

## **SUFFOLK COUNTY CHARTER REVISION COMMISSION**

### **MINUTES**

A meeting 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 October 30, 2008.

#### **MEMBERS PRESENT:**

Sondra Bachety - Chairperson/PO Lindsay's Appointment  
Dennis McCarthy - Vice-Chair/Joint Appointment  
Arthur Cliff - PO Lindsay's Appointment  
Victor Fusco - PO Lindsay's Appointment  
Steven Kenny - PO Lindsay's Appointment  
Ronald Devine - PO Lindsay's Appointment.  
Robert Braun - County Executive Levy's Appointment  
Saul Fenchel - County Executive Levy's Appointment  
Kathy Giamo - County Executive Levy's Appointment  
Jacqueline Gordon - County Executive Levy's Appointment  
Roger Clayman - Joint Appointment  
Marlene Israel - Joint Appointment  
Maureen Liccione - Joint Appointment

#### **MEMBERS NOT PRESENT:**

Thomas Germano - Joint Appointment  
Edwin Perez - County Executive Levy's Appointment

#### **ALSO IN ATTENDANCE:**

Arona Kessler - Aide to Presiding Officer Lindsay  
Bill Shilling - Aide to Presiding Officer Lindsay  
Michael Pitcher - Aide to Presiding Officer Lindsay  
Leslie Buffa - Insurance & Risk Management  
Angie Carpenter - Suffolk County Treasurer  
Doug Sutherland - Chief Deputy Treasurer of Suffolk County  
Debbie Alloncius - Legislative Director/AME

#### **MINUTES TAKEN BY:**

Alison Mahoney - Court Stenographer

*(\*The meeting was called to order at 2:44 p.m. \*)*

**CHAIRPERSON BACHETY:**

All right, we're going to open the meeting this afternoon of the Suffolk Charter Commission.

**MS. MAHONEY:**

Can you please turn the microphone on?

**CHAIRPERSON BACHETY:**

It's not? I'm sorry. Good afternoon, everybody. Arona has just given you all a copy of her notes from the meeting that was held, the public hearing in Riverhead. Because the person -- the stenographer got lost, so we don't have verbatim minutes, but Arona did a really nice job. Since you were all there, does anybody have any corrections or additions to the meeting, to the minutes? No? If not, if it's all right, we'll accept this. Can I have a motion to accept this as minutes?

**MR. FENCHEL:**

So moved.

**MR. CLIFF:**

Second.

**CHAIRPERSON BACHETY:**

Thank you, seconded. All in favor? Okay.

I did have distributed to everyone a list of thoughts and things that had come up while we've been attending these meetings. I'd like you to look at it to see if we can start to wrap up some of the questions that have arisen and perhaps get rid of them and get them on the way to being done and to see if there's anything else that we really need to talk about. At the top of the page I included deletions to the Charter, and these were represented -- these were recommended by George Nolan, Legislative Attorney. If you have any questions about them, we can go over them.

The second one was the question on the Division of Risk Management.

As we all know, the County Executive would like to move it to the Department of Law; the Comptroller back to Audit & Control where it was for many years, it's currently in the Department of Civil Service. Alan Schneider of Civil Service was invited to come and discuss it with us, he declined. I don't know if we have anyone here from the department to discuss this today.

**MS. KESSLER:**

Sondra, the head of Insurance & Risk was on vacation until yesterday and I was not able to get in touch with her at all about this. I left her messages.

**CHAIRPERSON BACHETY:**

And she works under Alan Schneider?

**MS. KESSLER:**

I believe so. I believe she's physically located --

**MS. BAFFA:**

I'm here.

**MS. KESSLER:**

Oh, you're here.

**MS. BAFFA:**

Yes.

**MS. KESSLER:**  
Sorry about that.

**MS. BAFFA:**  
That's okay, I didn't call you back. The first day back from vacation is usually crazy.

**CHAIRPERSON BACHETY:**  
Okay. Thank you very much.

**MS. BAFFA:**  
You're very welcome.

**CHAIRPERSON BACHETY:**  
And your name is?

**MS. BAFFA:**  
My name is Leslie Baffa. I am the Administrator for the Division of Risk Management and I work for Alan Schneider and I have been working for him for seven years.

**CHAIRPERSON BACHETY:**  
Would you mind spelling the last name for me?

**MS. BAFFA:**  
B-A-F-F-A.

**CHAIRPERSON BACHETY:**  
Baffa. Thank you.

**MS. BAFFA:**  
You're welcome.

**CHAIRPERSON BACHETY:**  
Okay, obviously you're aware of the question that's arisen. Perhaps you could explain to us exactly what your department does and do you have a position on the moving of the department?

**MS. BAFFA:**  
I'll start with what we do first.

**CHAIRPERSON BACHETY:**  
Okay, I figured you would.

**MS. BAFFA:**  
We handle the self-administered claims for all of Workers Compensation for the County; we handle the general and auto liability claims for the County; we purchase various insurance policies for the County; we also have the Safety Officer in our group and we handle the Contracted Disability Benefits Insurance Program.

**CHAIRPERSON BACHETY:**  
Do you have an attorney assigned to your department or one that works with you on any of these questions?

**MS. BAFFA:**  
Yes, we have -- through the RFP process we have an attorney's firm contracted with us that handles the Workers Compensation, goes to the board for the hearings, whatever represents the interest of the County. We do have a Workers Comp Investigator that also happens to be an attorney so, you know, we'll log questions to him, too.

**CHAIRPERSON BACHETY:**

Okay. Do you use the office of the County Attorney on any of these questions as they come up?

**MS. BAFFA:**

Absolutely, we use any department. Alan's very big on "Talk to whoever you need to talk to." We deal with all the departments in the County. We do, of course, deal with the Law Department on certain issues like, "How do you want handle this? Do you want to handle the property damage? You handle the BI," you know, "We'll put it into arb, you don't have to go to court," that kind of stuff. So we work together, their people talk to me about insurance requirements for certain contracts. But we do that with all the different departments, whether it's DPW or Health or whatever.

**CHAIRPERSON BACHETY:**

How many people are in your division?

**MS. BAFFA:**

Twenty-three.

**CHAIRPERSON BACHETY:**

Twenty-three; mostly Civil Servants?

**MS. BAFFA:**

All.

**CHAIRPERSON BACHETY:**

All Civil Servants, okay. Does the department have any recommendation as to where you should be, whether you should be attached to the Department of Civil Service, Department of Law or back in Audit & Control? Were you there when they were in Audit --

**MS. BAFFA:**

(Shook head yes).

**CHAIRPERSON BACHETY:**

I thought so.

**MS. BAFFA:**

Yes. Originally, before my time it was in the Exec's Office, then it went to Audit & Control for like eleven years, and then we went to Civil Service for the past seven. But actually, for five months we were with Joe Sawicki, but then we were -- I don't know if you were aware of that.

**CHAIRPERSON BACHETY:**

Yeah. Okay.

**MS. BAFFA:**

Yeah, so five months and then we went back to Alan.

As far as an opinion, all I can say is no matter who I work for I'll just continue to do my job and so will my people.

**CHAIRPERSON BACHETY:**

Do you see any advantages or disadvantages, or do you want to say?

**MS. BAFFA:**

I'd really rather not say.

**CHAIRPERSON BACHETY:**

I didn't -- okay. All right, does anyone have any questions?

**MS. GIAMO:**

I do. I am going back to the -- originally the County Attorney, Christine Malafi, spoke before us and she mentioned that the connection between the Law Department and the Risk Management was it was important to be in the Law Department because there are a lot of cases that need reference to the legal department and there's, you know, a direct connection between whatever suit is being handled at that time. And I would -- you know, from my opinion it would be certainly easier and probably less time-consuming as well as financially easier to be where these cases are negotiated.

**MS. BAFFA:**

If it isn't suit, if it is litigation it is handled by the Law Department. We're basically -- in those situations, they're representing the County in court. They're defending us for the false arrest or for the injured party or whatever and we are basically -- we pay the bills for that. And we're kind of like the checkbook which is two departments, as per the Charter Law, two departments kind of agree; one who's not making the settlements doesn't also have the money to, so I think that's why it's been split up. And then if it's over \$25,000 and you have a third layer of the Legislature approving any kind of settlement.

**MS. GIAMO:**

But right now you're with the Civil Service Department.

**MS. BAFFA:**

Correct.

**MS. GIAMO:**

And what's the relationship between Risk Management and the Civil Service Department in terms of daily working together? I mean, what's the -- do you interact with one another, are your duties similar? You know, I'm trying to get why -- I mean, where Risk Management from a corporate point of view to me was always very involved with the legal departments and, you know, there are a lot of attorneys here and maybe they would -- maybe I'm not -- it's not generally done, but in my experience it was. So I'm not understanding why you would be with the Civil Service as opposed to legal.

**MS. BAFFA:**

Well, I can tell you that Workers Compensation, really that is the majority of my people, that really is an employee benefit type of thing. I mean, you get hurt on the job, it's not, you know, a lawsuit, you just need to have your benefits paid and your medical bills paid and we've got to make sure that you really are hurt, so there's a little bit of investigating going on. So that's really -- that really is a Civil Service function.

I must also say that most of the counties in the State have the Risk Management within the Civil Service or Personnel Department, but obviously there's nothing our size; I mean, our budget is bigger than some states, so.

**MS. GIAMO:**

But, I mean, in your opinion, from a budgetary point of view, would it be more cost effective to be in Risk Management -- in Civil Service or it doesn't matter with the attorneys, or it doesn't really make any difference, there's no cost savings?

**MS. BAFFA:**

No, there's no cost savings.

**MS. GIAMO:**

Okay. Thank you.

**MR. FUSCO:**

I have a quick question.

**CHAIRPERSON BACHETY:**

Sure.

**MR. McCARTHY:**

Ms. Baffa? I don't know if this is working.

**MS. MAHONEY:**

Yes, it is.

**MR. McCARTHY:**

Ms. Baffa, would you say that then the majority of the work of Insurance & Risk Management is one of claims handling or risk management as far as loss control?

**MS. BAFFA:**

Claims handling.

**MR. McCARTHY:**

Claims handling.

**MS. BAFFA:**

Uh-huh.

**MR. McCARTHY:**

Okay.

**MS. BAFFA:**

I mean, claims handling you manage the claim, but the majority of my budget is Workers Compensation. It's much more hands-on claims handling, managing the claim, trying to get the person back to work or the person's car fixed that we inadvertently rear-ended or that kind of thing.

**MR. McCARTHY:**

Right, okay. Because it's a -- the County is on a self-insured both on the Workman's Comp side and on the liability side. So investigations, any serious investigations would be done by investigators in the County Attorney's Office and what your office would do would be to set up the file and refer that to the County Attorney's Office for handling?

**MS. BAFFA:**

If it's litigation. If it's not litigation --

**MR. McCARTHY:**

You'll handle it to a conclusion.

**MS. BAFFA:**

Absolutely. We are self-insured, but we do have -- we do have an excess casualty policy, we have a \$3 million self-assured retention, but we do have insurance for that cap loss if there's, you know, something that blows.

**MR. McCARTHY:**

Now, do you also handle claims at the college?

**MS. BAFFA:**

Yes.

**MR. McCARTHY:**

You do. And how does that work; do you charge them back for that service?

**MS. BAFFA:**

Correct.

**MR. McCARTHY:**

You do.

**MS. BAFFA:**

Yes, the budget does their magic and whatever proportion that they charge to our budget, then they kind of get back in the pot, back in the General Fund. It's a chargeback.

**MR. McCARTHY:**

How much oversight would you say that the Director has of your office, or do you interact more with the County Attorney's staff than you do with -- you know, under the direction of Mr. Schneider?

**MS. BAFFA:**

Oh, I meet with Alan every week.

**MR. McCARTHY:**

Uh-huh.

**MS. BAFFA:**

I talk with him just about any day and if there's anything that pops, obviously I get in touch with him. And he's always in the building.

**MR. McCARTHY:**

Okay, thank you.

**MS. BAFFA:**

You're welcome.

**MR. McCARTHY:**

Thank you very much.

**MR. FUSCO:**

Question. You indicated that the outside Counsel was hired through an RFP?

**MS. BAFFA:**

Yes.

**MR. FUSCO:**

How many people responded to that?

**MS. BAFFA:**

Three, companies.

**MR. FUSCO:**

And this Counsel gave the best bid? How was that Counsel chosen?

**MS. BAFFA:**

This Counsel was chosen -- we did the RFP process, but it was at the request of the County Attorney, altered so that we did the RFP process and we scored it and we had an apparent successful bidder and then we kind of gave it all over to her and then she picked the company.

**MR. FUSCO:**

So no political considerations?

**MS. BAFFA:**

Not as far as I'm concerned.

**MR. FUSCO:**

Not that you know of.

**MR. BRAUN:**

Is this thing on, can you hear me?

**CHAIRPERSON BACHETY:**

Yes.

**MR. BRAUN:**

With respect to the Workers Comp function as opposed to the claims by someone who had a bus run into their car or something --

**MS. BAFFA:**

Exactly.

**MR. BRAUN:**

Is there a reason those two functions need to be administered out of the same office? In other words, if one is more closely related to Civil Service and the other is more closely related to third party claims, is there an economy in keeping them together?

**MS. BAFFA:**

I believe so. I mean, it's all been -- it's all part of Fund 38 which is the Self-Insurance Fund and it's always been budgeted that way. You know, we've got our appropriation for bus, for auto, for Workers Comp, so I do believe it's all claims handling. And many times it's related because the guy that rear-ended the bus is probably going to have a Workers Comp claim, too, so we really kind of like to keep the files together to say, "Okay, so now he's suing Mr. Bus and we've got a Workers Comp lien on him and we kind of want to keep track of that," so we can recover as much money back to the County as possible

**MR. BRAUN:**

Okay. Thanks.

**MS. BAFFA:**

You're welcome.

**MR. FUSCO:**

I have another question. In terms of your litigation posture on Workers Comp cases, who determines that, your outside Counsel or you folks within the bureau?

**MS. BAFFA:**

Within the Bureau and it's also the claimant's right, too, to request a hearing.

**MR. FUSCO:**

No, I'm saying once you're in a defense position on the hearing, who's the determining litigation

posture, the outside Counsel or the inside folks?

**MS. BAFFA:**

Like -- you say most of you are attorneys; you give your advice and your client tells you how they want you to proceed, if I'm being clear.

**MR. FUSCO:**

So you would be the client.

**MS. BAFFA:**

Yes, just like any major insurance company. I mean, they hire attorneys, "This is the way I want the claim handled."

**MR. FUSCO:**

So that comes from you folks.

**MS. BAFFA:**

Correct. Correct.

**MR. FUSCO:**

Okay.

**CHAIRPERSON BACHETY:**

Anyone else? Thank you very much for being here today, we appreciate it.

**MS. BAFFA:**

No problem. Thank you.

**CHAIRPERSON BACHETY:**

I don't know if anybody -- everybody or anyone -- oh, yes.

**MS. ALLONCIUS:**

Sondra Bachety, may I?

**CHAIRPERSON BACHETY:**

Yes.

**MS. ALLONCIUS:**

Thank you.

**CHAIRPERSON BACHETY:**

Please do.

**MS. ALLONCIUS:**

Good afternoon. Thank you for letting me speak before the Charter Revision Committee. My name is Debra Alloncius and I am Suffolk County AME's Legislative Director.

We had taken a stand very early on with this same scenario, this argument last year, and we are -- we would like it to stay in place where it is. We feel that there needs to be checks and balances and where it is now is better than putting it over into Audit & Control. We really don't want to see a mix. I have nothing prepared for you because I did not know that this was going to be on the agenda, but if you would like a written argument on it, I can prepare something for the committee.

**CHAIRPERSON BACHETY:**

Well, I --

**MR. FUSCO:**

A question came up --

**CHAIRPERSON BACHETY:**

Go ahead.

**MR. FUSCO:**

-- Debbie, what if it went to the Department of Law, the County Attorney's Department. So you would -- we'd want you to address that, too?

**MS. ALLONCIUS:**

The -- again, it's all part of checks and balances. We felt that not to move it around again, that we would really like it kept with -- under Mr. Schneider's guidance things have been fine and we just feel that there needs to be a balance here and it would not be achieved if it does not stay there.

**CHAIRPERSON BACHETY:**

I don't believe that we're going to make a decision today on the question. So if you could submit something for us, I think that would be very helpful.

**MS. ALLONCIUS:**

I would be glad to do that.

**CHAIRPERSON BACHETY:**

Does anyone have any other questions that you'd like to ask? Okay. But I just want to make -- you're making it clear that you'd like it to stay in the Department of Civil Service.

**MS. ALLONCIUS:**

Yes.

**CHAIRPERSON BACHETY:**

Okay. Thank you. We'll look forward to getting your argument.

**MS. ALLONCIUS:**

Thank you.

**MR. McCARTHY:**

Sondra? I wonder if we could ask Ms. Baffa to ask Alan again if he'd like to address the --

**CHAIRPERSON BACHETY:**

He's declined.

**MR. McCARTHY:**

Could you ask one more time?

**MS. BAFFA:**

Yes.

**MR. McCARTHY:**

And see if he'd like to address the issue?

**MS. BAFFA:**

Yes.

**MR. McCARTHY:**

Thank you.

**CHAIRPERSON BACHETY:**

Thank you very much.

**MR. McCARTHY:**

If that's all right.

**CHAIRPERSON BACHETY:**

That's fine. We did invite him, he was invited.

All right, now we get to the fun part. Let's look at the elected officials; let's see if we can make a decision on any of this.

The Suffolk County Clerk. I thought that was the easiest one, personally. It's a ministerial role, they don't really make it, as far as I can see or my experience, anything major. That would be one position I would recommend that we eliminate. I don't know how the County Legislature will feel about it, but it certainly is a possibility. So does anyone --

**MR. CLIFF:**

Sondra?

**CHAIRPERSON BACHETY:**

Yes.

**MR. CLIFF:**

There is only one that I could find in research where there is an appointed County Clerk, and that's Nassau County.

**CHAIRPERSON BACHETY:**

Right.

**MR. CLIFF:**

I don't like to hold them up as a model of anything in government, but the other 61 counties in the State all have an elected Clerk.

The position, although ministerial as far as the record-keeping is concerned, they're also the Clerk of the Supreme Court.

**CHAIRPERSON BACHETY:**

Yes.

**MR. CLIFF:**

And I think that as an elected official, it would better serve the people of the County to remain that way and that way we'd have some more checks and balances rather than, you know, everybody controlling the positions.

**CHAIRPERSON BACHETY:**

Okay. Anyone else?

**MR. KENNY:**

I would concur with Sondra's position on this. I think in general the trend in government is to reduce the number of elected officials to try and create the strong Executive model with accountability and responsibility going to a single person.

I think we have the luxury in Suffolk County of also having a strong Legislative function that is a good counterbalance to the strong Executive. You know, they're -- in general, my preference would be to eliminate elected positions. I find that, you know, in terms of the electoral process, people focus on the County Executive more than they do secondary positions and there isn't as much

discrimination in making choices, or discretion in making choices when you get down the ballot. And I think you are better served creating a professional position in the Clerk's position and several others that we'll be getting to here. So that's my general position, except for the issue of getting to checks and balances where there is a function and I don't believe, you know, for the Clerk there is that strong of a checks and balance function here. So I would concur, elimination of the position.

**CHAIRPERSON BACHETY:**

Okay. Yes?

**MR. FUSCO:**

I don't know, I think you've got to be careful when you start disassembling democracy. I think you can't really consider that the voters don't know what they're doing. I mean, we had an election, two parties got elected to different offices and we happened -- voters happened to elect a very competent Clerk who was not in the party that carried most of the election.

**CHAIRPERSON BACHETY:**

Well, I really don't think -- I'm sorry for interrupting you. I think if we get into political parties --

**MR. FUSCO:**

I'm just saying, you --

**CHAIRPERSON BACHETY:**

I don't want to do that, because then I want to eliminate people and I want to keep others; that doesn't make sense.

**MR. FUSCO:**

But when you talk about depoliticizing -- but you talk about, when you have a democracy you get into parties of the people who run people.

**CHAIRPERSON BACHETY:**

Well, obviously.

**MR. FUSCO:**

I mean, I think we have a good Clerk, the voters elected that Clerk.

**CHAIRPERSON BACHETY:**

But it isn't a question of whether she's a good Clerk or not, because if we're going to base it on that, you know, then we're going to get into a lot of other questions.

*(\*Roger Clayman entered the meeting at 3:04 p.m. \*)*

I think it's the office itself as a -- if you feel that we keep the Clerk because you like the idea of an elected official and the fact that there's a process going on, that's one thing. But let's not base it on whether or not the particular person who is there now is a good one or not.

**MR. FUSCO:**

No, but what I'm saying is that the elected process works, as an example of the elected process working.

**CHAIRPERSON BACHETY:**

Well, it hasn't worked sometimes in the past.

**MR. FUSCO:**

Well, neither does the appointed process work.

**CHAIRPERSON BACHETY:**

So you can't go by that.

**MR. FUSCO:**

Both processes, if you get a bad Executive who puts in bad people or political people who are his --

**CHAIRPERSON BACHETY:**

I agree; everybody is political.

**MR. FUSCO:**

All right, so that's the point. I mean, who should make that decision, the public or the one Executive to put in that political person? I think maybe if the public is paying the person, the public should hire the person and fire them in four years if the public is dissatisfied.

**CHAIRPERSON BACHETY:**

Okay.

**MR. KENNY:**

You know, I think that the accountability of the Executive will respond to issues in departments more quickly than the Electorate will. And that's one of the reasons why, you know, eliminating elected officials streamlines and increases the accountability of the Executive.

Citizens focus on the Chief Executive Officer of their government. And if there are problems, it's much more efficient for that Executive Officer to deal with it than it is for the Electorate to wait for four years to replace the person if they understand even the competence of the person involved and the job that they're doing. I think the Executive has much better insight as to whether or not the department is functioning than any citizen or whatever.

Again, I just -- you know, this is a -- when you look at models of improved efficiency in government over time, there is a trend towards eliminating elected officials except in those instances where there's a strong check and balance function. And I just don't think with a Town Clerk or with a County Clerk, it's a records management issue, it requires a professional. I think that you get more efficiency over the long run, you don't have, you know, changes in the department as often. And I think you build a better professional staff that is more accountable to the people, which is what you want, because the County Executive has direct oversight and has some stake in making sure that department runs efficiently.

When you separate them out into elected officials, you know, those elected officials can decide whether or not they want to listen to the County Executive. Not that the County Executive doesn't have some budget, you know, muscle and some other things, but I don't think it's the same strong supervisory relationship. Again, that's just when you look at governments in general, I think that that is the preference for efficiency.

**CHAIRPERSON BACHETY:**

Okay. Go ahead.

**MR. FENCHEL:**

Yes. My comment on --

**MR. FUSCO:**

Are you on?

**CHAIRPERSON BACHETY:**

No, it's not on.

**MS. ISRAEL:**

No, it's the button on top.

**MR. FENCHEL:**

My comment on that situation is if we go to a ministerial role, similar to a number of other ministerial roles, shouldn't we have minimum qualifications then --

**MR. KENNY:**

Yes, definitely.

**MR. FENCHEL:**

-- that the County Executive is expecting? I mean, it's going to be an appointed role and there's many other appointed roles, whatever. Does this person have a degree in Public Administration or a degree in accounting or something which indicates some capability to administer a large department with a tremendous amount of filing and a tremendous amount of employees?

**MR. KENNY:**

I believe that's generally how it's done, that there is sort of a Civil Service sort of requirement on many of these positions. So it becomes, you know, a job in which credentials are required as opposed to not when you're an elected official, there are no real --

**MR. FENCHEL:**

Exactly.

**MR. KENNY:**

Yeah.

**MR. BRAUN:**

Are we contemplating imposing or making that part of our recommendation, that there be some --

**CHAIRPERSON BACHETY:**

These are only recommendations to the Legislature.

**MR. BRAUN:**

No, I understand they're recommendations, but are we contemplating saying that the person needs some qualifications, are we contemplating recommending some Legislative confirmation of a nominee like is done on the national level by the Senate? What are we -- I mean, are these open to discussion these areas?

**CHAIRPERSON BACHETY:**

That's the way it's done now.

**MR. McCARTHY:**

That's the way it's done now with the County Executive's cabinet.

**MR. BRAUN:**

Oh, these would be cabinet level positions?

**MR. McCARTHY:**

Yeah.

**CHAIRPERSON BACHETY:**

They have to be approved by the Suffolk County Legislature.

**MR. BRAUN:**

Okay.

**CHAIRPERSON BACHETY:**

And they come and testify in front of the Legislature and tell them their qualifications and background, that kind of thing.

**MR. BRAUN:**

Okay.

**CHAIRPERSON BACHETY:**

Anyone else? Kathy?

**MS. GIAMO:**

I just wanted to clarify. We're basically saying that we're going to eliminate the position of the Clerk and make it more of an administrative role within the, whatever the current administration, or the County Executive would choose, would appoint someone and it would be more of a ministerial role as opposed to being elected by the public, right, in simplifying it?

**CHAIRPERSON BACHETY:**

Correct.

**MS. GIAMO:**

And my -- you know, I think there are good points on both sides, but I do think that the process, the political process, whatever it may be -- I mean, having nothing to do with partisanship, just clearly from a part of the public -- I think if we take any right away from the public to elect an official, it's something that in this particular time more than any other time, I think the public is going to be extremely sensitive to. Because they -- I think more than has ever been seen in many years, the public is really involved in the electoral process at this time, and I think in the future as well. And particularly for young people, I think that -- I'm not sure that it's, in my opinion, good to show an example of eliminating a right for them to choose an official on any level.

**CHAIRPERSON BACHETY:**

Well, these, of course, were recommendations by the County Executive that he asked us to consider. And the reason there that I've put them all down is because I think out of certainly respect and the fact that all these people came in and spoke to us, it's an important thing to do. And I will tell you that in the past, it has been recommended by the Charter Revision Commission ten years ago to eliminate this position and make it an appointed position and I think all the arguments have value.

Personally, and I will just tell you from my own personal experience, which you can disregard if you wish, I had to run for Clerk once; it was the worst experience of my life. I hated it. I did it because I was requested to do it. And you have to travel from one end of this County to the other, and it's big, and you're going -- and I was in Western Suffolk, and you go north and south to meetings with perhaps ten people, whoever see you. And you have to spend money, which I didn't do. And it -- people don't know who you are, they have -- and I was a Legislator then. They have no idea what the heck is going on.

I don't like eliminating officials at all. And as you can see, I don't think we should eliminate the Treasurer and I don't think we should eliminate the Comptroller, for those reasons and certainly for others. But this one, to me, we pay -- I just thought it was a dumb job. I didn't want it, thank God nobody gave it to me. I mean, I thought it was awful. It's a job. It's a job like I had on Wall Street. It's a job like anyone would apply for, and if you have the qualifications and your company hires you, you'll do it. That was my feeling.

Now, certainly I understand exactly what you're saying, because there is a new wave in this country and hopefully things will change and people will be more involved in the process. But it is very difficult to run for public office without money. It is very difficult to run without a lot of publicity. And this office, of all of them, in my personal opinion, to me was the easiest one to do. But, you know, it certainly is an opinion that all of us will have an opportunity to share and we'll put it in the report.

**MR. FUSCO:**

When we issue a report--

**CHAIRPERSON BACHETY:**

We will have a minority and a majority, yes.

**MR. KENNY:**

Sondra, is it not the case that when you change -- if you change the Charter on an elected official that it needs to go to the vote of the general --

**CHAIRPERSON BACHETY:**

Oh, of course.

**MR. KENNY:**

It does.

**CHAIRPERSON BACHETY:**

Absolutely.

**MR. KENNY:**

So there would be -- this question --

**CHAIRPERSON BACHETY:**

Oh, it isn't like we would say to the Legislature --

**MR. KENNY:**

Yes.

**CHAIRPERSON BACHETY:**

-- "We want you to abolish this because it doesn't mean anything."

**MR. KENNY:**

Right, right. It goes to the --

**CHAIRPERSON BACHETY:**

And then Legislature says, "We agree," which is doubtful.

**MR. KENNY:**

Right.

**CHAIRPERSON BACHETY:**

And then they'll put it on the ballot.

**MR. KENNY:**

Right, right. It goes to the ballot, so people do get to decide.

**CHAIRPERSON BACHETY:**

Oh yeah, people will vote on it, absolutely.

**MR. KENNY:**

There will be a discussion about it before.

**CHAIRPERSON BACHETY:**

Yes. So, I don't want to waste a ton of time on this one, but -- because this is to me the least

important.

**MR. FUSCO:**

So do we take the votes on the individual issues --

**CHAIRPERSON BACHETY:**

We're not going to vote today.

**MR. FUSCO:**

-- and put them aside?

**CHAIRPERSON BACHETY:**

Well, I'd love to but -- I mean, we don't -- have ten people here today? Well, we can take one just to get an indication. Would you like to do that?

**MS. GIAMO:**

I think we should wait until we have a larger --

**CHAIRPERSON BACHETY:**

I would have loved to have done it today, but I was -- I would prefer that there be more people, but it certainly is --

**MS. GIAMO:**

Yeah, I do, too.

**CHAIRPERSON BACHETY:**

Would anyone like to vote today? I mean, do you feel --

**MR. FUSCO:**

Well, you can canvass the board just to get a sense without a vote.

**CHAIRPERSON BACHETY:**

I can do a canvass of the board; how about that? We'll do a canvass. Okay, can we just call out everybody and let's just do a canvass?

Who do we have that's here, or not here? Arona.

**MS. KESSLER:**

You want to call out their names?

**CHAIRPERSON BACHETY:**

Yeah, can you just give me the list? Okay, Arty Cliff?

**MR. CLIFF:**

Remain as is.

**CHAIRPERSON BACHETY:**

Okay. Devine, Ron Devine? No, he's --

**MR. McCARTHY:**

I'll vote for him.

**CHAIRPERSON BACHETY:**

What?

**MR. McCARTHY:**

I'll vote for him, if you'd like.

**CHAIRPERSON BACHETY:**

You can't. Victor Fusco?

**MR. FUSCO:**

I would leave it as is,

**MS. MAHONEY:**

I didn't hear his response.

**CHAIRPERSON BACHETY:**

Yes, to keep it as it is. Steve Kenny?

**MR. KENNY:**

Eliminate it, or change it, professionalize it.

**CHAIRPERSON BACHETY:**

Okay. Bob Braun?

**MR. BRAUN:**

I would eliminate the position, the elected position.

**CHAIRPERSON BACHETY:**

Saul Fenchel?

**MR. FENCHEL:**

I would go to ministerial, eliminate the elected requirement.

**CHAIRPERSON BACHETY:**

Okay.

**MS. MAHONEY:**

I did not hear it, again, I'm sorry.

**MR. FENCHEL:**

I would bring that to ministerial, eliminate the election aspect of it.

**CHAIRPERSON BACHETY:**

Kathleen? Kathy?

**MS. GIAMO:**

I think that I would go to leaving it as is, but I would like to see it more credentials, I would like -- or what was the word that you used?

**CHAIRPERSON BACHETY:**

You can't make an elected official credentials.

**MR. KENNY:**

Yeah, elected officials -- they can't credential an elected official, no.

**CHAIRPERSON BACHETY:**

Anybody can run.

**MR. KENNY:**

Anyone can run.

**CHAIRPERSON BACHETY:**

All right. Marlene Israel?

**MS. ISRAEL:**

Yeah, I would vote to eliminate it.

**CHAIRPERSON BACHETY:**

Maureen?

**MS. LICCIONE:**

I think I'm undecided.

**CHAIRPERSON BACHETY:**

Okay. Dennis?

**MR. McCARTHY:**

Leave it the same.

**CHAIRPERSON BACHETY:**

As it is.

**MR. McCARTHY:**

Yep.

**CHAIRPERSON BACHETY:**

Did you vote that way last time?

**MR. McCARTHY:**

Probably.

**CHAIRPERSON BACHETY:**

Yeah? They didn't give us in that report the --

**MR. McCARTHY:**

No, they were very secretive.

**CHAIRPERSON BACHETY:**

No, we're not going to be that way. Okay, did I get everybody?

**MR. FUSCO:**

Roger Clayman.

**CHAIRPERSON BACHETY:**

Oh, Roger, I'm sorry.

**MR. CLAYMAN:**

Leave as is.

**CHAIRPERSON BACHETY:**

Okay. I'm going to vote to eliminate. Okay, so that's six to five and one abstention, so.

**MR. BRAUN:**

Six to five which way, Sondra?

**CHAIRPERSON BACHETY:**

To eliminate. Okay, now we'll go to the fun one.

How about the Sheriff? Does anyone have any opinions on that?  
Arty, how about you? Would you like to discuss it?

**MR. FUSCO:**

Can we visit it a little bit?

**MR. CLIFF:**

No, I'm too biased at this moment. Thank you.

**MR. FUSCO:**

Well, put your bias aside, what's your opinion?

**CHAIRPERSON BACHETY:**

And we want to know what that bias could be.

**MR. CLIFF:**

I really believe it should remain as an elected position, the Sheriff.

*(\*Ms. Jackie Gordon entered the meeting at 3:18 p.m. \*)*

**CHAIRPERSON BACHETY:**

Let me ask you a question that was put to me. Oh, Jackie's here, Jackie Gordon. I won't ask her to vote yet, she just walked in.

Some people mentioned it to me and they brought up why is the Sheriff elected and not the Police Commissioner? And the reason I'm going to you specifically is because you have personal experience, so I ask you if you would mind sharing some opinions on that.

**MR. CLIFF:**

Well, present circumstances aside, of course, from the nonsense that's been going on in the law enforcement in this community, we did have some early discussions, you and I on the side, about a fixed term for Police Commissioner, which going back several decades was the case in Suffolk County. There was a six-year term for a Police Commissioner which I think is something I would bring up under the appropriate time also, in that it allows him, or she, more autonomy and independence and not be subject to as much political pressures as we're seeing now.

The Sheriff is a Statewide elected official and that would be another one, you'd have to change the State Charter --

**CHAIRPERSON BACHETY:**

Right.

**MR. CLIFF:**

-- not only our own whim of it. But I do believe that it would be better served as an elected position to Sheriff.

That being said, there has been discussion over time, which I could see us possibly looking at that, that there should be perhaps a Department of Corrections which would be the people who would then transport prisoners and take care of the jails, as they do now and leave the Sheriff to do the Civil duties that basically is the function of the Sheriff. Although it's been changed recently, you know, perhaps in the future we'll go back. But more importantly, I think as an elected official, you know, he does have the independence at some point to, you know, realize that he has been elected by the public and not appointed by the County Executive.

**CHAIRPERSON BACHETY:**

Okay. Does anyone else have any feelings, opinions, ideas on this? This was also recommended --

these are all recommended by the County Executive, so just so you remember.

**MR. FUSCO:**

It just seems to me that if I were the County Executive, I would be recommending all of that, too, so I could coalesce all the power within myself. And I think we need to be careful about where we put so much power in any one individual; when you put power in one individual, you're taking power either from the Electorate or from the Legislature or from someone else. And I'm always just philosophically have a great hesitancy to do anything like that, to coalesce power, because if you get someone in there who's very bad, you could have very bad problems and, you know, you may have to wait four years to correct it. So that's -- you know, and if that particular Executive is good on some things and bad on other things, if those other things were within the voter's control they could fix the other things and still keep the Executive in for what he's good at. So I just think absolute power corrupt, that's just how I look at things.

**CHAIRPERSON BACHETY:**

Absolutely. Anyone else?

**MR. BRAUN:**

Again, if our concern is the issue of the elected officials having some sort of check and balance against others, then my question with regard to the Sheriff is how the Sheriff's function interfaces with any of the other governmental functions that would -- we would be giving up if we were to give up the Sheriff being elected.

In other words, with the Comptroller and the Treasurer, the obvious checks and balances was made very plain to us. But in the case of the Sheriff, the Sheriff has, as I understand it, two functions; it has the correction function and there's the civil enforcement function, and at the moment somewhat of a law enforcement, general law enforcement function as well. But I don't see how that tempers any of the other functions elsewhere in the County government, it seemed to be somewhat autonomous, except for maybe some turf wars between the Police Department and the Sheriff's Department.

So my question is for everybody here more experienced than I, how does the Sheriff's function interface with other governmental functions?

**CHAIRPERSON BACHETY:**

I'm not sure I really understand what you're saying.

**MR. BRAUN:**

Well, we talked about the Treasurer and the Comptroller, that you don't really want to have the purse strings and the --

**CHAIRPERSON BACHETY:**

But that's different.

**MR. BRAUN:**

Those are obvious. And we talked earlier about the fact that the County Clerk is a ministerial function, processes papers, both for the Supreme Court and for the County records, and doesn't affect the functioning of any other department, doesn't have any direct influence on keeping other departments in line. My question is how does the Sheriff have some direct influence on keeping other departments in line?

**MR. KENNY:**

Could I put it another way. Bob?

**MR. BRAUN:**

Yeah.

**MR. KENNY:**

Would there be some benefit to the Police Commissioner being able to manage all police functions under one roof? Would that improve the efficiency and interaction between the policing agencies?

**CHAIRPERSON BACHETY:**

Well, the Police Commissioner, though, would then be responsible for the jail.

**MR. KENNY:**

Which is a related function.

**CHAIRPERSON BACHETY:**

Kind of, but --

**MR. KENNY:**

I mean, I was -- it was sort of interesting, Arthur's comment, about corrections, you know, being brought under the roof of the Police Commissioner's Office. You know, to me, part of what you do in organizations is you streamline and create supervision based upon function. And if it's a public safety function in general, there is some logic to making sure that all those different departments coordinate under one supervisory roof. So, you know, would there not be a benefit? And maybe Arthur could speak to that. You know, I mean, I know it's -- you're in a difficult position but, you know, would there be some benefit for everyone to be reporting to the same supervisor?

**MR. CLIFF:**

You know, my experience, I could -- I really can't answer that. I don't think it is a direct correlation. I could see a separate Department of Correction with a Commissioner of Corrections, a professional, you know, appointed and approved by the Legislature and keep the Sheriff's function as civil, which basically is what it historically has been. But I don't really see a Police Commissioner in charge of incarceration or the corrections function, I don't think it works, I really don't.

**MR. KENNY:**

My only analogy is we had a discussion at the town level of a Commissioner of Public Safety in which we attempted to incorporate fire and ambulance and police under one -- again, under one supervisor in an attempt to get better coordination among those. Because they all sort of serve a similar sort of mission in terms of public safety and it's a broad umbrella but, you know, there was a need to coordinate and there certainly are some benefits in terms of cross-training and other kinds of relationships among those things.

So, I mean, that -- you know, that's where I'm sort of coming from, and that is a model that exists out there, a Public Safety Commissioner. You know, maybe it wouldn't be a Police Commissioner, maybe it would be a broader Commissioner, but to me, if there is a functional relationship in terms of public safety, it might make some organizational sense to have coordination. I don't know it well enough to be able to make a judgment on it, but I think that's the way I would look at it from an organizational point of view.

**MR. FENCHEL:**

Well, if I might. I think going at this piecemeal is we're really going around the real issue here of whether we're going to change the whole system over to -- most of the system over to essentially what is a Federal Government system with an elected Executive and a cabinet; that's really what's happening here. Whether or not these people now are going to go from being elected, Secretary of State is not elected, Secretary of Interior is not elected. Are we now simply coming up with a different -- recommending a different form of government, a government of essentially an Executive with a cabinet? That's what's really happening, to me, when I see what's going on here. I mean, it's broader than whether the Suffolk County Clerk is a ministerial role or the Sheriff is similar to the

Police Commissioner. It's how -- do we want to change the form?

**CHAIRPERSON BACHETY:**

Well, no, the County Executives have traditionally wanted to change the form to what you're talking about. Whether or not that's what happens is another question.

I'll tell you -- let's go to the Comptroller and Treasurer, because I kind of get a feeling that maybe we all will agree on that one, and then we can get rid of something. Does anybody think that the Comptroller's Office and the Treasurer's Office should be one?

**MR. FUSCO:**

Don't all raise your hands at once.

**MR. BRAUN:**

Did you ever hear of a leading question?

*(\*Laughter From Panel\*)*

**CHAIRPERSON BACHETY:**

Well, I -- all right. I don't, I don't think we should do that. I think that both the Comptroller and the Treasurer made extremely strong arguments for their positions.

**MR. CLIFF:**

Absolutely.

**CHAIRPERSON BACHETY:**

I was very impressed with both of them and I think we ought to just drop that part. Does anyone else agree? Do we all agree?

**MR. KENNY:**

I would disagree --

**CHAIRPERSON BACHETY:**

Unanimous, great.

**MR. KENNY:**

-- but I'm only going to be one person.

**CHAIRPERSON BACHETY:**

Go away. We're eliminating those two, okay? That's off the table. Good, something is done.

**MR. CLIFF:**

Don't say eliminating. We're eliminating the argument.

**CHAIRPERSON BACHETY:**

No, they're off the table, we're not going to recommend anything at all about that. Thank you for being here again.

**MR. FUSCO:**

You can put the gun away now.

**CHAIRPERSON BACHETY:**

No, they really did an excellent job. Quite frankly, I learned more sitting here than I did when I was in the Legislature about the two positions.

All right, so we'll go back to the Sheriff. If you want to think about it, I don't feel an overwhelming support here to eliminate that position as an -- to recommend eliminating it as an elected official;

am I wrong? Kathy, do you have a question.

**MS. GIAMO:**

I think more than a question, I just have a thought, and particularly because I think we've all obviously been so aware of, or more aware in the last month or two of the duties of Sheriff. And I think that -- I also in another life was involved with Nassau County in some functions that involved the prison in Nassau County and the relationship between Nassau Medical Center, and it's going back awhile, but enough to know that I believe the Sheriff's Department has -- they play a very integral role in the penal system, and not the same as the Police Department. The Police Department's role in public safety I think are very distinct from the Sheriff's role, and so I find -- I think it's important, even from the perspective from the public's perspective of being involved in the process in some way in the law enforcement process, they're not involved in the Police Commissioner but they do have a role in the Sheriff.

And I think also, the Sheriff's Department plays a direct role with the -- much more direct role with the public in some ways because they're kind of -- they are protecting us from another perspective. But even today, I think people -- and I'm just having a conversation with people about what's going on today. The Sheriff's Department and the Police Department are very distinct, they're not the same, but yet they both need -- you know, they both are very needed. And the Sheriff as an appointed rather than an elected, I think it would be a disservice to the public if we were to consider that.

**CHAIRPERSON BACHETY:**

Okay. Dennis?

**MR. McCARTHY:**

Sondra, I think the kind of off-handed recommendation of Arty about the separation of keeping the Sheriff as an elected position, but at the same time maybe a separation in powers so that you would have a Corrections Commissioner, I think it would be a very good suggestion and it would be a good avenue.

**CHAIRPERSON BACHETY:**

It's on the bottom of the list. Arty brought it up to me before, I thought it was an excellent suggestion, too.

**MR. McCARTHY:**

Yeah, because if there's a need today in professional, experienced management, it's really in corrections, no matter how long people are staying with us in our system here. I don't want to get into the fact that there's -- that the Sheriff's Deputies do have police duties and have always had that duty, but I think that an independent elected official in that position would be fine.

But I really would -- in my experience in the County, a tremendous part of that job, which I never saw the Sheriff terribly involved in was the corrections area. I mean, he was responsible for it, and as Jack Finnerty said, you wake up every morning and your first duty is to make sure that there wasn't a prison break or a fire and get the number of State-ready prisoners and that information ready to put in your call to the State and say, "Would you take these prisoners? I'm over crowded." But beyond that, there's professionals running that department and people inside that facility, and I think that the more professional those people are the better off we all would be.

But as far as a fixed term, you know, I can't remember, we were discussing it earlier, I can't remember --

**CHAIRPERSON BACHETY:**

You're talking about the Police Commissioner.

**MR. McCARTHY:**

The Police Commissioner, I can't remember why we changed it, but just for more control of the Executive, I'm sure. And there were a number -- if you recall, there were a number of fixed terms.

**CHAIRPERSON BACHETY:**

Yeah, there were.

**MR. McCARTHY:**

You know, the Parks Commissioner was a fixed term and now it just remains that the State officers are fixed terms of six years.

I think the County Executive in a large part lives -- and you know, his ability to govern here has a lot to do with that Police Department, as it does with the Health Department and it does with Social Services. And I think that he should have control, as New York City Mayors do, should have control of that department only through his Commissioner, not into the ranks but through the Commissioner. So I wouldn't be in favor of any type of a six-year term, fixed term. I think he should be able to fire them when he wants to fire them.

**CHAIRPERSON BACHETY:**

Okay, so we're back to the Sheriff.

**MR. KENNY:**

I will second the motion Dennis made, though, on the suggestion of the Commission --

**CHAIRPERSON BACHETY:**

Department of Corrections?

**MR. KENNY:**

Yeah, Department of Corrections.

**CHAIRPERSON BACHETY:**

I thought we might get into that at the end, I think that is a good suggestion. Does anyone have any -- I mean, let's talk -- let's see if we can get some of this -- we can't just keep going month to month. Let's see if we can resolve some of this. How do we feel about this? Is there a feeling that the Sheriff's position, which is a State position, should be eliminated; does anyone feel that way?

**MR. FUSCO:**

As an elected you mean.

**CHAIRPERSON BACHETY:**

As an elected position.

**MR. KENNY:**

What role do we play with, vis-a-vis, the State? You know, is that something that if we made the recommendation then the State would have to --

**CHAIRPERSON BACHETY:**

Well, it would have to be voted on and then --

**MR. KENNY:**

Has it happened in any other County?

**CHAIRPERSON BACHETY:**

Where was it; Nassau, right?

**MR. CLIFF:**

Nassau.

**CHAIRPERSON BACHETY:**

Nassau did it.

**MR. KENNY:**

Nassau eliminated the Sheriff's Department? All right.

**CHAIRPERSON BACHETY:**

That place is so small compared to Suffolk, you can't -- I mean, really, when you look at it --

**MR. BRAUN:**

Three little towns, what do they know?

**CHAIRPERSON BACHETY:**

What do they know?

**MR. KENNY:**

Geographically, at least.

**CHAIRPERSON BACHETY:**

Yeah, I can't compare it. It's like Brookhaven.

**MR. FUSCO:**

Well, there have been problems in Nassau with it.

**CHAIRPERSON BACHETY:**

Yes? There's always problem.

**MR. FUSCO:**

Between the people who are appointed and the qualifications of those people were found to be less than some of the people we elect in other counties. So that's not a symptom-free disease.

**CHAIRPERSON BACHETY:**

If you want to get into qualifications, we could recommend getting rid of all of us. I mean, you know, anybody can run for public office, so. All you need is some money. Does anyone want to make a recommendation on the Sheriff; keeping the Sheriff's position, let me put it that way. Do I have anyone who would like to make that recommendation?

**MR. FUSCO:**

Keep it as elected?

**CHAIRPERSON BACHETY:**

Keep it as an elected.

**MR. FUSCO:**

I'll recommend that.

**CHAIRPERSON BACHETY:**

Okay, we have one. Is there a second?

**MS. ISRAEL:**

I second that.

**CHAIRPERSON BACHETY:**

Marlene. All in favor of keeping the Sheriff's position as an elected official? All opposed?

**MR. FENCHEL:**

I would have to abstain on that. I don't feel I know enough on this one.

**CHAIRPERSON BACHETY:**

Okay, that's fine. An abstention, please, on that. Okay, so the only one remaining on the elected officials then that we'll bring to the next meeting is the question of the Suffolk County Clerk.

**MS. ISRAEL:**

I have a question for you, Sondra.

**CHAIRPERSON BACHETY:**

Sure.

**MS. ISRAEL:**

This is, I suppose, a summary of the people who have come before us at meetings.

**CHAIRPERSON BACHETY:**

These were my notes.

**MS. ISRAEL:**

I think what we're leaving off is the small agencies that contract with the County that came to us and spoke about getting very late payments so they had to take loans to cover their costs. And I think in the environment we're in now, that really might cause severe hardship and I think that should be something we discuss.

**CHAIRPERSON BACHETY:**

Let's do that at the end. I think we have rules, I think there are things in place already where they're supposed to make the payments on time; it doesn't mean that they do because of lot of ours did not.

**MS. ISRAEL:**

What happens is I believe you get a contract late, you have to start servicing your constituencies way before.

**CHAIRPERSON BACHETY:**

We're talking about primarily the Department of Social Services in that regard, some in the --

**MS. ISRAEL:**

And the Department of Health as well.

**CHAIRPERSON BACHETY:**

Yes.

**MS. ISRAEL:**

And when money was easy to come by, I don't think it -- it caused a little problem, but --

**CHAIRPERSON BACHETY:**

Oh, it was always a problem for small agencies --

**MS. ISRAEL:**

Yes.

**CHAIRPERSON BACHETY:**

-- because they had to borrow the money and that cost then was added in to what they had to raise

privately, or however they did it. So it's been a constant problem for years. And you're right, this is a very bad time right now. We can go back to that, okay?

**MS. ISRAEL:**

Thank you.

**MR. KENNY:**

There was a discussion on multi-year contracts when we had that discussion, which I thought was an interesting --

**CHAIRPERSON BACHETY:**

Well, we'll see -- I'm not sure how we're going to incorporate that into the Charter.

**MR. KENNY:**

Okay.

**CHAIRPERSON BACHETY:**

But this is just -- these were just my suggestions and we're going to bring up whatever anybody else has.

I did bring -- the Suffolk County Ambulance Chiefs Association, I don't know if you all remember that, they have one member and one alternate on the Fire, Rescue & Emergency Services. Because of the extension of the services they perform, they would like to increase that number, it's in the Charter, they would like it to be four members and four alternative members. It's obviously an unpaid position, it's just part of a commission.

**MR. BRAUN:**

What's the constituency of that; how is that composed now, the commission?

**CHAIRPERSON BACHETY:**

Right now? Let's see. I don't remember, so I'm going to read it to you. It's 18 members -- wait, I'm sorry. One member from each township and one alternate, two members from the Suffolk County Fire District Officers Association, two members from the Fire Chief Council, two members from the Suffolk County Volunteer Firemen's Association and one member from the Suffolk County Ambulance

**MR. BRAUN:**

So tis' six fire representatives currently?

**CHAIRPERSON BACHETY:**

Seven

**MR. BRAUN:**

Seven.

**CHAIRPERSON BACHETY:**

I'm not recommending the four, they requested four, but they would like an increase from one member and one alternate.

**MS. ISRAEL:**

Perhaps two and two; two members, two alternates.

**CHAIRPERSON BACHETY:**

Well, I'm sure they would be pleased to have any increase.

**MR. BRAUN:**

And by doing that, are we recommending then that we increase the number of Commissioners on that commission, or are we taking somebody else's spot?

**CHAIRPERSON BACHETY:**

No, we would be increasing, we're not going to take someone -- I would not recommend taking someone else's spot. Because it's one member from each township with an alternative, two members from the Fire District Officers Association, Fire Chiefs and the Volunteer Firemen, so I would not recommend taking anything away from them. I don't think we should do that. But I do think it's not unreasonable to ask for two members from the Ambulance Corps.

**MS. GORDON:**

What is the justification that they need four members and four alternates?

**CHAIRPERSON BACHETY:**

Well, let me just -- do you all have their letter that they sent us? Here we go. Okay, "They are the sole representative organization on the Fire, Rescue & Emergency Services Commission, from the Volunteer Ambulance Emergency Medical Services Committee. Because of their limitation to one member, the association believes that the Volunteer Ambulance Service and Emergency Medical Service workers are under represented because of the larger role they've developed over the past several years." So they're just requesting additional members.

**MR. FUSCO:**

Could I address that? Go ahead.

**MR. BRAUN:**

These pertain to ambulance districts that are not part of the Fire District, that are separate entities?

**CHAIRPERSON BACHETY:**

Suffolk County Ambulance Chiefs, yes. I think it's both.

**MR. KENNY:**

No.

**MS. ISRAEL:**

No, there are some that are under --

**CHAIRPERSON BACHETY:**

Some are separate.

**MR. BRAUN:**

The fire department is running the ambulance.

**CHAIRPERSON BACHETY:**

I know, we have them in Babylon.

**MR. KENNY:**

Yeah, they are separate

**CHAIRPERSON BACHETY:**

Some are separate, some are not.

**MR. KENNY:**

Some are separate, some are together.

**CHAIRPERSON BACHETY:**

Wyandanch has a separate one.

**MR. FUSCO:**

Could I just address this generally?

**CHAIRPERSON BACHETY:**

Sure.

**MR. FUSCO:**

Just from some personal experience. I hate to use that word in here Nassau County, but I do want to make a comparison once again. Nassau has a large police AMT corp, and if you get sick in Nassau County, they're there in like five minutes. If you get sick in Suffolk County, because I've had this twice now with my own family, you know, they're not there in five minutes because they're so spread thin. And I guess if they have more clout to request more money or whatever it is they need, that that's a good thing. I think what they're saying is that they need more representation because they need more clout, because they know that they're not really able to give the kind of service they want to give, whether it's fire or an independent, okay. Our ambulance service out here pales in comparison to the neighboring County. I think that affects us all, I think that affects the public. I think this is very important and I think we should give them more representation for that reason only.

**MR. BRAUN:**

According to their letter, which I wasn't looking at before, it says that they are representative of the Ambulance Corps that are separate from the fire districts and the fire companies.

**CHAIRPERSON BACHETY:**

Uh-huh.

**MR. BRAUN:**

So those would be the ones that are, you know, independent and not dispatched out of the same organization. So that's who they are.

**CHAIRPERSON BACHETY:**

But you -- I'm not quite sure. You mean we know that like a fire company that has an ambulance.

**MR. BRAUN:**

Right. But these -- but this --

**CHAIRPERSON BACHETY:**

And then we have the separate ones.

**MR. BRAUN:**

This organization seems to be of those that are not part of fire companies.

**CHAIRPERSON BACHETY:**

Right.

**MS. ISRAEL:**

Therefore, they're under represented.

**MR. BRAUN:**

Therefore, they're under represented, right.

**CHAIRPERSON BACHETY:**

Okay. So we agree they're under represented.

**MR. McCARTHY:**

Yeah.

**MR. FENCHEL:**

Who finances them? This comes out of the --

**MR. BRAUN:**

FRES.

**MR. McCARTHY:**

Special districts are set up.

**MR. FENCHEL:**

Okay, for this. All right.

**CHAIRPERSON BACHETY:**

Uh-huh.

**MR. McCARTHY:**

It's just like the fire district. And I agree, when this -- when the FRES -- when this board was set up, I mean, there was a tremendous -- most of these companies were all part of fire departments and they've broken off independent. So I agree with this, I think we should increase the number.

**MR. FUSCO:**

I also think it's good that they're independent, based on my experience elsewhere.

**CHAIRPERSON BACHETY:**

Oh, we have good ones.

**MS. GIAMO:**

I think it's reasonable to actually -- based upon the last Charter Committee was ten years ago and the population in Suffolk County was so different by numbers than it is today, it's reasonable to me that we would need as many representatives because there must be a considerable amount more ambulance, private ambulance than there were ten years ago. Just by our population and by the fact that we have -- of the population we probably are -- our age rate in the over 55 community is huge. So that in my -- just by the nature of ten years ago, we need to give them as many as they're asking for, so we should give them the four.

**CHAIRPERSON BACHETY:**

Okay. Anyone else?

**MR. FUSCO:**

I agree we should give them more. I think, you know, boards can get them really, too. I think we should give them two now and if that doesn't work for them, then they'll come back and ask for more. And they always come to the Legislature, they don't have to come to us.

**CHAIRPERSON BACHETY:**

In ten years?

**MS. GIAMO:**

What's the downside to giving them the four?

**MS. ISRAEL:**

The committee gets too large.

**MR. FUSCO:**

You know, we're not getting input from the rest of the committee as to the effect on that. So by

two, I think we're being conservative but recognizing their need and not overburdening the committee with an unfunded mandate, so to speak; you know, too big of an unfunded mandate.

**CHAIRPERSON BACHETY:**

How does everyone feel about that?

**MR. CLIFF:**

Was that --

**CHAIRPERSON BACHETY:**

Two and two?

**MR. KENNY:**

Yeah.

**MR. CLIFF:**

Add two or have it go up to two?

**MS. ISRAEL:**

Add two and have two more alternates.

**CHAIRPERSON BACHETY:**

No, if you add two then they'll have three.

**MS. ISRAEL:**

Three and three.

**CHAIRPERSON BACHETY:**

So you make it two; two members altogether and two alternates.

**MS. ISRAEL:**

Right.

**CHAIRPERSON BACHETY:**

Yeah, okay? Ah, we have something in agreement, good. Okay, so we'll make a recommendation that be changed to they will have two members and two alternates.

Okay. There was a very lengthy discussion on the timeframe for the Capital Budget, Suffolk Community College.

**MS. GORDON:**

I'm sorry, I do have an alibi with the last --

**CHAIRPERSON BACHETY:**

Oh, I'm sorry.

**MS. GORDON:**

No, I just thought of it. Is it necessary to have one-to-one member alternate? What if you gave them three members and two alternates? The alternate just sits in place of the member who can't make it.

Is it a requirement to have a one-for-one member alternate?

**CHAIRPERSON BACHETY:**

No, I don't think so. I don't see why it would be.

**MS. GORDON:**

So, you know, because I'm thinking if they're asking for four, they probably high-balled because they knew they wouldn't get four, but two --

**MR. KENNY:**

They negotiated.

**CHAIRPERSON BACHETY:**

Ah, very good.

**MS. GORDON:**

Two based on, you know, the fact that it was ten years ago and we are talking about population changes and things like that, I don't -- you know, one doesn't sound to me like it would make so great of an impact as far as representation. I know we're just guessing because we don't have the data, but.

**CHAIRPERSON BACHETY:**

Well, I really have no objection to anyone who's willing to serve on any kind of commission. I know it's cumbersome sometimes if the group is too large, but this is a group of people who normally all know each other, they're all the fire departments and all, they really kind of -- you know, that might be a good suggestion, three and two; three members, two alternates? Three members --

**MS. GORDON:**

Two -- yeah. I don't see why they need three.

**MR. FUSCO:**

You've giving them two more members, basically.

**CHAIRPERSON BACHETY:**

Yes.

**MR. FUSCO:**

Yeah, I'm fine with that.

**MR. McCARTHY:**

That's fine.

**MS. ISRAEL:**

I think that's good.

**CHAIRPERSON BACHETY:**

Oh, Jackie, good show.

**MR. McCARTHY:**

Good job, Jackie.

**CHAIRPERSON BACHETY:**

You can tell she's on the Babylon board, she knows how to do it.

There was a very lengthy discussion, we had people from both the County Executive's Office and the college and from the Legislative office about the submission of budget. My impression was there really is no way to do that in the Charter, that we can tell them to do that. They seem to agree that they could work together, that maybe they could do it a little bit earlier. But I feel uncomfortable, I don't know about the rest of you, trying to change it in the Charter when it seemed very difficult for them to do.

**MR. McCARTHY:**

Yeah, I agree, Sondra. I think it's one of the first things that the Executive and the Budget Review Office and the Community College are agreeing on these days.

**CHAIRPERSON BACHETY:**

Right.

**MR. McCARTHY:**

But I think we ought to just leave it the way it is.

**MR. FUSCO:**

I think we should all look at those minutes once more and hold off on that.

**MS. MAHONEY:**

I cannot hear you.

**MR. FUSCO:**

I'm sorry. I didn't -- I think we should all read -- because that was way at the beginning we looked at that. I think we all need to review those minutes before we take that up, that's my own feeling. Maybe because I haven't looked at them since, maybe other people are more familiar with it, but I think we've forgotten a lot of what was mentioned. Although I get the same general impression that you're giving, I would like to be a little more assured before we take that up again.

**CHAIRPERSON BACHETY:**

How do you feel?

*(\*Very Brief Break Taken\*)*

**MR. CLAYMAN:**

Sondra, that's -- and I can't give a real good opinion, but that's the one area where we have a very strong constituency within our Long Island Fed with an interest and a problem in dealing with that question. And I would like to go back and review with them and come back and discuss it rather than fully resolve it, because I think -- well, I haven't had a chance to get their input on it.

**CHAIRPERSON BACHETY:**

Who?

**MR. CLAYMAN:**

This is -- well, within the Long Island Fed of Labor, we have community college teachers and we have a board member who is very active who has been here, Ernie, who has been trying to work this out, Ernie Mattace. And so I --

**CHAIRPERSON BACHETY:**

But are we talking about the same thing, the submission of the budgets of the timeframe?

**MR. CLAYMAN:**

I think that's the problem.

**MR. FUSCO:**

There was a lot of testimony.

**MR. BRAUN:**

The problem is when the State money comes down, when we know what we have --

**CHAIRPERSON BACHETY:**

I understand.

**MR. McCARTHY:**

I mean, the problem gets down -- in my experience, the problem is the County -- the college would like it -- would like to meet a certain timeframe and they need that because of 15 different reasons. But if there's any -- the Capital Budget was going to -- the Capital Budget was going to get in the way. And then if somebody is agreeing from the Executive side that it could be moved for a short period of time, then the Budget Review Office will have a problem with it because they won't be able to give the same scrutiny that they want to give to this budget or the Capital Budget or whatever. So that's my understanding, that the different branches here couldn't put it together and the staffs couldn't put it together and that was the input. So I think they all left the -- it seemed to me that they all left the room figuring they can't do it.

**MS. ISRAEL:**

They agreed that it couldn't be done.

**MR. McCARTHY:**

They agreed it couldn't be done, you know? So I think it's --

**MS. ISRAEL:**

A moot point.

**MR. McCARTHY:**

-- a question we could move on to, just move on. That's just my feeling.

**MR. FUSCO:**

Well, I think you're probably right. I still would like to read through all that testimony again, I think Roger would too, before we just deal with that one particular issue.

**CHAIRPERSON BACHETY:**

Okay.

**MR. FUSCO:**

There was so much testimony on it, it was involved.

**CHAIRPERSON BACHETY:**

Okay, so let's see if we can just get something understood. How long do you want this thing to go on?

*(\*Laughter From Panel\*)*

No, seriously.

**MR. CLIFF:**

April Fool's would be nice.

**CHAIRPERSON BACHETY:**

No, I really want to get a sense. It doesn't seem to me that we are dealing, and perhaps I'm wrong, with anything so crucial that we should really be extending this deep into next year. But if there are things that you all feel strongly about and there are things that you want to look at or have more input on, that's fine.

I would just ask that when we come to our next meeting, we've got to somewhere along the line be prepared to deal with some of these issues and make a decision. You know, not just keep kind of churning them up again. So I certainly respect that you want to read the minutes and you want to check with your group, so we'll put that off to the next meeting. But I would respectfully request that we try to get an opinion on that so that we can get rid of it one way or the other. You know, if

we want to make a decision to change this book, I think, you know, we really want to get it going.

Now, some of the other questions that came up that I didn't have any idea. I remember there was -- and I may have missed some of this. Some people wanted to discuss the question of affordable housing. In going through the Charter, I noticed that there's an Affordable Housing Division under the IDA as well as under Planning, which is all kind of -- both of which report to the County Executive. I don't know if anybody wants to go any further, if you -- we did ask -- didn't we ask Jim Morgo to come over to speak about that? Yeah, he didn't come.

**MS. ISRAEL:**

He did not come.

**MS. KESSLER:**

I asked him this week also if he would be able to come, he suggested a few other people, the Commissioner of Economic Development. I was going to reach out to them but then I had been told not to.

**CHAIRPERSON BACHETY:**

He doesn't want to talk about it, obviously.

**MR. BRAWN:**

The Planning Commission is within days, I think next week is our meeting and is about to try to adopt some affordable housing guidelines and so forth. If you want, I can ask Dave Cologne who's the Chair of the Planning Commission to come, perhaps he has some --

**CHAIRPERSON BACHETY:**

Is this something, though, that would effect -- that needs --

**MR. BRAUN:**

Well, if it's in the Charter, we may want to address it. I don't know if it needs to be in the Charter.

**CHAIRPERSON BACHETY:**

Well, I mean, it's established in the Charter, I don't know what --

**MS. ISRAEL:**

I don't think we should even be covering it.

**CHAIRPERSON BACHETY:**

I don't either, but that's my opinion.

**MR. BRAUN:**

The Planning Commission is in the process of trying to develop more specific guidelines that would require certain percentages of affordable housing to be included in developments which are not as-of-right developments, so that if somebody gets a variance for density or whatever.

**CHAIRPERSON BACHETY:**

Whoa, whoa, wait, you're in the town's business then.

**MR. BRAUN:**

No, because most of -- or much of what they want to do also falls in the jurisdiction of the County Planning Department and the County Planning Commission. If it's on a State Road, a County Road, within 500 feet of a border of two towns and --

**CHAIRPERSON BACHETY:**

I know, I know, I remember all of that. I was a town board member, I couldn't stand the opinions we used to get from Planning. I don't know how current town board members feel about that.

**MR. BRAUN:**

Most towns feel that way.

**CHAIRPERSON BACHETY:**

I know.

**MR. BRAUN:**

But still, we have the --

**CHAIRPERSON BACHETY:**

But should that be in the Charter? I mean, is that -- well.

**MS. GIAMO:**

I don't understand what the relation -- what is the question? I don't understand why the affordable housing --

**CHAIRPERSON BACHETY:**

It keeps coming up but I have no idea myself, so I'm trying to resolve it.

**MS. LICCIONE:**

I think there was -- I was one of the people who raised it and --

**MS. MAHONEY:**

Can you use the microphone, please?

**MS. LICCIONE:**

Oh, I'm sorry. I had raised it somewhat casually, I guess, is the way to say it. I just thought there might be a feeling that is there anything that is in the Charter that's impeding the development of affordable housing in Suffolk County and should we reach out to those who are more familiar with it to see if there was a concern. If there's not, that's fine, but it's the most pressing --

**CHAIRPERSON BACHETY:**

I didn't realize --

**MS. LICCIONE:**

-- issue on Long Island and if there's something in the Charter that could help with it, please let us know.

**MR. FUSCO:**

There was a fellow who testified and he wanted, I think, to have certain foreclosed properties go into affordable housing; remember that?

**CHAIRPERSON BACHETY:**

Oh, was that --

**MS. LICCIONE:**

Right.

**MS. KESSLER:**

Cesar.

**CHAIRPERSON BACHETY:**

Cesar Malaga from Babylon.

**MS. LICCIONE:**

Yeah, right.

**CHAIRPERSON BACHETY:**

Yeah, he comes all the time.

**MS. LICCIONE:**

But if that's not the sense of the rest of the group or if, you know, we're not getting a response, I guess that's the answer, you know, maybe there is nothing in the Charter.

**CHAIRPERSON BACHETY:**

I don't think that -- I might be wrong. Perhaps someone more -- you might be more familiar with it.

**MR. BRAUN:**

No. I mean, I'm familiar with the process, but --

**CHAIRPERSON BACHETY:**

I don't think there's anything --

**MR. BRAUN:**

There's no particular reason it needs to be in the Charter other than that the Charter, as you correctly said, gives both the IDA and the Planning Department some jurisdiction to establish guidelines, and that's fine.

**CHAIRPERSON BACHETY:**

Yeah. I mean, is there anything in addition that anybody thinks needs to be -- I wouldn't think of anything. I don't know of anything.

**MR. CLAYMAN:**

Sondra, we've been dealing with affordable housing in so many different areas, State legislation --

**CHAIRPERSON BACHETY:**

Right.

**MR. CLAYMAN:**

-- and town initiatives. And it would seem to be more significant in getting anything accomplished than doing it here. Although I'm not certain of that but I just don't know well enough whether this would really make a difference. But we fought through those requirements in State legislation, how long did it take, ten years, to get that, it used to be the Balboni/DiNapoli Bill accomplished.

**CHAIRPERSON BACHETY:**

Right.

**MR. CLAYMAN:**

With great opposition among towns. I don't know that it would be very popular to try to relegate it in the Charter or even effective. But it's a good -- I remember his comments and he thought we should do something to encourage affordable housing and I think we should, but I don't know if this is the body to do it.

**CHAIRPERSON BACHETY:**

Well, I don't think that -- I think that is a Legislative prerogative to do or the County Executive's prerogative, they should be the ones encouraging, offering assistance perhaps, to the towns who do the zoning and the planning, but I couldn't find anything that we should be doing. So unless someone feels that there's something else that should be in the Charter, could we just take that one off the table?

**MS. ISRAEL:**

Uh-huh.

**CHAIRPERSON BACHETY:**

Okay, thank you.

Okay, Police District and the revenue sharing; has that been resolved? Does anyone -- no.

**MR. FUSCO:**

It was raised at the meeting in Riverhead by the Police Chief.

**MS. MAHONEY:**

I cannot hear you.

**MR. FUSCO:**

I'm sorry. The Police Chief raised it in Riverhead and I don't know even if we got information really at that meeting.

**MR. CLIFF:**

Sondra, if I might? There's been a committee established by the Presiding Officer, which I serve on, to meet and try and suggest the ways of looking at revenue sharing in the Police District. And we had a meeting in Cornell I guess some time in July and we were unable to reach a conclusion other than the fact that we try and get a definition of what would be fair and equitable and we all have a different definition of that. So it was left for Legislator Schneiderman to come up with some suggested remedies that he was going to give to the committee, I haven't heard anything since then.

**CHAIRPERSON BACHETY:**

When Steve Levy testified, as I remember, he implied that he was giving more to the east end than he was required to.

**MR. CLIFF:**

Well --

**CHAIRPERSON BACHETY:**

I don't remember the numbers, 5% or something?

**MR. CLIFF:**

Yeah.

**CHAIRPERSON BACHETY:**

Is that accurate?

**MR. CLIFF:**

What the State legislation allowed was up to one-eighth of 1%, that was originally the legislation that allowed for some revenue sharing, at which time they sat down to come up with a fair and equitable way politically to give some money to the east end towns. Since that time, County Executive Levy met with then Legislator Mike Caracciolo and agreed to give \$500,000 more of that base number for a set number of years, we think that '09 was the last year they were going to get that, and that would then increase the money that they were getting. However, since that time, State legislation allows now up to three-eighths of 1%. So the east end towns are saying, "Although we're getting \$500,000 more, the County share is a lot bigger," now it's about -- three-eighths of 1% comes out to about 92 or \$94 million and they're getting six or seven and the County's Police District is getting the rest. So Legislator Lindsay at that time said that anything that would be fair and equitable, but he's not going to allow anything to come out of Police District money, it had to be

some new money that they would come up with and that's where -- that's where Legislator Schneiderman was going to try and come up with something.

**CHAIRPERSON BACHETY:**

Is there a role for the Charter Revision Commission in this particular issue, or is this something that is already being handled legislatively?

**MR. CLIFF:**

I think they're trying to handle it legislatively. You know, as union President when this came to be in 1992, I took the position that the east end municipalities weren't entitled to any money, because as I said earlier, it said Suffolk County Police District and, you know, we went through that terminology, "Oh, it was district with a small "d", not a capital "D", so the entire County could share it." I think Counsel Nolan kind of agreed it was a political decision that was made. But since that time the money has increased, you know, again dramatically. So I don't know what happened in this year's budget, of course the Legislature is disagreeing with the County Executive, but I don't know whether those dollars worked out this time.

**MR. McCARTHY:**

Arty? Sondra, if I might?

**CHAIRPERSON BACHETY:**

Yes, please.

**MR. McCARTHY:**

Arty, is the -- was it -- were these funds supposed to be given outside of the district other than for the -- was it supposed to all go into the Police District originally for the purpose and then fund certain services that would be available at request outside the district?

**MR. CLIFF:**

No.

**MR. McCARTHY:**

How was it set up?

**MR. CLIFF:**

It was supposed to be -- you know, my understanding -- again, I had a different role at the time -- but my understanding, it was to augment instead of Fund 15 money, Police District taxes in the five western towns, it was to augment that, and they agreed to then give some to the east end. But of course the east end pays into the General Fund, so they do get certain police services by virtue of paying into '01, you know, homicide, major crimes and things like that.

So, you know, there was a misunderstanding, I think we heard it in Riverhead from Dave {Hergemiller}, the Chief there, there was some indication that Commissioner Dormer was going to charge municipalities; you know, if a sector car goes in to help you with a parade, that will be \$1.27, you know, a ridiculous way of administering Police justice or police enforcement anyway. So that has been pushed to the side, my understanding is, and they're just looking now to see if they can somehow work out what should be fair. The east end wants it based on population, they're about 10% of the population so therefore they want about \$9 million and they're getting about six.

**MR. McCARTHY:**

But it was just a subjective divvying up of the General -- of whatever amount in the General Fund, right?

**MR. CLIFF:**

Yes.

**MR. McCARTHY:**

It was, it was subjective.

**MR. CLIFF:**

It went into the police -- which are two funds, or at least two anyhow, 01 and 15, it went into the pot and then was allocated by --

**MR. McCARTHY:**

The Legislature.

**MR. CLIFF:**

No, actually by the budget.

**CHAIRPERSON BACHETY:**

No, the County Executive.

**MR. CLIFF:**

Yeah, the County Executive's Budget Office decided how much they would get and then the Legislature would agree with them or not.

**MR. McCARTHY:**

They would agree or disagree, yeah.

**MR. CLAYMAN:**

Sondra, there was a question that's arisen about this that's current now in the Town -- in Riverhead about the dispatchers and the elimination of their jobs. Because the supervisor believes that they're paying twice in the sense that they're paying the County for Police services and they're paying the dispatchers and he'd be just as happy to transfer them over to the County, but then the County won't keep the jobs. And I just -- I'll ask Arty, is that relevant to this discussion at all?

**MR. CLIFF:**

Well, yeah, partially. In the 01 Fund it does include 9/11 but, you know, Riverhead dispatches their own Police and they know the territory better and there's always that Riverhead function that wants to become Suffolk County Police, and they've done studies over the last couple of years to see whether that would be feasible or not, too, but never came to a conclusion.

**MR. CLAYMAN:**

I raised it because if that's -- once again, one where we could probably make a promise to you to quickly decide whether we believe it's important or not by the next time because I just want to see if it's relevant for the issue that's arisen.

**CHAIRPERSON BACHETY:**

I have no objection because I really am not familiar with everything that's been happening. I know it was brought up and I know the County Executive brought it up and there has been some other discussion. I don't know if that applies particularly to the Charter, but if it does I think then, you know, maybe that should be part of it.

So certainly, I would welcome any information that you have on that because it's not -- it doesn't seem that clear. So can I ask both of you -- can we do the little trio over there, maybe they can all come back with information on that? That would be great. Does anyone now have any questions on this or anything they want to know about it?

Okay.

All right, I had two more things; one is on here, one is not. I was asked why is it necessary to have a Charter Revision Commission every ten years. The County is older now, the Charter is fairly well established; is that truly necessary? So since it is in the Charter that it be every ten years, I just

wanted to bring it up and see what everyone's feeling was on that. It was a question put to me.

**MR. BRAUN:**

I'm not sure -- It may be -- I don't know the answer to this, but I was under the impression that it was a function of the Charter form of government that required a commission every ten years; I mean, Statewide, wherever there's a Charter form of government.

**CHAIRPERSON BACHETY:**

I haven't had time to look into it, I really don't know if it's required Statewide every ten years. I don't know if you can do it 15 or eight or whatever.

**MR. BRAUN:**

Or two, how about every two years?

**MR. CLIFF:**

Every two, we can just stay here.

**CHAIRPERSON BACHETY:**

Arona, could we please ask George Nolan what the law is? I know it says ten years in the Charter, but is it possible, is there a State requirement or anything else that requires the Charter Revision Commission to meet every ten years? I won't even tell you who asked me the question.

**MR. CLIFF:**

Who?

**CHAIRPERSON BACHETY:**

No, I'm not going to tell you. And I had no answer, so. Okay, and the one thing that -- and I'm going to open it up to all of you for corrections. But the one thing that came up here today, and I thought Dennis brought up before, too, in addition to following up with Arty, was the possibility of recommending a Charter revision to have a Department of Corrections. Whether that be a division, a department headed by a Commissioner or however. But it's an interesting thought and it certainly is something I remember we used to talk about a long time ago. So I don't know.

**MR. FUSCO:**

I have a question on that point.

**CHAIRPERSON BACHETY:**

Huh?

**MR. FUSCO:**

I have a question on that, with Arty.

**CHAIRPERSON BACHETY:**

Oh, absolutely.

**MR. FUSCO:**

Right now the structure is with -- Correction Officers are the guys who run the jails.

**MS. MAHONEY:**

You have to use the microphone, please.

**CHAIRPERSON BACHETY:**

You have to use your mike.

**MR. FUSCO:**

The Correction Officers are running the jails. Who's over them, who's in charge of the Correction

Officers?

**MR. CLIFF:**  
The Sheriff.

**MR. FUSCO:**  
So is in here de facto, Department of Corrections?

**MR. McCARTHY:**  
Yes.

**MR. CLIFF:**  
Yeah.

**MR. McCARTHY:**  
The point that I made, and I think Arty referred to it, was that we could keep the elected official, the Sheriff, and then break off from the Sheriff's duties the professional duties of the Corrections department.

**MR. FUSCO:**  
I just wonder if they had all that much to do other than when the two unions were fighting with each other before they made them Highway Patrolmen. You know, is there enough there to warrant that? Is there enough other functions, you know, for the Sheriff to do? Let's assume that the Highway Patrol thing gets straightened out and gets put back to where at least I think it should be, okay, and let's assume Sheriffs are operating as Sheriffs; do they have enough to do? Because right now they're working next to Correction Officers on the transportation of the prisoners and things like that, if I understand correctly, they're working in the prisons next to the Correction Officers.

**MR. CLIFF:**  
They do the transportation.

**MR. FUSCO:**  
Yeah. So is there enough there?

**MS. GIAMO:**  
Could I -- but I think we're leaving something out. Because having, unfortunately, the duty of having to enforce evictions, and particularly today, just from a real estate point of view, there sometimes is an extremely long wait to enforce evictions because they're just aren't enough Sheriffs to handle all the evictions, unfortunately.

**MR. FUSCO:**  
But we have enough to handle the highway, so.

**MS. GIAMO:**  
Well, I think at most right now they're really pretty stretched thin.

**MR. FUSCO:**  
Yeah.

**MS. GIAMO:**  
But that is a function, that's a very -- it's an important function and it's one that I think takes up a great deal of manpower. Knowing that -- you know, I've been unfortunately on the landlord side from that standpoint and having to wait for a Sheriff to be assigned to do it because there have been so many and, you know, that's -- it's sometimes a long wait.

**MR. FUSCO:**  
So would that change under a change in structure, though?

**MS. GIAMO:**

I don't know that. But you're saying -- you were talking about their duties per se, and it's not just corrections, you know, their duties are wider -- of a wider range.

**CHAIRPERSON BACHETY:**

Well, no, there's the Correction Officers who take care of the jail.

**MR. FUSCO:**

Right, but Sheriffs work there, too.

**MR. BRAUN:**

No, they are Sheriffs.

**MS. GIAMO:**

They are Sheriffs, the Correction Officers.

**CHAIRPERSON BACHETY:**

Not the Correction Officers.

**MR. FUSCO:**

No.

**CHAIRPERSON BACHETY:**

No, they're not, no. Correction Officers is one group.

**MR. BRAUN:**

They work for the Sheriff's department.

**MR. CLIFF:**

Right, they're peace officers.

**CHAIRPERSON BACHETY:**

But they're Correction Officers.

**MR. BRAUN:**

That's true, but they work under the Sheriff.

**CHAIRPERSON BACHETY:**

Then you have -- yeah, and then he has the Deputy Sheriffs that are supposed to be the civil part of the division, as I remember it.

**MR. FUSCO:**

Yeah, but they're also the transit part.

**CHAIRPERSON BACHETY:**

Well, that's civil.

**MR. CLIFF:**

Transportation, yes.

**CHAIRPERSON BACHETY:**

Yes, transportation, they drive the guys from one place to another.

**MR. CLIFF:**

And they serve -- and they also do domestic violence, which somehow they decided the Sheriffs to do that instead of the Police Department, which is another function.

**CHAIRPERSON BACHETY:**

Which I still don't understand; how did that get changed? Why did that get changed?

**MR. CLIFF:**

I don't know. Does the word politics work sometimes?

**CHAIRPERSON BACHETY:**

No. It's hard to believe. Okay. So what we have is if you talk to the Correction Officers union, they are the ones who -- they take care of the jail.

**MR. CLIFF:**

Sure.

**CHAIRPERSON BACHETY:**

They're the ones who, if somebody doesn't show up to replace them, they're locked in, too.

**MR. CLIFF:**

Right.

**CHAIRPERSON BACHETY:**

So those are the Correction Officers. And yes, the Sheriff does supervise or talks to the head of the Correction Officers. So if you created a Department of Corrections -- and I haven't even thought this through, so correct me if I'm wrong -- they would be responsible for the operation of the jail, as they are now, they just would have a different reporting mechanism.

**MR. McCARTHY:**

Yeah. The way I would see it, it would be the same as the -- they'd be answering to the County Executive.

**CHAIRPERSON BACHETY:**

Yeah, as the --

**MR. McCARTHY:**

You know, it's just like the rest of the --

**MR. CLIFF:**

Police Commissioner.

**MR. McCARTHY:**

The Police Commissioner or anybody else.

**CHAIRPERSON BACHETY:**

I'm sorry, Dennis. Kathy has to leave, she just wanted to know are we going to vote on anything.

**MR. FUSCO:**

Could we get Vito here to get his take on that?

**CHAIRPERSON BACHETY:**

I don't think we'll be voting on anything, so it's okay. Thank you, Kathy.

**MR. FUSCO:**

Sondra, could we invite Vito Dagnello here to just get his take on it and his input?

**CHAIRPERSON BACHETY:**

Sure.

**MR. FUSCO:**

Could we do that for the next meeting?

**CHAIRPERSON BACHETY:**

Arona, can you ask him? Tell him there was a discussion about creating a Department of Corrections and we'd like him to come and explain the way it works currently?

**MR. McCARTHY:**

Who is that?

**CHAIRPERSON BACHETY:**

Vito.

**MR. FUSCO:**

The head of the Corrections union, just to get their perspective on it.

**MR. McCARTHY:**

Well, I think we should -- has the Sheriff been here?

**CHAIRPERSON BACHETY:**

Yes.

**MR. CLIFF:**

Yes. He didn't want to be appointed, he wanted to stay elected.

**MR. BRAUN:**

And the Sheriff was here on the issue of whether he should be elected or not, but not on this issue.

**MR. McCARTHY:**

Yeah, right.

**MR. FUSCO:**

We can come back on this issue, too.

**MR. McCARTHY:**

Yeah, I would -- if you're going to invite the union person, I think you should invite --

**CHAIRPERSON BACHETY:**

The Sheriff too?

**MR. McCARTHY:**

-- the Sheriff, yeah.

**CHAIRPERSON BACHETY:**

All right. Tell him what it's about, though, that it's not related to him being elected or not; we've already decided he's going to be elected.

**MR. FUSCO:**

And is there someone from the Sheriff's union we should hear on that, Arty?

**CHAIRPERSON BACHETY:**

The Deputy Sheriffs? Well, why would they need to be?

**MR. CLIFF:**

Well, their function really wouldn't change. Their function wouldn't change with this. I think Commission of Corrections -- he currently -- Correction Officers are peace officers and then their promotion ladder includes Wardens and Deputy Wardens, and that would be the professionals in corrections who would work under the Commissioner of Corrections, whereas the Sheriff has his own Deputy Sheriffs which would be the civil function.

**MR. FUSCO:**

So would that take the Sheriff's chain of command out of the prisons, basically?

**MR. CLIFF:**

Sure.

**CHAIRPERSON BACHETY:**

Yeah, it's an interesting concept. So do you -- we'll talk about that at the next meeting?

**MR. McCARTHY:**

Arty, it's done like that in a lot of other jurisdictions that you know of?

**MR. CLIFF:**

Sure.

**MR. McCARTHY:**

That's what I thought. That was my experience.

**MR. BRAUN:**

Are we duplicating anything, are we having more assistance, more officers, more typewriters, more --

**MR. McCARTHY:**

What do I think? My feel about it is what you're doing is professionalizing it more.

**MR. BRAUN:**

Well, who's currently under the Sheriff who's in charge of the jail?

**MR. McCARTHY:**

Well, the Sheriff's in charge.

**MR. BRAUN:**

Under the Sheriff.

**MR. CLIFF:**

Under-Sheriff.

**MR. McCARTHY:**

Well, there would be a --

**MR. CLIFF:**

There's an Under-Sheriff.

**MR. McCARTHY:**

Well, yeah. But is one of the Under-Sheriffs, isn't an Under-Sheriff in charge of the jail? I don't think so. The Warden is in charge.

**MR. CLIFF:**

No, to my knowledge. It's the warden.

**CHAIRPERSON BACHETY:**

Yeah, Correction Officers.

**MR. McCARTHY:**

That's my knowledge, too.

**CHAIRPERSON BACHETY:**

Yeah, that's what I thought. We could have our next meeting at the jail, you might enjoy it.

**MR. McCARTHY:**

A tough place.

**CHAIRPERSON BACHETY:**

Well, it's interesting out there.

Okay. I have gone through my list. For those of you who got here a little bit later, next week we eliminated the possibility of the Sheriff, the Comptroller or the Treasurer's positions being abolished as elected positions, so that's off the table. The one that is still being discussed is the Suffolk County Clerk's Office. We had kind of a -- just to get an idea of how everybody felt, we did a canvass and the vote was almost even. So hopefully at our next meeting we'll have more people here before we take a position on that. And you'll have an opportunity to read the minutes and see what everybody said about it and think about it and see if you have any other things you'd like to do.

Does anyone have anything else that has been brought to their attention, that they've heard, that they would like to discuss as pertaining to the Charter?

**MR. BRAUN:**

(Inaudible).

**MR. FUSCO:**

No, we don't think it should be -- that's what she said, we're not going to change it. The Treasurer is separate, the Comptroller is separate, therefore it's elected.

**MR. BRAUN:**

Do we have a next meeting?

**CHAIRPERSON BACHETY:**

No, we're going to do that. But I just wanted to see if anyone had anything they wanted to bring up. Does any member of the commission have anything they would like to discuss, or that they feel we haven't covered adequately?

Okay, let's pick our next date. It will be in November, before Thanksgiving. What's the schedule on the meetings? I don't know if I brought it with me; I probably didn't. When do we meet, the third Thursday?

**MR. McCARTHY:**

Yes, which is Thanksgiving.

**MR. KENNY:**

The 20th would be the obvious date.

**MR. FUSCO:**

It's a Thursday?

**MR. KENNY:**

It's a Thursday.

**CHAIRPERSON BACHETY:**

Thursday, the 20th of November. It's the week before Thanksgiving. Is that a committee meeting week?

**MS. KESSLER:**

Which week?

**CHAIRPERSON BACHETY:**

November 20th.

**MS. KESSLER:**

Actually, it looks like it is. We have committees on the 20th and the 21st.

**CHAIRPERSON BACHETY:**

What time do the -- what's the last committee on that day?

**MS. KESSLER:**

On the 21st?

**CHAIRPERSON BACHETY:**

On the 20th, November 20th.

**MS. KESSLER:**

The last committee starts at 2 p.m.

**CHAIRPERSON BACHETY:**

That's no good.

**MR. FUSCO:**

Can we do Wednesday the 19th?

**CHAIRPERSON BACHETY:**

I'm sure they meet that day, too. Do they meet every day that week? Because the following week is Thanksgiving. Is there a Legislative meeting on the 25th? I'm just trying to get the schedule so we can see if we can put something in.

**MS. KESSLER:**

They meet on -- it says they meet on November 14th, November 10th, November 20th and November 21st. It's a funky schedule because of Thanksgiving.

**MR. BRAUN:**

How about the 13th, or is that too soon?

**MR. CLIFF:**

We can have Thanksgiving together.

**MS. KESSLER:**

Oh, the 13th we have committees as well.

**CHAIRPERSON BACHETY:**

You do?

**MS. KESSLER:**  
November 13th? Yes.

**CHAIRPERSON BACHETY:**  
Huh?

**MS. KESSLER:**  
On November 13th there are committees in here.

**CHAIRPERSON BACHETY:**  
Okay.

**MS. KESSLER:**  
I mean, unless we want to find another venue.

**MR. McCARTHY:**  
Sondra, how about if we -- how about if we see the availability of these people that we're looking forward to coming? You know, instead of -- you know, because -- and then regroup, you know?

**MR. FUSCO:**  
It's kind of hard, though. You want to get a meeting down.

**CHAIRPERSON BACHETY:**  
That's difficult. I mean, what do they have to do?

**MR. FUSCO:**  
We just have to get information; if Vito can't come he could send somebody else.

**CHAIRPERSON BACHETY:**  
I can't believe they -- what, four weeks notice or three weeks notice, they can't come?

**MR. FUSCO:**  
And if we tell them if the issue or the position, they can send us their position, you know, it doesn't matter who it is.

**MR. BRAUN:**  
You know what, Sondra? We're going to run into problems at the end of December as well, so why don't we skip November and go to the first week in December or something like that?

**CHAIRPERSON BACHETY:**  
I'll tell you why, because this is never going to end. I really feel that we're just -- we have such a minimal amount of -- minimal amount of things to do, and to get the report started -- and I know the Presiding Officer would love to have it, if possible, at the beginning of the year, or as early in the beginning of the year as we can. And if we take off November because that's a problem, then we're get in to December.

**MR. BRAUN:**  
Well, that's why I said the first week in December or so covers two months.

**MS. KESSLER:**  
I think November 19th this room should be available, that's a Wednesday.

**MR. FUSCO:**  
That's a good day, if we can make it.

**MR. CLIFF:**

All right.

**MR. FUSCO:**

All right. People are good with that, changing the day to Wednesday?

**CHAIRPERSON BACHETY:**

Wednesday the 19th.

**MR. CLIFF:**

Two, 2:30?

**CHAIRPERSON BACHETY:**

Is 2:30 a good time for everybody?

**MS. GIAMO:**

It's better than two.

**CHAIRPERSON BACHETY:**

Two thirty on the 19th. It's a Wednesday. Okay, we'll have a meeting then on the 19th of November.

I am going to -- I don't know yet how or who is going to write this report or how we're going to get it together. So I am very anxious to at least, you know, kind of understand what we need in it and what's going to happen. So anybody who has anything that they want or they feel strongly about, they'd like to look up or reread, I hope you will be able to get it done by the next meeting. Because I want everybody to have an opportunity to express how they feel about what we're doing and, you know, what their opinions are. And we will, if there is a difference of opinion, I strongly believe in stressing both minority and majority positions.

**MR. FENCHEL:**

(Inaudible) we make that a date in which everybody has to --

**MS. MAHONEY:**

I cannot hear you.

**MR. FENCHEL:**

Why don't we make that a date that everybody has to express their position on these issues.

**CHAIRPERSON BACHETY:**

On the few things that are left.

**MR. FENCHEL:**

Yeah. I mean, you know, that's it, so we can at least begin to determine a majority.

**CHAIRPERSON BACHETY:**

Just to get an idea of where we are and what we're doing, I think that would be helpful.

So I will -- perhaps we'll send out an e-mail, maybe next week. I'll meet with Arona, we'll get it together about those issues that are pending and to ask everyone to kind of formulate their opinion, speak to whomever they wish and we'll try to have the people here from the Department of Corrections; is that okay?

**MR. FUSCO:**

Sounds good.

**CHAIRPERSON BACHETY:**

Okay?

**MR. FENCHEL:**

Let me just understand something. The issue of the Comptroller and the Treasurer, that's one of the issues still open for --

**MR. CLIFF:**

No.

**CHAIRPERSON BACHETY:**

No, that's done.

**MR. FENCHEL:**

That's done?

**CHAIRPERSON BACHETY:**

We're not doing it. We're not recommending it.

**MR. FENCHEL:**

Okay.

**CHAIRPERSON BACHETY:**

That's not going to be in our report at all, other than to say the County Executive asked for it, but we said no.

**MR. FENCHEL:**

Okay.

**CHAIRPERSON BACHETY:**

Is that okay? I mean, if you have a different opinion --

**MR. FENCHEL:**

I still would like to express an opinion on that, on that issue.

**CHAIRPERSON BACHETY:**

You have any -- please believe me. I was a minority for many years, I'm a big believer in minority opinion. So anyone who has anything else that they wish to express is going to be reported.

**MR. FENCHEL:**

Okay.

**CHAIRPERSON BACHETY:**

Okay?

**MR. FENCHEL:**

All right. To me, that's still an issue that I'm not --

**CHAIRPERSON BACHETY:**

That's fine. I know, you're on the Federal end. Depending on what happens Tuesday, I may agree with you. Either that or I'm going to be in an insane asylum.

Okay. Everybody, that's it? Thank you very much. I'll see you next month. If you have any questions or if you want to call me or let me know anything, please feel free to do so.

*(\*The meeting was adjourned at 4:28 p.m. \*)*

{ } - Denotes Spelled Phonetically