

**BUDGET & FINANCE COMMITTEE**  
**of the**  
**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Budget & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, **August 19, 2004**.

**MEMBERS PRESENT:**

Legislator Andrew A. Crecca, Chairman  
Legislator William J. Lindsay, Vice•Chairman  
Legislator Allan Binder  
Legislator Daniel P. Losquadro  
Legislator Lynne C. Nowick  
Legislator David Bishop

**ALSO IN ATTENDANCE:**

Mea Knapp, Counsel to the Legislature  
Ilona Julius, Deputy Clerk.  
Ben Zwirn, Assistant Deputy County Executive  
Jim Spero, Director of Budget Review Office  
Robert Lipp, BRO  
Lynne Bizzarro, Chief Deputy County Attorney  
Ken Knappe, County Executive's Office  
Vito Minei, Director of Division of Environmental Planning  
Linda Bay, PO's Office  
Tom Williams, Cornell Extension  
David Ryan, Aide to Leg. Nowick  
Ellen Martin, Aide to Leg. Binder  
Kevin LaValle, Aide to Leg. Losquadro

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING CONVENED AT 1:20 PM)**

**CHAIRMAN CRECCA:**

Would everyone please rise for the Pledge of Allegiance to be led by the Honorable Legislator David Bishop.

**(Salutation)**

**CHAIRMAN CRECCA:**

Thank you. I have no cards. I do have two scheduled speakers on one resolution that's before us. So, if there's anyone who wishes to speak during the public portion •• all right. Mr. William from Cornell Cooperative, Tom, would you come up and have a seat at the big fun table here. Tom has asked to address us on the scallops, yes; **1550, which would amend the 2004 Operating Budget to transfer funds (from the Suffolk County Water Protection Fund (477) Reserve Fund to the Cornell Cooperative Extension of Suffolk County for "Restoration of Peconic Bay Scallop Populations and Fisheries.")** So, Tom •• you know, Tom and I •• we've spoken several times on this. And I wanted to provide him another opportunity to convince us that continuing to table this bill is a wrong idea. And we're also going to hear from Mr. Minei on it.

**MR. WILLIAMS:**

Thank you. My name is Tom Williams. I'm the Director of Cornell Cooperative Extension of Suffolk. Thanks for the opportunity to address you again. I'm not sure what more to cover, though. A lot of the science, I think, has been covered, but generally to give you a broad overview and picture of this project. We're looking at it as an aquatic habitat restoration project. And as such it does fit in with the Quarter Percent Water Quality Protection Program. It's linked to on going yield grass restoration projects that we have; and an attempt to •• to look holistically at restoring the ecology of the Peconic estuary. We are also hopeful that the work that we do here will be applicable to the Great South Bay which used to have scallops as well so that it would not be restricted to only the east end; but it would also include Great

## South Bay.

Our justification is that the number of scallops in the bay now are less than 1% of historical levels. The Peconic Bay scallop bay scallops are really a signature element, I think, of our culture on Long Island. They've been harvested here since the Native Americans harvested them when they could scoop them out of the bays with their hands. And they were decimated by the brown tide. The brown tide has not been around for about ten years. But the scallops haven't come back. And we are concerned about them. We consider them perhaps almost an endangered species out there.

Our feeling is that they will not recover on their own because of the very low levels that exist that right now. It is our intent through this project to plant between six to ten million scallops a year for four years at high concentrations in the bay. We feel that this will help us to create a critical mass, threshold in order to allow the scallops to really build up their numbers and to grow in the bay. We will be doing an extensive monitoring of this project. We will be looking at how they grow. We will be looking at the factors that control their growth and that may inhibit their growth. We are looking very carefully at all those issues. And as I say the research that will be produced previous out of here will be helpful throughout the estuary systems.

It is our projected benefit to help restore sustainable bay scallop populations by facilitating successful reproduction. We also hope that this will revitalize a bay scallop fishery. It's been traditionally a multi-million dollars industry out there. It's provided income for many eastenders as well as people throughout the Island.

We also see that it will improve the water quality of Peconic Bay and the estuaries by water filtration and increased numbers of scallops planted will help remove nitrogen from the bay which is a non-point source pollution problem. And it is our estimate that it will do that. And and in so doing, it will also clarify water quality so that it will help the yield grass restoration projects that are so important to the scallops as well.

We've also been able to through some further investigation and research, we've been able to lower the price of it. The original price of this project was 2.25 million. We've been able to located in Taiwan through some research that we can get the lantern nets at a drastically decreased amount. So, that is a big help. So, we look at the average price of this project over the four years of about 400 some odd thousand dollars.

We've also been in negotiation with Long Island University, which you had asked us to do, to

look at reducing their overhead. And we've been able to reduce that very considerably. So, we also are going to supply some in kind services from Cornell to the amount of about \$500,000. A further piece that we hope will enhance this project is that if we can actually harvest some of the scallops, we will be able to recycle some of that money back into the project to reduce the amount of the use of the Quarter Percent money. So, basically, we're looking at augmenting and restoring bay scallop populations in Peconic Bay. Hopefully, we'll have a multiplier effect in Great South Bay through the direct releases of scallops to the bay bottom and through lantern net production.

We feel it's an important project. We feel that it's an exciting project. And as I said that it fits into the objectives of the Quarter Percent Water Quality Protection Program.

**CHAIRMAN CRECCA:**

Tom, one question I have for you and maybe I should wait 'til Vito •• Mr. Minei speaks with us; but you said it will •• you believe it will improve water quality in the Peconic Bay.

**MR. WILLIAMS:**

Yes.

**CHAIRMAN CRECCA:**

And I guess my question is, if you can answer this, and I don't know if you can, but in what way? How will it do that? And how significant will the impact be? Obviously, we're playing a little bit of guesswork here. But give us your opinion.

**MR. WILLIAMS:**

Well, as I said, the scallops are filter feeders. And they're effective filter feeders. And in such they help to clarify the water that way. They also, as I understand it, they remove nitrogen from the bay through their filter feeding and through their work. And, so, that's how we feel that it will address water quality directly.

**CHAIRMAN CRECCA:**

You know what? Why don't I call Mr. Minei up at the same time that you're up here, Tom. This way if there are questions, we can address them. Yeah. In the meantime, Legislator Nowick has a question.

**MR. WILLIAMS:**

Sure.

**LEG. NOWICK:**

Just a quick question. Did you say that this will •• did you say that this will help the fishermen or scallop fishermen out east continue to work? Does this help with the job?

**MR. WILLIAMS:**

It is our hope that by bringing back the scallops, yes, that it will •• it will provide an economic benefit to shell fishermen out there to •• a traditional group of folks ••

**LEG. NOWICK:**

Would it be a significant impact?

**MR. WILLIAMS:**

Well, we believe that it would be, yes, in days past there has been 300 folks •• I don't know the actual numbers •• but we hope that it would be a significant increase. Right now, as you remember, last year when the season came up, there were miserable reports in the paper. And people were charging even \$35 a pound. But even with that high price, it didn't make the economic return for people to go out there and do the work.

**CHAIRMAN CRECCA:**

If there are no further questions for Mr. Williams right now, I'd like to •• first of all, let me apologize publicly to you, Vito, for not getting back to you. I did get your phone message.

**MR. MINEI:**

I'm the father of two daughters. I'm used to being ignored.

**CHAIRMAN CRECCA:**

There you go. Well, I won't ignore you now. You've got the mike. And what let us have it.

**MR. MINEI:**

Thank you, Mr. Chairman, members of the Committee, Counsel, staff. I'm Vito Minei. I'm Director of the Division of Environmental Quality for the Health Department. And I'm actually here in at least three roles. First on behalf of the County Exec's Office. They wanted to express

what hopefully is quite evident by the fact that they requested that this resolution be considered by this body, their full support. Secondly, in my departmental role in the Health Department, we help craft the list of categories that were ultimately incorporated by this body into the Quarter Percent. And scallop restoration was explicitly included under the natural resources restoration of part of that law. And we feel very strongly about that. And, in fact, a number of you have been members of the Environment Committee either currently or in the past. And you know the deliberations with regard to the formation of the Water Quality Protection and Restoration Committee. We pledged individually and as a committee to assure the County and the residents, the County Exec and this Legislature that we would give full consideration to strictly water quality non•point source control projects, i.e. storm water mainly; but also natural resources. And I think we've done our job even from the County perspective if you look at the dollars that were approved by the committee and recommended, you'd see that as well.

I'm also here in my role as Director of the Peconic Estuary Program. And I can assure you that this project is consistent with a number of the natural resources recommendations of that management plan. But as Tom also cited, it is a main component of water quality preservation in the estuary. To answer Legislator Nowick's question, it is a substantial portion of the east end economy. As part of the Peconic program, we did both a market value economic survey and what's referred to as a non•market survey. This concept of how people perceive the economic values of different amenities. And the idea of Peconic Bay scallops and I hope no one really missed Tom's point about the fact that it is an element of the culture of Suffolk County. And I think you're all aware that we've been losing a number of them whether it's the Long Island potato, the Blue Point's oysters and other considerations that Suffolk County's known for. The Peconic Bay scallops, and I can attest to this personally, is nationally renown. And the problem to me is •• and this is probably the most frustrating element of the entire Peconic Estuary Program has been our inability to restore the scallop population in the Peconics.

Tom mentioned we haven't had brown tide which literally wiped out the scallops in 1985, '86 and '87. The last good scalloping season was 1994. So, indeed we've gone ten years without it. We do a lot of work out there to preserve land, protect ground water as it goes into the system. But the absence of scallops is profound in its significance in that the system is obviously not in balance. And the Peconic Bay scallops, I believe, plays an important role to bringing the entire natural resource, that we generally think is high quality, the Peconic system back into that balance. But all I wanted to do is let you know that as a committee member, the

full committee that reviewed all the applications, we strongly support and urge your endorsement of this application. And as the Peconic Estuary Program spokesman, I also say that this is also vital to the implementation of the Peconic Program Management Plan. Thank you.

**CHAIRMAN CRECCA:**

Legislator Bishop.

**LEG. BISHOP:**

Robert, are you an expert on this program? Is that why you're here?

**MR. LIPP:**

Yes.

**CHAIRMAN CRECCA:**

Dave, are you going to go to •• if you're going to go to the numbers, can I just ask one question of them before that on the merits?

**LEG. BISHOP:**

Yes.

**CHAIRMAN CRECCA:**

Thanks. Vito, with that, you know, I guess one of the concerns is everything that has been said, I don't think anyone disagrees with. It's important. It's a •• you know, the bay scallop's in trouble; that it may have some positive benefit to water quality. I guess the question is ••

**MR. MINEI:**

It definitely does. It's not some. It's an important element of water quality.

**CHAIRMAN CRECCA:**

And I guess the question is, and it seems like a really simple question, but it's about 2.2 million or is it a little less now, you said, Tom? The resolution says 2.2 million that we're ••

**MR. WILLIAMS:**

Yes, it does. But we've been able to reduce it to 1.75 million over the four years.

**CHAIRMAN CRECCA:**

And, Budget Review, when you address, you're just going to have to let us know if the bill's

been changed. But I guess the problem is we're not so sure that we should be spending •• let's just use the term •• \$1.8 million on replenishing the bay with scallops.

**MR. MINEI:**

No, I think that's an obvious question. I mean, it just strikes you. I mean it's a substantial sum of money. And that's what in a sense makes it so important. There have been some efforts over the last 15 years to try to restore bay scallops. I remember the UDC tried it in '86 and it got wiped out by brown tide. But there were 50, \$60 thousand efforts. This is notable in how formidable the effort is. And my point to you is, I think, multiple. We as a committee recognize the dollar value. And we put some tags on these multi-year big dollar item projects that were approved out of committee. One that we would assiduously look at status reports, look to make sure that there's progress. This is multi-year. So, there are checks and balances built into it.

Number two, I personally know the principal investigators. We have the right people for undertaking such a project. These •• if you •• if you even casually review the proposal, most of the literature as cited is published by some of the principal investigators in the project. So, that's right. But the idea is this project along with other notable natural resources project goes into that commitment to balance natural resource dollar for dollar for some of the storm water projects. Not dollar, but they're comparable. I mean of the \$13 million, they're very close in dollar value. And that was the commitment we all made to the Environment Committee over about a year of deliberations.

**CHAIRMAN CRECCA:**

If you were a betting man and you were putting odds on this, what's the likelihood of success? If you can? And you may not be able to answer that question scientifically.

**MR. MINEI:**

Well, I think Tom •• Tom addressed a couple of the critical features of this. As a betting man, number one, I think you want to know the group you're getting behind and laying your money out for. Again, I would just underscore that these are the right people for the right project.

**CHAIRMAN CRECCA:**

I'm talking about the science of the program itself.

**MR. MINEI:**

Number two, I think •• I think •• I think we need as a county to make this level of effort. So,

as a betting man, I think it's money well spent. And I'm thinking that over the three or four year life of the project, we can re-examine whether or not our bet is well placed. And I'm feeling pretty confident it will be. I think you need this kind of substantial effort going in. The piecemeal attempts is well intentioned as they are. Just haven't played out.

**CHAIRMAN CRECCA:**

Fifty-fifty shot it will work; sixty-forty? Or you can't give those numbers?

**MR. MINEI:**

Sixty-forty?

**CHAIRMAN CRECCA:**

I'm asking you. What are the odds it will be a success?

**MR. MINEI:**

I'm honestly feeling very confident because, number one, the brown tide hasn't returned. One of the concerns for why the efforts haven't been successful has been predation. The predators out there; spider crabs, other things feed, especially on the small stages of the scallops. There's significant efforts as Tom has said. They've gone around the world looking for •• providing the nets to protect the scallops as they grow out. So, I'm feeling pretty confident. Put a percentage on that? I don't feel •• oh, I don't know. I very feel confident, Legislator.

**CHAIRMAN CRECCA:**

I didn't get the odds but ••

**MR. MINEI:**

Better than the Giants this year, I'll tell you, Andrew.

**CHAIRMAN CRECCA:**

That's not saying much.

**LEG. BISHOP:**

Remember when Jimmy, the Greek, was on CBS; basically he was supposed to be odds maker and the odds were heavy favored or, you know •• they were a nebulous thing. Not realized.

We wanted six to five.

**CHAIRMAN CRECCA:**

I thank you for the courtesy of yielding. Legislator Bishop, you have the floor.

**LEG. BISHOP:**

Balance was the notion that you offered earlier. And I wanted to explore that with, I guess, the numbers people and yourself. Because we're trying to balance natural resources versus •• I guess the other category you said was storm water and operating versus capital. I know that from my own prospective, and I'm sure from others on this panel that we want in the end with this fund to have a measurable cleaner water quality in Suffolk County. And achieving that is the goal. So, which of these initiatives is the best at it and the most efficient should have the priority. And my concern going into this is that it seems like this is the cart before the scallop. I mean that •• first we ought to have the water clean; and then put the scallops in there.

**MR. MINEI:**

Again, in the overall context of the management plan in the Peconics, we don't separate those out. They're obviously part and parcel of an overall comprehensive plan. The restoration of the scallops now is timely both from water quality and natural resources restoration. You don't need to remove every ounce of nitrogen from the Peconic Bay.

**LEG. BISHOP:**

Vito, you and I over the years, because you know just what to do to •• you go. I want to do my questions with short choppy answers so I can •• so in my mind ••

**MR. MINEI:**

The answer is this is timely and it's done in the right sequence.

**LEG. BISHOP:**

You say there's an overall plan. What does the overall plan cost?

**MR. MINEI:**

The overall management plan of the Peconics?

**LEG. BISHOP:**

Yeah. No, of the surface water quality of Suffolk County?

**MR. MINEI:**

It's •• right now, I believe, and I'll defer to Ken and the others.

**LEG. BISHOP:**

I mean there's a big master plan out there?

**MR. MINEI:**

Yes. And the master plan and the script we were following was in anticipation of something on the order of \$6 million a year for thirteen years. Also, a major element of that was this idea of balancing natural resources restoration with water quality pollution control projects. I was here when you were Chair of the Environment Committee. And we answered those questions several times. So, that is part of the script; that is part of the master plan.

**LEG. BISHOP:**

So for \$85 million, we will have a measurably cleaner water quality in Suffolk County?

**MR. MINEI:**

And restoration of natural resources. That's part and parcel of the categories in that element of the quarter percent.

**LEG. BISHOP:**

All right. So far this program has collected how much?

**CHAIRMAN CRECCA:**

I think this is a Lance's question, right?

**MR. MINEI:**

Water quality only?

**LEG. BISHOP:**

I mean I only need 85 million and it seems like we're going to get off? That's a lot of money,

you know. What do we get a year out of this thing?

**MR. LIPP:**

The 11.25% water quality? Is that your question, how much?

**LEG. BISHOP:**

Yeah.

**MR. LIPP:**

Through the •• projected through for the end of this year, almost 25 million in total. That would be through the end of this year. And that's the 11 and a quarter percent of the •• of this portion.

**LEG. BISHOP:**

Vito, is the spending of the \$25 million to date, is it in the script of the 85 million? Are we off the script or staying ••

**MR. MINEI:**

I know there several millions of dollars of projects approved before the Committee even reviewed it. But the script still is kept intact because the categories and the criteria have been kept intact. So, the script is being followed.

**LEG. BISHOP:**

Good. Well, that's good to start there. Of the spending that we've done currently, how much is reoccurring spending? In other words, operating expenses that were committed to each year? The answer, I guess, is 4 point •• what is that? Is that right; 4.8?

**MR. LIPP:**

Yeah, this year it's 4.9 million. But if you look at the chart, perhaps, it isn't recurring in the sense that •• if you look at water quality operating, which is three quarters of the way down the table, you'll notice nothing had been spent in the first two years 2000, 2001; almost 600,000 in 2002; almost two million in 2003. But then this year it's up to 4.9 million. So, there isn't a "recurring" or a clear pattern.

**LEG. BISHOP:**

Well, there is. I mean like IPM program ••

**MR. KNAPPE:**

Actually, if I could, Legislator Bishop, it's been tracking about 3.7 million with various degrees of increasing based on expenses from the inception of the program. There's about three or four departments •• four departments that have a piece of the water quality in some form of a recurring expense. The Park Department has organic maintenance.

**LEG. BISHOP:**

Right.

**MR. KNAPPE:**

And that's a recurring from year to year that the Legislature and the County Executive has made a commitment to that. DPW has a portion of that. And that's been somewhat recurring. There has been positions added to DPW staff to carry out these projects.

**LEG. BISHOP:**

Right.

**MR. KNAPPE:**

Health Department has a piece of that as well as the Integrated Pest Management Program for Cornell. So, there is about four components that have been, to use the word, recurring from year to year equaling about 3.7 million right about now.

**LEG. BISHOP:**

The capital projects that are dedicated to storm water run•off, where are they on this chart? How much are we spending there?

**MR. KNAPPE:**

Without going through the specific resolutions, I know resolution 748 of 2003 transferred \$3 million from fund 477 to the capital project for that specific purpose. And there's been previously resolutions ••

**LEG. BISHOP:**

We did one this year earlier.

**MR. KNAPPE:**

Correct.

**LEG. BISHOP:**

Lindsay and Bishop and ••

**MR. KNAPPE:**

I know there was one for 3 million. I have the resolution numbers. I don't have exactly what they're related to. I think there might have been one for 175,000 that went to capital project 8710.

**LEG. BISHOP:**

Right.

**MR. KNAPPE:**

But also in 2003 and in 2002, there have been some transfers to the capital budget for those type of projects. Budgetarily in the Budget Office, we don't declare those as recurring because there is not an operated projected expense year after year after year. That's why I did include that in the recurring expenses.

**LEG. BISHOP:**

And what do you think is the rough break out between natural resources projects and storm water at this time.

**MR. MINEI:**

It's pretty close to fifty•fifty. I was •• I was pleased and confident because we have a good break between County led projects which was one of the directives going in and also pollution control versus natural resources. The break out is pretty encouraging. I don't know if it was coincidental, but we try to be cognizant as a committee as we reviewed 35 applications. But it's pretty close.

**LEG. BISHOP:**

What •• and what's the answer to my question of whether we should clean first and seed second as opposed to doing the two endeavors simultaneously?

**MR. MINEI:**

I believe the correct answer is to do them simultaneously because we're •• we're not about to

embark on a program of putting in scallops in grossly contaminated waters that will be wiped out by the sheer character of the water quality. The Peconics are a system that are •• about 97% of the water is in good shape. The western most part that is isn't flush, if you can just visualize for a second the system, it isn't as well flushed with ocean water. So, our problems are compounded as you move into the downtown Riverhead area •• not as a result of Riverhead Town, but by the characteristics of the bay. But the answer is, I don't believe this approach is out of sync. I think it's necessary to restore the system both in terms of water quality and natural resources. And quite honestly this is critical for a number of other reasons. You talked about commercial fishermen. The market value of even recreational fishing is very high because they go and buy equipment and rent boats, etcetera. So, there's lot of economy tied up into this expenditure. It's money well spent, I believe.

**LEG. BISHOP:**

Right. I just want to •• one last question to ask the numbers guys. The resolution that we passed earlier this year calls for using this funds to address every storm water grade in Suffolk County. I just want to make sure there is enough money in the fund for that initiative.

**MR. KNAPPE:**

Without speaking specifically on exactly how much money is available if those costs have to go up, to put it in more perspective, Legislator Bishop, there is over \$9 million that still has not been earmarked •• \$10 million that has not been earmarked yet for the use of these funds; monies ending December 31st, 2004. If we would use just regular budget projections going forward until the completion of the program, we're looking at an additional at least \$80 million coming into this fund with only about three or \$4 million as of right now that's recurring from year to year. If it's the desire of the County Executive and the Legislature ••

**LEG. BISHOP:**

Your opinion, then, is that if we're not going to get squeezed out by operating •• creeping operating ••

**MR. KNAPPE:**

By the passage of this Cornell resolution for the bay scallops ••

**LEG. BISHOP:**

Not alone. I'm just talking about, you know •• obviously this one little thing alone is not going

to do it.

**MR. KNAPPE:**

That's correct.

**LEG. BISHOP:**

Taken as a whole, I see a big list hear.

**MR. KNAPPE:**

I think it would be the due diligence of my office as well as Budget Review to raise those red flags throughout the years if that is ••

**LEG. BISHOP:**

And they're not raising it.

**MR. KNAPPE:**

Not all.

**LEG. BISHOP:**

Thank you.

**LEG. LINDSAY:**

I'm the Vice•Chair. Does anybody have any other questions of these people? I have a mike, you know.

**LEG. BISHOP:**

You're listed as the Vice•Chair. Yes, you are.

**LEG. LINDSAY:**

He told me that. Okay. Thank you very much, gentlemen, for your comments.

**MR. MINEI:**

Thank you very much, too.

**LEG. LINDSAY:**

Would anybody else like to address the Committee on this issue; any other issue?

Well, we're ready for the agenda.

**CHAIRMAN CRECCA:**

You asked how much money's left and all that already? Since I was out of the room •• I was blowing my nose.

**LEG. BISHOP:**

They are not raising red flags. There's enough money to address every storm water drain. Better be.

**CHAIRMAN CRECCA:**

Okay. Let's go to the agenda then; to **Tabled Resolutions IR 1200, amending the 2004 Operating Budget and the Salary and Classification Plan to establish a compliance officer to insure accountability.** I'll make a motion to table subject to call. It's been sitting on our agenda for a longtime. Seconded by Legislator Lindsay. All those in favor? Opposed? **1200 is tabled subject to call. (Vote: 6•0)**

Next page, **IR 1441, amending the 2004 Capital Budget and Program and appropriating funds in connection with the purchase of a catamaran patrol vessel•police.** Mr. Knappe, has this •• has the funding source been changed on this bill?

**MR. KNAPPE:**

The Budget Office reviewed the capital budget for 2004. As we discussed when we were looking at capital project 3009, the jail project, the ability to designate offsets in the capital budget is very difficult. A lot of the funds have been expended or are being planned to expend. The administration feels that the offset that was included in the resolution is the best choice for this resolution.

**CHAIRMAN CRECCA:**

I'm going to take that as a no. But a very •• you're sure you're not •• you should really run for office. That was good. Was there a motion? A motion to table, seconded by myself. All those in favor? Opposed?

**LEG. LINDSAY:**

Opposed.

**CHAIRMAN CRECCA:**

**1441 is tabled.** List Legislator Lindsay as opposed. **(Vote: 5•1. Leg. Lindsay opposed.)**

**IR 1476**, Ms. Bizzarro, I did get your fax before I left the office this morning. Please, step up. You said you had some comments on this. The Public Hearing's been closed. **This is IR 1476** •• why don't I call the resolution, see what the motion is. **IR 1476 adopting a local law amending C4•13 to allow the amendment of the capital budget for mandated projects.** There's a motion by myself for the purposes of discussion, seconded by Legislator Losquadro. On the motion.

**MS. BIZZARRO:**

Thank you. Thank you, Legislator Crecca. I've been before you on this resolution and just want to reiterate my concerns with it in the fact that it requires mandatory referendum; however, as the bill is before you, it merely has permissive referendum. I had circulated an opinion previously. It has been put on the record. And I just wanted to reiterate my concern. This •• the bill that is currently being proposed to be amended was enacted through a mandatory referendum under the Doctrine of Legislative Equivalency. It would require the similar mandatory referendum under this as well.

In addition there's reference to the •• the amendment talks about providing funding for projects mandated by state or federal law by a court decision or by a determination of any federal or state agency having jurisdiction over the County. It would be my recommendation that the term mandated be specified or be defined more clearly in the bill. It is defined in other areas of our County Charter under operating areas, but not under this area. So, that would just be my recommendation on that.

**CHAIRMAN CRECCA:**

Ms. Bizzarro, the •• this idea of, I guess •• I forgot what you called it. The Legislative •• the Doctrine of Legislative ••

**MS. BIZZARRO:**

Equivalency.

**CHAIRMAN CRECCA:**

Equivalency, I'm sorry. Weren't there three prior referendums which were permissive referendums to the same section, specifically C4•13?

**MS. BIZZARRO:**

I believe there were prior •• there was one •• one amendment prior to the amendment that states that now any amendment have to go by way of mandatory referendum. So, that amendment would believe really irrelevant to this discussion. Subsequent to that mandatory referendum requirement being put into bill, I believe there was an amendment made. And it was done by permissive referendum. I can't speak to why that was done in that fashion. I just know now I'm looking at the law. It states specifically that any amendments to this particular charter section require a mandatory referendum. And in my reading of that I say that it needs to be by mandatory referendum now.

**CHAIRMAN CRECCA:**

What I'm going to •• I'm going to ask legislative Counsel for her opinion. I know that prior counsel •• prior counsel has allowed such amendments to go by •• by permissive referendum. I'd ask you for your legal opinion before we vote this out. You know, is this acceptable to do as a permissive referendum?

**MS. KNAPP:**

Well, I would point out that, I think, out of the three times •• two of the three times I think it was permissive and once it was mandatory. There is, believe it or not, no specific case that talks about if you have had a mandatory referendum, that you must have mandatory referendum from then on. I don't think that there is a case that says that. The language that has always been included in this Legislature's Charter Laws requiring mandatory referendum talks about any amendments being done by mandatory referendum. But then it has a little bit of loose language that says "as required by applicable law," which if you want to do it by permissive referendum, the only thing I can tell you is that there is no law that requires •• that there's no case law. So, we've been making this one up a little bit as we've gone along to some extent. We haven't •• we have not taken •• we have not taken an entirely consistent legal position as a body. It has never been challenged; so, that it's difficult for me to say what a court would say in that case. I quite frankly am not certain that if you do something by mandatory referendum, that every time you change it after that you must have a mandatory referendum.

**CHAIRMAN CRECCA:**

This is like •• you've obviously been talking to Vito Minei.

**MS. KNAPP:**

No. You should know, I had an intern for a brief period. And I asked him to do nothing other than research this question for me. And I have dozens of cases that don't answer the question.

**CHAIRMAN CRECCA:**

In your opinion, we can do this by permissive referendum if we so choose; correct?

**MS. KNAPP:**

Yes.

**CHAIRMAN CRECCA:**

There we go. All right. There is a motion to approve by Legislator Binder, I believe it was?

**CHAIRMAN CRECCA:**

Wow, not just a motion to table it; a motion to table subject to call.

**LEG. BISHOP:**

Not because of the ••

**CHAIRMAN CRECCA:**

Not because of the referendum part of it. Share with us your reasons.

**LEG. BISHOP:**

Yeah.

**CHAIRMAN CRECCA:**

Share with us your reasons.

**LEG. BISHOP:**

It's a tedium, tiresome thing we do all year here. These legal questions •• not directed at you. We're in error of a lot of that. On the substance, this is a really bad bill because this is •• creates an exception that can swallow the whole of prudent budgeting practices, which is to get rid of offsets. So, I'll just leave it at that.

**CHAIRMAN CRECCA:**

All right. So, what I would ask you to do is, this is the Presiding Officer's bill. You'll make a motion •• change your motion to a motion to table. I'll second that motion. Okay? All those in favor? Opposed? 1476 is tabled. **1476 is tabled. (Vote: 6•0)**

**1550, amending the 2004 Operating Budget to transfer funds.** Motion to approve from Legislator Bishop. The anti•scallop mandatory has made a motion to approve.

**LEG. BISHOP:**

I'm doing it based on the testimony of our •• of our assembled numbers crunchers who assure me that the initiatives that we have •• that we passed earlier in the year do take care of all the storm water drains in the County, which we know we'll have a tangible, measurable impact improving the water equality. There's enough money for that and this. Based on that I'm going to ••

**LEG. BINDER:**

Mr. Chairman.

**CHAIRMAN CRECCA:**

I will second the motion. On the motion, Legislator Binder; then myself.

**LEG. BINDER:**

I have two concerns. One is the amount of money. And though they're saying there's enough, I think, first I want to know emperically, and I think it's kind of a guess work now, whether that money going's to be enough for clean water. And I think the money has to be dedicated to clean water first. Number two, the question that the Chair ••

**CHAIRMAN CRECCA:**

That's what I'm going to do now.

**LEG. BINDER:**

The question that the Chair was asking over and over again, give me percentages, I don't know that you can really get a percentage. But that's a very important question because we have to have an idea for so much money what are our chances of success. And I'm not comfortable with that. And number three, we're putting a lot of money into Southampton College. And they're saying it's going to be fine, it's moving to •• everything is fine, I don't know that everything is going to be fine because this is not a one• year program. This is a multi•year program. And down the line I don't know what it's going to look like. I think for three very

good reasons this is too much money to gamble. And, so, I would •• I would be very hesitant to do that today.

**CHAIRMAN CRECCA:**

Also, on the motion I have within concern. I'm generally supportive of the project after the testimony we heard today. The problem is the current resolution I have in front of me unless it's been amended otherwise indicates the amount is 2.2 million. And I've heard a different figure from Mr. Williams. And I guess my question would be for the County Executive representatives, has the bill been amended? And shouldn't it be if we're talking about saving, you know, \$400,000? And I don't mean to •• Tom, you said the number right now is 1.8?

**MR. WILLIAMS:**

Yes, 1.75.

**CHAIRMAN CRECCA:**

1.875? 1.75. There you go, almost a half a million dollars.

**MR. KNAPPE:**

It should be noted, though, it's a multi-year program. And the 2004 portion is 1.2 million and change.

**CHAIRMAN CRECCA:**

Okay. But my concern is that we're passing a resolution authorizing •• what's that? Go on the record because I can't ••

**LEG. BINDER:**

After that year ••

**CHAIRMAN CRECCA:**

Yeah, Ken, maybe you can explain. What it says right now is resolved that we're appropriating 2.25 in multiple years.

**MR. KNAPPE:**

As of right now based on what Mr. Williams has projected for the program, the resolution was drafted in a way that shows that as we see right now the cost of this program throughout the years, you know, for 2004 •• I think it goes to 2006 if my memory serves me right, 2005 and

2006 has a piece, it will cost about 2,2 million with the '04 portion being 1.2 million. If that money is not spent in 2004 ••

**CHAIRMAN CRECCA:**

Tom, come up.

**MR. KNAPPE:**

•• the County Executive's Office and Legislature's Budget Review when we prepare our documents as we go forward will estimate what is expected to be spent in 2004. And then that subsequent money since the Legislature and the County Executive has an intent for this program to be forward, it will be included in the 2005 budget projections for the following year. You'll see that in •• what the County Executive submits over in September.

**CHAIRMAN CRECCA:**

Jim, in this bill, we're appropriating 1.2 million; is that correct?

**MR. SPERO:**

That's correct. You're allocating 1.2 million for the ••

**CHAIRMAN CRECCA:**

The rest of it would have to be appropriated in ••

**MR. SPERO:**

In future years.

**CHAIRMAN CRECCA:**

Okay.

**MR. SPERO:**

And to the extent funds are not expended this year ••

**CHAIRMAN CRECCA:**

I got you.

**MR. SPERO:**

•• they carry over.

**MR. KNAPPE:**

And also the resolution if you look at the Whereas Clause •• first, second, third, fourth, fifth •• the sixth Whereas Clause, it explains that \$336,207 will be the annual cost for the three years after this.

**CHAIRMAN CRECCA:**

Tom, is your total figure, though, now 1.8? Or 1.75? I'll

**MR. WILLIAMS:**

1.75.

**CHAIRMAN CRECCA:**

Okay. Can we just •• can I ask this, and Ben I need your assistance with this, there's a will among the Committee to move forward with this bill. We're past the time to amend. And it's not your fault, but the cost of the project has gone down by almost \$400,000. It's actually a little more. Closer to a half million dollars, which I give credit to Cornell and working with the former Southampton College or President of the Southampton College. I'd like to get a CN on this for Tuesday. I know that this is a project the County Executive wants to see move forward. What's that? Do you think that's doable?

**MR. ZWIRN:**

Absolutely.

**CHAIRMAN CRECCA:**

Okay. Then, what I'll do is I'm going to make a motion to table this just so they can correct the dollar amounts in here. And I'd ask Ben and Ken to get together and get us a CN on Tuesday. And you'll have my commitment if it matches the numbers Mr. Williams has trimmed down off this, we'll move it move to forward. What's that? You can share with me if I'm making a mistake.

**MR. KNAPPE:**

No.

**CHAIRMAN CRECCA:**

Is that okay?

**MR. SPERO:**

Yeah, that's fine. Since the bill is being adopted in •• you know, almost September now, they may not need a full 1.2 million.

**CHAIRMAN CRECCA:**

That's right. You can take a look at that number. But I just want it to accurately reflect they've done a good job trimming some costs. I know the college reduced their costs. And I know that Cornell found some cost•saving measures. So, we're going to table this, then. I'll make a motion to table, second by Legislator Bishop. All those in favor? Opposed? **1550 is tabled. (Vote: 6•0)**

**MR. WILLIAMS:**

Thank you.

**CHAIRMAN CRECCA:**

No problem. Thanks, Tom.

**1555, amending the adopted 2004 Operating Budget to reduce funding for County Health Funds.** There's a motion to table by Legislator Binder, seconded by myself. All those in favor? Opposed? **1555 is tabled. (Vote: 6•0)**

**Introductory Resolution 1703, authorizing the County Treasurer to borrow cash funds from other county funds for 2004.**

**LEG. BINDER:**

Motion.

**CHAIRMAN CRECCA:**

Motion by Legislator Binder, seconded by Legislator Nowick.

**LEG. BISHOP:**

Explanation.

**CHAIRMAN CRECCA:**

Sure. On the motion, explanation. Jim or Ken.

**MR. SPERO:**

This will give the Treasurer the authority to borrow cash from county funds that may have cash balances for county operating expenses. Those funds will have to be repaid by the end of year at the prevailing interest rate from the funds from which it was borrowed. This is just a blanket authorization. And the Treasurer will be able to move the cash at his discretion to cover expenses in the General Fund or other county operating funds.

**CHAIRMAN CRECCA:**

Have we ever done this before, Jim?

**MR. SPERO:**

Every year we've been doing it.

**MR. KNAPPE:**

Yes, this is generally a pro forma resolution that affects the cash flow for the County.

**LEG. BISHOP:**

Yeah, but I think every year •• the old County Executive I'd give him a hard time. I was going to give him a hard time this year.

**CHAIRMAN CRECCA:**

Well, it's not for the County Executive. It's for the County Treasurer.

**LEG. BISHOP:**

It has to be done because otherwise we would grind to a halt.

**CHAIRMAN CRECCA:**

Yeah. There's a motion to approve and a second. All those in favor? Opposed? **1703 is approved. (Vote: 6•0)** And I'm going to make a motion to a to put that on the consent calendar, seconded by Legislator Losquadro. All those in favor? Opposed? **1703 is placed on the consent calendar. (Vote: 6•0)**

**1704, to readjust, compromise and grant refunds and chargebacks on correction or errors/County Treasurer.** Motion to approve by Legislator Lindsay and place on the consent calendar, seconded by Legislator Losquadro. All those in favor? Opposed? **1704 is approved and the clerk is directed to place it on the consent calendar. (Vote: 6•0)**

**1705 (to readjust, compromise and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature #193), same motion, same second, same vote. (1705 is approved. Vote: 6•0)**

**IR 1761 (to readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #194)**

Again, to •• same type of resolution. Same motion, same second, same vote. **(1761 is approved and place on the consent calendar. Vote: 6•0)**

**1767, amending the 2004 Operating Budget and reappropriating unexpended, uncommitted 2003 funds in Fund 192 to the 2004 Operating Budget.** I'll make a motion to approve for the purposes of discussion, second by Legislator Bishop for the purposes of discussion.

On the motion could someone explain to me what this is?

**MR. KNAPPE:**

The County Executive's Office has submitted a similar resolution to this in years past. Fund 192 is a self •• self•supporting fund. The unexpended money when the Comptroller's Office has done the year end actuals for '03, there's approximately \$124,970 •• not approximately. There is that amount that needs to be re•expended. This is the resolution that forces that.

**CHAIRMAN CRECCA:**

In other words, we collected more money than we ••

**MR. KNAPPE:**

We either collected more or we spent less. At the end of the day, this was the money that was left over in 2003 in fund 192 and it should be reappropriated.

**CHAIRMAN CRECCA:**

Where does it go now?

**MR. KNAPPE:**

I'm sorry?

**CHAIRMAN CRECCA:**

Where does it get appropriated to?

**MR. KNAPPE:**

It's getting appropriated into three budget lines. The first one is for fuel for heating. I should note that these are for historic structures. The fuel for heating, buildings materials as well as repairs for some of the buildings. This money will be handled in-house.

**CHAIRMAN CRECCA:**

Got you. Motion by Legislator Binder, second by Legislator Lindsay. All those in favor? Opposed? **1767 is approved. (Vote: 6•0)**

**1784, amending the 2004 Operating Budget and appropriating funds in connection with bonding settlements for medical malpractice cases**, I'll make a motion to approve for the purposes of discussion, second by Legislator Binder. On the motion, again; this is also a County Executive resolution. Ken, would you please explain to us •• it's 225,000 from what I'm looking at.

**MR. KNAPPE:**

Correct. I believe in June at the Ways and Means meeting, the settlement was accepted for 375,000 total. 225,000 of that is a county cost for the settlement. It was a medical malpractice case.

**CHAIRMAN CRECCA:**

There's already a motion and a second for the purposes of discussion. I'd ask counsel, I understand there may be a problem with the bill?

**MS. KNAPP:**

Ken, do you have a copy of the bill? When I read it, it said that in the Second Resolve Clause, the language •• the written says seven hundred and thirty thousand. And then 225 is written

everywhere else?

**MR. KNAPPE:**

The correct amount is 225,000. It appears that there is a typo in that Resolve Clause.

**CHAIRMAN CRECCA:**

Which resolve clause? Because mine doesn't show it.

**MR. KNAPPE:**

It should be the second resolve ••

**CHAIRMAN CRECCA:**

Oh, yeah, it says 737. Is that •• can that be fixed as a scribner's error to 200 and thirty •• oh, it's totally wrong. Motion to table. Yeah, it's obviously just somebody ••

**MR. KNAPPE:**

It was used •• most likely a previous one was used as a template.

**CHAIRMAN CRECCA:**

Yeah, that's fine.

**CHAIRMAN CRECCA:**

So, I'll withdraw my motion to approve. Make a motion to table. Seconded by Legislator Bishop. Thank God, somebody's reading these. All those in favor? Opposed? **1784 is tabled. (Vote: 6•0)**

**1787, authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for the Community Programs (Center of Long Island, Inc. And Babylon Child Care Center, Inc., day care providers under contract with the Department of Social Services)** Did you get that? I thought so. This was originally •• just so my fellow Legislators are aware, this was originally assigned to Ways and Means. It has been either duly or reassigned to this Committee. There was a question as to whether or not this actually constituted a budget transfer or not but just to protect the integrity of the Legislature and to make sure that we're doing everything copasetic and because I absolutely

insisted, it is here before us. There's a motion to approve by Legislator Bishop, seconded by Legislator Nowick. All those in favor? Opposed?

**LEG. BINDER:**

Abstain.

**CHAIRMAN CRECCA:**

**1787 is approved. Please list Legislator Binder as abstaining. (Vote: 5•0•1•0. Leg. Binder abstained.)**

Sense resolutions. **Sense Resolution 67 requesting the State of New York to forfeit salary when state budget is not adopted timely.**

**LEG. BISHOP:**

Motion to table subject to call.

**CHAIRMAN CRECCA:**

Who •• what •• no, I want to know what this is though.

**LEG. BISHOP:**

It's a forfeit. In other words, they don't get ••

**CHAIRMAN CRECCA:**

Oh, they want to forfeit their salary?

**LEG. NOWICK:**

No, they don't want to.

**LEG. BINDER:**

I think Mr. Turner would like us to be the new Suossi ••

**CHAIRMAN CRECCA:**

I was going to say.

**LEG. BINDER:**

•• up on Albany. Motion to table subject to call.

**CHAIRMAN CRECCA:**

Motion by Legislator Binder tabled subject to call, second by Legislator Nowick and thirded by Legislator Bishop. Thirded, that's a word. All those in favor? Opposed?

**LEG. LINDSAY:**

Opposed.

**CHAIRMAN CRECCA:**

List Legislator Lindsay as opposed. **Sense 67 is tabled subject to call. (Vote: 5•1)**

**Sense 69, sense of the Legislature resolution requesting towns in Suffolk County to reassess illegal multifamily housing.** There's a motion •• motion to approve by Legislator Losquadro, seconded by the entire Committee. Don't know if that's legal. But •• all those in favor? Opposed? I'll be the second. It's fine. **Sense 69 is approved. (Vote: 6•0)** Sorry, I didn't mean to flip you out over there.

Tabled Home Rule Messages. I didn't even know there was such a category on my agenda. That's very interesting. **Home Rule 7, which requests the New York State Legislature to extend the one•quarter cent Sales Tax Program to allow Suffolk County to continue to (collect an additional sales tax until December 31, 2025)** that's right. I believe we were told that. I'll make a motion to approve for the purposes of •• I'm sorry. I make a motion to table subject to call.

**LEG. BISHOP:**

Second.

**CHAIRMAN CRECCA:**

Seconded by Legislator Bishop. All those in favor? Opposed? **HR 7 is tabled subject to call. (Vote: 6•0)**

This meeting is adjourned.

**(THE MEETING WAS CONCLUDED AT 2:12 PM)**