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20	and Shorthand Reporter in and for	20	
21	the State of New York.	21	
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5

1 (Whereupon, the Executive Assembly
2 was then called to order.)

3

4 PRESIDENT POWERS: I'd
5 like to call the meeting
6 to order. We've got a
7 busy agenda. One of them
8 being a committee report,
9 call the meeting to order.
10 We all please, rise.

11

12 (Whereupon, the pledge
13 of allegiance and moment
14 of silence were then
15 recognized.)

16

17 PRESIDENT POWERS: Can
18 we get the rules read in,
19 please?

20

21 MIKE VEIHDEFFER:
22 Executive Assembly Rules
23 of Order. Anyone upon
entering the Executive

7

1	<u>APPEARANCES:</u>
2	OFFICERS PRESENT:
3	MICHAEL POWERS, President
4	FRANK GILBO, Treasurer
5	CHRISTOPHER SUMMERS, Recording Secretary
6	
7	<u>Vice Presidents:</u>
8	MIKE MAZZELLA, Mid-Hudson
9	SCOTT CARPENIER, Central
10	JOHN ROBERTS, North
11	CLARENCE FISHER, South
12	JOHN HARMON, Law Enforcement
13	JOE MIANO, Western
14	
15	<u>Also Present:</u>
16	Bill Sheehan, Esq.
17	Keith Jacques, Esq.
18	Steven Anderson, Parliamentarian
19	
20	
21	
22	
23	

6

1 Assembly must wear the
2 NYSOPBA identification
3 tag. Chief Sector
4 Stewards will sit in
5 designated areas when the
6 Executive Assembly is in
7 session.

8 Cellular phones are to
9 be turned off and beepers
10 are to be put on vibrating
11 mode. Recording devices
12 are prohibited unless
13 provided by membership
14 services and those
15 directed by the recording
16 secretary.

17 NYSOPBA members in
18 good standing will be
19 allowed to address the
20 Executive Assembly.
21 Please state your name and
22 your sector. Speakers at
23 the microphone will follow

8

1 the direction of the
2 Sergeant at Arms.
3 PRESIDENT POWERS:
4 Thank you. Chris, roll?
5 RECORDING SECRETARY
6 SUMMERS:
7 Good afternoon.
8 President Powers?
9 PRESIDENT POWERS:
10 Here.
11 RECORDING SECRETARY
12 SUMMERS: Powers, present.
13 Executive VP Sawchuk,
14 she's excused. Treasurer, Gilbo?
15 TREASURER GILBO: Here.
16 RECORDING SECRETARY
17 SUMMERS: Gilbo, Present.
18 Recording Secretary
19 Summers, present.
20 VP North, Roberts?
21 VICE PRESIDENT ROBERTS:
22 Here.
23 RECORDING SECRETARY

9

1 VP South, Fisher.
2 VICE PRESIDENT FISHER:
3 Present.
4 RECORDING SECRETARY
5 SUMMERS:
6 Fisher, present.
7 VP West, Miano?
8 VICE PRESIDENT MIANO:
9 Here.
10 RECORDING SECRETARY
11 SUMMERS:
12 Miano, present.
13 Sergeant liaison's,
14 Sellers?
15 MR. SELLERS: Here.
16 RECORDING SECRETARY SUMMERS:
17 Sellers, present.
18 Adirondack, Sturgeon?
19 MR. STURGEON: Here.
20 RECORDING SECRETARY
21 SUMMERS:
22 Sturgeon, present.
23 Albany Training Academy,

11

1 SUMMERS:
2 Roberts, present.
3 VP Mid-Hudson,
4 Mazzella?
5 VICE PRESIDENT
6 MAZZELLA:
7 Here.
8 RECORDING SECRETARY
9 SUMMERS:
10 Mazzella, present.
11 VP Law Enforcement,
12 Harmon?
13 VICE PRESIDENT HARMON:
14 Here.
15 RECORDING SECRETARY
16 SUMMERS:
17 Harmon, present.
18 VP Central, Carpenter?
19 VICE PRESIDENT CARPENTER:
20 Present.
21 RECORDING SECRETARY
22 SUMMERS:
23 Carpenter, present.

10

1 Christiano?
2 MR. CHRISTIANO: Here.
3 RECORDING SECRETARY
4 SUMMERS:
5 Christiano, present.
6 Albion, Molino?
7 MR. MOLINO: Here.
8 RECORDING SECRETARY
9 SUMMERS:
10 Molino, present.
11 Altona, Guerin?
12 MR. GUERIN: Present.
13 RECORDING SECRETARY
14 SUMMERS:
15 Guerin, present.
16 Attica, Wagner?
17 MR. WAGNER: Here.
18 RECORDING SECRETARY
19 SUMMERS:
20 Wagner, present.
21 Auburn, Thomas?
22 MR. THOMAS: HERE.
23 RECORDING SECRETARY SUMMERS:

12

1 Thomas, present.
 2 Bare Hill, Perry?
 3 MR. PERRY: Present.
 4 RECORDING SECRETARY
 5 SUMMERS:
 6 Perry, present.
 7 Bedford Hills, Hale?
 8 MR. HALE: Here.
 9 RECORDING SECRETARY
 10 SUMMERS:
 11 Hale, present.
 12 Cape Vincent, Call?
 13 MR. CALL: Present.
 14 RECORDING SECRETARY
 15 SUMMERS:
 16 Call, present.
 17 Cayuga, Hatfield?
 18 MR. HATFIELD: Here.
 19 RECORDING SECRETARY
 20 SUMMERS:
 21 Hatfield, present.
 22 Central New York Psych,
 23 Janes?

13

1 RECORDING SECRETARY
 2 SUMMERS:
 3 Pavlin, present.
 4 Downstate, Cooper?
 5 MS. COOPER: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 Cooper, present.
 9 Eastern, Swehla?
 10 MR. SWEHLA: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Swehla, present.
 14 Edgecombe, Watkins?
 15 MS. WATKINS: Present.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Watkins, present.
 19 Elmira, Rice?
 20 MR. RICE: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Rice, present.

15

1 MR. JANES: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Janes, present.
 5 Clinton, Basto?
 6 MR. BASTO: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Basto, present.
 10 Collins, Morosey?
 11 MR. MOROSEY: Here.
 12 RECORDING SECRETARY SUMMERS:
 13 Morosey, present.
 14 Community Supervision, Ruland?
 15 MR. RULAND: Here.
 16 RECORDING SECRETARY SUMMERS:
 17 Ruland, present. CCA,
 18 Johnson?
 19 MS. JOHNSON: Here.
 20 RECORDING SECRETARY SUMMERS:
 21 Johnson, present.
 22 Coxsackie, Pavlin?
 23 MR. PAVLIN: Present.

14

1 Fishkill, Sonko?
 2 MR. SONKO: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Sonko, present.
 6 Five Points, Nelson?
 7 MR. NELSON: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Nelson, present.
 11 Forest Rangers, Carlson?
 12 MR. CARLSON: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Carlson, present.
 16 Franklin, Allen?
 17 MR. ALLEN: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Allen, present.
 21 Gouverneur, Gleason?
 22 MR. GLEASON: Present.
 23 RECORDING SECRETARY

16

1 SUMMERS:
 2 Gleason, present.
 3 Gowanda, Guest?
 4 MR. GUEST: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 Guest, present.
 8 Great Meadow, Bain?
 9 MR. BAIN: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Bain, present.
 13 Green Haven, Moreau?
 14 MR. MOREAU: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Moreau, present.
 18 Greene, Horacek?
 19 MR. HORACEK: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Horacek, present.
 23 Groveland, Hunsinger?

17

1 Lakeview, Gruber?
 2 MR. GRUBER: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Gruber, present.
 6 Lincoln, Moore?
 7 MR. MOORE: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Moore, present.
 11 Livingston, Henderson?
 12 MR. HENDERSON: Here.
 13 RECORDING SECRETARY
 14 SUMMERS:
 15 Henderson, present.
 16 Marcy, Roberts?
 17 MR. ROBERTS: Here.
 18 RECORDING SECRETARY
 19 SUMMERS:
 20 Roberts, present.
 21 Mid Hudson, Ogorzaly?
 22 MR. OGORZALY: Here.
 23 RECORDING SECRETARY

19

1 MR. HUNSINGER: Here.
 2 RECORDING SECRETARY
 3 SUMMERS:
 4 Hunsinger, present.
 5 Hale Creek, Rowe?
 6 MR. ROWE: Here.
 7 RECORDING SECRETARY
 8 SUMMERS:
 9 Rowe, present.
 10 Hudson, Relyea?
 11 MR. RELYEA: Here.
 12 RECORDING SECRETARY
 13 SUMMERS:
 14 Relyea, present.
 15 ISO's, Moulton?
 16 MS. MOULTON: Present.
 17 RECORDING SECRETARY SUMMERS:
 18 Moulton, present. Kirby
 19 Forensic, Stewart?
 20 MR. STEWART: Here.
 21 RECORDING SECRETARY
 22 SUMMERS: Stewart,
 23 present.

18

1 SUMMERS:
 2 Ogorzaly, present.
 3 Mid State, McGowan?
 4 MR. MCGOWAN: Here.
 5 RECORDING SECRETARY
 6 SUMMERS:
 7 McGowan, present.
 8 Mohawk, Fitch?
 9 MR. FITCH: Here.
 10 RECORDING SECRETARY
 11 SUMMERS:
 12 Fitch, present.
 13 Moriah, Trombley?
 14 MR. TROMBLEY: Here.
 15 RECORDING SECRETARY
 16 SUMMERS:
 17 Trombley, present.
 18 Ogdensburg, Cox?
 19 MR. COX: Here.
 20 RECORDING SECRETARY
 21 SUMMERS:
 22 Cox, present.
 23 Orleans, Gold?

20

1 MR. GOLD: Here.
2 RECORDING SECRETARY
3 SUMMERS:
4 Gold, present.
5 Otisville, Hawkes?
6 MR. HAWKES: Here.
7 RECORDING SECRETARY
8 SUMMERS:
9 Hawkes, present.
10 Queensboro, Odom?
11 MS. ODOM: Here.
12 RECORDING SECRETARY
13 SUMMERS:
14 Odom, present.
15 Riverview, Bell?
16 MR. BELL: Here.
17 RECORDING SECRETARY
18 SUMMERS:
19 Bell, present.
20 Rochester Psych, Raven?
21 MS. RAVEN: Here.
22 RECORDING SECRETARY
23 SUMMERS:

21

1 Compton, Present.
2 Security Officers,
3 Rybak?
4 MR. RYBAK: Yes.
5 RECORDING SECRETARY
6 SUMMERS: Rybak, present.
7 SSA, Schiavone?
8 MR. SCHIAVONE: Here.
9 RECORDING SECRETARY
10 SUMMERS:
11 Schiavone, present.
12 Shawangunk, Marasco?
13 MR. MARASCO: Here.
14 RECORDING SECRETARY
15 SUMMERS:
16 Marasco, present.
17 Sing Sing, Paroline?
18 MR. PAROLINE: Present.
19 RECORDING SECRETARY
20 SUMMERS:
21 Paroline, present.
22 Southport, Westervelt?
23 MR. WESTERVELT: Here.

23

1 Raven, present.
2 SSO Central Region,
3 Barrett?
4 MR. BARRETT: Here.
5 RECORDING SECRETARY
6 SUMMERS: Barrett,
7 present.
8 SSO Mid-Hudson, Harris?
9 MR. HARRIS: Here.
10 RECORDING SECRETARY
11 SUMMERS: Harris, present.
12 SSO Northern region, no.
13 SSO Southern Region,
14 Pomaes?
15 MR. POMALES: Here.
16 RECORDING SECRETARY
17 SUMMERS:
18 Pomaes, present.
19 SSO Western Region,
20 Compton?
21 MS. COMPTON: Here.
22 RECORDING SECRETARY
23 SUMMERS:

22

1 RECORDING SECRETARY
2 SUMMERS:
3 Westervelt, present.
4 Sullivan, Perry?
5 MR. PERRY: Here.
6 RECORDING SECRETARY
7 SUMMERS:
8 Perry, present.
9 Taconic, Gordon?
10 MS. GORDON: Present.
11 RECORDING SECRETARY SUMMERS:
12 Gordon, present. Ulster,
13 Dean?
14 MR. DEAN: Here.
15 RECORDING SECRETARY
16 SUMMERS:
17 Dean, present.
18 Upstate, Gary?
19 MR. GARY: Here.
20 RECORDING SECRETARY
21 SUMMERS:
22 Gary, present.
23 Wallkill, Sheridan?

24

1 MR. SHERIDAN: Here.
 2 RECORDING SECRETARY SUMMERS:
 3 Sheridan, present.
 4 Washington, VanDerwarker?
 5 MR. VANDERWARKER: Here.
 6 RECORDING SECRETARY
 7 SUMMERS:
 8 VanDerwarker, present.
 9 Watertown, Nevills?
 10 MR. NEVILLS: Here.
 11 RECORDING SECRETARY
 12 SUMMERS:
 13 Nevills, present.
 14 Wende, Johnson?
 15 MR. JOHNSON: Here.
 16 RECORDING SECRETARY
 17 SUMMERS:
 18 Johnson, present.
 19 Willard, Moore?
 20 MS. MOORE: Here.
 21 RECORDING SECRETARY
 22 SUMMERS:
 23 Moore, present.

25

1 request a report to Great
 2 Meadow Correctional
 3 Facility to meet with the
 4 Governor.
 5 That meeting kind of
 6 came as a surprise, so
 7 basically in essence I
 8 hopped the Thruway back to
 9 the eastern part of the
 10 state, went to Great
 11 Meadow, attended a meeting
 12 with the Governor and
 13 facility administration.
 14 They talked about the
 15 reforms, in my opinion
 16 weren't really reforms.
 17 They're things we had that
 18 need to be enhanced. We
 19 talked about K9s, we
 20 talked about additional OC
 21 spray and some other
 22 initiatives that we
 23 pushed.

27

1 Woodbourne, Gutierrez?
 2 MR. GUTIERREZ: Here.
 3 RECORDING SECRETARY
 4 SUMMERS:
 5 Gutierrez, present.
 6 Wyoming, Hickey?
 7 MR. HICKEY: Here.
 8 RECORDING SECRETARY
 9 SUMMERS:
 10 Hickey, present.
 11 The minutes have been
 12 published for the EA in
 13 August. Are there any
 14 corrections? Seeing none,
 15 minutes approved.
 16 PRESIDENT POWERS: We
 17 have no valor awards,
 18 we'll get right into the
 19 President's report. Since
 20 our last meeting back in
 21 August after our meeting,
 22 the following day, I
 23 received a phone call to

26

1 We spoke about the
 2 policies -- I spoke on
 3 behalf of NYSCOPBA about
 4 the policies in place
 5 regarding some of the
 6 problems that are existing
 7 in our facilities; namely
 8 the lack of disciplinary
 9 procedures that are
 10 recently been invoked
 11 through the NYCLU
 12 settlement, this is going
 13 to be a lengthy
 14 conversation because it's
 15 going to get pretty
 16 involved here shortly
 17 thereafter.
 18 But the long and short
 19 of it was, initially the
 20 meeting took place with
 21 the facility
 22 administration and
 23 Department Commissioner

28

1 Martuscello, executive
2 assistant to Commissioner
3 Martuscello was present,
4 along with the Acting
5 Commissioner Annucci, the
6 Governor and a host of his
7 staff, and a shit load of
8 photographers.

9 At the end of the day
10 he ended up excusing
11 everybody from the room
12 but myself and Acting
13 Commission Annucci and
14 we had a pretty candid
15 conversation about some of
16 the policies through the
17 Department. We spoke
18 about the NYCLU settlement
19 and the impact it has had
20 in the facilities.

21 We spoke about some of
22 the initiatives that we
23 deemed coming forward. We

29

1 got people that are
2 negotiating this contract.
3 So in essence what it
4 boiled right down to is a
5 candid conversation
6 regarding Article 8. And
7 the fact that we're hung
8 up on some things, that
9 John and Mike will talk
10 about in a little bit.
11 And we went back and
12 forth.

13 And he asked me where
14 the problem lies. I told
15 him the problem lies -- he
16 asked me, is the problem
17 the negotiator, Mr. Bress.
18 I said, not to my
19 knowledge, not from the
20 reports I get from my
21 co-chairs. And he asked
22 if it was a problem
23 stemming from my contact

31

1 didn't talk about any
2 pending legislation, which
3 we have in there. He
4 immediately went right
5 into the contract and
6 asked me what the problem
7 was with the contract and
8 I told him it was Article
9 8, the discipline clause.

10 I said I have a
11 committee and two
12 co-chairs that meet and
13 we've been pounding this
14 out with you, the state,
15 for some time. And the
16 minute I said that to him,
17 I could see the question
18 mark over his head. He
19 didn't know what the fuck
20 I was talking about. He
21 didn't know about the
22 contract, he's not
23 familiar with it. He's

30

1 in the Governor's Office,
2 Rob Mujica. I said no. I
3 said, the problem lies
4 with your chief counsel,
5 plain and simple.

6 And, again, I could see
7 the question mark over his
8 head. He didn't know what
9 I was talking about,
10 because the information is
11 not getting to him. So I
12 impressed upon him in that
13 meeting how important it
14 is for me to have access
15 to him. We have had
16 people come to the
17 microphone in this
18 Executive Assembly and
19 tell us. We need to have
20 these conversations.

21 I expressed that to
22 Governor, that I need to
23 have that contact with him

32

1 in some way, shape or
2 form. He acknowledged
3 from this point forward
4 that that contact will be.
5 The long and short of it
6 was, speaking about the
7 contact and being able to
8 have open dialogue with
9 the Governor. He went on
10 about his, what you read
11 in the paper, about his
12 history of being a Queens
13 boy, growing up on the
14 streets of Queens, this,
15 that and the other thing.
16 And everything that he
17 highly preaches, his
18 macheesmo.

19 And he basically
20 offered up the opportunity
21 to be able to maintain
22 this dialogue. He assured
23 me that Rob Mujica would

33

1 essence, as we mentioned
2 before we had their
3 attention at the last EA,
4 we got their attention
5 through the ad campaign.

6 And that was effective.
7 And I never said this to
8 him, but I'll say this to
9 you guys, we've had how
10 many lock-downs in the
11 last three years and he
12 chose this one shortly
13 after, you know, while we
14 had a media campaign going
15 on. Flew up to Glens
16 Falls, landed in his
17 chopper and I hustled my
18 ass from here to Great
19 Meadow to meet with him.

20 To say the meeting was
21 productive, I was very
22 poignant in the fact I
23 expressed our concerns and

35

1 be my contact for him. I
2 thanked him for that,
3 because I told him I have
4 been waiting four years to
5 get in front of him and I
6 know the struggles
7 previous boards have had
8 with getting in front of
9 the Governor.

10 I also impressed upon
11 him how he acknowledged
12 that he's an open and
13 transparent kind of guy
14 and he's not above
15 approach. Well, the
16 question marks that went
17 off over his head as I was
18 discussing matters with
19 him told me otherwise.

20 Other than that, he did
21 express an interest in
22 wanting to maintain a
23 dialogue with us. So, in

34

1 our interests to him. I
2 believe he listened. I
3 actually went back and
4 forth and expressed to him
5 that I'm sitting across
6 from two attorneys here
7 and our hang up, you can't
8 even fix, as far as the
9 contract and Article 8.

10 He assured me that he
11 would work with us and
12 that he was confident that
13 we would be able to get
14 something done. After
15 that, he mentioned to me
16 about his not being above
17 reproach. I expressed to
18 him that I'm aware of
19 that, due to the fact that
20 you met with NYSCOPBA's
21 Executive Board in
22 February of 2014, and from
23 what I understand that was

36

1 a productive meeting. He
2 assured me after I
3 mentioned that that he
4 would meet with this board
5 in the very near future.

6 Keep in mind this was
7 prior to the primary that
8 he ran off with Cynthia
9 Nixon, August, I can't
10 remember the date,
11 whenever the last EA was.
12 So, that was the 9th.

13 So, that is what
14 transpired the day after
15 our last meeting. I felt
16 it was productive. I have
17 had some dialogue with
18 Mujica regarding some
19 things that are dire
20 concerns to us and our
21 operations on a daily
22 basis. And as I mentioned
23 before, I mentioned to the

37

1 two, three years.

2 It's been introduced
3 into the Senate. Our
4 friends on the other side
5 of the aisles, Democratic
6 aisle were able to send it
7 off and it never saw the
8 light of day on the floor.
9 That's going to change.
10 And with this HALT, it's
11 going to strictly impact
12 the operations and the
13 safety of the jobs that we
14 do.

15 I'm confident in that.
16 My biggest concern has
17 always been the NYCLU, the
18 disciplinary guidelines in
19 the settlement. We're
20 working diligently open
21 lines of communication
22 with the policy makers on
23 the Democratic aisle to

39

1 Governor and to the Acting
2 Commissioner our concerns
3 regarding NYCLU and the
4 policies that are in
5 place.

6 But with what's
7 possibly going to
8 transpire in the next
9 election cycle, with the
10 Democrats seizing control
11 of the Senate majority,
12 we've got bigger things to
13 worry about than NYCLU.

14 It's called HALT,
15 Humane Alternatives To
16 Solitary confinement; long
17 term solitary confinement.
18 You've heard me say it
19 before, it's called HALT.
20 That handcuffs NYCLU. It
21 flew through the Assembly
22 the last two years, Keith,
23 two years with ease --

38

1 inform them of NYCLU --
2 the settlement that took
3 place.

4 Don't shoot the
5 messenger here but the
6 only thing we've got to
7 work with right now in
8 light of the potential
9 change in the -- and mind
10 you this is potential,
11 this isn't a done deal,
12 but we would be remiss if
13 we're not proactive
14 getting out the word that
15 have HALT doesn't work in
16 our system. And it won't
17 work in our system.

18 Prior to the election
19 we need to educate these
20 policy makers. We need to
21 keep an ear and open
22 dialog on the second
23 floor, in the event that

40

1 this passes the Senate and
2 Assembly and becomes
3 legislation. There's a
4 pretty good chance they'll
5 call that up rather
6 quickly.

7 So we've got
8 hypothetically here, if
9 we've got January 2019
10 Democratic control in the
11 Senate and in the
12 Assembly, with an
13 executive Democrat who has
14 been leaning left lately,
15 and this legislation gets
16 in their office say mid
17 February, this could be a
18 reality by January of 2020
19 as they implement this
20 policy into the
21 facilities.

22 This is legislation.
23 This is not a lawsuit that

41

1 that's not really a
2 benefit, I acknowledge
3 that. But with HALT,
4 comes a whole different
5 parameter and a whole new
6 set of rules and policies
7 and procedures in our
8 operations in our
9 correctional facilities.

10 This impacts not only
11 the state corrections, it
12 will impact New York city,
13 all the counties. And as
14 of late I have been in
15 touch with Eliza Muldoon,
16 from City Corrections with
17 members from Suffolk,
18 Westchester, Nassau
19 Counties and many members
20 of the Captain's
21 Association for New York
22 City Corrections, to be
23 able to come together as a

43

1 NYCLU brought against the
2 state, People verses
3 Annucci. This is
4 legislation. And if
5 Governor signs it into
6 law, buckle up. And
7 that's our job at this
8 point as far as HALT.

9 But that, I didn't mean
10 to go off on the rail but
11 I wanted to explain to
12 you, we don't have much of
13 a choice right now. Like
14 I said, don't shoot the
15 messenger. I know what
16 the initial reaction is
17 going to be when I say
18 this, but we may not have
19 a choice but to embrace
20 NYCLU.

21 I hate to say it, but
22 to look out for the
23 benefit of all of us. And

42

1 coalition to start pushing
2 back. I have reached out
3 to Gramercy, they're here
4 to do a presentation here.

5 We have an RFP in our
6 folder we have coming
7 forward, and I asked them
8 to kind of come together
9 with an outside the box
10 kind of rationale, as to
11 how we condition not only
12 what we do to educate our
13 members regarding NYCLU
14 and HALT, and bringing
15 forward the provisions for
16 HALT.

17 But, having them come
18 out and help us with the
19 policy makers, not only
20 the policy makers, but
21 through some media,
22 potentially media
23 campaigns or public

44

1 relations format to
2 address and bring forward
3 our concerns, as this
4 legislation amps up
5 forward.

6 Keith, do you mind
7 stepping up and sharing
8 the provisions for HALT.

9 KEITH JACQUES: First
10 of all, HALT was
11 introduced prior to the
12 implementation of the
13 NYCLU settlement. So I'll
14 give you the highlights of
15 it. First of all, it
16 would basically favor non
17 disciplinary procedures
18 within a facility. In
19 other words, you got a
20 problematic inmate,
21 discipline is a last
22 resort.

23 The legislation would

45

1 also require that an
2 inmate who is in
3 segregated confinement has
4 the ability to be outside
5 of segregated confinement
6 for at least four hours a
7 day.

8 So, President Powers is
9 explaining look, NYCLU is
10 really bad; this is
11 horrible. And the Senate
12 Dems have made it very
13 clear that this is their
14 top priority for
15 legislative perspective if
16 the Senate Dems gain
17 control of the Senate.

18 With the IDC having six
19 of their eight members, I
20 got a text message from
21 somebody in this room that
22 said you're going to have
23 your work cut out for you

47

1 define that special
2 population inmate. And in
3 that special population,
4 is any inmate twenty-one
5 years of age or younger,
6 or any inmate fifty-five
7 years of age or older.
8 And the legislation would
9 specifically prohibit any
10 inmate in special
11 population from ever being
12 put in segregated
13 confinement.

14 There's a maximum of
15 fifteen days consecutively
16 that an inmate can be in
17 segregated confinement
18 under this legislation.
19 And a total twenty days in
20 a sixty day period. In
21 addition to, you know,
22 limiting how many days an
23 inmate can go, it will

46

1 in January, and he's
2 absolutely right. Things
3 are different now. Things
4 are changed.

5 And I think that a lot
6 of legislators we have to
7 deal with don't even
8 understand how the NYCLU
9 settlement changed all of
10 your ability to utilize
11 SHU.

12 And I think if they see
13 it on paper, hopefully
14 they'll realize that that
15 is gone more than far
16 enough. But we're
17 definitely gonna have our
18 work cut out for us. We
19 don't have that backstop
20 in the Senate. If the
21 Senate Republicans lose
22 control, that's where
23 we were able to stop a lot

48

1 of these problematic
2 bills. If the Senate
3 Republicans are no longer
4 in control, we don't have
5 the ability to stop
6 legislation like this.

7 This is a very
8 problematic bill. The
9 good news is that it was
10 introduced prior to the
11 NYCLU settlement, so we
12 have arguments that prior
13 to the NYCLU settlement
14 the advocates felt there
15 needed to be a change, the
16 NYCLU settlement put that
17 change in place, we no
18 longer need this
19 legislation.

20 But make no bones about
21 it, they're elected
22 officials that have no
23 idea what the NYCLU

49

1 the treasurer.

2 Per the constitution
3 we had sent out notices to
4 all the chief sector
5 stewards and the employees
6 that were eligible to
7 apply. Those notices went
8 out shortly thereafter, I
9 believe, it was the first
10 part of that following
11 week. And then we had the
12 applications to be
13 submitted back in by the
14 close of business I
15 believe on the 14th. And
16 we held our board meeting
17 on the 18th to determine
18 our interim, pending
19 approval here today, Frank
20 Gilbo from Moriah.

21 I don't know what he's
22 thinking he got himself
23 into here but we're

51

1 settlement does, have no
2 idea what HALT means or
3 what entails in the
4 provision of the
5 legislation, but they want
6 it, they're saying the
7 constituents want it; and
8 we're going to have to
9 fight to make sure it
10 doesn't happen.

11 PRESIDENT POWERS: Just
12 to jump back into the
13 schedule here. On August
14 17th we were notified that
15 our former treasurer Toby
16 Hogan had received
17 retirement benefit through
18 the state. And he was
19 effectively off the books,
20 I believe, on Friday the
21 24th of August. Obviously
22 vacating the position on
23 this Executive Board for

50

1 grateful he stepped up and
2 came in. He's been
3 working with Toby, a
4 little bit. Toby was
5 going to be here to assist
6 in some of the transition
7 and any questions you may
8 have had, but his
9 girlfriend has got some
10 personal matters that he
11 had to attend to, medical
12 personal matters to
13 address.

14 So that hit us on the
15 17th. I discussed all the
16 issues regarding Toby and
17 moving forward with the
18 board. We had him coming
19 in as a consultant, he
20 wasn't necessarily
21 treasurer, he was just
22 coming in keeping an eye
23 on things. At the end of

52

1 the day the check signing
2 went over to the executive
3 vice president and the
4 recording secretary and
5 the VPs that are listed as
6 signers for the accounts.

7 22nd I had conversation
8 with some District
9 Attorneys regarding some
10 assaults on staff in
11 recent facilities. When
12 you've got some assaults
13 on staff, you got to let
14 us know, keep that
15 information coming forward
16 regarding any of that.

17 The 28th we went back
18 to Great Meadow, we had
19 site visits at Great
20 Meadow addressed some of
21 their heavy concerns they
22 had going on there. And
23 good to see I believe

53

1 about getting together
2 with this Executive Board
3 to sit down with the
4 Governor and talk about
5 some of the concerns going
6 forward.

7 I don't know if many of
8 you are aware of it but
9 Rikers Island, New York
10 City Department of
11 Corrections recently had
12 their body scanners
13 legislation signed by the
14 Governor. That's the TSA
15 body scanners going in at
16 Rikers. That was one of
17 the things we spoke to the
18 Department about shortly
19 after the Clinton escape.

20 Those come with a great
21 price tag, recognizing the
22 volume of our facilities,
23 that's something we'll

55

1 they've had some victories
2 as of late, but those are
3 few and far between
4 regarding the volume of
5 activity they've got going
6 on in their facility.

7 I'm not slighting any
8 facility, mind you, but
9 Great Meadow has been
10 under a spotlight for some
11 time much like Attica,
12 Auburn, Sullivan,
13 Fishkill, some of the
14 other facilities in the
15 past. We were up there
16 meeting with them and
17 their membership.

18 The 29th I started my
19 conversations with Mujica,
20 shortly after the meeting
21 at Great Meadow with the
22 Governor regarding and
23 addressing the concern

54

1 continue to push for and
2 ask for. It's a vital
3 component and it's an
4 alternative to the clear
5 bag obviously, you know.
6 But with that being said,
7 you know, that's our push
8 with the clear bag issue.

9 That is what it is.
10 I'm sure you're well aware
11 where we sit with that.
12 That's still in the hands
13 of the ALJ and we've been
14 basically informed that
15 regardless of the decision
16 that comes backs, if it's
17 not favorable to the
18 state, they will be
19 appealing. So we are
20 gonna end up in court for
21 some time with this issue.

22 We've had some issues
23 with OMH recently.

56

1 Working with VP Harmon on
2 some issues with OMH,
3 consulting with
4 Commissioner Sullivan. On
5 the 18th as I mentioned,
6 we appointed Frank Gilbo
7 as the interim treasurer,
8 by a majority vote in the
9 board meeting, pending
10 approval here today.

11 Shortly thereafter, I
12 started getting into some
13 talks with Gramercy for
14 the approval of this body
15 to move forward with
16 Gramercy and look to
17 obtain a PR contract with
18 them. We'll discuss that
19 shortly.

20 On the 20th of
21 September they had at
22 statewide golf tournament
23 NYSCOPBA sponsored,

57

1 we were able to raise
2 seventeen thousand dollars
3 for CPOF. That's a hell
4 of a job done by a handful
5 of individuals in the
6 office; Dave Viddivo, Jim
7 Miller. Many of the
8 office staff that assisted
9 in helping put this
10 together, our employees in
11 the office. It went off
12 without a hitch and it was
13 well attended and we
14 raised a lot of good money
15 for the CPOF. That's a
16 national organization that
17 we work with somewhat
18 closely. They're very
19 generous to many agencies
20 throughout the country.

21 21st we were informed
22 of a search and rescue up
23 in the mountains, close to

58

1 Great Meadow and the
2 Vermont border in
3 conjunction with the DEC,
4 the CERT team were
5 employed to go out and
6 help search. Hell of a
7 job by both of those
8 entities. I'd like to
9 give them a round of
10 applause.

11
12 (All applause.)

13
14 PRESIDENT POWERS: Like
15 a lost tiger who got
16 disoriented from what I
17 understand, was down and
18 out in the woods. He was
19 retrieved by members of
20 Great Meadow and some
21 members of the DEC. So
22 that's good stuff. We
23 flipped that over to

59

1 Miller and got that out as
2 quickly as we could, of
3 course social media had it
4 all over the place.

5 The Comptroller will be
6 coming in to address us
7 shortly. And I want to
8 make you aware regarding
9 the pension plan. It's
10 not really an issue, it's
11 regarding the pension
12 plan, he's got a handle on
13 it. It has to do with the
14 investments in the
15 retirement system. And
16 I'm sure he will talk
17 about that. And the
18 Governor's looking to do
19 something different with
20 it.

21 And he's so -- of the
22 mounting concerns we have
23 what we see is potential

60

1 future for us and our
2 jobs. I been in contact
3 with the second floor.
4 We're mobilizing the
5 legislative aspect,
6 myself, Keith, Dan, Chris
7 Duryea, who is not able to
8 be here today, but as far
9 as reaching out to these
10 policy makers and some of
11 the sponsors of this HALT
12 legislation.

13 And there's some -- now
14 that we got a little bit
15 of open dialogue with the
16 Governor's Office, I have
17 been pushing for a meeting
18 for this Executive Board
19 to meet with him. And
20 they reached out to me
21 last week and basically
22 asked me, Keith and Chris
23 Duryea to come down.

61

1 about some of the
2 discipline clauses in
3 these conversations on the
4 phone. I basically told
5 him the same thing I told
6 the Governor. That these
7 issues are through the
8 chief counsel's office and
9 we can't seem to get
10 around him and that was
11 our concern.

12 And he -- recognizing
13 that he was asking me
14 about that when this --
15 they called and scheduled
16 a meeting. The meeting
17 was scheduled for
18 yesterday afternoon at
19 three o'clock. We
20 attended. I brought Mike
21 Mazzella and John Harmon
22 down with me in the event
23 that they do talk about

63

1 I have been pressing
2 them to about the HALT
3 legislation. They still
4 owe me a 192 items from
5 the Memorandum of
6 Understanding that was
7 signed in 2014 for our
8 staffing reviews. And
9 those 192 items were
10 approved. And Mike Morrow
11 is not here, I think it
12 was January of 2016 and --
13 or '17, those are the last
14 year of MOU and we haven't
15 seen those items yet.

16 And more importantly to
17 impress upon them the need
18 to keep this open dialogue
19 and be able to share in a
20 candid basis many of the
21 issues that involve
22 ourselves. Mujica started
23 asking me a little bit

62

1 that. We had a board
2 meeting yesterday we had
3 to rush through, but it
4 wasn't a heavy agenda in
5 this particular board
6 meeting, so we got through
7 that.

8 We went down, had a
9 meeting, and Mike and John
10 can talk about that during
11 the CBC report. Nothing
12 really came of that other
13 than just some back and
14 forth regarding the
15 hang-ups that we're all
16 in. I believe Mike might
17 still be there, other than
18 some dialogue that we had
19 yesterday.

20 And mediations on the
21 16th and we'll see what
22 comes out of that. So, a
23 couple other things here I

64

1 wanted to talk about. I
2 never got an update from
3 Ryan Donovan. Ryan
4 Donovan is the attorney
5 who is handling the
6 Spanish language
7 legislation.

8 And I know they had a
9 conference yesterday or on
10 the 9th with the judge and
11 the State, looking to
12 adjourn the matter until a
13 later date. I haven't
14 gotten approval yay or nay
15 that it happened. I'm
16 assuming that he did. He
17 had, every indication to
18 think that he would. I'll
19 follow up for his report
20 accordingly.

21 The one thing I wanted
22 to talk about quickly here
23 on behalf of Tammy, she

65

1 more effort might need to
2 be necessary in keeping an
3 eye on our brothers and
4 sisters that might be
5 coming on hard times.
6 Fences and walls all have
7 ears, and everybody knows
8 everyone's shit when it
9 comes to a facility.

10 So when that -- when
11 you start seeing that and
12 you think somebody might
13 need some assistance, try
14 and send them in the right
15 direction. That's a lot
16 of numbers going forward.
17 So, hopefully that number
18 will decrease and these
19 individuals will find the
20 assistance they need to be
21 able to maintain a healthy
22 life style.

23 That's pretty much all

67

1 asked me to. We had
2 fifty-three hits with
3 Catch a Falling Star last
4 month alone. That's a
5 lot. If you're not
6 familiar with Catch A
7 Falling Star, it's kind of
8 like NYSCOPBA's EAP
9 program.

10 We felt the EAP wasn't
11 enough, so we hired a
12 group out of the western
13 region, Cindy Goss, she's
14 addressed us a couple of
15 times the Board.
16 Fifty-three people have
17 been treated for various
18 issues that are coming
19 forward. That's the most
20 we've seen in some time.

21 We ask and we
22 continually, and I know
23 it's done, but a little

66

1 I've got at this point.
2 We're busy, without
3 question. Busy in the
4 jails. And we are trying
5 to stay ahead of the curve
6 as much as possible. And
7 keep in mind, and I
8 impressed upon you at the
9 last EA and I don't want
10 to sound redundant, but
11 HALT is not the only thing
12 we need to worry about.

13 It's the biggest to
14 worry about, but it's not
15 the only thing. Public
16 Officer Law 50-A is out
17 there. New York State Bar
18 Association is looking
19 into this. I don't know
20 if there is gonna be a law
21 suit and settlement with
22 that.

23 If you're not familiar

68

1 with Public Officer Law
2 50-A, it's your personal
3 history folder. There are
4 protections that prevent
5 entities from seeing your
6 personal history folder.
7 That could be subject to
8 change. And that's, you
9 know, minus pertinent
10 information, your social
11 security number, address,
12 all that kind of stuff,
13 that stuff gets redacted.

14 But things that may
15 happen in a facility, any
16 counselings or anything
17 that could be negative or
18 cast a negative light on
19 any of us, let's face it,
20 we're all human, we're not
21 perfect, shit happens.

22 When that shit comes
23 out and you get a media

69

1 chagrin.

2 So these are some of
3 the things that we're
4 actively working on,
5 keeping an eye on. It's
6 coming fast, coming
7 furious, the election is
8 in a couple weeks. That's
9 where we're at. Anybody
10 got anything for me?
11 Again, Tammy has been
12 excused so.

13 PAUL MIKOLOJAC: Paul
14 Mikolojac, Sing Sing. In
15 your conversation with the
16 Governor when Article 8
17 got so clearly that there
18 was a problem with it, at
19 that time were the
20 financial aspects of the
21 contract discussed as
22 well?

23 PRESIDENT POWERS: Not

71

1 storm, they grab ahold of
2 it, they paint a different
3 picture than reality.
4 We've all seen it. We've
5 seen it in various forms.
6 New York Times and the
7 Clinton escape and the
8 news media that was
9 entranced in that.

10 After the Clinton
11 escape, every news media
12 in the nation, we've all
13 seen the negative spin
14 that comes on that's not
15 necessarily an accurate
16 portrayal of the actual
17 incident. And that
18 incident could be in your
19 personal history folder,
20 that could come to light.
21 And before you know it,
22 you're in the New York
23 Times, much to our

70

1 at all.

2 PAUL MIKOLOJAC: So
3 when he left the meeting,
4 would it be fair to say
5 that he was under the
6 impression we had a
7 problem with Article 8 and
8 other than that we'd move
9 on.

10 PRESIDENT POWERS: I
11 told him that -- he asked
12 me what the hang up was.
13 I told him right now at
14 this time it's the same
15 thing hang up it's been
16 since the vote came down
17 in December of '16.

18 PAUL MIKOLOJAC: Well,
19 wouldn't it be fair to say
20 that be some people also
21 voted no to the proposal
22 because lack of the decent
23 financial aspects of it?

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1 PRESIDENT POWERS: That
2 could be. It could be
3 health insurance. It
4 could be a shit load of
5 issues.

6 PAUL MIKOLOJAC: So to
7 solely say it was Article
8 8, wouldn't truly --

9 PRESIDENT POWERS: I'm
10 not saying that that's the
11 only factor right now.
12 What I expressed to him at
13 this time what I'm being
14 told, one of the reasons
15 we're not going forward is
16 because they started --
17 they got to Article 8 and
18 they can't get passed it.

19 I don't know what's
20 coming after the fact.
21 Monetary, money, health
22 insurance, Workers' Comp,
23 I don't know what's coming

73

1 after the fact. This is
2 where we're stuck now in
3 negotiations.

4 PAUL MIKOLOJAC: So
5 when the negotiations
6 we're stuck on for two and
7 a half years Article 8,
8 and when will we begin to
9 discuss the lacking of the
10 financial?

11 PRESIDENT POWERS: In
12 mediation or after we get
13 through Article 8.

14 PAUL MIKOLOJAC: So
15 mediation we have two days
16 left, one is dated for the
17 16th.

18 PRESIDENT POWERS:
19 Correct.

20 PAUL MIKOLOJAC: After
21 those two days, we haven't
22 gotten off of 8, what will
23 be the next step.

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1 VP LAW ENFORCEMENT

2 HARMON: Arbitration.

3 PAUL MIKOLOJAC: When
4 are we talking about
5 bringing a panel member on
6 to represent us? After
7 we've begun the
8 arbitration process?

9 PRESIDENT POWERS:
10 Before --

11 VP LAW ENFORCEMENT

12 HARMON: We've already
13 started the process of
14 vetting panel members.

15 PAUL MIKOLOJAC: So how
16 does he play catch up to
17 find out any kind of
18 research, data?

19 VP LAW ENFORCEMENT

20 HARMON: Interest
21 arbitration won't be until
22 next summer.

23 PRESIDENT POWERS:

75

1 You've been through
2 arbitration, you know the
3 process. There will be
4 plenty of time --

5 PAUL MIKOLOJAC: But we
6 hired Mike Axlerod way in
7 advance of the arbitration
8 procedure. He was there
9 during the set up. He
10 advised the Executive
11 Board. He came to
12 Executive Assembly. he
13 gave suggestions to
14 Executive Assembly that
15 they voted on.

16 To compare what we did
17 in '02, '03 and '04 to
18 what we're doing now,
19 there seems to be a lot of
20 difference, that's why I'm
21 asking. Back then we
22 hired prior to the need,
23 now it appears we're not

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1 going to hire until the
2 need begins.
3 PRESIDENT POWERS:
4 We're not even through the
5 mediation process yet.
6 PAUL MIKOLOJAC: Right.
7 PRESIDENT POWERS: If
8 we end up in arbitration,
9 we'll have no choice but
10 to hire an arbitrator.
11 And like I said before,
12 there's plenty of time
13 before you end up in any
14 of your first hearings
15 with any arbitration, to
16 be able to bring anybody
17 up to speed.
18 VP LAW ENFORCEMENT
19 HARMON: Just quickly on
20 the panel member stuff,
21 this was brought up last
22 time. The committee --
23 one of the issues is

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1 finding a panel member for
2 our union. We're looking
3 at, I mean, especially
4 down in the Metropolitan
5 area you can see there's
6 only so many panel members
7 that would be available or
8 interested in our interest
9 arbitration.
10 So the process has been
11 started. We started
12 vetting several, including
13 some that you can already
14 imagine that are out
15 there. All you have to do
16 is look at some other
17 unions in the past that
18 have used interest
19 arbitration.
20 That's kind of where
21 we're at. The list is not
22 a long list of people you
23 get to choose from,

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1 especially for a union of
2 our size and our issues.
3 So we're trying to find
4 people who have been
5 involved in these type of
6 issues, like issues or
7 similar units. And
8 especially those who for
9 all intents and purposes
10 we consider a power player
11 when it comes to that kind
12 type of panel member.
13 PRESIDENT POWERS:
14 Again, in Tammy's absence,
15 I'd like to bring up
16 Gramercy.
17 JOSH HELMAN: Josh
18 Helman, Great Meadow? Why
19 wouldn't the state pay
20 what they owe us before
21 they start deciding on
22 what they're going to
23 invest in. From my

79

1 understanding, they
2 haven't paid in
3 contributions for quite
4 some time, they owe our
5 retirement system quite
6 some money. Now, why are
7 they deciding what they're
8 going to invest in before
9 they even put that
10 contribution in?
11 PRESIDENT POWERS: It's
12 just political banter back
13 and forth between the
14 Governor and Comptroller,
15 in all reality. The
16 Governor wants to pull
17 fossil fuels as an
18 investment and the
19 Comptroller wants to keep
20 it, it's a money maker for
21 our retirement. That
22 would be a good question
23 for the Comptroller.

80

1 JOSH HELMAN: I'm just
2 saying, he's pretty much
3 losing because he hasn't
4 paid in it, so he's just
5 paying political games
6 pretty much.

7 PRESIDENT POWERS: I'm
8 not arguing with you.

9 JOSH HELMAN:
10 Thank you.

11 PRESIDENT POWERS: I'd
12 like to bring Matt
13 Hamilton up with the
14 Gramercy team to talk
15 about the contract that
16 was put forward. I
17 believe it's in your
18 packet. Just to note, the
19 packet, Gramercy packet
20 has a different price tag
21 in the packet compared to
22 the contract. You will
23 see in the contract it's

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1 The campaign -- the media
2 campaign that the
3 President eluded to that
4 we did over the summer
5 regarding the contract.

6 With me today is Andrew
7 Mangini, our Senior Vice
8 President of Public
9 Affairs. Andrew's
10 background coming out of
11 the Assembly, working in
12 the private sector or a
13 little while in a separate
14 firm, he's been with us
15 for about four years now.
16 And Charles Wiff, who is a
17 partner with Gramercy.
18 Charles ran a news room
19 here in the capitol region
20 prior to joining Gramercy,
21 been with the firm five
22 years now.

23 My background, some of

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1 a different, that was just
2 about the negotiations
3 with Gramercy. They
4 presented it openly and
5 the Board approved to send
6 it to you for
7 consideration.

8 MATT HAMILTON:
9 Thank you, President
10 Powers. I appreciate you,
11 the board for having us
12 out today. My name is
13 Matt Hamilton. I'm
14 Director of Public Affairs
15 at Gramercy
16 Communications. We are a
17 public affairs and public
18 relations firm based here
19 in the capitol region. We
20 work with a number of
21 diverse clients all across
22 the state, including most
23 recently with NYSCOPBA.

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1 you heard this the last
2 Assembly that we were at
3 to discuss the first
4 proposal campaign that we
5 walked. But my background
6 is in news. I was a
7 capitol reporter for the
8 Times Union here in town
9 for about four years. I
10 covered the Governor, the
11 legislature, intimately
12 involved in statewide
13 politics.

14 Just from a personal
15 perspective, as I said the
16 last time we presented to
17 you, I grew up in a
18 corrections family. My
19 father was an officer for
20 many years. He retired as
21 a sergeant from Bare Hill.
22 So I just want to say I
23 appreciate the work

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1 everybody this this room
2 does and all the members
3 across the state.

4 So, like what was
5 discussed a little bit
6 earlier before we get into
7 what's in the packet
8 before you, we had worked
9 with you guys over the
10 summer on a media
11 campaign. I can tell you
12 from my personal
13 experience, I think I can
14 say for the guys with me,
15 we had a lot of fun doing
16 that and I think we turned
17 some heads. Governor took
18 notice with that.

19 So I've asked Charles
20 who was intimately
21 involved with that to pull
22 out a couple high level
23 stats on that campaign so

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1 delivered to this group a
2 report on that campaign
3 previously, so I won't
4 rehash it twice as far as
5 you know the particulars.
6 I'd be happy to answer any
7 questions about that. But
8 the high level summary is
9 that we employed
10 advertising materials
11 across the state over the
12 summer for about a three
13 to four week period. That
14 included multi-channel
15 advertising tactics,
16 including television,
17 digital advertising on
18 Facebook and Twitter.
19 Radio in every market in
20 the state. Outdoor
21 advertising, including
22 lawn signs for membership
23 and partners, as well as

87

1 that way he can just run
2 through what it is we did
3 quickly and then we'll get
4 into what we're talking
5 about here longer term.
6 So, Charles?

7 CHARLES WIFF: Thanks,
8 Matt. As Matt said, I'm a
9 partner with Gramercy. I
10 have been with the firm
11 for about half a decade
12 now. What we, as
13 President Powers described
14 earlier, what we
15 executed -- strategized
16 and executed this summer
17 was a strategic
18 communications campaign
19 and advertising campaign,
20 intended at moving the
21 needle on the second
22 floor.

23 I know that we

86

1 mobile billboards that we
2 deployed to different
3 areas of the state.

4 All told, we estimate
5 that we reached about four
6 point two five million
7 people as a result of
8 these tactics. And that's
9 a conservative number
10 because some of these
11 tactics are difficult to
12 measure so we effectively
13 don't count them. But for
14 the things we can measure
15 we can say that we
16 definitely reached more
17 than four million people
18 as a result of those
19 tactics.

20 This campaign over the
21 summer, I'd say this came
22 together quickly. It came
23 together because it was

88

1 needed. It was what I
2 would call a highly
3 targeted, high intensity
4 effort. What we are
5 really looking forward to
6 do with NYSCOPBA here,
7 working with the
8 association, is really
9 being able to do this 365
10 days a year for you guys.
11 Being able to work with
12 Chris or Keith, work with
13 the staff here, and deploy
14 our expertise, employ our
15 hard work in order to
16 create this kind of result
17 consistently on the issues
18 that we know that may be
19 important in the coming
20 months and years. So,
21 I'll turn it back over to
22 the rest of the team to
23 talk about exactly what's

89

1 that are set up. And we
2 achieve success that way.
3 So, I'll run through
4 this rather quickly.
5 Obviously if anybody has
6 any questions afterwards,
7 feel free to step up.
8 We're here to answer
9 whatever you need to know.
10 We've outlined five
11 strategic initiatives for
12 long term public relations
13 retainer with NYSCOPBA.
14 The first thing is
15 day-to-day public
16 relations. This is pretty
17 straight forward stuff.
18 We're here to assist with
19 getting the word out about
20 facility incidents, assist
21 with getting the word out
22 about the good work that
23 members across the state

91

1 in the proposal.
2 MATT HAMILTON: As
3 Charles said, we did not
4 operate in a vacuum.
5 Gramercy didn't just come
6 up with an idea and go out
7 there and do it. We
8 worked -- the reason we
9 feel this was successful
10 was because we worked so
11 closely with the NYSCOPBA
12 board, the staff, Keith,
13 Chris Duryea.
14 And that's what we
15 bring. We don't operate
16 in a vacuum no matter what
17 we're doing. What we're
18 talking about here today,
19 you know, strategy is
20 working in concert with
21 everybody. We compliment
22 existing staffs, we work
23 well with the structures

90

1 do, whether it's on the
2 job or off the job in
3 terms of charitable work
4 helping people in the
5 community. Making sure
6 the public understands
7 what it is NYSCOPBA does.
8 And, again, we're here
9 to assist in getting that
10 out any way we can,
11 working in concert with
12 everybody across the state
13 and the team here in
14 Albany. Along with that,
15 we provide a couple
16 services to clients that
17 we work with. We provide
18 media trainings as
19 necessary. You know, if
20 someone is going into a
21 interview situation,
22 whether it's here or
23 Buffalo or down in

92

1 Weschester, we make sure
2 they're prepared and what
3 they need.

4 And also just general
5 training to make sure that
6 everyone is on the same
7 page when it comes to
8 strategic communications
9 and the best way to get
10 your messages out. We're
11 also here for crisis work.
12 Any needs that arises that
13 is less than desirable at
14 first, we work to make
15 sure that the incident is
16 mitigated the best
17 possible way, in terms of
18 the public relations
19 aspect.

20 So we're here to
21 provide strategic counsel
22 24/7. Any time of day,
23 any time, no matter when

93

1 the incident is happening,
2 we're here to make sure
3 that is everyone is on the
4 same page and doing what
5 they need to do.

6 Also with that, when it
7 comes to communicating
8 with membership,
9 incredibly important,
10 especially now in post
11 Supreme Court decision
12 world in Janus case, we're
13 here to assist with
14 getting the word out to
15 the membership about the
16 most important things that
17 are happening on a daily
18 basis, making sure
19 everyone is on the same
20 page about the importance
21 of NYSCOPBA; and all the
22 work that you guys are
23 doing everywhere across

94

1 the state.

2 Second initiative that
3 we've outlined here is
4 specifically legislative
5 public relations. Our
6 bread and butter is
7 working with clients at
8 the state level to make
9 sure during legislative
10 session and also off
11 legislative is
12 appropriate, the proper
13 messages are getting out
14 there to make sure the
15 legislative agenda in
16 advance in a good way.
17 Whether that's playing
18 offense on the union's
19 needs or playing defense
20 on things like HALT that
21 President Powers brought
22 up earlier.

23 What I just discussed

95

1 in terms of day-to-day
2 public relations we
3 provide the same thing in
4 terms of public relations,
5 it's just with a capitol
6 focus. Which, again, we
7 come from that world, we
8 understand it and we're
9 here to provide counsel on
10 it but also work closely
11 with the lobbying team to
12 make sure what's being
13 said inside the meeting
14 rooms matches up
15 appropriately with what's
16 being said publicly.

17 The third initiative
18 here social media
19 strategy. We provided
20 this to a number of
21 clients. NYSCOPBA is out
22 there on social media all
23 the time. Pretty robust

96

1 presence. What we bring
2 is an opportunity to first
3 of all mesh the different
4 messages together. We're
5 doing something in terms
6 of public relations,
7 spreading the word about
8 something in the papers.

9 We want to make sure it
10 gets promoted on social
11 media channels. The way
12 it's dialogued directly
13 with the membership, as
14 well as the public, that
15 you know, the papers don't
16 necessarily provide.

17 And what we think is
18 important is making sure
19 that the key messages,
20 whether it's about
21 legislation, whether it's
22 about the work the members
23 do, is being shared on a

97

1 some new messages about
2 NYSOPBA's membership and
3 make people understand
4 that this is -- what is in
5 this room is
6 representative of the
7 entire union.

8 I look around this
9 room, this is a diverse
10 room. You come from all
11 over the state, you come
12 from many different
13 backgrounds. And we can
14 help advance that message.
15 It's not just what
16 everybody thinks a
17 correction officer is,
18 what your membership is.

19 It's people actually
20 understanding the
21 day-to-day work you do and
22 how you keep the public
23 safe. You're the last

99

1 consistent basis so the
2 public has a better
3 understanding of what it
4 is NYSOPBA is about.

5 Fourth initiative,
6 strategic planning, it was
7 mentioned previously, any
8 time there's a need, we're
9 reachable. President
10 Powers can tell you, if
11 I'm sitting on the couch
12 at nine o'clock on a
13 Friday and you send me an
14 e-mail, I'm the first one
15 to respond. We're here to
16 assist as needed.

17 Last thing is
18 advertising. We showed
19 with the campaign some of
20 the advertising work that
21 we do. We think a long
22 term basis there's an
23 opportunity to put out

98

1 line of law enforcement.
2 You're the last line of
3 defense and you do your
4 job with dignity. That's
5 a message we can help
6 advance.

7 So those are the
8 initiatives. Happy to
9 take your questions, flush
10 out anything that may be
11 you want to know.

12 KENNY GOLD: Kenny
13 Gold, Orleans. Just a
14 couple questions for you
15 guys. Do you have in your
16 repertoire or whatever you
17 might say, when you're
18 buying advertising, I'm
19 talking years down the
20 road if you're working
21 with us, do you get
22 discounts when you're
23 buying media air time

100

1 ahead of time? Or, do you
2 have -- do we go and out
3 source it to somebody else
4 to make sure they buy the
5 ads? Air time I suppose
6 is what I'm looking at for
7 cheaper prices.

8 CHARLES WIFF: I can
9 speak to that. So, we do
10 our media buying in-house,
11 so we have relationships
12 across the state with ad
13 reps in every market. So
14 for this over the summer,
15 for example, we personally
16 engaged with and
17 negotiated rates in the
18 Western New York market
19 and the Southerntier,
20 around the north country,
21 etcetera, etcetera. So
22 we're having those
23 conversations one-on-one

101

1 day-to-day, this is an
2 incident that happened,
3 when it happened, you guys
4 are gonna cover and put
5 the press releases out.

6 CHARLES WIFF: That's
7 right. Our firm, we're --
8 Matt and I are former
9 journalists. Many of the
10 members of our team
11 operate under those types
12 of situations, with that
13 type of turn-around and
14 speed. We understand that
15 the newspaper, the press,
16 the news cycle, it doesn't
17 stop. So we activate when
18 we need to activate with
19 that kind of speed.
20 That's why there's three
21 of us up here today and
22 another ten people back at
23 the office to make sure we

103

1 with ad reps, that's not
2 something that we farm
3 out.

4 KENNY GOLD: Okay. In
5 your day-to-day
6 operations, I'm just
7 curious what your guys
8 position is or what you
9 moving forward is
10 expected? You get a story
11 where something happens in
12 a prison, what are you
13 guys looking at putting
14 the story out; what's the
15 turn-around time on that?

16 CHARLES WIFF: You're
17 talking about --

18 KENNY GOLD: However it
19 comes to you guys,
20 something happens at
21 Attica tomorrow, you guys
22 get a story, what you're
23 planning on when it says

102

1 have twenty-four seven
2 coverage. Does that
3 answer your question?

4 KENNY GOLD: Yep.
5 Perfect. Next thing
6 social media strategy, is
7 that an additional charge
8 or does that fall under
9 the ninety thousand.

10 MATT HAMILTON: That's
11 in the retainer.

12 KENNY GOLD: So when
13 you put something out on
14 say You tube or something,
15 that's not an additional
16 cost for whatever you get
17 paid to day for You Tube
18 or whatever it may be?

19 CHARLES WIFF: No.

20 KENNY GOLD: That's all
21 I have.

22 STEVE MARASCO: Steve
23 Marasco, Shawangunk. In

104

1 your packet it said you
2 get paid "X" amount of
3 money for fifty hours a
4 month. The last campaign,
5 what was your average? I
6 know once you go over it's
7 175 per hour, just so I
8 have a better ballpark of
9 what your salary is
10 actually going to be.

11 Do you understand what
12 I'm saying? I know
13 everything happens and
14 you're going to spend more
15 time with press releases,
16 but just a ballpark, if it
17 makes sense.

18 ANDREW MANGINI: In the
19 proposal it's got a number
20 of a 175 per hour, after
21 talking with President
22 Powers, we reduced that to
23 150 an hour, giving you a

105

1 doing extra work that we
2 don't necessarily need to
3 do. We're working
4 collectively as a team to
5 make sure we stay within
6 the purview we set for
7 ourselves.

8 PRESIDENT POWERS:
9 Chris?

10 CHRIS HICKEY: Hickey,
11 Wyoming. With the
12 financial arrangements
13 with the expense of 250
14 dollars subject to
15 seventeen and a half
16 percent fee, can you
17 provide some examples what
18 would be subject to that,
19 that you currently do that
20 with us now.

21 CHARLES WIFF: That
22 would be the instance if
23 we had to carry an expense

107

1 guys a discounted rate so
2 the monthly number is now
3 75 hundred a month. We
4 came to that number based
5 on the amount of work that
6 we anticipate it taking to
7 accomplish all of those
8 initiatives. If something
9 gets super hot, it gives
10 up the ability to ramp up
11 quickly and do more. So
12 we expect everything to be
13 frankly around that
14 number. Make sense?

15 STEVE MARASCO:
16 Perfect. Yes.

17 ANDREW MANGINI: Thank
18 you.

19 MATT HAMILTON: And,
20 again, we work directly
21 with things, we are very
22 strategic in the way we do
23 our work. And we're not

106

1 for you. I would just use
2 by way of example, a
3 hypothetical, let's say
4 we had to print a
5 billboard or something and
6 we had to carry the
7 expense from Gramercy,
8 that's when that seventeen
9 and a half percent is
10 applicable.

11 That hasn't occurred in
12 our past relationship, we
13 wouldn't expect it to
14 occur going forward.
15 Anything above that number
16 would be paid for up
17 front. So, does that
18 answer your question?
19 It's standard contractual
20 language.

21 CHRIS HICKEY: Yes, I
22 know there's a cost factor
23 involved with those. That

108

1 is right. Part of your
2 previous statement, I'll
3 get to the root of the
4 issue. If you
5 pre-purchase -- say you do
6 an advertising campaign,
7 where you pre-purchase
8 advertising time, whatever
9 media outlet you use, you
10 get it at a discount, is
11 that going to be subject
12 to your fee?

13 CHARLES WIFF: No, no.
14 That would not be subject
15 to a fee.

16 CHRIS HICKEY:
17 Thank you.

18 MS. GORDON: Gordon,
19 Taconic. Everything you
20 said you're dealing with
21 Westchester. Now I have
22 not heard anything once
23 again in the five

109

1 we're working on all of
2 it.

3 So whether it's the
4 advertising, our relations
5 work with any of those
6 pieces, we're making sure
7 we're hitting the
8 audiences that need to
9 hear it. If that is the
10 people of Nassau County,
11 that's where we go.

12 MS. GORDON: New York,
13 why not all boroughs --

14 MATT HAMILTON: Sure.

15 MS. GORDON: Verizon
16 does not have New York
17 One, and other cables only
18 one cable does New York
19 One. So now you're
20 limited in scope to the
21 southern region. So, is
22 it because it's not cost
23 effective or is it because

111

1 boroughs; Bronx, Brooklyn,
2 Queens, Long Islands,
3 Staten Island. So where
4 exactly are you reaching
5 that part of that southern
6 region you're talking
7 about?

8 MATT HAMILTON:
9 Depending we take reach
10 campaign we say where do
11 we the campaign we did
12 over the summer I know we
13 ended up doing some ties
14 on New York one in the
15 five boroughs and there
16 was twelve in Long Island.

17 So the southern region
18 is we are not in any way
19 saying we only go up to
20 state or focus on western
21 region or southern. I
22 mean, we're everywhere.
23 The entire membership,

110

1 it's too much, too many
2 man hours for coverage for
3 that southern region.

4 MATT HAMILTON: I
5 understand. I'll have
6 Andrew chime in. That was
7 just one example of what
8 we did in that case
9 we were working within a
10 budget and we wanted to
11 make sure hit where we
12 needed to hit in the most
13 cost effective way. If
14 the audience is watching
15 News 12 in the Bronx, then
16 New York One isn't the
17 right thing. We assess
18 that when we put together
19 that campaign.

20 ANDREW MANGINI: Matt's
21 already hit on it. Based
22 on the budget that we had
23 to work with, we could

112

1 only do so much in New
2 York City because we had
3 to spread it out so much.
4 So we chose wisely and got
5 the most bang for our
6 buck, especially in the
7 boroughs and the
8 surrounding suburbs.

9 MS. GORDON: So let me
10 try to understand. So we
11 work New York City, but
12 since we're limited, we're
13 not entitled -- we're not
14 privy to this information
15 as upstate because you're
16 using more for what you're
17 getting, because the city
18 is more and we're getting
19 less and you're giving
20 everything more.

21 ANDREW MANGINI: The
22 City doesn't necessarily
23 get less, because we

113

1 Because we are so densely
2 populated and we have so
3 many other options in New
4 York City. I'm just
5 trying to see if I want to
6 explain it to my other
7 community members in
8 NYSOPBA, that we're
9 limited in the information
10 we're getting because
11 we're on a budget. So
12 since we're so more
13 expensive we're not going
14 to get everything else.

15 PRESIDENT POWERS: In
16 light of the campaign that
17 we started at a hundred
18 thirty-five thousand, we
19 have -- I understand your
20 issue and Joe brings up a
21 good point. There are
22 other areas in the state
23 that lacked as well in

115

1 reached the same number of
2 people there. It just
3 took fewer ads to do it
4 because it's so densely
5 populated.

6 MS. GORDON: Do you
7 understand what I'm
8 saying?

9 VP WEST MIANO:
10 There is only five in New
11 York City, you're still
12 getting the same amount of
13 coverage.

14 MS. GORDON: But it's
15 not being reached because
16 you're only doing a small
17 amount, while everybody
18 else is getting equal
19 amount of shares. We're
20 still getting less. Might
21 be only four, but we're
22 not being reached at the
23 same pace. All right.

114

1 some of this coverage.
2 And our goal was to do
3 through the poll was to be
4 able to hit suburban
5 areas, the places that
6 could hurt the Governor.

7 And you bring up a
8 valid point, there's many
9 media outlets in New York
10 City and there's a handful
11 in other parts of the
12 state. But some of our
13 campaign didn't make it to
14 other parts of our state
15 where some our individuals
16 are as well.

17 It wasn't perfect and
18 we needed to launch, we
19 needed to get something
20 out, we needed to get some
21 attention. And we were
22 able to do that. And
23 going forward, we'll be

116

1 working to market our
2 message to the right areas
3 where the condensed
4 memberships are.

5 MS. GORDON: Right.
6 Because sometimes -- and I
7 know some bulletins that
8 were put out are a little
9 bit expensive, but if
10 we're looking further into
11 next year or years to
12 come, maybe we need to
13 start having more of a
14 focus group, the budget,
15 our text messages for
16 pop-up. So, how do we
17 start looking at that now,
18 but other things that are
19 involved in that. But I
20 don't see whole lot of --
21 spikes in the ground with
22 that. But for New York,
23 we didn't see that. We

117

1 campaign we launched so
2 quickly, that we needed to
3 condense our resources.

4 That being said, the
5 first story that did pop
6 was the Daily News and New
7 York Post. We focused on
8 that market knowing we
9 could have a huge impact
10 from a PR standpoint that
11 complimented the
12 advertising campaign. So
13 that was very much New
14 York City focused from the
15 get-go. Thank you.

16 RALPH SCOTT: Ralph
17 Scott, Shawangunk. I was
18 under the impression after
19 September after we went
20 after the Governor that
21 there was going to be a
22 phase two, that was
23 already paid for, correct

119

1 have apartment buildings,
2 we didn't get stickers, we
3 didn't get flyers. We
4 didn't get anything that
5 would have been just the
6 same amount or even in the
7 newspaper, a little
8 something in the
9 newspaper. There was
10 nothing, but when you go
11 from westchester on up,
12 you have the spikes, oh,
13 there's NYSCOPBA that was
14 for up here, but we didn't
15 get that. So probably
16 that worked for there,
17 what else can we do.
18 That's all I'm saying.

19 ANDREW MANGINI:
20 Understood. We'll
21 certainly look at other
22 ways to expand the
23 campaign. The previous

118

1 me if I'm wrong. Whatever
2 happened with that?

3 PRESIDENT POWERS: We
4 never -- no. Our campaign
5 was effective and it
6 showed obviously by
7 getting the meeting and
8 getting the Governor's
9 attention, which I
10 attended that -- after the
11 last EA. There's no --
12 there was nothing put
13 forward by this body.

14 RALPH SCOTT: There was
15 supposed to be a phase
16 two.

17 PRESIDENT POWERS:
18 Quite frankly, it's not
19 needed at this point. If
20 we need to -- correct me
21 if I'm wrong Matt, but we
22 have a balance left from
23 the 135, a small balance,

120

1 that we can utilize. I
2 talked to Matt. If
3 needed, you know, prior to
4 Executive Assembly
5 approval in another manner
6 to spend more money on a
7 campaign, but we've got
8 some things in the hopper
9 if we need them.

10 But we sat in this room
11 in August --

12 RALPH SCOTT: I was
13 here.

14 PRESIDENT POWERS:
15 There was no direction
16 from this body to go ahead
17 with a phase two.

18 RALPH SCOTT: I was
19 under the impression
20 we were gonna do that
21 after September to get
22 more attention.

23 PRESIDENT POWERS:

121

1 broadly, I think what we
2 did this last time out
3 that was effective was
4 number one we tailored our
5 message to the audience
6 that we wanted to reach.
7 We got scientific with it,
8 we did polling, that
9 helped us concentrate that
10 message. And then we used
11 our expertise in the media
12 markets in order to make
13 the best use of the time
14 and the budget that was
15 available to deploy those
16 messages. Does that
17 answer your question?

18 MIKE CARLSON: What do
19 you want to do in the
20 future to make sure it
21 conditions?

22 CHARLES WIFF: It
23 depends. What we always

123

1 We had a primary that
2 we had to look at first,
3 first and foremost.
4 We had a primary election
5 to take a look at and now
6 we've got the general
7 election in front of us.
8 See what happens after the
9 general election and two
10 mediations. Mike?

11 MIKE CARLSON: Mike
12 Carlson, Forest Rangers?
13 Can you tell us what you
14 did last time that it
15 worked to get the Governor
16 and what we can do in the
17 future, to make sure when
18 we do have issues that we
19 spend our money wisely and
20 keep it to wherever we
21 need to focus. You know
22 what I mean by that?

23 CHARLES WIFF: Speaking

122

1 look at is we say, okay,
2 who do we want to
3 communicate with, what do
4 we want the result to be.
5 And then we fill in the
6 inner steps to say, okay,
7 what can we say to them
8 that will move the needle
9 that will drive them,
10 motivate them to take
11 action. Where do we say
12 that to them, where do we
13 speak to them; is it on
14 social media, is it on
15 radio, is it on
16 television? Do we do
17 public relations in the
18 newspaper?

19 For every situation,
20 for every result it's
21 going it to be a little
22 bit of a different
23 concoction, different

124

1 tactics.
 2 STEVE MARASCO: Steve
 3 Marasco, Shawangunk. I
 4 got to tell you, I think
 5 the more you guys talk,
 6 the more I like you. We
 7 keep talking about daily
 8 operations and everything.
 9 The only thing obstacle I
 10 got right now is it almost
 11 sounds like you're doing
 12 Jim Miller's job.

13 Being fiscally
 14 responsible, I see that
 15 and I hear that, you know
 16 what I'm saying? It seems
 17 like we're spending a lot
 18 of money for the same
 19 work. And a little extra,
 20 on campaigns.

21 PRESIDENT POWERS:
 22 We've had PR firms here
 23 before Jim Miller was

125

1 is affiliated with. I
 2 don't have a laundry list
 3 of them.

4 STEVE MARASCO: All
 5 right. Thank you.

6 PRESIDENT POWERS: But
 7 there's plenty of them.
 8 Anything else?

9 MATT HAMILTON: We
 10 appreciate the time.
 11 We're looking forward to
 12 hopefully working with you
 13 long term. Looking
 14 forward to getting to
 15 work. So appreciate it
 16 again. Thank you for
 17 allowing us to speak.

18
 19 PRESIDENT POWERS: Can
 20 we have you exit to the
 21 hall, please.
 22
 23

127

1 hired. Jim Miller is the
 2 presence in the capitol
 3 region. They talk about
 4 hitting -- the policy, the
 5 legislative initiative
 6 that they have. So with
 7 that, our PR campaign in
 8 Albany, Jimmy is an
 9 organizers, he puts
 10 benefits together, he
 11 works with the publicity
 12 and meetings committee.
 13 He was doing press
 14 releases, we'll discuss
 15 that if and when we retain
 16 Gramercy here.

17 And we'll look to
 18 enhance our product. And
 19 potentially evaluate down
 20 the road, but Jimmy is a
 21 presence in Albany
 22 everywhere for every
 23 association that NYSCOPBA

126

1 (Whereupon, Gramercy
 2 representatives then
 3 exited the room.)
 4

5 PRESIDENT POWERS: We
 6 have the comptroller
 7 coming in in about ten
 8 minutes. I'd like to go
 9 off the agenda right now
 10 and move this action with
 11 Gramercy for the contract.
 12 And keep in mind again --
 13 Donn?

14 DONN ROWE: Rowe, Hale
 15 Creek. I got a couple
 16 questions about Gramercy
 17 and I didn't want to ask
 18 in front of them. As far
 19 as the campaign proposal,
 20 that entailed 85 thousand
 21 dollars, the proposal that
 22 we had in June. Okay.
 23 And I think Kerry was very

128

1 specific about what
 2 we were going to spend,
 3 you know, where it was
 4 going to come from,
 5 whatnot.
 6 You made a statement
 7 that we had money left
 8 over. From what I can get
 9 from our cash flow, we had
 10 50 thousand dollars that
 11 was paid ten thousand
 12 dollars a month starting
 13 in June; June to November.
 14 So, obviously we still owe
 15 them money on that,
 16 correct? Sixty-five
 17 hundred was marketing
 18 design, twenty-five
 19 thousand polling research,
 20 I'm sure that happened.
 21 Thirty-five hundred travel
 22 reimbursements. Then,
 23 there's a disbursement on

129

1 recall off the top of my
 2 head, Donn, it would take
 3 me a minute to dig it up.
 4 But it's a good question,
 5 and, you know, I think.
 6 TREASURER GILBO: All
 7 the bills are paid.
 8 PRESIDENT POWERS: I
 9 have been told they're
 10 already paid.
 11 DONN ROWE: What's
 12 already paid?
 13 PRESIDENT POWERS:
 14 They're paid up.
 15 DONN ROWE: We still
 16 owe them September,
 17 October -- obviously we
 18 must have paid them
 19 September. We need to pay
 20 them October and November,
 21 ten thousand dollars each
 22 month. Did we pay them
 23 the 85 thousand dollars

131

1 July 10th for 135 thousand
 2 dollars for advertising
 3 prepayment. There's also
 4 a disbursement on July
 5 25th for five hundred,
 6 sixty-eight dollars for
 7 billable hours.
 8 So, I just want some
 9 kind of working knowledge
 10 of what we spent on this
 11 and what it was spent on,
 12 and what we still owe on
 13 it. Or, you say we're in
 14 the good.
 15 PRESIDENT POWERS: In
 16 my conversations with Matt
 17 regarding the end of that
 18 campaign, when I directed
 19 him to put together what
 20 he had left in the balance
 21 to potentially move
 22 forward with a phase two,
 23 I asked, and I can't

130

1 full and the 135 thousand
 2 dollars full?
 3 TREASURER GILBO: No.
 4 DONN ROWE: Well, then,
 5 could we get a break down
 6 of it? Because that's the
 7 way it's in the flow,
 8 that's the way it's in the
 9 flow. In the cash flow it
 10 shows ten thousand dollars
 11 a month, which is still
 12 being billed and still
 13 being paid, and the 135
 14 for advertising
 15 prepayment. Do we still
 16 owe the other monies?
 17 TREASURER GILBO: Yeah.
 18 DONN ROWE: At first
 19 you said it was paid, now
 20 you're saying yes, we owe
 21 it.
 22 TREASURER GILBO: All
 23 the bills they've

132

1 submitted so far we have
2 paid.

3 DONN ROWE: I'm not
4 worried about the bills
5 they submitted so far, I
6 want to know what the
7 contractual agreement with
8 them.

9 PRESIDENT POWERS: Hold
10 on. Do you remember how
11 long the campaign was? We
12 put a month term on it,
13 didn't we? The
14 campaign --

15 DONN ROWE: The
16 proposal there was no time
17 frame, but the staffing
18 was sixty to eighty hours
19 a month. Ten thousand
20 dollars a month for five
21 month, June 15th to
22 November 15th. And
23 marketing was sixty-five

133

1 question form for me.

2 DONN ROWE: I just did
3 at the mic.

4 PRESIDENT POWERS: I'd
5 said like to sit down with
6 Gramercy and see where
7 they're at. Maybe if we
8 hire them, maybe we're not
9 going to have a ten
10 thousand dollar bill for
11 October to November.

12 DONN ROWE: All I'm
13 asking is, did we pay the
14 eighty-five thousand
15 dollars minus the ten
16 thousand for September,
17 October, November, and the
18 hundred thirty-five
19 thousand? Did we pay
20 anything more than the
21 hundred thirty-five
22 thousand that was a
23 prepayment as stated? Do

135

1 hundred, polling research
2 was twenty-five thousand.
3 Travel reimbursements was
4 thirty-five hundred. That
5 was a grand total of 85
6 thousand dollars, which we
7 talked about at the EA in
8 June and we approved.
9 Then there was a 135
10 thousand dollars
11 disbursement for
12 advertising prepayment.

13 VP WEST MIANO: Was
14 that the signs, Mike?

15 PRESIDENT POWERS: The
16 additional signs?

17 VP WEST MIANO: The
18 signs that all the chiefs
19 got.

20 PRESIDENT POWERS: The
21 yard signs? Donn,
22 that's -- if you wouldn't
23 mind putting that in

134

1 we owe anything else?
2 That's all.

3 PRESIDENT POWERS: All
4 right.

5 VP LAW ENFORCEMENT
6 HARMON: John Harmon, Law
7 Enforcement Vice
8 President. Would it
9 behoove us to start the
10 contract November 16th, if
11 we're already in contract
12 till November 15th?

13 PRESIDENT POWERS: That
14 was for the campaign
15 though, it's not for their
16 services as a PR.

17 VP LAW ENFORCEMENT
18 HARMON: We've got money
19 outstanding that we didn't
20 use in the balance, we can
21 discuss that.

22 KENNY GOLD: Kenny
23 Gold, Orleans. Mike, I

136

1 think what Steve was
2 saying out of Shawangunk
3 though is, Gramercy ain't
4 going to have the answer
5 to this, but if Jimmy
6 already does all this
7 stuff. That's what we
8 brought him on for, we
9 made the motion and we had
10 the public relations
11 director hired.

12 It sounds what they're
13 doing is exactly what we
14 fought for to have in the
15 first place, the body
16 approved and poof, there's
17 Jimmy. So, if it is -- we
18 might have had a PR
19 director, it's only
20 been -- he's only been
21 here for five years, you
22 know, it seems to be
23 working. They're going to

137

1 ways.
2 DOUG WESTERVELT:
3 Westervelt, Southport. We
4 didn't go with phase two,
5 so why do we need them
6 now. I could have swore
7 we sat in here two months
8 ago and we were gonna hit
9 phase two, if you didn't
10 get a meeting. You got a
11 meeting inside of a jail,
12 not even at the Capitol,
13 and you consider the
14 meeting and we didn't go
15 to phase two.

16 But it's redundant to
17 have -- we got Jimmy.
18 Financially this
19 organization is gonna hit
20 the wall soon. And it's
21 redundant to keep these
22 guys. We didn't use them
23 for phase two, we got

139

1 pay -- they sound like
2 nice people, we're going
3 to pay them out anyways
4 when it comes to whatever
5 campaign we're going to do
6 because it's outside of
7 the retainer anyways.

8 So, if Jimmy is doing
9 this anyways, it really
10 does seem like we have two
11 of same people -- in all
12 reality, we don't see PR
13 until we put out a
14 campaign anyways. So,
15 that's where I think the
16 frustration is. 90
17 thousand dollars, they
18 seem like a really good
19 group of guys. Jimmy
20 seems like a good person.
21 But we're going go pay 200
22 thousand dollars for the
23 nothing we ever see any

138

1 Jimmy. And financially
2 this institution is gonna
3 hit the wall.

4 PRESIDENT POWERS:
5 Without any objection, I'd
6 like to move the motion
7 out of new business.
8 Well, we'll save it for
9 new business, bring it up
10 in discussion then. Ten
11 minute break. The
12 comptroller will be coming
13 in.

14
15 (Whereupon, a brief
16 recess was then taken.)
17

18 PRESIDENT POWERS: All
19 right. We'll get started.

20 VP WEST MIANO: Joe
21 Miano, Western Region VP.
22 For those chiefs that
23 didn't pick up the signs

140

1 for the state hearing aid
2 audiology, you can pick
3 those up on the next
4 break. See Walt, he's got
5 a sign about the hearing
6 aids for all the
7 facilities for those guys
8 and girls who haven't
9 picked them up. Thanks.

10 PRESIDENT POWERS:
11 Thanks, Joe. We've got
12 raffle tickets, fifty
13 fifty tickets in the back
14 at the head table for a
15 brother who recently has
16 come down with cancer.
17 And the benefit goes to he
18 and his family, a sergeant
19 up north, good union man,
20 strong union man. Just a
21 solid advocate for
22 NYSCOPBA all around. So
23 if you could stop by and

141

1 times. You'd be surprised
2 how many times we need to
3 reach in to his office to
4 assist our members with
5 retirement issues or back
6 pay or anything.

7 We always have a very
8 strong relationship with
9 he and his staff. And
10 we're grateful for that
11 and we invited him to come
12 here and recognize him for
13 the work he has done for
14 us in the past. And so,
15 please welcome Comptroller
16 Thomas DiNapoli.

17 COMPTROLLER DINAPOLI:
18 Good afternoon. How is
19 everybody doing? This is
20 your first day of your two
21 days. I hope it's going
22 well. It's incredible, we
23 have summer weather. And

143

1 pick up some fifty fifty
2 tickets, we would
3 appreciate it.

4 At this time I'd like
5 to introduce a friend to
6 NYSCOPBA. A long standing
7 friend. We have a very
8 open and honest dialogue
9 with his office. It's a
10 very important office. We
11 touched upon it a little
12 bit earlier in my report.
13 At this time I'd like to
14 introduce you to State
15 Comptroller Thomas
16 DiNapoli.

17 (All applause.)

18
19
20 PRESIDENT POWERS: The
21 Comptroller has been
22 gracious enough to address
23 this Assembly numerous

142

1 our friends in Florida
2 wish they were in New York
3 today, right, with
4 everything going on. We
5 hope they will be safe and
6 certainly if you have any
7 loved ones in the course
8 of the storm, we hope they
9 will be defy the weather
10 well.

11 I want to thank Mike
12 Powers for that great
13 introduction and I want to
14 thank him for his great
15 efforts, as your
16 president. My compliments
17 to the Executive Board as
18 well. As Mike said, our
19 office keeps a very open
20 door and open dialog and
21 NYSCOPBA's leadership is
22 always welcome to ask us
23 questions and let us know

144

1 how we can do things
 2 better.
 3 And it's not easy to be
 4 president of this
 5 association. So give Mike
 6 and the team up here a
 7 round of applause. They
 8 deserve it.

9
 10 (All applause.)

11
 12 COMPTROLLER DINAPOLI:
 13 When Mike is not calling,
 14 Keith Jacques is calling
 15 so you are well
 16 represented in our office.
 17 I want to commend each and
 18 every one of you for the
 19 work do you, for the
 20 public service that you
 21 provide. Very often I
 22 think your work goes
 23 unnoticed or

145

1 really value being State
 2 Comptrollers, we have the
 3 opportunity to work so
 4 closely with public
 5 servants like you. And I
 6 appreciate the work you do
 7 each and every day.

8 So what I thought I
 9 would do is give you an
 10 update on some of what's
 11 happening in the state
 12 see, if you have any
 13 questions of me; our state
 14 economy, the state budget.
 15 Mike tells me one or two
 16 of you care about where
 17 the pension fund is at; is
 18 that true?

19 One or two of you,
 20 right? The overall
 21 context, how we're
 22 operating in New York
 23 right now, certainly more

147

1 unappreciated.
 2 So whether your a
 3 correction officer or
 4 security officer, or
 5 safety officer, the work
 6 do you is important. It's
 7 also dangerous and very
 8 taxing on you, and day in
 9 and day out you step up
 10 and do the job with
 11 commitment. And do it
 12 with encourage, you do it
 13 with skill.

14 And I want to say
 15 thank you. Thank you for
 16 what you do to protect and
 17 strengthen our
 18 communities. Public
 19 service is a very
 20 honorable calling. Too
 21 often it gets disparaged
 22 in today's environment.
 23 One of the reasons why I

146

1 positive than negative as
 2 we continue to see growth
 3 in our state's economy,
 4 digging out from the
 5 effects aftermath of the
 6 great recession.

7 We saw that over the
 8 summer, the unemployment
 9 rate down to about 4.2
 10 percent, less than half of
 11 recessionary peek going
 12 back to 2009. We've added
 13 975 thousand private
 14 sector jobs across our
 15 state. That's a very
 16 strong number, one of the
 17 strongest employment
 18 growths anywhere in the
 19 country. Many more jobs
 20 grown back then were lost
 21 during the depths of the
 22 recession.

23 The challenge is, and

148

1 this will come as no
2 surprise to you, that we
3 are a big state with
4 different regions. Many
5 of those jobs, actually
6 most of them have been
7 created in the five
8 boroughs of New York City.

9 When you add in Long
10 Island, where I live,
11 Westchester, Rockland and
12 Orange Counties, over 90
13 percent of the new jobs
14 have been created in just
15 the those down state
16 counties.

17 That really informs
18 what challenges for us in
19 New York. How do we keep
20 the prosperity going in
21 those down state counties,
22 but recognizing that many
23 of our upstate communities

149

1 better job of expanding
2 that prosperity to other
3 parts of the state?

4 I think we all have to
5 have a better focus on the
6 economic development
7 programs that we have in
8 the state. Are getting
9 the return on some of
10 those monies that are
11 being spent. We're
12 certainly going to step up
13 our accountability in that
14 regard.

15 Other indications,
16 sales tax collections have
17 been strong. They're up
18 significantly for the
19 first half of this year.
20 That's good news for our
21 local government, for
22 state government as well.
23 Second largest revenue

151

1 it's still a challenge.

2 The capitol region is
3 doing very well, a lot of
4 emphasis is on Buffalo, a
5 lot of money trying to
6 keep that economy going.
7 And we look around, Finger
8 Lakes Region, Rochester,
9 relative to other regions
10 doing well, Hudson Valley.

11 But, I don't have to
12 tell you, some of you have
13 friends and family there,
14 you go to the
15 Southerntier, you go to
16 Mohawk Valley, Central New
17 York, Adirondack, we have
18 many communities that
19 frankly are struggling,
20 have fewer jobs today than
21 they had ten years ago.

22 That's really the issue
23 for us. How can we do a

150

1 source for the state,
2 that's why we track it
3 very, very carefully.

4 The state budget was
5 adopted on time this year.
6 That's good. The big
7 challenge, how do we deal
8 with the consequences of
9 the federal tax reform,
10 the federal tax change.
11 As you know the Governor
12 and legislature came up
13 with some alternative ways
14 to pay taxes because of
15 that cap on state and
16 local tax deductibility
17 ten thousand dollars.

18 It's going to impact
19 many New York families.
20 Unfortunately, some of the
21 strategies have now been
22 declared invalid by the
23 IRS. I suspect when the

152

1 legislature comes back in
2 January, they're going to
3 look at some other ways to
4 soften the blow from that.

5 As you know the
6 corrections budget the
7 appropriations was 3.3
8 million dollars for this
9 year, and increased to
10 17.9 million dollars in
11 2017, 2018. About
12 twenty-six million dollars
13 more in capitol funding
14 for maintenance than for
15 operations.

16 When I think about the
17 budget, while this budget
18 certainly is holding
19 together at this point.
20 We see the tax revenues
21 coming in pretty close as
22 to what was projected.
23 The economy is stronger.

153

1 concerned not only about
2 the risks of the economic
3 cycle, but what will be
4 the continuing impact of
5 the federal decisions.

6 We know that part of
7 how long term they may
8 will be cuts in programs,
9 including programs that
10 benefit us in New York.
11 Particularly with regard
12 to the health care. We've
13 leveraged billions of
14 dollars, whatever your
15 opinion is of the
16 Affordable Care Act or
17 Obama Care, whatever you
18 want to call it, the
19 reality is it's a result
20 of expansion of Medicaid
21 in our state and federal
22 subsidies from other
23 programs; the Essential

155

1 I do have concerns as we
2 head into next year. We
3 do have budget gaps, over
4 the next four or five
5 years, 18 billion dollars.

6 It's not a big number
7 when you consider the size
8 of New York State budget.
9 But we do have to be aware
10 that there is once again a
11 built in gap in our
12 finances and certainly we
13 need the economy to
14 continue to be strong.

15 One of the mistakes I
16 think the state makes in
17 the past, we haven't in
18 better times built up
19 rainy day reserve funds to
20 help us when that will
21 happen at some point in
22 the economic cycle. And
23 we do have to be very

154

1 Plan, the Child Health
2 Plus Plan.

3 All that has had a
4 positive impact on one
5 area that we need to
6 recognize. We did a
7 study, we put it out about
8 a month ago. Over the
9 past ten years we went
10 from eleven percent of our
11 population not having
12 health care coverage to
13 now 4.9 percent. So, in
14 ten years we cut in half
15 the number of people that
16 don't have health care
17 coverage.

18 That's because of the
19 federal dollars that have
20 come in under the current
21 framework for providing
22 for health care dollars.
23 If we go back on that,

156

1 that's much of what the
 2 current administration is
 3 proposing, it will blow a
 4 hole in that budget and it
 5 will also create a problem
 6 for families that won't be
 7 covered any more. And we
 8 know people don't have
 9 health insurance coverage
 10 they end up using the
 11 emergency room of a
 12 hospital as their doctor's
 13 office, often costing more
 14 money.

15 That's why we continue
 16 to look very carefully at
 17 what the relationship is
 18 between Washington and New
 19 York. Obviously a lot is
 20 riding on what will happen
 21 with the elections this
 22 year.

23 And we're going to be

157

1 every dollar we send to
 2 Washington, right now we
 3 get back about 84 cents.
 4 The average per state, for
 5 every dollar they send,
 6 they get back a dollar and
 7 18 cents.

8 So, that has an impact
 9 on us in New York. That's
 10 why we look at it very,
 11 very carefully. We are
 12 continuing our work in
 13 terms of looking out for
 14 tax payer dollars, you're
 15 all tax payers. We do
 16 that with our audits of
 17 state agencies, local
 18 governments as well.

19 We keep a close eye on
 20 public integrity,
 21 corruption. We don't want
 22 to see people stealing
 23 money from tax payers,

159

1 updating our federal
 2 fiscal report. Some of
 3 you remember years ago,
 4 Senator Moynihan always
 5 did balance of payments
 6 what did new york send to
 7 Washington, what do we get
 8 back. We've done two
 9 versions of that report
 10 over the past four or five
 11 years.

12 No surprise, we are a
 13 wealthier state, we don't
 14 get back as much money as
 15 we send. The trend has
 16 been going in the wrong
 17 direction. We're going to
 18 update those numbers and
 19 give you an update those
 20 numbers, trends in a more
 21 positive direction.

22 But we're still going
 23 to be in debt because for

158

1 unfortunately that happens
 2 too often. We were just
 3 involved in a case in the
 4 Hudson Valley. The US
 5 Attorney's office Southern
 6 District, some health care
 7 providers were milking the
 8 state insurance program
 9 and Medicare eight million
 10 dollars. We're able to
 11 hold those people
 12 accountable and we're
 13 working to get that money
 14 back.

15 So, you know, a big
 16 part of what we do is
 17 following the money. And
 18 making sure it's spent the
 19 right way, we have a clear
 20 commitment on that. Where
 21 we owe money especially
 22 carefully, is with regard
 23 to the retirement fund.

160

1 And that actually is a
2 good news story for you
3 and your family and your
4 friends that are public
5 employees here in New York
6 State.

7 We are now valued about
8 209 billion dollars,
9 that's billion with a B.
10 We are the third largest
11 public pension plan in the
12 United States of America.
13 The PEW Research center
14 they do an annual ranking
15 of pension funds, we are
16 one of only four state
17 plans that is over 90
18 percent funded.

19 In fact, we are now 98
20 percent funded that means
21 your retirement security
22 is there for you and we're
23 going to guarantee it. I

161

1 Yorkers.

2 I also like to point
3 out that because we are
4 well funded and our
5 retirees have retirement
6 security, eighty percent
7 continue to live in New
8 York State after they
9 retire. So that
10 retirement income, those
11 pension checks that are
12 you get or direct
13 deposited, as Colleen
14 likes to remind me, we
15 want them to use direct
16 deposit, 80 percent of the
17 money that we pay out
18 stays right here in New
19 York State, supporting
20 local communities, local
21 businesses, paying taxes.

22 We are now paying out a
23 billion dollars a month,

163

1 always like to remind
2 everyone, it's not just
3 about the men and women
4 who are part of the
5 retirement system, because
6 we are well funded it's
7 ranked financially for the
8 entire state. It's why
9 Standard and Poor's has
10 given New York a better
11 credit ranking because our
12 pension fund is so strong,
13 the cost of borrowing for
14 us is cheaper.

15 We're reinvesting more
16 New York pension fund
17 money in New York State,
18 including those parts of
19 the state that haven't had
20 as strong job growth as
21 down state, because we
22 want to be part of the
23 success for all of New

162

1 twelve billion dollars a
2 year. So the good news is
3 our pension system
4 continues to grow. We had
5 over an eleven percent
6 return for the past two
7 years. The pension fund
8 is growing, even though
9 the payouts are growing,
10 we are able to provide
11 that retirement security.

12 That's why continue to
13 stand very strongly,
14 opposed to any effort to
15 change to a defined
16 benefit plan, defined
17 contribution plan. Folks
18 tried to do that in the
19 past in New York. If they
20 try it again in the
21 future, as long as I'm
22 comptroller I'm going to
23 say, no way, not on my

164

1 watch. I will not allow
2 that to happen.

3 And, Mike, I know you
4 and the team are going to
5 stand with me if they try
6 to do that again. Let me
7 just say that I know this
8 is a challenging time in
9 many ways and we try to be
10 responsive to what the
11 challenges are.

12 One of them that we're
13 embarked with is the
14 pension fund to make sure
15 that we have the most
16 modern systems, as well as
17 being a well funded one.
18 From a benefits
19 administration point of
20 view, we have an old
21 legacy computer system, IT
22 system, over thirty years
23 old. It needs an update,

165

1 in 2019. But when we go
2 live you be able to do
3 most of your transactions
4 with the pension fund,
5 with the retirement system
6 right on line at your
7 convenience.

8 You know, right now we
9 have the call center and I
10 know sometimes there's
11 a long wait to get
12 through. We've cut down
13 the wait time, that's good
14 news. When we convert to
15 the redesign online, we're
16 not going to take away the
17 opportunity if you still
18 want to talk to a real
19 person. If you don't want
20 to do it by computer,
21 we'll still provide the
22 old-fashioned option for
23 you.

167

1 it's a been a multi year
2 effort.

3 We are sending you some
4 of that information in our
5 bulletin. Our system
6 redesign is well under
7 way. It's not completed
8 yet, we were hoping to go
9 live this year. We have a
10 lot of concerns about
11 converting to the new
12 system, with regard to
13 cyber security and IT
14 security.

15 Your information is
16 important to us, that it
17 be protected, that it be
18 confidential, that it be
19 private. And there not be
20 opportunities to hack into
21 that system.

22 So, we are taking our
23 time. We hope to go live

166

1 But this is a very
2 ambitious program, one I
3 think is going to bring us
4 into the modern era.
5 Colleen Gardener who is
6 our Executive Deputy
7 comptroller for
8 retirement, she's in
9 charge of the benefits
10 side. She's in the back.
11 Wave Colleen so they can
12 see you.

13 She is the one looking
14 out for your benefits and
15 if you have a problem or
16 question, she can happy
17 you with it. She's former
18 Commissioner for New York
19 State at the Department of
20 Labor. So she cares about
21 working for you and she's
22 working very, very hard.

23 As I mentioned besides

168

1 our challenges in keeping
2 the pension fund well
3 funded and modernizing our
4 system, it is a tough time
5 for public employees. I
6 don't have to tell you
7 that.

8 You know, too many
9 people that haven't
10 benefited from the current
11 economy, they look at some
12 of the benefits that you
13 have, especially pension,
14 they get critical.
15 Unfortunately, they should
16 value the fact that you
17 have the benefits that you
18 have that you work so far
19 hard for. We wish more
20 would have those
21 opportunities.

22 We also know the
23 direction in terms of a

1 number of folks that took
2 advantage of that.

3 But the good news, what
4 we're not seeing is some
5 race to the door, more and
6 more don't say I don't to
7 be a member of a union
8 anymore. And that's
9 because, I have to see
10 with law enforcement just
11 generally, you've always
12 had participation in it
13 from the beginning.

14 That's because of the
15 men and women in NYSCOPBA
16 and other law enforcement
17 unions understand the
18 value and importance of
19 the union. If the union
20 doesn't have the resources
21 to do the job of looking
22 out for your interest to
23 make sure you have certain

1 policy, it's not always in
2 favor of public employees.
3 We see in other states
4 move to right-to-work
5 laws, taking away
6 statutorily guaranteed
7 collective bargaining
8 rights, changes in the
9 state law. The Janus
10 decision that has been
11 coming out of the Supreme
12 Court, which really was an
13 attempt to undermine the
14 strength of public
15 employee unions.

16 What we see in New
17 York, we see in the
18 payroll. So we were
19 required to eliminate the
20 deductions for any non
21 members in our public
22 employee ranks, and
23 obviously there were a

1 working conditions, if
2 there are any issues that
3 come up disciplinary or
4 otherwise, if you want the
5 union to stand with you,
6 you need to make sure the
7 union has the resources.
8 So continuing to be
9 members are very, very
10 important.

11 That's why I'm
12 certainly always proud to
13 stand with our public
14 employees in New York
15 State. As i said at the
16 onset, I really do
17 appreciate the work you do
18 and I feel very privileged
19 to have the opportunity to
20 work with you, to serve
21 you, not only as trustee
22 of the pension fund but
23 the other ways that we

1 interact.

2 I want you to know that

3 our door, as I said

4 earlier, is always open.

5 Mike knows how to reach me

6 and also our Director of

7 Labor Affairs, Kathy

8 McCormick, as well. If

9 any of your have any

10 issues or questions, let

11 us know what we can do to

12 help. We really are there

13 to provide support in any

14 way we can.

15 Some issues, some

16 questions we can't always

17 get the yes. I'm always

18 very honest about that,

19 but we do make every

20 effort that we can to get

21 the yes. We are there to

22 work in partnership with

23 you. Again, that's where

173

1 all, I don't know if

2 you're familiar with our

3 Rainy Day Fund program.

4 We help employees out,

5 whatever the case may be.

6 Our problem is when they

7 get reinstated, you issue

8 them a check. Sometimes

9 we don't get our money

10 back.

11 Is there something your

12 office can do to help

13 negotiate, so that when

14 your office pays them, but

15 the money that we give

16 them, comes back to us?

17 The problem they say is

18 when you give them the

19 check, they have to pay

20 taxes on it. If we

21 intercept, together, I'm

22 just using a number, say

23 we have give somebody ten

175

1 having a great

2 relationship that we've

3 always had with this

4 union, and certainly the

5 relationship that I and my

6 team enjoy with Mike, it

7 makes a big difference.

8 Thank you again for

9 your service. Otherwise

10 I'll say thanks for giving

11 me chance to speak with

12 you for a little bit.

13 DON ROBERTS: Don

14 Roberts, Marcy

15 Correctional. Sir, I want

16 to say thank you very much

17 for keeping the pension

18 up. Because in two years

19 I'm going to be knocking

20 on your doors.

21 COMPTROLLER DINAPOLI:

22 Okay, you got it.

23 DON ROBERTS: Second of

174

1 thousand dollars, you

2 issue them a check for

3 twelve thousand, they have

4 to give us ten thousand

5 dollars back, it's easier

6 if it comes from you guys

7 tax purposes wise.

8 Because then they say they

9 have to pay tax on it and

10 they can't pay us our ten

11 thousand because you take

12 the taxes.

13 COMPTROLLER DINAPOLI:

14 So, this is for folks who

15 get sick or -- I'll check.

16 I don't think we've been

17 asked that question

18 before, right? Have we

19 Kathy?

20 KATHY MCCORMICK: No, I

21 can talk to payroll.

22 COMPTROLLER DINAPOLI:

23 We'll talk to our payroll

176

1 folks and see if there's
2 another way to approach it
3 and we'll follow up with
4 Mike.

5
6 (All applause.)

7
8 COMPROLLER DINAPOLI:
9 Thank you for raising
10 that. Anybody else?

11 ANTHONY ANDERSON: How
12 are you? Anthony
13 Anderson, I'm just
14 curious, when does your
15 term end? Is there any
16 particular time? Because
17 you seem like one of the
18 best Comptroller's we've
19 ever had and I'm
20 interested.

21 COMPROLLER DINAPOLI:
22 I didn't set him up with
23 that question. With your

1 So I think you know
2 where he comes from when
3 you talk about public
4 employees. So, with your
5 help on November 6th, my
6 term will start for
7 another four years on
8 January 1st.

9
10 (All applause.)

11
12 COMPROLLER DINAPOLI:
13 Stay safe on the job and
14 give my best to the men
15 and women you represent.
16 Thanks again.

17 PRESIDENT POWERS:
18 Another round of applause
19 for the comptroller.

20
21 (All applause.)

22
23 PRESIDENT POWERS: One

1 support it won't end this
2 year. I am up for
3 election on November 6th.
4 I'm very proud to say that
5 I'm endorsed by five
6 different parties in New
7 York State. So you have
8 your choice Democrats,
9 Working Families,
10 Independents, Women's
11 Equality or the Reform
12 Party.

13 And I will just mention
14 one things, my opponent
15 and I had a debate the
16 other day. He was asked
17 recently on the Fred
18 Dicker show what his
19 opinion was of the Janus
20 decision I referred to
21 earlier. And he said,
22 that's my favorite Supreme
23 Court decision.

1 more presentation.

2 VP WEST MIANO: Joe
3 Miano, Western Region VP.
4 I have Jason here from
5 Purchasing Power to do a
6 presentation. I mentioned
7 it at the last EA about
8 it, at the Health and
9 Welfare Committee. And
10 this is -- he's doing a
11 presentation on Purchasing
12 Power, that's going to be,
13 if it's approved by this
14 body, to be one of our
15 approved vendors.

16 JASON ALVERESI: Good
17 afternoon. Thanks, Joe.
18 Thank you President Powers
19 and all of you for having
20 me. I'm Jason Alveresi
21 with Purchasing Power. I
22 am the vice president of
23 our public sector, so I

1 deal with our state and
2 local governments, as well
3 as our unions and
4 associations.

5 And so, I just wanted
6 to give you some
7 information about
8 Purchasing Power, how it
9 can be a benefit to all of
10 the NYSCOPBA members as
11 well as to the union and
12 answer any questions.

13 Purchasing Power is a
14 member benefit. It allows
15 members to purchase items
16 and then pay for it over
17 the course of a year
18 through payroll deduction.
19 So, they purchase it, if
20 someone cash isn't
21 available, they need a
22 washer/dryer, tires, TV,
23 furniture, they can

181

1 We work with about twenty
2 different unions across
3 the country now. And in
4 the post Janus world
5 having additional value
6 for the members is always
7 a benefit to the union and
8 there's no cost to the
9 union.

10 We offer financial
11 wellness tools and then
12 there's an opportunity
13 to -- or there's an
14 additional revenue stream
15 into the union as well.
16 This next slide is kind of
17 an overview, where we
18 really think there's a
19 benefit for the union
20 through the retention and
21 through giving another
22 member benefit and how
23 that fits.

183

1 purchase the item through
2 us, through our website
3 and then through the
4 course of the next year it
5 is paid out to them.

6 So that's at a high
7 level. How it's a benefit
8 the union is it's when
9 members need those goods
10 and services and don't
11 have access to have cash,
12 don't have access to a
13 good line of credit, it's
14 a better option than a
15 store credit card. A lot
16 of regular credit cards
17 and some other store
18 credit cards and some of
19 the other options that
20 they go to in those
21 situations.

22 Helps with member
23 retention and recruitment.

182

1 How the program works,
2 any member that is, our
3 risk being eligibility,
4 look at a bunch of data
5 and so any member that has
6 been with the state for at
7 least a year, is an active
8 member of NYSCOPBA and
9 makes at least twenty
10 thousand dollars is
11 eligible for the program.
12 They go online, it costs
13 nothing for them to go
14 online and set up a
15 profile, which will allow
16 them to shop over fifty
17 thousand items from tires
18 TV, electronics,
19 furniture, those types of
20 items.

21 They'll see the price
22 of the item and then the
23 price it is per paycheck

184

1 for them. If they choose
2 to buy something, they'll
3 know how much it is. If
4 they choose not to,
5 there's no cost to them.
6 There's no cost for a
7 profile.

8 We have over fifty
9 thousand items. As I
10 mentioned there's
11 automotive, there's
12 vacation packages, there's
13 electronics. So certainly
14 during holiday season we
15 see lots of folks using it
16 during that time.

17 You know, so one of the
18 points is that is there a
19 need for this?
20 Seventy-six percent of
21 Americans are living
22 paycheck to paycheck.
23 Folks just don't have the

185

1 and this slide, it's the
2 bottom corner we do show
3 everyone the total price
4 they're paying and the
5 price per paycheck. So
6 anybody that's purchasing
7 an item understands how
8 much they're going to be
9 out of pocket each
10 paycheck going forward.

11 The shopping experience
12 we do put as I mentioned
13 ten year everybody is
14 given a spending limit
15 based on salary. So that
16 we're not -- if somebody
17 makes thirty thousand
18 dollars, we're not
19 allowing them to spend
20 twenty-eight thousand
21 dollars with us. That
22 spending limit is
23 typically between five and

187

1 money with a lot of the
2 unions and a lot of the
3 corporations that we work
4 with, and that I work
5 with, you hear it all the
6 time. My tires went out,
7 I got them replaced and a
8 week later or ten days
9 later my refrigerator went
10 out.

11 So this gives them a
12 reasonable way to purchase
13 that item and then pay for
14 it over the cost of the
15 next year. So in our
16 model, it's really the
17 fact that we don't do
18 credit checks, we're able
19 to do this because of the
20 job stability. And we can
21 do payroll deduction from
22 that.

23 The real thing here is,

186

1 seven percent of their
2 income.

3 So it's a reasonable
4 amount they can purchase
5 items without getting in
6 over their head and
7 putting their whole
8 paycheck towards us. It
9 is -- we've been around
10 for eighteen years now.
11 This is information that
12 we get, as I mentioned, we
13 work with several unions
14 across the country. And
15 this is data right from
16 them that, you know, 94
17 percent of unions and
18 association members will
19 tell you it reduces their
20 financial stress to have
21 opportunity to do this
22 program. 80 percent -- 78
23 percent will tell you it

188

1 helps keep them engaged in
2 the union and wanting to
3 be a part of the union and
4 retention to it.

5 And this is an overview
6 of our experience, you
7 know, the one big thing I
8 would point out here is we
9 do have a sophisticated
10 account management team
11 that's out to service and
12 will be certainly to
13 service this account.
14 Give you information on
15 how the program went and
16 feedback that members have
17 used.

18 We work with several
19 other New York State
20 unions both here in Albany
21 and in New York City, as
22 well as across the board.
23 You know, some of the

189

1 is in there that you see.
2 So, if somebody is out and
3 doesn't have -- or is on
4 leave for whatever reason
5 that price doesn't ever
6 change. It's what we call
7 a transparent price. The
8 markup across the board,
9 so we have a price
10 guarantee it will never be
11 over thirty percent. The
12 across the board in the
13 last six months it's been
14 16.3 percent over retail
15 price.

16 MR. PERRY: Are
17 retirees also going to be
18 allowed to utilize that?

19 JASON ALVERESI: That
20 we are -- we'll talk with
21 Norvest about. If we do
22 that it will be through a
23 direct deposit model

191

1 other states and
2 associations where we have
3 folks.

4 We are Better Business
5 A plus rated. We have --
6 we work in the private
7 sector as well and have
8 several large companies.
9 Are there questions?

10 MR. PERRY: Chris
11 Perry, what's your
12 interest rate?

13 JASON ALVERESI: So
14 there is no interest.
15 There is -- the prices
16 that you will see are
17 above retail, but that
18 price does never change.
19 So we have --

20 MR. PERRY: So it's
21 just by markup then.

22 JASON ALVERESI: Yeah,
23 so there is a markup that

190

1 because we can't deduct
2 from a pension.

3 MR. PERRY: Thank you.

4 UNIDENTIFIED SPEAKER:
5 Hi, Lisa from Queensboro.
6 He already asked one of
7 the questions. But my
8 other question is, how
9 does the union itself
10 benefit?

11 JASON ALVERESI: So,
12 the union itself in
13 addition to being an
14 additional member benefit,
15 six percent of all dollars
16 received we'll pay back
17 into a royalty to the
18 union.

19 UNIDENTIFIED SPEAKER:
20 Thank you.

21 JASON ALVERESI: Thank
22 you. Appreciate the time
23 and hope to see you again

192

1 here in the future.
 2 PRESIDENT POWERS:
 3 Thank you.
 4
 5 (All applause.)
 6
 7 PRESIDENT POWERS:
 8 We'll move to our
 9 treasurer's report. Be
 10 gentle with him, he's new.
 11 TREASURER GILBO:
 12 Good afternoon. Okay.
 13 Total cash on hand, we've
 14 got 10.2 million dollars.
 15 Rainy Day, 41 thousand.
 16 Legal defense, 2.49
 17 million. Unrestricted,
 18 bonds 6.11 million,
 19 restricted bonds, 1.49
 20 million. And the general
 21 op, we got 1.58 million.
 22 Questions?
 23

193

1 account, dependent care
 2 program, open enrollment,
 3 you should have gotten
 4 something with your
 5 paycheck on that program.
 6 The open enrollment is
 7 October 9th through
 8 November 9th, that's when
 9 you can sign up for that.
 10 For the health care
 11 spending, maximum
 12 contribution for 2019 is
 13 two thousand, six hundred
 14 fifty dollars. The
 15 dependent care program,
 16 the max is five thousand
 17 dollars. And I just
 18 wanted to mention -- I
 19 got -- I did get a couple
 20 calls from a couple chiefs
 21 asking if, you know,
 22 you were entitled to these
 23 programs because we don't

195

1 (All applause.)
 2
 3 TREASURER GILBO: Thank
 4 you.
 5 PRESIDENT POWERS:
 6 Move in to Departmental
 7 reports. Sharon?
 8 SHARON SMITH: Good
 9 afternoon. I'm going to
 10 go through -- I have a few
 11 things, I'll be really
 12 quick on them. I know
 13 it's late in the day and
 14 you got a lot more to go.
 15 But there's some things
 16 that come up this time of
 17 year and into November,
 18 and that will be coming up
 19 between now and the next
 20 EA, so I want to mention
 21 them now.
 22 First one being the
 23 health care spending

194

1 have a contract.
 2 You are entitled to
 3 them. Every year you're
 4 allowed to join these
 5 programs. The portion
 6 that you are not entitled
 7 to right now is under the
 8 dependent care program,
 9 there is an employer
 10 contribution toward that
 11 depending on your salary
 12 the employer adds money to
 13 the monies to your
 14 account. Because we don't
 15 have a contract, you're
 16 not entitled to that
 17 employer's share.
 18 So you can still sign
 19 up and get the pretax on
 20 monies that you want to go
 21 through this, but you're
 22 not going to get the
 23 employer's share at this

196

1 point, so I wanted to
2 mention that to you in
3 case any members come to
4 you, because I have gotten
5 a few calls on that.

6 I just wanted to
7 mention quickly to the
8 northern region, I had
9 gotten a call a few months
10 ago regarding a provider
11 up there, Nina Gerpas,
12 she is an MD, she is a
13 pediatrician up there.
14 And there was some
15 questions, apparently she
16 was seeing patients and
17 billing through the mental
18 health substance abuse
19 program. And I turned it
20 all over to the state and
21 they talked to the
22 insurance company for a
23 few months and I did send

197

1 The rate renewal,
2 we had the meeting last
3 week. The new rates will
4 be coming out several, you
5 know, several weeks; in
6 November usually is when
7 they come out. I don't
8 have the rates yet.
9 They're still working on
10 them. But once those
11 rate -- once the rate
12 sheet is sent out to you,
13 that gives the option
14 transfer period, which
15 runs for thirty days. And
16 that is when you can
17 change your health
18 insurance plan, if you
19 wish to.

20 People in the opt out
21 program, I want to mention
22 this because I get this
23 every year, if you're in

199

1 a memo up in case you
2 didn't see it, she is a
3 sick pay provider for
4 the -- under United Health
5 Care as a pediatrician.
6 But she not under the
7 mental health and
8 substance abuse program.
9 And so, no claims that she
10 submits or that would come
11 in under that would be
12 paid.

13 She is aware of it, so
14 I'm assuming, hoping she
15 is not doing that any
16 longer. But, yeah, so,
17 but she does continue to
18 participate under the
19 United Health Care. So I
20 just wanted to mention
21 that quickly. If anybody
22 has any questions, they
23 can ask me after.

198

1 the opt out program and
2 you want to continue it
3 for the next year, you
4 need to go to personnel
5 and reapply for it. Each
6 year you have to do that.
7 If you don't, you're not
8 going to get those monies.
9 You'll still not be in a
10 plan, but you don't get
11 the opt out monies. I
12 have had people that have
13 done that.

14 So it's important they
15 go back down and just
16 re-elect, fill out the
17 forms again and they're
18 good for 2019. Anybody
19 who wants to get into the
20 opt out program for the
21 first time, this is when
22 they can do that during
23 that option transfer

200

1 period.
 2 You can change from
 3 family to individual
 4 coverage, regardless of a
 5 qualifying event.
 6 Normally you can't do that
 7 throughout the year unless
 8 you have a qualifying
 9 event. You can
 10 voluntarily cancel your
 11 coverage, if you want to
 12 cancel it and not be in
 13 the opt out program. I
 14 don't know why anybody
 15 would but they can do
 16 that.

17 And if they're not in
 18 NYSHIP at all, they can
 19 enroll in NYSHIP.
 20 Although they would have
 21 late enrollment provision
 22 for that. And the only
 23 the other piece is the

201

1 it's going to be coming.
 2 That's all I have.
 3 The prescription drugs
 4 RFP, I mentioned before
 5 that that they have
 6 awarded that to Optum
 7 Health. There was an
 8 appeal on that and we went
 9 through the process again.
 10 And it looks like CVS is
 11 going to continue with the
 12 program, but that hasn't
 13 been signed yet and there
 14 is an appeal out there.

15 So, we'll see what
 16 happens. But at this
 17 point, normally if there
 18 is an appeal and it's
 19 gonna happen what they do,
 20 normally what they would
 21 do is renegotiate with CVS
 22 for a year while that
 23 appeal goes on. So, it

203

1 formulary and the
 2 prescription drug program.
 3 Every year, you know, we
 4 will be getting that
 5 information probably right
 6 around the same time as
 7 the rates. And they look
 8 at the formulary and make
 9 decisions on if they're
 10 going to move drugs either
 11 up tiers or down tiers,
 12 and any exclusions that
 13 may take place in 2019.

14 So all of that, when I
 15 get all of the
 16 information, the rates,
 17 formulary all that, I'll
 18 certainly get it out to
 19 you right away. And it
 20 will be on our website and
 21 everything so. I just
 22 wanted to mention to watch
 23 for it, you know, that

202

1 looks like it might be
 2 continued with them.
 3 So that's all I have.
 4 If anybody has any
 5 questions?

6 BILL CONROY: Hi,
 7 Sharon. Bill Conroy,
 8 Attica. I have two
 9 questions. The first one
 10 is the opt out option
 11 every year we have to sign
 12 up for that and if we
 13 don't we default and can
 14 never get it back. Why
 15 can't we have it
 16 continuously running?

17 SHARON SMITH: That is
 18 how it was negotiated. I
 19 think for -- I mean, I
 20 think for the state for
 21 audit purposes, they need
 22 recertification that
 23 you're still covered. I

204

1 mean, that was the way it
2 was negotiated in. It's
3 not never that you can
4 never get back, but you
5 have to get back in the
6 program.

7 How it works is if you
8 mess up or you want to get
9 in, you have to be in by
10 April 1st of that year.
11 And then keep it through
12 the end of the year and
13 then opt out, and then you
14 can get it again. It's
15 not that you never can,
16 but you are forced to get
17 back into the program.

18 BILL CONROY: If you're
19 jumping in and out
20 voluntarily, I understand
21 that part. But somebody
22 that's been in it for five
23 years or whenever it

205

1 the end of the year and
2 then opt out.

3 BILL CONROY: One more
4 question, the amounts that
5 have been set have been
6 the same amounts that
7 these guys pay forever.
8 Is that going to change?

9 SHARON SMITH: That
10 would have to be
11 negotiated so.

12 BILL CONROY: Who does
13 that, our union negotiates
14 with the provider or the
15 state with the provider?

16 SHARON SMITH: No, when
17 you're negotiating the
18 contract, the state.

19 BILL CONROY:
20 Thank you.

21 TODD PAROLINE:
22 Paroline, Sing Sing.
23 There was a question asked

207

1 started, if that guy
2 doesn't submit to
3 continue, he's done
4 forever.

5 SHARON SMITH: He can
6 get back in again. He
7 would have to get in by
8 april of the next year and
9 keep it. You're not
10 allowed to do that.

11 BILL CONROY: I didn't
12 understand that. I
13 thought once you're in the
14 program and if you didn't
15 submit that paperwork to
16 stay in the program,
17 you were done forever and
18 the state is keeping that
19 money.

20 SHARON SMITH: No.
21 They're not going to give
22 it back to you but you can
23 get back in, keep it until

206

1 last EA about medical
2 marijuana, coverage for
3 that? Did you get any
4 information on that?

5 SHARON SMITH: I sent
6 Dave Luther a couple
7 articles that I found on
8 that. The FDA -- is it
9 not approved by the FDA,
10 it is not covered.

11 TODD PAROLINE: Is that
12 just New York State or
13 everywhere?

14 SHARON SMITH: No, it's
15 not just New York State.
16 It's everywhere. There's
17 a lot of reasons for it.
18 The information was good
19 if. Anybody is interested
20 in those articles, I have
21 them at work, too, I can
22 certainly send them to
23 you.

208

1 TODD PAROLINE: Can you
2 send them to me?

3 SHARON SMITH: Sure.
4 Okay. Thank you.

5 PRESIDENT POWERS:
6 Thank you, Sharon. Jimmy?

7 JIMMY MILLER: Just a
8 follow-up and remark
9 briefly on some of the
10 conversations that went on
11 when Gramercy gave
12 their -- when we talked
13 about what their role was
14 gonna be.

15 When I started here in
16 2013, NYSOPBA had
17 Knickerbocker PR as their
18 PR firm and then hired MPS
19 and then subsequently
20 Baker, so since I've been
21 here for five years
22 there's always been an
23 outside PR agency. Which,

209

1 I have had previous
2 relationships, they're
3 solid individuals.

4 I don't believe at all
5 even though they have a
6 very detailed plan put
7 together, that there will
8 be redundancy. Very much
9 like MPS, there was one
10 individual there we had a
11 working relationship with
12 and he understood what
13 your issues were, and him
14 and I worked very well
15 together.

16 And that would be my
17 expectation with Matt,
18 Charles and Andrew and the
19 rest of their team.
20 That's just my opinion
21 without getting into the
22 dollars and cents. It's
23 really not for me to

211

1 pretty much follows suit
2 in most of the largest
3 unions in the state; CSEA
4 PEF. Even the union like
5 the New York State
6 Troopers who are four
7 thousand strong, they have
8 an outside PR agency.

9 Most organizations hire
10 agencies like that and
11 keep them on retainer.
12 Unfortunately in many
13 cases the retainers are
14 very expensive, especially
15 down in New York City, but
16 even in the Albany region.

17 So a lot of it is just
18 the way the business goes.
19 I know from my experience
20 with Matt working when I
21 was with the PD when
22 he was with Times Union,
23 and Charles and Andrew who

210

1 comment on that.

2 That being said, as we
3 move forward for 2019, the
4 budget has been cut
5 obviously for a number of
6 reasons on the PR line.
7 So what I'm going to ask
8 many of you as we move
9 along through the year,
10 there's some projects that
11 do come along that come
12 out of the PR line, out of
13 Albany as opposed to
14 regionally just because of
15 the expense of it. It's
16 very valuable.

17 So I would ask any of
18 that, wherever your
19 region, whether out west,
20 up north, down south, in
21 Mid-Hudson, central part
22 of the state, if there are
23 any things that you want

212

1 to support, if there is a
2 project you want to
3 support, if there is some
4 PR campaign you want to
5 support, please get that
6 to me so we can review it
7 and look at it and make a
8 decision, so we don't go
9 over budget.

10 And then in the case
11 that there's a need for a
12 campaign for some
13 particular political
14 reason or any public
15 relations campaign that
16 needs to be done during
17 the year, we're not going
18 to exceed what the budget
19 is already set at. And
20 that's pretty much all I
21 have. Thank you.

22
23 PRESIDENT POWERS:

213

1 Republicans in power.
2 They've been friends with
3 NYSOPBA.

4 Six of those members of
5 the IDC lost their primary
6 elections. So, the IDC is
7 no more. And those more
8 or less were kind of our
9 safety net when it came to
10 the Democrats. We can
11 rely on those Senators to
12 oppose some of the ideas
13 that the main stream Dems
14 wanted to put through,
15 such as the as HALT
16 legislation, many other
17 initiatives they tried to
18 do and probably will
19 continue to try to do in
20 the future.

21 So we have our work cut
22 out if the Senate flips
23 from Republican control to

215

1 Thanks, Jimmy. Dan?
2 DAN VALENTE: Good
3 afternoon, Dan Valente
4 with the legislative
5 report. Since we last met
6 in August, we've had the
7 primary elections. Some
8 pretty significant things
9 came out of that election.

10 Obviously Governor
11 Cuomo was nominated
12 overwhelmingly to be the
13 Democratic nominee for
14 Governor. Outside of that
15 in the Senate, there were
16 some pretty interesting
17 developments with the IDC.

18 For those of you that
19 recall, the IDC was a
20 block of eight Senators
21 who were Democrats that
22 conference with the
23 Republicans, kept the

214

1 Democratic. Looking at
2 the primary results and
3 looking at the voter
4 turn-out, people reporting
5 that there were about four
6 times as many voters that
7 came out on primary day as
8 opposed to two years ago
9 or four years ago --
10 actually, two years ago,
11 which is significant.

12 They talked about the
13 blue wave here in the
14 media, they were talking
15 about the red wave and all
16 these different waves.
17 Bottom line is we need our
18 members mobilized, we need
19 our members out there
20 voting.

21 There are several races
22 that are in play right now
23 that are going to dictate

216

1 which way the Senate goes.
 2 We've had five Republican
 3 Senators retire last year,
 4 so they won't be running
 5 for re-election. Those
 6 are all long time friends
 7 of NYSCOPBA. For the most
 8 part those are mostly
 9 state seats. But there
 10 are some that, for
 11 instance, Bob Antonnacci,
 12 he's running for State
 13 Senate in John
 14 DeFrancisco's seat, that's
 15 the Syracuse area.
 16 Democratic enrollment out
 17 numbers the Republicans in
 18 that district.

19 With the expected boom
 20 of voter turn out in the
 21 Democratic party, there is
 22 the potential that that
 23 race could go from a

217

1 Senator who was Republican
 2 came out the other day and
 3 supported his candidacy as
 4 a democrat.

5 So there's a lot of
 6 things working against the
 7 status quo in the Senate.
 8 Now, the status quo is
 9 something that we tend to
 10 think is not always a good
 11 thing. But in this case a
 12 Democratic controlled
 13 Senate is going to be
 14 detrimental to this
 15 organization.

16 President Powers
 17 discussed the HALT
 18 legislation, which is
 19 going to be worse than
 20 NYCLU. And for us to say
 21 that if we can get NYCLU
 22 to stay and not deal with
 23 HALT, that's a profound

219

1 Republican seat to a
 2 Democratic seat. Same
 3 thing holds true for the
 4 race that's up in Saratoga
 5 County. It used to be
 6 Senator Joe Bruno's seat,
 7 it's maintained Republican
 8 power and Senate
 9 Republican seat since he's
 10 been gone. There's been a
 11 couple place holders in
 12 the meantime, Senators
 13 that have been pretty good
 14 friends with NYSCOBPA.

15 But, again, that
 16 district they got somewhat
 17 of a attractive candidate,
 18 the Democratic Party.
 19 He's a veteran, Iraqi War
 20 veteran. He's getting a
 21 lot of endorsements from
 22 traditionally Republican
 23 organizations. The former

218

1 statement. I guess it's
 2 better to know the devil
 3 you know than the devil
 4 you don't know.

5 With that said, we've
 6 been contacted by the
 7 Senate Republican campaign
 8 Committee. They're
 9 looking for our members
 10 support in some of these
 11 races. The Antonocci race
 12 in Syracuse, the Matthew
 13 Jordan race in Saratoga.
 14 There's a handful of races
 15 in Long Island which is
 16 probably going to dictate
 17 which way the power is
 18 going to end up.

19 Senator John Brooks is
 20 a Democratic Senator, he's
 21 the incumbent right now.
 22 Two years ago he ran for
 23 election and he won by I

220

1 think it was nineteen
2 votes. It was like point
3 two percent he won by,
4 which is amazing with the
5 number of votes that were
6 cast to come down to less
7 than twenty votes.

8 That race is going to
9 be highly publicized,
10 there's going to be a ton
11 of money dumped into that
12 race. Again, they're
13 looking for NYSCOPBA
14 members to get boots on
15 the ground, knock on
16 doors, man phone banks. I
17 said it up here last time,
18 I say it up here almost
19 every time; we need our
20 members to get involved.

21 We're asking you, too,
22 but it's not at the level
23 that we need. And right

1 our members and not be a
2 hindrance to the way you
3 do your jobs.

4 So getting into that as
5 far as getting the
6 involvement from the
7 facilities. A year or two
8 ago we reached out and we
9 tried to establish PAC
10 reps at reach facility,
11 law enforcement and
12 corrections. And the
13 response was very
14 disappointing, to say the
15 least. I think we came
16 away with maybe twelve
17 people at the facilities.

18 Some facilities are
19 going out there and
20 they're trying to recruit
21 these folks that want to
22 be involved with the
23 union's politics. You

1 now it's a crucial time
2 that our members do get
3 involved. We need to put
4 our political parties
5 aside. If you're a
6 Democratic, if you're a
7 Republican, it doesn't
8 matter. It's got to be
9 about NYSCOPBA and the
10 betterment of NYSCOPBA
11 members.

12 So, please contact me
13 or your chief or your
14 regional vice president,
15 and we'll have the
16 information for you if you
17 want to volunteer some of
18 your time to go and help
19 these folks out, so that
20 we can continue to fight
21 for legislation and have a
22 chance to get legislation
23 that's going to benefit

1 don't have to be a member
2 of PAC committee, you
3 don't have to be a chief;
4 you don't even have to be
5 a steward. You just need
6 somebody that's going to
7 be bringing information to
8 the membership, give them
9 the opportunities to get
10 involved in the various
11 initiatives that we need
12 them to be involved in.

13 Which leads me to the
14 next initiative, which
15 last year we didn't do it,
16 two years ago and a few
17 years prior to that we had
18 pack seminars throughout
19 the state. With
20 everything that's going on
21 right now, I think we need
22 to bring those back and
23 start educating the

1 membership on the make-up
 2 of the Senate and the
 3 Legislature, on the unions
 4 relationship with the
 5 Governor's Office, on
 6 potential for the HALT
 7 legislation; or the
 8 legislation that wants to
 9 open up the personnel
 10 records. And a variety of
 11 different things that the
 12 Democrats have tried to
 13 get a little bit of steam
 14 on, tried to get it
 15 rolling.

16 We always had that
 17 safety net of Republicans
 18 and the IDC keeping those
 19 ideas at bay. So we've
 20 been successful at that,
 21 keeping those ideas at
 22 bay. But with the outcome
 23 of the general election,

225

1 legislation is. I would
 2 assume most people in this
 3 room didn't know what it
 4 was until it was
 5 discussed.

6 Bad news and we need to
 7 start fighting back and
 8 educating people,
 9 educating the legislators
 10 so that they're aware of
 11 the way NYCLU settlement
 12 has impacted your jobs,
 13 the way that further
 14 restrictions on SHU are
 15 going to impact your jobs.
 16 And the way that
 17 everything coming out of
 18 New York City is not
 19 geared towards making your
 20 job easier, it's geared
 21 towards making the lives
 22 of individuals that you're
 23 tasked with looking after

227

1 the way that it's looking,
 2 the way the media reports
 3 it, the fact that the
 4 voter turn out in the
 5 primary was four times
 6 what it's been in the
 7 past, it's looking more
 8 and more like -- do you
 9 watch Game of Thrones?
 10 Well, winter is coming.
 11 And it's true, we don't
 12 know what we're going to
 13 be dealing with.

14 We have friends in the
 15 Democratic side, don't get
 16 me wrong. It's not like
 17 that side of aisle is
 18 completely oblivious to
 19 the needs of the NYSCOPBA
 20 members, but many of them
 21 are. Like someone eluded
 22 to earlier, most of them
 23 don't even know what HALT

226

1 easier.

2 So, we all know that
 3 those aren't the cream of
 4 the crop. We're seeing
 5 that in New York City,
 6 Rikers Island with the
 7 raise the age. I think
 8 there was close to forty
 9 COs injured in the first
 10 week that raise the age
 11 was put in place. These
 12 juveniles are not
 13 juveniles, they're
 14 criminals. Let's call
 15 them what they are.

16 And unfortunately that
 17 type of mentality is going
 18 to be making its way to
 19 the state system. Now
 20 Rikers did implement the
 21 body scanners, and just to
 22 clear, that's strictly a
 23 New York City corrections

228

1 initiative. That has no
2 impact on the state
3 system.

4 I've seen some posts on
5 Facebook where people are
6 excited this is coming to
7 the state. At this point
8 it's not; that is a law
9 specific to New York City
10 and only to New York City,
11 Rikers Island.

12 We got assurances from
13 legislators that want to
14 take that identical
15 language from that body
16 scanner bill and implement
17 it at the state level.
18 Clearly there's a cost
19 associated with that, but
20 we spoke with the Chairman
21 of the Corrections
22 committee, David Weparin,
23 and he's expressed the

229

1 the chiefs, the regional
2 VPs to set up some
3 locations.

4 We probably won't be
5 able to do as many as we
6 have in the past, but we
7 got to get out there and
8 we got to educate the
9 members on what's
10 happening and what's most
11 likely coming in the near
12 future.

13 So if there is any
14 questions about what we
15 discussed or didn't
16 discuss, I'd be happy to
17 take those questions. If
18 not, that concludes my
19 report. All right.
20 Thank you. Have a good
21 day.

22 PRESIDENT POWERS:

23 Thanks, Dan. Move into

231

1 willingness to introduce
2 an identical bill that
3 would bring the body
4 scanner into the state
5 system.

6 I think it would be a
7 great initiative. It
8 would help a lot with
9 concern of contraband and
10 safety and security. So
11 we'll continue to have
12 those conversations with
13 Mr. Weparin and whoever is
14 going to be in control of
15 the Senate. But, again,
16 we need your support, we
17 need your involvement, we
18 need the membership
19 involvement. We can't do
20 it without you. So just
21 be on the lookout for
22 those PAC seminars. We're
23 going to be working with

230

1 committee reports. Joe?

2 VP WEST MIANO: Joe
3 Miano, Western Region VP.
4 Health and welfare
5 committee, just want to
6 ask for unanimous consent
7 to have Purchasing Power
8 be one of our approved
9 vendors for NYSCOPBA.
10 I'd ask that to the body
11 now, I'm asking for
12 consent to have Purchasing
13 Power be one of our
14 vendors. All in favor
15 please say yes?

16
17 (Response of yes from
18 the floor.)

19
20 VP WEST MIANO: Nays?

21
22 (No response.)
23

232

1 VP WEST MIANO: Okay.
 2 Thank you. One thing, as
 3 a payroll deduction it
 4 would have to be approved
 5 by the comptroller. Maybe
 6 we can get him back in
 7 here and ask him. That's
 8 one of the things that has
 9 to be approved. So,
 10 thank you.

11 PRESIDENT POWERS:
 12 Kenny?

13 KENNY GOLD: Kenny
 14 Gold, Orleans. The PR
 15 committee met on October
 16 1st at the Marriott. For
 17 anybody that doesn't know,
 18 we've been tasked with
 19 finding a different spot
 20 for our EAs for different
 21 meetings, as well as
 22 Mike's motion to find a
 23 family friendly venue for

233

1 Marriott. Obviously it's
 2 just a recommendation, we
 3 don't have dates, but
 4 can't -- they gave us a
 5 list of dates when we
 6 would be going in those
 7 months moving forward.
 8 So, we can't go until 2021
 9 because we are under
 10 contract here until the
 11 end of 2020.

12 So that's it on the
 13 hotel part. The only
 14 other thing we really
 15 talked about ad nauseam is
 16 moving forward next year
 17 with the State Fair. We
 18 talked a little on it at
 19 the last EA. We have a
 20 booth idea set up for
 21 charity purposes only.
 22 We're not going to get
 23 into the weapons or the

235

1 July of 2021 is when it
 2 was.

3 But we went to the
 4 Marriott, obviously
 5 there's been a lot of
 6 displeasure with the
 7 Desmond. The committee
 8 went there on the 1st.
 9 The hotel was newly
 10 renovated. The Committee
 11 agreed absolutely to go
 12 there again. And the
 13 price are the same as the
 14 prices here, minus one
 15 thing that Lisa's got to
 16 work on for the room
 17 rental.

18 So, everything else is
 19 the same exact price. So
 20 our recommendation moving
 21 forward in 2021 is to
 22 go -- to move -- it's
 23 right on Wolff Road to the

234

1 blood and the gore of what
 2 we face every day; it's
 3 not political message to
 4 have the cell.

5 If you guys have a
 6 county fair or somewhere,
 7 it could be the same
 8 everywhere around the
 9 state. But we can't move
 10 forward with the State
 11 Fair idea until December
 12 when we get the actual
 13 budget and see what we're
 14 budgeted for. Because the
 15 last time we did the state
 16 fair after paying mileage,
 17 per diem, hotel and
 18 everybody on top of the
 19 twenty thousand dollars
 20 for the booth itself, it
 21 ended up running about
 22 fifty thousand.

23 So that's something

236

1 that come December, we're
2 totally ready to go with
3 it. If you guys want to
4 do it again. I think
5 everybody probably agrees,
6 it was probably the best
7 thing we had done with
8 membership involvement, we
9 had seventy-two different
10 members come in. Granted,
11 we gave them mileage and
12 per diem and stuff, but
13 they worked for us,
14 charity work for
15 themselves for four hours.

16 So, if anybody has any
17 questions on the state
18 fair or anything, shoot.
19 All right. Thanks.

20 PRESIDENT POWERS:
21 Thanks, Kenny. Eladio?

22 ELADIO MARTINEZ:
23 Good afternoon, guys. I

237

1 If you work just Monday,
2 you're not going to get
3 it. If you work Sunday
4 and Monday, you get the
5 added benefit.

6 If your members get
7 activated, please notify
8 us and we'll do what we
9 can. Any questions?
10 Thanks.

11 PRESIDENT POWERS:
12 Steve Carknard, PAC?

13 STEVE CARKNARD: 2018
14 PAC balance sheet as of
15 September 5th, 2018.
16 Starting balance July
17 31st, seventy-seven
18 thousand, six hundred and
19 eighty-nine dollars.
20 Deposits and transfers,
21 July transfers,
22 twenty-five thousand.
23 August transfers,

239

1 ain't got much to report.
2 Couple things. The trip
3 to New York City for the
4 Veterans Remembrance Tour
5 was really good.
6 Everybody was really
7 grateful about it, so
8 thank you.

9 Next year's trip is
10 probably going to be to
11 Washington. The payment
12 is still going to be the
13 same, going to be about
14 200 bucks to go, we're
15 going to raise it up from
16 the hundred.

17 And the MOU for
18 Veterans Day, I don't know
19 if anybody understands the
20 way it works. For the
21 Vets, if you're a veteran,
22 you have to work both days
23 to get the double benefit.

238

1 twenty-five thousand, for
2 a total income of fifty
3 thousand.

4 Checks paid out, 3275
5 through 3297, for a total
6 expense of fifty-one
7 thousand, six hundred
8 ninety dollars for an
9 ending balance of
10 75,999.00. Total
11 expenditures for 2018,
12 258,175.00.

13 PRESIDENT POWERS:
14 Thanks, Steve. Heath?

15 HEATH ALLEN: Heath
16 Allen, Elections
17 Committee. On October
18 5th, the Election
19 Committee met to count the
20 amendment ballots for
21 Article 3 membership. The
22 total ballots were 2633.
23 The yes ballots were 2298.

240

1 The no ballots were 291.
2 There was 44 discounted
3 ballots. So the amendment
4 passed.

5 We have a couple
6 openings by committees for
7 the north. John Roberts?

8 VP NORTH ROBERTS: John
9 Roberts, Northern Region
10 Vice President. Northern
11 region nominates Jimmy
12 Bell from Riverview for
13 health and welfare.

14 HEATH ALLEN: That's
15 all I got. Anybody got
16 any questions?

17 PRESIDENT POWERS:
18 Thanks, Heath. Okay.
19 Pete?

20 PETE STETZ: All right.
21 Old business, we have
22 Article 3 with regards to
23 the membership and those

1 criminal charges or a
2 criminal investigation
3 against bargaining
4 members, where it shall
5 appear to the Executive
6 Board in its discretion
7 that the actions alleged
8 or being investigated,
9 occurred while the member
10 was engaged in the lawful
11 performance of his or her
12 duties.

13 And that the assisting
14 in such defense shall be
15 consistent with the
16 overall interest of the
17 general membership. If
18 criminal charges are
19 brought, the member,
20 members must file and
21 qualify for reimbursement
22 Under New York State Penal
23 Law Section 19.

1 opting out. Once an
2 individual opts out of the
3 membership or decides not
4 to become a member, the
5 individual will not
6 thereafter be permitted to
7 rejoin NYSCOPBA. The vote
8 from the membership 2633
9 thousand. Received, 2298
10 in favor of, 291 opposed,
11 44 were discounted.
12 Motion carries forward or
13 the amendment carries
14 forward.

15 New business, proposed
16 amendment to Article 7,
17 dues Section, A, Legal
18 Defense Fund. NYSCOPBA
19 will set up a Legal
20 Defense Fund for the
21 defense criminal of its
22 members. This fund will
23 be used for the defense of

1 Members must execute
2 assignment of any funds
3 received back from New
4 York State to NYSCOPBA and
5 return to the Legal
6 Defense Fund. As soon as
7 the fund approved in
8 accordance with NYSCOPBA's
9 constitution, it will
10 establish one dollar per
11 pay per member. This fund
12 will be determined on a
13 case by case basis, by
14 factors presented by
15 regional VPs and by vote
16 of the Executive Board.

17 The Executive Board
18 will decide on a case by
19 case basis what resources
20 are to be utilized.
21 Adding this language, the
22 Legal Defense Fund will be
23 capped at two million

1 dollars. If the fund
2 balance exceeds two
3 million the funds in
4 excess of two million
5 dollars will be
6 transferred into the Rainy
7 Day Fund.

8 The wisdom, due to the
9 ever changing climate, as
10 well DOCCs changing
11 policies and abilities to
12 suspend our member, this
13 would aid in keeping the
14 Rainy Day Fund
15 self-sustaining and the
16 funds would continue to
17 benefit our membership.

18 This was submitted by
19 Ken Gold out of Orleans.
20 We had multiple
21 discussions jointly with
22 the finance committee on
23 this. Bottom line it's a

245

1 vested in the fund for
2 twenty-five years.

3 Pros, suspending it
4 would -- suspending this,
5 stopping this benefit
6 would create a cost
7 savings money for the
8 Rainy Day Fund. The
9 savings will only increase
10 the Rainy Day Fund
11 continues simply because
12 the separation benefit
13 increases fifty dollars
14 per year to the maximum
15 pay out.

16 Cons against it,
17 suspending this, this is
18 part of a selling point of
19 bringing the Rainy Day
20 Fund in place, was that
21 we were essentially
22 getting most of our
23 investment into the fund

247

1 broken wheel what we have.
2 The fund is in dire
3 straits. Some of the
4 suggestions and options we
5 had to addressing this
6 fund, to accept the
7 amendment proposed.
8 Another option is to
9 suspend or add in the
10 separation portion of
11 benefit, funds returning
12 to the member when they
13 retire.

14 The current separation
15 benefit is fifty dollars
16 per retiree this calendar
17 year. The separation
18 benefit goes up at a rate
19 of fifty dollars per year
20 until it reaches a maximum
21 pay out of 1250.00 per
22 retiree. Basically it
23 applies to those that

246

1 back when you retire.
2 Another option we
3 considered or explored,
4 reducing the fund from
5 fifteen hundred dollars
6 biweekly to an undisclosed
7 amount.

8 We were bouncing
9 numbers around, we hadn't
10 settled on anything yet.
11 But that's -- this option
12 is also open. We
13 established the fund that
14 was unprecedented with
15 labor unions to help those
16 suspended without pay
17 during their disciplinary
18 process. Though the
19 intention was thrown not
20 to allow this process to
21 starve our members for
22 essentially doing their
23 job.

248

1 There was an opinion at
2 the table that prior to
3 the Rainy Day Fund,
4 members managed to get
5 on -- get another job,
6 while going through the
7 discipline process, at the
8 time brothers and sisters
9 at work sites also passed
10 a hat of collection to
11 help our members out.

12 A third option we
13 explored was increasing
14 the dues from two dollars
15 to an unknown dollar
16 amount. This is
17 considered to create the
18 increase that would be
19 large enough to cover the
20 monthly pay-out to its
21 members to the fund. This
22 is also allowing the
23 separation benefit to

249

1 purpose.

2 It was the committee's
3 thought that if we were to
4 look at this 23 members
5 currently for the legal --
6 who are currently eligible
7 for the Legal Defense
8 Fund, it would total
9 approximately five hundred
10 seventy-five thousand
11 dollars that they could
12 take.

13 That should be shown in
14 the potential approved
15 expenditure from the fund,
16 similar to when our local
17 work site approves funds
18 to be spent at a day a few
19 weeks out. Once the
20 NYSCOPBA's accounting
21 office receives supporting
22 documents, approves the
23 expense, they deduct funds

251

1 remain in tact.

2 With the treasury
3 and/or finance committee
4 would ensure that one
5 dollar of the dues
6 allocated for the Rainy
7 Day Fund would go into a
8 separate line item within
9 it, to be earmarked for
10 the separation benefit.

11 In conclusion, the
12 finance committee along
13 with constitution and
14 bylaws committee, we were
15 both unaimous for
16 non-adoption citing the
17 following. The Legal
18 Defense Fund was ratified
19 by our membership as
20 written in our Article 7,
21 Section A; this will be a
22 dedicated fund and it can
23 not be used for any other

250

1 and the check be written.

2 Therefore, by applying
3 this thought it would
4 bring the fund, Legal
5 Defense Fund below the two
6 million dollar cap. The
7 Rainy Day Fund was created
8 to assist our members as
9 well, as we brought this
10 about three years ago. It
11 also sounded great,
12 members helping members,
13 with such a small
14 contribution. The
15 unpredictable was the
16 members that chose not to
17 return funds they received
18 in a pay-back award to
19 NYSCOPBA, which brought
20 about us retrieving the
21 funds through collections
22 and/or with court and
23 potential wage

252

1 garnishment.
 2 If the fund continues
 3 to go in the red because
 4 of delinquent pay backs
 5 and increasing amount of
 6 members qualifying for the
 7 fund, the Rainy Day Fund
 8 can't sustain itself, we
 9 may have to consider the
 10 ultimate suspending the
 11 Rainy Day Fund, as
 12 discussed when we first
 13 created this unless we
 14 come up with a long term
 15 repair or fix of the fund.
 16 Bottom line, it's not
 17 for the four hundred fifty
 18 thousand owed back to the
 19 fund, the fund could
 20 sustain itself and
 21 wouldn't be having this
 22 discussion today. The
 23 four fifty would be a

253

1 term fixed.
 2 PETE STETZ: So, what
 3 we're asking you, take
 4 this information, if you
 5 have any questions reach
 6 out to me, Chris Summers,
 7 the treasurer, Frank.
 8 We'll give you answers.
 9 Donn brought up questions
 10 to the comptroller, that
 11 gets the money back
 12 faster. But get this back
 13 to your membership, we got
 14 to fix the wheel or we
 15 stop it.
 16 MR. GRUBER: Gruber,
 17 Lakeview Shock. Did you
 18 come up with a number that
 19 to increase -- did you
 20 guys discuss say, would
 21 four dollars make it
 22 happen?
 23 PETE STETZ: We

255

1 Band-aid, but down the
 2 road we'd be where were
 3 are now. The money the
 4 treasurer takes it doesn't
 5 make ends meet, we're
 6 behind.
 7 So with this we -- as
 8 it was discussed at the,
 9 meeting they want to take
 10 it back to the members,
 11 here we are; we need to
 12 fix it.
 13 KENNY GOLD: Pete, I'm
 14 withdrawing the motion.
 15 I'm going to withdraw the
 16 amendment in regards to
 17 new business to fix it and
 18 change the policy to some
 19 of the changes that the
 20 finance and constitutional
 21 and bylaws committee came
 22 up with to try and keep
 23 this, so there is a long

254

1 discussed a couple
 2 different dollar amounts,
 3 but we need to sit down
 4 with an actuary, someone
 5 that's going to play with
 6 the numbers, show the
 7 income, show what the pay
 8 out is going to be down
 9 the road. Like I said, we
 10 have thirty members
 11 currently on the Rainy Day
 12 Fund.
 13 Do the multiplication,
 14 we put forty-five thousand
 15 dollars every two weeks
 16 and when we're taking in
 17 just under forty-five,
 18 we're in the red every
 19 chapter. So this is where
 20 we need to fix it. The
 21 separation for those that
 22 separate service. We may
 23 have done it at one point,

256

1 but we had to reach into
2 that to keep our members,
3 keep the money going to
4 our members.

5 But now we got to
6 figure out what dollar
7 amount would truly work
8 and it may come down to --
9 we may have to recede it
10 again just to give it a
11 bump, but we'll cross that
12 brings when it comes.

13 MR. FEENEY: Brian
14 Feeny, Lakeview Shock.
15 How many retirees do we
16 have each month on the pay
17 back out of the fund that
18 we pay?

19 PETE STETZ: The exact
20 number, I don't know. The
21 average has been about
22 seventy through attrition,
23 so multiply that by fifty

257

1 sitting out a year saying,
2 hell, I'm collecting for
3 two, three years, it ain't
4 looking good for me.

5 PETE STETZ: As you
6 know, certain cases you
7 really don't want the
8 expedited. It's whatever
9 the incident was that
10 dictates the pace we take.
11 And there's been a lot of
12 questions on that. Does
13 our members take that
14 route for that purpose to
15 take the money from us, we
16 don't know, that's just a
17 thought so.

18 But, other than that we
19 know -- those we know who
20 are on the fund, when a
21 settlement comes down all
22 we can ask is the chiefs
23 who work with those guys

259

1 dollars. That's what, 35
2 thousand monthly that
3 comes out of that fund so
4 Questions?

5 MR. SONKO: Hi, Pete.
6 Jim Sonko, Fishkill. I do
7 have a question about the
8 disciplinary process. I
9 know guys are being paid
10 out, I understand and I
11 know that time heals. But
12 as a union we got to find
13 things that work for this
14 body. And if we let
15 people sit a year, year
16 and a half without an
17 arbitration date, maybe
18 there should be something
19 where they go to expedited
20 arbitration if they want
21 the fund and get some
22 dates that work in the
23 first year. Instead of

258

1 when they get the pay
2 back, get it back to us
3 instead of taking six
4 months or longer or force
5 us to go down to
6 collections that takes
7 upwards of a year to get
8 through. Any other
9 questions? Thank you.

10 PRESIDENT POWERS:
11 Maker of the motion, has
12 withdrew the motion.
13 We're going to need
14 consent from the body to
15 approve that. So all in
16 favor signify by saying
17 eye.

18
19 (All respond with aye.)

20
21 PRESIDENT POWERS:
22 Anybody opposed?
23

260

1 (No response.)

2
3 PRESIDENT POWERS:

4 Thank you. Finance?

5 TREASURER GILBO:

6 Good afternoon again.

7 2019 budget is reflected.

8 I'll go over the

9 differences -- well, I'll

10 go over all the income

11 first.

12 Thirteen million in

13 dues. 225 thousand in

14 interest increase, you

15 notice that's less than

16 last year because last

17 year we estimated a little

18 high and so we lowered

19 that this year. Retired

20 members dues you almost

21 doubled that because their

22 dues doubled.

23 Rental income, noticed

261

1 up five thousand. Repairs

2 maintenance stayed the

3 same. Member benefits

4 went up a little bit.

5 The legislative related

6 expenses, we've lowered

7 that by fifty thousand.

8 Printing and outside

9 copying went up

10 twenty-five thousand

11 dollars. Office expenses,

12 went up fifty thousand.

13 Consult and temporary

14 staff went down fifteen

15 thousand. Legal fees went

16 up a hundred fifty

17 thousand.

18 Public relations went

19 up fifty thousand.

20 Occupancy went up fifty

21 thousand. Social media

22 department went up

23 thirteen thousand, four

263

1 that go up, too. I'm

2 happy to say the whole

3 building is rented at

4 NYSOPBA land.

5 Miscellaneous income it

6 stayed the same. We also

7 put the 25.9 money in

8 there, the EA request from

9 last year, which we do not

10 have but we're

11 anticipating getting that

12 when the contract settles.

13 For a total of fourteen,

14 eight ten, five ten.

15 Expenses, I'll just go

16 with the ones that are

17 different. Employee

18 payroll went up eighteen

19 thousand. Depreciation

20 amortization went down ten

21 thousand. Equipment lease

22 rental went up twenty-four

23 hundred. Insurance went

262

1 hundred. Miscellaneous

2 expenses went up a

3 thousand. Sector

4 operations went down

5 eleven thousand.

6 Union leave, we

7 anticipate that's going to

8 be forty thousand more --

9 or went down forty

10 thousand, excuse me.

11 Building expenses went

12 down fourteen thousand,

13 fifty total. For a total

14 budget of fourteen eight

15 ten, five ten.

16 Questions? The first

17 reading it will be

18 adopted.

19 ANDY RICE: Rice,

20 Elmira. The sector

21 allowance is going down by

22 another thousand?

23 TREASURER GILBO: We

264

1 didn't spend as much last
2 year, so we lowered that
3 number a little bit.

4 ANDY RICE: So just
5 because we didn't spend it
6 we --

7 TREASURER GILBO:
8 Everybody gets the same
9 amount of money. It's the
10 overall budget.

11 STEVE MARASCO: Steve
12 Marasco, Shawangunk. It
13 seems like every year we
14 do the budget, every year
15 I say this, again we're
16 budgeting that 25.9 money,
17 almost a million dollars
18 we don't have. I'm gonna
19 say it again. I'd rather
20 not spend it if we don't
21 got it. I know when we
22 get the contract we're
23 gonna get it, but what if

265

1 Shawangunk. I've been
2 looking over some of these
3 numbers that we got. And
4 before we go into voting
5 on this budget and
6 deciding if we should add
7 that million dollars into
8 the budget, I just want to
9 make some clarification to
10 some of the members here,
11 because as I've been
12 listening I'm hearing some
13 people are little confused
14 about our state of our
15 general ops.

16 Our general ops as
17 Frank Gilbo said was at
18 ten point two million.
19 But what I want everybody
20 to understand is, that
21 that includes the two
22 point five million from
23 the Rainy Day Fund and

267

1 we don't?

2 TREASURER GILBO: Last
3 year at the EA when we
4 tried to do it, it wasn't
5 approved, they said put
6 the 25.9 money. So, to
7 avoid all that, we put it
8 in this year.

9 STEVE MARASCO: Okay.

10 DONN ROWE: Request,
11 could we get the profit
12 loss budget actual from
13 January to date?

14 TREASURER GILBO: It
15 should be in your e-mail.

16 DONN ROWE: And could
17 we get the worksheets for
18 the budget, the
19 breakdowns.

20 TREASURER GILBO: Yes.

21 DONN ROWE: Get those
22 mailed out.

23 AL ZAPPALA: Al Zappala

266

1 that forty something
2 thousand -- two point five
3 from the Legal Defense,
4 and that fifty thousand
5 dollars from the Rainy Day
6 Fund.

7 If you minus those
8 numbers, your true number
9 of the general operating
10 budget is seven point
11 seven million. If we cash
12 in a bond, that will bring
13 us down to six point seven
14 million in general ops
15 treasury.

16 Now, I don't know if
17 you guys are aware of this
18 but back in 2009 our
19 constitution was amended,
20 Article 25, Section C,
21 that if the treasury ever
22 reached six million, we're
23 going into austerity

268

1 budget. And in the words
2 of John Telisky in the
3 June 23rd, 2009 EA he
4 stated, if we're hovering
5 around six point eight
6 million, you got to bring
7 that to your attention at
8 the EA.

9 The theory being, that
10 the next time we meet is
11 two months from now. And
12 if we do cash that bond
13 and we're down to the six
14 point seven million, we
15 could be hitting that
16 threshold depending on
17 what transpires.

18 So I just want to bring
19 to the attention of
20 everyone at the EA, if you
21 want to vote that million
22 dollar bond to be cashed,
23 we're going to go from

269

1 thousand.

2 TREASURER GILBO:
3 That's stuff we're going
4 to have to talk about, if
5 it does get down that low.
6 We'll know by the next EA.
7 Anything else? Thank you.

8 PRESIDENT POWERS:
9 John, Mike, CBC?

10 VP MID-HUDSON MAZZELLA:
11 Mike Mazzella, CBC; John
12 Harmon on the other end.
13 Second date is set for the
14 16th. Yesterday we had --
15 we were called to a
16 meeting with President
17 Powers, as he told you
18 earlier.

19 It was a conversation,
20 it was not a negotiation.
21 During that conversation
22 we talked discipline. We
23 did not come to any type

271

1 seven point seven million
2 to a true number of six
3 point seven million and
4 then we eventually will
5 have to go into austerity
6 budget, per the
7 constitution the finance
8 committee will have to
9 meet. And we're going to
10 have to do something
11 anyway. So, next year
12 there is no option of
13 cashing this bond. And I
14 don't know even know if
15 this year should be an
16 option, but that's for all
17 of you to decide.

18 Thank you very much.

19 DOUG WESTERVELT:
20 Southport, Westervelt.
21 Just another reason that
22 that PR firm we need to
23 vote it out for ninety

270

1 of agreements, but we did
2 get Mr. Mojica at the end
3 of the meeting to state
4 we'll present something to
5 you guys hopefully by our
6 next mediation date.

7 So, we're waiting for
8 the State to see what
9 they're talking about as
10 far as what they'll accept
11 in discipline language or
12 what we'll accept in
13 discipline language and
14 then we'll move on. Any
15 questions? No questions.
16 Thank you.

17 PRESIDENT POWERS: That
18 concludes committee
19 reports. Any objection to
20 moving into tomorrow's
21 agenda? Seeing none.
22 There's no unfinished
23 business. New business,

272

1 to hire Gramercy PR for a
2 three year retainer at
3 seventy-six hundred
4 dollars a month, totaling
5 91 thousand, two hundred
6 annually.

7 CHRIS HICKEY: Can we
8 take a break?

9 PRESIDENT POWERS:
10 Sure. Ten minute break.

11 (Whereupon, a brief
12 recess was then taken.)

13
14
15 PRESIDENT POWERS: All
16 right. Let's get the
17 doors closed and get
18 started. Let's find our
19 seats. All right. We'll
20 get back to new business.
21 There's a motion in your
22 packet.

23 To hire Gramercy PR for

273

1 outs.

2 VP MID-HUDSON MAZZELLA:
3 Thirty days, opt out, no
4 questions asked kind of
5 thing?

6 PRESIDENT POWERS:
7 Sixty.

8 DOUG WESTERVELT:
9 Westervelt, South Port.
10 You guys heard what the
11 treasurer report is like.
12 We already have people
13 doing PR, we have
14 legislative people, we're
15 keeping it within the
16 organization. We got to
17 start looking at cutting.

18 And I really hate to
19 cut from member benefits
20 versus hiring on outside
21 firm at 90 thousand
22 dollars. And that's my
23 personal opinion. We got

275

1 a three year retainer at
2 seven thousand, six
3 hundred dollars a month,
4 totaling ninety-one
5 thousand, two hundred
6 annually. Motion is made
7 by the Executive Board.

8 Discussion on the motion?
9 Michael?

10 VP MID-HUDSON MAZZELLA:
11 Mike Mazzella, Mid-Hudson
12 Region Vice President.
13 I'm going to be honest
14 with you, I didn't read
15 the contract
16 word-for-word. Is the
17 there an opt out clause?

18 PRESIDENT POWERS: Yes.

19 VP MID-HUDSON MAZZELLA:
20 What is the opt out
21 clause?

22 PRESIDENT POWERS: The
23 same as all the other opt

274

1 to start cutting
2 somewhere. We might as
3 well start right here.
4 Keep the monies within the
5 brotherhood.

6 PRESIDENT POWERS:
7 Mike?

8 VP MID-HUDSON MAZZELLA:
9 Mike Mazzella, Mid-Hudson.
10 So, would we be able to
11 use Gramercy if we didn't
12 have a contract with them,
13 for let's say three months
14 down the road we decide we
15 want to do something we
16 could?

17 PRESIDENT POWERS: No
18 different than the
19 campaign we hired them for
20 in the beginning.

21 VP MID-HUDSON MAZZELLA:
22 The only thing we wouldn't
23 have would be the

276

1 day-to-day press releases,
2 you know, that sort of
3 thing I guess, correct?

4 PRESIDENT POWERS: Yes.
5 And the quick turnarounds
6 that we have regarding any
7 crisis situations that
8 might pop up. Anything
9 that happens within the
10 facilities. There's a
11 multitude of things that
12 we use them for in the
13 past.

14 VP MID-HUDSON MAZZELLA:
15 And the thing that we
16 would get with Gramercy in
17 my opinion would be a
18 incident occurs at a
19 facility, I get all the
20 information from that, I
21 would send it to Gramercy
22 and one of their
23 journalists would actually

277

1 mean, until his questions
2 get answered, shouldn't
3 this get tabled?

4 Wouldn't that be the
5 ideal thing for the EA to
6 do is to table it until
7 Donn's questions can be
8 answered?

9 PRESIDENT POWERS:
10 Frank has the answers to
11 that now.

12 BOB GLEASON: Quick
13 question, Bob Gleason,
14 Gouverneur. Isn't that
15 what Jim does? Your daily
16 stuff, we give to him, he
17 puts it out.

18 PRESIDENT POWERS: He
19 does that right now.

20 BOB GLEASON: That's
21 what I'm saying.

22 PRESIDENT POWERS: But
23 he does additional stuff

279

1 write a press release
2 based on the information I
3 gave them?

4 PRESIDENT POWERS: Part
5 of their retainer.

6 VP MID-HUDSON MAZZELLA:
7 As a professional press
8 piece, not just somebody
9 like me writing a press
10 release?

11 PRESIDENT POWERS:
12 Right.

13 VP MID-HUDSON MAZZELLA:
14 Thank you.

15 PAUL MIKOLOJAC: Paul
16 Mikolojac, Sing Sing
17 Prison. Earlier Donn Rowe
18 asked some questions about
19 previous money paid out.
20 Were we going to get those
21 answers before the vote or
22 are we going to get those
23 answers after the vote? I

278

1 as well.

2 BOB GLEASON: Right.
3 But if we need something
4 big, we hire those guys?
5 I'm just wondering.

6 PRESIDENT POWERS: Come
7 on up.

8 JIMMY MILLER: To
9 address the difference
10 between having somebody,
11 hiring them just say you
12 want to run another
13 campaign. They have a
14 number of clients that are
15 on retainer. They're
16 going to take priority.
17 They're not going to drop
18 everything for you guys if
19 you're not on retainer, as
20 opposed to if you're on
21 retainer, then we call
22 them, they're going to
23 drop -- they should drop

280

1 everything, as opposed to
2 okay, guys, we need
3 something done and we need
4 it done quickly. Well,
5 they have might have six
6 or seven other clients,
7 big clients that they have
8 to take care of that might
9 take priority.

10 That's a big
11 difference. That is why I
12 try to emphasize, when
13 companies, organizations
14 like this or big private
15 companies they hire
16 somebody, a lot of times
17 they hire them on
18 retainer, they know they
19 might spend a hundred
20 thousand dollars, but to
21 have them there when they
22 need to, is important to
23 them.

281

1 you. Tell us how it's
2 going to benefit all of
3 us.

4 JIMMY MILLER: I think
5 very much like myself I
6 have a law enforcement
7 background, Matt does.
8 And Andrew has that
9 political background.
10 They understand a lot, the
11 issues that you have a lot
12 more. And this is -- some
13 of the bigger unions in
14 the state have more than
15 one person in-house as
16 well as somebody outside.

17 So, having their
18 extensive background,
19 again I go back to MPS, I
20 know they ended up not
21 renewing their contract,
22 but James Freedman when
23 he was there, he knew what

283

1 There's even some small
2 law firms in Albany that
3 have Baker PR, she does
4 nothing for them in a year
5 but they pay her two
6 thousand dollars a month.
7 That's the cost of doing
8 business. That's the
9 difference.

10 PRESIDENT POWERS:
11 Mike?

12 MIKE CARLSON: Mike
13 Carlson, this is a
14 question for you, Jimmy.
15 Jim, can you let us know
16 how it would benefit
17 everybody here working
18 with you, why it would be
19 a plus and why they're
20 worth the money? In your
21 eyes, I mean you're doing
22 this every day, they're
23 going to be working with

282

1 your issues were. I
2 worked very well with him.
3 And I think that just
4 enhances the ability.

5 You know, what goes on
6 in Albany is a lot more
7 than just getting a press
8 release out and sending
9 something out. There's a
10 lot of other things that
11 we do, including all the
12 sponsorships. They take
13 up a lot of time.

14 So I'm not advocating
15 for them one way or the
16 other. I just feel
17 comfortable with those
18 guys. It's gonna be up to
19 you whether you want to
20 retain them. But I think
21 they would be -- I have
22 worked very well with
23 them.

284

1 Whether I'm writing the
2 press releases and they're
3 reviewing them or whatever
4 the makeup is, if they're
5 looking at the social
6 media side, when you're
7 thinking about covering
8 the entire state. You're
9 a big organization. It's
10 a pretty good geographic
11 area to cover. But that's
12 pretty much the way I can
13 articulate it.

14 TREASURER GILBO: The
15 answers to Donn Rowe's
16 question about how much we
17 paid to Gramercy so far,
18 so far we paid them
19 \$208,466.50. We still owe
20 them \$8500.00, one more
21 payment.

22 PAUL MIKOLOJAC: So
23 adding the 8500 in, it's

285

1 our contract, Paul. What
2 we use them for was a
3 campaign which was
4 approved and talked ad
5 nauseam in this room to
6 put on a campaign to the
7 Governor regarding his
8 policies. We passed that.
9 We went ahead with the
10 campaign. We deemed the
11 campaign a success. We
12 ultimately --

13 PAUL MIKOLOJAC: How
14 was that decided? When
15 was it voted on by the
16 Executive Assembly?

17 PRESIDENT POWERS:
18 June.

19 PAUL MIKOLOJAC: That
20 it was a success and not
21 to go to phase two.

22 PRESIDENT POWERS: June
23 and last August.

287

1 just shy of two hundred
2 twenty-five thousand.

3 TREASURER GILBO: Two
4 sixteen, two seventeen.

5 PAUL MIKOLOJAC: And we
6 didn't go to phase two
7 because we considered
8 phase one a success by
9 getting a meeting to
10 discuss the disciplinary.
11 And yet not one dollar of
12 the money for the members
13 has been discussed after
14 two twenty-seven thousand
15 of PR. Does that wrap
16 this all up? And now we
17 want to go put another 90
18 thousand in, and yet we
19 still haven't discussed
20 one penny, one line item
21 of the contract.

22 PRESIDENT POWERS:
23 They're not negotiating

286

1 PAUL MIKOLOJAC: No.
2 No. When was it voted on
3 not to go to phase two by
4 the Executive Assembly?
5 Who wrote the motion, who
6 seconded the motion? When
7 did the motion get adopted
8 not to go to phase two.

9 PRESIDENT POWERS: I
10 don't believe there was a
11 motion.

12 VP WEST MIANO: There
13 wasn't a motion.

14 PAUL MIKOLOJAC: So
15 then why aren't we going
16 to phase two? Because I
17 was at the June EA when
18 you said, we are going to
19 do this until we get
20 resolution. Now, there is
21 no resolution --

22 PRESIDENT POWERS: The
23 resolution was to meet

288

1 with the Governor, Paul.
 2 And it was at the behest,
 3 and I believe it was Donn
 4 Rowe who emphatically and
 5 justifiably said, you need
 6 to get to the Governor.
 7 Because our hurdle was his
 8 chief counsel which I
 9 discussed in my
 10 President's report. So,
 11 that was our initiative.
 12 That initiative came to
 13 light in August.

14 PAUL MIKOLOJAC: Which
 15 not one penny was
 16 discussed.

17 PRESIDENT POWERS:
 18 We're not negotiating
 19 right now -- we're in the
 20 mediation process. He
 21 asked me, like I reported,
 22 at Great Meadow, what's
 23 the hang up? And I told

289

1 PRESIDENT POWERS:
 2 Kenny?

3 KENNY GOLD: Kenny
 4 Gold, Orleans. We talk
 5 about that June EA where
 6 we talked about the
 7 campaign, putting it out.
 8 It was discussed ad
 9 nauseam as well how much
 10 money we were going to
 11 spend and it was
 12 eighty-five thousand
 13 dollars. Did that full
 14 two hundred and eight
 15 thousand dollars go to the
 16 campaign?

17 TREASURER GILBO: No, I
 18 got the breakdown. The
 19 total two hundred eight
 20 thousand dollars; forty
 21 thousand was the retainer.
 22 A hundred thirty-five
 23 thousand in media;

291

1 him, the information that
 2 I receive from our
 3 co-chairs in the committee
 4 and the work that the
 5 collective bargaining
 6 committee is doing.

7 I didn't talk about
 8 money with anybody. And
 9 we're not talking --
 10 Gramercy is not
 11 negotiating our contract.

12 PAUL MIKOLOJAC:
 13 Thank you.

14 STEVE MARASCO: Steve
 15 Marasco, Shawangunk. This
 16 might be a stupid
 17 question, but I'm going to
 18 ask it anyway. If we hire
 19 Gramercy, does this come
 20 out of our PR line item?

21 TREASURER GILBO: Yes.

22 STEVE MARASCO:
 23 Thank you.

290

1 commercials and shit.
 2 Twenty-five thousand in
 3 public survey. Sixty-five
 4 hundred design marketing
 5 services. Five hundred
 6 sixty-eight dollars in
 7 Janus related services.
 8 And thirteen hundred
 9 sixty-two dollars in lawn
 10 signs.

11 KENNY GOLD: What was
 12 the hundred thirty-five
 13 for?

14 TREASURER GILBO:
 15 Hundred thirty-five
 16 thousand was for the
 17 commercials.

18 KENNY GOLD: Isn't that
 19 over the certificate of
 20 appropriation.

21 VP WEST MIANO: One
 22 fifty.

23 KENNY GOLD: One fifty,

292

1 I thought it was one
2 twenty-five. Thanks.
3 PRESIDENT POWERS: For
4 the record, eighty-five
5 Gramercy -- the campaign,
6 the total amount of the
7 campaign cost a hundred
8 thirty-five.
9 DONN ROWE: Wait a
10 second, what did you do?
11 You didn't retain
12 Gramercy, that's not what
13 we approved. We approved
14 the campaign.
15 PRESIDENT POWERS: I'm
16 sorry, for the campaign.
17 DONN ROWE: All right.
18 PRESIDENT POWERS:
19 Thanks.
20 DONN ROWE: My
21 biggest -- I think
22 Gramercy is a good group.
23 I think we really got to

293

1 supposed to be five
2 hundred thousand dollars.
3 Now, I get we did the
4 campaign and that's got to
5 be more. Consulting which
6 we didn't budget, we spent
7 fifty -- this is through
8 August since I don't have
9 the loss profit to date,
10 but this is through
11 August, it's fifty-seven
12 thousand dollars.
13 Promotional, we budgeted
14 one twenty-five; it's at
15 one forty-two, seven
16 twenty-one. Staff
17 association level
18 charities and whatnot, is
19 at one hundred, forty-two
20 thousand, seven hundred
21 twenty-one.
22 Right now we're about a
23 hundred -- I'm sorry this

295

1 rethink what we're doing
2 in PR. But, you say we're
3 going to pay for this out
4 of public relations -- we
5 have zero dollars budgeted
6 under public relations for
7 consultants. And we are
8 bleeding profusely in
9 public relations; we're
10 way over budget.
11 Jimmy made a statement
12 that we cut in PR. We
13 actually added in PR. The
14 proposed budget was seven
15 thirty-five, I believe, we
16 boosted it up to nine
17 hundred thousand dollars.
18 Advertising was supposed
19 to be seven hundred,
20 twenty-five, six
21 fifty-two. That's what
22 we -- I'm sorry, that's
23 what we spent. It was

294

1 is August. August, which
2 is the last loss profit
3 we've received, we're
4 about a hundred seventy
5 thousand dollars over
6 budget in PR.
7 PRESIDENT POWERS:
8 Dave, for those of you who
9 don't know, Dave Yule is
10 our CPA, certified public
11 accountant, works with the
12 treasurer and does our
13 monthly audits.
14 DAVE YULE: Thanks,
15 Mike. You received the
16 budget packet you asked
17 for, you see that we do
18 break everything down.
19 And in this budget there's
20 a hundred thousand dollars
21 budgeted for PR
22 consultants.
23 DONN ROWE: Next year.

296

1 DAVE YULE: Correct.
 2 We would have reduced it
 3 if we knew the number from
 4 Gramercy, but we kept it
 5 at a hundred thousand.
 6 This year we are over as
 7 us mentioned, but that's
 8 because this body approved
 9 a hundred thirty-five
 10 thousand for the campaign.
 11 So, it's naturally that's
 12 where we are. Because
 13 when I do my work with
 14 Frank slash Toby, every
 15 month you see a negative
 16 because there's no 25.9
 17 money. And then we try to
 18 add back in when we would
 19 have received the 25.9.
 20 This year I think we're
 21 pretty much on budget.
 22 That was my conversation
 23 with Frank yesterday, when

297

1 we closed up September,
 2 that you guys know, you
 3 should have received it
 4 from Nicole today but --
 5 DONN ROWE: Are you
 6 saying we're going to be
 7 close in the PR line?
 8 DAVE YULE: You're
 9 definitely over the PR.
 10 DONN ROWE: Dave, we're
 11 not talking about next
 12 years budget. We're
 13 talking about the budget
 14 cycle we're in right now.
 15 DAVE YULE: Correct.
 16 You're over budget.
 17 DONN ROWE: Right now
 18 we didn't budget any money
 19 for consulting. This is
 20 the work sheet from Dave
 21 Viddivo that Toby
 22 inherited. It was
 23 prepared in 2017. And the

298

1 numbers I just read
 2 according -- obviously we
 3 put 200 thousand dollars
 4 into this. We added 200
 5 thousand to this
 6 worksheet.
 7 DAVE YULE: Correct.
 8 DONN ROWE: And we're
 9 over a 170 thousand
 10 dollars as of August, so
 11 God knows what we're over
 12 now.
 13 DAVE YULE: Correct,
 14 because you -- the basis
 15 of the budget is to come
 16 up with a zero based
 17 budget.
 18 DONN ROWE: It's good
 19 for next year --
 20 DAVE YULE: Same for
 21 this year.
 22 DONN ROWE: You got a
 23 950 for next year, we had

299

1 900 this year. And as of
 2 July we were over budget.
 3 DAVE YULE: Correct.
 4 That's been the taunt
 5 throughout and when you
 6 get your budget reports,
 7 it should be all
 8 transparent to you that
 9 that's where we're over.
 10 But you also had some
 11 lines where you're saving
 12 money. And that's what we
 13 tweaked when we did this
 14 years budget. Again,
 15 we're trying to do --
 16 DONN ROWE: Again,
 17 that's a fifty thousand
 18 dollars difference between
 19 last year budget and this
 20 year. What I'm saying
 21 right now is we were broke
 22 in that line in probably
 23 June, halfway through the

300

1 year, even before this
 2 campaign.
 3 DAVE YULE: Correct.
 4 But, again, this body has
 5 never from what I can
 6 remember said, okay, we're
 7 over this line, let's take
 8 this line from that we're
 9 short and move it back up
 10 to this line where we're
 11 over. Because, again,
 12 that was my conversation
 13 with Toby about the 135.
 14 You know, do you make a
 15 motion to take savings
 16 that he knows he's going
 17 to have this year as a its
 18 trending to cover
 19 Gramercy? And from my
 20 conversation there was no
 21 appetite from the EA to do
 22 something, you know,
 23 because again, that can be

301

1 PRESIDENT POWERS:
 2 Opposed?
 3
 4 (Response of nay from
 5 the floor.)
 6
 7 PRESIDENT POWERS: Nays
 8 please rise. All in favor
 9 of a role call vote?
 10 Chris?
 11 CHRIS HICKEY: Point of
 12 order. Request a weighted
 13 vote. Need twenty percent
 14 for weighted vote.
 15 RECORDING SECRETARY
 16 SUMMERS: Ask for
 17 unanimous consent to go to
 18 weighted vote. All in
 19 favor?
 20
 21 (All respond with aye.)
 22
 23 RECORDING SECRETARY

303

1 done during the year to
 2 tweak the budget. As we
 3 go back and forth, I think
 4 that's a great thing for
 5 frank going forward to
 6 keep everything as
 7 transparent as possible.
 8 Thank you.
 9 PRESIDENT POWERS:
 10 Thanks, Dave. Any other
 11 discussion? I'll read the
 12 motion again.
 13 To hire Gramercy PR
 14 for a three year retainer
 15 at 7600 hundred dollars a
 16 month, totaling ninety-one
 17 thousand, two hundred
 18 annually. Motion is made
 19 by the Executive Board.
 20 All in favor?
 21
 22 (Response of aye from
 23 the floor.)

302

1 SUMMERS: Anybody opposed
 2 on the weighted vote?
 3 PRESIDENT POWERS:
 4 Stand for the record.
 5 JEFF GUERIN: Jeff
 6 Guerin, Altona
 7 Correctional.
 8 KIRK BERRY: Kirk
 9 Berry, Bare Hill.
 10 BRIAN GARY: Upstate
 11 Correctional.
 12 JIM BELL: Riverview,
 13 Jim Bell.
 14 CORY VANDERWARKER:
 15 Washington, Cory
 16 Vanderwarker.
 17 ANDY COX: Ogdensburg,
 18 Cox.
 19 ANTHONY BASTO:
 20 Clinton, Anthony Basto.
 21 ED TROMBLEY: Moriah,
 22 Trombley.
 23 NICK BAIN: Great

304

1 Meadow, Bain.
 2 HEATH ALLEN: Franklin,
 3 Allen.
 4 KURT STURGEON:
 5 Adirondack, Sturgeon.
 6 VP NORTH ROBERTS:
 7 Roberts, Northern Region.
 8 VP LAW ENFORCEMENT
 9 HARMON: John Harmon, Law
 10 Enforcement VP. Just A
 11 question on the weighted
 12 vote for the Albany
 13 Training Academy having a
 14 value of five. I'm just
 15 curious, I'm just curious
 16 why the weighted vote
 17 value is five.
 18 STEPHANIE FLANAGAN:
 19 They have 491 active
 20 trainees at the Academy.
 21 VP LAW ENFORCEMENT
 22 HARMON: Are all the
 23 trainees members?

305

1 You got to go by members.
 2 VP LAW ENFORCEMENT
 3 HARMON: I understand.
 4 I'm just going by
 5 historically I don't
 6 recall the training
 7 academy having that
 8 weighted vote. Go ahead.
 9 RECORDING SECRETARY
 10 SUMMERS: I'm going to ask
 11 everybody to be quiet so
 12 Stephanie in the back can
 13 hear this. President,
 14 Powers?
 15 PRESIDENT POWERS: Yes.
 16 RECORDING SECRETARY SUMMERS:
 17 Powers, yes. VP Sawchuk
 18 is excused.
 19 DONN ROWE: Point of
 20 order, President doesn't
 21 vote.
 22 RECORDING SECRETARY
 23 SUMMERS: I'm sorry.

307

1 STEPHANIE FLANAGAN:
 2 There are.
 3 VP LAW ENFORCEMENT
 4 HARMON: I'm -- Joe and I
 5 were just looking at it.
 6 Have we always done it
 7 that for the Albany
 8 Training academy.
 9 STEPHANIE FLANAGAN:
 10 Yes, we have.
 11 VP LAW ENFORCEMENT
 12 HARMON: So the trainees
 13 have always had the
 14 weighted value vote? I
 15 always thought it was just
 16 the training staff that
 17 got the weighted vote, not
 18 the trainees in the
 19 academy.
 20 STEPHANIE FLANAGAN:
 21 The trainees are good
 22 standing members.
 23 VP MID-HUDSON MAZZELLA:

306

1 Treasurer, Gilbo?
 2 TREASURER GILBO: Yes.
 3 RECORDING SECRETARY SUMMERS:
 4 Gilbo is yes. Recording
 5 Secretary Summers, yes.
 6 VP North, Roberts?
 7 VP NORTH ROBERTS: Yes.
 8 RECORDING SECRETARY SUMMERS:
 9 Roberts, yes. VP
 10 Mid-Hudson, Mazzella?
 11 VP MID-HUDSON MAZZELLA:
 12 Yes.
 13 RECORDING SECRETARY SUMMERS:
 14 Mazzella, yes. VP Law
 15 Enforcement, Harmon?
 16 VP LAW ENFORCEMENT:
 17 Yes.
 18 RECORDING SECRETARY SUMMERS:
 19 Harmon, yes. VP Central,
 20 Carpenter?
 21 VP CENTRAL CARPENTER:
 22 Yes.
 23 RECORDING SECRETARY SUMMERS:

308

1 Carpenter, yes. VP South
 2 Fisher?
 3 VP SOUTH FISHER: No.
 4 RECORDING SECRETARY SUMMERS:
 5 Fisher, No. VP West
 6 Miano?
 7 VP WEST MIANO: Yes.
 8 RECORDING SECRETARY SUMMERS:
 9 Miano, yes. Adirondack,
 10 Sturgeon?
 11 MR. STURGEON: Yes.
 12 RECORDING SECRETARY SUMMERS:
 13 Sturgeon, yes.
 14 Albany Training
 15 Academy, Christiano?
 16 MR. CHRISTIANO: Yes.
 17 RECORDING SECRETARY SUMMERS:
 18 Christiano, yes. Albion,
 19 Molino?
 20 MR. MOLINO: No.
 21 RECORDING SECRETARY SUMMERS:
 22 Molino, no. Altona,
 23 Guerin?

309

1 Hatfield?
 2 MR. HATFIELD: No.
 3 RECORDING SECRETARY SUMMERS:
 4 Hatfield, no. Central New
 5 York, Janes?
 6 MR. JANES: Yes.
 7 RECORDING SECRETARY SUMMERS:
 8 Janes, yes. Clinton,
 9 Basto?
 10 MR. BASTO: Yes.
 11 RECORDING SECRETARY SUMMERS:
 12 Basto, yes. Collins,
 13 Morosey?
 14 MR. MOROSEY: No.
 15 Morosey, no. Community
 16 Supervision, Ruland?
 17 MR. RULAND: Yes.
 18 RECORDING SECRETARY SUMMERS:
 19 Ruland, yes. CCA's,
 20 Johnson?
 21 MS. JOHNSON: No.
 22 RECORDING SECRETARY SUMMERS:
 23 Johnson, no. Coxsackie,

311

1 MR. GUERIN: Yes.
 2 RECORDING SECRETARY SUMMERS:
 3 Guerin, Yes. Attica,
 4 Wagner?
 5 MR. WAGNER: No.
 6 RECORDING SECRETARY SUMMERS:
 7 Wagner, No. Auburn,
 8 Thomas?
 9 MR. THOMAS: No.
 10 RECORDING SECRETARY SUMMERS:
 11 Thomas, no. Bare Hill,
 12 Perry?
 13 MR. PERRY: Yes.
 14 RECORDING SECRETARY SUMMERS:
 15 Perry, yes. Bedford
 16 Hills, Floyd?
 17 MS. FLOYD: No.
 18 RECORDING SECRETARY SUMMERS:
 19 Floyd, no. Cape Vincent,
 20 Call?
 21 MR. CALL: Yes.
 22 RECORDING SECRETARY SUMMERS:
 23 Call, yes. Cayuga,

310

1 Pavlin?
 2 MR. PAVLIN: Yes.
 3 RECORDING SECRETARY SUMMERS:
 4 Pavlin, yes. Downstate,
 5 Cooper?
 6 MS. COOPER: No.
 7 RECORDING SECRETARY SUMMERS:
 8 Cooper, no. Eastern,
 9 Swehla?
 10 MR. SWEHLA: Yes.
 11 RECORDING SECRETARY SUMMERS:
 12 Swehla, yes. Edgecombe,
 13 Watkins?
 14 MS. WATKINS: No.
 15 RECORDING SECRETARY SUMMERS:
 16 Watkins, no. Elmira,
 17 Rice?
 18 MR. RICE: No.
 19 RECORDING SECRETARY SUMMERS:
 20 Rice, no. Fishkill,
 21 Sonko?
 22 MR. SONKO: No.
 23 RECORDING SECRETARY SUMMERS:

312

1 Sonko, No. Five Points,
 2 Nelson?
 3 MR. NELSON: No.
 4 RECORDING SECRETARY SUMMERS:
 5 Nelson, no. Forest
 6 Rangers, Carlson?
 7 MR. CARLSON: Yes.
 8 RECORDING SECRETARY SUMMERS:
 9 Carlson, yes. Franklin,
 10 Allen?
 11 MR. ALLEN: Yes.
 12 RECORDING SECRETARY SUMMERS:
 13 Allen, yes. Gouverneur,
 14 Gleason?
 15 MR. GLEASON: No.
 16 RECORDING SECRETARY SUMMERS:
 17 Gleason, No. Gowanda,
 18 Guest?
 19 MR. GUEST: No.
 20 RECORDING SECRETARY SUMMERS:
 21 Guest, no. Great Meadow,
 22 Bain?
 23 MR. BAIN: Yes.

313

1 RECORDING SECRETARY SUMMERS:
 2 Moulton, no. Kirby
 3 Forensic, Stewart?
 4 MR. STEWART: No.
 5 RECORDING SECRETARY SUMMERS:
 6 Stewart, no. Lakeview
 7 Shock, Gruber?
 8 MR. GRUBER: Yes.
 9 RECORDING SECRETARY SUMMERS:
 10 Gruber, Yes. Lincoln,
 11 Moore?
 12 MR. MOORE: No.
 13 RECORDING SECRETARY SUMMERS:
 14 Moore, no. Livingston,
 15 Henderson?
 16 MR. HENDERSON: Yes.
 17 RECORDING SECRETARY SUMMERS:
 18 Henderson, yes. Marcy,
 19 Roberts?
 20 MR. ROBERTS: Yes.
 21 RECORDING SECRETARY SUMMERS:
 22 Roberts, yes. Mid-Hudson
 23 Forensic, Ogorzaly?

315

1 RECORDING SECRETARY SUMMERS:
 2 Bain, yes. Green Haven,
 3 Moreau?
 4 MR. MOREAU: No.
 5 RECORDING SECRETARY SUMMERS:
 6 Moreau, no. Greene,
 7 Horacek?
 8 MR. HORACEK: Yes.
 9 RECORDING SECRETARY SUMMERS:
 10 Horacek, yes. Groveland,
 11 Hunsinger?
 12 MR. HUNSINGER: No.
 13 RECORDING SECRETARY SUMMERS:
 14 Hunsinger, no. Hale
 15 Creek, Rowe?
 16 MR. ROWE: No.
 17 RECORDING SECRETARY SUMMERS:
 18 Rowe, no. Hudson, Relyea?
 19 MR. RELYEA: No.
 20 RECORDING SECRETARY SUMMERS:
 21 Relyea, no. ISO's
 22 Moulton?
 23 MS. MOULTON: No.

314

1 MR. OGORZALY: Yes.
 2 RECORDING SECRETARY SUMMERS:
 3 Ogorzaly, yes. Mid-State,
 4 McGowan?
 5 MR. MCGOWAN: Yes.
 6 RECORDING SECRETARY SUMMERS:
 7 McGowan, Yes. Mohawk,
 8 Fitch?
 9 Mr. FITCH: Yes.
 10 RECORDING SECRETARY SUMMERS:
 11 Fitch, yes. Moriah,
 12 Trombley?
 13 MR. TROMBLEY: Yes.
 14 RECORDING SECRETARY SUMMERS:
 15 Trombley, yes.
 16 Ogdensburg, Cox?
 17 MR. COX: Yes.
 18 RECORDING SECRETARY SUMMERS:
 19 Cox, yes. Orleans, Gold?
 20 MR. GOLD: No.
 21 RECORDING SECRETARY SUMMERS:
 22 Gold, no. Otisville,
 23 Hawkes?

316

1 MR. HAWKES: No.
 2 RECORDING SECRETARY SUMMERS:
 3 Hawkes, no. Queensboro,
 4 Odom?
 5 MS. ODOM: No.
 6 RECORDING SECRETARY SUMMERS:
 7 Odom, no. Riverview,
 8 Bell?
 9 MR. BELL: Yes.
 10 RECORDING SECRETARY SUMMERS:
 11 Bell, yes. Rochester
 12 Psych Center, Raven?
 13 MS. RAVEN: No.
 14 RECORDING SECRETARY SUMMERS:
 15 Raven, no. SSO Central
 16 region, Barrett?
 17 MR. BARRETT: Yes.
 18 RECORDING SECRETARY SUMMERS:
 19 Barrett, yes. SSO
 20 Mid-Hudson, Harris?
 21 MR. HARRIS: No.
 22 RECORDING SECRETARY SUMMERS:
 23 Harris, No. SSO North, no

317

1 MR. PAROLINE: No.
 2 RECORDING SECRETARY SUMMERS:
 3 Paroline, no. Southport,
 4 Westervelt?
 5 MR. WESTERVELT: No.
 6 RECORDING SECRETARY SUMMERS:
 7 Westervelt, no. Sullivan,
 8 Perry?
 9 MR. PERRY: No.
 10 RECORDING SECRETARY SUMMERS:
 11 Perry, no. Taconic,
 12 Gordon?
 13 MS. GORDON: No.
 14 RECORDING SECRETARY SUMMERS:
 15 Gordon, no. Ulster, Dean?
 16 MS. DEAN: No.
 17 RECORDING SECRETARY SUMMERS:
 18 Dean, no. Upstate, Gary?
 19 MR. GARY: Yes.
 20 RECORDING SECRETARY SUMMERS:
 21 Gary, yes. Wallkill,
 22 Sheridan?
 23 MR. SHERIDAN: No.

319

1 rep. SSO Southern region,
 2 Pomales?
 3 MR. POMALES: No.
 4 RECORDING SECRETARY SUMMERS:
 5 Pomales, no. SSO Western,
 6 Compton?
 7 MS. COMPTON: No.
 8 RECORDING SECRETARY SUMMERS:
 9 Compton, no. Security
 10 Officers, Rybak?
 11 MR. RYBAK: Yes.
 12 RECORDING SECRETARY SUMMERS:
 13 Rybak, yes. Security
 14 Service Assistants,
 15 Schiavone?
 16 MR. SCHIAVONE: No.
 17 RECORDING SECRETARY SUMMERS:
 18 Schiavone, no.
 19 Shawangunk, Marasco?
 20 STEVE MARASCO: No.
 21 RECORDING SECRETARY SUMMERS:
 22 Marasco, no. Sing Sing,
 23 Paroline?

318

1 RECORDING SECRETARY SUMMERS:
 2 Sheridan, no. Washington,
 3 Vanderwarker?
 4 MR. VANDERWARKER: Yes.
 5 RECORDING SECRETARY SUMMERS:
 6 Vanderwarker, yes.
 7 Watertown, Nevills?
 8 MR. NEVILLS: Yes.
 9 RECORDING SECRETARY SUMMERS:
 10 Nevills, yes. Wende,
 11 Johnson?
 12 MR. JOHNSON: No.
 13 RECORDING SECRETARY SUMMERS:
 14 Johnson, no. Willard,
 15 Moore?
 16 MS. MOORE: No.
 17 RECORDING SECRETARY SUMMERS:
 18 Moore, no. Woodbourne,
 19 Gutierrez?
 20 MR. GUTIERREZ: Yes.
 21 RECORDING SECRETARY SUMMERS:
 22 Gutierrez, yes. Wyoming,
 23 Hickey?

320

1 CHRIS HICKEY: No.
 2 RECORDING SECRETARY SUMMERS:
 3 Hickey, no.
 4 Motion has been
 5 defeated, 145 to 112.
 6 Motion does not pass.
 7 PRESIDENT POWERS:
 8 Next motion, to accept
 9 Frank Gilbo as the new
 10 treasurer. Motion made by
 11 Executive Board. Any
 12 discussions?
 13 STEVE MARASCO: Steve
 14 Marasco, Shawangunk.
 15 Before I can make that
 16 decision, I have a motion
 17 for the E Board to release
 18 all the names of the
 19 members that applied for
 20 that position, so I can
 21 determine was it a good
 22 choice or not a good
 23 choice.

321

1 region. Per the
 2 constitution, this E Board
 3 fills vacancies, correct?
 4 Those vacancies are
 5 contingent upon approval
 6 of the EA. I believe you
 7 put the trust in the E
 8 Board to pick somebody to
 9 fill that position. And
 10 if you guys have
 11 information as to why he
 12 shouldn't be in there,
 13 maybe you have information
 14 that he stole money from
 15 the Boy Scouts when he was
 16 a kid, I don't know,
 17 thirty-five years ago.
 18 What I'm saying is,
 19 this isn't a Senate
 20 confirmation hearing. We
 21 appointed somebody we
 22 thought would be best for
 23 the job and we're looking

323

1 It's not against Frank.
 2 I just want to know who
 3 else was available. I
 4 don't know Frank.
 5 PRESIDENT POWERS:
 6 Steve, what are you asking
 7 for?
 8 STEVE MARASCO: I want
 9 to see resume or cover
 10 letter, whatever you want
 11 to call it of who you had
 12 to pick from. I'm not
 13 asking for a new candidate
 14 to come out of the wood
 15 work. I'm just seeing
 16 what you had or just tell
 17 me what Frank's
 18 qualifications were, is
 19 what I'm saying. I mean,
 20 I'm a CO, I'm not that
 21 smart.
 22 VP MID-HUDSON MAZZELLA:
 23 Mike Mazzella Mid-hudson

322

1 for approval of the body.
 2 Now, to have the names
 3 of everybody that put in
 4 for it, how do we know
 5 that those people want
 6 those names released.
 7 Maybe they did it
 8 privately, maybe they
 9 didn't want everybody to
 10 know they put in for it.
 11 So, I don't know, that's a
 12 good question.
 13 PRESIDENT POWERS: For
 14 starters, we have a motion
 15 that was just read on the
 16 floor, he's coming up with
 17 a secondary motion. The
 18 motion is on the record
 19 and I opened it up for
 20 discussion. Chris?
 21 CHRIS MOREAU: Chris
 22 Moreau, Green Haven. I
 23 think what Marasco is

324

1 saying, just looking for
2 again the thought process
3 of the E Board when they
4 made their selection. I
5 know you said we're
6 supposed to trust the E
7 Board making the decisions
8 for us, but you're also
9 asking us to confirm. And
10 how are we supposed to
11 confirm if we don't know
12 whether or not there were
13 more qualified candidates.

14 With that said, I would
15 like to make a secondary
16 motion going forward when
17 filling Executive Board
18 vacancies, all individuals
19 that were considered for
20 the position --

21 VP WEST MIANO: That's
22 a change for the
23 constitution, it's not a

325

1 Al?

2 AL ZAPPALA: Al
3 Zappala, Shawangunk.
4 Clarification on Joe Miano
5 what he just said. Per
6 the constitution, the
7 Executive Board can
8 appoint someone contingent
9 upon the approval of this
10 EA. Contingent means, as
11 long as they approve.
12 This is the Congress,
13 you're the presidential
14 branch.

15 You appointed someone,
16 just like the President
17 appoints a Supreme Court
18 Justice, and this
19 Executive Board, this EA
20 decides. What I'm
21 witnessing right here and
22 I'm ashamed to say is, a
23 deliberate trying to shut

327

1 motion. It's got to be a
2 constitutional amendment
3 if you try to do that.

4 CHRIS MOREAU: I'm not
5 asking for a change in
6 procedure, I'm just asking
7 for additional information
8 going forward.

9 VP WEST MIANO: You
10 still have to change the
11 constitution. The way the
12 constitution is written
13 now, the Executive Board
14 makes the selection.

15 UNIDENTIFIED SPEAKER:
16 Let him read the motion,
17 Joe.

18 PRESIDENT POWERS: You
19 can make -- we have a
20 motion on the floor that I
21 read in that's open for
22 discussion. This motion
23 is open for discussion.

326

1 down the Democratic
2 process.

3 So please, with that
4 being said, I'm trying to
5 be respectful to all of
6 you up here -- no, I'm not
7 kidding. Because the
8 things that I know and I'm
9 not going to say --
10 listen, maybe we should go
11 off the mic, because
12 what's gonna happen after
13 this, I really don't agree
14 that everyone should privy
15 to this.

16 So if somebody wants to
17 make a motion to go off
18 record and we can discuss
19 this.

20 PRESIDENT POWERS: Have
21 at it, Al. You're a
22 member in good standing,
23 make your motion.

328

1 STEVE MARASCO: Oh, my
 2 God, I followed the
 3 bylaws.
 4 PRESIDENT POWERS: Make
 5 your motion.
 6 STEVE MARASCO: Motion
 7 to go off the record,
 8 please.
 9 PRESIDENT POWERS:
 10 Unanimous consent to go
 11 off the motion -- or off
 12 the record. All signify
 13 by saying aye.
 14
 15 (Response of "Aye".)
 16
 17 PRESIDENT POWERS:
 18 Approved.
 19
 20 (Discussion off the
 21 record.)
 22
 23 PRESIDENT POWERS: Back

329

1 Westervelt, Southport.
 2 STEVE MARASCO:
 3 Marasco, Shawangunk.
 4 KENNY GOLD: Gold
 5 Orleans.
 6 MR. PAROLINE:
 7 Paroline, Sing Sing.
 8 MR. WAGNER: Wagner,
 9 Attica.
 10 MR. THOMAS: Thomas,
 11 Auburn.
 12 DONN ROWE: Role call.
 13 MR. MOLINO: Molino,
 14 Albion.
 15 CHRIS HICKEY: Wyoming,
 16 Hickey. Chris Hickey,
 17 Wyoming. Call for a
 18 weighted vote.
 19 RECORDING SECRETARY SUMMERS:
 20 Do I have a second?
 21 MR. PAROLINE:
 22 Paroline, Sing Sing.
 23 RECORDING SECRETARY

331

1 on the record. Again,
 2 motion, to accept Frank
 3 Gilbo as the new
 4 treasurer. Motion is made
 5 by the Executive Board.
 6 All those in favor signify
 7 by saying aye.
 8
 9 (Response of aye from
 10 the floor.)
 11
 12 PRESIDENT POWERS
 13 Anybody opposed?
 14
 15 (Response of nay from
 16 the floor.)
 17
 18 PRESIDENT POWERS:
 19 Nays, please stand. Go to
 20 the mic for the record.
 21 MR. MOREAU: Chris
 22 Moreau, Green Haven.
 23 DOUG WESTERVELT:

330

1 SUMMERS: All in favor for
 2 a weighted vote?
 3 VP WEST MIANO: Hang
 4 on, Chris. Joe Miano,
 5 Western Region VP.
 6 Parliamentarian, can you
 7 figure out if it can be a
 8 weighted vote, so we don't
 9 get something down the
 10 road.
 11 THE PARLIAMENTARIAN:
 12 You can do a role call on
 13 a main motion and that's
 14 what the one for the
 15 treasurer is. And there
 16 is no restriction on a
 17 twenty percent for
 18 weighted vote if that is
 19 what the body wishes.
 20 RECORDING SECRETARY
 21 SUMMERS: The motion
 22 reads again, to accept
 23 Frank Gilbo as the new

332

1 treasurer. Treasurer
 2 Gilbo?
 3 TREASURER GILBO:
 4 Abstain.
 5 RECORDING SECRETARY SUMMERS:
 6 Recording Secretary
 7 Summers, yes.
 8 VP NORTH ROBERTS: Yes.
 9 RECORDING SECRETARY SUMMERS:
 10 Roberts, yes. VP
 11 Mid-Hudson, Mazzella?
 12 VP MID-HUDSON MAZZELLA:
 13 Yes.
 14 RECORDING SECRETARY SUMMERS:
 15 Mazzella, yes. VP Law
 16 Enforcement, Harmon?
 17 Vp LAW ENFORCEMENT:
 18 Yes.
 19 RECORDING SECRETARY SUMMERS:
 20 Harmon, yes. VP Central,
 21 Carpenter?
 22 VP CENTRAL CARPENTER:
 23 Yes.

333

1 RECORDING SECRETARY SUMMERS:
 2 Carpenter, yes. VP South
 3 Fisher?
 4 VP SOUTH FISHER: Yes.
 5 RECORDING SECRETARY SUMMERS:
 6 Fisher, Yes. VP West
 7 Miano?
 8 VP WEST MIANO: Yes.
 9 RECORDING SECRETARY SUMMERS:
 10 Miano, yes. Adirondack,
 11 Sturgeon?
 12 MR. STURGEON: Yes.
 13 RECORDING SECRETARY SUMMERS:
 14 Sturgeon, yes. Can you
 15 please be quiet while I do
 16 this, so stephanie back
 17 there can do this?
 18 Albany Training
 19 Academy, Christiano?
 20 Mr. CHRISTIANO: Yes.
 21 RECORDING SECRETARY SUMMERS:
 22 Christiano, yes. Albion,
 23 Molino?

334

1 MR. MOLINO: No.
 2 RECORDING SECRETARY SUMMERS:
 3 Molino, no. Altona,
 4 Guerin?
 5 Mr. GUERIN: Yes.
 6 RECORDING SECRETARY SUMMERS:
 7 Guerin, Yes. Attica,
 8 Wagner?
 9 MR. WAGNER: No.
 10 RECORDING SECRETARY SUMMERS:
 11 Wagner, No. Auburn,
 12 Thomas?
 13 MR. THOMAS: No.
 14 RECORDING SECRETARY SUMMERS:
 15 Thomas, no. Bare Hill,
 16 Perry?
 17 MR. PERRY: Yes.
 18 RECORDING SECRETARY SUMMERS:
 19 Perry, yes. Bedford
 20 Hills, Floyd?
 21 MS. FLOYD: No.
 22 RECORDING SECRETARY SUMMERS:
 23 Floyd, no. Cape Vincent,

335

1 Call?
 2 MR. CALL: Yes.
 3 RECORDING SECRETARY SUMMERS:
 4 Call, yes. Cayuga,
 5 Hatfield?
 6 MR. HATFIELD: No.
 7 RECORDING SECRETARY SUMMERS:
 8 Hatfield, no. Central New
 9 York, Janes?
 10 MR. JANES: Yes.
 11 RECORDING SECRETARY SUMMERS:
 12 Janes, yes. Clinton,
 13 Basto?
 14 MR. BASTO: Yes.
 15 RECORDING SECRETARY SUMMERS:
 16 Basto, yes. Collins,
 17 Morosey.
 18 MR. MOROSEY: No.
 19 Morosey, no. Community
 20 Supervision, Ruland.
 21 MR. RULAND: Yes.
 22 RECORDING SECRETARY SUMMERS:
 23 Ruland, yes. CCA's,

336

1 Johnson?
 2 MS. JOHNSON: Abstain.
 3 RECORDING SECRETARY SUMMERS:
 4 Abstain. Coxsackie,
 5 Pavlin?
 6 MR. PAVLIN: Yes.
 7 RECORDING SECRETARY SUMMERS:
 8 Pavlin, yes. Downstate,
 9 Cooper?
 10 MS. COOPER: Abstain.
 11 RECORDING SECRETARY SUMMERS:
 12 Cooper, Abstain. Eastern,
 13 Swehla?
 14 MR. SWEHLA: Yes.
 15 RECORDING SECRETARY SUMMERS:
 16 Swehla, yes. Edgecombe,
 17 Watkins?
 18 MS. WATKINS: Yes.
 19 RECORDING SECRETARY SUMMERS:
 20 Watkins, yes. Elmira,
 21 Rice?
 22 MR. RICE: No.
 23 RECORDING SECRETARY SUMMERS:

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1 RECORDING SECRETARY SUMMERS:
 2 Guest, no. Great Meadow,
 3 Bain?
 4 MR. BAIN: Yes.
 5 RECORDING SECRETARY SUMMERS:
 6 Bain, yes. Green Haven,
 7 Moreau?
 8 MR. MOREAU: No.
 9 RECORDING SECRETARY SUMMERS:
 10 Moreau, no. Greene,
 11 Horacek?
 12 MR. HORACEK: Yes.
 13 RECORDING SECRETARY SUMMERS:
 14 Horacek, yes. Groveland,
 15 Hunsinger?
 16 MR. HUNSINGER: No.
 17 RECORDING SECRETARY SUMMERS:
 18 Hunsinger, no. Hale
 19 Creek, Rowe?
 20 MR. ROWE: No.
 21 RECORDING SECRETARY SUMMERS:
 22 Rowe, no. Hudson, Relyea?
 23 MR. RELYEA: Yes.

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1 Rice, no. Fishkill,
 2 Sonko?
 3 MR. SONKO: Yes.
 4 RECORDING SECRETARY SUMMERS:
 5 Sonko, yes. Five Points,
 6 Nelson?
 7 MR. NELSON: No.
 8 RECORDING SECRETARY SUMMERS:
 9 Nelson, no. Forest
 10 Rangers, Carlson?
 11 MR. CARLSON: Yes.
 12 RECORDING SECRETARY SUMMERS:
 13 Carlson, yes. Franklin,
 14 Allen?
 15 MR. ALLEN: Yes.
 16 RECORDING SECRETARY SUMMERS:
 17 Allen, yes. Gouverneur,
 18 Gleason?
 19 MR. GLEASON: Yes.
 20 RECORDING SECRETARY SUMMERS:
 21 Gleason, yes. Gowanda,
 22 Guest?
 23 MR. GUEST: No.

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1 RECORDING SECRETARY SUMMERS:
 2 Relyea, yes. ISO's
 3 Moulton?
 4 MS. MOULTON: Yes.
 5 RECORDING SECRETARY SUMMERS:
 6 Moulton, yes. Kirby
 7 Forensic, Stewart?
 8 MR. STEWART: Yes.
 9 RECORDING SECRETARY SUMMERS:
 10 Stewart, yes. Lakeview
 11 Shock, Gruber?
 12 MR. GRUBER: No.
 13 RECORDING SECRETARY SUMMERS:
 14 Gruber, no. Lincoln,
 15 Moore?
 16 MR. MOORE: Yes.
 17 RECORDING SECRETARY SUMMERS:
 18 Moore, yes. Livingston,
 19 Henderson?
 20 MR. HENDERSON: No.
 21 RECORDING SECRETARY SUMMERS:
 22 Henderson, no. Marcy,
 23 Roberts?

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1 MR. ROBERTS: Yes.
 2 RECORDING SECRETARY SUMMERS:
 3 Roberts, yes. Mid-Hudson
 4 Forensic, Ogorzaly?
 5 MR. OGORZALY: No.
 6 RECORDING SECRETARY SUMMERS:
 7 Ogorzaly, no. Mid-State,
 8 McGowan?
 9 MR. MCGOWAN: Yes.
 10 RECORDING SECRETARY SUMMERS:
 11 McGowan, Yes. Mohawk,
 12 Fitch?
 13 Mr. FITCH: Yes.
 14 RECORDING SECRETARY SUMMERS:
 15 Fitch, yes. Moriah,
 16 Trombley?
 17 MR. TROMBLEY: Yes.
 18 RECORDING SECRETARY SUMMERS:
 19 Trombley, yes.
 20 Ogdensburg, Cox?
 21 MR. COX: Yes.
 22 RECORDING SECRETARY SUMMERS:
 23 Cox, yes. Orleans, Gold?

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1 Mid-Hudson, Harris?
 2 MR. HARRIS: Yes.
 3 RECORDING SECRETARY SUMMERS:
 4 Harris, yes. SSO North,
 5 no rep. SSO Southern
 6 region, Pomaes?
 7 MR. POMALES: Abstain.
 8 RECORDING SECRETARY SUMMERS:
 9 Pomaes, abstain. SSO
 10 Western, Compton?
 11 MS. COMPTON: Yes.
 12 RECORDING SECRETARY SUMMERS:
 13 Compton, yes. Security
 14 Officers, Rybak?
 15 MR. RYBAK: Yes.
 16 RECORDING SECRETARY SUMMERS:
 17 Rybak, yes. Security
 18 Service Assistants,
 19 Schiavone?
 20 MR. SCHIAVONE: Yes.
 21 RECORDING SECRETARY SUMMERS:
 22 Schiavone, yes.
 23 Shawangunk, Marasco?

343

1 MR. GOLD: No.
 2 RECORDING SECRETARY SUMMERS:
 3 Gold, no. Otisville,
 4 Hawkes?
 5 MR. HAWKES: Yes.
 6 RECORDING SECRETARY SUMMERS:
 7 Hawkes, yes. Queensboro,
 8 Odom?
 9 MS. ODOM: No.
 10 RECORDING SECRETARY SUMMERS:
 11 Odom, no. Riverview,
 12 Bell?
 13 MR. BELL: Yes.
 14 RECORDING SECRETARY SUMMERS:
 15 Bell, yes. Rochester
 16 Psych Center, Raven?
 17 MS. RAVEN: No.
 18 RECORDING SECRETARY SUMMERS:
 19 Raven, no. SSO Central
 20 region, Barrett?
 21 MR. BARRETT: Yes.
 22 RECORDING SECRETARY SUMMERS:
 23 Barrett, yes. SSO

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1 STEVE MARASCO: No.
 2 RECORDING SECRETARY SUMMERS:
 3 Marasco, no. Sing Sing,
 4 Paroline?
 5 MR. PAROLINE: No.
 6 RECORDING SECRETARY SUMMERS:
 7 Paroline, no. Southport,
 8 Westervelt?
 9 MR. WESTERVELT: No.
 10 RECORDING SECRETARY SUMMERS:
 11 Westervelt, no. Sullivan,
 12 Perry?
 13 MR. PERRY: Yes.
 14 RECORDING SECRETARY SUMMERS:
 15 Perry, yes. Taconic,
 16 Gordon?
 17 MS. GORDON: No.
 18 RECORDING SECRETARY SUMMERS:
 19 Gordon, no. Ulster, Dean?
 20 MS. DEAN: No.
 21 RECORDING SECRETARY SUMMERS:
 22 Dean, no. Upstate, Gary?
 23 MR. GARY: Yes.

344

1 RECORDING SECRETARY SUMMERS:
 2 Gary, yes. Wallkill,
 3 Sheridan?
 4 MR. SHERIDAN: Abstain.
 5 RECORDING SECRETARY SUMMERS:
 6 Sheridan, abstain.
 7 Washington, Vanderwarker?
 8 MR. VANDERWARKER: Yes.
 9 RECORDING SECRETARY SUMMERS:
 10 Vanderwarker, yes.
 11 Watertown, Nevills?
 12 MR. NEVILLS: Yes.
 13 RECORDING SECRETARY SUMMERS:
 14 Nevills, yes. Wende,
 15 Johnson?
 16 MR. JOHNSON: No.
 17 RECORDING SECRETARY SUMMERS:
 18 Johnson, no. Willard,
 19 Moore?
 20 MS. MOORE: Abstain.
 21 RECORDING SECRETARY SUMMERS:
 22 Moore, abstain.
 23 Woodbourne, Gutierrez?

345

1 things.
 2 Motion, to amend the
 3 Rainy Day Fund Policy as
 4 follows. Number one,
 5 freeze current separation
 6 benefit owed to each
 7 eligible member at this
 8 time to guarantee pay back
 9 at retirement or
 10 separation, pending change
 11 to the summary plan
 12 description and ERISA
 13 requirements.
 14 Number two, eliminate
 15 the separation benefit
 16 from the Rainy Day Fund at
 17 this time, excluding
 18 members previously covered
 19 by pay back as stated
 20 above. Three, reduce
 21 maximum benefit from
 22 fifteen hundred to
 23 thirteen biweekly --

347

1 MR. GUTIERREZ: Yes.
 2 RECORDING SECRETARY SUMMERS:
 3 Gutierrez, yes. Wyoming,
 4 Hickey?
 5 CHRIS HICKEY: No.
 6 RECORDING SECRETARY SUMMERS:
 7 Hickey, no.
 8
 9 (All applause.)
 10
 11 RECORDING SECRETARY SUMMERS:
 12 The motion to accept
 13 Frank Gilbo as treasurer
 14 is accepted.
 15 PRESIDENT POWERS: Any
 16 other new business?
 17 DOUG WESTERVELT:
 18 Westervelt, Southport. As
 19 you guys have heard, this
 20 Rain Day Fund is in
 21 jeopardy. So I'm going to
 22 try to make a motion
 23 to see if we can fix a few

346

1 thirteen hundred.
 2 Wisdom, by amending the
 3 Rainy Day Fund Policy, we
 4 can continue to provide
 5 this benefit to the
 6 membership while avoiding
 7 serious financial impacts
 8 to NYSCOPBA.
 9 With more to be said on
 10 this, what I'm trying to
 11 do is, we sold this thing
 12 based on pay back. You
 13 know, we don't have to
 14 hand the hat out, we can
 15 support our guys, and it's
 16 a lot easier for us union
 17 guys because it's always
 18 us guys always passing the
 19 hat and we keep these guys
 20 afloat out on the street.
 21 So, what I don't want
 22 to see happen is, we paid
 23 into it, we're all at the

348

1 fifty dollar level, if we
2 delay this stoppage the
3 next level it goes to a
4 hundred. That's
5 equivalent to a million
6 fifty thousand dollars.
7 So if we wait until the
8 1st of March and it goes
9 into that, if it does
10 survive, it goes to
11 another million fifty
12 thousand dollars. It
13 compounds.

14 The separation portion
15 of this program we have
16 will break this union. We
17 can't sustain it at the
18 present two dollars. But
19 this is a short fix and
20 we're going to have to go
21 back and fix it to keep
22 this benefit for our
23 members because I believe

349

1 be forty-five starting in
2 two weeks, forty-five
3 thousand --

4 PRESIDENT POWERS:

5 Doug, I'm sorry, can I get
6 a second before we get
7 into discussion?

8 DOUG WESTERVELT: Oh,
9 I'm sorry.

10 PRESIDENT POWERS: Bill
11 Ruland, second.

12 DOUG WESTERVELT: Steve
13 Marasco.

14 PRESIDENT POWERS: Oh,
15 sorry. He threw his hand
16 up, that's all. You got
17 Steve --

18 DOUG WESTERVELT: Steve
19 Marasco.

20 PRESIDENT POWERS: He's
21 on the motion?

22 DOUG WESTERVELT: Yeah.
23 So what we're looking at

351

1 in it. It's a great
2 benefit.

3 But, we're going to
4 have to make some changes,
5 some major changes. This
6 is just a short fix but
7 we've all put into it and
8 I want to see us all get
9 something back on it,
10 because that's why we
11 voted it in. So this will
12 hopefully secure at least
13 fifty dollars of that
14 benefit for us that paid
15 for it already and you'll
16 get it back at retirement.

17 So, the numbers we're
18 looking at just to let you
19 know where we're at,
20 presently 41-K in the
21 account. We pay out -- we
22 have thirty members locked
23 out. The pay out is gonna

350

1 is, we got 30 guys, as of
2 yesterday 30 people locked
3 out. So we have present
4 day, if they're at fifteen
5 hundred, you're looking at
6 forty-five thousand
7 dollars. We're only
8 collecting forty-three
9 thousand. So we're in
10 deep shit.

11 That forty-one thousand
12 isn't gonna last long. We
13 do have -- the reason this
14 thing is shrinking is
15 because we got people that
16 are out there that are not
17 paying us back and, of
18 course, the cases we lose.
19 And then we got to wise
20 up.

21 Guys got to wise up on
22 how we get locked out.
23 It's a new wave. But we

352

1 can't lose this benefit,
 2 somehow we have to make it
 3 work. And we're working
 4 on it now, but this is a
 5 short term fix. So, I'm
 6 open to, if you think it
 7 should be less than
 8 thirteen hundred a week,
 9 we can drop it down a
 10 little bit; I don't have a
 11 problem with that through
 12 the discussion. But we
 13 got to keep this thing
 14 going.

15 So right now if it
 16 drops down to thirteen
 17 hundred, we will sit back
 18 and have to pay our
 19 members 39 thousand. So
 20 it will be -- we'll be a
 21 little bit above every two
 22 weeks. But it's a
 23 temporary fix. If you

353

1 we can buy ourselves a
 2 couple weeks, maybe save
 3 the money and not reduce
 4 the benefit of our members
 5 that are already on
 6 hardship. Because between
 7 the family health
 8 insurance is 1900 and
 9 twenty-one dollars for the
 10 Empire plan. If they pay
 11 that, they're only living
 12 off eleven hundred dollars
 13 from the Rainy Day Fund,
 14 which is a great benefit.
 15 I hate to reduce it any
 16 which way. If there was a
 17 possible way to stretch
 18 something out where
 19 there's options of using
 20 accruals, I do like
 21 eliminating the fifty
 22 dollars per year. It's an
 23 insurance fund, we don't

355

1 think we need to drop it a
 2 little more, then we can
 3 do that, but through
 4 discussion.

5 VP NORTH ROBERTS: John
 6 Roberts, northern region
 7 vice president. I used to
 8 be on the board CST, that
 9 this was kind of drawn out
 10 of. There's other options
 11 I'd like to look at,
 12 instead of reducing the
 13 benefit, maybe waiting
 14 four weeks before a member
 15 gets paid because they're
 16 cutting out a lot more
 17 than just fifteen hundred
 18 biweekly with our average
 19 salary.

20 Also maybe look at once
 21 a member exhausts his
 22 accruals or her accruals,
 23 then start the benefit so

354

1 get insurance fund back
 2 from our car if you don't
 3 get in a wreck in a few
 4 years.

5 But there's other
 6 options to stretch it out
 7 either a four week
 8 timetable instead of the
 9 two week waiting period,
 10 or maybe exhausting your
 11 vacation, PLS, before you
 12 get the benefit received.
 13 Instead of the time, if
 14 the guys got three hundred
 15 twenty hours, it sucks
 16 when they get locked out
 17 but they will get the
 18 benefit eventually.

19 But this may be an
 20 option of not reducing the
 21 benefit for the 29, 30
 22 guys we got locked out
 23 now. That's just my

356

1 thoughts.
 2 PRESIDENT POWERS: Hang
 3 on one second here.
 4 Seeings this is a new
 5 motion not in the packet,
 6 we need sixty percent
 7 approval of this body to
 8 move this motion. All in
 9 favor signify by saying
 10 aye.

11
 12 (All respond with aye.)

13
 14 PRESIDENT POWERS:
 15 Anybody opposed?

16
 17 (No response.)

18
 19 DOUG WESTERVELT: We
 20 sat down and thought about
 21 this through the finance
 22 committee. And the
 23 constitution and bylaws we

357

1 get stuck with it. But
 2 the pay back portion of
 3 this, it's not going to
 4 work.

5 PRESIDENT POWERS:
 6 Clarence?

7 VP SOUTH FISHER:
 8 Clarence Fisher, southern
 9 region VP. I agree with
 10 VP Roberts. According to
 11 our agreements, they're
 12 offered to use their
 13 accruals when they're
 14 suspended first. A lot of
 15 times in our position, a
 16 lot of times I get
 17 settlements before they
 18 exhaust their accruals.
 19 And we don't even have
 20 to -- it's kind of like
 21 double-dipping, they tend
 22 to keep their accruals.

23 So if we go to the once

359

1 went over this. We're all
 2 in agreement that we got
 3 to change something. This
 4 is what happens is, if it
 5 continues, it's not going
 6 to continue, it's going to
 7 fail.

8 And if it fails, nobody
 9 gets nothing back. ERISA
 10 rules, we're not
 11 responsible to pay anybody
 12 back. But we sold it on
 13 this, I hate to say to the
 14 membership that it's going
 15 to fail, and then we fail,
 16 they don't get nothing
 17 back. At least we're
 18 going to absorb the
 19 million fifty thousand
 20 dollars and pay it upon
 21 retirement and we can
 22 absorb it through the
 23 twenty-five years and not

358

1 your accruals are
 2 exhausted, if they're
 3 still on suspension, then
 4 I think the Rainy Day Fund
 5 should be given. But in
 6 the meantime, if you got
 7 something, right, wrong,
 8 or indifferent, you still
 9 have your options of using
 10 your accruals, once you're
 11 done, then I think that
 12 will save us a couple of
 13 dollars.

14 PRESIDENT POWERS:
 15 Kenny?

16 KENNY GOLD: Kenny
 17 Gold, Orleans. I actually
 18 agree with everybody.
 19 This is what started a
 20 couple months back when we
 21 put in that amendment,
 22 which was thought to be a
 23 Band-aid not realizing the

360

1 grave danger we were in at
2 that point.

3 So, the only thing that
4 I would say different than
5 what Doug said is, let's
6 try to fix this now so it
7 isn't short term. I mean,
8 John's idea is great, if
9 CST does it that way, they
10 just had to increase
11 themselves CST from two
12 dollars to four dollars a
13 pay period for people
14 starting after July 31st,
15 because so many people are
16 getting locked out, which
17 is something we got to
18 factor in on this as well.

19 But to not change any
20 of the amount, I mean, you
21 can't doing just what John
22 says, but I would rather
23 myself personally try to

361

1 because health insurance
2 used to be 200 a month and
3 now it's 19 hundred and
4 they're still collecting
5 the 2 dollars. Using your
6 accruals does work.

7 And they don't have --
8 they pay anybody that's
9 off duty for arrests,
10 cancer, whatever it is
11 once they come off the
12 payroll, so they're paying
13 a lot more people out for
14 every which reason, not
15 just the scope of your
16 duties at work. So this
17 fund could be sustainable
18 with a few tweaks without
19 having to take a lot from
20 our membership. Because
21 fifteen hundred bucks
22 isn't a lot to live on,
23 especially once you lose

363

1 fix this so we don't go,
2 where a majority of the
3 people in this room are
4 already retired, let's try
5 to fix it for the longest
6 term without increasing
7 any union dues. If we go
8 down to thirteen hundred
9 and try it out, and two
10 years from now and we're
11 astronomical we can always
12 raise it back up. But
13 let's try to fix it so we
14 don't have to have this
15 conversation again is my
16 only hope.

17 VP NORTH ROBERTS: John
18 Roberts, northern region
19 VP. CST which was drafted
20 similar, they have over a
21 million dollars in their
22 account. And they've had
23 to raise the prices

362

1 your health insurance
2 every two weeks.

3 PRESIDENT POWERS: Let
4 me read the motion in for
5 the record. To amend the
6 Rainy Day Fund policy as
7 follows: Number one,
8 increase the current
9 separation benefit going
10 to each eligible member at
11 this time to guarantee pay
12 back at retirement or
13 separation pending a
14 change to the summary plan
15 description and ERISA
16 requirements. Two,
17 eliminate the separation
18 benefit from the Rainy Day
19 Fund policy at this time,
20 excluding members
21 previously covered by the
22 pay back as stated about.
23 Number three, reduce the

364

1 maximum benefit from 15
2 hundred to 13 hundred
3 biweekly.

4 The wisdom of the
5 motion is, by amending the
6 Rainy Day Fund policy, we
7 continue -- we can
8 continue to provide this
9 benefit to the membership
10 while avoiding serious
11 financial impact to
12 NYSOPBA.

13 The motion is made by
14 Doug Westervelt, South
15 Port and Steve Marasco out
16 of Shawangunk.

17 MIKE CARLSON: Mike
18 Carlson. The question I
19 have, we didn't really get
20 to review this. I mean,
21 Doug brought it up I guess
22 the treasury department
23 went through the finances

365

1 sufficient to sustain the
2 fund and obviously that's
3 not the case.

4 So we need to have it
5 looked at by an actual
6 actuary and have them come
7 back and I believe, Doug,
8 from what I gather from
9 you is temporary.

10 DOUG WESTERVELT: Yes,
11 it's a temporary fix.
12 That's why it's brought to
13 us as a motion and we're
14 amending a policy.
15 Because if we go into the
16 constitution part of it,
17 we're looking at six
18 months down the road.

19 Plus, we got to work on
20 this. But we got to do
21 something now because we
22 are at 41 K, like I said,
23 we just had two guys.

367

1 and stuff. If it doesn't
2 work, is this a temporary
3 fix? And if this doesn't
4 work at thirteen hundred a
5 week, do we review it
6 again in two months or
7 three months, or the next
8 time we meet?

9 PRESIDENT POWERS: Here
10 is the background with the
11 Rainy Day Fund. When it
12 was instituted it was
13 reviewed by a forensic
14 accountant, not an
15 actuary. We are in the
16 process of bringing an
17 actuary in to review the
18 process. And to see if
19 we were under the
20 impression that two
21 dollars, or whatever the
22 fee was set at at the
23 beginning, was going to be

366

1 We're up to thirty. We
2 went from twenty-seven,
3 dropped one, dropped one
4 and then we got back up to
5 three. So, we're at
6 thirty.

7 So it's a temporary
8 fix, but we got to stop
9 and suspend the pay back
10 or separation portion
11 because that's the glitch.
12 They never accounted for
13 the pay back portion of
14 this policy.

15 PRESIDENT POWERS: Ted?

16 TED NEVILLS: Ted
17 Nevills, Watertown. Doug,
18 this really doesn't speak
19 to your motion, but it's
20 just curiosity. Where are
21 we at with the members
22 that owe us almost four
23 hundred fifty thousand

368

1 dollars? I know it's
2 going to take awhile to
3 get it back, it's not
4 going to fix what you're
5 doing. But, where are we
6 at with that and what is
7 the procedure, are we
8 having success? Do we
9 expect monies in a
10 reasonable amount of time?

11 PRESIDENT POWERS: I
12 believe -- I can't speak
13 completely on the
14 treasurer, I know this has
15 been a discussion with the
16 finance committee as well
17 regarding some of the pay
18 back. I know some are in
19 collections, I know some
20 are facing litigation from
21 us. One of the last
22 things we wanted to do
23 when we put this thing

369

1 PRESIDENT POWERS: We
2 just got a pretty large
3 chunk back from the
4 gentleman that addressed
5 this at the last EA, he
6 got a sizeable account
7 back. And I believe we
8 just -- we did get it.

9 TED NEVILLS: These
10 guys are just flat out
11 saying, we're not paying?

12 PRESIDENT POWERS:
13 They're not answering
14 calls, you know, like most
15 people that are upside
16 down. Chris?

17 CHRIS HICKEY: Hickey,
18 Wyoming. Hey, what's our
19 current active membership
20 paying right now? How
21 many members do we have
22 paying in right now? We
23 don't need about,

371

1 together was, we're doing
2 this to protect our
3 brothers and sisters, and
4 in the process of what's
5 happening now we find
6 ourselves going after
7 that.

8 It's unfortunate but
9 we'll continue to pound
10 the pavement. I believe,
11 don't quote -- or correct
12 me if I'm wrong, the
13 finance committee, they're
14 going to start coming up
15 with some ideas, from my
16 understanding so.

17 DOUG WESTERVELT: We
18 just got to work harder to
19 get our money back from
20 these guys. They're
21 getting their checks back,
22 they're not giving us our
23 money back.

370

1 because --

2 DOUG WESTERVELT: I'm
3 low balling it, twenty-one
4 thousand.

5 CHRIS HICKEY: We have
6 twenty-one thousand
7 members paying into the
8 fund right now?

9 DOUG WESTERVELT: I
10 Believe it's twenty-one
11 thousand.

12 CHRIS HICKEY: Okay.
13 So that will cover us for
14 twenty-eight people per
15 pay period approximately.

16 DOUG WESTERVELT: 26 at
17 fifteen hundred, you get
18 twenty-eight.

19 CHRIS HICKEY: Here's
20 my point. We currently --
21 the policy has a fourteen
22 day waiting period,
23 correct? Before you

372

1 receive a payment?
 2 VP WEST MIANO: Correct.
 3 CHRIS HICKEY: Is That
 4 instituted?
 5 VP WEST MIANO: Oh,
 6 absolutely.
 7 CHRIS HICKEY: Okay.
 8 Do we have any idea what
 9 the average guy's time
 10 accruals are, any idea
 11 whatsoever? Fourteen
 12 days, that's three weeks.
 13 That's, you know, a
 14 hundred twenty hours.
 15 Most of us getting ready
 16 to retire, they don't have
 17 much vacation time on the
 18 books. Now, the
 19 separation benefit is --
 20 this whole thing is going
 21 to be temporary, correct?
 22 You're not going to
 23 eliminate it? I just

373

1 information.
 2 STEVE MCGOWAN: Maybe
 3 we should put that in the
 4 contract, if you don't pay
 5 it back your name will be
 6 released --
 7 PRESIDENT POWERS:
 8 Okay, it's already in.
 9 And the fact that there's
 10 tax implications as well.
 11 John? Real quick, I
 12 apologize, John. We've
 13 been hit up by the hotel
 14 as to how much longer
 15 we're going to need this
 16 room, will we need to
 17 adjourn do you think?
 18 VP LAW ENFORCEMENT
 19 HARMON: They'll figure it
 20 out. John Harmon, law
 21 enforcement VP. I'd like
 22 to amend the motion to add
 23 the accrual use to it. If

375

1 wanted to do a little
 2 calculation in my head.
 3 Thanks.
 4 STEVEN MCGOWAN:
 5 McGowan, Mid State. Is it
 6 possible to get a list of
 7 the individuals and the
 8 facilities they work at
 9 for the members that have
 10 received compensation from
 11 the state and refuse to
 12 pay us back?
 13 PRESIDENT POWERS: I,
 14 you know --
 15 STEVE MCGOWAN: I mean,
 16 they're taking our
 17 charity, our money. If
 18 they're taking --
 19 PRESIDENT POWERS: That
 20 wouldn't be too hard to
 21 find out. We can
 22 compromise our position by
 23 releasing that

374

1 this is going to be a
 2 temporary fix, I think
 3 asking our members who are
 4 collecting the benefit to
 5 use their accruals at this
 6 time.
 7 Let's be honest, if
 8 they get to win the
 9 benefit, they're probably
 10 going to get a majority of
 11 their accruals back, and
 12 if so, not only do they
 13 get their accruals back,
 14 they're getting their
 15 accruals back, their back
 16 pay and they're not paying
 17 us back.
 18 So, if this is going to
 19 be a temporary fix, I
 20 would like to amend the
 21 motion to add the use of
 22 accruals to this temporary
 23 fix.

376

1 VP MID-HUDSON MAZZELLA:
2 Payments will not start
3 until accruals are
4 exhausted.

5 CHRIS HICKEY: Motion
6 is seconded to amend.

7 PRESIDENT POWERS: We
8 got an amendment to the
9 motion to add the accrual
10 aspects of it to the --

11 VP WEST MIANO: Joe
12 Miano, Western Region VP.
13 What about the people that
14 are already on the benefit
15 right now? What are you
16 going to do with that?
17 That's going to be a
18 question for the seven
19 people that I have are
20 going to be asking.

21 PRESIDENT POWERS:
22 We're going to need to
23 convey that. Do we want

377

1 going to take a little bit
2 of time. Even though we
3 make the motion, we can
4 change that summary plan,
5 the summary plan still has
6 to be accepted on a broad
7 scale. And if they don't
8 give us the approval,
9 we're back to square one.
10 It's not going to go
11 enacted today.

12 PRESIDENT POWERS:
13 Order. We're moving the
14 amended motion. This is
15 how the amended motion
16 reads. To amend the
17 Rainy Day policy as
18 follows:

19 Just the amendment is
20 to add one, going forward
21 10/10/18, maximum amount
22 thirteen hundred dollars.
23 Two, must elect to use

379

1 to move this from this
2 date forward, from fifteen
3 hundred to thirteen
4 hundred, put that in the
5 motion, the amendment,
6 beginning the next pay
7 period.

8 MARK DEBURGOMASTER:
9 Mark Deburgomaster,
10 Southport. Just for
11 clarification understand
12 that by amending this,
13 once this process goes in,
14 this still needs to be
15 approved by ERISA. This
16 is not something we can
17 just approve the summary
18 plan change, this still
19 has to go to the ERISA
20 attorneys, still has to be
21 put in play through them.

22 And we need their
23 approval. This is still

378

1 accruals at time of
2 suspension. That's the
3 amendment.

4 All in favor of the
5 amendment signify by
6 saying aye.

7
8 (Response of "Aye".)

9
10 PRESIDENT POWERS:
11 Anybody opposed?

12
13 (No Response.)

14
15 PRESIDENT POWERS: Now,
16 the motion, to amend the
17 Rainy Day Fund policy as
18 follows:

19 One, reduce the current
20 separation benefit going
21 to each eligible member at
22 this time, to guarantee
23 pay back at retirement or

380

1 separation pending a
2 change to the summary plan
3 description and ERISA
4 requirements. Two,
5 eliminate separation
6 benefit from the Rainy Day
7 Fund policy at this time,
8 excluding members
9 previously covered by the
10 pay back as stated above.
11 Three, reduce the maximum
12 benefit from fifteen
13 hundred to thirteen
14 hundred biweekly. Going
15 forward, the maximum
16 amount would be thirteen
17 hundred, must elect to use
18 accruals at the time of
19 suspension.

20 The wisdom of the
21 motion is; by amending the
22 Rainy Day Fund policy we
23 can continue to provide

381

1 Any other discussion?

2 VP NORTH ROBERTS:

3 Also, anybody already
4 receiving the amount is
5 staying at fifteen hundred
6 dollars?

7 VP WEST MIANO: No.

8 VP NORTH ROBERTS: I'd
9 like to make a motion to
10 amend that to leave it at
11 fifteen hundred dollars,
12 then if we're going to
13 address it using accruals.
14 We have 29 people already
15 on the Rainy Day Fund as
16 of yesterday, we have a
17 couple coming off in the
18 next few weeks. It's just
19 high right now because of
20 one major case where we
21 have seven people locked
22 out for one incident.

23 I know it can happen to

383

1 this benefit to the
2 membership while avoiding
3 serious financial impact
4 to NYSCOPBA. The motion
5 is made by Doug Westervelt
6 of South Port and Steve
7 Marasco out of Shawangunk.

8 CHRIS HICKEY: Hickey,
9 Wyoming. So to make sure
10 we're clarified and
11 understand that accrual
12 use must be used prior to
13 you receiving payment from
14 the Rainy Day Fund.

15 That's absolutely clear on
16 that. Okay. So they
17 can't start collecting
18 after fourteen days if
19 they got 320 hours on the
20 books. Okay. We all good
21 with that?

22 PRESIDENT POWERS
23 Everybody understands?

382

1 any day, but to take 200
2 dollars out of people's
3 pockets that have been
4 locked out when we're
5 already going to burn some
6 accruals, I think there's
7 other options. We can
8 stretch it out and the
9 accruals buys us time.

10 PRESIDENT POWERS:

11 Again, John, this is
12 temporary until we can get
13 back and get through the
14 actuary so we can come
15 forward with another --

16 DOUG WESTERVELT:

17 Because the reality of it
18 is it might be gone in two
19 weeks. We might be broke.

20 VP NORTH ROBERTS:

21 There's 66 thousand
22 dollars coming in in the
23 next few days.

384

1 DOUG WESTERVELT: I've
2 been hearing that for
3 about two months now.

4 PRESIDENT POWERS: We
5 need to do what we need to
6 do. Joe?

7 VP WEST MIANO: Joe
8 Miano, Western Region VP.
9 The people that are
10 already suspended that are
11 on the Rainy Day, they
12 can't go back and start
13 using their accruals.
14 That ship has sailed.
15 They can't go back and
16 say, I want to use my
17 accruals three months
18 after the fact.

19 MIKE CARLSON: Mike,
20 when you read that you
21 didn't put temporary in
22 the second wording, that's
23 all.

385

1 understand that. I don't
2 know if the department is
3 going to remain that
4 flexible with things. I
5 got that latitude at my
6 place, too. It's an issue
7 to administer the program,
8 you know, we got to make
9 sure just another thing to
10 volunteer to do, is find
11 out the accrual level at
12 time of suspension.

13 VP LAW ENFORCEMENT
14 HARMON: John Harmon, law
15 enforcement VP. I mean,
16 if accrual use is going to
17 be agreed to, it also has
18 to be agreed to that
19 whatever the current time
20 and attendance sheet at
21 application request has to
22 be part of it or they're
23 not going to be accepted.

387

1 PRESIDENT POWERS:
2 Chris?

3 CHRIS HICKEY: Hickey,
4 Wyoming. To administer
5 this change, is there a
6 way -- we need to find out
7 what their accrual level
8 is at time of suspension,
9 so they're not getting
10 paid until their accruals
11 are used up. Is there a
12 way to do that? Because
13 currently I don't believe
14 we get that information,
15 correct?

16 KENNY GOLD: Chris, go
17 to personnel. I don't
18 know how you guys are, but
19 when one of our guys is
20 locked out, we go just to
21 help them out, make sure
22 they know.

23 CHRIS HICKEY: I

386

1 That needs to be part of
2 the process so guys can't
3 say, oh, I have zero. And
4 we know damn well the
5 department is not going to
6 give us it.

7 You know, again, it's
8 got -- our members are
9 collecting a benefit off
10 our dues. It's got to be
11 on them to produce this
12 information. We're giving
13 you something, whether
14 they're right, wrong or
15 indifferent. Some notice
16 needs to be put on them to
17 produce the information,
18 to fill out the
19 application in its
20 entirety, and correctly.
21 I can tell you the Board
22 has been sending them back
23 quite often based on not

388

1 enough information.

2 And if they don't do
3 it, they don't get the
4 benefit. It's just --
5 it's got to be that
6 simple. You know, the
7 holding of the hands, it's
8 got to stop.

9 AL ZAPPALA: Al
10 Zappala, Shawangunk. Like
11 what John was asking
12 earlier about can we keep
13 at it fifteen. We've had
14 other people say this is
15 temporary. I just want
16 you guys to hear the
17 numbers real quick to
18 understand that this
19 proposal is a temporary
20 fix, because we have a lot
21 of work to do on it. And
22 I just want to let you
23 guys hear these numbers so

389

1 we had and then we still
2 had to give away another
3 three hundred thousand,
4 that we didn't have, which
5 came out of our cash
6 reserves.

7 So basically what we're
8 saying here is, getting
9 rid of the separation
10 benefit is great. But
11 unless we lower the
12 premiums, and when I say
13 premiums, thirteen
14 hundred, twelve hundred,
15 whatever you want it to
16 be, at the rate we're
17 going without anything
18 else, it cost us three
19 hundred thousand dollars.

20 Even if we lower the
21 payment to thirteen
22 hundred dollars, that's a
23 savings of a hundred

391

1 you realize where we're
2 at.

3 In the two and a half
4 years that the fund has
5 been in place, we have
6 collected two million,
7 seven hundred ninety-five
8 thousand dollars. So
9 we'll say 2.8 million is
10 what we collected, that's
11 based on 21 thousand, five
12 hundred members paying in
13 for two and a half years.

14 You take that 2.8
15 million that we've
16 collected in dues, we've
17 gotten back almost 200
18 thousand from people that
19 won back pay awards. That
20 brings us up to three
21 million that we've had in
22 our hands. We gave away
23 that three million that

390

1 fifty-six thousand a year,
2 that could cut it in the
3 two year period. But
4 ultimately there has to be
5 some fix down the road and
6 this is a temporary fix
7 before we get to a point
8 where it keeps going on
9 and on.

10 I just wanted everybody
11 to realize where we're at
12 with those numbers. That
13 it actually cost this
14 union three hundred
15 thousand of our own other
16 money.

17 PRESIDENT POWERS:
18 Anything else? Do I need
19 to read it in again? No?
20 All in favor signify by
21 saying aye.

22
23 (All signify "aye".)

392

1
2 PRESIDENT POWERS
3 Anybody opposed?
4
5 (No response.)
6
7 PRESIDENT POWERS: Any
8 other new business?
9 VP NORTH ROBERTS:
10 Being that Frank was
11 elected treasurer,
12 northern region nominates
13 Ed Trombley for the
14 finance committee.
15 PRESIDENT POWERS:
16 New business, with this
17 body's approval. Sixty
18 percent approval from this
19 body to readdress the
20 vacancy on the finance
21 committee due to Toby
22 Hogan -- or Frank Gilbo
23 being appointed as

393

1 quick here. I said
2 something to John, he
3 brought up something
4 really important about
5 CST. I know we were
6 talking about the Rainy
7 Day Fund we do.
8 Hopefully, anybody that
9 doesn't know about it,
10 hopefully we can get them
11 to come to a future EA,
12 they end up giving like 18
13 or 19 hundred dollars a
14 month to people and I
15 believe it was started for
16 medical bills.
17 If you guys don't have
18 the applications in your
19 jail or if you don't know
20 about it, it's something
21 else for your members. If
22 in essence your members
23 are paying for their

395

1 treasurer. All signify by
2 saying aye?
3
4 (All respond with aye.)
5
6 PRESIDENT POWERS: Back
7 to the election committee.
8 HEATH ALLEN: Heath,
9 Allen, election committee.
10 We got an opening for the
11 finance committee in the
12 north.
13 VP NORTH ROBERTS: John
14 Roberts, Northern Region
15 VP. Ed Trombley, Moriah.
16 HEATH ALLEN: We're
17 good.
18 PRESIDENT POWERS:
19 Okay. Thanks, Heath.
20 Thanks, John.
21 KENNY GOLD: Kenny
22 Gold, I just wanted to
23 touch on something really

394

1 medical and getting the
2 stuff to pay for their
3 bills in the Rainy Day
4 Fund, it's not our job per
5 se but it's what we do to
6 help our members.
7 Hopefully we can get them
8 to an upcoming EA, so they
9 can see where it started
10 and how much, the exact
11 numbers. It's really a
12 good thing.
13 If you don't know, try
14 to get online, I think
15 it's CST.com or something.
16 It's something you should
17 put out to your members.
18 It's awesome.
19 PRESIDENT POWERS:
20 Thanks, Kenny. Mike?
21 VP MID-HUDSON MAZZELLA:
22 I don't have any new
23 business, I just want to

396

1 make an announcement.
 2 STEVE MARASCO:
 3 Congratulations, Frank. I
 4 thought you were going to
 5 do it, Kenny. I have a
 6 motion here, Kenny Gold is
 7 the second. To change the
 8 certificate of
 9 incorporation from a
 10 hundred twenty thousand
 11 dollars back to
 12 twenty-five thousand
 13 dollars.
 14 Want to know the
 15 wisdom? All Right. At
 16 the June EA I kind of felt
 17 like when we voted to
 18 bring Gramercy in, I kind
 19 of felt like that the
 20 Board was like, we can
 21 hire them anyway, because
 22 we spent --
 23 VP WEST MIANO: Can we

397

1 announcement. Heather
 2 Holbert is the chief out
 3 of Wallkill is in need of
 4 kind donations. She had
 5 medical issues and has
 6 been in the hospital. I
 7 haven't checked in the
 8 last day or two, do you
 9 know if she's still in? I
 10 know the last time I
 11 checked she was in for
 12 already twenty-eight days
 13 in the hospital.
 14 MATT SHERIDAN: She is
 15 still in the hospital.
 16 She's to be released in a
 17 few days. She is in good
 18 spirits.
 19 VP MID-HUDSON MAZZELLA:
 20 Thank you. So, if you
 21 have excess time, I know
 22 not a lot of us do, but if
 23 you do and you want to

399

1 vote first, before you
 2 start saying that?
 3 STEVE MARASCO: Sure,
 4 I'm just giving you the
 5 wisdom.
 6 PRESIDENT POWERS:
 7 Sixty percent approval to
 8 hear this motion. All
 9 signify by saying aye.
 10
 11 (Response of "Aye".)
 12
 13 PRESIDENT POWERS:
 14 Anybody opposed?
 15
 16 (Response of nay from
 17 the floor.)
 18
 19 PRESIDENT POWERS:
 20 Mike?
 21 VP MID-HUDSON MAZZELLA:
 22 Seeing no other new
 23 business, I have one quick

398

1 donate some time to
 2 Heather, please do.
 3 Thank you.
 4 PRESIDENT POWERS: Okay
 5 I've got -- Paul?
 6 PAUL MIKOLOJAC: Paul
 7 Mikolojac, Sing Sing
 8 Prison. I just have one
 9 question after hearing a
 10 real lot of financial
 11 money here. Has it been
 12 budgeted to hire a panel
 13 member, as we start to
 14 head towards arbitration?
 15 Have funds been allocated
 16 to pay him?
 17 TREASURER GILBO: We
 18 can budget for it.
 19 PAUL MIKOLOJAC: Okay.
 20 Thank you.
 21 PRESIDENT POWERS:
 22 Couple quick
 23 announcements. One,

400

1 recognizing that Toby
 2 couldn't be here today.
 3 As I mentioned before, he
 4 had his health issues with
 5 his significant other.
 6 I'd like to acknowledge
 7 Toby, his many years of
 8 service to NYSOPBA.
 9 Congratulate him on his
 10 recent retirement, wish
 11 him nothing but the best.
 12 Toby is a strong union
 13 advocate for NYSOPBA,
 14 plenty of history out of
 15 Hale Creek. And with
 16 that, I'd like to
 17 personally acknowledge
 18 Toby and the fine job that
 19 he has done over the many
 20 years. John?
 21 VP LAW ENFORCEMENT
 22 HARMON: Just one quick
 23 thing if you didn't know,

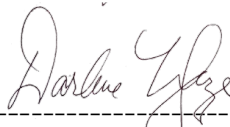
401

1 approaching over thirty
 2 something years. And, you
 3 know, he's not replaceable
 4 but congratulations.
 5
 6 (All applause and
 7 standing ovation.)
 8
 9 PRESIDENT POWERS:
 10 Motion to adjourn.
 11
 12 (Whereupon, the
 13 Executive Assembly then
 14 adjourned for the day.)
 15
 16
 17 * * * * *
 18
 19
 20
 21
 22
 23

403

1 this is Tom Sawyer's last
 2 EA. He is retiring. He's
 3 had over thirty-five years
 4 of being a union official.
 5 He's retiring November
 6 16th. I'd like to say
 7 congratulations Tommy.
 8 You're finally actually
 9 gonna retire this time.
 10 But I can tell you that
 11 his -- what he has given
 12 to this organization,
 13 twice being the vice
 14 president, BA two
 15 different times, staff
 16 support, chief sector
 17 steward, he's been going
 18 back to Council 82, there
 19 probably isn't many people
 20 in this room, if any at
 21 all, that got that many
 22 years of being a union
 23 official and you're

402

1 STATE OF NEW YORK)
 2 SS:
 3 COUNTY OF ERIE)
 4
 5 I, DARLENE L. JERGE, a
 6 Notary Public in and for the State
 7 of New York, County of Erie, DO
 8 HEREBY CERTIFY that the MINUTES of
 9 the EXECUTIVE ASSEMBLY, were taken
 10 down by me in a verbatim manner by
 11 means of Machine Shorthand, on
 12 OCTOBER 10, 2018. That the MINUTES
 13 were then reduced in writing under
 14 my direction.
 15 I further CERTIFY that
 16 the above-described transcript
 17 constitutes a true and accurate and
 18 complete transcript of the minutes
 19 taken.
 20
 21 
 22 -----
 23 DARLENE L. JERGE,
 Notary Public.

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