

**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 **August 17, 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 Viloría•Fisher
Legislator Elie Mystal

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ALSO IN ATTENDANCE:

Mea Knapp • Counsel to the Legislature
Jim Spero • Director, Budget Review Office
Charles Gardner • Director of Consumer Affairs
Ilona Julius • Clerk's Office
Ben Zwirn • County Executive's Office
Bill Faulk • Aide to Presiding Officer
Warren Greene • Aide to Legislator Alden
Ed Hogan • Aide to Legislator Nowick
Janet Longo • Real Estate Division
Jacqueline Caputi • County Attorney
Jeff Tempera • Director of Labor Relations.
Ellen Schuler•Mauk • Labor Management Committee

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:36 A.M. *)

CHAIRMAN ALDEN:

Good morning and welcome to the Ways and Means and Consumer Protection Committee Meeting. And we are going to start the meeting. We'll have the Pledge, and we'll have Legislator Nowick lead us in the Pledge.

SALUTATION

CHAIRMAN ALDEN:

And I'd just ask for a moment of silence. We're still sustaining losses all over the world, and especially over in Iraq. It's almost, like, a daily thing where we lose one or two of our military personnel. So I would just ask for a moment of silence.

MOMENT OF SILENCE

CHAIRMAN ALDEN:

Thank you. We actually •• we had two hearings that were •• public hearings that were advertised for 9:30. And I would ask the Clerk's Office is all the documentation on the publication correct and in order?

MS. JULIUS:

Yes, Mr. Chairman. The affidavits were duly filed and are in proper order.

PUBLIC HEARINGS

1737•2004. Adopting Local Law No. • 2004, a Local Law to amend Local Law No. 18 • 1994, to strengthen disclosure requirement for real estate transactions.

(SCHNEIDERMAN)

CHAIRMAN ALDEN:

So the first public hearing we're going to do is on 1737. I don't have any cards on that, but was anybody here to speak to that public hearing?

MS. CAPUTI:

Good morning. I just wanted to tell you that I spoke this morning with Eric Brown in Legislator Schneiderman's Office ••

CHAIRMAN ALDEN:

Can you just, you know, for the record you have to put your name on.

MS. CAPUTI:

Sure. It's Jacqueline Caputi from the County Attorney's Office. I just got off the phone with Eric Brown before I came over. And we're looking at the bill in my office, and we just want to tighten up the language a little bit. And they said they would work with us, that they have no problem with you tabling it for a session •• a cycle rather to let us work some language problems out with them.

CHAIRMAN ALDEN:

What I would do then is I'm probably going to, you know, close the public hearing, then it falls down to the agenda, then we'll table it on the agenda. Anybody else want to be heard on 1737? I'm going to make a motion to close, seconded by Legislator Crecca. All those in favor? Opposed? 1737, the public hearing is **CLOSED. (VOTE:7•0•0•0)**.

1805•04. Adopting Local Law No •• 2004, amending Local Law No. 20•2002 to provide accurate and truthful filing responsibility for County election campaign finances. (BINDER)

CHAIRMAN ALDEN:

Does anybody wish to be heard on 1805? Again, you just have to put your appearance in for the record.

MS. CAPUTI:

Jacqueline Caputi, County Attorney's Office. We've expressed some reservations about this Bill

in the past, and our position hasn't changed. We believe the bill is exactly the same, it's just been reintroduced a few times. So we just wanted to restate our position that, you know, we had that problem with it.

CHAIRMAN ALDEN:

Okay. What we'll do is I'm going to make a motion to close, seconded by Legislator Nowick. All those in favor? Opposed? 1805, that's **CLOSED. (VOTE:7•0•0•0)**.

I believe that Legislator Binder is on his way down here. So when we get to it in the agenda, he might make some comments.

All right. I had asked two people to come down today; Jeff Tempera and Ellen Schuler Mauk. And I believe Ellen just got here. You guys have some place to go? Because I can take that right now if you want to come up. There's just, like, a couple of questions that we wanted to ask you.

Good morning. Basically what happened was at the last •• I believe it was at the last •• it might have been a special meeting for the college budget or our last meeting, it came up that in your committee, the EMHP Committee, you took an action and authorized, I guess •• no. You are advisory, right, you're in advisory capacity to the County Executive?

MR. TEMPERA:

The EMHP Labor Management Committee makes decisions with regards to the implementation of health insurance, but we make recommendations to the County Exec with regards to selection of providers or changes with regards to benefits with the plan, things along those lines.

CHAIRMAN ALDEN:

So whichever way it was, advisory went to the County Executive, he implemented something that extended benefits to a class of people.

MR. TEMPERA:

If you're talking about what occurred with the domestic partner coverage, that was a decision of the committee to mirror the Empire Plan.

CHAIRMAN ALDEN:

Okay. And like I said, you're advisory, so then it was Steve Levy that ••

MR. TEMPERA:

That was not advisory. That was a decision of the committee because through our collective bargaining agreements that we've had in place since 1992, we mirror the Empire Plan.

CHAIRMAN ALDEN:

Therein lies sort of a •• and I'm not going to say problem, but it was an eye opener to the Legislature that your committee can act and bind the County to something that can cost, you know, like, in this case there's a dispute as far as what the cost could be, but it could be, you know, like, millions of dollars, tens of millions of dollars, it could be ten thousand dollars. I'm not saying about the cost of domestic partnership, I'm saying that some of your actions could actually bind the County to ••

MS. SCHULER•MAUK:

Okay. If I just might address that. For instance, in the past when the Empire Plan had increased its benefit to deal with infertility, the EMHP mirrored that. We had an infertility program set up, because we were mirroring Empire, that had a potential cost impact. We that we saved the County money by doing a kind of controlled center of excellence type of infertility program. But it had a potential cost impact, but since we were mirroring Empire, we continued this. When we had to make changes dealing with orthotics or with chiropractic care, we did that, because we were mirroring Empire. So the coverage for domestic partners is, you know, merely mirroring Empire.

But, you know, that's talking about the agreement that we currently have in place now. If you go back to maybe 1988, when the employees of Suffolk County were in the Empire Plan and all of the collective bargaining agreements said that the County would provide full health •• family health coverage for all the employees under the Empire Plan. And, you know, the agreements were four year agreements, five year agreements, two year agreements, whatever they were with the different collective bargaining agreements.

In 1988, the Empire Plan costs went up 68%, major impact, all right, at that point in time. And in fact, that was really the precipitating event that had the unions and the County Executive to negotiate a self insured plan. But you agreed •• again, you had a preagreement to cover the cost of the Empire Plan regardless of what they were. You anticipated that perhaps it would go

up 4%, 8%. It just so happened in 1988 they went up 68%. It's very similar to the situation that we have now. In 1992, you agreed in all of our collective bargaining agreements that we would be under the self insured plan that would mirror Empire in terms of benefits. Since 1992, we have been mirroring the benefits in the Empire Plan. When the deductibles went up, we mirrored those, and that was, you know, a benefit to the County. When benefits went up or changed, we mirrored those particular ones.

CHAIRMAN ALDEN:

The "we" you are referring to is the Legislature, right?

LEG. MYSTAL:

Right.

CHAIRMAN ALDEN:

Because some of us •• like, I wasn't here in '92 or '88, but I know collectively you are referring to the Legislature.

MR. TEMPERA:

The County in general I think is who you are referring to.

MS. SCHULER•MAUK:

That's correct. But for instance, it continued in the contracts, and I have a copy of my collective bargaining agreement that deals with 1997 through 2001 that's specifically states in there under the health insurance benefits that we will continue to mirror Empire. So it's been continuing since 1992.

CHAIRMAN ALDEN:

Because there's a little bit of a distinction raised as far as whether it should have been collective bargaining or whether it was something that, you know, your committee should have done on its own. And again, it surprised the Legislature, and again, we found out about your actions through Newsday. So that was a little bit of a surprise too. But it surprised us that you can take that type of action, you know, without going through the collective bargaining, you know, system and...

MS. SCHULER•MAUK:

In terms of the benefits in EMHP, it is a collective bargaining arrangement. In fact, we have two arbitration awards that were confirmed in the courts that basically said that in terms of dealing with the benefits that it is a collective bargaining arrangement, because you have the County Executive Committee and you have the Union Committee that are dealing with the health care benefits. And what we've been doing in there and why the committee could do this is that we were again mirroring a benefit of Empire, which is the coverage of domestic partners.

CHAIRMAN ALDEN:

I think Legislator Vilorio•Fisher had some questions. I have more questions, but I'll give up the floor.

LEG. VILORIA • FISHER:

Thank you very much for coming to today's meeting. We had a number of questions at our last Ways and Means Committee Meeting regarding this legislation on EMHP, and there was a great deal of rhetoric that was thrown out, which it seems with the information you are giving us now, seems to have no basis in fact. The word usurp, that the County Executive was usurping the power of the Legislature in approving this action, it seems to me at this point in time would have no basis.

CHAIRMAN ALDEN:

Okay. If we're going to go into that, we'll do that then. Okay, Legislator Fisher, keep going.

LEG. VILORIA • FISHER:

Absolutely we'll go into that, because the word •• it wasn't my word that was used about usurpation of •• usurping power.

CHAIRMAN ALDEN:

You set the tone.

LEG. VILORIA • FISHER:

No. I believe the tone was set earlier. And I'm clarifying it. I'm clarifying what the facts are.

CHAIRMAN ALDEN:

Good for you. Ask the question. You don't need to make a political statement.

LEG. VILORIA • FISHER:

It wasn't •• I didn't hear a political statement.

CHAIRMAN ALDEN:

I'm hearing political statements. But go ahead, ask the question.

LEG. VILORIA • FISHER:

Well, that's your perception, Mr. Chair. As I was saying, there were statements •• there was a great deal of rhetoric at the last meeting, and I just want to clarify what you had previously stated. You said, I would like to know what the role of the County Executive was in this. It seems to me, if I heard you correctly, and this is again, just looking at the facts and not spinning into any perception, that in a 1992 agreement, you were given the authority as a collective •• part of the collective bargaining agreement and the self insured agreement to mirror whatever was offered by the Empire Plan; is that correct?

MS. SCHULER • MAUK:

That's correct.

LEG. VILORIA • FISHER:

And you have a history of actions that you have taken since that time that have mirrored •• that have changed our EMHP Plan in order to mirror the Empire Plan; is that correct?

MS. SCHULER • MAUK:

Correct.

LEG. VILORIA • FISHER:

When you made any one of those changes, did you need a vote of the Legislature?

MS. SCHULER • MAUK:

We did not come before the Legislature.

LEG. VILORIA • FISHER:

No. In fact, if I recall some testimony of about a year and a half ago when Mister •• was it a year and a half ago, Andrew? I don't want to get •• about two years ago, was it, that you had a number of hearings regarding EMHP?

LEG. CRECCA:

Year and a half.

LEG. VILORIA • FISHER:

Okay. I recall asking you in particular Ms. Schuler•Mauk regarding the role of the Legislature, and you had said that that would be in opposition to •• I don't want to misstatement it •• to labor law for us to become involved in your collective bargaining. Can you clarify that, because I don't want to misstate what you had said.

MS. SCHULER • MAUK:

I don't exactly remember the question you had asked, but in terms of labor law, it's up to the County Executive and the unions to negotiate our contracts, and then we come to the Legislature for approval of those contracts. And in terms of the 1992 agreement, that was memorialized in our contracts, the Legislature approved us to have health benefits that mirrored Empire. And so that's what we've been doing since then. We came to you last, I believe, it was last October with a change memorandum that was the ten year agreement that would have •• in which we would no longer have mirrored Empire, and we came before the Legislature. And that would have changed what was basically the history for the last ten years. And the Legislature tabled that resolution in committee. And so we are still operating under the existing memorandums. But it was only in the last •• as I said, in the agreement that came before the Legislature in November or October that would have changed this.

LEG. VILORIA • FISHER:

Okay. So you are acting under the authority of an agreement that was approved by the Legislature.

MS. SCHULER • MAUK:

Yes.

LEG. VILORIA • FISHER:

Okay. So there's no one usurping the authority of the Legislature in that action. We also discussed about a year and a half ago issues regarding cost savings and that when •• you know, being self insured was costing more at a particular point in time then the Empire Plan. But as you said, there had been a time when Empire Plan was costing so much more so you

were looking at the long term effects; is that correct?

MS. SCHULER•MAUK:

Correct.

LEG. VILORIA•FISHER:

Okay. And then we come back to the same issue now if we were to move back in to the Empire Plan, it would cost as much as any kind of change that you recently made in the self insured plan, because the Empire Plan now provides that extended coverage to domestic partners.

MS. SCHULER•MAUK:

Correct.

LEG. VILORIA•FISHER:

So there would be no cost savings if we were to change plans back to Empire, if we were able to do that?

MS. SCHULER•MAUK:

Not with regard to domestic partner coverage, no.

LEG. VILORIA•FISHER:

Well, that's what we're specifically looking at, although the resolution doesn't mention domestic partnership, that was the catalyst that had brought it to the •• I guess the sponsor's attention. Thank you.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

Under in the 1992 agreement, the original memorandum of agreement, the •• I'll direct the question to Jeff, Ellen, certainly feel free to jump in. But in my reading of it read it, and I've read it a number of times, the joint board, the nine unions members and nine County Executive management members, has the ability and power to make recommendations to the County Executive; is that correct?

MR. TEMPERA:

The committee makes •• I don't remember the three areas, but it was on the selection of providers. There were three certain areas that we would make recommendations to the County Executive. With regards to mirroring the Empire Plan, we were mandated to mirror the Empire Plan.

And, in fact ••

LEG. CRECCA:

When you say we were mandated, Jeff, to mirror the Empire Plan, who is we?

MR. TEMPERA:

The County and the unions through the memorandum of agreement, not through the memorandum of agreement with the nine ••

LEG. CRECCA:

That memorandum of agreement, just so we're clear, was never approved per se, that agreement itself, the '92 agreement, by the Legislature. It was in individual contracts that language made reference to, union contracts; is that correct?

MR. TEMPERA:

I'm not really even sure about that, Legislator Crecca, because there was ••

LEG. CRECCA:

The Charter •• the Administrative Code still has the pre 1992 language in it to this day. It says that the management team for the Empire Plan is a completely different mix of people.

MR. TEMPERA:

That language and that resolution was as a result of the memorandum of agreement, if I remember correctly. And the Legislature ••

LEG. CRECCA:

I'm sorry, what language and what resolution?

MR. TEMPERA:

There was a resolution in 1991 that set •• that approved of the County •• it was in December actually of '91 that it was passed •• approved the County leaving the Empire Plan and going self insured. It was as a result of this •• the 1991 memorandum of agreement if I remember correctly, and the legislative committee and ultimately the Legislature changed the make up of the committee. That's the language I think that you are referring to. That's been changed. In this resolution, it about, I think, six unions that were named and it talks about ••

LEG. CRECCA:

I'm sorry, you have me really confused, Jeff. I apologize.

MR. TEMPERA:

I have a habit of doing that.

LEG. CRECCA:

When you say this resolution, you are talking about the one that's before the committee today?

MR. TEMPERA:

The resolution that's before the committee amends a resolution that was passed back in 1991, and it makes reference to ••

LEG. CRECCA:

Yeah. The '91 one is the one has BRO and Legislators and Chairman of this and Chairman of that on the EMHP Board. Yeah, because what happened is that's never been changed on the books, is has not been ever been practiced by the County, but theoretically, the Executive Branch as well as the Legislative Branch have not followed that section of the code at all.

MR. TEMPERA:

It was deemed to be a violation of the Taylor Law, that's why it was never followed.

LEG. CRECCA:

It was deemed to be by the prior Gaffney Administration.

MR. TEMPERA:

Yes.

LEG. CRECCA:

I'm just telling you. There was never any legal determination.

MR. TEMPERA:

There was a legal determination, I know, by Labor Counsel that I think we shared with the Legislature.

LEG. CRECCA:

Right. But I'm saying that was part of the Gaffney Administration, and we're not arguing that right now. Today, you know, let's try to bring it back into focus, because the Legislature has been well aware, at least in the five years I have been here that we have been practicing under that memorandum of agreement, the '92 memorandum of agreement, and that we have not followed the Administrative Code of the Charter.

One of the things this resolution obviously seeks to do is to try to •• for lack of a better term •• mirror what we are actually doing as opposed to what the Administrative Code says. Obviously, I think what's in contention today is the requirement that if something has a fiscal impact of more than \$50,000 that it has to come back to the Legislature for approval. Now earlier you •• Ellen, you referred to the fact that under the agreement the County must mirror the Empire Plan.

MS. SCHULER•MAUK:

Correct.

LEG. CRECCA:

But there are a number of instances where the County has chosen not to mirror the Empire Plan; is that correct?

MS. SCHULER•MAUK:

Yes. And it's done by a sign off between the unions and the County Executive when we do not mirror the Empire Plan.

MR. TEMPERA:

Which is specifically noted in the memorandum of agreement, that that is the procedure to be followed.

LEG. CRECCA:

And ••

MS. SCHULER•MAUK:

I mean, if I could •• if I could give you just a little bit of history. In 1991, again, in all the collective bargaining agreements, it gave the County the option to go self insured. When the County chose to go self insured that's when the unions entered into an agreement with the County in terms of exactly what it means for the benefits for our members, because that's something that's bargainable if we go self insured. And that's what resulted in the 1992 memorandum of agreement.

In the 1992 memorandum of agreement, again it has been subsequently memorialized in subsequent collective bargaining agreements, it states that the County shall provide full family coverage for, you know, all members that shall have benefits that are simultaneous with •• and that means equal all times to •• the New York State Empire Plan. Later on in that memorandum of agreement, in addition to that piece of it, we set up with the committee. And within the committee it talks about the advisory sections. And the advisory sections, and they're very specific, it says that what shall be advisory for the joint committee is to consider disputes over claimed benefit levels, monitor the performance of providers and consider changes in the administration of the plan. Now, that doesn't have anything to do with the benefits. That's •• the benefit are mandatory because that's in our collective bargaining agreements. But we have advisory capacities as members of the committee with those three areas.

LEG. CRECCA:

And how long has Empire had •• for example, again, this bill is not directed •• it was the catalyst, Legislator Fisher or Vioria•Fisher is correct in that the adoption of the domestic health •• the benefits being extended to the domestic partners certainly was the catalyst for this legislation, but certainly this is not aimed at that, because that is an action that has already been taken or at least I understand is in the process of being taken. But •• I forgot my thought.

MR. TEMPERA:

We can move on.

LEG. CRECCA:

No, that's okay. You are saying •• so the County has an obligation unless signed off by the unions to absolutely mirror regardless of the cost the Empire Plan?

MS. SCHULER•MAUK:

Correct.

MR. TEMPERA:

Both to the positive and to the negative.

LEG. CRECCA:

How long •• correct. How long •• Jeff, if you know this, how long has the Empire Plan extended health benefits to domestic partners?

MR. TEMPERA:

I don't know exactly how many years. It has been a number of years that it's been offered through the state.

LEG. CRECCA:

And during that entire period, we have had failed to provide those benefits to our County employees or make them eligible members.

MR. TEMPERA:

To my recollection, it hasn't been brought up before the committee before. The first time it was brought up since I was co•Chair certainly was in June of this year.

LEG. CRECCA:

Is it your testimony that they haven't sought those benefits from the County?

MR. TEMPERA:

There have been discussions, but I don't every recall that it's come before the committee.

LEG. CRECCA:

Aren't we obligated •• according to your own testimony, we're obligated to mirror the Empire Plan.

MR. TEMPERA:

Correct.

LEG. CRECCA:

But there was, I guess, a decision by the Executive Branch not to mirror that particular eligibility of membership. I'm really directing the question to Jeff. I'll let you speak, Ellen, I just want to ••

MR. TEMPERA:

Again, I wasn't in the Office of Labor Relations when this came up. There were discussions between the unions and the Office of Labor Relations. I was a member of the committee. As a member of the committee, it never came before us. Were there discussions between the Executive Branch through Labor Relations and the unions? Absolutely. What occurred as a result of those discussions, I can't tell you.

LEG. CRECCA:

Does the Empire Plan extend eligibility or membership and benefits to deceased retirees' dependants?

MR. TEMPERA:

Surviving spouse coverage?

LEG. CRECCA:

Yes.

MR. TEMPERA:

They do for a period of time.

LEG. CRECCA:

Do you know what that period is?

MR. TEMPERA:

Again, I don't know the differences with all the unions, because with the Empire Plan there are differences, I believe it's three months.

LEG. CRECCA:

How long does the County do that?

MR. TEMPERA:

The County offers it until the individual •• the surviving spouse either remarries or the children, I think, are greater than the age of 19 or 25.

LEG. CRECCA:

So we gave more benefits than the Empire Plan?

MR. TEMPERA:

Yes.

LEG. CRECCA:

Okay. And that didn't come back to the Legislature for approval, correct, when we did that?

MR. TEMPERA:

That was done through memorandum of agreement. No, I don't believe that ever came back to the Legislature.

LEG. CRECCA:

Okay. And I'm sorry, Ellen, I cut you off before. Was there something you wanted to add?

MS. SCHULER•MAUK:

No. I was going to say that in a time period before Jeff was the co•Chair, there had been numerous discussions with the County Executive's representative with regard to domestic partner coverage. And at the time, there was not an agreement that was reached between the County Executive and the unions to extend the domestic partner coverage, and obviously the unions weren't about to sign off saying they shouldn't be covered since we felt they could be.

So it was protracted negotiations.

LEG. CRECCA:

Understand that we're not trying, to, you know, turn upside down the unions ability to negotiate. We're not trying to usurp •• as a matter of fact, I think this actually memorializes the fact that this 18 member board can make recommendations to the County Executive regarding benefits. But let's also be realistic here. The nine union members who sit on the board have a job to do, and rightfully so, to advocate for their members as they should. The County Executive ultimately has to make a decision on behalf of taxpayers as to what he wants to negotiate and implement, as he should. This Legislature has an extremely important role, read the Charter. We are the appropriating body that appropriates money, we are the policy making body, and that is over and above the County Executive under our Charter and the Administrative Code.

And we do have a responsibility to taxpayers. And I will be the first one to say that we have abdicated that responsibility in the past with regard to EMHP. There's no question that we have, because when you go beyond the Empire benefits, without question, there is literally no or little authority for you to extend benefits beyond that without coming back to the Legislature. And we sat here and didn't do anything. I'm not •• this is not a finger pointing. I just want you to understand our perspective. The bottom line is that as a Legislative Branch of government we have to at some point have a responsibility to taxpayers to •• if something has a fiscal impact and is going to directly affect taxpayers whether that be a dollar more in their taxes a year or \$50 more in their taxes a year, we do have a responsibility to set that policy and to act as a check, if you will, and a decision maker in that regard. And that's what this is about. It's not about domestic partners, okay?

We probably should have done this bill back when did •• you know, when we extended benefits to dependants of retirees, but we didn't. And I think that the concern is that we have to •• we have to fulfill our responsibilities as policy makers and answer to our constituents and the people when •• you know, when ultimately health benefits are approved by us, which, you know, in every other world in every other government, the Executive negotiates benefits and then it comes back to the Legislature for approval of those benefits in the form of a contract, and we either say yes or no, but we don't get involved in negotiations. And we're not looking to get involved in negotiations, that's certainly not the legislative intent of this bill. What we are

saying is that just like we approve contracts, which have a major fiscal impact, if something has a major fiscal impact, we have to approve that too if it's a change.

MR. TEMPERA:

I guess the only area that we have a dispute with •• what I negotiate on behalf of the County Executive, obviously first and foremost, we have the taxpayers in mind. We want to make sure that the agreement that is reached between the County and any of the unions, whether it's in their actual collective bargaining agreements, whether it's in regard to EMHP, any agreement is good to the taxpayers, it's good the County of Suffolk. That's my role in negotiating on behalf of Suffolk County.

The difference, I think, comes into the plan is the Legislature has in the past through the approval of the different collective bargaining agreements with the unions, ratified the EMHP agreements and has given the authority through, certainly since 1992 or back in '92 when the agreements were negotiated back then and this •• this initial agreement was negotiated, gave the authority to the committee to mirror Empire and whatever costs, good or bad, that are associated with that. So I agree with you, there is •• under the Taylor Law, there is an Executive role, there is a Legislative role and obviously the unions have their role.

I don't think that the Legislature has abdicated that role because of prior votes. Again, Andrew, I think it goes back before •• excuse me, Legislator Crecca, I think it goes back before you were on the Legislature. Back in the early '90s when those agreements were approved, it was that authority that was given to the committee. And believe me, the work that goes into this committee, and I know you are not taking a shot at the committee, we have gone through hours of hearings. I think you understand the work that goes on in EMHP. We meet the third Friday of every month. And anyone who has come on to the, I think has praised the committee because we're there • again, all the union presidents show up, the management people all show up. We're there from usually 9:30 in the morning until after three in the afternoon. And it's probably one of the hardest working committees that you have in the County absent what goes on here at the Legislature. But it's something that everybody takes the role seriously. And I think that that authority was given to the committee to have the oversight over EMHP back in the early '90s.

LEG. CRECCA:

And just so you understand, one of the reasons this resolution changes the Code is because, in

fact, it's •• it's almost •• it's terrible that after 12 years we haven't followed what's the law on the books here. And that's the Gaffney Administration, the Levy Administration and this Legislature for the last 12 years. This tries to codify that. But it also says, hey, we're not going to have •• we need to show some restraint and responsibility on our end. I've been very supportive of the unions, I'll continue to be supportive of the unions and our workers here and the job they have done at EMHP. I'm proud of that, and I don't care what Newsday has said or anything else like that. I think that everyone was acting in the County's best interest when they made decisions, whether they were advocating for their members or advocating for the County. We're not •• this is not an attack on the unions, but it is, you know, I think it complies with the Taylor Law even more, because I don't think under the Taylor Law that you can change collective bargaining agreements mid stream and all that, but I don't want to get into this argument too deep. So, Mr. Chairman, I'll turn it back to you.

CHAIRMAN ALDEN:

Legislator Nowick.

LEG. NOWICK:

Good morning. I think Legislator Crecca had asked one of the questions I was interested in, which was why this decision was not made earlier, if Empire already had these benefits, why did our self insured plan not carry, but I think it was answered. I just •• to clear up one little matter, what I didn't understand and maybe it was the misuse of the word usurp authority. I thought it was Legislature's authority. The reason I would have come to that conclusion having sat on the Legislature at that time about a year, was that the Suffolk County Legislature had a resolution that was being considered maybe two years ago, and that resolution, I believe and correct me if I'm wrong, was to give health benefits to this group.

LEG. MYSTAL:

Domestic partners.

LEG. NOWICK:

It wasn't the registry, it was domestic partners. I remember and maybe I'm wrong that that resolution was not approved. My only •• at that time, I thought if the resolution was in front of Legislature, then the Legislature had authority. Is that wrong?

LEG. CRECCA:

No.

LEG. NOWICK:

If it wasn't •• why was it in front of the Legislature? So know had we passed that •• had we passed that, would we be usurping your authority then? I mean, at that time, why didn't •• why didn't then your group, your committee, then pass it at the time and say the hell with you? I'm just trying to understand, because certainly it was kind of a new thing for me.

MR. TEMPERA:

Again, we don't control what legislation is put in before the Legislature. But if there is a resolution that is put in that violates the Taylor Law and infringes on the collective bargaining process, it's then up to one of the parties to file with State PERB to have it rectified. That has occurred in the past. One of the things that occurred had to do with a rolling open enrollment period, if you recall, that the Legislature passed a resolution that said employees of the County can enroll or change their enrollment in health insurance at any time during the year. And my point being that that was passed by the Legislature. The unions filed an improper practice charge against the County that was sustained by state PERB. And even though the Legislature may pass that resolution, it was found to be illegal by State PERB and was rescinded. With regards to the issue you brought up, and I'll defer to Ellen, because I think the unions did play a role with regards to that piece of legislation.

MS. SCHULER•MAUK:

The domestic partner resolution that came before the Legislature was initially drafted that it would provide domestic partner coverage or health benefits for all County employees. At the time, I had extensive conversations with the sponsor of that resolution, and had indicated that the Legislature could not pass a resolution that provided benefits to unionized employees, that that was not their role. And however, that it could pass a resolution that impacted exempt employees who are not unionized. It's my understanding that the resolution was changed to deal only with the exempt employees. That was the one that did not pass.

LEG. NOWICK:

And that was a while ago. And at that time the union members still did not have •• your committee had not come to that conclusion, that was two years ago. So was it not considered in your committee two years ago? And this is just for my own benefit, just so I'm understanding.

MS. SCHULER•MAUK:

We were still debating •• we were still discussing it with the County Executive within the committee. We did not come to resolution on it.

LEG. NOWICK:

So it was •• you were •• it was being discussed trying to change it.

MS. SCHULER•MAUK:

Correct.

LEG. NOWICK:

I'm just trying to find out where •• how all this came about. Thank you.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. Ellen, I remember very clearly the police unions coming down on me very hard for being one of the cosponsors of that resolution saying that's up to us, that's collective bargaining, and I said no, to me that's civil rights. So we had a very great different •
• great difference of opinion. But the unions did not come out for that resolution, they came out against it saying that it should •• that it was their purview and not ours. And we had very heated discussions, myself and the police unions at that time. But my question •• I had a couple of questions regarding some of the statements that you made. When did we not follow or mirror the Empire Plan? You said that there were several occasions on which •• in which we did not mirror the Empire Plan.

MS. SCHULER•MAUK:

I'll give you a couple of examples.

LEG. VILORIA•FISHER:

Would it be something like providers lists, something like that?

MS. SCHULER•MAUK:

No, not the providers list. For instance, years ago •• years ago, Empire Plan had a closed panel for chiropractic care. And we looked into setting up a closed panel in Suffolk County. It turned out that we had more extensive coverage and our rates were less than what Empire would have been in this closed panel, and so it was the advise of the consultant that by maintaining the panel that we currently had with the rates that we had, that we would provide greater coverage for the members and have less of a cost then if we did exactly what Empire did. So we agreed to sign off that we wouldn't mirror Empire in that particular case. Currently, what we have is ••

LEG. VILORIA • FISHER:

Can you just explain what a closed panel means?

MS. SCHULER • MAUK:

A closed panel means that you have only a certain number of doctors who are able to be used for that particular benefit.

LEG. VILORIA • FISHER:

I see.

MS. SCHULER • MAUK:

And we were advised that the panel that we had provided greater coverage and would be less expensive than to do the closed panel. But currently what we have is we are paying more in copays for doctors visits than the Empire Plan is. We're paying \$15 •• \$14 for office visits, Empire is paying \$10 per office visit. We have higher deductibles than the Empire Plan does, and we have agreed, you know, not to mirror Empire in that particular case. We also instituted a three•tier drug program back in 2001. The Empire Plan did not have a three•tier drug program. So those were areas that the committee felt cost saving areas, and we agreed to •• not to mirror Empire in those areas.

LEG. VILORIA • FISHER:

Those directly affect benefits, member benefits. So how were you able to do that considering, as you said, you were mandated to mirror the benefits of the Empire Plan?

MR. TEMPERA:

Again, I think we started out off with the memorandum of agreement makes specific •• the 1992 memorandum of agreement makes specific mention, where we deviate from the Empire

Plan, we have a sign off between all the unions and the Director of Labor Relations.

LEG. VILORIA • FISHER:

A unanimous ••

MS. SCHULER • MAUK:

It must be unanimous, yes.

LEG. VILORIA • FISHER:

Okay.

LEG. VILORIA • FISHER:

Now, getting back to the resolution that's before us, it does refer to major fiscal impact. And I was wondering in the scheme of things, looking at the entire program, how great an impact is \$50,000? What kind of percentage are we looking at here? How large is the program?

MR. TEMPERA:

It's a \$200 million program.

LEG. VILORIA • FISHER:

It's a \$200 million program. So we wouldn't see a \$50,000 fiscal impact as a major impact. I mean, I don't know how you •• how we are defining major, but it's difficult for me to see \$50,000 as a major impact in a \$200 million program. So that's just one argument. Where would you have a \$50,000 impact? You know, with some members, would be able to make any changes that would be less than \$50,000?

MR. TEMPERA:

Again, in the administration of a \$200 million plan, you really just don't know when you are providing oversight. You make the best decisions you can. And other the years, I believe the decisions that have been made by the committee have all been made to save the County and the save the members money to the best administration of the plan. To try to quantify it as to what decisions cost more than \$50,000 and what decisions save more, it's tough to say. We have a consultant •• we go to a consultant to gives us an analysis of each of the changes that

may be made. And I think that's what Ellen spoke about, that we don't act in a vacuum, we have outside consultants who specialize in the area of health care. They advise us as to the impact on all of our decisions, and we rely on them when decisions with regard to the plan are made.

LEG. VILORIA • FISHER:

Well, I was just trying to take a more candid look at the language, which is that •• saying that \$50,000 is a major fiscal impact. What I'm trying to say is that if you're talking about a \$50,000 impact, as far as I can tell, it's tantamount to saying any change you make would have to come back to the Legislature. Because it's difficult to imagine in such a large program, any change would be less than \$50,000. Perhaps I didn't make that clear in my questioning. For example, our members paying \$4 more per visit. I think with all of the members and all of the copays, you would get to \$50,000 very quickly, and that's a positive impact.

MR. TEMPERA:

I was going to say, that would be a positive impact.

LEG. VILORIA • FISHER:

But it would still •• but it would be •• I don't know this only refers •• I don't have that particular whereas right in front of me, but is it only a \$50,000 negative impact?

LEG. CRECCA:

Actually, it's not all fiscal impacts. And I'd ask if •• it might be a good point to have Counsel clarify. It's not \$50,000 on anything, because obviously that would involve too many micromanaging. So, Counsel, would just address what the \$50,000 is limited to and what legislative approval is limited to in the statute •• in the proposed bill, I should say.

MS. KNAPP:

Are we talking about the same bill? Because I'm looking for language that talks about major impact, I'm afraid I might be on the wrong bill. Are you talking about Legislator Binder's bill or ••

LEG. VILORIA • FISHER:

The \$50,000 ••

LEG. CRECCA:

My bill.

MS. KNAPP:

The word major doesn't appear, though in Legislator ••

LEG. VILORIA • FISHER:

Does the word \$50,000?

MS. KNAPP:

Yes. Okay.

LEG. VILORIA • FISHER:

That's what we want to refer to.

MS. KNAPP:

Every recommendation shall be subject to the approval of the County Executive and shall be accompanied by a certification made jointly by BRO and the Executive Budget Office, which shall certify that the cost to implement shall not exceed 50,000. In the event that the County Executive approves a recommendation that exceeds 50,000, such recommendation shall be submitted to the approval of the Legislature before being implemented •• I'm paraphrasing slightly. Notwithstanding the above, decisions on medical payment appeals shall be made solely by the joint management committee and need not be submitted for County Executive approval.

LEG. VILORIA • FISHER:

So as I'm reading that •• other than the appeals process, any changes they make in the program would come before us, because it's not realistic to think that any changes in the program would be less than \$50,000. That's the point I'm trying to make. Are you reading this the same way?

MR. TEMPERA:

Again, I can't read into the language. It says the cost to implement the recommendation shall

not exceed \$50,000. That could be to the positive or to the negative.

LEG. VILORIA • FISHER:

That's what I'm reading too. So if we had a \$14 co pay as opposed to a \$10 co pay, if you made that decision and this resolution passed, it would have to come back to the Legislature for approval.

MS. KNAPP:

It does say that the cost to implement shall not exceed \$50,000. It doesn't say •• if it saves money, then clearly the cost to implement will not exceed \$50,000. So this sort of tracks the Taylor Law requirement that if it has a fiscal impact, it has to come back.

MS. SCHULER • MAUK:

One of the questions that I have about this and the reservations, it says that •• in which I think it is not in compliance with the Taylor Law is that there are a lot of recommendations that are made in collective bargaining, some that save money and some that cost money. And in the end they all balance out. And what this legislation does is it says that anything that exceeds \$50,000 to implement. Now, on the other side of the ledger in the process of negotiations even in the health insurance, we may have benefits that we have agreed to increase, for instance, like the costs of copays for the doctors visits, etcetera, that may indeed save the County money \$100,000. But only part of the agreement is coming before the Legislature, which I think is in violation of the Taylor Law because then it gives the Legislature the right to deal with individual items that we bargain as opposed to an overall, you know, fiscal impact, Which is •• which is under the Taylor Law the right that the Legislature has.

LEG. VILORIA • FISHER:

Thank you very much.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Good morning.

MR. TEMPERA:

Good morning.

LEG. O'LEARY:

I find myself in a perhaps enviable some might perceive and other unenviable position with respect to this particular issue. As you well know, I sat where Ellen is sitting right now for 11 years and did take part in a lot of those discussions and negotiations with respect to EMHP. But be that as it may, there are a couple of points that I think should be brought out with respect to the existing provisions that are being adhered to by EMHP with respect to the agreement that I believe •• the extend agreement of '97 through December of 2000; Is that correct? Is that what we are currently working under?

MR. TEMPERA:

I believe so.

LEG. O'LEARY:

The agreement that expired in December of 2000?

MR. TEMPERA:

I believe so. I recall the other one was as of September, October of 2001.

LEG. O'LEARY:

There was agreement signed in October of '97 that covered the period January of '98 to December, 2000.

MR. TEMPERA:

That sounds correct.

LEG. O'LEARY:

It not sounds correct, it is correct. As I said before, I was there. But that's the agreement we are currently working under?

MS. SCHULER•MAUK:

Correct.

LEG. O'LEARY:

The Labor Management Committee is currently working under the provisions of that agreement?

MR. TEMPERA:

Correct.

LEG. O'LEARY:

And it's your statement that the provisions of that agreement clearly say that we must mirror Empire with respect to the language that's provided for with that agreement.

MR. TEMPERA:

Unless signed off on.

LEG. O'LEARY:

By the parties, yes. Ultimately does not the County Executive have the final determination and say with respect to those decisions?

MR. TEMPERA:

Again, I work for the County Executive. And as the Director of Labor Relations, I report to the County Executive. If I'm signing a document, I'm signing on behalf of the County Executive.

LEG. O'LEARY:

I'm aware of the fact that the previous administration gave you the authority to sign off for the Executive Branch with respect to •• or the co•Chair, I should say, the management co•Chair the authority to sign off with respect to any extension of benefits or change in the level of benefits, selection of providers and basic administration of the plan. Those are the three areas that the MOA covers and basically gives authority to the Labor Management Committee to undergo; is that correct?

MR. TEMPERA:

That's correct. The three areas talked about in the '92 agreement.

LEG. O'LEARY:

All right. But the point I'm •• there is a statute of limitations in civil practice under General Municipal Law with respect to agreements between bargaining units and municipalities. That's a six •• six year statute of limitations. Are you aware of that, Mr. Tempera? I'm sure you are.

MR. TEMPERA:

Again, I think you're mixing and matching here. What we're talking about is collective bargaining and the Taylor Law. We're talking about the Triboro Doctrine with regards to the continuation of agreements if a new one hasn't been reached. That's what's being applied here, the Triboro Doctrine. I know you are very well aware of that. We've dealt with it many times in the past. And by that doctrine, the old agreement remains in effect until a new one is negotiated.

LEG. O'LEARY:

Okay. And that document that you referred to expired December of 2000?

MR. TEMPERA:

Yes.

LEG. O'LEARY:

All right. So technically as per law, the statute would not require any further review, litigation, etcetera or has opened itself to litigation until '06, that's the six years of statute of limitations.

MS. SCHULER•MAUK:

I'm not aware that there's a statute of limitations on the Triboro.

LEG. O'LEARY:

No, not the Triboro. On any agreement that is in full force and effect. Certainly the benefits provides under the old agreement is in full force and effect under Triboro, but there is a provision in civil practice and the General Municipal Section, 213 and Section 51 of the General Municipal Law that provides a statute of limitation of six years.

MS. SCHULER•MAUK:

But I think you are mixing •• you're mixing law. General Municipal Law is different than Labor Law. And under the Labor Law agreement, the existing contract will continue until a new one is negotiated, and it may take five years, it may take six years, it may take seven years.

MR. TEMPERA:

In fact, Legislator O'Leary, there was a lawsuit, I recall against the former Director of Labor Relations brought •• and I don't know if it's under that provision of the law •• but it dealt with contract law, and it had to do with an extension of benefits to management employees. And the lawsuit was brought by a member of the public, and they brought it under the contract's provision of the law. And it was deemed that the collective bargaining process and the contracts talked about in the collective bargaining process were not the same as those that were talked about in contract law. I don't know if that has appealability here, however, I know there is a difference between the Taylor Law and the collective bargaining contracts and those that are talked about in contract law.

LEG. O'LEARY:

I'm not going to ask you to repeat that, but you certainly spoke in circles. But anyway, be that as it may, there is currently an agreement that the unions and the County are working under that expired in December of 2000.

MR. TEMPERA:

Correct.

LEG. O'LEARY:

After or prior to thereabouts, and this is where •• this is where I find myself in a difficult position, because I was part of the negotiations for that extend agreement beyond December of 2000, and I know certainly that there were discussions and negotiations, which I'm not going to get into the details of, it would be improper for me to do so, but there were discussions of a ten year extended agreement after December 2000 the Year 2010.

MR. TEMPERA:

Correct.

LEG. O'LEARY:

My question to you is what is the status of that particular agreement?

MR. TEMPERA:

Again, it's being looked at, and I believe the County Executive put either a resolution before the Legislature that was rejected to have the health insurance, EMHP, reviewed by an outside consultant. I know that is still under consideration, to have an outside consultant come and review EMHP. The County Exec, I think, made his position very clear even before he took office that he wanted the opportunity to review EMHP before he was committed to any extended agreement, and that's what's taken place, I believe, at this point. I know he has the desire to have an outside consultant review it and make a recommendation to him.

LEG. O'LEARY:

Prior to •• in the extended agreements, I believe it was in the '98 through 2000 extended agreement, there was a provision there •• perhaps it was even sooner, you know my recollection •• there was a provision in there that required a master document to be put together with respect to combining, if you will, all the languages of the •• of the nine municipal bargaining units with respect •• as it pertained to health benefits.

MR. TEMPERA:

That I think was in the ten year agreement you are referring to.

LEG. O'LEARY:

What, the master document?

MR. TEMPERA:

Correct.

LEG. O'LEARY:

No. The master document, I think, was prior to that as well. My question is for purpose of simplification and understanding, has that master document ever been executed?

MR. TEMPERA:

No, because my recollection was it was in the 2001 agreement. Again, Legislator O'Leary, I would have to go back and look at it, but since that agreement was deemed to be null and void, that master document was never drawn up. And we're waiting obviously the extension of the agreement so we can finalize language.

LEG. O'LEARY:

Okay. My next question has to do with the current resolution before us. Is there •• is there any instance in your opinion •• in both of your opinions, would there be any instance where anything regarding the administration of the plan, selection of providers or level benefit of benefits and cost under the current agreement would come before this body for approval or ratification?

MR. TEMPERA:

Well, again, I think under the Taylor Law, the Legislature has the authority to approve collective bargaining agreements that haven't been approved in the past and that have cost implications. If we're mirroring the Empire Plan and we act within our authority to mirror the Empire Plan, which has been granted through prior agreements and approval of the Legislature in the past, no, I don't believe that would have to come before the Legislature. If the committee acted in some manner to enhance a benefit beyond mirroring the Empire Plan and there were cost implications beyond what had been approved already, again, I would have to defer to Labor Counsel for a legal opinion, but off the top of my head, I believe that is a type of area that would have to come back before the Legislature.

LEG. O'LEARY:

I have long previously held the position where Ellen sits right now, that this body, the Legislative body, should not get involved in the negotiation process. And I think there's an agreement with my colleagues with respect to that. There, however, is an opinion of some that if it involves a fiscal impact that certainly there's a responsibility on their part to get involved somewhat in the process. My question to you is if this body advances an initiative with respect to addressing that particular issue, fiscal responsibility and oversight, that would be in your opinion, both of your opinions, contrary to the provisions provided in the current agreement that's in effect, what would that •• what would be the response on the part of the Labor Management Committee with respect to any initiatives that this body takes to advance their responsibility of fiscal oversight?

MR. TEMPERA:

I don't believe it would be the Labor Management Committee, because again, I think that's where you get •• really get into the collective negotiations between the unions and the County. And the Taylor Law recognizes the unions and the County, quite honestly, to take an action with regard to that. It would be if the unions or the County felt it violated the Taylor Law, they could

take an action, and as I said before, the unions have many times in the past filed an improper practice charge with the New York State PERB to have that •• have any issue corrected.

LEG. O'LEARY:

And as I said before, I'm well aware of that, because I was party to it as union co•chair. But I think that you must understand and perhaps agree with this particular body that there is a concern on their part that somehow, somehow do get involved in the fiscal oversight of a \$200 million plan, albeit, the way it is written now •• the way it is written now, we have no oversight, no responsibility with respect to that other than approving the Operating Budget of some \$200 million for the administration of that plan. But in the event •• in the event that this body does advance an initiative to attempt to seek through the courts the fiscal oversight, I would •• I would expect then that either the unions, probably the unions would take the position that it's in the conflict with the language of the current agreement in effect and will probably litigate that. Am I correct in that assumption?

MS. SCHULER•MAUK:

You are correct in that assumption.

MR. TEMPERA:

Legislator O'Leary, let me just also remind you of the fact that the EMHP Labor Management Committee doesn't act in a vacuum. We have for years shared documents with the Office of Legislative Budget Review with regards to the fiscal operations of EMHP. We continue to provide, I believe it's on a monthly basis after each meeting, all fiscal documents are sent over to the Office of Budget Review. So from that regard, certainly the Legislature is informed as to the operation of EMHP. It's not something that EMHP operates in a vacuum.

LEG. O'LEARY:

All right. And finally, the current agreement or the tentative agreement that is before the Labor Management Committee, the unions and the County Executive, and it's your statement that the Executive is reviewing that, is there any provision in that particular agreement, that extended agreement, when fully executed for that to come before this body for ratification?

MR. TEMPERA:

Yes, I believe there is a provision in there for ratification to that extent necessary by the Legislature.

LEG. O'LEARY:

So this agreement would in effect if it ever comes before us, would change the process and the policy with respect to any future agreements and this body being involved in ratification of same.

MS. SCHULER•MAUK:

Yes, it would. Yes. If the extended agreement is passed by the Legislature, then every change after that that had fiscal impact would come before the Legislature because we're changing the operations.

LEG. O'LEARY:

And the reason for that, if I understand correctly, my passed involvement with that •• again, I don't want to get into the details and specifics of the negotiations of that particular agreement, but •• and the reason for that, if I remember correctly, was that we would no longer by language of the agreement be mirroring Empire.

MS. SCHULER•MAUK:

Correct. We would be taking a snapshot of the benefits that we have once it is ratified, and thereafter, that would be the basis for health plans •• health benefits, not the Empire Plan.

LEG. O'LEARY:

All right. So I think my colleagues on the committee should be fully aware that there is some intent on the part of the municipal unions and the Executive Branch to bring before this body any •• any agreements that would require ratification by the Legislature.

MR. TEMPERA:

And again, I think you have to be crystal clear here. You're talking about agreements with fiscal implications as defined by the Taylor Law.

LEG. O'LEARY:

Yeah. Which leads to the another question, and I apologize if I said the last one was my final one, the three items under the current agreement that the Labor Management Committee is charged with is administration of the plan, the selection of providers and the level of benefits

and cost, if I remember correctly.

MS. SCHULER•MAUK:

No. It's appeals, performance of providers and changes in the administration of the plan.

LEG. O'LEARY:

Which is benefits and costs. Can you for the record distinguish between level of benefits and eligibility?

MS. SCHULER•MAUK:

Eligibility is the first benefit. If you don't have eligibility, then you have no other benefits.

LEG. O'LEARY:

And the agreement that's currently before •• on the County Executive's desk for signature, the domestic partner agreement, that was extending a level of benefits to a previously ineligible group of individuals?

MR. TEMPERA:

I hate to correct you, but I will. There's nothing on the desk of the County Executive for signature. This was a mirroring of the Empire Plan, so as such there's no agreement. If we didn't follow the Empire Plan, then there would be something that would require a sign off. What will be before the County Executive is an all employees memo. But before something like this announced to the employees, what we've been trying to do is make sure we have all the documents drawn up, all the explanations correctly done. That's what's being done behind the scenes now that is being worked on by the Office of Employee Benefits.

LEG. O'LEARY:

So this was •• this was an initiative on the part of the committee to just address benefits currently provided for under Empire.

MR. TEMPERA:

That's correct.

LEG. O'LEARY:

And that then only required a unanimous vote on the part of the committee.

MR. TEMPERA:

That's correct.

LEG. O'LEARY:

When that does that occur though, when there's unanimity, does not the County Executive have to approve that?

MR. TEMPERA:

That's never occurred in the past, no.

LEG. O'LEARY:

Oh, so •• see I'm learning something here now. I was always under the impression that the Labor Management Committee was an advisory body that would make recommendations to the Executive for purposes of enhancements or diminutions in the plan.

MR. TEMPERA:

That's correct. But this was a mirroring of the Empire Plan.

LEG. O'LEARY:

Okay.

MR. TEMPERA:

This is something that through the collective bargaining process the committee between the County and the unions are mandated to follow. It's not a change that is initiated by the committee, it's a change that's initiated through the Empire Plan that we are required to follow.

MS. SCHULER•MAUK:

And just as in the past when the Empire Plan increased its rates •• its deductibles, there was no •• it was just the committee agreed to mirror the Empire Plan, the County Executive did not sign off on that.

LEG. O'LEARY:

Based on the language in the current agreement that authorizes the committee to mirror Empire?

MS. SCHULER•MAUK:

Correct.

LEG. O'LEARY:

I have no further questions at this time.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

I'll be very quick. This discussion has been really enlightening to me. I just want to make sure that I have the whole thing right. The benefit enhancement that was just approved, Mr. Tempera, you say is a mirroring of the Empire Plan, which goes back to the '92 agreement. So are you saying that even if this legislation was in place, it wouldn't apply to this agreement?

MR. TEMPERA:

If this legislation was in place, it's my belief that it violates the Taylor Law by superseding a negotiated agreement between the County and its unions that dates back to 1992.

LEG. LINDSAY:

And that agreement says that anything that the Empire Plan has, we mirror?

MR. TEMPERA:

Correct.

LEG. LINDSAY:

The other benefit enhancement that we talked I think occurred two years ago with the extension of survivor benefits. That isn't mirrored in the Empire Plan.

MR. TEMPERA:

That was part of a document, and I think Ellen spoke about it, that there was give and take on

both sides. There were changes with regards to the drug plan and cost savings associated with that.

LEG. LINDSAY:

But my point is if this legislation was in place, that would have had to come back to us.

MS. SCHULER•MAUK:

Let me just explain that piece of it. When we did that negotiation several years ago, the estimate that came back from the consultant was that the changes that we were making in increasing the copays and increasing the deductibles and doing the three•tier drug plan would generate more savings than the cost of the ••

LEG. LINDSAY:

So it would balance.

MS. SCHULER•MAUK:

Yes, it would balance. And that ••

LEG. LINDSAY:

So it wouldn't have met that threshold.

MS. SCHULER•MAUK:

Correct.

LEG. LINDSAY:

But if it wasn't for that it would have applied •• this legislation would have applied to that benefit enhancement?

MR. TEMPERA:

Well, I think the general answer I gave before, that I think Legislator O'Leary had asked, that if in the future under the new agreement ••

LEG. LINDSAY:

Let's go to the new agreement, the ten year extended agreement, which attempted to get us

away from Empire as a benchmark, am I correct?

MS. SCHULER • MAUK:

That's correct.

LEG. LINDSAY:

Get us away from the mirroring effect of Empire.

MS. SCHULER • MAUK:

Correct.

LEG. LINDSAY:

If that was approved last year, we wouldn't be having this discussion now, am I correct?

MS. SCHULER • MAUK:

That's correct.

LEG. LINDSAY:

Just wanted to make sure I was clear on that.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

Good morning.

MR. TEMPERA:

Good morning.

LEG. MYSTAL:

I was here as an aide in 1992 when this agreement was reached. I think some of the Legislators are having some problem with the fact that we gave the union a huge amount of power in their view in terms of how to negotiate and how to do things, and if we did that, I don't think we did, but if we did that, I think that's our problem if we abdicated our own powers. But I think what's happening here to your answers, Mr. Tempera, And Ms. Schuler

•Mauk is that the County Executive basically had nothing to do with this. And the reason why it never came up before during the past 12 years is because nobody ever applied for it, for that kind of benefit for domestic partners. And if we had •• somebody had applied, and you said yourself, Jeff, that you don't remember it ever coming up to the committee.

MR. TEMPERA:

I don't remember a formal request. But I think what Ellen spoke about is there have been discussions since the Empire Plan changed to try to apply this coverage, and those have been ongoing negotiations.

LEG. MYSTAL:

Discussion, but it has never come up as a matter for the committees to formalize. So I think what's happening is that, you know, we have a situation where somebody did apply for that kind of benefit, and the bargaining units of the unions have to take it up your committee had to take it up. And the County Executive basically is •• I won't say powerless, but has really very little to do on whether or not you either accept and grant that benefit, am I correct?

MR. TEMPERA:

Again, I think as we said, we're mirroring the Empire Plan, and this is a decision of the committee after review to mirror the Empire Plan.

LEG. MYSTAL:

If a year ago •• again, as Legislator Lindsay said, if a year ago this body voted to approve the ten year extension, this would not be on the table right now.

MR. TEMPERA:

Correct.

LEG. MYSTAL:

And for those Legislators right now who are having a problem, I would like for them to go back and check their vote last year on that particular bill or resolution and see how they voted. So right now I don't think •• you know, I have a problem in removing or getting this body involved in bargaining, because I think that's what this bill will do. I think it's a violation of the Law. I think we will have to go to PERB if we adopt this piece of resolution, because you guys will sue •• I mean, the union will sue, I know that, which will again involve us in another lawsuit and

cost us money, and we will lose because Triboro would not let it stand. So I don't know where we are going with this. I don't have any questions. I just wanted to make that statement. Thank you.

CHAIRMAN ALDEN:

I just had a couple of quick things. A lot of it would have regarded, you know, your deliberations over cost and things like that, but what you're telling me is that because of the '92 agreement, which was extended, you feel that Section 204 A of the Taylor Law really didn't apply.

MS. SCHULER•MAUK:

I don't know what extensions 204 A refers to.

CHAIRMAN ALDEN:

Well, 204 of the Taylor Law requires you to, you know, like, when there's a significant cost factor, things like that, you would have to get Legislative approval.

MR. TEMPERA:

I think it applied back when this was approved by the Legislature. But since • • and again, it's the same • • any collective bargaining agreement, if the Legislature approves a collective bargaining agreement that has an item in it that in the future will have an escalation in cost, it doesn't mean that each time there's an escalation in cost that you come back before the Legislature. Once it's approved, it's approved. I guess the position that's been taken by the County and by the unions is that this agreement had been approved back in '92. And whatever the cost associated with it in mirroring Empire has already been approved by the Legislature.

CHAIRMAN ALDEN:

That's what I just said. You're hanging your hat on your authority that it goes back to '92, an agreement that expired • • not expired, I guess it was extended, that current agreement has expired, but now you are relying on as far as authority goes the Triboro decision.

MS. SCHULER•MAUK:

Correct.

CHAIRMAN ALDEN:

But not for the Triboro, Section 204 A of the Taylor Law would apply, which would mean that you would have had to come to us for approval. So that's basically what you're telling me. So you didn't really consider what the cost would be or anything like that.

MS. SCHULER•MAUK:

Under the collective bargaining agreements, the fact that mirror Empire, you know, we're mirroring Empire. Did we look at the cost? Absolutely.

CHAIRMAN ALDEN:

Now your estimation on the cost is?

MS. SCHULER•MAUK:

Estimation from the consultant is that it would cost point 1%.

CHAIRMAN ALDEN:

Are you aware of our Budget Review's analysis of it?

MR. TEMPERA:

Yes.

CHAIRMAN ALDEN:

It's substantially higher than what ••

MR. TEMPERA:

Again, in the scheme of things, yeah, I think they are a little over a million dollars, Jim, if I remember correctly. And the consultant was somewhere in the area of \$200,000. And I've sent the analysis over to our health benefits consultant for review by Budget Review. And I think even Budget Review stated they thought they were on the high end of the scale, but ••

CHAIRMAN ALDEN:

Don't say in the scheme of things, because this Legislative body actually has debated, you know, a ten dollar item where, you know, we wanted to give away a County park for use for a breast cancer walk, and we were told, no, that's not right, you have to charge them something. So it was like a ten or a hundred dollar item. We get involved in all that, so.

MR. TEMPERA:

I just thing the point is our consultant did look at it and reviewed the memo by Budget Review, and they stand by their estimate. They believe there are differences in the make up of EMHP with regards to dependants and the number of dependants and that also drives the amount of coverage under dependant survivor •• under domestic partner coverage. We sent it over, they reviewed it. And we encourage Budget Review if they have questions, and as I told them in the past, contact Marsh and see if they can't reconcile the numbers.

CHAIRMAN ALDEN:

I recognize Legislator O'Leary just for a quick response.

LEG. O'LEARY:

I have a question to Mr. Tempera. Is it your opinion that the provision of the Triboro are in perpetuity upon the expiration of the agreement?

MR. TEMPERA:

Again, while I've dealt with the Taylor Law for many years, I don't know, and I'd defer to our Labor Counsel to give an opinion on that. I don't know how long that would go on, Legislator O'Leary. I don't know if it's been tested under the Taylor Law.

LEG. O'LEARY:

Well, there is a good faith attempt on both parties to try to get to the table to negotiate an agreement, a successor agreement. But that's why I brought to your attention the provisions of Section 213 of the New York Civil Practice Law and Rules and Section 51 of the New York General Municipal Law, which basically imposes a statute of limitations for challenging expired agreements in six years. So under the current •• under the current agreement that the County and the unions are working under Triboro provisions, which expired in December of 2000, the six year period of time would be December of '97. So in effect •• in effect, this body could not initiate or litigate any actions with respect to those agreements until the statute of limitations of six years is over. Are you aware of that?

MR. TEMPERA:

Again, I'm not aware of it. I would defer to Labor Counsel with regard to that, but I would hope we would be back before you before 97 with a •• before 2000 ••

LEG. O'LEARY:

That's my point. The point I'm trying to make is that I would hope that the parties would come to some sort of agreement with respect to the health benefits provided under EMHP prior to December of '97, when in fact, as per existing law, this body would be able to challenge any previous agreements under the statute.

MR. TEMPERA:

We would hope •• it is our hope and desire to back before this Legislature with an agreement prior to 2007.

LEG. O'LEARY:

But I suggest as the Director of Labor Relations, you look those two sections up. I think it has some impact and affect on the Triboro. There is an opinion of some that Triboro is in perpetuity. It might be for all intents and purposes. But there is a statute under other laws of six years where that could be challenged.

MR. TEMPERA:

Thank you.

LEG. O'LEARY:

You're welcome.

CHAIRMAN ALDEN:

And I just had a couple •• you know, two or three more questions. Are you familiar with Executive Office Number 9, and that would require prior written approval by Paul Sabatino before you actually took this up in committee?

MR. TEMPERA:

I'm familiar with the Executive Office. The exact •• the wording of it, I'm not sure. But I know before we could enhance benefits •• if I remember correctly, I don't have it before me, Legislator Alden.

CHAIRMAN ALDEN:

You took into consideration before you took action.

MR. TEMPERA:

There was •• whatever the Executive Order was that dealt with EMHP, absolutely was put

before the EMHP Committee.

CHAIRMAN ALDEN:

Just another thing I'm going to throw at you, you're probably going to have to go back to Counsel, but the existing County Code covering the committee, Section 768•3, you might not have any legal standing under that section of the County Code.

MR. TEMPERA:

Could you give that to me again.

CHAIRMAN ALDEN:

County Code Section 768•3. And that's because of the present constitution of the committee, you really might not have legal standing. I thank you for •• oh, Legislator Crecca had one comment. Thank you for coming down. And I just would hope that, like, communications can actually be maybe improved, because we all found out about, you know, the action that was taken by the committee from Newsday.

MS. SCHULER•MAUK:

If I just might address that. It was not the intent of the committee to do this by stealth of night and inform the Legislature. You know, it was passed and there were a lot of vacation schedules that had to be accommodated. And we wanted to work on the all employees memorandum, which detailed all the specifics in terms of both the registration, who would be eligible, what the implications were for individuals who wanted to pick up domestic partner coverage and go through it so that wed all of them in place. And indeed we were working on that very document, the all employees memorandum, when Newsday called about the particular benefits. So it wasn't our intent to hide anything, it was to make sure that we had all the information together in one place so that we could answer people's questions. And we hadn't completed that process when an outside entity decided to interject and threw everything in to a kind of chaotic period.

CHAIRMAN ALDEN:

No implication on my part that you're trying to hide anything. It just, like, really doesn't look like good government when, you know, a major action is taken and, you know, the Legislature, which I would think is, you know, a key component of County Government, although some would probably disagree with that, didn't even know about it and found out from Newsday. But I thank you a lot for coming down and answering questions. And I think it actually shed some

light on certain things, but it also opened up, you know, a whole possibility of other questions and things I think are a lot of work that we have to do in the near future. So thanks a lot.

MR. TEMPERA:

Thank you.

CHAIRMAN ALDEN:

I'm going to make a motion to take out of order 1743, and I'm going to ask Charlie to come on up, and I'd ask Donald Fiore to come on up too. And thanks for your patience. I'm sorry that you have been sitting there for so long. So I'm going to make a motion to take it out of order, seconded by Legislator Lindsay. All in favor? Opposed? 1743 is before us.

1743•2004. Approving the appointment of Donald J. Fiore as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

Donald would be a new member, so why don't you just give us brief synopsis of why you want to do this and, you know, like, what your qualifications are, what you hope to accomplish and things like that.

MR. FIORE:

Legislator Alden, my name is Donald Fiore, and I'm a member of the Internation Brotherhood of Electrical Workers, Local Union 25. I currently sit in the position of business manager. The business manager has sat in this position, I'm not sure how far back it goes, I believe it went back prior to 1987, that I can go back to. Legislator Lindsay sat on the committee. What I hope to do for the committee is to bring my expertise as a passed licensing holder of the Suffolk County License. And also as a person that has been in the business for past 39 years, I believe that I can offer the licensing board my expertise.

CHAIRMAN ALDEN:

Anybody have any questions for Mr. Fiore?

CHAIRMAN ALDEN:

I have a motion by Legislator Lindsay, seconded by Legislator Nowick to approve 1743. All those in favor? Opposed? That's **approved. (VOTE:7•0•0•0).**

Thank you. This is part of the process and now it goes before the full Legislative body.

Personally, I don't really think that you have to appear before the full Legislative body, because if there were any questions, we should have asked them today, and we will carry them over there. We were very impressed with your resume and also your desire to come forward and serve. Thank you.

MR. FIORE:

Thank you so much. I wish to thank of the members of the Ways and Means Committee of Suffolk County, and I wish to give you congratulations as members of the Legislature of Suffolk County. It's a job well done.

CHAIRMAN ALDEN:

Thank you. Charlie, did you have anything that has to come to our attention.

DIRECTOR GARDNER:

I just wanted to make a note please that Resolutions 1742, 44 and 1809 are also for appointment to the Electrical Licensing Board. Those three individual reappointments in this case, all current serving members, very productive and very important to the board. Reappointments all three, and that is why they are not here in person as has been the tradition of the committee.

CHAIRMAN ALDEN:

I made that recommendation a long time ago that if it's a reappointment, unless someone had, you know, like questions or something like that that we'd •• okay. Good. Thanks, Charlie.

DIRECTOR GARDNER:

Thank you, Mr. Chairman.

LEG. VILORIA • FISHER:

I have a question.

CHAIRMAN ALDEN:

Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

Charlie, regarding 1277, Mr. Gardner, as you know I have had several meetings with the Long

Island Builder's Association, and they have represented to me that they were talking to you •• you know, my time is running out on this bill, and I do have to put it in •• make any changes that have to be made very soon. Do you have any input on your meetings about LIBA?

DIRECTOR GARDNER:

I haven't spoken with them since the last time you and I spoke, back at least two months or so. Remember when I got the numbers?

LEG. VILORIA • FISHER:

From Brookhaven Town.

DIRECTOR GARDNER:

Yes.

LEG. VILORIA • FISHER:

From the towns.

DIRECTOR GARDNER:

From the various towns as well as the from the Builders Institute. And then it was tabled, then it came up right after that in committee and ••

LEG. VILORIA • FISHER:

I've been tabling it to see whether or not we could reach an agreement that wouldn't impact on the credibility of the •• the licensed contractors and the licensed builders who are already out there and feel that they would be put in a pool with everyone else, you know, who came along and there would be no discretionary flexibility. So Mr. Weiboldt had indicated to me that he would be speaking with you about compromises to see if we could come to an agreement on this, because we also didn't want to create too much of impact on your staff. So we will have to talk about this.

DIRECTOR GARDNER:

Okay. He has not yet •• he has not gotten back to me, and I haven't spoken to him since you and I and he spoke that, whatever, two months or so ago. If you'd like, I can reach out to him and see if he has any or what his suggestions might be.

LEG. VILORIA • FISHER:

Yes, because I do want to have some closure on this.

DIRECTOR GARDNER:

Fine. I'll get in touch with him.

LEG. VILORIA • FISHER:

Thank you very much, Charlie.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Not specifically in reference to Legislator Fisher's bill, but in general, we review probably a couple of bills a year to expands the powers of Consumer Affairs every year. And I think it's really a credit to the department, because they really do a good job. But a couple of months ago, I had reason to visit Commissioner Gardner, and I went to his shop over there. If we intend to expand occupational licensing or the powers of Consumer Affairs any more, we really have to consider not only getting him additional personnel, but getting him a new place to work. I mean, he is in a temporary building over there that is so cluttered and clogged, that I don't know •• I think even if we gave you additional people, I don't know where you'd put them.

DIRECTOR GARDNER:

We could fit a couple, but not too many. We have had discussions over the past year or so, as you mentioned, various bills that have come up, and there have been offers of, well, X amount of additional staff, clerical investigators, etcetera, and without being glad and not intending to be facetious, some of the numbers that •• my answer is that would be wonderful, but honestly, we do not have any place to put them.

LEG. LINDSAY:

See I'm a proponent of expanding the powers of Consumer Affairs to protect our consumers in Suffolk County. But I think that especially there's if there's a master plan to redo this campus, that some consideration should be given to this department that affects a lot of lives of Suffolk County citizens and brings in a lot of revenue for the County as well.

LEG. VILORIA • FISHER:

Mr. Chair, if I may. I agree. And Legislator Lindsay, I don't know if you were here when we had Consumer Affairs looking at something as varied as looking at the contractors and child care centers. I remember that came under your purview as well. And so you do have a wide range of responsibility. And we promise, when we do the work, it will be with a licensing contractor.

DIRECTOR GARDNER:

Thank you.

CHAIRMAN ALDEN:

The paid preceding announcements were in regard to Save The Sanity Of Charles Gardner.

DIRECTOR GARDNER:

I appreciate that, Mr. Chairman.

CHAIRMAN ALDEN:

All right. We have tabled resolutions we'll go to.

DIRECTOR GARDNER:

Thank you.

MR. FIORE:

Thank you.

CHAIRMAN ALDEN:

Thank you.

TABLED RESOLUTIONS

1277•04. Adopting Local Law No •• 2004, a Local Law amending Local Law 2•1999, to expand the Home Improvement Contracting Licensing Law to add new home construction. (VILORIA•FISHER)

LEG. VILORIA • FISHER:

I will table that again.

CHAIRMAN ALDEN:

Motion by Legislator Vilorina•Fisher, seconded by myself. All those in favor? Opposed?

TABLED. (VOTE:5•0•0•2) (Not Present; Legis. Crecca and O'Leary)

1350•2004. Authorizing removal hearing for members of the Suffolk County Water Authority, (Eric Russo). (VILORIA•FISHER)

LEG. VILORIA • FISHER:

Mr. Chair, I had hoped that we would be hearing from the Water Authority people today who had indicated that they wanted to testify before this committee. At your request, we have postponed this again because we thought that there would be a scheduling problem based on having a Special Meeting of the full Legislature this morning. But I do want to express my dismay that we are postponing it again.

CHAIRMAN ALDEN:

Me too.

LEG. VILORIA • FISHER:

Having someone's name out there on our agenda for so long with a negative component, I think is a disservice to the person. You know, even in criminal trials, you know, people have to have a speedy trial. You don't want to be hanging out there. I don't have any personal vendetta against Mr. Russo. I'm trying to fulfill the role of the Legislature vis a vis our oversight of the different authorities where we •• where we recommend members. It came before •• it came to our attention, you and Mr. Lindsay and I were on the Ad Hoc Committee that was put together by Presiding Officer Tonna at the time, and we saw that there were some practices that looked like they needed further exploration by the Legislature. And that is the only •• that is the only basis for this resolution, is the evidence that we saw here at this horseshoe. And so I hope that we can move forward with this as quickly as we can. It has been hanging out there now for four months, and I would like to see it come to a conclusion. And I hope that no matter what happens next month, that we do give the Water Authority and Mr. Russo, if he so chooses, the opportunity to come before this committee.

CHAIRMAN ALDEN:

From your lips to Paul Sabatino's ears. Hopefully we won't have a Special Meeting at that point.

LEG. VILORIA • FISHER:

Well, even if we were to have a Special Meeting, I would want to have this just reach its conclusion, and for us to do our due diligence and oversight. As I said, these were all points that had come up during that Ad Hoc Water Authority Committee. This was a sidebar, it wasn't the primary focus of the investigations at that time. It was something that had come before us. I just want to explore those issues and see if they have any merit in and of themselves. So I really want to move forward on this next time we meet. I make a motion to table.

CHAIRMAN ALDEN:

Seconded by myself. All in favor? Opposed? 1350 is **TABLED. (VOTE:6•0•0•1) (Not Present; Legis. O'Leary)**

1465•04. Establishing policy on use of County Clerk's Office for title examination purposes pending County Center renovation. (CARACCIOLO)

CHAIRMAN ALDEN:

I make a motion to table, seconded by Legislator Nowick. All those in favor? Opposed? **TABLED. (VOTE:6•0•0•1) (Not Present; Legis. O'Leary)**

1519•04. Adopting Local Law No •• 2004, a Local Law creating Geographic Information System (GIS) Committee. (COUNTY EXEC)

This has been amended. Okay. Come on up. You're going to tell us about the different provisions in it now?

MR. SPERO:

Yes. My name is Jim Daly, I'm with the Suffolk County Planning Department. I'm also a member of the County Executive's GIS Task Force and also the Long Island GIS Users Group Chairman. We •• this resolution was tabled last meeting, August 3rd, and I believe it was tabled because, Mr. Chairman, you had a couple of phone calls suggesting that there were some concerns. And at the GIS Task Force meeting, we addressed those concerns, and I believe we satisfied them.

Two of the biggest concerns were, one, that the resolution didn't appoint a lead Chairman, and

we have made that correction. And also, one of the other concerns •• well, the correction was made to one of the members in the resolution on page two, the committee •• the second appointee, the addition would be who shall serve as Chairman and shall be responsible for calling the meetings to order. So we've made that change. And also, one of the others concerns was that •• creating this committee would put another •• excuse me.

CHAIRMAN ALDEN:

I have to interrupt you for a minute. I was just informed that the County Exec wants this tabled.

MR. DALY:

I wasn't informed of that. By who?

CHAIRMAN ALDEN:

If the committee will, you know, cut me a little latitude on this. Let's skip this, then we can clear up whether the County Executive wants it tabled or •• I was under the impression that everybody that wanted to speak had actually had their meetings, and it was corrected to everybody's satisfaction. Now I just got conflicting •• so I apologize. We'll skip over it and come back to it in a couple of minutes. If you could have somebody check with the County Executive's Office.

1580•04. Adopting Local Law No •• 2004, a Local Law to amend Financial Disclosure Law. (CARACCIOLO)

CHAIRMAN ALDEN:

I make a motion to table, seconded by Legislator crecca. All those in favor? Opposed? It's **TABLED. (VOTE:6•0•0•1)**
(Not Present; Legis. O'Leary)

1629•04. Adopting Local Law No. •2004, a Local Law to extend and further strengthen the reporting for the anti•nepotism statute. (CARACCIOLO)

CHAIRMAN ALDEN:

Motion to table by myself, seconded by Legislator Crecca. All those in favor? Opposed? It's **tabled. (VOTE:6•0•0•1)**
(Not Present; Legis. O'Leary)

1675•2004. Adopting Local Law No. •2004, a Local Law to extend the County Code of Ethics to all outside business activities. (COUNTY EXEC)

LEG. MYSTAL:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator Mystal, second by Legislator Crecca. All in favor? Opposed? It's **tabled. (VOTE:7•0•0•0)**

1687•04. Adopting Local Law No. •2004, a Charter Law to clarify delegation of responsibility during absence or disability of County Executive. (CRECCA).

LEG. CRECCA:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Crecca, seconded by myself.

LEG. VILORIA•FISHER:

Motion to table.

CHAIRMAN ALDEN:

All those in favor? Motion to table by Legislator Viloría•Fisher, seconded by Legislator Lindsay. That takes precedence. All those in favor of tabling? In favor would be Lindsay, Viloría•Fisher and Mystal. All those opposed? The rest of the committee opposed. That fails. Motion to approve by Legislator Crecca, seconded by •• on the motion, Ben.

MR. ZWIRN:

Ben Zwirn for the County Executive. I know there was some discussion on this bill at the last meeting. And it seemed to come down to a situation that the Legislature didn't like that the fact that the County Executive wasn't signing the resolutions into law or as many of the resolutions into law as The Chief Deputy County Executive. That's what I took from the debate. And I pointed out privately that the County Executive need not sign any of the these

bills into law. I mean, he could just let them pass. They would just become law by operation of law, whether he signed them or not. So the mere fact that he delegates somebody to sign some of the bills and some of the ones that he signs bills, I can assure you that the County Executive reads every piece of legislation, he attends the res review meetings on a regular basis. And there's very little that gets passed the County Executive's Office on a personal level. I think this will restrict ••

CHAIRMAN ALDEN:

Ben, hold on one second. I'm sorry, we were changing the tape.

MR. ZWIRN:

I believe what this will do is restrict the County Executive's ability to operate as the Chief Officer of the County. For example, on SCIN forms. I mean, right now, the Chief Deputy, Kevin Law, will sign the SCIN forms, and now the County Executive is going to be doing that along with everything else. I mean, one of the reasons he has the Chief Deputies there is to try to help manage this and to delegate some of the authority where possible. And so I think this bill is just sort of a slap at the County Executive. It's certainly can't be a slap at his work ethic, because nobody has probably ever worked harder in this County, with the exception of all the fine people up on this board.

CHAIRMAN ALDEN:

Thanks for clarifying that.

LEG. CRECCA:

That was good.

MR. ZWIRN:

In fact, he works very hard for the taxpayers, as well as the board here. And I think this is just sort of an insult to him, and it really is going to restrict his ability to operate as the County Executive. And it's not just him. If this law is in effect for another County Executive, the same thing is also true. And it wasn't in •• it wasn't in place in prior administrations, so you have to look at it in context. You say, why are you doing it with this County Executive and not with any other County Executives in the past. And some of them weren't as engaged with the present one whether you like his policies or not.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

My question goes to both Legislative Counsel and to Ben at the same time. Under the current Charter and Administrative Code that's in effect, I don't believe there's any legal authority for the Deputy, Chief Deputy, to sign or take the same actions that the County Executive can unless the County Executive is absent. So just so you understand, this is not •• I don't question, and I said this last time on the record, I don't question Mr. Levy's work ethic. You know, I know he works extremely hard and many hours, I don't question that. And I also don't even question the fact that Steve is reviewing the bills and all that. You know, that's not what it is. Just that under the Charter, certain things can only be done by the County Executive, he cannot delegate that responsibility unless he is absent. Now, absence is not defined in the Charter, hat absence means. But that's really what it is. So this is asking for a clarification when he is absent as to the reason •• am I right about that, that there's no •• just so you understand, there's no authority under the Charter for the Chief Deputy to sign a resolution, for example ••

MR. ZWIRN:

Did any other •• did any other Deputy ever sign a resolution on behalf of any prior County Executive?

LEG. CRECCA:

My understanding is it was a very, very infrequent ••

MR. ZWIRN:

Was it infrequent? We can go back and check, but I think that would be something ••

LEG. CRECCA:

Eric didn't sign resolution. Is that what you're talking about?

LEG. VILORIA • FISHER:

Eric Kopp signed a lot of resolutions.

MR. ZWIRN:

Just so it does not appear •• just so it does not appear that this Legislature is singling out the particular County Executive ••

LEG. CRECCA:

I'm not.

MR. ZWIRN:

I'm just saying, if we go back and look at what prior administrations had done. I mean, Legislator Crecca's saying that never happened or happened on very rare occurrences. If we could demonstrate it happened on a regular basis in prior administrations, then this Bill would certainly be one to be singling out the current administration, which I'm sure that this legislation doesn't intend to do. But I think if you get a historical perspective on it ••

LEG. CRECCA:

We do. The Clerk has that. Si I don't know if Ilona has it or if Henry has it, but I know •• you know my understanding of the historical perspective, when it came time to sign resolutions, you know, it was done rarely by prior ••

MR. ZWIRN:

Well, I would just suggest that maybe we table this one round and go •• I don't think the County would be in any jeopardy if we table this one round, we go back and so some sort of a historical check.

LEG. CRECCA:

I'll have the Clerk come in now. If you would like, we can pass over it.

LEG. VILORIA • FISHER:

Mr. Chair.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher.

LEG. VILORIA • FISHER:

With regards to the validity of the signatures, last month during this Ways and Means Committee Meeting, it was pointed out that the Clerk had a question regarding a bond and

brought the question to Bond Counsel. Now, the result and the response to that question was •

- I don't believe was put on the record here at the last meeting. And the result was that Bond Counsel did accept as valid the signature of the Chief Deputy County Executive. So I just wanted to put on the record.

LEG. CRECCA:

I don't question the validity of •• even all the bills that have been signed by the Chief Deputy County Executive, I don't question the validity, because the statute currently doesn't require an explanation or even any type of statement as to if the County Executive was absent or not. So theoretically, you know, anything signed by the Chief Deputy, there's of presumption, A, of validity and, B, there's a presumption that he was exercising his powers within the Charter.

LEG. VILORIA • FISHER:

Actually, I still have the floor. I just want to say, it's more than a presumption. There is an affidavit giving the authority, the signatory authority, I believe that was provided by the County Executive, so that the Chief Deputy County Executive could sign these. And certainly it was found to be valid when the question was raised. And Bond Counsel did respond that it was valid. So I really don't see the necessity in going forward with this local law. The clerk is here with some historical perspective.

LEG. CRECCA:

The question was, Henry, and I apologize, I thought you had the figures, I don't know if you have to go back to the office and get them, but with regard to •• I guess the question was during •• if you had the facts and figures during this administration and at least some idea of during the prior administration how often the Chief Deputy exercised the power of signing a resolution into law.

MR. BARTON:

Okay. Do you have it in front of you?

LEG. CRECCA:

Now I do, because I didn't have it with me. I have •• you correct me if I'm wrong. I have that during this year, there were a total of 363 resolutions that were returned to the Legislature signed in some way.

MR. BARTON:

As of June 14th.

LEG. CRECCA:

As of June 14th. And 217 of those were signed by Chief Deputy, 146 by the County Executive; is that correct?

MR. BARTON:

Correct.

LEG. CRECCA:

I also have that in 2003 •• I only have the figures for the Gaffney Administration in 2003, but I show that Eric didn't sign any resolutions in 2003, that they were all signed by Mr. Gaffney; is that correct?

MR. BARTON:

Yes.

MR. ZWIRN:

I don't think that Eric was here for part of the year. Didn't he resign at some point?

LEG. CRECCA:

Eric is the only one who stayed until the end, the bitter end.

MR. ZWIRN:

How many bills did they sign in 2003? I'm just curious, how many bills?

LEG. CRECCA:

The total number of bills, I don't have. It had to be 100.

MR. ZWIRN:

Well, how many? I'm curious. I'm just asking. You have these figures, you probably have those as well. You had to get these figures from those figures.

LEG. CRECCA:

No. These figures are from January to June 14th, the first six months. But just so you know ••

MR. ZWIRN:

In his last term. You know, look, you're going to vote whichever way you want to vote, but I think the message is clear, that this is directed at this particular County Executive. And it's to restrict his ability to delegate authority within the County. Because when you talk about resolution signing, as I stated earlier, County Executive ••

LEG. CRECCA:

Can you explain to me where in the Charter it allows the County Executive to delegate the responsibility of signing resolution when he is not absent? Because when he is not absent, there is no authority to delegate that responsibility.

MR. ZWIRN:

Well, the Chief Deputy acts as the County Executive.

LEG. CRECCA:

Only in the absence of the County Executive. That's what the Charter says. If you want to change that, then change the Charter.

MR. ZWIRN:

What does the absence mean, does it mean from the County? I mean, from the building? I mean, where is the absence from? And I'm just saying ••

LEG. CRECCA:

It does not define it in the Charter. In the past it's been defined as out of County, but that has not been an official •• there's no case law, there's nothing in writing. You know, I can only speak that the prior administration treated it as out of the County.

CHAIRMAN ALDEN:

Ben, 1179 or 1181, it's either one of those, resolutions that were signed in 2003.

CHAIRMAN ALDEN:

You have somebody else coming up from the County Attorney's Office. Please, just identify yourself for the record.

MS. CAPUTI:

Sure. Jacqueline Caputi from the County Attorney's Office. There is a section of the Charter, C•3•2 and C•3•3 that gives the County Executive the authority to appoint deputies, to assist in discharging the responsibilities of his office. And I think it's a fair interpretation and implication from that section that that would include signing things such as SCIN forms. So I do •• I do dispute Mr. Crecca's assertion that there's nothing in the Charter. I think you can rely on that section.

LEG. CRECCA:

And even if that was the case for SCIN forms, it certainly doesn't extend to his authority to sign resolutions.

MS. CAPUTI:

It's to assist him in discharging the responsibilities of his office. It is a responsibility of his office to sign ••

LEG. CRECCA:

So how do you explain the part of the Code that says that he can designate one person when he's •• to act in his stead in his absence.

MS. CAPUTI:

Well, if there's two conflicting provisions, you can rely on one, and you are relying on the other. So that would be for the courts to say, which one would prevail in that situation.

LEG. CRECCA:

I just got the figures for 2002. By the way, Eric Kopp signed zero resolutions in 2002 also.

MR. ZWIRN:

Well, we know what the County Executive at least was doing during 2002•2003. He was at least, you know, there signing resolutions.

LEG. CRECCA:

He found the time between rounds of golf I'm sure to sign the resolutions. Does that make you

feel better? This is not about Steve Levy, it's about the idea of the •• that that should not be a delegable responsibility short of his absence.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

I have a small suggestion for Legislator Crecca. In the spirit of cooperation, and in the spirit of good government, I think a letter from the Presiding Officer or from the Clerk could be sent to the County Executive suggesting that maybe, that maybe his Chief Deputy is signing too many resolutions and that maybe he should sign those resolutions, and I'm pretty sure he would take your recommendations very seriously, instead of having a local law to amend the Charter. I think, you know, we could dispense with this somewhat ••

LEG. CRECCA:

Elie, just to interrupt you, that was suggested at the last meeting, and I tabled it for that purpose. I have •• there's been no outreach from the County Executive in that regard. They were supposed to •• my understanding was that they had another suggestion or that this could be worked out another way. Certainly in my last conversation with the Presiding Officer in that regard too, there was nothing there. What I will tell you is this, between now and Tuesday, if I can work something out, I'll work something out work. But for know I'm leaving my motion to approve to bring it to the floor. It certainly could be something that could happen on Tuesday. And I'd be happy to sit down with Mr. Zwirn, Mr. Sabatino, Mr. Levy, anybody else they want me to discuss it.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

I'm done.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Mr. Zwirn, I have a question for clarification purposes, and I just •• the acronym SCIN, s•c•i•n, the SCIN forms that you are referring to ••

MR. ZWIRN:

There are personnel forms.

LEG. O'LEARY:

What does that •• what do the letters stand for, the acronym? For years we've been calling it •
• for 35 years, it was always SCIN forms.

CHAIRMAN ALDEN:

It's not s•k•i•n, it's s•c, right?

LEG. O'LEARY:

It's s•c•i•n, SCIN forms. What does that acronym stand for?

MR. ZWIRN:

Jim Spero can't even help me on this one.

LEG. MYSTAL:

The one person who would know is Paul Sabatino.

MR. ZWIRN:

He is not going to tell you, because he's not going to be able to sign anymore resolutions. He's taking his pen and he's leaving.

LEG. O'LEARY:

Nobody knows what the acronym SCIN stands for? Those are the employment forms that they sign to get people on board.

CHAIRMAN ALDEN:

What did you say, those are the porno forms that are signed? No. Oh, all right. We have a motion and a second.

MS. BURKHARDT:

I don't know what it means.

CHAIRMAN ALDEN:

Linda, excuse me, but you interrupted the meeting to tell us you don't know? That's the big news? Hold the press.

LEG. CRECCA:

We will get back to you on that, Ben, if somebody in government can figure out what it is that we've been referring to for 35 years.

CHAIRMAN ALDEN:

Ben, I'm going to give you a copy of a resolution that was signed, and this isn't something that I'm considering while I vote on this, but I think that, you know, a little bit more due care should be exercised, because on this it's says, approved by and signed by Paul Sabatino, County Executive, Suffolk County. It doesn't really say that he's the Deputy. So I'll make this available to you. You know, it's just something, you know, tighten it up.

MR. ZWIRN:

I know that in the past I think we found one, it said it was the acting County Executive, that Eric had signed at one time, which sounded like there was an opening in the •• a vacancy in the office, which was a mistake. It happens, but it shouldn't happen. I should have caught that one.

CHAIRMAN ALDEN:

So we have a motion to approve and a second. All those in favor?

LEG. LINDSAY:

Opposed.

LEG. VILORIA • FISHER:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN ALDEN:

Opposed, we have Legislator Mystal, Lindsay, Legislator Fisher.

That's APPROVED. (VOTE:4•3•0•0)

INTRODUCTION RESOLUTIONS

**1689•2004. Authorizing certain technical corrections to adopted Resolution No. 494
•2004. (COUNTY EXEC)**

LEG. O'LEARY:

Motion to approve.

LEG. CRECCA:

Second.

CHAIRMAN ALDEN:

Motion to approve by Legislator O'Leary, seconded by Legislator Crecca. All those in favor?
Opposed? That's **approved. (VOTE:7•0•0•0)**

**1690•2004. Authorizing certain technical corrections to adopted Resolution No. 737
•2004. (COUNTY EXEC).**

LEG. O'LEARY:

Motion.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0)**

**1694•2004. Authorize the commencement of Eminent Domain Proceedings for
Mediavilla property, Town of Huntington. (BINDER)**

LEG. O'LEARY:

Motion to table.

CHAIRMAN ALDEN:

Motion to table by Legislator O'Leary, seconded by myself. All those in favor? Opposed? That's **tabled. (VOTE:7•0•0•0)**

1695•2004. Authorizing a removal hearing for a member of the Suffolk County Community College Board of Trustees (Michael Hollander). (ALDEN)

CHAIRMAN ALDEN:

I'm going to make a motion to approve.

LEG. LINDSAY:

Second.

CHAIRMAN ALDEN:

Seconded by Legislator Lindsay.

LEG. O'LEARY:

On the question.

CHAIRMAN ALDEN:

On the motion, go ahead, Legislator Crecca.

LEG. CRECCA:

Yeah. I would just ask that we table it one more cycle.

LEG. VILORIA•FISHER:

I'll second that.

CHAIRMAN ALDEN:

Actually, by passing it, it's the same effect as tabling it, because this authorizes a hearing that would be on what date, Legislative Counsel?

LEG. O'LEARY:

September 21st.

CHAIRMAN ALDEN:

September 21st. So there's plenty of time for ••

LEG. CRECCA:

I have a feeling by that point, it will be moot.

CHAIRMAN ALDEN:

That's fine. You know, like, all this does is if it's passed by the full Legislative body, we set that date as a hearing date. So I would ask to have it approved. You made a motion to table.

LEG. CRECCA:

I'll withdraw my motion. Would you consider a motion to discharge without recommendation to the floor?

CHAIRMAN ALDEN:

That's fine.

LEG. CRECCA:

I'll make a motion to discharge without recommendation.

CHAIRMAN ALDEN:

I'll second that. All those in favor? Opposed? Legislator O'Leary, I apologize. You want to make a comment on that?

LEG. O'LEARY:

No.

CHAIRMAN ALDEN:

Okay. That's **discharged without recommendation. (VOTE:7•0•0•0)**

1696•2004. Amending Resolution No, 1145•2000, authorizing licensing agreement for beautification purposes in downtown Bay Shore. (CARPENTER)

LEG. O'LEARY:

Motion.

LEG. VILORIA • FISHER:

Explanation, Counsel.

CHAIRMAN ALDEN:

This basically •• a couple of years ago •• a number of years ago, there was a piece of property that the County took in downtown Bay Shore. I put in a resolution that created a license agreement with the Bay Shore, at the time it was the Chamber of Commerce and the Beautification Society that worked with the Chamber of Commerce ••

LEG. VILORIA • FISHER:

Was it part of the downtown revitalization?

CHAIRMAN ALDEN:

Actually, it didn't have to go in, because it didn't cost us anything to acquire the property. What they used in the property for is they had planned a garden in there. And it's right next door to •• or it's, like, two stores down from where they have the Bay Shore Band Shell. So it would provide a nice place for people to go and just enjoy nature. So this would extend that agreement.

LEG. VILORIA • FISHER:

Okay. So it's not •• I thought it was in some way connected with downtown revitalizations monies. There's no fiscal ••

CHAIRMAN ALDEN:

It would have, except it didn't cost us anything to acquire it.

LEG. VILORIA • FISHER:

Terrific.

CHAIRMAN ALDEN:

And they're raising the money to actually do the garden. So we have a motion made by Legislator O'Leary, seconded by Legislator Vilorina•Fisher. All those in favor? Opposed? 1696 is **approved. (VOTE:7•0•0•0)**

1706•2004. Authorizing the Director 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 Riverhead, Suffolk County pursuant to Section 40•D of the Suffolk County Tax Act.

(COUNTY EXEC)

MS. LONGO:

Janet Longo from Real Estate. That was erroneous assessment and a lack of notice.

CHAIRMAN ALDEN:

Okay. We have a motion by Legislator Viloría•Fisher, seconded by Legislator Mystal. All those in favor? Opposed? That's **approved. (VOTE:7•0•0•0)**

1707•2004. Authorizing the Director 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 Islip, Suffolk County pursuant to Section 40•D of the Suffolk County Tax Act.

(COUNTY EXEC)

MS. LONGO:

Same thing, lack of notice.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0)**

1708•2004. Authorizing the Director 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, Suffolk County pursuant to Section 40•D of the Suffolk County Tax Act.

(COUNTY EXEC)

MS. LONGO:

That was an erroneous assessment.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0)**

1709•04. Authorizing the Director 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, Suffolk County pursuant to Section 40•D of the Suffolk County Tax Act.
(COUNTY EXEC)**

MS. LONGO:

Erroneous.

LEG. MYSTAL:

On the motion.

CHAIRMAN ALDEN:

On the motion.

LEG. MYSTAL:

How do you retire a parcel of land?

CHAIRMAN ALDEN:

You just retire the tax map number. It's similar to when Mickey Mantle ended his days at the Yankees. They took number 7, put it up on the thing. So this is what happened. They have a Hall of Fame for tax map numbers.

MS. LONGO:

It was actually non existent.

CHAIRMAN ALDEN:

That's even better. Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0).**

1710•2004. Sale of County owned real estate pursuant to Local Law 13•1976 James R. Brown and Dawn Marie Cox, as joint tenants with rights of survivorship. (COUNTY EXEC).

MS. LONGO:

That was a sale to the adjoining owner.

CHAIRMAN ALDEN:

And what was the appraised value?

MS. LONGO:

Nine thousand and it sold for nine.

CHAIRMAN ALDEN:

Nine thousand. Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0)**

1711•2004. Sale of County owned real estate pursuant to Local Law 13•1976 Wayne R. Williams and Lorraine P. Williams, his wife.

(COUNTY EXEC).

MS. LONGO:

That was a sale to an adjoining owner. And the approval was 5600, it sold for 5601.

CHAIRMAN ALDEN:

All right. Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0)**

1712•2004. Sale of County owned real estate pursuant to Local Law 13•1976 Robert J. Dorsi. (COUNTY EXEC).

MS. LONGO:

Sale to adjoining owner for \$775.

CHAIRMAN ALDEN:

What was the appraisal?

MS. LONGO:

That was the appraisal.

CHAIRMAN ALDEN:

Very good. Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0).**

1713•2004. Sale of County owned real estate pursuant to Local Law 13•1976 Diedre' L. Wassmuth. (COUNTY EXEC).

MS. LONGO:

Adjoining owner for 11,000, and that was the appraisal.

CHAIRMAN ALDEN:

Okay. Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0).**

1714•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Virginia Goodstein. (COUNTY EXEC)

MS. LONGO:

That was as of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0).**

1715•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, A & P Contracting Corp. (COUNTY EXEC)

MS. LONGO:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **approved. (VOTE:7•0•0•0).**

1716•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Carver Federal Savings Bank, as Successor in Interest to Carver Federal Savings and Loans Association. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **approved. (VOTE:7•0•0•0).**

1717•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Heidi Ferguson and Robert Joy Feustel, as Tenants in Common. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0).**

1718•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Feustel Family Trust c/o Heidi Ferguson. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **Approved. (VOTE:7•0•0•0)**

1719•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Angela Modeste, as Administrator of the Estate of Norman Adams, surviving tenant of the entirety, deceased. (COUNTY EXEC)

MS. LONGO:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0).**

1720•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, E.L. Capital, Inc. (COUNTY EXEC)

MS. LONGO:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **APPROVED. (VOTE:7•0•0•0)**

1721•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Marie Usher, Executrix of the Estate of John W. Usher. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **APPROVED. (VOTE:7•0•0•0).**

1722•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Donald P. Murphy. (COUNTY EXEC)

MS. LONGO:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **APPROVED. (VOTE:7•0•0•0).**

1723•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Salvatore Murgana. (COUNTY EXEC)

MS. LONGO:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **approved. (VOTE:7•0•0•0).**

1724•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Marcia Brooks and Lancelot Morgan as joint tenants with rights to survivorship. (COUNTY EXEC)

MS. LONGO:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **approved. (VOTE:7•0•0•0).**

1725•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Ruth Ann Brooks. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. **APPROVED. (VOTE:7•0•0•0).**

1726•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Maryann Johnson and Darlene Johnson as surviving joint tenants. (COUNTY EXEC)

MS. LONGO:

As of right.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **approved. (VOTE:7•0•0•0).**

LEG. O'LEARY:

Mr. Chair, if I may interrupt.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

1727, I have that in my packed and it's not on the agenda.

MS. KNAPP:

My notes indicate that 1727 was adopted by a CN on August 10th.

LEG. O'LEARY:

That explains it.

1728•2004. Authorizing the sale pursuant to Local Law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, David C. Owens and Linda L. LaValle, his wife. (COUNTY EXEC).

MS. LONGO:

As of right redemption.

CHAIRMAN ALDEN:

Same motion, same second, same vote. That's **approved. (VOTE:7•0•0•0).**

1735•2004. Sale of County owned real estate pursuant to Local Law 13•1976 Roxanne Faily. (COUNTY EXEC)

MS. LONGO:

This was a sale to an adjoining owner for 1500 and the appraised value was 1000.

CHAIRMAN ALDEN:

We did well. Same motion, same second, same vote. That's **approved. (VOTE:7•0•0•0).**

1737•2004. Adopting Local Law No •• 2004, A Local Law to amend Local Law No. 18 •1994, to strengthen disclosure requirement for real estate transactions. (SCHNEIDERMAN)

CHAIRMAN ALDEN:

1737, County Attorney wishes to speak on this.

MS. CAPUTI:

I put my comments on the record during the public hearing.

MS. JULIUS:

It was closed this morning.

LEG. LINDSAY:

Can I have an explanation as to what this does.

CHAIRMAN ALDEN:

Turn to Legislative Counsel.

MS. KNAPP:

It adds to the requirements of disclosure on leasing. We presently require real estate brokers to disclose complete a list of the names and the addresses of the brokers involved in the deal. This is going to add significantly to this. It will include sales agents, attorneys, associates and any other party with a direct or indirect interest in any corporate entity. It deletes the requirement that the interest be at least 5%.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

Have we •• I mean, to anybody's knowledge, have we had any abuses of agents working on behalf of somebody else?

CHAIRMAN ALDEN:

I'll make a suggestion. I'm going to the Space Management Steering Committee. I'll bring it up in there and see if there's any problems that they are aware of, and I'll also talk with the County Attorney. You know, we'll see if there are any problems, we'll put them on the record at the next meeting. So I'll take that as a motion to table by Legislator Lindsay, second by myself. All those in favor? Opposed? 1737 is **TABLED. (VOTE:7•0•0•0)**.

1742•2004. Approving the reappointment of Robert Kohlmeyer as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC)

CHAIRMAN ALDEN:

Motion by myself, seconded by Legislator Lindsay. All those in favor? Opposed? 1742 is **approved. (VOTE:6•0•0•1)**
(Not Present; Legis. Crecca)

We approved 1743 earlier.

1744•2004. Approving the reappointment of Michael C. Daly as a Member of the Suffolk county Electrical Licensing Board. (COUNTY EXEC).

LEG. O'LEARY:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, second by Legislator Lindsay. All those in favor ? Opposed? That's **approved. (VOTE:6•0•0•1)**
(Not Present; Legis. Crecca)

1745•2004. Authorizing certain technical corrections to adopted Resolution No. 553 •2004 and adopt ed Resolution No. 595•2004. (CARACAPPA).

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by myself. All those in favor? Opposed? 1745 is **APPROVED. (VOTE:6•0•0•1) (Not Present; Legis. Crecca)**

1746•2004. Approving payment to General Code Publishers for Administrative Code pages. (PRESIDING OFFICER)

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Nowick. All those in favor? Opposed? That's **approved. (VOTE:6•0•0•1)**
(Not Present; Legis. Crecca)

1747•2004. Authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to William Simons and Katherine Simons. (MYSTAL)

LEG. MYSTAL:

Motion to approve.

CHAIRMAN ALDEN:

We just need an explanation though.

MS. LONGO:

That was a redemption via Legislator Mystal.

CHAIRMAN ALDEN:

Okay. But this has nothing to do with the lawsuit that we lost, right, to Mr. Caputo?

MS. KNAPP:

No. This is not a waiver of penalties and interest, this is a redemption.

CHAIRMAN ALDEN:

And it just went past the time?

MS. LONGO:

Yes. Yes.

CHAIRMAN ALDEN:

We're still within our discretionary time period? Nothing affected by that lawsuit or anything like that?

MS. LONGO:

Absolutely not.

CHAIRMAN ALDEN:

we can actually do this, right? Good. Legislator Mystal makes the motion to approve, seconded By Legislator O'Leary. All those in favor? Opposed? **Approved. (VOTE:7•0•0•0).**

1748•2004. To provide fiscal responsibility to the management of the Employee

Medical Health Plan. (CRECCA)

LEG. CRECCA:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator •• let me get the motion and second •• Legislator Crecca's making a motion to approve, Legislator Nowick is making the second. On the motion, we have some come comments from Ben.

MR. ZWIRN:

Thank you, Mr. Chairman. I was going to speak during the period when Jeff was up here, but let me just take this opportunity just to make just a couple of comments, very short. One, that this group is set up as part of a collective bargaining agreement. This was not an Executive Order issued by the County Executive. It is not a same sex bill. I mean, there's been some talk about domestic partners, but this is for domestic partners who are the same sex or opposite sex as well. It applies to everybody.

I think a lot of people have made mention of it in just those terms and that the cost of this proposal is somewhere between \$200,000 Budget Review's number of \$1.2, because as we were reading the local newspapers, certain •• I mean, Legislator Binder said this was a \$20 million hit to the County. And that number •• I don't know where that number came from. But I mean, it would tend to, you know, make people a little more, you know, hysterical about what happened. But I think that the presentation that was made today I thought was quite excellent and quite dignified. So those are the only comments I would just like to add at this time.

CHAIRMAN ALDEN:

Legislator Crecca.

LEG. CRECCA:

Yeah, I just want to add that this has nothing to do with •• first of all, this is a future bill. Number one, this doesn't address anything about the domestic partner benefits extension, just so you know.

MR. ZWIRN:

I understand. But we talk about what the catalyst for this •• this whole legislation, whether Mr. Binder's bill or yourself, that was the catalyst for it. And I would have liked to have made my comments earlier, but the flow didn't allow that so I'm just doing it now.

LEG. CRECCA:

My understanding was that the County Executive had no opposition to this bill in my conversations ••

MR. ZWIRN:

That's correct.

LEG. CRECCA:

Okay. That's what I thought.

MR. ZWIRN:

It mirrors the Empire Plan. And under the collective bargaining agreement, he did what he should have done.

LEG. CRECCA:

No. This bill here. It's my understanding that the County Executive had no opposition.

MR. ZWIRN:

Well, he would rather •• I don't think he is in favor of the bill, but he's •• he's not taking the lead •• he understands that the Legislature has a role to play. But in this particular instance, he followed •• he followed the law to the letter.

LEG. O'LEARY:

Mr. Chair.

LEG. CRECCA:

Just one more question. I mean, even looking at some of the prior Executive Orders issued out of the County Executive's Office, they seem to be in agreement that pursuant to the Taylor Law that those things have to come back to the Legislature for approval. You know, and I'm just saying •• just the Legislators are aware, in my conversation with Mr. Levy regarding this bill, you know, I don't want to misquote him, but his exact words were, I don't have a problem with

that bill, you know, I don't have a problem with it.

MR. ZWIRN:

I don't think he has a problem •• I think Jeff Tempura (sic), who is here today spoke, I think eloquently on his behalf. I think that stated the position of the County Executive's Office. But I think that the County Executive is not going to try to suggest that the Legislature doesn't have some role in the oversight of this County. But under the present negotiating agreement that had been negotiated before the County Executive got here, he has followed the rules and did so in this case.

LEG. CRECCA:

One more thing is I'm looking at an Executive Order that was office signed by Steve Levy January 9th of this year, and it says right in it that specifically any individual appointed by the office to be a member of the board is hereby prohibited from taking any action to extend, expand, and/or modify any agreements providing health insurance benefits for County employees between management and certified employee organizations, which require Legislative approval under Section 204 A of the New York Civil Service Law, colloquially referred to as the Taylor Law, without first obtaining the written approval of the Chief Deputy County Executive.

MR. ZWIRN:

I don't think that's inconsistent with what we did here today.

LEG. CRECCA:

No. I don't think it is either. I just wanted to point out too.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

Yeah. Mr. Zwirn, you pointed out that this was not an Executive Order put forward by the County Executive. However, there was a directive by the County Executive to the management representatives of the committee to pursue this particular change in this benefit structure. Are

you aware of that?

MR. ZWIRN:

I'm not personally aware of it, but I'm not seeing •• again, I don't see any inconsistency with it under the collective bargaining agreement. I mean, there were a lot of, you know, union ••

LEG. O'LEARY:

I don't disagree with you either, but what I'm saying is that for you to say that there was no Executive Order with respect to this in particular is misleading because there was a directive on the part of the Executive to have the management representatives on the Labor Management Committee pursue this change in benefits.

MR. ZWIRN:

I'm no way suggesting the County Executive is opposed to the results. He is in support of that. But I'm just saying, he did not issue this unilaterally as an executive •• that's my only point.

LEG. O'LEARY:

By I want to ask •• segue into another area with respect to the retainment of Mr. Koppleman for consultant purposes on EMHP. What is the status of that particular endeavor?

MR. ZWIRN:

I can't tell you. I don't know the answer to that question.

LEG. O'LEARY:

Well, perhaps you can find out for purposes of reporting back at a later date to this committee, because I think •• I'm assuming that the County Executive is •• I'm assuming the County Executive is awaiting the results of that report from Mr. Koppleman to go back to the table with the unions for the successor agreement that we're all waiting for.

MR. ZWIRN:

That very well may be.

CHAIRMAN ALDEN:

Legislator Lindsay.

LEG. LINDSAY:

It's really along the same line. I was going to ask about where •• is there any progress as far as approving and extender agreement for our health plan.

MR. ZWIRN:

That I'll have to •• I can get back to you as soon as •• I don't know the answer to that question.

LEG. LINDSAY:

Because in the testimony that was given today, it seems like we're in an abyss here that we are still governed by Empire in some respects, and in others we're not. And, you know, if we're going to be independent, I'd like to see an independent agreement.

MR. ZWIRN:

Okay.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

I don't really have any problem with this except for its restriction of \$50,000, because I think that's too restrictive. You know, it puts this body in a situation where every little thing that happened in our benefit plan would have to come back to us, and we will have to make a decision and be subject to some kind of •• I'm not saying we are very political, I know we are not, I know we are a very good government body •• but subject to some kind of political wrangling between us and the unions and the County Executive. I would have •• if the sponsor of the bill would in some kind of way amend the bill to remove that kind of restriction, then I think I would probably vote for it. But right now it's too restrictive to me.

CHAIRMAN ALDEN:

Legislator Fisher and then Legislator Binder.

LEG. VILORIA • FISHER:

Thank you, Mr. Chair. Legislator Crecca and I have had some discussions regarding this bill, and he actually used some of the terms that I used a year and a half ago when I felt that the Legislature had abdicated its responsibility, fiscal responsibility with regard to this issue.

However, I'm still not comfortable with the wording of the bill. I believe that it may be out of the purview of the Legislature to enter into the kind of micromanagement that might result from this bill and the \$50,000 restriction. So I am going to oppose the approval of this bill at this time putting. Although in spirit, I believe that we should, and we had worked on putting together a resolution together a couple of years ago to have a greater role for the Legislature in this process. Just I don't think that this bill is the way to do it.

CHAIRMAN ALDEN:

Legislator Binder.

LEG. BINDER:

Thank you. Excuse me, Mr. Zwirn, did you •• I just want to clarify, that you said that County Executive thinks that the Legislature should have a role in fiscal oversight, and I'm not talking about this bill particularly or any particular bill, but the County Executive feels that the Legislature should be a part particularly when large fiscal decisions are made, that we should have some oversight role of that, is that what you said?

MR. ZWIRN:

I think you have a role. I mean, by law you have a role. And I think the County Executive respects that.

LEG. BINDER:

Right now we don't have a role.

MR. ZWIRN:

Well, this was negotiated away before the County Executive got here. This County Executive is operating under rules that precede him.

LEG. BINDER:

I'm not saying he violated any rules. That's not the question. What I'm just saying is ••

MR. ZWIRN:

Well, there were allegations made at certain times this was a back room deal, that, you know ••

LEG. BINDER:

Well, a deal is a deal. That doesn't mean he violated a rule or didn't violate a rule.

MR. ZWIRN:

This was not a back room deal. This was something that was done as part of a negotiated agreement in contracts that exist between the County and their unions. And I don't think Legislator O'Leary, who sat on this committee, I understand and had agreements, was ever involved in a back room deal. And that's been some of the allegation that have been made publically. And I understand things are said sometimes in the heat of the moment and they're not meant as literally as they're suggested.

LEG. BINDER:

But that's not the question. The question is does the County Executive believe that there is a role ••• right now, there is no role of oversight. Does he believe that the County Legislature should have a fiscal oversight role in the benefit process in Suffolk County? We should or we shouldn't? Right now we don't, does he think we should? It doesn't mean that he agrees with this as the vehicle, I'm just asking whether he thinks we should have an oversight role.

MR. ZWIRN:

I can't answer that specifically on behalf of the County Executive, I believe that he •• I believe that he does.

LEG. BINDER:

Okay. Thank you.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

I just got this from Linda. For those of you who are interested, SCIN Form, Suffolk County Internal Notification.

MR. ZWIRN:

I knew that.

CHAIRMAN ALDEN:

Thank you. Okay. 1748, we have a motion, we have a second. All those in favor? Opposed?

LEG. VILORIA • FISHER:

Opposed.

LEG. MYSTAL:

Opposed.

CHAIRMAN ALDEN:

Opposed we have Legislator Viloría•Fisher, Legislator Mystal and Legislator Lindsay opposed.

LEG. CRECCA:

I don't know if he is opposed.

CHAIRMAN ALDEN:

Don't list him as opposed. Okay. That's **approved. (VOTE:4•2•0•1) (Opposed; Legis. Viloría•Fisher and Mystal) (Not present; Legis. Lindsay)**

1749•2004. Directing the Department of Law to withdraw the Article 78 Proceeding, County of Suffolk V. New York State Commission of Corrections. (CARACAPPA)

CHAIRMAN ALDEN:

Now, Ben, did you want to address us too or just Jackie again?

MR. ZWIRN:

County Attorney would just like to put their opinion on the record.

CHAIRMAN ALDEN:

Okay.

MS. CAPUTI:

I just wanted to bring to the committee's attention that the County Attorney is between a rock and a hard place basically in this situation. Our Charter Section C 16•2 does give the County Executive and the County Legislature the ability to direct the County Attorney to institute

litigation, to withdraw litigation and to take other actions in a legal nature. So we have answer to in effect, two different clients here, though there is one client, the County. And so we really can't be directed by the Legislature alone to withdraw the lawsuit.

CHAIRMAN ALDEN:

This actually would have to have approval by the County Executive. So this goes through whole process. So if he vetoes it, then it would come before the Legislature. And that would become law of the land, and as the law of the land, you would have to obey it. If it doesn't become the law of the land, then you can continue in whatever direction you're going in right now. But I think that, you know, this process is going to play itself out. And I understand where you feel the County Attorney is, you know, in between both or two parties here, but I think that this would clarify what the direction is that Suffolk County would want to take on it. So I understand your position ••

MS. CAPUTI:

You're saying if a resolution was passed, we would have to abide by that? I don't think we agree with that.

LEG. CRECCA:

Counsel.

CHAIRMAN ALDEN:

Resolution is the law of the land.

LEG. CRECCA:

If a resolution was duly enacted by the Legislature directing the withdrawal of this proceeding, that would certainly supercede the directive of the County Executive, would it not?

MS. KNAPP:

Oh, yes. I believe that the process set up in the Charter requires an approval by this Legislature. If the Executive disapproves it, there's a process by which the Executive disapproval can be overridden. Any other result would just eviscerate our Charter.

LEG. CRECCA:

Yeah, I mean, if you read the Charter, and I would ask you to go back and share it with Ms.

Malafi, there's no question that ultimately •• I don't even think County Executive Levy would disagree with us on this •• that ultimately, you know, he certainly can veto something, and if it's overridden, it supercedes all other action either by the Executive or by the Legislature so...

CHAIRMAN ALDEN:

1749, do I have a motion?

LEG. CRECCA:

Motion.

CHAIRMAN ALDEN:

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

LEG. VILORIA • FISHER:

Opposed.

LEG. MYSTAL:

Opposed.

LEG. LINDSAY:

Opposed.

CHAIRMAN ALDEN:

Opposed, we have Legislator Lindsay, Legislator Vilorina•Fisher and Legislator Mystal. That's **approved. (VOTE:4•3•0•0) (Opposed; Legis. Vilorina•Fisher, Mystal and Lindsay.) 1750•2004. Authorizing the commencement of Eminent Domain Proceedings for land adjacent to Lake Ronkonkoma and assist in relocation of residents. (CRECCA)**

LEG. CRECCA:

Just so we're clear. This is •• this bill mirrors the prior bill that we failed to override. But it does add language that requires the County to provide relocation or assist in the relocation of the families on that parcel.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

Legislator Crecca, you had said you were going to call the County Executive on this bill. And I talked with the County Executive yesterday, he said you have not reached out to talk to him at all about this bill. You said you were putting it in in the hope of working something out with the County Executive on it, and he has been awaiting your phone call. He says he hasn't received anything from you as of yesterday at four o'clock when I talked to him about it. So you have not called him, that's number one. The number two thing, was there not a quote in some newspaper about Smithtown saying we are not a diverse community and never will be?

LEG. CRECCA:

I'm not aware of that. I certainly didn't say that. I don't know what Smithtown •• you know, I'm really ••

LEG. MYSTAL:

Shouldn't you be doing this with Smithtown instead of at the County level?

LEG. CRECCA:

No. It's a County park. It's being taken to become County land. And I know that there seems to be this desire to attach it to Smithtown and Supervisor Vecchio and the lack of foresight and vision that Supervisor Vecchio has had with either affordable housing or other housing initiatives. But the fact of the matter is, you know, this is •• you know, if the concern is a residence, this bill tries to address that. If the concern is some other policies that Smithtown does, you know, then vote against it. But the bottom line is this has nothing to do with Smithtown. You know, it has everything to do with a County park and a County acquisition.

LEG. MYSTAL:

Did you talk with the County Executive about seeing if we can resolve something? Because these people will have to be placed somewhere. And that's •• some of our concern is, like, you know, the way I'm looking at it, if they're going to be moved, it absolute that they're not going to be moved back into Smithtown. They're going to wind up in somebody else's district. Because the way Smithtown is talking, if you remove them, they will not be relocated in

Smithtown. They will be relocated somewhere in my district or Montano's district or somebody elses.

LEG. CRECCA:

That's not the case. And that's a rather unfair comment, because I have more emergency housing in my district, Elie, than you do in your district.

LEG. MYSTAL:

Oh, no. No. You are stretching the truth to its limit.

LEG. CRECCA:

Okay. You should go contact the Department of Social Services.

LEG. MYSTAL:

I have at least 17 shelters in my district. Hello. This is Babylon we're talking about, not Smithtown.

LEG. CRECCA:

Again, this is not about Smithtown. I have no control over the town board and over Supervisor Vecchio. I don't, and neither does this Legislature. And, you know, to say this, you know, none •• the other towns haven't been great, and Smithtown's probably been the worst about affordable housing, but this has nothing to do with affordable housing. This has everything to do with an acquisition. So vote it up or down. There's no reason to debate this. Everyone is obviously able to speak, but there's no reason to debate this. I'm trying to address in this bill the fact that there was concern about relocating these people. It was always my intention, and I believe always the County Executive's intention to assist these people in relocating and helping them find a new a place to live.

LEG. MYSTAL:

To where? That's the problem. The problem is that you're going to relocate them out of Smithtown to some other town, because Smithtown is not going to accept them. That's the problem.

LEG. CRECCA:

What do you mean they're not going to accept them? These people can live wherever they can

live.

LEG. MYSTAL:

Because there's no place to put them in Smithtown.

LEG. CRECCA:

Okay.

LEG. MYSTAL:

All right. End of story.

MS. CAPUTI:

I just wanted to put something on the record. There's no vehicle that we're aware of under federal or state law that gives the County authority or directs them to give relocate assistance to people that are, you know, dispossessed under eminent domain proceedings. And the bill just says they're going to be given relocation, but what does say that really mean? And you're opening yourself up, we think, to some, you know, potential vulnerability there if the people are dissatisfied with the level of relocation assistance that they would be given. So, you know, just keep that in mind.

LEG. CRECCA:

But I am willing and the resolution clearly does that to bind the County to assist them in relocating.

MS. CAPUTI:

But under what •• there really is no section of the State Eminent Domain Law that gives you authority to do that.

LEG. CRECCA:

No. But the Legislature can direct policy, just like we direct the Commissioners to do other things and provide other services or •• we're saying that the County is directed to provide relocation assistance.

MS. CAPUTI:

But respectfully, where is the funding going to come from? You know, it just isn't clear what you're envisioning. I think it's a really good idea, you know, a worthy endeavor, but what exactly do you envision in this relocation assistance? And what if what you propose doesn't satisfy these people, then where are we?

LEG. CRECCA:

If it doesn't satisfy them, you know, then certainly they have their right to seek litigation against the County. But certainly I •• if you have been to that site, I think it would be an easy task for the County to relocate these people to •• I think it would be impossible for them to relocate them into worse conditions. Certainly, I think any housing would be superior to what they have now. It's that bad over there.

There is a motion •• is there anybody else on the motion? There's a motion by myself, seconded by •• I'm sorry, who was the second? I'll make a motion to approve, seconded by Legislator Lindsay. All those in favor. Opposed?

LEG. MYSTAL:

Opposed.

LEG. CRECCA:

List Legislator Fisher and Legislator Mystal as opposed. 1750 is **approved. (VOTE:5•2•0•0)**
(Opposed; Legis. Viloría•Fisher and Mystal)

LEG. VILORIA•FISHER:

What's the vote?

LEG. CRECCA:

It's four to two. Actually, since I didn't call the vote yet, it's five to two.

1751•2004. Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of CR 80, Montauk Highway from CR 46, William Floyd Parkway to Barnes Road, Town of Brookhaven, Suffolk County, New York. (O'LEARY)

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator O'Leary, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? 1751 is **approved. (VOTE:7•0•0•0)**.

1764•2004. Authorizing certain technical correction to adopted Resolution No. 329 •2004. (COUNTY EXEC)

CHAIRMAN ALDEN:

Ben, do you have an explanation on this one, 1764, technical corrections? Legislator O'Leary.

LEG. O'LEARY:

This I believe changes the contractual budget period, it's a technical correction, from April to March •• no, from January to December to April to March.

MS. KNAPP:

The new dates are going to be April 1st of '04 to 3/31/05.

LEG. CRECCA:

What contractual dates are we talking about?

LEG. O'LEARY:

My question to BRO is is this something new or a technical correction? What is the contractual ••

MS. KNAPP:

While BRO is finding it, it was Resolution 329 that was federal pass•through monies for the Juvenile Fire Setters Intervention Program. And I believe there was just an error of the dates of the contract periodic.

LEG. VILORIA•FISHER:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Viloría•Fisher, seconded by Legislator Crecca. All those in favor? Opposed? 1764 is **approved. (VOTE:7•0•0•0)**.

1768•2004. Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for improvements on CR 80, Montauk Highway, vicinity of NYS Rt. 112 to vicinity or CR 101, Sills Road, Phase II at Town of Brookhaven, Suffolk County, New York. (COUNTY EXEC)

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Nowick. All those in favor? Opposed? 1768 is **approved. (VOTE:7•0•0•0).**

1769•2004. Accepting and appropriating 100% additional trade adjustment assistance (TAA) grant funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program. (COUNTY EXEC)

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN ALDEN:

Motion by Legislator Vilorina•Fisher, seconded by Legislator Lindsay. All those in favor? Opposed? 1769 is **approved. (VOTE:7•0•0•0).**

1780•2004. Authorizing the determination of just compensation and securing payment thereof in connection with the acquisition of properties by the State of New York to be acquired for the construction of a westbound off ramp at Interstate Highway 495, Exit 67, Town of Brookhaven, Suffolk County. (COUNTY EXEC)

LEG. O'LEARY:

Motion to approve.

CHAIRMAN ALDEN:

Motion by Legislator O'Leary, seconded by Legislator Crecca. Just as •• an explanation on this, Counsel.

MS. KNAPP:

It looks like, interestingly enough, we're being condemned by the state. And the amount being offered by State DOT is \$145,000.

CHAIRMAN ALDEN:

How much property is that? Can we build affordable housing there? Oh, this is the Town of Brookhaven.

LEG. CRECCA:

There are several •• I understand there are three groundhogs living on the location, and I would ask that we relocate them. No, I'm kidding.

CHAIRMAN ALDEN:

Just so everyone understands, we're approving a settlement with the state on this one that they're giving us some compensation parcels that we own, and they're going to reconstruct 495 on and off ramps. So we have a motion and a second. And all in favor? Opposed? That's unanimously carried. **Approved. (VOTE:7•0•0•0).**

1783•2004. Authorizing the lease of premises at Fishers Island for use by Suffolk County Vector Control. (COUNTY EXEC)

CHAIRMAN ALDEN:

I'm going to make a motion to table. This is incomplete. The disclosure from the owners has not •• we haven't hit with that yet, and I did tell the attorney that was handling it that she didn't have to come down here, because it was incomplete and we really wouldn't be acting on it. So I'm going to make a motion to table, seconded by Legislator Crecca. All those in favor? Opposed? 1783 is **tabled. (VOTE:7•0•0•0).**

1787•2004. Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for the Community Program Center, Inc., Wyandanch Day Care Center, Inc., and Babylon Child Care Center Inc., day care providers under contract with the Department of Social Services. (COUNTY EXEC)

LEG. MYSTAL:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Mystal, seconded by Legislator Vioria•Fisher.

LEG. CRECCA:

On the motion.

CHAIRMAN ALDEN:

On the motion, Legislator Crecca.

LEG. CRECCA:

Wouldn't this constitute a budget amendment or is this actually for living wage expenses?

MR. SPERO:

Well, it is a budget amendment because it's transferring funds from the contingent account to the Department of Social Services.

LEG. CRECCA:

This has to go to Budget.

CHAIRMAN ALDEN:

Legislative Counsel.

MS. KNAPP:

I was actually confused about committee jurisdiction here. And it looks as though all living wage ••

CHAIRMAN ALDEN:

Well, it seems when you guys error on this, you error on the part of putting it into Ways and Means, but go ahead, continue. We only have a 17 page agenda today.

MS. KNAPP:

Living wage is specifically under the jurisdiction of Ways and Means.

CHAIRMAN ALDEN:

So it's a budget amendment, but we have the jurisdiction to do it.

LEG. CRECCA:

I disagree that we have the jurisdiction to do it. I make a motion to commit to the Budget Committee, which is being scheduled on Thursday •• which is scheduled to Thursday. Again, I have no desire to kill the bill, but you're talking about •• the way they titled the bill doesn't sound like they're disbursing funds from one account directly to this agency and that's not •• legally can't be done within the budget. It has to be transferred from one part of budget to the other, from one line to the other. This is a budget amendment, and as such •• you know, even though they titled it differently, it does need to go there.

LEG. VILORIA • FISHER:

I have a question.

CHAIRMAN ALDEN:

Legislator O'Leary, then Legislator Vilorina • Fisher.

LEG. O'LEARY:

My question is if this goes before the full body is this a 14 voter. No.

LEG. MYSTAL:

Ten.

LEG. O'LEARY:

Oh, okay.

LEG. CRECCA:

Just understand, this is not like when we do a budget amendment. This is a County Executive bill I assume, so it doesn't •• it doesn't require the three • fourths vote.

MR. SPERO:

The County Executive can lay a budget amendment on the table at any meeting of the Legislature. All budget amendments, Operating Budget amendments, are now ten votes for initial approval. Capital Budget amendments are 12 votes.

LEG. CRECCA:

But there's no question despite the wording on this that it's a budget amendment. It is. It transfers •• look at the second page, the resolve clause transfers money from an account, which •• what's MCS, is that Labor or miscellaneous?

LEG. VILORIA • FISHER:

This contingency fund is for the purpose of providing a contingency fund, so I don't believe it's changing the budget. I don't believe that it should go to Budget. The living wage issues have always come under the authority of the Ways and Means Committee and that Suffolk County Living Wage Contingency Fund, then it goes to Client Benefit Special Services so that it can go to the child care centers. I don't •• correct me if I'm wrong, Counsel, but I believe the money has always been there for this purpose. So I don't believe we're amending anything, we're just •• what we're doing is fulfilling the contract and also fulfilling the Legislative intent of the Living Wage Bill, which was also to provide subsidies for those agencies that would have hardships if they were to implement the Living Wage Law. And so I •• we're not amending anything, we're not amending the intent of the Legislature in the Living Wage Law, we're not amending the budget. That money is there in contingency for this purpose. We're putting it through Social Services which contracts with those social service agencies who receive this money. Budget Review, am I ••

LEG. CRECCA:

Let's ask Budget Review. Is this a budget amendment or not.

MR. DALY:

Well, it is transferring funds within the budget, I mean, from one account to another, even though the resolution is using the word disburses as opposed to transfers. So obviously the County Executive is •• they aren't included in the contingent account, they are merely allocated for other purposes, redirected, and that's not considered a budget amendment.

LEG. CRECCA:

And by the way, I'm not opposed to the bill.

LEG. VILORIA • FISHER:

I just feel that this was the appropriate venue for it, because it's not •• the way the Living Wage Bill was set up, and maybe we should look at the way it was set up then, Budget Review,

because I have done a lot of work with the child care centers who have hardships because of the Living Wage Bill. And I don't •• I think it's important that Legislators not look at these disbursements as budget amendments or additional monies in any way, that's these contingency funds are there to provide relief for those agencies who in complying with our Living Wage Law are suffering hardships.

And so, I think it has to be very clear that it remain within Ways and Means, because it is through Ways and Means that we are enacting or operating or the process of the Living Wage Law has always been within the Ways and Means Committee. So I think Counsel was correct in putting this, assigning this particular resolution to the Ways and Means Committee. It's a disbursement of funds, but it's through the Department of Social Services that contracts have to be processed to go to all of these agencies. And that's why it has done in this way.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. CRECCA:

There was a motion to ••

LEG. MYSTAL:

Nothing.

CHAIRMAN ALDEN:

There is a to approve, there's a second.

LEG. CRECCA:

Would you consider a motion to commit the bill to Budget and Finance for Thursday?

CHAIRMAN ALDEN:

I'll second it. We'll get an answer.

MS. KNAPP:

Under our rules, the Presiding Officer assigns to committee. Certainly, if the Presiding Officer •

LEG. CRECCA:

We can't recommit it to a committee?

MS. KNAPP:

Recommit it to a different committee?

LEG. CRECCA:

You can table it and ask the Presiding Officer to do that. The full Legislature certainly could recommit it to a different committee.

LEG. CRECCA:

All right. You know what? I'll withdraw my motion, and •• if it's not a proper motion, Counsel. I think we can do, but I don't really want to ••

LEG. VILORIA • FISHER:

Thank you for doing that, because it really would impact on those child care centers. It would hold up the money getting to them.

LEG. CRECCA:

I told you I would approve it on Thursday out of committee. It's a matter of here it should be, and we should not be amending the budget the. Our rules of the Legislature require that any amendment of the budget must go through the Budget and Finance Committee, otherwise it's not eligible for a vote. So I certainly •• you realize that if we don't send this to Budget and Finance, it may not be able to get off the floor at the next meeting. So I think we are making a huge mistake so. But you know what? Go ahead and do it. This is not a game, I'm just trying to do our own rules here.

CHAIRMAN ALDEN:

Ben, you might want to just go back to the County Executive. I believe he can lay on the table at any time •• not lay on the table, but it would be a CN or whatever you would have to bring over.

MR. ZWIRN:

That's correct.

CHAIRMAN ALDEN:

If it was a CN, would it go through Budget?

MR. ZWIRN:

Look, we have nothing to do with where the bills are assigned. The Presiding Officer makes that determination.

CHAIRMAN ALDEN:

No. This is your resolution.

MR. ZWIRN:

But we didn't assign it to any particular committee.

CHAIRMAN ALDEN:

Right. Here's my point. As dual track just to make sure that, you know, we can vote on it or do whatever we've got to do, just so the County Executive's Office is aware of it, you know, you might need to do something different than what is going on here.

MS. KNAPP:

I wonder if I can just clarify with Budget Review. This is not denominated as an amendment of the budget. It's denominated as a disbursement, and it was my understanding that ••

LEG. CRECCA:

It's not a disbursement.

MS. KNAPP:

Well, I mean, it doesn't use language of appropriation. It's my understanding that the contingency account was created for this purpose.

LEG. CRECCA:

But disbursing funds means it's going from the budget •• from a budget line to the outside agency. That's not what this resolution does. It moves money from one place in the budget to another place in the budget. And while you can call it a disbursement, legally it is a budget transfer from one account to the another. You know, it's a dangerous game if you approve this the way it's written. I'm not it had to be rewritten, the bill, but it still needs to go through the

Budget and Finance Committee, because what you are doing is saying they can disperse funds within the budget from one department to the other, which is strictly prohibited under our Charter and Administrative Code without amending.

CHAIRMAN ALDEN:

I think I'm going to go proceed in two tracks here ••• actually, now it's three. The County Executive is aware are it. I'm going move it here, and I'm also going to •• I'll let the Presiding Officer know that he might have it assign this also to Budget later in the week, which he can do. So we have a motion, we have a second. All those in favor? Opposed? 1787 is approved.

LEG. CRECCA:

Abstain.

CHAIRMAN ALDEN:

One abstention on the part of Legislator Crecca. **APPROVED. (VOTE:6•0•1•0) (Abstention; Legis. Crecca)**

1790•2004. Authorizing public hearings pursuant to Article 2of the Eminent Domain Procedure Law of the State of New York in the connection with the acquisition of properties to be acquired for intersection improvements on CR 100, Suffolk Avenue at Brentwood Road/Washington Avenue, Town of Islip, Suffolk County New York. (COUNTY EXEC).

CHAIRMAN ALDEN:

I can just explain this a little bit. We started this a number of years ago, when I represented that district. You have to expand, it's a bottleneck in there. So this is a very good thing to go forward with. So I'm going to make a motion it approve, seconded by Legislator Mystal. All those in favor? Opposed? 1790 is.

APPROVED. (VOTE:7•0•0•0) .

1801•2004. Designating Jewish Baseball Heritage Days in Suffolk County. (PRESIDING OFFICER)

LEG. CRECCA:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Crecca, seconded by Legislator O'Leary. On the motion.

LEG. O'LEARY:

I have question on the motion.

CHAIRMAN ALDEN:

Legislator O'Leary.

LEG. O'LEARY:

I just have one question, and I'll ask this of the sponsor. Why are two days required?

LEG. BINDER:

There are two days.

LEG. O'LEARY:

I know that. But there are two days, it's August 29th and August 30th. My question is why two days?

MR. ZWIRN:

Because there are so many, they had to have two days.

LEG. O'LEARY:

No, I don't think so.

MR. ZWIRN:

Jackie Robinson, Babe Ruth, you didn't know all these guys.

CHAIRMAN ALDEN:

Legislative Counsel.

MS. KNAPP:

The Suffolk Y is actually •• is having a program, Jewish Heritage Baseball Day, and they're

holding the program on August 29th and August 30th.

CHAIRMAN ALDEN:

Adam Sandler is going to do a little song. 1801, we have a motion by Legislator Crecca, seconded by Legislator O'Leary. All those in favor? Opposed? That's **approved. (VOTE:7•0•0•0).**

1802•2004. Promoting integrity of appointments to Boards And Commissions in Suffolk County. (COOPER)

CHAIRMAN ALDEN:

1802, explanation, please. Maybe Legislative Counsel can shed some light on this.

MS. KNAPP:

This is Legislator Cooper's resolution that there be no appointments made by any County wide elected official, any County Legislator or any County employee who has the ability to make an appointment to an individual who has been convicted of a crime, including a felony or misdemeanor period of ten years.

LEG. MYSTAL:

Motion to table.

LEG. CRECCA:

Second.

CHAIRMAN ALDEN:

Motion to table by Legislator Mystal, seconded by Legislator Crecca. On the motion, Legislator Binder.

LEG. BINDER:

So let's say there was an open legislative position, and the Legislature was going to appoint a legislator, would that include that the Legislature can't appoint someone to the Legislature, if that were the case or •• you couldn't do that either?

MS. KNAPP:

Yes. You couldn't do it.

LEG. BINDER:

Can Legislators •• does this include Legislators? So Legislators, can they be elected or just being appointed? Legislators can't if they has a ten year record?

LEG. VILORIA • FISHER:

What kind of question is that.

CHAIRMAN ALDEN:

All those this favor? Opposed? 1802 is **TABLED. (VOTE:7•0•0•0).**

1805•2004. Adopting Local Law No •• 2004, amending Local Law No. 20•2002 to provide accurate and truthful filing responsibility for County election campaign finances. (BINDER)

CHAIRMAN ALDEN:

Jackie, you asked to speak on this.

MS. CAPUTI:

I did before.

CHAIRMAN ALDEN:

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

LEG. BINDER:

Mr. Chairman, can I just have one moment. I know you ••

CHAIRMAN ALDEN:

Mr. Binder, go ahead.

LEG. BINDER:

I passed something out, I'm going to do this also at the full Legislature. You can see, I pulled this off the web yesterday. Two of the members of this committee have been able to

electronically file, but these are all electronic files that exist on the web. This is the public disclosure situation in Suffolk County as of yesterday. Legislature Viloría•Fisher, Legislator Lindsay, they both are on there, County Executive Levy, Legislator Cooper, John (sic) Caracciolo, David Bishop, that's it.

Now that's not for lack of trying, I think, for some Legislators. I know my treasurer has tried •• repeatedly has spoken with Mr. Lutz and can't get a compatability •• we have a major problem, whatever reason, I don't know what the computer program problem is, but they haven't taken the paper information •• now one month later, we still •• the public doesn't have our information posted on the web. This is all the information on the new stuff available. This is disgraceful. And I can •• I can tell you •• I'm not going to go through it, but I have statements from Mr. Lutz saying he was ready, we are ready to do it, ready go. They are not ready to go, they don't have the money, they don't have the staff. They can help my treasurer even get this thing going. They do it over at BOE. BOE should be doing this. And everyone's would be instantaneously on the record.

The people of Suffolk are being denied open access, instant access to this information through this system we've set up. We need to do something about it. I hope we'll pass at the full Legislature on Tuesday as an important reform to campaign finance, open government.

CHAIRMAN ALDEN:

We have a motion to approve, we have a second. All those favor? Opposed?

LEG. MYSTAL:

Opposed.

LEG. VILORIA • FISHER:

Opposed.

CHAIRMAN ALDEN:

Legislator Viloría•Fisher is opposed, Legislator Mystal is opposed. That **approved. (VOTE:5 • 2 • 0 • 0) (Opposed; Legis. Viloría • Fisher and Mystal)**

1806 • 2004. Authorizing certain technical corrections to adopted Resolution No. 256

•2004. (CARPENTER).

CHAIRMAN ALDEN:

Motion to approve by myself, seconded by Legislator Crecca. All those in favor? Opposed?
1806 is **APPROVED. (VOTE:7•0•0•0).**

1809•2004. Approving the reappointment of Lee Eysman as a member of the Suffolk County Electrical Licensing Board. (COUNTY EXEC).

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by Legislator Viloría•Fisher. All those in favor?
Opposed? That's **approved. (VOTE:7•0•0•0).**

1803•2004. To provide taxpayer protection and provide comprehensive and transparent reform oversight of Employee Medical Health Plan. (BINDER)

CHAIRMAN ALDEN:

1803, it was passed out •• this was assigned to this committee by Presiding Office Caracappa.
I apologize for not having it on to the agenda.

LEG. CRECCA:

Motion.

CHAIRMAN ALDEN:

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

LEG. VILORIA•FISHER:

Opposed.

CHAIRMAN ALDEN:

Opposed, list Legislator Viloría•Fisher, Legislator Mystal and Mystal as opposed and Legislator Lindsay as opposed. 1803 is **APPROVED. (VOTE:4•3•0•0) (Opposed; Legis. Viloría•Fisher, Mystal and Lindsay).**

SENSE RESOLUTIONS

S•062. Sense of the Legislature resolution requesting Governor Pataki to approve legislation regulating gift cards. (LINDSAY)

CHAIRMAN ALDEN:

Motion by Legislator Lindsay, seconded by myself. All those in favor? Opposed? Sense 62 **approved. (VOTE:7•0•0•0).**

S•054. Memorializing resolution requesting State of New York to extend to Emergency Tenant Protection Act of 1974 to Suffolk County Senior Citizens. (VILORIA •FISHER)

LEG. VILORIA •FISHER:

Motion to approve.

CHAIRMAN ALDEN:

Motion to approve by Legislator Viloría•Fisher. Is there is a second?

LEG. MYSTAL:

I'll second it.

CHAIRMAN ALDEN:

Seconded by Legislator Mystal. All those this in favor? Opposed?

LEG. CRECCA:

Opposed.

CHAIRMAN ALDEN:

I'm abstaining. So we have opposed •• Legislator Crecca is opposed. Legislator O'Leary, Nowick and Alden abstain. That one **failed. (VOTE:3•1•3•0) (Opposed; Legis. Crecca) (Abstentions; Legis. O'Leary, Nowick and Alden).**

The other ones are just tabled subject to call. I'm going to make a motion for the consent calendar. We have to go back, that won't be on the consent calendar through. Motion to approve for the consent calendar legislation Resolutions Number ••

LEG. CRECCA:

1689, 1690, 1696, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1728 and 1735. Also, the next page, **1745**, and I have **1769** marked also, **1780**, which is on the next page and **1747** and also **1746**. I think that's it.

CHAIRMAN ALDEN:

We have a motion, we have a second. All those in favor? Opposed? Okay. That's **APPROVED. (VOTE:7•0•0•0).**

CHAIRMAN ALDEN:

I don't think we have an Executive Session this time. **1519 is a Local Law creating Geographic Information systems.**

Now, we had conflicting ••

MR. ZWIRN:

The County Executive doesn't want it tabled.

LEG. CRECCA:

He doesn't want it tabled?

MR. ZWIRN:

No.

LEG. VILORIA • FISHER:

Motion to approve.

LEG. CRECCA:

I'll make a motion to table. Not because he just said the County Executive doesn't to table it, there's a question as to whether the GIS •• I know it sounds that way, Ben. I spoke to some members of the Presiding Officer's staff who are looking into this bill, and they believe this should be done by, I think, Information Services. Again, I don't have all the details, but I'll make a motion to at this time.

LEG. NOWICK:

Second.

CHAIRMAN ALDEN:

The motion is to table by Legislator Crecca, seconded by Legislator Nowick. Go ahead.

MR. DALY

Jim Daly from Suffolk County Planning Department, also a member of the GIS Task Force from the Suffolk County Executive's Office. I was here two weeks, and I believe most of you if not all of you received a copy of my comments. Instead of going through the lengthy comments again, I'd just like to reiterate that what we're trying to do here with the committee is to provide leadership for GIS technology in Suffolk County, where none presently exists.

What we're doing is we're wasting a lot of time, we're missing a lot of opportunities, and we're wasting money. We need this committee to provide leadership and a point source to coordinate all this geographical data so that we can start pulling together this data so we can start mapping it out, seeing trends. There are a lot of issues at stake here. We're talking about health issues, crime issues, a lot of social issues. This is a common use tool thread that will be used throughout many of the departments, most departments like DPW, Planning, Health. These departments rely heavily on GIS, however, the efforts and the data are not being tied together. The common thread is not being tied together. We need to tie all this data together so that we don't have to spend weeks and weeks in contacting dozens and dozens of people to try to get the data together so that GIS people can put together the information that you so desperately require to make your informed decision. We're trying to do something here very effective, and I believe the subcommittee is the biggest step in that direction. And if we for this subcommittee, we will be on the right path.

CHAIRMAN ALDEN:

Legislator Mystal.

LEG. MYSTAL:

I think the main objection right now is the fact that you have a committee of boards set up for GIS with seven people on it; four from the County Executive and three from the Legislature. I think the reluctance you're seeing right now on the part of some members is the fact that they

feel that the Legislature should have four and the County Executive should have the three. I'm just giving you, you know, a heads up, you know, politically. I'm telling you what's going on. I think everybody is in agreement of what you doing, I think the problem right now is the question of the way the boards is constructed right now with the four•three, instead of being three•four.

LEG. CRECCA:

Actually, the Information Services •• I don't mean interrupt •• it's two•two; two Legislative, two Executive. That's the way it's •• my understanding is it's the way it's always been.

LEG. MYSTAL:

Four•four.

MR. DALY:

Can I ask what would satisfy the Legislature for the committee •

LEG. CRECCA:

I think you should contact ••

LEG. MYSTAL:

Four•four.

LEG. CRECCA:

•• the P.O.'s Office and discuss it with them, but I probably an even distribution would probably satisfy the Legislature. You know, a four•four.

MR. DALY:

Among the IT appointees?

LEG. CRECCA:

Yeah. Three•three or four•four. But I would tell you to also check with the Chief of Staff or the Presiding Officer himself.

MR. DALY:

Thank you.

CHAIRMAN ALDEN:

We have a motion to table and a second. All those in favor of tabling it?

LEG. MYSTAL:

We probably could call it on the floor next Tuesday if it's resolved.

CHAIRMAN ALDEN:

If it's resolved, we can waive the rules.

LEG. MYSTAL:

We can waive the rules and call it. So I would suggest you come here on Tuesday.

CHAIRMAN ALDEN:

Get going on it, you know, as far as receiving the information and making the contacts, you should do that, you know, like, now basically.

Okay. So we have a Motion to table and a second. All in favor? Opposed? That stands

TABLED. (VOTE:7•0•0•0)

All right. Is there anybody else who wishes to address this committee? Permission to be out of here by Legislator Mystal. Permission granted. We stand adjourned. Thank you.

(* THE MEETING WAS ADJOURNED AT 12:35 P.M. *)

_ _ **DENOTES BEING SPELLED PHONETICALLY**