

**BUDGET COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Budget Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislative Building, Veterans Highway, Smithtown, New York, on Monday, **October, 27, 2003.**

Members Present:

Legislator David Bishop - Chairman
Legislator William Lindsay - Vice-Chairman
Legislator Lynne Nowick
Legislator Brian Foley

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Jim Spero - Budget Review Office
Ken Knappe - County Exec's Office
Bill Faulk - County Exec's Office
Walter Rabe - Greenlawn Civic Association
Ellie Smith Red Cross
Alexandra Sullivan - Chief Deputy Clerk - Legislature
All other interested parties

Minutes Taken By:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 11:15 A.M.*)

CHAIRMAN BISHOP:

Good morning. Welcome to the October 27th meeting of the Operating Budget Committee. This is the committee addresses issues concerning the current year's operating budget, not to be confused with various committees that are working on next year's Operating Budget. Please rise for the Pledge of Allegiance to be led by the not tardy Legislator Lindsay.

SALUTATION

CHAIRMAN BISHOP:

All right. This committee is unique in that it requires a super majority to pass a bill. It's a four member committee; is that correct? The body has actual changed since then. So we need three votes to pass anything. So why don't we go to our one public card, which is from Mr. Walter Rabe. From the Greenlawn Civic Association. Good morning.

MR. RABE:

Good morning, Mr. Bishop and members if the committee. My name is Walter Rabe. I am a resident of Greenlawn for the last 46 years. I'm representing the Greenlawn Civic Association, which I've been the president for past six years. Our association has over 500 businesses and families living in Greenlawn. Greenlawn does not have a chamber of commerce or a businessman's association.

In 1990, the Greenlawn Civic Association took over that job to help the village protect businesses and work on the problems that they had. I'd like to say that the downtown revitalization was or is a great idea to help the old and quaint downtowns compete against the giant corporations by making the more attractive. Small businesses were and in some cases still are the life line of Long Island. The Greenlawn Civic Association has been committed to help them remain a vital part of Greenlawn. For example, we kept a big CVS store out of Greenlawn for the last seven years in order to protect our small pharmacies that were in town. Even though we did lose that battle, we helped our small pharmacies for those seven years to prepare for any business downfall that they might be having.

After we received this grant money of \$61,500 a few years ago, the County stated that the Town of Huntington was to be the go between the County and our organizations. And it took a long time for them to get the paperwork going and finally realize that because Broadway Greenlawn is a County Road, that there were no engineering plans for the road. So without engineering plans, they couldn't go out for any bids. The Town of Huntington then committed themselves and their engineering department to draw up the necessary plans so we can go out to bid for antique lights, sidewalks, brick work, trash containers and benches. After numerous delays, I felt we were ready to start, then the shoe dropped in January of this year, when the County stated that we lost these funds because we didn't spend them.

We really didn't have any knowledge that these funds were going to expire in January of this year. And it was really a shock to find out

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that were going to start the project this spring and that we were sixty one thousand dollars, five hundred dollars short. The project has not started yet. Now these \$61,500 was appropriated in a prior

budget. So I feel this is -- this is not new money that you have to look for. The County got this money back.

CHAIRMAN BISHOP:

I'm familiar with this type of situation, although not exactly this particular situation. The 61-5 is from which budget, which year's round?

MR. RABE:

About three years ago. I don't have the date with me.

CHAIRMAN BISHOP:

So that can't be recovered. It was never moved to Capital?

MR. SPERO:

It was round one money that wasn't used, and since the expiration date for using those funds has expired, the \$61,000 has to go back into the pool for redistribution. So this resolution would appropriate new -- an additional \$61,000 for the Greenlawn situation.

CHAIRMAN BISHOP:

When the 61,000 went back into the pool, did it go into the pool from which this resolution is drawing down from?

MR. SPERO:

No. This is new money.

CHAIRMAN BISHOP:

Okay. So it really didn't go back into a pool.

MR. SPERO:

No. The 61,000 is still there for redistribution pursuant to the rules that govern downtown revitalization. This is -- would allocate an additional 61,000. This is new money.

LEG. LINDSAY:

That's my point. I don't disagree with the reallocation of the money, but if we take it from Social Security -- that's the offset here, right?

MR. SPERO:

The offset was changed to pay-as-you-go.

LEG. LINDSAY:

Pay-as-you-go. So we're going to spend it twice then? The other 61,000 will be divided up in downtown revitalization, and we're going to spend a new of 61,000.

MR. SPERO:

That's correct.

CHAIRMAN BISHOP:

I don't believe that to be true. And I'm sure I'm wrong, but as I

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understood it, is the downtown fund the Capital Fund?

MR. SPERO:

We've transferred funds to a Capital Account so the appropriations don't lapse.

CHAIRMAN BISHOP:

Appropriations don't lapse. So why did his appropriation lapse?

MR. SPERO:

Apparently there is rule in the downtown program that states once the period for utilization of funds ends, they go -- the unused funds go back into the kitty for redistribution.

CHAIRMAN BISHOP:

Okay. So why don't we -- why don't we just draw back into the kitty --

LEG. FOLEY:

Correct. Correct.

MR. SPERO:

Well, then the resolution would have to be amended to reallocate or reauthorize the existing funding for this purpose.

CHAIRMAN BISHOP:

All right. Well, that's really what we want.

MR. SPERO:

The Legislator choose this route as opposed to that.

LEG. FOLEY:

Table this.

CHAIRMAN BISHOP:

Probably because he was advised by some wiley budget analysis like yourself. Legislator Lindsay.

LEG. LINDSAY:

I don't think we want to break the rules of -- I don't think we want to go over the time limits to reallocate. This is a new allocation out of that for this year.

MR. SPERO:

It's not out of the downtown revitalization pool of money. This would add another 61,000 to the total amount of money available for downtown revitalization.

LEG. LINDSAY:

This resolution?

MR. SPERO:

Yes.

CHAIRMAN BISHOP:

And that's not what we want.

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LEG. LINDSAY:

That's not what we want. We want to spend his money that wasn't used three years ago.

MR. SPERO:

You need another resolution that would reauthorize the expenditure of the existing money for this purpose.

CHAIRMAN BISHOP:

Now, we could -- Counsel. Counsel, are you following this at all.

MR. SABATINO:

It's been hard to follow from the beginning, because I thought the issue was that these people never got the contracts in place in a timely fashion. That's why the money was lost at the end of the year. Now, two years later they're coming back to try to get money that they didn't get because they didn't do the paperwork in a timely fashion in the Year 2001. That was my understanding of the issue from day one.

CHAIRMAN BISHOP:

You're completely ignoring the testimony that you had earlier, but be that as it may, the point is that, yes, they couldn't access the money in the year that it was originally allocated. And now they want to access money at this point when they have for whatever reason the ability to do so administratively. How do we legally accomplish that goal?

MR. SABATINO:

That money is gone. I think the resolution in front of you is the way you get it, which is you have to go and recreate a new -- that's the way we've always done it in the past. When somebody losses the money at the end of a contract year, you have to create new money.

CHAIRMAN BISHOP:

Why is it lost? Isn't it in a capital account, which does not expire at the end of a calendar year?

MR. SABATINO:

I'll defer to Budget Review.

MR. SPERO:

The 61,000 is technically still there, it's just --

LEG. FOLEY:

It's technically still there. If I may then follow up. If it's technically still there, we can table -- we can table this today --

CHAIRMAN BISHOP:

We can approve it today and change it before the floor.

LEG. FOLEY:

No. No. No. The next General Meeting -- I wouldn't want it -- the next General Meeting isn't until the middle to the end of November, the 18th of November. So it can be tabled here in committee, then the sponsor -- we can speak to the sponsor of the bill to amend the resolution, then we can have a discharge motion made on the 18th. I

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just wouldn't feel comfortable -- I wouldn't feel comfortable --

CHAIRMAN BISHOP:

Does this committee meet before the General Meeting on the 18th?

LEG. FOLEY:

Technically we do need to, but we could.

CHAIRMAN BISHOP:

All right. If we don't, then I would suggest that we approve this without recommendation and we count on the sponsor to amend it before the 18th of which they have ample time to do so.

LEG. FOLEY:

Discharge subject to.

CHAIRMAN BISHOP:

Right. And if they don't so, then we'll table it on the floor. If they make the change that we're requesting, we'll as a committee recommend to the full Legislature approval.

LEG. FOLEY:

Mr. Rabe, understand what we're asking for here? Basically the monies

that we would say were temporarily lost, we want the sponsor of the bill to reallocate those dollars as opposed to a resolution that allocates new dollars from a different pool of monies, okay? So it meets the same end that you are looking to see happen within your community, but it's to reallocate the dollars that were originally allocate for your particular area.

MR. RABE:

Okay. I understand that part. And listening to comments and people talking about this money, it was just as confusing on our part dealing with the Town of Huntington and straightening out this paperwork and trying to get this project started.

LEG. FOLEY:

Your point is well taken. Some of us in the past who are in other townships have had similar difficulties. And those who have created this program, which is a great program, some of us feel that there should be direct linkage between the County an the recipient as opposed to using this go between.

MR. RABE:

One last thing I'd like to say is that I am grateful that there is a downtown revitalization. And I think this is a great program. There's one other little step that I want to mention. I am a member of the downtown revitalization committee for the County, and this expiration date did not come up at our meetings. If it had, I would have had \$61,000 of benches and trash containers sitting in a warehouse. I would not let this money expire. So please don't hold this again the Greenlawn Civic Association who really want to get this project going. Thank you very much.

CHAIRMAN BISHOP:

All right motion to take 1784 out of order by myself, seconded by

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Legislator Foley. It's now before us.

1784-03. Amending the Adopted 2003 operating Budget and transferring downtown revitalization funds in connection with Greenlawn Civic Association. (BINDER)

CHAIRMAN BISHOP:

Motion to approve by myself, seconded by --

LEG. FOLEY:

Motion to discharge --

CHAIRMAN BISHOP:

I'm sorry, you're right.

LEG. FOLEY:

-- subject to the --

CHAIRMAN BISHOP:

Motion to discharge without recommendation by Legislator Foley, seconded myself. All in favor? Opposed? 1784 is DISCHARGED WITHOUT RECOMMENDATION. (VOTE:4-0-0-0)

And we're ask the sponsor -- so, Glenn, make a note that we have to communicate with Legislator Binder that he has to speak to Mr. Spero at Budget Review about the proper way to allocate -- to draw down from the downtown fund. All right. We have no cards, but we do have Mr. Knappe from the Executive's office, who would like to speak on the agenda. Mr. Knappe.

MR. KNAPPE:

Good morning. As we go through the agenda, there are certain -- a couple of resolution that the Budget Office of the County Executive's Office has a couple of concerns about. In general, it has to do with -- with the limited available appropriations that we have in the 2003 Operating Budget. Budget Review and the Budget Office has stated in memos and the report and in discussions here that there is going to be a need to do a housekeeping resolution at the end of this year just as is the case in other years. The available appropriations within the '03 budget is very tight and limited. And we would just suggest holding off on said resolutions that are transferring funds from certain appropriations until such time the Budget Office and the Budget Review Office works on the housekeeping resolution, which is slated to be laid on the table at the 18th meeting, then revisit those resolution in conjunction with the housekeeping resolution at that time.

CHAIRMAN BISHOP:

In other words, you don't want to spend the money because you want to make sure that we have money to do house cleaning at the end of the year.

MR. KNAPPE:

There are certain expenditures that we foresee coming forward throughout this year that we would like to pay and cover those overages before we start spending new money.

CHAIRMAN BISHOP:

All right. Why don't be go through this agenda and you can speak specifically to the resolutions if you wish to.

MR. KNAPPE:

One of the ones we had a concern with seems to be getting resolved right by the Legislature was 1784, because originally that was Social Security as an offset.

CHAIRMAN BISHOP:

Right. Wonderful. We are always on our toes here.

1782-03 Amending the 2003 Operating Budget transferring funds for the Adult Community Alternative Sentencing Program. (CARPENTER)

CHAIRMAN BISHOP:

Legislator Carpenter's resolution. The dollars amount is?

LEG. LINDSAY:

Fifteen hundred dollars.

CHAIRMAN BISHOP:

Fifteen hundred dollars. Motion by myself, seconded by Legislator Foley. All in favor?

MR. KNAPPE:

This is one of the resolutions that we would have a concern with. I understand it's only \$1500, but it is Social Security. The Budget Review report even stated that Social Security overall is estimated more than what is currently in the adopted budget. The General Fund does have a slight surplus using our estimate right now, but I would like to see what Budget Review's estimate is with omnibus that comes out next week. We're very close to what estimate is and what's available.

LEG. FOLEY:

Mr. Chairman, I'm going to -- I'm going to withdraw my seconding motion.

CHAIRMAN BISHOP:

All right. I have a motion, is there a second for \$1500 for the community service adult program? There's no second, so motion to table by myself, seconded by Legislator Foley. All in favor? Opposed? It's tabled.

1783-03. Amending the Adopted 2003 Operating Budget and transferring funds and creating position of Executive director of the Suffolk County Ethics Commission. (COOPER)

CHAIRMAN BISHOP:

We don't have this position filled at this time; is that correct? And it's highly unlikely that the position would be filled by the end of the year; is that further correct? Can anybody comment? Paul?

MR. SABATINO:

The position has been in the County Charter since 1989. It's not been

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filled during that entire period of time. This would create the position. Lame duck administration, two months to go, I think it's not likely to be filled, but I speak for the County Executive.

CHAIRMAN BISHOP:

I'm going to make a motion to table, seconded by Legislator Lindsay. All in favor? Opposed? TABLED (VOTE: 4-0-0-0)

We've discussed the Greenlawn Civic situation, let's go to 88.

1788-03. Amending the 2003 Operating Budget transferring funds for the John T. Mather Memorial Hospital Fortunato Breast Health Center. (VILORIA-FISHER)

CHAIRMAN BISHOP:

Same objection, Social Security?

MR. KNAPPE:

No, different offset. I'll let Budget Review speak on the offset.

MR. SPERO:

This is permanent salaries in the health department general administration. Based on your projections, there will be some extra money in the account by the end of this year.

CHAIRMAN BISHOP:

Is this budgeted for next year -- it would seem that this is again, this is at the end of the year. It's probably more appropriate to do it next year's budget. Is it -- what is it for exactly? Does anybody know?

MR. SPERO:

I believe this was to fund the Breast Cancer Awareness Day sponsored by Mather Hospital. They apparently have one of these every year, symposiums.

CHAIRMAN BISHOP:

Did it happen?

MR. SPERO:

I believe it already happened.

CHAIRMAN BISHOP:

Are they --

MR. SABATINO:

The symposium was held on October 21st.

CHAIRMAN BISHOP:

Legislator Lindsay.

LEG. LINDSAY:

The Mather Hospital Center there does some wonderful work, and I certainly don't object to the work they do. But what strikes me about this resolution is this should typically be something that should be funded under member item money or when we put together the Operating

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Budget at the beginning the year. To come back at the end of the year and to reallocate money, it's like you are going back to the well twice or three time. I don't think it's appropriate.

CHAIRMAN BISHOP:

Counsel.

MR. SABATINO:

Just to be fair, it was -- it was funded in the Operating Budget, but it's unclear as to what happened. But the contract apparently was not processed in a timely fashion to access the money. So there was an effort made by -- I forget which Legislator it was, it was probably Legislator Vilorio-Fisher in the first instance, but it was made part of the omnibus resolution. The money was put in there, but like a lot of other projects, they don't get implemented. So this was just really a catch up effort.

CHAIRMAN BISHOP:

But why do you need to -- why do you need to refund something that's already funded?

MR. SPERO:

It's not in the '03 budget, it was in the '02.

MR. SABATINO:

It was the 2002 Operating Budget, but it never happened.

CHAIRMAN BISHOP:

It was in the '02 budget. Did it happen in '02?

MR. SPERO:

It didn't happen in '02. The funds were not included in the '03 budget, and Legislator Fisher put this resolution in to get \$20,000.

MR. KNAPPE:

You stole her money in '02, Ken. So why can't she have her money in '03?

MR. KNAPPE:

The department has concerns with this resolution just because the mere timing of the resolution process. If this gets adopted at the 18th meeting, by the time the County Executive signs off on it, in all practicality, the time limit to get a contract executed and processed and payment made, it's just a little too early -- it's a little too late in the process for this 20,000 to be expended from comments from the Health Department as well as putting a contract -- I would Legislative Counsel about putting together a contract for a symposium that already took place.

CHAIRMAN BISHOP:

Well, they have vouchers. I mean, they have receipts. All right. Is there a motion? I'll make a motion to approve. There's no second, so motion to table by Legislator Lindsay, seconded by Legislator Foley. All in favor? Opposed? It's TABLED. (VOTE: 4-0-0-0)

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1790-03. Amending the 2003 Operating Budget and appropriating funds in connection with the Suffolk County Employee Mental Health Program. (CARACAPPA)

CHAIRMAN BISHOP:

Didn't we do this already, Counsel?

MR. SABATINO:

No. This is the -- this is the part two. First we authorized the budget note. This resolution if it's discharged from committee will appear on the special meeting notice so it can be done in a timely fashion for the November 6th meeting. But this is the actual appropriation of the \$9.1 million for the cost overruns so the money can be actually be physically accessed. We did step one, but this is step two.

CHAIRMAN BISHOP:

Is there a motion?

LEG. LINDSAY:

I'll make the motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Lindsay, is there a second? Is there a second? Is there a motion to table?

LEG. FOLEY:

I'll second for the purposes of discussion. Do we have to -- Counsel, do we have to approve this by the November 6th meeting or can we wait for the 18th? What time constraints do we have with this?

MR. SABATINO:

Well, the reason it's important to vote on the 6th is that this interconnects with and impacts on what may be happening in the omnibus process, because the omnibus process is predicated on certain assumptions. You know, one assumption could be that this issue is being addressed now as opposed to Year 2004. So there's an inter -- I mean, are you legally required to? No.

CHAIRMAN BISHOP:

But after we did the omnibus, we would be -- we would have to do this, correct?

MR. SABATINO:

Depending on how you ultimately structure the omnibus. So I think the point is this, is that getting it to the floor and having it on the special meeting at least give the Legislature the flexibility and the options to go in whatever direction you want to go. If you don't --

CHAIRMAN BISHOP:

If omnibus is structured with this presumed to have occurring, you can still do this after the omnibus process, you can do this in December, legally, fiscally and otherwise you could, correct?

LEG. FOLEY:

Let's hear from Budget Review on this.

MR. SPERO:

We would like to see them go concurrently, because you are adopting with these adjustments as part of the omnibus, so this really should be adopted at the November 6th meeting and not be held over to December or November 18th.

MR. KNAPPE:

The Budget Office would concur with Budget Review. As I stated earlier, we are working on the housekeeping resolution. We were assuming with the passage of the first companion resolution to this, the 9.1, at the last meeting that this resolution would be going forward. If this resolution is not going forward, we're going to have start working in supplying these appropriations in a housekeeping resolution, which greatly changes the available appropriations that I spoke to at the beginning. They become much, much, much more limited.

CHAIRMAN BISHOP:

The number 9.1, how that calculated? How is that derived?

MR. SPERO:

It was an estimate based on the amount needed to fully fund the Health Program through 2003. So there would be no deficit in the program.

CHAIRMAN BISHOP:

Wouldn't time provide more clarity as to what the exact amount required is?

MR. SPERO:

Well, the exact amount required, you are not going to know that until six months into next year.

CHAIRMAN BISHOP:

Will you know more in six weeks than you know today?

MR. SPERO:

Well, the longer you have, the more you know. But really, it should be part of the budget adoption process.

CHAIRMAN BISHOP:

Okay.

MR. SPERO:

That's the best approach to this.

CHAIRMAN BISHOP:

But as we move toward the end of the year, and we have -- we have a meeting in December -- we have two meetings in December, it is fair to say that we would have more information at that time. And it would also fair to say that if the omnibus budget for next year presupposes passage of this, we will have to pass this resolution otherwise we will, you know, be in deficit right off the bat and in trouble. So we understand that. But I think that speaking for myself and perhaps Legislator Foley, there is a reluctance to do this at this time, because we would want to have the full panoply of information available when we do it.

MR. KNAPPE:

My concern would be for the Legislature. There's already \$9.1 million worth of a budget note authorization that has been adopted by the full Legislature. That 9.1 million in authorization is hanging out out there waiting to be appropriated.

MR. SPERO:

We're never going to have perfect knowledge by the end of this year as far as employee health claims goes. It's not going to happen.

LEG. FOLEY:

I'll withdraw my second.

CHAIRMAN BISHOP:

Withdraw your second for passage?

LEG. FOLEY:

Right.

LEG. LINDSAY:

Just an observation, it's a bill we know we are going to have to pay. I mean, we have collective bargaining agreements, and we have understanding with our other employees that we pay their health coverage. It's a bill we're eventually going to have to pay. It's really just a matter of honest budgeting. You know, if we're going to approve it now or at the end of the year or if we don't approve it, we're going to start off operating at a deficit. That's one of the problems we have with the existing budget that was passed over to us is the bonding of operating expenses. I just think at least we should bring it to the whole body to let them make a decision whether they want to vote on it November 6th or push it off until the end of the year.

MR. KNAPPE:

That was going to be my suggestion, if the committee could discharge it without recommendation to after the omnibus is voted on the 6th.

CHAIRMAN BISHOP:

If that's your motion, Legislator Lindsay, I'll second that motion. Motion to discharge without recommendation by Legislator Lindsay, seconded by myself. All in favor? Opposed? It's DISCHARGED WITHOUT RECOMMENDATION. (VOTE: 4-0-0-0)

It's understood that it will go onto the agenda for the meeting on the 6th. Next.

1791-03. Amending the 2003 operating Budget and appropriating funds in connection with the Suffolk Pay-As-You-Go Capital Project Financing Program. (CARACAPPA)

LEG. FOLEY:

Explanation.

CHAIRMAN BISHOP:

This was discussed at the General Meeting when there was a reluctance to pass several bonding resolutions. This was a compromise that was

offered and at the time seemed to have a consensus approval.
Mr. Spero, do you want to add to that?

LEG. FOLEY:
Explanation, Mr. Chairman.

MR. SPERO:
This would provide -- it's a mechanism to provide the addition appropriations to fund the pay-as-you-go projects that are currently tabled, pay-as-you-go projects for which resolutions have not been laid on the table as yet and other legislative initiatives that may come up before the end of the year.

CHAIRMAN BISHOP:
Now, does this resolution impact the downtown revitalization program?

MR. SPERO:
It would provide the appropriations in the General Fund to transfer to the Capital fund downtown revitalization funding that currently is in the Capital Budget for which we as of yet don't have appropriations to transfer to the Capital Fund. So this would provide that funding mechanism for it.

CHAIRMAN BISHOP:
Counsel.

MR. SABATINO:
This tracks the previous resolution. The budget note authorization is in place. You have the option, the ability, to appropriate if you wish to. This is part two of the two step process.

LEG. LINDSAY:
And the offset -- the offset is?

MR. SABATINO:
It's just like the previous one. There's a budget note authorization that you approve. In this case, it's five million. Again, if you want -- you don't have to, but if you want to make it part of the big picture, you can appropriate the proceeds of that budget note. It will be on the special meeting notice just like the other one if it gets out of committee.

MR. SPERO:
IR 1791 is the actual budget note resolution. That hasn't been adopted yet.

LEG. LINDSAY:
I'll make a motion.

MR. SPERO:
1791.

CHAIRMAN BISHOP:
Motion to approve by Legislator Lindsay, seconded by Foley. All in favor? Opposed? APPROVED. (VOTE: 4-0-0-0)

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MR. SPERO:
This is amending the budget. The budget note resolution itself is still IR 1791. That has not been adopted.

CHAIRMAN BISHOP:
It wouldn't be in this committee.

MR. SPERO:
That should be on the agenda for November 6th as well.

LEG. FOLEY:
Which resolution number was that?

MR. SPERO:
1791.

LEG. FOLEY:
We just approved that. We just approved 91.

MR. SPERO:
No, that was the health insurance one.

CHAIRMAN BISHOP:
That was 1790. You need a score card.

LEG. FOLEY:
1790 we discharged without recommendation.

CHAIRMAN BISHOP:
1791 we just approved.

1794-03. Amending the 2003 Adopted Operating Budget to create positions of Energy Engineer and Research Technician for County Department of Public Works. (CARPENTER)

LEG. FOLEY:
Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Foley, seconded by myself.

LEG. FOLEY:

Just state on the record, it's an interesting idea. We can work this through the proposed '04 budget.

LEG. LINDSAY:

The other -- is that for one position or three positions?

LEG. FOLEY:

It's at least two. Sounds like two positions. It's an interesting idea, but I think it should be folded into our '04 deliberations or amendments to the proposed budget as opposed to making it part of the '03 budget.

LEG. LINDSAY:

I agree.

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LEG. FOLEY:

Stands tabled. We already tabled it though, right, Mr. Chairman?

LEG. LINDSAY:

I had a question.

MR. SABATINO:

It was two positions. One's an -- in the corrected copy there's an energy engineer and a research technician. So it was two positions. That's in the corrected copy as of October 10th.

LEG. LINDSAY:

And before -- it would helpful if we could have an analysis by the department to see if the position pays for itself.

LEG. FOLEY:

That's why -- you point is well taken, Legislator Lindsay, why we need to -- I mean, if this is created now we know that the proposed budget doesn't have this for '04. So technically speaking, this position would only be live so to speak for two and a half months. So this is -- while it's well intended, the timing is not the greatest. So we can take this up, I believe, through the '04 proposed budget when we vote on that on November 6th. So motion to table, Mr. Chairman, and a second.

CHAIRMAN BISHOP:

Yes. All in favor? Opposed? TABLED (VOTE: 4-0-0-0)

1795-03. Amending the 2003 Operating Budget transferring funds for the Town of Babylon Youth Bureau. (BISHOP)

CHAIRMAN BISHOP:

This is \$10,000 that was designated through the Suffolk Health Partnership and it wasn't expended for that purpose. But it was -- but the existing program at Cedar Beach, Summer Nights, did go forward and this reimburses the town to the degree that we can.

LEG. FOLEY:

Motion to approve.

CHAIRMAN BISHOP:

Seconded by myself. All in favor? Opposed? APPROVED (VOTE: 4-0-0-0)

1804-03. Amending the 2003 Operating Budget transferring funds to various contract agencies. (O'LEARY)

CHAIRMAN BISHOP:

Motion to approve by myself, seconded by Legislator Foley. All in favor? Opposed? APPROVED (VOTE: 4-0-0-0)

1835-03. Transferring contingent funds for various contract agencies (Phase III) (PRES. OFFICER)

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Foley. Please add to the calender for the meeting of November 6th. I assume the previous

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resolution should be on that agenda, right Mrs. Burkhardt? APPROVED (VOTE: 4-0-0-0)

MS. BURKHARDT:

Yes.

MR. SABATINO:

1835 was. 1804 can be added.

1842-03. Authorizing update of Suffolk County Comprehensive Water Resources Management Plan. (FOLEY).

CHAIRMAN BISHOP:

Is there a motion?

LEG. FOLEY:

Mr. Chairman, as much as I'd like to move this today, I'm going to

make a motion to table. But I would -- I see two representatives from the Health Department. Whether you want them to step forward at this time or after we go through the rest of the resolutions, that's your call.

CHAIRMAN BISHOP:

Do you want to speak on this today knowing it's going to be tabled?

MR. MINEI:

If you would like. Good morning, Mr. Chairman, members of the Budget Committee. I'm Vito Minei, Director of the Division of Environmental Quality with the Health Department, and I'm joined by Walt Dawydiak, he is the chief engineer for the division. We have reviewed the resolution, and we were rather curious as to the directive in the resolution for us to contract with the Regional Planning Board for the purposes of undertaking the update of the comprehensive water resources plan. We had a similar discussion between, I think, the two of you, Legislator Foley and Legislator Bishop, a year and a half ago when you convened that two day seminar or conference on groundwater quantity and quality issues. And you asked me directly, do you think it's time for an updated comp study. And I believe I responded in the affirmative. And I also indicated that we had been planning on the update for some time.

We were at that time a year and a half ago undertaking the Source Water Assessment Program, which I'd indicated was a thorough examination of all public supply wells in Nassau and Suffolk County. And indeed we in the County Health Department, Division of Environmental Quality were the major advocates for that. And what we had indicated was that not only had the Health Department conducted the 1987 comprehensive water resources plan and we were also the principal overseers of the Suffolk County portion of the Source Water Assessment Program. But we would prepare a request for proposals to do the comprehensive water resources plan.

And in the letter of comments from the Acting Commissioner Mermelstein to the sponsors of 1842, we'd indicated all the background on the comp study, the Source Water Assessment Program, the fact that the request for proposals was already prepared, and we were ready to discuss that

further with either the Environment Committee or the Health Committee or whatever venue you wanted to discuss. But we were a little bit curious as to why you would want to divert some of the funds for the Regional Planning Board to help out with this activity at this time. It was somewhat interesting to us. And that was really I think gist of the comments from the Acting Commissioner.

LEG. FOLEY:

Well, Mr. Chairman, I'm going to invite the two of you to my Health Committee meeting. And traditionally speaking, this side of the horseshoe asks the questions and the Executive Branch answers them. It's not the other way around.

MR. MINEI:

We can comment on proposals.

LEG. FOLEY:

I'll stand by what I just stated. But I would like you to attend the next Health Committee meeting, which is I believe on Wednesday at 1:30 where we'll make this topic of our discussion. And also bring with you a copy of the RFP, when the RFP was -- how recently the RFP was sent out, the parameters of the RFP and all the usual information and documentation that goes with that particular document. It would be appreciated.

MR. MINEI:

Our letter of comments indicate that the RFP is being reviewed by the administration of the Health Department. I would prefer not to start distributing an RFP that has not been released for response. We do have the --

LEG. FOLEY:

The way that this would work, Vito, is that in the past and we've both been around here long enough that we can trust confidentiality that even with a developing RFP has been brought before the requisite committee to discuss the pros and cons of that particular RFP. And we've done that in the past -- I haven't done it in the recent past, but it's been done. The reason why it's important to do that while it's still being developed, some of us, for instance, years ago had a real issue with the awarding of an RFP with Global Golf in Babylon. And the fact of the matter is the committee -- committees have the right to look at what's being developed pursuant to -- to our responsibility of oversight. So I would like is to have that brought at the committee meeting on Wednesday too. Thank you.

CHAIRMAN BISHOP:

We're going to table it. 1842, motion to table.

LEG. FOLEY:

Motion.

CHAIRMAN BISHOP:

It's not just me, Brian. Motion to table by myself, seconded by Legislator Foley. All in favor? Opposed? TABLED. (VOTE: 4-0-0-0)

We have a card that has come in since we started the agenda which is

Ellie Smith would to make a last plea for her \$1500, which take us back us back to the very first resolution on the agenda, 1782.

MS. SMITH:

Thank you for granting me a minute on this, because a couple of things have come to the floor. One, we are now 69 people accepted and ready to be placed. We're 69 over what we were annually last year in 2002. So we're just in our third quarter, and we now have 69 people that were send to us by the judges that we are -- have on hold, and with this \$1500, which is an amazing amount, a lot of money to us, we can higher one person immediately to handle this caseload. And my projection is that it's going to be 119 people by the end of December. So this is a critical piece. The reason why it's critical is because we're not allowed to amend our personnel. The Probation Department does not allow us. I'm sure it's on the County level as well. I'm not sure. But we cannot. We got three people that were, you know, the positions were gone as of last year. So we have three people down, we have 119 people waiting to be serviced by -- you know, that the courts sent that we can't do anything with.

CHAIRMAN BISHOP:

Okay. Legislator Foley has a question.

LEG. FOLEY:

Do you have vacant positions right now?

MS. SMITH:

Yes, we do. Well, they are three eliminated positions.

LEG. FOLEY:

That's not what I asked, the question. Do you have any vacancies within your current --

MS. SMITH:

No. Everything is filled.

LEG. FOLEY:

Every staff position is filled.

MS. SMITH:

We were down six positions, and we have 19 filled. And that's all we have, 19 positions, period.

LEG. FOLEY:

You have -- you have no vacancies?

MS. SMITH:

No vacancies whatsoever.

LEG. FOLEY:

Every position is filled, white collar as well as blue collar?

MS. SMITH:

Absolutely. Every position is filled.

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LEG. FOLEY:

Fifteen hundred dollars. You are telling us that because of \$1500 you can't -- if you don't receive this additional money, \$1500, you won't be able to oversee 69 folks coming in. I find that a little bit incredulous.

MS. SMITH:

We could -- what we could do is we could overload everybody who's overloaded now. What I'm doing is I'm trying to take from our case management to give to our crew people so we don't have the backlog in the crews. Because right now, I have about five or six crew projects that we have to get done before the winter. So the next few weeks are critical for our planting.

LEG. FOLEY:

I understand that.

MS. SMITH:

So that's what I've been doing. So this one other person, I could then put the people back into the case management and this one person could do just this backlog, the we could have, you know, our crew people -- we only have about a month in order for us to do our plantings and all of our clean ups before the winter.

CHAIRMAN BISHOP:

I'm going to make a motion to reconsider. Is there second, Legislator Nowick wasn't here at the time. Seconded by Legislator Nowick. All in favor? Opposed?

LEG. FOLEY:

Opposed.

CHAIRMAN BISHOP:

All right. Three to one, it's now before us. Now I make a motion to approve.

LEG. NOWICK:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Nowick. We have your objection of the --

MR. KNAPPE:

I have another comment.

CHAIRMAN BISHOP:

Oh, you have another objection.

MR. KNAPPE:

Just as far as the process goes, everything needed to be done within a month for this money that was mentioned on the record. The next Legislative meeting isn't to -- where this would fall on the agenda would be the 19th. By the time the County Executive executes -- either signs off or not signs off on the resolution, we're going to be in December at that point as well. That on top of the concerns that we had as far as the offset. Like I said, it was only \$1500, but it

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is the overall view of the offset. So between those two, I just wanted to bring that to the Legislature's attention.

CHAIRMAN BISHOP:

Ellie, if you got \$1500 in December, what does that do? Is it too late?

MS. SMITH:

No. It's never to late.

CHAIRMAN BISHOP:

Because you are piecing this position together from various sources.

MS. SMITH:

We're piecing it together. Three people are doing one position right now. I'm on top of 20 other cases, which, you know, I don't mind doing. That's my job. But I can't -- what I can't do is I just change -- I can't move the personnel lines around, and that's the problem, because Probation will not allow me to move the positions.

CHAIRMAN BISHOP:

Right. You don't have the flexibility of other administrators in the County because --

MS. SMITH:

Yes. Thank you. There's a motion and a second to approve. All in favor? Opposed? Abstain?

LEG. FOLEY:

Opposed.

CHAIRMAN BISHOP:

One opposed. It's APPROVED three to one. (VOTE: 4-0-0-0)

Please put that on the agenda for the 6th of November. So ask Mrs. Burkhardt to take care of that as well. Motion to adjourn to adjourn by Legislator -- oh, I'm sorry, the tabled subject to call, we don't have to do them. Please add Legislator Nowick to the majority on any vote that she was not here for, which I don't think was any. Motion to adjourn. We are adjourned. Thank you.

(*THE MEETING WAS ADJOURNED AT 11:55 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY