

**WESTCHESTER COUNTY BOARD OF LEGISLATORS  
COMMITTEE ON BUDGET & APPROPRIATIONS MEETING  
MINUTES DECEMBER 1, 2009**

**MEMBERS B&A :** Chair: Jose Alvarado, Legislators:  
Jenkins, Myers, Oros, Harckham, Kaplowitz,  
Rogowsky, Williams, Burton, Ryan

**IN ATTENDANCE:** **EZKR:** Carl Calvanico, **Corrections:**  
Pat Kaley, Kevin Cheverko, Joseph Spano,  
Josephine Gibson, Justin Proyne; **Probation  
Officers Association:** Ed Varela, Ralph  
Hansen; **Probation:** Rocco Pozzi, Louis  
Conte, George Parambil, Jacolyn Levin,  
James Cannon; **Law:** Lori Alesio; **Jackson  
Lewis:** Greg Riol, Joe Saccomano; **Budget:**  
Angela Owens, Anne Reasoner, Arthur Vietro,  
Joy Maltrai; **Westchester COBA:** Pat Garrett,  
Alonzo West, John Houston; **CEO:** Bill  
Randolph, Andrew Neuman; **Parks:** Joe  
Stout

Chair Alvarado called Budget and Appropriations to order at 9:52  
a.m.

A352 Act Settlement Approval DiBattista, A353 Jackson, Lewis  
Increase Not to Exceed Amount of \$150,000, and C198 Bond Act  
Settlement of Litigation DiBattista: The case involves employees that  
retired from the County between 1993 and 2004. The retired  
employees claim that the County diminished their health insurance  
benefits. The case appeared before a State Supreme Court judge  
who ruled that the County breached its contract and awarded  
damages to the 1600 retirees in the amount of \$3,610,000. The  
County appealed. An agreement has been reached for a payment of  
\$700 to each class member for a total of \$1,120,000 and payment to  
plaintiff's counsel for fees of \$65,000. A request is also being made  
for the court to withdraw the order that was made. The agreement is:  
co-pays for generic drugs \$4, brand name drugs \$8, non-preferred  
prescriptions \$15, doctor co-pays \$13, the deductible for an individual  
to \$225 and a family to \$600 for a total out of pocket maximum of

\$900 and all other medical expenses are to be paid at the same level as active employees. Legislator Kaplowitz questioned as to who was the attorney for the class. It is the CSEA in house attorney who acted as a private counsel. The process is the proposed settlement is presented to the Judge, she holds a hearing to see if there are any objections, if no objections, the judge will approve the settlement and enter an order of final judgment that will be binding to all members. Legislator Kaplowitz wanted to know if new negotiations would affect this class. The answer is no because they are no longer members of CSEA. This agreement won't change. On the motion of Legislator Williams seconded by Legislator Ryan, the motion was carried by a vote of 6-1 (Alvarado, Jenkins, Kaplowitz, Harckham, Ryan, Williams) (Burton no). Prior to the vote Legislator Kaplowitz made a motion to table the item but there was no second.

C157 Bond Act RMS01 Merestead Site Improvements for \$400,000:

This is a bond for study and design for the rehabilitation of the buildings as well as a historic structure report. Legislator Harckham explained that this was an old estate that was donated to the County. There was a small fund that was left for the maintenance of the buildings but it is not enough. The buildings needs a new roof, pointing, upgrading the electricity, and making it ADA compliant. There are some plans for a public, private partnership but that will be discussed next year. This property is on the National Historic Register. On the motion of Legislator Harckham, seconded by Legislator Kaplowitz, the motion was carried by a vote of 6-0 (Alvarado, Williams, Jenkins, Burton, Kaplowitz, Harckham).

The Correction's Department presentation was first. Chair Alvarado asked the Commissioner to please comment on the investigation of the Justice Department (DOJ) of the County jail. The Commissioner said this year the jail had an exceptional year. They received the highest level of recognition from the American Correctional Association. And the National Commission on Health Care will be recommending the jail for the "facility of the year" on a national level. In 2006-07 the jail was working under the State Commission on Correction, Mandates and Standards and they do an annual inspection every year. The DOJ all but dismissed the State Commission. The report is misleading, factually incorrect. The Commissioner has a conference call with the DOJ scheduled for

Thursday. According to the letter they have forty-nine days to enter into an agreement. The recommendations that are listed have already been implemented. Legislator Harckham asked that the Board be kept informed of any agreements made by the jail and the DOJ. The Commissioner then proceeded to go over some of the highlights of his budget – the revenues and expenses. The tax levy will be \$662,000 which is less than the 2009 tax levy. The legislators then discussed the various line items. With the change in the Rockefeller Drug Laws, previously the prisoners were subject to state sentences. Now they will be sent to the County jail and put into the Solutions Program which accounts for the increase in the drug program. Legislator Kaplowitz asked about the possibility of consolidating Probation and Corrections insofar as administrative services are concerned. The Commissioner said they do share some services now but would have to look into sharing the administrative services as his people are presently stretched to the limit.

The Probation Department was next with their presentation. They are implementing receiving national accreditation from State Practices which principals are based on eight principals. It will take five years to implement. Also the secure and non secure detention was transferred from D.S.S. to Probation. The kids are probation kids that are in Family Court and the Probation Department are the experts in dealing with these children. This is why the tax levy has increased. The sex offenders have been monitored 24-7 and after careful study, they don't feel that the last shift is necessary as there is very little activity. The people that were covering this last shift will be moved over to the four positions that were abolished. The Commissioner has several concerns: one is the Rockefeller Drug Law changes and the impact on the Probation Department. He presently received a grant of \$216,000 which helps to pay for one probation officer. This is for two years. There will be an additional burden and he will need to add another officer. The second concern is the DUI law and the interlock. Presently he has 1700 individuals on probation with 160 individuals on the interlock. In 270 days the interlock will be mandatory and he is concerned with the work load. And his third concern is state aid which he won't know how much he will be receiving until April. Eighteen years ago when he received a reduction in state aid, he had to lay off 40 officers. If this happens, the judges will not have confidence to release individuals to probation

and there will be an increase in the number of inmates at the Department of Corrections. Chair Alvarado asked about merging Corrections and Probation. The Commissioner said he had to receive the state's approval when he was commissioner of both departments but the state is against merging the two departments. They do share some services but the staff at Corrections is overburdened and so is his staff. There would not be much of a savings as the tax levy of Probation is less than 1 percent. There were questions on various line items.

On the motion of Legislator Rogowsky, seconded by Legislator Jenkins, Budget & Appropriations was adjourned at 12:49 p.m.