

**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, December 11, 2007.

Members Present:

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

Member Not Present:

Legislator Ricardo Montano - Chairman - 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
Debra Alloncius - AME
All Other Interested Parties

Minutes Taken By:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 10:17 A.M.*)

VICE-CHAIRMAN COOPER:

I'd like to welcome everyone to the December 11th meeting of the Budget and Finance Committee. We'll start off with the Pledge, Legislator Alden, please.

SALUTATION

VICE-CHAIRMAN COOPER:

I'd also like to ask for a moment of silence for the recent passing of the father of the Chairman of this committee, Legislator Rick Montano.

MOMENT OF SILENCE

VICE-CHAIRMAN COOPER:

Thank you very much. There being no speaker cards, we can move right to the agenda. First of all, does BRO have any statements that you'd like to make for the record?

MS. VIZZINI:

No, thank you.

VICE-CHAIRMAN COOPER:

Good. Thank you. Moving right to the agenda.

TABLED RESOLUTIONS

1701. Repealing home energy nuisance taxes on Suffolk County residents (ALDEN).

VICE-CHAIRMAN COOPER:

Legislator Alden? Is there a motion?

LEG. ALDEN:

How many members of the committee are we missing? Just one? Then I'm going to say it's probably not appropriate at this time, because I have been working with Legislator Montano on 1701 and 02 as far as opening a dialog on what we think is fair for the people of Suffolk County and what we might not think is fair. So I'm going to make a motion to table both of these at this time.

VICE-CHAIRMAN COOPER:

All right. I'll second the motion to table IR 1701. All in favor? Opposed? IR 1701 is **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano)**.

1702. Establishing a program to reduce unfair home energy nuisance taxes on Suffolk County residents (ALDEN).

Same motion, same second, same vote. **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano)**.

1882. Amending the 2007 Operating Budget to transfer funds from the Water Quality Protection (Fund 477) and amending the 2007 Capital Budget and Program and appropriating funds in connection with a Watershed Study of Lake Panamoka (ROMAINE).

Is there a motion?

LEG. STERN:

Motion to table.

VICE-CHAIRMAN COOPER:

I'll second that motion.

LEG. ALDEN:

On the motion.

VICE-CHAIRMAN COOPER:

Legislator Alden.

LEG. ALDEN:

Have we ever had any testimony as far as whether this is an appropriate use of 477 Funds and what they are looking to find out on Lake Panamoka?

MR. ZWIRN:

It hasn't gone through Water Quality Review yet.

LEG. ALDEN:

Hi, Ben.

MR. ZWIRN:

Hi. If I might, Mr. Chairman. I don't think this has gone through the Water Quality Review Committee.

LEG. ALDEN:

So we have to table it then.

MR. ZWIRN:

Yeah.

LEG. ALDEN:

Thanks.

LEG. SCHNEIDERMAN:

Can I just ask then, Ben, how -- when are they scheduled to meet?

MR. ZWIRN:

I have to ask Commissioner Gallagher. I don't know offhand.

LEG. SCHNEIDERMAN:

There have been times in the past where they have met very infrequently. Are they meeting more frequently these days?

MR. ZWIRN:

I'll find out for you. I'll try to get a schedule.

LEG. SCHNEIDERMAN:

It wouldn't be really fair to the Legislature if we just kind of postponed it indefinitely. The committee really needs to be told that they have things pending and brought together.

MR. ZWIRN:

I think this is one -- if you look at the calendar, I don't think there's a lot that's out there, but this is one of them.

LEG. SCHNEIDERMAN:

Okay.

LEG. ALDEN:

Also, Mr. Chairman, with your permission.

VICE-CHAIRMAN COOPER:

I'm sorry.

LEG. ALDEN:

Anything that gets tabled right now, this is kind of the end of year, so it's dead. So Legislators should be on notice that you really have to go and refile any bill that you want to see go through.

MR. ZWIRN:

Even though they're dead, they refile -- you can refile back, you know, right after the New Year, which is just a couple of weeks away. So it's not as if it's a long time before they refile. But by that time, the Water Quality Review Committee may have met. And I think they're trying to get this resolved. They're looking for some funds from the Town of Brookhaven to match it. They were looking for public access so that -- so that there would be public access to lake --

LEG. ALDEN:

Panamoka.

MR. ZWIRN:

-- Panamoka. So I think they're trying to resolve those issues as well, and I think they are.

LEG. ALDEN:

But the issue that's bigger than just this resolution is whether they're going to meet or not on a regular basis. And hopefully you'll be able to come back to us and tell us that, yes, they've established a regular meeting.

MR. ZWIRN:

I'll have an answer next time I see you.

LEG. ALDEN:

Thanks, Ben.

LEG. SCHNEIDERMAN:

Thank you.

VICE-CHAIRMAN COOPER:

All right. We have a motion to table and a second. All in favor? Opposed? IR 1882 is **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano)**.

1907. Amending the 2007 Operating Budget and the 2007 Capital Budget and Program and appropriating funds to support the restoration of the World War II Memorial Park, Town of Riverhead (ROMAINE).

I'll make a motion to table.

LEG. STERN:

Second.

VICE-CHAIRMAN COOPER:

All those in favor? Opposed? IR 1907 is **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano)**.

LEG. SCHNEIDERMAN:

Opposed.

VICE-CHAIRMAN COOPER:

We have one opposed. **TABLED (VOTE:3-1-0-1 - Abstention - Legis. Schneiderman - Not Present - Legis. Montano)**

1963. Adopting Fiscal Discipline Tax Constraint (Mandated) Operating Budget for 2008 through Smart Management (COUNTY EXEC).

Is there a motion? I'll make a motion to table.

LEG. STERN:

Second.

VICE-CHAIRMAN COOPER:

All those in favor? Opposed? IR 1963 is **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano)**.

LEG. SCHNEIDERMAN:

I'm supporting the tabling.

VICE-CHAIRMAN COOPER:

Thank you.

MS. ORTIZ:

You were a negative for the last one?

LEG. SCHNEIDERMAN:

Yes.

VICE-CHAIRMAN COOPER:

1964. Adopting contained Cost Tax Constraint (Discretionary) Operating Budget for 2008 through Smart Management (COUNTY EXEC).

I'll make a motion to table.

LEG. STERN:

Second.

VICE-CHAIRMAN COOPER:

All those in favor? Opposed? Jay?

LEG. SCHNEIDERMAN:

I'm all for Smart Management.

VICE-CHAIRMAN COOPER:

IR 1964 is **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano)**.

2203. Adopting a Local Law, a Charter Law to promote accountability and transparency in government by requiring an Agency Oversight Report (COOPER).

I'd like to make a motion to table this. I've begun negotiations with the County Exec's Office, and I've also had discussions with a number of my colleagues on this. I'm not ready to move, so I make a motion to table IR 2203. Is there a second?

LEG. STERN:

Second.

LEG. ALDEN:
On the motion.

VICE-CHAIRMAN COOPER:
Yes. Legislator Alden.

LEG. ALDEN:
So you're not going to doing anything this year with this if you table it today.

VICE-CHAIRMAN COOPER:
Right. I'll be refiling it the first of next year.

LEG. ALDEN:
And what are you looking to accomplish, Jon, if I might ask?

VICE-CHAIRMAN COOPER:
Well, we're trying to provide full disclosure to Legislators on staffing level, caseloads and other information. The question is whether this information is readily available to us without requiring a mandate that it be disclosed to us in a report on a quarterly basis.

My concern is that the Budget Office is understaffed as is, and I want to ascertain whether they have the ability to comply with this mandated reporting requirement. If this information is indeed readily available to Legislators upon request, then maybe this is not the right way to go. So I want to -- in due deference to the County Exec's Office and the Budget Office, I want to see if there's another way to achieve this same goal of transparency.

LEG. ALDEN:
So you want to be able to compare what we put in the budget and fund it in the budget as far as positions, and on an ongoing basis, what's been filled and what's not been filled?

VICE-CHAIRMAN COOPER:
And also beyond that, also caseload levels. I have some --

LEG. ALDEN:
Like CPS and things like that.

VICE-CHAIRMAN COOPER:
Exactly. I have some concerns. Someone approached me several weeks ago who works in Child Protective Services and expressed concern over the caseload levels in that department. And I think that that information is important for Legislators to have. The question is what is the best way for us to obtain accurate data.

LEG. ALDEN:
So you're talking about more than one department, though. You'd be talking about Social Services, you'd be talking about Probation. Those are the key three, I think, right?

VICE-CHAIRMAN COOPER:
Right. Well, right now, the way the resolution is written, it's all departments. That's another question, whether we should hone in on a couple of departments that are of most concern to this body. But in any case, the bottom line is that I'm not ready to move on this resolution at this point. I want to have further discussions among my colleagues in the Legislature, and I also want to have continued discussions with the County Exec's Office and both BRO and the Budget Office.

LEG. ALDEN:

You're including all your colleagues in the Legislature?

VICE-CHAIRMAN COOPER:

Absolutely.

LEG. ALDEN:

Regardless of political affiliation?

VICE-CHAIRMAN COOPER:

Even you, Cameron, yes.

LEG. ALDEN:

Good, because I'll give you a little input right now then.

VICE-CHAIRMAN COOPER:

Sure.

LEG. ALDEN:

This really should apply to the Police Department, because I've noticed in the past we've had a little bit of trouble getting, you know, staffing levels and how many police are actually out there in the sector cars, how many are in COPE Units, how many are in our Special Patrol Units and actually, special dedicated units. So my question to you would be if you went forward with this, is that some of the information that you're going to be looking for also?

VICE-CHAIRMAN COOPER:

A qualified yes, but really the question at this point in my mind at least is whether we need a mandated reporting requirement on a quarterly basis or whether there are other ways for interested Legislators to obtain this information. I'm been assured that the later is the case, but I want to pursue this further.

LEG. ALDEN:

Good.

VICE-CHAIRMAN COOPER:

But I share the same concern that you have in obtaining full and complete information so we can make our deliberations in full knowledge of the facts.

LEG. ALDEN:

I'll document some of my attempts at getting information out of the Police Department. And I'll actually document -- the Commissioner's last response to me was -- after I had inquired -- I believe it was before the Legislative body too, and it's about year ago now -- but he screamed something to the affect that is I wanted something from him, I should put it in writing. And unfortunately for him, I had put it in writing for four or five months prior to the request in public and had gotten no response from him. So I too share your frustration in getting responses from department heads and even commissioners. So I'd like to actually --

VICE-CHAIRMAN COOPER:

But I'm sure at the end of your conversation with him, the information was completely forthcoming.

LEG. ALDEN:

Absolutely not.

VICE-CHAIRMAN COOPER:

Oh.

LEG. ALDEN:

I got no information from him on that regard. And I believe that might be a violation of the laws of Suffolk County, that if it's put in writing a request to a commissioner -- and that's a question maybe for Legal Counsel.

LEG. SCHNEIDERMAN:

The Davis Law.

LEG. ALDEN:

Isn't there a response time that they have to comply with? The reason why I'm going into this is because if you can craft something that includes, you know, even something to -- if you have to modify the Davis Law or something new in addition to the Davis Law.

VICE-CHAIRMAN COOPER:

Well, is any modification to the Davis Law required. Could you comment on that?

MR. NOLAN:

Well, that's a judgment for the Legislature. I think the biggest problem is the lack of compliance with the law. If a Legislator makes a written request, departments are supposed to respond, I forget if it's within five days or ten days. I don't know that necessarily that law needs to be changed.

VICE-CHAIRMAN COOPER:

And if they fail to comply with a written request, what is the penalty?

MR. NOLAN:

Well, that's probably the problem, there is no penalty.

LEG. ALDEN:

A wet noodle lashing and that's about it.

MR. NOLAN:

But then again the question is what type of penalty would you impose upon a County department or County personnel if they fail to comply.

VICE-CHAIRMAN COOPER:

Cameron, any thoughts on that matter?

LEG. ALDEN:

Yeah. A Commissioner, I wouldn't send them a pay check. If he doesn't comply with the law, let him keep serving, but with no pay. That would be fine.

LEG. SCHNEIDERMAN:

Censure.

LEG. ALDEN:

Exactly right and then removal.

VICE-CHAIRMAN COOPER:

Okay. Well, we are digressing a bit.

Legislator Alden, I share your concern. And I sincerely would be willing to work with you on this.

LEG. ALDEN:

Good. Good, Jon. Okay.

VICE-CHAIRMAN COOPER:

If you would like to reach out to me at some point. But, again, at this point, I believe we have a motion to table and a second. All those in favor? Opposed? IR 2203 is **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano)**.

INTRODUCTORY RESOLUTIONS

2243. Amending the 2007 Operating Budget and the 2007 Capital Budget and Program and appropriating funds for a Police Officers and Firefighters Memorial in the Village of Amityville, Town of Babylon. (MYSTAL)

I'll make a motion to table.

LEG. STERN:

Second.

LEG. ALDEN:

On the motion.

VICE-CHAIRMAN COOPER:

Please.

LEG. ALDEN:

A question of Budget Review. Do you know if this is omnibus money or if this is just a straight add to the budget?

MS. VIZZINI:

This is in addition to omnibus money. The offset is --

VICE-CHAIRMAN COOPER:

I think it's alternatives to incarceration.

MS. VIZZINI:

-- taken from Probation contracted services. The omnibus did add money in that particular line.

LEG. ALDEN:

It's not the individuals Legislator's omnibus money.

MS. VIZZINI:

No. It's in excess of that.

LEG. SCHNEIDERMAN:

But there's not time any more to accomplish this before the end of the year.

MS. VIZZINI:

Well, this transfers it to the Capital, which would extend the time period. It's like a pay-as-you-go transfer.

LEG. ALDEN:

And if this a Legislative initiative that was originally thought of in the budget, then we should give serious consideration to doing it. But I think the testimony is that it goes beyond the scope of an individual Legislator's initiatives; is that correct?

MS. VIZZINI:

Well, it's beyond the individual Legislator's omnibus allocation.

LEG. ALDEN:

Okay. Thanks.

VICE-CHAIRMAN COOPER:

Once again, we have a motion to table and a second. All those in favor? Opposed? IR 2243 is **TABLED (VOTE:4-0-0-1 - Not Present - Legis. Montano).**

Any members of the public that would like to speak at this time? Yes. Good morning.

MS. ALLONCIUS:

Good morning. Debra Alloncius, AME's Legislative Director. I would just like to clarify to Legislator Alden the accountability and transparency report that was recommended by Abrams, Herde and Merkle, the gentleman -- the firm who put together our Budget Review and the report that was given to you, goes much further than just the accountability that you should be receiving.

You are not getting the correct numbers. We have gone on record in Child Protective Services and in Social Services showing you the disparity in the numbers. When Commissioner DeMarzo was coming up with the State numbers showing 13 -- an average of 13 cases per caseworker in CPS, yet our number was about 22. There's a gross disparity. There's a gross disparity in the way the State collects statistics. And everybody knows that statistics are lies, lies and whatever. You can't always count on them.

That is not the only department. The Department of Health. You have no public nurses. You have a dearth of public health sanitarians. What we want to show you is what our members, who are attempting to perform their jobs to the best of their ability, how they can no longer do more with less. And that's what we want to be available to you in this report. It's just not just Social Services. It's a tool that we felt that would be very beneficial to you in the budgetary process. And it would be showing you the people working who are working and what they're working against, what their caseloads are. And we're not saying that we want to mandate a caseload level, we're just trying to show you that the workers cannot possibly maintain their sanity and service your constituents at the caseload levels, at what they're dealing with now. And that's about all I have to say.

VICE-CHAIRMAN COOPER:

Thank you very much, Debra.

LEG. ALDEN:

Through the Chair. I appreciate that. And I hope you took away from this -- and I'll make it clear if I didn't make it clear -- that I do plan on working with Legislator Cooper on this, because it's dangerous actually when Legislators are not fully informed and cannot allocate the proper resources to an area that might be some place that can cause major harm, like, for instance, Child Protective Service, public health nurses, even the Probation Department. If we don't keep a tight reign on people that are out on probation, we're letting the public at large -- we're putting them at risk. So there's major issues in the budget even with the policing. And that I consider a major issue, because we're hearing statistics and we heard testimony that, you know, crime is down. And yet the DA comes to us and asks, through our budget deliberations, asks us for more resources so we can prosecute more violent felons. So if crime's down, that's a disturbing --

LEG. SCHNEIDERMAN:

Crime is not down. Violent crime is up.

LEG. ALDEN:

Well, violent crime obviously is up. But also, petty crime is up too if you look at the number of people that are in our jails. So our jails are at some of the highest levels that they've ever been in --

LEG. SCHNEIDERMAN:

Record levels, yeah. Absolutely.

MS. ALLONCIUS:

Exactly. And that's why you're faced with building a new jail.

LEG. ALDEN:

We have some major problems to look at and really try to overcome with gang violence, and gangs are not on the decrease. Gangs are on the increase. So, you know, to have the proper numbers from our Commissioners and other people that report to us, that's just a simple basic need of government.

MS. ALLONCIUS:

That is especially why we came to you with the 911 Call Center, the operators there. You know, they can't -- they can't function. You lost four or five staff to heart attacks. You know, absolute -- I think one went into, like, a diabetic shock from the stress. They can't do this. You can't. You have such a dearth of employees right now. And you have 30% of your employees are able to retire, myself included. I have 31 years in. I could walk out the door. But we're so committed to what's going on with the County.

LEG. ALDEN:

I agree with your concern. And I salute Legislator Cooper for actually, you know, picking it up and running with it. And I hope he, you know, very seriously pursues it in January.

MS. ALLONCIUS:

We do too. We do too.

LEG. ALDEN:

And I think he is.

MS. ALLONCIUS:

We suggested it as a tool for you, as a guide, because you can't just look at -- I look at the vacant position reports, and I look at the filled positions. And when I spoke with our accounting team -- and they're saying to me, "We have to establish what the people are doing," and how you cannot do this, how it's not reasonable to go and do this.

Social Services, again, the front line screeners -- when you go into the center, there was always a worker who worked the front desk, and that was -- that was their total job. There's only one in one of the centers left now. So that means that that person, the worker, whoever has that case, when the client comes in the door, she has to put down whatever she's doing and go out and help the client, whether it be issuing a new benefit card, resolving a problem with the case. You can have a worker be interrupted 15 times a day. You know how many people are coming into those centers? And these positions were -- they were put back on line because they don't have any people on line to service.

LEG. ALDEN:

It's important information for us to know, so thank you for bringing it to our attention. Again, I salute Legislator Cooper for picking it up.

MS. ALLONCIUS:

And so do we. And I have stood up here and thanked him, because it truly is something that we feel that the Legislature can definitely use. And we do hope that you know -- we know that the information is available to you, because I get the same report, and I review that report every month, the vacant positions and the filled positions. But until you really get true numbers on the caseloads, and you don't get them when -- you're not getting them.

I sit here and I hear what's going on. You guys were almost fried with the day care problem,

because there were no -- because the accounting can't get the checks out, but worst off, the day care unit can't get the cases open because they don't have the people there. You have -- you have the child care -- Suffolk Child Care Council taking the applications. You're giving them all sorts of money. You just gave them more money to take applications. They take the applications, they dump in the day care unit. Well, who's going to -- they can't get them open. And it ultimately falls back upon you, because you are -- you are the Legislative body who have to protect the constituents. And money can't be the almighty reason as to why or how we run this County. Thank you.

VICE-CHAIRMAN COOPER:

Thank you. There being no further business before the committee, I make a motion to close.

LEG. STERN:

Second.

VICE-CHAIRMAN COOPER:

Thank you. This meeting is adjourned.

(*THE MEETING WAS ADJOURNED AT 10:40 A.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY