

**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 **May 31, 2005**.

MEMBERS PRESENT:

Leg. Michael Caracciolo, Chairman

Leg. Angie Carpenter, Vice•Chairman

Leg. Daniel P. Losquadro

Leg. Cameron Alden

Leg. William J. Lindsay

Leg. Peter O'Leary

Leg. Ricardo Montano

ALSO IN ATTENDANCE:

Legislator Vivian Vioria•Fisher • District #5

Mea Knapp, Counsel to the Legislature

Ian Barry, Assistant Counsel to the Legislature

Ilona Julius, Deputy Clerk

Jim Spero, Director of Budget Review

Gail Vizzino • Deputy Director/Budget Review Office

Lance Reinheimer, Assistant Director/Budget Review Office

Robert Lipp, Budget Review

Frank Tassone • Aide to Majority Caucus

Maria Ammirati, Aide to Leg. O'Leary

Carl Yellon, Aide to Leg. Kennedy

Doug Sutherland, Aide to Leg. Carpenter

Kevin LaValle • Aide to Leg. Losquadro

Lisa Keyes • Aide to Leg. Caracciolo

Ben Zwirn, Assistant Deputy County Executive

Bob Bortzfield, Budget Office, County Executive
Allen Kovesdy, Budget Office, County Executive
Jeanine Dillon, County Executive's Office
Jacqueline Caputi, Assistant County Attorney
Frank Tassone, Aide to Majority Leader
Linda Burkhardt, Chief of Staff, PO's Office

MINUTES TAKEN BY:

Diana Kraus • Court Stenographer

MINUTES TRANSCRIBED BY:

Alison Mahoney • Court Stenographer

(* The meeting was called to order at 9:43 A.M. *)

CHAIRMAN CARACCIOLO:

The Chair would like to call the Budget & Finance Committee to order. Would everyone please rise for a Pledge of Allegiance to be led by Legislator, Deputy Presiding Officer, Angie Carpenter.

Salutation

Okay, would you please be seated. Would the Clerk note that all members are present? With one correction, that's Mr. Lindsay has not arrived yet. Cameron Alden is here.

Good morning, Mr. Zwirn. I see you brought reinforcements with you today.

MR. ZWIRN:

Good morning, Mr. Chairman.

CHAIRMAN CARACCIOLO:

It's always nice to see members of the Budget Office here. Are they prepared, or are you, to respond to questions with regard to the budget forecast and sales tax revenues?

MR. ZWIRN:

I can answer some of the questions because the numbers are coming in. And as I think as you mentioned at the last meeting, you know, the numbers change, but I can give you some information today that we think will be helpful to the committee and to the members of the Legislature as things are moving forward.

I know some of the questions that you asked, Mr. Chairman, was about •• first of all, it was about the extension of the sales tax, and the County Executive's Office is certainly in favor of that. And we're appreciative of the cooperation with the Legislature on the Home Rule Message that was passed at the last General Meeting which also will hopefully give us an opportunity to extend a little bit of that to the Police District, a little more than we are now able to do under the law.

We're cognizant of the sales tax numbers that have come in for the first quarter in that they are down. And while, you know, nobody wants to set off a panic mode, it's certainly something that has to be kept in mind and appreciated when we go on with spending during the 2005 year. But the sales tax extension itself means another \$220 million to the General Fund, so without that sales tax extension, it would be virtually impossible to have discretionary spending in the County. All that money that we have and raised through property taxes in the General Fund, which is approximately I think 50, \$52 million, would be going to mandated expenses and we would have very little left. So the sales tax has become a very important part in keeping a balance on property taxes in Suffolk County and also something that we also have to be very cognizant of when the economy starts to fall. Last year we were very fortunate with a strong economy, this year the first quarter numbers are weak. So the County Executive asked the Legislature to keep that in mind as they move forward.

I have Allen Kovesdy with me today, and I'd ask him to come up, who's with the Budget Office, as we move forward. Increases in the Police District, unless you •• well, let me just go through it and then you can come back and ask questions of Allen or myself. There will be •• we anticipate increases in the Police District, but we also have to watch the •• we may get a break this year with the early retirements. Apparently retirement papers that normally go in at this time are down. It doesn't mean it can't change before the end of the year, but so far less police officers have retired, I think the number is about 20 to date and normally I think we'd see about 50, I think I was told, about this particular time. So those numbers are promising for

us.

The County Executive's •• the Budget Office asked me to just remind everybody that we haven't got the proposals in from the department heads for next year, what they'll be asking for in each department. So for our forecast for next year, we're still a little bit •• going to have to wait a little bit on those until we see what the department heads ask for in their particular ••

CHAIRMAN CARACCIOLO:

We're talking about budget requests for '06 in the Operating Budget?

MR. ZWIRN:

That's correct.

CHAIRMAN CARACCIOLO:

When are they due?

MR. ZWIRN:

June 6th.

CHAIRMAN CARACCIOLO:

Okay. So by our next meeting, you should have some preliminary indication of what the personnel requests are per department.

MR. ZWIRN:

That's correct. I don't know if we'll have much time, a chance to review them at that point, but we'll have them certainly in the month of June the Budget Office will be reviewing that. I think there's somebody from the Police Department who has been requested to be here to talk a little bit about the overtime?

CHAIRMAN CARACCIOLO:

Yes. It's my understanding that Chief Moore could not attend today's meeting to discuss police overtime, but Chief Webber is supposed to be his representative.

MR. ZWIRN:

Right. I haven't seen him but I understand, I got a memo this morning that he probably would be over here this morning.

One of the things that the County Executive asked me just to discuss today is spending. And I know that there are a couple of bills on today's agenda, and one of the items that the offsets are coming from is •• one of the them is an organization called the marine helicopter squadrant budget and that is in the contract agency's part of the budget. And I thought last year when I was looking through that this was a public safety organization or •• I contacted the Veterans Affairs Office, I wasn't sure, I know we were using that as an offset and when I saw marine, I saw helicopter, I knew we were having problem with the helicopters in the County, Bob Smith indicated to me that there was a marine helicopter project that a Vietnam Veterans has been working on for some time to restore a helicopter that he could take to fares and to shows and let people know the contribution that was made by people who flew, helicopter pilots and helicopters in the Vietnam War.

I don't know if that money has gone to that project, but I know this year there was \$200,000 set aside in that budget item. And if you take the items that are on the calendar today and what has been already spent as an offset against that account, you'll have a potential of overspending that account of almost \$50,000 so far this year, if everything goes through that's in the pipeline. I know that there was a Social Security Fund, that there was a surplus in Social Security of about \$338,000 that had been placed in the budget. If all the items that are in the pipeline that are before the committees this week do go through, there's a potential overspending in that line of almost \$260,000.

So the County Executive •• and the projects that these •• this money has been used as an offset against, they're all worthwhile projects and not anything that we're complaining about the merits. We're just asking everybody to be cognizant of the fact that there is spending going on and the sales tax numbers are down and we just want to keep everything as manageable as possible over the rest of the year.

CHAIRMAN CARACCILO:

Mr. Zwirn, if I can just interject, because you've mentioned it now two or three times, sale tax revenues are down. Are you cognizant of the most recent figures that we have received in the Legislature from our Budget Office?

MR. ZWIRN:

No.

CHAIRMAN CARACCIOLO:

Okay. Because there's been some modification, some improvement. And as I recall reading that memo a week or two ago, we're right now just about what we had projected through early May of this year, but I'll have Mr. Lipp respond to that. Let me have Mr. Lipp respond before Allen.

MR. KOVESDY:

Sure.

CHAIRMAN CARACCIOLO:

Just recap the memo for us, Bob.

MR. LIPP:

Actually, we have been in contact with the Budget Office, we've been speaking to them. I've spoken with Allen and also with the Executive's Economist that has done the analysis for their sales tax forecasts. So we are talking to them.

Mr. Zwirn is right that it was down in the first quarter but there were extenuating circumstances. The bottom line is the State makes adjustments every quarter and the vendor sales are up but our actual sales tax collections were down because of the adjustments, they move money around.

CHAIRMAN CARACCIOLO:

That's first quarter.

MR. LIPP:

Yes. Then ••

CHAIRMAN CARACCIOLO:

All right, let's go through May and the memo you recently issued.

MR. LIPP:

Right. Okay, in May we were up well over 5% for the month compared to the same month last year. The bottom line is it will take some doing to make it back from the poor first quarter. So the fundamentals in terms of how the economy is doing with taxable sales aren't so bad, that's the good news, and we stand a chance of making it but it's a little too early to tell for the rest of the year. So we're going to do a wait and see and perhaps at least til the end of the second quarter, because the sales tax is a quarterly system, that will be in mid July before we want to say anything definitively like it looks like we're going to make it or not. But the bottom line also is the cash was down in the first quarter, so we do have some room we have to make up.

CHAIRMAN CARACCILOLO:

As the numbers look today, what are the numbers; what is the shortfall?

MR. LIPP:

Well, we think for the year on balance that we stand a chance of making what's in the budget.

CHAIRMAN CARACCILOLO:

Okay. Mr. Kovesdy, your comments, your thoughts.

MR. KOVESDY:

Thank you. Robert and I do speak, you know, every time we get a check. We do it a little more conservatively, we lost 12 to \$15 million in real revenue in the first quarter. May was fairly flat based on the budget figures. The State has told us that the major adjustment which we should get from the phone companies won't come until the October adjustment, not the July number. So we still feel that we have a solid \$10 million hit from the first quarter that we haven't •• we don't have the ability to make up until further down.

CHAIRMAN CARACCILOLO:

But you will make it up.

MR. KOVESDY:

Excuse me?

CHAIRMAN CARACCILOLO:

It will be made up.

MR. KOVESDY:

If everybody spends a lot of money and the weather is nice on the weekends and everything like that, but we lost \$10 million in real money. There was an adjustment, a \$4 million swing; it was positive last year, it was negative this year. So our models are \$10 million less, we're projecting a \$10 million shortfall this year. We hope that we're wrong, we hope the economy turns around, but we deal with the real money that we've gotten. If the County is fortunate enough to pick up the four and a half percent every month, we'll still come in \$10 million down. So both ourselves, Conoscenti & Associates which we work with who do our projections, at this point in time believe that we have at least a \$10 million hole. There are some adjustments that have to be made, Robert is correct, but at this time a prudent person, a conservative person would say we lost this money, the County has not received this money, it's not coming back and we're \$10 million down.

CHAIRMAN CARACCILOLO:

The adjustment you made reference to with the telephone company; Verizon, I assume.

MR. KOVESDY:

Yeah, they •• there was a merger and they failed to credit Suffolk County. But according to the State, they won't straighten that out til October.

CHAIRMAN CARACCILOLO:

And how much of an adjustment will that be?

MR. KOVESDY:

We figured between a million and a million and a half dollars that would be favorable to the County. You'll have that for when you do the budget, we won't have that when we do the budget.

CHAIRMAN CARACCILOLO:

In terms of your forecast, how does it differ from Budget Review in terms of your conservative model or approach? What's the difference, four percent annual growth versus something more?

MR. KOVESDY:

No. The basic thing was we got one check that was \$15 million less when the adjustment in the end of the first quarter, that's the big hit; if it wasn't for that, Robert and I would be on the same page. But we have to deal with the money that we've received.

CHAIRMAN CARACCILOLO:

I understand.

MR. KOVESDY:

Three and a half months into it, we have nine and a half months to go. The prudent thing is to do it based on the money you have. You don't know what's going to happen, you don't know if it's going to rain over the 4th of July and kill business or what's going to happen.

The other hit was car sales; car sales were down tremendously in the first quarter. Hopefully it's the spring, people will buy cars. You know, we're counting on the auto industry to do a little bit less with the big SUV's and a little bit more with the fuel economy, fuel economic cars. But right now they're sitting with tremendous stock of cars in their lots. So the sales tax from cars is down, that's the biggest number we get.

On top of that, there are five resolutions that the State has put in which would seriously hamper the County's ability to get sales tax. They range from •• some of the State Senators put in a bill to do away with the money that we're going to get from gasoline, that's a \$54 million hit if that bill goes through that the State put through, that's as much money that we collect in the General Fund.

CHAIRMAN CARACCILOLO:

That's a good segway into my next line of questioning regarding sales tax receipts. When we look at your other year sales tax collections just from the vehicle, motor, oil tax, gas tax, etcetera, what is the difference this year versus a year ago?

MR. KOVESDY:

I don't have that, but Robert and I •• I called Robert on this. We get approximately \$54 million at the pumps for gasoline.

CHAIRMAN CARACCILOLO:

As the price rises, the sales tax collections rise with it.

MR. KOVESDY:

Yes.

CHAIRMAN CARACCILO:

Okay, so ••

MR. KOVESDY:

We factored that in to the number, we both did it independently and we came within a million or two dollars from each other.

CHAIRMAN CARACCILO:

And what •• how does that compare, your projection for '05 compared to actual?

MR. KOVESDY:

We had built that in, that was part of the 4.75% increase.

CHAIRMAN CARACCILO:

Okay. What does that correlate, is what I'm say, in dollars, that 4.75% increase year over year?

MR. KOVESDY:

That's in the ••

CHAIRMAN CARACCILO:

It's 54 total?

MR. KOVESDY:

Yeah, for this year.

CHAIRMAN CARACCILO:

So it's a four and three•quarter percent growth over the previous year.

MR. KOVESDY:

Yes.

CHAIRMAN CARACCILOLO:

Okay. The fund balances, the books are closed; what are the fund balances for '04? And just a brief explanation of what that means in terms of going forward and how fund balances are applied in future budgetary models and purposes.

MR. KOVESDY:

Okay. To the best of my knowledge, the Police •• the fund balance is the money that's left over at the end of the year, revenues versus expenditures. The Police District is a minus \$43 million due to pension payments and the General Fund is projected to be plus \$114 million.

CHAIRMAN CARACCILOLO:

In the General Fund.

MR. KOVESDY:

Right, but you have to figure the police as a minus also, so the net would be 114 minus 43.

CHAIRMAN CARACCILOLO:

Okay. How does that compare to '03 fund balance?

MR. KOVESDY:

I don't have that.

CHAIRMAN CARACCILOLO:

It's down.

MR. KOVESDY:

You have that, Gail?

MR. LIPP:

Yes, it's down. But the more important thing I believe is how it compares to our budget model. It's actually up a few million dollars in the General Fund compared to what we were estimating, but it's down I believe about \$8 million in the Police District. So good news in the General Fund, we have a little bit more of a surplus compared to what we expected and bad news in the

Police District, we have a little bit more of a deficit, instead of 35, approximately 43 million.

CHAIRMAN CARACCILOLO:

Is that entire 43 million in the Police Department due to adjustments and pension costs?

MR. KOVESDY:

I think so, sir.

MR. LIPP:

More than 100%, yeah. It's basically we spent the cash in 2004 for the pension instead of going out to bond which was the prudent thing to do. And we knew that we would have a negative there in terms of fund balance. And we anticipated 35, it came in at 43.

CHAIRMAN CARACCILOLO:

What was the pension adjustment for all other bargaining units?

MR. KOVESDY:

It came to \$65 million additional that we paid out, it came to the County's benefit, but we spent \$65 million more last year. We could have moved the money over but we paid it all last year, so we paid •• it was an additional \$65 million.

CHAIRMAN CARACCILOLO:

Will we likely see, you know, a need in the future for further adjustments of pension costs?

MR. KOVESDY:

I don't know the answer to that.

CHAIRMAN CARACCILOLO:

You don't think so. In other words, we pretty much know what ••

MR. KOVESDY:

I said I don't know the answer. We pretty much know what we're going to do based on the legislation that went through last year, I'm not sure of the exact numbers, though.

CHAIRMAN CARACCILOLO:

Okay. Robert?

MR. LIPP:

We have that, the presumed pension bonds, we have an idea of what the bill is going to be, you don't know with a hundred percent certainty. And we have that implicit in our budget model and it includes transferring the remainder for 2006 from the Retirement Reserve Fund to pay part of it.

CHAIRMAN CARACCILOLO:

Now, the new sales tax or the Home Rule that was adopted by the Legislature, sponsored by the County Executive, would increase the portion that could be dedicated to the Police District from one-quarter of 1% to three-eighths of 1%. How much money is that annually, that three-eighths of 1%?

MR. LIPP:

Well, we have a quarter of a cent budgeted now which is about \$64 million ignoring the growth, it would be an extra 32 on top of the 64, 96 plus whatever growth.

CHAIRMAN CARACCILOLO:

Ninety-six million dollars a year that automatically will come from sales tax receipts ••

MR. KOVESDY:

No, it's a choice.

MR. LIPP:

It's a policy issue.

MR. KOVESDY:

It could, it can go from zero to three-eighths.

CHAIRMAN CARACCILOLO:

Okay. But for '05, we used all of the \$64 million that was part of that one-quarter of 1%.

MR. KOVESDY:

Right.

CHAIRMAN CARACCILOLO:

Whereas a year ago it was only \$22 million.

MR. KOVESDY:

Correct.

CHAIRMAN CARACCILOLO:

So it was a 200% increase in one year of what we used. And based on collective bargaining agreements, do you have any reason to believe we will be using the lion's share of that? I mean, if we're increasing it to three•eighths, you know something that we don't know yet and that is you're going to need the money.

MR. ZWIRN:

Absolutely.

CHAIRMAN CARACCILOLO:

Right?

MR. ZWIRN:

Yes.

CHAIRMAN CARACCILOLO:

Yeah, okay. You wouldn't propose to increase it if you knew you weren't going to ••

MR. ZWIRN:

No, I don't think that's a secret, I think that's true. That's true and that's part of the driving force behind it.

CHAIRMAN CARACCILOLO:

Okay. Which brings me •• and I know there are probably other members of the committee that have questions. I want to talk about SCIN forms, but I'll come back to that. I want to talk about the overtime issue, and I'm glad Chief Webber has arrived. But in terms of a resolution

that's been on this committee's agenda for a long time, 2219, which would allocate an increased share of revenue sharing from sales tax for public safety purposes to villages and town police departments. I have written to the County Executive, I have never received a response.

Mr. Zwirn, do you or anyone in the administration know what his predisposition is on that legislation?

MR. ZWIRN:

I think that it's premature, his response at this time. But I think the reason that he has proposed an increase in the amount of money that could be allocated toward the Police District was because the Police District costs were going up. And with the cap that is provided for in the County Charter, we would all be hard•pressed, the Legislature and the County Executive, to be able to come in with a Police District budget next year that didn't have major tax increases. This will allow the County Executive and the Legislature the flexibility of providing more money in that fund.

With respect to supplying more funding for the east end departments and the village departments, I don't think he has closed the door on that but I know he is •• I know he is very sensitive to the Police District Fund which is such a large part of the County budget.

CHAIRMAN CARACCILO:

Okay. Members of the committee, Legislator Alden.

LEG. ALDEN:

I would just like to pick up a little bit more on the sales tax as far as for gasoline and how that was blended in.

MR. KOVESDY:

It's part of the overall number.

LEG. ALDEN:

You need a microphone.

MR. KOVESDY:

I'm sorry. Good morning. It's part of the overall number. What had happened was there was a

bill put in by the State, one of the State Legislators and Assemblymen, to do away with it, to say that New York State will no longer charge sales tax on gasoline. So we just calculated what the impact on Suffolk County would be if that bill passed.

LEG. ALDEN:

Okay. But now going back to ••

MR. KOVESDY:

And that was \$54 million. But that is •• that's in the \$1.129 billion that the County received, that \$54 million. Just like money comes in from restaurants, from food, from autos, it's one component, one very, large component.

LEG. ALDEN:

Right. And before you said that that was one component of your whole sales tax prediction or your model.

MR. KOVESDY:

Correct, right.

LEG. ALDEN:

I'd like it broken down then. Because it seems to me that over the past two or three years, sales tax and fuels have just like sky•rocketed. So I can think back to when heating oil was a dollar a gallon, and that's not that long ago, a year, two years ago. And it would just •• to follow up what Legislator Caracciolo said before, when heating oil goes from a dollar a gallon or even gasoline goes from a dollar a gallon to \$2.45 a gallon, we've just doubled•plus the amount of sales tax that we collect on that.

MR. KOVESDY:

I think we're mixing apples and oranges, sir. This is •• we get approximately \$40 million and change from the fuel oil or the home energy or whatever you want to call that. This other one that I'm talking about is gasoline at the pump. Gasoline is two dollars ••

LEG. ALDEN:

Actually, I didn't mix apples and oranges.

MR. KOVESDY:

Maybe I ••

LEG. ALDEN:

I stated that the one was home energy, which is fuel oil, and that did go from a dollar, now it's over \$2, and gasoline, when you go to the pump, that went from a dollar to now it's 2.45, 2.55.

MR. KOVESDY:

Right.

LEG. ALDEN:

So it seems to me that on those two components, one's apples and one's oranges, but on those two components, they're both taxes, both fuel. It seems as though our revenue went from whatever it was to double•plus, or we don't.

MR. KOVESDY:

The fuel oil has been fairly consistent over the past two or three years, it's been between 35 and \$40 million the amount that the County has received so far. Gasoline, we'd have to just do some kind of analysis and work backwards to that. But we don't break everything in a •• everything out that way. Over the last three or four years we've had major shifts between receiving the \$110 on a yearly basis, doing away with it, with the sales tax exemptions and things like that. So this is the first year, this year to last year, and I think Robert will agree, that we've actually had apples to apples to measure some of these things.

We could go back, the State has information going back a year or so which breaks the components down, the percentage we get from clothing and all these particular things. But we track it as a whole, we only look at the specific components if things change.

LEG. ALDEN:

Well, I'd like to see it broken down, then. Because I would like to see what we did •• and I guess I'm asking to go back three, maybe •• at least three year because that's when I can recollect that gasoline was about a dollar a gallon, a little over a dollar a gallon.

MR. KOVESDY:

All we can get you is gross sales of gasoline in Suffolk County for those years and you'd take the percentage against it, that's how it works.

MR. LIPP:

In 2003 •• well, 2002, the motor fuel and diesel portion of the sales tax went up by 5% in 2002, it went up by over 16% in 2003 and by 11.8% last year. Home Energy Tax, a portion of the tax went up by 5.4 last year, 5.4%. So there's a combination of factors going on. It's not only the price, it's also the usage, it's a function of the price and a function very largely of the weather.

LEG. ALDEN:

So, Robert, that would indicate, though, an erosion on our normal, traditional type of sales tax, then, right? If you're talking about dry goods and things like that, those would have had to erode. If these things went up those huge amounts and our sales tax is predicted by your model to go up four or 5%, right?

MR. LIPP:

Right. Obviously, the ••

LEG. ALDEN:

So there's an erosion in the dry goods end.

MR. LIPP:

The percentage here is larger than the over all growth in the total, so therefore the non •gasoline, for instance, portion is less in terms of percentage increase in the gasoline portion.

LEG. ALDEN:

Okay. So it sounds like you got a handle on it, I guess I don't have to go to the Budget Office, I'll go to Budget Review and get the breakout.

MR. KOVESDY:

Fine.

LEG. ALDEN:

Thanks.

MR. KOVESDY:

Okay.

CHAIRMAN CARACCIOLO:

Robert, you have that information readily available?

MR. LIPP:

Ask me a specific question and I'll get •• ask specific questions perhaps afterwards and we'll get you the information.

CHAIRMAN CARACCIOLO:

Okay. If Legislator Alden would put his questions in writing to BRO and then provide the members of the committee with your answer, we'd appreciate it.

LEG. ALDEN:

I thought that would be proprietary information.

MR. LIPP:

It is to the Legislature.

CHAIRMAN CARACCIOLO:

Mr. Kovesdy, when you mentioned the various means by which we collect sales taxes, there's a resolution •• I believe it's been introduced, or at least been rumored to be coming from Legislator Cooper •• that would waive for I believe a two week period or some time•certain period tax for restaurant purchases in Suffolk County; are you familiar with that?

MR. KOVESDY:

I was familiar with the general language that somebody had told me and we cost out what it would be if all restaurants for two weeks; it would be in the vicinity of three to \$4 million if it was all restaurants. But I've heard •• some people said that's only restaurants in a community, it doesn't include national chains. So I haven't seen the legislation, but if all restaurants ••

CHAIRMAN CARACCIOLO:

Counsel, could you just fill us in the blanks here? Is there a resolution, is it a Sense Resolution?

MS. KNAPP:

There is a resolution.

MR. KOVESDY:

Yeah, but I haven't seen the resolution.

CHAIRMAN CARACCIOLO:

Sense Resolution 5?

MS. KNAPP:

It's Sense Resolution 36.

CHAIRMAN CARACCIOLO:

Oh, 36, okay.

MR. KOVESDY:

We haven't seen it, but if it was all restaurants for that two week period, and the two week period was by the Labor Day period at the end of the summer, we figured between a three and \$4 million hit.

CHAIRMAN CARACCIOLO:

Would the administration support that initiative?

MR. KOVESDY:

I'm only a budget person.

CHAIRMAN CARACCIOLO:

Mr. Zwirn?

MR. ZWIRN:

I don't think the County Executive eats out very often, so I don't think it would have a personal impact. But seriously, I don't know, I haven't spoken to him about it. I don't know if they've talked about it, but I can imagine that the Budget Office would not be happy when we lose three or \$4 million.

CHAIRMAN CARACCILOLO:

Okay. SCIN forms.

MR. ZWIRN:

We need some money to run the County, not much but a little bit.

CHAIRMAN CARACCILOLO:

Let's talk about SCIN forms. Mr. Zwirn? We've heard previous testimony before the committee about •• this is going back now to February or March, that it was anticipated the administration was moving forward and very progressively in signing off on over 300 SCIN forms. Where are we in that effort to replenish the ranks of County departments that have had shortages and backlogs?

MR. ZWIRN:

I think they are moving, they are moving forward on SCIN forms. I know that in Social Services they hired I believe 18 people off the Civil Service lists and there were a number •• I think another 52 SCIN forms had been signed and they were going through the hiring process. And I think on a County•wide basis they are making progress but, they're doing it in a conservative manner, you know, just trying to keep a handle on, you know, expenses and trying to have, you know, the right amount of people working in each department as opposed to having too many or too few. You know, recognizing that its expensive and it's an annual •• it's a cost that's incurred year after year.

Let me just touch a little bit on personnel. I know that we read in the paper this weekend that there's a tentative contract agreement with AME and the County Executive. I don't want to say too much about that today, I'm just going to sort of do a preemptory strike here and just say that once the union has a chance to vote on it, if it is approved by the union membership, then it will come back to this committee and the fiscal impact statement on the 2005 and 2006 budgets will also be discussion and also there will be an independent review, which there should be, for the Legislature by BRO. But the County Executive and the County Executive's Office is

moving forward on bringing people in. As I say, the biggest concern I think was in Social Services and they have made progress there.

CHAIRMAN CARACCIOLO:

Getting back to SCINS. The relevance of that has everything to do with turnover savings. And the primary difference between the Budget Office and the Budget Review Office projections on shortfalls for '05 related to about 18 or \$20 million for turnover savings. So just a direct question, direct answer; at this stage, here we are almost mid year, is it anticipated that there will be this difference of opinion between the Budget Office and Budget Review Office where you feel through your aggressive policy and hiring new hires, there won't be an 18 to \$20 million surplus in turnover savings that ••

MR. ZWIRN:

Yeah, I ••

CHAIRMAN CARACCIOLO:

Budget Review Office anticipates.

MR. ZWIRN:

As Allen says to me privately, there will be a savings because •• even when the positions are released. For example, I understand there are 52 SCIN forms that have been signed for Social Services but the people have not been hired. So it takes time once the SCIN forms are released for the hiring progress to go forward. So clearly, even though the SCIN forms are being released, the hiring is not done immediately. So there will be a savings, the exact number will depend on how fast people can be put into those slots. If they pass the test, if they're listed ••

CHAIRMAN CARACCIOLO:

Is there a preliminary estimate on the cost of the new AME contract, without disclosing, you know, particulars?

MR. KOVESDY:

There was money in the budget.

LEG. LOSQUADRO:

Use the microphone, please.

MR. KOVESDY:

What's that?

MR. LIPP:

They can't hear you.

CHAIRMAN CARACCIOLO:

Yeah. Allen, there's another mike right in front of you.

MR. KOVESDY:

I'm not privy to the contract, but there was ••

LEG. LOSQUADRO:

Turn it on.

MR. ZWIRN:

I think •• well, I think that it's between •• it's about \$37 million.

MR. KOVESDY:

The Legislature and the Exec funded the majority of all costs in the budget. So the 2005, 2004 piece was conservatively put in the budget,

I have no idea what the total numbers come to, but the Legislature did put money in for the majority of this.

CHAIRMAN CARACCIOLO:

So, in effect, the proposed settlement is funded, fully funded in the '05 budget.

MR. KOVESDY:

I don't know if •• I can't use the word fully, but there was money put inside ••

CHAIRMAN CARACCIOLO:

Substantially funded.

MR. KOVESDY:

I would say substantially, yes.

CHAIRMAN CARACCILOLO:

Okay. And then you're costing it out, Mr. Zwirn, in ••

MR. ZWIRN:

I think they believe it's going to be between 37 and \$40 million.

CHAIRMAN CARACCILOLO:

That's for the retroactive component as well as the '05 piece.

MR. ZWIRN:

That's correct.

CHAIRMAN CARACCILOLO:

Okay. Budget review, I'd like your comments on that.

MS. VIZZINI:

When we adopted the '05 budget, we stated that there was money for the various collect bargaining agreements that had yet to be brought to fruition. I know the \$37 million figure was in the paper, but I think it's more descriptive of what was in the budget. We have to have an opportunity to see the Memorandum of Agreement on AME and to do an analysis and we'll compare that number with not only what's in the budget but with the Budget Office's fiscal impact.

CHAIRMAN CARACCILOLO:

Compared to previous AME settlements, one year cost •• and I realize this is more than one year, this is retroactive •• but typically, and I kind of remember the numbers used to run about 18 to \$20 million, annually for AME contract settlements. This seems to be within that range, it doesn't seem to be more than previous settlements. And given the fact that base salaries have increased, that's a good thing; correct?

MS. VIZZINI:

Well, we're looking at what was budgeted in terms of •• there's a separate line for retroactive settlement, so the budget did anticipate that contracts that needed to be paid out for 2004, there was monies. But it's always good to see what the Memorandum of Agreement says; as Lance is reminding me, the devil is in the details. So rather than state a particular number based on what was, we'll have that information for you as soon as we get the Memorandum of Agreement and have a chance to look at it.

CHAIRMAN CARACCILOLO:

Okay. Robert, earlier you mentioned that yourself and the Budget Office have gone over sales tax revenues and projections; have you also had an opportunity recently, since April, to discuss the turnover savings issue?

MR. LIPP:

What we have done since April, basically, is the Capital Program and the review, so we haven't updated the budget model since March actually. We have had conversations with the Budget Office, but we haven't updated our model. For instance, as I said earlier with the sales tax, we're going to wait until the end of the second quarter to see if the sales tax needs to be revised, it's unclear at this point.

In addition, with turnover savings, we said back in March that we anticipated a trend in terms of new hirings that would be similar to last year based upon the current experience. And from what I'm hearing now from the Executive's Office, it sounds like they have revised somewhat their model because they agreed with us on the sales tax back then, but they disagreed with the turnover savings. And what I'm hearing implicitly now is that they decided from the first quarter to revise downward their sales tax, news to me, and that they're admitting that the SCIN forms will take time to actually fill the positions even though they've been released. So it sounds like they're agreeing more in terms of the turnover savings, I don't know how much more, and they're agreeing less with the sales tax projections.

We'll re•visit this once the dust clears on the Capital Program and see if our sales tax forecast needs to be revised and ditto with the turnover savings.

CHAIRMAN CARACCILOLO:

Given the Legislative calendar coming up, we only have one committee meeting before the last meeting in June Legislative session, and then we recess until the end of July. So perhaps, since

you're talking about second quarter results, you won't have that information til mid July, the first committee meeting thereafter. We will look forward to both the Budget and Budget Review Office projections, or updates I should say, on '05/'06 budgets. Okay?

MR. KOVESDY:

And the Legislature, of course, is welcome, the budget hearings for the departments are June •

CHAIRMAN CARACCIOLO:

You have a mike right there.

MR. KOVESDY:

The budget hearings for the departments are June 21st through the 24th and all are welcome. All the departments will be coming in stating their budget ••

CHAIRMAN CARACCIOLO:

Right. It also sounds to me •• and this is not •• this is just a comment, an observation, not a criticism or otherwise. That perhaps in light of first quarter sales tax projections, in light of an AME settlement, that the administration will adjust upward the turnover savings, as Mr. Lipp alluded to, to take into account those occurrences. And that means we'll all be on an even keel come early August; that's good news.

MR. ZWIRN:

Well, all I can say on behalf of the County Executive's Office is that he'll do everything he can to save money for the entire year and, you know, part of that is with turnover savings and trying to manage the personnel of the County as prudently and as conservatively as possible.

CHAIRMAN CARACCIOLO:

Okay. I want to, at this time, unless we have questions along these lines for the panel, to request that Chief McElhane (sic) come up.

LEG. CARPENTER:

McElhone.

CHAIRMAN CARACCILO:

McElhone, I apologize. Hi, Chief.

CHIEF McELHONE:

Good morning.

CHAIRMAN CARACCILO:

I understand you're here on behalf of the department to provide us with information statistics about police overtime for '03, '04 and '05, by quarter; that was my request.

CHIEF McELHONE:

I believe that request came late Friday and we weren't able to put specifics together at this point.

CHAIRMAN CARACCILO:

Okay. If you could, subsequent to today's meeting, provide me with that information, I would appreciate it.

CHIEF McELHONE:

Yes. Chief Webber is working on it right now and we're trying to put it together. If you could maybe repeat it in writing or in an e-mail just specifics, we'll make sure we cover all other spaces.

CHAIRMAN CARACCILO:

Sure. Can you give us a general sense of where we are year-to-date in police overtime?

CHIEF McELHONE:

We're about where we should be; actually we're at 94% of what we spent last year, so actually we're a little bit below in hours of what we spent at this time last year. However ••

CHAIRMAN CARACCILO:

And in dollars?

CHIEF McELHONE:

•• the salaries have been up, so it's almost a wash at this point.

CHAIRMAN CARACCIOLO:

And what is that expenditure at this point?

CHIEF McELHONE:

In dollars?

CHAIRMAN CARACCIOLO:

In dollars.

CHIEF McELHONE:

I don't know if I have that. I'll try and find it somewhere in this. What we do weekly and by division, we compare what our budgeted amount is to what we've actually spent. So actually, the figures I only have are for the Support Services Division, not Patrol or Detective, so I really don't have ••

CHAIRMAN CARACCIOLO:

Well, patrol is where the overtime is.

CHIEF McELHONE:

Exactly, so we've •• personnel related. One of the things I'm looking at shows that we've used 200, slightly over 200,000 hours in overtime as a department, that would be about first week in May, as compared to 212,000 hours in the same period last year.

CHAIRMAN CARACCIOLO:

Okay. If you can quantify that for us and bring it forward to hopefully June, by the time you tabulate the quarterly, you know, variations in overtime costs, because there are seasonal adjustments, particularly in the summer time, that's peak.

CHIEF McELHONE:

The summer time we spend a lot on overtime, yes.

CHAIRMAN CARACCIOLO:

That's peak overtime expenditure periods. What is budgeted for the year in terms of man

hours? I know you don't have dollar amount with you.

CHIEF McELHONE:

Actually, I had that in dollars, I don't know, I'd have to get back to you on that.

CHAIRMAN CARACCILOLO:

It sounds like somebody was working awfully hard not to give me the information I wanted, but we'll get it.

CHIEF McELHONE:

Actually, the request went to Chief Webber on Friday night and it was a holiday weekend, we're trying to put it together right now.

CHAIRMAN CARACCILOLO:

Well, actually the request went to Chief Moore several weeks ago, but •• you know, I was told on Friday that Chief Webber would be here and provide us with the information. So, I know we did •• okay. So if you don't have the information, I'll just go to Budget Review; what did we budget this year for police overtime and what's that number compared to last year's number, Gail?

MS. VIZZINI:

For Fund 115, the overtime is 17.9 million. We don't have an updated year•to•date expenditure on it, so I can't tell you what they've spent in terms of dollars, I'd have to get that for you.

CHAIRMAN CARACCILOLO:

Well, I know, talking to some of my former colleagues in Nassau County, that is substantially less than what Mr. Suozzi is spending in Nassau County, so that's the good news. But we have to make sure we keep within our budget and I know they're way over budget for a variety of reasons, their man powers are way down.

In terms of man power, Chief, we heard earlier that there have only been 20 retirements so far this year; that's something you're familiar with?

CHIEF McELHONE:

Actually, my information is 75 as of •• by the end of this month we'll have 75 sworn

retirements.

CHAIRMAN CARACCIOLO:

Mr. Zwirn?

CHIEF McELHONE:

One twenty might be projected through the year. Are you going back to last year's?

CHAIRMAN CARACCIOLO:

No, we heard testimony about 20, 2•0.

CHIEF McELHONE:

Retirements?

CHAIRMAN CARACCIOLO:

That's what we heard, unless I misheard; Mr. Zwirn, you want to ••

MR. ZWIRN:

No, I'll double check. But from what we understand, what I understood on Friday is that the retirements are •• the people who have put their papers in is way down. And as far as I know, I didn't ••

CHAIRMAN CARACCIOLO:

Did you say 20? I mean, I kind of remember ••

MR. ZWIRN:

I said 20 versus 50, so we'll check on these numbers.

CHAIRMAN CARACCIOLO:

Okay. And you believe, Chief, it's about 75?

CHIEF McELHONE:

Yeah. Well, Lieutenant _Reathman_ works directly for me and every time someone signs up he gives us a running list. Some people are leaving towards the end of July; July is a good time

of year for people to leave contract-wise. So by the end of July we'll have 75 sworn retired.

CHAIRMAN CARACCILOLO:

Okay. Robert?

MR. LIPP:

Actually, if I may ask a ••

LEG. LOSQUADRO:

I don't think your mike's on.

MR. LIPP:

A point of information from the Chief. Does the 75 include the January or is that just July?

CHIEF McELHONE:

I believe that's January to July.

MR. LIPP:

Oh, okay. Because there was fifty some-odd ••

CHIEF McELHONE:

Yes, in January, right.

MR. LIPP:

•• retirements in January, so I think that's where Mr. Zwirn's 20 to 25 would come in.

CHAIRMAN CARACCILOLO:

Oh, okay, that would all add up.

MR. LIPP:

That would jive.

MR. ZWIRN:

Yeah.

CHAIRMAN CARACCIOLO:

Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. Good morning, Chief. There's an issue coming before us at Public Safety today regarding asset forfeiture monies, and I just want to know if you're familiar with just how those monies can be utilized. I think they're somewhat restricted by law as to how those monies can be utilized by the agencies that accept them. Are you familiar with that?

CHIEF McELHONE:

The general rule for the couple of years I've been involved with it now is that it has to be used for a new program, their term is to supplement, not to supplant the budget. So we have to be careful that we're not using asset forfeiture money to replace what used to be a budgeted item such as like Police cars or something like that.

LEG. O'LEARY:

How about overtime; can asset forfeiture monies be used to supplant or to make overtime payments?

CHIEF McELHONE:

It has been if it's a new program, if it's an initiative type of a •• gang initiative or some type of •• over and above what we would normally do. For typical arrest overtime or manpower shortage, it wouldn't be used for that. But if you identify a program and you could •• I believe you could allocate some overtime money from that.

LEG. O'LEARY:

From asset forfeiture monies?

CHIEF McELHONE:

I believe so, if it's a separate program.

LEG. O'LEARY:

And it has to be a separate program, a new program?

CHIEF McELHONE:

That's my understanding, that's been our history of using those kind of funds.

LEG. O'LEARY:

All right. So •• but those monies could not about used for general use of overtime within the PD.

CHIEF McELHONE:

No. For a typical arrest on any given night or to replace a sector car operator, I don't believe that would be legally •• a legal use.

LEG. O'LEARY:

Okay.

CHAIRMAN CARACCILOLO:

The County Attorney's Office would like to comment on this?

MS. CAPUTI:

Yes, hi. Thank you. Yes, that's on this afternoon, I guess, or this morning, later this morning. I did research that for •• in regards to that resolution and I spoke with a representative from the DA's office, Craig _Paplick_ I believe, and he works in tandem with the Federal authorities. And we both researched it and he and I came to the conclusion that that resolution was proper, that they're using the monies for overtime that is used to help the Police Department do investigations that will reap further seizures and bring in more money and that's a permissible use under the Federal regulations. So if you want, I can speak further at that later committee, but that was our conclusion and I wanted you to know that.

LEG. O'LEARY:

Yeah, I just wanted to get an overview from the Chief pertaining to the rules and regulations involving the use of asset forfeiture monies.

MS. CAPUTI:

Okay. Thank you very much.

CHAIRMAN CARACCILOLO:

Legislator Alden?

LEG. ALDEN:

And through the Chair, if we're gathering information on the Police budget with the overtime, do we use as a model •• and I'm going to direct this to Budget Review. Do we use a model that would provide an analysis of if we had more cops, would the overtime be lower; do we do that comparison?

MR. LIPP:

We put a factor in for that. It's not an easy number to calculate, though, because there are several issues going on that are difficult to see when you look at trends over time. In particular, with salaries going up every year, even if the number of hours goes down, you could have a dollar increase. So we do make an adjustment for it, it's not the easiest adjustment to make, though. We could be somewhat off the mark, but we do take that into consideration.

LEG. ALDEN:

How deep do we go into an analysis of overtime, where Legislator Caracciolo said before, probably Patrol is the majority of it; do we break that down?

MR. LIPP:

No, we don't. Perhaps the department analysis does a more detailed look at it, but when we do the overall budget model and we speak to each of the department analysts to get input so we understand what's going on, we look at the gross number for overtime. It becomes •• the bottom line is whenever you're doing an analysis, if you look at more individual pieces, it's easier to make mistakes. So unless there's compelling reason to do that, you're better off just looking at the more aggregate numbers.

LEG. ALDEN:

I'm thinking of more of a policy issue because take any business, you know, it could be the bus business, it could be, you know, like a manufacturing business, if you start looking at areas where costs are increased over normal operations and overtime definitely is an increased cost, it would be •• I think it would be very important to us to identify what, why, how, things of that nature so that we might have to change a policy as far as how we do the policing or how we do some staffing on certain levels, and Patrol seems to be the key here.

MR. LIPP:

Most definitely, you're right. In particular, and consistent with what I was just saying, that at the department level, what the analyst should be doing is a program evaluation which is exactly what you're talking about. We're looking at the budget model itself, though, we're not doing an evaluation, we're doing a projection.

LEG. ALDEN:

Directing back to the Police Chief, who would be the person that we would go to get that kind of, you know, in-depth analysis as far as, you know, why we're generating overtime and things of that nature?

CHIEF McELHONE:

Well, we have a weekly report on overtime and overtime is broken down in specific areas, legend actually on every overtime slip, everybody who earns overtime has to put in a slip. Personnel shortage is a rather big expense in overtime, it usually runs anywhere between 30 to 40% of all the overtime that we spend.

LEG. ALDEN:

Would it be your department that would do, you know, an analysis that we can do this and maybe cut down overtime, or if we hired more people it would cut down overtime, or if we changed a little bit about the way we patrol it would cut down on overtime; is that your department that does an analysis?

CHIEF McELHONE:

Well, that would actually be the entire department, you're talking about a major planning thing. It's a fluid situation, there's a lot of dynamics that are involved, but obviously the more cops we have the less we have to pay overtime to come on personnel shortage. So that's certainly something ••

LEG. ALDEN:

Then through the Chair, that might be a point of pursuit as far as this committee. If we're going to look at different policies in the County and how it affects the budget •• and that seems to be a huge affect, this overtime issue •• we might want to schedule further hearings on that.

MR. ZWIRN:

Well, during the budget request period, that would be a good opportunity. If Legislator Alden or any other Legislators want to attend when the Police Commissioner makes his presentation, that might be a time where you might want to ••

LEG. ALDEN:

Well, I'd like to see it in writing, though.

LEG. LINDSAY:

Mr. Chairman?

CHAIRMAN CARACCIOLO:

Legislator Lindsay.

LEG. LINDSAY:

While we're on the issue of overtime, and really of Budget Review; sometimes isn't it cheaper to have someone work overtime rather than to have another hire?

MS. VIZZINI:

That would be part of an analysis that would take that into consideration. At some point you're going to have your break even part.

LEG. LINDSAY:

Right, right.

MS. VIZZINI:

When we adopted the 2005 Budget, there was also an effort for civilianization, which the hope there would be that more of the police officers would be moved to the outside; if not patrol, at least more traditional police functions. Unfortunately, that has not quite advanced as optimistically as we had hoped for, but that's another piece of reducing overtime is civilianization.

CHAIRMAN CARACCIOLO:

Any other questions? And I know I read something recently about civilianization in department,

it has moved forward at a lot faster pace in the last 18 months than it ever had before. What are the numbers in terms of that effort?

CHIEF McELHONE:

We're reporting them weekly. We've identified several positions in Information Technology, for example, a couple of instructors at the Police Academy and EMT have been civilianized. We're in the process of hiring POA's to put them on the front desks to supplement the officers that are also there. So the numbers are actually small at this point, there's eight or nine •• there's a number of reasons for that. Some of the positions we've identified, Civil Services doesn't actually have that position, an exam for that position, so we'd have to hire provisionally, we have to do background investigations. Actually, in the last week, data analysts who are currently Police Officers in each precinct, crime statisticians, if you will, we've hired a number of civilians, a couple from the Labor Department, and they're in the process of being trained and as soon as they're up•to•speed those officers will be redeployed to Patrol.

CHAIRMAN CARACCIOLO:

Do you know what the total numbers are?

CHIEF McELHONE:

I'd be guessing, but I think it's around 12 or 13 that we have now and a number of others that are identified.

CHAIRMAN CARACCIOLO:

Okay, but you're not saying 12 or 13 have new civilians •• civilians have replaced police officers, sworn personnel in the last year and a half, it's a lot more than that.

CHIEF McELHONE:

I don't know. I don't know if there would be that many.

CHAIRMAN CARACCIOLO:

Mr. Zwirn, do you know?

MR. ZWIRN:

No, I don't know off the top of my head.

CHAIRMAN CARACCIOLO:

I was led to believe the number was like 50.

LEG. CARPENTER:

Yeah, 64 I thought was the number I heard.

CHAIRMAN CARACCIOLO:

Sixty•four? Does Budget Review know?

MR. LIPP:

I don't have an exact number, but I think a number like 73 comes to mind, but some of that might have been some other things implicit in it that might get the number down to the 50, 60 range.

CHAIRMAN CARACCIOLO:

Chief, if you could tell us what ••

MR. LIPP:

Clearly they're not moving that forward. It's a policy issue, though.

CHAIRMAN CARACCIOLO:

Yes. Legislator O'Leary?

LEG. O'LEARY:

Just an observation with respect to the statement made by the Chief. The positions that you've identified are labor positions, subordinate positions; correct?

CHIEF McELHONE:

That's correct.

LEG. O'LEARY:

Is the department considering civilianizing any management positions in the future; and if so, where and when?

CHIEF McELHONE:

I'd have •• the Commissioner would be the right person to ask that •• answer that question. We're preparing the '06 budget and there have been some discussions, but I don't have any numbers or any specificity on that.

LEG. O'LEARY:

Thanks.

CHAIRMAN CARACCIOLO:

I don't want to steal the thunder of the Public Safety Committee's purview in this area, but we do know from the charts we saw recently that there is a decline in the Police Department and they're seasonally adjusted because of retirements and the like, because of the delay of the new hires from March to October. But ••

CHIEF McELHONE:

September 12th we're projecting the new class, yes.

CHAIRMAN CARACCIOLO:

September 12th the class will start?

LEG. CARPENTER:

Yes.

CHAIRMAN CARACCIOLO:

Okay, that's good news. But is it anticipated at this point that six months after the September 12th class we'll have more or less personnel, sworn personnel than we had at the beginning of January '05.

CHIEF McELHONE:

I believe we'll have an increase but it will be very small. If we have 75 retirements now and we can project another 20 or 30, that would be 105 leaving and hopefully we're going to be putting on 120, so we might be a net of 10 or 15 officers.

CHAIRMAN CARACCIOLO:

Okay. And if you can us those stats on the civilianization effort, we'd appreciate that as well.

CHIEF McELHONE:

Okay.

CHAIRMAN CARACCIOLO:

Any other questions? Okay, we'll go to today's agenda, unless there's anyone else that would like to come before the committee. Yes, Robert?

MR. LIPP:

Just one piece of information before you go on. When we were talking about sales tax, something we failed to mention before, starting tomorrow, June 1st, the tax rate will go down by one•eighth of a cent. That's all State, it has nothing to do with County, it doesn't effect the County's total. The State itself is going down by a quarter and the quasi•state MTA is going up by an eighth, so minus a quarter plus an eighth equals •• it's going down an eighth; from eight and three•quarters to eight and five•eighths starting tomorrow.

CHAIRMAN CARACCIOLO:

And do you want to provide the committee with a breakdown of that four plus percent the County receives?

MR. LIPP:

The County receives four and a quarter, that's the General Fund/Police is the four, a maximum of a quarter of that four could go to the Police District or a minimum of zero as of now, the other quarter goes to the Suffolk County Water Protection Fund, Fund 477. And the State gets four and the MTA quasi•state will start getting three•eighths as opposed to a quarter tomorrow.

CHAIRMAN CARACCIOLO:

Okay, very good. That brings us to the agenda. Thank you, Robert.

Tabled Resolutions

2219•04 • Adopting Local Law No. 2004, a Charter Law to provide for fair and

equitable distribution of public safety sales and compensating use tax revenues (Caracciolo). The Chair will make a motion to approve. All in ••

LEG. LINDSAY:

Motion to table.

CHAIRMAN CARACCIOLO:

Okay. We have a motion to table, that takes precedence. Do we have a second.

LEG. MONTANO:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator Montano. All in favor of the motion to table, say aye.

LEG. LINDSAY:

Aye.

LEG. MONTANO:

Aye.

LEG. O'LEARY:

Aye.

CHAIRMAN CARACCIOLO:

Three in favor of tabling. All those opposed.

LEG. CARPENTER:

Opposed.

CHAIRMAN CARACCIOLO:

Opposed. One, two, Legislator Alden and Losquadro; four, it's defeated.

Motion to approve by the Chair, second by Legislator Carpenter. On the motion, Legislator Alden.

LEG. ALDEN:

As of last week I guess I hadn't read the most up•to•date version of this, so if Legislative Counsel could just give the high points of the resolution.

LEG. O'LEARY:

That's the revenue sharing.

CHAIRMAN CARACCIOLO:

That's the •• go ahead.

MS. KNAPP:

The latest version, dated May 6th, the amendment that was made then was to take out the sentence that imposed a floor of the previous year so that now it floats with the Police District Fund.

Basically what this would do would be to mandate that the villages and the east end towns received a portion of the payments that are made to the Police District. And the portion that they would receive would be computed by multiplying •• you would take the amount allocated to the Police Fund and then develop a fraction, which would be equal to the total population in the villages and in the east end, and they would get their fractional share of the monies.

LEG. ALDEN:

Are those numbers in here, the fractions?

MS. KNAPP:

They would vary from year to year. And they're computed by looking at the most recently published population survey issued by LIPA.

LEG. ALDEN:

Okay. So apply the formula to what happened last year and what would have happened, and I guess I'll have to ask ••

CHAIRMAN CARACCIOLO:

Budget Review could answer that question.

LEG. ALDEN:

- Budget Review.

MR. LIPP:

Can we get back to you in a couple of minutes?

CHAIRMAN CARACCIOLO:

Sure. We'll pass over it and come back to this then. We'll go on with the agenda, we'll come back at the end of the agenda to 2219.

1140•05 • Repealing an unfair Home Heating Fuel Nuisance Tax on Suffolk County Homeowners (Alden).

LEG. ALDEN:

I'm making some changes to it, so motion to table.

CHAIRMAN CARACCIOLO:

Motion to table by the sponsor.

LEG. O'LEARY:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous. ***Tabled (VOTE: 7•0•0•0).***

1174•05 • Amending the 2005 Operating Budget and transferring funds from the General Capital Reserve Fund to appropriate funds for the Community College Tuition Assistance Program for volunteer ambulance workers (Bishop).

LEG. LINDSAY:

Motion.

CHAIRMAN CARACCIOLO:

Motion by Legislator Lindsay. Second by?

LEG. CARPENTER:

Second.

CHAIRMAN CARACCIOLO:

Second by legislator Carpenter.

LEG. ALDEN:

An explanation on this one, too, please.

LEG. CARPENTER:

It funds the •• actually, what this does is fund •• it's \$50,000 for the initiative that we •• this Legislature passed to encourage volunteers in the fire and EMS service by offering college tuition. So it puts another \$50,000 into the fund to advertise and fund the program from the scholarships.

LEG. ALDEN:

I have another question, then. How much is the balance in that program and how much was spent last year?

MR. LIPP:

We're working on that.

CHAIRMAN CARACCIOLO:

Okay, Legislator Montano. We'll come back to your question in a moment. Legislator Montano?

LEG. MONTANO:

Yeah. This resolution only provides \$25,000 for scholarships, I understand, and twenty ••

LEG. LOSQUADRO:

Pull the mike closer.

LEG. MONTANO:

I'm sorry. I just want to be clear because I think this came up last time. This resolution provides 25,000 for advertising?

CHAIRMAN CARACCILO:

Correct.

LEG. MONTANO:

Do we have any idea how that's going to be accomplished?

MS. KNAPP:

I have the older version.

LEG. MONTANO:

Because only 25,000 •• as I read the resolution, only 25,000 is going into the fund. The other 25,000 is going to be spent for the advertising. I had asked last time what districts, because I understand that some districts have more difficulty recruiting than others. And I was trying to get an idea of where the scholarships were going and, you know, what districts are less able to attract firemen than others. And before I vote on that, I'd like to know •• before I vote on this resolution, I'd like to know where we're going with this. The other question was how much money was spent; I don't think we spent it all last year.

CHAIRMAN CARACCILO:

That was Legislator Alden's question. Does Budget Review have an answer to Legislator Alden's question first?

LEG. CARPENTER:

If I could, just to the advertising dollars?

CHAIRMAN CARACCILO:

Yeah, we'll come back to that in a minute. We want to get an answer for Legislator Alden; how much money is in the account, how much money was spent.

MS. VIZZINI:

In 2004 there was \$50,000 in the account, and I'm going based on my recollection, and there was only \$11,000 expended. However, the reason was that the department was using a

somewhat unacceptable method of tracking the tuition pay outs. In other words, if Robert said he's going to go to school and his tuition is going to be paid for, they would, quote/unquote, encumber his full tuition, but they were not able to pay it until he incurred the expense and what have you. So if they were doing something that wouldn't translate into how you would track the method of expending the money in the budget, because you can only spend for something that occurs in the year of the budget. So they had on their books that they were going to use up more of the money than they were actually able to use using the normal budgeting and accounting methods. So that's why the 11,000 •• this is according to the research that we did with the department •• where the 11,000 seems like a small number. Hence, the sponsor's desire to augment the amount of money that was in there to be sure that more people could go through this program and be beneficiaries of it.

CHAIRMAN CARACCILOLO:

Okay. Now, on point to Legislator Montano's question about does this resolution still contain 25,000 for advertising and what districts ••

LEG. CARPENTER:

It's only 5,000 for advertising.

CHAIRMAN CARACCILOLO:

It's only 5,000 for advertising now?

LEG. CARPENTER:

Yep.

CHAIRMAN CARACCILOLO:

Okay.

LEG. MONTANO:

Five thousand?

LEG. CARPENTER:

Yeah, it's in the backup, look at the resolution.

MS. KNAPP:

That's the amended version.

LEG. CARPENTER:

Yeah.

CHAIRMAN CARACCIOLO:

Okay. All right, so that answered that question. And part two of your question, Legislator, was what districts?

LEG. MONTANO:

Yeah, my understanding was that there were some districts that were less able to attract candidates than others and I'm just seeing whether or not we're making any effort to tailor this money into those districts where we have trouble recruiting people for the fire department as opposed to those where you have either no problem recruiting or an abundance of recruits.

CHAIRMAN CARACCIOLO:

Can we have an answer to that question?

LEG. CARPENTER:

I don't think anybody has an abundance of recruits.

MS. VIZZINI:

I don't know.

CHAIRMAN CARACCIOLO:

You don't know, okay.

LEG. CARPENTER:

If I could.

CHAIRMAN CARACCIOLO:

Yes, Legislator Carpenter.

LEG. CARPENTER:

I don't think that there ever was, prior to this resolution, any dedicated dollars to advertising, so I don't understand how you could really track it then. I think, though, it's important to include that component to get •• you know, help get the word out. I know that we have been trying to encourage Legislators to include it in their newsletters and really just speak about it when you're out with community groups, because most people that you mention it to are not aware of it.

I was just passing a community the other day and they had a banner strung across the road and it said, "Be a Local Hero, Join the Fire Department or EMS." And I think, you know, the more dollars we can put in their hands, the more they're going to be doing that and encouraging people to participate.

CHAIRMAN CARACCILOLO:

Okay.

LEG. VILORIA • FISHER:

If I could, just for a second?

CHAIRMAN CARACCILOLO:

Yes, Legislator Vilorina • Fisher.

LEG. VILORIA • FISHER:

Thank you. I just want to underscore what Legislator Carpenter just said, that we need to mention it wherever we're out.

There was a young man who was a volunteer at one of our fire departments and because his house did not •• his department wasn't aware of our scholarship program, by the time he got the information he had been there more than six months and he was considered too late, he was ineligible for the program. So I've tried, whenever I go to any community meetings, to mention our scholarship program because many departments, they get so much paper, they get so much information that this could be something that slips by them. So we need to give them that information.

CHAIRMAN CARACCILOLO:

Good point. Thank you.

Okay, that brings us to 1314. Is there a motion?

LEG. CARPENTER:

So what was the vote?

CHAIRMAN CARACCIOLO:

Oh, I'm sorry.

LEG. CARPENTER:

I think we had a motion and a second.

CHAIRMAN CARACCIOLO:

Yes, we'll finish the vote on 1170. All in favor? We had a motion and a second. All in favor?
Opposed? Abstentions?

LEG. ALDEN:

Abstain.

CHAIRMAN CARACCIOLO:

One ••

LEG. MONTANO:

Abstain.

CHAIRMAN CARACCIOLO:

Two abstentions. ***Approved (VOTE: 5•0•2•0 Abstentions: Legislators Alden & Montano).***

1314•05 • Adopting a fiscally responsible, prudent and affordable Energy Tax Reduction Plan (County Executive). Is there a motion?

LEG. LINDSAY:

Motion to table.

CHAIRMAN CARACCIOLO:

Motion to table by Legislator Lindsay, second by the Chair. All in favor? Opposed? Abstentions?

LEG. O'LEARY:

Motion to table subject to call.

CHAIRMAN CARACCIOLO:

That takes precedence. We have a motion by Legislator O'Leary, second by the Chair to table subject to call. All in favor? Opposed? Abstentions?

LEG. LINDSAY:

Opposed to subject to call.

CHAIRMAN CARACCIOLO:

One opposed. Tabled subject to call, Legislator Lindsay •• Montano, did you vote with?

LEG. MONTANO:

On which one?

CHAIRMAN CARACCIOLO:

On 1314.

LEG. MONTANO:

Oh, that's fine with me. I voted to table subject to call.

CHAIRMAN CARACCIOLO:

That's fine, okay. ***Tabled subject to call (VOTE: 6•1•0•0 Opposed: Legislator Lindsay).***

MS. VIZZINI:

Mr. Chairman?

CHAIRMAN CARACCIOLO:

Yes?

MS. VIZZINI:

Before you leave the tabled resolutions, that question you asked regarding 2219; in the fiscal impact statement for that resolution it does compare the new scenario to last year. This does not include anything about increasing the sales tax for the Police Department to the three eighths, but based on the 64 million that was provided to the Police District, prior to this resolution the towns and villages were allocated three million •• 3.088 million. Under the new scenario, based on population, the amount of money would be 6.937 million and that would be allocated to the towns and villages based on their population.

CHAIRMAN CARACCILOLO:

Thank you. Okay. So before we leave Tabled Resolutions then, we'll bring that resolution back. I'll make a motion, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstention.

LEG. ALDEN:

Abstain.

LEG. LINDSAY:

To 2219?

CHAIRMAN CARACCILOLO:

2219.

LEG. LINDSAY:

Didn't we vote on that already?

LEG. MONTANO:

No, we just put it on the side.

CHAIRMAN CARACCILOLO:

No, we had some information.

LEG. LINDSAY:

Okay.

CHAIRMAN CARACCIOLO:

We have four ••

LEG. MONTANO:

What were those figures again?

LEG. LINDSAY:

I'm opposed to this.

CHAIRMAN CARACCIOLO:

We have one opposed, four abstentions and two in favor.

I'll make a motion, before we call the vote, to table.

LEG. CARPENTER:

Second.

CHAIRMAN CARACCIOLO:

Under the six month rule, Counsel, this will expire when?

MS. KNAPP:

June 9th.

CHAIRMAN CARACCIOLO:

The 9th of June? All right, so I may have to introduce it and discuss with my colleagues how we can modify this resolution to ••

LEG. LINDSAY:

Not only that, Mr. Chairman, we took a tabling vote and it failed.

CHAIRMAN CARACCIOLO:

But I didn't call the vote.

LEG. LINDSAY:

Wasn't that the first resolution? I made a resolution to table and it failed.

CHAIRMAN CARACCIOLO:

Oh, I'm sorry, you're right. Okay. Let the vote stand then, it was defeated. It's going to expire, I'll reintroduce it and discuss with some of my colleagues objections they may have and try to tweak it to make it work to their satisfaction. So the vote again was one opposed, four abstentions and two in favor, or two in favor, one opposed and four abstentions. **Failed (VOTE: 2•1•4•0 In Favor: Legislators Caracciolo & Carpenter • Opposed: Legislator Lindsay).**

Tabled Home Rule Messages

Moving right along, I have Tabled **Home Rule Message No. 1•2005, Home Rule Message requesting 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, 2005 (Assembly Bill A.5192 and Senate Bill S.97) (Caracciolo).** I'll make a motion to table, second by Legislator Carpenter. All in favor? Opposed? Abstentions? **Tabled (VOTE: 7•0•0•0).**

Introductory Prime Resolutions

That brings us to **IR 1437•05 • Amending the 2005 Operating Budget and transferring funds for project MOST (Schneiderman).**

MR. ZWIRN:

Mr. Chairman?

CHAIRMAN CARACCIOLO:

Yes?

MR. ZWIRN:

May I just be heard on this? Again, not getting into the merits of this. The Youth Bureau has no information on this particular agency, on 1437. And the Budget Office had a question on the

merits of transferring \$3,500 from the General Capital Reserve Fund toward this agency, and they thought that was inappropriate and that this would be better served as a member item and say IR 1579 which is before you today.

LEG. ALDEN:

Through the Chair?

CHAIRMAN CARACCIOLO:

Yes, Legislator Alden?

LEG. ALDEN:

Isn't this a member item?

LEG. LINDSAY:

That's what I just said, yeah.

LEG. ALDEN:

I believe it was a member item.

MR. KOVESDY:

No, it's not. No, we feel that •• is this on?

CHAIRMAN CARACCIOLO:

It's on top.

MR. KOVESDY:

Sorry, a long weekend. We feel first that the youth bureau hasn't •• knows nothing about this project, hasn't evaluated the project to date, we never even got a copy of this information, and that the Capital Reserve is not the proper place to move money for this particular project.

LEG. ALDEN:

The first part is a legitimate concern and, you know, I share that. But even if we passed it, you can make sure that they're legitimate and not send the money over to them if they're not. But the second part of it was there's certain money that in the beginning of the year when we •• or

last year when we did the Operating Budget, that there's certain monies that were put by Legislators because they didn't have the full titles, and I know I did that, we were just told to put money in certain accounts.

LEG. CARPENTER:

Well, maybe Budget Review could ••

CHAIRMAN CARACCIOLO:

Yes, we'll have Budget Review respond.

MS. VIZZINI:

I think the concern is that the offset is using the pay•as•you•go money. This is the pay•as•you•go money, it's being used as an offset for this particular agency.

CHAIRMAN CARACCIOLO:

All right. And Mr. Zwirn's comment was it should be a member item expenditure.

MR. KOVESDY:

Correct.

MR. ZWIRN:

Right.

CHAIRMAN CARACCIOLO:

And that's really the issue.

LEG. ALDEN:

I thought it was a member item.

MR. KOVESDY:

No.

CHAIRMAN CARACCIOLO:

Well, you thought it was, but he's using an offset from ••

MR. ZWIRN:

Pay•as•you•go.

CHAIRMAN CARACCIOLO:

•• pay•as•you•go.

MR. KOVESDY:

Right.

MS. VIZZINI:

Yeah. The member items are distinguished by a 4981 object code which is not what this is here, and the amount is in that ballpark.

CHAIRMAN CARACCIOLO:

I'm going to make a motion to table.

LEG. ALDEN:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

Tabled (VOTE: 7•0•0•0). The sponsor should be advised to ••

MR. ZWIRN:

Yes, we'll notify him.

CHAIRMAN CARACCIOLO:

Good.

1438•05 • Amending the 2005 Operating Budget and transferring funds for Youth Experiencing Art (YEA) (Nowick). Same objection?

MR. ZWIRN:

No.

CHAIRMAN CARACCILOLO:

This is fine.

MR. KOVESDY:

Yeah, 14 ••

MR. ZWIRN:

Thirty•eight, we have no problem with that.

LEG. CARPENTER:

No, this is just transferring.

CHAIRMAN CARACCILOLO:

Okay. Motion by the chair, second by Legislator Carpenter. All in favor? Opposed? Abstentions? Unanimous. ***Approved (VOTE: 7•0•0•0).***

Same motion, same second, same vote on ***1439•05 (Amending the 2005 Operating Budget and transferring funds for certain contract agencies (Nowick)). Approved (VOTE: 7•0•0•0).***

We have same motion, same second ••

MR. KOVESDY:

Mr. Chairman?

CHAIRMAN CARACCILOLO:

Yes?

MR. KOVESDY:

Is this on 1459?

CHAIRMAN CARACCILOLO:

Yes.

MR. KOVESDY:

The Budget Office has a problem with this resolution, it's a two-fold problem. Number one, the Huntington YMCA was provided money in 2004 and 2005 to provide for senior citizens, for discounted senior citizens using the Y. The Y never took the time and the effort to implement the program; the money was lost last year, the money will be lost this year. We have no objection to senior money being used for a senior program, but we do have an objection to the YMCA or any contract agency being rewarded for not running a program and being given money for another program. They did not ask the Youth Bureau for additional money. We feel that if you, the Legislature, would like to give senior money to another worthwhile senior program, we have no problems with that. We do have a problem rewarding the Y for not providing funding that the Legislature gave them.

CHAIRMAN CARACCIOLO:

Okay.

MR. KOVESDY:

So we're strongly against that.

CHAIRMAN CARACCIOLO:

I'm going to make a motion to table. Is there a second?

LEG. O'LEARY:

Second.

LEG. LOSQUADRO:

Second.

LEG. ALDEN:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **Tabled**
(VOTE: 7•0•0•0).

1468•05 (Amending the 2005 Operating Budget and transferring funds for various community based contract agencies). Motion by the Chair, second by Legislator O'Leary.
All in favor? Opposed? Abstentions?

MR. ZWIRN:

Mr. Chair?

CHAIRMAN CARACCILOLO:

Yes.

MR. ZWIRN:

If I might?

CHAIRMAN CARACCILOLO:

Yes.

MR. ZWIRN:

This was one of the resolutions that I spoke to earlier and there were some questions ••

CHAIRMAN CARACCILOLO:

Yes, this was your concern about the •• I'm going to have Budget Review comment because this particular line item was, as I understand, funded twice; is that correct?

MS. VIZZINI:

Yeah, the Marine Helicopter Squadron appeared in the '05 Operating Budget in Fund 625 in Aviation, as well as in the General Fund. I looked at Mr. Zwirn's cheat sheet in terms of ••

MR. ZWIRN:

Cheat sheet? Geez.

MS. VIZZINI:

That's a technical ••

MR. ZWIRN:

I had this when I took the SAT's. I don't understand.

MR. KOVESDY:

And the Bar.

MR. ZWIRN:

I should have had it when I took the Bar.

MS. VIZZINI:

The difference is there's a total of about \$250,000 or more under Marine Helicopter Squadron but in the two funds. And where he's showing a shortfall, it's really those resolutions that transferred the money from 625 to the General Fund. So there really was 250,000, not 200,000.

CHAIRMAN CARACCILO:

The total was 250, not 200,000.

MS. VIZZINI:

Correct.

CHAIRMAN CARACCILO:

Correct.

MS. VIZZINI:

Yes.

CHAIRMAN CARACCILO:

Okay. The question before us, is this resolution in proper form and is this offset appropriate? Because this is where member item money was dedicated for use for projects like we see in the resolution.

MS. VIZZINI:

Yes. This resolution taken by itself transfers \$200,000 from one line item and apportions it to these other line items.

CHAIRMAN CARACCILOLO:

So its appropriate?

MS. VIZZINI:

Yes, it is.

CHAIRMAN CARACCILOLO:

Okay.

MR. ZWIRN:

I just have one other question. And that •• according to the Budget Office, none of the agencies have requested additional funding through the Youth Bureau. And the other question we have is the \$177,000 for special projects isn't just •• it's not identified as to what that money would be •• what special project.

CHAIRMAN CARACCILOLO:

I believe we itemized that.

MS. VIZZINI:

It's going to the Legislature's 1010's 477 account, and the specifics will likely be determined.

CHAIRMAN CARACCILOLO:

In phase three, in phase three.

MS. VIZZINI:

Well, this is not member item money, this is ••

CHAIRMAN CARACCILOLO:

Questions?

LEG. CARPENTER:

I have a question.

LEG. LINDSAY:

Yeah, I'm totally confused.

CHAIRMAN CARACCILOLO:

You're confused.

LEG. LINDSAY:

This isn't member items?

MS. VIZZINI:

Well, remember, member items is a small dollar amount.

CHAIRMAN CARACCILOLO:

That's the 35,000.

MS. VIZZINI:

Right, we're not talking about that.

LEG. LINDSAY:

Right.

MS. VIZZINI:

We're talking about Omnibus money.

LEG. LINDSAY:

Right. But is that part of Legislative Caracciolo's allotment?

CHAIRMAN CARACCILOLO:

Yes.

MS. VIZZINI:

Yes.

CHAIRMAN CARACCILOLO:

Oh yeah, it's not in excess.

LEG. LINDSAY:

But 174,000 is dedicated to some generic fund that's going to be stipulated again in round three?

MS. VIZZINI:

I have to defer to the sponsor. You're moving it to the Legislature.

CHAIRMAN CARACCILOLO:

Yeah, subsequently, not necessarily in round three but subsequently, before the end of the year.

LEG. LINDSAY:

So why don't you just do it then when we know where the money's gone?

CHAIRMAN CARACCILOLO:

Well, we've got to •• we have to take the money out of this account and put it in a proper account so that when we went to draw down on it, it's available to be drawn down in the proper account.

Okay. Legislator O'Leary, did you have a question? Legislator Carpenter, I'm sorry.

LEG. CARPENTER:

I'll wait to this passes, I have a question for Ben.

CHAIRMAN CARACCILOLO:

Okay. So we have a motion and a second. All in favor?

LEG. O'LEARY:

Aye.

CHAIRMAN CARACCILOLO:

Opposed? Abstentions? Unanimous. Thank you.

Approved (VOTE: 7•0•0•0).

1473•05 • Amending the 2005 Operating Budget to provide funding for Crime Stoppers of Suffolk County (O'Leary).

LEG. O'LEARY:

Motion.

LEG. CARPENTER:

If we •• before we go to that, I just have a question. On a number of occasions now, at least twice that I can recall, you've said, and maybe Allen did also, that the agencies never requested additional funding from the Youth Bureau; is that, you know, something that exists as possibility? Can agencies knock on their door and say, "I want more money," and they're going to get it?

MR. KOVESDY:

They can. They should •• they should contact the Youth Bureau. First of all, we do a contract evaluation on every program as to the merits, whether it's a good program or a bad program, you get a copy of that also, and they should ask them. Because we have to do a contract, we don't know what the money is being spent for in the first place.

LEG. CARPENTER:

So how much money is sitting there that they're able to make decisions on increasing allocations to agencies or perhaps funding agencies in the first instance?

MR. KOVESDY:

It's not so much as how much money exists, it's the fact that the program should be evaluated on its merits before they're given any merit, any additional money. We don't know how much they've spent this year, we don't know how many youths are being served. The agency, whether it be Youth, Police, Probation or whomever it would be, should evaluate this information before the money is given to them, that's the only thing we're saying. They're left out of the loop. We feel that the department who's getting the funding ••

LEG. CARPENTER:

Yeah, but if it's a youth program and someone initiates a resolution and wants to fund them, they have to go through the process of accessing the money through the given department, and

in this instance it would be the Youth Bureau. So they would have to justify receipts, whatever else is needy and necessary to get the money. Why would they go there first?

MR. KOVESDY:

Because in this case, the majority of things are additions. See, what we're •• what the certain that we have to a degree is when the Legislature gives member items, they provide a list of 300, 400, whatever the agencies are, a new contract is given, each Legislator puts a purpose, a goal which is added in to the contract and that's been done for many, many years. In this case where they're taking money from either another agency and shifting it or they're taking money for social security or another place, it's a little bit different.

First of all, if they're taking money from project A and giving it to project B, the Youth Bureau should •• in this case, the Youth Bureau should know why one project is losing money and another one is getting it; this is a common courtesy. And if it's a new program, the Youth Bureau should have the ability, if it's going to be funded as a regular 4980 contract which goes through the whole formal contracting process, not the 4981 which just gets one sheet, then they should know and they should have some input whether this is a good program or not a good program. Probably 99.9% are excellent programs and they would give its blessing, but we feel that they should have the opportunity, any department, to look at these contracts. It's just an additional two week in the process, come here, say, "This is a great project and we're happy that you found money for them," at least evaluate the programs. They're hearing this out of the blue. When I call them up and say, "X, Y and Z is setting more monies," they're saying, "This is the first we heard about it. Why do they need more money?" That's our primary concern, it's not the merits.

LEG. CARPENTER:

But then again, you're sort of stating •• and this is what I'm reading •• that they are almost the policy makers deciding who gets what.

MR. KOVESDY:

No, no. They ••

LEG. CARPENTER:

And I thought that was the purview of the legislature.

MR. KOVESDY:

We're trying to avoid problems on the back end where you have a contractor who's not •• for a small amount of money, does not understand what the program is, how it works and how it deals with the County. So what we're trying to do is to try and help segregate what's a member item, which is a simple •• a small amount of money, usually between zero and \$2,000 that goes to a vendor and they provide a service, compared to something if it goes in the whole County contracting thing which they have to do a formal contract, an evaluation, a lot of sign •offs, insurance payments and so forth which becomes a big deal, and we're trying to segregate those two and evaluate.

The Legislature can move money, we don't have •• that's up to the Legislature. We're just trying to make the system work better. We've had many conversations, I know I spoke to Gail many times, trying to avoid problems where small amounts of money go to agencies who don't know how the money is used and so forth? So we want to make •• we want to make this as a smoother operation, that's our primary goal. It's a purview. We don't tell you how to spend the money, we just want to make the system work a little bit better. There's been a lot of confusion between member items and money that's put in as a general contract for small amounts.

LEG. CARPENTER:

There also has been some confusion as to what are appropriate expenses. And I know I had heard a story of one contract agency in particular who had been given money in one year and spent it on A, B and C, and the following year was given money again and submitted the paper work for expenses A, B and C, and now all of a sudden those things were told they were unacceptable. And it seems that it's kinds of shifting and. You know, from one year to the next or one department to the next the rolls seem to be changing, and that's a little bit problematic.

MR. ZWIRN:

Well, I know, Legislator Carpenter, that Lynne Bizzarro from the County Attorney's Office has met I think on a number of occasions with Legislator Aides ••

LEG. CARPENTER:

Uh•huh.

MR. ZWIRN:

•• I know here at the Legislative Building to try to clarify it and to try to be very specific, and I think most of them have been cleared up.

LEG. CARPENTER:

That's a matter for debate.

CHAIRMAN CARACCIOLO:

Okay. Let's move on to 1473; is there a motion?

LEG. O'LEARY:

Motion.

LEG. LOSQUADRO:

Second.

MS. CAPUTI:

Legislator Caracciolo?

CHAIRMAN CARACCIOLO:

Yes?

MS. CAPUTI:

I wanted to be heard on that resolution, please.

CHAIRMAN CARACCIOLO:

Go ahead.

MS. CAPUTI:

I had corresponded with Legislator O'Leary late on Friday because of the short turnaround time between the laid on the table resolutions. We really haven't had an adequate opportunity to do a full, legal review of this resolution and I had asked him if he would table it for a cycle. The Police Department had expressed some questions to us and we really haven't had a chance. Last year, it's my understanding my department would be drafting the contract and had some problems last year with the terms, so we wanted to try to work it out before we got to that

stage.

LEG. O'LEARY:

On the motion.

CHAIRMAN CARACCIOLO:

On the motion to approve?

LEG. O'LEARY:

Of course. Is there somebody else?

CHAIRMAN CARACCIOLO:

Yeah, well, I had Legislator Montano first.

LEG. MONTANO:

Budget Review, is this the same type scenario that we had in the other resolutions with respect to the allocations made during the Operating Budget? Do you remember the conversation we had on Friday?

MS. VIZZINI:

Yes, this is Omnibus money.

LEG. MONTANO:

Is this the same type situation where this was something that would be initiated by the member?

LEG. O'LEARY:

No, this is ••

LEG. LINDSAY:

It isn't 4980 money.

CHAIRMAN CARACCIOLO:

Legislator O'Leary?

LEG. CARPENTER:

Gail was speaking.

LEG. MONTANO:

Well, either Gail or Legislator O'Leary.

LEG. O'LEARY:

I'll defer to BRO.

CHAIRMAN CARACCILOLO:

Okay. Gail?

MS. VIZZINI:

Uh ••

LEG. MONTANO:

A yes or no would be fine.

MS. VIZZINI:

Yeah, this one is not on my list. Give me a second on that.

LEG. MONTANO:

Okay.

LEG. O'LEARY:

On the explanation of this particular resolution.

CHAIRMAN CARACCILOLO:

Yes.

LEG. O'LEARY:

This is something that was •• the representatives from Crime Stoppers came before this body for purposes of explaining the need for these monies. The PD has stopped all fund•raising

activities and monies were appropriated in '04, the \$50,000 for purposes of paying the rewards and promoting awareness of this program. Crime Stoppers never received those '04 monies, the \$50,000, even though they were appropriated. And as the County Attorney's Office representative just indicated, there were some problems with the contract and the language of it.

What this resolution does is simply appropriate \$50,000 to go to the Crime Stoppers for purposes of continuing their programs of issuing rewards and awareness of their program, so that's the reason why the resolution is before us. And I'm curious as to why, if you could explain from the County Attorney's Office, why Crime Stoppers never received the 50,000 that was appropriated in '04.

MS. CAPUTI:

It was my understanding that they couldn't come to terms on the contract. I didn't personally work on that contract.

MR. ZWIRN:

I think part of it was it was at the end of the year and they couldn't spend the money in order to get reimbursed, I think that ••

LEG. O'LEARY:

Well, see, I was under the impression, back as the immediate sponsor of this resolution, that this was going to be a continuing permanent funding for Crime Stoppers, and apparently that's where the mix•up occurred. If necessary, I would introduce a resolution every year to appropriate the monies or work it into the budget. But the fact that they didn't get the 50,000 '04 monies and there was no indication that they were going to get an additional 50,000 this year for that, for the purposes of continuing the program is the reason why I put this resolution on the table.

MR. ZWIRN:

I think •• the Chief is here, he can explain. I think the question wasn't so much the amount of money, it was how •• it was in the contract and how it was going to be spent after the rewards were granted. Chief, can you come up and maybe enlighten us? It wasn't the amount, certainly, or the organization, I think it was a question of how the money would be ••

LEG. O'LEARY:

Well, I'd be interested in knowing if the PD received the \$50,000 and why it wasn't disseminated or disbursed to Crime Stoppers.

CHIEF McELHONE:

Actually, the Commissioner asked me to respond to this particular issue and it was that he's concerned that the money goes into a dedicated reward fund and not used for fund-raising or dinners or anything like that.

LEG. O'LEARY:

And that's •• that's what would happen. It goes in to the reward fund and it also has an awareness of the program for purposes of advertising that there is a Crime Stoppers function here in this County.

CHIEF McELHONE:

That was the issue that the Commissioner had, that if it's a dedicated reward fund he could understand that.

LEG. O'LEARY:

It is a dedicated reward fund and it also includes PSA's, Public Service Announcements and the like, just making the public aware of this program.

CHAIRMAN CARACCILOLO:

Okay. So it's the Commissioner's position that he wants to see the \$50,000 just for reward money.

CHIEF McELHONE:

That's correct.

LEG. O'LEARY:

And not public awareness or education.

CHIEF McELHONE:

That's my understanding, he wants it in a dedicated reward fund.

CHAIRMAN CARACCIOLO:

You mentioned something about fund-raising, he has a concern about using this money to fund
•raise, to increase the fund, I assume; is that correct?

CHIEF McELHONE:

Legislator O'Leary I think brought that part up, that he stop fund-raising.

CHAIRMAN CARACCIOLO:

Okay. I heard something about having, you know, functions, dinners and ••

LEG. O'LEARY:

Oh, no.

CHAIRMAN CARACCIOLO:

Okay.

CHIEF McELHONE:

He wanted it to be in a dedicated reward fund, not used for other extraneous-type things.

CHAIRMAN CARACCIOLO:

Okay. Now, Mr. Zwirn, is this one of the resolutions you had alluded to earlier when you said
you had some questions about resolutions on today's agenda ••

MR. ZWIRN:

No.

CHAIRMAN CARACCIOLO:

•• for social security, using social security as an offset?

MR. ZWIRN:

No, no, I did •• no, that's wasn't one of them. The only thing, as I recall, Legislator, at the
committee meeting last year was that I think Crime Stoppers said they had spent \$18,000 in
the previous year or something like that on rewards. And we weren't objecting to the \$50,000

being spent this year, but I think there was some concern that that money be used for reward money because it was more than they had ever given out in a particular year, that's all.

CHAIRMAN CARACCILOLO:

Okay. But the sponsor raises a very legitimate issue and that is if we're going to support Crime Stoppers as a municipal government, somewhere in our budget process we have to earmark that money, and that's what he's attempting to do here.

LEG. O'LEARY:

Uh•huh.

CHAIRMAN CARACCILOLO:

So you don't have any objection to that.

MR. ZWIRN:

No.

CHAIRMAN CARACCILOLO:

Okay. All right, we'll move the motion. All in favor?

LEG. O'LEARY:

Aye.

CHAIRMAN CARACCILOLO:

Opposed? Abstentions? ***Approved (VOTE: 7•0•0•0).***

IR 1475•05 • Amending the 2005 Operating Budget and transferring funds for certain contract agencies (Schneiderman). Mr. Zwirn, is this a resolution you have a concern about?

MR. ZWIRN:

No.

CHAIRMAN CARACCILOLO:

No, okay. Please let me know when you do so we can ••

MR. ZWIRN:

Yeah, I will. Shy I never have been.

CHAIRMAN CARACCILOLO:

Motion by the Chair, second by Legislator O'Leary. All in favor? Opposed? Abstentions?
Unanimous. **Approved (VOTE: 7•0•0•0).**

IR 1476•05 • Amending the 2005 Operating Budget and transferring funds to the Brentwood Historical Society (Alden). Let me look out there.

MR. KOVESDY:

Yeah, we have ••

MR. ZWIRN:

Go ahead, Allen.

MR. KOVESDY:

We have some concerns with ••

CHAIRMAN CARACCILOLO:

Allen, you have a concern.

MR. KOVESDY:

We have some concerns again. While we have no problems with the Brentwood Historical Society, we feel that this is a member item and should be included in the member item and we should not use social security funds for this, it's a clear member item. There's a lot of historical societies and such funded as member items. We feel that this should be included as a member item and not using social Security as an offset. We have the same concern on this one and the proceeding one.

LEG. ALDEN:

On the motion?

CHAIRMAN CARACCIOLO:

On the motion.

LEG. ALDEN:

This money would have never ended up in Social Security had I had a little bit more time to actually type out these contract agencies that I wanted to send this money to, and I'll just defer to Budget Review.

MS. VIZZINI:

That's correct, this is part of the Omnibus.

LEG. ALDEN:

Thank you. Motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN CARACCIOLO:

Motion and a second. All in favor? Opposed? Abstentions? Unanimous. **Approved (VOTE: 7•0•0•0•0).**

IR 1477•05 • Amending the 2005 Operating Budget and transferring funds for various contracted agencies (Alden).

LEG. ALDEN:

Motion to approve. The same thing happened with this.

LEG. CARPENTER:

Second.

CHAIRMAN CARACCIOLO:

What's the total amount on this one? Well, now let me understand something because if we're all going to play by the same rules at this horseshoe, I want to make sure I understand the

rules. Is this \$21,500 and \$4,000 in the previous resolution in excess of member fund allocations?

MS. VIZZINI:

No, it is not in excess.

CHAIRMAN CARACCILOLO:

Okay, okay.

MR. KOVESDY:

It depends ••

CHAIRMAN CARACCILOLO:

It just wasn't identified and earmarked for particular organizations, right?

MS. VIZZINI:

Correct.

CHAIRMAN CARACCILOLO:

Okay.

MR. KOVESDY:

You know, again, just restating what, you know, Ben said in the beginning, we're over that amount of money in Social Security and that's the concern the County Executive's Budget Office has.

LEG. ALDEN:

On the motion.

MR. KOVESDY:

That we're over the \$388,000, or 338, and we're getting into other money that we have concerns over, especially with the fact that sales tax was \$10 million short in the first quarter.

CHAIRMAN CARACCILOLO:

Then one would reasonably assume the County Executive might veto these resolutions.

MR. ZWIRN:

That I can't say.

CHAIRMAN CARACCILOLO:

Legislator Alden.

LEG. ALDEN:

On the motion. The money wouldn't have been in that account had I had a little bit more time to type out the specific names of these organizations and submit them at the time we did the Omnibus, so. But if I do have my way, I'd like to spend about ten times the amount of money that I was allocated, if that's okay. But right now I'm still under.

CHAIRMAN CARACCILOLO:

We have a motion and a second. All in favor? Opposed? Abstentions? Unanimous. **Approved (VOTE: 7•0•0•0).**

1517•05 • To readjust, compromise and grant refunds and charge•backs on Correction of Errors/County Treasurer by: County Legislature #215 (county Executive). Motion by the Chair, second by Legislator Lindsay. All in favor? Opposed? Abstentions? **Approved, unanimous (VOTE: 7•0•0•0).**

Same motion, same second on **1519•05 (To readjust, compromise and grant refunds and charge•backs on Correction of Errors/County Treasurer by: County Legislature (Control #737•2005)(County Executive)).** All in favor? Opposed? Abstentions? Unanimous. **Approved (VOTE: 7•0•0•0).**

Same motion, same second on **1521•05 (To readjust, compromise and grant refunds and charge•backs on Correction of Errors/County Treasurer by: County Legislature (Control #738•2005)(County Executive)).** All in favor? Opposed? Abstentions? Unanimous. **Approved (VOTE: 7•0•0•0).**

The Chair will make a motion to put 1517, 19, 21 on the consent calendar. All in favor?

Opposed? Abstentions?

LEG. LOSQUADRO:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator Losquadro. Unanimous. ***1517, 1519 and 1521 Placed on the Consent Calendar (VOTE: 7•0•0•0).***

1541•05 (Amending the Adopted 2005 Operating Budget and transferring funds to the Downtown Revitalization Program (CP 6412) and Department of Health and Department of Health of Services for water quality testing at Lake Ronkonkoma (Alden). Is there a motion?

LEG. ALDEN:

Motion to approve.

LEG. MONTANO:

Explanation.

CHAIRMAN CARACCIOLO:

Okay. There's a motion and a second by the Chair. All in •• I'm sorry. Explanation.

LEG. ALDEN:

I can give a little explanation.

LEG. MONTANO:

Go ahead.

LEG. ALDEN:

Once again, if I had had more time to type out my list, this money wouldn't have gone anywhere except for this line allocation

CHAIRMAN CARACCIOLO:

Legislator Montano?

LEG. MONTANO:

Yeah, question. Legislator, so this is part of the same scenario we talked about earlier ••

LEG. ALDEN:

Yes.

LEG. MONTANO:

•• with respect to the allocations ••

LEG. LOSQUADRO:

That's right.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Okay, I didn't realize that.

CHAIRMAN CARACCILO:

Now, with respect to the allocations you keep referring to, what dollar amount are we talking about here; Budget Review? The \$200,000 dollar amount, is that what we're referring to? Maybe I should ask you, Rick; what dollar amount are we talking about?

MS. VIZZINI:

It's in that ballpark.

CHAIRMAN CARACCILO:

Okay, okay. All right, that's fine. We have a motion and a second. All in favor? Opposed? Abstentions? Unanimous.

Approved, 1541 (VOTE: 7•0•0•0).

1564•05 (Amending the 2005 Operating Budget to transfer funds from the Department of Economic Development and Workforce Housing to the Department of

Environment and Energy (County Executive).

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN CARACCIOLO:

Motion to table by Legislator Losquadro.

LEG. O'LEARY:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator O'Leary. All in favor? Opposed?

LEG. LINDSAY:

Explanation.

CHAIRMAN CARACCIOLO:

Explanation.

LEG. LOSQUADRO:

The Department of Environment and Energy?

LEG. LINDSAY:

What is this?

CHAIRMAN CARACCIOLO:

We don't have a department.

LEG. LINDSAY:

Oh, I see. Okay.

LEG. LOSQUADRO:

There we go, we have to table it.

LEG. ALDEN:

Defective.

CHAIRMAN CARACCIOLO:

Same •• so we have a motion to table. All in favor? Opposed? Abstentions? Unanimous. **Tabled (VOTE: 7•0•0•0).**

Same motion, same second on **1565•05 (Amending the 2005 Operating Budget to transfer funds from Cornell Cooperative Extension to the Department of Environment and Energy (County Executive)).** All in favor? Opposed? Abstentions? **Tabled (VOTE: 7•0•0•0).**

1575•05 (Amending the 2005 Operating Budget and transferring funds to the Suffolk County Police Museum and the Village of Bellport (O'Leary)).

LEG. O'LEARY:

Motion to approve.

CHAIRMAN CARACCIOLO:

Motion to approve by Legislator O'Leary, second by the Chair. All in favor? Opposed? Abstentions? **Approved (VOTE: 7•0•0•0).**

1579•05 (Transferring contingent funding for various contract agencies (Phase II) (Presiding Officer Caracappa). Is there a motion?

LEG. CARPENTER:

Motion.

CHAIRMAN CARACCIOLO:

Motion by the Deputy Presiding Officer, Angie Carpenter, second by Legislator Montano. All in favor? Opposed? Abstentions? **Approved (VOTE: 7•0•0•0).**

1603•05 (Resolution of the County of Suffolk, New York, rescinding the Bond

Resolution adopted March 23, 2004, which authorized the issuance of \$65,000,000 bonds to finance the payment of amounts outstanding for 2004 retirement contributions of said County in excess of 7% of payroll (Resolution No. 246 •2004) (County Executive). Is there a motion? Same motion, same second, same vote. **Approved (VOTE: 7•0•0•0).**

LEG. VILORIA • FISHER:

Mr. Chair?

CHAIRMAN CARACCIOLO:

Do you have a question?

LEG. VILORIA • FISHER:

Yeah.

CHAIRMAN CARACCIOLO:

Oh, I'm sorry.

LEG. VILORIA • FISHER:

I know I'm not a member of the committee, but I do have a question ••

CHAIRMAN CARACCIOLO:

That's quite all right.

LEG. VILORIA • FISHER:

•• regarding 1565. It was tabled, but I have deep concerns, Mr. Zwirn, regarding 1565. There had been a resolution introduced several months ago which was also defeated, trying to transfer these monies to the environment •• Department of Environment and Energy and it was defeated. And I was hoping at that time that the contracts would have been executed with Cornell and that the money would be in place.

Mr. Chair, you know that this was monies that were determined from the Farmlands Agricultural Committee for the reduction of pesticides and fertilizers.

CHAIRMAN CARACCIOLO:

Yes.

LEG. VILORIA • FISHER:

And I was assured that with the defeat of that resolution that the monies •• that the contracts would move forward with Cornell Cooperative. Is 1565 a signal that those contracts have not been executed and that money is still floating out there, meaning that that program has been held back?

MR. ZWIRN:

I don't know, legislator Vilorina•Fisher, but I'll find out.

LEG. VILORIA • FISHER:

I really want to state with the greatest level of concern that there is an aim program, a Statewide aim program and the County wants to be a part of that program. It will help us access monies from the State at very low interest for the preservation of our farmland. But until we have begun a best practices program and this •• these monies have been put in the budget for that expressed purpose. Until we begin that program, we will not be able to fully utilize all of the state's resources as best we can, okay. So I really don't want to continue to see this money played around with. We put it in the budget, it was in the 2005 budget, we need Cornell to begin to use that money to do the work sheets with the farmers. The farmers spent a great deal of time working with me on this, they came right off their tractors to the meetings, working their •• wearing their boots and their work clothes. They put a lot of faith in the County regarding this program, I don't want to jerk them around. Thank you for indulging me, Mr. Chair.

CHAIRMAN CARACCIOLO:

You're quite welcome.

Okay, that brings us to ***1610 (Rolling back prior appropriations to facilitate Level Debt service Policies in accordance with Smart Government Principles to reduce pipeline debt and offset the increase that will occur due to the construction of the new jail (County Executive))***. Explanation, Mr. Zwirn?

MR. ZWIRN:

Mr. Chair, I have Carmine from the Budget Office who will ••

CHAIRMAN CARACCIOLO:

Okay.

MR. CHIUSANO:

My name is Carmine Chiusano, I'm a Budget Examiner in the County Exec's Budget Office.

Resolution 1610 basically closes out the Juvenile Detention Facility Project which the State has not •• has indicated that it will not certify and at this time there is no indication that the facility can ever be built at this time. The State is taking an approach of no additional beds Statewide and we are just moving forward on closing the project here.

CHAIRMAN CARACCIOLO:

What effect •• and you may not be able to answer this question, but what effect does that determination by the State, not to move ahead with the Juvenile Detention Facility, what effect does that have on our budget with regard to housing juvenile detainees in Nassau County or elsewhere when we have overflow?

MR. CHIUSANO:

I don't know the exact answer. I do know that Probation is looking at the various alternatives. One of the alternatives is looking at a wing that is in the Nassau County facility that is not being utilized. I don't know the exact details on that, but I do know Probation is looking at the various alternatives of the State not approving our •• approving us moving forward on the Juvenile Detention Facility in the County.

CHAIRMAN CARACCIOLO:

Gail, does Budget Review •• have you been monitoring that situation and what budgetary impacts does that have, or what may have?

MS. VIZZINI:

We don't have a recent update. My recollection was that the cost was approximately in the neighborhood of \$2 million, but this goes, you know, in terms of the cost to us, and that was

part of the justification to construct the shelter. What this resolution does is take this amount of money out of the authorized unissued ••

CHAIRMAN CARACCILOLO:

Right.

MS. VIZZINI:

•• pile.

CHAIRMAN CARACCILOLO:

No, I understand that. My concern is are we going to re•visit this issue from a budget perspective in the future because the State has sent us mixed signals, "Build a facility," "No, you don't need a facility." We embarked on building a facility for budgetary reasons as much as any other, you know, meeting State resolutions, and now are we in a quandary as to we no longer have a population, an over population of juveniles to house that we don't have to worry about it, now and in the foreseeable future.

MR. CHIUSANO:

I think that's an issue that really would have to be addressed by the Probation Department. But clearly, the State is not moving ahead with this project.

CHAIRMAN CARACCILOLO:

I understand that. And our purview is only the monetary end.

MR. CHIUSANO:

Right. And I do know that ••

CHAIRMAN CARACCILOLO:

Maybe the Chair of the Public Safety Committee could request Probation to come in before that committee and discuss what our future needs may be for juvenile detention facilities.

LEG. CARPENTER:

Yes, we will look at that.

CHAIRMAN CARACCILOLO:

Okay? All right. So we have ••

LEG. ALDEN:

Mr. Chairman?

CHAIRMAN CARACCIOLO:

•• a motion before us. I'll make the motion then.

LEG. LINDSAY:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator Lindsay.

LEG. ALDEN:

To table?

CHAIRMAN CARACCIOLO:

Is this a motion •• who wants to table?

LEG. ALDEN:

I'd like to just •• I have a question on this.

LEG. CARPENTER:

Just table it.

LEG. ALDEN:

I'll make a motion to table.

LEG. O'LEARY:

Second.

CHAIRMAN CARACCIOLO:

Okay. Now we have a motion to table which takes precedence, second by Legislator O'Leary. On the motion to table?

LEG. LINDSAY:

Yes.

CHAIRMAN CARACCILOLO:

Legislator Lindsay.

LEG. LINDSAY:

Just that I urge my colleagues not to table this resolution. We all know the history of the juvenile detention center. I mean, it's absolutely correct, the State gave us mixed signals, we spent planning money, we spent design money. We allocated money towards the construction of this project, only to have the State pull the rug out from under us and not let us go forward with it. And what this resolution simply does is to take this appropriation and transfer it to the jail where we absolutely need the funding to go forward with the project. And I'm all for re-visiting it at some point in time that hopefully the State will rethink their policy on this, but they were adamant that they would not let us build this facility. It was all set to go last year and all we want to do now is use this money to go forward with the jail construction.

LEG. ALDEN:

On the motion.

CHAIRMAN CARACCILOLO:

Legislator Alden?

LEG. ALDEN:

Is there an immediacy that we have to act on this today or is there a subsequent meeting that we could transfer this to the jail project? And the other question is is the Comptroller going out with this money and borrowing it some time in the near future, or does he realize that this project is on hold?

MR. CHIUSANO:

At this point it's the audit •• Audit & Control's Division, Joan Sikorski's unit, is not borrowing

any additional money. There has been some funds borrowed prior, you know, when they initially thought that the project was moving forward.

LEG. ALDEN:

And I'd feel more comfortable switching this over if we can have a report from the Comptroller. Because there's certain amount of monies that if you don't use them in the right process, if you don't use them for the right thing, you actually have to pay back some of the interest and things like that, you could forfeit some to the State. So I'd feel more comfortable, and there's no immediacy that I can see on this. We can do some stuff with the jail either at the next meeting or even a month or two months from now and still be within the time frames that were set out in testimony before this committee and other committees. So I really don't see the immediacy and I'd feel a lot more comfortable on a full report from the Comptroller then.

CHAIRMAN CARACCILO:

Does Counsel, Budget Review concur?

MS. VIZZINI:

I just wanted to clarify that technically the resolution does not and cannot transfer the money to the jail construction project.

LEG. O'LEARY:

Yeah, that was going to be my question.

LEG. ALDEN:

Good, then let's sit on this.

MR. CHIUSANO:

Just for clarity, the resolution is reducing the appropriation for the juvenile detention facility and the authorized outstanding bonds which have not been issued. It's a reduction, it's like a close-out like you would close out any other Capital Project. It closes that project. The cash balance which is identified in the resolution would then be transferred to the Operating Budget to pay down debt service.

LEG. ALDEN:

See, I have a little bit of a problem with the process today, too. If this was that important, then there was no schedule for a presentation ••

MR. CHIUSANO:

It is not a problem to hold ••

LEG. ALDEN:

No, but there was no presentation asked for or requested by you to the Chairman. And to have this come before us, and there seems to be a lot of technical details in here which would •• you know, some of them would just clarify it as far as you can't transfer this to the jail project. So there's other steps that are going to have to take place. I would have thought that you would have asked for a little bit of time just to explain this on your own instead of have the Chairman just pick it out, you know, and say, "Give me an explanation on it," if it was that important. So I think that we ought to sit on this, we ought to get a little bit more information before we go and act.

CHAIRMAN CARACCILOLO:

Well, I'd like a point of clarification, the point that was raised by BRO. Counsel, does this resolution unequivocally transfer the funds from the detention facility to a new jail?

LEG. O'LEARY:

No, it doesn't.

MS. KNAPP:

It is more •• it does not.

CHAIRMAN CARACCILOLO:

Okay.

MS. KNAPP:

It is in the nature of a close•out, as described by Mr. Chiusano.

MR. CHIUSANO:

Right.

CHAIRMAN CARACCIOLO:

Okay. So we have a motion to table. All in favor? Opposed?

LEG. LINDSAY:

Opposed.

CHAIRMAN CARACCIOLO:

One opposed. Abstentions? None, ***it is tabled (VOTE: 6•1•0•0 Opposed: Legislator Lindsay).***

Sense Resolutions

That brings us to Sense Resolutions. Is there a motion on ***Sense No. 33•2005 (Memorializing Resolution requesting the United States Congress to authorize the General Accounting Office to initiate an investigation of the Commodity Futures Trading Commission and the New York Mercantile Exchange (Caracciolo).***

LEG. ALDEN:

That's yours.

LEG. LOSQUADRO:

Explanation.

LEG. ALDEN:

You make the motion.

CHAIRMAN CARACCIOLO:

Motion to approve ••

LEG. ALDEN:

Second.

CHAIRMAN CARACCIOLO:

I was just looking at the number, I didn't look at the sponsor.

LEG. ALDEN:

Second.

CHAIRMAN CARACCIOLO:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

LEG. O'LEARY:

I'm going to abstain on that.

LEG. LOSQUADRO:

Abstention.

CHAIRMAN CARACCIOLO:

Okay, two abstentions. ***Approved (VOTE: 5•0•2•0 abstentions: Legislators O'Leary & Losquadro).***

Sense No. 35•2005 (Memorializing Resolution requesting the New York State Legislature to enact a property tax exemption to promote the use of bio•diesel fuel for home energy use (Viloria•Fisher). Is there a motion?

LEG. LINDSAY:

Motion.

CHAIRMAN CARACCIOLO:

Motion by Legislator Lindsay, second by Legislator Monday. All in favor?

LEG. MONTANO:

I do not want to second this.

CHAIRMAN CARACCIOLO:

You're not going to second it.

LEG. MONTANO:

No, let me •• give me one minute because I had a question on it.

LEG. LOSQUADRO:

Sense 35? Who made the motion?

CHAIRMAN CARACCILOLO:

Okay. You have a question on the resolution?

LEG. MONTANO:

Yeah, I just •• because these are Sense Resolutions and I have a particular issue with respect to Sense Resolutions which I've voiced in the past that, you know, I don't necessarily think that they're something we should be doing. But when we pass these Sense Resolutions, the problem I have is that we're here talking about a partial exemption for prop •• County property tax. Do we have any idea what amount of money we would be talking about if, in fact, something like this were approved?

CHAIRMAN CARACCILOLO:

Well, the sponsor is here, or Budget Review could answer.

LEG. MONTANO:

Or we're just giving a sense that we think it's a great idea without knowing what the consequences would be.

CHAIRMAN CARACCILOLO:

Legislator Viloría•Fisher?

LEG. MONTANO:

And that's on all the Sense Resolutions, not just this one.

CHAIRMAN CARACCILOLO:

Okay.

LEG. VILORIA • FISHER:

At this point in time, because it's an incentive program, there would be a great many variables involved because there would be an opting-in by individuals who would be willing to use bio-diesel heating, bio-diesel fuel for their home heating. We have made commitments as a County to green energy that I believe would amount to a •• by multiples of hundreds, to any kind of fiscal impact that this would be upon our budget. Budget Review, the •• do you have any sense of how we could come to an impact on this?

MR. LIPP:

Well, in terms of home energy use, the County •• the sales tax portion attributed home energies in the neighborhood of \$40 million of the total sales tax. It is very difficult to impute a number on this, but I could not imagine it would be more than a million dollars and probably less. In other words, one-fortieth would seem like an unusually large portion of all home energy use, that would probably be an exaggeration, without trying to come up with numbers off the top of our heads.

LEG. VILORIA FISHER:

Thank you, Robert. I think that corroborates my point, that it would be a small amount and it would be very difficult at this point in time to even try to compute it. And this isn't the same type of Sense Resolution, Legislator Montano, that you're generally opposed to because this would have a direct action. And we need to do it as a Sense in order to get the State's approval for us to do it, so we need this instrument.

LEG. MONTANO:

Yeah, just let me clarify my position. I'm not opposed to the concept, it's just that because they're Sense Resolutions and this one and the one behind it which is also an income tax deduction, I have no clear idea of what kind of dollars we're talking about. I'm reluctant to •• while I may approve of the concept, I do have a problem voting on stuff where I don't have any indication in my head of what the figures would be. And that's my only objection.

LEG. ALDEN:

Valid point.

CHAIRMAN CARACCILOLO:

Okay. We have a motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN CARACCIOLO:

Second. All in favor? Opposed? Abstentions?

LEG. NOWICK:

I'll abstain.

LEG. O'LEARY:

Abstain.

LEG. ALDEN:

Abstain.

CHAIRMAN CARACCIOLO:

Three abstentions, ***approved (VOTE: 4•0•3•0 Abstentions: Legislators O'Leary, Alden & Montano).***

LEG. VILORIA • FISHER:

Thank you.

CHAIRMAN CARACCIOLO:

Okay. ***Sense No. 36•2005 (Sense of the Legislature resolution requesting the New York State Legislature to enact restaurant tax•free weeks (Cooper).*** Motion by the Chair, second by Legislator Losquadro.

LEG. LOSQUADRO:

No, no, no.

CHAIRMAN CARACCIOLO:

Nobody wants to second Legislator Cooper's resolution? Do we have a motion to table?

LEG. ALDEN:

Yeah.

LEG. MONTANO:

I move to table.

LEG. ALDEN:

Motion to table.

CHAIRMAN CARACCIOLO:

Motion to table by Legislator Montano, second by Legislator Alden.

All in favor? Opposed? Abstentions?

LEG. O'LEARY:

I abstain.

CHAIRMAN CARACCIOLO:

Tabled. One abstention on the ••

LEG. CARPENTER:

Abstain.

CHAIRMAN CARACCIOLO:

Two abstentions.

LEG. LOSQUADRO:

Three abstentions.

CHAIRMAN CARACCIOLO:

Three abstentions. ***Tabled (VOTE: 4•0•3•0 Abstentions: Legislators O'Leary, Carpenter & Losquadro).***

LEG. LINDSAY:

I don't want any more incentives for my wife.

CHAIRMAN CARACCIOLO:

Okay. Is there a motion on ***Sense No. 40•2005 (Sense of the Legislature Resolution requesting that the New York State Legislature enact an income tax deduction to promote renewable energy consumption (Cooper).***

LEG. LINDSAY:

I'll make the motion.

CHAIRMAN CARACCIOLO:

Motion by Legislator Lindsay, second by the Chair. All in favor? Opposed?

LEG. ALDEN:

What is that?

CHAIRMAN CARACCIOLO:

Sense 40.

LEG. ALDEN:

To approve it?

CHAIRMAN CARACCIOLO:

To approve it.

LEG. ALDEN:

I abstain.

LEG. MONTANO:

Abstain.

CHAIRMAN CARACCIOLO:

Two abstentions.

LEG. O'LEARY:

Abstain.

CHAIRMAN CARACCIOLO:

Three abstentions. ***Approved (VOTE: 4•0•3•0 Abstentions: Legislators Alden, O'Leary & Montano).***

Sense No. 42•2005 (Sense of the Legislature Resolution requesting the State of New York to provide a sales tax exemption on the purchase of hybrid vehicles (Cooper).

Motion by the Chair. Second by?

LEG. CARPENTER:

Second.

MR. CARACCIOLO:

Legislator Carpenter. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. O'LEARY:

Abstention.

LEG. MONTANO:

Abstain.

CHAIRMAN CARACCIOLO:

Three abstentions. ***Approved (VOTE: 4•0•3•0 Abstentions: Legislators Alden, O'Leary & Montano).***

That concludes the ••

MS. JULIUS:

Did you say three or two abstentions?

CHAIRMAN CARACCIOLO:

Three; the three were two here and one here. I made the motion. Okay. The Chair calls •• motion to adjourn by Legislator Carpenter, second by the Chair. All in favor? Opposed? The

committee is adjourned.

(*The meeting was adjourned at 11:37 A.M.*)

**Legislator Michael Caracciolo, Chairman
Budget & Finance Committee**

_] • Denotes Spelled Phonetically