

## ***BUDGET & FINANCE COMMITTEE***

***Of the***

### ***Suffolk County Legislature***

A 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 9, 2006.

#### **Members Present:**

Legislator Ricardo Montano • Chairman  
Legislator Louis D'Amato • Vice•Chair  
Legislator Jon Cooper  
Legislator Vioria•Fisher  
Legislator Cameron Alden  
Legislator Daniel Losquadro  
Legislator Jay Schneiderman

#### **Also In Attendance:**

George Nolan • Counsel to the Legislature  
Ian Barry • Assistant Counsel to the Legislature  
Bob Martinez • Aide to Legislator Montano  
Michael Cavanaugh • Aide to Presiding Officer Lindsay  
Rich Baker • Deputy Clerk/Suffolk County Legislature  
Gail Vizzini • Director/Budget Review Office  
Lance Reinheimer • Assistant Director/Budget Review Office  
Robert Lipp • Chief Economist/Budget Review Office  
Paul Perillie • Aide to Minority Caucus  
Seth Squicciarino • Aide to Legislator Vioria•Fisher  
Eric Brown • Aide to Legislator Schneiderman

Justin Littell • Aide to Legislator D'Amaro  
Ben Zwirn • Assistant County Executive  
James Dahroug • County Executive Assistant  
Tom Vaughn • Senior Neighborhood Aide  
Brendan Chamberlain • County Executive's Office  
Bob Bortzfield • Director/County Executive's Budget Office  
Allen Kovesdy • Deputy Director/County Executive's Budget Office  
Dr. Jeanne Alicandro • Acting Director/Emergency Medical Services  
Sandy Sullivan • Legislative Liaison/AME  
Andrew Bosinger • Synagro  
Janet Cordano • Synagro  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney • Court Stenographer

**(\*The meeting was called to order at 9:41 A.M.\*)**

**CHAIRMAN MONTANO:**

All right, I'm going to call the meeting of the Budget & Finance Committee together. Please stand for the Pledge of Allegiance led by Legislator Vilorio •Fisher.

***Salutation***

Thank you. I don't believe we have any correspondence.  
Presentations; is Allen here?

**MR. ZWIRN:**

Allen is here.

**CHAIRMAN MONTANO:**

Allen, do you want to address the committee on anything? Robert?

Ben?

**MR. ZWIRN:**

Mr. Chairman, Dr. Alicandro is here today and there was an issue, I think, that Presiding Officer Lindsay had a bill on that there was money in the Health Department budget that could be spent and we said that Dr. Alicandro would come back before this committee to answer any questions that they might have about ••

**CHAIRMAN MONTANO:**

Do you know what resolution that is?

**MR. ZWIRN:**

It's in the Tabled Resolutions.

**CHAIRMAN MONTANO:**

Right. Would that be ••

**MR. VAUGHN:**

1169.

**MR. ZWIRN:**

IR 1169.

**CHAIRMAN MONTANO:**

1169; yeah, I have a question next to that, so why don't we bring her up.

**MR. ZWIRN:**

Okay.

**LEG. VILORIA • FISHER:**

This is CERT?

**MR. ZWIRN:**

Right, that's correct.

**CHAIRMAN MONTANO:**

Yes, I believe so.

**LEG. VILORIA • FISHER:**

Oh, no, the defibrillators.

**DR. ALICANDRO:**

This is the CPR Excellence Program, yes.

**CHAIRMAN MONTANO:**

Okay, it says here •• good morning, Doctor.

**DR. ALICANDRO:**

Hi. How are you?

**CHAIRMAN MONTANO:**

You want to put your name on the record, and title?

**DR. ALICANDRO:**

Jeanne Alicandro, Acting EMS Medical Director.

**CHAIRMAN MONTANO:**

It says here in the resolution that "Suffolk County is the out of hospital sudden cardiac arrest rate victims, there's 2% below the national average, and that the clinical studies have shown that the use of" •• is this impedance •• "threshold devices, ITD's, in conjunction with CPR can double" •• well, why don't you go on with that, I'm not good on the medical terms.

**DR. ALICANDRO:**

What we've been working on with the Regional EMS Council and Ed Stapleton who is a national faculty member of the American Heart Association, is a CPR Cardio Pulmonary Resuscitation Excellence Program to address our survival rate and try to improve outcome by instructing EMS providers in quality CPR technique. Some of the recent literature indicates that there is a problem with forward blood flow and profusion with conventional ways that CPR has been done, so we're attempting to address that by having an instructional program in which a core of instructors will go out and teach EMS providers quality technique using mannequins which

record and trace their performance so that we can make sure they're releasing the chest wall, allowing recoil to allow forward flow, not hyperventilating. And it also includes the use of the Impedence Threshold Device which is a valve that prevents air flow from rushing back in during recoil of the chest, because that impedes forward blood flow. The better the profusion, the better the outcome, the better the chance of resuscitation.

We believe we can fund this in-house. I've been meeting with Ed Stapleton and we feel that logistically it would be more advantageous to do a train-the-trainer program where we train a core of instructors who will then train two to three instructors per EMS agency. They do CPR training in any case in their EMS agencies and they're going to need to update providers on new American Heart Guidelines which came out in November and which are going to be considered this month by the State. So as they do the new training, we propose teaching them to use the mannequin with computer tracing to monitor performance, to use the Impedence Threshold Device and we plan to give them a video with some of the background science for motivational, why they're doing these new techniques so that as they update the providers they can focus on technique as well and we hope to improve using that mechanism.

The change in funding that was proposed to what we're proposing to do in-house, the decrease is due to doing a train-the-trainer rather than a core of instructors going out and training all of the five to 6,000 providers. We feel that it will also be more advantageous for them to do the training within their own agency rather than come to a central location. We find that it's a little more successful in reaching more providers by doing it that way.

**CHAIRMAN MONTANO:**

So the entire course would be funded in-house?

**DR. ALICANDRO:**

Yes.

**CHAIRMAN MONTANO:**

So what you're saying is there really is no need to pass the resolution.

**DR. ALICANDRO:**

Correct, we believe we can do it in-house.

**CHAIRMAN MONTANO:**

For instance, my staff, we have a machine in our office pursuant to Local Law.

**DR. ALICANDRO:**

Yes.

**CHAIRMAN MONTANO:**

Ultimately everyone will be trained in this new procedure or this ••

**DR. ALICANDRO:**

In the new CPR guidelines?

**CHAIRMAN MONTANO:**

Yes.

**DR. ALICANDRO:**

Yes.

**CHAIRMAN MONTANO:**

And how long will that take?

**DR. ALICANDRO:**

For the EMS providers? We're going to begin ••

**CHAIRMAN MONTANO:**

No, for it to filter down to like someone in my staff.

**DR. ALICANDRO:**

For the laypersons. As you update your staff and training, they should be taught the new guidelines. The training materials just came out last month, so we're just starting to roll it out into the system now. So as updates are taken from now on they should be the new guidelines.

**CHAIRMAN MONTANO:**

Do you know how long it takes to filter down in terms of •• are you talking about a couple of months, a couple of weeks, a couple of years?

**DR. ALICANDRO:**

A couple of months, it should be in a couple of months, because usually you recertify or retrain every six months to one year, so within a year everyone should have the new guidelines.

**CHAIRMAN MONTANO:**

Are there any questions from any of the committee members?

**LEG. VILORIA • FISHER:**

No, we talked about this.

**LEG. ALDEN:**

Well, I have a question.

**CHAIRMAN MONTANO:**

Legislator Alden.

**LEG. ALDEN:**

So do you have to modify your budget to provide these funds, or you had the money; where did the money come from?

**DR. ALICANDRO:**

I believe we have it within the Health Department. We came up with a budget of about \$24,000 because we're going to do train•the•trainer, we're going to try to piggyback on to the training that's done in any case in the EMS agencies. We're going to use a video for the background so that we don't have to physically be at all the trainings with our instructors, we're going to loan out the mannequins that we need to purchase. And the Regional EMS Council and the Regional Emergency Medical Advisory Committee had offered in the past to participate in this project, so we're going to ask them each to donate a mannequin.

**LEG. ALDEN:**

Okay, so some of it is going to be donated, but the bulk of those funds are coming from where?

**DR. ALICANDRO:**

Within the Health Department.

**LEG. ALDEN:**

No, but, I mean, what lines? Here's what worries me, last ••

**DR. ALICANDRO:**

We have an equipment line in our budget.

**LEG. ALDEN:**

Last year I put a couple of thousand dollars in the Health Department's budget to have some testing done, the water over in Lake Ronkonkoma; that wasn't done, that money went to the bottom line and I don't think the people got what they paid for. So I'm just very curious now, what services or what type of, you know, process you're not going to provide so you have \$24,000 to do this. Because basically, you know, the budgets are •• you know, it takes a long time to work out the budgets. And I find it a little bit troubling just that you've got \$24,000 laying around that you could divert over here, because last year the money that got diverted for something was money that I needed over in Lake Ronkonkoma, which there's like four or five Legislative Districts come together there and there was a major problem with water pollution. So where is the money coming from?

**DR. ALICANDRO:**

The training funds we have a line item for contracted instructors that we do use for continuing medical education, etcetera, so that would come out of that line because this is continuing medical education, so it is for that purpose. We also have an equipment line for training equipment within our budget that we use to buy mannequins and things of that nature, these are just specialized mannequins that we would be purchasing in lieu of regular training mannequins.

**LEG. ALDEN:**

Okay, so we're not going to take money, you know, that was earmarked to

test water at Lake Ronkonkoma or to test wells, we're not taking any of those kind of funds.

**DR. ALICANDRO:**

No.

**LEG. ALDEN:**

I hope not.

**DR. ALICANDRO:**

No.

**CHAIRMAN MONTANO:**

Legislator Vioria•Fisher.

**LEG. VILORIA•FISHER:**

If I'm not mistaken, Dr. Alicandro, when you talk about continuing education, people who are certified, EMS certified people are required to take continuing education courses in order to recertify, aren't they?

**DR. ALICANDRO:**

They can either take a traditional refresher course or they can use the continuing medical education track where they can take at their convenience, you know, core classes.

**LEG. VILORIA•FISHER:**

And that's provided by the Health Department?

**DR. ALICANDRO:**

Yes, and that's very popular, we have over 2,000 providers in that program.

**LEG. VILORIA•FISHER:**

And that's why you need that line to be accessible because you have the requirement.

**DR. ALICANDRO:**

Yes, correct.

**LEG. VILORIA • FISHER:**

Okay, I just wanted to clarify that that's an ongoing ••

**DR. ALICANDRO:**

Right.

**LEG. VILORIA • FISHER:**

Something that you need to meet the requirements.

**DR. ALICANDRO:**

And every time we have a new protocol or something of that nature, we provide training and use contracted instructors to assist us with them.

**LEG. VILORIA • FISHER:**

Right. Okay, thank you.

**CHAIRMAN MONTANO:**

Doctor, I have a question. In the resolution it talks about that we were to provide 140,000 to fund CPR training and to purchase ITD's. Now, the 24,000 that you're referring to, how much of that is for purchase of ITD's, if any?

**DR. ALICANDRO:**

We propose purchasing a training, because this is going to take a few months to do the training for the EMS providers, we propose purchasing one device per agency for training purposes and then they would assume the purchase of the devices going forward for use in the field.

**CHAIRMAN MONTANO:**

Who would assume that?

**DR. ALICANDRO:**

The agencies.

**CHAIRMAN MONTANO:**

And if they don't have money in their •• how much do these machines cost, and what is an ITD?

**DR. ALICANDRO:**

The devices are just little valves, they cost \$80 a piece.

**CHAIRMAN MONTANO:**

Oh, so they're not expensive, okay.

**DR. ALICANDRO:**

So the original proposal was for a thousand of them because we have a thousand cardiac arrests, approximately, per year, so it was one per •• from my understanding from Ed Stapleton, one per arrest. You know, this year it's May already, we propose training over the next couple of months and then the agencies to purchase the \$80 device.

**CHAIRMAN MONTANO:**

All right, so it's not an expensive item and it shouldn't be prohibited. We don't have to fund these agencies for an additional item.

And one last question related to the bill, but not necessarily to this. It says that the sudden survival rate for out of hospital sudden cardiac arrest victims is 2%, which is lower than the national average of 5%; what does that really mean, does that mean that 2% of the people survive and 98% don't survive?

**DR. ALICANDRO:**

Correct, of patients with sudden cardiac arrest. So the number that you're able to resuscitate from cardiac standstill is 2% in our County.

**CHAIRMAN MONTANO:**

For every hundred heart attacks outside of the hospital, 98 result in sudden death?

**DR. ALICANDRO:**

Say again? I'm sorry.

**CHAIRMAN MONTANO:**

I just want to make sure I understand this. For every hundred heart attacks that occur outside the hospital, 98 result in sudden death?

**DR. ALICANDRO:**

No.

**CHAIRMAN MONTANO:**

I hope not.

**DR. ALICANDRO:**

Not all \\_myelcardio\\_ infarctions or heart attacks result in cardiac arrest, but of the entire population in the County we have about a thousand people who have a sudden death that's due to cardiac causes; of those one thousand, we're successful in resuscitating 2% in our County each year, and that's what we're trying to address.

**CHAIRMAN MONTANO:**

All right, thank you very much. Any other questions? Thank you, Doctor.

**DR. ALICANDRO:**

Thank you very much.

**CHAIRMAN MONTANO:**

All right, we're going to move on to the agenda.

**Tabled Resolutions**

***IR 1049•06 • Repealing home energy nuisance taxes on Suffolk County residents (Alden).***

**LEG. ALDEN:**

Motion the table.

**CHAIRMAN MONTANO:**

Motion to table by the sponsor, second by Legislator Cooper. All in favor? Opposed? Abstentions? ***Motion to table carries (VOTE: 6•0•0•1 Not***

***Present: Legislator Losquadro).***

***1052•06 • Establishing a program to reduce unfair home energy nuisance taxes on Suffolk County residents (Alden).***

**LEG. ALDEN:**

Motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Same motion, same second. All in favor? Opposed? Abstentions? ***Motion carries (VOTE: 6•0•0•1 Not Present: Legislator Losquadro).***

***IR 1158•06 • Amending the 2006 Operating Budget to transfer funding for the Suffolk Community Council Transportation Advocacy Program (Viloria•Fisher).***

**LEG. VILORIA•FISHER:**

Motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Motion to table, second by Legislator Cooper. All in favor? Opposed? Abstentions? ***Motion carries (VOTE: 6•0•0•1 Not Present: Legislator Losquadro).***

***IR 1169•06 • Amending the 2006 Operating Budget and transferring funds to provide for emergency medical care training and equipment (Lindsay).*** I'll make a motion to table, second by ••

**LEG. VILORIA•FISHER:**

I thought we were going to approve this.

**LEG. COOPER:**

No.

**LEG. VILORIA • FISHER:**

She's doing it in•house? I'm sorry.

**CHAIRMAN MONTANO:**

I'll make a motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Second by Legislator Cooper. Any discussion on the motion?

**LEG. VILORIA • FISHER:**

No.

**CHAIRMAN MONTANO:**

All in favor? Opposed? Abstentions? ***Motion carries (VOTE: 6•0•0•1 Not Present: Legislator Losquadro)***, and that's because this is going to be done in•house, so the program will actually go through.

***IR 1175•06 • Adopting Local Law No. 2006, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Romaine).***

**LEG. VILORIA • FISHER:**

Motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

All right, motion to table by Legislator Viloría•Fisher, second by Legislator Cooper. Any discussion on it? All in favor? Opposed? Abstentions?

***Motion carries (VOTE: 6•0•0•1 Not Present: Legislator Losquadro).***

***1223•06 • Amending the 2006 Operating Budget to provide funding for lights at the baseball field maintained by VFW Post 5350 of Quogue (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Mr. Chair, I believe I've withdrawn that bill.

**CHAIRMAN MONTANO:**

All right. It's on my agenda, so that may be a mistake; if it's withdrawn I apologize, if it's not let's withdraw it. Do you know if it's been withdrawn offhand?

**MR. ORTIZ:**

It's on the agenda, I can check.

**CHAIRMAN MONTANO:**

No, that could have been a mistake. All right, we will mark it withdrawn, my apologies on that.

**LEG. SCHNEIDERMAN:**

Consider it withdrawn.

**MR. ORTIZ:**

Okay.

**CHAIRMAN MONTANO:**

***Consider it withdrawn,*** I just scratched it out.

***IR 1239•06 • Establishing a new program in the Office of Women's Services for mitigating domestic violence (Stern).***

**LEG. VILORIA•FISHER:**

Motion to table.

**LEG. COOPER:**

Second.

**LEG. ALDEN:**

On the motion?

**CHAIRMAN MONTANO:**

Motion to table by Legislator Viloría•Fisher, second by Legislator Cooper. Legislator Alden has the floor.

**LEG. ALDEN:**

I know we were looking at what the Feds are doing on this; is there an update on where they are?

**CHAIRMAN MONTANO:**

Yes, the best I can tell you is that •• actually, what I believe happened here is that there was a ruling by either the Appellate Division or the Court of Appeals which prevented students from effectuating the purposes of this program through Touro Law School.

So the sponsor is waiting for clarification on the legal impact of that decision and until the court renders a ruling on that, we're unable to implement the program and that's why it's being tabled; is that ••

**LEG. VILORIA•FISHER:**

Yes.

**CHAIRMAN MONTANO:**

Is everyone in concurrence on that?

**LEG. COOPER:**

Yes.

**CHAIRMAN MONTANO:**

At least on the Democratic side.

**LEG. ALDEN:**

What process is he using to get a ruling? Because usually courts don't do

advisory type of rulings, right?

**CHAIRMAN MONTANO:**

It's not ••

**LEG. ALDEN:**

It's the Court of Appeals?

**LEG. D'AMARO:**

I believe it's a ruling from the Administrative Judge,

**MS. MAHONEY:**

I can't hear him.

**CHAIRMAN MONTANO:**

Legislator D'Amaro has the floor.

**LEG. D'AMARO:**

Just in response to Legislator Alden, I believe it is the Administrative Judge of the Courts that is •• that is supposed to issue a ruling on that, I don't think it's through the courts itself. I think it's an administrative matter for the court system.

**CHAIRMAN MONTANO:**

Can we have the County Attorney, maybe she wants to come forward?

**MS. BIZZARRO:**

We're actually waiting for an order in connection with this.

**CHAIRMAN MONTANO:**

Could you say that again?

**MS. BIZZARRO:**

Lynne Bizzarro, Chief Deputy County Attorney, sorry. My understanding is that we're waiting for possibly an amended order, another order to come down from the Appellate Division, the County Attorney is waiting for that order and it has not come down yet.

**CHAIRMAN MONTANO:**

I think the question was who issued the order, was it done by the Appellate Division itself or by the Disciplinary Committee?

**MS. BIZZARRO:**

Appellate Division, yes.

**CHAIRMAN MONTANO:**

Okay. And as I understand the order, it basically bars students from practicing before the courts; is that essentially what the order was?

**MS. BIZZARRO:**

It permits the students to appear in court on uncontested matrimonial actions only. And unfortunately we don't know whether or not they'll be contested or uncontested, so it makes it very unclear whether or not they can move forward with the program.

**CHAIRMAN MONTANO:**

Okay. Any further questions? All right, do we have a motion to table?

**MR. ORTIZ:**

Yes.

**CHAIRMAN MONTANO:**

All right, so I'll call the question. All in favor of tabling? Opposed? Abstentions? ***Motion carries unanimously (VOTE: 6•0•0•1 Not Present: Legislator Losquadro).***

**CHAIRMAN MONTANO:**

All right, I have here ***IR 1405•06 • Adopting No Frills Budget Plan to stabilize property taxes in 2007 by ensuring affordable County government (County Executive).*** I believe we have an amended copy of that resolution; does everybody have that, including myself? Ben?

**LEG. VILORIA•FISHER:**

Do we have the last amended copy?

**CHAIRMAN MONTANO:**

Well, that's what I'm asking. Is this the newest one, Bob?

**MR. MARTINEZ:**

Yes, that's the one, we got that last night.

**CHAIRMAN MONTANO:**

Okay.

**MR. ZWIRN:**

Mr. Chairman, if I might?

**CHAIRMAN MONTANO:**

Why don't you give us an explanation while we see whether or not we have the bill.

**MR. ZWIRN:**

Okay. There was one question on the amended copy, I know that the County Exec's Office had spoken to a number of Legislators who expressed concern about the Tobacco Cessation Reform, a part of this bill, and the language in here they felt may not have conformed to the suggestions that had been made and were taken under advisement and agreed to by the County Exec.

What they're trying to accomplish here is that anybody who does not have insurance when they go to tobacco cessation programs and are not reimbursed, the maximum amount of money that they will have to pay is \$500 and they will pay as they get the patches or the cessation material, they will pay on a per case basis, they will not have to pay \$500 up front. But the language in here represents the fact that if there is insurance, the County does not want to be limited to that \$500; for example, if it's reimbursed for \$800 or \$1,000, the County would like to get that money back in its entirety from the insurance company as opposed •• if you look at the second on page three it says, "No more than \$500." It's going to be at least \$500 and no more than \$500, and that's why the language may be a little bit confusing, but that's the intent.

Again, if somebody has insurance, whatever the insurance is the County will take, if it's more than \$500 they don't want to be limited to that \$500, but if you do not have insurance or enough insurance to cover it then the maximum will be \$500 and you will be able to pay for the patches as you need them instead of entirely upfront.

**CHAIRMAN MONTANO:**

All right. Ben, let's do this. Before we go further, let's put a motion on the table. Does anybody want to make a motion to approve?

**LEG. COOPER:**

Motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRMAN MONTANO:**

By Legislator Cooper, seconded by Legislator D'Amaro. Now we'll have a discussion on the motion. Are there any Legislators that want to address this issue?

**LEG. VILORIA • FISHER:**

Yes.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN MONTANO:**

Legislator Fisher first, Legislator Alden second.

**LEG. VILORIA • FISHER:**

Ben, I just want to look, you know, just parse through this because ••

**MR. ZWIRN:**

Oh, sure.

**LEG. VILORIA • FISHER:**

•• as you say, it does have kind of some \\_circum low cution\\_ , it seems to me. If we look at the beginning of the fifth RESOLVED, the sentence says, "To establish and impose a fee of no less than \$500 per individual who chooses to participate in the Suffolk County Tobacco Cessation Program per year beginning January 1st. Said fee to be collected by the County of Suffolk at the time the pharmaceuticals are provided by the County of Suffolk to each such participating individual with a limit of not more than \$500 in such fees who are ultimately determined to have no third party." All right, so no less than \$500."

Now, wouldn't it be clearer if the part about the insurance included that phrase rather than the part that says that it will be collected at the time that they receive the pharmaceuticals? It just seems that this is an inordinately confusing RESOLVED.

**MR. ZWIRN:**

I'd have to ask the author of the language. We never drafted it, so you can answer your own question.

**LEG. VILORIA • FISHER:**

Whoopee.

**MR. ZWIRN:**

It's a rhetorical question, I take it.

**LEG. VILORIA • FISHER:**

Okay. You know what, I'm just going to have to then pose the question to our Legal Counsel, because I don't •• you know, in legalese is this clear?

**MR. ZWIRN:**

We know what we mean.

**LEG. VILORIA • FISHER:**

Because it's certainly not in, you know, every day English very clear.

**MR. ZWIRN:**

I understand what you're saying. Everybody who has seen •• the people who are on this legislation understand what they're signing on to, you just want to make sure the language reflects what everybody agrees.

**LEG. VILORIA • FISHER:**

Right.

**MR. ZWIRN:**

I understand.

**LEG. VILORIA • FISHER:**

Because you know what? My bottom line is I want to help people stop smoking, and if people are going to be hit at the time they come in with something that's reflecting this language saying, "Okay, if you join the program it will be no less than \$500 and no more than \$500." Okay, so somebody who's thinking about quitting smoking is saying, "Well, I've got to have \$500 in my hand when I walk in to this,"

I don't think that's going to encourage people to quit smoking.

**MR. ZWIRN:**

And that •• you ••

**LEG. VILORIA • FISHER:**

And I have expressed that very strongly.

**MR. ZWIRN:**

You expressed that and it was heard and it was taken into account and ultimately agreed to, that that was what they would put in this bill and that's what the intent is. I understand what you're saying is that could it have been said clearer

**LEG. VILORIA • FISHER:**

Yes. And I just want to see if it's clear to our Counsel and maybe, you know, you have to filter it through a legal mind in order to see if it's following the intent.

**MR. ZWIRN:**

Right.

**MR. NOLAN:**

Well, yeah, it could definitely be drafted better. I think what it means to say is that if you have insurance, the insurance is going to pay the actual cost, if you don't have insurance you'll pay no more than \$500; am I correct in that, Ben?

**LEG. VILORIA • FISHER:**

Yes.

**MR. ZWIRN:**

That's correct. And in addition to that, if you don't have insurance you will only pay •• you will not have to pay 500 •• the County will not collect \$500 in advance ••

**LEG. VILORIA • FISHER:**

You pay as you go.

**MR. ZWIRN:**

You would pay as you go, that's correct. And I think that's ••

**LEG. VILORIA • FISHER:**

And I don't know if that seems very clear there. See, I don't think that pay as you go part seems very clear here and I want to make sure that that's really, really clear. And would that be able to be put in •• could that be clarified? Since the intent is here and it's just a question of how the verbiage is parsed out, could that be clarified before Tuesday without having to do a CN?

**MR. NOLAN:**

No.

**LEG. VILORIA • FISHER:**

Because it's not a substantive change, it's just a change in maybe putting ••

**MR. NOLAN:**

But the deadline for amendments was •• has passed.

**LEG. VILORIA • FISHER:**

Okay.

**CHAIRMAN MONTANO:**

What you see is what you get.

**LEG. VILORIA • FISHER:**

What you see is what you get. It's just very problematic language, it doesn't say •• and I know I spoke about this with the author of this language and ••

**MR. ZWIRN:**

Right, and everybody understood.

**LEG. VILORIA • FISHER:**

•• said I want it to be pay•as•you•go, I don't want somebody to have to walk in thinking they have to have \$500 in their pocket.

**MR. ZWIRN:**

Absolutely; that was conveyed and that was agreed to by the County Executive. I believe that's what it says, but I understand what your concern is, that you think it could have been made clearer, the pay•as•you•go portion.

**MR. NOLAN:**

You know, to the extent the language is ambiguous, the Legislative Intent could be made clear by Legislators on the record by creating a record that this is what it means.

**MR. ZWIRN:**

And that's exactly ••

**MR. NOLAN:**

Because the language probably does get to where you need it to be if that's what you're trying to do, Ben, but I would suggest Legislators on the record make clear what the intent is in passing this.

**LEG. VILORIA•FISHER:**

Okay. So since I did agree to sign on to this, although the person who signed me on just put Fisher instead of Viloría•Fisher, I'm going to state very clearly that the intent of this Legislator and the reason I agreed to cosponsor is that no person who is signing on to a Smoking Cessation Program should be expected to have to provide \$500 at the initiation of said program, that that person could pay a fee with each visit for the pharmaceuticals that are provided for that individual at that particular visit. So each time the person goes for a class and receives a patch or whatever other kind of medication that persons receive, they can pay at that time.

**MR. ZWIRN:**

And that is •• that's correct.

**LEG. VILORIA•FISHER:**

And that the fee of no less than \$500 is for those individuals who are covered by insurance, so that the insurance pays according to their scale and they're not •• we're not limiting the insurance companies to only paying \$500.

**MR. ZWIRN:**

That's correct. That's the intent, correct.

**CHAIRMAN MONTANO:**

Are you done, Legislator Fisher, Viloría•Fisher?

**LEG. VILORIA•FISHER:**

Yes.

**CHAIRMAN MONTANO:**

Legislator Alden, and then I have some questions.

**LEG. ALDEN:**

I find most of this bill fairly amazing and not in a good way. We take tens of millions of dollars in tobacco settlement and what was that settlement for? That was supposedly to help people that were addicted to tobacco, basically, to remove themselves from that addiction. So here what we do, we take tens of millions of dollars to do that and now we're going to turn around and some poor person that has this disease or whatever it is, an addiction, and now we're going to charge them; that's really neat.

We're going to charge the insurance companies which, all right, maybe philosophically you can get past that. But we're going to charge individuals that live in this County, pay taxes in this County and also should be reaping the benefits of the tens of millions of dollars that we get from the tobacco companies to get people off of that drug, we're going to charge them now to try to get themselves off a drug; I find that utterly amazing and very two-faced as a matter of fact.

Now I'm going to go to a couple of other points in there. McArthur Airport; this is an interesting thing, too. Islip never asked for the Suffolk County Police to come in there and patrol Islip McArthur Airport, but the people in the Town of Islip do pay taxes and they pay taxes into the Police District, huge amounts of taxes. As a matter of fact, I can't find anybody, even over in CI or Brentwood, that doesn't pay a thousand, \$1,200 on their tax bill to cover police protection. And now we're going to turn around and we're going to tell Islip, "You know what? We think you're making money on there, so we're the big tough guy now, Suffolk County, we're big, tough Suffolk County, you're going to pay us some of that money, you're not going to just have that money to enjoy."

And there's a little bit more of a kicker in here, too, because the second RESOLVED clause •• well, actually it's the third RESOLVED clause under McArthur Airport, that in the event that Islip doesn't pay •• and you know Islip is not going to pay because this is blackmail; you don't put guns to other levels of government's head and think that they're just going to say, "Oh, yeah, this is a great idea, let me give you some money and we'll go and tax the people." So in the event that Islip doesn't pay, which they won't, we're going to withhold all the money that would go from the County on normal programs, programs that help the poor, programs that help the

elderly, programs that help kids get off of drugs, programs that help kids get away from gangs; that's what we're going to do. We're going to withhold all the money from Suffolk County to the Town of Islip which we give to every other town to pay for this blackmail, this blackmail that we're going to •• we want because we think that there's money in McArthur Airport.

So this is some amazing piece of legislation as far as I'm concerned. And those •• just be real clear what you're doing, because if you vote for this and it goes through, you're taking money away from kids, you're taking money away from senior citizens, you're taking money away from people that are hooked on drugs, you're taking money away from women that need counseling as far as when they go to court, maybe they've got a child, their husband isn't paying and they need some kind of help in those court situations; you're taking that money away from them. So be clear on what you're voting on here, this is totally, to me, this is totally mind•blowing, amazing.

**CHAIRMAN MONTANO:**

Do you have •• are you done, Legislator Alden?

**LEG. ALDEN:**

I guess so.

**CHAIRMAN MONTANO:**

Okay. Well, no, was there a question there, do you want them to respond to that? Because I have a question on this and I want them to respond, but I want you to finish first.

**LEG. ALDEN:**

No, go ahead. I will jump in line later if I have to.

**CHAIRMAN MONTANO:**

Ben, I'm looking at the resolution that I believe we had on the table yesterday and it was an amended, and I'm going to •• and now I'm looking at the one that was laid on the table today. Correct me if I'm wrong, just so I'm clear, with the third RESOLVED clause under McArthur Airport on the copy we had yesterday, it talks about the Town of Islip; "In the event the

Town of Islip does not make payment by such date, either directly or indirectly, the town will" •• "the County shall withhold payment." But the new version makes the date retroactive to 2000 •• to September 11, 2001. Now, why was that put in there and what is the legal significance of going back to 2001? I mean, are we now going to retroactively charge back from the Town of Islip monies for the last four or five years, is that what we're saying in this resolution?

**MR. ZWIRN:**

No, I think the intent was to try to not ••

**CHAIRMAN MONTANO:**

No, not the intent. I could care less about intent, I want to know what the written statement empowers the County to do. Forget about intent, we're looking at the actual language of bill. Is that what we're taking saying here? Not what we intended to say, because we already went through that.

**MR. ZWIRN:**

Let me take another look at it, I'll just be a second.

**CHAIRMAN MONTANO:**

Please do. Is that your point, Cameron?

**LEG. ALDEN:**

Actually, that's one of my points. But you know what's going to happen here, they're not going to make the payment and then we're going to, as Suffolk County, the big bully now, we're going to go and take that money that normally would go to all those youth programs ••

**CHAIRMAN MONTANO:**

No, I understand that, but that's not ••

**LEG. ALDEN:**

•• all that stuff, and it goes back to 2001. While he's looking, can I ask George something?

**CHAIRMAN MONTANO:**

Sure, go ahead.

**LEG. ALDEN:**

George, you were here for a long time as a Legislator and you've been in County government, things like that; can you remember any time when, you know, big bully Suffolk County put this type of a clause in something that in the event that we can't extract this money from you, which we're probably not even entitled to, that we're going to withhold legitimate payments? Can you remember anything similar to this, George, or is it just me?

**CHAIRMAN MONTANO:**

Well, I'll say this, that the Chief Deputy indicated that it was done in 1998; was anyone here in '98?

**LEG. ALDEN:**

I was.

**CHAIRMAN MONTANO:**

Was it done?

**LEG. ALDEN:**

They tried to do this in '98, they tried to take money out of Islip, but it wasn't passed.

**CHAIRMAN MONTANO:**

Okay. Other than that; George?

**MR. NOLAN:**

Well, I was here back in the 80's and I don't know if I can remember back that far. You know, no, I don't.

**LEG. ALDEN:**

I mean, to put that type of a clause in, to put that type of a clause in just seems to me, you know, unconscionable.

**MR. ZWIRN:**

Well ••

**LEG. ALDEN:**

If you don't do something, then we're going to pull the trigger, so we put the gun to their head; now, go ahead, you do something voluntarily and when you don't we're going to pull the trigger. This is just ridiculous.

**MR. ZWIRN:**

I think what they're ••

**LEG. ALDEN:**

What a way to run government.

**MR. ZWIRN:**

No, if you read the language, the language says that they're trying to get back money that the County was eligible to receive, and that but for paperwork that was not filed by the Town of Islip, the County would have received this money in Federal funds, not from the Town of Islip.

**CHAIRMAN MONTANO:**

Right, but we're going ••

**MR. ZWIRN:**

On the other hand, the County is now putting money into the Town of Islip Airport that money otherwise would go to these programs, as Legislator is talking about, for other poor people in Suffolk County.

**CHAIRMAN MONTANO:**

Ben, I understand that.

**MR. ZWIRN:**

If not for the paperwork being filed by the Town of Islip, then that money would have come to the County and the County was not able to get it. I know they had some disagreements with former Supervisor McGowan and they had some assurances from the members of the Town Board now that the paperwork would be filed and that the County would be able to recover some of this money from the Federal government that it would be entitled to.

**CHAIRMAN MONTANO:**

Right, Ben, but that's ••

**MR. ZWIRN:**

And I think that's what the point is, not to punish the people from the Town of Islip but to get money back for everybody else in Suffolk County that they should be entitled to.

**CHAIRMAN MONTANO:**

All right, we have a list and I have •• I took the floor from Legislator Alden and I'm going to yield the floor back to Legislator Alden, and then I have Legislator Schneiderman and Legislator D'Amaro. I also want to ask some questions. I have an outstanding question with respect to the retroactivity to September 1 •• September 11, 2001, because that's not my understanding of how the bill was supposed to be drafted and I want to get to that. But Legislator Alden, go ahead.

**LEG. ALDEN:**

Well, just a little furtherance on what the County thinks is their basis for even this concept that they're owed money out of McArthur Airport. At one time the police were actually pulled out of McArthur Airport and it's a discretion as far as whether the police are in McArthur Airport or not in McArthur Airport. But just as a reminder, the people in the Town of Islip, as in all of the five western towns, we pay to the Police District. The people in the five western towns and the people in the five eastern towns use McArthur Airport. So there is nothing in any Charter that says that there has to be a police presence there, but when there's an incident the police have to respond to it, that's what the Charter basically states. That's why we have a police force.

So right now we want to have it like 15 different ways; we want to have it where we're collecting the money from each taxpayer in the Police District and then we want another surcharge on those same very taxpayers in that Police District. If this was simply a thing about getting reimbursed from the Federal government, then you know what, the County of Suffolk should find some way around being able to put the application in and get the

reimbursements, not put a gun to another body, not put a gun to the head. This is ridiculous.

The Suffolk County Police have a mission and that's to protect the people in Suffolk County, that's what they're paid very well to do and there's high taxes, huge taxes extracted from the five western towns, and now on top of that there's going to be another extraction. If this was limited to, simply limited to a grant that could be brought out of the Federal government, then fine, but you don't, you go way beyond that. Now what you're going to do is if you don't get that Federal grant and if you don't get retroactivity, which now the Town of Islip is not entitled to reimbursement going back to 2001, if you don't get that then you're going to extract money from programs that benefit the kids; kids, seniors, you name it, the whole gamut. Now, where's the fairness and where's the thinking that somebody would put together some kind of program like that? I can't understand that type of thinking.

**MR. ZWIRN:**

If I can respond. The County has no intention of pulling police out of Islip Airport. They're there, whether they were asked to be there one time or not, they're going to remain there during the airport hours, when the airport is in operation, even though the Town of Islip does have its own public safety or special police that are at the airport on a regular basis. But the County has got a detachment that is assigned to the airport and they will continue to be there during the hours of operation; the airport shuts down I think about 11:30 and starts up again around six o'clock in the morning. And in the past there have been Suffolk County Police Officers still attached to the airport, they may be redeployed.

**LEG. ALDEN:**

Can I just •• that goes back to when the Suffolk County Police was formed, basically in the 60's. So I have a big problem with 40 something years of precedent and now all of a sudden we're going to step in and start breaking off of all that precedent.

**MR. ZWIRN:**

No, I'm saying that the police will remain, the Suffolk County Police Department is going to remain as a presence at the airport.

**CHAIRMAN MONTANO:**

While it's open.

**MR. ZWIRN:**

While it's open; well, during its operating hours, yes, which makes sense.

**LEG. ALDEN:**

But we're going to extort extra money from Islip because they're going to be there doing what they should have been doing and what they've been doing for forty something years.

**MR. ZWIRN:**

Well, I don't think the County is looking at this •• we try not to extort money from the Town of Islip, but we're trying to get cooperation ••

**CHAIRMAN MONTANO:**

Ben, if I may. I really don't want to •• you know, we'd like to stay away from those kind of words. We're not extorting from anybody, but we do have some serious issues on these charge back provisions and the way the language is drafted in the resolution. Can you hear me?

**MS. MAHONEY:**

No.

**CHAIRMAN MONTANO:**

All right. You know, I just want to get away from the inflammatory language, I don't think we need that. You know, we've got a serious issue here with respect to the charge backs and how it's going to be implemented. You know, I just caution us, I don't want to get heated on us this because we're going to go off in a different direction, I think. Cameron, I didn't mean to interrupt you.

**LEG. ALDEN:**

Well, you know what? Maybe I'll just sit back and I'll see which way this goes. I don't pull back on that extortion charge, I really am not going to pull back on that and I'm going to continue along that line, and I'll just sit back

for right now and listen to the rest of the questions.

**CHAIRMAN MONTANO:**

Legislator Schneiderman, you have the floor.

**LEG. SCHNEIDERMAN:**

Yeah, Ben, I need to understand this more clearly as well because I'm pretty confused at this point. McArthur Airport certainly is a big economic engine for the County and leads to lots of sales tax revenues and the people of Islip are obviously paying into the Police District, as Cameron said. You know, there are lots of facilities that the Police District covers like the Smithaven Mall; are we treating one facility different, the airport than we would a mall? I mean, I'm sure that there's police assigned specifically to Smithaven Mall, are there police assigned specifically to McArthur? What exactly are we cutting out and ••

**MR. ZWIRN:**

No, we're not cutting out ••

**LEG. ALDEN:**

I can answer one question. South Shore Mall, there's absolutely a cop assigned to the South Shore Mall. It was a realignment of sector cars that now include just the South Shore Mall for that sector car and a small area around it, so.

**LEG. SCHNEIDERMAN:**

Right, because I don't want to start cherry picking, you know, municipal facilities and saying, "Okay, we're no longer going to provide the same protection of police coverage."

**MR. ZWIRN:**

The question is is when •• and it's done by an administrative order, the airport closes down. We now •• I don't know how many police officers we have assigned there on a full•time basis, but when the ••

**LEG. SCHNEIDERMAN:**

What time does it close?

**MR. ZWIRN:**

Eleven thirty.

**LEG. SCHNEIDERMAN:**

But people •• apparently planes still land after that point, no?

**MR. ZWIRN:**

No. The airport shuts down because I think there were complaints in the neighborhood and the airport's operations are stringent, very restricted as to when their period of operation is.

**LEG. SCHNEIDERMAN:**

Okay.

**MR. ZWIRN:**

So they •• and it's not part of this resolution but it's by administrative order by the County Executive that he's worked with the Police Commissioner and saying, "Look, when the airport is closed we do not need the same amount of coverage." It's still in a sector, there will still be police officers available, if there's an incident at the airport the police can respond, they're not leaving the area, but the fact is that they certainly don't get the same kind of detachment there during the hours it's closed as when it's the hours of operation when there are passengers passing through.

**LEG. SCHNEIDERMAN:**

What does that have to do with the Legislature, though? Can't Commissioner Dormer •• you know, can't they make this decision unilaterally ••

**MR. ZWIRN:**

It's not in this ••

**LEG. SCHNEIDERMAN:**

•• to say, "Hey, we're going to change the way the police, human resources are redeployed"?

**MR. ZWIRN:**

Yes, and it's being done •• it's not coming before the Legislature, it's not in this bill.

**LEG. SCHNEIDERMAN:**

So what exactly is in this bill that pertains to McArthur Airport that is saving us money?

**MR. ZWIRN:**

What the County wants to do is they have had a tough time over the last couple of years with Supervisor McGowan to make application to the Federal government to get certain money that's available to Suffolk County through its police presence at the airport; they couldn't get certain documents signed and submitted, for whatever reason. Now they're saying they want the Town of Islip to file those documents that the County can get reimbursed from the Federal Government, from Homeland Security Funds, and if they refuse to do it they're going to withhold money that would be going to the Town of Islip. They want to try to say, "Look, we have Suffolk County taxpayers, the people in your district are paying for this when they could get money reimbursed". Why would one town ••

**LEG. SCHNEIDERMAN:**

Is that what the bill says, though, that if you don't ••

**MR. ZWIRN:**

Why would one town want to be vengeful against the rest of Suffolk County?

**LEG. SCHNEIDERMAN:**

Then the bill ought to be quite specific and say that if, you know, the forms for reimbursement for Federal funds are not submitted, then the County will do X, Y or Z; is that what it says? It doesn't seem like that's what the bill is saying.

**CHAIRMAN MONTANO:**

I'm sorry, I missed ••

**LEG. ALDEN:**

It's still extortion.

**LEG. SCHNEIDERMAN:**

What Ben is saying is that what the County Executive is doing is find a way to really mandate or require that the Town of Islip puts in for the Federal reimbursement for those services.

**LEG. ALDEN:**

Discretionary reimbursement forms; come on.

**MR. ZWIRN:**

Legislator Alden, but that ••

**LEG. SCHNEIDERMAN:**

Well, what's the big deal of putting in for the forms?

**MR. ZWIRN:**

•• effects everybody else in Suffolk County. I mean, why wouldn't they do that to try to benefit the rest •• without hurting the people in the Town of Islip, they're punishing everybody in this ••

**LEG. SCHNEIDERMAN:**

Well, if we're entitled to the money, the Town of Islip ought to be filing those forms.

**CHAIRMAN MONTANO:**

Right, I don't think anybody has a problem with that.

**LEG. SCHNEIDERMAN:**

But that's not what the bill is saying.

**CHAIRMAN MONTANO:**

But that's not what the bill says.

**LEG. SCHNEIDERMAN:**

There's a disconnect there; I think if that's simply what the bill said we'd be okay.

**CHAIRMAN MONTANO:**

Legislator Schneiderman, are you ••

**LEG. SCHNEIDERMAN:**

Well, I had some other questions.

**CHAIRMAN MONTANO:**

You're a cosponsor, you know that.

**LEG. SCHNEIDERMAN:**

I know, and the County Executive called me and told me all the controversial things were taken out and then I see the tobacco cessation thing which to me still is controversial, I don't see why that should be in it. I have questions which I didn't have before about this, about the police at McArthur issue, but I think Cameron Alden raises some really legitimate points.

But I wanted to find out, the big money here I think is in this mortgage filing fee which is going up from like I think \$75 to \$175 when mortgage papers are filed with the Clerk; am I understanding? That's like a \$20 million item, these other things are like a half of million here, right? I see Mr. Lipp is nodding his head. Can I get clarification in terms of this resolution as to where the money is? And then I also wanted to know about sales tax revenues because the whole thing is predicated on closing a hole of some 50 or \$60 million and that's all based on a projection of sales tax coming in at 3%, and I want to know if our •• if there's any indication that our sales tax projections are wrong and whether doing all these things that may not be necessary at all; can I get some response?

**MR. BORTZFIELD:**

Sales tax projections at this stage of the game are in line with what our projection are for the end of year, to actually make our budget numbers that have been put in for the 2006 adopted budget. Yes, if you look at the numbers that have come in for the first quarter of this year, the percentage that has increased is rather high, but that's going •• it's a very low•base

from 2005 because we had a major reduction in 2005.

This part of our projections for '06 is that we would have to have a very large first quarter for the year to be able to carry these projections through for year•end. All our projections, through our economists and through own projections •• and I'm not speaking for the Budget Review Office, but their projections are in line also with those projections •• that we are on target to meet the numbers for 2006.

**LEG. SCHNEIDERMAN:**

Now is this hole in the budget based on us meeting the numbers?

**MR. BORTZFIELD:**

Absolutely; if we don't meet the numbers then obviously the hole will get bigger.

**LEG. SCHNEIDERMAN:**

The hole is bigger, but if we exceed the numbers the hole is going to be smaller.

**MR. BORTZFIELD:**

That's always possible.

**LEG. SCHNEIDERMAN:**

But there's no indication yet that we're going to exceed the •• what did we project, 2.75 or 3% growth in sales tax revenues?

**MR. BORTZFIELD:**

Well, it depends on what uses the base, it's about 3.2% over the actual •• of last year.

**LEG. SCHNEIDERMAN:**

That's what the budget is based on, three point two.

**MR. BORTZFIELD:**

That's what the budget is based on.

**LEG. SCHNEIDERMAN:**

Okay. Any other comments on that issue? So we're basically •• that 50 million or \$60 million hole is real in everybody's estimation? Because it seems like every year we talk about this and then we end up with a 50 or \$60 million a year surplus and then we're all scratching our heads saying, "Well, why did we cut all these things out?"

**MS. VIZZINI:**

It's not a hole in the 2006 budget, it's that 2007 is likely to cost more and these are in lieu of raising other sources of revenue to meet those costs. So you're ••

**LEG. SCHNEIDERMAN:**

So your expert opinion is that yes, this •• the hole in 2007 •• we have to do something to address the 2007 budget now in 2006.

**MS. VIZZINI:**

You have options available to you that include raising General Fund property taxes, accessing Tax Stabilization Reserve, cutting expenditures or coming up with other sources of revenue; those are your classic options.

**LEG. SCHNEIDERMAN:**

Okay, so this is one plan that we're discussing. And of this plan, can you break down at least sort of where the money is and how we're saving our \$50 million or whatever it might be through this plan?

**MS. VIZZINI:**

As you said, the big chunk is ••

**LEG. SCHNEIDERMAN:**

Your mike is •• can you try a different microphone? You're going in and out.

**LEG. VILORIA • FISHER:**

You sound like you're on a cell phone.

**MS. VIZZINI:**

Can you hear me now?

**LEG. SCHNEIDERMAN:**

Yes.

**MS. VIZZINI:**

As you said, the big chunk of money is in the filing fee and I'm going to just ask ••

**LEG. SCHNEIDERMAN:**

I think you might •• I just want my other Legislators to hear this discussion, because I think it's important as we proceed with this discussion ••

**LEG. VILORIA • FISHER:**

To see how it breaks down.

**LEG. SCHNEIDERMAN:**

•• to see where the savings are. So if we going to consider revising this and eliminating one thing or another, we ought to know what the economics of this is. Gail, I'm sorry.

**MS. VIZZINI:**

Right. Very briefly, you're foregoing all the cash, all the pay•as•you•go money, \$7.5 million, the appropriations will be stricken from the Operating Budget.

**LEG. SCHNEIDERMAN:**

Seven point five, I don't have a problem with that; 7.5, okay.

**MS. VIZZINI:**

There's the anticipated revenue if we do get the Federal monies for the changes •• applying for the Federal money from McArthur Airport, there's \$400,000 anticipated.

**CHAIRMAN MONTANO:**

Gail? Gail, I'm sorry, may I just interrupt you on that? The money from McArthur Airport, is it possible to apply for that money retroactive to 2001? I mean, is there a remote possibility that we can get reimbursed going back

to 2001?

**LEG. ALDEN:**

Slim to none and slim just left ••

**CHAIRMAN MONTANO:**

Well, no, I'm asking her from ••

**MS. VIZZINI:**

If you don't apply there's no possibility, so.

**CHAIRMAN MONTANO:**

Well that I know. But, I mean, assuming that you apply, don't you think the books are closed, you know, by now for 2001? That's the assumption that I'm working under.

**MS. VIZZINI:**

Quite frankly, I don't know we.

**CHAIRMAN MONTANO:**

Okay.

**MS. VIZZINI:**

We always suggested that maybe we should apply and the only thing I know specifically is that there have been some frustrations between the County and the former Supervisor in terms of signing off on the paperwork.

**CHAIRMAN MONTANO:**

Do you know how much money we're talking about in terms of having to apply for?

**MS. VIZZINI:**

One point two million.

**CHAIRMAN MONTANO:**

Per year?

**MS. VIZZINI:**

One point two million ••

**CHAIRMAN MONTANO:**

Per year.

**MS. VIZZINI:**

Four hundred thousand a year.

**CHAIRMAN MONTANO:**

Okay.

**LEG. SCHNEIDERMAN:**

Oh, 1.2 million over the course of time.

**MS. VIZZINI:**

Yes.

**LEG. SCHNEIDERMAN:**

But, you know, chances are that that money is not available, it's in Iraq or Katrina or somewhere else. I think we •• I think we ought to proceed with the \$400,000 figure.

**LEG. VILORIA • FISHER:**

Yes.

**LEG. SCHNEIDERMAN:**

You know, if you want to go back if you get a windfall, but I wouldn't bank on it.

**CHAIRMAN MONTANO:**

Right, okay.

**MS. VIZZINI:**

Right. Even Ben ••

**CHAIRMAN MONTANO:**

Go ahead, because we have Legislator D'Amaro who also wants to ask some questions, so finish up.

**LEG. SCHNEIDERMAN:**

Right, if I could just ••

**CHAIRMAN MONTANO:**

Are you done, Jay?

**LEG. VILORIA • FISHER:**

No, he's not.

**LEG. SCHNEIDERMAN:**

No, she's going through the economics of this bill and where the money is, I think this is important. So 400,000 for the Federal money for McArthur.

**MS. VIZZINI:**

Yes. And Ben advised me that this is going forward, not trying to recap the 1.2 million.

**LEG. VILORIA • FISHER:**

And Gail, what about the redeployment savings, the 472; are you counting that?

**MS. VIZZINI:**

That's •• that would be •• I think that's the graveyard shift.

**MR. ZWIRN:**

Right.

**LEG. D'AMARO:**

I really just have to chime in very quickly on this.

**CHAIRMAN MONTANO:**

All right, yeah.

**LEG. D'AMARO:**

If you read the language of the bill on the Islip section, it talks about not limiting the period, the look back period because why would we. What it says, though, Islip would only be •• what I would call a penalty what my colleague would call extortion •• Islip would only be, under that provision, to the extent that it does not receive legally eligible share of Federal funds. So if it's determined that it's not retroactive and we're not legally eligible, it would not kick in the penalty provision, so I think it's a moot issue.

**LEG. VILORIA • FISHER:**

Right.

**LEG. D'AMARO:**

The fact of the matter is why not apply back to September 11, 2001, and if it's not legally eligible then so be it.

**LEG. SCHNEIDERMAN:**

That's fine, but for budgetary purposes, I think the only thing that's reasonable to look at right now is the 400,000 going into the future.

**LEG. D'AMARO:**

You know, we can talk about that, I tend to agree with that also.

**LEG. SCHNEIDERMAN:**

Right, and not so much ••

**LEG. D'AMARO:**

But I just want to point out again, though, that it doesn't hurt to apply going back.

**LEG. SCHNEIDERMAN:**

I understand the language doesn't preclude us from seeking those revenues, but right now I'm strictly looking at the budgetary impact of it.

**CHAIRMAN MONTANO:**

All right. Gail, proceed please.

**MS. VIZZINI:**

Sure. The Tobacco Cessation Reform ••

**LEG. VILORIA • FISHER:**

I'm sorry, Gail, but in the McArthur Airport, isn't it •• am I reading it wrong? I thought it was an \$800,000 savings because it's \$400 that would be reimbursed •• I mean, 400,000 reimbursed and 482 saved from redeployment, so that's 800,000?

**MS. VIZZINI:**

Yes.

**LEG. VILORIA • FISHER:**

Okay.

**LEG. SCHNEIDERMAN:**

But that redeployment could happen with or without this bill, so.

**MS. VIZZINI:**

Yes, yes, as can applying for the grant. The only thing that ••

**LEG. VILORIA • FISHER:**

Right, he's just trying to give us a package.

**MS. VIZZINI:**

•• they probably need the bill for is the authorization in the event that they need to withhold appropriations.

The tobacco •• you have all seen the previous version, in lieu of having the appropriations for the program, cutting the program, we've come to the possibility that we may charge the users of the program, so there's revenue associated with that.

**LEG. SCHNEIDERMAN:**

How much is that, do we know?

**MS. VIZZINI:**

Do you have any projections on that, Bob?

**MR. BORTZFIELD:**

The revenue projection on that is approximately half a million dollars.

**MS. VIZZINI:**

Right.

**LEG. SCHNEIDERMAN:**

In fees that we would charge people going through the Tobacco Cessation Program?

**MR. BORTZFIELD:**

The people and the insurance, the reimbursements.

**LEG. SCHNEIDERMAN:**

And currently that is paid for with Tobacco Cessation Funds.

**MR. BORTZFIELD:**

Right, all the medications and what have you are provided free of charge at this point.

**LEG. SCHNEIDERMAN:**

I'm not thrilled about that. Okay.

**MS. VIZZINI:**

The next item is a modest \$200,000 reduction in appropriations, it just happens to be in light, power and water.

**LEG. SCHNEIDERMAN:**

What are we doing to get that?

**MS. VIZZINI:**

We're just deleting \$200,000 from the supplies account, it will go to fund balance.

**LEG. ALDEN:**

Can we get a little more smoke and a few more mirrors?

**LEG. SCHNEIDERMAN:**

All right, so we're just •• this is just a budget deletion, lowering an account, that's not •• we over funded.

**MS. VIZZINI:**

No, we definitely did not over fund it.

**LEG. SCHNEIDERMAN:**

Then how are we able to lower it and pay the bill out of that account?

**LEG. ALDEN:**

Smoke and mirrors. Voodoo economics.

**MR. BORTZFIELD:**

It was less expensive the first quarter than was projected for this year, so a 200,000 ••

**LEG. SCHNEIDERMAN:**

So then it is over funded.

**MR. BORTZFIELD:**

•• reduction is reasonable.

**LEG. SCHNEIDERMAN:**

Okay, so the budget line is •• we put more money into that line than is going to be used for the year, so we're going to take 200,000 out.

**MS. VIZZINI:**

The next item will also be addressed in a separate resolution but it is tantamount to we're going to cap the Tax Stabilization Reserve Fund giving the Legislature back its discretion where it can return as much as a hundred percent to the taxpayer, or once we've reached the \$120 million cap collectively with the Tax Stabilization Reserve and Debt Stabilization

Reserve, you can exercise some discretion. Right now you must return 75% to the taxpayer and you must put 25% of the Discretionary Fund balance in to Tax Stabilization Reserve. And if you're going to do that, you'll have the discretion to put those monies into the items that are listed on page three, Debt Stabilization Reserve, snow removal, prepare for potholes, energy and disaster preparedness, these are some of the items.

**LEG. SCHNEIDERMAN:**

So what do we estimate that will kick in to the budget per year, once we hit that •• we're close to the 120 cap now, right?

**MS. VIZZINI:**

We're almost there. It would mean that we would not have to make a \$10 million deposit into Tax Stabilization Reserve at the end of 2006.

**LEG. SCHNEIDERMAN:**

Right. So I can put down \$10 million in terms of the budgetary impact?

**MS. VIZZINI:**

I'm sorry?

**LEG. SCHNEIDERMAN:**

Are you saying it's a \$10 million item; it will give us \$10 million more in 2007 to play with.

**MS. VIZZINI:**

At least that, it could be 20 million, and in that we would already be over that cap.

**LEG. SCHNEIDERMAN:**

So conservatively ten million?

**MS. VIZZINI:**

Yes, conservatively.

**LEG. SCHNEIDERMAN:**

All right. Can I ask a question on that issue? Because, you know, I've

worked on reserve polices before and typically we don't state a number like 120 million, typically we state a percentage of the operating budget. Because 20 years from now 120 million won't be what it is today and this bill would still be part of the County laws. It just seems to me whatever •• 120 million may be a good number, that's a certain percent of our operating budget, I'd rather see language that said 120 million or X percent of the operating budget, whichever is higher.

**LEG. SCHNEIDERMAN:**

Just because it's a better fiscal policy to me.

**LEG. VILORIA • FISHER:**

It gives the flexibility.

**MS. VIZZINI:**

That's a very reasonable recommendation. We had discussed using a percentage, as you mentioned, but this is the version that's before us.

**LEG. SCHNEIDERMAN:**

Okay. Is there more?

**LEG. VILORIA • FISHER:**

Yeah, the mortgage.

**LEG. SCHNEIDERMAN:**

There's the mortgage, right.

**MS. VIZZINI:**

Yeah, the big ticket item is the filing fee which I'm going to ask Bob to explain, and a minor savings from OTB, \$500,000 in terms of some efficiencies. I'm just going to defer to Bob.

**MR. BORTZFIELD:**

The filing fee is the uniform filing application for mortgage related documents, we have legislation that we're pending in Albany regarding this based on setting a uniform fee rather than a per page fee for these filings. Mortgage documents would provide approximately \$21 million annually to

the County of Suffolk in recurring revenues.

**LEG. SCHNEIDERMAN:**

And Bob, that requires Legislative action in Albany?

**MR. BORTZFIELD:**

It requires Legislative action in Albany, that's correct.

**LEG. SCHNEIDERMAN:**

You got odds on that happening is that something that's likely to happen, not likely to happen? Because everything else so far we can kind of •• we can do on our own, this is the first thing that you've mentioned that we can't on our own achieve.

**MR. ZWIRN:**

Yes, we had •• one can never know what will happen up in Albany, but we've had assurances that they're •• we have a Senate sponsor from Long Island and I think an Assembly sponsor from Long Island, so I think there will be bills in both houses. And they're staying later up in Albany than they had, but they're fighting over vetoes, I mean, there's a lot going on. But we were assured that we'd have a good shot at this, in part because the State gets a portion of revenue going forward as well. So the percentage of the new fees, we would go to the State coffers as well as going to the County coffers, so there was some incentive on the State part to take a look at this.

**LEG. SCHNEIDERMAN:**

Okay. So this is whenever ••

**MR. ZWIRN:**

It's also been recommended by the Clerks across New York State to have the uniform fees because right now it's difficult.

**LEG. SCHNEIDERMAN:**

Right. But what that fee might be is going to vary probably throughout the State, this uniform fee, and I don't know if 175 is onerous, whether it's not

onerous. What is it right now that somebody typically pays?

**MR. ZWIRN:**

I think it varies depending on the size, the number of pages in a mortgage and that makes it difficult.

**MR. KOVESDY:**

It also includes real property.

**LEG. SCHNEIDERMAN:**

So if somebody refinances their home they're going to pay a fee, right now •

**MR. ZWIRN:**

I think the biggest part of this is ••

**LEG. SCHNEIDERMAN:**

•• it typically might be around 75 bucks or a hundred bucks?

**MR. ZWIRN:**

I think the biggest part of this is with the satisfaction of mortgages, that's where the biggest number is, and I think it raises it from like \$75 on the average to \$175. So when you're selling your house and moving or leaving the County, instead of paying a \$75 fee, and with the price of houses today, adding the \$100, while it means a lot to Suffolk County coffers, it's not a major hit on somebody who's selling a house for hundreds of thousands of dollars.

**LEG. SCHNEIDERMAN:**

Okay, so that's the big ticket. Is there •• did we leave anything out?

**LEG. D'AMARO:**

What about OTB? Jay, what about the last one?

**CHAIRMAN MONTANO:**

She said 500,000.

**LEG. D'AMARO:**

She did?

**CHAIRMAN MONTANO:**

Well, she said a modest amount at OTB.

**LEG. VILORIA • FISHER:**

I have 40 million.

**LEG. SCHNEIDERMAN:**

Yeah, roughly \$40 million. Of that 40 million, though, you know, it seems to me the cap on the Tax Stabilization Fund, that's probably not going to be controversial, the filing fee maybe but probably not that controversial, and the pay•as•you•go won't be controversial. But we have a bunch of other things that really won't add up to a lot of money, maybe a million and a half dollars, a small portion of this that is. And it just seems to me if we want to go forward in a unified fashion, we might want to work together with the County Executive to say, "Okay, let's do 90% of this and let's move it forward."

**CHAIRMAN MONTANO:**

What was that?

**LEG. SCHNEIDERMAN:**

What I'm saying is that, you know, 90% or so of this savings are things that I think we by and large will agree on, and then there's a few things that are going to be controversial that don't really add up to a lot of money. And we might want to reach out to the County Executive to say, "Let's take some of those controversial things out and let's move forward with this bill in a unified fashion," I think might make more sense.

**CHAIRMAN MONTANO:**

All right. I have •• Jay, are you ••

**LEG. SCHNEIDERMAN:**

Yeah, that's it.

**CHAIRMAN MONTANO:**

Legislator D'Amato has the floor.

**LEG. D'AMARO:**

All right, thank you. I want to jump back to the Tobacco Cessation portion. Does anyone know, for a typical person utilizing the program, what the total cost of the pharmaceuticals are in that program? If I went in there today and started that program and I was successful, what would be the total amount I would receive in dollars?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

The estimated cost on average, according to Deputy County Executive Fred Pollert for Finance, is \$1,290, that's the average cost for somebody who completes the entire program.

**LEG. D'AMARO:**

All right, so it's roughly \$1,300 for a successful candidate average, average cost.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Correct.

**LEG. D'AMARO:**

Okay.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

There's between one thousand and twelve hundred people who participate in the program on average in the course of a year, if that helps.

**LEG. D'AMARO:**

All right, on the Islip reimbursement, I see that as a positive necessary step to protect the residents of Islip, in fact, as Suffolk County taxpayers. They share the same hat as every other taxpayer in this County, that pays County taxes for our Police District, it's wildly expensive, we pay them in Babylon and Huntington that I represent. And if the Town of Islip, for some unexplainable reason, has been unwilling to apply for funds that are not available, I think that's a detriment to Islip taxpayers. I have no problem

imposing a penalty because we have been pushed to a point where they need to fulfill this obligation.

So again. Legislator Schneiderman brought up the fact that, you know, did we want to look at the Smithaven Mall, but you know what, you can't get Homeland Security reimbursement for Police protection at the Smithaven Mall. So I really don't have a problem with that and I don't have any other comments at this time.

**CHAIRMAN MONTANO:**

Legislator Viloría•Fisher and then Legislator Alden.

**LEG. VILORIA•FISHER:**

Thank you, Mr. Chair. When I read the portion of this regarding McArthur Airport, I think I concur with some of the comments made by Legislator D'Amaro earlier, the only thing that confused me was the second RESOLVED which was about the chargebacks; if you could just explain that to me, Paul, what you meant by the second RESOLVED.

Because I thought that the impetus of the McArthur Airport issue was that we were just looking for them to get the paperwork done so that we could get our reimbursement from the Federal government for the Homeland Security, the additional police there and get that \$400,000 from the Federal government, and they had been remiss in filing the appropriate forms in the past, and so we're trying to compel them to do that paperwork. So I'm not quite certain of the second RESOLVED which is under the heading of McArthur Airport, it says second RESOLVED; can you just explain that?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

May I just go over the whole thing, because the communication back to me was that ••

**LEG. VILORIA•FISHER:**

Can you just go over that paragraph so that I could have that paragraph clarified, because we've been talking about this for a long time now; just that one paragraph.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Okay. The concept in the second paragraph was to have leverage to create the requisite pressure based on previous successful strategies to secure whatever the County is entitled to. You have to keep in mind that Homeland Security as a concept, as an item for eligibility for reimbursement only began with 9/11. To the extent that the Town of Islip, either by mere omission or by, you know, willful refusal to file the requisite applications caused the County to miss an opportunity to collect a reimbursement we would have been entitled to, we want to have the opportunity, not close the door, to recoup that money. I don't know for sure if in filing an application with a cooperative town board in the Town of Islip will automatically result in the ability to go back and collect the monies we were entitled to, but the purpose of that clause is to at least keep open the door of opportunity to try to collect every dollar we're entitled to.

I can't even guarantee that the current town board is going to pass the requisite resolution or that •• there is no Supervisor now, so you don't even have the ability to •• first of all, one person wouldn't be binding anyway. But we know for sure that in the previous administration, despite repeated requests from the County Executive in writing to file the application, former Supervisor McGowan refused to send the letter. So we're saying we don't want to lose the opportunity if there was something out there we can still collect, and clearly on a prospective basis we want the ability to collect it. That's the purpose of that clause.

**CHAIRMAN MONTANO:**

Are you done?

**LEG. VILORIA • FISHER:**

Yeah, I'm just not seeing that in that clause. In that clause it's saying •• I understand that in the second clause about withholding payment if the paperwork isn't filed, but in what's called the second RESOLVED here it says, "Is hereby authorized and empowered to take all measures to establish a chargeback to the Town of Islip." So you're saying if we don't get the reimbursement from the Federal government, this will make it possible for us to charge back the Town of Islip for the costs incurred for that security that we made available?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

That's correct, because in order for •• whatever the application is that ultimately gets filed, hopefully with a new cooperative town board, is going to have to make an application for the maximum amount of money that we're entitled to. One of the things we need to do is establish what the chargeback, you know, what the credit or the reimbursement we would have sought to be entitled to from the period of 9/11 to the current date. So we're just basically saying we're going to chargeback and we're going to establish the formula and the quantification of how we intend to be reimbursed and then we're going to use that as the predicate for whatever application we're able to file if we get the cooperation of the town. We can't do it on our own.

**LEG. VILORIA•FISHER:**

Now if we don't get something from the Federal government, then does this RESOLVED permit us to charge Islip for it? I mean, is Islip going to wind up having to provide the financing for this if we don't get it, if we do file the applications?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

If it turns out, if it turns out that we were entitled to money for that period of time, and because of some act on the part of Islip that caused us to lose the opportunity for that money, yes, we're going to seek to recover that money. If it turns out that we were not entitled to that money under any circumstance then no, we wouldn't.

**LEG. VILORIA•FISHER:**

Going back retroactively to ••

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Going back to the beginning of Homeland Security. Homeland Security began in 2001, correct.

**LEG. VILORIA•FISHER:**

And how much would •• if we're anticipating that this year is 400,000, then we're going back •• so we're going to be charging them for 120 or

\$160,000?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

The \$400,000 is just an estimate, we don't know exactly how much we would be able to get under the Federal formula because we've never had an application filed. We just made an estimate that it would be 400,000 for one year and 400,000 for another year. Some of the numbers that were thrown around back at the beginning were there could be as much as 1.4 million, we didn't put that dollar amount in because we're trying to be conservative. That's just an estimated revenue, that's not a locked-in figure. The \$400,000 is just ••

**LEG. VILORIA • FISHER:**

But based on that estimated revenue, what I'm saying is then if we don't get that reimbursement going back to 2001, so are you suggesting that we would charge the Town of Islip for \$1.6 million ••

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

No, we would ••

**LEG. VILORIA • FISHER:**

•• for the four years previous?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

We would seek that amount to which we otherwise would have been entitled under whatever the Federal formula was for whatever the period of time was that we were eligible if, in fact, it turns out that ••

**LEG. VILORIA • FISHER:**

Yeah, I understood that. But what I'm trying to ••

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

I don't know what the dollar amount is going to be.

**LEG. VILORIA • FISHER:**

Okay. I know, but I'm working on this predicate, that you're assuming ••

let's work with 400,000 because it's the operating number.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Okay, 400,000, it turns out ••

**LEG. VILORIA • FISHER:**

But let me just finish putting this into a question again. Let's say we petition the Federal government to give us the reimbursement, the Federal government says, "Too late, we don't give it retroactively. If you had applied for it in 2001 we would have given it to you in 2001." So does this legislation then say if the Federal government says, "You're out of luck, we're not giving you for those four years," then are you saying with this legislation that we will charge Islip Town \$1.6 million? Because for lack of submission of paperwork for those four years, we were left out of our cut of the pie; is that what you're saying.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Yes, under your hypothetical with that figure, yes; the answer is yes.

**LEG. VILORIA • FISHER:**

Okay, that was the answer. Thank you. I just wanted to understand what that was saying.

**LEG. D'AMARO:**

Could I just follow•up on that point very, very briefly?

**CHAIRMAN MONTANO:**

All right, I'm going to ••

**LEG. D'AMARO:**

Out of order, I apologize.

**CHAIRMAN MONTANO:**

Let Legislator D'Amaro finish up, he did have the floor before that.

**LEG. D'AMARO:**

The way I read this bill, and I think I'm hearing something different from the

Chief Deputy County Executive, is legal eligibility is determined now, it's not determined as of the time we should have made the application.

So my point was this; my point was that if we apply today retroactively to 2001 and we are not legally eligible to receive the retroactive payments because of failure to make a timely submission, then it would not kick in the penalty clause. As opposed to saying would we have been eligible back in 2001 and the answer was yes and there was no timely submission, the penalty clause would kick in, I think there's a vast difference between the two interpretations. I'd like to know when is legally eligible determined, as of now or retroactively?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Okay. If we were, under the formula ••

**LEG. D'AMARO:**

Right.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

•• entitled to "X" amount of dollars, under Legislator Fisher's proposal it was \$400,000.

**LEG. D'AMARO:**

Right.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

And the key is it turns out that our inability to recover that money was because the Town of Islip failed to take whatever the requisite, appropriate, necessary measures were to recover, we were legally entitled to the money but we lost it because of an act on the part of the Town of Islip.

**LEG. D'AMARO:**

Right.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

In that situation, we would attempt to recoup the money. If it turns out that

the way •• if it turns out that the way the formula is set up we weren't entitled to money for that period of time or you were only entitled to money for certain kinds of expenses and we didn't meet those expenses, then obviously we wouldn't make the move to recover the money.

**LEG. D'AMARO:**

So legally eligible means as long as the reason we don't get the retroactive payment is not because of the failure to make a timely application, there would be no reimbursement. If it was based on a failure to make a timely application, we would be seeking the reimbursement from the town back to 2001.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

If that's what precluded us from getting something to which we otherwise would statutorily have been entitled to.

**LEG. D'AMARO:**

Well, isn't that a problematic clause at this time? If you just stated we don't know how much that would be, how can we make an informed decision on that?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

The reason I think it's important that we have it in there is that we have a fiduciary responsibility to the taxpayers of Suffolk County to make certain that we pursued all of the available aid that we were potentially entitled to. To simply step back and say former Supervisor McGowan's failure to take appropriate action should be ignored and put to the side to the detriment of Suffolk County taxpayers I think would be irresponsible on the part of those of us who have a fiduciary responsibility to try to recover the money. I can't guarantee it's going to be successful, but ••

**LEG. D'AMARO:**

Right, but the reality ••

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

•• if you take that out, if you eliminate that you've basically acquiesced ••

**LEG. D'AMARO:**

•• of that is if the Supervisor failed to take that action, you're going to come •• you're going into the pockets of the taxpayers of the Town of Islip. So, you know, maybe that analysis makes sense, you know, in theory, but in effect, if it turns out to be a large sum of money, you know, that's something that we need to consider, you know, given the current state of high cost of living here on Long Island.

So I'm not necessarily disagreeing with you, I think as a County we should not look the other way when there were funds available and the town was •• had within their means the ability to get those funds. But at the same token, I would like to know if this penalty •• how much it is or should it be limited, because at some point you're just really going back to the taxpayers of the Town of Islip and asking to pay that penalty and we don't know what it is.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Well, I think another way to look at it is that if you stick with this clause and you follow through, the worst case scenario is that someplace in the future, whether it's six month from now or a year from now, we're in a position to assess, okay, maybe we're going to get \$500,000 and it's not worth pursuing, or maybe we're going to get a million and a half dollars and it's too burdensome to the people of Islip, but at least you'll have the option to make that decision at a later date; if you wipe the slate clean today that option is gone forever. So to me it seems more •• it seems to me a more reasonable position to say let's maximize our leverage, let's maximize our capabilities, we live to fight another day and we can make that decision later on when we actually know what the numbers are. Because we're kind of in an awkward position here at not having the ability to control our own destiny in terms of filing a application, we're kind of shooting in the dark.

So preserving your options to recoup that money later on and you still have a chance at a later date to make •• you can make an independent judgment at that point and say weighing and balancing all the factors as you just stated, Legislator D'Amaro, maybe the Town of Islip would be overburdened to the detriment of those people. On the other hand, you might decide the rest of the Suffolk County taxpayers were subsidizing the Town of Islip and

maybe the judgment would be that the benefit for all of the taxpayers in the rest of the County, you know, would prevail, but you'll be in a position to make that decision at a later date. Today if you give it away you've lost the option; I'm not saying you can't do it, but if you give it away it's gone, as long as you understand that.

**LEG. D'AMARO:**

So you're saying let's keep the tool available and if it turns out to be something later on that we decide is too cost prohibitive, we can always modify that.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Absolutely, this is a resolution, this is just a starting •• this is the starting point of a process that's going to probably take over a year to resolve.

**LEG. D'AMARO:**

Thank you.

**CHAIRMAN MONTANO:**

All right.

**LEG. ALDEN:**

I'll yield. I'll yield to Legislator Vilorio•Fisher.

**CHAIRMAN MONTANO:**

All right, we're going to yield to Legislator •• Legislator Alden is going to yield to Legislator Fisher. I just have one question because you said something I didn't understand. You referred to previously •• previous successful strategies in terms of the motivation for this bill; what are you talking about, what strategies were previously employed and how were they successful?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

In 1998, 1999 the County Legislature wanted •• had passed legislation •• actually had passed legislation at the beginning of the decades, of the 90's, requiring all of the towns to have a separate line item on the tax bill for tax certioraris. The concern in the decade of the 90's was that the towns would

artificially inflate the County portion of the tax bill by passing tax certiories which were under the control of the towns on to the portion of tax bill that adversely reflected on County elected officials. The County •• the towns ignored that statute for a period of several years. Finally in 1998 and 1999, this Legislature passed a Local Law and said exactly what you see in that paragraph, we're going to withhold payment until you come into compliance with a goal that we wish to achieve. It ultimately led to litigation, but at the end the matter was settled on terms that were favorable to the County because we got the separate line.

What the town attorneys and the supervisors told us at that time was that when we passed the bill that said we're going to withhold money, that got their attention and that's why we were successful.

So I've said to everybody from day one, there's nothing secretive about this, it's not revelation. The point of this is a strategy to try to accomplish our goal by creating leverage, it worked extremely well in 1998 and '99 because that bill had been ignored for about six or seven years.

**CHAIRMAN MONTANO:**

All right, I don't see the •• I don't really see the relationship between that and this, but I'm not going to pursue that. Legislator Fisher, Vilorina•Fisher, you had a question?

**LEG. VILORIA•FISHER:**

Well, actually Counsel just answered the question which was that I was concerned about the second RESOLVED because I didn't see an "if then" clause attached to it. That it just seemed that we would be establishing a chargeback, just distinctly having a chargeback, but Counsel just explained to me that you have to read the second and third RESOLVED in •• you have to maintain the continuity between the second and third RESOLVED and that the third RESOLVED does indeed establish that if then clause that would trigger that chargeback.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

That's correct.

**LEG. VILORIA • FISHER:**

I just wanted that clarified.

**CHAIRMAN MONTANO:**

We're going to try and wrap this up. Legislator Alden, you had some •• you've been waiting to ask some questions.

**LEG. ALDEN:**

I'm going to start with McArthur Airport. Very interesting and be careful what you wish for, because if anybody in this Legislature thinks that you can force a town where we have no right to the money, we absolutely have no right on our own to any money, we're going to force a town to put in an application for a grant. Because the Ford Foundation has plenty of money available, so does the Rockefeller Foundation, and towns haven't applied for that money for the betterment of Suffolk County either. So every town is going to be affected for basically tens of millions of dollars.

So we can shut down all the programs to help kids, seniors, people, young folks that got themselves in trouble and now they're in a program that's funded in part by the County, but that's what we're going to do, we're going to extort that money from the Town of Islip to get them to go and apply for something that we can't apply for on our own, so we have no legal right to that money. That's a very interesting concept and it can be extended by that thought or by that line of reasoning to every grant that's out there, that a town or a village hasn't applied for that might benefit the County of Suffolk. So I would expect this to be 100% evenhanded as far as the application, so we're talking about tens or twenties of millions of dollars on other villages and other towns that they should have applied for grants that could have helped us in any way, shape or form. And I'm not limiting it to Homeland Security, this should be right across the board, that's number one.

Number two, the last time I looked, a real good portion of the satisfactions of mortgages were, guess what, people who were staying right here in Suffolk County, not people who were leaving. So probably upwards of 90% of the mortgages that get satisfied, and I'll give you a couple of little for instances. Somebody is buying another home, they satisfy their mortgage,

they stay in Suffolk County, they buy another home; somebody is just taking little equity out, they satisfy their mortgage, they stay right here in Suffolk County, so a tax is a tax is a tax is a tax. And shame on us if we can't find some other place to get money to run government or be honest with people tell them, "Here's what we're going to do. This is a tax. We're going to tax you because you're staying in Suffolk County, but we're going to hit you with an extra tax. Right now you pay \$75, under our new plan we're going to charge you \$175 to stay here." So let's just be honest with people and let's do the tax thing in a straightforward manner.

I'm very, very •• like I said before, I'm deeply troubled by what we're going to do with this tobacco settlement. This is insane. We're getting 20, \$30 million a year to provide cessation programs and now we're going to turn around and charge people. I'm starting to warm up to the idea that if somebody has insurance, let the insurance company pay us for some of the pharmaceuticals or some of the outlays, that's almost like a fair thing. But for God's sakes, folks, we're getting that money to help people and now we're going to charge them because we're going to spend that money someplace else; in our infinite wisdom, we're going to spend it elsewhere and not help the people that that money was designed to come back and help. I'm just perplexed. You know, what are we doing? Let's think about what we're doing and then let's tell people, "What we're doing is we're going to hit you with more charges. We're going to tax you even when you're sick, even when you're addicted. We're going to charge you more money, we're going to extract money from you."

This whole bill, we've got to look at it, folks. This is not the right way to go unless you wanted to be out front and just tell people, "We're going hit you with charges. We're going to hit you with increased taxes. To the people in the Town of Islip, because there was a maybe possible grant out there that somebody could have applied for, we're going to it hit you with millions of dollars worth of law services. We're not going to go after you, but ultimately it will. It will hurt the most vulnerable in our society because you know what, the Town of Islip is not going to pay you a dime on this, so withhold your money. But guess what you're doing? You're going to withhold it from the guys in Rick's district and the people in my district that can't afford it, those are the ones that are going to get hurt.

**CHAIRMAN MONTANO:**

Legislator Viloría•Fisher has a question.

**LEG. VILORIA•FISHER:**

Actually, not a question, it was ••

**CHAIRMAN MONTANO:**

A statement?

**LEG. VILORIA•FISHER:**

Through the Chair, if I may just respond to something that Legislator Alden said. Because, as you know, I have always been very concerned about tobacco cessation and I did discuss this, and I actually voiced exactly the same concerns that you voiced, is it going to be poor people who are not going to be helped in quitting smoking? And I think the compelling argument that was posited was that if people aren't going to be charged anything, they're not going to submit insurance claims and we should be trying to get, recoup some insurance monies that are available. And that's why the people are going to be paying as they go and ••

**LEG. D'AMARO:**

But wouldn't they just use the money that they would buy their cigarettes with? I don't understand that.

**LEG. VILORIA•FISHER:**

Well, I was going to get to that, but I was trying to look at Cameron as I responded to this, which was they would be going to their insurance. And if it's pay•as•you•go and as Legislator D'Amaro just mentioned, if it's pay•as•you•go, it would be substituting for the money they would be paying for their cigarettes that week; you know, cigarettes have become so expensive. So it's not putting this on •• we were very careful, and I worked on this with Mr. Sabatino because I really didn't want to leave poor people out of the mix here and that's why they're not being hit with a full fee at the outset, it's what they would be spending on cigarettes.

**LEG. ALDEN:**

Viv, there's no protection for poor people. But we have to be honest, we were being paid and we are being paid tens of millions of dollars to provide this service to the people and now we're going to charge the poor folks. And you know what? It's a nice thing that they shouldn't be spending that money on tobacco, let them spend it on their children, let them buy the kids enough food or maybe enough clothing. They don't have to pay that to Suffolk County, we've already got tens of millions of dollars coming in. So the few people that aren't covered by insurance, let's even use the humanity or a little bit of a sense of decency, common decency, we've already got the money paid to us up front. Let's take care of the folks here that really can't afford this.

**LEG. D'AMARO:**

I tend to believe that if a person is in a tobacco cessation program and has to pay for the drugs or pharmaceuticals to get them off the addiction, you're better off asking them to pay something. Because I found in my life experience that if you don't feel the pain, if you're just given these things for free, you have less incentive than if you're going into your pocket and paying something towards the program. I think as a matter of human nature, if you're feeling a little bit of the pain yourself, I think that's a positive means to have people actually be more successful in quitting smoking.

And by the way, we're only asking them to pay what they would have paid for the drug, the cigarette to begin with. So, you know, I hear a lot of rhetoric here today about hurting poor people, but I think this is a program that would only take funds that they would have otherwise spent in killing themselves and adding to health care costs and asking them to spend some of it at least on tobacco cessation; they'll feel a little bit of pain monetarily, but I think that's a positive influence in trying to stick with the program.

**CHAIRMAN MONTANO:**

Okay. I thought we were going to wrap this up, apparently we're not. I would ask my colleagues to be brief because we have a full agenda, but I do have a new list.

I have a comment that I've been waiting to make and I'm going to make it

briefly, Paul. Yesterday when we discussed the RESOLVED clauses involving McArthur Airport, I had some concerns about the language. I have yesterday's bill in front of me, I made some notes on that and, you know, in neither of the RESOLVED clauses that appeared in yesterday's amended copy did we make any mention of retroactivity back to September 11, 2001. The suggested changes that I had requested simply had to do with the County's understanding that if we were to charge back, we would be charging back because of some type of failure on behalf of the Town of Islip or some kind of dereliction of their duty to apply for the monies that we're talking about. But nowhere in the conversation did it come up to a situation where we were talking about retroactivity back to 2001.

You know, as a Legislator from the Town of Islip, even though I'm a County Legislator, I am not going to impose that kind of standard on the residents of my town simply because their elected officials failed to do so something. So what I'm going to request, and I won't do it now but, you know, I am a sponsor, listed as a sponsor on this bill, but this is not the language that I was expecting. This is not the kind of change from yesterday to today that I thought would be in the bill, it goes beyond that and hopefully we'll have time to clear that up, but obviously there are some other issues with the bill. That's my comment on it. Legislator Schneiderman, you have the floor, Legislator Cooper preceding that, and Legislator Alden; I'd ask you to be brief.

**LEG. SCHNEIDERMAN:**

I'll try to be extremely brief. First on the McArthur issue. Paul, it just seems to me, you've raised some very valid points and if they •• you know, if they didn't submit the forms and they should have and we lost out money, we are entitled to that money; wouldn't we normally, though, do that through •• you know, first have the County Attorney research that issue, whether there's a chance to recoup those funds and then do it through a legal process, challenging the town and they can make their points and we can make our points? I'm concerned about withholding funds that are potentially going to Social Services and hurting the people of that district. It seems to me normally we would do this differently, through a legal process. If you want to respond to that and then I have one other quick thing relating to the tobacco cessation monies.

## **CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

We're not going to know what the dollar amounts are, we're not going to know what the eligibility is because we can't control our own destiny; this is not a situation where we can file the application. So the answer is, as I said before to Legislator Fisher, at some point in the process, after we establish •

- if we adopt this resolution and we establish a chargeback, identify the cost and, and, the big and here is if the Town of Islip cooperates and files the paperwork, this will preserve our right at that particular juncture to pursue the retroactive claim. I mean, clearly we have •• clearly if we pass the resolution, we've got the legal authority to make the assertion; if we don't pass the resolution it's gone, we will have started a process to only collect the money maybe on a prospective basis.

So the answer to your question is it's really at this juncture a policy choice and that's why I wanted to be real clear about it. It always made reference to Homeland Security; Homeland Security by definition is something that goes back to 9/11, so by definition the bill always talked about that; by definition, the chargeback and the attempt to withhold the money to exert leverage was always about trying to maximize our ability to recoup money.

The taxpayer argument, it depends on how you look at it. And I said before, it will be a balancing act at a later date, but you can •• from a Countywide perspective, if it turns out that Pete McGowan cost us a couple of million dollars because of actions that he didn't take or that he did take, that's to the detriment of maybe one million, one hundred thousand taxpayers in Suffolk County. The judgment at that point might be the collective wisdom of this County is that the 1.1 million taxpayers who were adversely affected should prevail over the 400,000 taxpayers who benefitted at the County of Suffolk expense for a certain period of time. I don't know what the final answer is going to be, but I'm giving you those options by writing the resolution this way.

## **LEG. SCHNEIDERMAN:**

It just seems that it jumps to the conclusion that we would be withholding funds. I'd rather have a separate bill that was asking the County Attorneys to commence an action with the Town of Islip to recoup any funds that we're

entitled to.

Let me jump to the other question which is I thought Legislator D'Amaro and Legislator Alden raised really good points relating to that \$500 fee for tobacco cessation. You know, not everyone who doesn't have insurance falls into this poor category who couldn't afford it, and it seems to me that we ought to have some kind of sliding scale or some income eligibility so that somebody who really couldn't •• \$500 is a lot of money and somebody who really needs the program and can't afford that \$500 ought to be able to get paid, get something reimbursed through this tobacco cessation fund.

**LEG. D'AMARO:**

But they're buying the cigarettes.

**LEG. SCHNEIDERMAN:**

You know, they're trying to quit smoking cigarettes and I want to support that and I think there's other costs to the County if they continue to smoke cigarettes. So we ought to do everything •• it just seems more humane to have some kind of income eligibility and not just eliminate it completely but say those who really need it could submit a form and could qualify for that reimbursement.

**CHAIRMAN MONTANO:**

May I interject as Chairman? We're at ten minutes before we're supposed to finish the meeting, we have a full agenda. I'm going to make a recommendation, I'm going to ask that we discharge this without recommendation, send it to the meeting on Tuesday and then we can take up the debate further, otherwise we're going to drag this out and exceed our time and go into another committee. Would anyone second that motion?

**LEG. COOPER:**

I'll second it.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN MONTANO:**

On the motion. And you know, with the idea that I'm going to try and cut out off some of the debate so we can pick this up later, because we're running out of time. Go ahead, Cameron.

**LEG. ALDEN:**

Just so we save some time then at the meeting, I would request then from the County Executive's Office and the County Attorney's office all documentation that would establish our legal right to that money and all the steps that were taken to bring a lawsuit to recoup the money that the Town of Islip basically •• supposedly cost the County of Suffolk. So if we had a legal right to it, we should have been in court, we should have had papers drafted, we should have had a legal analysis of that and I'd like to see those documentations before the meeting on Tuesday.

*(\*Legislator Losquadro entered the meeting at 11:14 A.M.\*)*

**CHAIRMAN MONTANO:**

What I'll do is I'll modify that request. We don't want all documents, that could be a truck load, but we do want an explanation of the legal impact of this bill and how it would apply and what the ramifications would be fiscally; is that what you're asking for, Legislator Alden?

**LEG. ALDEN:**

Well, I want to see if they started a lawsuit. Because if the County actually had a right to that money they should have started a lawsuit to recoup it to compel the Town of Islip to file or something, there should have been something done.

**CHAIRMAN MONTANO:**

There's no lawsuit in effect. I just want to be clear on what you're asking; if you're asking for all documents, that can be a truck load of documents.

**LEG. ALDEN:**

Related to this? It sounds like there are no documents related to this.

**CHAIRMAN MONTANO:**

I don't know what's there, I have no idea.

**LEG. ALDEN:**

Because we probably don't have a legal right to this, but I think if they did an analysis ••

**CHAIRMAN MONTANO:**

All right, what I'm going to do is I'm going to ask •• if you want a legal analysis I will concur in that recommendation, if that's what you want.

**LEG. ALDEN:**

I'm sorry, Mr. Chairman.

**CHAIRMAN MONTANO:**

No, that's all right, it's fine.

**LEG. ALDEN:**

If this was drafted stating that we have, Suffolk County has a legal right to money from the Town of Islip, then shame on us for the past five or six years we haven't brought a lawsuit. And I want to see where in the County Attorney's Office or in the County Executive's Office they established this whole concept that they have a right or Suffolk County has a right to this money.

**CHAIRMAN MONTANO:**

All I'm saying is that we don't have a right ••

**LEG. ALDEN:**

I have a right to see that file.

**CHAIRMAN MONTANO:**

We don't have •• well, that's debatable in terms of whether or not we have a right to request all documents; these are documents in the Executive's Department, in the County Attorney's Office and I don't think we need that. I think what we need is an explanation from the County Attorney's Office or from the County Exec's Office as to the legal ramifications of what this RESOLVED clause says and what their intended action is. But I'm not going to ask them for documents unless •• you know, let's get the legal analysis

and we'll take it from there, that's all I'm saying.

**LEG. ALDEN:**

I hope I have the commitment then that we're not just going to work on this and then vote on it without having all that, number one, the legal analysis. Number two, I think we have the right to find out if there's a file, and if they have a file or if they made a motion or they went to court, I think we have the right to know that if there's a legal determination.

**CHAIRMAN MONTANO:**

Let me •• Paul, Mr. Sabatino, what's your reaction to that?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Well, the reaction is really simple. If we withhold the money the Town of Islip is going to sue us, we're not going to sue the Town of Islip. That's the whole purpose of the strategy, that's why I identified to you what took place in 1998 and 1999 worked. I've been very open about it from day one.

**LEG. ALDEN:**

That's extortion, though, Paul.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

That's the strategy.

**LEG. ALDEN:**

Strategy of extortion isn't right.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

In open meeting we're discussing, the strategy is put the pressure on the town; the town may be the party that caused us to miss an opportunity to recover money.

**LEG. ALDEN:**

If we have a legal right, why aren't we bringing the lawsuit if we have a legal right?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Let them sue us after we withhold the money; that's the strategy.

**LEG. ALDEN:**

If we have a legal right, why aren't we suing them for our money instead of doing an extortion routine?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Because we're not •• because I'll repeat one more time, this is not a situation where we control our destiny.

**LEG. ALDEN:**

This is really simple.

**CHAIRMAN MONTANO:**

Let him answer.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

The Town of Islip has to file the application. We're going to know the answers to that if we can get to a point with a cooperative town board. By the way, this whole two paragraphs falls by the wayside, as I have stated three times this morning, it falls by the wayside if the Town of Islip •• which, again, I can't control, I can't tell you in advance what action they're going to take, in the past they have not taken cooperative action. If they don't cooperate, nothing is going to happen, we're all going to lose the money across the board in the County of Suffolk.

**LEG. ALDEN:**

Through the Chair, I would also like an explanation from the County Executive and the County Attorney's Office why or where they pursued this type of action against other towns where there are other grants available, not just Homeland Security grants. So I would demand that.

**CHAIRMAN MONTANO:**

He made reference to one action in 1998 which apparently resulted in litigation, so if you can pass on that decision to Legislator Alden and myself

and the other members of the committee, I would appreciate that; I'd make that a formal request.

Apparently we're not going to end this debate because we have Legislator Losquadro joining us. But before that, Legislator Cooper, did you want to say anything?

**LEG. COOPER:**

It wasn't on the issue of McArthur Airport where I have a lot less of a problem with what we're proposing here. But I did want to just speak very briefly on the Tobacco Cessation Program and I wanted to point out that there have been numerous studies that have documented that addiction to tobacco is just as strong as an addiction to heroin. And if we continue along the lines of what we're considering here, are we next going to charge people that want to sign in to a methadone treatment clinic and charge them if they're trying to give up their addiction to heroine?

**LEG. ALDEN:**

We have to.

**LEG. COOPER:**

So I am concerned. I understand that we •• it makes sense to try to get reimbursement from clients that participate in this program that have insurance, but maybe there's another way that we can accomplish that goal, maybe there's another carrot or another stick that we can offer that takes a different approach than what we had before us today.

**CHAIRMAN MONTANO:**

Legislator Alden, you went already, right?

**LEG. ALDEN:**

Yes.

**CHAIRMAN MONTANO:**

All right, Legislator Losquadro.

**LEG. LOSQUADRO:**

First let me apologize for being late. I'm not feeling well at all this morning, but being kept abreast of this debate during my drive here, I wanted to make sure that I got here in time to say that these RESOLVED clauses dealing with McArthur Airport in no way reflect the conversations that I had with the County Executive regarding what I thought was fair as to what Islip may or may not owe us. I thought I was very clear in my conversations with the County Executive that I feel Islip McArthur Airport is a huge revenue generator for Suffolk County and that they're not responsible for reimbursing us for those funds. Based on my conversations with the County Executive, I made it clear that •• I understood his point that the previous administration had not filed for Federal funding and that the new administration should, and that's fine. But these RESOLVED clauses in here are basically saying that if they don't pay us we're going to withhold money from them I in no way agreed to.

So Madam Clerk, I would like to make clear that I would like my name removed from this bill. The County Executive seemed to be very concerned about providing a good face to the rating agencies with some sort of unanimity and seemed agreeable to working to remove controversial items such as this, but obviously at the end of the day when it's presented before us that's not the case. So I'm not supportive of this bill.

**CHAIRMAN MONTANO:**

All right.

**LEG. SCHNEIDERMAN:**

Rick, put me on the list?

**CHAIRMAN MONTANO:**

Excuse me?

**LEG. SCHNEIDERMAN:**

I want to be on the list.

**CHAIRMAN MONTANO:**

There is no list. You want me to create a list?

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

All right, this is on the motion still. I think we're fairly far along, although some people may disagree. But the bill in its current form is not perfect and I think it needs to be changed and that may mean that it has to be done by a CN and if it does so be it. There's a couple of things that I'd like to have changed, one is the issue I mentioned before about creating some kind of mechanism for those people who really can't afford that \$500 to be able to get some kind of aid.

Secondly, Paul, and you were out of the room at the time or hadn't arrived yet, on the Tax Stabilization Fund issue, I suggested that 120 million may be a perfectly appropriate cap at this point, but as this becomes part of the Charter, 20 years from now with the operating budget much larger it may not be the appropriate sized cap. So I wanted it to be able to float with a percentage, so 120 million or X percent, whichever is higher, X percent of the operating budget I thought made good fiscal sense, and it seemed like the others agreed that that would be a better way of phrasing. Whatever that 120 million is and a percent of the current operating budget, that would change.

And lastly, the McArthur Airport thing, it seems like there's issues over the way those RESOLVED clauses are worded and I would like to see some effort to try to address some of the concerns that were made so that we know exactly what we're talking about and we are •• however it's going to work in terms of satisfying the concerns of Legislator Alden, Losquadro and some of the others, Legislator Montano.

**CHAIRMAN MONTANO:**

All right, we had a motion to approve.

**LEG. SCHNEIDERMAN:**

You want to ••

**CHAIRMAN MONTANO:**

You want to say something?

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

If I could just respond to the one point. I was not in the room when you made the comment about tax stabilization, but \$120 million is not a figure that I generated. I was told that there's a separate Charter Law circulating someplace in the County sponsored by Legislators that puts the cap of 120; understand that you've got to •• if you're going to change the tax stabilization law, you've got to go back and change the Charter Law from 1995 and change the whole formula. I haven't seen the bill, but it was represented to me that the cap is \$120 million that's being proposed, I'm not sure how you're handling it with the referendum and all the other issues, but you've got to look at that law. So just understand, the reason I put the 120 here is because that's what was represented to me. If there's a different figure floating out there, obviously it would have to change.

**LEG. SCHNEIDERMAN:**

But you don't have an issue with amending that so that it's a floating number, it becomes a percentage of the operating budget.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Yeah, but the point is this, is that this resolution is trying to tap in to the notion that there's a Charter Law proposal floating around out there to change the current formula about who gets the money, taxpayers versus tax stabilization at 120; this is tied into the 120.

**LEG. SCHNEIDERMAN:**

I would make the same comment on that other Charter Law, saying that it shouldn't be fixed at a number, it should be able to float.

**CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:**

Yeah, that's fine. My only technical point is that I just wanted you to be aware that that's where the figure came from, this resolution can't control that Charter Law.

**CHAIRMAN MONTANO:**

All right, we've been •• Jay?

**LEG. SCHNEIDERMAN:**

He didn't answer the question.

**CHAIRMAN MONTANO:**

No. We've been debating this for an hour•and•a•half. There was a motion to table, then it was preceded by a motion to dis •• I mean a motion to approve and then a motion to discharge without recommendation; which takes precedence?

**MR. NOLAN:**

Which are you asking?

**CHAIRMAN MONTANO:**

The motion to approve or the motion to discharge without recommendation which was made second?

**LEG. SCHNEIDERMAN:**

Motion to table; there was a motion to table, wasn't there?

**MS. ORTIZ:**

No, no, there was no motion to table.

**CHAIRMAN MONTANO:**

No, there is no motion to table. I misstated, there was a motion to approve and then it was preceded by a motion to discharge without recommendation which was seconded.

**LEG. LOSQUADRO:**

I'll make the motion to table.

**LEG. SCHNEIDERMAN:**

Now there's a motion to table.

**LEG. LOSQUADRO:**

I'll make the motion to table.

**LEG. ALDEN:**

Second.

**CHAIRMAN MONTANO:**

That takes precedence?

**MR. NOLAN:**

That takes precedence.

**CHAIRMAN MONTANO:**

All right, let's do it by a show of hands. All in favor of the motion to table, raise your hand. All opposed?

**LEG. SCHNEIDERMAN:**

I'll abstain.

**CHAIRMAN MONTANO:**

Any abstentions? All right, then let's go to a motion to discharge •• I'm sorry; did you abstain, Jay?

**LEG. VILORIA • FISHER:**

Yes, he did.

**LEG. SCHNEIDERMAN:**

Yes.

**CHAIRMAN MONTANO:**

All right. Motion to discharge without recommendation. All in favor, raise your hand. Opposed?

**LEG. ALDEN:**

Opposed.

**LEG. LOSQUADRO:**

Opposed.

**CHAIRMAN MONTANO:**

Abstentions? Does the motion carry? Yes. ***Discharged without***

***recommendation (VOTE: 4•2•1•0 Opposed: Legislators Losquadro & Alden • Abstention: Legislator Schneiderman).***

**LEG. SCHNEIDERMAN:**

I'll support the discharge without recommendation, but I'm hoping to see the changes made.

**CHAIRMAN MONTANO:**

Right. Let me say this very clearly. You know, Legislator Losquadro removed his name as a sponsor, my name is listed as a sponsor but I would like to see a different version of this bill by Tuesday, whether it requires a C of N or something, I think we need to resolve some of the issues that were raised today.

**LEG. ALDEN:**

Mr. Chairman?

**CHAIRMAN MONTANO:**

Go ahead, Legislator Alden.

**LEG. ALDEN:**

Unfortunately then we're not going to do what we're supposed to do in this committee and that would be to see those changes and then recommend any further changes or pass on that bill as amended, so basically what we're doing is ••

**CHAIRMAN MONTANO:**

No, there are other Legislators who are part of this body and they have a right to participate in this debate, there are other Legislators that represent the Town of Islip and they should be privy to what's going on here and they should have an opportunity to be heard and that's why I've asked that we discharge this without recommendation.

**LEG. ALDEN:**

Then my question to you would be ••

**CHAIRMAN MONTANO:**

Go ahead.

**LEG. ALDEN:**

•• what are we doing here in committee? If there's other Legislators, every piece of legislation that we look at other Legislators should look at, so I thought that there was a committee process.

**CHAIRMAN MONTANO:**

They will look at it, they'll look at it on Tuesday. What I'm not going to do is hold up the bill because we've had an extensive debate for an hour•and•a•half and we probably could have gone for another hour•and•a•half if we had more time.

**LEG. ALDEN:**

Wouldn't that indicate that there's major problems with that bill?

**CHAIRMAN MONTANO:**

Yeah, that's why we didn't approve it.

**LEG. ALDEN:**

Right, but isn't •• and now maybe I'm missing something, but I thought the committee process, if it's got any validity at all then, is to make sure that what we pass on is something that has some kind of support, not just to shirk our duty in the committee and let everybody in the Legislature, all 18 do it. And another thing, I just have to mention this ••

**CHAIRMAN MONTANO:**

You know, we ••

**LEG. ALDEN:**

God help us ••

**CHAIRMAN MONTANO:**

We took the vote on the discharge without recommendation. I would like to get to the agenda. We'll take this up on Tuesday.

**LEG. ALDEN:**

God help us if compassion and concern for our citizens and our constituents is viewed by some Legislators as rhetoric.

**CHAIRMAN MONTANO:**

We're going to continue this debate on Tuesday. Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

Well, as you said, you know, I concur that I don't •• even though my name is on it and I'm not saying, "Take my name off it."

**LEG. LOSQUADRO:**

Yet.

**LEG. SCHNEIDERMAN:**

I don't support it in its current form but I'm really looking to the County Executive here to give us a bill that addresses some of these concerns. If not, I really ask my colleagues, should we be offering kind of a Legislative version that accomplishes these goals ourselves in a way that we can accept, you know, by the majority, not just a ten vote majority, but a large majority of the Legislature.

**CHAIRMAN MONTANO:**

That may be an issue that we can take up on Tuesday. The problem, you know, that I see now is that if we want to move this bill or a bill like this in a timely fashion on Tuesday, if we introduce a resolution it's not going to get voted on until the following meeting. So the only avenue on Tuesday that I see, unless Counsel has something different, is to either pass this, defeat this or come in with a C of N. And at this point, you know, I want the debate to hit the full floor.

**LEG. SCHNEIDERMAN:**

That is not true, though. We could put together a bill and ask the Presiding Officer to accept it as a late starter.

**CHAIRMAN MONTANO:**

But that's not going to be voted on on Tuesday.

**LEG. SCHNEIDERMAN:**

We could wave the rules and vote on it.

**CHAIRMAN MONTANO:**

I'm not sure, I'll leave that to Counsel. But the bottom line is that I think we've ••

**LEG. D'AMARO:**

Well, that assumes 12 votes.

**CHAIRMAN MONTANO:**

I think we've ended this debate because we've already approved •• we've already sent this to the full Legislature without recommendation. Legislator D'Amaro wanted to say something and then I'd like to move on to the agenda.

**LEG. D'AMARO:**

Yeah, just very quickly. I also am listed as a cosponsor on this bill. I just wanted to respond to Legislator Alden, I think the committee process was invaluable. I think it's a great thing that we have a policy debate, we don't have to always agree. I think that it's been very, very productive in doing this here today, even though it ran for an hour•and•a•half, and I think some good will come out of that process. We all know what the other person is thinking and also the Chairman, I think in his wisdom, has moved the bill along so that we're moving forward, but at the same time we have gone through a committee process that was invaluable. So I really don't agree with my colleague, Mr. Alden, that this was a waste of time.

**Introductory Resolutions**

**CHAIRMAN MONTANO:**

All right, moving on to ***IR 1409•06 • Adopting Local Law No. 2006, a Local Law further extending first time homeowner County property tax exemption (County Executive)***. I think we need to table that for a public hearing. I'll make the motion. Do we have a second?

**LEG. VILORIA•FISHER:**

Second.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Legislator Viloría•Fisher I think was first on that. All in favor? Opposed? Abstentions? ***Motion to table carries (VOTE: 7•0•0•0).***

***IR 1420•06 • Adopting an updated investment policy for the County of Suffolk (County Executive).*** Do I hear a motion?

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN MONTANO:**

Do I hear a second?

**LEG. VILORIA•FISHER:**

Second.

**CHAIRMAN MONTANO:**

Cooper, Viloría•Fisher.

**LEG. ALDEN:**

On the motion?

**CHAIRMAN MONTANO:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Can we get a brief explanation on what this is doing?

**CHAIRMAN MONTANO:**

Counsel?

**MR. NOLAN:**

The County is required to have an investment policy under General Municipal Law, this is an updating. This happens every couple of years where the County Treasurer recommends some changes and this is what it's doing. It looks like the changes are minor, I haven't looked at the old policy but there's one line in the whole thing underlined.

**LEG. ALDEN:**

Okay. So through the Chair, George, you'll be able to give us, you know, a complete comparison between the old policy and the new policy at the General Session?

**MR. NOLAN:**

If you'd like that, we'll do it.

**LEG. ALDEN:**

Thank you.

**CHAIRMAN MONTANO:**

All in favor? Opposed? Abstentions? ***Motion carries (VOTE: 7•0•0•0).***

***IR 1429•06 • To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #242 (County Executive).***

**LEG. ALDEN:**

Motion to approve and put on the consent calendar.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Alden, Cooper. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***IR 1430•06 • To readjust, compromise and grant refunds and***

***chargebacks on correction of errors/County Treasurer by: County Legislature #243 (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***1479•06 • To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #241 (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***IR 1480•06 • To readjust, compromise and grant refunds and chargebacks on correction of errors/County Treasurer by: County Legislature #239 (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).***

***1483•06 • To readjust, compromise and grant refunds and chargebacks on real property, correction of errors by: County Legislature (County Executive).*** Same motion, same second. All in favor? Opposed? Abstentions? Motion carries. ***Approved and placed on the consent calendar (VOTE: 7•0•0•0).*** And this is on consent calendar, that's correct, that's the motion?

**MS. ORTIZ:**

Yes.

**CHAIRMAN MONTANO:**

***1488•06 • Adjusting the existing 1% sales and compensating use tax revenue for public safety purposes (Romaine).*** I will make a motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Second by Legislator Cooper. Any discussion on the motion?

**LEG. LOSQUADRO:**

On the motion?

**CHAIRMAN MONTANO:**

On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

Can I just get an explanation, please, before we vote?

**LEG. SCHNEIDERMAN:**

The sponsor is here.

**CHAIRMAN MONTANO:**

All right, I'll recognize Legislator Romaine who is the sponsor of the resolution.

**LEG. ROMAINE:**

Very simply, under State law the County can dedicate one•eighth to •• excuse me, one•eighth to three•eighths of a percent of the sales tax for public safety purposes. What this bill intends to do is say that the County shall not, under any conditions, have that fall below one quarter, that way there is a predictable and reoccurring revenue source for both the Police District and those police departments not within the Police District. No matter how it's shared, no matter how it's divided up, at least it never drops below the one•quarter, and it kind of underwrites a predictable stream of revenue for the Police District and the other police jurisdictions in Suffolk County. I'll be happy to answer any questions.

**CHAIRMAN MONTANO:**

Well, Legislator Fisher, did you indicate you had a question?

**LEG. VILORIA•FISHER:**

Yes, I just wanted to ask BRO. I don't recall it, during my tenure, ever dropping below that quarter; has it?

**MS. VIZZINI:**

Actually, very often we look at this •• it has dropped below the one•quarter, there was one year during the Gaffney Administration, there was no money given to the Police District.

**LEG. VILORIA•FISHER:**

When was that?

**MR. KOVESDY:**

About four or five years ago.

**MS. VIZZINI:**

Allen says about five years ago.

**LEG. VILORIA•FISHER:**

Yeah, I don't remember that. And since then?

**MS. VIZZINI:**

Well, we've fallen below the one•quarter, we didn't give the Police District the full one•quarter in the 2006 Operating Budget.

**LEG. VILORIA•FISHER:**

But did it go to public safety in some other form?

**MS. VIZZINI:**

Yes. See, that's the interesting thing about this resolution, public safety is not only defined by what goes to Fund 115.

**LEG. VILORIA•FISHER:**

Okay, so even in that five years ago, it still went to public safety, not necessarily the Police District but to public safety?

**MS. VIZZINI:**

Public safety, if you have a broad definition including Probation, District Attorney, Corrections, we are well ••

**LEG. VILORIA•FISHER:**

Which serves the entire County.

**MS. VIZZINI:**

Yes, there is that definition. And then it depends on your intent, whether you're looking to maximize the amount that goes to the east end towns, that gets funneled through the Police District.

**LEG. ROMAINE:**

That is a totally separate question and this resolution does not address that, that has nothing to do with the distribution of funds. This resolution simply states that the amount dedicated to public safety, in this case I would hope the majority of that money would go to the Police District and whatever division methods were used for the other policing jurisdictions that it should go there, that this money should be used for that purpose, it should not drop below one-quarter of a percent. Because with the variation between one-eighth and three-eighths, you can have a great variation. And what this resolution attempts to do is to provide a reoccurring, predictable stream of revenue for public safety so it never drops below the one-quarter percent, it's a very simple resolution.

**CHAIRMAN MONTANO:**

Thank you.

**LEG. VILORIA FISHER:**

But for public safety it hasn't dropped, if you have the broad definition of public safety.

**LEG. SCHNEIDERMAN:**

I can answer this.

**CHAIRMAN MONTANO:**

Well, Legislator Vilorina Fisher, are you yield •• are you done?

**LEG. VILORIA FISHER:**

But is that a correct statement, it ••

**LEG. SCHNEIDERMAN:**

You didn't have the floor.

**LEG. VILORIA • FISHER:**

Well, I had, he jumped in to answer.

**CHAIRMAN MONTANO:**

All right, is that •• do we have a question? Do you have an answer to the question?

**LEG. VILORIA • FISHER:**

For the broad public safety use, we don't have a tradition of dropping below that quarter percent in the broad definition of public safety.

**MS. VIZZINI:**

In the broad definition we're in there.

**LEG. VILORIA • FISHER:**

Okay.

**CHAIRMAN MONTANO:**

Okay. Legislator Schneiderman, and we do want to hear from the County Exec's Office, but Legislator Schneiderman asked to ••

**LEG. SCHNEIDERMAN:**

By law that portion of the sales tax that goes to public safety obviously has to go toward public safety, and there's a lot of places it can go that are whole County. And actually for •• as an east end Legislator, like Legislator Romaine, in some ways we benefit when it doesn't go into the Police District, it goes into the whole County, because when it goes into the district we have no idea how much we're going to get as, you know, the County Executive decides what our fair share is. However, as a former supervisor ••

**CHAIRMAN MONTANO:**

Well, we have a say in that.

**LEG. SCHNEIDERMAN:**

We do. As a former supervisor who prepared budgets, it is important that we have a sense of what we are getting. And I think what Legislator Romaine is trying to do is to establish some kind of consistency or predictability on the part of the town so we can anticipate the revenues. And if the County executive next year or ten years from now, whoever that County Executive may be, decides to put nothing into the Police District, then nothing will come to those towns.

**CHAIRMAN MONTANO:**

Well, unless we put it in.

**LEG. SCHNEIDERMAN:**

And therefore, they will have to tax more. So to kind of alert them so that they can predict how much to budget, that's what this bill is about, as I understand it.

**LEG. ROMAINE:**

Yes.

**CHAIRMAN MONTANO:**

We're going to hear from the County Exec's Office on this.

**MR. KOVESDY:**

I'll be very brief.

**CHAIRMAN MONTANO:**

Please.

**MR. KOVESDY:**

Thank you. Number one is the Legislature has a right, when they adopt a budget and they review a budget, to put whatever they want in, so you really don't need this bill, it's up to the purview of the Legislature to do what they want. And the second point is for the next four years the County Executive has made a commitment to the east end towns as to the amount of money. But it's your choice to do what you please when the budget

comes to you, so you don't even need this resolution.

**CHAIRMAN MONTANO:**

All right. Any further debate? There's a motion to table on the floor with a second. All in favor of tabling, raise your hand I guess.

**MR. NOLAN:**

Tabling.

**CHAIRMAN MONTANO:**

We had a motion to table, yes.

**LEG. SCHNEIDERMAN:**

Don't go by hands, just say, "All in favor, opposed".

Don't go by hands.

**CHAIRMAN MONTANO:**

All right, all in favor? Opposed? Abstentions? Motion carries.

**LEG. ALDEN:**

Opposed, opposed.

**LEG. LOSQUADRO:**

Abstention.

**LEG. SCHNEIDERMAN:**

Abstention.

**CHAIRMAN MONTANO:**

All right, one opposition and two abstentions, motion carries.

***Tabled (VOTE: 4 • 1 • 2 • 0 • Opposed: Legislator Alden • Abstentions: Legislators Schneiderman & Losquadro).***

**Memorializing Resolutions**

***M018•2006 • Memorializing Resolution in support of amending the New York State Tax Law to provide tax credits for alternative energy***

***systems and generating equipment (Romaine).***

**LEG. VILORIA • FISHER:**

Motion.

**LEG. LOSQUADRO:**

Motion to approve.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN MONTANO:**

Brief explanation, brief.

**LEG. SCHNEIDERMAN:**

Do you want it from the sponsor or from the attorney?

**CHAIRMAN MONTANO:**

No, I'll ask from Counsel.

**LEG. VILORIA • FISHER:**

The sponsor is not on the committee.

**LEG. SCHNEIDERMAN:**

Okay, that's why I'm asking.

**MR. NOLAN:**

It just provides a tax credit to businesses to encourage their investment in alternative energy systems like solar, wind and fuel cell.

**CHAIRMAN MONTANO:**

Is there like a fiscal impact statement on this; do we know how much we're talking about here?

**LEG. ALDEN:**

Yeah, the State probably has it.

**CHAIRMAN MONTANO:**

We don't have it.

**MR. NOLAN:**

Yeah, I don't think there was one attached to the bill.

**CHAIRMAN MONTANO:**

Okay. Was there a motion to approve on that?

**MR. NOLAN:**

There's a motion to approve.

**LEG. SCHNEIDERMAN:**

This is a motion and a second to approve I believe, right?

**MR. NOLAN:**

Yes.

**CHAIRMAN MONTANO:**

Yes, yes, yes.

**MS. ORTIZ:**

Who made the motion?

**CHAIRMAN MONTANO:**

Quick question to the sponsor; who was the sponsoring ••

**LEG. ALDEN:**

Vivian, did you make the motion?

**LEG. VILORIA • FISHER:**

I think Dan made the motion.

**CHAIRMAN MONTANO:**

The sponsor in the Assembly and the sponsor in the Senate on these bills, if you know offhand.

**LEG. ROMAINE:**

I don't know offhand.

**CHAIRMAN MONTANO:**

Okay.

**LEG. ROMAINE:**

I have it back at my office, I just stopped in because I'm here for Public safety.

**CHAIRMAN MONTANO:**

Not a problem.

**LEG. SCHNEIDERMAN:**

Hopefully that's not relevant.

**LEG. VILORIA • FISHER:**

I think it was \\_Fushillo\\_ , wasn't it?

**MR. NOLAN:**

\\_Fushillo\\_.

**LEG. VILORIA • FISHER:**

Because I had read it.

**LEG. SCHNEIDERMAN:**

Hopefully that's not relevant.

**CHAIRMAN MONTANO:**

All in favor? Opposed? Abstentions? Motion carries, ***approved***  
***(VOTE: 7•0•0•0)***.

***Home Rule Messages***

***Home Rule 01 • 2006 • Home Rule Message requesting New York State Legislature to amend the Tax Law authorizing the County of***

***Suffolk to exempt motor fuel and diesel motor fuel from sales tax (Assembly Bill A.09184) (Romaine).***

**LEG. SCHNEIDERMAN:**

Motion.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN MONTANO:**

Motion and second. Any ••

**LEG. COOPER:**

I had one question.

**CHAIRMAN MONTANO:**

Any comments?

**LEG. COOPER:**

Haven't we addressed this before? Isn't the issue that if we reduced or limited the sales tax there's no guarantee that those savings will be passed on to the consumers and they could just be pocketed by the oil companies?

**LEG. SCHNEIDERMAN:**

Can I answer? This bill doesn't eliminate the tax, it only would give us the authority that if we chose to do it, if we felt based on fiscal reasons that we could lower it, cap it, eliminate it, eliminate it for a certain period, this would give us that flexibility. All it does is support a bill in Albany that would do that, I don't know what the prospects of that bill in an Albany is but I think it's important to send a message to our taxpayers that we as the Legislature are trying to do what we can to be sensitive to their increasing costs.

**LEG. COOPER:**

I mean, the reason I don't think that it's going anywhere in Albany is that there's a realization that there's no guarantee that this would help even one taxpayer. It may just line the pockets of the fuel companies or the oil companies because, once again, there's no way to force them to pass on the

savings to the consumers.

**LEG. SCHNEIDERMAN:**

Can I •• I think this is important because we do a lot of Home Rule, we do a lot of Memorializing Resolutions and bills supporting bills up in Albany. This is one of those cases where if we do not support this as a Home Rule Message, it can't go out of committee, it can't even get voted on. So what I'm asking for is basically that Home Rule Message.

**LEG. COOPER:**

But why would we •• you're not addressing •• I don't want to spend too much time on this, but ••

**LEG. SCHNEIDERMAN:**

We can debate that on the floor if you want to, but I believe that •• you're trying to say if you lower the cost of gasoline, how do you know that that ••

**LEG. VILORIA • FISHER:**

That the savings would be passed on.

**LEG. COOPER:**

No, if you lower the tax ••

**LEG. SCHNEIDERMAN:**

That the savings is going to be passed along.

**LEG. COOPER:**

Right, because it's ••

**LEG. LOSQUADRO:**

If I may?

**LEG. SCHNEIDERMAN:**

You can make that argument for any tax, clothing, etcetera.

**CHAIRMAN MONTANO:**

If I may, we're going to hear from the County Executive.

**LEG. COOPER:**

No, that's completely different.

**CHAIRMAN MONTANO:**

I'll put you on the list, Legislator Losquadro. But I do have a question; the fiscal impact of this bill is how much?

**MR. KOVESDY:**

I have that.

**CHAIRMAN MONTANO:**

You have it, okay. I'm looking at the fiscal impact statement and if I read this correctly ••

**LEG. SCHNEIDERMAN:**

There's no fiscal impact, because that decision is later.

**CHAIRMAN MONTANO:**

Well, is there a fiscal impact on this?

**MR. KOVESDY:**

I just have the •• we didn't put this bill in, but I got the cost. Last year the County received \$51.9 million in sales tax for gasoline at the pumps and this year for the first quarter we received \$15.6 million for January ••

**CHAIRMAN MONTANO:**

So if this passes we would be losing that amount of money?

**MR. KOVESDY:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. SCHNEIDERMAN:**

We lose nothing, zero.

**MR. KOVESDY:**

Yes.

**CHAIRMAN MONTANO:**

Well, wait. This bill doesn't stop us from collecting tax, it only gives us the ability ••

**CHAIRMAN MONTANO:**

One at a time.

**LEG. SCHNEIDERMAN:**

•• through a separate resolution that could have a fiscal impact, but this resolution doesn't.

**MR. KOVESDY:**

It's just the numbers. We collected \$15.6 million in January, February and March for gasoline and last year we had \$51.9 that we received; you asked me for the numbers, that's what they are.

**LEG. LOSQUADRO:**

Rick?

**CHAIRMAN MONTANO:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. But you were asked ••

**CHAIRMAN MONTANO:**

I remind everybody that we are over our time.

**LEG. LOSQUADRO:**

Yes, but you were asked for a fiscal impact statement and that is not a fiscal impact statement.

**MR. KOVESDY:**

No, that's not ••

**LEG. LOSQUADRO:**

That's just the raw numbers that we collected. There is no fiscal impact to this bill.

**MR. KOVESDY:**

I'm sorry.

**LEG. LOSQUADRO:**

Yes or no; is there a fiscal impact to this bill? I appreciate that you were able to data mine and get the numbers that we collected in sales tax revenue, but ••

**MR. KOVESDY:**

That's all I did was get the numbers, sir.

**LEG. LOSQUADRO:**

Yes, but is what you gave •• yes or no, is it a fiscal impact statement?

**MR. KOVESDY:**

No, I'm just supplying •• somebody asked me for the numbers.

**CHAIRMAN MONTANO:**

No, you asked him ••

**LEG. LOSQUADRO:**

No, it's not a fiscal impact. Thank you.

**CHAIRMAN MONTANO:**

Wait a minute, I just want to be clear.

**LEG. SCHNEIDERMAN:**

There is no fiscal impact to this bill.

**CHAIRMAN MONTANO:**

Is there •• are you asking if there's a fiscal impact if we approve, if this bill gets passed and then we exempt motor fuel?

**LEG. LOSQUADRO:**

No, no, it will be separate. This bill has no fiscal impact.

**CHAIRMAN MONTANO:**

Yeah, I know that. Look, I'm going to make a motion to table.  
Do I have a second on that?

**LEG. LOSQUADRO:**

I'm sorry. Mr. Chairman, just very quickly. On the motion, I needed to address Legislator Cooper's point ••

**CHAIRMAN MONTANO:**

Okay. Well, go ahead.

**LEG. LOSQUADRO:**

•• which was how can we be certain that these savings would be passed on to the consumer if at what point •• if at some point in the future we decided that we were going to grant consumers some relief on this tax. Well, I think there's been a lot of attention paid as of late on the Federal level to price gauging, and if oil companies, specifically gasoline retailers, were to raise their rates in response to us lowering taxes, well, I think they'd have a lot of answering to do and I think price gauging lawsuits would be brought against them.

So I think that absolutely, if at some point in the future, as Legislator Schneiderman said, we felt we were able to do this and we would want to give residents some tax relief, that that relief would be seen at the pump. Because if it were not, if they artificially raised their rates not taking into account what they're paying for the product, well then that's clear basis for price gauging.

**LEG. SCHNEIDERMAN:**

A separate bill and a separate discussion, when we get to that point.

**LEG. VILORIA • FISHER:**

Yes, that's a separate bill.

**CHAIRMAN MONTANO:**

If we get to that point.

**LEG. LOSQUADRO:**

I think I addressed both concerns, a fiscal impact and the price gauging.

**LEG. SCHNEIDERMAN:**

On the tabling ••

**CHAIRMAN MONTANO:**

Okay. Is there any other Legislator that wishes to address this issue at the moment?

**LEG. SCHNEIDERMAN:**

On the tabling motion.

**CHAIRMAN MONTANO:**

All right. Wait, I made a motion to table. Do I have a second?

**LEG. SCHNEIDERMAN:**

You had a second.

**CHAIRMAN MONTANO:**

Who's the second?

**LEG. VILORIA • FISHER:**

Jon.

**LEG. COOPER:**

Second.

**CHAIRMAN MONTANO:**

Okay. On motion to table, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

There clearly is no fiscal impact to this bill alone. If this were to pass in Albany, we then would have the choice of doing nothing or doing something, and that doing something could take on any array of things. It could be a very small decrease, it could be a cap, it could be a seasonal type of decrease and there we would do the fiscal impact and make a decision.

**CHAIRMAN MONTANO:**

I understand that.

**LEG. SCHNEIDERMAN:**

But this bill alone does not exempt the tax on gasoline, it only gives us the ability to do that.

**CHAIRMAN MONTANO:**

I understand that, it's a Home Rule Message ••

**LEG. SCHNEIDERMAN:**

So there is zero fiscal impact. And I really urge you to allow this to be discharged to the floor so we can have this discussion which is in the interest of every resident of Suffolk County.

**CHAIRMAN MONTANO:**

I understand that this particular bill doesn't have a fiscal impact because we haven't even passed the bill in Albany, is what you're saying.

**LEG. SCHNEIDERMAN:**

And even if it did pass in Albany it doesn't have a fiscal impact.

**CHAIRMAN MONTANO:**

And I understand that. But if •• no, it doesn't have a fiscal impact until it comes back here and we decide what to do. If, in fact, the scenario plays itself out, then before I vote on it today I want to know what the fiscal impact would be if, in fact, we passed this, it went to Albany, it passed in Albany and it came back here and someone put in a resolution to exempt the sales tax, how much money are we talking about?

**LEG. ALDEN:**

On the motion.

**LEG. SCHNEIDERMAN:**

That's a hypothetical.

**CHAIRMAN MONTANO:**

It's not a hypothetical, it's ••

**LEG. COOPER:**

It's the next step.

**CHAIRMAN MONTANO:**

It's the next step.

**LEG. ALDEN:**

On the motion.

**CHAIRMAN MONTANO:**

It's the logical conclusion to what the implications of this bill are. I just want to know what the numbers are.

**LEG. ALDEN:**

Rick, put me on the list.

**LEG. SCHNEIDERMAN:**

I'm not supporting complete elimination of the sales tax.

**CHAIRMAN MONTANO:**

We're never going to get out of here. Gail, would you answer the question?

**LEG. SCHNEIDERMAN:**

I'm supporting a cap.

**MS. VIZZINI:**

Yes. For every 1% that you would exempt motor fuel, it would be about \$14.8 million in lost revenue, based on numbers we have in 2007.

**CHAIRMAN MONTANO:**

So for every 1% would be 14 million, up to how much percent?

**MR. KOVESDY:**

Four.

**MS. VIZZINI:**

Fourteen •• well, almost 15 million, 14.8 million.

**LEG. SCHNEIDERMAN:**

If you exempt it, the whole thing.

**MS. VIZZINI:**

If you exempt the whole ••

**CHAIRMAN MONTANO:**

Let's get some order so we can have a dialogue without •• go ahead, Gail, finish the answer.

**MS. VIZZINI:**

If you want to exempt the full 4.25%, we estimate it would be \$63 million.

**CHAIRMAN MONTANO:**

Per year?

**MS. VIZZINI:**

Yes.

**CHAIRMAN MONTANO:**

Okay. Any Legislator wants to address this? Hold on, Legislator Romaine, because we have Legislator Alden who's on the committee.

**LEG. ALDEN:**

So the possible impact could be anywhere from zero to 61 •• no, hypothetically 61 or above, because basically we're giving windfall on windfall on windfall, so if the price of gasoline goes up to five bucks it could

be double what we get right now, right? So the potential is almost unlimited on the top side.

**MS. VIZZINI:**

Well, we did some projections for 2007 through, you know, 2011, a typical fiscal impact, five year kind of thing.

**LEG. ALDEN:**

But those are out the window with energy costs right now, because we've just seen the price go from two over to three, 3.20, 3.50 recently, so almost like the sky is the limit. So on the top side, it's pretty much open-ended.

**MS. VIZZINI:**

About 63 billion and upwards.

**LEG. ALDEN:**

Plus. Okay, thanks.

**CHAIRMAN MONTANO:**

All right, we have •• Legislator Romaine, I have some members of the committee who want to address it, I'm going to take them in order. Legislator D'Amaro.

**LEG. D'AMARO:**

Yes. Thank you, Mr. Chairman. Through the Chair, I just had a question for the sponsor; would this •• if he knows. The bill pending up in the State Legislature, would this give the County the authority to partially abate the sales tax or would it be an all-or-nothing?

**LEG. LOSQUADRO:**

Partial.

**LEG. ROMAINE:**

Partial.

**LEG. D'AMARO:**

Partial?

**LEG. ROMAINE:**

Partial.

**LEG. D'AMARO:**

So the ••

**LEG. ROMAINE:**

Partial or nothing, we could do nothing.

**LEG. D'AMARO:**

The language that I'm reading says exempt, in other words that means it could be 0% up to 100% or somewhere in between.

**LEG. ROMAINE:**

You could make the decision to cap it and say, you know, we're not going to charge sales tax after \$2.50 or we're not going to charge sales tax after \$2, or we're just going to suspend sales tax for one week or two weeks of the year; it gives you total freedom to make a decision what to do and you may decide to do nothing considering our fiscal condition or you may decide to give the taxpayers a break.

**LEG. D'AMARO:**

Okay, I understand. And just one other question, again, through the Chair; do you have any response to the concern that if we were to do a partial exemption, do you have any concern that that cost savings would not reach the consumer?

**LEG. ROMAINE:**

Not with Elliot Spitzer as the Attorney General, I'm sure he would investigate this and he would prevent the gauging that would take place.

**LEG. D'AMARO:**

Well, he may not be Attorney General much longer.

**LEG. VILORIA • FISHER:**

But by then he'll be Governor.

**LEG. ROMAINE:**

Well, then if he's in another position he has even more power to do so.

**LEG. D'AMARO:**

So what you're saying really is there is a possibility then that it would not reach the consumer.

**LEG. LOSQUADRO:**

I don't think so.

**LEG. ROMAINE:**

That possibility is being debated as we speak and has been debated the last few weeks in Albany, and that concern doesn't seem to trouble Albany because they have the levels of power to ensure that this reaches the consumer.

**LEG. D'AMARO:**

All right, thank you.

**CHAIRMAN MONTANO:**

Thank you. Legislator Cooper.

**LEG. COOPER:**

I really don't want to continue the discussion too much longer, but I think that there may be a misperception about what price gauging is. Are you aware that you can have •• if there are ten service stations in the Town of Huntington and two of them are charging \$4 a gallon, the others could charge \$8 a gallon, \$10 a gallon, \$12 dollars a gallon if they want to and that's not price gauging.

**LEG. ALDEN:**

Let's get into this debate about pricing, I was in the business.

**LEG. SCHNEIDERMAN:**

It's called a free market. Why would anyone buy the one for \$10 a gallon?

**LEG. COOPER:**

Price ••

**CHAIRMAN MONTANO:**

Hold on, hold on, hold on, we're not •• we have order.  
Legislator Cooper, or does anyone want to get on a list?

**LEG. ALDEN:**

Yeah, put me on the list, let's talk about this.

**CHAIRMAN MONTANO:**

Legislator Alden.

**LEG. COOPER:**

Really, we could go on for another hour, that's why maybe we should table this.

**CHAIRMAN MONTANO:**

Well, that's just •• you opened the door.

**LEG. COOPER:**

That's why we should table this and ••

**CHAIRMAN MONTANO:**

You opened the door, unfortunately. Legislator Alden, go ahead.

**LEG. COOPER:**

But the point is that if anyone thinks that a penny of these savings are going to be passed on to consumers, they're kidding themselves. And maybe this is a great way to pander to Suffolk County residents that are looking at the prices on the pumps, but this is not going to resolve the problem one iota. Aside from the fact if we actually do go to the next step and reduce the sales tax, aside from putting a big hole in the County budget, the monies are going to go to the oil companies, they're not going to be passed on to consumers.

**LEG. ALDEN:**

Am I next?

**CHAIRMAN MONTANO:**

I'm going to use the prerogative of the Chair. I have a clarification from Counsel on the implications of the bill with respect to whether or not this is a partial reduction or an exemption; Mr. Nolan, would you just put on the record what the legal interpretation is on this bill with respect to exemption?

**MR. NOLAN:**

Well, it uses the term exemption, it doesn't say anything about partially reducing the tax we can collect, it says we have the option to exempt ••

**CHAIRMAN MONTANO:**

Or not exempt.

**MR. NOLAN:**

•• gasoline from the tax. So I interpret that to mean you could exempt it completely from our portion of the sales tax.

**CHAIRMAN MONTANO:**

Or not exempt it.

**MR. NOLAN:**

The language of the bill doesn't say anything about a partial or a partial reduction.

**LEG. SCHNEIDERMAN:**

But the actual Albany bill, what does it say?

**CHAIRMAN MONTANO:**

Well, it's right in front of us.

**LEG. COOPER:**

It's right here.

**MR. NOLAN:**

That's what it says.

**CHAIRMAN MONTANO:**

All right. If there's no further debate ••

**LEG. ALDEN:**

Whoa, I was on the list.

**CHAIRMAN MONTANO:**

All right, Legislator Alden.

**LEG. ALDEN:**

As long ago Legislator Cooper wanted to go there, I was in •• let's get comfortable again.

**CHAIRMAN MONTANO:**

Oh my God.

**LEG. ALDEN:**

Let's get comfortable.

**CHAIRMAN MONTANO:**

Don't forget, we're using another committee's time.

**LEG. ALDEN:**

And I apologize for that but this is an important point to make. I was in the retail business for 12 years and it was something that would be considered a commodity. So for instance, the price of milk; even though I charged \$1.04 for a gallon or a half gallon of milk and the guy down the street could charge \$1.20, \$1.80, \$3 or \$10, it is so competitive that that savings, whatever savings was given to me on the wholesale level, I had to pass that on to the consumers.

So as far as price gauging, pricing, whether it gets passed on or not, in a very, very competitive commodity, and that's what gasoline has become in

the past few years, I have every assurance from the people that conduct those businesses, that that money, if they want to be competitive, if they want to stay in business, that will be passed on. And that's why I have a very, very strong sense of appreciation for the American system and the free market system. Will there be people who sell gasoline for \$10 a gallon? Absolutely. And if you have a boat you're finding out how much they can charge for gasoline. If you have an airplane you'll find out how much you could pay for aviation fuel. But it is a commodity, it's highly competitive, you will see that savings, even if it's a half of penny.

**CHAIRMAN MONTANO:**

Anyone else who wants to make a final comment?

**LEG. LOSQUADRO:**

Final comment.

**CHAIRMAN MONTANO:**

Legislator Romaine, you're the sponsor of the bill, I'll give you the last word.

**LEG. ROMAINE:**

Right. I don't want to make a comment, I only want to ask a question, and I'd like to ask that question of either Gail or Allen.

**CHAIRMAN MONTANO:**

I'm sorry, would you repeat the question?

**LEG. ROMAINE:**

The question is this.

**CHAIRMAN MONTANO:**

Oh, state the question.

**LEG. ROMAINE:**

You told us how much was collected, Allen, \$59 million in 2005; how much did you estimate in the budget when you presented it in 2004 did you estimate would be collected from this tax? Which is my purpose in, by the

way, introducing this bill. Was it \$48 million?

**CHAIRMAN MONTANO:**

And your point?

**LEG. ROMAINE:**

And my point is this County has made a windfall profit because we estimated that we would collect about \$48 million on the sales tax on gasoline, but when gasoline spiked in the summer of 2005, and it did, and when it spiked we made a windfall profit no different than Mobile Exxon.

**MR. KOVESDY:**

Oh, that's ridiculous.

**LEG. ROMAINE:**

And when the County Executive or others would denounce, as they promptly should, the windfall profits made by large oil companies, we were in no moral position to do so because we took our windfall profit that we made on our sales tax and did not return it to the consumer but put it in our piggy banks and walked away.

**LEG. ALDEN:**

It's a good argument.

**MR. ZWIRN:**

It's a terrible argument.

**LEG. ROMAINE:**

So that's the purpose of this piece of legislation, to ensure that we are not collecting windfall profits. Now ••

**CHAIRMAN MONTANO:**

All right, I said you would have the last word, you had it.

**LEG. ROMAINE:**

Thank you.

**CHAIRMAN MONTANO:**

There's a motion to table which takes precedence. All in favor of tabling?  
Opposed?

**LEG. SCHNEIDERMAN:**

Opposed.

**LEG. LOSQUADRO:**

Opposed.

**LEG. ALDEN:**

Opposed.

**LEG. VILORIA • FISHER:**

Opposed.

**CHAIRMAN MONTANO:**

We have four opposition ••

**LEG. SCHNEIDERMAN:**

Tabling fails.

**CHAIRMAN MONTANO:**

Tabling fails. Motion to ••

**LEG. SCHNEIDERMAN:**

Approve.

**CHAIRMAN MONTANO:**

•• approve.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN MONTANO:**

Legislator Schneiderman, Legislator Losquadro. All in favor of the motion to approve, raise your hands. Motion carries. I abstain on this. And Legislator

Cooper, your vote?

**LEG. COOPER:**

I'll abstain.

**CHAIRMAN MONTANO:**

Okay. ***Approved (VOTE: 5•0•2•0 • Abstentions: Legislators Montano & Cooper).***

Good day. Thank you very much.

**LEG. ALDEN:**

Thanks, Rick.

***(\*The meeting was adjourned at 11:56 A.M.\*)***

***Legislator Ricardo Montano, Chairman  
Budget & Finance Committee***

***\\_ \\_ • Denotes Spelled Phonetically***