BUDGET & FINANCE COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

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 Tuesday, April 17, 2007.

Members Present:
Legislator Jon Cooper - Vice-Chair
Legislator Cameron Alden
Legislator Jay Schneiderman
Legislator Steve Stern

Member Not Present:
Legislator Ricardo Montano - Excused Absence

Also In Attendance:
George Nolan - Counsel to the Legislature
Bob Martinez - Aide to Legislator Montano
Linda Burkhardt - Aide to Presiding Officer Lindsay
Renee Ortiz - Chief Deputy Clerk of the Legislature
Gail Vizzini - Director/Budget Review Office
Linda Bay - Aide to Minority Caucus
Ben Zwirn - Assistant County Executive
Brian Beedenbender - County Executive Assistant
Allen Kovesdy - Deputy Director/County Executive's Budget Office
Joseph Sawicki - County Comptroller
Bob Tuerlings - AME
All Other Interested Parties

Minutes Taken By:
Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:10 A.M.*)

VICE-CHAIRMAN COOPER:
Good morning, everybody. I'd like to welcome you to the March 30th -- the April 17th -- I haven't done this for two years now -- April 17th -- April 17th meeting of the Budget and Finance Committee. Before we get started, if Legislator Stern could please lead us in the Pledge.

SALUTATION

VICE-CHAIRMAN COOPER:
And I'd also like to start off with a moment of silence for the more than 3000 American troops killed in Iraq, tens of thousands of American women wounded, hundreds of thousands of Iraqi innocent victims, and most importantly, the more than 100,000 American men and women still bravely serving in Iraq and Afghanistan.

MOMENT OF SILENCE

VICE-CHAIRMAN COOPER:
Thank you very much.

LEG. SCHNEIDERMAN:
Could we remain standing and have a moment of silence for the -- in West Virginia for the 32 students who were killed in Virginia Tech.

VICE-CHAIRMAN COOPER:
Absolutely. Thank you.

MOMENT OF SILENCE

VICE-CHAIRMAN COOPER:
Thank you. For the record, I'd like to mention that Chairman Montano has excused absence for today. And first I'd like to start off with speakers. We have two individuals that signed speakers cards. First is Bob Tuerlings from AME. Please state your name.

MR. TUERLINGS:
My name is Bob Tuerlings. I'm the Executive Vice-President from AME. I'm here this morning to ask you to reject Resolution 1262, transferring funding for the Division of Insurance and Risk Management back from the Department of Audit and Control to the Suffolk County Human Resources, Personnel and Civil Service Department. On behalf of the entire membership of the Association of Municipal Employees, we would appreciate any consideration that you would give to this matter. Thank you.

VICE-CHAIRMAN COOPER:
Thank you, Bob. Next I'd like to invite up Joe Sawicki from the Comptroller's Office.

MR. SAWICKI:
Good morning, ladies and gentlemen. I too would like to address Resolution 1262. And first let me state for the record that I come in peace, because this resolution could possibly put me at odds with some other officials in the County, and this is not -- this is not my intention. I come here to speak for the sake of good government and for -- basically to reaffirm what you the Legislature did through a unanimous vote back in November for the 2007 adopted budget.

And in terms of working together, I'd like to go on the record and also state that in the mail today, in case you haven't opened it, you some pretty impressive surplus numbers. We closed our books officially in the County yesterday afternoon. I fired out of letters to each -- each member of this

esteemed body as well as the County Executive. So I think you'll be -- you know, again, it points to a direction where we all make some very positive accomplishments by working together, not only has our budget been healthy through a -- you know, largely through the hard work of yourself and the County Executive. But our bond ratings, as you know, are historically high, the highest they've ever been in Suffolk County. Again, that's how -- that's what happens when we all work together and put our party affiliations aside.

With that said, some of us have to agree to disagree on the issue of which department is best suited to administer insurance and risk management. And that, again, is addressed by resolution -- Introductory Resolution 1262, which you have before you today. Last fall when the County Executive proposed to transfer Risk out of Civil Service and into the Law Department your own BRO, this Budget Review Office, stated that since 1990, it's been the position of the Budget Review Office that functions of Insurance and Risk are similar to that in Audit and Control and that the Department of Audit and Control is better structured to lend support to Insurance and Risk.

In your infinite wisdom, the Legislature agreed and you adopted the 2007 budget and transferred Risk to Audit and Control. And I might add, again, by a unanimous vote. The County Executive vetoed it, and this Legislature overrode him by a vote, I believe, of 16 to 2. This is not the first time BRO had issued such an opinion. Insurance and Risk has had a long history with Audit and Control.

Back in 1990, it transferred Insurance and Risk from the then County Executive's Office over to the Comptroller's Office. And it remained there until 2001 when many of you will probably remember that there was a minor dispute between my predecessor and the Legislature, I think a guy by the name of Paul Tonna, and after that everything was transferred out of the Comptroller's Office over to Purchasing, Civil Service, etcetera, etcetera. That's something that predates some of us, but some of the older guys here like Cameron may remember that one.

But here we are in April of '07 where one-third of the year -- one-third of the way through the year, and there's a resolution now to put Insurance and Risk back to Civil Service. There's no rhyme or reason for this mid -- year change of your Operating Budget -- our Operating Budget. And in accord with the mandate that you gave me, I have been administering -- my staff and I have been administering Insurance and Risk. It's 22 employees. And we oversee its $35 million annual departmental budget. They process 1400 payments a week totaling almost a half a million dollars on a weekly basis.

We have been working actively with the division to strengthen internal controls. For example, back in '05 I requested Earnst and Young, the County's independent accounting firm, to perform an audit, an outside separate audit of Insurance and Risk. And they came up with a whole lot of suggestions, some positive suggestions; how we can improve the entire management. One of the major finding was that they -- we found that there are services provided by a variety of vendors for the County with no contracts in place.

I mean, can you imagine the County making payments to vendors without any contracts in place? Twenty-one auto body shops, three appraisal companies and two medical examiners did not have contracts. Well, we are in the process now of implementing those contracts through the proper RFP and bidding process. All I can tell you is as the Comptroller, and I believe the Legislature will agree with me, we have to have contracts in place for all our vendors.

And we're also reviewing other contracts in Risk Management that are up for renewal, and we evaluating their performance as well. Incidentally, there's a $100,000 line item in the County budget, which was put in back in 1987. It's known as VDT payments. That's the old video display terminal payments. Back in '87, the Legislature instituted a program to reimburse employees for the cost of eye exams and lenses if the employee was required to use VDT, which now obviously are commonly known as computer monitors. The actual cost of the program that the County spent was -- in 2006 was over $66,000.

I want to ascertain whether this is even necessary, this $100,000 line item, this $66,000 in actual expense, I mean, given the optical benefits that are available to all County employees through the Benefit Fund. It may be a duplicate type of expense. But again, it's an example of how we're examining the unit and how we're trying to weed out the good from the bad expenditures. If you just take a quick look at the County Charter, which the County Charter and New York State General Municipal Law gives the Comptroller the, quote, the power to audit and approve all bills, invoices, payrolls and other evidences of claim, demands or charges against the County or any County district and to determine the regularity, legality and correctness of same. These duties require that Audit and Control have -- possess the financial and management expertise to accomplish these. This expertise -- these expertise would be an asset as we continue to administer Risk Management.

To the contrary, the powers and duties bestowed on the Human Resources, Civil Service, is as we all know, to deal predominantly with all issues regarding County employees, including but not limited to maintaining personnel records, having jurisdiction over the proper propriety of employee classifications, certifications, examinations and education. So there's a vast difference between Civil Service's responsibility to County Government and the Comptroller's.

To do an effective job as your Comptroller, I need the proper tools. You have given them to me in the past. I am deeply appreciative for all the auditing -- auditors and positions you have given me in the budget. But I'm the firm belief that you made the right decision back in the fall to adopt the 2007 budget. Instead of adopting 1262, what I'd really like you to do is to implement the Charter change that would effectively conform the Charter to your budget, and then we can move forward from this -- from this issue. Thank you very much.

VICE-CHAIRMAN COOPER:
Thank you very much, Joe. Any questions? Thanks for coming down, appreciate it.

MR. SAWICKI:
Thank you very much. I appreciate the time.

VICE-CHAIRMAN COOPER:
Before we move to the agenda, Gail, did you have anything you would like to address with the committee?

MS. VIZZINI:
Basically I just want to tell the committee that we will be meeting with the County Executive's Budget Office tomorrow relative to the multiple year budget model, and hopefully we'll have a presentation to the committee at the next cycle. The County Executive's Budget Office has asked me to let you know that the Capital Program was filed with the Clerk yesterday, and there are copies of the 2008-2010 proposed Capital Program in each of your mailboxes.

Our staff will be working day and night reviewing it to prepare our report to you. And also, we have our presentation to the rating agencies scheduled for April 26th. And we -- all the financial groups are working diligently in reviewing the presentation for that time period.

VICE-CHAIRMAN COOPER:
Thank you very much. Let's move right on to the agenda. Starting with Tabled Resolutions.

2598-06. Adopting Local Law No. 2007, A Charter Law to amend Section C4-35 of the Suffolk County Charter.

It has to be tabled for a public hearing. So I make a motion to table.

LEG. STERN:
Second.

VICE-CHAIRMAN COOPER:
All those in favor? Opposed? IR 2598 is **TABLED** for the public hearing **(VOTE:4-0-0-1 - Not present - Legis. Montano)**.

IR 1013. Repealing home energy nuisance taxes on Suffolk County residents.

LEG. ALDEN:
Motion.

VICE-CHAIRMAN COOPER:
Legislator Alden, I second that motion. All those in favor? Opposed? IR 1013 is **TABLED (VOTE:4-0-0-1 - Not present - Legis. Montano)**.

1014. Establishing a program to reduce unfair home energy nuisance taxes on Suffolk County residents.

LEG. ALDEN:
Motion to table.

VICE-CHAIRMAN COOPER:
Second. All in favor? Opposed? IR 1014 is **TABLED (VOTE:4-0-0-1 - Not present - Legis. Montano)**.

IR 1057. Adopting Local Law No. 2007, A Charter Law to reform the Suffolk County Legislative Grant process.

I'll make a motion to table.

LEG. STERN:
Second.

VICE-CHAIRMAN COOPER:
All in favor? Opposed? IR 1057 is **TABLED (VOTE:4-0-0-1 - Not present - Legis. Montano)**.

IR 1066. Amending the 2007 Operating Budget and transferring funds for temporary salaries for per diem pathologists in the Division of Medical Legal Investigations and Forensic Sciences in the Department of Health Services.

I know that we were waiting for comments from the Medical Examiner. Ben, do you know if she had a chance to evaluate this?

MR. ZWIRN:
We just ask that you table one more -- one more cycle, because she just came on board, she's reviewing the department, and she'll have her recommendations and comments shortly.

VICE-CHAIRMAN COOPER:
All right. So we'll table for one cycle. I'll make a motion to table IR 1066.

LEG. STERN:
Second.

VICE-CHAIRMAN COOPER:
All in favor? Opposed? IR 1066 is **TABLED (VOTE:4-0-0-1 - Not present - Legis. Montano)**.

IR 1245. Adopting Local Law No. 2007, A Local Law to provide further guidelines and requirements for Suffolk County Contract Agencies.

I'll make a motion to approve.

LEG. STERN:
Second.

VICE-CHAIRMAN COOPER:
On the motion, Counsel, if you could just explain what this bill would accomplish.

MR. NOLAN:
This law would apply to all the contracts that the County has with contract agencies, which is defined in the law as any entity including but not limited to not-for-profit corporations, which the County contracts with to render health, welfare, recreational and other human services directly to the residents in Suffolk County.

And the requirements that are going to be imposed on these contracts are first that all these contracts have to be for at least $5000; secondly, that funding for these agencies has to be identified in the budget on a line item basis or by a subsequent resolution of the County Legislature, either regular resolution or procedural; thirdly, that no contract agency that has been identified by the Department of Audit and Control to have administrative expenses that are greater than 20% of their overall budget will receive County funding unless it's approved by a separate vote of the County Legislature by two-thirds majority. And lastly that all contracts with contract agencies is going to set forth in the future that the fact that their receiving funding in a particular year does not mean they're going to get funding in subsequent years. This law if adopted would apply to all contracts beginning to 2008.

VICE-CHAIRMAN COOPER:
Thank you, George.

LEG. ALDEN:
George, what's the legal significance of that last statement you made for something like Legal Aid and other -- other contracts that we have with hospitals that provide our health centers and things of that nature? We're telling them that you're probably not going to be in the budget, this is a one shot deal; is that what that --

MR. NOLAN:
No. It doesn't -- I don't take it to mean that. What it means is just that the fact that the County is providing funding in a particular year they should not take that to mean that it is going to be going on in perpetuity, but it doesn't mean that necessarily next year they're going to be out or in or anything like that. It just means that it's going to be done on a year-to-year basis.

LEG. ALDEN:
I can support this if I have assurances that what we're not looking to do is knock out all the people that are the pillars of really the supply of necessary services to people. So if we're stating to -- as I just stated, if we're making that statement to Legal Aid and we're making that statement to the people that provide our mental health services and we're making that statement to the people that run our health centers, I don't -- I don't go along with that. And I think that's a bad statement to make to them. And it possibly is even contradictory to what our Charter states. So I'm not sure where and what that terminology is, you know, set to accomplish.

MR. NOLAN:
You know, frankly, that particular provision, it's arguable whether or not you even need to put it in a

contract, because I think just because you are getting funded in one year does not give you any legal right or expectation you're going to be funded in subsequent years. It may be something the County needs to do, but, you know, we may -- we may need to do that on a year-to-year basis, but we may pick somebody else to provide that service in the future.

LEG. ALDEN:
I'll rely on your representation. If you think that this would still allow us to year after year supply funding to those necessary service providers such as mental health and the health centers, the legal, then I don't have a real problem with voting for the rest of this, because I think it's what we do right now. But if that precludes giving anybody something on a continuing basis where they can actually go out and plan and do a budget, then I can't support this.

MR. NOLAN:
No. This provision would not preclude the County from funding agencies that are -- that are receiving funding this year to provide a service. Certainly, this would not prevent us from contracting with that same agency next year. It just would say to them it's not an automatic that their particular group is going to receive the funding to administer the service.

VICE-CHAIRMAN COOPER:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I share Cameron's concern on that. It really depends, I guess, on how that contract is worded. I just don't want to see it used against that particular organization to say, "Hey, you signed off and said that you weren't getting money next year, so don't ask me." You know, you don't want to end up in that situation. I also want to just double check, George, you had said that the bottom of the grant was, I think, 5000. And I thought that was something that changed to 2000.

MR. NOLAN:
No. I should have mentioned this when I was explaining, this $5000 minimum does not apply to the community support initiatives that are -- come to the County Legislature. Those are specifically excluded, and those would be $1000.

LEG. SCHNEIDERMAN:
Those would be a thousand. And can I ask, because I know there was some talk at one point in putting a provision, which I would object to in that these organizations would have to do a concern percentage of work outside of the Legislative District in which they're contained.

MR. NOLAN:
That was in a County Executive bill. That's not part of this particular bill.

LEG. SCHNEIDERMAN:
Okay. Because, you know, having the largest geographic district, a lot of the organizations in my district don't reach outside of the district itself, so it's important.

VICE-CHAIRMAN COOPER:
Thank you very much for that explanation. So we have a motion to approve on the table and a second. All in favor? Opposed? IR 1245 is **APPROVED (VOTE:4-0-0-1 - Not present - Legis. Montano)**.

1250. Adopting Local Law No. - 2007, a Charter Law to increase transparency and accountability in the budget process.

VICE-CHAIRMAN COOPER:
I'll make a motion to approve.

LEG. STERN:
Second.

VICE-CHAIRMAN COOPER:
Once again, if we can have an explanation from Counsel.

MR. NOLAN:
This particular law has to do with the -- specifically with the budget process and specifically when the County Legislature is amending the budget that was proposed by the County Executive. And what this law states is that if there is a budget amendment submitted by Legislature which provides funding for two or more contract agencies, the resolution will include the name of the Legislator or Legislators sponsoring the funding for each contract agency. And this information can be provided in the body of the resolution or in an attachment or exhibit or appendix attached to the resolution.

VICE-CHAIRMAN COOPER:
Legislator Alden.

LEG. ALDEN:
Okay. So let's explore how this would work. It only applies to the Legislature, it doesn't apply to County Executive?

MR. NOLAN:
This specifically applied to budget amendments proposed by the County Legislature.

LEG. ALDEN:
Okay. So now in Suffolk County we're going to have -- in the budget process we're going to have two sets of rules; one set for the County Executive, one for the Legislature. So let's take it to the budget process. When we do a large budget amendment like the omnibus, you're going to have each line with a Legislator's name on it?

MR. NOLAN:
We left it open-ended to either include that information in the budget amendment resolution itself where there would be that information next to the name of the agency getting funding, or it could be an exhibit or an attachment to the resolution that would have that information or Legislator or Legislators who are sponsoring that particular group.

LEG. ALDEN:
Okay. Don't we do that now when we have a proposed budget amendment, the omnibus, and you have sponsors, would that not qualify for what the requirement is here?

MR. NOLAN:
I'm not sure I understand. You're talking about omnibus the resolution?

LEG. ALDEN:
Yeah. I'm just going to go through a couple of examples. So the omnibus, anybody that wants to cosponsor it puts their name on it, and then, of course, in the voting process, you vote either yea or nay on it. So would that qualify for this requirement that a Legislator's name be on --

MR. NOLAN:
No. I think that would not qualify. I think the idea is in the Omnibus Resolution that particular contract agencies, there should be identification, not just of 16 Legislators cosponsoring the entire Omnibus, but the specific Legislators who have put that particular funding for that particular agency in that resolution. I think that is the idea and the intent of the resolution.

VICE-CHAIRMAN COOPER:
So let's say if the County Executive in his proposal had specified $50,000 for a certain agency and

four Legislators in the working group decided to add an additional $10,000, whose names would be listed? It would just be the names of the Legislators?

MR. NOLAN:
It would be the Legislators in that particular instance. If it's adding $10,000 for a group, if there are four Legislators who are causing that to be in the Omnibus Resolution, then you would identify the specific Legislators who sponsored it.

VICE-CHAIRMAN COOPER:
Or if they decreased funding their names would be included.

MR. NOLAN:
It's where there's funding added.

LEG. ALDEN:
Not decreased?

MR. NOLAN:
Not decreased?

LEG. SCHNEIDERMAN:
Using that example, let's say a group was funded at several hundred thousand dollars and we added 10,000 to it, would you be able to see that as the names were attached that it only applied to the additional 10,000, or would the reader -- look like you had put in the entire amount.

MR. NOLAN:
I haven't thought that through, to be honest with you. I didn't get that far.

MS. VIZZINI:
Mr. Chairperson.

LEG. ALDEN:
If you follow it, it would have to.

MS. VIZZINI:
If I may. The requirements of this resolution are going to be a challenge for the Budget Review Office since we put together the Omnibus. The way I read the resolution is this applies to the Omnibus. As those of you who have participated in various budget amending omnibus sessions, it's kind of like all for one and one for all. All those sponsors make the policy determinations as to what funding is added or reduced or revenue enhanced or reduced, expenditures enhanced or reduced, with the exception of concern district-specific or Legislative items where each of you have a say into what agencies you may want to fund.

Reading this literally, it's not pragmatic for me to put someone's name funding for Legal Aid when all of you have agreed to add an additional 200,000 for the Senior Program or what have you or to put Legislator Stern's name next to increasing rent in the Public Works rental account because Budget Review said there's not enough money there. That's something that all the sponsors agree to. Or, you know, putting $2.7 million in pay-as-you-go because it's a pragmatic and cost effective thing to do.

So, you know, I have questions in terms of does this require every line that happens to be funded out of 4980, which is contract agencies, have someone's name on it. Even if we look at just putting the Legislators names next to the more district-specific, you're going to have the Dolan Center which gets a certain amount of money from the County Executive's Office and then the respective Legislators whose constituents frequent that health clinic desirous of perhaps added additional

monies.

It just makes it necessary for us to have some sort of tracking mechanism. I'm saying that we can't do it. But I also want to bring your attention to the fact that it makes the budget amending, budget adoption, veto and ultimate override process a lot more challenging. If you remember the Operating Budget last year, certain contract agencies were targeted, and there was an absence of the ability of the Legislature to override certain vetoes, and then other Legislative efforts had to be considered in 2007. So, you know, if we're looking for some sort of transparency here or accountability, after the budget adoption, veto and override process is done, perhaps you might want to consider some sort of intranet posting of agencies that you funded or something like that, rather than require your names to be associated with line items on an Omnibus Resolution. And I just ask you to think about that.

VICE-CHAIRMAN COOPER:
Thank you. I applaud the sponsor of the resolution for the intent, because I'm all for increasing transparency, but now that we've gotten into this, I do have some certain. It doesn't really make sense that we not require the same transparency for County Exec resolutions, because that's probably the bulk of them -- it's certainly the bulk of them.

Also, I'm concerned that someone looking at it wouldn't know whether the resolutions and sponsors were listed because we increased funding or decreased funding. I guess all you would see is the final number. It may well be that the Legislators reduced funding by, as opposed to added funding by $50,000. And it's not clear that that would be apparent. And I, at least now, am also concerned about the practicality of implementing this. So I don't know if anyone else would like to speak. I'd like to make a motion to table this so we can revisit this.

LEG. ALDEN:
I'll second your tabling motion, but I'd to also say I think we're going in the right direction, I think we're making some changes, but the changes seem to be just to make a little bit more clearer what our practice is anyway. And the work product of the Omnibus, there are cosponsors on it, and I don't -- I'm not sure how we can be even more clear as to how the funding ends up in -- you know, like, for instance, we'll take Legal Aid, how we end up with the numbers for Legal Aid, whether it was one Legislator, two Legislators or the full 18 that vote on it, you know, how we can be more clear to the public that here's the amount of money that's going the Legal Aid and here are the Legislators that think that amount of money to Legal Aid is the proper amount.

So I think we're on the right track. I think that maybe there is some other way if we all put our heads together. Certainly we don't want to make it so that it's even more cumbersome than it is right now, because it is pretty involved process even as we go now. And I think we're making tracks too with that subcommittee that's looking at all the contract agencies. So I think as that plays out we might be able to, you know, come up with something to satisfy Legislator D'Amaro's interest in more transparency. But it's got to be something that would be workable. So I'll support the tabling motion.

VICE-CHAIRMAN COOPER:
Legislator Stern.

LEG. STERN:
Yes. Thank you. I agree. I think we all agree that we are doing awful lot at this point as a Legislature working towards a more transparent system. And I'm sure that the sponsor would be more than happy to take into account the very reasonable questions raised to, so I'll support the tabling motion as well.

VICE-CHAIRMAN COOPER:
Okay. Thank you. So we have a motion to table and a second. All those in favor? Opposed? IR

1250 is **TABLED (VOTE:4-0-0-1 - Not present - Legis. Montano)**.

Moving on to Introductory Resolutions, **IR 1262. Transferring funding for the Division of Insurance and Risk Management back from the Department of Audit and Control to the Suffolk County Department of Human Resources, Personnel and Civil Service.**

I make a motion to table. Is there a second?

LEG. ALDEN:
Motion to approve.

LEG. SCHNEIDERMAN:
Rather than tabling it, which forces people to have to come back and it keeps it on the agenda, I would rather defeat this. So I'm not going to support the tabling with the hopes that we vote on it.

LEG. ALDEN:
I'll make a motion to approve.

LEG. SCHNEIDERMAN:
So we can vote on the tabling motion, but I'd like the opportunity to vote this down.

VICE-CHAIRMAN COOPER:
In deference to the sponsor, I really prefer not to. I don't normally do that.

MR. ZWIRN:
If I may. Mr. Chairman, if I just might comment at some point. The County Executive is -- this is his bill and he's supportive of it, because they were two options -- actually there were three options before the Legislature; one, to transfer to the Comptroller's Office, put it in the Department of Law, or keep it in Civil Service where it is now.

One of concerns that AME had at that time was the issue of privatization. And the rumors that were running around, that there was going to be -- this department would be privatized going down the road. In deference to that and working with AME and Cheryl Felice, the County Executive in both bills that are before the Legislature that transferred to the Department of Law or to Civil Service -- or leave it where it is in Civil Service have these privatization resolution language in it saying it will not be -- not privatized.

The bill that has it conforming to the budget sending it to the Comptroller's Office does not have such a provision. So the representation that that would not be -- there would no efforts to privatize would not travel with the language in that legislation. We would ask you to keep this department in the Executive Branch, preferably in the Department of Law, but the County Executive in an effort to compromise said, "Let's leave it where it is," and that's why this bill is here at the present time.

VICE-CHAIRMAN COOPER:
Legislator Alden.

LEG. ALDEN:
Actually, Ben, I just want to go into this little bit. Right now it's not with the Department of Human Resources, Personnel and Civil Service. Right now it's with the Comptroller. It was transferred by an act of the Legislature, it was vetoed by the County Executive, and that veto was overridden. So now what we're talking about, possibly legislation to change the Charter to enact a piece of legislation that would make sure that it's in the Department of Audit and Control basically forever.

I'm happy with it being in Audit and Control, back over there. I have the utmost confidence in this Comptroller and in future Comptrollers. And I don't believe they have the Charter authority to

privatize it on their own without coming back to the Legislature. So I don't believe that the Comptroller has that much power on that. So I'm confident it works over there, I'm confident that it can't be privatized over there, it won't be privatized over there without an act -- an act coming back to us as a Legislative body. So I don't really see a point in transferring back over to the Department of Human Resources, Personnel and Civil Service. They traditionally are not in a position to do the type of audits that the Comptroller is in the position to do with his expertise. And this kind concentrates that power or that function where it logically makes sense to have it concentrated.

MR. ZWIRN:
If I may respond. The comments that the County Exec and I made today have no reflection on the Comptroller's Office. We have great regard --

LEG. ALDEN:
I know.

MR. ZWIRN:
We have great regard for Joe Sawicki and his office. He's a terrific Comptroller, only have very positive things -- we enjoy working with him. He's very capable. Don't mean to that denigrate that office in any way whatsoever.

LEG. ALDEN:
And I didn't take it as a denigration.

MR. ZWIRN:
I understand. I just want to make that very clear on the record.

LEG. ALDEN:
I didn't take it that way. I just -- I don't see the -- what's the purpose then of bringing it back either to the County Attorney's Office or the Division of Personnel and Civil Service?

MR. ZWIRN:
Well, our first choice was go to the Department of Law, which works with Risk Management on a direct basis, because they're the lawyers that handle the cases.

LEG. ALDEN:
But then there's no check and balance on Risk Management.

MR. ZWIRN:
Well, I don't --

LEG. ALDEN:
You'd have too much power. You'd have the legal power and you'd also have the -- basically the auditing power right in the same place, which I don't think that's a good idea either.

MR. ZWIRN:
Well, we have checks and balances between the Legislature and the Executive Branch. And any cases that are settled with Risk Management usually come back before the Legislature to be voted on. We have Executive Session where everything is explained. So the checks and balances are between the different --

LEG. ALDEN:
But, you know, and now we;re just talking about --

MR. ZWIRN:
-- branches of government.

LEG. ALDEN:
Now we're talking about the nuts and bolts, how this operates. And I like the fact that you have a separate auditor, you have a separate County Attorney, so legal opinion and basically the financial opinion, they're from two separate people. So that's going to give more input to the process, and I think it works a lot better that way. So I don't see a need to transfer it back to where it was.

MR. ZWIRN:
I hear what you are saying. The County Executive is -- he's been very adamant about this, about losing this particular department, and he takes it personally as an assault on the Executive Branch of the government.

LEG. ALDEN:
Well, traditionally though, he shouldn't do that, because if you go back in history, this was always over in Audit and Control.

MR. ZWIRN:
It's true, it's been in different -- it's been in different parts of the government.

LEG. ALDEN:
Because of a fallout -- and I was here as Mr. Sawicki pointed out. I'm not an old timer, but I've just been in this body for a few years. So I was here through that fallout or whatever you want to call it, and that's how it got transferred to an inappropriate place. Thanks, Ben.

VICE-CHAIRMAN COOPER:
I think we have a motion on the table to table, a motion to approve. The tabling takes precedence. So we have a motion to table and a second. All in favor? Opposed?

LEG. SCHNEIDERMAN:
Opposed.

LEG. ALDEN:
Opposed.

VICE-CHAIRMAN COOPER:
So that motion fails. I'll make a motion to table subject to call, is there a second? Going once, going twice. So that didn't get too far.
So now we have a motion to approve with no second. This is getting interesting. It fails for lack of second.

LEG. ALDEN:
So then this stays alive.

LEG. SCHNEIDERMAN:
No.

LEG. ALDEN:
It absolutely does.

LEG. SCHNEIDERMAN:
I don't think so. Let's ask Counsel. If it fails for a lack of a second, does it die?

MR. NOLAN:
I actually have checked this with prior Legislative Counsels. If a motion -- resolution is defeated in committee, whether by lack of a second or just not having sufficient votes, it's defeated in committee, it won't appear on future agendas, but it does stay alive pursuant to the Six-Month Rule

and could be discharged by the committee and considered by the full Legislature in the future. So where it's -- no matter how it goes down in the committee, it stays alive.

LEG. SCHNEIDERMAN:
Even if it's fully defeated?

MR. NOLAN:
Even if it's fully defeated.

LEG. ALDEN:
All right. So I withdraw motion to approve.

LEG. SCHNEIDERMAN:
I'll second the motion to approve for the purpose of defeating. Send a message. We've already voted on this. The Legislature passed it almost unanimously, I think, 16 to 2.

LEG. ALDEN:
If you're going to second it, I'll renew my motion to approve then.

LEG. SCHNEIDERMAN:
So let's defeat it. It's cleaner, I think.

VICE-CHAIRMAN COOPER:
Well, how do we do that? We already had that motion and it was defeated.

LEG. ALDEN:
I withdrew my motion just now. But now I'll re institute a motion to approve.

VICE-CHAIRMAN COOPER:
You didn't withdraw it after the vote?

MR. NOLAN:
There's been no vote on it.

VICE-CHAIRMAN COOPER:
There was no vote, okay.

LEG. SCHNEIDERMAN:
I'll second it.

VICE-CHAIRMAN COOPER:
There's a motion to approve and a second. Okay. All those in favor in addition to Jay and Cameron? All those opposed?

LEG. SCHNEIDERMAN:
Opposed.

LEG. ALDEN:
Opposed.

VICE-CHAIRMAN COOPER:
I guess I'll go opposed given those choices before me.

LEG. STERN:
Opposed.

LEG. ALDEN:
You can always reintroduce the legislation.

VICE-CHAIRMAN COOPER:
No, that's okay. Thank you.

VICE-CHAIRMAN COOPER:
We have four votes in opposition. Motion **FAILS,** I think **(VOTE:4-0-0-1 - Not present - Legis. Montano).**

LEG. ALDEN:
As we just heard, it really just floats out there for six months.

VICE-CHAIRMAN COOPER:
Right. Because a committee cannot kill a bill. So, again, on the floor, anyone can make a motion to approve. It's not even a discharge motion or anything.

MR. NOLAN:
It needs a discharge motion.

VICE-CHAIRMAN COOPER:
It needs a discharge motion.

LEG. ALDEN:
For the record, this will not appear on our agenda again until somebody takes some type of action, because it just failed. It was defeated in committee.

VICE-CHAIRMAN COOPER:
Thank you.

1263. To readjust, compromise and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #766-2007.

Motion to approve and put on the Consent Calender. Thank you.

LEG. STERN:
Second.

LEG. ALDEN:
Brief explanation, though.

MR. NOLAN:
These are tax refunds based on clerical errors and other errors from various towns, Babylon, East Hampton, Huntington, Islip, Riverhead, Smithtown, Southold.

LEG. ALDEN:
Thank you.

VICE-CHAIRMAN COOPER:
Thank you. We have a motion to approve and a second. All those in favor? Opposed? IR 1263 is **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4-0-0-1 - Not Present - Legis. Montano).**

1281. To readjust, compromise, and grant refunds and charge-backs on correction or errors/County Treasurer by: County Legislature #266.

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4-0-0-1 - Not Present - Legis. Montano).**

1282. To readjust, compromise, and grant refunds and charge-backs on correction or errors/County Treasurer by: County Legislature #267.

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4-0-0-1 - Not Present - Legis. Montano)**

1283. To readjust, compromise, and grant refunds and charge-backs on correction of errors by: County Legislature Control #768-2007.

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4-0-0-1 - Not Present - Legis. Montano)**

1284. To readjust, compromise, and grant refunds and charge-backs on real property correction of errors by: County Legislature Control #767-2007.

Same motion, same second, same vote. **APPROVED** and placed on the **CONSENT CALENDER (VOTE:4-0-0-1 - Not Present - Legis. Montano)**

1303. Amending the 2007 Operating Budget and transferring funds for the maintenance of the TWA Flight 800 Memorial at Smith Point County Park.

VICE-CHAIRMAN COOPER:
On the motion.

LEG. SCHNEIDERMAN:
Is there a motion.

VICE-CHAIRMAN COOPER:
Thank you. Motion to -- is there a motion?

LEG. ALDEN:
You know what? I'm not so sure we need a motion just to discuss this. Can I ask a couple of questions first?

VICE-CHAIRMAN COOPER:
Sure.

LEG. ALDEN:
All right. This transfers money to the Department of Parks to maintain it?

MR. ZWIRN:
Yes.

LEG. ALDEN:
Then my question to Budget Review, did we ever approve the money that goes to the victims' memorial -- - I think it's a 5-O-1-C-3 corporation?

MS. VIZZINI:
In the Omnibus, the Legislature put $25,000 in for IGHL. That is the $25,000 that's being taken from IGHL and put in the Parks Department for temporary salaries. If you pass this, IGHL will have

no funding.

LEG. ALDEN:
I don't feel that that's the commitment that I made to the people from the Flight 800 Memorial, so I will be in opposition to this piece of legislation.

VICE-CHAIRMAN COOPER:
I'm sorry, are you done Legislator Alden?

LEG. ALDEN:
I'm done.

LEG. SCHNEIDERMAN:
I'm just a little bit confused. Why would you want to take money away from that group when we're -- I thought the discussion was trying to give them some more money to do more maintenance here, and now it seems like we're --

VICE-CHAIRMAN COOPER:
If I can explain. The issue was whether the same quality of maintenance can be performed at lower cost. And the commitment that we received from Commissioner Foley and the County Executive is that they were going to provide whatever resources are available through Parks Department personnel or seasonal employees to perform an adequate level of maintenance. And they wanted to be given this opportunity. I had raised concerns that they had had this opportunity in the past and had not lived up to their obligations, but Commission Foley said basically that was then, this is now. Now they are going to commit to maintaining the memorial properly.

And so based on that, I was leaning towards supporting this. But I got a call from John Seaman this morning as I was driving out to the Legislature. And I spoke with him, and his concern was more specifically about -- it was so much as -- as far as the money for labor for the maintenance, but he explained that based on a pledge that the County Executive made at a memorial service, Flight 800 memorial service in July, they placed an order in November for about $8000 worth of plants and mulch and fertilizer, and they also contracted with someone from Cornell Cooperative, I believe a master gardener from Cornell Cooperative. So they've already issued these POs, and now they're very concerned that if the $25,000 is taken away from them, it not only affects the money allocated for labor, but also materials that they've already committed -- they've already placed an order for it. They placed the order -- they had to place the order last November.

So I wasn't aware of that. So that's of concern to me. And I would need assurance that that was addressed, that at least we find some way to make them whole and provide them -- reimburse them for whatever expenditures they have outlayed or committed to outlay for the plants and the fertilizer and the mulch and other materials. Also, this contract that they have apparently entered into for the master gardener from Cornell Cooperative, if that agreement can't be aggregated, and if there's cost involved there, I want to make sure they're reimbursed for that.

I think other and above that, the extra $45,000 or what have you for labor, I would -- I personally would not have a problem with giving the opportunity to the Parks Department and their personnel to live up to their obligations and whether they can do an adequate job. If not, I made it already clear to the Commissioner that we will revisit this, and, you know, next year we'll do things differently. And I believe that John Seaman would be okay with that. I think that their immediate concern, though, is losing the funding for the materials and other things that they've already committed to. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
You know, it's hard for me to think that Parks would do -- and this is no disrespect to Parks, I think they do a good job. But, you know, you have the families of the victims here who I think would pay even closer attention. What I'm thinking though since we're not giving them -- it doesn't seem like

we're giving them more than what we had budgeted, maybe a combined effort to leave with the $25,000, let them use it -- it sounds like they're doing beautification type of work that Parks might not do there. We often give money to various civic groups to do beautifications along County roadways and things like that. And if Parks wants -- Parks Department wants to do additional maintenance there and maintain it, I don't have a problem with that either, but not to take away the money from this organization at this juncture. Let's see how it's managed into the future and then we can make a decision in subsequent years. But it doesn't make any sense to me to remove this money.

VICE-CHAIRMAN COOPER:
And also on the point you raised, the Parks Commissioner did make it clear that they would welcome input from volunteers at IGHL or anyone else that would like. So if the families want to stay involved and volunteer time and effort to help maintain the memorial, they would welcome that. But he did say that they wanted the opportunity for Parks personnel and the seasonal employees to also participate as a way to reduce the overall maintenance costs.

LEG. SCHNEIDERMAN:
Maybe they won't need the additional money that they were requesting.

VICE-CHAIRMAN COOPER:
Then maybe you can take that back. My other immediate concern is now that I understand that they've outlayed basically $8000 of their money for all these plantings that are soon to be delivered and they may have also entered into this agreement with Cornell Cooperative, we can't leave them in the lurks like that.

MR. ZWIRN:
I'm not aware of any commitment that the County Executive made. I don't think this is a question of $8000 for plantings. I think that the County would certainly make the organizations whole. And they're a wonderful group of people. John Seaman is very dedicated, they built a beautiful memorial. The County originally made a commitment of $25,000 for the planning of the memorial, and since that time has produced a great deal of money to maintain it.

We're trying to figure out a way to be able to maintain the integrity and the beauty of this memorial. And the Park's Commissioner has said that, "If I had that $25,000 for temporary personnel, that we will dedicate that personnel to that location, and they will be able to maintain it." In addition, Sheriff DeMarco has said that he's reinstituted trustees from the prison to go out and work on grounds and clean up County roads, but also go there as well. They welcome the opportunity to get out and not have to spend the day sitting in the jail. And these are people who are -- you know, have been deemed not to be dangerous to the community. And it's been a very successful program. And these crews are in demand all over the County.

So the commitment has been there from the County Executive to maintain it. He just thinks that it's and open-ended proposition, $45,000, we weren't sure where that number came from, is this going to be something that the County is going to do every year, year in, year out, especially when the budget gets very tight. People are always welcome to come and volunteer, they've done fundraising. And that's certainly not precluded.

But we indicated that we would make that commitment. And IGHL is a contract group with the organization -- the families pay IGHL to go out and maintain it. I'm not -- I don't know about the master gardener from Cornell Cooperative, I don't know what that -- what was involved with that. But we will make a commitment to -- I'm sure that the County Executive would see to it, with the Legislature, that the cost for the flowers this year would be covered. It wasn't a matter of, you know, five, $10,000. But we just don't know where this is going down the road. I think we've made our commitment, we've met it and exceeded it.

VICE-CHAIRMAN COOPER:

Legislator Alden.

LEG. ALDEN:
Actually just to go back and address a little bit of the history, and I was here when -- when we actually approved the construction and the location of that monument, which probably ends up in hindsight not best place to put it, and we more than likely should have talked to the Federal Government because of the nature of the loss, those people were from all parts of the globe, not just from Suffolk County, although the incident happened in Suffolk County.

Having said that, we did make a commitment to the families that Suffolk County would supply a percentage, X number of dollars. I don't know where that should be, and in the future, I'd like to see Suffolk County's commitment lessened, and especially if we can go the route that Mr. Seaman had indicated he was going earlier when he came in before the Subcommittee on Contract Agencies. He indicated that he would like to see it placed in Federal care, because obviously, this is one generation. If this generation dies out, what's going to happen to the monument, the memorial, for future generations. So to have perpetuity really and care for it, I think that the Federal hands are where it belongs.

Having said that, there's a couple of things. When he came in, he documented -- and it was -- I'm fairly sure it was more than $200,000 that his organizations spent on that monument in a one year basis, a 12 month basis. So if Suffolk County is saying that we're going to take over the obligation, the full obligation on there, I think that we really should make an assessment as to how much of an obligation we're taking over. Because if we're going to take over a two or $300,000 obligation and we're only going to spend $25,000, that's not really fair to what we have made as far as a commitment to that memorial. And it goes to the very essence of why we put the memorial up there.

So we really should quantify what our commitment going forward is going to be as far as the dollar amount. I'd like to pursue the -- a lot more of the federalization of that. And I think that right now, though, in mid stream, this seems to be the time of year where we really need to do the work on that memorial. I think we have to honor our commitment. And we made a commitment to the families.

And then secondarily, that IGHL, those are bunch of young adults, and I think that it's a wonderful program, because they're mentally and physically challenged. And we're giving them something to actually live for and something that they go out there and take great pride in accomplishing the work that they do on this memorial. So at this point in time, I don't it's time for us to back away from that commitment or change and put in the Department of Parks' hands, because I'm not so sure that we realize how much of a commitment it was. Because I was fairly -- not fairly satisfied, I was 100% satisfied with the documentation that he brought in here as far as the hundreds of thousands of dollars that they spent on that memorial, whether maintaining it or the improvements that they had to make to it. So I don't think that this is the right time to be going and making this kind of a change.

VICE-CHAIRMAN COOPER:
Thank you. Gail, I have a question for you, I believe. The $25,000 in the line item in the '07 budget right now, what can that money be used for, is it just for labor or can it be used for the plants and the mulch and the fertilizer and the master gardener?

MS. VIZZINI:
That's the only money that's specific for IGHL. So when you're talking about, you know, assurances that the County will reimburse, you need to go some place for that -- for those appropriations to reimburse. So we would enter into a contract with IGHL, and whatever they purchase, you know, that's eligible, we've got at least $25,000 that we can spend to reimburse them. There is another resolution Eddington is sponsoring for an additional 45,000.

VICE-CHAIRMAN COOPER:
No. That was withdrawn, I believe.

MS. VIZZINI:
Yes. Which is in this committee, but according to the index is tabled until April 24th.

VICE-CHAIRMAN COOPER:
No. I think it was withdrawn.

MS. VIZZINI:
Okay. Fine. So budgetarily, you need appropriations if you're going to reimburse or pay the agency. And this $25,000 is identified for IGHL.

VICE-CHAIRMAN COOPER:
This may be a question for Counsel. And Ben, I certainly take you at your word, but to ensure that IGHL is indeed reimbursed for their expenditures to date for the plants and all the other materials and anything that may have been related to their agreement with Cornell, is Ben's statement on the record sufficient or do we need resolution?

MR. NOLAN:
What Ben said is --

VICE-CHAIRMAN COOPER:
I heard the snickering from the end of the --

LEG. SCHNEIDERMAN:
We don't usually do business by a verbal contract.

MR. NOLAN:
According to what -- going with that Gail said, you should leave some money for the group that's in the budget if they are going to get reimbursed. I mean, that ensures that there's money there for them. If you delete it, there's no guarantee that there's going to be money down the road, because then you are going to have to find another place to pay them from.

VICE-CHAIRMAN COOPER:
Okay. So based on that, I can't support this resolution. We'll figure out what we're going to do with it. But if it is indeed defeated and if the County Executive would like to put forth another resolution with different numbers, then -- maybe there's a compromise that we can reach where we give them less money than $25,000. But I definitely want to make sure that they're reimbursed for any of their financial commitments. So I'll make a motion to table this for one cycle to give the County Executive an opportunity to amend the resolution. I'm sure in the spirit of compromise, I'll have overwhelming support in the committee for that resolution. No?

LEG. SCHNEIDERMAN:
On the motion.

VICE-CHAIRMAN COOPER:
Yes.

LEG. STERN:
I'll second.

LEG. SCHNEIDERMAN:
Tabling it kind of says that the bill is not quite ready. And the seems like the bill fundamentally is flawed. One is I wouldn't agree with it even if it -- even if you changed those numbers, because I think that we made a commitment to this organization, and they ought -- they have done nothing to

make me feel like we shouldn't give them the 25 that we had originally budgeted. So I don't want to support the tabling. And even if it's changed to offset the cost to Cornell Cooperative or for the plants and mulch, you know, I can't support that either, so.

VICE-CHAIRMAN COOPER:
So let me guess. You want to make a motion to approve with your convoluted logic.

LEG. SCHNEIDERMAN:
The choices would be if the tabling -- should the tabling fail, we could -- it could then fail for a lack of motion, the lack of a second, or we could make a motion to approve for the purposes of defeating, and we could defeat it. That gets it off our agenda more cleanly, and I believe sends a message that we don't approve of this tact.

LEG. ALDEN:
Jon.

VICE-CHAIRMAN COOPER:
Legislator Alden.

LEG. ALDEN:
And just to confuse the issue a little bit more, I think that there's some area in the Parks Department where if we really wanted to provide the funds for part-time labor or seasonal employment to go in there and take care of this, I think I could show you where we could be in the existing budget. And I can explain to you.

LEG. SCHNEIDERMAN:
The money you squirreled away in the Parks Department?

LEG. ALDEN:
No,I didn't squirrel any in Parks. As a matter of fact, I think we stripped them down pretty clean. We picked them like a chicken. We picked them clean.

VICE-CHAIRMAN COOPER:
Legislator Stern.

LEG. STERN:
Thank you. There was reference to this agreement that the organization has with Cornell. I'm wondering if anybody has any more definitive information on that what contract was for and what kind of dollar amounts we're talking about, and what, if anything, has been expending on that contract already.

VICE-CHAIRMAN COOPER:
If you are looking to me then you are in trouble, because I don't have the answer to that. Again, I was just told as I was driving here that they had entered into a contract with Cornell, and Cornell is going to be providing a master gardener, perhaps they've done that in past years, I'm not sure. And I'm assuming that there was some financial commitment that goes along with that, because that was another concern they had.

So once again, I don't think that this is going to get approved today. If you want to take another bite at the apple -- my main concern is to make IGHL whole. And I also want to make sure that the memorial is maintained adequately. If the Parks Department can do that, great, if it's at a lower cost. But that doesn't resolve the problem that was explained to me this morning about the monies that were already expended or that they've already committed to. So do we have a motion on the table?

LEG. ALDEN:

Ben, let me make the same offer to you as I did to Jon. I think in Parks there's some room where if you -- we want to come up with a solution to all this, I think that I can show you where there's a little bit of room for change in the Parks Department budget, and you can reallocate some funds from one area to another. So I'll make that offer. Give me a call and we can --

MR. ZWIRN:
I understand. If there's money for flowers and things like that, I don't -- I don't think that will be a problem. I think the Parks Department can move -- have some flexibility to cover that. It's just that if that's all, then we know at least where our commitment is. Because $25,000 was put in the Omnibus, and now they're coming back for 45,000, and even though that has been withdrawn, there's nothing to prevent that from being --

LEG. ALDEN:
But, Ben, traditionally, I think it was over $50,000 that had been in the budget. Does anybody recollect? Maybe Budget Review remembers whether it was 50 or $75,000.

MS. VIZZINI:
I think it was 72,000.

LEG. ALDEN:
How much?

MS. VIZZINI:
In the prior year, 2006, it was 72,000.

LEG. ALDEN:
Seventy-two thousand.

LEG. SCHNEIDERMAN:
Then we cut them back to 25?

MR. ZWIRN:
I don't think that's been every year. I think Linda Burkhardt read into the record the 1999 resolution at one of the committee meetings where it was a $25,000 commitment in the planning steps of putting the memorial together. They did a wonderful -- it is a beautiful, beautiful memorial. Anybody who has not been there, I encourage you to go see it. It is really stunning, and it captures the love and, you know, the heartbreak of the people who -- who lost loved ones in that tragic plane crash.

And I think, you know, it's a very emotional issue. But I think, as I said, that the Parks Commissioner has worked with the families, the Legislature has. The County Executive says to make sure that they feel very welcome there, they have a place to go. And they have had terrific cooperation from all the County departments, from the Sheriff's Office, Parks Department. We're just trying to get a handle on the commitment going down the road. And we're just trying not to -- where there's so many demands being made on the County Treasury, we're just trying to balance everything. And this one is a difficult one because of the emotion involved, but we're trying to do the right thing, but also trying to spend as wisely as we can.

LEG. ALDEN:
And that's a good thing.

VICE-CHAIRMAN COOPER:
So we have a motion to approve and a second.

LEG. SCHNEIDERMAN:
We have a motion to table. We have to get through that first.

VICE-CHAIRMAN COOPER:
I'll withdraw my motion to table. So we have a motion to approve and a second. Legislator Stern, on the motion.

LEG. STERN:
I'm going to make a motion to table.

VICE-CHAIRMAN COOPER:
Who is keeping score out there. I'll second the motion to table. All in favor? Opposed?

LEG. ALDEN:
Opposed.

LEG. SCHNEIDERMAN:
Opposed.

VICE-CHAIRMAN COOPER:
If I knew how to throw my voice, it would solve this problem for me. Where's Rick Montano when I need him. Okay. So that motion fails. So now we have a motion to table -- I mean, a motion to approve. I thought you made a motion to approve.

LEG. SCHNEIDERMAN:
I made no motion.

VICE-CHAIRMAN COOPER:
We have no motion before us. I'll make a motion to approve for the purpose of defeating.

LEG. STERN:
I'll second for the purpose of discussion. If I may, Mr. Chairman?

VICE-CHAIRMAN COOPER:
Sure.

LEG. STERN:
I'll make the motion -- well, I'll second the motion for purpose of discussion to say that I too, you know, want make sure that the organizations is made whole. I mean, I'd like to have additional questions answered on what the commitment has been, what this contract with Cornell really entails, and what kind of expenditures were expected to be made and for what purpose. So for me, there are still outstanding questions here that are not resolved by the discussions today or this resolution. So I'll leave it at that.

VICE-CHAIRMAN COOPER:
You know what? I'm going to withdraw my motion to approve.

LEG. SCHNEIDERMAN:
Okay. Now there's no motion.

VICE-CHAIRMAN COOPER:
Any motions from the audience? No. So the bill fails lack for lack of a second. It's in limbo. Fails for lack of a first. **FAILED**.

Home Rule Message HR03. Home Rule Message requesting the New York State Legislature amend the Tax Law authorizing the County of Suffolk to exempt the purchase of any hybrid, fuel efficient, alternative fuel, "clean fuel", or electric motor vehicle from certain taxes (Assembly Bill A.1513).

Motion to approve.

LEG. STERN:
Second.

VICE-CHAIRMAN COOPER:
All in favor? Opposed? **APPROVED (VOTE:4-0-0-1 - Not present - Legis. Montano).**

Now we're going into Executive Session. I'll make a motion to go into Executive Session, is there a second?

LEG. STERN:
Second.

VICE-CHAIRMAN COOPER:
We're going to the conference room, and none of you are invited.

LEG. ALDEN:
We have to invite somebody.

LEG. ALDEN:
Who is invited?

LEG. SCHNEIDERMAN:
Jon, you have to state the purposes of why we're going into Executive Session. Sunshine Law, you absolutely have to say what you're going to discuss.

VICE-CHAIRMAN COOPER:
Okay. Because of pending Federal Court litigation. And we're inviting in members of the County Attorney's Office, County Executive's Office, any Newsday reporter that's wants to come in is welcome. Budget Review, if you have nothing better to do, you can come.

(*AN EXECUTIVE SESSION WAS HELD FROM 10:16 A.M. UNTIL 10:48 A.M.*)

VICE-CHAIRMAN COOPER:
We're back from Executive Session, and I hereby adjourn Budget and Finance. Thank you.

(*THE MEETING WAS ADJOURNED AT 10:48 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY