

**WAYS & MEANS, REAL ESTATE TRANSACTIONS AND
FINANCE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Ways & Means, Real Estate Transactions and Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **March 25, 2003**.

MEMBERS PRESENT:

Legislator George O. Guldi - Chairman
Legislator Andrew A. Crecca - Vice Chairman
Legislator David Bishop
Legislator Michael J. Caracciolo
Legislator Ginny Fields
Legislator Vivian Vioria Fisher
Legislator Martin W. Haley

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature
Tom Donovan - Aide to Legislator Guldi
Eben Bronfman - Aide to Legislator Guldi
Carl Yellon - Aide to Legislator Crecca
Frank Tassone - Aide to Legislator Crecca
Leonard Greco - Aide to Legislator Caracciolo
Ray Zaccaro - Aide to Legislator Bishop
Ellen Martin - Aide to Legislator Binder
Alexandra B. Sullivan - Chief Deputy Clerk, Suffolk County Legislature
Christine Costigan - Director of Real Estate
Robert Bortzfield - County Executive's Office, Deputy Budget Director
Ken Knappe - County Executive's Office
Bill Faulk - County Executive's Office
Fred Pollert - Director, Budget Review Office
Jim Spero - Budget Review Office
David Grier - Department of Law
Robert Cabble - Deputy County Attorney
Leslie Baffa - Civil Service
Kristine Chayes - Civil Service Department
Phyllis Garbarino - President, AME
Nancy Manteiga - AME
Sandra Aung - Counsel for AME
Lorraine Hickey - Department of Public Works
All other interested parties

MINUTES TAKEN BY:

Ana Grande- Court Stenographer

(THE MEETING WAS CALLED TO ORDER AT 9:50 A.M.)

CHAIRMAN GULDI:

We'll start with the Pledge of Allegiance led by Legislator Caracciolo.

(SALUTATION)

CHAIRMAN GULDI:

Remain standing for a moment just take a moment of silence to, really on the concern for the safety of American servicemen abroad and for the prompt, peaceful, prompt restoration of peace throughout the world.

(MOMENT OF SILENCE)

CHAIRMAN GULDI:

Eben, I need the other book, there's some correspondence I wanted to distribute received from Counsel to Segal & Company. Then I'm going to distribute to Committee members with respect to their -- a motion they made in the pending proceedings and some factors they wanted to bring to our attention. I want Committee members to have that. We'll discuss it on the 6th.

The first presentation that's scheduled for today is Mr. Grier regarding cell towers. Please come on down.

MR. GRIER:

Good morning, everybody.

CHAIRMAN GULDI:

Tell us everything we need to know, you've got thirty seconds.

MR. GRIER:

I was asked to appear today regarding the status on the County's efforts to implement the policy for wireless communication under Resolution 1208 of 2001. Basically where we're at at this point is there have been a number of recommendations made by the Wireless Communications Review Committee for installations at various County facilities.

And at this time, we're in the process of negotiating two contracts with carriers who have expressed the greatest interest in certain sites, those are AT&T out of Bergen Point, which is a sewer district, and Sprint PCS over on the Dennison Building.

Part of what I think everybody needs to know is that this is an

ongoing process and it's going to take time. We're trying to tweak the process to make it more efficient so that we can move things along more quickly. And what you should also know is that one third to one-half of all the sites that have been recommended are sewer district sites, which means the revenue that's generated would go into each individual district as opposed to the County General Fund.

As far as the recommendations are concerned, before we can actually get through and execute agreements with anybody as well, regardless of

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whether or not we're negotiating, is they have to go through the SEQRA process still. So companies have been contacted that do have an interest in order to file the appropriate paperwork so that we can get them through that process as well. So it's a multifaceted process in order to get to the end conclusion, which is actually getting installations put in place.

CHAIRMAN GULDI:

First let's address SEQRA. All of these installations are attachment of antennas of a known size, description and wattage to existing facilities.

MR. GRIER:

That's correct.

CHAIRMAN GULDI:

Why hasn't a blanket SEQRA application been made with respect to that technology and why hasn't that been processed over the last six months or two years that we've been engaged in the process?

MR. GRIER:

In our conversations with CEQ and in reviewing everything, every installation is going to be different, because not all installations involve merely attaching antennas to an existing facility. Some involve -- some would like to install poles on the facility, that involves SEQRA, an independent SEQRA review.

CHAIRMAN GULDI:

All right. So other than the ones where they want to install poles, why isn't there a blanket application and description with respect to those on existing structures, to be attached to existing structures?

MR. GRIER:

Again, in my conversations with CEQ, we have determined that every installation which is, in fact, different regardless of whether it's just an antenna, some installations for antennas also require the installation of an equipment shelter of varying sizes, so it's installation dependent as to what the SEQRA review will entail.

That's why we haven't done blanket SEQRAS for all of the sites. That would require a much greater study and we think it would be quicker to just do it on a case by case basis.

CHAIRMAN GULDI:

Well, it would be if we would submit them to SEQRA, but they're not being submitted. The delay in negotiating agreements, I mean we don't have a form agreement we've developed yet?

MR. GRIER:

We have a basic agreement which we're going to utilize and it's just a matter of really negotiating the financial terms.

CHAIRMAN GULDI:

The concern I have, and I don't know if my colleagues share it or not, is the reason we're doing this is to realize revenue for taxpayers, whether it's in the sewer district or in the General Fund doesn't matter as much as it is that the revenue is not being realized as a

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result of administrative delay, which frankly, I can't, you know, I can't see a twenty-four hour delay on the steps that you're describing and we've seen months and months of it.

MR. GRIER:

Well, one thing you have to understand is a number of the recommendations from the consultant did not come until the beginning of this year, number one.

CHAIRMAN GULDI:

That was five months ago.

MR. GRIER:

No, we're still in March, Legislator Guldi.

CHAIRMAN GULDI:

Four months ago, three months ago.

MR. GRIER:

That's not even three months.

CHAIRMAN GULDI:

Not even three months. Twelve weeks ago. Okay. So twelve weeks instead of twenty-four hours.

MR. GRIER:

That being said, we have the two entities that have, in fact, expressed the most interest in getting in quickly. We are in the process of just dealing with the SEQRA for them at this point and

finalizing the agreements. We will have the agreements ready for execution prior to the SEQRA process being completed. They have been notified, they were unable to get their documents in for the last CEQ meeting and they will unfortunately have to wait until April's meeting to get their documents in and on the agenda.

CHAIRMAN GULDI:

All right. I understand. We blame the consultants, we blame SEQRA, but the bottom line is the taxpayers still aren't getting the revenue. Legislator Fields, you had questions.

LEG. FIELDS:

Okay. Have you spoken to Peter Scully?

MR. GRIER:

Yes, I have.

LEG. FIELDS:

In the past few days?

MR. GRIER:

Yes, I have.

LEG. FIELDS:

We had a meeting with one of the vendors who expressed that the towers could be put on many of the buildings that we have in Suffolk County and that what we were discussing was the financial agreements of most

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of these vendors and the articulation from the vendor was that you can have up to seven vendors on each tower and then they rent it, they build it and they pay the monthly fee for it and they keep half and we keep half.

And what we determined at that point was the best revenue for the County would be for an RFP to go out to various vendors, so that you could realize the most amount of money from the vendors. So, what I'm questioning, I guess, is the fact that you've already gone to two of them, I don't know what the terms are, if we're building it or if they're building it, if other vendors are interested and that maybe they'll pay more for it than these two vendors will.

And I think that, you know, I do know that the recommendations went to Eric Kopp's desk in December, so we are talking about a full three months, just about a full three months and it's just now that we seem to be moving toward it, and not terribly rapidly and also not frugally to figure out the best revenue and the most revenue for the County to receive.

MR. GRIER:

Well, part of your statement assumes that every installation requires the construction of a tower, which is in most cases not so. Most carriers would like to go on top, on building tops because it's a much less capital intensive installation. Those are the types of installations that we have currently under negotiation, putting antennas on top of those buildings and their equipment shelter or an equipment cabinet nearby. Those that wouldn't require putting up a pole or even a small tower. And that process takes longer with, you know, various other approvals that are necessary aside from the actual construction time that's involved.

As far as anything that's with the County Executive's Office, we have been told to move forward, and between myself and telecommunications to contact all of the carriers that had expressed interest in the past and who have sites which had been recommended and move forward to see what terms we can come to with them and go ahead and execute agreements. The next time anything will be before the Executive's Office will be execution of contracts.

LEG. FIELDS:

So you've contacted the vendors that have expressed interest in the past. Have you not contacted all of the vendors that could potentially have interest in putting a tower on one of our buildings?

MR. GRIER:

Without doing an RFP, to go out and say, okay, this space is available, we're right now using the pool of vendors who have, in fact, expressed interest at the various sites that have been located. Once we get through those, then we can look at putting it, if there's space available, on a particular building or a particular tower. Then we can go forward and say, okay, who is looking for space here.

LEG. FIELDS:

What if Sprint is willing to pay, you know, thirty thousand dollars a month and AT&T, who maybe you might not have contacted, is willing to

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pay eighty thousand dollars a month, you're going to contract with the one without knowing that the other one is going to offer more?

MR. GRIER:

If there is available space, it doesn't matter who it is, we can get both on the same site. We can realize both revenues.

LEG. FISHER:

George?

CHAIRMAN GULDI:

Yes, Legislator Fisher.

LEG. FISHER:
Good morning.

MR. GRIER:
Good morning.

LEG. FISHER:
Can you please walk me through what the consultant's report -- what the consultant was working on, what kind of information they gave you in December?

MR. GRIER:
The information that they gave us in December was an analysis of the market value of the various sites which were suitable for installation of wireless communications facilities. That was the primary goal of their contract was to give us that information.

LEG. FISHER:
And did they also provide means of reaching out to vendors, who was available, what kind of entities you should be reaching out to and who was within this market?

MR. GRIER:
That is another part of the RFP that went out in the contract that we have. That part of it has not come back to us yet, that is part of the final report that they are to provide to us, which is in essence a marketing plan to make available the available sites, the suitable sites.

LEG. FISHER:
So the consultant's charge has not been completed, is that what you're saying?

MR. GRIER:
Not entirely, no.

LEG. FISHER:
Okay. And when do you anticipate getting that information? So you're not ready yet with an RFP to go out, is that what you're indicating here?

MR. GRIER:
Well, there are two different things that are possibly going on.

Number one, as Legislator Fields had mentioned, an RFP to essentially have what would be known as a site manager, which is something that

the State has done, Glen Cove has done and I believe Nassau County is in the process of doing. That's one type of RFP. The other would be to put out an RFP for available sites.

LEG. FISHER:

Excuse me a minute, David, there's sidebar conversation, I can't hear what you're saying. Can you go ahead?

MR. GRIER:

Sure.

LEG. FISHER:

You were saying there's an RFP now for a site manager?

MR. GRIER:

We haven't actually put one out. We're -- based on the conversation that Peter Scully had along with Legislator Fields last week, that is an avenue we are looking to pursue.

LEG. FISHER:

What is the function of a site manager?

MR. GRIER:

The site manager would get in contact with carriers, they would handle installation issues and in many instances they would actually deal with the construction of a facility and then getting other carriers on to a site and sharing the revenues with the County.

LEG. FISHER:

How imminent is the establishment of a site manager, how close are you to that?

MR. GRIER:

The discussions happened last week, so we're in the infancy stages at this point. At the same time, we're going to go forward with the sites that have been recommended and look to get carriers on board.

LEG. FISHER:

Without a site manager?

MR. GRIER:

Correct.

LEG. FISHER:

Okay. If we have the capability of going ahead and doing that without a site manager, is there a necessity to have a site manager, because it would seem to me that that would incur an expense?

MR. GRIER:

Well, site manager becomes useful because if there are sites where it

would require the construction of say a tower, they would absorb that capital cost, the County would not be absorbing it and we would share in the revenues on that. So there would be no cost to the County, it would be a revenue producer to us and we would not be in the -- have

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to administer that process.

LEG. FISHER:

David, who was the consultant that did the report for us?

MR. GRIER:

The consultant that was hired was Cashin Associates.

LEG. FISHER:

What did we pay them?

MR. GRIER:

I don't know what the total is at this point. They had the contract, unfortunately I don't have it on the top of my head.

LEG. FISHER:

Would Budget Review know what we paid Cashin Associates?

MR. POLLERT:

No, I don't. I don't know offhand. I know that the contract was entered into I think with the Telecommunications Unit. We were on the review group, but I don't know exactly what the cost was.

LEG. FISHER:

Would you be able too get that information for us?

MR. POLLERT:

Yes.

LEG. FISHER:

Can you tell me what the time line was for Cashin to do this report for us, David or Fred?

MR. GRIER:

They had -- it was originally a total of six months, which would have put us to the end of January of this year, from the time we got it executed and delivered. Due to locating the necessary funding in the Operating Budget, things have just gotten delayed a little bit. So I understand from Telecommunications that they should be completed, if not the end of this month, sometime next month with the full report.

LEG. FISHER:

Okay. So that would have made them two months late?

MR. GRIER:

Correct. But we had some funding issues in order to pay all their invoices, so things got delayed a little bit.

LEG. FISHER:

What do you mean by funding issues?

MR. GRIER:

Pulling it out of the Operating Budget. They had to make some, locate the monies within the Telecommunications budget to --

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LEG. FISHER:

And they couldn't move forward, they don't know our address?

MR. GRIER:

Just like any other, as Legislator Guldi knows, a lawyer is not going to do, continue to do work without getting paid. But they did hit the, you know, the milestones as far as the initial report was concerned, giving us the recommendations for valuation. That was our primary goal, which would enable us to move forward with the number of carriers who had expressed their interest previously.

LEG. FISHER:

Okay. I guess I'm just a little bit confused about the layers of expenditures that we have with this. If Cashin was giving us the market value report and that was done in December and you're saying that Cashin was also charged with giving us available vendors who might be --

MR. GRIER:

No. Their marketing plan was to advise the County on how best to actually go out and solicit and market the available sites, not necessarily what vendors to go to.

LEG. FISHER:

And Cashin is also assisting in the development of the RFP?

MR. GRIER:

No, they're not. They are not involved with the development of an RFP for a site manager.

LEG. FISHER:

Okay. What did you say the second stage was that they're preparing? Maybe I heard you wrong, I thought it was --

MR. GRIER:

Their market study. The marketability and marketing plan for the

various sites. That's the next major phase.

LEG. FISHER:

Okay. That's the marketing plan at the next phase. But we need to have the RFP out before that phase is completed.

MR. GRIER:

The two are not coextensive, they can be run on parallel tracks. The marketing plan was for the County to go out and market the properties itself, it had nothing to do with the site manager, which is something which a is a newer developer.

LEG. FISHER:

I guess I'm having trouble understanding why we need them to do that if we're putting out an RFP and we're getting -- there is obviously -- these sites are being sought after by the entities that need to put up cell towers, so I don't know why we needed that second phase with Cashin Associates.

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David, I have a continuing problem where I see us spending a lot of money and it seems to be Cashin that we spend a lot of this money on. And I don't really see, I'm not a business person so we may have to sit together so you can explain this to me, but I'm seeing that we're paying these consultant companies an awful lot of money, and I'm sure this is going to come to over a million dollars, because they always seem to come over a million dollars when we're dealing with Cashin consultants.

MR. GRIER:

I can assure you it's not going to be anywhere near a million dollars.

LEG. FISHER:

I hope not, but I'm eager to see what the number will be.

MR. GRIER:

Number two, the resolution which authorized the Committee and the establishment of the policy specifically directed that the RFP include a marketing plan.

LEG. FISHER:

Okay. And I'm just curious, it includes a marketing plan, looking at the market value and now we're going to put out the RFP. When will the RFP be ready, did you say?

MR. GRIER:

There's no -- right now we haven't discussed a time line as to when to get it out, there is just some preliminary work to look at what's going on in the various municipalities through the State who are doing

it and decide what's the best business framework that we want to pursue.

LEG. FISHER:

And I'm sure that you're not a stranger too the horrible budgetary crisis that we're facing and that we need to expedite this so that we can start collecting revenues. And that's the urgency that you're hearing here is that whatever is slowing it down, we have to --

MR. GRIER:

By the same token, we're going to move as expeditiously as we can, but this body needs to understand that the revenue that is included in the budget is a wholly unrealistic number to achieve on an annual basis. So if you do the numbers, it would require, if you take an average dollar value installation, which based on the marketing report of the consultant is approximately two thousand dollars a month, that would require more than seventy-five installations to be active and operating at a given point in order to not even achieve the two million dollar annual revenue.

So initially, at least in the very early years, achieving that revenue goal is not realistic.

LEG. FISHER:

Okay. Budget Review, do you agree?

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MR. GRIER:

But we'll achieve as much as we can.

MR. POLLERT:

The revenue estimate that was include in the budget was an original estimate from the County Executive's Office of two years ago with respect to the wireless revenues. We did contact the Water Authority, Mike LoGrande, who indicated that they have been extremely successful with respect to locating wireless sites and that there's a tremendous amount of demand and that they had provided us with the ranges on what the rental costs were.

We were hopeful that the two million dollars would be able to come in, and I'm not sure exactly what the most current revenue estimates are, but clearly that's an area of the budget that we're going to have to look at to bring down the revenue estimates if it's not going to materialize.

LEG. FISHER:

Thank you, Fred. Thank you, David.

CHAIRMAN GULDI:

Legislator Fields is next and then Legislator Caracciolo.

LEG. FIELDS:

I'm puzzled by something that you said. Number one, I know that this resolution was passed in 2001. Was there a time limit that Cashin Associates, did you say six months?

MR. GRIER:

Yeah, we put in the RFP and in the contract that it was to be -- they had a hundred and eighty days from the time that they were told to start work to complete it.

LEG. FIELDS:

So why did it take from 2001, to 2002, to 2003, to March of 2003, and we still don't have the complete product from this group and yet you're saying that they didn't want to complete it because they weren't going to get paid?

MR. GRIER:

Well, it's fairly simple. The resolution was done at the very end of 2001, so 2001 you can't even consider. Number two, prepping the RFP, getting everybody who is interested to comment and put it together, we were able to put the RFP out in and get responses, in March we actually executed the contract.

LEG. FIELDS:

March of?

MR. GRIER:

March of 2002.

LEG. FIELDS:

That's one year ago.

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MR. GRIER:

That's when the RFP was advertised. Getting responses, evaluating responses and executing a contract brought us until June, the beginning of July. And they were getting -- they had from July until six months later, which brought us to January of this year, to get the report finished.

LEG. FIELDS:

Are you aware also that the vendors feel that the police departments are good buildings to put cell towers on?

MR. GRIER:

Those are a number of the sites that have been recommended by the Wireless Committee.

LEG. FIELDS:

So it's not a sewer district then?

MR. GRIER:

No. About half of them are sewer district properties, though. The other half would be precincts and other towers that the County has throughout the --

LEG. FIELDS:

If Cashin Associates had a hundred and eighty days to get the contract -- to complete their portion of the contract, why -- have they been paid?

MR. GRIER:

Not all of the funds have been paid to them as far as I've been told.

LEG. FIELDS:

Is there a way of finding out now, first of all, getting a copy of the RFP and finding out within the next half hour how much money we paid Cashin Associates?

MR. GRIER:

As far as a copy of the RFP is concerned, the Clerk's Office has a copy of the executed contract. That would be the quickest way to get it.

LEG. FIELDS:

Is there a way of asking the Clerk's Office to get that for us now? And why is it that Cashin was allowed to take a longer period of time to get us the final product?

MR. GRIER:

I can't answer that question, because I was not involved in the administration of that.

LEG. FIELDS:

Who can answer that question?

LEG. CRECCA:

John Randolph was involved with dealing with the consultant directly and he's the Director of Communications.

LEG. FIELDS:

Thank you.

CHAIRMAN GULDI:

Legislator Caracciolo is next.

LEG. CARACCIOLO:

Hello, Dave. I see the cast is off.

MR. GRIER:

Yes, it is.

LEG. CARACCIOLO:

I always enjoy hearing my colleagues invoke revenues and the need for revenues given the County's financial circumstance, so the question I have is bottom line here what do you expect will be generated as a result of these agreements?

MR. GRIER:

I haven't done an analysis of that myself and I haven't asked for one. It's really a matter of how many we can get and how quickly we can get them executed, but keep in mind there is also from the time that we execute an agreement to the time we actually receive revenues, there is just like any --

LEG. CARACCIOLO:

There's a lag, we understand that.

MR. GRIER:

There's a lag.

LEG. CARACCIOLO:

But on an annualized basis once the agreements were in effect, what do those agreements call for in term of remuneration?

MR. GRIER:

Again it's every -- the value of the site depends on the type of installation. If you're putting up just antennas and a cabinet, it's going to be less than if you're putting up a pole or tower and an equipment shelter, because there's more space involved. So it's really site dependant on what it's going to generate.

LEG. CARACCIOLO:

Earlier Fred Pollert mentioned that these monies have been budgeted for some time.

MR. GRIER:

Correct.

LEG. CARACCIOLO:

I think the real bottom line question is what can we expect out of those funds that have been included in the budget that will materialize versus those that will not? Will there be -- whatever that differential is, will there be a positive or a negative?

MR. GRIER:

For this year?

LEG. CARACCIOLO:

For this year, because those monies are in the budget. You, yourself, alluded to that as well.

MR. GRIER:

We won't generate the two million this year. So if you look at -- it would be -- there will be less revenues than what we're budgeted for that particular line item.

LEG. CARACCIOLO:

Can you give us an approximate estimate of how much less? The only reason why I'm pressing the point is, Mr. Chairman, I noticed in the hallway leading out of the Budget Review Office apparently there is some work afield I presume by the Presiding Officer that has a very nice chart showing that the County has a budget deficit and that certain actions are going to take place and when they're going to take place and it appears we're rapidly approaching the time when these actions are going to take place.

So if there is going to be a shortfall of something less than, you, know the two full million dollars, it would be helpful. And I'm requesting that whoever it might be in your department or elsewhere, provide us with an estimate of what you think the actual revenues will be realized this year, it's going to be less than two million, we know that, but give us an approximate how much less.

MR. GRIER:

I do know that BRO had conversations with the Budget Office and my office during the budget process and we had both indicated that it was probably going to be something less than a hundred thousand dollars this year, because we have a lot of ramp up time, the delay as we get carriers on.

LEG. CARACCIOLO:

We'll realize a hundred thousand?

MR. GRIER:

Realize. That's optimistic.

LEG. CARACCIOLO:

So we will -- in other words, the difference then really comes out to be rather significant?

MR. GRIER:

That's why I indicated that the budget number was wholly unrealistic

and how much we make on an annual basis is going to change on a yearly basis as we get more and more carriers on board.

LEG. CARACCIOLO:

I appreciate you're being forthright about that. Fred, in terms of this chart I noticed down the hallway, could you just fill this Legislator in, and I'm not aware of who prepared that, why it was prepared, I'm happy to see that there is an action plan being proposed

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somewhere.

CHAIRMAN GULDI:

Mike, if I may, we have three more presentations, we have a hundred items on the agenda, and whatever that chart is, it isn't on this agenda today.

LEG. CARACCIOLO:

Well, I'd like it to be as part of the Finance Committee and agenda that we start taking up, Mr. Chairman.

CHAIRMAN GULDI:

It will be --

LEG. CARACCIOLO:

It's the end of March, I've been howling since January, the responsibility, primary responsibility of this Committee is to deal with the budget deficit.

CHAIRMAN GULDI:

That's correct. And we'll deal with it when that chart is completed and when that work product --

LEG. CARACCIOLO:

The chart is complete.

CHAIRMAN GULDI:

And when it's ready for presentation, it's not on today's agenda.

LEG. CARACCIOLO:

With all due respect, I'd like to hear Mr. Pollert just inform the Committee as to what work is afield so we have some sense of who's doing what.

CHAIRMAN GULDI:

Mr. Pollert, answer one question first, is the work finished and ready for presentation?

LEG. CARACCIOLO:

It's a work in progress.

CHAIRMAN GULDI:

Yes or no.

MR. POLLERT:

No, the final plans are not done.

CHAIRMAN GULDI:

Fine. When the final plans are done, we'll have a presentation on it. Meanwhile, we do have an obligation to try to finish our agenda.

LEG. CARACCIOLO:

I'm love the minority in this County Legislature. After twelve years you finally have an opportunity to Chair the Committee, to rule the roost, and we have a budget deficit and you're not stepping up to the

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plate to deal with it.

CHAIRMAN GULDI:

Mike --

LEG. CARACCIOLO:

And when you attempt to deal with it, all I do is get stone wall answers.

CHAIRMAN GULDI:

No.

LEG. CARACCIOLO:

Why don't you have the Budget Director inform us what is abreast, what is afield, so I have a sense as one Legislator of what the plan is, if there is a plan.

CHAIRMAN GULDI:

Mike, feel free to talk to the Budget Director. When the Budget Director is ready to make that presentation to Committee, it will be scheduled and put on the agenda. Today it's not on the agenda, and as a result I request --

LEG. CARACCIOLO:

Can I find out when it will be ready? Is it going to be ready in September or is it going to be ready in April?

CHAIRMAN GULDI:

When it's ready, it will be presented here. Feel free to talk to the Budget Director outside the Committee, let's do today's agenda.

LEG. CARACCIOLO:

That's what you call stifling debate, Mr. Chairman.

CHAIRMAN GULDI:

No, it's not. It's called debating the work that you have before you for today.

LEG. CARACCIOLO:

No. There's nothing more important that this Committee or this Legislature should be discussing than the budget deficit. Now if you choose to ignore that, you do so at your own peril.

CHAIRMAN GULDI:

I'm not choosing to ignore it, Mike, I'm choosing to do it when it's prepared, ready for discussion, and we will. It's already -- it's a work in progress. Feel free to talk to the Budget Director about the subject, the work in progress you saw in the hallway today.

Is there anything else you want to talk to Mr. Grier about with respect to the status of cell towers?

LEG. CARACCIOLO:

He answered the question, I would just like to see, I would just like to see his estimate of revenues that will be realized fall far short of the two million dollars that was budgeted and that be included in

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the projected budget deficit or work plan or resolution to the deficit. You estimate it will be somewhere in the area of 1.9 million dollars less than what was budgeted.

MR. GRIER:

I think it would be safe to assume at this point that that would be accurate.

LEG. CARACCIOLO:

Okay. Thank you.

CHAIRMAN GULDI:

Mr. Grier, you pointed out that Cashin Associates is approximately ninety days late in completing a hundred and eighty day work product from 2002's work in that they have not completed their report. Yesterday, at ELAP, we're looking at a million two hundred thousand dollar agreement with Cashin Associates to do a literature search with respect to vector control.

LEG. FIELDS:

More than a million two.

CHAIRMAN GULDI:

In any event, the concern it raises with me is your comments or allusions to Cashin Associates being late because of payment issues. Frankly, Budget Review, can you tell us how, whether it's through, we can get a review, a comprehensive review of what the various projects Cashin Associates is doing, has done and is bidding on for us? Does that come from the Department of Public Works or do we have to do a more comprehensive search to find out exactly the scope of what they're getting paid for and not doing for us?

MR. POLLERT:

The Budget Review Office would have the capability under IFMS of finding out what Cashin has been paid year to date, but it could be a number of different agencies that are contracting with Cashin Associates from real property tax map on the tax map to the telecommunications group. So I can come up with what they've been paid, but I don't have copies of the contract, that would be with the Clerk of the Legislature.

CHAIRMAN GULDI:

All right. Well, I'm going to direct my staff to contact -- guys, I want to talk to you, pay attention. I want to direct my staff to contact the Clerk's Office immediately, pull the current raft of contract with Cashin Associates. We need to take a look at what's going on with this.

And I certainly don't understand how a vendor that's doing that kind of volume with the County would have a problem with respect to -- would have a payment issue with respect to a work in progress. I don't find that explanation to be elucidating at all. Can you explain that, Mr. Grier?

MR. GRIER:

Unfortunately, no, I can't. All I know is they did have difficulty

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pulling together funding to have sufficient available funds for payment on the contract and under the current budget crisis, they were having difficulty pulling it from within the telecommunications budget itself.

CHAIRMAN GULDI:

Frankly, with respect to Legislator Caracciolo's questions about the revenue to be realized in 2003 from the cell tower leases, frankly, if we continue our current pace of entering agreements, I can fairly clearly predict that their revenue for 2003 will be zero unless we start getting the agreements signed and the locations in service. Any other questions by members of the Legislature?

LEG. FISHER:

I believe your staff member might have misheard what you said, that we want all of the contract, all of the Cashin amounts.

LEG. FIELDS:

And I have another question. Fred, were you able to find out any of the information from the Clerk's Office on this contract?

CHAIRMAN GULDI:

Actually, my staff just informed me that they -- that Riverhead is searching for a copy of it now. If it comes up, it will be available later today.

LEG. FIELDS:

We don't know how much we paid for that contract?

CHAIRMAN GULDI:

We will know later.

MR. POLLERT:

I don't know offhand. There was a problem, which we had identified a while ago with respect to a land design lease through the Parks Department, the Clerk of the Legislature does not necessarily have all the contracts.

CHAIRMAN GULDI:

All right. We are chasing them down. Mr. Grier, thank you for being here. Why don't you check back in with us before you leave after you're done with your other meeting in the event that those contracts have arrived and we have further questions for them.

MR. GRIER:

Okay. Just so you know, besides from this one particular contract, I wouldn't have any knowledge of any other Cashin contracts.

CHAIRMAN GULDI:

I understand that, I was referring only to this particular one. Thank you. Okay. I neglected to or shuffled through the cards before I called Mr. Grier and I should have done the cards first. I apologize. Mary Terry? Mary Terry is here? Mary Terry? Send someone to get her.

Ms. Garbarino, did you still want to speak, you filled out a card, or is that resolved?

MS. GARBARINO:

It should be resolved.

CHAIRMAN GULDI:

Ms. Terry is the next speaker. The next presentation is the Public Works Department. Is there a representative of the Public Works Department here to discuss automobile usage? Come on down. Mr. Grier warmed up the Committee for you, so we're all in good form now.

MS. HICKEY:

Lorraine Hickey. Good morning.

CHAIRMAN GULDI:

Good morning. Like I said to Mr. Grier, tell us everything we need to know, you have thirty seconds.

MS. HICKEY:

Okay. Lorraine Hickey, Director of Highway and Fleet Maintenance.

CHAIRMAN GULDI:

Put the microphone right into your face. You can feel free to pick it up and take it out of the stand, it's probably easier.

MS. HICKEY:

Good morning. I'm Lorraine Hickey. I'm Director of Highway Maintenance and Fleet Services for Suffolk County Public Works. Commissioner Bartha asked me to attend this session as several Legislators had some questions that he felt it would be easier for me to answer directly, since I'm a little more hands-on than he is. So I don't really have a formal presentation for you, but I can certainly answer any questions you may have.

CHAIRMAN GULDI:

I think the primary question was that there's an annual requirement for fleet utilization reports to be filed with Ways & Means Committee twice a year, twice annual, where is it and what is it?

MS. HICKEY:

Okay. Each department is required to file it directly. That is not done by Fleet Services. Fleet Services is required to -- we file for Public Works. Our understanding is and this has been brought up previously, is the department head is responsible for assignment of vehicles within the department and control of commutation reporting.

CHAIRMAN GULDI:

All right. Where is the Public Works' report?

MS. HICKEY:

It has been filed.

CHAIRMAN GULDI:

Filed with who?

MS. HICKEY:

I believe the Commissioner sent it to you.

CHAIRMAN GULDI:

Okay.

MS. HICKEY:

I do have a copy.

CHAIRMAN GULDI:

You have a copy?

MS. HICKEY:

Yes.

CHAIRMAN GULDI:

Well, thank you. Give one to my aide or do you have multiples?

MS. HICKEY:

I'm sorry, I probably only have one copy, but it's for June and December.

CHAIRMAN GULDI:

So give it to my aide, he'll make photocopies for members of the Committee.

MS. HICKEY:

Thank you. Just so you do know, we do record monthly department's report, the commutation reported by their employees and that's kept as part as our fleet history on the vehicle. However, we do not do the individual departments' reports.

CHAIRMAN GULDI:

You do a history for just your department? I don't understand your last comment, please clarify.

MS. HICKEY:

Each month each department submits mileage information on each vehicle assigned to that department. And as part of the information they send to us monthly, the commutation information their employees reported to them is submitted to us also.

LEG. FISHER:

I'm confused. May I ask a question?

CHAIRMAN GULDI:

Legislator Fisher.

LEG. FISHER:

Hi. I'm sorry, I'm a little bit confused, because you had said that Fleet Services, which is your department, files only for Public Works, Department of Public Works, correct?

MS. HICKEY:

Right.

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LEG. FISHER:

However, other department heads file their monthly commutation reports and mileage and employee use to Department of Public Works?

MS. HICKEY:

Well, no. Each -- they report to us a summary number.

LEG. FISHER:

A summary number, okay.

MS. HICKEY:

Of the miles that vehicle went that month. They do include how much was reported by the employee as commutation, but there are exemptions to commutation reporting and the department, therefore, has to administer. They only give us the total number for a maintenance standpoint, for our Preventive Maintenance Program. We include how many miles that vehicle went that month and assess whether there should be some reassignment of vehicles.

LEG. FISHER:

So what you're saying is you're not getting the details as to what kind of use is incurring that mileage?

MS. HICKEY:

That's correct. If your vehicle went three thousand miles this month and you told us five hundred of it was commutation, we assess the Maintenance Program based on that, because if the vehicle is reassigned next month, we know that the vehicle's business use is two thousand five hundred the following month, but we do not know what criteria the department utilizes to report for their employees.

LEG. FISHER:

But you do have that break down, whether it's commutation or business use?

MS. HICKEY:

Yes, we do.

LEG. FISHER:

Those two numbers you do have, that break down. So I guess my question is I think that there was an assumption that you were getting that information and so I was under the impression that the report on the use of the County's fleet would be a comprehensive report from the Department of Public Works, because you were getting these numbers, that was my understanding.

MS. HICKEY:

Okay. But I think the requirement is for the department to report it. We can provide you with the information we have, if you would like. It may not be exact as far as an individual assignments.

CHAIRMAN GULDI:

Counsel, could you give us clarification on what the reporting requirement is, of what information, from whom and to whom and when? Do you have that information here at the horseshoe with you?

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MR. SABATINO:

Let me just pull the book, I don't want to do it from memory. I'm pretty sure I'm accurate, but I'll put it, it will take a minute.

CHAIRMAN GULDI:

Thank you.

LEG. FISHER:

Thank you, Mr. Chair.

CHAIRMAN GULDI:

Let's get clarification from the perspective of the law. The question I have for you, let's start with DPW, are all assigned vehicles in compliance with the commutation rules and requirements?

MS. HICKEY:

For the year 2002, there were five vehicles during the course of the year that did not technically meet the requirement annual use for the year. Four of the five were related to early retirement incentive. The vehicle was juggled around to different people during the course of the year. It's the vehicle we talk about, so the vehicle's commutation, not the person.

So the vehicle was utilized by someone who lived, you know, different distances as the prior assignee, and the differences for the annual use was about a hundred miles each vehicle, minimum.

CHAIRMAN GULDI:

So you had five vehicles that were out of compliance, but from multi-users, but to a minor degree?

MS. HICKEY:

Yes.

CHAIRMAN GULDI:

Okay. And in term of the current users, do you have any vehicles that are not in compliance?

MS. HICKEY:

Not as of this date.

CHAIRMAN GULDI:

Counsel has the book, please clarify what the reporting requirement is, what data is supposed to be included and from whom to whom, please.

MR. SABATINO:

Okay. The initial requirement is as I recalled, that each department has to report, issue a written report to the County Executive on July 1st and December 31st of each year setting forth all the details regarding the assignment of vehicles, including who the individual employees are and the justification for the assignment.

And that report has to include a whole series of detailed items regarding the number of vehicles that are assigned, the car pooling arrangements in the department, the explicit rationale behind the

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assignment of the individual vehicles or the creation of the car pool, whether or not the individual is permitted to take the vehicle home on an overnight basis.

There has to be a log of mileage incurred for the use of the vehicle, which specifies on a daily basis exactly what the vehicle is being used for, destinations, purposes, mileage incurred, standard work shift and there has to be a specific allocation of the mileage between, the difference between -- the allocation, I should say, between commuting and then actually performing work related tasks once you reach your job assignment.

Then there's some explicit prohibitions, which the first one is that the employee whose commuter mileage or commuter usage of the vehicle exceeds the business-related purpose, should not be assigned a vehicle. That was probably the most significant prohibition that was in the statute.

The other restrictions are that if vehicles are assigned where there are work stations of at least ten people, the vehicle must be at the actual permanent work site for other County employees to be used as a pool vehicle.

Then there's another section of detailed reporting and cards that have to be filled out. And then the County departments are supposed to work with the County Executive then in developing the semi-annual report that will be requested by the County Executive and then the County Executive is to provide that consolidated report to each member of the Ways & Means Committee July 1st and December 31st.

So the order of progression was a logical one, which was for the departments to generate the raw data, the basic material, move that to the person who's in charge of the various departments, who is the County Executive, and the County Executive was to consolidate and then give that to Legislators, not to administer, but purely for oversight purposes.

LEG. FISHER:
Okay. Thank you, Paul.

CHAIRMAN GULDI:
So the consolidation and oversight function has not been delegated to you by the County Executive, is that --

MS. HICKEY:
That's correct.

CHAIRMAN GULDI:
That's your understanding. But do you know who is doing that?

MS. HICKEY:
Who's compiling? Well, we have the information.

CHAIRMAN GULDI:
It must be the Budget Office, they're turning red.

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MR. KNAPPE:
I'm sun burned.

MS. HICKEY:
I would assume once the County Exec had the reports from the individual departments, they would then verify it through us at some point, because we do maintain some data.

CHAIRMAN GULDI:
Has that been done ever?

MS. HICKEY:
No. My understanding is they file directly. Each department submitted their report directly to the County Exec and the Legislature

in the past.

CHAIRMAN GULDI:

All right.

LEG. FISHER:

The Executive not the Legislature.

CHAIRMAN GULDI:

Yeah. I don't know where it is, frankly I haven't seen it and we need to resolve this. I guess it's, somebody will have to follow-up with the correspondence after the meeting.

LEG. FIELDS:

The County Executive's Office is here, do you want to speak to them?

CHAIRMAN GULDI:

Are you prepared -- is the County Exec's office prepared to address the status of this report at this time?

MR. FAULK:

No.

CHAIRMAN GULDI:

Shocking. Somebody in Budget Review handed me this data, is that right, Jim? Is this from you? With respect to Cashin Associates and their diligent work for us under the wireless communication issue, in 2002 they were paid a hundred and forty-eight thousand dollars out of a hundred and fifty thousand dollar budgeted, so that they've been paid essentially ninety-nine percent of their contract costs for the contract that they're ninety days late on. I wonder what their payment problem was that caused them to not be able to complete their work on time, since they've been paid virtually in full.

I'm waiting for my aide to distribute the reports. As soon as it's distributed to Committee members, I'll ask them again if they want to call you back if they have additional questions at that time. The copies aren't available yet and we will direct our attention to that as soon as they're back. Fred, I see a volunteer here. What do you have, Lance?

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MR. REINHEIMER:

I just got this off the IFMS System, which doesn't specify whether it's capital funds or operating funds as far as the contract payments to Cashin, but in the prior calendar year, which would be 2002, they were paid a sum total of three hundred and fifty nine thousand three hundred and thirty-eight dollars and ninety-eight cents.

For the current year, as of last action date, which was March 20th of '03, they have been paid a sum total of two hundred and seventy-four thousand two hundred and forty-nine cents. But again, it doesn't specify whether it's capital or operating or for what contracts.

CHAIRMAN GULDI:
Or for what projects?

MR. REINHEIMER:
Or for what projects, exactly.

CHAIRMAN GULDI:
But we'll need to develop the break down on that.

LEG. FISHER:
Thank you, Lance.

CHAIRMAN GULDI:
Is Mary Terry back in the room? Mary Terry signed a card to speak. Okay. The third presentation is Dave Bishop's favorite topic, living wage.

MS. ROSENBERG:
Good morning, my name is Brenda Rosenberg. I'm the Director of the Living Wage Unit, hopefully now in the Department of Labor soon, any day now I hear. I'm here to answer questions.

CHAIRMAN GULDI:
Make a brief opening statement or presentation. Go ahead.

MS. ROSENBERG:
The Living Wage Department is functioning at a rather rapid rate right now, we're getting in many contracts. We get in approximately seventy-five to a hundred applications a week. We are going to be getting in quite a few hardship assistance applications due to the fact that the daycare providers were given an exemption until September. They've all been informed that there is funding available to them and their application has to be in within the next month. So we expect them to be coming in shortly. If anybody has any questions, I'd be happy to answer them.

LEG. CRECCA:
Dave.

LEG. BISHOP:
Brenda, there are two aspects. First of all, thank you for attending today and thank you for bringing the program on-line. There are two aspects to the living wage, the first is the for-profit vendors, so why don't you give us an update in that area.

MS. ROSENBERG:

In general or just the daycare?

LEG. BISHOP:

In general.

MS. ROSENBERG:

In general. The for-profit vendors, we haven't had any problems with them complying. Most of them have, I was going to say readily accepted --

LEG. BISHOP:

But they've accepted.

MS. ROSENBERG:

But they've accepted them. There have been some not-for-profits, early intervention, which I've mentioned before to this Committee, which did get an exemption based on statutory regulations and a conflict in the law, but those exemptions now have actually tapered, tapered off.

Things that we've been seeing coming in now, the new contracts for January, we're dealing mostly now starting in January, most contracts are starting to come up. Home healthcare will not come up, the bulk of the contracts won't come up until next year, January 2004. They have received a three year contract, so we're not going to know what kind of problems we're going to have with them as of yet, we might have some problems, we don't know yet.

The daycare was a -- the daycare 2 is grouped into two different groups, not-for-profit and for-profit. The for-profits are having a very difficult time, so they say, with complying with the law. Some of them, Tutor Time is our biggest one who is saying that they're going to pull out come September when they have to comply with the law. But Social Services is aware of this, they have been contacted and they've met with them, there will be other places to place these children, hopefully. There are plenty of other spot in the County to place these children with the not-for-profits.

LEG. BISHOP:

I have a for-profit in my district that is paying the living wage.

MS. ROSENBERG:

We have some that are -- some agencies aren't giving us a hard time at all, they're just complying, they know what it is. One of the biggest problems that they don't understand and we've been making them aware of it, that they have to pay the people also twelve compensated days

off if they're full team, and some of them were unaware of that.

The cafeteria planners helped some of these agencies, the one that you passed, meet the health benefits component of the package. And, quite frankly, now I think we're making more and more progress as we're progressing.

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LEG. BISHOP:

There was, you know, we're strapped for cash, we all know that, and there's more demand than supply of dollars in the County government, so logically some Legislators look at last year's living wage surplus and say this year's budgeted amount is also surplus and it can be spent elsewhere. Could you please address that?

MS. ROSENBERG:

Sure. You can't really compare the two. First of all, last year three million dollars was put in, but most of the contracts didn't come up and the agencies that were trying to help, they're not coming up until this year and now we're not going to see those contracts come up until September. We're not going to have enough money. We have two million dollars in that fund, there is no way that we are going to have enough money to help all -- just the daycare people, we have other organizations that have spoken to us and are going to apply as well.

And I know it's, the money is not an entitlement, so I don't think we can make any of these agencies whole, it's just to try to help them over the hump and even with just with helping them, I don't see where we're going to have enough money.

I'll give you an example. One small daycare center has already filed paperwork, they're looking for a hundred twenty thousand dollars to make them whole, and that's not with the rebound effect of bumping up other people, this is just to make their people whole that are going to get the living wage. That's one agency. Social services sent out seventy-eight letters to daycare centers.

LEG. BISHOP:

Now, that one agency, that's a not-for-profit agency?

MS. ROSENBERG:

That's a not-for-profit agency.

LEG. BISHOP:

Where the Director makes less than --

MS. ROSENBERG:

The Directors don't make that much money.

LEG. BISHOP:

What do they charge the public?

MS. ROSENBERG:

The rates are set by Social Services and each agency gets a different amount, depending upon their situation. I don't know what they get charged per week.

LEG. BISHOP:

It just doesn't seem logical to me that one agency needs that much to --

MS. ROSENBERG:

We haven't qualified them yet, that just came in.

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LEG. BISHOP:

Okay.

MS. ROSENBERG:

We will look at their books and we will do our due diligence before we make our recommendation to the Legislature.

LEG. BISHOP:

But there's no surplus money, if anything, there is a shortage here as well.

MS. ROSENBERG:

There is a shortage, I do believe that. And you will see the resolutions coming back per agency.

LEG. BISHOP:

Okay. But one of the things I would urge you to do is to contact home healthcare now and get a sense of what, what their demand is. I'm sure we'll not be able to satisfy it completely, but we need to know that. And we also need to know where the State Legislature stands on the reimbursement issue, because, you know, you speak to them now and they say it's fine, but that doesn't mean it will be fine.

MS. ROSENBERG:

That's out of our hands, actually.

LEG. BISHOP:

Two things we need to nail down on that aspect. Okay. I'm satisfied, Mr. Chairman.

CHAIRMAN GULDI:

Legislator Fisher.

LEG. FISHER:

Hi, Brenda. Brenda, as you know, I work a great deal with the child care centers and the child care community in general. And although that number of a hundred and twenty thousand sounds very high, I think when we look at the issues that govern a lot of the expenditures in child care centers, if it's a child care center that has a high infant population that they're serving, there are State guidelines that require that the ratio of teachers to infant be very high and so that you might have a great many staff hours involved even if it's not a huge daycare center or child care center.

Another issue that's involved is that there are limits to what can be charged to the public in order to compensate for additional wages that need to be paid. This is why we had the Child Care Enhancement Bill in order to help the individual child care providers without putting an undo burden on the child care center itself. So that the money was going directly to the teachers and not to the centers under that enhancement bill.

So, when David asked you about the one hundred twenty thousand, it certainly is not something that's out of the realm of possibility or reality, because they do have such a restrictive set of parameters under which they have to function. And, you know, there are many,

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many mandates by the State, vis-a-vis child centers and, you know, licensing procedures and health procedures. Their insurance has gone up a great deal as, you know, many of us know after 9/11 insurance across the Board has gone up quite a bit, and so there are a lot of expenses that they have incurred.

MS. ROSENBERG:

I absolutely agree with that. And the money that we're going to be looking at is only for a third of the year, we're not even basing it on a full year.

LEG. FISHER:

On a full year. Another issue that, as you know, Tutor Time has spoken with me a number of times, because they have a natural networking, because they're Tutor Time Centers and they're proprietary and there are some smaller proprietary child care centers that don't have that kind of instant networking that Tutor Time has, but one of their arguments is that their expenses are the same expenses that not-for-profits have.

For-profits and not-for-profits both have to pay their teachers, they have overpaid pay, etcetera, and the for-profits are asking why they don't qualify for any help. And so that's something that we -- could

you respond to that?

MS. ROSENBERG:

That was Legislator Bishop's intent with the law when we've spoken. His intent is to make it available only for the not-for-profits.

LEG. FISHER:

Yes, I read that in the law. And Counsel, I have discussed this with Counsel, how it's -- we're setting up a criteria which really does, I don't know the legal terms, but it would seem to be basically unfair. But, Paul, we talked about this having one --

MR. SABATINO:

Yeah, we were just talking about the equal protection concept, the context of a whole other group of organizations.

LEG. FISHER:

Okay. So the for-profits aren't given equal protection under this law, because the not-for-profits, which incur the same types of expenditures --

MR. SABATINO:

Well, I just raised the issue and I said that it's part of the analysis. Because it's an economic issue, it gets the lowest level of scrutiny, so as long as you can show some rational basis, some articulated reason for making the distinction, you'd be able to sustain it. I wasn't -- I didn't draw a conclusion, I was just highlighting the issue.

LEG. FISHER:

But it's a question which is going out there.

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MR. SABATINO:

It's just that you don't need to make a huge, you don't have to make a huge level of scrutiny to get there, but you have to make some distinction and I was just suggesting to you I didn't know what the distinction was.

LEG. FISHER:

Well, actually I think the distinction is the amount of remuneration to the highest paid person in the organization can't be -- there's a multiple, there's a factor involved in how much their pay is as opposed to the lowest paid work.

MS. ROSENBERG:

That's if they're looking for an exemption. It's a six to one ratio.

LEG. FISHER:

Okay. So perhaps that could meet the criteria, Paul?

MR. SABATINO:

Well, it would certainly be a factor, it's got to be something that makes sense from the standpoint of achieving the goal of the program. It has to make sense from achieving the goal of the program and it's got to be viewed as being as rational. I mean that's certainly an argument that you can make, I'm not sure it carries the day, but it's an argument.

LEG. FISHER:

So, Brenda, if they don't meet that criteria, that six to one ratio criteria, can they still get help, economic help in order to help them through the hump?

MS. ROSENBERG:

The for-profits?

LEG. FISHER:

No, the not-for-profits.

MS. ROSENBERG:

The not-for-profits can. The exemption is totally different from the hardship money.

LEG. FISHER:

Okay.

MS. ROSENBERG:

That's two different -- you have to make a distinction between the two. They can get exempted totally.

LEG. FISHER:

If they meet the six to one ratio?

MS. ROSENBERG:

Six to one. And many of them do, but they don't want to be exempt, they want their people to make the living wage. So they're looking for us to help them pay that.

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LEG. FISHER:

Okay. All right. Thank you. I'm finished, Mr. Chair. Thank you.

CHAIRMAN GULDI:

Any other questions for Ms. Rosenberg on the living wage?

LEG. CARACCIOLO:

Yes, yes, yes.

CHAIRMAN GULDI:

Legislator Caracciolo, not to be left out.

MS. ROSENBERG:

Michael, I thought I got away with it. I was waiting for you, Michael.

LEG. CARACCIOLO:

Okay. First, Brenda, I want to go back to 2002 and just get some maybe historical perspective. Since -- the legislation was passed and was applicable for the first full year, last year, correct, or the year before?

MS. ROSENBERG:

Only a half a year, from July forward.

LEG. CARACCIOLO:

And how much money did we set aside for that purpose?

MS. ROSENBERG:

On the contingency fund?

LEG. CARACCIOLO:

Right.

MS. ROSENBERG:

There was three million dollars set aside.

LEG. CARACCIOLO:

Okay. And that was for a full year, when the budget was adopted, the three million was for a full year or was it prorated for just --

MS. ROSENBERG:

It was supposed to be for the six months, six month period.

LEG. CARACCIOLO:

Okay. And for 2003, what's budgeted?

MS. ROSENBERG:

Two million dollars.

LEG. CARACCIOLO:

Two?

MS. ROSENBERG:

Correct.

LEG. CARACCIOLO:

Did we over budget for 2002 or are we under budgeting for 2003?

MS. ROSENBERG:

I think the program wasn't really totally in effect. The contracts that we were looking to help these people with didn't become due until 2003. So none of those contracts in -- it didn't get retroactive in 2002. In other words, if you signed a contract January of 2002, you did not have to abide by the living wage. Anything that got signed after that --

LEG. CARACCIOLO:

After July?

MS. ROSENBERG:

After July.

LEG. CARACCIOLO:

And there were no contracts executed between July and December?

MS. ROSENBERG:

There were many contracts.

LEG. CARACCIOLO:

Okay.

MS. ROSENBERG:

But they didn't look for extra assistance. Many of them pay prevailing wages. DPW contracts, they pay prevailing wages, which is way, way above the living wage. Many of the Health Department contracts are sole suppliers, individuals, speech therapists, physical therapists, that --

LEG. CARACCIOLO:

How many agencies in total right now qualify for this program, for the living wage reimbursement?

MS. ROSENBERG:

Any not-for-profit.

LEG. CARACCIOLO:

I mean do we have a number? Do we know, can we quantify that?

MS. ROSENBERG:

No. As the contract -- I don't even know how many contracts there will be per year. We get them, as they're executed, we get them. We don't get them prior to that.

LEG. CARACCIOLO:

So far then here we are in March, how many have been executed, how

many agencies will qualify for assistance?

MS. ROSENBERG:
The not-for-profits?

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LEG. CARACCIOLO:
Yes.

MS. ROSENBERG:
I couldn't -- I couldn't quantify that.

LEG. CARACCIOLO:
I guess what I'm trying to get at --

MS. ROSENBERG:
Are you asking how many have asked or how many --

LEG. CARACCIOLO:
How many requested, how many have been approved? In other words, walk us through the process.

MS. ROSENBERG:
The process, you will see them getting approved. The process is if you're applying for hardship money, the agency, let's say Social Services will let the vendor know that there's money available if you're having trouble meeting your obligations to the County. They have to file a form showing us their total budget, difference between total budget and paying living wage, what that does to their budget. They have to file two sets of payroll records. And then the agency looks at them and says, okay, I think, yeah, they need more money. They send it off to us.

LEG. CARACCIOLO:
So, in essence, they only qualify or are subsidized if they can demonstrate the need?

MS. ROSENBERG:
Correct.

LEG. CARACCIOLO:
And I realize it's a new program, and I've been quite critical that it's take this long to have it implemented, but it seems to me that after nine months of implementation, if we use July, we still haven't gone very far out of the gate.

MS. ROSENBERG:
No. The program is implemented. Those who have not -- most of the organizations feel that they can pay the living wage without asking

for extra money. They're paying it, it's not that it's not implemented. Every contract that's signed in this County has to have a form from the Living Wage Department attached to it.

LEG. CARACCIOLO:

Can you tell me, quantify the number of agencies that may qualify, not that do qualify, what's the total universe here?

MS. ROSENBERG:

2003 you're talking about?

LEG. CARACCIOLO:

Yes.

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MS. ROSENBERG:

I would say a hundred.

LEG. CARACCIOLO:

One hundred.

MS. ROSENBERG:

Who are going to be looking for money.

LEG. CARACCIOLO:

Okay. And how many contract agencies in total does the County provide funding for?

MS. ROSENBERG:

I couldn't tell you that.

LEG. CARACCIOLO:

Jim? I know Budget Review has a better sense of what that number is. Approximate.

MR. SPERO:

I'd say around three hundred.

LEG. CARACCIOLO:

Three hundred. So there are three hundred outside agencies that contract with the County for some type of funding reimbursement.

MS. ROSENBERG:

But out of those three hundred, the home healthcare will not be due up until 2004, so we won't see those until then.

LEG. CARACCIOLO:

Okay. Now of the one hundred that do or may qualify, which is it, they do qualify or they may qualify, up to one hundred may qualify?

MS. ROSENBERG:

If you're a not-for-profit and you think you need help, you qualify to apply.

LEG. CARACCIOLO:

And the basis for determining the need for financial assistance is by them showing two payroll periods, two consecutive payroll periods?

MS. ROSENBERG:

Showing us it's a real impact on their budget. And then you, as a Legislature, the money has not been appropriated, a resolution will come to you for that agency and you will have to appropriate that money for that agency.

LEG. CARACCIOLO:

Okay. When we look at the need, the financial need, do we look at administrative costs of these programs?

MS. ROSENBERG:

The only thing that we're asking them, we just feel that if they're going to get the money, if you're making seven dollars an hour and now

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I have to pay you nine dollars an hour, we're just taking that and the benefits that go with that to make you whole.

LEG. CARACCIOLO:

The problem I have with that approach is that if I have an agency, a small agency, say twenty people, and two are in, well say management or supervisory positions, and they're making inordinately high salaries or taking inordinately high salaries and what's left then qualifies for a County subsidy, I have a problem with that, because I don't want to be encouraging not-for-profits, who by their very nature should be delivering services more cost effectively than we are, that's why we contract with them, rewarding the people at the top and making us subsidize the payroll for the people, the rank and file members. Now, have we looked at that?

MS. ROSENBERG:

I agree with that, but even when you're giving out member items or anything else, how do you quantify that?

LEG. CARACCIOLO:

Oh, I quantify that in my district, I can assure you, I do.

MS. ROSENBERG:

It's very hard. We ask for the payroll records to see that and we're going to do our due diligence the best we can.

LEG. CARACCIOLO:

What I'd like then to request is a copy of all of the agencies that have or are in the process of requesting living wage financial subsidies from the County. I want to look at those financial records and I will go through there to see if there are people in administrative capacities that are pumping up their salaries so that we can subsidize rank and file.

MS. ROSENBERG:

That's why we ask for the payroll records, so we can look at that as well.

LEG. CARACCIOLO:

Okay. How soon can I have that?

MS. ROSENBERG:

Those are first coming in now.

LEG. CARACCIOLO:

Do we have any records?

MS. ROSENBERG:

Nobody has asked for the funding yet.

LEG. CARACCIOLO:

All right. Then on a continuous basis as you receive the requests, would you forward them to me? So for 2003, we have two million dollars budgeted.

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MS. ROSENBERG:

Right.

LEG. CARACCIOLO:

And I heard something about records. ELAP meetings hold the all time records, Dave, I wonder who chairs that.

LEG. BISHOP:

And what's the common link?

LEG. CARACCIOLO:

The current speaker.

LEG. HALEY:

I'm going to lunch whether you get to the agenda or not.

CHAIRMAN GULDI:

I thought you were going to the Treasurer's Office.

LEG. HALEY:

That too.

LEG. CARACCIOLO:

Brenda, what this Committee and what the Legislature is trying to get a handle on, as Legislator Bishop pointed out, there are a number of Legislators who are attempting to make whole contract agencies and other requests for County funding and have or would like to tap into some of the living wage funds provided they can justify doing so. And then we really don't have a sense, and I'm not getting a sense right now that you even know how much of that two million dollars will actually be appropriated this year, or do you have sense?

MS. ROSENBERG:

I think we don't have enough money.

LEG. CARACCIOLO:

You don't think we'll have enough money?

MS. ROSENBERG:

As I said before, the daycare centers were exempted until September by legislation by Legislator Bishop. Because of that, we haven't had to use those funds for that program. But they have just all been contacted, they all have to forward their requests. Seventy-eight agencies have been contacted.

LEG. CARACCIOLO:

Okay.

MS. ROSENBERG:

Let's say fifty of them --

LEG. CARACCIOLO:

When you look at that, do you have somewhere on a spreadsheet some pretty good idea of what the actual annual funding should be, even if it's an approximate estimate, you have some idea, what should it be, if it's not two million, should it be three, five, ten, how much?

MS. ROSENBERG:

Well, I don't believe that we have to make them whole, we're just trying to get them over the hump. So if -- you think we have to make them whole?

LEG. CARACCIOLO:

When you say make them whole?

MS. ROSENBERG:

In other words, pay them dollar for dollar what they're paying out? Is that our purpose, or is our purpose trying to help them do the living wage? If I have two million dollars to work with, I can't give everybody what they're asking for because I don't think we have that kind of funding. So we're going to try to help these people so they don't go into the hole, you know, like make them whole, W-H-O-L-E, not H-O-L-E.

LEG. CARACCIOLO:

I understand that, but I'd like an answer to my direct question. If it's not two million, based on these projections, estimates, call it what you will, what do you think is a real number?

MS. ROSENBERG:

For the third of the year?

LEG. CARACCIOLO:

Yes.

MS. ROSENBERG:

I would say four million.

LEG. CARACCIOLO:

Just for them?

MS. ROSENBERG:

Just for them.

LEG. CARACCIOLO:

Plus the two million that's been budgeted?

MS. ROSENBERG:

No, no, total.

LEG. CARACCIOLO:

Total?

MS. ROSENBERG:

Total. But we're going to be getting, I understand Family Service League is going to be filing an application, they have many contracts, I don't know how much they're going to be asking for. Scope has told us --

LEG. CARACCIOLO:

And the criteria for qualification and who grants the approval, is that something you do?

MS. ROSENBERG:

We do a recommendation to the Legislator and you are going to actually do the approval. That's why you're going to be getting those records.

LEG. CARACCIOLO:

When will they start, when will you start receiving those?

MS. ROSENBERG:

As soon as I get them in, we're going to make recommendations, they'll go to resolution form and they'll be coming to the Legislature as an Introductory Resolution.

LEG. CARACCIOLO:

So then it's fair to say that none of the money that's been budgeted for living wage is available for any other purpose because what you have, what we have budgeted will probably be in demand and at excess demand and, therefore, we wouldn't have any surplus money there?

MS. ROSENBERG:

I believe that to be true.

LEG. CARACCIOLO:

Okay. Now, within your office, what are the administrative costs associated with this program?

MS. ROSENBERG:

Very little at this point. Since we were moved, at one point our budget was moved to the Audit & Control and we actually got to stay in Labor and now they've moved it back. I lost my secretary to Social Services, because she got a different position. We weren't able to replace her, because I didn't have a budget, because I was -- technically I was in Labor, but technically I'm in Audit & Control.

LEG. CARACCIOLO:

How many people in total are in --

MS. ROSENBERG:

It's just myself right now and my assistant, who is supposed to be going out and monitoring and she can't go out, because we don't have any other help right now.

LEG. CARACCIOLO:

So we really don't have an effective program.

MS. ROSENBERG:

No, I wouldn't say that. We have an effective program, we're not monitoring effectively because we don't have the people.

LEG. CARACCIOLO:

Isn't that the key to insuring and keeping this system honest and the program honest?

MS. ROSENBERG:

Eventually, yes. As soon as I get a secretary, which I've been promised will happen as soon as the County Executive signs the legislation, which was just passed, we'll get a secretary and then the

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monitor will go out to the field.

LEG. CARACCIOLO:

Okay.

MS. ROSENBERG:

Beforehand, she was monitoring.

LEG. CARACCIOLO:

Okay. Mr. Chairman, I'd like to request that periodically, maybe every, at least once a month we have Brenda come back and report to the Committee on the progress of this program.

CHAIRMAN GULDI:

I think that to the extent that rather than have schedule it as part of our regular presentation, I'll ask you to give us written status reports on a regular basis and distribute it directly to all Committee members, especially to Legislator Caracciolo.

MS. ROSENBERG:

Especially him.

LEG. CARACCIOLO:

And, Brenda, please note any concerns you have with regard to the administration, like the monitoring aspect or the need for additional funds, because the sooner we know that, then the sooner hopefully we can --

MS. ROSENBERG:

I have brought it up at prior meetings.

LEG. CARACCIOLO:

-- deal with that. Thank you.

MS. ROSENBERG:

Thank you.

CHAIRMAN GULDI:

Any other questions on the living wage? Okay. Come on back. Did Mary Terry come back to the room? She filled out a card and

disappeared.

I'm looking at the documents you just provided us and you stated on the record before we had a chance to review these that currently the that everyone is in compliance. Now the first vehicle assignment report as of 12/31'02, you said you had five that were out of compliance then and that that has been corrected?

MS. HICKEY:
That's correct.

CHAIRMAN GULDI:
I'm looking at the vehicles in that report, the pages aren't numbered so it's a little bit difficult, but the first one I come to is on the -- do you have your copy of your report in front of you?

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MS. HICKEY:
Yes.

CHAIRMAN GULDI:
On the fifth page of the 12/31 report, the second to the -- the third to the last vehicle a 1999 Ford Escort assigned to Tom Bond reflects twelve thousand one hundred and twenty-nine commutation miles and three thousand five hundred and ninety-seven business miles, or a ratio of almost four to one. What's the status of that vehicle and how do you explain that situation?

LEG. FIELDS:
Legislator Guldi, can I just interrupt? On the second portion of your --

CHAIRMAN GULDI:
Go to the second --

LEG. FIELDS:
No, no, no, wait. The same guy has five thousand three hundred and fifty --

CHAIRMAN GULDI:
I'd rather do it in this order, please.

LEG. FIELDS:
Okay.

CHAIRMAN GULDI:
Okay. Let me first address these, we'll get to that report in just a minute. All right? What's the status and situation with this vehicle and how -- is this one of the ones that you explained before was

multiple drivers or what?

MS. HICKEY:

Okay. First of all, I don't have my copy of that part the report back, but I do have a note --

CHAIRMAN GULDI:

We'll provide you with one. Mr. Bronfman, give her a copy, please of the 12/31 section, fifth consecutive page.

LEG. HALEY:

What's the appropriation at the top of the page? 1493?

CHAIRMAN GULDI:

Yes. 1493.

MS. HICKEY:

Okay. That's just the six month numbers for the year.

CHAIRMAN GULDI:

That's the six month number, twelve thousand. What's the status? Explain that, you have a four to one ratio.

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MS. HICKEY:

He's in compliance, that was just the six month criteria.

CHAIRMAN GULDI:

How do you go from being four to one out of compliance for six months to being in compliance?

MS. HICKEY:

Okay. This is why the departments have to report it. What the annual report was for the commutation mileage for the vehicle, if there were other operators assigned to it during the course of the year, that person's commutation is reported as that person. The summary for the year for the vehicle is, and I have to put my glasses on here, the vehicle Tom Bond currently is assigned in 2002 went eight thousand one hundred and nine miles and had five thousand five seventy-one for the entire year.

CHAIRMAN GULDI:

Wait a minute. What are you reading from?

MS. HICKEY:

I just have a summary sheet that I did for the five individuals. I can share that with you also.

CHAIRMAN GULDI:

All right. So you're reading from a different document.

MS. HICKEY:

You have to combine the two reports to get the total for the year.

CHAIRMAN GULDI:

But you're using part of six months of '02 and six months of '03 for your report?

MS. HICKEY:

No. The entire 2002. There's a first portion.

CHAIRMAN GULDI:

I see the first portion and the second portion. I'm looking at the second portion. Now, looking at the first portion, though, he's not in the same vehicle, is that what you're saying?

MS. HICKEY:

That's correct. He was assigned a different vehicle.

CHAIRMAN GULDI:

What vehicle was he assigned and where is it in the first year report?

MS. HICKEY:

I actually don't have it, I'd have to go through the records and see what he was assigned.

LEG. CARACCIOLO:

What's the total for the year?

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MS. HICKEY:

The total for the year for Tom Bond is eight thousand one hundred and nine miles. He had two thousand --

CHAIRMAN GULDI:

Eight thousand one hundred and nine miles of total usage?

MS. HICKEY:

Total mileage for 2002.

CHAIRMAN GULDI:

How do you get then -- how do you show -- how do you reconcile that with the fact that your two thousand and two second six month report shows twelve thousand one hundred and twenty-three commutation miles?

LEG. CARACCIOLO:

For a total of fifteen seven fifty-six.

MS. HICKEY:

The vehicle went "X" amount of miles, the twelve thousand. He personally had commutation miles for the year --

LEG. CARACCIOLO:

This is an odometer reading we're looking at?

MS. HICKEY:

The twelve thousand is the odometer, difference in odometer in the vehicle assigned to him.

CHAIRMAN GULDI:

No, actually the odometer is the next column, the odometer is fifty thousand four sixty-two.

LEG. CARACCIOLO:

That's what I thought.

MS. HICKEY:

No. The twelve thousand is how many miles that vehicle went for the year. If you deducted the twelve thousand --

CHAIRMAN GULDI:

No, no, no, that's not correct. If you look at -- if you look at the six month report, the six month mileage was fifteen thousand seven twenty-six, of which twelve thousand one hundred and twenty-nine is indicated in the report as commutation miles and three thousand five hundred and sixty-seven is indicated as business miles.

LEG. HALEY:

Ninety-seven.

CHAIRMAN GULDI:

Ninety-seven, excuse me. I looked up and I'm blind. And I don't see how you -- explain to me that that's in compliance.

MS. HICKEY:

We would have to see who the previous operator was for that vehicle to

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see how many miles his commutation was on that vehicle.

CHAIRMAN GULDI:

Well, if I go to your first six month report to the same subject at 1493 and I go to the same vehicle, which is 25188, it's four lines up, it was P. Werner in Yaphank, and he shows six thousand four hundred and seventy-five miles of commutation against three thousand four hundred and forty-three miles of business use or almost a two to one imbalance for the prior six months on the same vehicle, different

operator. That doesn't strike me that either one of them are in compliance. Who was using this car and for what?

MS. HICKEY:

Paul Werner retired and then his vehicle was reassigned to Tom Bond. He's retired, Paul Werner.

LEG. CARACCIOLO:

Can I ask a question?

CHAIRMAN GULDI:

All right. So what?

LEG. FIELDS:

When did he retire?

MS. HICKEY:

I believe August.

LEG. CARACCIOLO:

Mr. Chairman, could you just please take us step-by-step?

CHAIRMAN GULDI:

No.

LEG. CARACCIOLO:

The vehicle -- I want to talk about this one case because I think it's a salient --

CHAIRMAN GULDI:

I want to go to the next case.

LEG. CARACCIOLO:

First of all, we have copies of two reports, one ends in June, the other ends in December. We understand that up to June or thereabouts, there was another operator besides Mr. Bond, correct?

MS. HICKEY:

That's correct.

LEG. CARACCIOLO:

Okay. So now when does Mr. Bond begin to take this vehicle and use it for County business?

MS. HICKEY:

I don't have the exact date with me.

LEG. CARACCIOLO:

Okay. But it's fair to say it was after June of last year?

MS. HICKEY:

Yes.

LEG. CARACCIOLO:

Okay. From June then to December, what was the total amount of mileage that he drove the vehicle?

MS. HICKEY:

That he personally drove the vehicle?

LEG. CARACCIOLO:

No, the total.

MS. HICKEY:

That the vehicle went?

LEG. CARACCIOLO:

Right.

MS. HICKEY:

That's reported on the 12/31.

LEG. CARACCIOLO:

That's the fifteen thousand plus?

MS. HICKEY:

The vehicle went fifteen thousand.

LEG. CARACCIOLO:

And of that, twelve thousand plus was used for commutation, for commuting, and the remainder for business?

MS. HICKEY:

That's correct.

LEG. CARACCIOLO:

That was the point the Chairman made earlier, a four to one ratio. How do we justify that?

MS. HICKEY:

I'd have to get back to you the specifics, I'd have to go through each monthly report to see where it happened, if there was a change of operator in between, whatever.

LEG. CARACCIOLO:

Did this individual file with the Comptroller's Office like each of us has to do the use of a County vehicle for personal purposes?

MS. HICKEY:

I don't have that information with me.

LEG. CARACCIOLO:

For tax?

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MS. HICKEY:

I'd be happy to find out for you.

CHAIRMAN GULDI:

Well, if you're going to find that out, I'd also like you to deal with object 1495. There's a vehicle about the middle of the page that was used two thousand four hundred and seventy-six miles for commutation, two thousand and twenty-seven miles for business and it's, according to the 12/31/02 report, that vehicle was assigned to someone by the name of D. Ninivaggi.

MS. HICKEY:

Okay. Mr. Ninivaggi for three months had no vector control plan, so his primary duties were in the office and that's why he didn't have as many field, as much field mileage as he normally does.

LEG. HALEY:

Good answer.

CHAIRMAN GULDI:

Let me go to the same object in the first half of the year, find the same vehicle, which will take me just a half a second. In the first six months of that year, though, during which he did have a vector control plan, his commutation mileage was two thousand five hundred and forty-seven miles and his business mileage was two thousand five hundred and sixty-seven miles or twelve miles within the limit. So you're suggesting, however, that the different -- that the six month deviation that puts him out of compliance for the year was the result of what?

MS. HICKEY:

This is what his report back to us when he was questioned on the reason that his mileage was not greater for business than commutation was the fact that three months he had to, had no plan and, therefore, was not doing his field investigations.

CHAIRMAN GULDI:

I see, so it's our fault?

MS. HICKEY:

Oh, no, he didn't state that. He is explaining why he didn't have it, he's not blaming fault.

CHAIRMAN GULDI:

All right. Well, I'm going to ask you to get back to me with the details on the ones that are not in compliance. And there's also one other one that stands out and that is that there's someone named, some object 8195, the second vehicle from the end, 2001 Chevy Blazer, one of Dave Bishop's favorites, the commutation mileage on that vehicle is listed as zero. It's assigned to someone named Charles Bartha. He doesn't take it home?

MS. HICKEY:

I believe department heads are exempt.

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CHAIRMAN GULDI:

So it's exempt. You mean the report is not accurate?

MS. HICKEY:

No. He's exempt from reporting mileage, commutation mileage.

CHAIRMAN GULDI:

Under what provision of the law is he exempt under?

MS. HICKEY:

I believe it's under that same local law.

CHAIRMAN GULDI:

Is that correct, Counsel? I don't know anyone is exempt, including us.

MS. HICKEY:

The Legislature doesn't report commutation miles.

CHAIRMAN GULDI:

Yes, we do.

LEG. HALEY:

For a different reason.

MS. HICKEY:

To Public Works?

LEG. HALEY:

No, for a different reason. We do it for tax purposes.

MS. HICKEY:

That's what I mean. To Public Works for fleet maintenance purposes. It is not reported to us.

MR. SABATINO:

The department heads and elected officials are exempt from the prohibition, meaning that even if you use the vehicle more for commutation than for business, the vehicle is not taken away, but the reporting requirements are still applicable. The exemption is limited to the restriction. In other words, you can't take the vehicle away, but you still have to do the reporting.

LEG. CARACCIOLO:

You still pay tax.

CHAIRMAN GULDI:

Okay. Could you please, to the extent that you have any individual that you haven't reported their uncollected data and give us a supplemental report on those that are out of compliance with the detail explanation as to why?

MS. HICKEY:

Will do.

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CHAIRMAN GULDI:

Okay.

LEG. CARACCIOLO:

We'll do this for every department.

CHAIRMAN GULDI:

It looks like we might have to.

LEG. HALEY:

So it seems to me before we ask someone to come up, we should ask them to just be prepared, instead of spending a half an hour, you know.

CHAIRMAN GULDI:

We did. Legislator Fields.

LEG. FIELDS:

According to the law, and maybe someone else can help me out on this, what does justification mean, doesn't it mean that they have to justify why they have a car? Counsel?

MR. SABATINO:

There's supposed to be a written, detailed explanation as to what the basis for the assignment was. So, in other words, the vehicle should be assigned in theory because it's some job related activity that requires a vehicle to perform the task.

LEG. FIELDS:

So in the explanations, it doesn't necessarily give the justification

of all the cars. And in addition, on a car that doesn't have justification, it has mileage for commutation, and I don't understand that at all. How does a car that doesn't have any justification have commutation miles on it?

MS. HICKEY:

The justification is for the current month, December 31st report, if that's the one you're looking at. The commutation mileage could have been for the previous assignee who had justification for it to be assigned to that person during that period.

LEG. FIELDS:

And why isn't that indicated on some line and duplicated?

MS. HICKEY:

It's in our database history, but the report is just supplied as of a certain time frames.

LEG. FIELDS:

Let me give you an example here of one that I'm confused about, it's on page, one, two, three, the appropriation at the top is 1494. And here's S. Keeney who has a 1993 Ford Pickup. There's no title. First of all, I would think that they should all have titles, you know, what they do for a living, I guess. The duty station is not indicated. The justification is not indicated. The rationale is not indicated. The vehicle has nothing here, assignment start, it has an end. Why?

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LEG. HALEY:

It has an end, it's been ended, the assignment is ended, so that's why there's no justification.

LEG. FIELDS:

Where is the car now?

MS. HICKEY:

Can you just tell me which fleet number you're on? The first column would be the fleet number.

LEG. HALEY:

17327.

MS. HICKEY:

Okay. You see there's two lines for that vehicle. One is for the individual information for Mr. Keeney, who retired also, and the next line is for the remainder of that vehicle.

LEG. FIELDS:

Okay.

CHAIRMAN GULDI:

Any other questions on this issue? Okay.

LEG. HALEY:

Thank you.

MS. HICKEY:

Thank you.

CHAIRMAN GULDI:

It's 1122, we can begin the agenda.

LEG. FISHER:

Mr. Chair, before we begin the agenda.

CHAIRMAN GULDI:

Oh good, something else to do.

LEG. FISHER:

Well, I know that we're asking other departments to bring this information, and I thought just as a housekeeping move, we might ask them to send the reports before they come here so that we can review them and then ask pertinent questions.

CHAIRMAN GULDI:

I've already made the note that's included in the draft of the instructions for the drafting of the letter.

LEG. FISHER:

Okay. Thank you.

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TABLED RESOLUTIONS

1021. Adopting Local Law No. -2003, a Charter Law to restore and ensure honesty and integrity to Suffolk County land transactions.
ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS AND FINANCE.
(Caracciolo)

CHAIRMAN GULDI:

Let's go to the agenda. Beginning with tabled resolutions. 1021.
Legislator Caracciolo's bill.

MR. SABATINO:

The public hearing was recessed, Mr. Chairman.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by myself. All those

in favor? Opposed? 1021 is tabled. (VOTE: 7-0-0-0) TABLED

1041. Adopting Local Law No. -2003, a Charter Law to establish 19th Suffolk County Legislative District. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS AND FINANCE. (Fisher)

CHAIRMAN GULDI:
1041.

LEG. FISHER:
Motion to table.

CHAIRMAN GULDI:
Motion to table by Legislator Fisher, second by myself. All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

1042. To amend 2003 rules of the County Legislature in connection with press conferences. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS AND FINANCE. (Fisher)

CHAIRMAN GULDI:
1042.

LEG. FISHER:
Motion to table subject to call.

LEG. BISHOP:
Second.

LEG. FISHER:
Subject to call.

CHAIRMAN GULDI:
Motion to table subject to call by Legislator Fisher, second by Legislator Bishop. All those in favor? Opposed? Tabled subject to call. (VOTE: 7-0-0-0) TABLED SUBJECT TO CALL

CHAIRMAN GULDI:
I'm not going to carry tabled subject to call matters on the agenda from month to month, they will be simply tabled subject to call on

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Counsel's records or anyone who wants to move them. 1094.

LEG. CRECCA:
What happened to 1078?

1078. Adopting Local Law No. -2003, a Charter Law to establish a fully independent County Department of Real Estate. ASSIGNED TO WAYS

& MEANS, REAL ESTATE TRANSACTIONS AND FINANCE. (Binder)

CHAIRMAN GULDI:
1078. Motion to table.

LEG. CRECCA:
On the motion.

CHAIRMAN GULDI:
Legislator Binder asked for it to be tabled.

LEG. CRECCA:
Okay.

LEG. HALEY:
Second.

CHAIRMAN GULDI:
Second by Legislator Haley. Discussion? All those in favor?
Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

1094. Adopting Local Law No. -2003, a Charter Law in connection
with reduction of number of County Legislature Districts to eleven.
ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS AND FINANCE.
(Caracciolo, Tonna)

CHAIRMAN GULDI:
1094. Legislator Caracciolo.

LEG. CARACCIOLO:
I think we closed the public hearing on this, didn't we?

CHAIRMAN GULDI:
Counsel, is the hearing closed or recessed?

MR. SABATINO:
Public hearing was closed, Mr. Chairman.

LEG. CARACCIOLO:
Mr. Chairman, I'd just like to put on the record that at our next
Committee meeting this Committee should report out all of the
resolutions dealing with the reorganization of the County Legislature
so that there be ample opportunity for the public, the voters of
Suffolk County, to decide the size and form of government they'd like
as a Legislative body.

LEG. HALEY:
I second the motion to table.

CHAIRMAN GULDI:

I'll make the motion to table. Marty Haley seconded the motion to table.

LEG. HALEY:

That's your motion, right, Mike?

LEG. CARACCIOLO:

Well, right now, yes, I said a subsequent meeting.

CHAIRMAN GULDI:

With respect to that action and the subsequent meeting, there's one small problem we have as a result of these competing, these resolutions, and that is the initiative and referendum law of the State of New York prohibits a checklist. You've got to have one answer yes or no to your question, otherwise it can't go on the ballot and we can't construct a yes or no question that deals with eleven, fourteen, nineteen, seventeen, hike. So it is not, it is not practical to discharge them all.

LEG. CARACCIOLO:

Well, then in fairness to the voters in this County, this Legislative body should act on approving one or disapproving all three so that each representative when they're up for re-election in the fall, their voters will know whether or not their elected is being denied the opportunity to cast their mind as to what type of form, what size, form and cost they'd like as a Legislative body.

Counsel, I'd like to just make inquiry, the representations made by the Chair with respect to State law.

CHAIRMAN GULDI:

Actually, I haven't consulted with Counsel on it.

LEG. CARACCIOLO:

Well, I'd like to hear --

CHAIRMAN GULDI:

He may have an entirely different opinion.

LEG. CARACCIOLO:

-- I'd like to hear his opinion.

MR. SABATINO:

The Chairman is correct from the standpoint of incorporating it all into one bill. However, the way to get to the multiple choice issue would be if you have, for example, if these three bills were all discharged, they all contain a specific clause which states that whichever one is approved and gets the largest number of affirmative

votes is the one that would prevail. So if three bills got out, the voters would be given four choices. You could either stay with eighteen by defeating all three, you go to seventeen by approving one, you can get to eleven or you can get to -- but what happened is if two prevailed, if two prevailed, the one with the largest number of affirmative votes is the one that would govern. That's the way the law is set up and that's the way you deal with that issue.

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LEG. CARACCIOLO:

That's the way I read your opinion, your Rule 28, that, in fact, we could approve all three of these resolutions and give the voters a choice.

LEG. HALEY:

You just can't combine them.

LEG. CARACCIOLO:

You just can't combine them and consolidate them in one resolution and that makes sense.

LEG. FISHER:

Counsel, I have a further question to that. Could they appear on the ballot the way you have with Judges, for example, or Council people, choose any one or choose any three under a category like that?

CHAIRMAN GULDI:

No.

MR. SABATINO:

That you can't do. Both the Initiative Referendum Law, as the Chairman had mentioned, as well as each of these bills deals with the language which talks about whoever -- whoever prevails and gets the most affirmative votes. So just to take into account the possibility, each of these bills was constructed that way.

Just one technical point for everybody's edification is that since two out of the three contemplated a special election on April 29th, given the fact that you need to have two weeks of legal notices published and given the fact that you can't be certain whether the County Executive would take the full thirty days and veto and override, quite frankly, I mean April 8th would only -- voting on April 8th would only work for April 29th in the event that you had the super expedited cooperative process amongst other parties, and even then it would be tight. I just want to make you aware of that.

LEG. FISHER:

That's why it has to be tabled, so I can correct it.

MR. SABATINO:

But also, the bump up problem, and this is all laid out in Rule 28, but I just want to remind everyone that the reason April 29th was chosen, that was like the outside date to still allow for an orderly process in terms of selecting candidates to run in 2003. So I just want everybody to be aware that you could wind up in a situation where if you push the date back, whether it's in the general election or just another date in between, then could you wind up with having to pick two sets of candidates to run for the following year. I just want to make everybody aware of that.

LEG. CARACCIOLO:

On that point. 1095 was consistent with Legislator Fisher's resolution that would have, had it been affirmatively approved at the Legislature, put those two propositions on the ballot in April. She and I had discussed this --

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MR. SABATINO:

No. 1095 --

LEG. CARACCIOLO:

And Legislator Fisher's resolution both would have provided an opportunity at a special election.

MR. SABATINO:

No. 1095 was the general election. You and Legislator Fisher were looking at the --

LEG. CARACCIOLO:

I'm sorry, 1094.

MR. SABATINO:

Just to be clear on that.

LEG. CARACCIOLO:

I see 1095 is Legislator Alden's bill. That is scheduled for the general election. My preference, Mr. Chairman, would be to at the next meeting to give Legislator Fisher an opportunity to file a new or corrected copy to reflect the November general election vote and give the elector an opportunity to pass judgment on all three of these proposal.

CHAIRMAN GULDI:

I understand your position, we'll take it up at the next meeting. I think it's incumbent upon us to draw a map for eighteen, which is what we were focussing our attention on and not this.

LEG. CARACCIOLO:

We're waiting for the Presiding Officer to do that.

CHAIRMAN GULDI:

Okay. I'll have her file a bill.

LEG. CARACCIOLO:

Please do.

CHAIRMAN GULDI:

The next cycle.

CHAIRMAN GULDI:

I'll ask her to do that. On the motion to table, all those in favor?
Opposed? 1094 is tabled. (VOTE: 7-0-0-0) TABLED

1095. Adopting Local Law No. -2003, a Charter Law in connection with reduction of number of County Legislative Districts. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Alden, Haley, Towle, Binder)

CHAIRMAN GULDI:

1095. Motion to table by myself, seconded by Legislator Haley. Discussion? All those in favor? Opposed? 1095 is tabled. (VOTE: 7-0-0-0) TABLED

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1113. Requiring exit interviews for all County employees. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Postal)

CHAIRMAN GULDI:

1113. Legislator Postal asked me to make a motion to table this resolution, second by Legislator Haley. All those in favor? Opposed? 1113 is tabled. (VOTE: 7-0-0-0) TABLED

1119. Establishing cost effective "Smart Growth" land use plan for Kings Park Psychiatric Center (KPPC). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Nowick)

CHAIRMAN GULDI:

1119. Motion to approve by Legislator Bishop, second by Legislator Haley.

LEG. CARACCIOLO:

Explanation.

CHAIRMAN GULDI:

Explanation for Legislator Caracciolo.

MR. SABATINO:

This legislation is looking at proposed conversion of a building at the Kings Park Psychiatric Facility for use as County office space. This would start the process by directing the Space Management Steering Committee, which is a County entity, to develop a comprehensive written plan that would deal with about eight or nine components of an analysis in terms of financing, funding, activities that could be conducted, their buildings, whatever, and then that would start the process, they would have a hundred and twenty days to come up with the report. And then at that juncture the idea or the goal is to take that report and go to the State Legislature to get the requisite authority to implement it.

CHAIRMAN GULDI:

Ms. Costigan, did you have an observation to make with respect to this?

MS. COSTIGAN:

I sit on the Space Management Committee and I would merely observe that the Committee has no staff, so that the prospect of the work here, I don't know how it would manage it in that there is no assigned staff. The Committee only meets one a month and it doesn't have any planning function or staff for that purpose.

LEG. CARACCIOLO:

So in effect --

MR. SABATINO:

Just by way of example, this bill is analogous to a bill that was done for Legislator Bishop a year ago, which was there was a proposal to build court facilities through Touro Law School at Central Islip and virtually the exact same concept was adopted in that resolution which had the Space Management Steering Committee come up with a report, which they did, they issued like a twelve-page report, that became the

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basis for making a decision on where to go. There's a precedent for it is all I'm trying to communicate to you.

MS. COSTIGAN:

We did put out that report last year, it was considerably narrower and it was, all the work was handled by DPW in terms of the production. This one seem broader to me.

LEG. CRECCA:

Just on the motion.

CHAIRMAN GULDI:

Legislator Crecca is next, then Legislator Bishop.

LEG. CRECCA:

I just want to point out, having worked with Legislator Nowick on this particular issue, we're at a crucial juncture now where, you know, if we can show Legislative support for this Kings Park project, basically the State's put it up for bid with a minimum bid of two and a half million dollars. You've got a site there that needs a lot of remediation.

And the concern is both for the Town of Smithtown and also from a County-wide, County point of view, you're talking about a huge tract of land, hundreds and hundreds of acres, we have an opportunity here after speaking -- meeting with both Legislator Nowick and land use officials in Smithtown, to use, to do a really Smart Growth Plan for there in the sense that some of it is income producing property. And a lot of it can be preserved and will be preserved and we can lessen the impact on the town and school districts.

So I really think it makes sense for the County to take a role and to send a message to the State that we don't want this being sold out to a private developer. So in that regard, I would ask for a show of support and we can work with Real Estate to give them the necessary resources later on.

CHAIRMAN GULDI:

Just with respect to that, it's not really Real Estate, by asking Space Management to do it, you're essentially asking the Department of Public Works to do it. The Department of Public Works does not have personnel with planning experience or expertise in Smart Growth. I suggest, especially given that we have a week between now and the -- an extra week between now and the Legislative meeting, that Legislator Nowick consider amending her bill to find someone appropriate to do the functions that are requested since Space Management has neither the facilities or expertise.

Unfortunately what that means it will just drop back into Real Estate and Planning, I guess, without the Committee function. I don't see a --

LEG. BISHOP:

Isn't it a Planning function to begin with?

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MS. COSTIGAN:

I would have thought this would be Planning.

LEG. BISHOP:

Let me ask Counsel, who obviously worked with the sponsor, as to why it is Space Management and not Planning?

MR. SABATINO:

Because statutorily the Space Management Steering Committee is the Committee that handles all proposed location and/or relocation of County facilities. Maybe I wasn't clear in my presentation, I apologize. The sponsor of the bill is looking to convert, you know, somewhere between a hundred thousand and seven hundred thousand square feet of a building into County office space. It's not -- it's not a planning issue, it's not a proposal to look at the Kings Park Psychiatric Facility property and say should residential housing go in or commercial development or whatever, this is talking about County office space as a proposed facility at the site.

If you look at the -- I didn't go through all the specific items, but if you look at the kinds of things that are going to be evaluated, you're talking about costs, the kinds of things that the Space Management Steering Committee is statutorily authorized and directed to do so. And again, the Touro Law School proposal is the perfect analogy because --

LEG. BISHOP:

Let me make a point. Ms. Costigan, Counsel Sabatino, would it be possible for -- would it work for the bill to have Planning and some of the departments that have personnel prepare a report and have that adopted or amending or rejected by Space Management?

I mean ultimately what you're looking for I guess by going through Space Management is a more tangible commitment than just a report, you want the people that are actually going to place the County in there to go on record saying they want to go in, is that the notion?

MR. SABATINO:

The notion is really to come up with a four-year space plan to analyze and evaluate what County -- the Space Management Steering Committee theoretically, I don't see it on but I read the minutes, theoretically they're aware of what the County needs for space are and they're seeing proposals come from various departments to locate and relocate. So theoretically they see the bigger picture of what other facilities --

LEG. BISHOP:

They say they don't have any staff or a budget. So you're asking them to do analysis without any -- I mean they meet and they accept or reject proposals. So what I'm suggesting is run it through them in the resolution, you know, charge Planning, DPW, whoever the appropriate people within the administration with the background in preparing that kind of report and run it through that Committee. Obviously I'm not the sponsor and you and I can't do this alone, but to me it seemed like a plausible solution.

MR. SABATINO:

The request was made. I tried to fit it in with the existing statutes. We don't have -- we don't have a department of space, we have a Space Management Steering Committee that worked for the Touro Law School initiative. To put it someplace else would be illogical, but if the sponsor wants to put it someplace else, I'll be --

LEG. BISHOP:

I'm sure she didn't request space, she probably said I have an idea, how do I get there. All right.

CHAIRMAN GULDI:

So what do we have? We have a motion to approve and a second?

LEG. FISHER:

Yes.

CHAIRMAN GULDI:

We have a motion to approve and a second. All those in favor? All those opposed?

LEG. CRECCA:

Wait. There's a motion to table?

CHAIRMAN GULDI:

No, approve. And I'm going to take an abstention.

LEG. BISHOP:

Why don't we take a motion to discharge without recommendation?

LEG. HALEY:

Are you amending your motion?

LEG. BISHOP:

Yes.

LEG. HALEY:

Second.

LEG. BISHOP:

I'm the second on the motion.

LEG. FISHER:

I think you were the first, I was the second.

CHAIRMAN GULDI:

You're amending your motion?

LEG. BISHOP:

Discharge without recommendation.

LEG. FISHER:

I would just like to say as far as the approval, the motion to approve, we've been looking at, number one, using -- placing County buildings where they would be part of Smart Growth initiatives, we've been looking at using sites where the County could lease buildings and

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yet not run under the reimbursement problems that we've had from New York State.

And what I like most about this piece of legislation is the first resolved where it would incorporate the use of the Suffolk County Judicial Facilities Agency to construct or renovate the facilities so that we don't -- it's the kind of forward thinking that we need in space use and I think this makes sense the way it is. And I think that with the input of the agencies or the departments that will be using it to the Space Committee, that it would just make sense for this Committee to be the entity that handles it, the way that they handle the Central Islip and Bay Shore mini-center conversions.

CHAIRMAN GULDI:

Okay. That being said, we have a motion to discharge without recommendation. Is there a second on that motion?

LEG. CARACCIOLO:

Second.

CHAIRMAN GULDI:

Second by Legislator Caracciolo. Discussion? All those in favor? Opposed?

LEG. FISHER:

Opposed to discharge.

CHAIRMAN GULDI:

One opposed, Fisher is opposed to discharge without recommendation. It is discharged.

(VOTE: 6-1-0-0) (OPPOSED: FISHER) DISCHARGED WITHOUT RECOMMENDATION

LEG. CRECCA:

And just so the record is clear, I would have preferred to approve it, but I'll leave my vote in the affirmative for the motion to discharge without recommendation.

LEG. BISHOP:

I just wanted to provide the Real Estate Director the opportunity to contact the sponsor and see if they can work it out before Tuesday's

meeting.

1134. Authorizing the extension of a lease of premises located at 1140 Motor Parkway, Hauppauge, NY, for the Department of Social Services. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1134. Anyone from the County Executive's Office here to address this? Counsel, we tabled this for what additional information?

MR. SABATINO:

I think this was tabled at the request of the sponsor because they wanted to present more information.

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CHAIRMAN GULDI:

And?

MR. FAULK:

I believe a corrected copy is going to be filed.

LEG. BISHOP:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Bishop, second by myself. All those in favor? Opposed? 1134 is tabled. (VOTE: 7-0-0-0) TABLED

1135. Adopting Local Law No. -2003, A Local Law to restrict purchase of sports utility vehicles (SUV) by Suffolk County. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Binder)

CHAIRMAN GULDI:

1135. Legislator Binder's version.

LEG. BISHOP:

It's a joint collaborative effort.

CHAIRMAN GULDI:

I have a note from Legislator Binder asking for tabling.

LEG. HALEY:

Second.

CHAIRMAN GULDI:

I didn't get an explanation.

LEG. BISHOP:

I think he's expanding the scope of it.

MR. SABATINO:

The corrected copy was filed in a timely fashion.

LEG. BISHOP:

I'll make a motion to approve, he can table it on the floor if there's more work to be done.

LEG. HALEY:

Motion to table.

CHAIRMAN GULDI:

Motion to table by Legislator Haley, seconded by myself. All those in favor of tabling? Opposed?

LEG. FISHER:

Opposed.

LEG. BISHOP:

Opposed.

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LEG. CARACCILO:

Opposed.

CHAIRMAN GULDI:

Okay. Tabling fails. On the motion to approve by Legislator Bishop, all those in favor? What's the corrected copy, Counsel, the changes?

LEG. HALEY:

You know, I thought --

LEG. CRECCA:

My understanding is I just heard from the Legislative Aide to the sponsor that he has not seen the corrected copy and reviewed it.

LEG. HALEY:

Yes. So, you know, usually when a sponsor requests a tabling, I think we usually do that, I don't understand why we have a problem. It's not a prime sponsor, though.

LEG. CRECCA:

David's prime in my book.

LEG. HALEY:

I'm not going there. If Legislator Binder hasn't read the corrected copy, would someone change their vote?

LEG. CARACCIOLO:

I have a question for Counsel, Mr. Chairman.

CHAIRMAN GULDI:

Counsel's been asked for an explanation, we'll wait for Counsel's response and then we'll go to Legislators, please. Let's pretend that we have a little order here for the sake of the Stenographer, who's ready to kill me.

MR. SABATINO:

The basic changes were to clarify that vehicles which are trucks are not to be construed as SUVs, so the trucks wouldn't be covered. The other requirement was that all vehicles, not just the SUVs, should be acquired off of the State list, so there was an expansion of that requirement.

Is it also added a requirement for a detailed departmental analysis of all vehicle costs, not just the SUVs and that was basically it.

LEG. BISHOP:

Counsel, was that transmitted to the sponsor?

MR. SABATINO:

Yes. You're one of the many co-sponsors.

LEG. BISHOP:

No, no. Legislator Binder's Office is saying they didn't receive this, when was it done?

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MR. SABATINO:

It was done on the 17th, which was the deadline. It was filed to beat the deadline.

MS. MARTIN:

The reason Legislator Binder asked for the tabling motion was there was a second corrected copy that has been requested which the office has not received yet. And when I spoke with Counsel's staff this morning, they had it on their desk and had not yet given it to us.

CHAIRMAN GULDI:

Is there anyone on the prevailing who wants to make a motion to reconsider the tabling?

LEG. BISHOP:

I'll make a motion to reconsider.

CHAIRMAN GULDI:

Motion to reconsider the tabling motion by Legislator Bishop, second by myself. Discussion on the reconsideration? All those in favor? Opposed? Tabling is reconsidered, it's now before us. On the motion to table, all those in favor? Opposed? Tabled.
(VOTE: 7-0-0-0) TABLED

1148. To authorize and empower performance-based audit of all County Departments, Offices and Agencies. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Bishop)

CHAIRMAN GULDI:
Legislator Bishop, your bill.

LEG. BISHOP:
I'll make a motion to table and ask Counsel to change the effective start date to January 1st of 2004.

CHAIRMAN GULDI:
Motion to table by Legislator Bishop, seconded by myself. Discussion? All those in favor? Opposed? 1148 is tabled.
(VOTE: 7-0-0-0) TABLED

2101. Direct Budget Review to prepare leases database. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Fields)

CHAIRMAN GULDI:
Legislator Fields.

LEG. FIELDS:
Motion to table.

CHAIRMAN GULDI:
Motion to table, seconded by myself. All those in favor? Opposed? 2101 is tabled. (VOTE: 7-0-0-0) TABLED

2105. Adopting Local Law No. -2002, a Charter Law to expand prior written notice of defective condition requirements. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:
2105. Motion to table by myself, second by Legislator Crecca. Discussion? All those in favor?

LEG. BISHOP:
Can I make a motion to reconsider performance-based audit?

CHAIRMAN GULDI:
All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

CHAIRMAN GULDI:

Legislator Bishop, you wanted to be recognized on what?

LEG. BISHOP:

Yes. At the last Ways and Means Committee hearing when this came up,

CHAIRMAN GULDI:

Which one?

LEG. BISHOP:

1148.

CHAIRMAN GULDI:

Motion to reconsider tabling or not?

LEG. BISHOP:

Well, let me just make this statement and we'll decide what we want to do. The discussion among Legislators was that they didn't want -- they wanted the bill, but they didn't want to see it enacted with an immediate start date. And I was under the impression, what, Counsel?

MR. SABATINO:

There are two dates in the -- there are two trigger dates, so I'm not sure which one you were suggesting to have changed. There's one date which says that the process begins January 1st, 2003, but the other trigger date was to have the web site up and running January 1st of 2004.

So because there were these two dates, when you said make the correction just a few minutes ago, I want to get clarification, was it to start the process in 2004 or was it to start the publication of the process?

LEG. BISHOP:

Here is what the concern is that Legislator Crecca laid out at the last meeting, is that if we're going to have a change in administration, so to do an audit at this point on departments that are turning over doesn't make sense, so we should have a start date of next year.

LEG. CRECCA:

If I can just clarify, I think the problem was too that I don't believe we have the resources in the Comptroller's Office right now, is that correct?

LEG. BISHOP:

It's not a Comptroller's Office function.

LEG. CRECCA:

It's the independent outside auditor? Maybe it was a budgetary process then, because we have to pay for these. The idea was to make the effective date next January, that would give the time for implementation. That was really the thought behind it, not so much the change in administration, but that's a good point to make.

LEG. BISHOP:

So, Counsel, the goal is not to start it, the process next year, maybe we can start the process this year, but to have the actual audits begin, conducted. So that's what we -- I don't know if that's in the resolution now as it's currently written implicitly, but if it needs to be made explicit, then I would table it.

LEG. CRECCA:

Right. Then you would have the audits start next year?

LEG. BISHOP:

Right.

CHAIRMAN GULDI:

Can I --

MR. SABATINO:

Then I have to change that, okay, I'm sorry. I just wanted a clarification, because I had the January -- I had both January dates in but each one is a different trigger. So basically what you're saying is start the physical, for the period of time to be covered should begin on January 1st of 2003. Okay. We'll make the change.

LEG. BISHOP:

And as for the posting on the internet, as soon as they're ready, that's the point.

CHAIRMAN GULDI:

So we're going to leave that tabled.

2146. To establish limitation on contract agency/academic institution indirect costs. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Alden)

CHAIRMAN GULDI:

2146. Legislator Alden's bill. Has this been corrected, Counsel?

MR. SABATINO:

No, Mr. Chairman, it has not.

CHAIRMAN GULDI:

Motion to table for the clarification of the definitions by myself,

second by? Is there a second on the tabling motion?

LEG. BISHOP:
Second.

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CHAIRMAN GULDI:

Second by Legislator Bishop. Discussion? All those in favor?
Opposed? 2146 is tabled. (VOTE: 7-0-0-0) TABLED

2210. Appropriating Start-Up Funds in connection with the reconstruction of C.R. 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven (CP 5516). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

2210. Counsel, we tabled this for what purpose?

MR. SABATINO:

It needs a corrected copy because it was dealing with a prior year.

CHAIRMAN GULDI:

Motion to table by Legislator Caracciolo, second by Legislator Fisher. All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

2233. Adopting Local Law No. -2002, a Charter Law to change the County Tax Stabilization Reserve Fund Policy. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Haley)

CHAIRMAN GULDI:

2233. Motion to table by Legislator Haley, second by Legislator Fields. All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

2252. To authorize and empower the audit of the Suffolk County Pharmacy Benefits Manager. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Bishop)

CHAIRMAN GULDI:

2252. Legislator Binder's bill.

LEG. CARACCIOLO:
Bishop.

CHAIRMAN GULDI:

Bishop's bill. Motion to table by Legislator Bishop, second by Legislator Fisher. All those in favor? Opposed? Tabled. (VOTE: 7-0-0-0) TABLED

2312. Authorizing waiver of interest and penalties for property tax for Nick Poulos (SCTM No. 0200-686.00-04.00-019.000, 019.001; 0200-686.00-04.00-019.002; 0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Towle)

CHAIRMAN GULDI:

2312. Counsel, this has been tabled because of?

MR. SABATINO:

This one is tabled because there's technical defects in the application.

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LEG. HALEY:

Second.

CHAIRMAN GULDI:

Actually I wanted to go over this with you, Counsel, I'll talk to you about it after the meeting. Motion to table by myself, second by Legislator Haley. All those in favor? Opposed? Tabled.
(VOTE: 7-0-0-0) TABLED

INTRODUCTORY RESOLUTIONS

REAL ESTATE

1166. Authorizing the sale of County-owned real estate pursuant to Section 215, New York State County Law to Jean O'Connor and John O'Connor (SCTM # 0200-029.00-02.00-009.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Haley)

CHAIRMAN GULDI:

Introductory Resolutions, Real Estate. It's only ten to 12:00 and we're beginning some new resolutions. 1166. Legislator Haley's resolution.

LEG. HALEY:

Motion.

CHAIRMAN GULDI:

Motion by Legislator Haley, second by myself. Discussion? This one is a standard 215 redemption, it meets all the criteria, Counsel?

MR. SABATINO:

Yes. They filed the medical documentation.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar, Mr. Haley?

LEG. HALEY:

Please.

CHAIRMAN GULDI:

Second by myself. All those in favor? Opposed? 1166 is approved and placed on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1169. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Charles L. Lyon and Jeanne Haspel Lyon, his wife, (0200450.0o-03.00.o00). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1169. Ms. Costigan, this is Charles Lyon and Irene Lyon in the Town of Brookhaven.

MS. COSTIGAN:

There are three applications in a row by the same applicants in the

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Town of Brookhaven. They are all the owners, I mean they are the owner of the three properties. They have paid all the outstanding taxes.

CHAIRMAN GULDI:

And this is an of-right application?

MS. COSTIGAN:

That's correct.

LEG. HALEY:

Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Haley, second by Legislator Fisher. All those in favor on 1169? Opposed? Approved and placed on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1170. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 48 of the Suffolk County Tax Act, Lyon Coram Auto Body, Inc. (0200A75.00-02.00-009.001). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1170. Same motion, same second, same vote.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

MS. COSTIGAN:

Same parties.

CHAIRMAN GULDI:

Same parties, adjoining parcel.

1171. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Lyon Coram Auto Body, Inc. (0200476.00-02.00-009.002). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

And the third one is again the same motion, same second, same vote, same redemption. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1172. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, George Chrisomalides and Joanna Chrisomalides, his wife, (0200-976.90-05.00-018.001). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1172, property of?

MS. COSTIGAN:

George Chrisomalides.

66

CHAIRMAN GULDI:

And Joanna Chrisomalides. Again, Brookhaven of-right?

MS. COSTIGAN:

That's correct. These are the prior owners. They have paid the outstanding taxes.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Haley, second by myself. All those in favor? Opposed? Approved. (VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1173. Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, William M. Schmidt (0500-295.00-03.00-110.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1173. Local Law 16, William M. Schmidt. 0500 is --

MS. COSTIGAN:

This is the prior owner who has paid all the outstanding taxes.

CHAIRMAN GULDI:

Of-right?

MS. COSTIGAN:

Yes.

CHAIRMAN GULDI:

Motion by Legislator Crecca to approve and place on the consent calendar, second by myself. All those in favor? Opposed? Approved and on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1174. Sale of County-owned real estate pursuant to Local Law 13-1976, Michael Buksa and Alice Buksa, his wife (0500-251.00-02.00-081.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1174 is Local Law 13 to Michael, oh, I love that typo, I guess it's Suksa.

MS. COSTIGAN:

Buksa.

CHAIRMAN GULDI:

On my copy of the agenda it starts with an eight.

MS. COSTIGAN:

That's a "B".

CHAIRMAN GULDI:

In any event, this is Local Law 13. How many bidders?

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MS. COSTIGAN:

The appraised value of this property is six thousand dollars, there are two potential bidders, the Buksas put in the only bid at six thousand dollars.

CHAIRMAN GULDI:

The only bid at six thousand dollars and the parcel is described as a -- what's the size of the sliver?

MS. COSTIGAN:

The parcel is 37 by 21 by 94 by 50 by 109. It's irregular.

CHAIRMAN GULDI:

That would make it irregular. What's the acreage, anyone done an acreage calculation? It is still a sliver, yes?

MS. COSTIGAN:

Well, it's a fat sliver. You have a tax map there. It's a corner piece, which is why it has so many sides. The corner is cut off. It -- when put together with the Buksas property, it makes a lot that's typical of the neighborhood. Their current property is undersized. It's essentially 50 by 100.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Fields, second by Legislator Fisher. All those in favor? Opposed? 1174 is approved and on the consent calendar.
(VOTE: 7-0-0) APPROVED CONSENT CALENDAR

1175. Sale of County-owned real estate pursuant to Local Law 13-1976, Tiana Native Son, Inc. (0900-256.00-01.0-044.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1175. Local Law 13. Tiana Native Son, Inc., the Town of Southampton.

MS. COSTIGAN:

The property was appraised at fifteen thousand dollars. It's a 10 by 367 foot piece.

CHAIRMAN GULDI:

That's waterfront?

MS. COSTIGAN:

That's waterfront. The two bidders, of the two potential bidders, only one bid.

CHAIRMAN GULDI:

I have a question on this one because it's a waterfront access point on a bay front. The only two bidders were the two adjacent and the land owners, although the neighbors across the street were not given notice and an opportunity to bid?

MS. COSTIGAN:

They would not have been there, they're not adjacent.

CHAIRMAN GULDI:

They're not adjacent for purposes of Local Law 13. Has this property ever been considered, put into an auction or as a --

MS. COSTIGAN:

Yes, this property was put up for auction. It was removed from the auction by a request of the Legislature.

CHAIRMAN GULDI:

Okay.

LEG. CARACCIOLO:

Was it you, George?

CHAIRMAN GULDI:

I don't have any recollection of that. They say it's a sliver.

LEG. CRECCA:

How wide is it again?

CHAIRMAN GULDI:

10 feet wide.

MS. COSTIGAN:

10 feet wide, 370 feet long, give or take.

CHAIRMAN GULDI:

It's in Hampton Bays and it runs from Tiana Road to Tiana Bay.

LEG. HALEY:

Tiana or Tiana?

CHAIRMAN GULDI:

It depends on whether it's before or after lunch.

LEG. CRECCA:

Is there any reason we would need this for a right-of-way for the County? What's on the other side?

MS. COSTIGAN:

It was considered by DPW, it has not been kept for a right-of-way. I couldn't say if it would ever get a bid at auction.

LEG. CRECCA:

Okay.

CHAIRMAN GULDI:

Legislator Caracciolo just suggested a boat ramp. I can't imagine anyone trying to back up 370 feet in a 10 foot boat ramp with an 8 foot boat, you have to be pretty good for that one.

LEG. HALEY:

Especially after lunch.

CHAIRMAN GULDI:

It's a long hike. Motion to approve and place on the consent calendar by myself. Well, let's leave this one on the general calendar so that

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it's --

LEG. HALEY:

Come on.

CHAIRMAN GULDI:

All right. Motion to approve and place on the consent calendar by myself, second by oh come on Legislator Haley.

LEG. HALEY:

Yes.

CHAIRMAN GULDI:

All those in favor? Opposed? 1175 is on the consent calendar.
(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1176. Sale of County-owned real estate pursuant to Local Law 13-1976 pursuant to Local Law 13-1976, Anthony Suono (0100-209.00-04.00-011.000). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1176. That's 0100, which is Babylon.

MS. COSTIGAN:

It's Anthony Buono.

CHAIRMAN GULDI:

Guys, you have to work on the typing.

MS. COSTIGAN:

The appraised value is three thousand dollars for this 40 by 109 foot piece. There are two potential bidders. The Buonos were the only ones who filed a bid, they bid three thousand fifty.

LEG. CRECCA:

Is it a buildable lot?

MS. COSTIGAN:

No.

LEG. CRECCA:

Sometime I know in certain areas 40 by 100 is.

MS. COSTIGAN:

It has to appraise at less than twenty thousand dollars to be available for sale to adjacent owners, so I concluded it's not a buildable lot.

LEG. BISHOP:

Where do they live

CHAIRMAN GULDI:

This says the street is Prescott Street, Prescott --

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MS. COSTIGAN:

Prescott Place in West Babylon.

CHAIRMAN GULDI:

In West Babylon. I'm looking at the tax map.

LEG. BISHOP:

Motion.

CHAIRMAN GULDI:

Motion to approve and place on the consent calendar by Legislator Bishop, second by myself. All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN GULDI:

Wait a minute, that means it fails on the consent calendar, which means it's approved. (VOTE: 6-1-0-0) (OPPOSED: CARACCIOLO) APPROVED

LEG. CARACCIOLO:

I think it's worth more than twenty thousand dollars.

FINANCE

1167. To readjust, compromise and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature #163. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1167. This is a motion to approve and place on the consent calendar by Legislator Haley?

LEG. HALEY:

Yes.

CHAIRMAN GULDI:

Second by myself. All those in favor? Opposed? Approved and put on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1168. To readjust, compromise and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature #164.

ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:

1168. Same motion, same second, same vote.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

OTHER

1158. Adopting Local Law No. -2003, a Charter Law to reduce number of County Legislative Districts to eleven. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Caracciolo)

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CHAIRMAN GULDI:

1158. A Charter Law to reduce the number of County Legislative Districts to eleven. Motion to table for public hearing by myself, second by Legislator Caracciolo. All those in favor? Opposed? 1158 is tabled. (VOTE: 7-0-0-0) TABLED

1159. Naming Soccer Field in Yaphank as Marty Johnson Soccer Complex. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Towle)

CHAIRMAN GULDI:

1159. Motion by Legislator Haley, second by myself. That's a naming of a field. Let's put that on the consent calendar. Anyone got a problem with that? Motion to approve and place on the consent calendar by Legislator Haley, second by myself. All those in favor? Opposed? Approved and on the consent calendar.

(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1160. Adopting Local Law No. -2003, a Charter Law to require action on annual County Operating Budget on week before Election Day.

ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Towle)

CHAIRMAN GULDI:

1160. I'll make a motion to approve.

LEG. CARACCIOLO:

Second.

MR. SABATINO:

Public hearing, Mr. Chairman.

CHAIRMAN GULDI:

I'll make a motion to table for public hearing, because I have to.

All those in favor? Opposed?

(VOTE: 7-0-0-0) TABLED

1163. Appointing member of Suffolk County Employees Suggestion Review Committee (Cheryl Felice). ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Postal)

CHAIRMAN GULDI:

1163.

LEG. HALEY:

Motion to table to May 6th.

CHAIRMAN GULDI:

Motion to table to May 6th by Marty Haley, second by myself.

Discussion? All those in favor? Opposed? Tabled to May 6th. Is that one of our regularly scheduled meetings or is that a day you --

LEG. HALEY:

That's your next meeting after April 28th of this Committee, Ways & Means, May 6th.

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CHAIRMAN GULDI:

Great. (VOTE: 7-0-0-0) TABLED TO MAY 6, 2003

1182. Naming County Court Library in Riverhead as the Charles Newell County Court Library. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Guldi)

CHAIRMAN GULDI:

1182. Naming County Court Library Complex as the Charles Newell County Court Library. That's my resolution. I'll make a motion to approve and place on the consent calendar. By way of explanation, Charles Newell was a -- he recently passed away, a local attorney from the East End who was notorious for holding Court, if you will, in the, not in the formal judicial sense of the word, but in the broader sense of the word at the library offering advice and prolix discussion of esoteric legal issues with all-comers. And Charles was -- actually, this was generated by, brought to my attention by a suggestion from Mr. Besso, the Chairman of the Bar Association, and knowing Charles and knowing the situation, I wholeheartedly embraced it and, therefore, make a motion to approve and place it on the consent calendar.

LEG. HALEY:
I'll second if you stop talking about it.

CHAIRMAN GULDI:
Motion to approve by myself, second by Legislator --

LEG. FISHER:
I'll second it.

CHAIRMAN GULDI:
Legislator Fisher. All those in favor? Opposed? 1182 is approved.
(VOTE: 7-0-0-0) APPROVED

1199. Authorizing use of Indian Island County Park by March of Dimes, Walk America for their annual walk-a-thon. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (County Executive)

CHAIRMAN GULDI:
1199. Motion to approve and place on the consent calendar.

LEG. FISHER:
This says birthright of Peconic.

MR. SABATINO:
That was done by CN and that's a different one.

LEG. FISHER:
1198 is --

CHAIRMAN GULDI:
1198 is previously approved, we're on 1199. The compensation level is how much for the use of this park?

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MR. SABATINO:
Five hundred dollars.

CHAIRMAN GULDI:
Okay. Motion to approve and place on the consent calendar by Legislator Caracciolo, second by myself. Legislator Crecca is in the back of the room for the votes. All those in favor? Opposed? 1199 is approved and placed on the consent calendar.
(VOTE: 7-0-0-0) APPROVED CONSENT CALENDAR

1210. Adopting Local Law No. -2003, to amend living wage law for transition to full implementation. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Bishop)

CHAIRMAN GULDI:

1210. Motion to table for public hearing by Legislator Bishop, second by myself. All those in favor? Opposed? Tabled.
(VOTE: 7-0-0-0) TABLED

LEG. FIELDS:

What happened to 1205?

MR. SABATINO:

That was done by CN at the last meeting.

SENSE RESOLUTIONS

SENSE 13-2003. Memorializing resolution requesting the Board of Elections to allow the members of minor parties to serve as election inspectors. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Bishop)

CHAIRMAN GULDI:

Sense resolutions. Sense 13, memorializing resolution. Legislator Bishop, motion?

LEG. BISHOP:

Motion.

CHAIRMAN GULDI:

Second by myself. All those in favor? Opposed? Sense 13 is approved. (VOTE: 7-0-0-0) APPROVED

SENSE 14-203. Memorializing resolution requesting Federal government to mitigate State and local fiscal crisis. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Caracciolo)

CHAIRMAN GULDI:

Add me as a co-sponsor to that, please. Sense 14. Legislator Caracciolo?

LEG. CARACCIOLO:

Motion to approve.

CHAIRMAN GULDI:

Motion to approve. All those in favor? Opposed?

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LEG. HALEY:

Abstain.

CHAIRMAN GULDI:

Abstention by Marty Haley. Approved.

(VOTE: 6-0-1-0) (ABSTENTION: HALEY) APPROVED

HOME RULE MESSAGES

HOME RULE MESSAGE 1-2003. Home Rule Message requesting New York State Legislature to extend time and benefits to County employee Giustina R. Lombardi. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (Haley)

CHAIRMAN GULDI:
Home Rule Message 1.

LEG. HALEY:
Motion.

CHAIRMAN GULDI:
Motion by Legislator Haley.

LEG. CARACCIOLO:
What's the cost?

CHAIRMAN GULDI:
The cost on this is --

LEG. HALEY:
We approved this last year, apparently we have to redo it for --

LEG. CARACCIOLO:
I know, but there's a cost.

LEG. FISHER:
Where are we, George?

CHAIRMAN GULDI:
Plus an estimated one-time payment of services rendered of approximately sixty-eight thousand dollars according to the first whereas clause. It will cost the County an estimated --

LEG. FISHER:
Where are you?

CHAIRMAN GULDI:
I'm on Home Rule Message Number 1 at the end of the agenda. I'm reading the third whereas clause in answer to Legislator Caracciolo's question, an estimated annual payment of approximately one thousand dollars for fiscal year ending March 31, 2000, together with as a percentage of pay, an increase in annual employee contribution which will eventually approach three percent of the annual salary plus an estimated one time payment for past services of sixty-eight thousand dollars.

LEG. CARACCIOLO:
So what's the total?

CHAIRMAN GULDI:
At the moment it would be sixty-nine thousand dollars, but it could go up by future earnings and future contribution requirements.

LEG. CARACCIOLO:
Counsel?

MR. SABATINO:
It's the minimum of the sixty-nine thousand, which the Chairman just indicated, plus whatever contributions have to be done in the future if she ever gets the legislation adopted at the State level.

LEG. CARACCIOLO:
What is the justification for the request?

MR. SABATINO:
Well, she -- this particular petition has been before Legislator a lot, this is the 11th consecutive year, if I remember correctly, or the 12th consecutive year. We've passed the Home Rule Message in the past, but it's never materialized at the State level. But basically she indicates that back in 1975 something happened with the paperwork, which was not her fault, and did not allow her to become a member of the tier-two system at the particular juncture which would have made her tier-two instead of I guess tier-three.

LEG. HALEY:
We approve this every year in the --

LEG. CARACCIOLO:
Marty, we have a financial crisis of over a hundred million dollars or two hundred million dollars, depending on who you listen to.

LEG. HALEY:
So vote appropriately.

LEG. CARACCIOLO:
I will.

CHAIRMAN GULDI:
Frankly, I don't think we're going to raise a hundred or two hundred million dollars by denying a single member to two-tier benefits.

LEG. CARACCIOLO:
Multiply that by other single members.

CHAIRMAN GULDI:

If they were working for the County or County or local government at the time they qualify for tier-two, they're entitled to it. All those in favor? Opposed?

LEG. CARACCIOLO:

Abstain.

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CHAIRMAN GULDI:

One abstention. Approved. 6-0-1.

(VOTE: 6-0-1-0) (ABSTENTIONS: CARACCIOLO) APPROVED

HOME RULE MESSAGE 2-2003. Home Rule Message requesting New York State Legislature to authorize the County of Suffolk to convey certain parklands to Jopal Enterprises, LLC in exchange for conveyance of certain lands to be dedicated as parklands. ASSIGNED TO WAYS & MEANS, REAL ESTATE TRANSACTIONS, FINANCE. (P.O. Postal)

CHAIRMAN GULDI:

Home Rule Message 2. Detail on this, Ms. Costigan, what are we giving up, what are we getting?

MS. COSTIGAN:

We can provide you very little detail, we're not in support of this Home Rule Message.

LEG. BISHOP:

Motion to table.

CHAIRMAN GULDI:

Have you requested the details from the Presiding Officer's Office?

MS. COSTIGAN:

This is all new to us, we don't know anything about this.

CHAIRMAN GULDI:

Okay. Motion to table by Legislator Haley, second by Legislator Fisher. All those in favor? Opposed? Tabled.

(VOTE: 7-0-0-0) TABLED

CHAIRMAN GULDI:

I don't have any other items on the agenda. We do have the vultures here for an executive session. Mr. Cabbie, we have litigation settlements, how many to discuss? One litigation settlement? Ms. Fields did you want to address this in open session before we go to executive session?

LEG. FIELDS:

No.

CHAIRMAN GULDI:

All right. Motion to go into executive session to discuss litigation settlement. Approving the presence of Legislators, Legislative staff, Budget Review Office, Counsel to the Legislature, Risk Management and the County Attorney's Office.

We will recess the meeting from executive session and my Aide will actually get up and go tell the Stenographer what time we complete the executive session. There being no further business, please put up the signs. Thank you very much.

(EXECUTIVE SESSION: 12:05 - 12:17 P.M.)

(THE MEETING ADJOURNED AT 12:17 P.M.)
{ } DENOTES BEING SPELLED PHONETICALLY