

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, December 15, 2005.

MEMBERS PRESENT:

Legislator Peter O'Leary • Chairman

Legislator John Kennedy • Vice•Chairman

Legislator Ricardo Montano

Legislator Elie Mystal

MEMBER NOT PRESENT:

Legislator Daniel Losquadro

ALSO IN ATTENDANCE:

Ian Barry • Assistant Counsel to the Legislature

Gail Vizzini • 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

Jacqueline Caputi • County Attorney

Maria Ammirati • Aide to Chairman O'Leary

Tom isles • Director of Planning

John McElhone • Chief of Support Service • SCPD

All other interested parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 9:53 A.M. *)

CHAIRMAN O'LEARY:

I'd like to call the meeting to order. Okay. The meeting of the Ways and Means called to order. We'll start the meeting with the Pledge of Allegiance led by Legislator Montano.

SALUTATION

CHAIRMAN O'LEARY:

Good morning, all. We have two cards. Chief McElhone, John McElhone from the Suffolk County Police Department here to speak on Resolution 2371.

CHIEF MCELHONE:

Good morning, Mr. Chairman.

CHAIRMAN O'LEARY:

Good morning, Chief McElhone. 2371 is an appointment, the daughter of a Deputy Inspector in the Police Department under our anti-nepotism provision.

CHIEF MCELHONE:

That's correct. We're looking to hire four candidates for evidence specialist trainees, three of which are not related to anyone in County

Government. However, with this law, Karen Oswald, who is well qualified, the qualifications require 60 college credits, she has a Bachelors Degree in Criminal Justice from Marist College, she went through a vigorous interview process. This has to be a provisional hiring for all four evidence specialist trainees. These are civilianization positions in our ID Section, and we have to fill those SCINS by the end of the year or they expire, and we have to go through process again. So we're looking to have her cleared to be hired within the next several days.

CHAIRMAN O'LEARY:

Okay. And the relationship of this individual to Deputy Inspector Oswald is a daughter?

CHIEF MCELHONE:

That's correct.

CHAIRMAN O'LEARY:

And under the new amended version of the Anti•Nepotism, this is in compliance, the rank of the individual related is Captain and above?

CHIEF MCELHONE:

That's correct.

CHAIRMAN O'LEARY:

Deputy Inspector is above the rank of Captain?

CHIEF MCELHONE:

That's correct.

CHAIRMAN O'LEARY:

Okay. Thank you very much. Any questions from the committee of Chief McElhone? I make a motion to take 2371 out of order.

LEG. MONTANO:

Second.

CHAIRMAN O'LEARY:

Seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? 2371 is now before us.

2371, approving the appointment of Karen Oswald to Evidence Specialist Trainee in the Suffolk County Police Department (COUNTY EXEC).

CHAIRMAN O'LEARY:

I make a motion to approve 2371, seconded by Legislator Montano.

On the question of the motion to approve 2371? Hearing none, all those in favor? Opposed? Abstentions? 2371 is **approved (VOTE:4 •0•0•1 • Not present: Legis. Losquadro)**.

CHIEF MCELHONE:

Thank you very much.

CHAIRMAN O'LEARY:

Have a good day, Chief. Happy Holidays, Merry Christmas.

CHIEF MCELHONE:

Same to you, sir.

CHAIRMAN O'LEARY:

Second card is Mr. Tom Isles, Director of Planning, Suffolk County, who is here to speak, I believe, on the Tabled Resolution ••

DIRECTOR ISLES:

2305.

CHAIRMAN O'LEARY:

2305 of which I am the sponsor of.

DIRECTOR ISLES:

Yes. Thank you. I'll keep this very brief. First, let me just say that we think the idea is a very good idea, the idea of the Federal Government managing and owning this property adjacent to the Wertheim National Wildlife Refuge, we think ultimately makes a lot of sense. At the last meeting, I pointed out there was an issue with whether the bonds were paid off on this property, Budget Review confirms that they are, so that is no longer an issue.

The second issue is the issue of alienation. Is there a question as to whether or not New York State Legislature must authorize the County to do this? That's a legal question, but it's certainly one that we think should be addressed at some point soon. And then the last issue I just wanted to bring to your attention, for your consideration in making your decision, is that the resolution as currently written proposes a transfer, basically, at no consideration.

Here again, that's your discretion and a policy choice. I just wanted to bring to your attention that one aspect that we think you should be informed of that is that there are times when we are dealing with the Federal Government where there's a requirement for a local match, for example, the Mud Creek Project that we are doing with the Army Corps of Engineers right now, they're coming in and doing about \$2 million of upgrades and improvements in the restoration of Mud Creek, but we were able to provide a local contribution Through land acquisitions.

So in the case of Robinson Duck Farm, you may be able to offer that

up as a contribution for a future federal project, perhaps in Fire Island, perhaps in some other part of Suffolk County, where the value of that property could represent the County's contribution to the project. So by doing the transfer at this time without that kind of benefit being weighed into it, we may lose that opportunity in the future. Here again, the idea is a very good idea, it makes sense, and it's more comprehensive and wholistic in terms of management of the property. It would remove the burden from the Suffolk County Department of Parks. But prior to doing so, we would ask for your consideration of those points. Thank you very much.

CHAIRMAN O'LEARY:

I have a question, Mr. Isles.

DIRECTOR ISLES:

Yes, sir.

CHAIRMAN O'LEARY:

Is this particular initiative setting a precedent? Have we ever done something like this before?

DIRECTOR ISLES:

I'm not aware that we have either way. I do know that this resolution •• pardon me. There was an authorization to sell this property to the Federal Government back in, I think, 1998. That obviously didn't happen. In terms of other transfers to the Federal Government, I don't know of any cases either way.

CHAIRMAN O'LEARY:

Under the 72•H provision. So this would be a first, to your knowledge.

DIRECTOR ISLES:

I do know that we've done 72•H with the State of New York. In terms of the Federal Government, I don't just personally know four. In my four and a half years with the County, I haven't dealt with it. Whether it was done before that or someone else knows, I don't know. That's not for me to say. But in my knowledge, I can't think of any other cases where we've done it with the Federal Government. We are looking into it in Fire Island, but, you know, that's a couple of years down the road before that will happen.

CHAIRMAN O'LEARY:

Any questions of the members of the committee? No questions? Thank you very much, Mr. Isles. Anyone wishing to speak before the committee before we get to the agenda? Ben, you want to come up? I understand there's •• you may not want to speak to us, but I understand there's •• a few question have arisen as a result IR 2196. Now my understanding is this has been amended just recently as of Monday and the initial resolution had to deal with the transfer of funds from the General Fund to Fund 8181, which is out•of•County tuition in the amount of \$35,000.

MR. ZWIRN:

Correct.

CHAIRMAN O'LEARY:

So explain to me how the amended version had to do •• anything to do with the original version out•of•tuition matter.

MR. ZWIRN:

It's a •• we took it as technical corrections. We added it •• we did an amended copy and added some other items in part because we're at the last meeting of the year. The last Legislative General Session will be December 20th on Tuesday. The _Halshla_ property, which is in here, is critical in the sense that it's time sensitive and has to be closed by the end of the year.

CHAIRMAN O'LEARY:

Let me ask you this. Wouldn't it have been more appropriate for the Executive to send a CN over Tuesday?

MR. ZWIRN:

We could still do that. You know, our concern was that you need 12 votes for a CN ••

CHAIRMAN O'LEARY:

Yes. I understand that.

MR. ZWIRN:

I just wanted to make sure •• I know the owners of this property

have to get this thing closed by the end of the year, because there is •• I mean, Lynne can speak to it, Lynne Bizzarro from the County Attorney's Office, they have, what is it, a 1030 •• there's a land transfer •• something that's unrelated to this driving is the timing on this particular sale. It has to be done by the end of the year or else we have a good chance of losing this property.

CHAIRMAN O'LEARY:

Well, I understand, but, I mean, can you understand my position? It's like apples and oranges. We're talking about out•of•County tuition, a tech resolution, and all of a sudden, a land acquisition is thrown into it.

MR. ZWIRN:

Absolutely. And I think what's driving it is because it is the end of the year and we're just looking for a way to get it •• make sure we could get it in. Again, we could do it by CN, but we just thought we would • • if we didn't have to use a CN to do it, we wouldn't. But, you know, if the committee, you know, recommends that we go that way, then we can certainly still do that.

CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

Ben, I'm thinking •• I'm going with the recommendation of the Chair. Don't you think you're going to run into a lot of problems Tuesday if

you are mixing those two items, land acquisitions and tuitions?

MR. ZWIRN:

Running into a problem for a change?

LEG. MYSTAL:

What you're going to have is a lot of questions. You're going to have a lot of questions from people saying why are those two items on the same bill ••

MR. ZWIRN:

It was a judgement call. We could have gone the other way and then perhaps that would have been a better way to go.

CHAIRMAN O'LEARY:

Would it not be your opinion that it would probably be more easily accepted and addressed by the new Legislature after January 1st with respect to this, or are there time constraints here that we're dealing with?

MR. ZWIRN:

On the land acquisitions, yes. Everything in this resolution is time sensitive. We want to appropriate the money, you know, for the college tuition before the end of the year. And we also want these land acquisitions to be able to close before the end of the year, because otherwise there will be a good chance it won't happen.

LEG. MYSTAL:

My suggestion to you is that just in case when you come in Tuesday, I say you come in your hand two CNs, one for the tuition and for the land acquisition, because you may run into a lot of problems in terms of getting people to go with it.

MR. ZWIRN:

These aren't, you know •• these aren't, you know, smoking guns or something.

CHAIRMAN O'LEARY:

It's a little bit out of the ordinary in the approach that has been taken.

MR. ZWIRN:

There's no question. And the only thing that has been driving it is because it's the last meeting of the year. That's the only reason why we did it this way as opposed to if we had more time.

MS. BIZZARRO:

If I could just comment from the Department of Law. In terms of how it was done, I have no comment on it. But my concern is from the Department of Law's standpoint. It's a 1031 exchange, it has to be done by the end of the year. If it does not get passed by the end of this year, it is not going to happen. My understanding is there were some errors that were made in the calculation in terms of the acreage, and the price per acre went from •• it was incorrectly set

forth in the resolution as \$56,000 per acre. It is actually \$61,000 per acre. And it was just an error. The contract currently reflect the proper acreage and the proper price per acreage. Nothing else has changed. It's still a 70•30 split with the Town of Brookhaven and the County, the County picking up 70% and the town picking up 30%. So nothing has changed in that regard.

CHAIRMAN O'LEARY:

I don't think we're questioning the merits of the land acquisition. It's the fact that you're mixing apples and oranges here. You know, there was a resolution introduced before this body for the purposes of addressing out•of•County tuition, and it was amended in a totally different text as far as the intent of the resolution. Now it has to do with land acquisition and out•of•County tuition.

MR. ZWIRN:

We don't disagree with your analysis of it. I would be •• I would ask that maybe perhaps this could get discharged without recommendation to the floor. I'd be glad to work with the Chair on, you know, setting up or the committee setting up the way they think it would be more appropriate to get passed before the Legislature on Tuesday.

CHAIRMAN O'LEARY:

We only have five days to work with me, because I'm history after that.

MR. ZWIRN:

Well, I don't think you're history after that.

CHAIRMAN O'LEARY:

In this body I am.

MR. ZWIRN:

That's a small part of history.

CHAIRMAN O'LEARY:

Little levity here.

MR. ZWIRN:

But I'm just saying glad to work with you in that time frame to see if we can, you know, set it up the proper way so we can get it done.

CHAIRMAN O'LEARY:

Let me defer to colleagues on the committee, what's their mindset with respect to this?

LEG. MONTANO:

Ben, I don't really have a problem with the substantive aspects of the bill. But this alone with other bills that we're not going to discuss now seem to go beyond the way I interrupt the rules of the Legislature in terms of amendments to bills and other formed questions, which I think would be better taken up next year.

In light of the way •• you know, this is a corrected or amended copy of a prior bill with something that is totally unrelated to the initial subject matter, I would prefer that you just come in with two CNs. I don't see any issue substantively, but I think that once we start relaxing our rules to accommodate either time factors or political considerations, we're going to run into problems. And I've seen this with other bills. And unfortunately, once you start down that road, it's hard to get back. So I'm not very comfortable in terms of mixing the apples and the oranges. I'm not comfortable in waving or bending the rules of the Legislature. I just don't think it's a good way to do it, even if it is the end of the year. We do have some flexibility. I'm not disposed to move it. I would rather see them just both come in separately, procedurally correct, and we can move forward from there.

CHAIRMAN O'LEARY:

I would agree with my colleague. As I suggested early in, perhaps a better approach for this would be to come in with a CN.

MR. ZWIRN:

Okay. Do them separately.

CHAIRMAN O'LEARY:

And I'm certain there should be no problem with that, all right?

MR. ZWIRN:

I appreciate that. I appreciate your suggestions and your help. We

don't disagree with •• it's not something that we do on a regular basis. It was just ••

CHAIRMAN O'LEARY:

Ends the year.

MR. ZWIRN:

•• driven by the time constraints.

CHAIRMAN O'LEARY:

I understand that. Because anything that's not addressed on the 20th by the full body expires, you know, because that's the end of the term, the two years, which we're well aware of. All right. So then perhaps bring it back.

MR. ZWIRN:

I'll bring that back, we'll handled it that way.

CHAIRMAN O'LEARY:

If you come over with the CNs, from my, standpoint there shouldn't be any problem with it. I'm sure my colleagues will be supportive as well.

MR. ZWIRN:

Could we add your gentlemen's names as cosponsors on the CNs?

LEG. MONTANO:

Not until I see it.

MR. ZWIRN:

If it meets with your approval.

CHAIRMAN O'LEARY:

I wouldn't go that far. I'll give you a verbal commitment, I'm not going to put my name on it.

MR. ZWIRN:

I will show you the CNs before the meeting.

LEG. MYSTAL:

Also, I wanted to tell you that one of the things that I think both Legislator Montano and I are totally against is having this idea of a bill introduced by the County Executive and then, you know, with that line that guys have added, with the support of, you know, so and so Legislator. That's not even in our Charter. You can put the CN in, we're all aboard, we'll lobby for it if you want us to, just don't put my name on it.

LEG. MONTANO:

If you support it, have a press release. Seriously, Ben, I'm very concerned about the extent to which we amend bills to take them outside the original subject matter. That's within your rules, and I think they should be respected.

MR. ZWIRN:

I think the County Executive's staff would agree with you 100% on that. We've had some concerns over the year as well. As I say, this was not done with any malice. It was done because of ••

CHAIRMAN O'LEARY:

There's always an option. And the other option is to get a discharge petition, but I don't think that's going to be necessary here. I mean, you have my word that if it comes over with a CN on the land ac separate from this particular •• are you proposing that you're going to come over with two separate CNs?

MR. ZWIRN:

I think that's how we'll •• yes. So we don't mix apples and oranges, I think that probably would be the best way to handle it.

CHAIRMAN O'LEARY:

I think if you do that then there should be no concern about getting the 12 votes. Is there anything else on the agenda you wish to speak on, because once I start it, it's going to be rat•a•tat•tat. I don't know how you put that down. It will be rather quick.

MR. ZWIRN:

Unless you have any questions, just go. I'll stay here just in case you have any questions.

CHAIRMAN O'LEARY:

With the understanding that we need three votes for passage on this, and we have three members of the committee here, we'll move on the tabled resolutions first.

TABLED RESOLUTIONS

1777, adopting Local Law, a Charter Law to prohibit campaign contributions from contractors doing business with the County of Suffolk (CARACCIOLO).

Motion to table by Legislator Montano, seconded by myself. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1777 is **tabled. (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

1783, adopting salary plans for employees who are excluded from Bargaining Units (COUNTY EXEC).

Motion to table by myself, seconded by Legislator Montano. On the question of the motion to table 1783? Hearing none, all those in favor? Opposed? Abstentions? 1783 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

1817, establishing an Application Fee Waiver Policy for Civil Service examinations (BISHOP).

Motion to table by myself, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1817 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**.

1820, adopting Local Law to extend and further strengthen the reporting for the Anti•Nepotism Statute (CARACCIOLO).

Motion to table by myself, seconded by Legislator Mystal. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1820 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**.

1867, establishing a policy and procedure for the naming of County facilities (COOPER).

Motion to table by Legislator Montano, seconded by Legislator Mystal. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? 1867 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

1959, adopting Local Law to require that certain employees use only County vehicles while conducting County business (LOSQUADRO).

There's an exemption on this of elected officials, legislative employees, Police Department employees, and District Attorney Offices. I know Legislator Losquadro who's the sponsor of this particular resolution is looking to move this. I don't know what the sense of my colleagues on the committee are. Did you wish to come up and speak on this, Lynne?

MS. BIZZARRO:

Yes. Thank you. I've spoken on this bill before. In a nutshell, if this bill passes my department will be in violation of it probably every day

of the week. We have asked Legislator Losquadro if we could get at least an exemption for the attorneys, and I just have not received any response to that request.

CHAIRMAN O'LEARY:

He has exempted the DA's Office. I'm assuming that's the ADAs and the DA's Office, but he has not amended it to include the Assistant County Attorneys?

MS. BIZZARRO:

No. We would •• I believe that it would be impossible for us to comply with this. We get phone calls from the court, there's an order to show cause on right now, you've got to be here in 20 minutes. You need a car really quickly like that, we just don't have enough cars. We just don't have enough cars.

CHAIRMAN O'LEARY:

There's a problem with the amending at this particular point in time because of the time constraints, but ••

MS. BIZZARRO:

It would just cripple our office.

CHAIRMAN O'LEARY:

All right. Motion to table by Legislator Montano, seconded by

Legislator Mystal. On the question of the motion to table 1959? Hearing none, all those in favor? Opposed? Abstentions? 1959 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro) .**

2031, directing the County Attorney to bring a lawsuit against United States Immigration and Customs Enforcement (CARACAPPA).

LEG. MONTANO:

Motion to table.

CHAIRMAN O'LEARY:

Motion to table by Legislator Montano, second by Legislator Mystal. On the question of the motion to table 2031? Hearing none, all those in favor? Opposed? Abstentions? 2031 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

2034, amending Resolution No. 861•2004, to modify the Town of Riverhead's intended use of property (CARACCIOLO).

This changes the property use from affordable housing to parking.

CHAIRMAN O'LEARY:

That's all you need to know, right? So make your motion.

LEG. MONTANO:

Motion to table.

CHAIRMAN O'LEARY:

This requires three votes. If I don't vote to table, it's dead. But going along with the program here, there's a motion to table 2034 by Legislator Montano, second by Legislator Mystal. On the question of the motion to table 2034? Hearing none, all those in favor? Opposed? Abstentions? 2034 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

2038, amending the Suffolk County Classification and Salary Plan in connection with the 2006 Operating Budget (COUNTY EXEC).

My understanding of this is there's four new titles that are in this particular proposal; the Director of Environmental Affairs, Communication of Information Technology ••

LEG. MONTANO:

Let's take that up next year.

CHAIRMAN O'LEARY:

You'll do it next year? Well, let's kill it then.

MS. VIZZINI:

What this does is puts these titles in our adopted Salary and Classification Plan. Right now we do not have these titles.

CHAIRMAN O'LEARY:

But what is the status •• if I may. Is there an Office of Environmental Affairs?

MS. VIZZINI:

The budget is in place with an Office of Environmental Affairs and a separate department of Information Technology. You will have before you the accompanying changes to the Charter to validate that.

CHAIRMAN O'LEARY:

It will not occur until after the first of the year? I don't see anything before us now.

MS. VIZZINI:

Referring to Mr. Zwirn, yes, those bills will be before you in January.

LEG. MONTANO:

Table it.

CHAIRMAN O'LEARY:

With the understanding that if it's being tabled, it dies at the end of the year, right?

LEG. MONTANO:

Yeah.

CHAIRMAN O'LEARY:

Okay. Motion to table 2038 by Legislator Montano, seconded by Legislator Mystal. On the question of the motion to table 2038? Hearing none, all those in favor? Opposed? Abstentions? 2038 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

2089, directing the Suffolk County Attorney to sell, devise, transfer, alienate or otherwise extinguish a possibility of reverter in favor of the Village of Greenport (CARACCIOLO).

CHAIRMAN O'LEARY:

It's my understanding that this was supposed to be withdrawn. There's a letter ••

MR. ZWIRN:

It's my understanding as well.

CHAIRMAN O'LEARY:

There's a letter from •• I have a letter on file from the Village of

Greenport requesting just that. But to date, I'm not aware of the fact that the sponsor has •• motion to table myself, seconded by Legislator Mystal. On the question of the motion to table 2089? Hearing none, all those in favor? Opposed? Abstentions? 2089 is **tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

2158, authorizing the reconveyance of County owned real estate pursuant to Section 215, New York State County Law to Terry J. Karl, Esq. Trustee of the Vincenza Barbero Trust (TONNA)

CHAIRMAN O'LEARY:

Is this a late starter? Pat, can you come up, please. What was the •• if you aware, Pat, what was the issue that was before us that required or that resulted in a tabling motion.

MS. ZIELENSKI:

I have a lot of papers regarding it.

CHAIRMAN O'LEARY:

I'm going to defer to Counsel for an explanation.

MR. BARRY:

I think it was tabled for a DSS search and also a title search. DSS was done, and there's no problem there. The title search was not done, but if it's before the floor on Tuesday, we can get by Tuesday,

the title search. There's a motion to discharge without recommendation by Legislator Montano, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **Discharged without recommendation (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**. And my understanding is that the necessary information will be before us on Tuesday.

2165, authorizing the sale pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act American Key, Inc. And Millenium Home and Land, LTD (COUNTY EXEC).

CHAIRMAN O'LEARY:

Why was this tabled?

MS. ZIELENSKI:

Frankly, I don't know why it was tabled.

CHAIRMAN O'LEARY:

I wasn't at the last Ways and Means Meeting, I had an excussal, so I'm not aware why it was tabled.

MS. ZIELENSKI:

I don't have anything that indicates why it was tabled either. It's a normal timely filled PRO redemption.

CHAIRMAN O'LEARY:

And it's a low figure too, three hundred and some odd dollars.

MS. ZIELENSKI:

Yes.

CHAIRMAN O'LEARY:

There's a motion to approve and place on the Consent Calender by Legislator Mystal, seconded by myself. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **APPROVED** and placed on the **Consent Calender (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

2196, authorizing certain technical corrections to Resolution No. 764•2005 (COUNTY EXEC)

This is going to be addressed in two separate CNs on Tuesday. So I will make a motion to table 2196, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? **Tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

2305, sale of County owned real estate pursuant to Section 72 •H of the General Municipal Law to the US Fish and Wildlife Service, an agency of the US Department of Interior (O'LEARY).

CHAIRMAN O'LEARY:

This is the issue that Mr. Isles spoke on. As the sponsor, I'll make a motion to table, seconded by Legislator Montano. On the question of the motion to table? Hearing none, all those in favor? Opposed? Abstentions? **Tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro)** . With the understanding that I might be requesting a discharge petition for Tuesday.

MS. BIZZARRO:

If I could just make a comment on the bill, Mr. Chairman.

CHAIRMAN O'LEARY:

Sure.

MS. BIZZARRO:

I've heard •• and I don't know who made the comment the last time •• that the bonds were paid off in connection with this property, but I have information from our Department of Finance and Taxation that indicates otherwise. The property was brought in 1991, we paid approximately 1.5 million for the duck farm property. It was refinanced in 1993 and then again in 2002. The current principle and interest outstanding on that property •• on the bonds regarding that property are \$971,000. So there is a bond issue, and I'm waiting to hear back from Bond Counsel to see whether or not there's an issue with respect to, you know, giving it to government for \$10 without satisfying that •• the outstanding bonds.

CHAIRMAN O'LEARY:

Is this some information that was passed on to the sponsor of this bill?

MS. BIZZARRO:

No. I just found this out about last night, so I'm passing it on now.

CHAIRMAN O'LEARY:

Okay. Because I'm hearing it for the first time.

MS. BIZZARRO:

Correct. I just got the e-mail. I can share whatever information you need further on it. But that's really, you know, only •• I mean, there may be parkland alienation, it is parkland. Is it absolutely clear? The cases don't absolutely answer the question, although the Comptroller's opinions do seem indicate this would be parkland alienation.

CHAIRMAN O'LEARY:

Thank you.

MS. BIZZARRO:

So I don't know •• you know, who is the information indicating that

the bonds were paid out of? Because my information definitely conflicts with that.

CHAIRMAN O'LEARY:

This has been deemed to be dedicated parkland for preservation purposes?

MS. BIZZARRO:

Correct. The way I read the entire file, it is clearly parkland, yes.

CHAIRMAN O'LEARY:

Okay. And as such, if this thing comes to fruition for •• what department, if you are aware, on a federal level would be charged with the maintenance upkeep?

MS. BIZZARRO:

I don't know. And I'm going to assume that they're going to keep it in same condition as it is now.

CHAIRMAN O'LEARY:

That's my understanding as well. And it's a contiguous border of the existing refuge itself.

MS. BIZZARRO:

Right. So that's why I don't really see that as an issue. I mean, like I said, not 100 •• definitely ambiguous in terms of court cases, Comptroller's opinions seem to indicate that it would be alienation, I'm not so swayed. So I'm more concerned about the bond issue.

CHAIRMAN O'LEARY:

Okay. There's a motion to table before us by myself, seconded by Legislator Montano. Any questions on the motion? Hearing none, all those in favor? Opposed? Abstentions? **Tabled (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

INTRODUCTORY RESOLUTIONS

2331, authorizing certain technical correction to Resolution No. 1172•2005 (LINDSAY).

It's just a technical error, typo. Motion to approve and place on the Consent Calender by Legislator Mystal, seconded by Legislator Montano. On the question of the motion to approve? Hearing none, all those in favor? Opposed? Abstentions? **Approved** and placed on the **Consent Calender (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

2332, amending the 2005 Operating Budget to create a position and amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Suffolk County Clerk's Office (PRESIDING OFFICER).

(*Legislator Kennedy entered the auditorium at 10:20*)

CHAIRMAN O'LEARY:

My understanding is this is eliminating a clerk typist, grade nine, abolishing that particular title and adding a grade 13 computer technician. Is it the position of •• does anyone wish to speak on this?

MR. KOVESDY:

The County Executive put in the recommended budget one additional computer position for the County Clerk at the Legislature, put in a second computer position for the County Clerk in the adopted budget. We feel that those two positions are sufficient at this time. If the Clerk's new subscription program goes into affect and becomes a success, we more than willing to change positions next year. But as of this time, the subscription program has not started yet. We have two new positions which will be filled next year. We feel the two position are sufficient. And if there's a need next year with the subscription service going out and the revenues coming in which would pay for this position,we're not against it. But at this time, until the subscription program is actually working and the revenues come in for it, we don't feel the need for the third position. There are two new ones in the budget.

CHAIRMAN O'LEARY:

Motion to table by Legislator Montano, seconded by Legislator Mystal.

LEG. KENNEDY:

Mr. Chair. I apologize for my lateness, but if I could just add to the discussion here. This position in particular, as a matter of fact, while the subscription program is not fully operational, there have been

some preliminary subscriptions that have been actually let. And the ability to go ahead and operate the program at this point really does require a sufficient number of staff to go ahead and keep the system up and operational and to be able to go ahead and meet the demands that are coming in both from the existing people that are in the building at this point and with the development that's going out there.

It was my understanding that there was an agreement across the board to go ahead and allow this position.

MR. KOVESDY:

We have the two positions that we will fill for the computers, but we wanted to wait to the subscription service is actually working. Once it's working, we will provide whatever staff he needs to work the system. That was agreement, once it's up and running John. But it hasn't been up and running and the commitment was one from the Exec, the Legislature put a second one, which we're not against, we didn't veto. It's when the system gets running and the revenues come in, the revenues would offset this position.

LEG. KENNEDY:

My conversations with the Director of Computer Operations there is that there actually have been at this point 60 solicitations. And there's on a trial basis now that the subscription program is actually operational. Gail, do you have anything to add to this.

CHAIRMAN O'LEARY:

The Chair recognizes the Director of Budget Review.

LEG. KENNEDY:

Thank you, Mr. Chair. Once again, I'm running rampant over protocol.

CHAIRMAN O'LEARY:

Yes, you are, sir.

MS. VIZZINI:

The only thing I wanted to clarify is Allen's statements, if you look at the resolution, this is not creating an additional position, the additional position is offset by the abolishing. That then goes to Civil Service in terms of whether a duty statement has been submitted and whether this is a bona fide title and whether the duties are those of someone doing computer technical work or someone doing, you know, work of a clerk typist. So there is that other issue.

MS. CHAYES:

And I can speak to that. Chris Chayes, Civil Service. This duty statement was submitted to us on this title, it is a new title, it is •• there is a need for it at this particular level, grade 13. And we have approved that. There's no problem from a Civil Service standpoint, title wise, creating this title.

MR. KOVESDY:

Again, I'm not arguing the need once the subscription service actually works. The County has invested millions of dollars in subscription service. Once the system is up and running, we don't have a problem. We want to wait until that system is up and running, bringing in revenues to pay for that. The clerk typist was unfunded in the budget. All we're asking for is a system that's supposed to start sometime in January get up. Once that system is up, we'll reevaluate the need. That's all we're saying. Mr. Romaine knows that. We've been fairly consistent with Ed. And I'm sure when he gets here on January 2nd, he will be very eloquent in this area also.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Okay. Notwithstanding the statements that you made, I'm fully aware at this point that there are eight vacancies in the office. So despite the relationship which the County Clerk has always had with the Exec, which is to generally go ahead and fill positions, because the County Clerk's Office is the largest revenue generator for the County of Suffolk. Last year there was a net transfer of over \$11 million to the General Fund based on the operations of the County Clerk's Office. I would go back to what the statement were from Civil Service where there's been a clear evaluation that in fact there is a bona fide and legitimate need for this position and that, in fact, it will in essence impede or hamper the success of the subscription service

to not allow this position to be filled at this point to adequately need and address what is a unique venture for the County of Suffolk out into the business market. I think there's more than ample justification to go ahead and take this action at this time.

MS. CHAYES:

I'll just say that Civil Service has approval the creation of the title. As far as the need of positions in the County Clerk's Office, that would be up to the appointing authority of the County Clerk. As far as the creation of a new title, the duty statement showed that it was a new title, that it was warranted to be added to our Classification and Salary Plan, but filling it is, again, up to the appointing authority.

CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

Given the fact that today is December 15th and the fact that we are eminently going to have a new County Clerk in January, would that hamper the County in any kind of way if we were to wait until January to make the decision in terms of a new position with a new County Clerk, with a new evaluation?

MR. KOVESDY:

In your opinion, no. We have had this long standing discussion with Mr. _Shishler_ and Mr. Romaine that once his system gets up and running, we would go the extra yard to make sure it works. We're

just saying that the system is supposed to start the first week in January, let the system be up and running, tell what you need, you need someone at the help desk, you need someone to maintain the system, we'll work with you. We just want to see the system up and running. This has been a discussion that's been going on for two years as far as staff is concerned. We said once the system is running, once the revenue comes in, we will supply the County Clerk with the staff he needs to make the system successful. That's all we're saying. Let the system start.

LEG. MYSTAL:

Would not having the person there, let's say, on January 5th or 6th hurt the County revenue wise?

MR. KOVESDY:

Not in our opinion. There's two new positions in the budget now that the Clerk can ask the County •• the new Clerk can ask the County to release in January. We're just saying let the system •• it's been a long discussion, you know, with Mr. Romaine over the two years. Once the system starts, we will •• we will staff the system so it's a success. It's millions of dollars. We're not going to not fill a position for \$30,000 when it's bringing in millions of dollars. That's counterproductive. We just want the system to actually start working, we'll supply the position.

LEG. MYSTAL:

My motion is to table it until January and bring it back up in January. Refile it in January.

LEG. MONTANO:

The two positions that we're talking about now, one from, you said, the County Legislature, the other one from the County Exec's office, those positions are not filled at the moment, is that accurate?

MR. KOVESDY:

No, they become January 1st.

LEG. MONTANO:

So they'll be filled January 1st?

MR. KOVESDY:

They can request them on January 2nd.

LEG. MONTANO:

If we approve this position, it would be effective when?

MR. KOVESDY:

After the County Executive decides either to sign it or to veto it. Effectively, it's going to be next year anyway, because the County closes down the last week. That's the other reason.

CHAIRMAN O'LEARY:

Okay. What's the pleasure of •• I don't want to kill this particular initiative. So it needs three votes ••

LEG. MYSTAL:

Why don't we just table it for now and revisit it again. Romaine will be here.

CHAIRMAN O'LEARY:

How about discharging without recommendation in the spirit of the season?

LEG. MYSTAL:

This one has veto all over it. If you want to discharge it without recommendation in the spirit of Kwanza, I'll do that.

CHAIRMAN O'LEARY:

But rather than going through the petition process, discharge petition process, there's probably a sense that somebody, some Legislator wants this on before the full body.

LEG. MYSTAL:

Happy Kwanza to you.

CHAIRMAN O'LEARY:

Motion to discharge without recommendation ••

LEG. KENNEDY:

I'll second that motion.

CHAIRMAN O'LEARY:

•• by Legislator Mystal, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? All in favor? Opposed? **Discharged without recommendation (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

2333, amending adopted Resolution No. 256•2004 (ALDEN).

Motion to approve by myself and place on the Consent Calender, seconded by Legislator Kennedy. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **Approved** and placed on the **Consent Calender (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

2334, authorizing the reconveyance of County owned real estate pursuant to Section 215, New York State County Law to Rebecca Holliday (BISHOP).

My only question, Pat, is on this •• in the resolution that I saw, it had

no appraisal value or the amount of payment of taxes that were paid in that were in arrears. It's been amended?

MS. BIZZARRO:

If I may? We never received any backup on this.

CHAIRMAN O'LEARY:

Is the resolution been now completed as far as the appraisal and the payment of back taxes, the amounts?

MS. ZIELENSKI:

The taxes have been paid.

CHAIRMAN O'LEARY:

For the record, let me defer to Counsel. Counsel has the amended version.

MR. BARRY:

Yes. This was amended and everything is in order. The appraisal is 6000.

MS. ZIELENSKI:

Six thousand, that's correct.

MR. BARRY:

And the back taxes are \$3406, and we have all the backup.

CHAIRMAN O'LEARY:

Okay. Motion to approve by Legislator Mystal, seconded by myself and place on the Consent Calender. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

APPROVED and placed on the **Consent Calender (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

2353, authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Kids Place Early Childhood Day School, a child care provider under contract with the Department of Social Services (COUNTY EXEC).

Motion to approve by myself, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **Approved (VOTE:4•0•0•1 • Not present: Legis. Losquadro).**

2362, amending the 2005 Capital Budget and Program and appropriating funds in connection with the acquisition of IFMS Release 3.0 (COUNTY EXEC).

Can I have an explanation on that, Counsel. How much are the

monies that are being appropriated, do you know?

MR. KOVESDY:

I can explain what the \$300 is for. When the •• at this point, there's one thing missing on the IFMS that the Department of Audit and Control requested, an automation of accounts payable, that's \$145,000 that was not in original bid. And the additional \$155,000 is for training for next year. This is something that came up. There's a committee of all of departments that had approved it, it came before the Steering Committee. We approved it. It's something that the Comptroller wanted. He wanted it automated. It was left out in the original proposal, and we're for it. That's the reason why. It will make our life a lot easier, and it's necessary.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Allen, tell me, IFMS has been with us for quite some time and it's gone through a lot of iterations, who at this point is the actual vendor, I guess, who's furnishing this software for us?

CHAIRMAN ALDEN:

It's AMS. The old system has come to an end. We have a new system. I think we're paying in the vicinity of \$2 million to redo the whole County and the College. It will go in affect on January 1st. The whole new system •• this particular piece was omitted. The County decided to go with as much stock as possible, not to customize it, because customization costs too much money. We

wanted to prevent what happened the last time we went to IFMS where there was a rebellion on the part of the users. They didn't understand what was going on. It was difficult. We made this very, very easy. Train the trainer and so forth. And that was just left, and the committee and the Comptroller had requested that we put the extra money in so that the system works comes January 1st.

LEG. KENNEDY:

The correspondence from bob Donnelly references the Audit and Control piece, but it also talks about the grants tracking program, I guess, that's going to be included in this as well. Wasn't that in the prior version?

MR. KOVESDY:

I don't think there's ever been a formal grants tracking. We have to manually move the money from one year to the next.

LEG. KENNEDY:

So this now will be integrated into the system that's been developed with federal and state aids input?

MR. KOVESDY:

It has the input of everybody. It has the input of the Comptroller, the Treasurer, the Executive, BRO has two people who are involved in it. We are all involved, and we're trying to make the system work. We don't want the same problem we had last time where the users rebelled.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN O'LEARY:

Yes, Mr. Kennedy.

LEG. KENNEDY:

Could I request the input of BRO, please?

CHAIRMAN O'LEARY:

You most certainly can.

LEG. KENNEDY:

Thank you, sir.

MS. VIZZINI:

It transfers \$300,000 from pay•as•you•go to meet the unanticipated additional expense of the 300,000.

LEG. KENNEDY:

And does BRO concur that this is a warranted and needed addition?

MS. VIZZINI:

It's a small amount of money in light of what we're paying to upgrade the system, and, yes, we do concur.

LEG. KENNEDY:

Great. Thank you.

CHAIRMAN O'LEARY:

2362, motion to approve by myself, seconded 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. Losquadro),**

2364, authorizing the Department of Law to study the feasibility of legal action against asphalt companies to recover excess monies paid by the County as a result of alleged bid •rigging by asphalt contractors (NOWICK).

It's my understanding that this matter is being currently investigated by the County Attorney's Office.

MS. BIZZARRO:

Correct.

CHAIRMAN O'LEARY:

I do have a request of the sponsor that she would like to see this

moved out of committee and put before the full body before the end of the year. So I would ask my colleagues on the committee to either approve or discharge without recommendation to bring this before the full committee rather than going through the discharge by petition process.

MR. ZWIRN:

Mr. Chairman, I just want to add on behalf of the County Executive that he has directed the County Attorney's Office to work with DPW. They are currently reviewing every contract, and he has directed them and DPW to withhold payment, cancel contracts and recoup money in the event that there's anything that's uncovered in that investigation that would warrant legal action on the part of the County.

CHAIRMAN O'LEARY:

It's the opinion of the sponsor who I spoke to this morning concerning this that this initiative asks for the feasibility of pursuing legal action. It's basically just protecting and covering the Legislative body. That's her position, and she's asked for this matter to be moved before the full body and let the full body decide on Tuesday whether or not they want to move forward with the feasibility of initiating legal action against the asphalt companies. Legislator Mystal.

LEG. MYSTAL:

To Mr. Zwirn, through the Chair, does the County Executive have any objection to this? What's the objection?

MR. ZWIRN:

He's not objecting to it, he's just saying that he's already undertaken it. I mean, it's directing the •• it's already •• it's already underway.

CHAIRMAN O'LEARY:

This is an initiative that's being put forward by this body basically supporting the Executive's initiative to look at this matter and us asking for it to be continued, the feasibility or pursuing legal action against the companies.

LEG. MONTANO:

From a legal perspective, if the County Attorney is already looking into this, which they have the right to do, what's the point of the resolution I'm asking. Is it like a Sense Resolution? Lynne, you want to answer that?

MS. BIZZARRO:

I don't know. It's not necessary as far as where I'm coming from. We've already been doing it for quite a while.

LEG. MONTANO:

You're reviewing the situation, you're seeing whether or not you have a cause of action. If you have a cause of action, you come back before the Legislature and say we want to institute suit, or do you do it unilaterally? Do you institute suit unilaterally, or do you have to come back here for authorization?

MS. BIZZARRO:

We can get the direction from the County Executive's Office to bring the suit.

LEG. MONTANO:

Okay. And this really doesn't give you anything more than you have now, does it.

MS. BIZZARRO:

Correct.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

It's good, I guess, that the County Attorney's Office is •• has already commenced some investigation on this, but, I guess, when I look at the resolution, in particular I look at the Second Resolved, I see that what it would do is it would have you actually address us within a set time frame. Sometimes investigations may lead into, you know, many months and we'll agree sometimes years. Because of the magnitude, I guess, and the importance of this or the potential to yield quite a bit of money, you would have to then come back to us, I guess, within 30 days of an enactment in order to go ahead and brief

us.

LEG. MONTANO:

One question. You are doing investigation to determine whether or not you're going to bringing legal action. Now everybody knows that. When you come back in 30 days, would we not go into Executive Session to discuss any details, or would you •• what would you come back in 30 days and say, we're still investigating?

MS. BIZZARRO:

I apologize, I don't have the resolution in front of me. I don't know what that 30 day time limit does.

LEG. MONTANO:

From what I understand, it just says that you'll come back to us in 30 days and, I guess, give us an update.

MS. BIZZARRO:

I would report in Executive Session, absolutely.

CHAIRMAN O'LEARY:

This basically codifies that, the intent. So I mean, I think the intent of the sponsor is to place on the record the fact that this body is interested in this particular matter and wants to make certain that the County Attorney's Office continues to pursue the feasibility of

initiating legal action against any parties that may have absconded with funds over and above the bid submitted. So I think it's •• you know, I mean, I understand that there is ongoing •• I'd like to make a recommendation to the committee to discharge without recommendation. Motion by myself, seconded by Legislator Montano to discharge without recommendation for purposes of bringing it before the full body on Tuesday the 20th. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions? **DISCHARGED WITHOUT RECOMMENDATION. (VOTE:4•0•0•1 • Not present: Legis. Losquadro)**

2382, amending the 2005 Adopted Operating Budget and 2005 Capital Budget and Program and appropriating funds in connection with the purchase of database software (BISHOP).

LEG. MYSTAL:

Explanation.

CHAIRMAN O'LEARY:

I think •• it's my understanding that this is an initiative put forward by Legislator Bishop for the purposes of having software placed in the Legislative Offices with respect to tracking constituent services, etcetera. I think that's the intent of this.

MR. BARRY:

Yes. This would just make sure that the process stays in place. I think BRO is working on an RFP for constituent software for the District Offices. This would just hope that that continues through the

next year to make sure that we can actually get it done.

MR. KOVESDY:

Mr. Chairman.

CHAIRMAN O'LEARY:

Yes.

MR. KOVESDY:

This issue has to come before the Information Steering Committee and be discussed and be part of •• their approval is required for this resolution to pass. We briefly discussed this. There are much less expensive ways to attach this, maybe at 20% of the cost that's in this resolution, and the committee would respectfully request that we review this next year. We had no consensus, there was no vote on it yesterday, and the legislation can't go through and the bid without the approval of the committee, which the Legislature has two votes on. We decided we wanted to push this over to next year.

CHAIRMAN O'LEARY:

My understanding is that this wouldn't actually purchase the equipment, the necessary equipment, it's only continuing to maintain the funds for the process of appropriating funds in the future because of the '05 situation.

MR. KOVESDY:

We briefly discussed this, and, you know, we felt that the \$200,000

was much, much, much, too much money, that it could be done much cheaper. And we would want the people to make a presentation to the committee, a formal presentation with alternatives before you go ahead. We ask the same thing of any other department. The Legislature is represented by two people on the committee, they didn't make a presentation, and we decided to pass this until next year.

CHAIRMAN O'LEARY:

This was only laid on the table in early December, December 6th, so I can understand your position. I haven't had any conversation with the sponsor of this particular resolution as to why •• you know, why this wasn't addressed in the future after the first of the year.

MR. KOVESDY:

That would make more sense.

CHAIRMAN O'LEARY:

But Legislator Bishop, as you know, is an outgoing Legislator, he's term limited. He must have had his reasons why •• why he introduced this resolution, maybe future considerations of his actual future.

LEG. MYSTAL:

BRO might know something about it.

CHAIRMAN O'LEARY:

BRO, Gail, can you shed any light on this as to what intent of the sponsor is with respect to moving this initiative in the last month of the two year cycle.

MS. VIZZINI:

Yes. We prepared this resolution at the request of the sponsor. What it is the \$200,000 was originally in the Legislature's budget in the event that there was the necessary consensus and approval to go ahead with this type software enhancement. What this resolution does is move that \$200,000 so that it is not lost in the Operating Budget and transfers it to an appropriate Capital Project so that in the event that we discuss this in 2006, at least there is a base number, a certain dollar amount, in there that if there is the necessary consensus and approvals, we could move forward with that money in the Capital Program.

CHAIRMAN O'LEARY:

In the event that the committee is successful in negotiating a contract with a lesser amount, at least those monies will be appropriated for purposes of dipping into, if you will, for purposes of paying whatever the amount of the contract will be, correct?

MS. VIZZINI:

This doesn't lock us into any ••

CHAIRMAN O'LEARY:

It doesn't lock us into this particular service, it just appropriates the

funds.

MR. KOVESDY:

We're also concerned that this may be able to be done in-house at minimal cost without even going out to bid. So there's a lot of issues that relate to this. We feel that putting this on without ample discussion is not the right way to do it. That's what the committee discussed yesterday, and that's the way we feel on it.

CHAIRMAN O'LEARY:

I can understand that. Again, I haven't had any conversation with the sponsor of this. What's the pleasure of the committee with respect to 2382?

LEG. MYSTAL:

I have a question for BRO.

CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

Gail, I think I understand what you are trying to do. I think it's a question of making sure the money is there, knowing the whims of this body and other bodies with what they can do with money around here when it's laying around. Is there any danger if we don't adopt this that the money will not be there next year or the money will be somewhere where we can't get at it?

MS. VIZZINI:

That's a part of why we're doing this. This is 2005 money, and it's in the Operating Budget.

LEG. MYSTAL:

Are you just trying to create a lock box for this money?

MS. VIZZINI:

Yeah. The only mechanism available to us to ensure that there's still at least \$200,000 is to move it •• move the cash into the Capital where you have more of a time frame to clarify these issues.

CHAIRMAN O'LEARY:

Is that not the purposes of this resolution?

MS. VIZZINI:

It's the only purpose of this resolution.

LEG. MYSTAL:

And if we don't use it and if we do it cheaper in•house...

MS. VIZZINI:

When it's time to appropriate this money, you would appropriate less,

or you would not appropriate it at all and you could use it as an offset in 2006.

LEG. MYSTAL:

Hello. Hello. Does that answer your question? If we can do it cheaper, the money is still there, we haven't used it.

CHAIRMAN O'LEARY:

That can be used as an offset by the new majority.

MR. KOVESDY:

I'm not trying to get into this with the politics, I'm just trying to tell you that we have a serious problem with this, that we feel ••

LEG. MYSTAL:

I know you have a serious problem with it, I'm just trying to ••

MR. KOVESDY:

We don't want to put Capital money away ••

LEG. MYSTAL:

•• find what the problem is.

MR. KOVESDY:

We don't want to put Capital money away where we can do something in-house with an existing staff at minimal cost. That's all I'm trying represent. If you gentlemen would prefer to put it there, it's your choice, you're the elected officials of the County.

LEG. MYSTAL:

Okay. What you're saying is you just don't want the money to go there, because you think we can do it for no money, therefore, there's room for us to put that money anywhere?

MR. KOVESDY:

That's pretty succinct, yes.

CHAIRMAN O'LEARY:

But the problem arises that if there's ••

MR. KOVESDY:

You're the Legislature. If you want to do something, you're going to find the money to do it anyway.

CHAIRMAN O'LEARY:

Exactly.

MR. KOVESDY:

That's not the problem.

LEG. MYSTAL:

The County Exec can always veto it.

CHAIRMAN O'LEARY:

You mean like my exempt bill?

LEG. KENNEDY:

Mr. Chair, one other thing. I appreciate you articulating, Allen, the thought that perhaps this could be something that would be done in •house or some other ways. That's always tenuous, at best, however, you said there was no consensus among the committee, as a matter of fact, when you met, the Steering Committee. There was discussion amongst this, you agreed to go ahead and table it. So you're articulating one philosophy of the committee there. That's not the whole consensus of the committee, correct?

MR. KOVESDY:

I don't want to speak for everybody. Mr. Faulk is your representative on the committee, I think he would concur that we thought this should be pushed over to next year.

LEG. KENNEDY:

Nobody is disputing that. As a matter of fact, all we're talking about ••

MR. KOVESDY:

And then at the Legislatures •• however the Legislature wants to present it, we don't really have a problem with the Legislature when they present things.

LEG. KENNEDY:

Well, that's good.

MR. KOVESDY:

I mean, we just •• we just want this done •• we just want this done the same as we would do any other department. If this was DPW, we would have the same problem.

LEG. KENNEDY:

We're not suggesting that it won't be like any other department would be going through the normal protocol and being vetted with the committee. We're just saying at this point, we'd like to go ahead and have the ability should it be something that passes muster and be something that we seek to purchase out there in the general market that the funding be available, that's all.

CHAIRMAN O'LEARY:

Legislator Montano.

LEG. MONTANO:

I'm just not clear. This is Operating Budget money for 2005 which we're moving to the Capital Budget?

MR. KOVESDY:

Yes.

LEG. MONTANO:

Why was it •• is it Capital Project money or is it Operating or is it •• could it be interpreted as being both? I mean, because in my mind, those are two separate items.

MR. KOVESDY:

It depends. If hypothetically we were to assign this project to use existing software to IS and they did it, the only thing we would have to purchase next year would be maybe an upgrade or an additional license or something else or additional wiring to each of the •• that would be a minimal •• minimal cost. There would be enough money between data process's budget, the Legislative budget to do it. There would be no need to do it Capital. If the discussion said they want something that's very unique that would cost over \$100,000, it would be Capital. It's a question of what •• of what the Legislature itself wants for its office to need. If we can do it in•house, there's no need to put any Capital money aside, and that's the basic question that we want to grapple with. You know, there's been suggestions that this could be done in•house with existing software and you would not need Capital funds.

CHAIRMAN O'LEARY:

If it can't be done in•house, what this ensures is that there will be monies available to take care of the matter if it can't be taken care of in•house.

MR. KOVESDY:

Correct.

CHAIRMAN O'LEARY:

And if in fact it can be taken care of in•house, then as BRO has just advised, there will be these monies totaling \$200,000 in the Capital Program that can be used for any offsets.

MR. KOVESDY:

Your pleasure, sir.

LEG. MYSTAL:

Mr. Chair.

CHAIRMAN O'LEARY:

Legislator Mystal.

LEG. MYSTAL:

I think the objection I'm hearing from you is not so much on what we are doing about the money, because I don't think you care that much about \$200,000 as to what we do with it. I think you are objecting

more as a policy shift that we are taking money from the Capital Budget •• from the Operating Budget and shifting it into the Capital Budget. I think that's your objection.

MR. KOVESDY:

On something that hasn't been discussed, something that hasn't been investigated.

LEG. MYSTAL:

So your question, it's a budget thing you're talking about, a budgetary policy that we seem to be setting up that's usually not done, and you're trying to, you know, stop us from doing it, because •• not stop us, you're trying to counsel us not to go that way.

MR. KOVESDY:

The Executive would prefer that. But as a member of the Steering Committee, both myself and Bill, we feel that it would be more prudent to do the front•end work as to the cost and where you are going before we come to a dollar figure. That's what we, as a committee ••

CHAIRMAN O'LEARY:

May I interject just for a second and ask BRO, if we do not move forward with this initiative, would these monies, the \$200,000 in the '05 Operating Budget, not be available for '06 Capital Program after January 1st?

MS. VIZZINI:

Absolutely. Correct.

CHAIRMAN O'LEARY:

So in a nutshell, I think that's what we're doing here, we are assuring that there's monies available in the event that it can't be taken care of in-house. And this is a point very well taken just reported by BRO that if we don't move forward with this initiative, those monies will not be available for '06 to put in place in the Capital Program.

LEG. MONTANO:

Just so I'm clear. We can't amend the budget in '06 to include this?

MS. VIZZINI:

You could, but you would have to cut something else, you would have to cut \$200,000 from some place else. This is just ••

CHAIRMAN O'LEARY:

This process avoids that.

LEG. MONTANO:

This is adding 200,000 whereas if we did it next year, we would add \$200,000 and delete somewhere else so that we would stay within the Capital budget; is that accurate?

CHAIRMAN O'LEARY:

Okay. I'm going to move this. I'm going to make a motion to approve, seconded by Legislator Mystal. On the question of the motion to approve 2382? Hearing none, all those in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstain.

CHAIRMAN O'LEARY:

One abstention. 2382 passes 3•0•1. **Approved (VOTE:3•0•1•1 • Abstention: Legis. Montano • Not present: Legis. Losquadro).**

2384, authorizing conveyance of parcel to the Town of Smithtown for use as a vehicle building for the Hauppauge • Central Islip Volunteer Ambulance Corp. (KENNEDY).

CHAIRMAN O'LEARY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, thank you very much. If I can, I'm going to ask, we have the Executive Director of the Hauppauge•Central Islip Volunteer Ambulance Corps. I appreciate you being here. He's here in support of it. It's something that's going to allow the ambulance ••

CHAIRMAN O'LEARY:

Sir, you have the option, if you wish, to speak on this matter. If you don't wish to speak on it, we can move it. He's been sitting there patiently all this time. I didn't realize you were in the audience, sir, on this issue. I would have moved it up on the agenda, but the sponsor was late and didn't make a request to do so.

LEG. KENNEDY:

Tardy again as usual.

CHAIRMAN O'LEARY:

So blame Legislator Kennedy for you having sat there for an hour and a half.

MR. BARZ:

That's okay, Mr. Chair. My name is Ron Barz, B•a•r•z. I'm the Executive Director of CI•Hauppauge Ambulance. I spoke with Legislator Kennedy in reference to this parcel of property we've been looking for. And what this would •• we're an 19.8 square mile ambulance district, the second busiest district in Suffolk County. Right now, our headquarters are located in Central Islip. For us to respond up into the northern area, northeast area or northeast area of our response area, it takes us anywhere from ten to 15 minutes without traffic. We're looking for this parcel to increase our response time by putting a garage up there and having personnel man this garage so we can have people within the northern area of our district providing we have alarms. If there is an alarm in the southern area, that ambulance would have to be taken out and respond to the southern area of the out district. But we would have the possibility of having a garage placed into that area with an ambulance and

personnel in it.

CHAIRMAN O'LEARY:

If I may ask, who are the current owners of the parcel of land that you wish to use?

MR. KOVESDY:

Suffolk County.

CHAIRMAN O'LEARY:

Suffolk County is the owner. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. As a matter of fact, the parcel that we're seeking •• by the way, I should indicate that Legislator Montano is my cosponsor with this. As a matter of fact, our Legislative Districts overlap for the Hauppauge•CI BAC. And the Ambulance Corps services all of the Hauppauge Industrial Park, so on any given day you have in excess of 50,000 workers that are in there who have need to go ahead and have the protection. This parcel is a large, approximately eight acre parcel of land ••

CHAIRMAN O'LEARY:

Excuse me, Legislator Kennedy. Legislator Mystal, you're being very disruptive. I can't even hear Legislator Kennedy, and that's really hard to fathom. Go, ahead, Legislator Kennedy.

LEG. KENNEDY:

It's an eight acre parcel that lies south of the Dennison Building. Our request is for a half acre in the southwestern corner of that parcel, which would be really a di minimus transfer and would allow more than ample land remaining for whatever the County's intention may be in the future. I think it's a good example of us trying to go ahead and support the emergency community out there. And I'd like to make a to approve.

CHAIRMAN O'LEARY:

There's a motion to approve by Legislator Kennedy, seconded by Legislator Montano. On the question of the motion, Ms. Bizzarro.

MS. BIZZARRO:

Thank you. As, again, laudable a goal as this may be, unfortunately, under General Municipal Law 72•H, a transfer such as this is not allowed. The law specifically says that the transfers can only be made to other municipal corporations, school districts, BOCES, fire districts, the state or the United States. It doesn't include a private corporation, which is how I read this resolution. It states Hauppauge •Central Islip Volunteer Ambulance Corps.

LEG. KENNEDY:

Which is •• as a matter of fact, we checked with Legislative Counsel. When we referenced General Municipal, Hauppauge CIVAC actually is a municipal entity established and set up under General Municipal law; that correct, Counsel?

MR. BARRY:

Yes, I believe that's correct.

LEG. KENNEDY:

Okay. So we fully conform with 72•H then.

MS. BIZZARRO:

We did a corporation search, and we came up that they're a not•for
•profit corporation. I guess I'm just confused.

CHAIRMAN O'LEARY:

The Chair recognizes Mr. Zwirn.

MR. ZWIRN:

For purposes of moving along, maybe we could discharge without
recommendation and get this resolved before the General Meeting on
the 20th.

LEG. KENNEDY:

I'll be happy to go ahead and consult, and we'll resolve whatever we
need to as far as putting in the proper paperwork. Fine. I'll withdraw
the motion to approve and make a motion to discharge without
recommendation.

LEG. MONTANO:

Second.

CHAIRMAN O'LEARY:

Just so you know, sir, this initiative is going to be discharged without recommendation, meaning it's going to be before the full body on Tuesday the 20th for a vote. I would suggest that you come on Tuesday and perhaps speak during the public portion in favor of this particular resolution. And hopefully, by then these questions concerning legal matters will be resolved. All right. There's a motion to discharge without recommendation by Legislator Kennedy, seconded by Legislator Montano. On the question of the motion? Hearing none, all those in favor? Opposed? Abstentions?

**DISCHARGED WITHOUT RECOMMENDATION (VOTE:4•0•0•1 •
Not present: Legis. Losquadro)**

SENSE RESOLUTIONS

Sense 78, memorializing resolution requesting the New York State Legislature to enact legislation protecting real estate commissions (COOPER).

LEG. MYSTAL:

Motion to approve.

CHAIRMAN O'LEARY:

Motion to approve by Legislator Mystal, seconded by myself. On the

question of the motion to approve, Legislator Kennedy.

LEG. KENNEDY:

We had previously, as a matter of fact, looked at this Sense. Legislator Losquadro had previously introduced it. The only thing that I have to add to this is having been there in the Clerk's Office for all the years that I was in there, this is laudable for the real estate brokers community and certainly something where there is occasion where brokers do wind up having difficulty with receiving commission. However, by charging the County Clerk with having to be the individual who stands in the shoes of an escrow agent, it does cause certain difficulties, if you will, as far as trying to go ahead and actually work out the mechanics of us charging a public entity now with standing in the shoes of an escrow agent.

CHAIRMAN O'LEARY:

This is Sense Resolution, which for all intents and purposes is not worth the paper its written on. And if we don't move this, it's going to be reintroduced after January 1st, so why bother? You'll see it again. There's a motion to approve the Sense, seconded by myself. On the question of the motion to approve? All those in favor? Opposed?

Abstentions?

LEG. MONTANO:

Abstain.

LEG. KENNEDY:

I abstain. If I abstain, what happens?

CHAIRMAN O'LEARY:

If you abstain, it dies. It will be reintroduced after the 1st. Sense 78 fails for a lack of a majority of three. **FAILS (VOTE:2•0•2•1 • Abstentions: Legis. Kennedy and Montano • Not present: Legis. Losquadro)**. Anything else? Hearing no one, this meeting stands adjourned. Thank you very much. Have a very good Holiday.

(* Legislator Kennedy entered the auditorium at 10:20, and requested that the Chief Deputy Clerk record his vote with the majority*).

(* THE MEETING WAS ADJOURNED AT 11:06 A.M.*)

_ _ **DENOTES BEING SPELLED PHONETICALLY**