

**WAYS AND MEANS  
And  
CONSUMER PROTECTION COMMITTEE  
Of the  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Ways and Means and Consumer Protection 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 **February 10, 2004**.

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**MEMBERS PRESENT:**

Legislator Cameron Alden - Chairman

Legislator Andrew Crecca - Vice-Chair

Legislator William Lindsay

Legislator Lynne Nowick

Legislator Peter O'Leary

Legislator Vilorina-Fisher

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**ALSO IN ATTENDANCE:**

Mea Knapp - Counsel to the Legislature

Jim Spero - Director, Budget Review Office

Ivan Young - County Executive's Office

Bill Faulk - Aide to Presiding Officer

Warren Greene - Aide to Legislator Alden

Ed Hogan - Aide to Legislator Nowick

Frank Tantone - Aide to Legislator Crecca

Tom Isles - Director of Planning

Christine Costigan - Real Estate Division

Christine Malafi - County Attorney

Jeff Tempera - Director of Labor Relations

All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano- Court Stenographer.

**(\* THE MEETING WAS CALLED TO ORDER AT 9:37 A.M. \*)**

**CHAIRMAN ALDEN:**

Good morning. I'd like to welcome everyone to the February 10th Ways and Means and Consumer Protection Committee meeting. I'd ask Legislative Counsel, Mea Knapp, to lead us in the Pledge.

**SALUTATION**

**CHAIRMAN ALDEN:**

Okay. I'd like to call up Ed Romaine.

**MR. ROMAINE:**

Good morning, Mr. Chairman.

**CHAIRMAN ALDEN:**

Good morning.

**MR. ROMAINE:**

I'll make it very brief. I'm actually here on two resolutions. The first one deals with authorizing the County Clerk to file an application for additional mortgage tax reimbursement. In 2001, we collected \$119 million in mortgage tax. In 2002, we collected \$179 million in mortgage tax alone. And last year, we collected \$244 million in mortgage tax. We are inundated with volume. This year we expect to continue what we did in 2004 -- 2003. In 2002, we did \$406 million worth of transactions in the County Clerks' Office.

So I know while some people are seeing the sky falling in terms of expenses, all we see is

revenue and a backlog which will produce even more revenue when it's dealt with. We have not had any staffing increases. What the mortgage tax allows us to do is get first instance money. We take our cut right off the top before we send our money to the state or the townships, and that money is used to reimburse our staff. Last year, we got about 1.4 million. We're moving to increase that to 1.6. We have to file an application with the state by March, that's why this resolution is before you now. But I'll be happy to take any questions that you have about it this. This only means more one for the County, by the way.

**CHAIRMAN ALDEN:**

Legislator Nowick.

**LEG. NOWICK:**

Good morning. How are you?

**MR. ROMAINE:**

Good morning. Good.

**LEG. NOWICK:**

Has Budget Review done the analysis as far as so we can say if I give the -- we have the additional mortgage tax even if we create other positions, this is how much the offset?

**MR. ROMAINE:**

I did not -- when I applied -- when I put the application together did not seek further positions. I sought simply to reimburse the positions we currently have that deal with the collect of mortgage tax in my department. So, no, there's no new positions.

**LEG. NOWICK:**

We don't need any new positions, we just need to reimburse.

**MR. ROMAINE:**

Right. And if there were new positions, they would be fully 100% funded, but I did not put any new positions in there, they are positions that you authorized in my 2004 budget. All I'm doing is saying to the state, pay us for them.

**LEG. NOWICK:**

That sounds logical.

**MR. ROMAINE:**

So that's it.

**CHAIRMAN ALDEN:**

Any other questions or comments? Ed, thanks a lot for coming down.

**MR. ROMAINE:**

Okay. The second resolution is a resolution that deals with the licensing of space for those in the title examiners business.

As you know, the County current licenses about I think it's 66, cubicles in the County Clerk's Office. And we had a lottery, we established a waiting list. And the resolution that allowed us to do that expired last year. And I had this discussion, I was before the Ways and Means Committee back at the beginning of December, and it was just decided that we would continue to collect the revenue, we collect revenue for this purpose, and that we would have -- talk about a new resolution in 2004.

The then Legislative Counsel, now Chief Deputy County Executive submitted a resolution without consulting with me or discussing it with me, and I have several problems with the resolution that he submitted, And that's Resolution 1095 of 2004. That was not submitted with any input from my office. It was designed by the County Exec's Office. I was hoping it would not be an attempt to micromanage the County Clerk's Office. And I have three basic objections to the resolution.

One is the fact that in the resolution that Mr. Sabatino drafted, he calls for the County Clerk to administer the licensing. That has never happened in County government. Most licensing agreements or real estate agreements are management by the Department of Real Estate. We do not have the ability to draft leases or licenses. That should be the province of the Real Estate Department.

The second thing is most of the monies collected from the title searchers are used for public access programs, either improving the books or improving computers. He takes that provision out of the resolution. And the third is he declares a space surplus. I would not want to do that because the County Center in Riverhead, as you all know, is this year scheduled to undergo a

major renovation, in which they intend to gut the building. It's a \$30 million, \$32 million renovation where they will totally gut the building, and they will actually add some square footage to the building. So this would be my recommendation. Until the renovation is complete, until we know what space is surplus, and we would have a resolution to this effect before you at the next meeting, we would simply say extend the current resolution and the current leases until the renovation is over.

When the renovation is over, we can come back, we can appoint the Space Committee to take a look at what space is surplus and they we can draft a new licensing agreement and have a new lottery. That makes a lot of sense, because if we have a lottery now and then we have to move people out of the building and then we have to move people back into the building, and we don't know where they are going to be located, it makes no sense to have a new agreement. And I -- I wish the County Executive's people had spoke to me before they took it upon themselves to draft this resolution for my department without my input or input of people on my staff.

**CHAIRMAN ALDEN:**

Ed, are you going to draft a resolution that will reflect all that you just stated?

**MR. ROMAINE:**

I'm going to draft a resolution that's going to say that what we should do is a couple of things. One, that we should extend the current license agreements until such time as the renovation of the building is complete, because I have no idea what space will be left over at that time.

Two, that after that, then we appoint a Space Committee when the renovations are complete to determine where the title searcher's cubicle should be located. And three, at that point we should have a lottery and establish a waiting list. We already had a lottery three years ago, and we don't have that many people on the waiting list now.

**CHAIRMAN ALDEN:**

Ed, I'll call you, because you think our current Space Management and Steering Committee could handle part of that?

**MR. ROMAINE:**

Absolutely.

**CHAIRMAN ALDEN:**

Good.

**MR. ROMAINE:**

In fact, we have procedures already in place, that's why I was so surprised by this resolution by Paul. I think he tried to do a good thing, but I only wish that he had consulted with my department and people in the title insurance industry. I know they are some representatives that have come from the title insurance industry to speak today, and they'll speak later, and I'll to hear what they have to say. But I think they will agree essentially with most of the things I have had to say.

**CHAIRMAN ALDEN:**

Any questions.

**LEG. CRECCA:**

Yes.

**CHAIRMAN ALDEN:**

Legislator Crecca.

**LEG. CRECCA:**

First of all, is there any representatives from the County Executive's Office here at this meeting today? You know, I would just ask that certainly that is a bill that directly affects the Clerk's Office, he is a County-wide elected official, and I would ask the County Executive's Office in the future before sending a resolution over for whether it's the Sheriff's Department, the Clerk, just to consult that person and that department before you go ahead and put a resolution over. Certainly I will support a motion to table this bill or not move it out pending your conversations with the County Executive. And I would just encourage them in the future to do that, so.

**CHAIRMAN ALDEN:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Ed, I apologize for my lateness, I missed part of your presentation. I was at a chamber meeting this morning in Port Jeff. The first whereas says that the term and conditions of Resolution 809-1997 have expired. Can you explain to me what the process from your point of view would be

once the resolution expires with its terms and conditions, what the transitional period would be and what you -- how you would have anticipated handling this and how that differs from the current resolution before us?

**MR. ROMAINE:**

I don't know if you were on the Ways and Means Committee last year, but I appeared in December to explain that this had expired and we were concerned that this had expired. The then Real Estate Director had indicated to me that the best way to do this was to collect the license fee for the first six months. And in the first six months of 2004 --

**LEG. VILORIA-FISHER:**

Excuse me, it's hard to hear you.

**MR. ROMAINE:**

-- to draft a resolution. And at that time the then -- the now Chief Deputy County Executive was the Legislative Counsel. And Paul indicated he would work with me. Now, I believe he submitted this resolution, and I want to say this with all the good intent, the only thing is he forget to contact me about it in his now positions, and drafted a resolution that has some problems with it. The first and most obvious is you as a Legislature are being asked to declare space surplus when you don't know if that space is going to be surplus or how much space is, in fact, going to be surplused once the renovations begin, during the renovations and until the renovations are over. This year the County Center is scheduled for a \$32 million gut renovation of the Riverhead County Center where the County Clerk and Treasurer and Real Property Tax Service Agency and Probation is located. All of that wing of the building is going to be totally gutted, they are going to be adding on to that wing.

And until that's over, what I'm suggesting is that we just continue the license agreements in effect. When the renovations are over, then we can take a look at what space we want to declare surplus, because you are declaring public space surplus for private use. So we want to take a look at that. And certainly the Space Committee can do that, the Space Management Committee can do that. So we'll have another resolution that will say, you know what, since we're getting a major renovation this year that may continue for a year, maybe two years, let's hold off until that renovation is completed.

**LEG. VILORIA-FISHER:**

And we don't need -- I guess I'm asking Counsel. Just to our Counsel, with the expiration of 895, we don't need something in the interim? That's what confusing me, Ed.

**MR. ROMAINE:**

Well, I asked that question back in December.

**LEG. VILORIA-FISHER:**

Yes. And I thought that's why Paul had crafted this because I thought that we needed something in place.

**MR. ROMAINE:**

We do need something in place, but this isn't what we need. We need a resolution that will either -- you have actually two choices; either to continue what's in place until the renovation is over, which I would recommend, because otherwise you will create chaos, or to have a lottery now for space that may not be existing or space that may not be existing during the renovation. We don't know where we're going to be relocated.

**LEG. VILORIA-FISHER:**

But just to talk about the--

**CHAIRMAN ALDEN:**

Today, you don't need to pass this, because these are hold-over tenants. So you can treat them as hold-over tenants. If the other resolution is forthcoming in a timely manner, we can pass that, and we can formalize a hold-over situation.

**LEG. VILORIA-FISHER:**

We can have a hold-over situation without with the existence of a resolution in place?

**MS. KNAPP:**

It sounds like you have a hold-over situation existing right now.

**MR. ROMAINE:**

That's what I was advised back in December when I asked the Legislature for guidance.

**CHAIRMAN ALDEN:**

Legislator Lindsay.

**LEG. LINDSAY:**

Then what is the resolution that you are going to draft?

**MR. ROMAINE:**

My resolution would simply continue in effect the resolution from 1997.

**LEG. LINDSAY:**

So you would formalize the hold-over situation?

**MR. ROMAINE:**

Right. Formalize the hold-over situation until such time as the renovations are completed with the building, at which time, I would ask the Space Management Committee to make a determination of what space is surplus. And at that point, a resolution would come. And at that point, a lottery would be held. We held the lottery back in 1997 for these spaces. We have about, I would say about eight to ten people on a waiting list, there's about 66 cubicles that we license out. The fair market rate was determined by the Budget Review Office. There are provisions to escalate that rate every July 1st in accordance with the set formula which was spelled out in that resolution.

**LEG. LINDSAY:**

So it wouldn't be --

**LEG. VILORIA-FISHER:**

So may I suggest -- I'm sorry, I hadn't finished my questioning. Ed, may I suggest if we do need a resolution, and we're looking at an issue that must be addressed, then may I suggest that rather than have an introduction, that you work with the County Exec, which is what you had suggested, that you're seeking dialog with the County Executive's Office in order to have a resolution which reflects both -- both of your concepts of what we're looking at, is that what you are saying?

**CHAIRMAN ALDEN:**

I'm sorry, Legislator Vilorina-Fisher. The part that you missed was when Ed Romaine did his introductory comments he said, that without consulting with his office, they put in a bunch of resolution that --

**LEG. VILORIA-FISHER:**

I heard that.

**CHAIRMAN ALDEN:**

-- have to deal with his office.

**LEG. VILORIA-FISHER:**

I still have the floor, Mr. Chair. Excuse me. I just wanted to say I did hear that.

**CHAIRMAN ALDEN:**

Oh, all right, because you were late. I thought you might have missed that.

**LEG. VILORIA-FISHER:**

I heard that. And what I'm addressing is that perhaps at this point having brought forward that to us, that there are parts of this with which you have a problem, may I suggest that -- and I'm suggesting this to the representative from the County Executive's Office here as well, that the Clerk's Office sit with the County Executive's Office and bring a resolution that would satisfy what both offices are looking at here.

**MR. ROMAINE:**

Thank you. And on January 26th, I corresponded directly with Paul to point what I saw as the -- some of the flaws in the resolution that he submitted. If you want I have a copy of that letter. And again, I'm not looking to castigate the County Executive, I'm sure Paul was motivated by the best intentions, but I only wish that he had spoke to me because there are other considers which I think people in the business will talk to you directly about.

**LEG. VILORIA-FISHER:**

That's what we're doing, Ed, we're asking that the County Executive's Office -- I'd like to see a copy of that letter, and we will be -- I'm asking -- Ivan is here, Mr. Young, if that message could go back to the County Executive's Office, please so that we can have a cooperative resolution here.

**CHAIRMAN ALDEN:**

You're all set?

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair.

**CHAIRMAN ALDEN:**

And Ivan, now you've got -- Mr. Crecca asked for it and also Ms. Fisher asked for it, so, please, carry that message back. Mr. Lindsay, I apologize.

**LEG. LINDSAY:**

Mr. Romaine, the object of the County Executive's resolution and your new proposed resolution is really to get to the same place, to use the space efficiently and economically. It's just a matter of logistics of when to come up with the space management plan.

**MR. ROMAINE:**

Right. And the other purpose of my resolution was to create some permanency. People that license these cubicles, these title examiners, they run a business. They don't know what's going to happen during the renovations, you know, if they have to start changing spaces, if they have to be moved around. I'd rather take a look at doing a new lottery once the building is completely renovated rather than in the middle of renovations or at the start of renovations.

**LEG. LINDSAY:**

So your resolution would not be time specific, it would kick in when the building is complete.

**MR. ROMAINE:**

Renovated, that's right. And then what we would ask is the Space Management Committee to declare certain space available for the title examiners and to -- because you as Legislators, have to say that this public space is surplus and can be used for a private entity.

**LEG. LINDSAY:**

What's the normal term of leases on these?

**MR. ROMAINE:**

Well, the resolution was originally three years, so at best, we would be extending it by a year, at most, maybe even two years. Then what would happen is there would be a new lottery at that

time with the resolution in two years.

**LEG. LINDSAY:**

Or three year leases?

**MR. ROMAINE:**

For -- no. Originally, I think it was a five year lease that Paul had suggested in his resolution.

**LEG. LINDSAY:**

Do you object to that?

**MR. ROMAINE:**

No, I don't object to that. I think that you need some degree of permanency. And by the way, the most of these people that work in the building that license the cubicles are the same people that have done it year after year after year after year. There are very few new entries into that business.

**LEG. LINDSAY:**

Thank you.

**CHAIRMAN ALDEN:**

Okay. Thanks. Ed, anything else you want to address?

**MR. ROMAINE:**

No. But I would hope you would adopt the mortgage tax reimbursement to give the County more money. And I hope that you will either table or defeat the current resolution -- at least table it until I can present another resolution for your consideration. And then you can take a look at both and decide which is to the benefit of the County.

**CHAIRMAN ALDEN:**

Thanks, Ed.

**MR. ROMAINE:**

Thank you.

**CHAIRMAN ALDEN:**

Next on the agenda we have Kevin Rooney. And Kevin's coming up to introduce the new Executive Director, Susan McMillan. Good morning, Kevin.

**MR. ROONEY:**

Good morning, Mr. Chairman, members of the committee. For the record, my name is Kevin Rooney. I am the Chief Executive Officer of the Oil Heat Institute of Long Island. I appear before the committee this morning, and I appreciate you taking a few moments. However, in my capacity as Chairman of the Board of Long Island Better Business Bureau, a position that I have been privileged to hold for the past nine years. Back at the end of last year, after a 38 career with the bureau, Ms. Janice {Grassy} retired as the Executive Director.

After reviewing the credentials of a number of very outstanding candidates, the Board of the Better Business Bureau was absolutely thrilled to have the opportunity to appoint someone who not only has an outstanding record in the field of consumer advocacy, but also as vice-president for investigations of the Better Business Bureau of Metropolitan New York has been closely aligned with and worked with both the US Attorney's Office, the State Attorney General and Consumer Affairs Offices in the City of New York. And I would just like to introduce to the Consume Affairs Committee Ms. Susan McMillan who was recently hired as the Executive Director of the Long Island Better Business Bureau.

**CHAIRMAN ALDEN:**

Hello, and welcome.

**MS. MCMILLAN:**

Thank you. I'm Susan McMillan. Kevin just introduced me. And I thank you for inviting me here today. I'm really excited about this opportunity to shape the future of the Long Island Better Business Bureau, and I look forward to working with this committee and with Consume Affairs Director Gardner on consumer protection issues as well as promoting -- or the continued promotion of good business practices amongst Long Island businesses.

**CHAIRMAN ALDEN:**

Great. Bill -- Legislator Lindsay, rather. We have rules now. I can't call him Bill, sorry.

**LEG. LINDSAY:**

Welcome, Ms. McMillan. Consumer protection is something that's really near and dear to the heart of this committee, and we welcome you aboard and we look forward to working with you.

One request, if you have business cards yet, if you could leave a stack of them so that we can have them in our office if we have something that Consumer Affairs doesn't cover, but the constituent problem as a consumer, you know, maybe we can get your good office involved as well.

**MS. MCMILLAN:**

Yes. Thank you very much. I will.

**MR. ROONEY:**

Thank you very much, Mr. Chairman.

**CHAIRMAN ALDEN:**

Thanks for coming down.

**MS. MCMILLAN:**

Thanks a lot.

**CHAIRMAN ALDEN:**

Next on the agenda is Robert W. Dow. He is the County Executive's nominee for Labor Commissioner. Good morning.

**MR. DOW:**

Good morning, Chairman Alden. Good morning, Legislator Nowick, Legislator Lindsay, Legislator Vilorio-Fisher and Legislator O'Leary.

**CHAIRMAN ALDEN:**

Legislator Crecca is listening, he just went to the --

**MR. DOW:**

I'm sorry. Good morning, Legislator Crecca. My name is Robert W. Dow, Jr. and there's a resolution that stands before you for the appointment of myself to Commissioner of Labor from Suffolk County Executive Steve Levy. And I would just like to say that I'm very excited about my appointment to the position, and I'm looking forward to working with the Ways and Means Committee and the entire Legislature on issues that come before the Department of Labor. And I'm open for any questions.

**CHAIRMAN ALDEN:**

All right. Traditionally what happens is when we get to the resolution, you know, then we would ask questions. But I was -- and I believe I was contacted and said that you had another appointment to get to. So if it's okay with the rest of the committee members, we'll go to that portion of it. If anybody has any questions that they'd like to ask the candidate. We'll start with Legislator Lindsay.

**LEG. LINDSAY:**

Good morning, Mr. Dow. You have been nominated to be the Commissioner of Labor for Suffolk County by the County Executive which is a very important position, a very prestigious position. Your nomination is subject to ratification by this Legislature. And the role of this committee is to review your qualifications and to ask questions of you, And that's why you are here this morning. Attached to your -- to the resolution was a one page resume, I assume you prepared this.

**MR. DOW:**

That's correct.

**LEG. LINDSAY:**

Okay. The one problem I have with the resume is there is no time frames or dates connected to it. So I'm just going to ask you a series of questions about it. And to be fair to the committee, I should make the committee aware that I've known Mr. Dow for a long time, I know a lot of the answers to the questions, but just to clarify the record, I think we should put it on the record. Are you working in the Labor Department now?

**MR. DOW:**

Yes, that's correct. I took a position that was vacated, and I am currently the Senior Deputy Commissioner.

**LEG. LINDSAY:**

So you are starting to get a feel for the responsibilities of the Commissioner and the extent of what the department does.

**MR. DOW:**

Yes, sir.

**LEG. LINDSAY:**

Okay. And of course, you are aware that our Labor Department is quite a big operation, it's almost 300 people and a \$27 million budget.

**MR. DOW:**

I believe the budget for 2004 is about 19.8 million, and there's currently 249 employees in the Department of Labor.

**LEG. LINDSAY:**

Of that 19 million, how much of that comes from grants from the federal and state government?

**MR. DOW:**

I believe 86% is through federal programs that come down through the state such as WIA and TANF and some of the other programs, but those are the two main funding streams. And then there is about 14% that's part of the the Operating Budget of the County.

**LEG. LINDSAY:**

So again, it's quite a responsibility to running that department. We're talking about almost a \$20 million budget. Going back to your resume though, under experience, if we go all the way down to the bottom, it's Business manager of Local 25, which is certainly a job that taxes anybody. I should know, I was there for ten years. Were you elected to that position?

**MR. DOW:**

Yes, I was.

**LEG. LINDSAY:**

How long did you serve in that position?

**MR. DOW:**

Approximately a year and a half.

**LEG. LINDSAY:**

And then you resigned?

**MR. DOW:**

That's correct.

**LEG. LINDSAY:**

To take this job with the Labor Department.

**MR. DOW:**

Yes, I did.

**LEG. LINDSAY:**

Going up the line, union trustee, the time frame was the same because it goes with the business manager's job; is that correct?

**MR. DOW:**

Yes, that's correct. As a business manager and principal officer of Local Union 25, I sat on all the trust funds, which was probably about -- currently about over a half billion dollars worth of trust funds with fiduciary responsibilities due to all the funds being a part of ERISA.

**LEG. LINDSAY:**

But the time frame was a year and a half?

**MR. DOW:**

That's correct.

**LEG. LINDSAY:**

Long Island Housing Partnership, same thing?

**MR. DOW:**

Yes.

**LEG. LINDSAY:**

Year and a half?

**MR. DOW:**

Yes.

**LEG. LINDSAY:**

Building Trades Council?

**MR. DOW:**

Well, as -- I had served also under Legislator Lindsay prior -- when he was the business manager, so that would from around 1998 to 2004.

**LEG. LINDSAY:**

Long Island Federation of Labor, year and a half.

**MR. DOW:**

Yes.

**LEG. LINDSAY:**

Okay. Contract negotiator, that means you negotiated contracts?

**MR. DOW:**

That's correct.

**LEG. LINDSAY:**

You negotiated a construction contract?

**MR. DOW:**

I negotiated a construction -- or helped negotiate -- was one of the negotiators of the construction contract. I believe it was the outside portion of it back in 1994 or '95, I should say. And then also telecommunications twice. Maintenance, sat on the maintenance contract negotiations also.

**LEG. LINDSAY:**

Business representative and telecommunications organizer.

**MR. DOW:**

That was from 1998 to 2002 -- 2001 I should say, excuse me.

**LEG. LINDSAY:**

I hired you, right?

**MR. DOW:**

That's correct. And I hope you made a good choice.

**LEG. LINDSAY:**

You left that position in 2000?

**MR. DOW:**

In 2001, yes.

**LEG. LINDSAY:**

January, right?

**MR. DOW:**

Yes.

**LEG. LINDSAY:**

How did you leave?

**MR. DOW:**

I resigned my position.

**LEG. LINDSAY:**

Why?

**MR. DOW:**

It was due to -- political in nature.

**LEG. LINDSAY:**

You recall a reason why you resigned at the time?

**MR. DOW:**

Yeah. I recall that I felt that the current business office was not -- I felt that the current

business office was not as well managed as it could be. And that was due to the fact that our business manager had not only been the business manager, which I always felt in my heart was a full time position, that he had chosen also to serve the County. I know it was at a part time basis, but however, I didn't think that the two could possibly be done. So I felt that I needed to resign.

And after the fact, I had announced my candidacy about a year later and ran for business manager and won the position. And over the year and a half as serving as business manager, and after County Exec Levy asking me to consider the appointment, I knew also that upon considering it and taking the appointment, that I would have to resign my position immediately due to the fact that in my heart I knew that the business manager position is a full time position.

**LEG. LINDSAY:**

The trouble with when you just said, Mr. Dow is that I didn't run for office until March of 2001. You resigned in December of 2000. I didn't have two positions. But the point of the matter with the experience, so you have a year and a half as the business manager and about two years as an organizer. In your organizing role, did you manage people or budgets or have any administrative experience?

**MR. DOW:**

Not as an organizer, no.

**LEG. LINDSAY:**

As a business manager you certainly did.

**MR. DOW:**

Absolutely. And to recognize, I know that Legislator Lindsay is quite aware of the fact as the business manager and in a organization that represents 800,000 members, the IBEW, the business manager is the principal officer over all of the office -- officers that are part of the union, whether -- the local union, and that he has the responsibility of not only the trust funds with ERISA, but also under LMRDA, which is Labor Management Act, 1959, has the responsibility as a principal officer and has the belief that he should have not only a large responsibility, but again, if I can characterize it, if there are any problems regardless of who makes the problems, if there are any situations that whether a member or someone working for you, if they have any problems or situations, no matter what, the principal officer, the business manager is

responsible for them. So it is a very awesome responsibility. I know that Legislator Lindsay as previous business manager of Local 25 recognizes that also.

**LEG. LINDSAY:**

Really, last question, do you feel that you have the experience to be the Commissioner of Labor?

**MR. DOW:**

Absolutely.

**CHAIRMAN ALDEN:**

Legislator Vilorio-Fisher and then --

**LEG. VILORIO-FISHER:**

Good morning, Mr. Dow.

**MR. DOW:**

Good morning.

**LEG. VILORIO-FISHER:**

I don't have questions that are as specific as Legislator Lindsay's questions. Mine are broader in scope. One of my primary areas of interest is Welfare to Work, the Personal Responsibility Act, that it will be revisited -- well, has been revisited by the House of Representatives and will be refined by the Senate and will come to have a new look to it. How do you anticipate responding or making changes within the Labor Department? Much of your funding does come from -- through WIA and TANF grants, how do you anticipate the Labor Department here in Suffolk County will be effected by changes that might occur in the Personal Responsibility Act and its changes that we anticipate this spring?

**MR. DOW:**

Well, again, the Department of Labor -- and like I had said before, and I know that the Legislators are well aware of it, 86% of it is funded from the Federal Government or State Government that comes down. So really to answer that question is going to be based on the funding streams. And I know speaking with some of the department heads in the Department of Labor that have been there from anywhere between 20, to 32 years, they're very concerned

because of the current politics with President Bush and the feeling that the monies and the funding stream has not been as large as it has been in the past. And from their experiences, they have told me that most of the time, usually when there is a Democratic Congress or President, the funding streams are a lot more open, shall we say, than in the current funding stream right now. We do have -- I know the Welfare to Work is very important to the residents of Suffolk County, I know it's important to the Legislature, it's very important to myself and to County Exec Steve Levy, because this is a basis and this is an integral part also of the Department of Labor, where you have programs that are going to get people that are on welfare, and most people that are on welfare, don't want to be on welfare, they want to go back to work, but there's problems with it. And problems with going back to work are not only the training that an individual may have, but also the transportation issue, the child care issue. And all of these are addressed through the Public Assistance Unit over on Oser Avenue.

Jim Sanders is the director of that unit and does a fantastic job and has worked with the Department of Social Services in effectively trying to get all of the residents that are on welfare from welfare to work and then from work to be better residents that can actually come back into the economy and feed the economy rather than take away from the economy.

**LEG. VILORIA-FISHER:**

Okay. I was not looking so much at the political framework of the response, but rather more of the hands-on, for example, will there be a greater link between the Department of Labor and the efforts being made at Suffolk Community College for training in the -- of technicians, new fuel technician or oil technician, I don't remember the name of the title, that new component in Suffolk Community College technical training that we've seen? HVAC. Thank you.

**MR. DOW:**

Part of that is that the Work Force Investment Act and the Work Force Investment Board of which County Exec Steve Levy is the CEO or the Chief Elected Official and { Rita DeMarco } is the Chairman of the.

WIB Board -- let me just digress a little bit. The WIB Board is from WIA or the Work Force Investment Act, is funded and it's mandated that 51% of it come from employers and then the other percentage, the 49 that's left is from labor organizations, from people in the County. And also, there is a representative from Suffolk Community College on that particular board. They have several functions with committees. In fact, we are having a meeting on March 3rd, the WIB Board. And I'm sure that having a representative from Suffolk County on the WIB Board

should at least open up that particular trade that we may want to entertain, because currently I don't think we are training for that.

I've looked over and reviewed -- in the five days that I have been working as the Senior Deputy Commissioner, I have reviewed the vendor employer list that works hand in hand with the WIA and WIB Board. And currently there is no training for oil technician or HVAC controlled technicians. That could be something that could be brought in front of the WIB Board to have discussion, go to committee and then act upon for training. I hope that -- is that somewhat --

**LEG. VILORIA-FISHER:**

It's going in the right direction, but there's -- it's a very complex issue, the Welfare to Work issue, the college training, the GED, and there are many components to it. The domestic -- the Displaced Homemakers Program, I know that that was in jeopardy about six months ago, what's the status of that program now?

**MR. DOW:**

Right now, currently we are still reviewing the funding streams. There is talk from the -- again, not to -- well, to involve national politics again, because again, the funding stream does come from the Federal Government. There is talk of combining the funding stream that was -- usually come into three sections, which was one was displaced homemaker, the other section was adult, and the third section, youth, as three funding streams. There is talk, but it has not been definite yet if those funding streams would be combined. I've been told by, again, people that have been in this department for years and years and years that that could have some sort of an effect on it. Right now, currently, we do have money for displaced homemakers or that program

**LEG. VILORIA-FISHER:**

Okay. Thank you. I notice on your resume that you are a veteran, that you served in the Navy.

**MR. DOW:**

That's correct.

**LEG. VILORIA-FISHER:**

I suppose because we have so many young people abroad and -- who will be returning to our labor force as veterans who have seen -- who have been in Iraq. Is there any anticipated method of trying to get that labor force prepared to -- those young to come back into the labor

force? Do you see any way of reacclimating the veterans coming back for war to the labor force? That's a very broad question, because of yourself being a veteran -- and it's a concern that I believe we all share.

**MR. DOW:**

Well, part of it is that veterans that leave a current employer under the USERA Act do receive when they come back if they had been employed for an employer, they would come back to that employer and receive their pension and their retirement system under USERA. But as far as specifically just for veterans, no, because I think that it should be for everybody. It should be for all the County residents, the programs that are in place right now are for, again, displaced homemakers, youth, adult. And obviously, I would want to help veterans as much as possible being a veteran, but I think that, you know, they are all residents of Suffolk County and should be looked at that way and helped as much as possible to get people from public assistance to some sort of work program through training that's provided by the Department of Labor.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Dow.

**CHAIRMAN ALDEN:**

Legislator O'Leary.

**LEG. O'LEARY:**

Thank you, Mr. Chairman. Good morning, Mr. Dow.

**MR. DOW:**

Good morning.

**LEG. O'LEARY:**

Just as the onset, I'd like to comment on your statement concerning, I'm assuming it's the national policy, is it your opinion that if Republicans are in office, the money dries up? Is that what you said before?

**MR. DOW:**

It's not my opinion, but it's been told to me by people that are currently in the Department of Labor that they feel that under Democratic -- whether it's -- and I'm not a Bush basher or

anything like that, and I don't mean to be, and ironically, I may say that I've been a registered Republican since 1974. I would commend County Executive Steve Levy on looking for people regardless of their partisanship to fulfill positions in the County, however, it was told to me by our grant development and program management person who for 25 or 30 years has watched -- watched the funding stream and how it is evolved and he just had recognized and a comment made would be that under the Democratic whether it be Congress or President, there seems to be more money for employment training programs and less for Republican, but not necessarily President Bush, but just in a broad sense.

**LEG. O'LEARY:**

I would caution you, however, in your status as a Commissioner, it could probably bode well for you if you would try to refrain from partisan statements like that, because it tends to alienate some, not all but some. Just moving on with respect to your role as Commissioner of Labor, what is your overview of the entire department itself? And do you anticipate any changes in the table of organization within the department?

**MR. DOW:**

Currently, I am -- again, reiterating that I have been there for five days -- this should be my seventh day I should say, I am reviewing the management structure, the organizational structure within the Department of Labor. Most of it though is -- 86% of it is funded from the funding stream through the Federal Government and has no consequence from the Operating Budget of Suffolk County. However, to reiterate what County Exec Steve Levy has been saying about streamlining effective government, I believe in that. And I wouldn't necessarily say that there would be changes where we would lose people, but I think that we can enhance the programs particularly the employment training programs. And one program that is close to my heart is labor mediation. I know that when the Suffolk County Legislature back in 1963 -- approved it in 1964, to have a Department of Labor, that was one of main goals of the Commission of Labor back then, Lou Tempera, was labor mediation prior to employment training programs, really started them and blossoming here on Long Island and throughout the state. So one think that I would like to enhance and make sure that organizations and employer groups that have labor problems recognize that the Suffolk County Department of labor offers mediation service, and that they can use us. And also, we have a Suffolk PERB board, and use that board as a function to be able to help the employers, employees with more harmonic relationships, or harmonious relationships and to, you know keep, business going, keep employees working rather than fighting amongst themselves and -- through labor disputes that

don't get resolved.

**LEG. O'LEARY:**

Okay. As the Commissioner of Labor designee, do you support the continuation of your predecessor of maintaining an excellent relationship with the community, most importantly with the trades for purposes of having everything go smoothly within your organization within the Department of Labor? Do you have a relationship with the trades? An if so, how do you -- how do you plan on advancing that particular policy.

**MR. DOW:**

Well, I do have a relationship with the trades. Again, I am a 31 year member of IBEW Local 25 and have been a part of a delegate to Nassau-Suffolk Building Trades. Jack Kennedy was the previous business manager of Local 25, I have a very close relationship with him. And I think it's not just the trades, I think you have to look also at the Long Island Federation of Labor, and labor organizations, we should offer our services to them to have as much harmony as possible in Suffolk County.

**LEG. O'LEARY:**

Thank you.

**CHAIRMAN ALDEN:**

Legislator Crecca.

**LEG. CRECCA:**

Good morning, Mr. Dow.

**MR. DOW:**

Good morning.

**LEG. CRECCA:**

I know you said you have been at the Department of Labor for seven days now, just prior to that, what position were you in, is that the business representative for IBEW?

**MR. DOW:**

Business manager of IBEW Local 25, yes

**LEG. CRECCA:**

How long were you in that position?

**MR. DOW:**

For a year and a half.

**LEG. CRECCA:**

And prior to that?

**MR. DOW:**

Prior to that I was a business rep and organizer with a year absent for about two and a half years.

**LEG. CRECCA:**

And all that at IBEW Local 25?

**MR. DOW:**

Yes, that's correct.

**LEG. CRECCA:**

What, if any, experience do you have with the non labor community -- I'm sorry, the non union labor community, that is, you know, private employers and outside of union experience?

**MR. DOW:**

Well, as an organizer quite a bit because of the fact as an organizer one of the duties and responsibilities is to not only offer our services as a union to employers that are non signatory, what we would call non union and to their employees. So I have had quite a relationship with other employers that are not signatory to a union because of the responsibilities as an organizer.

**LEG. CRECCA:**

What, if any, role do you see the Labor Department playing or interaction with non union employers, in the County that is?

**MR. DOW:**

Well, right now we have a relationship with a lot of employers, and quite frankly, I don't know if they are union or not union. I don't think that that should be, you know, a priority, and it wouldn't be of mine because of the fact that right now, we have relationships, vendor-employer relationships, with our employee training programs where a customer or a client, so called, as they come through the George Mason one stop would be referred to, after training, to a particular employer and -- regardless of him being signatory or not signatory. I know there was one program that the County built on prior -- that the County had -- was part of and it was through the building trades, it was specifically to get people ready for the apprenticeship program.

**LEG. CRECCA:**

I'm familiar with that. Is this -- the address on your resume, is that your residence address?

**MR. DOW:**

Yes, that's my residence address.

**LEG. CRECCA:**

I have to say, did anyone in the County Executive's Office advise you to possibly meet with Legislators prior to today or no? In other words, I'm talking about members of the committee. Generally -- and the reason I say that, I'm not trying, you know, to throw you a question or throw you -- you know, sandbag you or anything here, it's just that generally speaking, positions of the level of Commissioner, it's traditional and some of the other appoint -- proposed appointees for Steve Levy have come and met with us individually, the members of the committee so we had a longer opportunity to talk one on one and stuff. So I don't know if anybody advised you of that or you weren't aware of that.

**MR. DOW:**

I was advised of it on Friday and tried to, unfortunately, last night, make some introductions, but I didn't realize how the -- it was going to go last night. So I wasn't able to make as many as I would have liked to.

**LEG. CRECCA:**

I will extend that invitation to you. You can contact my office and set something up as soon as

possible, I would really appreciate that. The only other question -- or comment I would have is a follow up to what Legislator O'Leary had mentioned earlier about the partisan comments. And I don't believe that was your intention in doing it -- in what you said, but my only concern with that is, you know, should you be eventually be appointed by the Legislature as Labor Commissioner, certainly from what you say, you represent Suffolk County and that -- you know, we don't want to jeopardize any potential funding that we have or agitate any federal representative we have, you know, as far as getting funding sources. So I would just sort of caution you in being careful not just what is said, but how it is said.

**MR. DOW:**

I apologize if that was taken as a partisan remark. It was just something that was told to me by a director of fact.

**LEG. CRECCA:**

Again, it's more the perception in repeating comments like that publically. You know, it certainly doesn't -- it wouldn't bode us well if, you know, we had somebody from the Labor Department from the Federal Government here. I'm sure they would take umbrage with the comment. And again, it's probably not the proper way to phrase things for a Commissioner. Thanks.

**MR. DOW:**

Thank you.

**CHAIRMAN ALDEN:**

I just want to take this opportunity to welcome Legislator Carpenter. She is sitting in with the committee this morning.

**CHAIRMAN ALDEN:**

Anybody else? I just have a couple of questions. The local -- you are the business manager -- or you were the business manager of the local?

**MR. DOW:**

Yes, that's correct.

**CHAIRMAN ALDEN:**

Do they make political endorsements and also political contributions?

**MR. DOW:**

Yes. Most labor organizations have a committee that is voluntarily funded by members to make political contributions and endorsements. That's correct.

**CHAIRMAN ALDEN:**

In the spirit of full disclosure did your committee endorse a County Executive candidate?

**MR. DOW:**

Absolutely.

**CHAIRMAN ALDEN:**

And what candidate was that?

**MR. DOW:**

Steve Levy.

**CHAIRMAN ALDEN:**

And what was the contribution they made? This is all public record.

**MR. DOW:**

I'm not sure. It could have been 7500, maybe a little more. I'm not positive to be honest with you.

**CHAIRMAN ALDEN:**

But that was while you were business manager?

**MR. DOW:**

Yes, that's correct. And we have a long record of having a co-committee, which is our Committee on Political Education. Again, it's voluntarily funded. It does not come out of the general of the fund of the local union. So individuals that put money into this fund know that the money is used for political campaign contributions. And then we usually have a screening process of which candidates come down, and I'm sure that some of you have been down to Local 25 to get screened, and we look at labor issues; how it is going to affect your candidacy for our members.

**CHAIRMAN ALDEN:**

Okay. Any other questions? Okay. Legislator Nowick.

**LEG. NOWICK:**

I'm sorry. Just to clarify, you are seven days in the Labor Department, and your title is?

**MR. DOW:**

Senior Deputy Commissioner.

**LEG. NOWICK:**

Thank you.

**CHAIRMAN ALDEN:**

Thanks for coming down.

**MR. DOW:**

Thank you very much.

**CHAIRMAN ALDEN:**

At this point we'll go to the cards. And because we have a full agenda, I just ask that people coming up to speak would try to stay within the three minute time limit. First, we have Lee Koppleman. And, of course, everyone has the option if you are more comfortable standing at the podium, you could stand at the podium. Or if you are more comfortable sitting down at the desk, sit down at the desk.

Whatever you are more comfortable doing.

**DR. KOPPELMAN:**

Thank you, Mr. Chairman.

**CHAIRMAN ALDEN:**

Good morning.

**DR. KOPPELMAN:**

For the record, my name is Lee Koppelman, I'm the Executive Director of Long Island Regional Planning Board. I welcome to opportunity to address this honorable committee relative to the proposed legislation dealing with the real estate acquisition anti corruption reform act. I certainly applaud this Legislature on its long history of supporting the most active open space program of any county or most states of the nation, and I've made that statement at numerous

occasions before the entire Legislative body. And I certainly have no quarrel with the concern the Legislature to see to it that the County's Open Space Program is kept free from even the slightest taint or question of misuse of public funds or any type of action that could be considered either a conflict of interest or a corrupt act.

Having said that, I would have to point out that I don't believe this proposed piece of legislation is the way to achieve this function. There are several structural faults with the proposed legislation, as I understand its current drafting possession. First, of all there is the strong issue of separation of powers. The Legislature is not the Executive Branch of Government. And the nomination of department heads has been and should be the responsibility of the County Executive with advice and consistent as this committee has just reviewed the position of Labor Commissioner.

To transform that basic concept of government, I think it's absolutely wrong. It would be just as wrong if the Executive tried to preempt the functions and powers of this distinguished body. On a more minor point, the legislation also included the proviso that this Commissioner, to be appointed by the Legislature, would serve for the term of five years. That concept itself, I think, is a poor example of public administrative practice for several reasons. The more important reason being that a department head should serve not only at the pleasure of the County Executive, but should be subject to removal at any time if the performance of that individual is not up to par.

Fixed terms of office for County department heads, I don't believe is a good approach. We have several such positions at the present time; the Health Department, Social Services, and there are different reasons for that type of term of office, some of it having to do with the relationships of health to the State Health Department or Social Services to federal agencies that have certain oversight responsibilities.

However, in general, department heads in my belief should serve strictly as the pleasure of the County Executive. And this raises the second concern. If a department head is appointed by the Legislature and the County Executive is responsibility for the execution of the duties of all these people, the issue is where does the loyalty lie. And obviously anyone who is appointed by the Legislature should be responsible to the Legislature, and that produces again another conflict in term of separation of powers.

More to the point, the issue of the County Open Space Program, which I believe every member of this Legislature regardless of partisanship has continually endorsed and supported should continue in the issue future. And the issue at hand really is that whoever is going to take over the Real Estate Department should receive the same very serious vetting that this Legislature is most capable of doing. And if in your judgment the Executive's recommendation is a solid one, then you have closed the door on potential corruption.

But there are two other factors in regards to open space. One of these factors is that the Department of Real Estate should not, and in most cases does not, select the properties that should be saved. The regional Planning Board at its meeting last Thursday, discussed the open space segments of the forthcoming third regional plan. And from 1960 to the present time with a few exceptions, parks to be acquired by the Suffolk County Government, meaning the Suffolk County Legislature, since you are the only ones that could really authorize such expenditures, has been as a result of a plan where you knew in advance what the properties were that had been ranked and judged in terms of its environmental utility, its position, vis a vis, general conservation, whether it's water protection or terrestrial protection, or it's use as recreation lands, or it's use as agricultural lands.

And by having such a plan in advance, that eliminates not only the potential for political game playing vis a vis, open space, which should be free of that type of activity, but it also removes a certain element of potential conflict of interest or corruption in that parcels brought forward without having been ranked from a standpoint of quality leads to problems, if not improper judgments. Now, fortunately over the past 40 years, very few misjudgments have been made. There have been some, but very few. And I would submit for your consideration that continuing this type of approach where the planning function identifies the general array of parks would give the Legislature a guide as to whether an acquisition is meritorious or is not meritorious, and this does not mean that the Legislature denied any input.

The input on park recommendations can come any source; civic organizations, environmental organizations, the County Legislature, but then those recommendations should be impartially judged. In the Town of Brookhaven, I chair their Open Committee, and that committee does review every potential park, and we get recommendations from all sources. These recommendations are then ranked, and those that can measure up in terms of being worthy of preservation are then submitted to the Legislative body, the Town Board of Brookhaven, with the recommendation that the properties be appraised, and that we entertain negotiations to try

and acquire the parcels. That's a time tested approach, it's a sensible one, and it's one that should continue.

And I will be happy to make copies of the draft segment of the Regional Open Space Plan. We only made one open space recommendation in Nassau, because there's no land left relative to the Whitney estate. But virtually all the parcels for conservation for water provision, for recreation are in the County of Suffolk. And I'll be happy to make that available to the entire Legislature and respond to any questions that any members of the Legislature will have at any time relative to open space. But I would strongly recommend that in your judgement, you either table this proposed piece of legislation or hopefully eliminate it all together. Thank you.

**CHAIRMAN ALDEN:**

Thank you for coming down. Dr. Koppelman, there's a couple of Legislators that have some questions. First, Legislator Crecca.

**LEG. VILORIA-FISHER:**

Excuse me, Mr Chair. Point of order before we go to the questioning of Dr. Koppelman, because we're on an initial voyage today in something that is brand new to the Legislature and the public, and that is holding a public hearing at a committee meeting. And I believe that if this is the public hearing for 1086 -- I'm not sure that the audience is aware and we are now in a public hearing and we're only covering 1086 at this point.

**CHAIRMAN ALDEN:**

Well, actually, it's pretty interesting, because the way cards laid out, 1086 were the first cards that came in.

**LEG. VILORIA-FISHER:**

Okay. I just thought it would be beneficial for the people here and for the record to state that we are now in public hearing for 1086, the way we do it at the General Meeting. You know, we say -- we open the public hearing, and we either close or recess or the public hearing. That's just as a point of order so that it's very clear that we are now in the public hearing portion of this committee.

**CHAIRMAN ALDEN:**

We are. Okay. Public portion -- public hearing inside the public portion. That's the way it works in the --

**LEG. VILORIA-FISHER:**

No, actually, that's not the way it works at the General Meetings. At the General Meetings, the public portion occurs, at one point, the public hearing has a designated time where we begin it at the General Meeting --

**CHAIRMAN ALDEN:**

Right. But here we don't have a designated time for the public portion.

**LEG. VILORIA-FISHER:**

Okay. That's why I thought we should say for the for the record that we are opening the public hearing on 1086, so that when we have heard our last speaker or requested anyone from the audience who wishes to speak, that we ask that before we close the public hearing. And just to - and I know Mr. Crecca had worked very hard on the rules, with regards to public hearing, the time allotted to each speaker in a public hearing, I believe is generally different from the time --

**CHAIRMAN ALDEN:**

It's five minutes, and that's why I didn't hold them to the three minutes.

**LEG. VILORIA-FISHER:**

Okay. I just wanted to clarify that for the speaker who would be speaking on 1086, that's it's a five minute time. And with that being said, I will --

**CHAIRMAN ALDEN:**

Let the record reflect that at 10:35 a.m., we went into the public hearing for ten -- IR 1086 -- actually, it's a local law. Legislator Crecca.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair.

**CHAIRMAN ALDEN:**

Legislator Crecca.

**LEG. CRECCA:**

Yes. Good morning, Mr. Koppelman. I appreciate your comments on the separation of powers and respect those comments and think they are something that this Legislature should give very -- it should raise concern about this bill. My other concern though is, you know, you indicated

that the department -- or the Departments Chair of the Real Estate Department, doesn't select the properties to be acquired. But, you know, part of the problem here is that, and we've seen in the past and this is not a reflection on Ms. Costigan, but a reflection on the program overall with some of her predecessors, but what actually does happen in practice is, we as a Legislative body make policy decisions as to which properties they should pursue, but authorizing planning steps resolutions, as you are well aware. But what happens in the administration of that, carrying out that policy in the Executive Branch, the truth of the matter is and the practice has been that certain properties are moved quickly through those planning steps, and others are dragged out.

And I say because, you know, this was during the Gaffney Administration, so as a fellow Republican, this is not a partisan comment I'm making, but I saw and I know other Legislature experienced same thing, parcels held back or put on the back burner while others were moved forward that -- so in effect, the administration does become a policy maker. So I guess my question for you is one of my concerns is having some independence in the real estate director, and the reason for that is simply because we have seen this problem in the past where, you know, if it's an appointee of the County Executive -- and I do believe in the separation of powers -- but as an appointee of the County Executive, one the problems is that person answers directly to the County Executive as he or she should, but in the same respect too, we have seen the County Executive use that power in a way to sit on acquisitions that I think are very valuable to the County. How would you -- what would you suggest to sort of balance that approach.

**DR. KOPPELMAN:**

Well, first, there has to be an openness to the entire process. I think you can close that particular loophole very, very simply if there is an acknowledged piece of property where there's agreement and Legislative support that a piece of property should be saved, then I think you might consider, for example, a time requirement, where things can't be put on the back burner for whatever reason in the Executive Branch of Government. In other words, there has to be an Executive response whether you are dealing at the federal level, the state level for Suffolk County where the actions of the Legislature that call upon the Executive to execute a particular function, should not give the Executive Office a veto power over that particular operation. That also is standard good public administrative practice.

So that if there is any occasion whereby the will of the Legislature to support a recommendation is not carried out, then I think the Executive Office can be called to explain what is going on.

And similarly, whoever is appointed to head up the Real Estate Department, you can ask that very question in terms of how that potential commissioner views the function. I view the function of the head of real estate as being an administrative one to carry out the assignment, namely, to close real estate acquisitions. That commissioner has functions well beyond the open space function, which open space is only part of the Real Estate Commissioner's responsibility. But again, in terms of separation of powers, I will stand on that position. But I understand your concern.

**LEG. CRECCA:**

Yeah. I mean, the thing is this person still serves -- as we've seen recently, the person serves at the whim of the County Executive. And when you do that, the reality of the situation is that when that person does or doesn't perform the way the County Executive wants, you know, they are out the door. And I think possibly maybe there's some balance in between. I guess Legislator Binder's intent partially in this is to create some more independence for the director to carry out that function. Much like, you now, you talked about someone who works for the Legislature, our BRO director is a civil servant and does receive a term, and that does allow for a concern level of independence among that person in exercising his or her duties.

**DR. KOPPELMAN:**

But there's a different responsibility, sir, if I may. In terms of your Budget Review Office, that has always been viewed as a professional nonpartisan function. So the wisdom of the Legislature in trying to keep the Office of Budget Review untainted by partisanship, I think was a correct position. And I think the Legislature has been very well served throughout the history the Legislature by that principle. However, in the Executive Branch of Government, these department heads, in my judgment, have to be responsible to the County Executive. If you are concerned about the lack of speed on certain acquisitions, there are different ways of handling that particular problem. But at least if you have identified in advance what the parcels are and you go through the proper steps and the Legislature endorses acquisition, then perhaps you might want to consider legislation to put a time frame on response from the Executive Office and not have the Executive second guessing his Legislative intent.

That would be a more intelligent way of doing it than to create a potential Frankenstein which could do the reverse of what you're trying to achieve, namely, it could slow up with the entire process rather than to move it forward. There's also the danger that a Real Estate Commissioner might take on responsibilities beyond what the job really entails, then neither the

Legislature nor the Executive would have any control function.

**LEG. CRECCA:**

I appreciate your comments, Dr. Koppelman, and we'll certainly take them under advisement.

**CHAIRMAN ALDEN:**

Just as a reminder, this is question and answer, later on we can debate the bill. But I have Legislator Vilorio-Fisher then Legislature O'Leary.

**LEG. VILORIA-FISHER:**

Thank you Mr. Chair. Dr. Koppelman, it's very good of you to come here. You bring a great deal of experience and expertise to the table. We appreciate your comments. Before I ask my question I do want to say that it's particularly important to underscore that there might be Legislators who perceive that there was a sabotage to slow down real estate acquisitions on the part of any County Executive. It certainly is not good logic or reasoning to dismantle what your government is based on, which is separation of powers.

And this is an administrative function, it should be within the purview of the County Executive to appoint a commissioner within his administration. And this is the model throughout our government. And certainly a dismantling of that model must find -- must be rejected. And I certainly appreciate your suggestion that we take a closer look at time frame involved in real estate transactions. And I know having been intimately involved in some real estate transactions that although we sometimes suspect sabotage that some -- there are negotiations. And I know that, as you know, Detmer Farm was a case in point, where I don't believe that it was because of sabotage. There were a great many issues involved; families, there are deaths families, you are now negotiating not with an individual, but you're dealing with the whole family. So these are complex negotiations, and sometimes they take longer than we would want to.

But getting to my question, we have discussed in the Environment Committee for years the issue of prioritizing acquisitions. I think, Legislator Alden, you were in that committee two years ago when we discussed that a lot, the issue of prioritization, because we would like to have a point system or some way of seeing which parcels are most important for us to go after. One of the arguments that was posited at that time was that, if indeed we did have a prioritization of parcels, it would impose greater difficulty in negotiations, because the owner of the parcel that

would have been earmarked as priority one would become much more difficult to negotiate with, because that person -- that entity would ask for a higher price than we would and willing to pay, thus pushing the envelope. Do you see that as a danger in creating a list of priorities, creating a list of parcels that we have seen as important for acquisition? Could you comment on that?

**DR. KOPPELMAN:**

Having a comprehensive list of parcels is part and parcel of the planning process. You should have a clear understanding of what the overall Open Space Program should look like when it's finally consummated. At the present time, there are approximately 178,000 acres that constitute the open space of Nassau and Suffolk County. That's 22% of the total real estate. The plan that we proposed at last Thursday's meeting would eventually add another 44,000 acres of permanently preserved open space acquired by a variety of mechanisms, which means that Suffolk County, for example, would be approaching almost 30% of its total real estate in a preserved state.

Now having said that, that comprehensive list if you wanted to prioritize, really doesn't make sense for several reasons. Every one of those parcels on the list are a matter of priority. However, the difficulty is as follows. The policy of Suffolk County since the early 1960s when the county got burnt, was not to condemn property, but to acquire through negotiation. You mentioned Detmer, I've been involved with the Detmer acquisition now for 23 years. So I was extremely pleased that it finally resolved. A good deal of these delays are because --

**LEG. VILORIA-FISHER:**

Not quite. We still have to appropriate the money for it this afternoon.

**DR. KOPPELMAN:**

Well, that's a mere \$5.8 million, a mere bagatelle. The truth of the matter is that most of the delays are because of the owners of the property, not the County. Now, the County delays have been occasioned by a different factor. And I was responsible for open space acquisition for most of my history with the County from 1960 through 1988. And the biggest bane of our existence and the biggest delay from government's side was the appraisal process. And the appraisal process for some reason always low balled the estimates on the properties, and that was a problem. I worked with several of the towns simultaneously with the County program, and for some reason, the appraisers, regardless of which town they worked for, seemed to come up with more realistic market values than the County. And the end result was, for example, on Detmer,

it had to be appraised and reappraised and reappraised and reappraised. And that puts in tremendous delays in the program. You also view open space as a matter of chronological opportunity.

If you prioritize, and you say we're going this one, number one, two, three, four, down the list, then you miss the opportunities when parcel number fifteen may actually come on the market. So in terms of priority, timing is a factor in the priority. Once you have agreed that here is a list that should be saved, you go after every parcel as it becomes available. And that means item number 15 may have to come before item number eight, or else you may lose it. Where as some of the other parcels you have time for. For example, from a conservation point of view, outside of the 3778 acres that we still have to acquire in the Central Suffolk Pine Barrens, Gardners Island for the last 40 some odd years to me has been a top priority. It is the most important off shore Atlantic Ocean island from Maine to Florida. Fortunately, it's being properly managed. If you ask me to prioritize in terms of private estates, that would be number one. But since it is being properly managed, it doesn't mean we have to buy that before we buy the other eight parcels that should be preserved.

**LEG. VILORIA-FISHER:**

So if I can just be certain that I'm clear with what you said, and we look at this in our ELAP Committee -- well, it's not ELAP anymore -- but we have a comprehensive list of targeted open space acquisitions. And we have the guidelines from our Planning Department where they do have a point system which addresses a number of different issues, which create a value system for that property. And those two combined would really preclude the need for a prioritization -- a priority list.

**DR. KOPPELMAN:**

Correct.

**LEG. VILORIA-FISHER:**

We have a comprehensive plan. We need to look at chronological opportunity. We need to look at the point system and the monies available.

**DR. KOPPELMAN:**

Your current plan I would submit is not comprehensive, that's the reason the Regional Board did take a look at it. We worked closely with Suffolk Planning. I'll make that list available to the

entire Legislative body.

**LEG. VILORIA-FISHER:**

We appreciate that. It's very important to have that at hand. Thank you very much, Dr. Koppelman.

**DR. KOPPELMAN:**

Thank you.

**CHAIRMAN ALDEN:**

Legislator O'Leary.

**LEG. O'LEARY:**

Thank you, Mr. Chair. Welcome, Dr, Koppelman. It's very pleasing to have a man of you stature and prominence here today expressing your viewpoint concerning this particular issue. However, one of the things I want to question you about is your strong feelings concerning the concept of separation of powers. And I concur with you, I believe that the three branches of government should clearly have a delineation with respect to their responsibility and functions; the executive, the judicial and Legislative Branch. My question to you, sir, and it's based on your experience, is there any situation where there might be an exception to that rule with respect to separation of powers between the executive, judicial, and Legislative Branches

**DR. KOPPELMAN:**

Well, if I consider the history the United States and look at that issue, that's been debated in terms of the American federal system since 1790 to the present time. In general, the concept of separation of powers is a clear statement. But there is a second statement that has to go with it, and that's checks and balances. So whatever powers the Executive Branch may have, there has to be an opportunity that if that trust is violated, that the Legislative body, in the case of the Federal Government, the Congress of the United States, has a opportunity to bring the Executive to task if the Executive is not carrying out that function. What I mean by that is with a separation of powers, the Executive powers are not to legislate. The Executive powers are to carry out the will of the elected of the Legislators, any that's at any level of government. The exception that sometimes occurs is when the basic principle is violated. Fortunately, that's usually the exception rather than the rule. In a place like Suffolk County where there is a clear

distinction, and by the way, this distinction only existed since 1967 when the Legislature was created. When the County was rule by a Board of Supervisors, it was really a messy situation. One didn't know if the Executive was in charge or the supervisors were in charge. And the truth od the matter is the Supervisors were part time, and the end result is that the Executive was able to fill every vacuum.

Fortunately, the first County Executive was an outstanding administrator, basically nonpartisan, and so there was no real violation in terms of the quality of government. But in terms of the operation of government, it almost became sort of a one person government until the Legislature was discussed and finally create. In my experience here in the County, I can't think of an example of where I would justify a violation of that principle. If for no other reason that if the Legislature violates separation of powers, then you could have a situation where the Executive may be tempted to do the same. And that really is not in my judgment good government. There has to be both the separation and there has to be the checks and balances. In my judgment, the Legislative responsibility is to ensure to the best of their ability that whoever in the Executive Branch are there for meritorious reasons and not other reasons, and they perform their functions as they are supposed to.

And the Legislature can address this by having these department heads appear before the Legislature to try to justify whatever actions the Legislature may feel has not been properly carried out. That way you have a measure of control without violating the basic concept of separation.

**LEG. O'LEARY:**

Thank you, sir, I appreciate your viewpoints ans comments, and I will certainly hold to them. Again, thank you very much. I appreciate your comments.

**DR. KOPPELMAN:**

It's my pleasure, sir.

**CHAIRMAN ALDEN:**

Legislator Lindsay.

**LEG. LINDSAY:**

I too would like to thank you, Dr. Koppelman for coming down here today and to testify at this

public hearing. My only regret is that this public hearing is not in front of all 18 of us, because I think your comments are very valuable, and I would have liked them shared with the rest of my colleagues.

Having said that, just one question yes or no, the land purchase policy that we have, you are as familiar as anybody in County government, since the Newsday articles of maybe a year and a half ago or two years ago, I think there has been more attempted reforms of this program than anything else in County government. Do you think that this bill will add to the efficiency of the purchase of real estate in Suffolk County.

**DR. KOPPELMAN:**

No.

**LEG. LINDSAY:**

Thank you.

**CHAIRMAN ALDEN:**

Thank you, Dr. Koppelman.

**DR. KOPPELMAN:**

Thank you very much.

**CHAIRMAN ALDEN:**

I'm sorry, one second.

**LEG. NOWICK:**

No. I just wanted to thank you, Dr. Koppelman for coming down here, because I'm learning a lot from what you said and especially learning about the priority list, which now makes perfect sense when you compare Gardners Island. And I appreciate your explaining this to us in detail, because now it makes sense. It makes sense why we do certain things. I understand Gardners Island is being taken care of, we don't have to rush to spend money in the County. So I wanted to thank you for coming down here.

**DR. KOPPELMAN:**

It's my pleasure ma'am.

**CHAIRMAN ALDEN:**

Thank you.

**DR. KOPPELMAN:**

Mr. Chairman, thank you.

**CHAIRMAN ALDEN:**

Okay. Richard Amper.

**MR. AMPER:**

Mr. Chairman, members of the Ways and Means Committee, my name is Rich Amper. I'm Executive Director of the Long Island Pine Barrens Society. I'd like to echo some of the things that Dr. Koppelman said so that we understand them better. We've all been frustrated by the slow pace of acquisitions in the last two years. I don't attribute picking the good ones and bad ones, none of them very fast from our point of view. Dr. Koppelman said that the Regional Planning Board had a list that he would be supplying on a basis of evaluation. I am delighted to report that the environmental community went through a similar exercise, and these lists are almost identical. You can be very, very comfortable that we have -- we know exactly what we need to buy, but we also know when we need to buy them.

Final build out of Suffolk County is to occur, depending on who you talk to, some time between 2010 and 2013 at the broadest. Giving us the most possible time, we have ten years. And Dr. Koppelman had identified 44,000 acres of land that we need to secure by that time. The longer it takes, we by the way, the more we're going to pay for the land. We don't want to do that either. So what we really need to do is to expedite the process. We once -- this County once bought 2500 acres a year. Last year, we secured fewer than 500. Yes, in the process of reform we can avoid wrong doing, but we're going to clearly avoid any wrong doing in the land acquisition program if we don't have a land acquisition program.

But we can't have a \$4.5 billion tourism industry, we can't maintain Suffolk as the number one agricultural producing county in the state if this land is gone. So we need to expedite this process. This bill doesn't do that. In fact, it sets us in the wrong direction. I think it's actually ill considered and mean spirited. We have been running the program out of the Executive Branch for more than a quarter of a century. We've had very, very few problems. And

Legislator Binder appears to have been so outraged by the abuses of the Gaffney-Grecco scandal that he rushed to the Legislature to reform the process and end scandal. But it took him two years to get here. He arrived two weeks after the new administration came in and tried to set the Real Estate Department in order. And I am very, very uncomfortable about that. Mother nature is not registered to any political party. If we can't keep the environment above partisanship, we are in very, very serious trouble. We're running out of time, and the land is disappearing. The public ranks overdevelopment as the number one problem, and it's a problem not just environmentally, but economically. It's going to hurt us in tourism. It's going to hurt us in farming. It's going to hurt us in the second home industry if we do not properly secure these lands now. It's going to hurt us in terms of our capacity or our need to build more infrastructure to pay more for government services, for schools, roads, police protection, all the thing you folks grapple with every single day.

So I think it's important for us to understand the separation of powers doctrine, yes, efficiencies, yes. If this Legislature wants to set a time table, as Dr, Koppelman said, requiring action by the Executive Branch to expedite this process, we wholeheartedly agree the process should be expedited, but it, in fact, has been slowed. And the problem is that the money that we are paying for land today is as much as 20% more than it was two years ago. The fact of the matter is land that we do not buy now, we will pay more for or we will lose forever to overdevelopment. This bill should be promptly dispatched. Thank you very much.

**CHAIRMAN ALDEN:**

Any questions?

**LEG. VILORIA-FISHER:**

I think he said it all.

**CHAIRMAN ALDEN:**

Thank you, Mr. Amper.

**CHAIRMAN ALDEN:**

I just have a question of Tom Casey. You're speaking on this bill also?

**MR. CASEY:**

Yes.

**CHAIRMAN ALDEN:**

Come on up.

**MR. CASEY:**

Good morning, ladies and gentlemen. My name is Tom Casey. I'm here speak today as a private citizen. However, I'm Vice-President of the Long Island Greenbelt Trail Conference and the Trail Conference's delegate to the Pine Barrens Advisory Commission and also the Pine Barrens Protective Lands Council. So I'm fairly familiar with the issues us surrounding land acquisition in Suffolk County. You well know the people of this County have voted for decades overwhelmingly to preserve land. This past November, both candidates for Suffolk County Executive promised to get the lands purchase program moving again. And the people of this County want to see that happen sooner, not later, and thus, I'm asking you to reject Mr. Binder's Bill.

The new County Executive's plan to reform the process was out there for public scrutiny long before the election. He was elect, and so he should have the chance to make his program work. Mr. Levy's idea establishes a direct line of accountability right up to his chair in Hauppauge. If the people like what he does on open space, he might be sitting there for a while. If not, we have the option to choice someone else. That's the way it should be. Now we have a bill to create a so-called independent Real Estate Department. It's author is quoted in the Sunday Times. You probably saw the article saying, I want to built a mote around the department. Well, he intended that to mean one way, but anyone who things that having this Legislature appoint a Commissioner to a five year term will take politics out of this equation, you all are dreaming. You all know that.

The only mote this bill constructs would be one that keeps the public at arms length and blurs the lines of accountability while slowing the process of action acquisition. The authors of this bill made comments to the Times about Richard Amper and Michael Deering, the new Director of Environmental Affairs. He said, Mike Deering is Dick Amper's guy, and likens Mr. Amper to the Wizard of Oz behind the curtain. These are remarkably political statements from someone who claims to want removed politics removed from the process. Dick Amper is not the issue here.

Over the years, I've heard Legislators, builders, commission members and even environmentalists have a few choice words about him, but that's generally because he his pulling

down someone else's curtain, not hiding behind one of his own. Yes, he is a fighter, he steps on toes. Whoever is in charge of land acquisition is going to be hearing from him. So he is not the issue. I don't know anyone who is more passionate about preserving open space in Suffolk and about doing it according to the letter of the law.

Mike Deering is not the issue here. The County executive promised to appoint what he calls, quote, a renowned environmentalist, unquote, to head a new department of the environment. He did. Mike Deering's records show he has the knowledge, experience and integrity to do the job right. No one is behind his back pulling strings. The issue here is politics, pure and simple.

If it isn't, why wasn't it introduced last year before the County Exec's chair switched political parties? The power to appoint a department head should remain in the hands of the County Executive. At a time when Suffolk County is rapidly building out, this bill would inject delay and partisanship into our last chance to preserve the best of what remains of our open space.

In closing, I would just applaud Dr. Koppelman for his remarks. I could have saved you all a lot of time by coming up here and saying ditto. And also, I'd like to praise the Legislator for its long record of land preservation. And let's reject this bill and keep that going. Thank you very much.

**CHAIRMAN ALDEN:**

Thank you. Any questions? Joe Gergela.

**MR. GERGELA:**

Good morning, Mr. Chairman, Members of the Legislature. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. I think the previous speakers have pretty much hit the target as far as we are concerned relative to the discussion about Mr. Binder's bill. Two years ago, Chapter 712 was passed by the Legislature, which took some corrective actions regarding open space and farmland acquisitions.

And to my knowledge, and what I see, and I work very closely with the Planning Department and everybody involved, particularly farmland acquisitions, that things are starting to progress and we starting to get back on track. I don't see how this bill is going to help acquire farmland or open space. In fact, I concur with what Dr. Koppelman said. As a student of public policy and of government, I think it's a serious mistake to pursue that course of action.

What I'm concerned about mostly would be if this bill where to go forward, what would be the impact on process? The process that's already being followed is somewhat burdensome already. And in the case of farmland decisions, farmers and their families are involved, negotiations have to take place. It's already a long process to go through to sell development rights to the County. It may take as long as two or three years. So anything that can be done to expedite, as Mr. Amper said, is the right course.

I believe that Mr. Levy with the appointment of Mike Deering, and I'm not here to sing Mike's praises, but I have worked with him over the years in his capacity with the State Legislature. I think on are ideas on things that need to get done internally are going to expedite and improve the process.

So I too believe in checks and balances. You have your role as Legislators, but certainly this is an administrative program under the Executive, and that's the way it should be and should be for the future. That's really all I want to say. Anything else would be redundant. I thank you for the opportunity to comment on this.

**LEG. LINDSAY:**

Thank you.

**CHAIRMAN ALDEN:**

Yes. Legislator Vioria-Fisher.

**LEG. VILORIA-FISHER:**

Thank you for coming down. It's very important to hear your voice on this very, very important issue. As far as it being an administrative -- part of the administrative venue and bailiwick, when we had sat at the Farm Committee -- what the name? The Agriculture and Environment Task Force, is that what we call it?

**MR. GERGELA:**

Yes.

**LEG. VILORIA-FISHER:**

Lowering the pesticides in fertilizers. What role would you say the administrative -- the

Executive Branch has played in information gathering for that committee, vis a vis, the economic develop -- I think it's important for people to understand how broad the farm program is in Suffolk County.

**MR. GERGELA:**

Well, I think that is somewhat of a separate issue and that -- but it is relative to the preservation of farmland. If we're going to preserve farmland, then obviously we need for the agricultural community to play a role in protecting the resource, and that is by the task force that we're working on is designed to help farmers do a better job in their use of fertilizers and pest control methods and everything else. So they are tied together. And the Administrative Branch will be involved with that.

One of the things that we have recommended to the County Executive is that there is a position within the Planning Department that we would like to see filled. And that is called the farmland administrator. And we believe that that person would have a role in kind of coordinating and facilitating getting grant monies from the state and Federal Government to help us do stewardship on farmlands and also to expedite and move the program forward faster.

Right now, there's over 3,000 acres in play of farmland on the list for acquisition at various levels. And the process and the length of that list, it's going to take a number of years to get it done. So what I am most concerned about is that, you know, if we are talking about doing things legislatively, I don't want to see anything get slowed down. We need to expedite, not slow down. And that is what my concern is as far as the Binder bill.

**LEG. VILORIA-FISHER:**

Joe, with best management practices, aren't we able to access low interest state moneys more easily if we can prove that there are best management practices?

**MR. GERGELA:**

Yes. We're developing what's called the Agricultural, Environmental and Management Program for use in Suffolk County. And if we have that program in place, we would be eligible to get low interest loans from the Environmental Facilities Corporation, which can be leveraged and get money now and pay back later for acquisition purposes. So the answer is yes.

**LEG. VILORIA-FISHER:**

And other administrative offices that I've seen involved -- since I've been involved would be farmland task force has been -- I've seen people from economic development -- from the Economic Development Office involved, I've seen planning people involved. There are a number of administrators that -- people from the Executive Branch that have been involved with working with the agricultural community as both -- from both the land acquisition and open space point of view as well as the economic engine.

**MR. GERGELA:**

No question about it. I mean, Dick amper mentioned earlier that tourism is a very important part of the economy, as is agriculture. Agriculture is a lot bigger than most people realize out here, and we make up about 5% of Long Island's economy. It's not millions, it's hundreds of millions of dollars in the economy, eight thousand people employed, open space relative to tourism and the wineries. We can go on and on about it, but they are all interconnected. Our acquisition programs, as Dr. Koppelman doctor said, are among the best in the country. We've done a fine job. There's no need to mess it up now.

**LEG. VILORIA-FISHER:**

Thank you, Joe.

**CHAIRMAN ALDEN:**

Any other questions? Thanks a lot for coming down.

**MR. GERGELA:**

Thank you.

**APPLAUSE**

**CHAIRMAN ALDEN:**

I apologize in advance to the next speaker. So I'm not going to try to say the last name, I'm just going to spell it. R-a-b-i-n-o-v-i-t-c-h.

**MR. RABINOVITCH:**

For the purpose of the record, my name is Paul Rabinovitch. I'm the Executive Director of the Nature Conservancy's Long Island Chapter. And thank you. On behalf of the Nature

Conservancy, that you for the opportunity to present our comments. As you know, the Nature Conservancy is dedicated to preserving the plants, animals and natural communities that represent the last great places here on Long Island. And as such, we support and actively implement any measures to increase the total acreage of protected lands and waters here in Suffolk County.

And over our history, we've protected over 50,000 acres, working on our own behalf as well as with support of Suffolk County, various towns and the State of New York as well as the Federal Government. But we believe as do our 20,000 members who are here in Suffolk County that we have a obligation to ensure environmental health for future generations.

So in that spirit, we thank Legislator Binder for his acknowledgement that the County's Real Estate Program is vital for our collective health, economy and quality of life. And we feel that it's our -- really our top priority the imperative for us right now is to get our real estate program back into a productive state. It's a very urgent issue and we're running out if time.

As previous speakers have mentioned, in May 2002, after months of debate, Chapter 712 was established to respond to issues of corruption in the County's Acquisition and Appraisal Department. Chapter 712 established 33 separate policies that the County staff would abide by in appraising and acquiring parcels. At this point, open space and farmland parcels proposed for acquisition can be reviewed by the full Legislature four times, the EPA or former ELAP Committee twice, and will be reviewed by the Council on Environmental Quality in the course of an acquisition. These measures, I think, have made a very important contribution towards reestablishing public confidence in our preservation program, and they ensure a clear oversight over our programs.

Since 2002, we have had no problems with the integrity or ethics of our County program. Therefore, we question the need to have new structures that prevent corruption in our County Real Estate Program. Rather we believe the absolute imperative for the County's Real Program is to reestablish it productivity of years past.

We are out in the real estate market every day trying to acquire parcels for preservation. And it's a furious market on Long Island as you all know for vacant land. If you've talked to anybody who's involved in it, they will confirm to you that there are multiple offers, multiple people trying to acquire the same piece of land.

It's in this market that Suffolk County at this point can barely compete. When it takes months and months to be able to produce an offer for a land owner, you are no longer competitive. And that unfortunately is the case for our County Real Estate Program. And that is the basis for why I say we need to work on the expeditiousness of our program. So to that end, the conservancy recommends that this bill is considered not in the light of anti-corruption, but rather it is considered rewritten as necessary to serve the more pressing problem of expediency in protecting our environmental legacy. And as always, the Nature Conservancy will stand ready to help any way we can. Thank you.

**CHAIRMAN ALDEN:**

Legislator O'Leary.

**LEG. O'LEARY:**

Hi, how are you?

**CHAIRMAN ALDEN:**

Anybody have any questions?

**LEG. LINDSAY:**

No. Thank you.

**CHAIRMAN ALDEN:**

Thank you for very much for coming down. Marilyn England.

**MS. ENGLAND:**

Good morning, Chairman Alden and Members of the Committee, my name is Marilyn England. And I'm here today speaking for the Open Space Council. The Open Space Council is an environmental advocacy group working on land use issues. We're based in Brookhaven Town, but we do work also in Riverhead and Southampton. The Open Space Council strongly opposes Introductory Resolution 1086, to establish Department of Real Estate with the Commissioner to be appointed by the Suffolk County Legislature.

This ill conceived legislation would encumber the County's Open Space Acquisition Program and take control of the land program away from the Executive Branch. We know that the County's Acquisition Program is already in intensive care as a result of reforms by the Legislature that

have actually critically hurt the pace of the program. As a result in 2003, only 500 acres were purchased as opposed to 2500 in 1990. Land is not getting cheaper or more abundant, and we need to move quickly to protect remaining open space for drinking water, wildlife habitat and quality of life purposes. The Legislature should be working with County Executive Levy to get things back on track, instead of creating needless hurdles. Mr. Levy was elected by a substantial majority of voters in large part for his ideas on how to get the land acquisition program going. He should have a chance to put these ideas into action.

We therefore ask members of the Legislature and this committee to defeat this obstructionous bill and to initiate steps to work cooperatively with the County Executive to speed the pace of land acquisition in Suffolk County. Thank you.

**CHAIRMAN ALDEN:**

Any questions? Thank you very much for coming down. Kelly Platt.

**MS. PLATT:**

My name is Kelly Platt, and I reside in Center Moriches. I'd like to thank you for allowing me to come speak. Mr. Chairman, first I want to read a letter which was written by Jeff Davis. He wrote a letter to the editor of several newspapers. It reads, it boggles my mind how some County Legislators move on certain issues, case in point is Michael Caracciolo and the Strobel Farm caper, in a time when property owners jump at the chance to dump their properties to developers to build PRCs, single family homes and box stores. We know have a family who wants their property preserved for future generations by allowing Suffolk County and Brookhaven Town to acquire the development rights to 23 acres of farmland. What part of this does Mr. Caracciolo not understand. This has been going on for the past four years now with new Legislators in office.

**CHAIRMAN ALDEN:**

I'm sorry. I have to interrupt you for a minute. You're not speaking on 1086?

**MS. PLATT:**

Yes, I am speaking on 1086.

**CHAIRMAN ALDEN:**

Oh, okay. Good.

**MS. PLATT:**

What part of this does Mr. Caracciolo not understand. This has been going on for the past four years now with new Legislators in office. Legislature Brian Foley and Legislator Jay Schneiderman put party lines behind them to cosponsor the motion to buy the property. It looked like the vote was ready when Mr. Caracciolo, newly given this area as part of his district, wanted more information and halted the action once again.

It is a no-brainer and would show that the County was finally willing to preserve what is left of open space and farmland in Brookhaven Town and the rest the Suffolk County. As someone who grew up and lives in Central Brookhaven and watched farms be swallowed almost daily by developers, in last hope for preservation in the Eastern part of Brookhaven Town, town and county elected officials really need to open their eyes and stop the rampant overdevelopment of these areas now.

Brookhaven Town is ready to act, now all anyone is waiting on is Legislator Caracciolo. But with the Strobel Family -- but will the Strobel Family wait? Would Caracciolo rather see the land developed. Maybe it's time for the residents of the First Legislative District think of all the open space around them and remember this when it comes time around to vote for their representatives and elect someone who truly cares about open space preservation in all corners of their district." That was written by Jeffery Davis.

I'm also here to question also, back when a former Legislator, Mr. Towle, was a Legislator for the first -- third -- Third LD, we had properties on Bellview Avenue and Montauk Highway being -- getting ready for acquisition by the County and by the town, which is on Bellview Avenue and Montauk Highway. The properties are about 4.97 acres, and it's right adjacent to Terrelle River County Reserve. This property was supposed to be acquired and I was told that the County had reneged on it. I don't know what's going on now, because now there's a sign up there that it's for sale for commercial use.

And the neighbors and all the other residents around surrounding Center Moriches area, we were told this property was going to be acquired by the County and by the Town. So now, we're wondering, you know, what's going to happen with these properties. Supervisor John J. LaValle told us that they could build approximately four houses on this property and possibly one commercial building.

Now, we would like the County to, you know, go back on their deal and buy this property. It's only 4.97 acres, roughly five acres. This was supposed to be preserved, and we'd like to have it be preserved. This was in our article back in the Suffolk County Life, you know, Suffolk Life Paper, that this property was going to be acquired. And now it's, you know, back on the table where people want to -- you know, the owners want to sell the property and build either commercial property and/or houses.

**CHAIRMAN ALDEN:**

Two things. First, could you supply Donna with a copy of the letter that you read into the record. And then secondly, I believe from your address that you're Legislator O'Leary's --

**MS. PLATT:**

No. I'm in Mr. Caracciolo's district. I'm on the borderline of Mr. O'Leary's. But I understand Mr. O'Leary has been helping the First LD on trying to acquire the properties.

**CHAIRMAN ALDEN:**

I believe Mr. O'Leary has a comment or a question.

**LEG. O'LEARY:**

Yes. Yes, I do. Could you be more specific, Ms. Platt, as to where those properties are?

**MS. PLATT:**

Okay. It's right by the Ketcham Inn. Across the street from the Ketcham Inn, right next door to the County Reserve.

**LEG. O'LEARY:**

Clearly, that is not the Third LD.

**MS. PLATT:**

No. It's the First LD. We were redistricted out of the Second LD and put into the First LD.

**LEG. O'LEARY:**

I know that. Did you say that Mr. Towle was advocating the purchase of these properties?

**MS. PLATT:**

Correct.

**LEG. O'LEARY:**

Okay. I'm not familiar with that. I would appreciate perhaps if you contact my district office and speak to me about this matter. I'll be happy to advocate for you on behalf of the people of the Moriches area. Just bear in point, of course, that's it's not my district, it's Legislator Caracciolo's district. So I would have to defer on any resolutions that would be proposed with respect to that matter.

**MS. PLATT:**

Yes. I understand that at the time Legislator Guldi was also involved in this land acquisition. Legislature Guldi was elected out of office, which now we have Mr. Schneiderman as the Legislator for the Second LD. But he no longer represents my district. We are now the stepchild of the First LD. And I believe we are considered that, because everything now that we were promised by Legislator Caracciolo is now being reneged, and he is not doing anything further to help preserve what open space we have in our rural Town of Center Moriches.

**LEG. O'LEARY:**

Just for the record, I am in strong support and advocate the purchase the Strobel Farm, and I was supportive of that during the committee hearings with respect to that. So hopefully that will be moved rather quickly at the next meeting of the committee with respect to that. But, if you will, if you could be kind enough to contact my office, and I'll be happy to try to advocate for you.

**MS. PLATT:**

All right. Thank you.

**CHAIRMAN ALDEN:**

Any other questions? Legislator Lindsay.

**LEG. LINDSAY:**

Yes, Ms. Platt, I realize that you have some issues about some specific property, but this is a public hearing on proposed legislation 1086.

Where do you stand on that legislation?

**MS. PLATT:**

I'm opposing that legislation.

**LEG. LINDSAY:**

You're opposing that legislation. Okay. Thank you.

**CHAIRMAN ALDEN:**

Any other questions? Thank you very much for coming down. Before I call the next speaker, we've run out of the one hour allotment, and I will entertain a motion. There's four more cards that we have for this public hearing, so I would entertain a motion to extend.

**LEG. VILORIA-FISHER:**

I'd like to make a motion to recess to February 24th General Meeting, because the next committee meeting today is at one o'clock. We have a very thick agenda. There may be speakers for a public -- for public portion. I don't see how we could do it justice. So I make a motion to recess to the February 24th General Meeting.

**LEG. LINDSAY:**

I second the motion.

**LEG. CRECCA:**

First of all, I don't know, I would just ask Counsel, can we actually recess the public hearing to the General Meeting if it's in committee?

**MS. KNAPP:**

You can recess to a time and place, choose the next committee meeting or choose to recess.

**LEG. O'LEARY:**

Mr. Chair, how many more scheduled speakers do we have?

**CHAIRMAN ALDEN:**

We have four more on this public hearing. It might be 20 minutes if everybody uses their time. But it might be less than that.

**LEG. CRECCA:**

You know, they've come here, they've sat here for, you know, what's probably close to two

hours. I say we just get it done.

**LEG. O'LEARY:**

I support that as well.

**CHAIRMAN ALDEN:**

All right. We have a motion and a second. All those in favor? Opposed?

**LEG. O'LEARY:**

Opposed.

**LEG. CRECCA:**

Opposed.

**CHAIRMAN ALDEN:**

Opposed. All right. The motion fails. I'll entertain a motion if someone wants to extend the public portion.

**LEG. O'LEARY:**

Motion to extend.

**LEG. CRECCA:**

Second.

**CHAIRMAN ALDEN:**

Motion and a second, all those in favor? Opposed?

**LEG. VILORIA-FISHER:**

Opposed.

**CHAIRMAN ALDEN:**

Mr. Lindsay and Ms. Fisher.

**CHAIRMAN ALDEN:**

All right. We've extended the public portion -- public hearing. Chris O'Connor. Good morning.

**MR. O'CONNOR:**

Good morning. Being the next speaker, I don't take it personal that you didn't want the rest of us to speak.

**LEG. VILORIA-FISHER:**

Excuse me, just a point of personal privilege. I did want the rest of you to speak, but I was hoping that we could speak when there was enough time and before the full Legislature.

**MR. O'CONNOR:**

I understand that. And I will be quick. My name is Chris O'Connor. I am the program director for the Neighborhood Network. And I like many others am here to oppose Resolution 1086. We think its ill conceived. I'm confused by it, because we should allow time for the County Executive to put the house in order. We should give the County Executive the time, and if he doesn't do what he set out to do and promised to do, then there might be time for the Legislature to revisit this.

But I don't believe that the reforms he is planning to put in place, the people that he is planning to appoint, will more than correct the problem. And I think the Legislature here has on oversight responsibility that now because of all the past scandals and so forth, will be watching that much more diligently. And you will be doing due diligence. So I think together both branches; the Executive and the Legislature will do a better job. Thank you.

**CHAIRMAN ALDEN:**

Any questions? Thank you very much for coming down. Don Seubert.

**MR. SEUBERT:**

Good morning, almost afternoon. I just wanted to -- while the goals of 1086 are very worthy, I am opposed to it. The usurping of the Executive Department's ability to name directors and department heads is misguided. The need for separation of powers is particularly onerous in our unicameral Legislature. We don't have an Assembly in the Senate. We don't have a Senate in the Congress. We only have one Legislative body. With our remaining acres and the build up and black top that is going on in an unprecedented manner, we do not need to be stymied in our acquisition of open space.

The people of Suffolk County voted for a particular County Executive. They voted for the

complete package, and that include the wisdom to make assignments of directors and the County to approve his appointments. This past November and the history of Suffolk County underscores the will of the Suffolk County people to have a very mixed political party government. This resolution thwarts the will of the people. This legislation is quite scary when coupled with the fact that about eight district elected officials representing about 600,000 people have seemingly been disenfranchised by the very fact that not one minority elected official seemingly heads a committee, is a Chairman or Chairperson of a committee. Is it that they don't possess the necessities as one person got in trouble for in the past? We need checks and balances.

The people of Suffolk County want checks and balances and have consistently voted for it. This legislation, however, will unnecessarily hinder our land acquisition policies and program without providing the worthy goal intended. I thank you very much for your consideration.

**CHAIRMAN ALDEN:**

Any questions?

**LEG. VILORIA-FISHER:**

Yes.

**CHAIRMAN ALDEN:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

What do you see as the worthy goals of this legislation, the protection of the integrity of the land acquisition?

**MR. SEUBERT:**

I think the integrity. And I don't think that this is going to be the mechanism put in place to achieve that. We have checks and balances already, and I don't think we need to cumbersome it with almost a one-sided view on the whole thing. The County Executive, he has the ability to appoint. I think the separation of powers is what we need, and that's what we have already. County Executive has a opportunity to appoint person. And the other -- and the County Legislature has a point not to agree with him. We already have that in place, and I think this would be too cumbersome and whatever. So maybe the goal is all right, but it's not going to do any good.

**LEG. VILORIA-FISHER:**

Thank you.

**CHAIRMAN ALDEN:**

Thank you. Sarah Anker.

**MS. ANKER:**

Hi. I'll try to brief. Thank you for having the session for us to come. I think it's important to hear public comment. I just want to say quickly that -- to reiterate the comments made by Dr. Lee Koppelman and also by Dick Amper. They are both professionals in the field of land acquisition, They know a lot. And I hope you consider what they have to say. I wasn't able to get a babysitter today, but I'm still here. And I think you need to consider, this is the reason why you are our County representatives. You are here to make the best decisions possible. And, you know, partisanship, put it aside. But this is the future, and I'm holding the future of Suffolk County. And I think you should give the Executive Branch a chance to make those decisions, because we don't really -- we don't have any time to make -- well, especially in Brookhaven for land acquisitions. And I think he made a great executive -- Steve Levy made a great choice in having Mike Deering in charge of this environment. And I'm sure he will have a lot of input. And so basically, that's what I'm doing. And for whatever reason we have these little antlers here, which was not planned. But please remember, you know, why we're here, this child and our children and our future. And, you know, put whatever it is that you are thinking as far as politics aside and just make the best decision you can made. And that's all, you know, we're asking. Thank you.

**CHAIRMAN ALDEN:**

Any questions?

**LEG. CRECCA:**

Yeah.

**CHAIRMAN ALDEN:**

Legislator Crecca.

**LEG. CRECCA:**

What's the young lady's name?

**MS. ANKER:**

This is Rachel, she's three.

**CHAIRMAN ALDEN:**

Just to interrupt, anytime you want a babysitter, Legislator Crecca is here and available. So come down any time.

**LEG. CRECCA:**

I work with children, so it's my pleasure to take care of children. In all seriousness, I think it's good she's down here to view government in action. She did a great job.

**MS. ANKER:**

Thank you.

**CHAIRMAN ALDEN:**

Doug Dittko.

**MR. DITTKO:**

Good morning, committee members, Mr. Chairman. I just have a few notes, I don't have a prepared speech. I'm a member of the Manorville-East Moriches Civic Association, I'm the treasurer. I'm a member of the Manorville Taxpayers Association. I'm member of the East Moriches Property Owner's Association, and I serve on the ABCO Board. I also serve on a committee right now to try help the Town of Brookhaven determine how to spend their \$20 million bond act -- the bond money, I should say.

I've lived in Manorville for the last 10 years. I bought a recycled house, because the environment is very important to me. We are blessed and cursed with the most open space in the Town of Brookhaven, but it is disappearing rapidly. The developers are very aggressive. There are large parcels of land right now that developers are making offers to the farmers, not even contingent on their site plans being approved. They just want to but the land and worry about the site plan approval later. In fact, there's a acre parcel behind my house, belongs to someone named Harry Hanley, who I believe serves on the Farmland Committee right now. He came to my house and asked me if I could help facilitate the sale of his development rights. We

live in an area that has a special groundwater protection area there. Right now, our section of Brookhaven is being inundated with high density projects.

And there are sewage treatment plants being lined up all along the southern end of Brookhaven. And these sewage treatment do not work as well as everyone says they work. They're not 90% effective, some are 66, some are 60. The CPF referendum was taken off the ballot last year, another below to open space acquisition. I think that 1086 is just a very bad idea right now. I think it's going to throw a monkey wrench into facilitating the preservation of open space. I think we should take the system that we have now and make it work right. I do believe that it is a political initiative. And I find it ironic that the gentleman that was up here before was cautioned not to make what could be construed as partisan statements, when actions speak louder than words. And I do feel that this bill could be construed as political.

I do say that if the County does not act soon to preserve open space, there will be no need to have these meetings anymore, because the developers are buying it up. And I do also find it ironic that it seems to me that right now the Town of Brookhaven -- I never thought I'd say this -- the Town of Brookhaven is more sensitive to the needs to preserve open space than the County is. I've always felt that the County was doing a good job, but I think the whole program is stalled right now. And I think that this Resolution 1086 is just going to go a little further to stall it further. And that's all I really have to say. Thanks.

**CHAIRMAN ALDEN:**

Thank you for your comments. Any questions? Thank you very much for coming down. For the record, public notice of this public hearing was given, and I'll read the call. A charter law to create the Real Estate Acquisition Anti Corruption Reform Act has been introduced in the County of Suffolk Legislature, said charter law would create a new Department of Real Estate that would address all real estate functions and would be headed by a Commissioner appointed by the Legislature. Notice if further given that the County Legislature will hold a public hearing in the Rose Y. Caracappa Auditorium of the Suffolk County Legislature in the William H. Rogers Building, 725 Veterans Memorial Highway, Smithtown, New York on the tenth day of February, 2004 at 9:30 a.m. during the Ways and Means and Consumer Protection Committee meeting.

Okay. That's for the record. I have a copy of that for you and the affidavit of publication. Also, for the record, this legislation was introduced sometime in 2002 or 2003. It was stricken in August, 2003 according to the Six Month Rule, and then it was reintroduced this year. I will

entertain a motion to close or recess this hearing.

**LEG. NOWICK:**

Motion to close.

**LEG. CRECCA:**

Second.

**CHAIRMAN ALDEN:**

I have a motion to close and a second. All those in favor? All opposed?

**LEG. VILORIA-FISHER:**

Opposed.

**LEG. LINDSAY:**

Opposed.

**CHAIRMAN ALDEN:**

Note the two in opposition. All right. That ends the public hearing. We'll go back into the public portion. We have Cheryl Felice, President of AME to address us. And this part of it is a three minute time limit. Good morning.

**MS. FELICE:**

Good morning, Mr. Chairman and members of the committee. Thank you very much. I won't take up much of your time. You are all in possession of a letter that I addressed to the Legislature in reference to the sick time payout policy, 1081-2004. Once again, my name is Cheryl Felice. I'm the President of AME, and we represent the white and blue collar workers in Suffolk County; over 7000 members throughout the County that act as support staff for your offices and the various departments throughout the County.

And we would just like to state that the policy that is before you now affects only exempt employees, we view it as the eye of the storm heading in the direction of AME workers all union workers throughout this County. I'd like to further state that by removing the sick time payout policy, a policy which was intended to increase productivity would serve to decimate morale and, therefore, stall productivity throughout this County. As long as the County leaves 1600

budgeted positions -- leaves them vacant, workers throughout this County and in every department will continue to do more with less, and they will do it well.

Before any cuts take place, I encourage you to implore the simple carpenter's rule; measure twice, cut once. When it come to this budget, measure once, twice, three times, ten times if necessary before levying one single cut. I thank you for your time today, and I wish you good luck in rest of your committee today. Thank you.

**CHAIRMAN ALDEN:**

Thank you. Any questions? Thank you very much, Cheryl. Pete Cheney. This is on policy for title examiners.

**MR. CHENEY:**

Thank you for the opportunity to speak this morning. I'd also like to thank Ed Romaine for his efforts to work with us and help find a solution to the existing problem. Rather than reiterate Mr. Romaine's remarks, I'd like to go back and give a brief background of the original lottery in 1997. It had a manyfold purpose. One being to satisfy legal retirements for space management, to fairly allocate excess space, to correct abuses in the cubicle leasing system that existed at that time, for example, persons having license to more than one cubicle and also to put in place a mechanism to ensure the continued smooth title transactions.

It has worked for the last seven years. We would like to see it continue to work. We support Mr. Romaine in the extension of the existing resolution for the duration of the proposed renovation. We also request that when a new resolution is passed, the lottery portion be only for the excess space, that the persons holding licenses be allowed to continue to create the smooth transition and to have as little disruption as possibly. Again, thank you for time. Thank you for your efforts. That's it.

**CHAIRMAN ALDEN:**

Thank you for coming down. Any questions? Thank you very much. Frank, I apologize to you, Sciulla. Mason Haas. Good morning.

**MR. HAAS:**

Good morning, ladies and gentlemen of the Ways and Means Committee. This is my second time here. I along with Pete Cheney were part of the original committee that worked with the County Clerk's Office to come up with the other resolution, Resolution 1735-97. At that time,

we spent approximately about a year working with the Clerk's Office to come about a solution for the abuse of the issuing of the cubicles. At the time, people were just able to sublease, they were kind of just doing the back door things, and that's what brought about the complaint to the Legislative body at the time. We spend a year on that.

The Clerk's Office did a lot of research. It came back finding that no other County in the State of New York turns around and uses a lottery system, they all maintain a waiting list. The committee at that time consisted of four representatives of the title industry; Judy Pascale, John Kennedy and Mike Schlosberg. It took, like I said, about a year, and what did come out of that was this resolution. This resolution, 1795 -- 1735 was a two part resolution. One was dealing with a policy -- was to put policy in place as to how the County would allot the space in the future, and it did do that. The first part of that talked about the terms, the qualifications in order to apply for a cubicle space and what the rules and regulations were as far as that.

The second part dealt with a license agreement. And in that part, that's where the three year term limit came in for that, then it was renewed again for one more year. Again, it was a two part resolution. One was County policy that was put in place to oversee this -- the surplus space and how it would be allocated. The second part was the licensing agreement. It's that part we feel, and we strongly back Mr. Romaine on keeping it going, the policy, however, we don't know whether or not it did change or expire, because it's a policy put in place by resolution. And another resolution hasn't been introduced to change the policy and how it would be handled in the future.

The policy is a good policy. It's been a working policy. The committee works with the Clerk's Office to oversee the cubicles to make sure there is no abuse and back board dealings going on. We do commend County Executive's Office for trying to introduce a resolution too at this time to try to bring some resolve to the whole situation since the license agreement really more or less expired. We -- give me a second here, I'm sorry. To around and go back to a lottery system after we have already done it, Mr. Romaine said earlier, the people are year after year after year the same people that have been there. I've been there for 20 years. Frank Sciulla, the other gentleman, was there for approximately 15 years. We again -- I know, I'm wrapping it up. It's not where we get new comers every year. And to go into a lottery system would be totally disruptive to the industry and the transactions of real estate dealings.

**CHAIRMAN ALDEN:**

Legislator Lindsay.

**LEG. LINDSAY:**

I'm sorry, I'm not familiar with your industry. Is the lottery something that's brand new or we had lotteries in the past to allocate the booths?

**MR. HAAS:**

The lotteries were done in the past with the passing of this resolution, 1735, 97 dash 97. That's when the lottery was done.

**LEG. LINDSAY:**

That was the first time.

**MR. HAAS:**

That's correct.

**LEG. LINDSAY:**

So we've only had one lottery thus far?

**MR. HAAS:**

That's correct.

**LEG. LINDSAY:**

Ans was there a term on that?

**MR. HAAS:**

No. The term limit for the policy as far as the lottery -- we don't where there is a term limit for that. The term limit has to do with the licensing agreements, which deal with the cost --

**LEG. LINDSAY:**

So if you placed in the lottery 1997, number one, that means by that policy that you would have that booth for as long as you wanted it?

**MR. HAAS:**

Well, essentially what it is in this type of business, we -- it's always been, like I said, a

maintained type thing, where you are there. When I came into the business 20 years ago, people had desk space, and they had been there for years. Before the Clerk's Office was even built, they were in the Griffin Courthouse Building. When they came over, they came over and had the desk space.

**LEG. LINDSAY:**

Okay. How about someone that's new in your business? And what would he or she do, just wait until there was a vacancy, until somebody gave up their business or dies or whatever?

**MR. HAAS:**

Well, vacancies, it happens. When people are coming in new into this industry, we see it like with a spike, like we just had with the interest rates and all. There was a huge spike. And they come in and the history has kind of been that, you know, it's a short lived type of thing.

**LEG. LINDSAY:**

Okay. So just to clarify in my mind, you are opposed to the legislation that's submitted in this packet by the County Executive?

**MR. HAAS:**

Yes.

**LEG. LINDSAY:**

But you are not exactly for the legislation that County Clerk Romaine proposed either?

**MR. HAAS:**

No, we do support the legislation the Clerk does. We are willing -- we are working currently with the Clerk's office to try to come up with a new policy.

**LEG. LINDSAY:**

But didn't the Clerk talk about as part of his legislation to have the lottery?

**MR. HAAS:**

Yes.

**LEG. LINDSAY:**

Okay. But you are opposed to that.

**MR. HAAS:**

Yes.

**LEG. LINDSAY:**

So my analysis is correct?

**MR. HAAS:**

That's correct.

**LEG. LINDSAY:**

Okay. Thank you.

**CHAIRMAN ALDEN:**

Legislator O'Leary and then Legislator Viloría-Fisher.

**LEG. O'LEARY:**

Yes, sir. If I understand you correctly, there's only been one lottery.

**MR. HAAS:**

That's correct.

**LEG. O'LEARY:**

And does that expire with the contract as well? Is that what the concern is, is that if a new contract comes into existence that there will be a new lottery?

**MR. HAAS:**

That's correct. The concern is whether or not the resolution is put in place because it had two parts to it. Our question has also been does that part, the first part, expire, the policy that was set in place by the Legislative body? And then the other thing which does have an expiration date, it's given here that it's a three year term with one year -- with a one time renewal.

**LEG. O'LEARY:**

So if I understand you correctly, there's only been one lottery since 1997?

**MR. HAAS:**

That's correct.

**LEG. O'LEARY:**

Has the tenants that were drew as a result of that lottery, have they all maintained the status within the building or has there been some changes?

**MR. HAAS:**

There have been some changes; people have left, then those cubicles went on the lottery, as stated by -- set in place by the policy call that the County would maintain a list and any new space that came available any vacant space that came available would be done by a lottery or would continue to be done by a lottery.

**LEG. O'LEARY:**

Wouldn't it be reasonable to assume then that the lotteries in place and in existence during the duration of that contract, that if a new contract is drawn up, there will be a new lottery? Wouldn't that make sense?

**MR. HAAS:**

Yes. The thing is that you have to establish businesses that have been doing business -- you know, a mom and pop industry business.

**LEG. O'LEARY:**

Okay.

**MR. HAAS:**

And the disruption.

**LEG. O'LEARY:**

So the concern is that if there is a new lottery, that those who have been in place for some period of time be displaced.

**MR. HAAS:**

That's correct.

**LEG. O'LEARY:**

Okay. Thank you.

**CHAIRMAN ALDEN:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I'm little bit confused with regard to your argument and the arguments that were put forward by the Clerk, because it seems to me that his problem with the legislation before us, 1095, and I am going to need to ask Counsel to help me with this.

**CHAIRMAN ALDEN:**

Sure.

**LEG. VILORIA-FISHER:**

His comments had to do with physical space considerations, as well as the whole system of continuing the license and smooth transition. It's -- I am rereading the legislation to see how the space considerations -- could you help me with that, or perhaps Counsel can help? There is a need to reallocate the space or the cubicles, willy-nilly the construction -- no matter what the construction will look like after it's done, you have to have a place to work.

**MR. HAAS:**

Yes.

**LEG. VILORIA-FISHER:**

Okay. This resolution, as far as I can see, seems to just address how the order in which preference is given works, for example, is it a lottery or just a continuation of people who already hold there places, Is that -- am I heading in the right direction with this?

**MR. HAAS:**

Yes.

**LEG. VILORIA-FISHER:**

No matter what construction there is. If Counsel could help me, where in this legislation does actual square footage or space come into play with regards to the Clerk's statements? Do you know where that comes into play here, because I am not finding it? The Clerk had -- it's his time, so I'll go back to you if you want me to wait to ask that question, but I'd like this gentleman to answer if he can? How does the construction effect this piece of legislation from your point of view?

**MR. HAAS:**

Well, we see --

**LEG. VILORIA-FISHER:**

The renovation, I should say.

**MR. HAAS:**

With this right now, it's also calling for the lottery issue. And it's also calling for a term, but we have to --

**LEG. VILORIA-FISHER:**

Okay. The lottery is one issue. I'm asking with regards to the criticism that the Clerk set before us, as far as renovation and saying that this is premature because of the renovation. I'm having difficulty finding where in this resolution that becomes a difficulty. Do you see it as a difficulty here?

**MR. HAAS:**

Well, there are a couple of things on this. I have to agree with the Clerk as far as the monies being taken out of the Clerk's hands. The money that was generated from the real estate industry, from the title industry, was going back into the computers and other things being kept -- allocated at the Clerk's. That portion of the original resolution, that's not here anymore. From 1735, that has been left out, it's not there anymore. And the monies do serve a good purpose there as far as helping in there.

**LEG. VILORIA-FISHER:**

Okay. Counsel where is that addressed in this resolution? I'm not seeing the money issue. Because that wasn't my question. I was talking about renovations.

**MS. KNAPP:**

I believe that it was simply omitted from this legislation as opposed to the original one.

**LEG. VILORIA-FISHER:**

Okay. I would just like you to look at my question, which is what the Clerk addressed several times, which was the impact of the renovation and this piece of legislation. I'm asking either you, because you are intimately involved as a user, or Counsel to point out to me where this comes in this resolution.

**MR. HAAS:**

Where the disruption is, is that this resolution gets passed, it has a time frame as to when the lottery would be done, okay? And at this time, if the renovations are going to be done at the Clerk's Office, we see no reason at this time to pass this resolution. We oppose it at this time because we're going to have to move out anyway. We understand that we have to move out. And to move us twice in a sense, because if this goes through, we do a lottery, we have to move. And then two months later down the line, the Clerk's Office is then scheduled for renovations, we're moving again. So what the Clerk is trying to do is to keep it to where it's a limit amount that we have to move.

**LEG. VILORIA-FISHER:**

Okay. So what you're simply stating is that you don't want two moves.

**MR. HAAS:**

Correct. Correct.

**LEG. VILORIA-FISHER:**

And not the amount of space allocated, but rather that it would require two moves on your part.

**MR. HAAS:**

That's correct.

**LEG. VILORIA-FISHER:**

Now, I'm going to go back to the second whereas of Resolution 1095. The penultimate line, the second to the last line, in that whereas where it says so as to ensure a level playing field. When all of you who are in your industry, in your field, entered this lottery in 1997, I suppose those

who didn't come out on top had some kind of expectation that at the end of that licensing period they might get another bite of the apple.

**MR. HAAS:**

Well, actually, at that time, there was more -- there were extra cubicles. Our industry's kind of strange that way where people come in, people leave. And at that time, I believe for a good year and a half after that lottery there was approximately 12 to 15 cubicles left vacant, and it lasted that way for approximately about a year and a half. If you check with the Clerk's Office, you'll find that.

**LEG. VILORIA-FISHER:**

Okay. But my question is was there an expectation on the part of those people who did not fare well in that lottery who might -- that they would get another chance to be -- to get the first choice?

**CHAIRMAN ALDEN:**

Point of clarification, though. No one was left out of that.

**MR. HAAS:**

Everybody got a spot.

**LEG. VILORIA-FISHER:**

And now we have a surplus of title companies?

**MR. HAAS:**

Well, what came about, what brought this back where some people were complaining is that the Clerk's Office was put under -- by DPW, they were put under a security system. There were people that did not -- that choose not to have cubicles. They have always worked on the counter. It's the type of industry where you can do that. So they were able to turn around and come in and work, and there was no problem.

**LEG. VILORIA-FISHER:**

Some of those people came before us.

**MR. HAAS:**

And then what happened was when the DPW came through with their new security system, they were denied access to the building before -- you know, the same access that we had as license holders. That has been since resolved by another resolution where they paid for an access fee, and provide the proof they needed to the Clerk -- to the County. And they also now have access to the building the same time we do, and there's not a problem there. The list, the current waiting list that was ten, that waiting list was created when the first problem happened with the security, people went down put their names on, that list is probably not at ten at this time as people who want that. There might be a couple of people on there that want that -- are waiting for a cubicle.

**LEG. VILORIA-FISHER:**

So are you saying that those people who had been denied access would now want to be part of the lottery?

**MR. HAAS:**

No. No.

**LEG. VILORIA-FISHER:**

I'm just trying to follow your --

**MR. HAAS:**

No. Their names originally went on that list before the other resolution --

**LEG. VILORIA-FISHER:**

We're only talking about the people who want to be part of the lottery -- who would be part of the lottery now, has that number grown substantially is that what you're saying?

**MR. HAAS:**

No. What I'm saying is that never has shrunk substantially since the passing of the access resolution, giving them access.

**LEG. VILORIA-FISHER:**

I'm just trying to get a handle on why you are so opposed to this resolution. If there's not a surplus of people who are looking for cubicles, then why would there be opposition to a lottery?

**MR. HAAS:**

Well, let's say it's one person that has just appeared --

**LEG. VILORIA-FISHER:**

So we're playing musical chairs.

**MR. HAAS:**

Yes, exactly.

**LEG. VILORIA-FISHER:**

That one person who might be interested, you don't know if there is a large, a large number seeking access?

**MR. HAAS:**

That's correct.

**LEG. VILORIA-FISHER:**

You don't know of a waiting list as this point?

**MR. HAAS:**

The current waiting list -- I haven't reviewed it lately, but the current waiting list is -- you know, the ten people that were on it, since then, I don't know how many of them have applied for those access badges. Right now, everybody has access badges.

**LEG. VILORIA-FISHER:**

But you're -- I think you're -- aren't you mixing two things? Access badges is one group, and the people who are licensed are another group.

**MR. HAAS:**

We are all licensed at this time. What I'm trying to say is that when that so-called ten on the list --

**MS. KNAPP:**

Could I answer.

**LEG. VILORIA-FISHER:**

We might end up with more cubicles later on, but we don't know that.

**MR. HAAS:**

That's correct.

**MS. KNAPP:**

Actually, that was the point I was going to make. If you refer to second resolve space, that's where they talk about the applications, proposals for use, for each space lot, cubicle or other defined portion. And then it goes on to talk about it, and I think that Mr. Romaine was saying that the number of spaces, slots, cubicles or other defined portions may change after the renovation. So that if he assigns them now, he'd going to do have to do it all other again, because the configurations may change.

**MR. HAAS:**

That's correct.

**LEG. VILORIA-FISHER:**

That's what I wanted to find in the resolution, which in a fast reading, I hadn't been able to find where that was.

**MR. HAAS:**

I apologize.

**LEG. VILORIA-FISHER:**

And I was trying to see where the argument lay. Thank you.

**MR. HAAS:**

I apologize.

**CHAIRMAN ALDEN:**

Any other questions?

**CHAIRMAN ALDEN:**

Thanks a lot for coming down. John Ferrante.

**MR. FERRANTE:**

I thank you for giving me this opportunity. I will be brief. Basically just echoing what has been said by the others prior. I'm opposed to a lottery period, but especially at this time in lieu of the renovation. I think it would be wiser to just extend the current agreements until such time that we actually do have to leave the building for the renovation. I also believe that come when we are relocated to the new facility or the renovated facility, that the current cubicle licensees are permitted to return to the new cubicle areas and not have to take part in a lottery. It's a disruption of business. We are -- have been in place, we have phone lines, fax lines, etcetera. There was a fair and equitable lottery held at the time. There were at that time excess space. Over of years, it has come to meet, all the cubicles are filled. Perhaps in the future there may be even more under the new -- after the renovation is complete. I would just like to see it at the very least maintained as the status quo until the renovation is complete. That's it.

**CHAIRMAN ALDEN:**

Thank you. Any questions? Thanks a lot. Frank you are okay, you gave up your time? Okay. Thank you. Kelly Platt, and this is on Consumer Affairs licensing of contractors.

**MS. PLATT:**

My name is Kelly Platt, and I reside in Center Moriches. I'm here to ask the Legislature to possibly pass something where we can have license contractors who build new homes, have them be licensed and insured and registered within Suffolk County. I've had a very serious dilemma where a contractor who built my home went in to contract in 2000 -- May of 2000 to have a home built, didn't go to closing until January of 2002. Two months after I moved into my home, I have water leaks in the house, insufficient heating in the house, I had pipes break in the house. I've asked this contractor who built my home to please come in and repair, and he is refusing to come in and repair within my contract agreement. He is in breach of contract. I have retained an attorney. I have contacted Better Business Bureau in reference to this builder, contacted Charles Gardner in the Consumer Affairs. I'm getting nowhere. I've written letters to several Legislators to possibly pass legislation to require new home contractors to be licensed and insured and registered within Suffolk County.

I'd like to know what I can do to possibly -- where I'm protected, I mean, my house is falling apart to pieces around me where I have, you know, you know, plaster falling down, I have a pipe breaking in the house, and I want to know how am I going to be protected by a builder who is not honoring his contract? I mean I've testified at Town of Brookhaven meetings in reference

to this builder. I mean, the builder is still building, and I believe he is building illegally. He also sent me a letter saying if I needed any home improvements for me to contact his office, because who knows my house better who build it but him. I checked with Consumer Affairs and Better Business Bureau, and he is not licensed or anything to do home improvements within Suffolk County. I reported it to several agencies, and I'm still waiting, and this has been going on for about two years now.

**CHAIRMAN ALDEN:**

If he is not licensed, there is some action we can take against him, plus there is a restitution fund that you can apply for. There's two Legislators -- Legislator Nowick.

**LEG. NOWICK:**

Yes. I'm sorry, I missed the part when you spoke to Commission Gardner and Consumer Affairs Department, what was their suggestion to you?

**MS. PLATT:**

They told me to take legal action. I retained an attorney to start legal action against him. And I've been in contract with an attorney now for a year, and we still haven't yet had a court date to sue the builder for damages to reconstruct my house.

**LEG. NOWICK:**

Have you gone to the Administrative Judge of the Courts and told him that after a year you do not have a court date? Have you had postponements or just no court date at all?

**MS. PLATT:**

No court date scheduled yet.

**LEG. NOWICK:**

I would suggest writing a letter to the Administrative Judge of the County explaining the situation and them telling them it's a year, what can I expect.

**CHAIRMAN ALDEN:**

Actually, she's retained a attorney, so she cannot communicate with a judge, she has to communicate through the attorney.

**LEG. NOWICK:**

Can the attorney do that?

**CHAIRMAN ALDEN:**

Yes, the attorney can do it.

**LEG. NOWICK:**

The attorney will charge you only \$300 to write that letter. If you wrote it yourself, it would be free.

**MS. PLATT:**

If you saw the foundation damage I have on my new construction home, it's -- I mean, I would have to tear down my whole entire home and reconstruct it from scratch.

**CHAIRMAN ALDEN:**

I stand corrected by Legislator Crecca. He says you can also write the letter.

**LEG. CRECCA:**

As long as you're not going to the merits of the case, if you have a complaint about the operation of the judicial system, in this case, getting a case calendered, if that's the case, you can make an inquiry to an Administrative Judge's Office in Central Islip. It's 400 Carleton Avenue.

**LEG. NOWICK:**

I think also I would explain that you have been to the Consumer Affairs, you've been to the Better Business Bureau, you have appeared in front of the Legislature's committee, and a year is a long time and what can you expect. In my experience, the Administrative Judge always answers his letters.

**MS. PLATT:**

I also wanted to note that I retained documentation from Brookhaven Town where this builder did not get any inspections done on the house from the time it was -- you know the foundation was poured to the time that, you know, my house was finished. The only thing they got, I guess, an inspection done on was the septic system where they had to move the side -- I guess, the walkway, because the walkway was covering over the septic cover. That was the only thing they had to do an improvement for, and there's nothing from, you know -- I know you have to have cement that's poured has to be tested, I know the framing has to be, you know, inspected,

plumbing has to be inspected, electrical has to be inspected. The only thing that I know that was inspected was the electrical and also the septic system by the Health Department.

**CHAIRMAN ALDEN:**

well, all those are appropriate elements of your breach of contract. We have Legislator Viloría-Fisher, then Legislator O'Leary.

**LEG. VILORIA-FISHER:**

I just wanted to ask Counsel questions on the record, because I am confused about this. Home improvement companies are licensed by the County, but home builders are licensed by the state, and so are we -- it is permissible for the County to also do a licensing of home builders?

**MS. KNAPP:**

My recollection, again, I haven't looked at this in a while, but the state law provides guarantees to homeowners who by new construction. It's different than being licensed by the state. And I have a feeling that what Ms. Platt is talking about is she has retained an attorney to bring an action against the builder under those state allow provisions. And they do -- they do have a lot of damages built into the state law. So her problem, I think, is that it is just taking long. But assuming she proves her case, there are remedies.

**MS. PLATT:**

I have pictures, still pictures, and video from the time where they cleared the property, the time they put the forms down and poured the cement. I have every single detail from start to finish of this house where you can see -- actually, I have pictures even from all the damage, I should have brought the information with me, where I had a pipe break in my house a year ago and the builder -- and it leaked in from the bath because none of the bathrooms have heating elements. So when it gets cold out and we have frigid temperatures, my pipes freeze and then they break and leak into my kitchen. My drywall in my kitchen is like swiss cheese right now, because it's been leaked on, you know, so many times. And I also have -- we were also supposed to get double hung insulated windows, and those aren't proper to code. He gave us single hung windows, which are drafty. And I also have leaks coming through the windows. I mean, this contractor really should be put out of business. And I don't think he should be building these homes anymore within Suffolk County.

I also know Nassau County also has legislation where townships have to provide -- have to make

sure that all the licensed contractors who build new homes and home improvements, that they're registered within their township. And they have to proof that they have to have a license, because that's why the DA in Nassau County is bringing action against these home improvement builders and other contractors who are not honoring contracts.

**CHAIRMAN ALDEN:**

Were you all done with that?

**LEG. VILORIA-FISHER:**

Yes. I was just asking Counsel as an side bar whether we could -- whether I would be able to sponsor legislation for us to have that kind of registration here in Suffolk County or if we would be preempted because of state law, but if Nassau County has that, counsel will be looking at replicating that kind of registration format here in Suffolk County.

**CHAIRMAN ALDEN:**

I have a whole bunch or research that I did, and I will share that with you if you are going to sponsor the bill.

**LEG. VILORIA-FISHER:**

Thank you.

**CHAIRMAN ALDEN:**

Two things, Legislator Crecca is an attorney, see him after the meeting. I was just -- he just has a couple of points that he wants to make with you. Also, my Legislative aide communicated with Consumer Affairs. They are sending someone over, so after the meeting look for them. They will be out here, they're going to talk to you also. Legislator O'Leary, did you have any question?

**LEG. VILORIA-FISHER:**

He is going to get the cops after them.

**MS. PLATT:**

My husband is one. But he did not make the list, I'm sorry.

**CHAIRMAN ALDEN:**

I bet you are sorry.

**LEG. O'LEARY:**

It was asked and answered. Legislators Vioria-Fisher took care of that and Counsel responded.

**MS. PLATT:**

And I just wanted to protect any consumer that's going to be buying homes from this contractor. I want them to be protected, because I know I'm not protected. Because I did my research before I even went to contract with this builder, and there were no reports against him from Consumer Affairs or Better Business Bureau. I did not know that he didn't go into business until 1998. And I went into contract with him in 2000, and my home was the second home he built.

**CHAIRMAN ALDEN:**

Good. I'm not saying good that that happened. You know, you've defined the problem, Legislators Vioria-Fisher looks like, you know, she is going to pick up the challenge, so to speak and go with this. And we as a committee will be looking at that legislation. So thank you for bringing that to your attention.

**LEG. NOWICK:**

Did you say your's was the second home he ever built in Suffolk County?

**MS. PLATT:**

Yes.

**LEG. NOWICK:**

Do you know anybody -- any other homes that he built along the way after this?

**MS. PLATT:**

Yes, I do. I also know that if you check with the County Clerk's office, he has seven judgments against him already, and my will make the eighth as soon as it goes to court.

**LEG. NOWICK:**

What's that show, Shame On You? Maybe a letter from all of you.

**CHAIRMAN ALDEN:**

Thank you for coming down. That end the public portion. We'll go right away into tabled resolutions.

**TABLED RESOLUTIONS**

**1004-2004 Adopting Local Law No -2004, to expand scope of Suffolk County Electrical Licensing to include Electrical Inspections Agencies. (LINDSAY)**

**CHAIRMAN ALDEN:**

We held a public hearing, I believe it was closed. So I'll entertain a motion. Motion by Legislator Lindsay, seconded by Legislator O'Leary. All those in favor? Opposed? That's **APPROVED. (VOTE:6-0-0-0).**

**1005-2004 Adopting Local Law No -- 2004, amending Living Wage Law to provide conformity. (LINDSAY)**

**LEG. LINDSAY:**

I make a motion.

**LEG. O'LEARY:**

Second.

**CHAIRMAN ALDEN:**

Motion to approve, seconded by Legislator Viloría-Fisher. All those in favor? Opposed? That's **APPROVED. (VOTE:6-0-0-0)**

**1010-2004 Adopting Local Law No -- 2004, A Charter Law to reduce number of County Legislative Districts to eleven. (CARACCIOLO)**

**CHAIRMAN ALDEN:**

Last time I talked to the sponsor of this, he wanted it tabled. He's still working on it. So I'll make a motion to table, second by Legislator Nowick. All those in favor? Opposed? Unanimously **TABLED. (VOTE:6-0-0-0).**

**1012-2004 Directing Office of Legislative Budget Review to audit legislative vehicles.**

**(CARACCIOLO)**

**CHAIRMAN ALDEN:**

Same thing with that one, he asked to have it tabled, he's still working on it. So I make a motion, seconded by Legislator Nowick. All those in favor? Opposed? Unanimously **TABLED**. **(VOTE:6-0-0-0)**.

**1019-2004 Adopting Local Law No. 2004, a Local Law expanding first time homebuyer County property tax exemption. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

That was tabled here because we had a public hearing. I believe the public hearing was closed. Motion by Viloría-Fisher, seconded by Legislator O'Leary to approve. All those in favor? Opposed? That's unanimously **APPROVED**. **(VOTE:6-0-0-0)**.

**1026-2004 Adopting Local Law No -- 2204, a Local Law to establish item pricing inspection waiver schedule within Suffolk County based on price accuracy. (ALDEN)**

**CHAIRMAN ALDEN:**

I talked to the sponsor, he wants that tabled for a public hearing. All those in favor? Opposed? That's **TABLED** for a public hearing. **(VOTE:6-0-0-0)**

**INTRODUCTORY RESOLUTIONS**

**1035-2004 Renaming County Legislative auditorium at Riverhead County Center as the Maxine S. Postal Legislative Auditorium. (CARACAPPA)**

**CHAIRMAN ALDEN:**

That's sponsored by Legislator Caracappa. I would like to cosponsor that, and I think everybody on the committee are cosponsors right now. So motion by Legislator Viloría-Fisher, seconded by

Legislator Crecca. All those in favor? Opposed? Unanimously **CARRIED. (VOTE:6-0-0-0)**

**1038-2004 Authorizing reduction of erroneous tax assessment for property located at 144 Wendy Drive, Holtsville, Town of Brookhaven. (FOLEY)**

**CHAIRMAN ALDEN:**

I believe this is as of right. There is a letter from the assessor, so it meets all the legal requirement. Motion by Legislator Nowick, seconded by Legislator Crecca. All those in favor? Opposed?

**LEG. O'LEARY:**

Place it on the consent calender.

**MS. KNAPP:**

Can I ask you to skip over that to make sure I'm not confusing it with another one?

**CHAIRMAN ALDEN:**

Okay. We'll skip that one. Go to 1039.

**1039-2004. Establishing Commission to study alternative form of County Government. (BINDER)**

**LEG. VILORIA-FISHER:**

Motion to table.

**CHAIRMAN ALDEN:**

Motion to table by Legislator Viloría-Fisher, seconded by Legislator Lindsay. All those in favor? Opposed? Unanimous -- you're opposed?

**LEG. CRECCA:**

No. I'd like to know how we're reforming County Government.

**CHAIRMAN ALDEN:**

1039 is **TABLED. (VOTE:6-0-0-0)**

**1040-2004. Authorizing the Director of the Division of Real Estate, Department of**

**Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as town of Babylon, pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

Motion by Legislator Nowick, seconded by Legislator Crecca. All those in favor Opposed?

**DIRECTOR COSTIGAN:**

This is a instance where there was a mistake in the Assessor's Office. They have corrected that, and we support the motion -- the resolution.

**CHAIRMAN ALDEN:**

Okay. So we have a motion and a second, all those in favor? Opposed? That's unanimously carried. **APPROVED. (VOTE:6-0-0-0)**

**LEG. O'LEARY:**

Place it on the consent calender.

**CHAIRMAN ALDEN:**

Yeah. We'll go through them and put a whole bunch of them on the consent calender.

**1041-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as town of Babylon, pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

On 1041, the owner never received any notice prior to the taking of the tax deed.

**CHAIRMAN ALDEN:**

and that's acknowledge by Suffolk County? Okay. I'll make the motion, seconded by Legislator Vioria-Fisher. All those in favor? Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0).**

**1042-2004 Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk**

**in property designated as Town of Brookhaven, pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

In 1042, this parcel -- we've been advised by the Town Assessor that the parcel doesn't exist. It's a mapping error, so the taxes will be cancelled. And to do this, we need to abandon our interest in the property.

**CHAIRMAN ALDEN:**

We can't sell it to somebody?

**DIRECTOR COSTIGAN:**

I'll try.

**CHAIRMAN ALDEN:**

Okay. Motion by O'Leary, seconded by Legislator Crecca. All those in favor? Opposed? Unanimous. APPROVED. **(VOTE:6-0-0-0).**

**1043-2004. Authorizing the Director of the Division of Real Estate, Department of Planning to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Southampton, pursuant to Section 40-D of the Suffolk County Tax Act. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

Brief explanation.

**DIRECTOR COSTIGAN:**

Another property that doesn't exist.

**CHAIRMAN ALDEN:**

Same motion, same second, same vote. Unanimous.

**APPROVED. (VOTE:6-0-0-0).**

**1044-2004. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Alicia Otero. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

In 1044, this is a normal timely filed mortgagee redemption.

**LEG. VILORIA-FISHER:**

Motion.

**CHAIRMAN ALDEN:**

Motion by Legislator Viloría-Fisher, seconded by myself. All in favor? Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0).**

**1045-2004 Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Kathryn Meyer. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

1045 has had a long and checkered history of finality in that it was a transfer by an ex-wife to a false -- oh, there's murder and mayhem in this one. But suffice to say that it is now the subject of a divorce and a court order, which is deeding it back to the husband who is the sole owner. So we should be abandoning our -- so we approve the redemption.

**CHAIRMAN ALDEN:**

Because we have a court order.

**DIRECTOR COSTIGAN:**

For every reason, yes. There was fraud underlying the original transfer.

**CHAIRMAN ALDEN:**

Motion by Legislator Lindsay, seconded by Legislator Viloría-Fisher. All those in favor? Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0).**

**1046-2004. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Timothy G. Sovak, Administrator of the Estate of Ellen Wylie Reichert a/k/a Ellen M. Wylie/Reichert a/k/a Ellen M. Wylie a/k/a Mary Ellen Evans a/k/a Nellie Evans. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

On 1046, all the arrears have been paid, and this is the redemption as of right.

**CHAIRMAN ALDEN:**

Motion by Legislator O'Leary, seconded by Legislator Lindsay. All in favor? Opposed?

Unanimously **APPROVED. (VOTE:6-0-0-0).**

**1047-2004. To adjust, compromise and grant refunds and charge backs on correction or errors County Treasurer by County Legislature #181. (COUNTY EXEC)**

**DIRECTOR COSITGAN:**

1047 isn't mine.

**LEG. O'LEARY:**

Motion.

**CHAIRMAN ALDEN:**

Motion by Legislator O'Leary, seconded by myself. All those in favor? Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0).**

**1048-2004. Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward Held, Administrator of the Estate of August Esposito a/k/a August A. Esposito also EDWARD HELD, as Executor of the Estate of Pasqualina Esposito a/k/a Patricia Esposito (COUNTY EXEC).**

**DIRECTOR COSTIGAN:**

On 1048, all the tax arrears have been paid and the current taxes will be collected prior to delivery of the deed.

**CHAIRMAN ALDEN:**

As of right?

**DIRECTOR COSTIGAN:**

Yes.

**CHAIRMAN ALDEN:**

Motion by Legislator O'Leary, seconded Legislator Lindsay. All those in favor? Opposed? That's APPROVED. **(VOTE:6-0-0-0)**.

Let's just jump back to 1038. Legislative Counsel.

**MS. KNAPP:**

1038 does have a letter from the assessor, Jim Ryan, and he acknowledges that there was an error and that the amount of refund is \$1559.43.

**CHAIRMAN ALDEN:**

That's one of the only things that meets our criteria. Motion by Legislator O'Leary, seconded by Legislator Nowick. All those in favor? Opposed? That **APPROVED** unanimously. **(VOTE:6-0-0-0)**.

**1049-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Richard Scott. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

1049 is a normal timely filed redemption by the owner as of right.

**CHAIRMAN ALDEN:**

Motion by myself, seconded by Legislator Viloría-Fisher. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0)**

**1050-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Singletree Woodworking, LLC. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

Redemption as of right, and it has been paid.

**CHAIRMAN ALDEN:**

Motion by Legislator O'Leary, seconded by Legislator Nowick. All those in favor? Opposed?  
Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1052-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Philip Delgiudice. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

This is a timely filed redemption as of right, all taxes have been collected except the 2004, which will be collected prior to the delivery of the deed.

**CHAIRMAN ALDEN:**

Motion by Legislator Nowick, seconded by Legislator O'Leary. All those in favor? Opposed?  
Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1053-2004. Authorizing the sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act The May Flowers Property Equities Corporation. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

This is a normal redemption as of right.

**CHAIRMAN ALDEN:**

Motion by Legislator Vilorio-Fisher, seconded by Legislator Crecca. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0)**

**1054-2004. To readjust, compromise and grant refunds and charge backs on real property correction of errors by County Legislature. (COUNTY EXEC).**

**CHAIRMAN ALDEN:**

Motion by Legislator O'Leary, seconded by Legislator Lindsay. All those in favor? Opposed?  
Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1055-2004. Authorizing sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Elmer Frye and Mae Frye. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

Redemption as of right. We have collected all monies..

**CHAIRMAN ALDEN:**

Motion by Legislator Crecca, second by Legislator O'Leary. All those in favor? Opposed?  
Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1056-2204. Authorizing sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Elmer Frye and Mae Frye. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

Again, redemption as of right, and we've collected all monies.

**CHAIRMAN ALDEN:**

Motion by Legislator Nowick, seconded by Legislator Viloría-Fisher. All those in favor?  
Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1057-2004. Authorizing sale pursuant to Local Law 16-1976 of real property acquired under Section 46 of the Suffolk County Tax Act Robert Crosthwaite and Frances Crosthwaite, his wife. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

A redemption as of right. All money has been collected.

**CHAIRMAN ALDEN:**

Motion by Legislator Crecca, seconded by Legislator O'Leary. All those in favor? Opposed?

Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1058-2004. To readjust, compromise and grant refunds and charge backs on real property correction of errors/county Treasurer by County Legislature #182. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

Motion by Legislator Viloría-Fisher, seconded by Legislator O'Leary. All those in favor? Opposed? **APPROVED. (VOTE:6-0-0-0)**

**1059-2004. Sale of County-owned real estate pursuant to Local Law 13-1976 Gene Svercel.**

**DIRECTOR COSTIGAN:**

This is a sale to an adjacent owner of a 40 by 100 piece appraised for \$8600. The winning bidder is paying \$18,000. There were two qualifying bidders, only one bid.

**CHAIRMAN ALDEN:**

We don't have anything else we could sell him? Motion by Legislator Viloría-Fisher.

**LEG. O'LEARY:**

What's the location?

**DIRECTOR COSTIGAN:**

Centerport. It's off Dunton Avenue between Rod Street and Reel Street in Centerport.

**LEG. CRECCA:**

Something's fishy about this. Get it? Question.

**CHAIRMAN ALDEN:**

Legislator Crecca.

**LEG. CRECCA:**

I assume it's not a buildable lot, right?

**DIRECTOR COSTIGAN:**

No, it is not. No.

**CHAIRMAN ALDEN:**

Motion by Legislator Viloría-Fisher, seconded by Legislator Nowick. All those in favor?  
Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1060-2004. Sale of County-owned real estate pursuant to Local Law 13-1976 Paul Serrano. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

This piece is 40 by 105. Its appraised value was \$5000. There were four qualifying bidders, two bidders bid, and the winning bid is \$9500. The property is located off -- well, it's landlocked between Pine Acres Boulevard and Baldwin Boulevard near the Southern State Parkway in Islip.

**CHAIRMAN ALDEN:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I just have a question if I may. I'd like to go back to that Rod and Reel in Centerport. 1059. I'm going back a minute, because I was looking at the map.

**DIRECTOR COSTIGAN:**

It's Centerport. It's not Centerport, Nassau County. It's map of Miramar Beach in Brookhaven, and the neighborhood is called Centerport Acres or something like that.

**LEG. VILORIA-FISHER:**

Brookhaven Town.

**DIRECTOR COSTIGAN:**

It's Brookhaven Town. It's not buildable.

**LEG. VILORIA-FISHER:**

Okay. That wasn't my question.

**DIRECTOR COSTIGAN:**

It's between -- the two bidders are on either side of this. This little strip, this 40 by 100 foot

strip, is between two houses and that comprises the entire block.

**LEG. VILORIA-FISHER:**

Which bring me to my question, Christine, which is the buyer of the property, the person with the successful bid, would have been on the lot of 43 that's just south of that on Dunton Road.

**DIRECTOR COSTIGAN:**

On 43, yes.

**LEG. VILORIA-FISHER:**

Now with 43 and 35 together, would that person then be able to build another house, once it's added to the existing property that they have?

**DIRECTOR COSTIGAN:**

There will be a clause in the deed, in the transferred deed, which prohibits the independent development of this property, that any development on it is subject to review by the Planning Department.

**LEG. VILORIA-FISHER:**

Okay. That's what I wanted to know. Thank you. Because I notice it's very close to -- it says here Nature Preserve, but I don't know what that entails.

**DIRECTOR COSTIGAN:**

In any sort of sale to the adjacent owner, the property that you sell cannot be independently developed. It then gets glued on or merged with the property, in this case, 43. And if 43 wants to subsequently split it off or build something there, they have to go to the town.

**LEG. VILORIA-FISHER:**

Okay. Thank you.

**CHAIRMAN ALDEN:**

It goes back fully on the tax bill.

**DIRECTOR COSTIGAN:**

That's right.

**CHAIRMAN ALDEN:**

Okay. So we're back over to 1060, motion by Legislator O'Leary, seconded by myself. All in favor? Opposed? Unanimously.

**APPROVED. (VOTE:6-0-0-0)**

**1061-2004. Sale of County-owned real estate pursuant to Local Law 13-1976 Sid Farber Enterprises, LLC. (COUNTY EXEC)**

**DIRECTOR COSTIGAN:**

This is in the Town of Brookhaven. The property was appraised at \$1300, the winning bid of the three bidders -- there are three qualified bidders, they were all the same corporation, and they bid the appraised value of \$1300.

**CHAIRMAN ALDEN:**

Three bids from the same bidder?

**DIRECTOR COSTIGAN:**

Well, the same bidder owns all three adjacent properties.

**CHAIRMAN ALDEN:**

So we had one bid, basically.

**DIRECTOR COSTIGAN:**

So there was one bid, but are three -- they could have qualified in three different ways. They own them separately.

**CHAIRMAN ALDEN:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I see it's Sid Farber, so this is right by the Bellport Outlet? Is it adjacent to the outlets there?

**DIRECTOR COSTIGAN:**

Yes.

**LEG. VILORIA-FISHER:**

And is it zoned commercial -- how it is zoned?

**DIRECTOR COSTIGAN:**

I have no idea.

**LEG. VILORIA-FISHER:**

I'm just wondering if it would be an expansion to the Bellport Outlets.

**CHAIRMAN ALDEN:**

How large of a parcel is it?

**DIRECTOR COSTIGAN:**

The parcel is 50 feet by 100 feet.

**LEG. VILORIA-FISHER:**

Oh, it's tiny. Thank you.

**CHAIRMAN ALDEN:**

Motion by myself, seconded by Legislator Crecca. All those in favor? Opposed? That's

**APPROVED. (VOTE:6-0-0-0)**

**1062-2004. To readjust, compromise and grant refunds and charge backs on real property correction of errors by County Legislature.**

**(COUNTY EXEC)**

**CHAIRMAN ALDEN:**

Motion by Legislator Nowick, seconded by Legislator Crecca. All those in favor? Opposed?

That's **APPROVED** unanimously. **(VOTE:6-0-0-0)**

**1065-2004. Approving payments to General Code Publishers for administrative code pages. (PRESIDING OFFICER)**

**CHAIRMAN ALDEN:**

This is -- they subscribe to these. And this is coming from the County Executive's Office, so I'll let Legislative Counsel just answer.

**MS. KNAPP:**

Now, the resolution for General Code Publishers, I don't believe it does come from -- you have it as from the County Executive.

**CHAIRMAN ALDEN:**

I'm sorry, from the Presiding Officer.

**MS. KNAPP:**

It comes from the Legislative Clerk. And I did check, we do pay this every year. I'm not quite sure why this expense is the only one that you pay by resolution, it must have been some where in the history. And I know the Clerk was going to try to research that question for me. General Code Publishers is the company that publishes our County Code in the blue -- the blue book. And they also are responsible for posting our code on the internet.

**CHAIRMAN ALDEN:**

What's the pleasure of the committee?

**LEG. CRECCA:**

I'll make a motion to approve this monumental bill.

**CHAIRMAN ALDEN:**

Motion by Legislator Crecca, seconded by Legislator Nowick. All those in favor? Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0)**

**1066-2004. To amend Resolution No. 8-2004. (TONNA)**

**CHAIRMAN ALDEN:**

If Counsel could just give us a quick explanation.

**MS. KNAPP:**

This will change the date of the March meeting, one week sooner.

**CHAIRMAN ALDEN:**

I'm going to make a motion to table.

**LEG. CRECCA:**

I'm going to make a motion to table subject to call.

**CHAIRMAN ALDEN:**

Motion to table subject to call takes precedence, and that's seconded by Legislator O'Leary. All those in favor? Opposed.

**LEG. VILORIA-FISHER:**

On the motion.

**CHAIRMAN ALDEN:**

On the motion, Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

On the motion. Just out of fairness so that Legislator Tonna, who has indicated that he does have conflicts, I don't believe we should table it subject to call, we should vote it up or down and, you know, just deal with it and vote on it. If there are scheduling conflicts for other people and then they can't change it to March 16th, then those people should just vote to against it. But not to let it hang as tabled subject to call.

**LEG. CRECCA:**

But then if there's -- the only thing is if we do that -- Legislator Fisher, my only thinking was if there was some sort of change or ability to move it, it could at least be recalled. I mean, I was trying to do it more as a courtesy to the sponsor.

**LEG. VILORIA-FISHER:**

It would be recalled on February 24th?

**CHAIRMAN ALDEN:**

He could do a discharge.

**LEG. VILORIA-FISHER:**

Can't you do that on the tabling motion?

**CHAIRMAN ALDEN:**

But if we vote it up or down, it's dead.

**LEG. VILORIA-FISHER:**

Why make it tabled subject to call? We could just table it so that --

**LEG. CRECCA:**

That's fine too, if you want to do that.

**LEG. VILORIA-FISHER:**

Well, I would prefer if you have a problem with it to at least discharge it without recommendation so that it can come before the full Legislature, and we'll vote on it on February 24th.

**LEG. CRECCA:**

Legislator Fisher, just so you understand, this isn't -- I know Legislator Tonna thinks that this is some sort of personal thing. We really did try to sit down and work out the schedule. But in order to accommodate Legislator Tonna, we had to also make it a problem for other Legislators who were unable to do it. So it's not like an effort wasn't made. And it's my understanding that, you know, Mr. Tonna's traveling on this particular occasion only involves him shortening what I believe are vacation plans by just a few days.

**CHAIRMAN ALDEN:**

Whatever the plans are, he is unable to attend the meeting. And, you know, on the merits of this, Legislator Vilorina-Fisher is asking to just table it. Would you withdraw your --

**LEG. CRECCA:**

That's fine. I'll withdraw my table subject to call motion.

**CHAIRMAN ALDEN:**

And you'll make a tabling motion.

**LEG. CRECCA:**

I'll make a motion to table.

**CHAIRMAN ALDEN:**

Motion to table, seconded by Legislator --

**LEG. VILORIA-FISHER:**

You wouldn't be willing to do a discharge without a recommendation just to bring it to the full Legislature, have a vote up or down, so that people know what they are doing next month?

**LEG. CRECCA:**

No, I wouldn't support that, personally. Certainly that motion could be made.

**LEG. VILORIA-FISHER:**

I'm just asking the other members of the committee to just discharge it without recommendation, bring it to the full Legislature, discuss it before, then vote it up or down, because then if you have any intention of passing it, we should know on -- even on the Special Meeting, maybe we could discharge it until to February 11th and vote on it in a couple -- is it one day or two days? And vote -- can we do that? Can we table it?

**MS. KNAPP:**

I would have to recheck the Special Meeting notice, but my recollection of the Special Meeting notice, it doesn't have a catchall provision. I don't think. And I don't think this was included on the agenda, but if you would like me to get that Special Meeting notice and double check it, I will.

**LEG. VILORIA-FISHER:**

I'm just trying to say, and I'm just going to be very blunt, I would like to depersonalize this, depoliticize it. If it's impossible for people to meet on March 16th before the full Legislature, just vote no. If you can accommodate a Legislator who has said he is going to be at a state dinner in the Czech Republic on March 23, then vote yes for the change. But let's not leave this hanging over us as a contentious -- I want to see 2004 begin to shape into a year where we can work collegially. And let's just do ourselves the courtesy of bringing this to the full Legislature, vote on it up or down on the 24th, and just leave it behind us at that point, rather than play games of tabling it. What's it going to be tabled to? By then it will be moot. It will be moot if we table it to March, right? So let's just vote on it on the 24th. I'm not even asking you to approve it. I'm just saying let's discharge without recommendation, then we can just vote on it with full

disclosure, full airing of differences and problems with scheduling and just be up front with it. That's all I'm asking.

**CHAIRMAN ALDEN:**

Legislator O'Leary.

**LEG. O'LEARY:**

I would favor addressing the issue right here in committee and defeating this proposal, simply because the sponsor is keenly aware that there are other conflicts with other Legislators. I see no need to bring it to the full body. It goes to the committee, the committee addressed it, it's been discussed by several Legislators. We know of the situation regarding the sponsor and his conflict. However, there are other conflicts that other Legislators have. So that having been addressed by the Legislators with the sponsor of this bill, I would support a defeating motion here and would make a motion to defeat this resolution.

**CHAIRMAN ALDEN:**

Legislator Crecca, response?

**LEG. CRECCA:**

I was going to say the same thing as Legislator O'Leary. I'll just add that this is not political. There was a conflict. In order to accommodate Legislator Tonna, we would have -- at least two other Legislators were on vacation that week.

**LEG. VILORIA-FISHER:**

Can we put that on the record then at the 24th? Why do it in committee? Why not do it at the full Legislature on the 24th?

**CHAIRMAN ALDEN:**

Legislator Nowick.

**LEG. NOWICK:**

I just need to respond for a second to Legislator Viloría-Fisher, and I understand what you're trying to do. This has nothing to do -- a lot of this schedule I went over backwards and forwards and backwards and forwards trying to accommodate every Legislator, including Legislator Tonna, and believe me, I hate that any one of us have a problem. But the schedule was made, we asked, we asked, nobody -- Legislator Tonna never came to us, never answered.

Unfortunately, other Legislators did have a problem. We tried at the last meeting at the end of the meeting to make changes. I made an announcement, could we please try to change this meeting and that meeting. And I know that you know what I'm saying is sincere. It couldn't be done. Everybody else had something else by then, everybody had a meeting schedule, and so it's probably not going to work. We can spin our wheels and go to the next meeting, it's probably going to waist our time, because other Legislators have already -- have other commitments. As much as I would like to, I don't think it's going to be possible.

**CHAIRMAN ALDEN:**

Legislator Lindsay.

**LEG. LINDSAY:**

Yeah. I'm confused, Mr. Chairman. We have -- what motion is pending now? There's a motion to table to subject to call, is that still on the table?

**LEG. CRECCA:**

I withdrew that motion at Legislator Fisher's request.

**LEG. LINDSAY:**

Okay. So I'll make a motion to approve the resolution.

**CHAIRMAN ALDEN:**

Okay. Do we have a second?

**LEG. CRECCA:**

Motion to table.

**LEG. LINDSAY:**

So there's motion to table.

**LEG. CRECCA:**

I'll withdraw the motion to table.

**CHAIRMAN ALDEN:**

Motion to approve. Is there a second to the motion to approve? There's a motion to approve before us.

**LEG. VILORIA-FISHER:**

I'd like to make a motion to discharge without recommendation.

**CHAIRMAN ALDEN:**

Which takes precedence?

**MS. KNAPP:**

I believe the discharge without recommendation.

**CHAIRMAN ALDEN:**

Okay. We have a motion to discharge without recommendation.

**LEG. LINDSAY:**

I'll second.

**CHAIRMAN ALDEN:**

We have a second to that. All those in favor? All those opposed? Opposed.

**LEG. CRECCA:**

Opposed.

**LEG. O'LEARY:**

Opposed.

**LEG. NOWICK:**

Opposed.

**CHAIRMAN ALDEN:**

It's defeated. **FAILED. (VOTE:2-4-0-0) (Opposed; Legis. Alden, Nowick, Crecca, O'Leary)**

**LEG. LINDSAY:**

So where is it?

**CHAIRMAN ALDEN:**

Now it's dead. He would have to refile.

**LEG. LINDSAY:**

But I have a motion to approve.

**CHAIRMAN ALDEN:**

If you want to vote on your motion to approve.

**LEG. LINDSAY:**

No. It's moot.

**1067-2004. Establish review policy for honest documentation of campaign expenditures by Suffolk County Board of Elections. (COOPER)**

**LEG. CRECCA:**

Motion to table.

**LEG. O'LEARY:**

Second.

**CHAIRMAN ALDEN:**

Motion to table by Legislator Crecca, seconded by Legislator O'Leary All those in favor? Opposed? All right. The call is then it's unanimously tabled.

**LEG. VILORIA-FISHER:**

I'm going to oppose.

**CHAIRMAN ALDEN:**

Okay, one opposition.

**LEG. CRECCA:**

Counsel, point of privilege.

**CHAIRMAN ALDEN:**

Legislator Crecca.

**LEG. CRECCA:**

I would ask Counsel to look in there. There were some questions regarding whether or not we're superseding state law here, just look into the legalities of the individual provisions of this bill. Thank you.

**CHAIRMAN ALDEN:**

And we'll take that up at the next committee meeting.

**LEG. CRECCA:**

I've spoken to some of the representatives at the Board of Elections, and there are some questions as to whether or not there are problems or conflict with state law here. And I know they are going to research it. It came to my attention just yesterday. And I'd ask Counsel to do the same so we have our own opinion.

**LEG. VILORIA-FISHER:**

Change my vote to a yes, please, on the tabling.

**LEG. CRECCA:**

Those were the reasons why.

**CHAIRMAN ALDEN:**

Unanimously **TABLED. (VOTE:6-0-0-0)** that's 1067.

**1070-2004. Adopting Local Law No -- 2204, A Charter Law creating Taxpayers Office of Inspector General. (CARACCIOLO)**

**CHAIRMAN ALDEN:**

Motion to table.

**LEG. CRECCA:**

Motion to table subject to call.

**LEG. LINDSAY:**

Second.

**CHAIRMAN ALDEN:**

So we have a motion to table subject to call by Legislator Crecca, Legislator Lindsay seconds it. All those in favor? Opposed? That's **TABLED SUBJECT TO CALL. (VOTE:6-0-0-0)**

**1081-2204. Reforming county sick pay policy for exempt employees via cost containment. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

I'll entertain a motion. The bill is not before us unless someone makes a motion. Going once, going twice.

**LEG. LINDSAY:**

Motion to approve.

**LEG. VILORIA-FISHER:**

Second.

**CHAIRMAN ALDEN:**

Motion to approve by Legislator Lindsay, seconded by Legislator Fisher to approve. All those in favor?

**LEG. LINDSAY:**

Well, it's open for discussion.

**CHAIRMAN ALDEN:**

You have a question. Legislator Viloría-Fisher. Legislator O'Leary.

**LEG. O'LEARY:**

This is like déjà vu. Wasn't this resolution -- I mean, what's the difference between this proposal -- this proposed resolution and the one that failed for lack of a motion in committee about a month ago?

**CHAIRMAN ALDEN:**

When you respond, please just identify yourself for the record. Thank you.

**MR. TEMPERA:**

Jeff Tempera, the Director of Labor Relations. There's a couple of differences. The main difference that you will see deals with the way the prior resolution, 659 of '88, has been interpreted over the years, that anyone who became covered by 659 of '88 after December 31st of 1988 has their time frozen, computed as to a dollar amount and has been paid out pursuant to the terms of the collective bargaining agreements, which has been at a one for two rate. Anyone who has time frozen pre 1/1/89 has the pay out at one for four. So there's the letter "F" in this resolution changes that payout so it's consistent across the board, plus the change that had been put in last time, which was to roll back 655 of '01 and have no payout for any sick time that had been accrued under what's been called management sick time.

**LEG. O'LEARY:**

Okay. And the -- if I'm reading this correctly, the long term liability with respect to this proposal under the statement of financial impact is 1.5 million?

**MR. TEMPERA:**

I'll leave that to the Budget Office.

**MR. KNAPPE:**

The outstanding liability is referred to in the fiscal impact as being approximately 1.5 million. What that means, and it's not a finite number, it's a rolling number based on the 417 or so exempt employees and their time they have accrued under Bargaining Unit 21. It does not take into account -- that number does not take into account previous frozen sick time. What occurs is in the end of the year independent audit, that is compiled for the County, there is a provision in that audit for outstanding liable, not only of Bargaining Unit 21, but all the County's employee work force. If the County was to close today or if the County was to retire all its employees, it is an outstanding liability. This is referring to Bargaining Unit 21's outstanding liability, that million and a half.

**LEG. O'LEARY:**

Okay. The questions that have been asked and answered with respect to this particular matter still remain the same, so I'm not going to go into it. Basically the issue is, at least in my opinion, is that this is a minimal impact financially with respect to the county coffers. But with respect to the amount of exempt employees, you say there's 417?

**MR. KNAPPE:**

Approximately 417, the last time I checked when I was doing it at the beginning of the year.

**LEG. O'LEARY:**

And last time I asked for more specific numbers and detail with respect to those individuals, and Mr. Tempera wasn't able to provide that. I would hope that today you can provide answers to the questions that I'm going to pose to you as well with respect to the 417 exempt employees.

**MR. KNAPPE:**

I will certainly try.

**LEG. O'LEARY:**

How many of the exempt employees retired in the Year 2003?

**MR. KNAPPE:**

2003 exempt employees, I believe it was four if I can just reference. There were four employees under Bargaining Unit 21 that retired.

**LEG. O'LEARY:**

Four of 417 retired in Year 2003. How many anticipated to be retiring in Year 2004?

**MR. KNAPPE:**

I would not be able to estimate that number.

**LEG. O'LEARY:**

Let me get more specific.

**MR. KNAPPE:**

The average has been over the years -- 2002, we had about 17, 2003, we had four, 2002 was higher because of the early retirement incentive. If you look back over the years, I think the trend would be somewhere between 12 and eight -- between eight and 12 exempt employees retiring for any given year.

**LEG. O'LEARY:**

Of the 417 exempt employees, how many are actually eligible to retire in 2004?

**MR. KNAPPE:**

That I'll defer to Budget Review, they may have that answer.

**MR. SPERO:**

We looked at the Bargaining Units 21 and 24's employees, those are the exempt, and currently there are 81 exempt employees who are 55 years or older and have ten years of County service.

**LEG. CRECCA:**

How many? How many was that, I'm sorry?

**MR. SPERO:**

Eighty-one.

**LEG. O'LEARY:**

Eighty-one, did you say, Jim?

**MR. SPERO:**

Yes.

**LEG. O'LEARY:**

Okay. So of the 417, there are 81 that are eligible to retire in the calendar Year 2004 based on the age factor and the length of service, correct? All right. Is there any way of determining or has this been done what the average payout for retired exempt is with respect to accumulated time?

**MR. SPERO:**

We did that when we did the W-2 Report. We took a look at that by bargaining unit, actually

**LEG. O'LEARY:**

W-2 Report did you say? Yes, I'm familiar with that.

**CHAIRMAN ALDEN:**

Painfully familiar.

**MR. SPERO:**

Next year you won't be in the top 300. For exempt employees, the average payout in 2003 -- this is for vacation and sick, we couldn't get a break our for sick alone -- was \$9695.

**LEG. O'LEARY:**

If I understand you correctly, Jim, the average payout for an exempt employee --

**MR. SPERO:**

For vacation and sick time.

**LEG. O'LEARY:**

Is \$9000 a year.

**MR. SPERO:**

9695.

**LEG. CRECCA:**

Do you have that broken down -- I don't mean to interrupt, Legislator O'Leary, but do you have that broken down for just sick time?

**LEG. O'LEARY:**

This is an average of combined sick and vacation time.

**MR. KNAPPE:**

Just to go along with the Director of Budget Review, most of the time we do not disagree, however, the sick time payout for those four employees who retired in Bargaining Unit 21 in 2003 was \$60,222.76. Those were four exempt employees who retired under Bargaining Unit 21.

**LEG. O'LEARY:**

That's for the four combined, correct?

**MR. KNAPPE:**

Correct. It's an average of about 15,000.

**LEG. O'LEARY:**

15,000 per.

**MR. KNAPPE:**

Which is also in line with the average of 2002. The average of 2002 was about 13,500 for the 17 employees that retired under 2002. That's just sick time, that's not sick and vacation.

**MR. KNAPPE:**

That's just sick time, and that's all this resolution is referring to, sick time.

**LEG. O'LEARY:**

But if I understand Jim's statement correctly, he indicated that a combined average of sick and vacation is around 9000 a year; is that correct, Jim?

**MR. SPERO:**

Yeah, that's what we had. I'll have to check this out, because obviously there is a discrepancy.

**LEG. O'LEARY:**

I mean, the point being, of course, is that we're talking about a limited amount of employees, exempt employees, that retire per year and the small fractional impact with respect to the County coffers. If the average is \$9000 a year, and we have an average of five people retiring a year that are exempt employees, simple math, that's 35,000. A small number I might add to ask the exempt employees to take the burden of leading the initiative to address this contractual benefit with bargaining units. It's something that exempt employees should not have any difference from their colleagues who are in bargaining units. So my position with respect to that hasn't changed since the last time you were here. I think this is a minimal fiscal impact. And it's misleading to say that the impact is 1.5 million when, in fact, only a handful of exempt employees retire on an annual basis. And the small minimal payout for the accruals that are obtained by them or that are attained by them should have some bearing and relevance with respect to advancing this particular resolution and the reason behind it.

**MR. TEMPERA:**

Legislator O'Leary, let me just point out again, as I did last time, there already is a difference between the packages that have been negotiated by the unions and that management gets. So management is already treated differently. So to say that we don't want to treat them different from the union employees, that's been the case since 659 '88.

**CHAIRMAN ALDEN:**

Legislator Crecca, then Legislator Lindsay, then Legislator Vilorio-Fisher.

**LEG. CRECCA:**

These other facts and figures that you are giving us for 2002, what I'll call the real numbers --

**MR. KNAPPE:**

Those were exact payouts for that given year.

**LEG. CRECCA:**

Were those -- why were they not made part of the fiscal impact statement?

**MR. KNAPPE:**

It was under the -- I believe it was --

**LEG. CRECCA:**

That's right. It was --

**MR. KNAPPE:**

There were different drafts of the fiscal impacts. I don't know why it was not included.

**LEG. CRECCA:**

It was under the original draft of the fiscal impact that first came over to this Legislature, wasn't it?

**MR. KNAPPE:**

Actually, I believe that the Legislature defeated the original bill because there was no fiscal impact.

**LEG. CRECCA:**

No, not in that one. I think it came over subsequent to that bill and -- when this one came over; is that correct?

**MR. KNAPPE:**

I can't -- I don't know.

**LEG. CRECCA:**

Look, the bottom line is the point I'm making here, and I'm not -- you know, you send over something that gives the impression that it's going to save \$1.5 million, okay? We had four employees retire last year. Those numbers were available, okay? I'm going to say this really bluntly because --

**CHAIRMAN ALDEN:**

But delicately.

**LEG. CRECCA:**

No, I'm not going to be delicate, because --

**CHAIRMAN ALDEN:**

In a decorum that's --

**LEG. CRECCA:**

In a decorum, absolutely.

**CHAIRMAN ALDEN:**

Thank you. These are the messengers, by the way. They didn't send it over, they delivered it.

**LEG. CRECCA:**

I understand that, and this is not directed at Jeff or directed at Ken. You know, it was sent over to us, and it was a public statement that it would save \$1.5 million, then the statement was that it would save half of that, \$750,000,000 (sic). The fact of the matter is we just ask for truth in disclosure and that this a total liability. First of all, it's not even possible that all 417 employees could retire at one time, never mind any reasonableness of likelihood. This is an example of, and this is what I would ask -- the message to be sent back is send us substance, send us things that will help lessen the impact for 2005, don't send us show. And that's what this is here. And that's part of the problem. You know, it was said that the reason originally that was given to us that this was sent over was to act as pressure on the bargaining unit -- I'm sorry, the union employees so they could renegotiate that. If that's the reason for this, then so be it, then disclose it. But this fiscal impact statement is nothing less than an atrocity, because it talks about a liability. It doesn't talk about real cost savings for dollars. We want to know what it's

going to save the County in 2003 -- what it would have saved the County in 2003, and what it is projected to save the County in real numbers for 2004 and 2005. If Mr. Levy wants to solve budget problems that he believes exist, then he should send over real numbers so that we can deal with real issues. And I apologize for being so strong about this, but this is a perfect example of what we will not tolerate over here.

**CHAIRMAN ALDEN:**

Legislator Lindsay.

**MR. TEMPERA:**

If I might. I think one of the statements --

**CHAIRMAN ALDEN:**

Well, actually, it wasn't a question, so we're going to go onto Legislator Lindsay who might have a question of you.

**LEG. LINDSAY:**

I'm still trying to understand the actuarial accrual. So what that million and a half represents is --first of all, you can only get the sick time payout if you retire.

**MR. KNAPPE:**

Retire or a death, I believe.

**LEG. LINDSAY:**

Or a death if you die on the job. But if you were to leave office and move on to another career in government or private industry, there is no payout; am I right about that?

**MR. TEMPERA:**

Not on the sick time. There are payouts with regards to vacation time if somebody just leaves, but on the --

**LEG. LINDSAY:**

But we're only talking about sick time, right.

**MR. TEMPERA:**

On retirement or death.

**LEG. LINDSAY:**

Is the only two ways you can get the money?

**MR. TEMPERA:**

Correct.

**LEG. LINDSAY:**

So the million and a half represents -- of the 417 people, if they were to stay in government until they retire, that's how much money they would accrue?

**MR. KNAPPE:**

Not exactly. Let me clarify, because it was questioned by Legislator Crecca, and I did sign the fiscal impact, so it is my number. The million and a half is a snapshot at the end of 2002 of the outstanding liability to the County for the 400 and some odd exempt employees.

Understanding, and that's why we were called here today, to explain and go into further detail, it is not a \$1.5 million savings for the County today in 2004. It's an outstanding liability throughout the terms of those employees working for the County. The average is 15,000 per employee for the past couple of years. The average employees who will have either retired or unfortunately passed away due -- during their terms of employment is about somewhere between eight and 12 over the past several years.

**CHAIRMAN ALDEN:**

Just to interrupt you. Is that one or four, one for two, or is that total outstanding days?

**MR. KNAPPE:**

It's under the current policies that the exempt employees are under, which is a two to one based on the resolution that was passed a couple of years ago.

**LEG. LINDSAY:**

I'm not through yet. This is a real technical issue, and maybe Mr. Tempera can answer it. A lot of times people that are in this category if they rise to a deputy commissioner's level or a commissioner's level come up through the ranks and -- you know, Mr. LaLima was cited a lot about his retirement last year. Mr. LaLima was in the bargaining unit for many years as an instructor. When he goes into the exempt category, does he lose his accrued time under the

bargaining unit?

**MR. TEMPERA:**

Well, I won't get specific with regards to --

**LEG. LINDSAY:**

I shouldn't mention it, but I'm just using it as an example. It could apply to anybody.

**MR. TEMPERA:**

What occurs, and again, you have two different categories of people; those individuals who had been covered as of December 31st 1988 had their sick time frozen, computed as to a dollar amount, and it is payable at a one for four rate, 90 for 360. For anyone who became covered thereafter, their sick time was frozen, computed as to a dollar amount, payable under the terms of the contract at a one for two rate. There is an additional category of sick time that pre 655 of '01, management was able to accrue sick time without limitations. However, they were never paid for any of that sick time. As of August of '01, when 655 of '01 was implemented, that payout for management sick time was then payable as a one for two rate, 90 for 180.

**LEG. LINDSAY:**

Okay. But here's where I'm going and here's the question. If you -- we're dealing with two groups of people. We're dealing with an exempt group and a unionized group. Unionized group, this is a policy that's written in the contract; am I correct?

**MR. TEMPERA:**

The payout under the union contract for AME, yes.

**LEG. LINDSAY:**

What if you came out of the bargaining unit, you had accrued sick time in the bargaining unit, you went into the exempt category, this policy is adopted by this Legislature and signed by the County Executive, does that -- do they lose that time that was accrued under the bargaining unit?

**MR. TEMPERA:**

They do not lose it, but it is no longer payable according to this resolution at a one for two rate. It would be payable at a one for four rate. That's a result of a lawsuit that was brought many

years ago by the former Director of Budget Review, Don Gruen, went to the courts, the courts ruled in favor that the Legislature had the ability to change the benefits retroactively for management employees, and therefore, the payout would go from one to two to one to four.

**LEG. LINDSAY:**

But that court ruling said that we don't have the ability to change time accrued while you were in the bargaining unit?

**MR. TEMPERA:**

Well, we'd have to negotiate with the separate bargaining units. But as a management employee, the courts ruled that the Legislature can set the policy. And the policy at that time had been we changed time that individuals had accrued under a bargaining unit or had accrued over the years in management and had been payable at the one for two rate, and it was changed to the one for four rate, and that upheld by the courts.

**LEG. CRECCA:**

Can I make a suggestion through the Chair?

**CHAIRMAN ALDEN:**

Legislator Lindsay, are you done? Legislator Viloría-fisher.

**LEG. VILORIA-FISHER:**

Okay. Jeff, I'd like you to go -- you were here last month when we looked at the previous bill, and I do want to clarify a couple of the assertions made by Legislator Crecca, if I may through the Chair. If I recall correctly, part of the problem and the reason why I made a motion to table at that time, and that motion was defeated, was because I don't believe there was a fiscal impact attached; is that correct?

**MR. TEMPERA:**

That's my understanding.

**LEG. VILORIA-FISHER:**

There was no fiscal impact statement attached. However, it was represented by you upon questioning that pretty much what Mr. Knappe just said, that the County liability, not for anyone here, that was never represented here, but the County liability was \$1.5 million over time. I

don't -- I don't believe it was ever represented here or misrepresented that that was a one year impact.

**LEG. CRECCA:**

Not here.

**LEG. VILORIA-FISHER:**

Well, this is what's important to us when we're voting, what is said here and what is said on the record. And it was never said on the record that there was no fiscal impact statement here. I just want to finish this point. Mr. Tempera, you have tried to say something before, did you want to respond to what I just said?

**MR. TEMPERA:**

No. No. That's fine.

**LEG. VILORIA-FISHER:**

Okay. I do see here on this fiscal impact statement that the numbers are stated what was paid out in 2002, which was \$225,264; 2003 was \$60,224; is that correct, Mr. Knappe?

**MR. KNAPPE:**

That's correct. As I mentioned earlier the 2002 payout of 17 employees was approximately \$225,000. In 2003 for the four employees was approximately \$60,222.

**LEG. VILORIA-FISHER:**

Budget Review, are you in agreement with those numbers?

**MR. SPERO:**

We don't have the 2002 information, but I don't see any reason to question the veracity of the information, because I'm familiar with many of names on the 2002 list.

**LEG. VILORIA-FISHER:**

I just wanted to ask you to substantiate it, because the veracity has been questioned earlier, I just -- you know, it seems to me that those numbers are mentioned here. And I just want to ask Mr. Knappe, are those -- is that sick time payout, those numbers or is it sick and vacation?

**MR. KNAPPE:**

Those numbers are sick time. And the numbers we received, the way that it works, and this is, I think, part of the comments that Legislator Crecca was making towards me which definitely should have been more defined in the fiscal impact, the outstanding liability is exactly what it said, it's the outstanding liability for the life of the County. And it's in the independent audit that is filed at the end of the year for that fiscal year. And how that process occurs and how we receive that information, Audit and Control receives everybody's accruals for that given year, they input it, data entry it, then it goes to MIS, our data services. MIS then generates this report that is used as an appendix or as information purposes for the independent audit. We extrapolated the information for Bargaining Unit 21 employees from that information. So that's how those numbers were derived and made available to us in the Budget Office.

**LEG. VILORIA-FISHER:**

I need to ask another question. I'm still very confused about the questions that were asked by Mr. Lindsay. I'm still a little bit confused about someone's individual rights. And I want to make certain that people aren't losing -- if we have people with accrued time within a bargaining unit, what you are saying is if they leave that bargaining unit and enter into management, they are relinquishing the sick time that they have accrued or the payout they feel they have accrued toward their retirement?

**MR. TEMPERA:**

No, they are not relinquishing their sick time.

**LEG. VILORIA-FISHER:**

Well, three quarters of it.

**MR. TEMPERA:**

Again, the payout is being changed from the one for two that is called for under the collective bargaining unit, and it goes to one for four. But the flip side of that is the time is frozen and computed as to a dollar amount as to their appointment to their exempt position.

**LEG. VILORIA-FISHER:**

I don't know what you mean when you say it's frozen. Okay. Let's say somebody is --

**MR. TEMPERA:**

Someone has 200 hours on the books under the AME collective bargaining agreement and they take the position of a deputy within whatever department in the County, their time is frozen, whatever the hourly rate associated with that deputy position is put on the books with the 200 hours, and it is now payable at -- upon retirement or death at a one for four rate, not at the lower rate that they had in their old position and not at a one for two rate that they had in their old position.

**LEG. VILORIA-FISHER:**

Can you just -- okay. Because I need you to say that again now. Because when you said it earlier to Legislator Lindsay, I, you know, quickly, mathematically, because of the fractions said well, they'll be getting half as much in dollars.

**MR. TEMPERA:**

They'll be getting half as much in terms of the accrued time, but it will be at higher pay rate.

**LEG. VILORIA-FISHER:**

Okay. It will be at the pay that they are receiving as managers?

**MR. TEMPERA:**

Correct.

**LEG. VILORIA-FISHER:**

Okay. So they're not losing half of their accrued time that they anticipate receiving, because the assumption is that they'll be making more of an hourly rate. As managers, though, are they making an hour -- you would have to extrapolate from the yearly salary what an hourly rate is. So with that extrapolation then the assumption is that they would be making more money in the management, and so they wouldn't be getting half as much.

**MR. TEMPERA:**

Correct.

**LEG. VILORIA-FISHER:**

I have another question regarding estimation of liability. If there are 81 employees out of that 417 who are equal to or greater than 55 years of age with equal to or greater than ten year of service, couldn't we simply say that our -- the highest level of liability for this year would be 81

times an average, which would be \$13,000?

**MR. KNAPPE:**

Not necessarily. The 81 figure that Budget Review was talking about are those who are eligible. If somebody passed away it would skew that number. So to say that our outstanding liability is for that point in time would be somewhat ambiguous, because we do not know how many people would be terminating based on retirement or death.

**LEG. VILORIA-FISHER:**

It would be even more ambiguous now, because we don't have any number of what our liability this year might be.

**MR. KNAPPE:**

That's correct.

**LEG. VILORIA-FISHER:**

But if we were to say there are 81 people who could retire this year if they chose, because they don't even need a retirement incentive to do it, they meet all the qualifications to retire, wouldn't that be a more real number of savings for this year, that 81 times 13?

**MR. KNAPPE:**

It definitely could be. Depending on when they retire in the year, it would be \$15,000 times -- or the average, 13,000, 15,000 times the 81 employees, if those 81 chose to retire in this year.

**LEG. VILORIA-FISHER:**

Here's where I'm going. If we're looking at that number of those 81 people who are eligible, then we could have a possible impact in this year -- in this year of over \$100,000?

**MR. KNAPPE:**

That's a fair assumption to make. That's not an assumption that we made when we were looking at the fiscal impact, but based on the numbers that Budget Review mentioned today in this discussion and your interpretation of those numbers, that is definitely a fair assumption to make that that would be a fiscal impact.

**LEG. VILORIA-FISHER:**

Okay. Thank you, Mr. Knappe.

**CHAIRMAN ALDEN:**

Legislator O'Leary.

**LEG. O'LEARY:**

Just to go back to my initial point, the likelihood of all 81 retiring in 2004 is remote at best. But, however, be that as it may, I understand the liability issue. I just want to go back to the language of the provisions of the proposed resolution by the Executive. And what's confusing to me is that the group that accrued prior to '88 --

**MR. TEMPERA:**

Correct.

**LEG. O'LEARY:**

Correct. Which was accrual on their part, one out of four, correct?

**MR. TEMPERA:**

Correct.

**LEG. O'LEARY:**

The language in this proposal says that the payment when they retire from service shall be made at the rate that they accrued it prior to the one in '88; is that correct?

**MR. TEMPERA:**

For the sick time, it's frozen as of December 31st, 1988.

**LEG. O'LEARY:**

That's a little bit different than what has been practiced in the past, is it not?

**MR. TEMPERA:**

No. That's directly out of 659.

**LEG. O'LEARY:**

So in other words, they were grandfathered with the one out of four, but they got paid at the

rate that they acquired it prior to '88; is that correct? Is that what -- is that what the effect of this language is?

**MR. TEMPERA:**

Well, the effect is they were exempt employees at that time. And this resolution, remember it just came into existence as of 1/1 1989. You had exempt employees, those exempt employees had their rate frozen by the resolution as of December 31st 1988 and computed as to a dollar amount and will be payable at a one for four rate.

**LEG. O'LEARY:**

All right. And the language of the new rate of one out of two, was the rate that they were at when they left service, not the rate that they accrued at the time?

**MR. TEMPERA:**

I know it's confusing, but the one --

**LEG. O'LEARY:**

It's not confusing to me. I know the answer.

**MR. TEMPERA:**

There are two categories of employees. If you are still dealing with the individuals that were pre '88, they had their sick time on the books frozen as of December 31st, 1988. Any time they accrued under the management resolution, they accrued ten days per year, let's refer to that as new sick time, management sick time, they were never paid for any of that management sick time until 655 of '01 was passed in August of '01.

**LEG. O'LEARY:**

No. I understand that. What I'm asking you is what was the rate of pay that they were paid upon termination of service? Was it the rate that they accrued the time, or was it the rate of pay that they were obtaining as an exempt employee upon separation of service? What is the rate of pay on the accruals? Is the rate of pay on the accruals --

**MR. TEMPERA:**

The frozen accruals, Legislator O'Leary?

**LEG. O'LEARY:**

Yes.

**MR. TEMPERA:**

The frozen accruals were computed as -- again, there's two classes of people; the people pre '88, they were already exempt employees, the December 31st, '88 rate was frozen, the sick time was payable.

**LEG. O'LEARY:**

Let me stop you right there. Their sick time was frozen. Was the rate of pay frozen as well?

**MR. TEMPERA:**

Correct. As of December 31st '88.

**LEG. O'LEARY:**

Okay. Go ahead.

**MR. TEMPERA:**

Anyone who became covered by the resolution after December 31st, '88, by promotion, appointment to the position out of a bargaining unit had their sick time accruals frozen, computed as to a dollar amount, and it would have been paid pursuant to the collective bargaining agreement at a one for two rate, different from the employees who had the time payable at a one for four rate. That's how the resolution has been interpreted since 1988. That is the frozen time. That's one issue that was addressed by this resolution, and that's addressed in Item F. The other issue that was addressed in the resolution is the new management sick time, which as of 655 of '01, was paid at a one for two rate, 90 for 180. It would rollback the pre August '01 and wouldn't be paid for at all.

**LEG. O'LEARY:**

Sounds like gobbleygook to me.

**LEG. VILORIA-FISHER:**

I think we should have a chart.

**LEG. O'LEARY:**

I think there's a lot of unanswered questions. But basically, I mean, one of the points that I was trying to make is that what Ken eluded to was the total liability of 1.5 million was based on a figure of if all 417 retired in the same fiscal year, which is -- which is impossible. That's not going to occur. We have already determined that there are 81 of the 417 that are eligible to retire. And based on past experience and the reports given by both BRO and you, Ken, on average perhaps five to ten exempts retire a year. My point being the fiscal impact on this is so minimal, it's not worth even pursuing. But -- however, I still stand that I don't think that there should be a situation created if you are in County employment to have a different rate of payout upon separation of service if you are an exempt employee or a bargaining unit employee. So if I understand the full impact of this resolution, if it comes to fruition, the 1.5 million will be reduced to about half of that, about 750,000; is that correct?

**MR. KNAPPE:**

Over the length -- over the length of people either retiring or termination due to illness. Once again, I would go back to the average number that we have looked at in past of being about 13 to \$15,000 per exempt employee retiring. That's a much better number to look at the fiscal. If we take into account what Legislator Vilorio-Fisher mentioned as far as the 81 which is certainly a fair assumption to make, the fiscal impact would be multiplication of 81 eligible retirees this year times the average payout of years past being between 13,000 and 15,000.

**LEG. O'LEARY:**

As I stated before, the reality of that situation is the 81 eligible to retire, it's highly improbable that all 81 will retire. And past experience would dictate that perhaps a fraction of that would leave service, maybe ten at that time most. Once again, the fiscal financial impact on this, I understand the liability issue, but the reality of the situation is the dollar figure is so minimal, it's not worth pursuing any further. Thank you.

**CHAIRMAN ALDEN:**

Legislator Crecca.

**LEG. CRECCA:**

I had other questions, but I'm going to save them because we're running so late. What I am going to just suggest is that as Legislator Fisher pointed and O'Leary has already, that when we get a fiscal impact statement, let's try to make it realistic and not -- this one here, I would encourage you, I believe this bill is going to be tabled right now, I would encourage you to send

us over something that is more reflective of actual savings. And I would ask to do that on other bills. With that said, I'm going to ask the Chairman --

**CHAIRMAN ALDEN:**

Actually, hold on one second. Legislator Viloría-Fisher is going to withdraw her motion to approve.

**LEG. VILORIA-FISHER:**

Mr. Chair, yes. Because we have already run into the time for the next committee --

**CHAIRMAN ALDEN:**

And the next one after that.

**LEG. VILORIA-FISHER:**

Next two committees, which is, by the way, one of my objections to having public hearings in committee, because it does drag them out too long. And being that we have suggested that maybe charts would help us, there's a great deal of confusion. This is very complex. I'm going to withdraw my motion to approve and make a motion to table for more information.

**LEG. CRECCA:**

Second.

**CHAIRMAN ALDEN:**

Seconded by Legislator Crecca. All those in favor? Opposed?

**LEG. O'LEARY:**

I'm opposed.

**CHAIRMAN ALDEN:**

It's **TABLED**, not unanimously, we have one opposed to tabling. **(VOTE:5-1-0-0) (Opposed; Legis. O'Leary).**

**1083-2004. Confirming appointment of County Commissioner of Labor, Robert W. Dow. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

Legislator Viloría-Fisher is making a motion --

**LEG. VILORIA-FISHER:**

I'm going to make a motion to table, Mr. Chair, for the same reasons.

**LEG. CRECCA:**

Second.

**CHAIRMAN ALDEN:**

Seconded by Legislator Crecca. All those in favor? Opposed? That one is unanimously **TABLED. (VOTE:6-0-0-0).**

**1085-2004. Adopting local Law No -- 2004, a Local Law to repeal annual audit of County forfeiture funds. (CARACAPPA)**

**CHAIRMAN ALDEN:**

I'll make a motion to approve, seconded by Legislator O'Leary.

**LEG. VILORIA-FISHER:**

Motion to table, because I still do have some questions.

**LEG. CRECCA:**

Motion to table for public hearing.

**CHAIRMAN ALDEN:**

This one didn't have a public hearing? Oh, all right. 1085. Okay so we have a motion by Legislator Viloría-Fisher, seconded by Legislator Crecca to table for a public hearing. All those in favor? Opposed? That's tabled for public hearing.

**1086-2004. Adopting Local Law No -- 2004, a Charter Law to create the Real Estate Acquisition Anti-Corruption Reform Act. (BINDER)**

**CHAIRMAN ALDEN:**

This was the subject of a public hearing earlier. It was closed.

**LEG. VILORIA-FISHER:**

Motion to table.

**CHAIRMAN ALDEN:**

Motion to table by Legislator Vioria-Fisher.

**LEG. LINDSAY:**

Table subject to call.

**CHAIRMAN ALDEN:**

Motion to table subject to call by Legislator Lindsay, seconded by Legislator O'Leary. All those in favor? Opposed?

**LEG. CRECCA:**

Opposed.

**CHAIRMAN ALDEN:**

It's **tabled subject to call** with one in opposition, Legislator Crecca. **(VOTE:5-1-0-0)**.

**1088-2004. Authorizing the county Clerk to file an application for additional state mortgage tax reimbursement. (PRESIDING OFFICER).**

**LEG. O'LEARY:**

Motion to approve.

**CHAIRMAN ALDEN:**

Motion to approve by Legislator O'Leary, seconded by Legislator Lindsay. All those in favor? Opposed. That's unanimously **APPROVED. (VOTE:6-0-0-0)**.

**1090-2004. Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Southampton. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

Brief explanation.

**DIRECTOR COSITGAN:**

This is a piece of property that has been requested by the Town of Southampton. I note that the resolution before you is to transfer it for the cost of the County investment, which is \$1,108.13 plus the outstanding taxes and that the resolution from the town asks that it be donated with no reference of money.

**CHAIRMAN ALDEN:**

We have to table it.

**DIRECTOR COSITGAN:**

You can approve your resolution, and when we close, we could have a new resolution from them.

**CHAIRMAN ALDEN:**

You actually need it the other way around. Motion to table by Legislator Crecca, seconded by O'Leary. All those in favor? Opposed? That's **tabled, (VOTE:6-0-0-0)**, just to give the town an opportunity to make a conforming resolution.

**DIRECTOR COSTIGAN:**

I will do that, Mr. Chairman. That concludes my service to this committee. I thank you for all courtesies.

**CHAIRMAN ALDEN:**

Thank you.

**1092-2004. Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer. (COUNTY EXEC)**

**CHAIRMAN ALDEN:**

Motion by Legislator O'Leary, seconded by Legislator Crecca. All those in favor. Opposed? Unanimously **APPROVED. (VOTE:6-0-0-0)**.

**1095-2004. Establishing new County policy on use of County Clerk's office for Title**

**Examination purposes. (COUNTY EXEC)**

**LEG. CRECCA:**

Motion to table subject to call.

**CHAIRMAN ALDEN:**

Motion to table subject to call, seconded by Legislator Crecca -- seconded by Legislator O'Leary.  
All those in favor? Opposed?

**LEG. LINDSAY:**

Just on --

**CHAIRMAN ALDEN:**

Legislator Lindsay, on the motion.

**LEG. LINDSAY:**

Yeah, I would -- you know, I think both the County Executive's Office and the County Clerk's Office are really going in the same direction with that. It's just a matter of timing when to allocate these booths. I would really like the record to reflect that we would like to see both offices come together and come back with a joint resolution.

That --

**LEG. CRECCA:**

Absolutely.

**LEG. LINDSAY:**

I think it's very doable.

**CHAIRMAN ALDEN:**

I think Legislator Lindsay adequately reflected the sentiments of this committee. So on that motion -- we have a motion to table subject to call, and we have a second. All those in favor? Opposed? It's unanimously **tabled subject to call. (VOTE:6-0-0-0)**

**LEG. CRECCA:**

Mr. Chairman, before you go on, on 1085 I spoke incorrectly. That public hearing was closed

and 1085 is eligible. So I apologize to the committee.

**CHAIRMAN ALDEN:**

Motion to reconsider by Legislator Crecca, seconded by myself. All those in favor? Opposed?

**LEG. VILORIA-FISHER:**

I oppose.

**CHAIRMAN ALDEN:**

To reconsidering?

**LEG. VILORIA-FISHER:**

No.

**CHAIRMAN ALDEN:**

So we're reconsidering 1085. All those in favor? Opposed?

**LEG. O'LEARY:**

Motion to approve.

**CHAIRMAN ALDEN:**

Okay. 1085 is before us again. Motion to approve by Legislator O'Leary, seconded by Legislator Crecca.

**LEG. VILORIA-FISHER:**

Motion to table.

**CHAIRMAN ALDEN:**

Motion to table by Legislator Vioria-Fisher.

**LEG. LINDSAY:**

And I'll second that just in the interest of time that we don't have an adequate opportunity. I think I'm in favor of the resolution, I would just like to talk about it a little.

**LEG. VILORIA-FISHER:**

Talk about it.

**CHAIRMAN ALDEN:**

So we have a motion to table, a second. All those in favor of tabling?

**LEG. VILORIA-FISHER:**

I just want to talk about it.

**CHAIRMAN ALDEN:**

All those in favor of tabling? Opposed?

**LEG. O'LEARY:**

Opposed.

**CHAIRMAN ALDEN:**

I'm opposed to tabling.

**LEG. CRECCA:**

I'm opposed to tabling.

**LEG. NOWICK:**

Opposed.

**CHAIRMAN ALDEN:**

All right. Tabling fails.

**LEG. O'LEARY:**

Motion to approve.

**CHAIRMAN ALDEN:**

Motion to approve by Legislator O'Leary, seconded by Legislator Crecca. All those in favor?

Opposed?

**LEG. VILORIA-FISHER:**

Opposed.

**CHAIRMAN ALDEN:**

Legislator Fisher is opposed. Legislator Lindsay?

**LEG. LINDSAY:**

No. Put me down in favor? I thing it's a good idea, I just --

**CHAIRMAN ALDEN:**

Okay. We have one opposed. That motion carries.

**APPROVED (VOTE:5-1-0-0) (Opposed; Legis. Viloría-Fisher).**

**SENSE RESOLUTION**

**3-2004. Memorializing resolution requesting State of New York to adopt pay equity for all employees. (CARACAPPA)**

**LEG. CRECCA:**

Motion to approve.

**CHAIRMAN ALDEN:**

Motion to approve by Legislator Crecca, seconded by Legislator Viloría-Fisher. All those in favor? Opposed? That's unanimously **APPROVED. (VOTE:6-0-0-0).**

Anybody else with any other business to come before us?

**LEG. VILORIA-FISHER:**

Mr. Chair, so that we don't have this weighty agenda before everyone at the full Legislature, there are a number that we should put on the consent calendar.

**CHAIRMAN ALDEN:**

You're right. Let's go down in number.

**LEG. CRECCA:**

I'm just in the back of the room.

**CHAIRMAN ALDEN:**

None of those on the -- okay. So we have 1040. Anybody that has a problem with any of these, just call out. This is a motion by Legislator Viloría-Fisher to put on the **Consent Calendar**, seconded by myself, Resolutions 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, and 1090.

**MS. O'REILLY:**

That was tabled.

**LEG. VILORIA-FISHER:**

We tabled that one.

**CHAIRMAN ALDEN:**

Scratch that.

**LEG. VILORIA-FISHER:**

I think we have all the ones for the consent calendar.

**MS. O'REILLY:**

That's it.

**CHAIRMAN ALDEN:**

So that will be it. We have a motion, a second. Any opposition to that? In favor? Okay. So it carries unanimously. Thank you.

**(\*THE MEETING WAS ADJOURNED AT 1:30 P.M.\*)**

**{ } DENOTES BEING SPELLED PHONETICALLY**