

SUFFOLK COUNTY CHARTER REVISION COMMISSION

MINUTES

A public hearing of the Suffolk County Charter Revision Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on November 19, 2008.

MEMBERS PRESENT:

Sondra M. Bachety, Chairwoman
Robert Braun
Roger Clayman
Arthur J. Cliff
Ronald F. Devine, Jr.
Saul R. Fenchel
Victor Fusco
Jacqueline A. Gordon
Steven T. Kenny

ALSO IN ATTENDANCE:

Terrence G. Pearsall, Chief of Staff
William Shilling, Aide to the Presiding Officer
Arona Kessler, Presiding Officer's Office
Judith Pascale, County Clerk
Deborah J. McKee, SCAME
Judy Blank, County Attorney's Office
Vincent DeMarco, Sheriff of Suffolk County
Joseph Caracappa, Under-Sheriff of Suffolk County
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 2:54 PM

CHAIRWOMAN BACHETY:

Please note for the record that we do not have a quorum, but we will take testimony so that the members who are not here will be able to read it. And I'd like to start with Judith Pascale, our Suffolk County Clerk.

MS. PASCALE:

We have a member walking in.

CHAIRWOMAN BACHETY:

I beg your pardon?

MS. PASCALE:

You have a member walking in.

CHAIRWOMAN BACHETY:

I do?

MS. PASCALE:

Yes.

CHAIRWOMAN BACHETY:

Yay. Could we just get him to come in so we have a quorum.

MS. PASCALE:

Do you want me to wait?

CHAIRWOMAN BACHETY:

Yeah.

MS. PASCALE:

Okay.

CHAIRWOMAN BACHETY:

I'd love to get -- officially.

MS. PASCALE:

It's okay.

CHAIRWOMAN BACHETY:

Oh, here -- okay, we got a quorum. All right, we now have a quorum. So we'll open the meeting officially. Judy, thank you.

MS. PASCALE:

Thank you. I'd like to thank you for providing me the opportunity to once again address this Commission regarding the Office of the Suffolk County Clerk. As I stated at your June 12th meeting, the New York State Constitution clearly states that the Clerk of each County shall be chosen by the electors once in every three or four years.

Additionally, New York County Law is specific that there shall be elected a County Clerk; therefore, it's important to note that since the County Clerk is deemed a state constitutional officer and serves as the Clerk of Supreme Court, an amendment to the State Constitution would be necessary to change the status from elected to appointed. Excuse me.

Upon review of the minutes of your October 30th meeting, I'd like to correct and clarify some misinformation. The Nassau County Clerk is elected as are all the County Clerks in New York State with the only exception being in Counties of the New York City region, i.e. Bronx County, Kings County, New York County, Queens County and Richmond County who are appointed by the Appellate Division of the Supreme Court in the Judicial Department in which the County is located. These Clerks serve solely as Clerks of the Supreme Court.

Additionally, for purposes of recording land records in the same New York City region, there are officials called {remasters} and they're elected every three years. While it may be the opinion of some that the County Clerk's Office is strictly ministerial, I'd like to take this opportunity to enlighten the members of this Commission who may not be fully aware of the scope of responsibilities that fall under the Clerk's jurisdiction.

The Suffolk County Clerk's Office affects and services more residents of Suffolk County than any other County agency. Every deed, mortgage, lien, judgement, business certificate or incorporation, UCC document, civil and criminal court record, notary public and domestic registry is filed or recorded with my office.

The Clerk's Office is a major revenue provider for the County of Suffolk as well as a primary revenue collection vehicle for New York State. We collect mortgage tax for the State of New York, Suffolk County, the MTA, New York State Mortgage Agency and each of Suffolk's ten towns.

In addition, my office is responsible for collecting real estate transfer tax for the New York State Department of Taxation and Finance, court revenue for the New York State Comptroller, Commissioner of Education fees for the Commissioner of Taxation and Finance, New York State Cultural Fund fees for the Commissioner of Taxation and Finance, equalization and assessment fees for the New York State Equalization and Notary Public fees for the New York State Department of State. In addition, we remit the following fees to the Treasurer: County Clerk's fees, Real Property Tax Map Verification fees, Court Fund fees and Community Preservation Fund fees, which as you now only affects the five east end towns.

Through my office's use of innovative computer technology all towns, villages assessors have realtime access to County Clerk deed data and images for use in their respective offices. This is a significant process improvement over past practices whereby the former cumbersome paper process added significant latency to assessment workflow. Some towns, such as Brookhaven are now downloading the data into their computer system thereby eliminating the need for the double keying of repetitive data. This is another example of government agencies working together for the common good of the people.

Additionally, many prestigious awards and nominations have been bestowed on the Clerk's Office from prominent players in the information technology field. The Suffolk County Clerk's Office was nominated for the 2006 Computer World Honest Program Award, Federal Computer Week E-Government Institutes 2006 Knowledge Management Award, and we received the 2006 Best of New York Award for the Center for Digital Government for bringing government closer to the people.

The County Clerk also serves as a Records Management Officer for the entire County and is responsible for the safekeeping of over 60 million of the County's records housed in two facilities: Westhampton and Riverhead. As the County RMO, my office has been successfully aggressive in being awarded two SARA grants totalling \$150,000 for two consecutive years, enabling us to accomplish further back file conversions of our records from paper to electronic format at no additional cost to Suffolk's taxpayers.

A critical area of responsibility that does not fall under the ministerial is the issue of protection of personally identifiable information on public documents. With the exception of certain sealed court documents, most filed and recorded documents are deemed public information in County Clerk

Offices across New York State. The increase use of optical imaging and the internet, while technologically progressive, also raises the potential for identity theft.

As the Suffolk County Clerk, I have been the leading proponent in New York State both by direct personal contact with our state representatives and through the New York State County Clerk's Association to amend Real Property Law by granting County Clerks the authority to reject documents containing personally identifiable information such as social security numbers. While lobbying for these efforts in Albany, and we're hopeful that something will pass in January, as an interim safety precaution my office has taken the initiative to electronically mask any such information prior to document viewing by the public.

There are several important issues that this Commission must take under consideration. Valid points have been made as to the merits of revising the Charter to address those issues that undoubtedly affect the efficiency of government. And it's my understanding that the Presiding Officer charged this commission with eliminating contradictions and correcting things that aren't working.

Well, I'm happy to say that the County Clerk's Office is working just fine. And that there is no redundancy with other County departments or lack of efficiency. I've had the opportunity to listen to the testimony before this commission and review the minutes of its meetings. And I've yet to hear how appointing a County Clerk as opposed to electing a County Clerk would benefit the residents of Suffolk County. I hope I provided you with a better understanding and appreciation of the role of County Clerk and believe the responsibilities of the Office are as important as any other countywide elected official.

Additionally, it is critical that the County Clerk's Office continue as an independent countywide elected voice, thus allowing the Clerk to speak freely to the needs of the department, which is relied on heavily by both the real estate industry and the New York State Court System without restriction.

I also sincerely hope that after hearing a more detailed description of the myriad of responsibilities that fall under the County Clerk's purview, I have altered some who may be of the opinion that this is a dumb job. For 365 days a year, the Suffolk County Clerk is held accountable to the 1.5 million people of this County, and not just one elected official to run an efficient and cost effective branch of government while protecting their documents and doing everything legally possible to prevent instances of identity theft. I consider the mandate given to me by the residents of this County a privilege. I don't have one boss. I have one and a half million bosses. And for every minute of those 365 days a year, I do my utmost to make each and every one of my bosses confident that their government, particularly the Suffolk County Clerk's Office, is working for them and only them. Thank you.

CHAIRWOMAN BACHETY:

Thank you very much, Judy. In listening to you and since I do know the duties of the office, when you ran for office, were there any qualifications for you to run required by law?

MS. PASCALE:

I -- no. You know the answer to that, no.

CHAIRWOMAN BACHETY:

Well, I know I --

MS. PASCALE:

There are no qualifications. I mean, I think the qualifications that I ran on were the fact that I had been in the County Clerk's Office for almost 20 years.

CHAIRWOMAN BACHETY:

I understand that. I'm certainly not in any way questioning your background or the fact that you

ran and have been doing a very lovely job.

MS. PASCALE:

Thank you.

CHAIRWOMAN BACHETY:

My question really is, or when a person runs for office, you don't need any qualifications. You don't need anything. You need the public to like you, to think you can do a good job, variety of reasons. So in listening to the things, and I may be in the minority, that you did, I would like to know what would be wrong with having a set of requirements for the person after you to run that office; a background, an educational career path, something that would make them when you're gone qualify for that job.

MS. PASCALE:

Is that the caveat? After I'm gone? Is that --

CHAIRWOMAN BACHETY:

Well, not that you're going to your heavenly reward, but when you decide that you're not going to do it anymore.

MS. PASCALE:

I think that -- I can only speak for my personal experience. I know prior County Clerks, the County Clerk that I worked for for almost 20 years happened to serve as a Legislator.

CHAIRWOMAN BACHETY:

Yeah, I know that.

MS. PASCALE:

You know, does that make you qualify to be an administrator? I can't answer that question.

CHAIRWOMAN BACHETY:

I can.

MS. PASCALE:

All I can say is that I, you know, I spent 16 years in the County Clerk's Office. I was the Chief Deputy for a good portion of those years.

CHAIRWOMAN BACHETY:

But you see, you're answering me on your personal qualifications, which I'm not disputing. I guess what I'm really trying to say is, and for my opinion, having been a Legislator myself, I'm not confident that we always run the most qualified people to run for office. And I'm talking about the future. And that's really what I'm asking you. Are you telling me that someone who had to meet a requirement, had to be endorsed by the County Executive as well as the Legislature, that would not be a good idea if in fact we changed -- had a change to the New York State Constitution?

MS. PASCALE:

I can only tell you that I'm not going to change the political landscape in this County or in this state or in this country, okay.

CHAIRWOMAN BACHETY:

No, I know that.

MS. PASCALE:

I'm not in a position to do that nor do I think this body is. I can only tell you that I think that when you run for public office, as you know, from personal experience whether you run locally or countywide, I think you're held to a much higher standard. I think that the people of this County

are very, very smart. I think that they understand that if you -- and if you don't do a good job, you don't get reelected.

I don't think there's a big difference between if you're appointed and, you know, just because you're recommended by the County Exec and then you get -- you go before the Legislature and answer some questions, you know, does that make you more qualified or does that make you, you know, does that encourage people to run for office? I can't answer that question. And I think what you're saying is do we want to change the landscape. You know, there -- the only thing that I think we have a qualification for is the District Attorney who must be an attorney. So I mean as far as any of the other -- you know, unless we're going to start writing job specs like Civil Service jobs specs for elected office or for Legislator or for Councilman or for anything else, I, you know, I can't answer that question.

CHAIRWOMAN BACHETY:

No, no, no, absolutely not. Obviously I'm talking about a different kind of a job. But I appreciate your coming and telling us. Does anyone else have any questions? Okay. Thank you very much for being with us today.

MS. PASCALE:

Thank you.

CHAIRWOMAN BACHETY:

Okay. Debra McKee from AME.

MS. McKEE:

Good afternoon, Madam Chairwoman and members of the Charter Revision Committee. My name is Debra McKee. I'm the second Vice-President of the Suffolk County Municipal Employees Union and I speak on behalf of Cheryl Felice, President of SCAME.

Thank you very much for the opportunity afforded to the Suffolk County Association of Municipal Employees to address the issue regarding the possible transferring of the funding and responsibility for the Division of Insurance and Risk Management. Let's go back a few years. Had it not been --

MR. BRAUN:

Would you bring the mike a little closer?

MS. MCKEE:

Sure. Had it not been for a dispute between a prior Comptroller and a prior Deputy Presiding Officer of the Suffolk County Legislature, the Division of Insurance and Risk Management would still be part of the Comptroller's Office. Since the Workers' Compensation Program is an insurance program that provides for the benefits of our employees who are injured on the job, and the Comptroller's Office had the expertise necessary to administer the job and the realtime banking data, they were the perfect fit for the administration of the division.

But the administration of the unit was transferred to the Department of Human Resources, Personnel and Civil Service six or seven years ago and has faired well ever since. We don't see any reason to move it at this time unless that move is back to the Comptroller's Office. AME supports leaving it where it currently is and not causing any unnecessary uprooting of personnel or sustaining any cost that would be associated with it. Thank you.

CHAIRWOMAN BACHETY:

Thank you very much. Does anyone have any questions about that? Okay. Thank you for coming.

Okay. I know the Sheriff is supposed to be here shortly. Well, I guess we -- I know, I guess we could start with that.

THE AUDIENCE:

He'll be here momentarily.

CHAIRWOMAN BACHETY:

Momentarily.

MR. CARACAPPA:

Are there any other speakers, Madam Chair?

CHAIRWOMAN BACHETY:

I beg your pardon?

MR. CARACAPPA:

Are there any other speakers?

CHAIRWOMAN BACHETY:

Well, I wondered if we should have Department of Corrections speak prior to the Sheriff? Want to?

MR. FUSCO:

Well, Vito's here. He's been waiting.

CHAIRWOMAN BACHETY:

Yes. We'll start with someone. We'll start with Vito -- make me say it right -- Dagnello.

MR. FUSCO:

Dagnello.

CHAIRWOMAN BACHETY:

Dagnello, who is from the Department of Corrections. The unit of. Yeah, can't say department. Hi.

MR. DAGNELLO:

Good afternoon.

CHAIRWOMAN BACHETY:

Hello.

MR. DAGNELLO:

I want to thank you for allowing me and asking me to come down and speak on Department of Corrections. My name's Vito Dagnello. I'm President of the Suffolk County Correction Officers Union here in Suffolk. A number of years ago, there was a committee formed by the Legislature and the County Executive to study a Department of Corrections. I was on the record back then and there were professionals coming and speak on the issue. Not being a hypocrite, I'm still in favor of the Department of Corrections. I think it would add to transparency in government, being able to get a corrections professional, someone who's worked as a Correction Officer up through the ranks and knowing the corrections' law and administering the responsibilities of the Correction Officers.

I believe also it would streamline the department and save the taxpayers money. But under this current administration and this County Executive, I cannot other than what I've been on the record in the past of saying, recommend allowing this County Executive to pick the Commissioner of Corrections. I feel he would bastardize this department and jeopardize my men and women and put their lives in jeopardy.

I'd also say that in my 26 years as a correction officer, the department given the limited resources that we have from this County Executive, the Sheriff is doing the best he can with what he has been given. But this association and its member we are in favor of a Department of Corrections. So, being that said, I'd answer questions.

CHAIRWOMAN BACHETY:

Vito, how many Correction Officers are there?

MR. DAGNELLO:

830. Eight hundred and thirty, approximately.

CHAIRWOMAN BACHETY:

830.

MR. DAGNELLO:

And they've been working five years, 11 months without a contract. Okay.

CHAIRWOMAN BACHETY:

Okay. I can understand you getting that in.

MR. FUSCO:

Vito?

MR. DAGNELLO:

Yes.

MR. FUSCO:

Even under the present circumstances --

MR. DAGNELLO:

Yes.

MR. FUSCO:

-- if there were to be a change, isn't the idea of having a Corrections Commissioner having somebody who's close to the job that would really serve as an advocate with the County Executive that you as a union official, really kind of an adversary -- in an adversarial position; whereas you kind of need an advocate, too. Would that person -- do you conceive it being an advocate?

MR. DAGNELLO:

I'd be in a similar situation now as being, you know, but what that -- what it would bring is my members, they go through training to be a peace officer in the State of New York and in Corrections Law. And they're not being utilized in our opinion to the best of the ability that they're training. You have redundant in service -- you have Deputy Sheriffs who are Police Officers doing corrections work in our opinion. And Correction Officers not doing all the jobs that they're trained to do in other counties in this state. You have Department of Corrections in the City of New York, you have it in Westchester County also. And we just -- it would better serve the taxpayers, I believe, we believe, in the studies that we have done and looked at. I'm also the Chair of all the County Correction Officers in the State of New York and I speak with all their members, so.

CHAIRWOMAN BACHETY:

Could you just tell us some of the duties that you feel that the Corrections Department should be doing as opposed to Deputy Sheriffs?

MR. DAGNELLO:

Well --

CHAIRWOMAN BACHETY:

I know you're not patrolling the highway.

MR. DAGNELLO:

No, no, no. And don't want to.

CHAIRWOMAN BACHETY:

I know you're not doing that.

MR. DAGNELLO:

Care, custody and control of the inmates are what we receive our training for and that's our mission and our responsibility. We have the courts. You have transporting of prisoners. Not to say that, you know, at the time that was instituted the way it was -- the department was put together that that's what was called for. We feel like Nassau County, which has an appointed Sheriff, their Correction Officers are doing transporting and all those responsibilities I said. New York City, who has a Commissioner of Corrections does and has all those responsibilities and so does Westchester County. So those are some of the jobs that Corrections would be doing.

MR. FUSCO:

Vito, from a structural standpoint, it would seem that there is going to be a Commissioner of Corrections other than, like you said right now. Put right now aside and look towards the future, because everything we're doing is looking down the road really. We're just chatting up here off the mike and really can't envision how you could have a Commissioner not appointed by a County Exec like the Police Commissioner's appointed by the County Exec. Some people like him, some don't, but it's an appointed position. What would you envision would be the best of all possible worlds? How would you do it?

MR. DAGNELLO:

I would have more than one person deciding who that person is going to be. Okay.

MR. FUSCO:

The Legislature would have to confirm, but even so --

MR. DAGNELLO:

But confirming and having input into that is two different things. Okay. Having input of --

MR. FUSCO:

So how would you do it? How would you recommend we write it up if we were to recommend that, how would you do it?

MR. DAGNELLO:

Putting the committee together and putting, you know, requests out there for background, conducting hearings to determine if the person is qualified and the best person for that position.

MR. FUSCO:

Should that be a Civil Service position then with criteria as opposed to an appointed position like the Police Commissioner?

MR. DAGNELLO:

Well, you would hope that that individual had the knowledge of working through the ranks, whether it's this department or a different department. But has worked all the positions as a correction officer up through the ranks and had different responsibilities in the departments that they worked for.

CHAIRWOMAN BACHETY:

I know Artie Cliff has some questions.

MR. CLIFF:

Yes. Vito, my thoughts along this in conjunction with the Police Commissioner was as, you know,

the Legislature in the past, you know, maybe some 30 years ago, the Legislature would appoint a Commissioner of Corrections in addition to, again, for a separate topic, Police Commissioner appointed by the Legislature for a fixed term.

MR. DAGNELLO:

Right.

MR. CLIFF:

To allow some autonomy and independence. Would that solve in your mind some of the problems that you think would be, you know, currently facing?

MR. DAGNELLO:

Just like I said, you would have more than one person looking into criteria of the person plus you're putting a term to it so they would have to produce and do the best they could at that job and be held accountable for the time that they're there.

MR. CLIFF:

All right. So, you know, that's something we certainly could look at. But getting back to the size of Corrections, 830 you said. And what is there --

MR. DAGNELLO:

800 and -- right, approximately 830.

MR. CLIFF:

How many Deputies? You're saying about 250, 230, something like that also?

MR. DAGNELLO:

Right around there, yeah.

MR. CLIFF:

All right. So that in my vision I think what you would like to see with it is that to have the current promotional ladder in the Department of Corrections, you know, Deputy Warden, Warden continue, where that person could possibly, you know, become the Commissioner of Corrections, you know, depending on the criteria written into the --

MR. DAGNELLO:

Criteria set up by the body that is a --

MR. CLIFF:

By the Legislature or this committee recommending it to it.

MR. DAGNELLO:

Yes, yep.

MR. CLIFF:

Okay, good. Thank you.

MR. FUSCO:

Vito, the Commissioner's not always a panacea though. I mean, right now if you talk to the PBA they're not exactly in love with their Commissioner. How would that, you know, solve --

MR. DAGNELLO:

In a real world you're always going to have that clash between the union president and management. Okay. Very rarely do you have the opportunity to enjoy the luxury of all being on the same page.

MR. FUSCO:

How would you be better off?

MR. DAGNELLO:

Management has a job to do and we have a job to do, so.

MR. FUSCO:

Right now if there was a Commissioner, how would you be better off?

MR. DAGNELLO:

My members would have more of a career ladder. There would be a light at the end of the tunnel. Right now there are four walls. That's where their job is, inside a jail. If I happen to be working inside the facility, my 26 years would still have me sitting watching inmates wake up, play cards, watch TV, tell them to mop the floor, got to go to court. For the most part my members, the senior officers that have been there 15 years, that's what they're doing. And, you know, when you work a job you try to better yourself and get to a position where you're not doing that and you're doing something more productive, if you want to say, so.

MR. KENNY:

Would part of that ladder be transport? Is that what you're suggesting?

MR. DAGNELLO:

It could be, yes,

MR. KENNY:

Okay.

MR. FUSCO:

In which direction?

MR. DAGNELLO:

Up. Well, when you're sitting there watching society's castoffs and most of the time when they wake up in the morning, they take their do-rags and most of the time it's underwear, cut up and wrapped around their heads, so they can have something to keep their hair in place, that's what we do. We maintain the care, custody. We stop fights between themselves.

CHAIRWOMAN BACHETY:

I don't think anyone ever thought --

MR. DAGNELLO:

It's not a glamorous job and it's a dangerous job.

CHAIRWOMAN BACHETY:

No, it certainly isn't. No. And you still get locked in if you don't get relieved; right?

MR. DAGNELLO:

That's right. Still got forced overtime. And that's, you know, this Sheriff is doing the best he can with the resources that he has in keeping the peace out there.

MR. BRAUN:

With the same level of resources, why would a -- having a separate department alleviate those very same problems? Why would that be different?

MR. DAGNELLO:

Not to say -- there might be better answers or communications between the Commissioner of Corrections, cooperation between other departments. You always have, you know --

MR. BRAUN:

In other words, you think that Corrections is treated like a stepchild in some ways now?

MR. DAGNELLO:

Absolutely. There's no question Corrections, our profession, is the stepchild of law enforcement.

MR. KENNY:

Could you explain the role of the -- of an appointed Sheriff if that's the model in Nassau?

MR. DAGNELLO:

I'm not advocating an appointed sheriff at all here.

MR. KENNY:

Well, tell me how you envision, then, we now have 250 Deputy Sheriffs, is that correct, who do the transport? Is that correct?

I'm sorry, I thought it was on. The button's on. Here we go.

So the ladder, to me, the only way I could envision it is a merging between the Deputy Sheriffs and the Corrections Department so that there would be a ladder from Corrections to Deputy Sheriff or to transport.

MR. DAGNELLO:

Deputy Sheriffs are trained Police Officers.

MR. KENNY:

Yes.

MR. DAGNELLO:

Okay. Correction Officers are trained peace officers. Okay. And there's different jobs that each can do. I'm not looking to do any type of job a Police Officer does. I'm not trained in that.

MR. KENNY:

Yet, you're suggesting that the ladder include transport, which is now the responsibility of the Deputy Sheriffs.

MR. DAGNELLO:

In Suffolk County.

MR. KENNY:

Suffolk County.

MR. DAGNELLO:

Nassau County it's Correction Officers. New York City it's Correction Officers. Westchester County it's Correction Officers.

MR. KENNY:

Right. And that's my question.

MR. DAGNELLO:

Rockland County --

MR. KENNY:

What happens to the Deputy Sheriffs if then that becomes your ladder?

Do you envision an integration --

MR. DAGNELLO:

There are many jobs that --

MR. KENNY:

-- an integration of the Deputy Sheriffs with Corrections so that there is a ladder?

MR. DAGNELLO:

In some Counties you do have that, but in -- here in Suffolk you don't. There are jobs Police Officers are trained to do and in my opinion and -- they should be doing more police stuff.

MR. KENNY:

The Sheriffs should be.

MR. DAGNELLO:

Yes.

MR. KENNY:

And less transport.

MR. DAGNELLO:

In my opinion, yes.

MR. KENNY:

Okay.

MR. DAGNELLO:

I mean, I've testified at hearings before on my opinion and in light of this County and this administration now, I'm not sitting here advocating that this should be done right now.

MR. FENCHEL:

If I may ask a question. Is -- are the Correction Officers a separate bargaining unit right now?

MR. DAGNELLO:

Yes, we are.

MR. FENCHEL:

For purposes if you will, economic purposes, you have a separate bargaining position from the Sheriffs?

MR. DAGNELLO:

Yes.

MR. FENCHEL:

Are the pay scales different?

MR. DAGNELLO:

Extremely different right now. Well, my members are working under '03 salaries.

MR. FENCHEL:

I mean, other than the fact that, you know, these contracts go on --

MR. DAGNELLO:

Prior to that, yes, they were comparable.

MS. GORDON:

This opportunity for upward mobility that the transport would provide, aside -- one, how many positions or how many levels would this provide, one?

Two, is there any other aside from transport and then a Commissioner, what other levels like -- I need to -- I'm not getting the big picture. I'm not getting exactly what -- how beneficial or what the benefit that you're looking for outside of mobility to, you know, to increase your level maybe in Corrections.

And the other thing too that I think you have to --

MR. DAGNELLO:

It --

MS. GORDON:

-- keep in mind -- hold, just let me finish this thought, is that this Commission looks at the Charter over ten-year periods so right now this administration's there, but we can't really make decisions based on the current administration. We have to make decisions based on what's good for the County because, you know, in the next election there might be different administration and four years after that, however, the Charter might still be in place.

So we can't really look at the current administration. We need to look at what would benefit the citizens of the County.

MR. DAGNELLO:

I'll just say this, Correction Officers go through approximately a three month academy. Deputy Sheriffs, they go through a six month academy. They have training to be Police Officers. We have training to be Peace Officers and Correction Officers. Right now you have Police Officers in my opinion doing Corrections work, transporting prisoners. And they receive a higher level of training than we do. So, you have to correlate that there is a cost savings there on doing that. There's no way you can say it's not.

MR. FUSCO:

I have a question, Vito.

MR. DAGNELLO:

Yes.

MR. FUSCO:

In the city, you know, it's Correction Officer then Corrections Captain, and Deputy Warden, then Warden. What is the career path here?

MR. DAGNELLO:

Correction Officer One, then you have Sergeant, have a Lieutenant, Captain, Deputy Warden and then Warden.

MR. FUSCO:

So it -- Wardens generally come out of the ranks?

MR. DAGNELLO:

Yes. Promotional exams through Civil Service. All of those positions are.

MR. FENCHEL:

I just have a question, who would coordinate the difference between the Sheriffs's duties and the Correction Officers? At some point there has to be a separation. Who would make that decision? Is

there somebody that you propose would actually make that determination? There has to be some coordination.

MR. DAGNELLO:
On the job duties?

MR. FENCHEL:
Day to day, on the ground.

MR. DAGNELLO:
Oh, the Warden is in charge of the Corrections Division. And you have a Chief Deputy who's in charge of the Deputy Sheriffs. And you have two Under-Sheriffs that oversee those two functions and the Sheriff who oversees all of that.

CHAIRWOMAN BACHETY:
Who does the Warden report to?

MR. DAGNELLO:
The Under-Sheriff and the Sheriff.

CHAIRWOMAN BACHETY:
The Undersheriff, okay.

MS. GORDON:
Is there a special -- is there train --

MR. DAGNELLO:
I mean, you have the Department sitting behind me.

CHAIRWOMAN BACHETY:
I know, I see.

MR. DAGNELLO:
I'm hoping I'm not getting things too messed up. We do have a decent relationship and I want to continue that.

CHAIRWOMAN BACHETY:
It's never personal.

MR. DAGNELLO:
Okay.

MS. GORDON:
Is there any specific training that the Sheriffs receive as far as transport as opposed to guard? Is that why Sheriffs transport because maybe Corrections are only trained to do static guard as opposed to transport guard?

MR. DAGNELLO:
There's additional training that would be needed, but not extent of more than a week if that. That could be incorporated into the amount that we have. I mean, the basic guarding of prisoners and care, custody we receive that training already.

CHAIRWOMAN BACHETY:
Okay. Anyone else? Thank you very much. Do you --

MR. BRAUN:

Yeah, I'm still not clear on why other than for budgetary reasons and expanding the role of the Corrections Officers, perhaps to include transport, why a separate department would solve that issue rather than being within the department it's already in?

MR. DAGNELLO:

You would -- the person that would be in charge would be more accountable, more transparent, I believe. You would have more people watching the job you're doing.

MR. BRAUN:

Okay. All right. Thank you.

CHAIRWOMAN BACHETY:

Thank you very much for coming and being so honest.

MR. DAGNELLO:

All righty.

CHAIRWOMAN BACHETY:

Thank you. I appreciate it.

MR. DAGNELLO:

That gets me in trouble.

CHAIRWOMAN BACHETY:

It always does. Okay. I see the Sheriff has arrived. Sheriff DeMarco.

SHERIFF DeMARCO:

Good afternoon.

CHAIRWOMAN BACHETY:

Hi.

MR. DeMARCO:

It's my understanding we're here just addressing the Department of Correction issue and not necessarily appointed Sheriff. Is that correct?

CHAIRWOMAN BACHETY:

No. We took a vote on the appointed Sheriff.

MR. DeMARCO:

Okay. I just wanted to be clear because reading the minutes it wasn't super clear.

CHAIRWOMAN BACHETY:

No, no. I think we defeated that idea.

MR. DeMARCO:

Okay.

CHAIRWOMAN BACHETY:

Okay.

MR. DeMARCO:

Let me start by saying that the concept of the Department of Correction is not new in Suffolk County. In 2000, the Legislature did a feasibility study and the conclusion was that a Department of Correction would result in significant duplication and be a considerable expense. But I'll talk about that a little more later.

In these uncertain economic times, it is important to have a clear and precise understanding of the fiscal consequences of a Department of Correction in Suffolk County. We are at a time when consolidation, mergers, downsizing and civilianization are commonplace in New York State as well as the country. A Department of Correction would create another layer of government and tear apart one of the most efficiently run and distinguished Sheriffs Offices in New York.

The Suffolk County Sheriff's Office is a professional law enforcement agency. And the management staff has over -- has a combined 250 years of correction experience. Warden Ewald is here, has been here 23 years, Deputy Warden Rubacka, 31, Deputy Warden Hervan, 30, Warden Murphy 20 and Deputy Warden Conover, over 30 years.

And our Correction Officers are some of the most professional in New York State. They receive more than two times the required training that New York State mandates. And they do a lot more than just watch prisoners in cells and watch them put their do-rags on and the stuff that Vito said. I think they do a lot more than that. We have a gang intelligence unit that's staffed by Correction Officers. That every inmate that comes through the doors is -- that has a possible gang affiliation is interviewed by this unit and it's recorded and put into a database that's shared with the County Police Department and the District Attorney's Office. We have a Security Unit -- also, let me tell you, the gang people have the -- the title of investigator, which is a designation that affords them more money and it's a plainclothes position.

The Security Unit has the same and they're responsible for the safety and security of the facility when it comes to, you know, they develop jailhouse rats or informants, so to speak and develop intelligence to prevent escapes. They also get information from inmates that could solve a possible crime that the Police Department is working on or the District Attorney's Office and that that information is funneled over to them.

We also have a Correction Officer who's assigned to a joint tax force with Rikers Island, New York City Corrections and the New York City Police Department. We have a -- this actually is the same investigator that's also assigned to the Suffolk County Police Department Intelligence Unit to work over there with their detectives.

And there is also under my administration more and more -- we're trying to find more jobs for Correction Officers to do that get's them out of the facility. We're working on a program right now to have Correction Officers bring inmates over to the Calverton National Cemetery to take the veterans that are in a facility and bring them over to Calverton and work with the understanding that the national cemetery is going to give them first crack at a job when they get out. And most inmates that are in a jail -- in jail don't have jobs and that's the one thing they need when they get out to get their lives back on track.

We also have Correction Officers assigned to our Internal Affairs Division, our Medical Evaluation Unit, the County Attorney Unit that works with the County Attorney to work on lawsuits against the Sheriff's Office. I mean, we have a canine -- Corrections has a Canine Officer and that's going to be expanded to two because the facility in Yaphank is growing, as you all know.

But anyway, I would put my Corrections management staff against anyone in the country. And the Suffolk County -- in New York State there are 62 County jails. And the Suffolk County Correctional Facility is one of only 20 to have earned accredited status from the nationally recognized New York State Jail Accreditation Program in which 121 standards of excellence are met.

The Sheriff's Office runs an Alternative DWI Rehabilitation Program that has become the standard for the rest of New York State. We have innovative, proactive and widely emulated programs. And the Sheriff's Office runs a very professional and progressive correctional facilities and we are recognized for it.

And I've read the minutes of this Commission. And I have yet to see anyone put on the record a good reason why Suffolk County should dismantle the Office of Sheriff in favor of a Correction's Commissioner, an appointed Sheriff or any combination of the two. And I think that's because there's no evidence that any of these proposals would be efficient. And we can look to our -- as a matter of fact, the evidence points that it be more expensive, and we can look to our west and north for proof. Nassau has an appointed Sheriff for all intents and purposes is a Corrections Commissioner. There are only 40 Deputy Sheriffs in Nassau and over a 1000 Correction Officers.

New York City has an appointed Commissioner of Correction as does Westchester. The three Counties I just mentioned have the highest cost per employee, per inmate and per capita population in the state. And they're all run by appointed Commissioners. They're the three most expensive correctional operations in New York State. And they are three of the most expensive in the country. In the late -- oh, with the exception of New York City, which has more inmates than some states, these other places have less inmates, more officers and they cost more money than Suffolk.

In the late 1990's Westchester was run by an appointed Commissioner who ran the place into the ground. There were incidents where inmates locked Correction Officers in jail cells. On any give day, one-third of the staff scheduled to work did not show up. They were 35% above the national average in regard to comp cases, yet they never implemented a system to monitor and manage sick leave abuse or Worker's Comp abuse. And a few years later, when a new County Executive came in and realized the mess and dysfunction he inherited, he replaced the Commissioner with the Director of Probation. And one of the first things that he did was come to Suffolk County -- to the Suffolk County Sheriff's Office for help. And they adopted our model for sick time and Comp abuse and they're now moving in the right direction.

In Nassau in 2004, the person appointed to run the Correctional facility was the former Chief of the New York City Department of Correction. In his first four years, overtime increased by 100% and an audit uncovered a pattern of uncontrolled cost and an overall failure to supervise personal time and vacation leave. The report said there was serious administrative failure at the Correctional facility. And that the -- Nassau's financial health depended on the Correctional facility being well managed.

After seeing the audit, the County Executive admitted that his own handpicked Commissioner did a poor job of dealing with the issues. And this is at a time when Nassau was under a financial control board. The gentleman should have lost his job, but the County Executive let him continue until the day he retired. If he was elected by the voters he would have been put into retirement a long time ago. The appointee before him swept everything under the rug in order to avoid criticisms that might make the County Executive who appointed him look bad. And what they wound up with were federal criminal indictments, federal civil rights violations. And similar things have happened in New York City and Westchester. They have all at one time been under federal consent decrees. The feds come in and tell the appointed Commissioner how to run the jail because they either didn't know how or they didn't -- they weren't independent enough to tell the appointing authority, this is how we have to do things here. You know, this is not what I want to see in Suffolk County.

Orange County, California did a feasibility study on a Department of Correction and it was concluded that there would be considerable expense and no economic benefit to a Department of Correction. In San Diego County, a similar study was done and the conclusion was that there would be a negative fiscal impact on the County and Department of Corrections are not a panacea for correctional programs.

And right here in Suffolk in 2000, the Legislature did a feasibility study on a Department of Correction. And it was concluded that there would not be a cost savings in the breaking up the department because it would require significant duplication and that duplication tends to be expensive. Around the same time of the study, Legislator Steve Levy, who is now County Executive who's quoted in the newspaper article about a Department of Correction, he said creating a Department of Correction would be duplicating services.

In New York State, only three Counties out of New York City have a Department of Correction and the trend is moving away from them and putting everything back under the Sheriff. In Erie County, they used to have an appointed Corrections Commissioner and an elected Sheriff. A few years ago when Joe Giamba become the County Executive, Erie County taxpayers paid one of the heaviest cost per inmate in the state. Erie was on the verge of a financial control board and the County Executive was looking for ways to streamline government and cut costs. He said there would be significant savings in consolidating the Department of Correction back into the Sheriff. And he admitted that the Department of Correction had been a failure and now all Corrections are under the Sheriff.

In Onondaga County there is an appointed Corrections Commissioner and an elected Sheriff. And the past two County Executives have asked the Sheriff to take control of the Correctional facility, but the Sheriff has refused fearing that there's a lack of political and financial will to clean up all the problems that were created by the appointed Commissioner.

The New York State constitution says that every County outside of New York City must have a County Sheriff. Suffolk will still have to have a Sheriff's Office, which means that any new department that is created will have to have its own Internal Affairs Unit, Medical Evaluation Section, Quartermaster Section, Administrative staff, Budget Section, Payroll Section, Accounting Section, Grants Section, Public Information Section. The Sheriff's Office would have to relocate its current building so that the Department of Correction could move in so you'd have to adjust capital cost, construction cost as well. You know, I can go on with the duplication of stuff like that, but, I think, you know, I think I made the point.

And since simple economics tells us that by having a single administration, the Sheriff's Office can provide the most cost effective service. Cost effectiveness increases the likelihood of tax stabilization, which is of the utmost importance in these extremely grim economic times.

And I just wanted to go back to my previous testimony when I was here in May or June and just point a few things out. The Suffolk County Sheriff's Office budget is approximately \$122 million, which is only 4% of the County's \$2.7 billion budget. About 101,000 of that is strictly inmate related and for Corrections. Nassau County's budget, about \$150 million is -- goes for Corrections. So that's about \$48 million difference. And remember they have less inmates than we have. Westchester's budget is about 128 million that goes for Corrections. And so that's a \$26 million difference.

And one other thing I want to point out, NYSAC, which is the New York State Association of Counties, has been lobbying for the last few years to create consolidation of everything, of departments, special districts, everything, not breaking things apart. So we'd be working against the trend in New York State.

CHAIRWOMAN BACHETY:

Okay. Let's have questions. Artie.

MR. CLIFF:

Yeah, I have one. Vinny, it was a great job. A good summation of all of it and it brings a lot of numbers into play. Did you testify before that committee in 2000 by any chance?

MR. DeMARCO:

I did not, no.

MR. CLIFF:

No, okay. Who was the president then that did?

MR. DeMARCO:

I was the president, but I wasn't the voting member on it. It was actually Joe {Miracs}. Probably you? I don't even remember if it was him to be honest with you.

MR. CLIFF:

Nobody wants to say. Okay, yeah. All right. In the Westchester cases that you speak about, those are appointed by the County Exec, Westchester Commissioner of Corrections?

MR. DeMARCO:

I believe he is.

MR. CLIFF:

Yeah, well, the concept we were talking about was somebody that perhaps would be appointed by the Legislature to a fixed term. So it would not be one individual that would be making a decision on who the Commissioner of Corrections would be, which is one of --

MR. DeMARCO:

Right. But actually my point in all that was, which I forgot to bring out, was that you don't always know what you're going to get. The Westchester Commissioner was actual a 27 year Correction professional who -- resume would have looked impeccable to the Legislature or County Executive, whoever the appointing authority was and the same with Nassau. You know, on paper it looks wonderful.

MR. CLIFF:

But that looked the same way for the Police Commissioner here, too, but that's a different story.

MR. DeMARCO:

Right, right. Well, yeah. Well, my thing is that elected officials are more accountable. And, you know, the public should decide whether this guy's more qualified or this guy's more qualified. And that's the whole part of elections. And I think it should be up to the voters to decide who's doing these jobs. I mean, Thomas Jefferson called the Office of the Sheriff the most important executive office in the country.

CHAIRWOMAN BACHETY:

Did he? Were you there?

MR. DeMARCO:

I was not there, but I read it. And also another little tidbit, Grover Cleveland, was actually the Sheriff of Erie County before he became the President of the United States.

MR. BRAUN:

And look where they are today.

MR. DeMARCO:

Who's that?

MR. BRAUN:

Erie County. I do have a question, though.

MR. DeMARCO:

Yeah.

MR. BRAUN:

A point was made by the union earlier that their transport function should be theirs, the Correction Officers rather than the Sheriff's Officers. How are -- first question is, why isn't it? And second question is, how is that kind of a decision made; what's it based on?

MR. DeMARCO:

The Civil Service really made the decision a longtime ago if you read the job specifications for both

jobs. It spells out what their specific duties and its tasks are. And as far as -- also I forgot to do -- one thing I forgot to do is the career ladder for a Correction Officer, because I actually have the specific number so you have a better idea, we have 78 Correction Sergeants, 23 Lieutenants, five Captains, three Deputy Wardens, two Wardens of which I created another Warden position because the facilities are so big now that we -- I felt that when the new facility comes on line we should have one for each. And the Chief of Staff position is competitive between -- it's a competitive Civil Service test that Deputy Sheriffs and Correction Officers can take. And it's done both ways. It's been a, you know, Correction Officers who have been promoted to that position and Deputy Sheriffs.

MR. BRAUN:

So if there were a separate Corrections Commissioner, the Civil Service requirements for the job wouldn't necessarily change?

MR. DeMARCO:

Well, no. I think they might be able to rewrite them and then there'd be -- I'm sure there'd be labor disputes and PERB and everything else that was --

MR. BRAUN:

Are there currently salary disparities between people doing the transport and the people in the facilities?

MR. DeMARCO:

Well, actually Correction Officers have been out of a contract for five and a half years, which I want to go on record here and say that that is a travesty. And I will say that for people who have been without a contract that long, they show up to work everyday and do a professional job and it's really amazing the job that they do under these conditions because it's frustrating. And there's been other places in the country and the state where a labor dispute like this has been dragged out and the officers have either slowed down or done sickouts, but our Correction Officers are a lot more professional than that.

I already forgot your question. Say it again.

MR. BRAUN:

The question was other than the fact that--

MR. DeMARCO:

Oh, oh, the salary. Okay, yes.

MR. BRAUN:

-- the salaries.

MR. DeMARCO:

Yeah, well they've been out of a contract for five-and-a-half years. But I suppose when they do catch up and get to the same year that the Deputy Sheriff's are, Correction Officers usually make a little more than Deputy Sheriff's and their hourly rate is actually a little bit -- more significantly higher than the base salary disparity. That's because that -- they work a 75 hour work and the Deputies work an 80 hour week. So their hourly rate's higher. So when they work overtime it's worth a lot more.

MR. BRAUN:

Thank you.

MR. KENNY:

If I could.

CHAIRWOMAN BACHETY:

Steve Kenny.

MR. KENNY:

I have a few comments. First of all, Mr. DeMarco, I thank you for a very informative presentation. In thinking about you and the previous speaker, Ms. Pascale, I sometimes wonder having run for office myself, why people are so anxious to run for office. When I think, at least, my intent in reviewing a reorganization would be to professionalize. I do admit that I'm an academic and I look at the research. And most of the tendency in terms of improving professionalization is, is to eliminate the number of elected positions below those that are directly involved with the executive or legislative branches except in those instances where you need a check and balance or independence that sort of justifies it.

So I, you know, to me in both cases if I'm thinking of professionalizing through appointment and both for Ms. Pascale and yourself, you know, to me it would be a situation where we've got two great people and let's professionalize those offices and let those two people do their job without the necessity of elections and be able to continue over the long-term doing that great job. So to me it's not an issue of, you know, removing people from a position and -- it's trying to create a better functioning and more professional department.

But what I get out of your discussion a little bit, I mean setting that aside, I mean that's kind of my bias. My confidence in terms of -- and again the research shows this, my confidence in terms of the electorate, being able to make choices in professionalized positions like yourself, to me is once they get passed the legislative positions, there's a tendency for people to vote horizontally across the line. They don't have knowledge -- I know when I get to the judges, I don't know any of the judges. I mean I'm a victim of that my -- you know, I'm guilty of that myself. So, you know, that's what most of the research says, give the accountability to the elected officials who make the policy, set the policy and allow those people to make some judgements about the professional departments and positions. And that's why I lean in that direction. But I think both and you Ms. Pascale are representatives of very professionalized offices and would prefer to see that continue. Although my preference would be as an appointed position.

But you did raise the issue of consolidation. And I'm wondering if there isn't an alternative position in terms of more integration and merging of the Corrections Department and the Sheriff's Department.

MR. DeMARCO:

Well, we don't have a separate -- you mean -- merging of what? Because we don't have a separate Corrections Department. Right. I mean I'm not quite -- right.

MR. KENNY:

Well, okay. Well then creating more of a seamless transition from the Corrections positions to the Deputy positions.

MR. DeMARCO:

I'm actually a hundred percent in favor of something like that. Logistically it is a little more difficult than just saying that because you have two different labor contracts, you have civil service hurdles to get over. And you'd have to have an additional -- a mechanism that you have additional training. It's not something that hasn't been thought about and isn't thought about, you know, on occasion. And some research is done here and there on it. And, you know, I think in the future, you know, I don't know when that that's probably going to be addressed somewhere because it does give you a lot more flexibility as a manager and --

MR. KENNY:

Isn't that our role, to address reorganizational --

MR. DeMARCO:

Yeah, but that's not something for the Charter Commission to -- that has nothing to do with the Charter. That would be a function inside of the Sheriff's Office.

MR. FUSCO:

Do you envision one core, one department in Suffolk County where Corrections and Sheriffs are really one department as a career path?

MR. DeMARCO:

Well, they are one -- they are under one --

MR. FUSCO:

Between them, though? A career path between --

MR. DeMARCO:

I could envision somewhere down the road having one title of just Deputy Sheriff and --

MR. FUSCO:

But Vito is saying one's a peace officer, one's a police officer.

MR. DeMARCO:

Well, that's why I also said you have to, you know -- actually if you just -- by law if they became Deputy Sheriffs, they would become police officers and they'd be a training -- a mechanism to make up whatever training that they needed to catch up. And that's where -- you know, that's an issue that would have to be thought of.

MR. FUSCO:

Would that be streamlining then?

MR. DeMARCO:

We actually -- there's actually an internal report done two Sheriffs ago but that and there's some issues. But would it be streamline -- not necessarily streamlining, but you'd get more flexibility. Like I said, that's more of an internal mechanism that's talked about amongst us.

CHAIRWOMAN BACHETY:

Ron Devine.

MR. DEVINE:

Yes. One quick question, if I can. Or maybe two. This is the first time I've learned of so many little assignments that the Corrections Department -- division has within the career ladders, the gang and the canine and things of those natures. If there were Corrections Commissioner in addition to yourself and your executive staff, and let's say the Corrections Commissioner didn't share the same vision that your staff does, would that cause a lot of hard feelings within both departments in order to get the job done properly? In other words you work closely with the -- the Correction Department is under your direction.

MR. DeMARCO:

Right.

MR. DEVINE:

Correction Division, I should say.

MR. DeMARCO:

Right.

MR. DEVINE:

If there was a Corrections Department, a Corrections Commissioner or some other separate agency

to run the jail outside of yourself or yourself and your staff, and they didn't agree with the things that you wanted to do, wouldn't it be more difficult to work within them? Right now you have the operations of the whole function. And it works -- it seems like it works very well. If you had another division or another Corrections Department there, you're saying and I think you're right, I'm agreeing with you --

MR. DeMARCO:

Well, I think the more personalities you add at that level, you have more egos involved and --

MR. DEVINE:

That's what I'm saying to you.

MR. DeMARCO:

There could be issues. But --

MR. DEVINE:

Well, that's exactly what I'm saying, if you have a Corrections Commissioner that doesn't share the goals that you want to accomplish as the elected Sheriff, that may cause problems for you to function in your responsibilities as the Sheriff. That's what I'm saying. I'm saying at your benefit. I'm saying it seems like you're running it well and you're doing a good job. And --

MR. DeMARCO:

Listen, I'm against it so, I mean it's pretty clear so.

MR. DEVINE:

But it seems like the transition is more seamless between your Corrections Division and the Deputy Sheriffs now than it would be if there was a whole other department.

MR. DeMARCO:

I would think so.

CHAIRWOMAN BACHETY:

It would be more seamless if he can settle the contract, too.

MR. DeMARCO:

But before -- I'd just like to address something Mr. Kenny said before we get too far away from it. You feel that the County Executive or a Legislature appointing somebody would professionalize an operation. I take the position I totally disagree because the people who oversee the daily operation are the professionals who have been in the field for 30 years or more. And I don't think that you're giving the electorate in Suffolk County the credit that they deserve. I don't know how it is in other parts. It's very easy to say that people just go down the line, or, you know, you tail off on the judges. And there's been talk about appointing judges because judges can't really campaign anyway. They can't say what their thoughts are on an issue so it's very -- in that case. But when it comes to a Sheriff, a District Attorney, a Treasurer, Comptroller, those are real things where issues are talked about between two or more people. And the message is out there. And people make a choice. And you can look at the election results and see that people don't just vote down the line.

When I ran in 2005, I was on the same lines as a couple other elected officials. And you can see some people got -- I mean the exact same thing. People didn't go across the line. They picked and choose. And you can just see by the results. Maybe that's different in other parts of the country but I think you have to give the voters in Suffolk County a little more credit. They do pay attention when it comes to things like that and they just don't vote across the line. It's not as if it's an issue where we entered a campaign --

CHAIRWOMAN BACHETY:

I can't imagine that anyone here doesn't think that that was a wonderful presentation and that

you're doing a great job, but I have a question which has nothing to do with the Charter.

In all the years that I was here, they always said they weren't enough Deputy Sheriffs to do the work that was necessary for the jail. How could you put these guys out on the highways now and who's doing that work?

MR. DeMARCO:

It's difficult. We -- this is not something that was asked for, not something that was expected.

CHAIRWOMAN BACHETY:

I didn't you requested it. I'm just -- are you suffering by not having enough Deputy Sheriffs now? It's just in informational question.

MR. DeMARCO:

Are we suffering? It's making it difficult and straining us but we're getting the job done. And we're just at this point lucky because we did get -- last Year 2007 we had record jail population. The population was very close to 2000. We were shipping inmates out almost daily to other facilities because we could not house them. We blew all our variance caps. And we got lucky because as I was able to negotiate with the state to give us more -- 152 extra beds. And we dropped off so the work load as far as that went dropped off, you know, if there -- if there was another spike in the jail population it could be some issues. And we're lucky -- we're also lucky because at the time like in September we expected to see things start creeping up again. And they've kind of stayed kind of static. And, you know, you always --

CHAIRWOMAN BACHETY:

Do you oversee the highway patrol now?

MR. DeMARCO:

Yes.

CHAIRWOMAN BACHETY:

So that's added to what you do.

MR. DeMARCO:

But that corresponds with the drop in some of the other things we were doing.

MR. BRAUN:

Well, wouldn't those be Corrections Officers who are freed up by reducing the jail population rather than Sheriffs Officers?

MR. DeMARCO:

No, because the amount of transports we were doing --

MR. BRAUN:

Oh, because the transports are down?

MR. DeMARCO:

Right.

CHAIRWOMAN BACHETY:

The transports for the deputy sheriffs.

MR. DeMARCO:

Right, right. We actually have more corrections posts because of when the jail population goes up because we -- when we got those 152 variance beds, we actually had to create, I believe, 12 more? 12 more posts per shift. Is it per shift or --

MR. DAGNELLO:

Total.

MR. DeMARCO:

Total for a 24 hour period.

MR. BRAUN:

The question I wanted to ask a minute ago, with the amount of attention that you're required to put into this, would you say that you would -- your primary responsibility as Sheriff is more running corrections? I mean is that what gets most of your focus or --

MR. DeMARCO:

It's a larger part of our budget but the responsibilities of the Sheriff are much broader than that, but that by far is the larger part of our budget.

MR. BRAUN:

Well, we've been talking about what Corrections Officers do. Tell us briefly what Sheriff Officers do.

MR. DeMARCO:

As Mr. Dagnello said, they transport prisoners, they serve orders of protection, they do criminal contempt warrants when they're violated. There was a unit formed by the Legislature in early '90's to go out and do criminal contempt warrants. They work -- they do evictions, properties executions, they do criminal warrants that are generated from east end courts by arrests from Deputy Sheriffs, they do vehicle and traffic enforcement, they get -- they participate in the Governor's Traffic Safety Council, enforcement grants. They're assigned to the DEA, Customs, District Attorney's East End Drunk Task Force.

MR. BRAUN:

But in terms of the allocation of your --

MR. DeMARCO:

I'm just trying to go off the civil service thing but --

MR. BRAUN:

Okay. And in terms of the allocation of your own time in a given week, what percentage of your time would you say is more corrections and more the other?

MR. DeMARCO:

That's tough for me to answer because it depends on the day, week or time. You were very lucky on the correction side to have the experience that we have there. And I think we've had some prior sheriffs who tried to micromanage the Corrections Division. I put my faith in my management team and they do a wonderful job. I was a deputy sheriff so I tend to micromanage that side a little more, so, which I'm sure they're not happy about.

MR. BRAUN:

Okay. Thanks.

CHAIRWOMAN BACHETY:

Okay. Well, I think we've kept the Sheriff here long enough unless somebody has something really important.

MR. DeMARCO:

If I could just end on this, just when people leave the Sheriff's Office, they get an exit interview; any county employee leaves they do an exit interview with Civil Service. And it's anonymous and they can give their comments about their supervisors, their administration and everything. And I just

happened to pull two out just from -- I think they're both from the spring of this year. And I just wanted to read them to you. And these are both from Correction Officers.

One is "Sheriff DeMarco and his administration are the best we've had in 26 years and 10 months and I could not ask for better supervisors than I have now."

And the other one is "I've been through a number of Sheriffs' administrations in my tenure with the Sheriff's Office. Sheriff DeMarco under your stewardship of the office this has been by far the best administration and most correction officer friendly to work for. Thank you for that. If there's anything I can do to help, please call me."

And I'm really reading that because at the last time I remember that Mr. Fusco asked how we were getting along because there's been things so that was just to help answer that question.

CHAIRWOMAN BACHETY:

That was great. Thank you very much.

MR. DeMARCO:

Okay. Thank you.

CHAIRWOMAN BACHETY:

Thank you so much for being with us this afternoon.

MR. DeMARCO:

Have a Happy Thanksgiving.

CHAIRWOMAN BACHETY:

Thanks. You, too. Okay. How does everybody feel?

MR. DEVINE:

Good job.

CHAIRWOMAN BACHETY:

Yeah, he did a great job. All right.

Okay, you all have the memo that I sent to you. We have a variety of questions in front of us. And I would just ask if any of you are ready to vote on any of these? I would like to go immediately though to number two which was the budget time frame on the college budget. Since the courts have just decided that the County Executive is not going to be able to review their budget any more, I think we ought to just drop that and let it go. Does everybody agree on that? Okay, so that's out. We're not changing the budget time at all.

MR. FENCHEL:

Well, I would have another reason for that simply because it is under litigation at this point. It's not something that the Charter Review should be --

CHAIRWOMAN BACHETY:

Well, no, we were asked to talk about moving the time frame. We had received information from both the County Executive Budget Office and the Legislature's Budget Office that they just can't do it. So it seems to me that should be ignored. They wanted it moved to --

MR. FENCHEL:

I know they wanted to flip it essentially.

CHAIRWOMAN BACHETY:

It's not going to work.

MR. FUSCO:

Can't do it because they don't get state money in time.

MR. KENNY:

And it becomes less of a problem if in fact plan C is -- the court case is upheld because it will be less line item review.

CHAIRWOMAN BACHETY:

Well, we don't even know that they're going to appeal it yet.

MR. KENNY:

We don't know that yet.

CHAIRWOMAN BACHETY:

We don't know that the County's going to appeal it.

MR. FENCHEL:

Well, the County's not a party. It was Westchester county that was involved in that one, I believe.

CHAIRWOMAN BACHETY:

No.

MR. KENNY:

No, this was Suffolk County Community College against the County of Suffolk. That's been decided. Supreme Court has decided.

CHAIRWOMAN BACHETY:

Yeah, I thought that was --

MR. FENCHEL:

I thought it was Westchester County.

CHAIRWOMAN BACHETY:

Terry, didn't the supreme court -- didn't they just make a decision on that?

MR. PEARSALL:

They made a decision; however the County has not --

CHAIRWOMAN BACHETY:

They haven't decided whether to appeal it.

MR. PEARSALL:

-- decided whether it would appeal or not appeal.

CHAIRWOMAN BACHETY:

Correct.

MR. PEARSALL:

You have 30 days from, I think, from last Friday.

CHAIRWOMAN BACHETY:

Except that that's not going to change the problems of the Budget Review and the Executive's Budget Review. So it doesn't seem possible that we'll be able to do that. Does anyone have a problem with that?

MR. FENCHEL:

No.

CHAIRWOMAN BACHETY:

You sure?

MR. FENCHEL:

Positive.

CHAIRWOMAN BACHETY:

Okay.

The Suffolk County -- I'm going to take the easy ones first. The Vanderbilt Museum, currently the County Legislature and the Executive do not have designees on this board. And it has been requested that there should be. And in light of recent information about the Vanderbilt it might be a good idea to do that, to expand their board. So is there any feeling on that?

MR. FENCHEL:

I agree.

CHAIRWOMAN BACHETY:

So would you suggest one from each body? One from each body, okay.

And we -- do we need a roll call vote on this? Do we all agree? If anyone doesn't agree, I want to make your voice is heard. Okay, so that's a unanimous. We'll support that. Okay, one of each.

All right. Do you want to address the correction department?

MR. FUSCO:

I have an opinion on it. Vito said he didn't really want it now anyway even if it was a great idea.

CHAIRWOMAN BACHETY:

Right.

MR. FUSCO:

I think Vinny was very convincing. I don't think the whole operation is all that big that we need all this management although I agree that departments of correction are separate distinct are in the broader scheme of things good for the reasons that were stated. I don't think we need it here given that, if you look at the whole size of Vito's union, it's 830 guys. They seem to be getting on good with the Sheriff. Vito said they have a good relationship. And he has trepidations about about it right now. And since we can't do things for right now or later, assuming that we could do something, there's so much negative on it I would not support it.

CHAIRWOMAN BACHETY:

Okay. Anyone else? Ron?

MR. DEVINE:

I agree with Mr. Fusco. The system seems to work well now; seems to be as I said before there's this synergy between the two divisions. It's working well together. Why change it now?

CHAIRWOMAN BACHETY:

Okay.

MR. FENCHEL:

I have the same feeling.

CHAIRWOMAN BACHETY:

Okay. Anyone else? Bob.

MR. BRAUN:

Just as a general proposition, we look at the current office holders and their management skills and we seem to be making decisions based on who's in office now. The County Clerk is doing a wonderful job. Why shouldn't she continue? The Sheriff is doing a wonderful job with his two divisions, if that's how you want to look at it. So why shouldn't -- and all of that is true but I think it's more perhaps our responsibility to look at this from the perspective which is a better way to run the government in the first place, not whether -- and I think it's interesting, too, that both of those individuals who are elected to those positions in the current situation were people with long-term experience in both of those departments, which may very well go toward the argument that people need qualifications for these jobs. We just happen to have elected officials who do have the qualifications in this instance.

MR. FUSCO:

It also goes to the argument that the voters aren't stupid.

MR. BRAUN:

Well, true.

CHAIRWOMAN BACHETY:

Let's really not get into whether the voters are --

MR. BRAUN:

But I think part of the point to be made is that it's a fact that they have the experience that makes them able to do this job. And not every person nominated for office by political party necessarily has that experience.

MR. FUSCO:

Not every appointee has that experience.

MR. BRAUN:

Well, that's why there's a vetting process and a nomination process and approval process by the Legislature and so forth.

CHAIRWOMAN BACHETY:

I agree with the concept that you're talking about because I feel strongly one of the positions should be appointed. But it seems to me that over the years, and I've known a lot of the sheriffs, I think by and large the majority have tried very hard to balance a very, very difficult job with the jail and the correction officers and the Deputy Sheriffs. And I think the Sheriff made beyond just his term, which is obviously very good, a really strong case for the one administration for both areas. Personal opinion. That's my personal opinion.

MR. BRAUN:

I think that would be more so if he had the flexibility to use all of his officers in any of the positions that he needed them.

CHAIRWOMAN BACHETY:

Well, I think that -- to be honest, you heard me bring up the question about Deputy Sheriffs doing highway patrol. I have a little bit of citizen problem with that, that that is an extra burden, I think, on the Sheriff's department. And if he starts to unfortunately or hopefully not get more prisoners, it's going to cause a problem. I think it is. But I don't think that the Charter at this point should be changed to create an extra department that will bring in a commissioner -- because it would have to be a commissioner to have any weight and importance, a Commissioner of Corrections; and then have the Sheriff with all the duties that he outlined that they cover in the different divisions. I

personally don't think it's a good idea. That's my opinion.

MR. FUSCO:

Sheriff DeMarco has made the point, at least the last time he was here, that being an elected member he's got the freedom to go up against the County Executive or whoever and make his case, the reason he's not an appointed official. And since he is a politically elected official, he has that independence to say, okay, stop, enough, enough already, you know, you can't do that, which, I think, speaks a lot for being an elected official, where he is accountable to the taxpayers. And not only to the taxpayers as payors but as people --

CHAIRWOMAN BACHETY:

You're dying there, aren't you? The Sheriff is having a slight stroke. We're very informal, Vic.

MR. DeMARCO:

I'm not here -- I'm just obviously speaking about the position of Sheriff and, you know, I just want to go back to my testimony and show that around the country an appointed Commissioner of Correction is very, very rare. And the examples I cited just in New York State show what happens when you have an appointed Commission of Correction so I ask that you go back and look and just look at the raw numbers and the issues that you have where the appointed commissioners -- when it comes to corrections. It's mean there's a record and it shows that it's inefficient. And that's -- I just wanted to remind you to go back, you know --

CHAIRWOMAN BACHETY:

And that's your last word? For now?

MR. DeMARCO:

It depends on how much more you're going to --

MR. KENNY:

I want to support Bob's comments. I think they're very much to the point. You know, although the reality is -- I mean I can feel the drift of the board, I mean I'm very happy with -- in both occasions, the administration of the Clerk's Office and the Sheriff's Department. And I think we have the professionals that we seek for, you know, in a professionalized appointed office.

That being said, I mean I think one thing I did learn is that it does make sense to have -- I know you're already part of the same department but there seems to be some artificial division and, you know, between Corrections and the Sheriffs Department. And I think at least a consolidation in spirit -- again, and I think you spoke to that. And I think the idea of --

MR. DeMARCO:

But that's just the way it is around the country.

MR. KENNY:

I understand.

MR. DeMARCO:

Actually there are some places like Los Angeles and stuff where they are all -- one you start in the jail and eventually you work your way up. And that's sort of what -- the way I'm thinking, that that's an internal mechanism with me working with the Legislature and Civil Service to make that happen.

And if I just could, there was something I did forget to say, and I can't speak for the history of the Clerk because -- beyond Ed Romaine and Judy Pascale, I don't remember who the other Clerks were, but as far as the Sheriff goes, going back since -- from the '90's, the Sheriff -- we've always had Sheriffs who have been qualified. And even some of the candidates who have lost in the

election were qualified. Sheriff is very unique, very similar to District Attorney, always have people who have qualifications to run. Sheriff Mahoney was a Legislator and he was also a detective.

CHAIRWOMAN BACHETY:

Retired detective, right.

MR. DeMARCO:

My predecessor Alfred Tisch was Assistant District Attorney. He was a county district court judge, a county court judge; very well versed in the law and the criminal justice system. And I was a Deputy Sheriff for 12 years. So I think when it comes to the Office of Sheriff, you always get very qualified candidates. The candidate that ran against Pat Mahoney was a deputy warden from the County Correctional facility. The candidates against Al Tisch, there were two; one was a police officer from the police department. And another one was a retired New York City police officer. So everybody's always had some type of law enforcement background that has run for the office.

MR. CLAYMAN:

This undoubtedly won't lead to another wanting to speak again. We were chatting before the session began about ballot initiatives and the whole idea of trying to resolve complicated questions of legislation by putting it out to a vote which, I think, has been shown to be a horrible idea. But just thinking about it philosophically I think, though, the leadership is a different thing. And that we gain a lot as a society by electing people to lead and depending upon them. And it seems as if events within Suffolk County recently just tend to give that a lot more credence to the value of accountability, of holding somebody -- accountability and that the election process accomplishes that. So I think without being much of an expert about the way the department runs, that putting more in the hands of appointed department heads may not service so well and give us the answers that we need about for accountable government.

CHAIRWOMAN BACHETY:

Well, we did already take a vote on the position of Sheriff, that that would retain as an elected position. So right now we have to discuss the Department of Corrections. Is there anyone on the board who is in favor of recommending creating a Department of Corrections?

MR. FUSCO:

It was your idea Artie. You better say --

CHAIRWOMAN BACHETY:

I mean --

MR. CLIFF:

Well, you know, given all the information that Sheriff DeMarco brought to us, and, you know, certainly the state of the economy as it is today, I know we're looking to the future and ten years down the road, should there be another Charter Revision Committee, we're not sure about that yet, no, I don't think I'm going to further pursue Commissioner of Corrections.

CHAIRWOMAN BACHETY:

All right. So I think we have a unanimous consent that we will not recommend that. Thank you for a wonderful afternoon.

MR. DeMARCO:

Thank you.

CHAIRWOMAN BACHETY:

That was great.

One of the questions that has been brought up to me by various people is the need for the Charter

Revision Commission, which is just in our Charter, it is not a New York State requirement, to meet every ten years. The argument against meeting every ten years is simply that the County has gotten older, the Charter is fairly well established, the Legislature can make changes and amendments as things go on through the years. So it was suggested that we could either put in a different time frame, 15 years, 20 years; or that it could be called -- or in addition it could be called at the request of the County Executive and the County Legislature. So I open that to you for discussion.

MR. KENNY:

I like the suggestion of 20 years. I think -- I mean clearly the County has matured in terms of its -- of its workings. And 20 years with the ability of the County Executive and the Legislature to call if needed. A combination of those things. And so if the time comes that 10 years from now it really needs to be reviewed, that they have the ability -- the power to do that.

CHAIRWOMAN BACHETY:

How about my right side?

MR. FUSCO:

Well, I don't think they would do that. I have misgivings about kind of leaving it up to them when they feel like it. I think when you have kind of a deadline that occurs on a finite basis -- we don't have any power really anyway.

CHAIRWOMAN BACHETY:

No.

MR. FUSCO:

We don't have power. What we have is a forum.

CHAIRWOMAN BACHETY:

Yes.

MR. FUSCO:

And I don't see that it's that burdensome to the taxpayers to get a bunch of us here who you don't pay any way to look at these issues, address them and maybe make some recommendations every 10 years. I don't think that's such a frequency. If there are no issues, you have one meeting and you kiss each other good-bye, you know, nothing to do. But, you know, it looked like we didn't have a lot of issues when we started this thing. And lo and behold there's a load of issues. And I think to vet them here and to make a record that the Legislature can look at and to develop facts and opinions from people who come from a wide swath of the community is not a bad thing.

CHAIRWOMAN BACHETY:

Bob?

MR. BRAUN:

I agree. It seems to me that if nothing else this gets somebody to take a look every once in a while. And I don't think 10 years is that burdensome. I think that there's no reason not to do this. I don't think that this is much of budget -- although certainly we have staffs' attention, we have stenographers, we have -- we're using the room, we take officials out of their offices where they would be doing other work and we ask them to testify. But even all of that, I think once every 10 years just gives everybody the impetus to take a look. And I don't think that 10 years is a burdensome period of time.

MR. FENCHEL:

I agree with that.

MR. DEVINE:

I agree, too. The only thing that maybe we can do is maybe have the ability for the Legislature and Executive to call -- if there is some extraordinary reason to call the commission, that they could do so.

MR. FUSCO:

If there's an extraordinary reason, why do they need a commission? I mean just revise the Charter.

MR. DEVINE:

But I would say at least every 10 years.

CHAIRWOMAN BACHETY:

Okay. Roger?

MR. CLAYMAN:

I agree. I think it's not a bad idea to do it. And that length of time probably -- it's a great learning experience so, you know, normally you get people who could learn a lot more about their Charter.

CHAIRWOMAN BACHETY:

More than we wanted to know. Artie?

MR. CLIFF:

I think the only caveat is you can only serve once, though.

CHAIRWOMAN BACHETY:

Okay. Jackie?

MS. GORDON:

I agree. And I also think that 10 years is a longtime and that the way we're evolving the changes that do happen sometimes --

CHAIRWOMAN BACHETY:

She can't hear.

MS. GORDON:

Oh, I'm sorry, I'm sorry. I'm sorry. Yeah, I think 10 years is a longtime. And just the way we're moving in the world right now a lot can happen within 10 years so, you know, I don't think it's that burdensome as they said, just to look at it and make sure that everything is still status quo. So I agree with the 10 years.

CHAIRWOMAN BACHETY:

Okay. All right. Do we need a vote on this? Because really it's not going -- we're not going to change anything. We're just to leave it as it is. Does anyone feel it necessary to change? To let it go? We don't even have to vote on it because we're not going to change the Charter or recommend a change. Okay, so that's out.

County Clerk? We only have eight people here today. If there's any controversy on it, we should wait -- because this is after all an elected position. I think --

MR. FUSCO:

Can we canvas today?

CHAIRWOMAN BACHETY:

We can do a canvas. You want to do a canvas?

MR. FUSCO:

I think we should.

CHAIRWOMAN BACHETY:

All right. We'll start over here with Roger. I mean Bob. I'm sorry. I'm looking at the wrong person.

MR. BRAUN:

I think I still feel the way I felt last month. And that is I think this could be an appointed position.

CHAIRWOMAN BACHETY:

Roger?

MR. CLAYMAN:

I think it should be elected.

CHAIRWOMAN BACHETY:

Okay. Artie?

MR. CLIFF:

Remain as is, elected.

CHAIRWOMAN BACHETY:

Okay. Ron?

MR. DEVINE:

I think one thing I thought of today, and the County Clerk had to leave I see, but she made an excellent presentation. My office and the assessor's office in the Town of Islip, we work with the Clerk's Office everyday. And they do do very good -- the responsibilities and the relationship is very good. I believe it's very good with all the other ten towns so it's working very well. They're very responsive.

But one thing I just thought of today, and maybe it's not an original thought but it's something I thought of, is that the Clerk's Office works with many, many residents of Suffolk County. And as Ms. Pascale said, they work with thousands of people everyday or hundreds of people every day, tens of thousands of people every year. And those people have the ability to go into their offices or deal with their internet services and things like that. So they have the ability every four years to make the decision as who they want to represent them to do those particular roles.

So in my mind it's being that they -- one other factor because you can make a case to appoint the Clerk and there are very good reasons to do that. But going back to what I'm saying is that they work with so many people, thousands of people everyday, every week, every year is that let the thousands of people elect that person to represent them. Because there are so many people that they work with.

CHAIRWOMAN BACHETY:

Okay. So you're in favor of elected.

MR. DEVINE:

I'm in favor of keeping it elected.

MR. FENCHEL:

I have to admit at first I was in favor of the -- or biased toward the appointed or appointment. But based on the presentation and the realization which I should have had in the first place that they work -- the Clerk's Office works with such a large number of people and has got some very, very important functions that people should have input into, I would go with elected.

CHAIRWOMAN BACHETY:

Okay. Thank you.

MR. FUSCO:

I was for elected to begin with and I think for the reasons that have been stated. And also when you think that frequently that is the citizen's only contact with government, that's who they deal with, they may never have a legal case or they may never come before the Legislature. All their contact with government is that Clerk's Office. For that reason I think it's important it be elected position as well.

CHAIRWOMAN BACHETY:

Aye, aye. Jackie?

MS. GORDON:

I think it should remain an elected official.

CHAIRWOMAN BACHETY:

Okay.

MS. GORDON:

Elected position because I do have faith in the voters and I think they would make sure that they elect someone who is qualified.

CHAIRWOMAN BACHETY:

Okay. Steve.

MR. KENNY:

I have faith in the voters but I still feel it should be appointed. I agree with Bob. Look, again, I think we're blessed in this County with the present sheriff and the County Clerk. And I think it's a good point that they came up in the ranks and that's is probably why they're as good as they are. But I also think that, you know, this is a position that over the long term if it were professionalized we would be sure that that professionalization would be permanent. So I am in favor of an appointed position.

CHAIRWOMAN BACHETY:

Okay. I have been in favor of the appointed position from the beginning. I think that the presentation by the current County Clerk was wonderful. I think she's doing a fine job. But I'm not thinking of it in terms of her but for the future. So I would also be in favor of an appointed position, which gives us the majority of six to three in favor of keeping it as an elected official, which was a canvas. This was not the -- because I do think on something this important I don't want any votes out there, you know, unless we have a full body so I'll put that off 'til our next meeting in December if that's okay. But right now you can tell the County Clerk she's in good shape because I see you waiting anxiously.

Okay, did you have an opportunity to look at the changes we already agreed on? Did anybody have any corrections or suggestions or changes? Is there anything we've missed?

MR. KENNY:

I would only say that when we get to the point of writing something up I would disagree on the Treasurer's position. I know -- and you stated that we could have a minority position stated. So, you know, again, my bias is towards an appointment -- appointing a position. I really feel that the model that the state uses which essentially has an Attorney General and the comparable here is the District Attorney and an elected comptroller does make sense. I think the Treasurer is a bit of a duplication. And to me, somehow consolidating that department would make sense to me so I actually -- I'm probably convinced as a result of discussion that the Sheriff should be elected rather

than appointed in this case because of the history in the County. But the Treasurer, you know, I would like to go on record as feeling that that should be an appointed position.

CHAIRWOMAN BACHETY:

Anyone who has a minority position, obviously that will be included in the record and in the report. I mean we had decided not to change the Office of Insurance and Risk Management. And I just wanted to make sure that was still okay with everybody.

All right. The only other thing, Artie mentioned it to me and he left, so --

MR. FUSCO:

That thing about the --

CHAIRWOMAN BACHETY:

The police.

MR. FUSCO:

Sawicki wanted expanded powers on the investigatory --

CHAIRWOMAN BACHETY:

I'll let you talk about that in a minute, okay. Artie just brought up at the beginning of the meeting that he would like to see the Commissioner of the Police Department appointed to a fixed term and appointed by the Legislature. Now, that is a major change. That's a big one.

MR. FUSCO:

I see fireworks somehow.

CHAIRWOMAN BACHETY:

I'm just -- he asked me to mention it before. He's not here now so --

MR. FUSCO:

We'll discuss it next time.

MR. BRAUN:

Before we even -- I think we need to invite the County Executive to address that. I don't think --

MR. FUSCO:

He would say it's not a good idea.

MR. KENNY:

Is it a nomination? It's an appointment by the County Executive with the Legislature approving it?

MR. FUSCO:

Yeah.

MR. KENNY:

Okay. So there is still --

CHAIRWOMAN BACHETY:

Right, but no term.

MR. KENNY:

So there is still --

CHAIRWOMAN BACHETY:

But there's no term.

MR. KENNY:

There's no term.

CHAIRWOMAN BACHETY:

We used to have a term.

MR. KENNY:

Okay.

CHAIRWOMAN BACHETY:

Commissioner used to have a term. All right. Just put it in the back of your minds, if Artie wants to bring it up at the next meeting, we'll discuss it then. But I think we're pretty clear now. I mean is there anything anyone else has that they would like to --

MR. FUSCO:

I do.

CHAIRWOMAN BACHETY:

Mr. Fusco.

MR. FUSCO:

When Joe Sawicki was here he made a request of us that we've not had a chance to discuss and maybe we should think about it and discuss it next time. I'm just going to quote the minutes from when he was here. "I have a couple of other issues that I would like to ask your support of and your consideration of, and that would be the expansion of the authority of the Comptroller's Office. The Nassau County Comptroller has the authority to audit and review the accounts of the towns and special districts. The Suffolk Comptroller does not have that."

And then in the discussion he didn't say he wanted like audits like the state does but he wants to be able to work more closely with the DA when there are questions of irregularities and that's what he was getting at. So I think maybe we should look over those minutes and maybe discuss that next time.

CHAIRWOMAN BACHETY:

Okay. All right. I'm so impressed that you've read all of them. That was very good. I think that's something that we can discuss at the next meeting if you'd like to all look at it. Coming from a town myself, I don't know how I feel about --

MR. FUSCO:

We can discuss that.

CHAIRWOMAN BACHETY:

Yes, I could bring it up. But obviously he did -- you're absolutely right, he did bring it up. We have not addressed it. So we can talk about that at the next meeting.

Maybe we could now pick a date for our next meeting since it's December. And then if we -- maybe we could get a draft copy written on this because everyone has to have an opportunity to review it. And then we can make corrections and changes to it just to make sure --

MR. FUSCO:

I just wanted to tell everybody when that was. That was the June meeting that Joe was here.

CHAIRWOMAN BACHETY:

Yeah. So I would like you all to have an opportunity, you know, to look at it and then perhaps we can put this whole thing to bed in the new year. Okay? So we need to pick a date. And I know

December is going to be difficult for everybody but let's see what we can do.

MR. SHILLING:

We have the week starting on the 15th through the 18th.

CHAIRWOMAN BACHETY:

Thursday December 18th, is that --

MR. SHILLING:

It's open. Okay. 2:30, Thursday December 18th will be our next meeting. And if we could have the draft copy for everyone to read, that would be going to the Suffolk County Legislators and I'll talk to you about it before that.

MR. FUSCO:

Can we start that meeting at 2? Roger and I got to be in the City by like 5:30?

CHAIRWOMAN BACHETY:

Well, you're going to hit traffic.

MR. FUSCO:

Yeah, that's why I wanted to make the meeting a little earlier.

CHAIRWOMAN BACHETY:

2:00?

MS. GORDON:

I can't make it.

CHAIRWOMAN BACHETY:

She can't --

MS. GORDON:

I'll get here when I get here.

CHAIRWOMAN BACHETY:

2:30, okay. So you'll come a little bit after. All right. Anyone else? Thank you all. That was terrific. Meeting's adjourned.

**THE MEETING CONCLUDED AT 4:34 PM
{ } DENOTES SPELLED PHONETICALLY**