

**WAYS AND MEANS**

**COMMITTEE**

**of the**

**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Ways and Means 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 Thursday, **February 10, 2005**.

**MEMBERS PRESENT:**

Legislator Peter O'Leary • Chairman

Legislator John Kennedy • Vice•Chairman

Legislator Daniel Losquadro

Legislator Ricardo Montano

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**MEMBER NOT PRESENT:**

Legislator Elie Mystal • Excused Absence

**ALSO IN ATTENDANCE:**

Mea Knapp • Counsel to the Legislature

Jim Spero • Director, Budget Review Office

Charles Gardner • Director of Consumer Affairs

Sandy Sullivan • 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

Frank Tassone • Aide to Majority Leader O'Leary

Pat Zielenski • Real Estate Division

Lynne Bizzarro • County Attorney

Maria Ammirati • Aide to Chairman O'Leary

Robert Dow • Commissioner of Labor.

Richard LaValle • Chief Deputy Commissioner • DPW

Legislator Cameron Alden • Legislative District No. 10

Legislator David Bishop • Legislative District No. 14

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

**(\* THE MEETING WAS CALLED TO ORDER AT 9:39 A.M. \*)**

**CHAIRMAN O'LEARY:**

Good morning, everyone. I'll call the meeting of the Ways and Means Committee to order. We'll start with the meeting with the Pledge of Allegiance led by Legislator Montano.

**SALUTATION**

**CHAIRMAN O'LEARY:**

For the record, Legislator Mystal has an excuse. Don't what it is, but he has it. I think he is sick. Okay. Before we get to the agenda, we do have two cards, public portion. Deputy Commissioner Richard LaValle from the Department of Public Works to speak on 1004, transfer of security guards. Good morning, Rich.

**DEPUTY COMMISSIONER LAVALLE**

Good morning. I'm here to speak on IR 1004, which involves the transfer of two security guards from the County Clerk's Office to the Department of Public Works. Last year, the Legislature transferred the responsibility for oversight of the title examiners from the Riverhead •• at the Riverhead County Center from the County Clerk's Office to the Department of Public Works. In order to provide security for the title examiners within the Clerk's Office, the Clerk had within his budget security guards for that purpose. Since DPW is now responsible for, not only security throughout the County Center Building, but also with respect to the security guards, it makes sense at this time consolidate the security services for the County Center Building.

The transfer of the two security guards will enable us to tighten security within the County Center. Right now, the title examiners actually have the same amount of access in the building as County employees. So far beyond the 7 to 7 that's authorized by the Legislature. They have access passes, which County employees have, which enables them to have access to any entrance in the building 24 hours a day, seven days a week. So it's our intent to take away those access passes, issue new identifications and require that the access to the building by the title examiners will be only at those entrances where we have security personnel for that purpose. So it's important that this legislation pass to enable us to properly handle the security operation within the building. Thank you.

**CHAIRMAN O'LEARY:**

Okay. Any questions before I •• Rich, I have one question. There's •• there was some concern expressed by the County Clerk with respect to this particular resolution, and he is concerned about whether or not there will be replacements to the area, to the subject area, the title examiners' area, for the purposes of security.

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

Absolutely. I mean, one of the problems we have in that particular area is title examiners tend to also access that area through the Surrogate Courts' entrance. And it would be our intent to utilize one of the security guards and that entrance so that basically we would restrict their access to the area to the front entrance where most of the security is now as well as the Surrogate Court entrance. So, yes, there would be security guards as part of that operation, but by consolidating all of the security under one umbrella, we will be able to handle things in a more flexible manner in assigning security guards to various areas within the building.

**CHAIRMAN O'LEARY:**

Because currently right now, and correct me if I'm wrong, there are two security guards that are posted specifically for that specific area between 7:00 a.m. and 7:00 p.m; is that correct?

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

We actually have three security guards for the building. They are on kind of a sliding scale. There are security guards that come in and start at 6 o'clock in the morning and ends towards two, another security guard comes in at 8, works to 4, and third security guard comes in at 12 and works until 7. So basically, we have the building covered from 6 in the morning until 7 at night. And during the major portion of the day when we have the biggest influx of the public as well as County employees, we do have more than one.

**CHAIRMAN O'LEARY:**

But I'm under the impression that the Clerk is concerned about the removal of these personnel from his specific area to the entire building.

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

No. I indicated they will be utilized •• the security guards will be utilized to cover the title examiners' area. That's not going to change. We're going to have now instead of three, we're going to have five security guards.

**CHAIRMAN O'LEARY:**

And two will remain?

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

Two will be assigned for the most part to that area, yes.

**CHAIRMAN O'LEARY:**

For the most part, what does that mean, for the most part?

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

Well, if we have a vacations and what have you, it depends upon what security guards are available on any one day.

**CHAIRMAN O'LEARY:**

I understand that. But right now I'm under the impression that there are two that are there

from 7 a.m. to 7 p.m., and they don't go to the other parts of the building.

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

Well, basically, most of the security guards are either at the front entrance or they're in the title examiners' area. That's the two main areas.

**CHAIRMAN O'LEARY:**

So this is not going to change?

**DEPUTY COMMISSIONER LAVALLE**

No.

**LEG. KENNEDY:**

Mr. Chairman.

**CHAIRMAN O'LEARY:**

Yes.

**LEG. KENNEDY:**

If I can add a little bit to the dialog here. The Clerk shared some of the concerns he had with this bill also, and, you know, having just been there, I can speak directly to what the role of those two security guards were, which was exclusively to go ahead and to do supervision in the public access area where there is a tremendous amount of foot traffic that comes in each day in the title examiners' area. There's also other duties that those security guards were involved in as well. On average, the Clerk's Office is depositing in excess of \$2 million a day for bank runs and bank deposits. There are a number of concerns that the Clerk had expressed in that there was no real dialog with the office, I guess, prior to submission of this resolution. And he just expressed concerns about the safety and security of the personnel and the equipment as well. So that's part of the conversation that I recently had.

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

And that shouldn't change.

**LEG. KENNEDY:**

Well, I don't know that that ••

**CHIEF DEPUTY COMMISSIONER LAVALLE:**

Don't forget, the Clerk has three security guards •• three security positions in his budget. We're only asking for two.

**CHAIRMAN O'LEARY:**

Is there a representative from the County Clerk's Office here? No? Okay.

**LEG. KENNEDY:**

He had indicated that he could be available if it was necessary, but I don't know that he is here at this point.

**CHAIRMAN O'LEARY:**

Any other questions of Deputy Commissioner LaValle? Thanks, Rich. Mr. Dennis Earley. State your name for the record, sir. And you're here regarding a redemption, 215 redemption, four parcels, I believe it is, correct?

**MR. EARLEY:**

That is correct, sir. My name is Dennis Earley. I'm representing my wife right now due to her being bedridden at this time. This is an attempt to redeem the four pieces of property in resolutions 1058, 1059, 1060 and 1061.

I'd like to take this opportunity to thank the Legislature for hearing my wife's case. My wife went through a very rough period in her life where priorities were not in the right places due to major depression becoming dependent on numerous anti depression drugs. These problems made us unable to meet the financial obligation to keep the properties that we are seeking to redeem. We have worked hard to acquire the land and pay the taxes for many years prior to this incident. In good faith, we have paid all the back taxes and penalties.

I know there were a lot of wrong decisions made on these pieces of land, but we would like them

returned so we can seek to get some equity out of our property. I originally bought the property about 12 years ago to erect a building that we were going to start a new business in, and the building was too big for the site, so the town wouldn't let it pass. So I had to get another piece of property. We've been paying taxes on the property for years and years. And thanks to a problem with my wife's health, we couldn't afford the taxes for a few years. And now that we have somebody interested in buying the property to put up a 9/11 memorial and to regain some of our money that we have into the piece of land, we would ask the Legislature's committee to give us the property back.

**CHAIRMAN O'LEARY:**

Thank you, sir. Could you for the purposes of just clarification identify the location of these properties for the committee?

**MR. EARLEY:**

The properties are on Deer Park Avenue just north of Southern State Parkway on the northwest side. It's adjacent to August Road. It's basically right on Deer Park Avenue.

**CHAIRMAN O'LEARY:**

And the four parcels in totality is how much, how much as far as acreage?

**MR. EARLEY:**

The parcels are about 60 deep, and they run about 290 feet long, 290 feet along Deer Park Avenue.

**CHAIRMAN O'LEARY:**

Okay. Any questions? Thank you very much, Mr. Early.

**MR. EARLEY:**

Thank you, sir.

## **PUBLIC HEARINGS**

**CHAIRMAN O'LEARY:**

We have two public hearings today. Is there anyone to speak on **2222, a Local Law to authorize conveyance of development rights to Starlight Properties (O'LEARY)?** I make a motion to close the hearing, seconded by Legislator Losquadro. On the question of the motion to close, all in favor? Opposed? Abstain? **CLOSED. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**CHAIRMAN O'LEARY:**

**1040, a Charter Law amending the Suffolk County Charter to require the adoption of a Reapportionment Plan in a timely manner. (MONTANO).**

Is there anyone hear to speak on this resolution? Hearing none, Legislator Montano?

**LEG. MONTANO:**

I would request to adjourn this to 15th •• recess to the 15th to the General Meeting.

**CHAIRMAN O'LEARY:**

There's a motion by Legislator Montano, seconded by myself to recess 1040 to 2/15 of the General Meeting. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 1040 is **RECESSED** to the 2/15 General Meeting. **(VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**LEG. ALDEN:**

Mr. Chairman.

**CHAIRMAN O'LEARY:**

Legislator Alden.

**LEG. ALDEN:**

Good morning. Actually, I was just going to suggest that for the record, put a statement by the Clerk's Office that they have published the required •• or they've made the required ••

**CHAIRMAN O'LEARY:**

Notifications?

**LEG. ALDEN:**

Publications. If they have those.

**CHAIRMAN O'LEARY:**

Deputy Clerk, have all the notifications been made with respect to the public hearings, affidavits?

**MS. SULLIVAN:**

Affidavits of publication are in order.

**CHAIRMAN O'LEARY:**

Thank you very much. And thank you former chair, Legislator Alden, for reminding me of that necessity to perform. On the agenda we have a discussion/presentation by the Commissioner of Labor, Robert Dow, who is here today. Would you, please, come up, sir. I have asked Commissioner Dow to appear before us regarding a revenue shortfall via grants, I believe it is, and the proposed action plan that the Department of Labor will be taken with respect to this particular matter. Good morning, Commissioner Dow.

**COMMISSIONER DOW:**

Good morning, chairman, good morning, Honorable Legislators. My name is Robert W. Dow, Junior, Commissioner of Suffolk County Department of Labor. I'm here today, again, as the Chairman mentioned to •• regarding the Labor Department funding shortfall and our action plan to compensate for that. I thought it would be beneficial for some of the new Legislators to briefly go over an overview of the Department of Labor, if I may, Mr. Chairman.

**CHAIRMAN O'LEARY:**

Certainly.

**COMMISSIONER DOW:**

Basically, in 1963, the Board of Supervisors started the Department of Labor, and there was a need for labor mediation in the County and to make sure that economically that labor problems be addressed in a very comprehensive manner and resolved as soon as possible. It continued on to be •• several years later, a Suffolk County Public Relations Employees Board, which we also operate. We also operate the labor statistics that we dissect from the Bureau of Labor Statistics and disseminate that information, give it out to the County and people that are interested in the labor statistics and unemployment rates.

Continuing, we also operate two one•stop centers, one being in Hauppauge across the street, and the other one being in Riverhead. These one•stop centers are part of the Workforce Investment Act and are controlled by the local Workforce Investment Board. And these centers operate to provide employment and training for the residents of Suffolk County. Along with that, we operate the SWEP Program, which is our Suffolk Works Employment Program, it's in a direct contract with Suffolk County Department of Social Services to provide public assistance participants work experience. Along with that, we also administer the Living Wage Law. And what I would like to do also •• we also have the Displaced Homemakers, which is another unit we also administer through the Department of Labor.

On a yearly basis we do a cost benefit analysis, and I've provided the most recent one. I'd like to just pass this up to you, if a may. And these cost benefit analysis are for every dollar spent by the Department of Labor, there's a return of \$6.79 through our Department of Labor Employment and Training Programs and also through our SWEP Program.

Today, what I'd like to do is to give the committee a more in depth analysis. To my right is Pete Crisano, who is our Director of Grant Development and Program Compliance, and Pete is very well versed with the funding streams and how the money from the Federal Government through the State Government gets down to the Suffolk County Department of Labor, and in particular with the Workforce Investment Act. So if I may, I'd like to have Pete Crisano give you an overview of that.

**MR. CRISANO:**

Thank you, Commissioner. Good morning, everyone. Suffolk County Department of Labor receives money through the Workforce Investment Act. Now traditionally, the way the funds are distributed are the Workforce Investment Act has money appropriated by Congress, Congress then distributes to the state and the territories based on a formula. The Governor then has a substate formula in which he distributes in the State of New York to 33 different local Workforce Investment areas. Suffolk County is one of those Workforce Investment areas.

Now there have been several types of pressure on these funds, and the funds have been decreasing over the past four or five years. The first pressure, obviously, is at the federal level. The federal budget obviously does not contain the amount of money necessary to keep this program level funded for the past three or four years. The funding has been reduced. The second pressure you have is at the state level. The state is allowed to take 15% of our money off the top, Workforce Investment Act money, and set aside for statewide activities. Ordinarily some of that 15% money is made available to the local areas in the form of supplemental and discretionary funding. This is money that we have to compete for, we have to meet certain benchmarks and certain targets.

Suffolk County has been always at the forefront of receiving this additional money. We plan to

receive it, we expect to receive it. Unfortunately, over the past two to three years, this 15% set aside money at the state level has been directed towards different activities. The money has been decreased according to the needs of the state. And unfortunately for us, the needs of the state don't always coincide with the needs of our customers and the people here in Suffolk County.

So to give you just a timeline on this, between '03 to '05, in PY '03, which 7/1/02 to 6/30/03, we received more than \$9 million, 6 million of that was formula funds by that substate formula, but almost 2.8 million was supplemental and discretionary funding. In the following year, the current year, in PY '04, we received 6.5 million in formula funds, which is a slight increase, but a decrease in supplemental and discretionary funding to 1.2 million, so a loss of almost \$1.6 million in extra money that we wanted to take here to serve the people of Suffolk.

Unfortunately, the '05 budget, which begins •• or our Program Year '05, which begins 7/1/05 contains no 15% set aside for supplemental. It also indicates that we might get a slight decrease in formula money. So that is the trend that we've been experiencing. The formula money at the federal level is not kept •• at to the level for level funding. And secondly, the money at the state level is not being made available for us to compete. We one of only nine •• nine of 33 areas that actually received supplemental money this year because of our high level of performance. We serve the people we were supposed to serve, we spent the money the way we were supposed to spend it. Unfortunately, we need to take action now, because the future predicts even a lower level of formula funding and still a lack of this extra supplemental funding.

We are also under pressure from the SWEP side, Suffolk Works Employment Program, which is a program we operate under contract with our Suffolk County Department of Social Services. In 1996, New York State received this huge block grant for welfare programs. And as people left the rolls, the block grant continued because TANF was never reauthorized at the federal level, so the block grant kept coming to New York State at the same level it did in 1996 when welfare rolls

were huge. Welfare rolls are much smaller now. What happened with the excess money is they created a lot of different programs; one called New York Works, one called Job Placement and Retention, one called Built on Pride, which was an apprenticeship program with the unions.

Those programs were all funded with excess TANF money. They came down to Suffolk County because again, we competed for them, we operated with Social Services to bring that extra money down here. That money is no longer available, all the excess TANF programs have totally disappeared. So this is the kind of funding pressures that we've been under, and this brings us to the point where we are today where we need to do corrective action today to forestall anything that negative that might happen in the future. Today, we sit •• as we sit here, we're okay, but we need to take action today to protect ourselves for the future, to continue the high level of services with a lot less money. It's the old do more with a lot less.

**CHAIRMAN O'LEARY:**

Is it safe to assume that the 15% monies that you refer to will not be forthcoming in future years?

**MR. CRISANO:**

It is not •• it's difficult to tell in the Governor's budget, because the Governor doesn't say that 15% set aside will be given out to the locals. But when you look at the initiatives in the Governor's budget, right now there's something called SPUR, Special Program for Upstate Resurgence. And that's supposed to be \$100 million program that will be invested Upstate to help them deal with their economic downturn. The state has no revenue enhancements, they are in a deficit. So some of the money they've got there is this 15% set aside, and it would be perfectly legal for them to direct Workforce Investment Act funds Upstate to economies that are in much worse shape than we are. The fact that we've done very well economically, for our type of business, is bad because we don't get the money. The money goes to areas that are much

more depressed than we are.

**CHAIRMAN O'LEARY:**

At what point, sir, did you realize that these weren't going to be forthcoming? Is it just a recent phenomena, or did you have some indication early on prior to the adoption of our budget?

**MR. CRISANO:**

We've been planning on a reduction in the formula funds and a slight reduction in 15% set aside. So we've been •• we've planned for this back from last year, we've had that incorporated in our budget. What we didn't expect was the complete disappearance, number one, of the 15% set aside, which is in the Governor's budget for our Program Year 7/1/05 going forward. We also did not expect the kind of federal pressures in the next federal budget that calls for consolidation, reduction and in deed an across the board recission in discretionary programs, which is where we're funded. These are all things that have happened just in the past couple of months as the Governor's budget went forward as the President just presented the federal budget. These are things we need to react to now.

**CHAIRMAN O'LEARY:**

Okay. And with this understanding at least this has come to our attention, specifically my attention, of the •• the dilemma that the department finds itself in with respect to addressing these shortfalls. And I believe that there have been meetings between our BRO and your department for purposes of addressing this concern and problem that has come up, an action plan if you will. I have a letter here from our Director of Budget Review that indicates just that. Are you prepared to discuss the action plan that will be put in place?

**COMMISSIONER DOW:**

Yes, we are. And if I may, Mr. Chairman, I'd like to introduce Margaret Bermel our Director of Finance, and she will go over the highlights of the corrective action plan as it sits now.

**CHAIRMAN O'LEARY:**

Okay.

**MS. BERMEL:**

Good morning, Mr. Chair, Mr. Vice•Chair, Members and Counsel, Margaret Bermel, Suffolk County Department of Labor. I think as Mr. Crisano had referenced, the problem isn't today, the problem is a year from today. But if we don't take action today, the problem will be a crisis a year from today. We became aware in December that we would not receive the supplemental and discretionary funds from New York State.

Although in recent years, the trends in reallocations and supplemental and discretionary funding has been flat or decreasing slightly. Also on the SWEP side of our programs, which is funded in the General Fund in the County budget, there has been a zero percent increase in that budget. We have also, as everyone else has been, squeezed by the 13.9% retirement rate, also the 12% increase in the health insurance rate.

So we have increased cost and we have decreasing revenues.

The problem was •• really came to the forefront when we were advised by the state that we would no longer received supplemental and discretionary funding in the future. So that is why in the past six to eight weeks we have been meeting with the Budget Office and the Budget Review

Office staff to assess the situation and to formulate a corrective action plan. We anticipate at this point in time that we are looking at a shortfall of \$2.3 million. We have •• we have formulated an action plan that entails ••

**CHAIRMAN O'LEARY:**

Excuse me a second. That shortfall of 2.3 is in '05 or it's a projected shortfall going forward?

**MS. BERMEL:**

Going forward.

**CHAIRMAN O'LEARY:**

So we're talking about '06?

**MS. BERMEL:**

Right. Actually, what we need to do is make expenditure reductions now so that we won't •• so that we can ameliorate the problem going into '06. It's really a two year reduction plan. The reduction plan includes estimated savings from staff attrition, a minimum of seven retirements, five transfers throughout the department, seven resignations. This is the minimum level that we're looking at. To date, we have received three announcements of retirements and one transfer to another department. In accordance with Budget Review's requests and the Budget Office requests, we have submitted a list of generic titles to the Budget Office, titles that could be transferred to other departments.

**CHAIRMAN O'LEARY:**

Can I interrupt for just a second?

**MS. BERMEL:**

Sure.

**CHAIRMAN O'LEARY:**

With respect to the reduction of employees in the Department of Labor, that's an assumption made with respect to retirements, correct?

**MS. BERMEL:**

Yes. Correct.

**CHAIRMAN O'LEARY:**

Okay. But as part of the action plan, it also assumes a total of seven employees will resign.

**MS. BERMEL:**

Yes, that's correct.

**CHAIRMAN O'LEARY:**

Is another word for that termination?

**MS. BERMEL:**

No. No.

**CHAIRMAN O'LEARY:**

Well, can you explain that? How are they going to resign and ••

**MS. BERMEL:**

Well, it's based on past history, looking at the department's history in terms of some of the newer staff resigning to move to other locations or to take jobs in the private sector. So we're not talking about terminations, we're talking about ••

**CHAIRMAN O'LEARY:**

You're talking about past experience?

**MS. BERMEL:**

Past experience, yes, sir.

**CHAIRMAN O'LEARY:**

That employees do, in fact, resign to take other jobs?

**MS. BERMEL:**

Yes.

**CHAIRMAN O'LEARY:**

So these are all assumptions though?

**MS. BERMEL:**

These are assumptions. But we're also taking a proactive stance in other future actions. But this was the basis initially that we were making these assumptions based on historical trends.

**CHAIRMAN O'LEARY:**

Thank you for clarifying that.

**MS. BERMEL:**

Sure. Current actions that we have taken, we have reduced our night hours. We were eliminating the night shift, which will result in a savings of the 9% differential, and the reason for that was that we have found that the night shift •• the analysis that we had conducted, the customer usage did not support any longer keeping the employment center open until 8 p.m. at night. The center is now open until 5:00 p.m. That will result in a savings of approximately \$18,000 annually, and it will also allow us to redeploy staff to other areas during the daytime hours where their services will be better utilized. We have also ••

**CHAIRMAN O'LEARY:**

Would you mind if the members of the committee ask questions on points you've raised during your presentation?

**MS. BERMEL:**

Not at all.

**CHAIRMAN O'LEARY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

I just have a question about that analysis with the one•stop and the basis on which you made the decision. I'm curious as to what kind of traffic you were actually getting in those •• I guess, you would look at, what, 5:00 p.m. to 8:00 p.m., is that when the differential kicks in?

**MS. BERMEL:**

Yes.

**LEG. KENNEDY:**

Nine to five day, you're paying straight wage. So, in other words, what's happening is you have three hours where you have to have personnel who are being paid overtime?

**MS. BERMEL:**

No, I'm sorry, it's not overtime. It's a 9% differential of top of their regular salary, because more than 50% of their time is in the later hours.

**LEG. KENNEDY:**

Outside of the traditional.

**MS. BERMEL:**

Outside the traditional work hours.

**LEG. KENNEDY:**

What would be your average, let's say, in an evening or week perhaps, maybe it would be better look at it? You ran the center each evening, Monday to Friday?

**MS. BERMEL:**

Yes.

**MR. CRISANO:**

We have some information on it. We are required by law to keep an active count of the traffic through the one-stop center. We have a swipe card system. Each person who is registered there is issued a swipe card, and they swipe in every time they enter the center. So rather than individual counts, individual people, we count swipe cards. We had last year, 48,000 swipes into the center, 5000 of those occurred after 5:00 p.m. Now that does not mean that a person wasn't there at 2 o'clock, left, went out to have dinner, came back and swiped back in again. Also, the intent of keeping the center open in the evening was to deal with people who are currently employed and would like to use the resources of the center to upgrade their resume or something like that.

When we found out, we did also analysis of those who swiped in after five o'clock. More than half of them were unemployed. They should have been there during the day. So the traffic at night of 48,000 swipes, it comes down to 1200 swipes that were made after five o'clock by people would we could have conceivably said were employed. We can't be absolutely sure about that because their situation may have changed. So the utilization of the night for the 9% differential certainly wasn't cost effective. But even more importantly, we had hundreds of people in the center from nine o'clock to 12 o'clock. This night shift wasn't there to serve them. We don't have enough staff to serve all the people coming in to meet the high demands. So this is not only to eliminate of waste of the 9%, but also to put the staff resources where the customers are, which is during the middle of the day.

**LEG. KENNEDY:**

I understand. But if you are looking at 48,000 in a year that are utilizing the center all told, you have 1200 who you can determine are not employed, that leaves you 3800 who may be underemployed. Do you have •• well, perhaps you will tell us, you are contemplating some other method to go ahead and try and provide them with some service, or you're just deciding at this point that that's no longer a population that you can go ahead and serve?

**MR. CRISANO:**

Well, for people who are underemployed, there will be services. There are always services available. They will be available via the internet, we also have online training that we're looking into. So we will reach, hopefully, these people electronically. There also are other services. But with the reduction in funding and the need to serve the core of our people, which would be the unemployed job seeker plus the employer, those are our two prime goals, it is very clear that with scarce resources you need to make those choices. And we need to direct these resources towards the people who need the most help, and that would be the unemployed.

**LEG. KENNEDY:**

Okay. Thank you[.|. |.]

**MS. BERMEL:**

In anticipation of future funding losses, potential funding losses, during 2004, we had reduced our total staff count by 20 positions. So we have not been •• other current actions that we have not been implementing; we have been not been backfilling positions, we are not hiring, we have

currently a hiring freeze in effect, we are not promoting, we are not authorizing overtime other than emergency-type overtime, but essentially no overtime, we are restricting travel to mandatory training conferences only, we are reducing our supply expenses, we are eliminating building service requests, we are eliminating all purchases for furniture, equipment and technology purchases. We have •• in addition to three vehicles which were eliminated by the budget process during this past year, for 2005, three vehicles were eliminated in the 2005 budget.

In addition to that, we have since eliminated nine vehicles for a total savings of \$82,000. So this is an another area of savings. And we are currently also conducting a utilization review of our vehicle usage to determine if we could eliminate other vehicles and possibly institute instead the mileage reimbursement for our employees. We are looking at all copier machines that we currently have to determine if we could eliminate some of the leases with the copier machines. We are looking at all •• essentially costs within the department to determine what can be eliminated. We have •• we continue to work with the Budget Office and Budget Review Office. And it is our understanding that today, by the end of today, a phase one omnibus bill will be laid on the table, which would enable the department to transfer titles to other departments within the County. So that is our understanding, that this phase one bill will be forthcoming today at some point. And that is the current status of our action plan.

**CHAIRMAN O'LEARY:**

All right. I want to point out •• do you have a copy of our BRO's report?

**MS. BERMEL:**

Yes, I do.

**CHAIRMAN O'LEARY:**

To the Legislature? I want to refer you to the next to last paragraph where it says based on their analysis, in an effort to reduce the service delivery contracts, the shortfall anticipated in '05 of 2.6 to \$3 million would require a personnel reduction of 45 to 53 employees. You want to address that, please? Assuming they're off the payroll by April 1st. Now, I don't know how you're going to come to that, that's only two months away. Do you anticipate reducing the personnel in Labor by that amount this year?

**MS. BERMEL:**

We have had a series of meetings with Budget Review and Budget Office staff. We believe that when we met back in January, that the shortfall was around the \$2.6 million number that is referenced in the Budget Review report. The number 45 to 53 employees, I believe that would be the optimal number, but I think that if we were to eliminate 20 to 25 positions by that date or shortly thereafter, obviously sooner is better than later because then you would achieve the savings throughout the year, but if we were to have a reduction of 20 to 25 by that date, that would help us we would to be on the right path. As I said, we're looking at this over a two year period. To anticipate all the savings happening immediately, while that would be ideal, it's not really practical. So that the savings would be phased in over the year and then the savings would accrue to 2006 also, so that it would be •• by the time we receive our next allocation in July 1st of 2006, that is that is the point we are looking to reach.

At this point in time, if we continued our current rate of expenditure, we would •• our funds would be seriously compromised by next March. With the reductions in place, we are looking to reach 18 months. So with the reduction •• although I don't really like to be in a position of disagreeing with Budget Review's number, and I'm not actually disagreeing with Budget Review's number, I'm saying •• and as Lance, I think, has pointed out previously, we can't over save here. But I think that sitting here in February •• in February and saying that we're going to have a reduction of 50 by April 1st, I don't believe that's feasible. But if we can achieve half of that number, it will put us on right path, and then if we have additional retirements during the year,

that will definitely move us in right direction.

**CHAIRMAN O'LEARY:**

Okay. Then if I can understand that statement correctly, notwithstanding the assumptions made in the action plan of seven resignations and seven retirements other and above that, you're talking about layoffs.

**MS. BERMEL:**

We don't •• we are not talking about layoffs at this point in time.

**CHAIRMAN O'LEARY:**

Well, how do you get to that number of 20 or 25?

**MS. BERMEL:**

That would be addressed in the phase one omnibus that will be laid on the table, I believe, at some point today.

**CHAIRMAN O'LEARY:**

Okay. All right.

**LEG. ALDEN:**

I understand there is a filing deadline.

**CHAIRMAN O'LEARY:**

Filing deadline is for Tuesday at 1 o'clock, last Tuesday at 1 o'clock.

So then is it your statement •• is it your statement then that based on the proposed omnibus that there will be no layoffs of Department of Labor employees over and above the assumptions that •• which are not layoffs •• the assumptions made of resignations and retirements? We anticipate that there will not be layoffs. We are hopeful that there will not be layoffs. To sit here and state unequivocally that there will not be layoffs, I don't have that ability. It depends on how many people retire, how many people are transferred to other departments. We are doing everything in our power to avoid layoffs.

**CHAIRMAN O'LEARY:**

I'm sure that's appreciated by the employees in the department. But notwithstanding, as I said before, with the action plan that you have here before us, the assumptions made, if that doesn't come to a realization of fact, then you're going to have to address that possibility, correct?

**MR. CHIUSANO:**

May I make this statement? Just •• what we're looking to do, we would like to •• the County Executive's Office is looking to or expecting to lay a phase one omnibus resolution on to address ••

**CHAIRMAN O'LEARY:**

Has that been filed, sir.

**MR. CHIUSANO:**

No, it has not. We're looking to •• we're expecting to have it over here by the end of the day. What we've been doing with the Labor Department and going through their various staff, and we've been looking through the various other County departments that are in need of resources, and we're looking to see where there are appropriate fits between what labor staff is available and what staffing needs are required in other departments. So we have been looking at several different programs. We're still fine tuning the resolution. But we are looking to file a late starter by the end of today to address a portion of the issue.

Clearly, Labor Department has a problem, and the problem seems to be approximately \$2.3 million. However, one of the issues the way the Labor Department funds itself is the fact that they operate on what's called carry out. So it's like a fund balance and it carries into the next year. So if they don't have sufficient carry out, they don't have enough to fund the first six months of the following year. The actions that are required need to be addressed now simply because that if they're not, they won't have sufficient carry out to operate the program on a continuing basis, the WIA Program. So by addressing it now, if you can save point approximately \$2.3 million in this year, the savings next year would sort of compound.

However, if you don't address the issue this year, then the problem would also compound in 2006. So, you know, just to address the BRO memo, we don't not believe that that's the problem this year, but if you were do nothing going forward, that would be the problem for 2006. So by taking action now, you are averting a more •• a larger problem basically in 2006.

**LEG. ALDEN:**

Mr. Chairman.

**MR. CHIUSANO:**

So if we get somewhere between 25 and maybe 30 people off the payroll this year, it will avert a major problem in 2006 is the bottom line, I think.

**CHAIRMAN O'LEARY:**

Okay. I want to refer you to the BRO report, the second item, the transfer of five employees to other County departments with funded vacancies, from the Executive's Budget Office, are you aware of that?

**MR. CHIUSANO:**

Yes, sir.

**CHAIRMAN O'LEARY:**

It's anticipated that employees will be transferred to other County departments?

**MR. CHIUSANO:**

Right. It's just part of a plan that we were assuming that where possible we would try to facilitate transfers to other departments.

**CHAIRMAN O'LEARY:**

My question to you then, sir, is there any possibility that monies from the 477 Fund will be used to facilitate these transfers?

**MR. CHIUSANO:**

Well, part of what we're looking to do, I'm not sure with those five transfers in particular, but some of the omnibus might also address some of the needs of the water quality •• Water Quality Protection Program.

**CHAIRMAN O'LEARY:**

Okay. I don't know if I understand that answer.

**MR. CHIUSANO:**

Well, we're working on an omnibus, and part of the transfers could be to certain components of the Water Quality Protection Program.

**CHAIRMAN O'LEARY:**

And if these individuals are transferred to such areas as is deemed to be under the auspices of Water Quality, their salaries will be paid out of the 477 Fund?

**MR. CHIUSANO:**

That's correct.

**CHAIRMAN O'LEARY:**

Thank you. Legislator Alden.

**LEG. ALDEN:**

I'm not on this committee, but I appreciate you actually giving me the opportunity to address a couple of things that I find very troubling. We heard testimony that we knew about this problem in December, yet you didn't make the filing deadline for this go around, so this is going to put this off another month. So we're not actually going to be taking this up until some time in March because you couldn't make the filing deadline. And I find that very troubling when you knew about a problem in December.

**MR. CHIUSANO:**

We are looking to have it laid on the table as a late starter.

**LEG. ALDEN:**

No. That's against our rules actually. And you know what? You knew about the •• these deadlines are not just something that come out of thin air, you knew about them all year long. They're published, our meeting dates are published, which actually gives you notice that these are the dates you have to have these filings in. It creates inordinate burden upon our staff when you come over with all kinds of documents and everything else that you want us to basically waive our rules and allow you to lay things on the table. So I take great exception to that. And if this is the major problem that Budget Review has made it out to be and also the Commissioner and the Deputy and a couple of other people have made it out to be, there should have been an action plan brought over here a long time ago.

Now, that action plan, if it includes taking money out of the 477 account to save jobs for the

Department of Labor, I think that's far fetched, just, you know, an initial impression on my part. So I would suggest that before you even bring over that action plan that you go and look at some other funding sources, because I don't think the 477 raid is going to be very well received •• received by this body. And I also really would like you to take back that there are filing deadlines. And there are some people over there that were very much a stickler for filing deadlines when they were over on a different side. So I think that message should go back loud and clear, that don't put the burden on us because you guys can't get your plans together and you get do your typing or whatever else there is. Don't put the burden on us and then start pointing the finger at us that we're not taking action in a proper time frame. I take exception to that also.

**CHAIRMAN O'LEARY:**

I think we digressed a bit, and I apologize for disrupting your presentation with respect to the financial situation in the Department of Labor. Do you have anything further else to report to us?

**MS. BERMEL:**

No, I don't, sir. Thank you.

**MR. CRISANO:**

Mr. Chairman, if I could just make a clarification on •• the BRO talks about what the saving would be, 40 to 50 staff, and that would probably be true going if all the savings were going to be accomplished through staff reductions. But we've done some things internally, moving of money away from expensive vendor contracts, into doing some in•house training. So we've done a lot internally, that's why the numbers don't seem to line up. In one case it might be 50, in another case it might be 25, regardless of where the 25 comes from.

**CHAIRMAN O'LEARY:**

But my point is that regardless of how much of the action plan is implemented, you are still talking about the distinct possibility of layoffs, 20 to 25. I mean, that's what we're talking about here, are we not? Despite all your efforts to try to address the shortfall, if the entire action plan is put into effect, are we still talking about the possibility of there being layoffs for the Department of Labor?

**MR. CRISANO:**

I do not believe so if the entire action plan is put into effect, but again, as we see there are some concerns about the way the action plan is being presented. But there are ways to save the jobs by transferring people to jobs that are open in County right now to departments that have been before this body asking for help. And if you need five clerk typists somewhere in the County, we have five clerk typists that we'd like to reduce our staff, those five should be placed in County jobs. I mean, there's no reason for anyone to lose their job on this, and that is really the approach we are taking. Anything we do here is to avoid layoffs at probably any cost, I'm not saying any cost, but if you want an absolute guarantee, no. But my feeling is we institute a reasonable corrective action plan, and the funding goes as we project it to go, that we can avoid laying off any County employee. I think just to comment also, I mean, County-wide there are a number of departments that could utilize more resources, and I mean, we are continuing to look at the various County departments that are in need of resources ••

**CHAIRMAN O'LEARY:**

Authorized departments.

**MR. CHIUSANO:**

•• and whatever we could do to ••

**CHAIRMAN O'LEARY:**

Sir.

**MR. CHIUSANO:**

What's that?

**CHAIRMAN O'LEARY:**

Authorized departments.

**LEG. ALDEN:**

Not phantom departments.

**CHAIRMAN O'LEARY:**

Yeah, real departments.

**MR. CHIUSANO:**

They're all in the Charter if that's what you're asking; DPW, parks, there's a number of ••

**CHAIRMAN O'LEARY:**

I'm happy to hear that.

**MR. CHIUSANO:**

There's a number of departments that are really in need of resources to perform functions that are required or to enhance functions that are needed. Clearly, there is some overlap, and we have, you know, committed to looking at the various options. As far as layoffs, I mean, clearly, we're trying to avoid layoffs at all costs. If we can work together, I mean, clearly, I think there's reasonable •• reasonable programs out there that should be able to accommodate a lot of the labor staff. We're looking for 25 people to be moved to other departments overall or resign or retire and stuff. But, you know, we're trying to set up an Omnibus so that we can at least initiate or start the savings as early as possibly.

Clearly there's a full attrition policy in place in the Labor Department at this point in time, which makes it hard for Labor to operate because they have to manage without new staff or without, you know, promotions to other positions, higher positions. So there is some burden on Labor at this point, but we're trying to do everything possible to assure that there is no layoffs or there's no burden to the General Fund where possible unless there's a function that needs to have additional staff that can accommodate some of Labor's people.

**CHAIRMAN O'LEARY:**

I'm very comforted knowing that there's going to be an effort on the part of all parties to assure that the employees that might face layoffs will be transferred to various departments throughout the County, funded positions, but the question I have to BRO, would it be an inappropriate expenditure to include monies from the 477 Fund for payroll purposes?

**MR. REINHEIMER:**

No. Currently, there are 13 vacant positions in the 477 Fund, some of them are Labor, some of those are titles that could be filled with a minor change or perhaps •• I'm not sure how Civil service would handle it, but there are titles that people from the Labor Department could fill in 477 that are currently vacant.

**CHAIRMAN O'LEARY:**

All right. So that would be an appropriate expenditure?

**MR. REINHEIMER:**

In a general term, yes. There are vacancies in 477, those vacancies are in Parks and Public Works, and for instance, there's a couple of laborers, clerk typist, those are generic positions that could be filled by somebody that's currently in the Labor Department.

**CHAIRMAN O'LEARY:**

Okay. Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

You talked about 25 positions. There's been talk of maybe upwards of 50 or 53 in the BRO, just frame for me, if you will, what is the total of employees in the department right now?

**MS. BERMEL:**

Two hundred and thirty two, 232 filled positions.

**LEG. KENNEDY:**

Right. So on the low end, you're talking about a 10% reduction. If it was to go to BRO, you could be upwards of almost a 20% reduction of overall staff.

**MS. BERMEL:**

Correct.

**LEG. KENNEDY:**

What does that mean for what you do as far as a department?

**COMMISSIONER DOW:**

Well ••

**LEG. KENNEDY:**

Twenty percent of the workforce doesn't go out the door without having some kind of impact.

**COMMISSIONER DOW:**

Obviously. And what we've been doing and have been since I've been the Commissioner there is we've been •• for instance, knowing that our 15%, our discretionary and supplemental funding was getting smaller and smaller as the years progressed and not knowing that we were going to all of a sudden cut from it, but from 2004, as Margaret had mentioned, our staff has been reduced from probably about 245, some high level positions, such as two Assistant Deputy Commissioners have not been filled, a director's position has not been filled. So we have had a savings this year of approximately \$500,000 or 20,000 a month in salaries.

As you are well aware, salaries are the biggest cost to our department. The second biggest cost is our transportation, we've looked at that. We've started out in 2004 with 38 vehicles, we're down to 24. We just recently completed a cost benefit analysis of which we're going to look at the possibility of cutting down more of the sedan vehicles and allowing the employees of the department to travel with the 42 cents a mile provision rather than using a County vehicle. So those are some of the things that we have been doing right now. And with respect to the BRO plan, I don't think that part of those savings have been addressed in that. So, you know, we have been doing that.

As far as the staff, though •• let me just continue on. As far as the staff, we are streamlining the operation. Part of the reduction, like Pete Crisano mentioned, in the night shift enables us to have four staff personnel, not only as a savings in salary of 18,000 a year, but also to move those personnel into during the day to continue to keep the level of services to the client customer that come into the one•stop at the same level that they are experiencing right now. So having those four additional staff will help also.

Another thing to mention is that we also have a one•stop located out in Riverhead. We have co•loaned and not paid any rent with the New York State Department of Labor which had an unemployment office out in Riverhead for many years. They have given us notice about a week ago that they're going to be closing their operation. Previously they addressed to us and we know probably, because of the budget problems with New York State, but they addressed to us that they wanted to downsize their operation and possibly move to another location in Riverhead. The current square footage is around 6000 square feet, and they were going to be moving to a place closer to the DSS Center in Riverhead called Millbrook Plaza and have around 3200 square feet. They have cancelled that also. So right now, we are also going to be contracting out Riverhead one•stop center.

What that means for service to clients is two things. Out of that Riverhead one•stop center, not only do we serve clients from the WIA side, but also from the public assistance side. We are increasing the amount of people that we have at the DSS Center in Riverhead right now to take the overflow from the Riverhead one•stop to manage the public assistance people out in Riverhead and to have a portion of that so that we maintain a presence for the East End clients out there. The second thing is that we had a small presence in the Patchogue, what the New York State deems as a one•stop also, we've had a small presence. We're increasing that presence by moving some people from Riverhead to Patchogue, and they will handle the WIA side of the clients. So in that respect, because of the anticipation of the downsizing of our department, and because of what the state has put upon us, we are contracting the Riverhead office, which will give us, again, more additional employees at the Patchogue and to still be able to cover the amount of clients that we cover every year.

**CHAIRMAN O'LEARY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. And I hate to pick out one point of what you said, but something just struck me, and the irony of discussing the vehicles as a mechanism by which to control cost, I'm sure you remember some of the dialog that we had and the correspondence that we had regarding the types of vehicles and the cost incurred by your department, including as I recall a Chevy Monte Carlo, which was a two door sports type vehicle, which I felt was completely inappropriate for use by that department. I understand there were some severability issues and these vehicles may have already been in use by the department, but I certainly would have like to have seen a much deeper look at that and whether or not we did have a severability clause in there. I think that could have been cost savings quite some time ago involving the vehicles. And based on my past experience with the company that did have fleet cars, I'm not entirely sure what the cost savings overall is when paying, especially now since the mileage charge went up to 42 cents per mile from the current 36, I don't know that the cost savings is all that great, being that we already have these vehicle in our possession versus paying someone to use their personal car.

And as far as liability goes, if those persons are out on County time, is their •• will their insurance then be primary or would the County take liability if they were involved in an accident on County time in their own car? So I see a number of issues with the cars and not the at least of which, as I said, I know we have a discussion about controlling costs, I know Legislator Alden, I'm glad he is here, because I know he had agreed with me back at the time that I had raised that issue, and I knew fell under •• I know it's a bit of a misnomer, but the SUV Law, which just means using the most cost effective vehicles for the purpose at hand. So I just take exception with some of those comments.

**COMMISSIONER DOW:**

Well, maybe I wasn't clear, but again, starting •• and I've been in the position for a year •• we started out with 38 vehicles. There was a question by the Legislature regarding the Monte Carlo. It was expressed that the previous Commissioner was more comfortable in the Monte Carlo because of the •• how should I put this •• because of the size of the previous

Commissioner and that he was •• it was more accessible for him than the regular •• the Impalas that we also have, because we have a fleet of Impalas, we have a couple of mini vans to move clients around in the SWEP Program, and then we have regular 15 passenger vans for the SWEP and the Youth Conservation Crew Program.

But to reiterate, we started with 38 vehicles in 2004, and we're down to 24 right now. And I would to, if Legislator Losquadro would like, I can send over the cost benefit analysis and show you what we're looking at and that we're probably going to reduce, we've been talking about at least five more vehicles. And they are expensive vehicles, they're leased vehicles. I don't particularly care for the way the leases were put together, but it was something that was inherited. But we are looking into it. And I think that Margaret Bermel can probably give us an estimation from the 38 vehicles down to currently the 24, what the cost savings was approximately. But they are expensive to lease, though. I do not know regarding the 42 cents a mile, but it is a County policy to allow County employees to use their own vehicles, but I'm not sure which way the insurance the would go on that, and that's a good point to understand. Thank you.

**LEG. LOSQUADRO:**

Thank you.

**LEG. KENNEDY:**

Mr. Chair.

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Commissioner, can I just •• very briefly, I want to follow up on what you talked about. I have some other questions, but I'll save them for another day. Are you saying that you are going to close the one•stop center in Riverhead, and if so, are you attributing a dollar and cents savings to that?

**COMMISSIONER DOW:**

Yes, we are going to close the one•stop center in Riverhead, and we are attributing a dollar and cents savings to that. And to reiterate again that the Riverhead one•stop a colocation that we have had with the New York State Department of Labor, it was their building, their lease, as we were somewhat on the coat tails on the New York State Department of Labor. They're contracting the entire department. We are not, with regards to the clients that come through there, we'll •• there's two streams of clients, one will be the public assistance clients. That flow will remain in Riverhead, but it will be up the street at the Millbrook DSS Center.

We're already increasing our staff by putting another staff person in there. And we'll be giving some customer services at the DSS Center similar to what we do here in Hauppauge. We do not want and don't expect the Riverhead and East End clients to have to travel to Hauppauge to get particular public assistance services. So we are going to expand our operation at the DSS Center in Millbrook for the public assistance side of what was previously done at the Riverhead one •stop. Now, as far as the WIA side of it, which is the unemployed or the underemployed, we are currently in the Patchogue one•stop of the New York State Department of Labor. We have two people in there, and we are in the process of increasing our staff to take that overflow into Patchogue and provide similar services so that the clients from Riverhead and the East End do not have to travel to Hauppauge.

**LEG. KENNEDY:**

How do you project the savings if you were in a free building, free utilities, free rent, are you keeping the same number of personnel, but moving them up the street to Millbrook?

**COMMISSIONER DOW:**

Some of the people are going into the •• some of the personnel will be at the Mill Brook, yes, and they will be covered through the SWEP Program monies, and then the rest will go to Patchogue to maintain those levels for the East End for the WIA side.

Now will there be a savings? There will be a savings because we will probably be able to reduce our staff by one person. And again, through attrition, transfers and the Omnibus bill, that should address at least 25 people to move out of the department to decrease our staffing projection.

**LEG. KENNEDY:**

Okay. Thank you.

**CHAIRMAN O'LEARY:**

Any other questions of the committee?

**LEG. ALDEN:**

Just one quick follow up, if that's all right?

**CHAIRMAN O'LEARY:**

You know, for someone who's not on the committee, you're asking an awful lot of questions.

**LEG. ALDEN:**

I appreciate your indulgence, though. The bottom line is you are getting ready to operate the Department of Labor with 25 to 50 fewer employees; is that correct?

**COMMISSIONER DOW:**

That is correct.

**LEG. ALDEN:**

Okay.

**COMMISSIONER DOW:**

And one thing to add also is that there is •• over at Civil Service, there are titles of clerk typists. We have already looked into it. In fact, we had a staff meeting yesterday regarding that to any long•term project that would require a lot of clerical staff, that we utilize that roving clerical assistance unit to facilitate some of the larger projects that we are anticipating that would use up

our resources of personnel. And through coordination with Civil Service, we will be using that unit from time to time.

**LEG. ALDEN:**

Thank you.

**CHAIRMAN O'LEARY:**

In closing, I just want to state I am satisfied there will be an effort on the part of the department to assure that present employees within the Department of Labor will be given every opportunity to fill funded vacancies throughout the County rather than face the obvious thing that we don't want to see, layoffs of County employees, and we have assurances from you with respect to that?

**COMMISSIONER DOW:**

Absolutely.

**CHAIRMAN O'LEARY:**

Very good.

**COMMISSIONER DOW:**

Thank you, Mr. Chairman. Thank you, Legislators.

**CHAIRMAN O'LEARY:**

Thank you for coming. Thank you. Okay, we're going to go to the agenda.

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### **Tabled Resolutions**

**CHAIRMAN O'LEARY:**

I note for the record that Mr. Zwirn is not here today, but he's ably represented by Ms. Jeanine Dillon who has given me a note, I guess, is that what it is, Jeanine?

**MS. DILLON:**

A memo.

**CHAIRMAN O'LEARY:**

A memo to say who want to comment on various resolutions before us today from various department heads?

**MS. DILLON:**

Yes.

**CHAIRMAN O'LEARY:**

This isn't a bad idea, perhaps Mr. Zwirn should take some note of this.

**MS. DILLON:**

I will let him know.

**LEG. BISHOP:**

Mr. Chairman, I just want to put on the record, I'm not a member of this committee, Ms. Dillon used to be employed in my office, and I request that you give her the toughest Pete O'Leary treatment if possible, complete pit bull treatment, sir.

**CHAIRMAN O'LEARY:**

You know, this characterization of me being a pit bull is so ••

**LEG. ALDEN:**

So wrong?

**CHAIRMAN O'LEARY:**

Right. So wrong. I'm such a nice guy. But anyway, welcome.

**MS. DILLON:**

Thank you.

**CHAIRMAN O'LEARY:**

And good luck.

**MS. DILLON:**

Thank you.

**1986 • 04. Authorizing legal action against the Long Island Convention and Visitors Bureau, Inc. (CARACCIOLO)**

**CHAIRMAN O'LEARY:**

Tabled resolutions are before us. The first one is 1986. This resolution has been amended by the sponsor to study the feasibility of including legal action, not directing legal action. You wish to comment on it?

**MS. DILLON:**

Just that the County Executive supports the bill now that the language has been amended.

**CHAIRMAN O'LEARY:**

Oh, we're happy to hear that. Is there a motion to approve?

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN O'LEARY:**

Motion by Legislator Losquadro, second by myself. On the question of the motion, all those in favor? Opposed? Abstained? 1986 is **approved**.

**(VOTE: 4•0•0•1 Not Present: Legislator Mystal).**

**2085•04. Adopting Local Law No. •2004, a Charter Law to transfer print shop from County Department of Human resources, Civil Service and Personnel to the County Department of Public Works. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

And according to Ms. Dillon's notes here, Lynne Bizzarro from the County Attorney's Office wishes to comment.

**MS. BIZZARRO:**

Really only if I was asked anything on it. It's a fine bill, I mean, as far as legally. Basically the print authority and duties will remain the same. However, by moving it to DPW, it will now conform to the 2005 Budget. It seems to make sense, since the print shop was transferred in the budget, to move it other now. You know, and it's physically locate at DPW so it makes sense.

**CHAIRMAN O'LEARY:**

Are there any positions abolished as a result of this move?

**MS. BIZZARRO:**

I'm sorry?

**CHAIRMAN O'LEARY:**

Are there any positions abolished as a result of this transfer?

**MS. BIZZARRO:**

No.

**CHAIRMAN O'LEARY:**

Okay. Any other questions? I'll make a motion to approve, seconded by Legislator Montano. On

the question of the motion? All those in favor? Opposed? Abstain? 2085 is **approved**.  
**(VOTE:4•0•0•1)**.

**(Not present: Legis. Mystal)**

**2222•04. Adopting Local Law No. •2004, a Local Law to authorize conveyance of development rights to Starlight Properties. (O'LEARY).**

**CHAIRMAN O'LEARY:**

Ms. Bizzarro, you wish to comment on this?

**MS. BIZZARRO:**

Yes. We've been before this committee in the past, as you know. I just wish to reiterate that to accomplish the sale that's proposed in this resolution, the sale of this buffer zone, a Charter Law by mandatory referendum is required under Section C1•7 of the Suffolk County Charter, as that portion in question was dedicated to the County's Nature Preserve.

**CHAIRMAN O'LEARY:**

Okay. Are you going to go on record stating the proper authorization has been made to declare this a Nature Preserve?

**MS. BIZZARRO:**

Correct.

**CHAIRMAN O'LEARY:**

Through the ••

**MS. BIZZARRO:**

By resolution.

**CHAIRMAN O'LEARY:**

No. Well, how about through the Parks Department and the trustees who have to designate it as same? Has that been done?

**MS. BIZZARRO:**

I believe everything had been done in the past, and it was ultimately decided by resolution passed by this body or the entire body.

**CHAIRMAN O'LEARY:**

As a follow up to that, in order to declare it a Nature Preserve, there has to be further action taken by agencies within the County, one of which is the Parks Department, trustees have to designate that as a Nature Preserve as per their rules and regulations. Are you stating that that has occurred?

**MS. BIZZARRO:**

I would have to check on that.

**CHAIRMAN O'LEARY:**

Okay. Thank you. As the sponsor of 2222, I make a motion to table, seconded by Legislator Losquadro. On the question of tabling? Hearing none, all those in favor? Opposed? Abstentions? **TABLED. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**2296. Authorizing the sales of surplus property sold at November 30th and December 1st 2004 auction pursuant to Local Law 13•1976 as per Exhibit "A" (Omnibus Resolution). (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

2296, is there anyone to speak on that? Okay. I make a motion to table, seconded by Legislator Losquadro. On the question of the motion to table, all those in favor? Opposed? Abstain? 2296 is **tabled. (VOTE:4•0•0•1 Not present: Legis. Mystal)**

**2328•04. Creating a Geographical Information Systems Advisory Committee. (KENNEDY)**

**LEG. KENNEDY:**

Mr. Chairman.

**CHAIRMAN O'LEARY:**

Legislator Kennedy.

**LEG. KENNEDY:**

In discussions with the Administration, I want to request that it be tabled for one cycle.

**CHAIRMAN O'LEARY:**

Sponsor of the resolution makes a motion to table for one cycle, I'll second that. On the question of the motion to table 2328? Hearing none, all those in favor? Opposed? Abstentions? **Tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**INTRODUCTORY RESOLUTIONS**

**1004•05. Amending the 2005 Operating Budget to centralize building security within the County of Suffolk Department of Public Works in conformity with the new Title Examiner Policy at the County Clerk's Office. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

In light of the fact that Chief Deputy Commissioner LaValle was here to state for the record the position of Public Works and there has been a question concerning the position of the County Clerk, I'd like to make a motion to table here to give the opportunity to the County Clerk to come before us or a representative to state his position and why he is in opposition to this particular resolution. So I make a motion to table 1004, seconded by Legislator Kennedy. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? **1004 is tabled. (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal)**

**1005 • 05. Requesting legislative approval of a contract award for Unemployment Insurance Administrative Services for the Department of Civil Service/Human Resources. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Anyone here to speak on that? Kristine Chayes, correct?

**MS. CHAYES:**

Yes. Good morning. My name is Kristine Chayes. I'm a Principle Personnel Analyst with Civil Services. And I'm here to address any questions on 1005, which is a sole vendor contract approval. Are there any?

**CHAIRMAN O'LEARY:**

Yes.

**MS. CHAYES:**

Any questions on this?

**CHAIRMAN O'LEARY:**

What is the total cost of the proposal, the contract? I do have in my notes here that you did send over to my office, is it ••

**MS. CHAYES:**

The contract for an initial one year term with four option years. All totaled, if all four option years are taken, that would bring the contract to end of December 31st, 2009, total cost would be 87,200. But for the first year, the initial term, that is the mandated year, it would be 16,400, which is the cost that we had last year, there has been no increase, then it goes up for the options years to seventeen•two for the first option year, seventeen•two for the second year, and 18,000 for the third option year, eighteen•four for the fourth option year. For the total five years, if we take all the option years, it would come to eighty seven•two, and that would bring it to the end of 2009.

**CHAIRMAN O'LEARY:**

As I understand it then, Ms. Chayes, the '05 •• for lack of any other •• fee or premium it's called •• is that what it's called, premium?

**MS. CHAYES:**

Yes. Charge.

**CHAIRMAN O'LEARY:**

Fee?

**MS. CHAYES:**

Fee.

**CHAIRMAN O'LEARY:**

Okay. All right. It's the same as '04?

**MS. CHAYES:**

It's the same as '04, there's been no increase.

**CHAIRMAN O'LEARY:**

However, the proposed contract indicates that in '06, there's almost a 5% increase.

**MS. CHAYES:**

Yes, it goes up to seventeen•two.

**CHAIRMAN O'LEARY:**

Okay.

**MS. CHAYES:**

And then it stays at seventeen•two through '07. Again, those are option years, the second and third.

**CHAIRMAN O'LEARY:**

All right. Any other questions of Ms. Chayes on this matter?

**LEG. MONTANO:**

Whose option?

**MS. CHAYES:**

At the option of the Department of Civil Service, if they perform satisfactorily, otherwise, we do not renew.

**CHAIRMAN O'LEARY:**

Okay. I have a request here that this matter be referred to the Budget Steering Committee for review and analysis. So I'm going to make the motion to table 1005 pending that review, seconded by Legislator Losquadro. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain? **TABLED. (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal).**

This is going to be reviewed by the Budget Steering Committee, Ms. Chayes. And at some point in time, when they submit to us a report reflecting the impact of the contract, we will address this issue, this matter, before us.

**MS. CHAYES:**

Fine. I would just like to mention that we currently are using this contractor for this first quarter of 2005, their contract goes through the first quarter of 2005. It was extended pending approval of is this current contract before you. Without someone doing these services, the County does become liable for penalty fee interest from the state when claims are not submitted on time.

**CHAIRMAN O'LEARY:**

What sort of time frame are we talking about?

**MS. CHAYES:**

A two month time frame. We would need to have this approved so that this in place, the state can be notified that we have someone doing this for us.

**CHAIRMAN O'LEARY:**

So we have two months? All right. I'll see to it that the Budget Steering Committee tries to get back to us before the next committee meeting to address this matter, but there has been a request to review.

**MS. CHAYES:**

I appreciate that. Thank you very much.

**CHAIRMAN O'LEARY:**

You are very welcome.

**1007•05. Approving payment to General code Publishers for administrative code pages. (PRESIDING OFFICER)**

**CHAIRMAN O'LEARY:**

Motion by Legislator Losquadro, seconded by myself to approve. On the question of the motion for approval? Hearing none, all those in favor? Opposed? Abstain? 1007 is **approved**.  
**(VOTE:4•0•0•1).**

**(Not present: Legis. Mystal).**

**1011•05. Authorizing the Director of the Division of Real Property Acquisition and Management, Department of Environment and Energy to issue a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, pursuant to Section 40•D of the Suffolk County Tax Act. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Is Ms. Zielenski here, please? Can you come up, Pat? I hate to burden you with this, Ms. Zielenski, but I must bring to your attention a technical matter that has been brought to our attention with respect to the language of some of these resolutions before us today. They make reference to a Department of Environment and Energy. And as you well know, the position of the Republican Majority on this Legislative body is that the process has not completed to formally authorize and create this department.

**MS. ZIELENSKI:**

Yes.

**CHAIRMAN O'LEARY:**

So in light of that, I would have to take the position with respect to the language of these resolutions, that they're somewhat technically flawed, and you would have to bring that back to the attention of whomever on the County level to possibly amend these resolutions to properly refer to the appropriate department that would be reflected in the resolution. And if there is no forthcoming amendment, I just wanted to assure you as the Director of Real Estate that I would be happy to sponsor resolutions myself making the appropriate amendments. Yes, Ms. Dillon.

**MS. DILLON:**

With regard to IR 1011, the resolution was worded this way because it uses the correct and new title for Pat's position according to Resolution 2163 of '04, which I don't have a copy of.

**CHAIRMAN O'LEARY:**

Well, there's obviously a disagreement here. So until such time as this matter is resolved, where both •• all parties involved in the concern can come to some sort of agreement, we're not going to be entertaining any resolutions that clearly state Department of Environment and Energy when there's a position that's been taken by the Republican majority here in the Legislature that the proper process has not been completed to create this department.

**MS. DILLON:**

Okay.

**CHAIRMAN O'LEARY:**

All right. So with respect to that on 1011, I'm going to make a motion to table, seconded by Legislator Losquadro. On the question of the motion to table 1011? Hearing none, all those in favor? Opposed? Abstentions? Motion is unanimous. **TABLED. (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal)**

**CHAIRMAN O'LEARY:**

I just want to point out to Ms. Zielenski, any other resolutions that refer to a Department of Environment and Energy will be, in fact, on my motion tabled today with the hopes that you would go back to the County representative for purposes of trying to clarify this matter. And if they so desire, I just want to reiterate that I would be happy to sponsor the resolutions taking out the language of Department of Environment and Energy to advance these matters. I mean, we don't want to impact the public that's involved with respect to these various as•of•right redemptions and 13s and certificate of abandonments, etcetera. So if you would be kind enough to bring that back to your, I guess, superiors, we will be happy to address this at a later date.

**1012•05. Authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Carl Weber, Jr. as administrator of the estate of Bettie Jean Weber. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

According to what I see before me in the resolution, there is no mention in the title nor in the body of the resolution any reference to a Department of Environment and Energy. Is there• I'm going to defer to Counsel on this, is there any information that you have to the contrary?

**MS. KNAPP:**

I've looked at the resolutions really carefully, and I don't see anything. However, I would like to point out as Counsel to the Legislature that if you pass something that has something contained within is a reference to a department that you have not approved by a Charter Law that does not create the department. You can only create a department by a Charter Law.

**CHAIRMAN O'LEARY:**

All right. So then it is your statement, Counsel, that there is no reference to a Department of Environment and Energy either in the title, the body of the resolution or any back up?

**MS. KNAPP:**

There is none.

**CHAIRMAN O'LEARY:**

Okay. Motion to approve by Legislator Losquadro, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain? 1012 is **approved** and placed on the **Consent Calender. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1013•05. Authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Karen Hannah Hare. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN O'LEARY:**

On the motion, Legislator Alden. Just from the director of Real Estate, 1012 and 1013, are they as•of•right redemptions?

**MS. ZIELENSKI:**

Yes, sir.

**LEG. ALDEN:**

How about the rest of them?

**MS. ZIELENSKI:**

1014, 15, 16 and 17 are all as of right redemptions. There are also some others, do you want them all at one time?

**CHAIRMAN O'LEARY:**

As we go along, you could just state that for the record that they are as•of•right redemptions. Back up on 1012, amend the motion to include placing on the Consent Calender please. 1013, there's a motion to approve and place on the Consent Calender. All those in favor? Opposed? Abstain? Motion passes. **APPROVED** and placed on the **CONSENT CALENDER. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1014•05. Authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, USA Note and Deed Holding Corp. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Ms. Zielenski

**MS. ZIELENSKI:**

As•of•right.

**CHAIRMAN O'LEARY:**

As•of•right redemption. There's a motion to approve by myself, seconded by Legislator Losquadro and to place on the Consent Calender, 1014. All those in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1015•05. Authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Kevin L. Mayo. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second, place on the Consent Calender. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal)**

**1016•05. Authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, William Jenkins. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

As•of•right?

**MS. ZIELENSKI:**

As•of•right.

**CHAIRMAN O'LEARY:**

These are all as•of•right, are they not?

**MS. ZIELENSKI:**

They are.

**CHAIRMAN O'LEARY:**

If they're not, can you bring it to our attention?

**MS. ZIELENSKI:**

I will.

**CHAIRMAN O'LEARY:**

Thank you very much. There's a motion to approve 1016 by myself, seconded by Legislator Losquadro and to place on the Consent Calender. All those in favor? Opposed? Abstain. 1016 is unanimous. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1)**.

**(Not present: Legis. Mystal)**

**1017•05. Authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Walter R. Whitehurst III. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

As•of•right redemption. Same motion, same second and to place on the Consent Calender. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4•0•0•1)**.

**(Not present: Legis. Mystal).**

**CHAIRMAN O'LEARY:**

There are several resolutions before us transferring surplus County computers to various organizations throughout the County.

**1024•05. Authorizing transfer of ten surplus County computers to Senior Net at Family Service League. (BINDER)**

**CHAIRMAN O'LEARY:**

Motion by myself, seconded by Legislator Losquadro. On the question of the motion, all in favor? Opposed? Abstentions? 1024 is passed. **APPROVED. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1027•05. Authorizing transfer of three surplus County computers to Early Childhood Learning Program at the Huntington Freedom Center. (BINDER).**

**CHAIRMAN O'LEARY:**

Same motion, same second. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain? 1027 is **APPROVED. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1028•05. Authorizing transfer of ten surplus County computers to Faith Missionary Baptist Church. (COOPER).**

**CHAIRMAN O'LEARY:**

Same motion, same second. Hearing no objection, 1028 is **approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1029•05. Authorizing transfer of seven surplus County computers to Family Service League of Suffolk County, Inc. (COOPER).**

**CHAIRMAN O'LEARY:**

Same motion, same second. **Approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1031•05. Authorizing transfer of three surplus County computers to Solid Rock Ministry of Long Island. (COOPER).**

**CHAIRMAN O'LEARY:**

Same motion, same second. Hearing no objection, all those in favor? Opposed? Abstain?  
Motion is unanimous. **Approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1032•05. Authorizing transfer of two surplus County computers to Dreamcatchers' Theatre, Inc. (COOPER).**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Approved. (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal)**

**1034•05. Authorizing transfer of one surplus County computers to Youth Directions and Alternatives. (COOPER).**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Approved. (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal)**

**1035•05. Authorizing transfer of three surplus County computers to Haven House. (COOPER).**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Approved. (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal)**

**1036•05. Authorizing transfer of three surplus County computers to Tri•Community Youth Agency. (COOPER).**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Approved. (VOTE:4•0•0•1).**

**(Not present: Legis. Mystal)**

**1040•05. Adopting Local Law No. •2004, a Charter Law amending the Suffolk County Charter to require the adoption of a reapportionment plan in a timely manner.**

**(MONTANO)**

**CHAIRMAN O'LEARY:**

Legislator Montano?

**LEG. MONTANO:**

Motion to table.

**CHAIRMAN O'LEARY:**

There's a motion to table by Legislator Montano, the sponsor of the bill, seconded by myself. On the question of the motion to table? All those in favor of the tabling motion? Opposed? Abstentions? 1040 is unanimously **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**1047•05. Implementing Suffolk County Law requiring defibrillators in health clubs under state provisions. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Ms. Dillon, in your notes you wanted to make a comment to this as well as Lynne Bizzarro.

**MS. DILLON:**

I'd like to defer to Law on that. Lynne.

**MS. BIZZARRO:**

Actually, I believe my office helped to prepare this resolution. Basically the local law requiring the defibrillators states in it that it shall be null and void in the event state-wide legislation incorporating substantially similar provisions as this local law comes into effect. There is state legislation that is going to be coming into effect in July of this year under 627•A of the General Business Law. It basically goes into effect, and it requires health clubs whose membership is 500 persons or more to have a defibrillator.

It's different from our law because it limits it only to health clubs that have 500 or more members in it, our current law does not do that. Unfortunately, under Section 631 of that same state, it states that if a local municipality has a law similar but not identical to the state law, it's preempted by the state law. So basically what you can do is you can enact a new law that would be identical to the state law for enforcement purposes. Other than that, it would preempt this law. That's why we put this •• we helped to put this together.

**LEG. ALDEN:**

Mr. Chairman.

**CHAIRMAN O'LEARY:**

Legislator Montano, you want to say something to Legislator Bishop?

**LEG. MONTANO:**

No.

**CHAIRMAN O'LEARY:**

All right. Legislator Alden, unless a member of the committee wishes to speak first on this?  
Legislator Alden.

**LEG. ALDEN:**

I wholeheartedly disagree with that analysis. Our law is completely different in that it protects all the people in Suffolk County that would belong to any health club. So in that regard, it is a completely different piece of legislation. And the analysis that we are preempted and barred from doing something like that is patently outside of what New York State Law states. So on those two grounds, I would really •• really encourage the committee to not even take any action on this.

But I also have offered a letter from the American Heart Association that gives an in depth analysis of the law, the proposed law by the County Executive and how they are totally opposed to the County Executive taking away the protections to the people of Suffolk County that the law that we passed in here has already provided to Suffolk County folks. So I think everybody on this committee got a copy of that American Heart Association letter.

**CHAIRMAN O'LEARY:**

Yes, I believe we have, Legislator Alden. I just wanted to ask a question of the County Attorney's representative. It certainly isn't your position that a local law cannot be more inclusive than a state law, is it?

**MS. BIZZARRO:**

The reading of the General Business Law the way its states it, they are very specific in their

preemption clause of 631 that says it has to be identical in this particular case. I'm not saying that globally, I'm just stating in this particular case, they've made it very clear that if we enter this, you can copy us for local enforcement purposes. The way I read the statute, it states that if they are substantially similar, and they are substantially similar. They are not exact, absolutely not.

**LEG. ALDEN:**

Not even substantially, not even close.

**CHAIRMAN O'LEARY:**

Would you care to comment on that?

**MS. BIZZARRO:**

I read it as substantially being that just because they capped it at the 500 mark, that's close enough. I see it as substantially.

**LEG. ALDEN:**

Actually, I think your guidance was that substantially in this case because Alden's bill was involved, that that would include Alden's bill. But it doesn't really include other people's bills. So I think that that's part of the analysis that was used here.

**MS. BIZZARRO:**

Absolutely not. You know.

**LEG. ALDEN:**

Because of the name of the sponsor.

**CHAIRMAN O'LEARY:**

Okay. Any more comments on 1047? Any questions of the committee regarding 1047? Is there a motion? I'll ask one more time. Is there a motion? Hearing none, for lack of motion, 1047 is dead on arrival.

**FAILED** for lack of a motion.

**LEG. ALDEN:**

Thank you.

**1048•05. Authorizing the extension of lease premises located at the Kellum Street School, Lindenhurst, NY, for use by the Department of Health Services. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Basia Braddish from County Attorney's Office.

**MS. BRADDISH:**

Actually, I'm only here if you had questions. However, I will let you know that it is retroactive to June 1st, 2004, which is when the prior lease expired. The Department of Health will be looking for a new location. This one expires next May. It just continues the existing terms. If you saw the copy that was attached, it's really just a letter in agreement of not changing anything.

**CHAIRMAN O'LEARY:**

They're currently there, this is just an extension?

**MS. BRADDISH:**

Yes.

**CHAIRMAN O'LEARY:**

Pending identifying a future location for this.

**MS. BRADDISH:**

Correct. Originally, they thought that they were interested in staying at the site, and there were some issues regarding improvements to the property. The School District was not interested in performing those improvements. That's why actually you will see the letter of agreement is dated May 27th, this has been going on for quite a while, and they finally choose to leave the site. However, given the constraints on the School District, combined with the procedures for finding new space, just decided to go ahead until next May. And in the interim, we will commence the search process.

**CHAIRMAN O'LEARY:**

All right. Thank you for that explanation. Legislator Losquadro has a question, though.

**LEG. LOSQUADRO:**

Just a basic question. This lease expired on May 31st, 2004?

**MS. BRADDISH:**

So we have been occupying the space since?

**MS. BRADDISH:**

As a hold•over, yes.

**LEG. LOSQUADRO:**

Yes. Was this not brought to the Legislature's attention to approve this lease prior to this point?

No matter what, we're going to have to pay the landlord. Even if we left right now, we're still liable from May 31st, 2004, up until this point; is that correct?

**MS. BRADDISH:**

Well, we've been paying the existing rent. This does include an escalation, so technically, we're not in default. We have been paying rent, it's just not •• this is the escalation as existing in the prior leases. So, yes.

**LEG. LOSQUADRO:**

Having only been here for, you know, the better part of one term now, is this the general practice? Are leases generally not •• are they generally not brought before the Legislature for reapproval until six months or so after they expire?

**MS. BRADDISH:**

Well, if you can see, this one procedurally was dated May 27th, 2004, so it was timely. However, we ran into problems with working with the landlord, which is the Lindenhurst School District in performing some improvements to the premises. And after that, when we finally determined, and Mr. O'Leary was a party to those discussions brought to the Space Steering Committee who is kept apprised of what's going on, when we final determined that we couldn't •• that they just weren't going to perform the improvements •• it was like putting air conditioning in four classrooms, they weren't going to do that. So then the Department of Health went back and reviewed the entire sight and made a determination that •• really that they were squeezed in there anyway and in the long run, it really didn't make sense to stay there. So then they wanted to look for a new site, and we had to go back to the landlord ans see how long they would let us stay. They are not interested in releasing us from the lease in the middle of the school year, because they can't do improvements to the property at that time to accommodate any other use that they may make for whomever they may put into the site.

**LEG. LOSQUADRO:**

And we don't have enough time now to complete this process be the end of this school year.

**MS. BRADDISH:**

Yes. So we're back to original two that they approved.

**LEG. LOSQUADRO:**

Thank you for the explanation.

**CHAIRMAN O'LEARY:**

Any other questions? Thank you, Basia. All right. On 1048, I make a motion to approve, seconded by Legislator Kennedy. On the question of the motion to approve 1048? Hearing none, all those in favor? Opposed? Abstentions? 1048 is **approved. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal).**

**1049•05. 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 66 and a westbound on ramp at Interstate Highway 495 Exit 67, Town of Brookhaven, Suffolk County, New York. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I make a motion to approve, seconded by Legislator Losquadro. On the question to approve 1049? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:4•0•0•1)**  
**(Not present: Legis. Mystal)**

**1052•05. Sale of County owned real estate pursuant to Local law 13•1976 Danielle Banks. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Back to some real estate matters. Unfortunately, Ms. Zielenski, there's some reference in the whereas clause to the Department of Environment and Energy. We have discussed previously what our position is. I make a motion to table 1052, seconded by Legislator Losquadro. On the

question of the motion, all in favor? Opposed? Abstentions? 1052 is **tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1053•05. Authorizing the sale pursuant to Local law 16•1976 of real property acquired under Section 46 of the Suffolk County Tax Act, Fern**

**E. Hall as administratrix of the estate of Howard Squires, surviving tenant by the entirety. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

As•of•right?

**MS. ZIELENSKI:**

Yes, as•of•right redemption.

**CHAIRMAN O'LEARY:**

I don't believe •• is there any reference to, in the title, body or back up, to the Department of Environment and Energy with respect to this resolution?

**MS. KNAPP:**

(Shaking head yes).

**CHAIRMAN O'LEARY:**

There is? Oh, okay. There is reference to the subject department 53 in the backup. I make a motion to table, seconded by Legislator Losquadro. On the question of the motion to table, all in favor? Opposed? Abstain? Motion passes •• 1053 is **tabled** and placed on the Consent Calender as part of the motion •• no. What am I doing? It's TABLED. **(VOTE:4•0•0•1) (Not present: Legis. Mystal)**. There is no Consent Calender If it's tabled. This is out of the norm.

**1054•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Skidmore Samuel and his wife, Melinda Samuel. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

I've been advised there's reference to the department in backup. Motion to table, seconded by Legislator Losquadro. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstain? **Tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1055•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Angelo Presti and his wife, Dorothy. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Tabled. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1056•05. Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Susan Meyer. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Tabled. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1058•05. Authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Paula Earley. (BISHOP)**

**CHAIRMAN O'LEARY:**

Mr. Earley was here during public portion and did speak on these issues. Legislator Bishop, are you here for comment?

**LEG. BISHOP:**

Yes. Thank you. I'm here because I know that the administration is opposed to these resolutions. I'll make the following points. These are redemptions, all together, you are talking about a strip of land that's adjacent to Deer Park Avenue, Route 231, in the Town of Babylon. It's less than 100 yards long and 30 yards wide, right? That would be an accurate description.

As you heard from Mr. Earley, his family purchased it for over \$125,000 over a decade ago, and they were unable to develop it. The Town of Babylon found it to be substandard for development. He now has a buyer who's willing to pay him \$50,000 so they can get some of their loss back, recoup some of their loss. And that's why the Earley family is obviously interested in the outcome. The fact that it is substandard means that, I guess, if we deny this, then we're going to take it into our inventory and we would hold it; is that right, Mr. Isles?

**CHAIRMAN O'LEARY:**

The Chair recognizes Mr. Isles, Director of Planning.

**DIRECTOR ISLES:**

In answer to Legislator Bishop's question, if the County were to retain it, there would be a couple of options; one would be to hold it and put it into, let's say, a park use, because it does serve as a buffer in that location. Perhaps more appropriately would be a direct sale to the adjoining owners. It essentially serves as a backyard buffer to the interchange of Southern State Parkway and Deer Park Avenue. So there are a couple of options for the County, but certainly we wouldn't suggest selling it.

**LEG. BISHOP:**

The adjoining owners are •• I'm just going to speculate •• that they're middle class folk, and I don't think they're going to spend a heck of a lot of money to purchase this property. And essentially, what we would be doing if we approved this is transferring the risk from the •• from the Earleys and the County to the subsequent owner, who would be paying for the property, the County would be made whole because they have to be, the Earleys have already submitted the

back taxes in order to make this application, so the application is complete. The County would be made whole, and the subsequent owner would take his or her chances with the Town of Babylon, which has already denied other projects on the location. I see no reason why they would change. So, you know, I would say that •• given you we're not really talking about •• it's not a Nature Preserve, it's a buffer next to the highways, and it's a substandard lot, and this family has an opportunity to get some of their money back. So that's why I put the resolutions forward.

**CHAIRMAN O'LEARY:**

My concern, Mr. Isles, is that have on file a letter from Planning dated December 10th of '04 where there's an objection to the redemption of these properties by Planning, it's on a safety issue. And I quote part of the letter, any development of these parcels would seriously compromise safety of travel to the Clover Leaf Interstate. Would you care to comment on that?

**DIRECTOR ISLES:**

Yes, I do. Let me first say that this is a 215 redemption. It is a redemption based on hardship, which the legislation speaks of as being a medical hardship, an unemployment hardship and so forth. In this case, the applicant had made the redemption application based on, I believe, a medical hardship. There is documentation to that effect, it requires a certification by a licensed physician and so forth. So we are not commenting on that part of it. Obviously, I have no knowledge in terms of any kind of medical issue on this.

The legislation, however, does further require a referral to the County Planning Department, which was done in this case, and we provide a report or comment back to you on that. Our report and comment is nonbinding to you, it's advisory. Certainly, I understand the delicacy of the situation in terms of the misfortune of a family or a person is not something we quarreling with at this point. In terms of the investment decision, I don't think that's a factor, although maybe on the human side it is. But the legislation does provide if there was a medical hardship that caused the loss of the property, then you as the body have the authority to bring it back.

My major point in being here today and the comment by the Principle Planner that wrote that memo is that this site •• you make the decision on the medical part as you see fit, but I just want you to know the circumstances of these sites, that these are four small lots. We do have photographs and an aerial. So here again, just speaking on the planning side, not speaking on the medical side, but we are required to comment by the legislation, we have basically two reasons. Number one is that this is basically the juncture, it's an on•ramp to the westbound Southern State Parkway in front of this location. This may be the reason the Town of Babylon has not permitted use of this property thus far.

We also note that it's the off•ramp, so to speak, of August Road. So within a distance of about 250 to 300, you have cars merging off of August Road onto Deer Park Avenue and cars merging off of Deer Park Avenue and onto the westbound Southern State Parkway. In addition, three are the homes that are to the west of this site, so this does serve as a buffer. Here again, per se, that's not a reason to retain the property, but I think it's a consideration. In terms of what would happen, if you proceed with this, and here again, there's the medical judgment which I'm not commenting on, but if we go through the scenario, this will be an application then by the future buyer of this property from the Earley family to the Town of Babylon for either a change of zone or a Board of Appeals variance application. And if they're successful, then they'll build whatever is allowed; commercial used, houses, whatever is allowed by the town. We just have some concerns that here again, there may be traffic conflicts with that and a detriment to the neighborhood.

But the second point is that if it doesn't happen, if the town of Babylon continues to say, well, we think the variance is not justified of the rezoning, then potentially, we're back to the situation of a default in taxes, and eventually we're going to get it through that process. Here again, I realize this is a delicate situation. It's certainly nothing against the family in those circumstances, but we felt that you should have the picture in terms of what this parcel entails with the ultimate development. Thank you.

**CHAIRMAN O'LEARY:**

Thank you. Legislator Montano.

**LEG. MONTANO:**

I'll yield to Legislator Bishop.

**LEG. BISHOP:**

This parcel was never on any County acquisition, correct?

**DIRECTOR ISLES:**

Not to my knowledge, no.

**LEG. BISHOP:**

Not to anyone's knowledge, because it never has been. So, you know, it's not like the County said we have to get a hold of this piece of land. It's substandard. The Town of Babylon has already denied development on it. According to Mr. Earley's testimony, the next owner wants to erect a 9/11 Memorial. I don't know if they're going to let that go through or not, but we're not a Zoning Board of Appeals. That's the Town of Babylon's job. What we do is we grant 215s if they're timely, you know, and make the County whole. I don't think the fact that •• that the parcel is substandard for development should mean that we don't •• we deny this family the opportunity to get some equity back.

**CHAIRMAN O'LEARY:**

All right. Legislator Montano.

**LEG. MONTANO:**

Thank you. Commissioner Isles, the County is not losing money on these properties, we're getting back our back taxes, we getting interest, and we're collecting penalties; is that right?

**DIRECTOR ISLES:**

Yes.

**LEG. MONTANO:**

Okay. Now, with respect to the letter, which I'm looking at, December 21st, you say that the these four vacant properties be retained by the County for open space transportation safety purposes. But isn't there a process where we could actually purchase these properties? In fact, if they weren't in default now, and we wanted those properties, we would go and purchase them, is that accurate?

**DIRECTOR ISLES:**

Absolutely. The Legislature has the authority to purchase these under Open Space. I think the point I just wanted to make is not •• would this have normally come up as an open space acquisition? The answer is no. Given the opportunity to perhaps •• if you deal with a medical issue and you say the medical issue is not an issue ••

**LEG. MONTANO:**

Let's put the medical issue aside.

**DIRECTOR ISLES:**

If you put that aside, you say are we going to •• is this an opportunity to put this in the public domain either as part of the right•of•way of Deer Park avenue of the Southern State Parkway or as a direct sale which has to be less than \$20,000 to the adjoining owners to expand their backyards, is it that opportunity, or the opportunity of potentially some development or commercial development, some houses with curb cuts on this location and then saying, but gee, we had the opportunity to avoid that kind of conflict when it was in the public domain?

**LEG. MONTANO:**

Those issues, if I may, can be taken up in the Zoning Board, is that accurate, with respect to what's going to be put there? That's where it probably should be before the Zoning Board, am I accurate in that?

**DIRECTOR ISLES:**

Absolutely.

**LEG. MONTANO:**

Go ahead, Mr. Isles.

**DIRECTOR ISLES:**

The town certainly has jurisdiction on land use. Having been with the town for 20 years, where I dealt with a lot of properties along Sunrise Highway, we were always frustrated by the State of New York doing partial takings where they would leave these narrow strips of 40 or 60 feet depth, and then having extensive zoning issues with property owners asserting what they believe to be their legal rights, but then having to get into defending that, doing Article 78s and then ending up with used car lots in those locations. It's not ideal. All I'm looking at is from a good planning standpoint. We can say, let's let the town do whatever they want to do with it, and we don't really •• that's okay with the consequences.

I just see that this is an opportunity where it's in the public domain at this point. Putting aside the medical, that's not my topic, but if you were to get passed that, I want you to understand the context of this, that this is a site that's probably dangerous to develop, whether the Town of Babylon then is successful in preventing development, that, may or may not occur.

**LEG. MONTANO:**

With all due respect, I recognize that this really is, quote, an opportunity to take this land because the family may or may not have suffered a medical hardship, which is a separate issue. So it really •• and the other issue where I'm hung up on is the fact that if we really wanted this for open space, we could do it through another manner and pay the appropriate amount of value to that property, could we not do that? So it really is an opportunity to basically •• I don't want to use the word grab, but it's the only one that comes to mind •• to grab this real estate because we have a family on the hook.

**DIRECTOR ISLES:**

I certainly wouldn't characterize it at that. I would almost resent that. But, you know, we're not looking at this from a personal standpoint. I do not know the family. I do not know of any of the medical circumstances. I'm not commenting on that. I'm only commenting as a planner to you, that frequently we take surplus properties, we review those, and we say this is important for wetlands, this is important open space, this is important for a drainage basin. We always look at that opportunity, and you have approved a number of those. This is not looking at grabbing and stealing from people in any manner.

**LEG. MONTANO:**

We're not losing any money. The County is not losing a penny if we, in fact, allow the owners to redeem the property.

**DIRECTOR ISLES:**

I have not made any financial arguments that we're losing money.

**LEG. MONTANO:**

Thank you.

**CHAIRMAN O'LEARY:**

I think there were some good points raised here by members of the committee as well as Mr. Isles. I think we have to take into account the fact that, you know, we're not looking to do any harm or thwart the sale of the property after a redemption by Paula Earley who is the listed owner. And if we authorize these 215s 58, 59, 60 and 61, that just brings the property back to the Earleys. And as I understand it, they do have a perspective buyer. The control of the use of that land, as Legislator Bishop made reference to, is in the absolute control of the Town of Babylon. And there's no indication that there will be any development with respect to these •• or on these four parcels. So in the interest of fairness to the Earleys with respect to looking to •• they're looking to redeem these properties and eventually place them on the market for sale, I'll make a motion to approve 1058, and seconded by Legislator Montano. On the question of the motion to approve 1058? Hearing none, all those in favor? Opposed? Abstentions? 1058 is **APPROVED. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

We haven't in the past placed 215 matters on the Consent Calender, nor are we going to do so this time. We won't place 1058, 59, 60 and 61 on the Consent Calender, but we'll move on to 1059.

**1059•05. Authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Paula Earley. (BISHOP)**

**CHAIRMAN O'LEARY:**

Same motion, same second. On the question of the motion? Hearing none, all those in favor? Opposed? Abstain? **Approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1060•05. Authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Paula Earley. (BISHOP)**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Approved. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1061•05. Authorizing the sale of County owned real estate pursuant to Section 215, New York State County Law to Paula Earley. (BISHOP)**

**CHAIRMAN O'LEARY:**

Same motion, same second, same vote. **Approved. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1062•05. Authorizing conveyance of parcel to the Town of Islip (Section 72•H,**

**General Municipal Law) for road improvement purposes. (CARPENTER)**

**CHAIRMAN O'LEARY:**

I'll make a motion to approve, seconded by Legislator Losquadro. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **Approved. (VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1064•05. Authorizing transfer of two surplus County computers to Trinity Lutheran Preschool in a common sense manner. (ALDEN)**

**CHAIRMAN O'LEARY:**

I would hope it would be in a common sense manner. Did you read the resolution? Legislator Alden points out some things that •• never mind, we're not going to go there.

**LEG. ALDEN:**

Thank you.

**CHAIRMAN O'LEARY:**

Motion to approve by Legislator Losquadro, seconded by myself. On the question of the motion, all those in favor? Opposed? Abstain? **Approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1067•05. Adopting Local Law No. •2004, a Charter Law to ensure a non•partisan, fair and objective process by which Legislative Districts are reapportioned. (COUNTY EXEC)**

**CHAIRMAN O'LEARY:**

Motion to table by myself, seconded by Legislator Montano. On the question of the motion, all those in favor? Opposed? **Tabled. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1073•05. Calling a public hearing for the consent to the acquisition of additional land at Mt. Pleasant Road, Town of Smithtown, County of Suffolk, State of New York, by St. Patrick's Roman Catholic Church for cemetery expansion purposes. (NOWICK)**

**CHAIRMAN O'LEARY:**

Motion to approve by Legislator Losquadro, seconded by myself. On the question of the motion, all in favor? Opposed? Abstentions? **Approved. (VOTE:4•0•0•1) (Not present: Legis. Mystal)**

**1074•05. Authorizing waiver of interest and penalties for property tax for Leslie E. Sacks. (SCHNEIDERMAN)**

**CHAIRMAN O'LEARY:**

According to Ms. Dillon's notes, the County Attorney's office wishes to make a comment on this,

on 1074. We have some time constraints, so maybe we can move along, because we do have an Executive Session to go into after this.

**MS. BIZZARRO:**

Yes, correct. I just want you to be aware, the statute under which this resolution is moving Section 458•20 A unfortunately has been found to be invalid by State Court, and that has been affirmed by the Appellate Court, the Appellate Division. My suggestion is perhaps look under Section 30 of the Suffolk County Tax Act, and there may be a way to do the waiver of the interest and penalties under that statute. That would be me recommendation.

**CHAIRMAN O'LEARY:**

Are you aware that there's a document on file that the Town of Southampton has acknowledged clerical error with respect to this?

**MS. BIZZARRO:**

Yes, I am aware of that.

**CHAIRMAN O'LEARY:**

Okay. All right. Legislative Counsel.

**MS. KNAPP:**

To disagree just slightly, the resolve clause refers strictly to Section 30 of the Suffolk County Tax Act. As Ms. Bizzarro rightly points outside, the whereas clause refers to Section 458•20 A in accordance with Section 30 of the Suffolk County Tax Act. To date, the Courts have invalidated Section 458•20 A. However, I believe that the questions of appeal have not been finally stated, so that my comment would be that it is only in a whereas clause that it's referred to and the court has not finally acted. The resolved clause is indeed totally correct.

**MS. BIZZARRO:**

Then I apologize. I may have overlooked that. I would be inclined to agree with Ms. Knapp.

**CHAIRMAN O'LEARY:**

Motion to approve by myself, seconded by Legislator Losquadro. On 1074, any question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **APPROVED.**

**(VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**1077•05. Authorizing the sale of County owned real estate pursuant to Section 215, New York state County Law to Ella Lewis (surviving spouse in a tenancy by the entirety). (O'LEARY)**

**CHAIRMAN O'LEARY:**

Motion by myself to approved, seconded by Legislator Losquadro. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? Unanimous. **Approved.**

**(VOTE:4•0•0•1) (Not present: Legis. Mystal)**

## **SENSE RESOLUTIONS**

**S.002. Memorializing resolution requesting the New York state Legislature to enact legislation to prevent identity theft. (COOPER)**

**CHAIRMAN O'LEARY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Doesn't this seem duplicative? Didn't we do something •• the language seems very similar. Didn't Legislator Caracciolo, perhaps, file something along these lines?

**CHAIRMAN O'LEARY:**

On Sense 2, there's a motion to table by myself, seconded by Legislator Losquadro. **Tabled.**  
**(VOTE:4•0•0•1) (Not present: Legis. Mystal).**

**S.004. Sense of the Legislature resolution requesting the New York State Legislature to require the computerization of New York state campaign finance records. (CARACCIOLO)**

**CHAIRMAN O'LEARY:**

Didn't we already to do that?

**LEG. MONTANO:**

Doesn't the state?

**MS. KNAPP:**

I believe that Legislator Caracciolo's intent here was to require a computerization that was compatible with the Suffolk County Board of Elections. I think his intent in this Sense is to ask the state to enact some sort of overriding state legislation that would mandate particular computer protocols so that campaign finance information all over the state would be available to everybody.

**CHAIRMAN O'LEARY:**

Motion to approve Sense 4 by Legislator Losquadro, second by Legislator Kennedy. On the question of the motion. Hearing none, all those in favor? Opposed? Abstentions? **Approved.**  
**(VOTE:4•0•0•1)**

**(Not present: Legis. Mystal)**

**CHAIRMAN O'LEARY:**

That's the end of our agenda. I believe we have to go into Executive Session, so we'll recess for a Short period of time to come back to adjourn the meeting.

**(\* AN EXECUTIVE SESSION WAS HELD FROM 11:37 A.M. UNTIL 11:48 A.M.\*)**

**CHAIRMAN O'LEARY:**

Okay. The Ways and Means Committee is back from Executive Session. We've conducted our business in executive Session. And I'll entertain a motion to adjourn by Legislator Losquadro, seconded by myself. Ways and Means Committee is hereby adjourned.

**(\* THE MEETING WAS ADJOURNED AT 11:48 A.M. \*)**

**\\_ \\_ DENOTES BEING SPELLED PHONETICALLY**