

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, December 1, 2010.

MEMBERS PRESENT:

Legislator Lou D'Amaro - Chairman
Legislator Lynne Nowick
Legislator Kate Browning
Legislator John Kennedy
Presiding Officer Bill Lindsay - Ex Officio Member

MEMBER NOT PRESENT:

Legislator Jon Cooper - Excused Absence

ALSO IN ATTENDANCE:

George Nolan - Counsel to the Legislature
Gail Vizzini - Director - Budget Review Office
Robert Lipp - Deputy Director - Budget Review Office
Renee Ortiz - Chief Deputy Clerk of the Legislature
Ben Zwirn - Deputy County Executive
Pam Greene - Director - Department of Real Estate
Dennis Brown - County Attorney's Office
Paul Perillie - Aide to Majority Caucus
Linda Bay - Aide to Minority Caucus
Justin Littell - Aide to Legislator D'Amaro
Christine Malafi - County Attorney
Angie Carpenter - Suffolk County Treasurer
Joe Sawicki - Suffolk County Comptroller
Vincent DeMarco - Suffolk County Sheriff
Judith Pascale - Suffolk County Clerk
Tom Spota - Suffolk County District Attorney
Connie Corso - County Executive's Budget Office
Dot Kerrigan - AME
All other interested parties

MINUTES TAKEN BY:

Donna Catalano- Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:22 A.M.*)

CHAIRMAN D'AMARO:

Good morning, ladies and gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise and join the committee in the Pledge of Allegiance led by Legislator Lynne Nowick.

SALUTATION

A couple of announcements before we get to the agenda this morning. First, welcome to our Presiding Officer Bill Lindsay for joining the committee this morning. Please note for the record that Legislator Cooper is still, I'm happy to report, recovering nicely, but has an excused absence from attending the committee this morning. There will be, for committee members, an Executive Session immediately following the public portion of the committee this morning.

And lastly, we did have a presentation on the agenda this morning from both Suffolk County Board of Election commissioners. Unfortunately late last night, they had to cancel. As we are all aware, they're very involved in vote counting right now, and apparently they had to make some rulings this morning in order to be in court by this afternoon as ordered by the judge. So they'll be rescheduling with us soon.

All right. Turning to the agenda, the board has not received -- the committee rather has not received any correspondence. And do we have any cards for public comment?

MS. ORTIZ:

No.

CHAIRMAN D'AMARO:

Is there anyone here who would like to address the committee this morning during the public portion? Okay. Please note also for the record, we are joined by our other County-wide elected representatives; District Attorney Spota is here with us this morning and our Sheriff, Sheriff DeMarco, as well as our County Clerk has joined us this morning as well, Mrs. Pascale. So good morning. Who would like to -- I'm sorry. I'm sorry. Our County Comptroller is here as well. Mr. Sawicki, welcome also. And our County Treasurer Angie Carpenter has joined us as well. It's nice to see all of you. And whoever would like to speak, please come up.

P.O. LINDSAY:

If you guys want to sit at the table, it's more comfortable.

MR. SPOTA:

Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, Mr. Spota, District Attorney Spota, welcome and good morning. Thank you for joining the committee this morning. Please go ahead.

MR. SPOTA:

Sure. I just submitted a statement to the entire Suffolk County Legislature in support of IR 2055-10, which has been signed by the five of us. We are unilaterally and jointly fully in support of this particular resolution, and we urge it's adoption. I do have a joint statement, which we have prepared, which I will read into the record on behalf of all of us. It's significantly shorter than that, but it incorporates a lot of the information that is in that document that I just submitted.

"When the County Executive can unilaterally deny the resources that the County Legislature has provided each of us in the Operating Budget, our ability as County-wide elected officials to effectively perform our jobs is severely hampered thus frustrating the will of those who elected us to serve. Clearly, we have the expertise to run our respective offices most efficiently, not the County Executive. We have the expertise to determine which positions are essential and which positions can be left vacant to save taxpayer money, not the County Executive. This legislation will allow us and those who succeed us to make those decisions, and that's why the five of us come before you today to respectfully urge the adoption of IR 2055-10.

The County Executive publically has attempted to defend his position by stating that he and he alone produces turnover savings. As an example, as recently as last week at a press conference, he cited that his ability to exercise strict position control saved \$1.9 million in those five County-wide elected office in the Year 2009, and had that authority been removed, taxpayers would have paid \$1.9 million more in 2009. This statement is simply untrue. The fact of the matter is we, you, the Legislature, the District Attorney, County Clerk, County Comptroller, County Treasurer, Sheriff and the County Executive's Budget Office working together during the fiscal crisis in 2009 went back to our budgets to craft and effectuate a savings plan to address the County's fiscal situation. Each of us left positions unfilled that we best determined would not be harmful to the taxpayers while cutting other areas in our budget to produce those savings.

In short, it was we rather than Mr. Levy who saved the taxpayers \$1.9 million. Assertions that this is an anti-taxpayer power grab by the County Legislature and that Mr. Levy will be deprived of the ability to manage the budget are also not true. The proposed law should be viewed as pro-taxpayer legislations which would restore the balance of power between the two coequal branches of government by making it very, very clear that the Executive only has the budgetary powers expressly granted by the County Charter and not the implied powers he has unilaterally usurped.

To allay his concerns that, as he believes, the fiscal sky will crash if we are afforded the opportunity to fill positions funded in the budget, the legislation provides clear cut opportunities for the County Executive to demonstrate a need for not filling budgeted positions, and those are clearly enumerated in the document that I have given you as well as the proposed resolution. And I don't think they need not be repeated here. Unless you want me to read them, I will.

In short, the County Executive is not at all excluded from the process of filling positions, rather, he is just prevented from unilaterally acting to amend the Operating Budget enacted into law by the County Legislature as he sees fit. The County Executive wished to jealously guard his present ability to delay or refuse to fill budgeted positions. The County Executive in effect is creating phantom payrolls by refusing to fill those positions budgeted by the County Legislature.

Without adequate staffs, auditors cannot scrutinize County contracts in an effort to protect taxpayers, scandals cannot be thoroughly investigated, delinquent taxpayers and those seeking to avoid paying their fair share often go undetected to the detriment of all law-abiding taxpayers, the timely filing and recording of court documents and land records would be jeopardized, million of dollars in overtime expenses are incurred due to inadequate staffing at the County Correctional facilities and crimes are being committed everyday without the dedicated resources to appropriately handle them.

The recent claim cited by the County Executive that he has 16 fewer staff than his predecessor deserves to be scrutinized. The Executive transfers personnel on paper to other departments under his control to make it appear that fewer employees are in the Executive's budget. In reality, it creates the illusion that those same people still work for him even though they may appear to work in other departments. Assigning clerical staff and secretaries from other departments to work on the 12th floor but be paid out of funds of other offices may make for good press releases claiming to

save money for the taxpayers, but it does not change the basic fact that the County Executive is engaging in just another shell game to fool the taxpayers.

We commend the Legislature for their courage, vision and conviction in proposing IR 2055-10 to restore the balance of power amongst and between the two branches of government and all County-wide elected officials, but more importantly, for protecting the taxpayers. We respectfully request its adoption into law, and we respectfully request that the matter be voted on by this committee today. There is no reason to delay it. We are all unanimous in our support. We are not going to change our support for any reason whatsoever. Thank you.

CHAIRMAN D'AMARO:

Thank you, District Attorney Spota. Mr. Sawicki, go ahead.

MR. SAWICKI:

Thank you, Mr. Chairman. Just speaking from the perspective of the Office of the Comptroller, as you know, the County Charter and State Law designates my office or our office as the County's Chief fiscal -- I'm the Chief Fiscal Officer of this County. My responsibilities and duties and fiduciary responsibilities to the taxpayers and to this County Government and to you, this Legislature, are immense. I perform the County's payroll function, we pay the County's bills; almost 260,000 vouchers a year, we do the borrowings and concurrence with the action of this Legislature four times a year; two long term, two short term, we are the auditing authority of the County according to the County Charter, we prepare the County's financial statements, and we prepare and monitor the County's cash flow statements.

My staffing is such that I'm almost embarrassed to say, but we as a County Government should be embarrassed that now the County's main bill paying function is five and a half weeks behind schedule, five and a half weeks tardy. That is an embarrassment to all of us, ladies and gentlemen. I am not proud of that. It's the first time in my eight years as the Comptroller that we've ever gone beyond two weeks. My goal and my policy as the Comptroller is to turn vouchers around and to pay our vendors and to pay our non-profit agencies and profit agencies in this County 10 to 14 days.

I have not had a SCIN signed since November of 2008, a principal account clerk for payroll. And coincidentally, the timing of this -- and this is what I appeal to you, because I'll be -- my appropriations area with all the other responsibilities, the responsibility of paying the County's bills has got to be paramount. It's pathetic that we are behind this far because we don't have the manpower. And all we are appealing is to operate within the means of the County Budget that you, the Legislature, give us.

There's been a few things that I've been involved with over the last couple of years that it's my responsibility as the County Comptroller to the taxpayers and to you as the Legislature to be the fiscal watchdog of this County. I can't help it if the County Executive did not like my involvement and my production for you the Legislature of a procurement policy manual to provide more transparency and openness and to shed light on the hiring of consultants in this County. I can't help it if I said my peace before the Ethics Committee a couple of months ago. And I can't help it if I did my job and pointed out areas like the personal photographer of the County Executive, where everybody else is retiring hand over fist in this County and someone wants to hire a personal photographer, and I hold it up asking that it be reconsidered. And this is the kind of retribution -- that's what I call it, retribution -- in my office that the taxpayers in the County are paying for.

Meanwhile, while the five of us as independently elected officials and accountable to the taxpayers of this County, and to some respects, accountable to this Legislature, meanwhile we have to get -- beg, borrow and steal to get a SCIN form signed from the County Executive. The irony is or

the hypocrisy is that the County Executive's Office hires at will with no checks and balances, no checks and balances whatsoever. And the District Attorney, the Sheriff, the Treasurer, the Clerk, myself, we have to have -- literally crawl on our hands knees and grovel, as Vinny DeMarco said, for a SCIN form. It's just not right. It's not good for the government.

And you know what? It's not -- while some of this may -- may look like it's directed at the current County Executive, I can't say that in particular, even though some of it, you know, obviously, has been over the past couple of years because Steve Levy has been the County Executive, but this could have -- we're prepared to know that this affect -- that this legislation will take effect for future generations of County Executives. And this should have never been for the past decades of the County Executive. We are independently elected officials like you are, and we are just asking to treated like you are, the same way. So thank you for this opportunity, Mr. Chairman.

CHAIRMAN D'AMARO:

Thank you, Comptroller Sawicki. Good morning to our Treasurer. Ms. Carpenter, please go ahead.

MS. CARPENTER:

Thank you. I just wanted to give you one particular area to demonstrate why we know best the areas of our offices, what positions should and shouldn't be filled. And when we need them to be filled, they need to be filled for a reason. I have for months been trying to get approval for a clerical position. It's, like, a \$20,000 plus position. And again, it needs to be stated, we are not talking about patronage positions or exempt positions, we are talking about Civil Service positions that you got to go through a process and go to a list and do everything in an appropriate fashion when you're doing your hiring. But I'm talking about a clerical position in our cancelations unit where everyone knows that the number of tax grievances has increased dramatically in the past couple of years, and we literally have cartons, cartons of these documents that have to be gone through one by one.

If a condominium grieves and is successful and there are 400 units in that condo, every single unit has to be handled as a separate parcel, because it is a separate parcel for tax purposes. And we cannot risk making a mistake. And on some of these, when it's a court order of 30 days and you've got a 30 day court order, if you don't turn that around and get that check out in 30 days, we, the County, are paying interest, paying interest at far higher rate than we get interest from the banks. So naturally, we go to those first. And we're fielding phone calls and a lot of times I'm getting them from all of you from someone who's been told that they've been successful in their grievance, they're waiting for their \$1200 check, and they've been told that they're going to be waiting six months, eight months. It's unconscionable. And this, in my particular area, this is a position, as I said, that I have been trying to get filled for months.

CHAIRMAN D'AMARO:

Thank you, Madam Treasurer. Judy, good morning. Thank you for coming down. Please go ahead.

MS. PASCALE:

As Legislator Kennedy will attest since he has his beginnings in the County Clerk's Office, the County Clerk's Office is the largest revenue producer for Suffolk County. During my four year tenure as County Clerk, we brought \$55 million in revenue to the General Fund. I have \$2.5 million in turnover savings. As the Clerk of the County and Supreme Court and as the Chief Recording Officer, I have a fiduciary responsibility to get the monies in the bank within 24 hours of recording. I have a fiduciary responsibility as Clerk of County and Supreme Court to make sure that court records are filed in a timely manner. Those of you that are attorneys understand that many cases, when something has to appeal, we have to go through buckets and buckets and buckets of court documents because the stuff is coming over -- I don't have to tell you -- it's coming over from the

court to my office to be filed on hand trucks.

The foreclosure, the clerk's judgements, you don't have to read the paper, you guys know firsthand the kind of volume that my office is dealing with. So I would just like to say that along with my fellow County-wide elected officials, I think this is very, very important that we be given the same freedom to decide which positions -- and these are critical positions. You know, to suggest that we will go out willy-nilly and fill all our vacant positions whether is 10 or 30 or 20 is kind of an insult. So I urge the adoption of this resolution. Thank you.

CHAIRMAN D'AMARO:

Thank you, Madam Clerk. Sheriff, good morning and welcome.

MR. DEMARCO:

Good morning. In my office since I've been Sheriff, since 2006, we have embarked on a civilianization effort. We have put civilian positions in the budget. They've been approved sometimes, sometimes they haven't. But through attrition, we've lost many civilian employees. And in the County Executive's budget narrative in the past few years, there were comments made in it about how in the Sheriff's Office civilianization is not moving along as fast as it should. Yet the only reason why that is is because we're not actually hiring the civilians that are in our budget to keep up with the work. We actually have more uniformed officers now doing civilian jobs than we did when I took over, and you can imagine how costly that is.

CHAIRMAN D'AMARO:

Okay. Thank you, Sheriff DeMarco. And thank you to all of you for your comments. What I'd like to do while you're all seated there -- first, is there anyone else that would like to address the committee this morning? Okay. What I'd like to propose to the committee is that we take this bill out of order. I believe there will be questions also. And perhaps if you'd be kind enough to stay, maybe you can answer some of our questions, that would be helpful. And if the administration wants to weigh in, of course we'll give them an opportunity as well. So I would offer a motion to take Tabled Resolution Number 2055 of 2010 out of order, seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries.

It's now before us. **2055-2010, Adopting Local Law No. -2010, A Charter Law to require the appropriate use of taxpayer monies for funded positions. (Viloria-Fisher).**

Okay. I had a question about this if one of you could answer. And District Attorney Spota, it goes back to what you were hitting on with turnover savings. When we craft our budget, we rely -- whether it's a good thing or a bad thing is another debate we can have at another time -- but the we do rely on the turnover savings. And I would assume that the way the budget is set up that it targets a certain amount of turnover savings from each department within the County or whether it's headed by yourself and other elected Countywide official or a department run under the County Executive's Office or any other office.

My reading of this bill seems to be -- and correct me if I'm wrong, and the sponsor is here, we're joined by Legislator Viloria-Fisher as well -- that if there is a vacancy in your department in your office that that position must be filled and would remove your discretion from creating turnover savings. Is that your reading and understanding?

MR. SPOTA:

No. Here's -- we can fill them. Let me give you an example. I have, for instance, I think 186 positions for prosecutors. Right now, there are five vacancies. I am operating with the thought in mind that I'm going to keep those positions vacant until probably August of next year when I will fill

them and whatever other positions as prosecutors become vacant. It's not that I'm going to just leave them vacant or that I must fill them, it's a matter of determining priorities. But let me give you a better example. I can send SCIN forms over to the County Executive as I have done in the past, I've sent a couple of SCIN forms over to him for lesser positions, but more critical positions; one being our Insurance Crimes Bureau Chief left, September 3rd he left, he's running a bureau where insurance fraud is rampant throughout Suffolk County. Since September 3rd, that position has been vacant even though we're requesting that the SCIN form be signed.

I have Ed Heilig from my office, who is the liaison to the Legislature, has, on a number of occasions, sent over e-mails to Mr. Dumas or other people on the 12th floor, but to no avail. I don't necessarily need the other SCIN formed signed immediately, but I need -- do need somebody to run an Insurance Crimes Bureau. Why it's not being filled, we don't know, because we don't hear anything until, as Joe said -- well, they don't get any SCIN form signed at all. At least Mr. Levy eventually does sign mine. But I know better than he does who I need, not him.

When we had the incentive program, I had a vacancy in my Gang Unit. Now, what is more critical in the area of crime in Suffolk County than the violence and drug activity that's being created by gangs. Mr. Levy and I agreed back then that he would fill that position. It was a critical position for me. It took him nine or ten weeks to do that, eight, nine, ten weeks in that area to do that. There was absolutely no reason -- it's not a new position. All I'm doing is filling a vacant position.

D.P.O VILORIA-FISHER:

Mr. Chair, may I answer your question, because I think you had a point.

CHAIRMAN D'AMARO:

I had some others, but I would appreciate that, because my reading of the bill --

D.P.O VILORIA-FISHER:

Actually your reading is correct. In the section that's headed with the title C4-33, filling budgeted departmental positions of employment. I misread this to have been may be filled and is says shall be filled. And so I was just talking to Counsel, you are absolutely correct, I have to make an amendment there so that the elected officials may use their discretion in filling them so that there is not demand in this law that they must be filled, because the whole point of doing this is to provide you with the discretion to manage your department as you see fit. So we are going to make an amendment there. I just talked to George about that.

MR. SPOTA:

Let me just add one thing. We once again, we realized -- I think the County Clerk best expressed it. We realize that there has to be turnover savings, we realize that there are fiscal needs in the County. We will fill the -- it's not a matter of filling them. We'll fill them if they have to be filled, but we are going to do it at the most appropriate time so we can save money. That's why I said before -- or we said before when I read the statement -- by the way, that statement, so it's very, very clear, is a statement. I read it, it's on behalf of all of us. That's why we are saying, to this is not an anti-taxpayer power grab as Mr. Levy would say. It's just the opposite. It's just exactly the opposite.

D.P.O VILORIA-FISHER:

Tom, I just wanted to clarify that in that paragraph it said that it shall be filled within 90 days. And we don't want to put that constraint on you or on the budget. So that's why I'm offering an amendment to that paragraph.

CHAIRMAN D'AMARO:

Okay. Thank you, Legislator Viloría-Fisher, I appreciate that. And I agree with you that if you are

going to -- if this becomes law that you are going to have to manage your departments personnel-wise and also look at the bottom line as well. And you've been doing that.

MR. SPOTA:

We don't need the law for that. We do it.

CHAIRMAN D'AMARO:

Right. You've been doing that. As you said in your opening comments, that you, in fact, have contributed to turnover savings and came up with a plan for turnover savings, and you are doing what you are supposed to be doing. And I appreciate that. However, the County Executive would take the position, I guess, that the Charter makes the County Executive ultimately the Chief Budget Officer to manage the budget throughout the year, from a budgetary perspective, not a personnel perspective and is responsible and directly accountable or perhaps more directly accountable because of the Charter provisions for managing the budget and then whether or not, you know, the impact to taxpayers that managing the budget has. And I'm just wondering if you could comment on that.

MR. SAWICKI:

Mr. Chairman, there are plenty of safeguards built into legislation, you know, from a fiscal emergency -- these safeguards involve a vote of the Legislature to approve or not to approve whatever the County Executive, whoever the County Executive may be at the time, whatever financial situation he or she may declare. So that legislation has plenty of safeguards built in to protect all of us and including, most importantly, the taxpayer of this County.

CHAIRMAN D'AMARO:

Right. Safeguards between the departments and the Legislature, but the accountability under the Charter running to the County Executive is what I'm speaking to. I'm not saying that I disagree with you. I'm just merely saying that if we make -- if we go down the road of giving departments the budgetary authority to hire and when to hire, but yet the accountability for those decisions runs to the County Executive, there seems to be --

MR. SAWICKI:

The accountability is ours.

CHAIRMAN D'AMARO:

You are. There's no question. But I'm talking about under the Charter, the accountability seems to run to the County Executive's Office.

MR. SAWICKI:

In terms of the Legislature. I mean, if you just look at it from the other perspective, you and the Legislature work within your budget without any checks and balances from the County Executive side. We are asking for the same kind the respect and treatment in being able to fill our budgets just like Presiding Officer works with his budget through all his 18 -- 17 other Legislators. So if it works for the Legislature, I think it certainly can work for the Sheriff and the District Attorney and the rest of us County-wides.

CHAIRMAN D'AMARO:

Mr. Zwrn, you were standing at the podium. Did you want to say something?

LEG. KENNEDY:

Mr. Chair.

MR. DEMARCO:

Can I just say one more thing?

CHAIRMAN D'AMARO:

Yes. Go ahead, Sheriff.

MR. DEMARCO:

The County Executive's position as the Chief Budget Officer is still protected under this legislation because there are at least seven different instances where he can make a case to deny filling positions. And it's all in the legislation. It's also spelled out in the statement that District Attorney Spota handed out.

CHAIRMAN D'AMARO:

Thank you.

LEG. KENNEDY:

I very much want to hear from the Executive's Office. As cosponsor, I share the same concern that Legislator Vilorio-Fisher. Unfortunately, one single word, "shall" or "may," you know, in this business has tremendous implications. So there really does seem to be a logic to making that amendment. But I was going to ask Counsel to speak to us about some of these other conditions that are put into play here just from an explanatory basis and whether or not these actually create new circumstances or is it something that we are seeing, you know, in play in a different fashion now.

CHAIRMAN D'AMARO:

Just a matter of process, let's get an answer to that question from Counsel, then I'd like to go to Mr. Zwirn and then we'll open it up for more questions.

LEG. KENNEDY:

Thank you.

CHAIRMAN D'AMARO:

George, go ahead.

MR. NOLAN:

Just real quickly. What the law says is a vacancy has to be filled if there are adequate appropriations unless the County Executive declares one of seven grounds why it should not be filled, which includes an order from Civil Service, a court, the Federal Government says you cannot fill it, a budget deficiency exists, a public emergency exists, a budget freeze exists or the appointing authority has declined to fill it and is going to abolish the position or transfer it. And the way the law is structured, once the County Executive makes that type of statement, the County Legislature can take a vote to reject that by a simple majority but subject to a veto by the County Executive, but then if the position is still not filled, there has to be a subsequent vote of the Legislature to fill the position, which requires a supermajority of 14 Legislators. So ultimately, under this legislation the only way a vacant position gets filled without the County Executive going along with it is a 14-vote vote of the County Legislature.

LEG. KENNEDY:

The budget deficiency, is that something -- we look at and hear from the Budget Committee about what the status is for our revenues and expenditures all year long. How does that -- ironically to people in front of us, many of them, are the ones that are advising us about where the budget is at this point. What does budget deficiency actually mean?

MR. NOLAN:

Well, I think it means that there's a determination that the County's expenses outweigh what is going to be coming in, so that we're out of balance and we're in a deficit situation. And if the County Executive makes that representation to the Legislature, then the Legislature is going to have to make a determination on its own; does it agree that there's a deficit and that, therefore, the position should not be filled.

LEG. KENNEDY:

And is there concurrence from BRO or is this a unilateral declaration on the part of the Exec.

MR. NOLAN:

The Executive would make the declaration initially, but then we would have to look at that to see if we, in fact, agree with it. I'm sure we'd be looking to our own Budget Review Office to see if, in fact, we agreed there was a deficit. And obviously if there's a deficit, you know, that's going to be a significant factor in whatever determination is made by this body.

LEG. KENNEDY:

Okay. Thank you, Mr. Chair. Thank you for those explanations, George.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. Go ahead quickly.

LEG. NOWICK:

Just a comment on what you said, maybe I myself understood. With this legislation, George, if the five elected officials want to fill vacancies, they have to come to the Legislature to do that?

MR. NOLAN:

No. What the law states is if there's a vacancy in one of their departments, that vacancy should be filled if there are adequate appropriation as determined by the Budget Review Office. Then, if the County Executive has taken the position we should not fill that vacancy, he has to make a representation to the Legislature that it should not be filled for one of these reasons that I just enumerated. And then the process would be the Legislature could override what the County Executive is saying. But, again, at the end of the day to do that, it would require 14 votes of this body to get that vacancy filled if the County Executive is not agreeable to filling it.

LEG. NOWICK:

So then say Joe Sawicki wants to fill a position, the County Executive -- does he do that through legislation saying he cannot fill the position, how does -- what does he do? Does he come to the Legislature and say, "We disagree"? How does that work?

MR. NOLAN:

The position should be filled under the law. If it's not going to be filled, the County Executive believes it should not be filled, then he is going to have to make a representation to us, not by legislation, but he is going to have to make a statement to this body --

LEG. NOWICK:

All right. So then Ben comes to the body and says, "It shouldn't be filled." So then --

MR. NOLAN:

Then we would have to act by legislation to override what the County Executive has stated.

MR. SAWICKI:

Fourteen votes.

CHAIRMAN D'AMARO:

Okay. What I'd like to do now, Mr. Zwirn, you've been waiting patiently, please go ahead.

MR. ZWIRN:

Thank you, Mr. Chairman. Because of the far-reaching nature of this bill and some of the debate -- and I know that Legislator Viloría-Fisher has already said that she's going to make some amendments and some of the changes that were going to be amended were issues that we were concerned about coming in. We're glad to hear that there's some give and take and some modification here. But because of the far-reaching nature, Denis Brown is here from the County Attorney's Office and Connie Corso is here from the Budget Office. If we had the opportunity -- if Ms. Corso would have an opportunity to speak before the committee, then Mr. Brown, then if I could just have a few minutes just to wrap up and give our position on it, that would -- thank you.

D.P.O VILORIA-FISHER:

Mr. Chair, I had a specific question about a comment that was made by the Comptroller, so if I could just go to specific question before we go to the general discussion on it.

CHAIRMAN D'AMARO:

Go ahead, please.

D.P.O VILORIA-FISHER:

I have many general comments to make on this, but I do have a specific question for Mr. Sawicki, and it really seems to run parallel to what the Treasurer said regarding court ordered payments that must be made within a set time period. Mr. Sawicki, we have passed in this County Prompt Payment Laws. So we have imposed upon ourselves interest bearing late fees. And you have said that you're five and a half weeks behind schedule in some vouchers. So that would put us behind in those payments that by our self-imposed laws we are required to make within 30 days; am I correct in that? Are those, you know, the child care vouchers, the contract agencies, are those the payments you are referring to when you say that you are five and a half weeks behind?

MR. SAWICKI:

Yes, Legislator Fisher. The five and a half weeks is troublesome because as you and I have discussed for probably several years now, we're worried about payments on time to non profits like daycare agencies. Legislator Gregory's legislation, which is law, that all non profits must be paid with 30 days, I believe that's what you're referring to, otherwise the County would be charged interest. If this happens, it will be awfully embarrassing without the people to effectively staff our operation.

You know, my staff can only work so much overtime in so many weekends. If they opt to take it in time, which they predominantly do, then that leaves us at other points in the year where everybody's taking off, and it's like a snowball affect. And sometimes it's way understaffed, because you cannot stop people from taking their time. So we're very concerned about -- but, you know, there shouldn't be -- in my opinion, there should not -- this is strictly my opinion, there shouldn't be a need for legislation to force the County to pay its bills on time. That's why you have a Comptroller. That's why I have a Legislature that I can come and make my appeal to for budget positions every budget cycle and say this is what I need to stay 10 to 14 days. That's my goal. And when I get rid of the bill, the invoice, the check goes over to the Treasurer and several days to kick out. But keep in mind that it sometimes takes months from the department to come over to me.

D.P.O VILORIA-FISHER:

On that specific point, Joe, I think what's important here is that we're looking at the ramifications of having an understaffed Comptroller's Office which is resulting in a five and a half week delay in vouchers being filled, because either we're expending the money in overtime, which is expensive, or we're having to pay interest, which is expensive. So when you look at fiscal responsibility, that's in your court as the Comptroller and you should be able to manage that piece of our fiscal response to the people of Suffolk County, which is that we have bills, we pay them on time. If we don't pay them on time, we suffer the consequences of having, because of our self-imposed laws, having to pay interest, which is, as the Treasurer said, as Angie Carpenter said, it's high interest. So that's a tremendous expense to puts on the backs of our taxpayers because we are unwilling to allow our administrators to do their jobs as managers of important departments.

MR. SAWICKI:

Excellent point, Legislator. And now you know why it makes me irate when I see other positions that are being filled in the County like a personal photographer for 61,000 and change plus benefits when I cannot keep up with the County's bills for five and a half weeks. That's what's wrong. That's what's wrong with the punitive system that we now have that the County Executive can hold it over heads as a political weapon against us. That's just plain wrong, and that's why we're appealing to you to literally fix the system.

D.P.O VILORIA-FISHER:

We are trying.

CHAIRMAN D'AMARO:

Okay. Ms. Corso.

MS. CORSO:

Actually, I feel compelled to kind of go into what Joe was saying. I don't know if most of you know, but we do have a cash flow problem in this County. And we met with the Comptroller and the Treasurer just two weeks and we are scheduled to meet again. So how do we propose to pay the bills if the County is going to end possibly in the negative? You guys all know that the TAN is at the highest it's been in years. So you can't really have it both ways. Of the positions that were left in the Treasurer, what about the 20% backfill in the ERIP? Doesn't everybody have to comply?

CHAIRMAN D'AMARO:

You're talking about the retirement program? Right. Doesn't everyone have to comply with the 20%?

MS. CORSO:

Right. So if you have 11 people leave, you're really only getting two back.

CHAIRMAN D'AMARO:

Right. I understand that. Isn't that mandatory by virtue of the retirement plan itself, however?

MS. CORSO:

Right. Now as of the -- six departments got SCINs signed in October, three were elected officials. Most of the other SCINs that got signed were for the skilled nursing facility. So we are trying to fill as fast as possible. And with some of the departments, we said, "Just wait until the budget gets adopted so we see where we are and then we'll look at the SCINs." It really wasn't -- you're looking at a certain amount of things. I mean, we had a \$100 million problem, we all decided what we were going to do. Turnover savings is a big portion of that.

If you take that away from us, it kind of reduces our degrees of freedom. So when we all set the

10% aside, all the departments did it, the electeds did not. As a matter of fact, in 2009, some of those that complied got reversed by the Comptroller's Office. We waited months. You want to talk about begging for their 10% reduction plan. All the other departments had already complied. So if you take that ability away from us, where does that leave us?

I just feel like some of these safeguards that we have in place, we have in place for a reason. If we did not -- if we signed all the SCINs that we wanted, we would not have made that turnover savings number. When we talk about the plans -- I mean, we have all met in working groups. And prior to turnover savings, there's over and above what we have already budgeted. And if you think that it's any easier for the County Executive's Office to get a SCIN signed, you should see me in there with Steve. It doesn't happen. He holds us to the same standard.

And I will say that it is completely untrue that there are positions that are in the County Executive's Office that he has in other appropriations. He has less County Executive assistants, he has less staff than any other previous administration. So that's not a true statement.

I'm trying to follow along. So that really is the issue. The issue is -- the other part of the bill I think is in C-47 where it's really not clear what is the definition of a department. Eight hundred million dollars of the budget is staffing. If you take that away, when we have to declare a fiscal emergency, it kind of takes away your degrees of freedom. Most of money that we saved when we set aside the 10% reduction was related to personnel. So if you take that away, where would we be? We had a hundred million dollar problems, and we've solved them a lot with personnel. And, yeah, it was tough, but you know what? Nobody got laid off, and we kind of managed through.

What would private industry do if they lost \$100 million in revenue? They certainly wouldn't be complaining about not having staff that are paid. They certainly would be complaining that we had layoffs. And we didn't have any.

CHAIRMAN D'AMARO:

Okay. Some of your comments go back to the point that I making before that I have complete faith that the elected officials before us can manage their departments and make budgetary decision and know what the needs of your department are and in the best position to know. I take no issue with that. But I also believe that at the end of the day, the accountability for the overall budget, the big picture under the Charter runs to the County Executive. So what I need to know from you is if you take the -- if you give the discretionary authority to these five elected officials before you -- and the bill will be amended to make this discretionary -- where they can manage the needs of their office and balance that against the needs for turnover savings and budgetary and taxpayer considerations, how does that affect what the Charter requires the County Executive's Office do with respect to the big picture in the budget?

MS. CORSO:

Well, if you consider payroll, payroll in -- you know, we have an IFMS System. Payroll can run the negative. So you can basically fill to the cows come home and you can run in the negative and the County is required to issue the paycheck. And what can happen in the end of the day is that negative has to be made up.

Now you guys have brought housekeeping resolutions yesterday, I heard you talking about them. They can run in the negative. And, yeah, they can use their computer money or their travel money. But you know what? If they overspend that money too, then that money comes from other departments. So what's the control there? I mean, if you have turnover savings -- you are talking about \$800 million of your department. Two point five million dollars came from the electeds. And, yes, part of that was the plan. But all the other departments has to comply immediately. We were able to take that 10%, set it aside in the 5000 accounts.

We're not able to do that with the electeds, because they said we didn't have that authority. And when we tried to do it, they reversed it. And then they came back -- I don't think it was until June that I got reduction plans. And I think this year, I probably didn't get from every single department the reduction plans. So you have to do it both ways then.

This bill takes away that authority. This bill takes away -- if you read it -- and at the very least, it has to be corrected. It doesn't define departments as electeds. So when we do do an Executive Order, I think it's -- I don't know what page it is, I think it's C-47 is the section -- you have to make it elected officials. You can't just have it as all departments. We would not have been able to make it through 2009-2010 if we were not able to set aside the money for payroll.

MR. SPOTA:

May I respond?

D.P.O VILORIA-FISHER:

Lou, may I just answer the question about the bill?

CHAIRMAN D'AMARO:

Yes. We'll just go -- I'm going to let Legislator Vioria-Fisher ask a question, and then, of course, District Attorney Spota, please respond.

D.P.O VILORIA-FISHER:

Ms. Corso, I believe in "D," you refer to the definition of department. And I'm reading from it. It says, "department shall mean any unit, office or agency of County Government created by the Suffolk County charter or by Suffolk County Local Law, the head of which is elected by the voters of Suffolk County on a Countywide basis." I think that makes it very clear that it's those departments that are headed by Countywide elected officials.

MS. CORSO:

I think it's ambiguous. I mean, we have a problem with the terminology. I think it just -- in certain sections of that bill, we have a problem with it. I think at the very least, it has to be made clear that it doesn't mean all departments.

D.P.O VILORIA-FISHER:

I just read you the definition. And what we do when we put together a resolution is to define the terms we are using at the outset so that whenever those terms are within the body of the resolution, the reference is there, that we are talking about departments that are headed by Countywide elected officials. I think it seems abundantly clear in that definition.

MR. BROWN:

Mr. Chair, may I address the question?

CHAIRMAN D'AMARO:

Sure.

MR. BROWN:

Thank you. Legislator Vioria-Fisher, you are correct as far as the definition is concerned the way you read it. It's as it relates to other sections of the Charter which are being affected; for example, the bill as drafted -- and I was going to address some of these issues when I spoke -- the bill as drafted addresses C4-29, and the word "department" is used in C4-29. And C4-29 also then relates to sections of the Administrative Code. And also, the bill refers to sections of the Administrative Code within C4-33, and it relates to sections A6 through A9 of the Administrative Code. It's when

the --

D.P.O VILORIA-FISHER:

Denis, can I just stop you? I am not a lawyer, so I'm trying to clear this. Although we reference section of the Charter, aren't we limited in this particular resolution by our own definition with the resolution of what a department is for the purposes of enacting this particular resolution?

MR. BROWN:

What the resolution says, it says for -- in the definition section, it says, "for the purposes of this law." Now, this law does three things; it amends the definition -- it amends the powers of the County Executive as the Chief Budget Officer, it sets forth the protocol as to the filling of positions, and the definition of department, I think it's pretty clear, as you stated, that it would relate to Countywide elected officials as used with respect to those two sections.

It's the fact that the bill also cross references and indeed uses the term department in reference to other sections of the Charter and section of the Administrative Code. And that's where the ambiguity steps in, is whether or not, because the opening phrase in the definition says, "as used in this law," and this law affects other sections that you get into elements of problems dealing with interpretations as far as these other sections are concerned.

CHAIRMAN D'AMARO:

I'd like to just step it up, because they all have important business to tend to as well. District Attorney Spota, did you want to comment, I believe.

MS. CARPENTER:

I would just like to address one point about the turnover savings. To kinds of create the impression that turnover savings is going disappear if this law enacted, I think, is a bit of a stretch. Turnover savings is still going to be something that we, as elected officials -- and I am certain those who will follow us will do who answer directly to the taxpayers, you are not going to be anything but responsible, because if you aren't, you are going to be out of office. It's that simple. But we collectively have under our control, if you will, if the legislation passes, about 1800 of the 12,000 positions that there are in this County.

MS. CORSO:

Lou, can I just come back for a second?

CHAIRMAN D'AMARO:

Yeah, go ahead. Sure.

MS. CORSO:

I just want to make two examples of two departments that don't have to report to the Legislature or the Executive who blew through their line items; one of them was the Vanderbilt Museum, they spent like \$400,000 in temps that weren't budgeted; and the Board of Elections overspent their election inspectors by 700,000. We had no control of that, but it was the responsibility of the County Executive's Office to balance their budget and make the transfers to cover that. The other thing is it's up to -- it may be up to them to report to the tax -- for their own budgets, but it's up to the Legislature and the County Executive to balance the budget. It's our responsibility to balance the budget. They don't have to balance the budget. We send out the tax bill.

D.P.O VILORIA-FISHER:

Can I just ask a question, because she said something that I thought was very, very important and I want to clarify it, Mr. Chair.

CHAIRMAN D'AMARO:

Yes. Please go ahead, Legislator Fisher.

D.P.O VILORIA-FISHER:

Earlier you said that the departments that did not provide the 10% department in their budget -- that there were departments that did not comply. The County Executive presents to the Legislature a recommended budget. And as the Chief Financial Officer, that's his responsibility and his right and his privilege.

At the time that he presents that budget to us, if there are department heads who have not complied with that 10% reduction, I believe that that would be the appropriate time to inform the Legislature that these departments have not met that 10% reduction as required by the County Executive during difficult fiscal times. Did you, in fact, inform us of each department's reluctance, unwillingness or delinquency in providing that 10% reduction? Because then we as the coequal branch in government could also exact pressure on departments that were not providing that 10% reduction and still allow Countywide electeds to work within the parameters of a 10% reduction but decide how their going to be doing the positioning? I just want to be clear.

MS. CORSO:

I have an excellent answer for you. If you ask Budget Review to look in the IFMS System, you will see that there are codes that are 5000; 5100 is payroll, 5200 is equipment. And you'll see earlier in the year that all the County-wide departments have their money set aside in those accounts. I just want to clarify what I said. What I said was we did that in January and February for all other departments. We had to work vigorously. And I think some of them we only got two or three months ago. We did get plans from the elected officials, but they were not able to {rebargain} like this law says they are allowed to be, and which used them as part of our estimate. So what I did say if they did comply -- but just like they feel they had to beg for SCINs, I certainly felt like I had to beg for the 10% reduction plan.

D.P.O VILORIA-FISHER:

Thank you, Connie.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Viloria-Fisher. Legislator Browning, then Legislator Kennedy.

LEG. BROWNING:

Thank you. In reading your statement, Mr. Spota, you talked about clerical staff and secretaries from other departments that are working on the 12th floor. Maybe Connie can answer this question too, but do you have a list of positions that are being paid out of other departments but currently working on the 12th floor.

MR. SPOTA:

First of all, it's not my statement, it's our statement. I just want to make that clear again.

LEG. BROWNING:

Yes, you are right.

MS. CARPENTER:

I know of one instance that affected our office, and that is we have utilized in the past, and thank goodness for it, the strike force, the employees from Civil Service that go around to various departments that have needs at critical times of the years. And we had someone in our record room, which is the area where the people call in to find out how much they owe and, you know, we try to make the collections, and we had a woman who was working there who was really just doing a

splendid job and was enjoying being in there actually and said that she would happy to stay. And we requested that she be allowed to stay another month or so to get us passed a rough spot and we were told that that probably wouldn't be a good idea because she was scheduled to go to the County Executive next. And I believe she is answering the phone there on the 12th floor.

MS. CORSO:

And everyone uses those temps, we use the temps too. I used one in Budget last year when I was busy. It's not someone who is permanently schedule. We use the pool just like everybody else in every department uses the pool. In another four to six weeks, she going to move out of our department and go someplace else. Civil Service does not like to keep people there permanently.

LEG. BROWNING:

Joe, did you have something to ask?

MR. SAWICKI:

Legislator Browning, I think there may be a list that happens to be floating around somewhere. I'll be happy to see if one of us can track it down and get to you after this meeting.

LEG. BROWNING:

I'd appreciate it. And Sheriff DeMarco, you mention about civilianization and positions that you've civilianized. And I know this is something that's been going on in the Police Department where we have heard about civilianized positions, but those positions are not filled. So you are currently using Correction Officers to work those positions?

MR. DEMARCO:

It's not only specific positions that we tried to civilianize, it's even gotten to the point that where in our Civil Bureau, which is mainly a civilian function, most of the paperwork is done by civilians, that we're so short that we actually have officers working overtime doing the civilians jobs. And in some cases, even, like, at our front desk we had, for about eight months last year, we had a Correction Officers working the front desk where you come into the administrative office as the receptionist. It eventually got filled, but it took eight months.

LEG. BROWNING:

Do you have an idea of how much more it's costing, you know, these civilianized position using Correction Officers at higher wages?

MR. DEMARCO:

Well, the receptionist position, for example, that's any entry -- that's a clerk typist, and we had, you know, probably a top step Correction Officer there. So, I mean, it's a significant salary difference.

LEG. BROWNING:

So you're talking maybe a forty, \$50,000 difference.

MR. DEMARCO:

At a minimum.

MS. CORSO:

May I respond? With all due respect, I think you all know how the County Executive about civilianizing positions, very much for it. I will remind you that a position was put into the recommended budget in 2011 and was abolished by the Legislature. And that was an attempt to civilianize. And civilianization position that comes through, I usually do not have a problem signing the SCIN. He is happy to do so.

LEG. BROWNING:

Well, I know there are a lot of civilianized positions in the Police Department that have not yet been filled.

MS. CORSO:

We are on a trend to do 50 right now. It's been very interesting. Actually, there's a nice press release today if you'd all like to attend.

LEG. BROWNING:

I'm sure. How many press releases do we get a week?

MS. CORSO:

Press conference rather. It will be very interesting.

LEG. BROWNING:

I think -- you know, listening to Connie, I think each and every one of you should be a little insulted, because I think her statements to you were to you very insulting that you are fiscally irresponsible and there's only one person in this County who is fiscally responsible, and that's the County Executive. And that -- you know, again, you are all elected officials, you know the condition of the County. And I think that we have to give you the respect that you due.

And, Joe, you said we all should be treated same way -- you should be treated the same way as we are. I think we are being treated the same way by the County Executive. But again, I think it's a bit of an insult to say that -- you are all very aware. Angie, you were a Legislator. You know, Joe, you've been in various offices, you know the need to be conservative in filling positions and doing the right thing. And, again, you are elected. And like you said, Angie, you are held accountable when you run for elections whether -- if you bloat your budget and you're irresponsible, you're going to hear it and you're not going to get elected. So I don't think that you deserved the insult that you received today.

MS. CORSO:

I take complete offense to that, because I think every one of them sitting there knows I have personally fought to get SCINs signed for each and every one of them. And I dare them to say that I have not.

CHAIRMAN D'AMARO:

You know what? We don't want to -- Connie, I don't think we want to just go down -- you know, let's talk about the bill.

MS. CORSO:

I'm just saying, that's not fair.

CHAIRMAN D'AMARO:

Okay. Let's leave it there. You know, I don't want to hold up them or you. I know you are all busy. There's nothing wrong with having a public discussion, that's what we're here for, but let's try to keep it focused on the merits of the bill. Legislator Kennedy, did you have questions?

LEG. KENNEDY:

It's just -- I was going to talk a little bit about what has gone on with some of the savings plans and things like that. But it's clear to me that we need to make some substantive corrections in what's before us. As a sponsor of this bill, I'm committed to remain a sponsor of this bill. And I believe it has to go through and get passed, because having been on the other side with the County Clerk for the last nine years, I know firsthand at least what it's like in the County Clerk's Office. And I have

had discussions with each one of you, and I know how hard you work to fulfil the important missions.

And I know sitting on this side of the Legislature when we've had constituents come to us with outrage about the drug issues and the requests we've had with the District Attorney to assist and his willing embrace to step forward with convening a task force, that doesn't come out of vapor or thin air. It only comes with resources. And you are our Chief Prosecutor, not somebody else. So when we have a criminal issue that we need help with, we come to you. And you are entitled to have the resources to fulfil the policy issue we identify. That's the way government works. And that's what my intention is, to see that work.

What I think we have before us is conceptually a bill that's going to get us there, but like they say, legislation and sausage, the making of each is somewhat unsavory to view but hopefully good at the end. And this bill needs some fine tuning. I am wanting to revisit the actual ultimate decision we, as a body, make if there's been a rejection of the request on the Exec's Office side to fill a position, because I have sat here for almost seven years now and appropriated funding and identified needs, whether it's CPS or DSS or Correction Officers or Police Officers or Detective Investigators or auditors or delinquent tax functions and consistently been rebuffed. And I am tired of being charged with the personal responsibility by my constituents to fulfil missions and then not being able to go forward.

So I think -- I know that we have to table this bill for one cycle, but -- you know, we have a cycle that comes immediately upon us. It's back to back, Ang, as you know, the way the month of December always is. And I am prepared to work with the prime sponsor for a couple of changes and will make them available for each one of you. And I'm prepared to go ahead and pass it out of committee the following cycle and make a motion to pass it on the floor.

So first of all, I want to thank each one of you for coming forward to go ahead and share your concerns. We've had personal conversations. I know the value and the merit of it. But it's clear that we do have to do some work, in at least my opinion. Thank you for being here, though.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. I just also want to make very clear that my questions previously were more about, you know, the Charter authority, who was ultimately responsible for the budget. I am not in any sense indicating that you are not capable of managing your own department, knowing it's needs and being fiscally responsible. Certainly you are as fiscally responsible as every other elected official, if not more. And I appreciate, District Attorney Spota, what you said, again, in your opening comments, that you have come up with turnover savings in your respective departments. My concern was just the wording of the bill that would actually prohibit you or limit your ability to come with those savings. So that's some tweaking as Legislator Kennedy is referring to. With that said, our Presiding Officer wanted to make a comment.

P.O. LINDSAY:

Just to really comment to some of the dialog that's gone back and forth and, you know, Ms. Corso's statement about the turnover savings. Our turnover savings was huge a couple of years ago to the point that there was a bill passed here that we set up a committee to look at how to cut back on the pends of turnover savings. And, of course, the recession came along and took care of that, because turnover savings has shrunk down to nothing.

But in terms of this bill and the five independent electeds -- and I've had this discussion with some of you -- your budgets are going to be more accurately defined. There isn't going to be vacant positions. We are going to pare down your budgets to what you need. And if it's in your budget, you know, what I envision, you're going to be able to fill it, you know, at your leisure to manage

your department. But there isn't going to be any excesses in the department. And that's the true checks and balances.

And it will start with the Executive Branch. They'll do their first rendition of the budget, and then it will come to us. And if we think that there's too many positions in the department, we're going to cut them. So I don't see that we need, especially with the independent electeds if this legislation goes through, that we're going to need turnover savings to balance our budget.

In terms of the savings numbers that were thrown out there of how much the County Executive has saved by managing a tight budget, I could go down the line with each one of you, and I'm sure you've make the case. You know, he might have counted the savings by not filling the position, but what did it on the other end? How many more prisoners did you have to ship out of County because you don't have enough Correction Officers, or, Judy, because you don't have staff that you can't fulfill a court or something and we have to pay a penalty, or Joe who's doing an audit of a contract agency that might recover hundreds of thousands of dollars and you can't go forward with it, or the same with the District Attorney in terms of public safety?

I mean, I could make a case for each one of you that by not filling positions, it isn't a savings, it's cost to the County. So I don't think that's -- in respect to the five independents, I don't think that's a valid argument. What's most disturbing about the statement that you coauthored is that somehow the signing of SCINs has evolved into a political weapon. That's very, very upsetting to me, because we're not talking about democracy then, we're talking about dictatorship, and that's wrong. It's just plain wrong. My name is on the bill, it's going to stay on the bill. If we need to tweak it, we will tweak it. Thanks.

CHAIRMAN D'AMARO:

All right. Thank you, Mr. Presiding Officer. Before we move forward, I had one quick question for the Budget Review Office. Dr. Lipp, if you could answer. When we craft our budget and it relies on turnover savings, or, Connie, if you know also, broken the turnover savings, are they broken down by department so that should this bill become law, the independent elected officers would know what at least their target is? Because just like the Presiding Officer, we can put positions in and pare and maybe get them filled, if we're relying on turnover savings by department, I think that they should know that as well when managing that department. Is that how we break down the budget? And I bring that up because if we're going to look at tweaking or fine tuning, as Legislator Kennedy says, that might be something we want to consider as well, if we don't do that already.

MR. LIPP:

It is implicit. You can't see that. The problem really is that you are adopting a balanced budget which by definition has a zero fund balance in it. So for instance, 2011 Budget, as the year is going on, you may have challenges or you might have positive surprises to see that there is going to be a surplus of a deficit generically any year in particular. So that during the year, you know, we need to adjust for that. So even though the appropriations are there, it could be that we could easily afford those appropriations. Or in a bad year, it could be that we need to be more restrictive.

CHAIRMAN D'AMARO:

So if you look at the 2011 Budget, there's no target turnover -- well, there is a target of turnover savings, but it's a carryover from the prior year.

MR. LIPP:

It's implicit in the numbers there.

CHAIRMAN D'AMARO:

For 2011 it's implicit.

MR. LIPP:

And each department, in this case, your elected officials, has an ability to spend a certain appropriation, for instance, for permanent salaries. It's just a matter of whether or not the County Executive wants to sign the SCIN forms and move forward.

CHAIRMAN D'AMARO:

Okay. So if I'm the District Attorney or the Treasurer and I'm now also responsible for hiring. Let's say someone leaves the office, retires, whatever it is, and District Attorney Spota, for example, sees a need to fill that position immediately, how does he look at the budget and say, "Well, you know what? I have a certain amount of turnover savings I need to meet," or is that something that he'll be deciding on his own, or are we giving him direction on that?

MR. LIPP:

He'll see in his budget what appropriations he has after turnover savings are taken out for filling positions. That means that he has that legal authority to fill those --

CHAIRMAN D'AMARO:

So he will see the affect of the turnover savings and be able to do his hiring within those parameters. So it's not an unknown.

MR. LIPP:

The only issue then would be during the year, if you're trying to restrict appropriations because you might observe a deficit, then you need to -- effectively, what those additional turnover savings would do during the year is generate a surplus to try to control spending if you think there's going to be a deficit in that given year.

CHAIRMAN D'AMARO:

Right. And there you're going beyond the targets. You're looking then to all the independently elected officials from the County Executive to all the other individuals here today to take it upon themselves to act responsibly and also participate in managing our budget as well.

MR. LIPP:

I think arguably, some of the terms in the resolution, you know, you may argue that they are tight or not tight, but some of the terms in the resolutions -- the resolution would give the County Executive the authority to say, "Hey, look, there's a problem here. We cannot be doing this. We need to rethink what the adopted budget is and be more restrictive."

CHAIRMAN D'AMARO:

Thank you. That answers my question. I appreciate that. Mr. Zwirn, you said you wanted to sum or -- I'll give you another opportunity, and then we'll bring it to a close, unless anyone has a concluding comment.

MR. ZWIRN:

I was just going to have Denis Brown from the County Attorney's office, and then I'll be very brief.

MR. BROWN:

Thank you, Mr. Chair. The thing that I wanted to address really related to the separation of powers. And I would like to say that there are two truths that were stated; one by Comptroller Sawicki earlier today that it's not about the current County Executive, that it's about future County Executives; and the other is by Legislator Vilorio-Fisher last week when she had talked about separation of powers and her belief in it.

And the debate is not new. The debate is old. The debate is clearly set forth in the Charter

Revision Commission Report of 1969 where it talked about the role of the County Executive and especially a County-wide elected official who has responsibility for budget oversight and capital program and also the need for an independent Legislature that serves as a check and balance in government.

The budgeting powers are given to the County Executive in terms of presentation of the budget and making sure the budget is balanced throughout the course of year and the powers to -- the power of appropriation is given to the Legislature. In 1969, the voters did, in fact, vote on the Charter, which we currently operate under. And there were several section in the Charter, which are affect by the bill as it's presently composed. And the bill as presently composed seeks to amend C4-29. And C4-29 refers A-7 of the Administrative Code.

Also, the bill adds a proposed C4-33, and it reflects -- it refers to the Administrative Code Sections A46 through A49. And it's important because those are the very powers that are given to the County Executive that were originally derived from the 1969 Charter Revision Commission -- the Charter Revision report, the Charter that was drafted then and what was proposed to the voters and voted upon affirmatively in 1969.

And to the extent that those powers -- and I don't think that it's the outcome of this bill that to the extent that those powers are taken away in the proposed amendment to C4-29 and in the proposed C4-33, it is an encroachment upon the separation of powers. And it takes budget control powers away from the County Executive with respect to how allotments and how appropriations can be managed throughout the course of the year. And, in fact, we indeed we did see those powers were exercised in 2008 and 2009 -- I'm sorry, 2009 and 2010. But also, what that would ultimately do is take away from the County Executive's Office the ability throughout the course of the fiscal year to manage the budget, and it leaves that power only in the Legislative Branch, because there has to be an interplay with C4-31.

C4-31 grants the Legislature the ability to modify the budget. And one particular subdivision of that section -- one subdivision of the section, subparagraph three, talks about the County Legislature's ability to modify the budget four times a year. But the powers that given to the Legislature in that respect relate to very things which are being taken away from the County Executive in that they relate to department allocations, they relate to personnel, they relate contract agencies. But as to overlap between C4-31 and the restriction on allotments and appropriations with respect to the County Executive's power as far as personnel costs are concerned is -- would be a striping of the separation of the powers and leaving only the Legislature with the power to alter budgets with respect to personnel.

D.P.O VILORIA-FISHER:

Mr. Chairman, can I refer to that?

CHAIRMAN D'AMARO:

Legislator Viloría-Fisher.

D.P.O VILORIA-FISHER:

Thank you, Denis. And I respectfully disagree. Because this does say not impinge upon the concept of separation of powers at all, and particularly, it doesn't usurp any of the County Executive's budgetary powers or responsibilities, because he is still providing us with a recommended budget, and we are acting upon that budget. He then has the opportunity to veto any of the amendments that we provide. He can still present budget amendments throughout the year.

And as far as the referendum of 1969 or the adopting of the Charter, there is precedent in having a

department other than the County Executive's Department fill its own vacancies, and that lies in the Legislative ability to hire and fire within our own department. As an elected body, we can do that in the Legislature. And there is no reason why these County-wide elected officials should not have that same power. That was provided in the Charter.

And this isn't a question, I'm just responding to you, because otherwise we can have a debate that goes on and on. And we will be debating this further as we deliberate on it and vote on it. But I must differ with you with regards to the separation of powers. And I have been battling with the County Executive who has tried over these past years to usurp the power of the Legislature. So it's very, very important that we respect the principals of separation of powers and that we each maintain our own ability to determine how we're spending the taxpayer money, because we have all been elected by those taxpayers. So it's incumbent upon us to protect the powers and the fiduciary responsibilities that we have.

MR. BROWN:

I would like to talk about it again, you know, in the future. I look forward to it.

CHAIRMAN D'AMARO:

Mr. Zwirn, come on up. And, Legislator Nowick, you had a comment. Go ahead.

LEG. NOWICK:

I just need to make one comment that really is not specifically about this bill. But from what I see about this bill, I think that the Legislature as a whole is going to have a lot of say if this goes through. But we are a very responsible Legislature. And every time I hear, whether it be on a TV today or today I just heard it -- every time I hear that the budget was a no-tax office increase -- I hear the county Executive's Office saying the budget was a no-tax-increase budget. We crafted the budget. We, the Legislators. I've been here nine years. For nine years, we've been crafting the no-tax-increase budget. I just need the record to be straight. We, the Legislators, are very responsible, and we passed the no-tax-increase budget.

CHAIRMAN D'AMARO:

Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Chairman. First, let me say that my comments here today are meant with respect to the policy of the particular bill. I have nothing but the greatest admiration for these five elected County officials. They have achieved something along with the County Executive that I think very few governments will ever see where they have multi-partisan endorsement when they ran for reelection, which I think sends a message that they are doing their jobs and that they are excellent public servants.

The problem that we face here today with this legislation -- and we think it's very far reaching -- is not a new issue. And I think County Comptroller Joe Sawicki said that. He said, "This is not just for this county Executive, but for future County Executives," and that this battle has been going on between the Executive Branch and other elected officials from time to memorial, since -- it's been litigated in the courts in the past.

So the fact that we're here today is just part of the history, I think, of the different branches of government colliding. Everybody wants to come up with the same solutions, try to give the best bang for the buck to the taxpayers of this County. But there is only one Chief Budget Officer who carries that title along with their elected position, and that's the County Executive. And he has used position control over the last several years as a way to save money and to help craft a budget over the years so that we have had a zero tax increase working with the Legislature to achieve that.

And part of the problem is that when you have a budget and it's voted on and it's adopted on day one, on day two, things can change. The budget is a living document. It's a planning document. Revenues and expenses will fluctuate over the year, and that's why the County Executive has been charged with trying to manage the resources of this County. We have cash flow problems during the course of the year that have to be managed, all the different departments work together.

What this bill can do is eliminate the County Executive's role or his power to manage some of the expenses in this budget. Now, if you want to eliminate salary savings or turnover savings from the elected officials so that there is no -- we won't look there, then the savings have to be found elsewhere in this budget. And the millions of dollars that are involved have to be accounted for somewhere else, and that's one way you can do it.

I think one of the good positive things that we see coming out of this, there is a willingness to try to compromise and to find some sort of solution to deal with the frustrations I think that the County-elected officials have, especially when we have very tough economic times and the taxpayers are looking for us to try to find a way to give them a hand to pay their bills and to stay here in the County. I think that compromises can be reached, but I think the bottom line is that when you take away the power of the County Executive to manage payroll but you still hold him responsible as the Chief Budget Officer, it is an untenable position for him to be in, and it's not fair. But we look forward with working with you. I know this bill has to be tabled for some changes. We hope that we can participate in that and maybe make some further suggestions along with the County-elected officials that are here today.

CHAIRMAN D'AMARO:

Mr. Zwirn, Legislators Fisher have a question.

D.P.O. VILORIA-FISHER:

Did you say that you presented a compromise?

MR. ZWIRN:

I said we are willing to work with you to find a solution. We understand the frustrations that some of the County elected officials have with requests for personnel. The County Executive is charged as the Chief Budget Officer with managing the resources that come in here during the County (sic). If you notice that generally when we have hirings in the County, it's towards the end of the year, because that's when we have a better handle on what the revenues are going to be.

D.P.O. VILORIA-FISHER:

I just wanted the short answer about the compromise, because no one from the County Executive's Office has called regarding the compromise, and I was just wondering what you were talking about. I hadn't heard of this.

MR. ZWIRN:

We're always open to try to resolve where there are conflicts if we can do it in a positive way, but would also not restrict the County Executive's powers. And maybe that can be achieved.

[Substitution of Stenographer - Alison Mahoney]

D.P.O. VILORIA-FISHER:

And you know that among all of these County-wide elected officials, I believe that it's only one and a half percent of our work force. Did I hear that correctly, it's about one and a half percent?

MR. SPOTA:

It's about, we think about 1800, let's say 2000. It would be about seven percent, I'm guessing.

D.P.O. VILORIA-FISHER:

About seven percent of the workforce.

MR. SPOTA:

The rest, of course, would still be under the control of the County Executive.

D.P.O. VILORIA-FISHER:

Okay. I just wanted to get that percentage out there, because we don't want to use hyperbole about the kind of impact that this is going to have on the budget.

MR. ZWIRN:

The turnover savings is in all the departments, including the elected officials' department. So if we take out turnover savings, say there are no turnover savings, that those positions are all funded, then we have to find that money somewhere else in the budget, whether it's in the Health Department. It's going to be in services somewhere. So it's something that, you know, we can talk about going forward, but it's going to have a ramification, because turnover savings is a huge part of the savings plans that we've had in the last couple of years.

MR. SPOTA:

If I may. Just one comment.

CHAIRMAN D'AMARO:

Sure.

MR. SPOTA:

And we'll finish up. We can assure you that there will be turnover savings. I think it's an affront to our intelligence and our dignity and our integrity for Mr. Zwirn to say that we will just spend the money recklessly. That is so far from the truth. There will be turnover savings as there have been in the past. And that's what we were talking about before.

When the County Executive a week ago or whatever it was, before a TV camera, is going on and on and on that he saved \$1.9 million, that was not so. We got together with Ms. Corso, the Budget Director, and we came up with a plan. And we made -- and we came up with as much as we could. We cut everything that we possibly could. I think it's just wrong, and it's an insult to us to have Mr. Zwirn and the County Executive himself just challenge us and say that we are going to spend things recklessly. And as we said in our statement to you, that this fiscal sky is going to fall down, that's just not true at all. He's just trying -- it's a typical scare tactic.

CHAIRMAN D'AMARO:

Okay.

MR. SAWICKI:

Mr. D'Amaro, this turnover savings and this 10% is a lot of apples and orange and eggs out there that are being thrown all over the place. What Bob Lipp -- Robert Lipp said before, when the beginning of the year, your fiscal year -- at the beginning of every fiscal year, you have a zero budget. At the end of the year, if the budget is perfect, there's going to be a zero fund balance. Turnover savings evolved because maybe Tom Spota hasn't been able to fill a position for a couple of months that this Legislature gave him the money to do.

We are -- I mean, you can talk about turnover savings. The last correspondence I received from

the County Executive's Office during mid 2010 is they wanted me to cut 10%. Well, if my total departmental budget is 5.9 million and my personnel salaries are -- 10% of 5.9 million is obviously \$590,000. My personnel are five and a half million, I can't cut 10%, and then I get accused of not wanting to cut 10% unless I layoff people. So it just doesn't make sense. That's the misnomer and the apples and the orange out there.

But this turnover savings, in our working group, Mr. Chairman, when we were going over it in the Budget Working Group and I said there's 400 and something thousand dollars left in my budget going into 2011, that -- in proposed budget that was sent to the Legislature, that's after all the -- the turnover savings is part of that for 2010. So, you know, I just don't want everybody to be -- get the wrong idea about this turnover savings every single year. If we're doing our job -- if I'm expected to have turnover savings again at the end of 2011, then we'll just keep -- if I can't fill my positions, I'll probably have more turnover saving, but then the County's financial situation gets worse and worse and worse. I'm already five and a half weeks behind as I was telling you just paying the bills and not being able to keep up with the audits. You know, where do you stop this turnover savings hype? That's what I want to say. It's more hype than anything else. Thank you. I know it's been a long meeting.

CHAIRMAN D'AMARO:

Thank you. I appreciate you all being here. I'm going to offer a motion to table. I want to assure all of you that, of course, your comments and your suggestions and your positions will be heavily weighed, of course, by the committee including myself. My purpose of tabling is really just to change some things in the bill that I think we all agree on need to be changed. And I think the sponsor is amenable to that. We have a short cycle. As Legislator Kennedy pointed out, we go through a meeting on Tuesday, and then we go right back into the committee process. So we're talking about two weeks. So I'm going to offer that motion to table.

LEG. KENNEDY:

I'll second that motion, Mr. Chair. I'll refer to comments that I made before as well. As the Chair has pledged, I also pledge to you that I will work with the sponsor to go ahead and make the changes and make sure that a draft of those revisions are in front of each one of you within sufficient time for you to let us know that what we have before us is sound so that we can all go ahead --

D.P.O. VILORIA-FISHER:

I'll be meeting with them.

LEG. KENNEDY:

-- and support it.

CHAIRMAN D'AMARO:

And just to the follow up on that so you know, under our rules, the time has already run to amend this bill so it can be considered on the Tuesday meeting, and that's why -- really the purpose of the tabling. With that said, I'll call the vote, all in favor? Opposed? Abstentions? The bill is **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper)**.

And I want to thank, of course, all of our County-wide elected officials for being here and participating. We appreciate it. On behalf of the committee, accept our thanks. And we'll see you soon. Thank you.

MR. SPOTA:

Thank you.

MR. SAWICKI:

Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

All right. We had taken that bill out of order and acted upon it now. I'm not sure if I asked this before, so I'll ask now. Is there anyone else who would like the address the committee? We're really beyond public portion, but I want to make sure I didn't miss anyone. So moving on to Tabled Resolutions, Section V of the agenda.

I'll call the first, **1659, Authorizing the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of East Hampton) (SCTM No. 0300-058.00-08.00-005.000 et al). (Co. Exec.)**

This is a sale to the Town of East Hampton -- oh, this is the one that we auctioned off. Yeah. We're just holding the resolution until we complete the sale. I'll offer the motion to table, second by? Legislator Nowick.

LEG. NOWICK:

Yeah, sure.

CHAIRMAN D'AMARO:

Okay. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

1670, Declaring Yaphank property surplus to County needs and authorizing property sale at public auction. (Kennedy)

Motion the table by Legislator Browning, I'll second. John, did you want to speak on this at all?

LEG. KENNEDY:

Which one are we on?

CHAIRMAN D'AMARO:

Your bill, Yaphank.

LEG. KENNEDY:

1670, yes. Still with CEQ issues, absolutely, tabling is fine, Mr. Chair. Thank you.

CHAIRMAN D'AMARO:

All right. All in favor? Opposed? Abstentions? Motion carries, the resolution is **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

1688, Adopting Local Law No. -2010, A Local Law mandating compliance with financial disclosure requirements. (Cooper).

I'll offer the motion to table, second by --

LEG. KENNEDY:

Second.

LEG. BROWNING:

I'll second.

CHAIRMAN D'AMARO:

Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

1838, Adopting Local Law No. -2010, A Local Law to ensure fairness in the County's disposition of property acquired under the Suffolk County Tax Act. (Schneiderman)

Again, I'll offer a motion to table.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

1883, Adopting Local law No. -2010, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development. (Co. Exec.)

The public hearing is still open. I'll offer a motion to table.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

1941, Directing the Department of Information Technology to publish the County's total indebtedness online. (Cilmi).

I'll offer a motion to table.

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Mr. Presiding Officer, please.

P.O. LINDSAY:

Yeah. I just wanted to -- I don't know whether that's a bad idea or not. I just want to know why. I haven't been in the prior discussions. Is there a rational why we've been tabling it?

CHAIRMAN D'AMARO:

Well, I had -- some of my thoughts on it were -- and we did try to reach out to the sponsor about our questions on the bill, and he did correspond with committee. But my concern was if you publish a number, you know, what's the interpretation of that number, what does it stand for, you know, what's the frame of reference for it? So I was concerned about -- you know, there's nothing wrong with giving more information, but you also have to provide something so that information can be interpreted correctly, and that's what I'm hoping the sponsor could respond to.

I don't think we've gotten a direct response to that question. There's nothing wrong with more

information out there, but if you are going to give information, I think it needs to be stated in a way that people can interpret exactly what it means; you know, what projects does it stand for, which indebtedness is it, is it going up, is it going down, is that high, is that low. I mean, there's other there's no frame of reference in just publishing a number. That was my concern. I won't speak for my fellow committee members, but that's where I was coming from.

LEG. BROWNING:

Yes, same here.

P.O. LINDSAY:

So you're still waiting for more information from the sponsor and what he intends -- the intent of this bill.

CHAIRMAN D'AMARO:

That's correct. And just for the record, Legislator Cilmi did respond in writing to the committee. I didn't find it 100% responsive to some of the questions we had, so we will continue to reach out to him.

LEG. KENNEDY:

I didn't see a copy of that letter.

MR. LITTELL:

Yeah. It was distributed last week.

CHAIRMAN D'AMARO:

We'll get it to all the committee members and the Presiding Officer. Okay. There is a motion pending, it's received a second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2018, Adopting Local Law No. -2010, A Local Law to promote the preservation and integrity of the Pine Barrens Core area by prohibiting the redemption or conveyance of vacant or unimproved Pine Barrens Core parcels acquired by Suffolk County by tax deed. (Co. Exec.)

The public hearing is open. I'll offer a motion to table.

LEG. KENNEDY:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2055 has already been acted upon and tabled. Section VI of the agenda, Introductory Resolutions.

The first is **2043, Approving payment to General Code Publishers for Administrative Code pages. (Pres. Off.)**

This is for various supplements. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries.

APPROVED and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper)**

P.O. LINDSAY:

Just to comment, if I may. If you look up the backup resolution, the Clerk has done a wonderful job with this and has cut down tremendously the amount of these books that we normally have published in an effort to save money.

CHAIRMAN D'AMARO:

Okay. Thank you for pointing that out.

2045, Adopting Local Law No. -2010, A Charter Law to limit campaign donations by members of the Ethics Commission. (Cooper)

Requires a public hearing. I'll offer motion to table, seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2048, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town Of Brookhaven (SCTM No. 0200-344.00-03.00-003.000). (Co. Exec.)

This is a 40 foot parcel in Middle Island being sold to Brookhaven for \$1,926.75 for open space. Motion by Legislator Browning, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2050, Authorizing certain technical corrections to Adopted Resolution No. 1249-2000. (Co. Exec.)

I'll offer motion to approve and place on the Consent Calendar, seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper).**

2051, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Lorene Paragallo (SCTM No. 0403-003.00-01.00-072.000). (Co. Exec.)

This is a redemption as a matter of right. I'll offer the same motion, same second, and without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper).**

2052, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Juana Salmeron and Miguel Salmeron (SCTM No. 0100-055.00-02.00-062.000). (Co. Exec.)

I'll offer same motion, same second and same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper).**

2053, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Hulse, Inc., by Wayne Hulse, President (SCTM No. 0200-943.00-03.00-009.002). (Co. Exec.)

I'll offer, again, same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper).**

2058, Adopting Local Law No. -2010, A Charter Law establishing an Office of Consumer Affairs. (Montano)

Requires a public hearing. I'll offer a motion to table. Is there a second?

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Browning. All those in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2059, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Majella Enterprises, Inc. (SCTM No. 0100-099.00-01.00-047.003). (Co. Exec.)

This is a triangular-shaped parcel in Farmingdale, appraised and sold for 9500. I'll offer motion to approve, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2060, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Shahrokh Zebardjadi (SCTM No. 0200-978.10-01.00-071.000). (Co. Exec.)

This is a 25 by 69 foot parcel in Bellport, appraised and sold for \$1100. I'll offer a motion to approve, seconded -- it's a 25 by 69 parcel. It's in Bellport. It's an adjoining owner. It was appraised for a thousand and sold for 1100. I misspoke, I apologize. Motion to approve by Legislator Browning, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2061, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town Of Brookhaven (SCTM No. 0200-344.00-03.00-018.000). (Co. Exec.)

This is a 40 by 100 parcel in Middle Island which was sold to Brookhaven for \$1,926.75 for open space. Motion by Legislator Browning, I'll second. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2062, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town Of Brookhaven (SCTM No. 0200-229.00-02.00-013.000). (Co. Exec.)

This is a 60 by 100 lot in Port Jefferson Station being sold to Brookhaven, again. And I did want to ask Real Estate -- Ms. Greene, welcome. Thanks for being here. I took a look at the tax map. It seemed to comport with the rest of the area, the size of this lot. I was wondering why it wasn't being auctioned in the regular auction process as opposed to being conveyed to the town for, I believe, open space.

MS. GREENE:

The towns often are given the right-of-first-refusal for properties owned by Suffolk County. And when it is deemed that it is part of their plan to acquire for open space, that more or else gets the first bite at the apple.

CHAIRMAN D'AMARO:

But is it in a residential neighborhood? The town is not taking it for workforce housing purposes or affordable housing purposes?

MS. GREENE:

No. They are -- the resolution --

CHAIRMAN D'AMARO:

They're going to keep the lot vacant. But it seemed to me it was in a residential neighborhood. It just didn't seem to fit that it would just continue to have a vacant lot. I mean, vacant lots can become a blight as well.

MS. GREENE:

You're looking at the aerial for 2062?

CHAIRMAN D'AMARO:

I didn't have the aerial.

MS. GREENE:

I do. It might be very illustrative for you.

CHAIRMAN D'AMARO:

So the aerial is showing that all the plots are vacant?

MS. GREENE:

Correct. It is a vacant lot surrounded by other vacant lots. The County is actually stripping what workforce housing credits there are, and it is going in the County's workforce housing credit bank.

CHAIRMAN D'AMARO:

Okay. Thanks for that. All right. I'll offer a motion to approve, is there a second?

LEG. BROWNING:

Second.

CHAIRMAN D'AMARO:

Okay. Seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-1; Not Present - Legis. Cooper).**

2068, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Margaret Vaughan (SCTM No. 0200-206.00-03.00-005.000). (Co. Exec.)

This is a redemption as a matter of right. I'll offer a motion to approve and place on the Consent Calendar, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper).**

2069, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Frances B. Lewin Trust by Thomas Austin Lewin, as successor trustee (SCTM No. 0800-139.00-03.00-023.000). (Co. Exec.)

I'll offer same motion, same second, and without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper).**

2070, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act 270-109 Realty Corp., by Lee J. Schneider, member (SCTM No. 0100-097.00-01.00-026.000). (Co. Exec.)

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper)**.

2071, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John C. Sheeron (SCTM No. 0100-216.00-03.00-030.000). (Co. Exec.)

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper)**.

2072, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward Vaughan, Jr. (SCTM Nos. 0200-206.00-03.00-006.001 and 0200-206.00-03.00-006.002). (Co. Exec.)

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper)**.

2077, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Josh Reznick (SCTM No. 0900-313.00-01.00-042.030). (Co. Exec.)

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper)**.

2094, Reappointing Commissioner of the Suffolk County Board of Elections (Anita S. Katz). (Pres. Off.)

This is a reappointment. And I'm going to offer a motion to approve, seconded by Presiding Officer Lindsay. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-1; Not Present - Legis. Cooper)**.

2100, Directing modernization of the County Financial Disclosure Form. (Co. Exec.)

P.O. LINDSAY:

I would make a motion to table until we are finished with our committee.

CHAIRMAN D'AMARO:

Okay. Motion by Presiding Officer to table, seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-1; Not Present - Legis. Cooper)**.

2120, Approving the appointment of a relative of a District Court Judge in the Suffolk County Clerk's Office. (Losquadro)

The information I have is that it's the mother-in-law of District Court Judge Glenn Murphy who has been offered part-time employment in the County Clerk's Office as a clerk typist. I'll offer motion to approve. Is there a second? Seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-1; Not Present - Legis. Cooper)**.

2130, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act John Harris, as surviving tenant (SCTM No. 0200-975.90-01.00-058.000). (Co. Exec.)

Motion to approve and place on the Consent Calendar, seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-1; Not present - Legis. Cooper)**.

At this time, I'll offer a motion to convene into Executive Session for the purposes of discussing of possible settlement of litigation, seconded by Legislator Browning. All those in favor? Opposed? Abstention. Okay. We will be back shortly on the record. Thank you.

(*AN EXECUTIVE SESSION WAS HELD FROM 12:07 P.M. UNTIL 12:31 P.M.*)

CHAIRMAN D'AMARO:

Back on the record. The committee has agreed to a settlement in the following case; Cecelia Millin, M-i-l-l-i-n against the County of Suffolk in Executive Session. I'll offer a motion to adjourn, seconded by Legislator Browning. All in favor? Opposed? Abstentions? We are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 12:31 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY