Leg. Vivian Vilorio-Fisher, Fifth District
Terrence G. Pearsall, Chief of Staff
Arona Kessler, PO Aide
Gail Vizzini, Director of Budget Review Office
Cesar A. Malaga
Danny Andersen
John C. Cochrane
Erica Chase
Ernie Mattace, College Trustee
Doug Sutherland, Aide to Treasurer Carpenter

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 2:34 PM)

CHAIRWOMAN BACHETY:

Good afternoon, everybody. This is public hearing on any suggestions or ideas about the Suffolk County Charter. We have currently four people who are signed in to speak so I'd like to start with Cesar Malaga from Babylon.

MR. MALAGA:

Hello. Yes, good afternoon. My name is Cesar Malaga. I'm the President of the Hispanic American Association. I live in West Babylon.

I was reading the Charter of New York -- the Charter of Suffolk County. And there's a lot of items that I'd like to mention. By the way, I was involved in the revision of the Charter of New York back in 1960's when I was a member of the Community Planning Board. So with me a liaison we revised the Charter of New York, I'm proud to say that many of the suggestions that we had made has become effective and it's working.

Now I read many of the things here, things that Commissioner Sondra Bachety covered. I attended many meetings of the Town of Babylon. Also I also attend here in Suffolk County. Concerning the sale of County property, of homes that they didn't pay taxes on, the County took over. I mentioned in many of those meetings that those properties should not be sold to developers or contractors who are building houses which are, you know, to build a house that's 400, \$300,000, which is out of the reach of our young people.

What we need here in Suffolk County is affordable housing that people can buy. People -- our young people need -- as a matter of fact many of those properties, which established here in Suffolk County what, many places around the world do -- I was last year in France, Switzerland, Italy and Germany. And for the young people they have is apartment houses that is owned by the County. It's owned by the municipality. And they rent those to the young people who cannot afford to buy a house. Why can we not have here in Suffolk County?

We are giving, you know, the land to developers who are making great amount of money by building those houses. I was just in Southampton about a month ago inquiring about that new development that they made out there. The apartment is selling there -- out there is 600,000 up comparable -- they have given 10 units to the Town of Southampton for \$350,000.

Now, as an engineer I know that you don't sell under value. You have to, you know, to sell anything you have to include the cost of material, labor. And how do you call that, finance, how much money they're making, the people. So you can see that the developers are making more than 100 percent of what it costs to build this houses. So here right now our young people are leaving, are going from Suffolk County to other places. Many of them, they're going to Pennsylvania where, you know, the rent is cheaper. Many, many of our people here from Southampton are moving to North Carolina. I had about six of my dear friends, they move out to North Carolina because everything is cheap.

Now talking about, as I say, that's one item you have in chapter 27 is this non-payment of taxes. No County property or those properties should be given to developers, which is establishing what we call, you know, let's make up something like a Suffolk County Housing Department, like they have the dormitory for the universities where they build dormitories, you know, rent dormitories to the students. We can have that. It can be -- work efficiently.

Now, the other thing that probably you heard in the news about John Foley Nursing Home. Now it's a shame that here in the County, you know, the prisoners, they get food and medical care. And now

here we plan to sell a nursing home because it doesn't fit in the budget? What's going to happen next to the County? Are they going to sell all the furniture they have, all the buildings they have to meet their budget? No. I worked, you know, for the towns buildings, of Suffolk County meetings. It's just like a retirement home in which many people are not doing things that we must have people work in the wrong place. So we need to revise the Charter. We need to see, you know, who does what, how many people we need in each department.

At one time I was, you know, I was commissioned by my company I work for to see, you know, how many people each vice president has. I went in the computer and get all the number of people that each vice president had. Many of them they didn't know that they have people working in different areas, but it was charged to them, to their payroll. Like similar here, we have too many people working because over the years, I hate to say this, it's political. You appoint people that they help on your campaigns and you keep that, you know, adding, and adding, adding and so there is no end to it. We have to look, you know, who needs what and where these people should be put so they can be productive, productive for our County. We have to cut expense that's happening here.

What you see today, you know, with this raising costs, it's just like a melting a little bit, probably you'll be watching, you know, what's happening in Antarctica where the ice falling down or the mountains, you know, in the alps or South America Andes Mountains where the snow is melting. Well, it's going to happen here with the economy. We are going to experience the hardest -- we'll be getting the hardest hit. We have to start cutting expenses now.

In the newspapers it was recently about one of our Legislators here who did not live in the district. Many of us knew that. But the one thing that I was shocked for is the salary, \$97,000, his salary. I mean here in Suffolk County I mean you have senior citizens. They cannot afford. I go into the supermarket to buy, I see senior citizens looking at the price, looking at the item. Now sometimes I feel like saying you need that item, let me buy it for you. But I do not know where they're looking, whether how much salt this or this. But we're getting to that point where our senior citizens are suffering because why? Because we in the political circle, we're making good salaries. As a matter of fact this is about ethics. You know that all of you know that once you get in politics you appoint your wife, relatives to different posts in the Suffolk County or in the town. You even create jobs.

I remember, you know, one situation in which someone finished his term as an official. You know they create a job so this person can continue his medical insurance and be on the payroll; be in the payroll. I mean this is what's happening. Whether we're doing it by respect or what, but things have to start ending. We have to start changing the ethics that we have. It should not be because you're an elected official you can bring your cousin, your wife, this or that to the political party.

Many people are complaining about LIPA, the high costs. And many of you are aware. LIPA they started -- they started with 30 people. It was working efficiently. Until Kessel was forced to hire a relative of this, a relative of that, this and that. Right now I think the number of people that he had to hire is 30. I mean 90. 90 people right now on the payroll. And we complain why rates are high. So I been involved with LIPA, with LILCO since the time, you know, they wanted to sell, this or that. And, of course, as you know, we paid three times the price that cost the utilities to pull the cables and the plants.

So the thing is this. We have to start revising ethics, the way we do business, the way we spending. As a matter of fact, you know, you probably also read about the use of cars, the vehicles of the County. Why should Legislators who work less than part-time, they get a County owned vehicle? They don't care how much the gas costs because they can charge to the County. Gas price are going up. I was at the legislative meeting about four years ago when the price went from \$1.50 to \$2. I made a study to how much taxes, additional taxes we're collecting from the sales tax of gasoline. But today, of course it's almost \$4. It quadrupled our taxes. So our Legislator who gets a car, gas, maintenance of his car, I mean he doesn't care. He doesn't care how much it's costing to us. So those things should be eliminated. Should not -- County Legislators should not get a car or any of the people working for the County should not have a car. It costs too much money. All of us

when we go to work we have to pay for the Long Island railroad, buses or we have to drive some place. But why? I mean things are changing. Obama says change, change, change. That's the word of today. Change. We have to change.

The other thing is about the sewer. I think the sewer -- southwest sewer district, that thing was established to take care of the south end, south end of Suffolk County. Now there are communities, probably as Sondra Bachety knows, that they were not connected to the sewer district because of, you know, money, money. But Legislators who get in Suffolk County after the developer says, look, I will install a Suffolk -- you know, a sewer treatment in my -- in this unit, in this area like in Deer Park. Now after that they get the approval of that, we saw they present the plans to us in Babylon where there were so many people opposing this project. After he, you know, he gets the approval and starts building, he comes to the Suffolk Legislature, I want to connect to Southwest Sewer District. And now what are we going to do? What are we doing now in Suffolk County? We have to enlarge the Southwest Sewer District to meet the needs of those people. I mean, if a developer says I am going to do this, present the plans and we give them, you know, the approval, he should do what he said he was going to do. So sewer districts are not in favor -- should not be favoring to companies who contribute to the campaign of politicians. That shouldn't be the way. Ethics, ethics. There's so much that, you know, that politicians, you know, do for people who contribute.

Now I do not know how long that I have to talk but, you know there's so many items in here, you know, that I wrote down. I read in the Charter in the different chapters. So I do not know how long do I have to talk. I don't want to, you know, stop the others from, you know, addressing.

One thing is this that I'm just going to -- I was familiar with transportation. I've been in transportation for over 50 years. My father used to be on Highways. And vacation time I used to go out and help him to build highways, see how they build this or that. New York City, I was a member of, you know, Transportation. I still attend the meetings of the New York City Transportation. I was nominated by the Governor to represent Suffolk County on the Long Island Railroad Commuter's Council. Of course, you know, we have politics. I was supposed to increase the fare with the buses in Suffolk County because Senator Trunzo was negotiated to get money. My name -- I fought very hard not to increase taxes. His aide says, the the County Exec wants to have the money in his hands. I said, look, the money's coming.

But anyway, you know, the next thing I went to a meeting, Cesar Malaga was removed from the Long Island Commuter's Council at the request of County Executive. But I'm still, you know, fighting with Transportation. What we need in Suffolk County, it's mass transportation. We need more buses. I was at the last meeting where they had a meeting concerning bus transportation. We need meeting. Our senior citizens during Sundays they want to go to church, they want to go shopping, they want to go to visit people. There is no bus on Sundays. We need buses.

I spoke to Congressman Bishop --

CHAIRWOMAN BACHETY:

Could I ask you to -- just kind of get you to sum up?

MR. MALAGA:

Okay. I spoke to Congressman Bishop concerning about getting some money for transportation, you know. He said he'll do what he can but it has to be a request from the County.

But one thing I will say, thank you for letting me speak. There's many changes. Just keep in mind the year of change has come. We have to change the way things are. Maybe there's need to put new blood, who have new ideas. But change, we have to change. Thank you very much for letting me speak. Thank you.

CHAIRWOMAN BACHETY:

Thank you very much, Cesar. I have seen you at many meetings over all these years. And you

certainly have been a faithful proponent of change. I appreciate it. Thank you.

Our next speaker is Danny Andersen from Port Jefferson Station.

MR. ANDERSEN:

I'm sorry that I left my hand-outs home. I forgot them, but I'm reading off of my notes and maybe you want to take notes also. I can follow up with a hand-out if you want.

My presentation addresses the issue of citizen speakers that appear before various committees here to present various proposals. It's my limited experience that they're limited to a three minute period. And although I well understand the need for that three minute limit in probably most cases, there needs to be a provision that allows for the alternative when a citizen presenter rises to a certain level. And that level has requirements that I've enumerated here on paper. And if it does rise to that level, they should obtain more time. A reasonable period of time to present anything serious takes 15 minutes. That's a reasonable period if it rises to this level.

And this level describes a set of steps which I'm now going to tell you, one of the steps is that the issue being presented should have wide application to the many, not the few, in other words, to the majority of Suffolk citizens if not all. It cannot and must not address special interest groups. It must be presented in a clear, simple order and presented on paper in an outline form along with a cover letter to the Presiding Officer for a period of time prior to that expected appearance.

It must clearly describe a problem that currently exists or some issue that can be described. It must also describe how this problem is affecting the people. It must describe how the County can provide solution or relief or expected relief. It must provide the incremental steps for solution. It must not require additional budget, manpower or resources. And this particular issue I see as a show stopper for so many good things because everybody from what I've seen in my entire life prefaces their presentation with a grab for evermore money. We're drowning in rivers of money. And as we're starting to see now our entire country including this side of this County is starting to implode.

So I want to highlight that issue. No request for budget, additional, manpower or resources. And from my point of view, there is a world of good things that can happen using existing resources. But it's my long experience that those particularly in government, and for good reason, are just not there. And they're not there because from what I've identified over decades is that those that are in power in position to do are suffering unknown from a condition brought about by comfort and security and multiple mega benefits and lack of accountability where they don't have to answer for or to or account to anybody. They're free to do what they in essence please and in an environment that totally lacks any creative thought or progressive mindedness.

If anybody here thinks that we can out pace what's coming, and I'm a 20-year activist, I can tell you, your thinking is not in reality. We're -- we don't have enough critical thought left to out pace the stuff that's going to be coming at us. We're only facing now the initial stages. It takes -- it's going to take everything we got. So my presentation here is a first step from those outside the loop to make serious presentation to the leadership.

Going on, it should also accompany an expectation of initial review by respective agency if the presentation meets the above criteria. And the evidence should be presented -- in addition, the evidence should be presented how the respective agency is not currently providing relief and I can give you a brief example and a recent one.

CHAIRWOMAN BACHETY:

Mr. Andersen, let me just be clear as to what you're trying -- we're talking about the Suffolk County Charter as it currently exists and whether or not there should be changes or alterations. And are you suggesting that within the Charter there should be a place for 15 minute discussions at public meetings, is -- am I missing something, is that what you're suggesting?

MR. ANDERSEN:

Yes, as opposed to the three minute rule in the public portion. Citizens that meet this criteria should be allowed the more expanded time when and only if they meet the criteria.

CHAIRWOMAN BACHETY:

Yes. I heard your criteria. I'm a little confused by that though. Are you suggesting that at general meetings of the Suffolk County Legislature that there be an opportunity for people to speak for a minimum of 15 minutes if they meet your criteria that you're suggesting?

MR. ANDERSEN:

Yes. If they have properly met the criteria and submitted prior to in letter form to possibly a Presiding Officer or whoever and meeting that criteria, in general, not every dot every I cross, every T situation.

CHAIRWOMAN BACHETY:

No, I understand.

MR. ANDERSEN:

But if you meet even a major portion of this, you've got something and it should be presented and if it's presented in advance then --

CHAIRWOMAN BACHETY:

Have you found yourself unable to do this as at Legislative meetings? I mean, I know the Presiding Officer has extended time many times on many opportunities for people.

MR. ANDERSEN:

I can only tell you that I have a lack of experience before this body so I can't tell you that I have suffered that.

CHAIRWOMAN BACHETY:

Okay.

MR. ANDERSEN:

But I recognize that right up front that it's a possibility and not knowing any additional rules I just thought I'd present this, that it's something that should be imbedded --

CHAIRWOMAN BACHETY:

In the Charter.

MR. ANDERSEN:

-- hard imbedded in the record.

CHAIRWOMAN BACHETY:

Okay. I'm sorry.

MR. ANDERSEN:

If I could --

CHAIRWOMAN BACHETY:

Thank you, thank you. Please go ahead.

MR. ANDERSEN:

Could I take an extra minute?

CHAIRWOMAN BACHETY:

Of course.

MR. ANDERSEN:

Okay.

CHAIRWOMAN BACHETY:

Go ahead.

MR. ANDERSEN:

I just want to give you the recent example, a very credible one, a good representation. Recently I've had experience with the Labor Department in Suffolk County. I've have long experience. I've been registered with the One-Stop Program. They got a good program there. But I guess it's the activist in me that I see things that most others don't. And what stares me in the face three years ago was the lack of an ability to provide an immediate and temporary provision for citizens to become employed in the event that things go critical and they need to hold their line and avoid losing their houses and jobs and money and families to hold the line. What would do that, I said. And so I recognized that their system, which amounts currently in the -- on the computer employment database it amounts to a -- somebody creating a simple County page to receive the online web based links for those on the internet that provide employment on their websites.

Well, in looking at those, I realized that it's a bunch of links that in large part are composed of commercial content so once you wade through the commercial content, then you get hit with the fact that most of the employment content on these sites -- it's been stolen and copied from other online internet base sites and everybody's stealing from each other. And so you go to multiple sites and you see the same old listings. And then in my view their listings are deficient. So the bottom line in that program is that, in my view it's defective if it doesn't -- if it's not all out.

And so as a consequence I saw that what was missing was a link to provide emergency and immediate and temporary employment to citizens that have an immediate hemorrhage in their life by they been axed from their jobs and they're spiraling down. In this scenario, and I'm going to present this to the committee for Labor at a later date, and I already did present it in a matter of fact, but my proposal here relates to this issue in that if it was embedded in the rules or laws, whatever you call it, then my proposal for this temp employment provision would take its course and immediately outside of what the entrenched bureaucrats may think -- and when I presented this issue three years ago, I knew that peak oil was coming in 2008 because I read the reports, and I have possession of the reports and I knew that when peak oil hits in 2008, three years ago, across the board A to Z things would start falling. And we would be in a situation that we have today.

So I made steps back then to present this. And what I got in return was in essence, we can't, won't, shouldn't, don't and aren't. But this is business as usual and I've seen this all my life. Without this provision to hold a County agency to accountability and compelling them to move in this direction, at least initially, this stuff continues. And so here we are three years later and I'm presenting it again. This time I found an administrator that is doing the right thing and taking steps, unfortunately I find out that he's retiring in three weeks. And so now I'm saying, okay, where is this going to go.

The bottom line here is that with a link for temporary employment and following a short list of things that the County agency could do, such as send -- firing out a memo to all County businesses in Suffolk County, regarding this program and please respond back regarding your interest to log into our temp system and load your day to day need at the moment. Man, if 5% of this came back, this is front page news. Citizens could at the moment of being fired log onto this system that's been announced, get a job the next day and the beauty of it is they could employ themselves maybe two or three days a week to hold their financial line to preserve their position, yet the other two days would be free to sort their lives out and figure out what they're going to do further. They'd have those embedded days off, yet the other three days could save their lives. This system was staring me in the face.

And so that's my point. And I'm working that with the Labor Committee who I presented to and I'm

working specifically with the County administrator who's going to be retiring. Who knows where this is going to go. But to the extent I can, I'll keep it going. This needs to happen.

CHAIRWOMAN BACHETY:

Thank you very much.

MR. ANDERSEN:

Thank you.

CHAIRWOMAN BACHETY:

Appreciate your attention.

MR. ANDERSEN:

Thank you.

CHAIRWOMAN BACHETY:

Thank you. Our next speaker is John Cochrane, former New York State Assemblyperson as well of Treasurer of Suffolk County. It's nice to see you, John.

MR. COCHRANE:

Nice to see you all. Madam Chairwoman and ladies and gentlemen of the Commission, thank you for the opportunity to be here today and good afternoon. I will be brief and will limit my presentation to one of the items under consideration, which I believe is the possible consolidation of the responsibilities and functions of the Treasurer's Office, an elected position with the Comptroller, an elected position.

I strongly urge you to not consider this consolidation for a number of reasons. First and foremost is that under the present system, you have checks and balances that are very clear, very distinct. The Comptroller borrows funds by virtue of the act of the Legislature and the County Exec. He is empowered to borrow the funds and he's empowered to audit the various departments of the County. The various agencies and activities of the County are audited by the Comptroller.

The Treasurer receives the revenues and invests those revenues under the supervision of the people that the Treasurer's elected to serve, namely all the voters of the County. When you combine those four responsibilities, as happened in Orange County, California, and also happened in Enron and it happened in Roslyn School District, when you have one person empowered with all of the duties and responsibilities, there's a great temptation. Albeit in the case of Orange County, good intentions, they had no checks and balances. And the elected official in Orange County borrowed the money, invested the money thinking that he had a super plan to make all sorts of investment returns for the County; the County went bankrupt.

Another example of my presentation is in two of my three elective efforts as Suffolk County Treasurer, my opponent ran on the basis that the Treasurer's Office should be dissolved. And two out of three times, in fact I should say, two out of two times, the people who voted, voted to keep the Treasurer as an elected position.

So I strongly urge you to consider that. And I will just quote very briefly from a report provided by Gail Vizzini who's the Director of the Budget Review Office, the date of the report is June 7, 2006. And I will just briefly take some of the report and give you a partial presentation. And I repeat now, this is a quotation: "The functions of the Treasurer and the Comptroller are separate and distinct and non- duplicative. Although the functions can be combined to achieve administrative savings, the internal audit system should remain independent of other functions. Having one elected official in charge of revenue, receipts, deposits, payments, payroll and internal audits relinquishes checks and balances, which may negatively affect the County's credit rating in the future. A lack of separation between the functions of revenue collection and audit staff could also cause increased cost if external audits are required. It should be noted that none of the savings would be attainable for

four years." So that's just a brief commentary by Gail Vizzini and I end the quotation there.

Once again, I would conclude by responding to any questions that you might have or any thoughts. But in the meantime, I would urge you in considering that section of the Charter that you keep those two offices as elected offices.

CHAIRWOMAN BACHETY:

Thank you, John. I think we have a question.

MR. FUSCO:

How would compare the Suffolk model to the model in Nassau County where there doesn't seem to be two offices?

MR. COCHRANE:

Well, Nassau County, as you know, is more -- most recently under gone severe fiscal crisis. I'm not stating that that's because of there being a Treasurer and an appoint -- I mean, an elected Comptroller and appointed Treasurer, however, the state did have to appoint a Fiscal Control Board because of the financial situations that existed in Nassau County.

So again I would urge you to look at Nassau County, look at their financial records as opposed to Suffolk County's. And I think you'll find that the Suffolk County system is working very effectively compared to what happened in Nassau. Ladies and gentlemen, I thank you very --

CHAIRWOMAN BACHETY:

Dennis. No, no, we have one more.

MR. COCHRANE:

Yes, sir.

CHAIRWOMAN BACHETY:

Dennis.

MR. Mc CARTHY:

Thanks for being here, John, I appreciate your presentation. John, outside of the principals, the Treasurer and the Comptroller, are there any duplication of services in the lower levels of the office?

MR. COCHRANE:

No. In fact, the Treasurer's often -- that's part of what Gail's report says -- but the Treasurer's Office has a considerable spread of responsibilities that are not duplicated anywheres else. They do first all the receipts. People can come by in person or come or send their money in by mail, but they have a payment recording system there, it's a Tax History System that's not duplicated anywheres else. They have a Real Estate Division that follows through on properties that have unpaid taxes over a period of time, one year for vacant and commercial and three years for residential. That's not duplicated anywheres. The Treasurer's Office follows through on those nonpayments and eventually turns them over to the Real Estate Division in the County where they're cleared for sale.

Besides the Tax History System, there's also the Comptroller -- not the Comptroller, the Account Department, is not duplicated anywheres. They -- the Accounting Department or the accounting segment of the Treasurer's Office reviews and provides all the checks, payroll checks, and all the checks that are issued are issued through the Treasurer's Office and cosigned by the Comptroller. So in short, there is no duplicate of services as Gail Vizzini says in her report.

MR. Mc CARTHY:

Thank you, John.

CHAIRWOMAN BACHETY:

Anyone else? Yes.

MR. COCHRANE:

Oh, sure.

MR. FENCHEL:

Could I just ask a question, if I might. The -- as I understand it, the Treasurer, you make a decision as to where the surplus or currently surplus County monies are being invested in the interim. Is that one of the functions of the Treasurer's Office?

MR. COCHRANE:

That's correct. The Treasurer's Office normally would either through RFP or through negotiation receive from the banks that are authorized by the Legislature the depository resolution. They go to those banks that are authorized to hold County monies and then they negotiate the rate of interest. And it would be as a practical matter and as a matter of good judgement they would take the highest interest rate that's offered on the deposits of County monies. Those banks and depositories must also put up -- and that's monitored by the Treasurer's Office, put up collateral of 102% of the money that's on deposit. So if you put a million dollars with the XYZ bank, the XYZ bank must put up a 1,200,000 with a third party. So that in the event anytime that the initial bank holding the deposits has a problem and some of our banks locally -- not locally, lately have had problems, that third party collateral that's reviewed daily by the Treasurer's Office is a very important and very significant protection for the taxpayers and the taxpayers money.

MR. FENCHEL:

What power does the Treasurer's Office have right now to sort of -- to do oversight over the Comptroller's Office? Is there -- the concept here is that the two elected officials can keep each other under some control. And therefore it's -- it being elected officials, they're answerable to somebody. I mean, what's the --

MR. COCHRANE:

Well, first their duties are set forth either under the Charter or under other governmental documents. And the responsibilities are that as independent persons they can work together at the same time not be controlled by one individual. So what happens, they do confer, for example, the County just had its bond rating increased about, I guess, within the last week or ten days. It's because of these checks and balances that the rating agencies are comfortable that one person is not making decisions that impacts the whole County. So neither one of those has control over the other, but they have -- when I say oversight the checks that the Treasurer issues are countersigned by the Comptroller, the Comptroller audits the vouchers that the Treasurer uses to pay the bills, so there is an interface of that nature.

In other words, the Treasurer just can't say, I'm going to pay the XYZ Dairy Company so many dollars. That voucher has to come through the Comptroller's Office, be approved there that it's an approved vendor, that the material was received and so forth. Then it goes to the Treasurer, the Treasurer issues a check, Comptroller countersigns it and it goes out in payment of the voucher. So there's a great deal of interaction with one not overriding the other, but working together.

MR. FENCHEL:

Thank you.

CHAIRWOMAN BACHETY:

Anybody else? John, thank you very much.

MR. COCHRANE:

Thank you all very much.

CHAIRWOMAN BACHETY:

Thank you.

MR. COCHRANE:

And thank you as citizens for taking time to serve on this commission. I know that government does take a lot of involved people to make it work and I thank you all for your service and for your interest. Thank you.

CHAIRWOMAN BACHETY:

Thank you, John. Erica Chase from Touro Law School.

MS. CHASE:

Good afternoon. My name is Erica Chase and I am Director of the Smart Government For Strong Families Coalition, a project of the Health and Welfare Council of Long Island. The Smart Government For Strong Families Coalition represents a diverse group of community based organizations convened to address the contracting and payment issues they face as they do business with Suffolk County government.

To date, there are 75 community based organizations that are participating in this coalition representing more than \$58 million in County contracts. The coalition is currently working with Suffolk County Legislature, the administration, and would also like to partner with this commission to ensure -- and to ensure all opportunities are explored to implement policies that would ultimately result in the most effective and efficient delivery system for programs and services that the not-for-profit sector delivers.

The coalition will be submitting objectives and recommendations to the administration and to the Legislature very shortly. The coalition understands fully that there will be or could be some Legislative action that will implement these changes. And we are hopeful that this commission will work with us if it is in the Charter that could be the means to implement this adjusted safeguards for the services provided for those organizations that deliver the vital services to Suffolk County residents. Working in partnership with Suffolk County officials, Legislators and this commission, the Smart Government For Strong Families Coalition is confident better policies and procedures can be implemented to benefit all partners involved.

I'd be happy to answer any questions that you have or to give you any background of why the coalition came to be if you don't know some of the contracting issues that our not-for-profit agencies face.

CHAIRWOMAN BACHETY:

I do have a question. Are you talking about certain departments within the County of Suffolk, perhaps Social Services, the Health Department, is that what you're referring to?

MS. CHASE:

Yes. The not-for-profit organization, they will contract with the different departments.

CHAIRWOMAN BACHETY:

Right.

MS. CHASE:

And then the contracts are then processed through the government through the Attorney's Office, the Budget Office, the County Exec's Office. We have found with this coalition it's a diverse base, that they have -- I have many coalition members that are contracted with Department of Social Services, Department of Health, Department of Youth. And there are problems within all departments and it's not particularly the department's fault. One of the -- like I said, there's going to be coming out recommendations. There's a lot of forms that need to be in place in the contracts. But it's possible that there could be a policy statement that could alleviate some of the duplicative processes that the County -- sorry, the agencies have to follow in order to get an executed contract.

We were suggested to look at the County Charter to see if there were any of the things that were written in there that could protect the not-for-profit sector when doing business with the County. If there are any statements in there as far as the vendor, County relationship, which a not-for-profit would then be a vendor because the County is purchasing services through a not-for-profit for the social services.

I don't know -- like I said this coalition is looking at the Charter for specific language that we could work with you or to recommend down the road. I don't know if we have another opportunity to address this commission.

CHAIRWOMAN BACHETY:

You will.

MS. CHASE:

Okay. But I just wanted -- as you're working through the Charter to keep in mind that the processes that are in place right now, they're pretty much in a broken state. There are -- there have been improvements over the last year, absolutely. The administration has given us their attention. The Legislature is working very closely with us. There's a prompt contracting bill that's out there that the Legislature is working with this coalition with.

So I feel we have good attention and this is just one more level that I think could be brought to the coalitions' needs that we -- in all partnership we could really make the system work and the business piece of contracting be the most beneficial for all of the partners involved.

CHAIRWOMAN BACHETY:

Thank you. Yes, Kathy. Question?

MS. GIAMO:

Thank you. Could you just reference some of the community based programs? My understanding is that some of the procedures are changing in terms of funds going directly to community based programs rather than organizations that distribute the funds. And that's something that's being looked at now. So I'm just wondering what type of community based organizations are part of your group?

MS. CHASE:

As I stated, it's a diverse group. We have some youth based organizations. I'm not sure if you are talking about those that the County gives towns the money and then distributes to the community based organizations.

MS. GIAMO:

Well, I'm thinking in terms of organizations such as the United Way, or the Family Service League. And then they also I know take the money and they distribute it to a lot of community based programs. So my -- I'm thinking are you now saying that you would like to see the organizations themselves be bypassed and that the community organizations directly are funded by the County or that you are doing that now and you want to have the process expedited?

MS. CHASE:

It's the process that needs to be expedited. It's simply -- say the Family Service League, which they are one of the members of this coalition, if they are contracted to do a service for Suffolk County, they typically start those services on January 1st. The negotiations, the contract process, the narratives, the budget, all of that starts the process sometime in December, which is too late to have an executed contract by January 1st.

So what has happened is the Family Service League or the other community based organizations will finally get their contract in June or July. This year it has been better. A lot of the coalition has

received them in March, at the end of March. But even that, there's been a quarter of the year that has gone by before they can collect a penny for the services that they've provided.

That I'm -- the larger agencies -- for instance, Pederson-Krag, if you look at a quarter of their County contracts, only County contracts is close to a million dollars that they have outlaid for County services that -- what the impact on that agency was that their payroll checks bounced in that last quarter. And they were maxed out at their line of credit at \$2 million and their bank told them go to another bank. And this is -- the County wants these services. We're not talking about if there are issues that possibly there's an agency that needs to be scrutinized. The coalition is not in support of agencies not doing the right thing. We're looking at agencies that have been contracted and have been contracting with the County for a longtime, get them their contract in a fast -- at a fast pace and get them the money that they need.

MS. GIAMO:

Thank you.

MS. CHASE:

You're welcome.

MR. FUSCO:

Question, I have a question.

CHAIRWOMAN BACHETY:

Yes.

MR. FUSCO:

I've heard the County Executive talking at not-for-profit conferences saying how much more economically they deliver the services for the residents than the County could ever do. What concrete proposal should be in there so that the contractors, in effect, on day one of the service period, what has to be done in your opinion?

MS. CHASE:

I'm not an attorney. My office is at Touro Law School. I'm not an attorney. However --

MR. FUSCO:

But what is the process that -- forget being an attorney or the writing of a contract, what is the process that's delaying that contract so you're not getting it till March or June? Where is the defect in the process itself?

MS. CHASE:

One of the things that it seems to be is that the Legislature and the County Executive can get a budget passed in, what is it, November that everything's signed, sealed and delivered, early November. Even with that stated, there isn't enough time to process what needs to be processed for the County's point.

MR. FUSCO:

When do the requests for the proposals go out and when do the responses to those requests go in? Even if you had the contract a year before, at some point they're saying, this is what we need in 2009, can you provide it and what are you going to charge for it? When does that happen?

MS. CHASE:

Typically that happens in December. The contract agencies will get a letter from the individual department stating the amount of the budget, the allocation that was in the past budget, we're going to be contracting with you again, in this amount, please get us your narrative and your budget explanation, of course, and all of that. That's December; December 15th.

MR. FUSCO:

So the department does it when they know what their budget is going to be?

MS. CHASE:

Not when they -- when they have -- they request their specific budget to the County Exec and then the Legislature.

MR. FUSCO:

Right. And they know what they're going to get when? In December?

MS. CHASE:

Not until there's a signed, sealed and delivered budget.

MR. FUSCO:

Okay. But they know what their needs are whether or not they can meet their needs prior to that time.

MS. CHASE:

That's correct.

MR. FUSCO:

They can base it -- I mean, a budget is, you know, an expectation of what's going to be needed and what's going to be spent.

MS. CHASE:

Yes.

MR. FUSCO:

Things don't always match up a hundred percent in the budget. Now, the County agencies that need to do the contracting, they know what their needs are, right?

MS. CHASE:

That's correct.

MR. FUSCO:

And your agencies know what it generally will cost, give and take, to meet those needs?

MS. CHASE:

That's correct.

MR. FUSCO:

So is there any mechanism that the agencies could come up with so that at budget time people have a good idea of what the contracts are going to be?

MS. CHASE:

We looked at other systems, which Nassau County does for their Health and Human Service agencies. Not all vendors, but their Health and Human Service agencies, which this coalition represents. Those are the vital services. A lot of this money, I just want to side-bar, is state money that comes from the state, pass-through the County. And they're mandated services that the County has to provide. That's it. If -- for instance, Nassau County what they do for their mandated services, their contracts that they have had a long term relationship, these are, you know, the tenth year in the works with these County agencies, is they'll start the ball rolling in early October based on last year's contract amount. They'll ask for their narrative, they'll ask for their plans. The not-for-profit agency, they'll get all of the paperwork set up. Once they have a signed, sealed and delivered budget, if it's a 2% increase, a 2% decrease, that's easy to take out of a line-itemed budget for a not-for-profit agency. They can take -- you know, they can back track or just add a

little bit more money. But all of the paperwork is already expedited to that point --

MR. FUSCO:

The papers are in.

MS. CHASE:

-- and it's already been checked off.

MR. FUSCO:

The paperwork is in.

MS. CHASE:

Yes.

MR. FUSCO:

So it's -- at that point there it should be very easy for them to issue a contract to you.

MS. CHASE:

That's correct. There are some --

MR. FUSCO:

So why can't we do that here?

MS. CHASE:

That's a good question. And that -- the recommendation, what I can do is we met with the Ways and Means Committee, the coalition was asked to present. And we're going to be sending out recommendations and objectives of this coalition with clear points of what should -- what the County's process should look like. Some -- not all of it, I mean, certainly, you know, they have to follow certain legal steps and things like that. But realtime cost savings measures that we feel, and I'd be happy to give each of you a copy of those as we present them to the administration and the Legislature so we can look at possibly some of the recommendations could be embedded into the Charter.

CHAIRWOMAN BACHETY:

Okay.

MS. CHASE:

But your question, I don't know why we can't do that. A lot of it has to do with will. And that's one of the beautiful things about legislation, is that even if there's not will, there is protection.

CHAIRWOMAN BACHETY:

I see that Gail Vizzini, the head of the Budget Review is here. And she would be more familiar, I think, to -- and able to explain this to everyone. Because as I remember, we went -- when I was on the Legislature, we had to go through a whole process with all the departments and with all these agencies so I'm not quite sure why it takes so long myself. Gail, would you mind?

MS. VIZZINI:

Thank you, Madam Chairman. I really can only speak from the Legislature's portion and the Budget Review portion. And I think the speaker makes a lot of good points. First of all, the question in regards to the budget, it really is not an adopted budget until the latter part of November, so you have your precise dollar amounts. A lot of the leg work depends on the proactivity of the individual contract units in the departments.

And as the speaker indicated, they have gotten more proactive and they have gotten better. Often we receive inquiry from the Health Department, you know, what's in our budget for our contract agencies, you know, what happened between when it was recommended and what did the

Legislature do. Because it does take a little while before you actually get the new year's information into the financial system. Sometimes that conversion, closing out '07 is still going on while you're entering in '08 so you have a little bit of that. But Budget Review has tried to be more proactive in providing the departments with listings in terms of what monies is changed in anyway by the Legislature.

I think you made a very good point in terms of if the departments can be acquainted with, you know, while they're closing out one year, can they get a leg up on the next year. I know Health is fairly proactive. Economic Development is fairly proactive. We also have a lot of requirements from our contract agencies, a lot of disclosure information. A multi-year contract is also, I think, an expedient way to approach this. I know we're going more towards that in the health area, but I don't know how many of our contracts are actually on a multi-year basis.

CHAIRWOMAN BACHETY:

Okay. Thank you, Gail.

MS. CHASE:

One of our recommendations is using multi-year contracting more and more. The County has been this last year, they have implemented that already. To the extent where it makes most sense, I don't know. Some of the things also I just want to be clear, that the -- the departments this past year have taken a much more proactive stance on getting their contracts out. And we at the coalition really, really appreciate their efforts.

Like it was stated, there are disclosure forms that -- for instance, there is a three page that needs to be in triplicate, notarized and signed with every contract. Every not-for-profit organization, a 501(c)(3), is exempt from this form, but they still have to fill it out and check exempt.

When you're talking about a Family Service League contract agency, that's 90 pieces of paper that do not need to be filled out because they are exempt because they're a 501(c)(3) agency. Things like that, I think, that the individual departments that -- they have to adhere to it because of something, if it's a law, if it's just an executive order.

MR. FUSCO:

Are you making the list of those redundancies?

MS. CHASE:

Yes.

MR. FUSCO:

Because there is a Paperwork Reduction Act in the Charter for many, many years. And years ago they said there's way too much paper in Suffolk County and they want to eliminate it. So perhaps under that section of the Charter you could point those things out that that violates the Charter, if you feel it does, that it's redundant unnecessary paperwork.

MS. CHASE:

Okay, I will. And the last thing I just want to point out is that -- I lost my thought and it was a good one --

CHAIRWOMAN BACHETY:

It's okay.

MR. CLAYMAN:

Can I ask her a question while she's getting her thoughts?

MS. CHASE:

Sure.

CHAIRWOMAN BACHETY:

Sure. Go ahead.

MR. CLAYMAN:

The problem I heard of is the people who are providing services, particularly child care providers, maybe out of pocket for money that they don't get reimbursed for a period of a large number of months, if you could detail what the dimensions of the problem are for the providers. Give us some examples then we know how deep the problem is and what the pain is that the problem causes. And then we'll know how to attack it better probably.

MS. CHASE:

There's two separate issues. The child care providers -- the child care industry is very different. They have -- and Vivian actually addressed this with her Prompt Payment Law. And I think that has been working well with the child care providers. The not-for-profit agencies, like I said, a lot of it -- they have multi-funding sources. So say they have a million dollars with the County, but they have \$3 million coming in from state and federal programs, in essence the federal and the state governments are funding Suffolk County for a period of time. Their cash flow isn't as bad as, say, the child care provider community where their profit base is so much less. And their cash is flow is, you know, zero.

The not-for-profits sector, they take from one to pay the other and pay back and so on and so forth. They go into lines of credit. They have that ability. It still is a big problem like I pointed out with the Pedersen Krag. There are other agencies that are out \$300,000, that's the last time I talked to her with no signed contract. And it's now May.

MR. FUSCO:

But the use of a line of credit means that they're basically spending resources on interest payments that should be going to Social Services.

MS. CHASE:

And that's right. There was an editorial done in Newsday, I would say about a year, a year-and-a-half ago. And they have taken a handful of agencies that do business with Suffolk County; a handful. And they had surveyed how much interest that handful had paid out in interest from using lines of credit. And it was somewhere about, \$800,000 of their money. Now, again, this is really -- if they're paying that out, it's coming from services that should be going to County residents. They can't get that money reimbursed by the County, but they're spending it out of their fundraising dollars or their other, you know, nondiscretionary spending. Where that money could be going into the quality of services that they provide. So it's a shame on all levels when you're talking about business policies and procedures that just don't work and don't work well.

CHAIRWOMAN BACHETY:

Thank you. Steve Kenny.

MR. KENNY:

Everyone hear me? Yes, okay. I -- very interesting discussion. I was actually sort of thinking of the multi-year contract idea before Gail mentioned it. And I think that is very much, you know, well worth exploring. If, in fact, multi-year contracts are possible, the staggering of the list of non-profit contracts have become part of it, I think would deal with part of the problem of attention of the Attorney's Office and the Comptroller's Office in terms of the number of contracts and renewals they have to do on an annual basis.

And I'm also wondering whether or not, and you know, I'm just thinking in the context of problems of multi-year contracts in terms of being able to forecast revenues and economic conditions and things like that, it seems to me that a solution to that would be to think in terms of a base contract or a base contract plus where an agency would be guaranteed if it was more of a, you know,

ongoing permanent kind of revenue pass-through from another government especially and you knew it was pretty much reliable within some base. But that you would leave the final number for a more, you know, last minute or annual sort of review to change the detail of maybe the last 10% or last 20% of the budget so that the, you know, the preponderance of the work is done and agreed upon. And these non-profits have some assurance that they're, you know, their own employees and organization can expect, you know, some base to move forward on even though they might not know the final detail.

I just -- Gail, I just thought that that would be worth exploring and seeing whether or not that, you know, that might spread the review load out over years if you did it in a staggered way over many year -- over several years.

MS. VIZZINI:

Very good point.

MS. CHASE:

I did remember my thought and it was a good one because I know it's in your Charter. And I don't know how much leeway or -- what, you guys can figure it out, but there is something that I always hear from the departments and my heart goes out to them especially in the last few years with the current administration, are staffing issues. That is one of the biggest points that they think are -- they point their finger at when they say we can't, we can't, we can't, or it's just not going to happen or we're having problems getting a contract. It's staffing.

When -- as I understand it, that when the budget is passed there are positions in the budget for all positions or what it was supposed to be. If that person in the County gets promoted or leaves, it then gets frozen in the department where the department can't hire that person. They have to get approval from the County Executive to rehire for that position that was just filled yesterday.

This slows down the process from my standpoint in a big way. It went -- last year there were many conversations I had with the Department of Social Services at the time. You know, I don't understand why you can't hire these people, you guys are so overworked and you have three people that you need to hire, what is the problem and they say, oh, well, the administration has to let go of the positions and there is a process there. And it didn't make sense. And I'm a big one, if it doesn't make sense, let's figure it out and make sense of it. So -- and I know there's some staffing things or processes that filled positions or something within the Charter that maybe you guys can look at and make sense of it.

CHAIRWOMAN BACHETY:

Dennis.

MR. Mc CARTHY:

Ms. Chase, thank you. You know, I'm sure, Gail, will affirm that this is not -- this is not a problem that just occurs in the area of Health and Human Services, you know. It's a Public Works problem, it's a Police Department vendor problem because of the time and the process of handling those, as Steve Kenny pointed out, of handling the contract and approval of the contracts. I know as a member of the College Board of Trustees that we had cases where architects were owed hundreds of thousands of dollars after performing work where contracts were still not in place because of not being approved, you know yet. And I think that's the -- you bring up very, very good points.

MS. CHASE:

You know, we --

MR. Mc CARTHY:

And we appreciate -- I certainly appreciate you making the presentation.

MS. CHASE:

You're welcome. Thank you.

CHAIRWOMAN BACHETY:
Kathy has one more question.

MS. GIAMO:

I would like to know or -- I'm aware that there is a large degree of outsourcing that's being done now in Nassau County to private agencies. And I was wondering whether or not that's something that you're aware is happening in Suffolk County? Are there more outsourcing to the private sector of human services?

MS. CHASE:

I'm not sure if there's more or less than history shows. I do know that there are, as you pointed out before, there's a huge cost savings for not-for-profits to fill the needs of the residents for their health and human service needs. You know, historically the not-for-profit sector has taken on that role and has done it in a very productive way and at a much lower cost than -- you know, for instance the not-for-profit will have a 13% fringe benefit where the County has, I think, a 28 or a 30 something percent fringe benefit. So there's a huge cost savings. I'm not sure about the private sector doing work for the County. I'm only aware of what my coalition represents as far as the services that they provide.

MS. GIAMO:

Thank you.

MS. CHASE:

Thank you very much.

CHAIRWOMAN BACHETY:

Erica, thank you very much for your presentation. Oh, is there someone else? Did I -- no -- okay. And if you get those recommendations together, if you could send us a copy, that would be wonderful.

MS. CHASE:

Yes.

CHAIRWOMAN BACHETY:

Thank you. Those are all the cards we have. Is there anyone else here who would like to -- Gail Vizzini. Gail.

MS. VIZZINI:

Madam Chairwoman, you had asked me to get back to you today in regards to your concerns about the schedule of the College Operating Budget vis-à-vis the other budget cycles. So just before I get into my plea that that not be changed, I just wanted to comment in terms of the last speaker. I would be more than happy to -- if you would also share some of those suggestions with me, and I can give you the benefit of the practicality of some of it. And if you direct me to, I can go over it with the budget office to see if there, you know, if that's something you would like us to look at.

CHAIRWOMAN BACHETY:

I think that would be very helpful. Obviously there's going to be a lot of other things involved with that, but that would help us if you could. Thank you.

MS. VIZZINI:

Be very happy to. I had the opportunity to talk with the Executive Budget Director. And from the -- although I don't want to speak for the County Executive's Budget Office, there is a parallel between what they do and what we react to in Budget Review. And from both their side and our side, we believe that the current schedule is probably best for the Budget Offices.

I know that it would benefit the College to have an adopted budget by no later than June. But that

is not a possibility particularly for Budget Review and likewise for the Budget Office. We have a very small window with the College because the College wants to wait until the state budget is adopted in April. So now you're talking mid-April to the end of June to have the Budget Office issue their recommended budget, the Budget Review Office review that and the Legislature make any necessary changes, vote in the first meeting of June and override any vetoes in the second meeting of June. And there are no Legislative meetings in July. You know, this whole thing is about the tuition bills going out predicated on a tentative tuition rate as adopted by the Board of Trustees. And if anything happens in the budget process whether that -- the tuition has to go up or down and adjust and therefore some adjusting bills go out.

So from the point of view of the demands of closing out one fiscal year, entering into the other, the demands of, you know, January, February for us to do our Charter required quarterly budget models, that's when the Budget Office comes forward with what is or is not a shortfall in the next budget and the Budget Review Office comments on the magnitude of that. They -- the Budget Office currently has to give the Budget Review Office the Capital Program by a targeted date in the Charter of April 15th. So the first part of the year, the Budget Office is fairly busy and we're right behind them getting ready to review what it is they're preparing.

This year is a very unique year. And we're very mindful of the College's concern. I have a commitment from the Executive Budget Director to give us the College's budget at least a week earlier than usual, but that's still the beginning of June. So although I have the College's request and their request is extremely modest, I could very easily say, oh, there's no increase in the County contribution, this is not a problem, check. But that's not what the Legislature is accustomed to. And you do have the fact that there's only one more Legislative meeting at the end of June so even if they were able to adopt any changes, you still have to leave the opportunity for the vetoes and the overrides. Not that we promise to change anything this go-around, but we promise to be mindful of their concerns.

So I would ask you in terms of demands placed on the two Budget Offices, flipping the schedule would not be in, I think, the best overall interests of the County Budget Offices.

CHAIRWOMAN BACHETY:

I'm sure that's going to be a disappointment to College, but we have a College Trustee here so.

MR. Mc CARTHY:

Two of them.

MR. KENNY:

Gail, if I could, I -- we did have some discussions last time about, I understand and, you know, I fully appreciate the flipping issue. But I think we did have a discussion about staggering the present process in a different way so that it would give you more attention at the College Budget when the time came. Was there -- if I -- am I remembering incorrectly, is there a conflict with the Capital Budget and the College coming too close together? And we talked about well, maybe moving back the Capital Budget or moving, I mean -- I mean, I guess the other solution would be to recommend a July meeting of the Legislature but --

CHAIRWOMAN BACHETY:

I wouldn't recommend that.

MR. KENNY:

But I'm just curious, I mean, this is a domino effect obviously that your office deals with. And I'm wondering if you could backup the dominos in any way?

MS. VIZZINI:

Well, that's almost the worst suggestion because what happens --

MR. KENNY:

Okay, okay.

MS. VIZZINI:

Not that it isn't an option, but what happens is the -- you have the two most arduous processes back to back with little reprieve. And, you know, it seems like this -- the 2008 Operating Budget into 2009 has been consuming us all year, you know, since we announced the budget shortfall one thing or another has been consuming us. So I know the Budget Office staff as well as the Budget Review, we work six days a week on the Capital, we work seven days a week on the Operating. Not that I'm whining, I'm not.

But to have those two back to back like that, it's a concern. The College budget is a much more manageable budget. In Budget Review we divide it up so that we can get it done by many hands making light work. But it's -- you still need to review revenue and expenditures and enrollment. And at this stage of the game we're still reviewing position requests and trends and where we stack up in compared to other Community Colleges. And the Legislature has always been very supportive of the College.

So as Mrs. Bachety had said, I would hate to reduce what the Budget Review Office report covers even though that might not be an issue that particular year. But we still compare how we do to other Community Colleges in the SUNY system. And it's good information to have, you know, unless otherwise directed by the Legislature.

CHAIRWOMAN BACHETY:

Okay. Question.

MR. FENCHEL:

Doesn't this raise the plan C question? I mean, that's really what's being raised here that this thing could all get delayed in the Legislature while the Legislature wants to or the County Exec wants to knock out certain lines so that there's --

MS. VIZZINI:

I don't really think it's appropriate to discuss the plan C issue here. But to comment on that, it would be easier if the Legislature and the County Executive had less scrutiny over this. That doesn't necessarily mean it's legal or right. But, you know, to the budget people that gets down to the expediency of, you know, this is a reasonable line item or not; yes, no. But that's not the history that we have with the College. We have more of a shared commitment, you know, this is important to the College, this is a direction they want to go in, yes or no, County Executive, Legislature.

MR. FENCHEL:

All right. I just wonder I guess, if that's the case, why there's -- unless I missed -- I'm being misinformed, why this lawsuit is outstanding --

MS. VIZZINI:

Yeah.

MR. FENCHEL:

-- between the County and the --

MS. VIZZINI:

I can't comment on that.

MR. FENCHEL:

Right. I just --

CHAIRWOMAN BACHETY:

Okay. Anyone else? Gail, thank you very much.

MS. VIZZINI:

Thank you.

CHAIRWOMAN BACHETY:

I appreciate your -- I was going to ask you for it, so I appreciate you giving it. Thank you. Okay. Is there anyone else? Oh, Legislator Vivian Vilorio-Fisher is here.

LEG. VILORIA-FISHER:

Actually I just happened to be here and I thought I'd drop in and see how it was going. You look good in that seat, Sondra.

CHAIRWOMAN BACHETY:

It's been a long time.

LEG. VILORIA-FISHER:

Actually, I just wanted to make a couple of comments regarding Erica Chase's presentation. As many of you know, I have been working very hard for a long time on prompt payment and prompt contracting because I work with a lot of these not-for-profits and have felt their pain. And we had a very serious roll up the sleeves working meeting at the Ways and Means Committee. And many of Ms. Chase's points were very well received at that committee meeting. In fact, I personally suggested to the County Attorney that we might look to the agencies for the kind of paperwork and verification of the number of requirements that we have. And that the agency carry that application from one granting -- from one grant to another.

And what the County Attorney, Christine Malafi, explained at Ways and Means is that -- I'm talking about documentation such as the Living Wage compliance, documentation that came out of the County Executive's IR 2025 of last year where I-9 or documented worker requirements and proof of those is required. I asked, well, couldn't the agency simply have in its file that they comply with those statutory requirements. And the County Attorney explained to us that for example, Family Service League might be compliant and has one grant, which is for X number of dollars and they have to according to the statutes as they're written now and I'm looking at this with Counsel whether or not we can change some of those statutes, has to say on that job, are the workers on that particular job, which is paid for by that particular grant, being paid according to our Living Wage bill, our Living Wage requirements? And are those workers on that job documented? Have they filed all of the I-9?

And so that was a kind of stumbling block for me because I thought I had this brilliant suggestion, but perhaps we could look at that Legislatively or the County Attorney's Office can see whether or not they can bundle some of these together. We are trying to look at ways to expedite this.

There was also a suggestion that as -- I couldn't see which one of the members of the board made this suggestion, but beginning the process much earlier. When the County Executive is putting together the recommended budget, there is some sense of which grants are going to be needed, what kind of budgetary items are going to be there. And so perhaps the process could start being built before we reach that point when we do vote on the budget in January and the County Executive signs it into law. And then we can finalize that process so that we can move up the contract, the executed contract to much earlier in the year. Because it really is a shame. And I believe -- I find it ethically challenging to have a contract with someone and for that agency -- and sometimes they're small agencies that work on very, very little, very small margin of error. They will not see their first check until the end of the summer. And until that time, they've been borrowing money and it's a tremendous waste of money.

So we are -- as I said I just happened to be passing by, but you know public officials, we can't see a

microphone and not say something. But I do want to say that we're trying to put our heads together. And we certainly welcome your work on this because there are some sections of the Charter which do deal with -- I just pointed this out to Gail and she said sometimes that's been tried and hasn't worked that well, which is sometimes having an advance on payments before all of the paperwork is completed, if it's a continuing grant or a repetitive grant, that's in one part of the existing Charter. We try to work that into the Prompt Property Policy with the childcare providers that didn't -- that particular piece of legislation didn't pass. But there is some precedent for looking at this with the Charter Commission. So thank you very much for your work. I appreciate it.

CHAIRWOMAN BACHETY:

Thank you very much for your being here today. I appreciate seeing you.

LEG. VILORIA-FISHER:

Thank you.

CHAIRWOMAN BACHETY:

Okay. Anyone else? There being no other people who wish to speak at the public hearing, I would ask for a motion that we close the public hearing and then we'll get down to the business of discussing what else we're going to do. So, is there a motion to close the public hearing?

MS. GIAMO:

Second.

CHAIRWOMAN BACHETY:

Dennis McCarthy and second Kathy. Okay. All in favor? Okay. The public hearing is closed and now we have to talk about what we're going to do as we go forward.

We have heard a variety of things today, some of which I'm not sure are really applicable to being placed into the Charter, but certainly we can have that looked at. I'd like to ask Terry if you can see if the County -- the town -- no. I got to get the right attorney. Which one is it? The Legislator's attorney -- Legislative attorney -- could look at some of the suggestions that were made and see how they might be incorporated into the Charter.

MR. PEARSALL:

Will do.

CHAIRWOMAN BACHETY:

And I would like to have just briefly a feeling of the board on how you feel about this -- the College Budget. Obviously I think most people would like to help the College, but it doesn't really look as if that's going to be something we're going to be able to do or recommend unless you want to. And then we could just recommend it and then the Legislature will deal with it. So, yes.

MR. CLAYMAN:

I'd like to get a little more information about it, about the whole -- I'd like to get a little more information about the whole process laid out in some kind of a chart, unless you did this at the last meeting that I wasn't there for, before just dismissing the idea that we would address it. I'd like to see the practical ways of change.

CHAIRWOMAN BACHETY:

Okay.

MR. CLAYMAN:

I'm wondering from the College end if perhaps they could break down the process a little more so that the Budget Office has more advanced notice of what they're going to be looking for. So that when the push comes to shove, at least they can get their answer much sooner than maybe they have been.

CHAIRWOMAN BACHETY:

Well, I think that's a -- I may be wrong, but as I remember it, the state budget is really the problem. And it's not very often that they get it done by April 1st. So we then have the problem or the College has the problem of trying to find out what their funding is going to be. Is that correct, Gail? I mean, as I remember. And that then holds up their process.

MS. VIZZINI:

Yes. I think we -- you discussed it at your earlier meeting the three sources of revenue, state aid is big. And the County contribution is typically a fixed number unless the Executive increases it or the Legislature increases it. And then the last piece is the tuition.

MR. KENNY:

You know, the discussion earlier about the plan C is clearly relevant to this discussion as well. I mean if, in fact -- I mean, the lawsuit goes through and the College prevails in that interpretation, then the workload of the Budget Office is reduced significantly, and they're only talking about the increase in the budget as opposed to the line items within the budget. And it becomes a much more easily, you know, dealt with budget process. So it's --

CHAIRWOMAN BACHETY:

Well, do we have any idea where that lawsuit is?

MS. VIZZINI:

No.

CHAIRWOMAN BACHETY:

Lawsuits seem to go on forever and I don't mean to insult attorneys, but they do. So, do we have any idea where it is? Does anybody?

MR. FENCHEL:

No.

CHAIRWOMAN BACHETY:

Dennis, do you know?

MR. McCARTHY:

Yeah. Ernie's here, he could --

CHAIRWOMAN BACHETY:

Ernie?

MR. McCARTHY:

Ernie, would you like to --

CHAIRWOMAN BACHETY:

I know you just came to observe, but perhaps you could give us a little information.

MR. MATTACE:

Ernie Mattace, Suffolk Community College Trustee. There was an extension asked for by the County and it was given through June 1st. And then it be presented to the judge and it will be dealing in written form and we're hoping for an answer in 60 days.

CHAIRWOMAN BACHETY:

So, not until September?

MR. MATTACE:

Yeah.

CHAIRWOMAN BACHETY:

Maybe.

MR. MATTACE:

June, July. We're hoping by August.

CHAIRWOMAN BACHETY:

Really? Okay.

MR. MATTACE:

We'll they're saying 60 days. But we're not going to --

CHAIRWOMAN BACHETY:

I've never seen them do anything on time. Well --

MR. MATTACE:

We're hoping.

CHAIRWOMAN BACHETY:

Okay.

MR. MATTACE:

You asked.

CHAIRWOMAN BACHETY:

All right. So that's basically where we are though, okay.

MR. Mc CARTHY:

Sondra, I tend to agree with you and I appreciate Ernie you stepping forward. I'm a trustee. And I'm only a trustee as I pointed out to Sondra -- I'm a trustee and a member of this board. I'm only a trustee for another month because I was a gubernatorial appointee. So -- but in my view I agree with Steve. There's direct ramifications when it comes to getting into the budget.

And I really appreciate Gail's statement as a -- and being a member of this panel and also being a trustee of the College, and Gail's statement was is that if the Legislature and the Executive and just recently in the last few years the Legislature, they've been tremendously supportive of the Community College and in getting into that budget and looking at that -- looking at the budget bit by bit. They've been very, very -- they've taken a lot of attention and they've been very productive. And because of that attention, the College has benefited.

And so there's -- so it's a -- it's an inconvenient process because of timing and because of the demands on the Legislative Budget Review Office as well as the County Executive's Budget Office. But the end result for the College has been very, very good as of late.

And that being said, there's other issues that plan C brings up that doesn't -- that should not reflect upon that spirit of cooperation that we've seen from this Legislative body and the Executive's Office on some occasions. Thank you, Sondra.

CHAIRWOMAN BACHETY:

Thank you. Well, Ron.

MR. DEVINE:

Gail, can I just ask a quick question? You had mentioned that your office receives a copy of the

budget from the College around June approximately?

MS. VIZZINI:

We receive the County Executive's recommended budget. We have received a request from the College -- the College's request comes in around April.

MR. DEVINE:

Okay. Is there anyway they could send you portion of it ahead of time that they know it's not going to change? Regarding the fund -- and though funding could change, but it is fairly consistent over the years. Are there any portions of it they could send you so you could get a head start on it? A head start rather than waiting for the whole piece of the whole budget? I'm just -- hypothetically, of course.

MS. VIZZINI:

You know, it sounds plausible, but since the state aid is such a big factor as to whether, you know, the rate per full-time equivalent student is going to change --

MR. DEVINE:

Right.

MS. VIZZINI:

-- there's a swing of millions of dollars.

MR. DEVINE:

Okay.

MS. VIZZINI:

So that's one of the reasons why they need to wait until the state budget has changed.

And in terms of the fiscal condition of the state currently and in the next several years they really are going to need to wait for the state budget to be adopted to know what course of action is expected from the sponsor, the County sponsor.

MR. DEVINE:

Okay. The second portion, and I'm not clear on this is that is it helpful if the Legislature met in July to approve the budget? Is that what you're saying; that there's no time to do that?

MS. VIZZINI:

Customarily and historically the Legislature has one month where, you know, all 18 of them -- it's okay for them to have a recess.

MR. DEVINE:

Okay.

MS. VIZZINI:

Kind of like the courts or the schools or what have you. So in the past that has either been August, more recently it's July.

MR. DEVINE:

Okay. Good.

MS. VIZZINI:

I don't know the likelihood of, you know, the ability of them to convene on a special basis or to reevaluate that whole thing for this particular benefit that, you know.

MR. FUSCO:

If you had your druthers, would you prefer to see that month be August if they could be persuaded to take that as the recess month as opposed to July? Would that make this process easier at your end?

MS. VIZZINI:

It would benefit -- well, see the College would really like to know by the end of June.

MR. FUSCO:

So if they could meet sometime in July that's pretty close to the end of June. Not closer than August though.

CHAIRWOMAN BACHETY:

I'm having trouble with this. As a former Legislator, let me just have full disclosure here. I think it is very difficult for a Charter Revision Commission to start telling the Legislature when they should have vacation and when they should not.

MR. FUSCO:

Well, we could ask.

CHAIRWOMAN BACHETY:

You could ask. But I'm not going -- I certainly am not going to recommend it. I mean, I think they have an -- you have 18 people, they all have families, you know, they want to have an opportunity to have vacation. I think it's not reasonable for -- unless we have a private discussion with Legislators, and find out where, you know, where their intentions are. It is difficult to miss a Legislative meeting if you're a Legislator because you're going to read about it. And I think it's -- at least they should have an opportunity of some time when they're allowed to take vacation.

I am very sympathetic to the College, personally, I've always felt very strongly about it and approving their budget and giving them more if we can. But I think you're on a kind of a -- we're on a slippery slope if we're going to say well, we're going to recommend -- I mean, they don't have to adopt any of this anyway. I mean, we'll just give it to them and they'll just ignore it, I'll tell you right now because I would. I would.

I think it's important that we try to be reasonable and come up with something that might be possible. And I think Gail has made an extremely strong case for the possibilities of it, that's it's going to be difficult to do that. I wish she -- I would ask Gail to just give you the outline of the dates so that each member can have them and you can look at it and we'll think about it again and maybe you want to lobby with some Legislators and see what their feelings are. That might not be a bad idea. But I'm very reluctant to start that kind of change. Not that you can't.

MR. FUSCO:

Can I just respond to that, Sondra?

CHAIRWOMAN BACHETY:

Absolutely. And then I'm going to ask --

MR. FUSCO:

I think about half of the Legislators are attorneys. The courts are extremely slow in August. I think those Legislators would probably prefer to have their recess in August because they can't get anything done anyway and they all tend to want to take their vacations then.

CHAIRWOMAN BACHETY:

Well, we always want to make sure the lawyers are happy.

MR. FUSCO:

Well, I'm just saying taking their recess in August is not like a, you know, horrible thing.

CHAIRWOMAN BACHETY:

No, I'm not saying it's horrible. It may very well be very possible. Terry looks like he wants to add something.

MR. PEARSALL:

Traditionally. Traditionally the Legislature has taken off -- I'm sorry. Traditionally, and I'm talking about the last 30 years, the Legislature has taken off in July and come back to do the College budget in August. And one of the reasons was that the state budget was not adopted and sometimes until mid June. So the College never had any idea of the kind of money it was getting.

CHAIRWOMAN BACHETY:

Right.

MR. PEARSALL:

The last few years, it's been adopted a lot earlier -- the state budget. So I don't know if the Legislature would be unreceptive to moving to an August date.

CHAIRWOMAN BACHETY:

Well, I think perhaps this is something we ought to discuss again at the next meeting and meanwhile --

MR. FUSCO:

I think we should canvas Legislators we know and ask them what they think.

CHAIRWOMAN BACHETY:

I think that's a great idea. And of course, we will also hope then the College will -- I mean the state will approve their budget.

MS. GIAMO:

I'd just like to ask, would one month make a major difference? I'd just like to understand, would one month make that major of a difference?

MS. VIZZINI:

From the College's perspective I think it does because, you know, classes start in September so the bills need to go out in August. So if we're still deliberating adopting in the first week or two of August and then those actions of the Legislature are subject to a veto by the County Executive and need to be overridden by the latter part of August, they really don't know until the end of August what the tuition bills are going to be like. And I think that was the reason to bring this to the Commission's attention.

MS. GIAMO:

Is there a way that they can possibly take last year's tuition base, use that as -- and then just re-bill later on if there should be a change one way or the other.

MS. VIZZINI:

Ernie could probably correct me on this, I think the bills go out based on what the board of trustees determines the tuition is going to be.

MR. MATTACE:

Exactly.

MS. GIAMO:

Has it ever been reduced?

MS. VIZZINI:

Sometimes the College may propose say a \$150 increase in the tuition and the Legislature in the past has found that unacceptable. They would increase -- instead they would increase the County share from perhaps a zero percent increase proposed by a County Executive to a two percent, you know, as we did the last go-around. Of course we left the setting of the tuition to the board of trustees in terms of a precise number. But the intention was to reduce it beyond what it was initially proposed to be.

MR. MATTACE:

Yeah, we don't -- the control comes down from the state, to be honest with you, what the amount of monies that we get for the full-time students. And then the amount of money that we're asking, you know, based on the current year, that's how it's determined. If we waited -- if we get it in July, and get the answer in July, it would make life a lot easier. In August, if there's a problem and if there's a veto then they have to send out letters to let everybody know there's a change in tuition, and it just steamrolls.

MR. KENNY:

I just want to remind my people of something I said last meeting I think and it's more than just tuition payments, it's new faculty, lines being committed to. And when it hangs out until August then someone has already taken another job in another institution and so those, you know, those opportunities are lost as a result of the delay.

So to answer directly, would one month matter, yeah, I think it would matter a great deal in terms of allowing the College to prepare its semester at the end of August because we generally start in the last week of August.

CHAIRWOMAN BACHETY:

Thank you.

MR. DEVINE:

Terry, is the Legislature back in August, is that what you're saying?

MR. PEARSALL:

Yes.

MR. DEVINE:

They're back for all of August?

MR. PEARSALL:

All of August.

MR. DEVINE:

Well, as my colleague on my right say, well how about taking the second half of July and the first half of August? The second half of July and the half of August as the 30 day period if they must?

MR. PEARSALL:

That could be done as well.

MR. DEVINE:

And they have the first half of July to work this out. It's a practical solution.

CHAIRWOMAN BACHETY:

Okay. You're not a lawyer, are you?

MR. DEVINE:

No, no. N-O.

CHAIRWOMAN BACHETY:

Okay. Obviously --

MR. DEVINE:

Just a regular guy.

CHAIRWOMAN BACHETY:

-- I think there are enough questions here and strong feeling about it. So when we get from Gail -- just give us a little paper with the dates and what happens, we'll address this again. Obviously this is going to be a big one.

I also would like to recommend that we invite the Comptroller, Mr. Sawicki, to our next meeting so that he can comment. I thought John Cochrane gave a very clear explanation of the Treasurer's position but I'm sure that Angie Carpenter who is the current Treasurer would like that opportunity. I see her aide, Doug Sutherland, is here. Perhaps we could extend an invitation to both of them so that we can hear it from the two people who are doing the work right now to come to the next meeting.

And is there anything else that you would like to have done at the next meeting? Any other information you're looking for?

MR. FUSCO:

There's one thing that came up today that --

CHAIRWOMAN BACHETY:

Sure.

MR. FUSCO:

-- I don't know how we go about looking at something like that but, Mr. Malaga raised that question of using the properties that are on for tax sale for affordable housing. I found that very interesting. I don't know where we would go with that.

CHAIRWOMAN BACHETY:

It is interesting, but he also was really talking about establishing a County housing department, as I understood what he was saying. And that has traditionally rested with the towns. And I believe the County already has a policy of giving some surplus -- am I -- just correct me if I'm wrong?

MR. PEARSALL:

To the towns.

CHAIRWOMAN BACHETY:

To the towns and to other people who will do affordable housing. But it is an interesting part. I don't know if getting into the housing business is something you want to discuss, you want to look at, think about it. But that would create a whole new department while they're not filling vacant positions right now.

MR. FUSCO:

You know, I don't know if you need to create a housing department for the County if there are town housing departments. But the idea of using those properties for a stated purpose is -- I find very interesting.

CHAIRWOMAN BACHETY:

Oh, it's -- it is, it is. And I think they are doing that perhaps not to the extent that --

MR. FUSCO:

Well, his point was a hundred percent.

CHAIRWOMAN BACHETY:

Yes, I know that, yes. Gail.

MS. LICCONE:

Madam Chair?

CHAIRWOMAN BACHETY:

Yeah, Maureen.

MS. LICCONE:

I think the problem with that is there are limitations in state law as to how County -- as to Counties owning property and disposing of it which is why they transfer their surplus properties to the towns.

CHAIRWOMAN BACHETY:

Right.

MS. LICCONE:

So I think it would take an amendment of state law. That's the way I understand it anyway.

CHAIRWOMAN BACHETY:

Aren't there Counties though in the State of New York that do have housing divisions? Or am I --

MS. LICCONE:

We'd have to look at that.

CHAIRWOMAN BACHETY:

Yeah, I'm not sure.

MS. LICCONE:

I don't know if there was special state legislation.

CHAIRWOMAN BACHETY:

Okay. Thank you, Maureen.

MR. KENNY:

Could I go back to the comptroller/treasurer issue just for a second?

CHAIRWOMAN BACHETY:

Yes, certainly.

MR. KENNY:

I mean, I was tempted to ask and maybe this is -- and I hate to create a jostling sort of environment here, but I understand absolutely the need to have checks and balances and have separation and oversight. I'm wondering, however, whether there could be a discussion about, well, if we professionalize one rather than the other, what would be more appropriate?

In other words, maybe there is a role as I understand there's a role for an attorney general to be, you know, separate and distinct from the executive office. But what would be of those two positions, what would be the more appropriate to be professionalized and what would be more appropriate to be the watchdog, the check and balance position?

CHAIRWOMAN BACHETY:

Well, I think that if we have the comptroller and the treasurer here perhaps we can ask those appropriate questions,

MR. KENNY:

On the same day?

CHAIRWOMAN BACHETY:

Yeah, absolutely, they're both very professional. I'm sure they won't mind. Anything else? Okay. Let's see if we can set a date for our next meeting. We had been traditionally meeting on the first Thursday of the month and that would have been if we -- this was a special hearing so it was a different date. June 5th?

MR. PEARSALL:

That is a committee week for the Legislature so the auditorium --

CHAIRWOMAN BACHETY:

That's a committee week, okay, so that's no good.

MR. PEARSALL:

The 12th would be okay.

CHAIRWOMAN BACHETY:

The 12th of June?

MR. PEARSALL:

Of June, which is Thursday, which the second --

CHAIRWOMAN BACHETY:

I think we tentatively did. Yeah, I just want to check with everybody. Okay, so June 12th at 2:30 will be our next meeting. If after this meeting is over, anyone has any ideas or thoughts or things based on what we've heard today or what's in the Charter that they would like to bring up, if you could let us know, either through the Presiding Officer's Office or you could e-mail me and let's get it on the agenda for the next meeting so that we can have a full discussion on it. Okay.

MR. KENNY:

I'm was just curious, is there such a thing inside this context as an executive session, which we just talk amongst ourselves?

CHAIRWOMAN BACHETY:

No. I don't think you can. There's 18 of -- there's how many of us? How can you --

MR. KENNY:

Is that possible? Or is that not allowed under the -- I mean, even as a lawyer, I'm not sure, you know -- that's great, that may say a lot about me as a lawyer, I don't know.

MS. LICCONE:

But this is not a -- my understanding from the County Attorney's briefing, is this is not a decision making body, it's a recommending body. So I don't think we're limited.

CHAIRWOMAN BACHETY:

Oh, so we could meet.

MS. LICCONE:

Yes.

CHAIRWOMAN BACHETY:

Oh, I always operate on the Open Meetings Law, I didn't realize that. Okay. I guess --

MS. LICCONE:

It is the -- that is the Open Meetings Law. That --

CHAIRWOMAN BACHETY:

I understand. I meant --

MS. LICCONE:

I'm sorry.

CHAIRWOMAN BACHETY:

-- you know, having it open, sure, then does anyone --

MS. GIAMO:

They actually broke off into different groups, the last one.

CHAIRWOMAN BACHETY:

Yes, that I know. They used to have small groups.

MS. GIAMO:

Right.

CHAIRWOMAN BACHETY:

But we can certainly do with everybody, if you would like, we could either close the meeting and just go into executive session. Perhaps after we hear from the Comptroller and the Treasurer, we could do that. Would that meet everybody's approval?

MR. FUSCO:

I think we better get an okay from the County Attorney if we're going to do that. I'm not so sure we can do that. I'm sorry. I think we should get an okay from the County Attorney if we are thinking of doing that. I'm not so sure we can do that.

MR. PEARSALL:

We'll request that.

CHAIRWOMAN BACHETY:

Yeah, I would like an opinion on it because I'm not comfortable with it, but if it's okay, that's fine. Okay. Anyone else? Yes.

MS. ISRAEL:

What are we doing about this letter from Drew Silverman and the Ambulance Corps?

CHAIRWOMAN BACHETY:

I thought Mr. Silverman was going to be coming today. I guess he wasn't, he just sent a letter. Does everybody have a copy of it? Have you all read it?

MR. FUSCO:

Should he be invited to come? Maybe he needs an invite? Does anybody know him on the panel? Do you know him, Marty?

CHAIRWOMAN BACHETY:

Actually, I think his letter was fairly self explanatory.

MS. ISRAEL:

It is.

MR. FUSCO:

How would he propose to make things any better? That's what I'd like to ask him, you know.

MS. ISRAEL:

Perhaps he could be invited to the next session.

CHAIRWOMAN BACHETY:

Sure.

MR. FUSCO:

Could you take care of that, Terry?

MR. PEARSALL:

We'll take care of that.

CHAIRWOMAN BACHETY:

Yeah, tell him we read his letter and we would appreciate it if he could come to the next meeting.

Okay. Anybody else?

Okay. All right. Request to adjourn the meeting till June 12th. Okay. Motion by Kathy. Who said it, Ron? All in favor? Yes. Thank you all very much.

**(THE MEETING CONCLUDE AT 4:21 PM)
{ } DENOTES SPELLED PHONETICALLY**