

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 Wednesday June 6, 2007.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Elie Mystal - Vice-Chairman
Legislator Tom Barraga
Legislator Edward Romaine

MEMBER NOT PRESENT:

Legislator Kate Browning

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director, Budget Review Office
Alicia Howard - Legislative Assistant
Ben Zwirn - County Executive's Office
Jacqueline Caputi - County Attorney
Edna Guarino - Family Day Care
Kathy Liguori - Tutor Time - Medford
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 9:42 A.M. *)

CHAIRMAN D'AMARO:

Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise for the Pledge of Allegiance.

SALUTATION

CHAIRMAN D'AMARO:

Once again, welcome. We will start off this morning by taking a look at our agenda. And we do have two cards that have been submitted for individuals to address the committee. I will call the first. You'll each have three minutes to address the committee when you come up to the podium. The first is Edna Guarino. Good morning, please go ahead.

MS. GUARINO:

Good morning. My name is Edna Guarino. I'm a contracted family day care provider. I have performed services for Suffolk County for over 30 years. My purpose in coming today is to inform the committee that in the Year 2005, in February, when I did not receive my check for January, I contacted the County's -- a County unit. And I was told by Mr. Moore that he had lost 20% of his account clerks, which accounted for our checks coming in late.

From that point on, it has become a non-ending late payments. Payments that have cost many quality day care stress, Federal tax liens on their homes, credit ratings have been destroyed, because without getting paid within a 30 day period of time, you cannot pay your bills. For over 20 years, Suffolk County paid their providers and people who perform public service for Suffolk County within a 30 day period of time. I can document for the past 20 years that it has been done. There were a couple of times it went off, it lasted a couple of months. We brought it to the County Exec's Office, it taken care of.

When I approached the County Executive's Office with this in April, I presented him with a letter from a former Commissioner, Rick Brandwein, which in the letter clearly stated there was a mandate out of the County Exec's Office that payments were to be received within a 30 day period of time. His office chose not to hire the personnel that had vacated their positions. The monies were in the budget for the Year 2005 and for the Year 2006. And yet, the people who have serviced this County in good faith have been hurt very badly.

We are asking you to please, please pass this law. Ensure the people, let them know that you care enough about the services they perform here to be paid in a decent reasonable time. Anything short of that, could lead to an even more critical situation then we have right now with day care. We have people who will no longer take DSS children, we have centers closing because they can't afford to pay their employees, they can't afford to pay their bills, so they're shutting down. We can't afford to lose that in Suffolk County.

It takes a lot of money to open up one family day care. Every person over the age of 16 must be fingerprinted and they must be screened individually. They can't accept the State's fingerprinting. It has to be done by Suffolk County.

CHAIRMAN D'AMARO:

Ms. Guarino, if you would wrap up. Your three minutes has expired.

MS. GUARINO:

It would cost this County more to not pass this law then it would to pass it.

CHAIRMAN D'AMARO:

Thank you for your comments. Next person please come on up, Kathy Liguori from Tutor Time. Hi.

MS. LIGUORI:

My name is Kathy Liguori. I'm from Tutor Time Child Care Learning Centers of Medford and Middle Island. And I'm here also to support the child care providers in the County of Suffolk. Many child care providers have been experiencing financial hardship due to the delayed payments from Suffolk County. Some of the hardships have included Federal tax liens because of delayed payments on payroll taxes. They've extended their debts -- they have extended debts, they've destroyed their credit ratings, and some of them have been forced to close businesses.

I'm here to speak about Introductory Resolution 1510 for the Prompt Payment Law. And I just want to let you know that there are 192 licensed child care centers in Suffolk County with a license capacity ranging from 20 to 220 children. Not all of them accept DSS subsidized children, and some of them are no longer going to be accepting them, because of the prompt payments. They just can't make it work fiscally.

Of the 192 centers, 68 of them or 35% have serious violations against them. Various reasons, we just know that learning begets learning, violence begets violence and poverty begets poverty and quality begets quality.

The County is the administrative agency for providing payment for child care services for State of New York. The Department of Social Services is paid by the State \$1.7 million a year for other programs and administrative costs in order to administer the New York State Child Care Block Grant. All of the child care centers that provide services do not necessarily have to be contracted providers. The New York State Office of Children and Family Services, their regulation says that a contract cannot be made a condition for providing services or receiving payment from the State.

So I just ask that you consider the language of Introductory Resolution 1510 that all child care providers, both contracted and non contracted be considered in that language so that they can continue to provide subsidized care for all the children in the County. Thank you.

LEG. ROMAINE:

Quick question.

CHAIRMAN D'AMARO:

Okay. Thank you. Before we get to a quick question, Ms. Liguori, just hang on one second. I just want to make a quick announcement. 1510, which is bill you're referring to is scheduled to be tabled today as required by our procedures so it can go to a public hearing at the full Legislature Meeting that's coming up on June 12th. And I would encourage both of you to participate if you would like at that time as well. Legislator Romaine.

LEG. ROMAINE:

I want to thank Ms. Liguori for making me aware of this problem. I have received telephone call from many day care providers who have repeated time and time again the amount of delay in getting paid from the County, that the County is running several months behind. And this affects their cash flow and their financial viability.

So I am extremely sympathetic. And I have joined Legislator Fisher in enlisting myself as a cosponsor of that resolution, and I will support it. I'm also looking for ways to introduce even stronger legislation that would mandate more timely payment, because although this is a step in right direction, I think even more can go done. I can tell you in my own household, I pay my bills on time. The County should do the same. And when it doesn't do the same and it fails for whatever reason, lack of staffing, failure to fill vacancies, whatever the reason may be, the County needs to face some type of penalty to make it a more painful not to pay your bills on time, then to avoid paying your bills. The County should not be a deadbeat. Thank you.

CHAIRMAN D'AMARO:

And do you presently contract with the County of Suffolk?

MS. LIGUORI:

At this time I do not. I can't.

CHAIRMAN D'AMARO:

You can't?

MS. LIGUORI:

I can't.

CHAIRMAN D'AMARO:

Okay. Thank you.

MS. LIGUORI:

Can I tell you why?

CHAIRMAN D'AMARO:

Sure. Go ahead.

MS. LIGUORI:

The delayed payment -- the Living Wage Law that was instituted has made it very difficult. My centers are, I think, of the only 14 centers in Suffolk County that are accredited by the National Association for the Education of Young Children. The Living Wage Law did not assist or consider any equity increases for payroll. And while they instituted a hardship fund, it takes about six months or more to get that hardship money, and you must pay out those salaries to your employees. So coupled with the delayed payments from Suffolk County, it's financially impossible to increase your payroll by ten to 15% while not getting paid for the County and still waiting for hardship funds while also not considering all employees for equity increases.

CHAIRMAN D'AMARO:

So your facility road block to providing contract services to Suffolk County was also the Living Wage requirement?

MS. LIGUORI:

Yes.

CHAIRMAN D'AMARO:

Okay. But there was a time when you did contract with Suffolk County; is that correct?

MS. LIGUORI:

That is correct.

CHAIRMAN D'AMARO:

At that time, did you ever raise in your contract negotiation a provision that would require the County to pay interest on late payments?

MS. LIGUORI:

At that time I did not, because in only adhering to or coming to all these committee meetings and trying to testify to get the payments on time, have I discovered that New York State has a law in place already, the Prompt Payment Law as well as the Resolution of 1293 for payments in advance of audit. So it's only discovery by peeling back the onion to try to make ends meet. But, you know, in January of this year, we attempted to try to contract again and started the processes going, but then we were falling in the 54 day payment lag. And it was just impossible. We've already extended equity lines of credit, we've been to the CDC to try to get more loans. But how much -- how much do we have to extend ourselves to try to do the right thing?

CHAIRMAN D'AMARO:

Was it only the County late payment that was causing this problem, or do you experience that from private payers as well?

MS. LIGUORI:

We experience it from time to time for private payments, but they have conditions. We have security deposits on file with them, they have a two week security deposit with us that remains on their account and it gets applied to their last two weeks of tuition at the center. And it is considered a security deposit, because if they do fall behind, we can give them -- we have that money or their account to say, you know, you've used up, that's it. So we can give them that notice. But with the Department of Social Services, although there is an administrative mandate from the state that says that they are required to pay us security deposits and registration fees, they choose not to.

CHAIRMAN D'AMARO:

Do you have a policy in place that would charge a private payer interest on late payment?

MS. LIGUORI:

Yeah, they have late payment fees.

CHAIRMAN D'AMARO:

Do you enforce it?

MS. LIGUORI:

Yes, we do.

CHAIRMAN D'AMARO:

All right. Well, then I thank you very much for your time. We appreciate both of you coming down and informing us of your views. We, of course, will consider them, but I do encourage you to participate further as the process goes along. Thank you.

MS. LIGUORI:

We will. Thank you.

CHAIRMAN D'AMARO:

I have no other cards this morning. Is there anyone else here who -- yes.

MS. ALLONCIUS:

Good morning, Members of the Committee. I would just like to speak on Resolution 1352.

CHAIRMAN D'AMARO:

If you could state your --

MS. ALLONCIUS:

Debbie Alloncius, AME, Legislative Director.

CHAIRMAN D'AMARO:

Thank you.

MS. ALLONCIUS:

Resolution Number 1352, I'm hoping it can just kind of like stay in committee and not go anywhere since we've reached a wonderful compromise regarding these positions. We came to a conclusion with 1427, so we're hoping that this just stays in committee. Thank you. Have a good morning.

CHAIRMAN D'AMARO:

All right. Thank you. Anyone else like to address the committee this morning? For the record, no

response. With that, we will turn to the next portion of the agenda, which are Tabled Resolutions. I'll call the first.

2188-2006, Authorizing conveyance of parcel bearing Suffolk County Tax Map Number 1000-015.00-05.00-025.003 to the Town of Southold pursuant to Section 72-h of the General Municipal Law. (Co. Exec.)

I will offer a motion to table.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Barraga. Any discussion? I'll call the vote? All those in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

2593-2006, Naming the new Supreme Court Building in Riverhead the "Distinguished Military Veterans Supreme Court Building". (Stern)

I'll offer a motion to table, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

1327-2007, Adopting Local Law No. 2007, A Charter Law to strengthen and streamline the process for adopting local legislation. (Pres. Off.)

This is a bill that is presented for our consideration that would extend the time in which the Legislature would have to consider override votes after a veto by the County Executive. It would, I think, avoid having to call special sessions, if I'm not mistaken in my reading of the bill. And I'll offer a motion to approve.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine. Any discussion? All in favor? Opposed? Abstentions? Motion carries. The bill is **APPROVED (VOTE:4-0-0-1 - not present - Legis. Browning).**

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor on that bill.

CHAIRMAN D'AMARO:

1350-2007, Establishing a Taxpayer Friendly Health Care Benefits Policy for Suffolk County Water Authority. (Lindsay)

Again, it is my understanding based on my discussions with our Presiding Officer that this agency is considering doing this on its own. So I'm going to offer a motion, once again, to table one more cycle.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. All in favor? Opposed? Abstention? **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

1351-2007, Establishing Health Care Benefits Policy for Suffolk County Off-Track Betting

Corporation. (Lindsay)

I believe this is, in effect, moot at this time as indicated by Legislator Lindsay. It is withdrawn?

P.O. LINDSAY:

I haven't officially. Just table it for now. I'll give the Counsel notice.

CHAIRMAN D'AMARO:

Very good. Thank you. I'll offer a motion to table, seconded by Vice-Chair Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

1352-2007, Adopting Local Law No. 2007, A Charter Law transferring certain functions of the Department of Human Resources, Personnel and Civil Service, Division of Human Resources, to the Department of Audit and Control. (Losquadro)

LEG. MYSTAL:

Motion to table.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to table. I'll second. We had already moved the budget back over, I believe, to Civil Service. I'll call the vote. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

CHAIRMAN D'AMARO:

Legislator Romaine is opposed. The motion carries. **TABLED (VOTE:3-1-0-1 - Opposed - Legis. Romaine - Not present - Legis. Browning).**

1407-2007, Amending Resolution No. 2-2007, Rules of the Suffolk County Legislature. (Montano)

I'll offer a motion to table.

LEG. MYSTAL:

I'll second.

CHAIRMAN D'AMARO:

Seconded by Vice-Chair myself. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

MR.25-2007, Memorializing resolution in support of New York State Legislation to provide statewide voting system using paper ballots and precinct-based optical scanners. (Viloria-Fisher)

I'll offer a motion to table, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

The next section of the agenda is Introductory Resolutions. I'll call the first.

2413-2006, Adopting Local Law No. 2007, A Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest. (Co. Exec.)

I'll offer a motion to table, seconded by Legislator Mystal. All in favor? Opposed? Abstentions?

Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

1428-2007, Authorizing certain technical correction to Adopted Resolution No. 311-2007. (Co. Exec.)

Mr. Nolan, just a very brief explanation on this technical correction.

MR. NOLAN:

This is just changing -- correcting a figure in an earlier resolution that amended a Capital Budget Program. It incorrectly stated \$250,000, this corrects it to \$50,000.

CHAIRMAN D'AMARO:

I'll offer a motion to approve and place on the Consent Calendar, seconded by Vice-Chair Mystal. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:4-0-0-1 - not present - Legis. Browning).**

1492-2007, Authorizing the sale, pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Eastern End Property Management, Inc. (SCTM No. 0200-072.00-01.00-022.000). (Co. Exec.)

This is a sale as a matter of right. Motion to approve and place on the Consent Calendar, seconded by Legislator Mystal. All in favor? Opposed? Abstentions. Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE:4-0-0-1 - not present - Legis. Browning).**

1496-2007, Amending Resolution No. 1258-2006, authorizing the sale of Brownfield property tax liens at public auction. (Co. Exec.)

I believe there is a request to table this from the County Executive's Office. I'll offer a motion to do so, seconded by Legislator Mystal. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

1505-2007, Authorizing use of County facilities by Walk-FM in connection with providing space near the County's Emergency Command Center as an auxiliary broadcasting location during periods of declared, local emergency. (Co. Exec.)

I will offer a motion to approve this resolution, seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? The motion carries. **APPROVED (VOTE:4-0-0-1 - not present - Legis. Browning).**

1510-2007, Adopting Local Law No. -2007, A Local Law to establish a prompt payment policy. (Viloria-Fisher)

This is required to be tabled as I mentioned for public hearing. I'll offer a motion to table.

LEG. BARRAGA:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Barraga. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE:4-0-0-1 - not present - Legis. Browning).**

That concludes the public portion of our agenda. We do have a brief Executive Session. I'll offer a motion to go into Executive Session, seconded by Legislator Mystal. All those in favor? Opposed? Abstentions? Okay. We will be back. Thank you.

(* AN EXECUTIVE SESSION WAS HELD FROM 10:03 A.M. UNTIL 10:23 A.M. *)

LEG. BARRAGA:

We're all done with Executive Session.

CHAIRMAN D'AMARO:

Okay. Back on the record. I'll make a motion to adjourn, seconded by Legislator Barraga. Any opposed? We're adjourned. Thank you, folks.

(* THE MEETING WAS ADJOURNED AT 10:23 A.M. *)

{ } DENOTES BEING SPELLED PHONETICALLY